

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0541

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IN THE MATTER OF:

Z.T.,

Youth in Need of Care.

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
WITH AFFIDAVIT IN SUPPORT**

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COMES NOW, Appellant L.W.T., through counsel, and respectfully requests an extension of time of approximately 30 days until January 29, 2024, in which to prepare, file and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's first request for an extension. The brief is due December 29, 2023, which is thirty days from the time the parties received notice that the supplemental district court record was filed in this case.

The State was contacted and has no objection to this thirty day request for extension of time.

Respectfully submitted this 22nd day of December, 2023.

AVIGNONE, BANICK & WILLIAMS, PLLC  
3825 Valley Commons Dr., Suite 6  
Bozeman, MT 59718

By: /s/ Jennifer A. Dwyer  
Jennifer A. Dwyer

STATE OF MONTANA            )  
  : ss.  
County of Gallatin            )

I, Jennifer Dwyer, pursuant to Montana Code Annotated § 1-1-203, declare:

1.     I am a licensed, practicing attorney in the State of Montana, and I am currently employed with Avignone, Banick & Williams, PLLC.

2.     In my private practice, I contract with the Office of the Appellate Defender. In my capacity as a contract and conflict public defender, I have agreed to represent Appellant in this case.

3.     A Notice of Appearance was filed on my behalf on October 25, 2023. Appellant's opening brief was first due November 22, 2023. Once I received the district court file, I began to review it and recognized that this record is more extensive, with many lengthy hearings, than almost all previous Youth In Need of Care cases I have handled on appeal in the past. I also realized that there were two companion Youth In Need of Care cases that were referenced by the parties in the district court proceedings. The district court took judicial notice of activity in those companion cases, which was relevant to this appeal. As such, I moved to supplement the record on appeal with the district court record of those companion cases. On November 21, 2023, this Court granted Appellant's request to supplement the record and vacated the deadline to file the Opening Brief.

4. The Clerk of the Supreme Court filed notices indicating that the record on appeal was supplemented on November 29, 2023 and December 1, 2023. The opening brief on appeal is due 30 days from the filing of the complete record on appeal. Thus it is due on January 2, 2024.

5. Since entering my appearance in this matter, I have worked diligently on the case. I have received and reviewed the district court record and transcripts from almost all hearings. I have conducted legal research. I have obtained the district court record in the companion cases and begun to review those as well. Nevertheless, additional time is required to research and draft the opening brief and to confer with Appellant. Additional time is necessary in order to provide effective assistance to Appellant in this matter.

6. Therefore, I respectfully request an additional 30-day extension to file the opening brief in this case, until February 1, 2024.

7. Opposing counsel has been contacted and does not object to the request to extend the time to file the opening brief by thirty days.

8. I declare under penalty of perjury that the above is true and correct.

/s/ Jennifer Dwyer  
JENNIFER DWYER  
Attorney for Appellant

December 22, 2023  
Date

**CERTIFICATE OF SERVICE**

I, Jennifer Dwyer, hereby certify that I have served a true and accurate copy of the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME to the following, on December 22, 2023:

Austin Knudsen  
Montana Attorney General  
Kathryn Fey Schulz  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401  
Representing: State of Montana  
Service Method: eService

Scott D. Twito (Prosecutor)  
P.O. Box 35025  
Billings, MT 59107  
Representing: State of Montana  
Service Method: eService

DATED: December 22, 2023 BY: /s/ Jennifer Dwyer

## **CERTIFICATE OF SERVICE**

I, Jennifer Ann Dwyer, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 12-22-2023:

Kathryn Fey Schulz (Govt Attorney)  
215 North Sanders  
P.O. Box 201401  
Helena MT 59620-1401  
Representing: State of Montana  
Service Method: eService

Austin Miles Knudsen (Govt Attorney)  
215 N. Sanders  
Helena MT 59620  
Representing: State of Montana  
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Scott D. Twito (Govt Attorney)  
PO Box 35025  
Billings MT 59107  
Representing: State of Montana  
Service Method: eService

Chad M. Wright (Attorney)  
P.O. Box 200147  
Helena MT 59620-0147  
Representing: L. W. T.  
Service Method: eService

Electronically Signed By: Jennifer Ann Dwyer  
Dated: 12-22-2023