

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 23-0384

SALLY JO BECK, VIVID PROPERTIES, LLC,  
CURT and CARRIE BATES, GARY and ANN LIBECAP,  
LIBECAP REVOCABLE TRUST, DON and ANITA  
COURTNEY, COURTNEY FAMILY TRUST, MARK  
CARPENTER, KEVIN and MARGIE HUGUET, DONALD  
and NANCY HALL, PHILLIP and JANE HALL, and SHALOM HOUSE, LLC,

*Plaintiffs and Appellees,*

v.

JOHN DIMAR, DIMAR FAMILY  
LLC, a Kentucky Limited Liability Company, and DIMAR FAMILY  
PARTNERSHIP, LTD,

*Defendants and Appellants.*

**NOTICE OF APPEARANCE AND PLAINTIFFS/APPELLEES' MOTION  
FOR EXTENSION OF TIME TO FILE RESPONSE BRIEF**

On Appeal from Montana Fourth Judicial District Court  
Missoula County, Cause No. DV-22-234  
Honorable John W. Larson

*Attorneys for Plaintiffs and Appellees*

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Matt Rossmiller, of Siefert & Wagner, PLLC, hereby enters his appearance on behalf of Plaintiffs/Appellees as additional counsel of record in this matter.

Plaintiffs/Appellees, through their counsel of record, further respectfully request a 30-day extension to file their Response Brief. This is Plaintiffs/Appellees' second request for an extension. Opposing counsel has been contacted and does not oppose this request. The Response Brief is currently due January 12, 2024. Because 30 days from the current due date falls on a Sunday (February 11), Plaintiffs/Appellees respectfully request an extension to file the Response Brief until Monday, February 12, 2024. Pursuant to M. R. App. P. 26(2), and Mont. Code Ann. § 1-6-105, this Motion is supported by the Declaration of the undersigned attached hereto. A proposed Order has also been submitted concurrently herewith for the Court's consideration.

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DATED this 8th day of January 2024.

Respectfully Submitted:

SIEFERT & WAGNER, PLLC

By: /s/Matt Rossmiller

Nicole L. Siefert

Matt Rossmiller

*Attorneys for Plaintiffs and Appellees*

## DECLARATION OF MATT ROSSMILLER

I, Matt Rossmiller, pursuant to MONT. CODE ANN. § 1-6-105, hereby declare, under penalty of perjury, the following to be true and correct:

1. I am over eighteen (18) years of age, and a resident of Missoula County, Montana. I am mentally sound and competent to attest to the matters set forth herein. The matters set forth in this Declaration are based upon my own personal knowledge, unless otherwise stated.

2. I am licensed to practice law in the State of Montana and have been an associate attorney at Siefert & Wagner, PLLC since in or around June 2022.

3. Plaintiffs/Appellees Response Brief is currently due Friday, January 12, 2024. The original due date was December 13, 2023.

4. Plaintiffs/Appellees have made notable progress on their Response Brief in this matter. However, given other matters discussed below, additional time is required to finalize the same.

5. Ms. Siefert is also counsel for Plaintiffs in *Daniel P. Knudsen, et al. v. The University of Montana*, Cause No. DV-16-977, Fourth Judicial District Court, Missoula County. This matter is a class action with approximately 39,000 class members. For reference, additional information can be found in the Court's opinion in *Knudsen v. Univ. of Mont.*, 2019 MT 175, 396 Mont. 443, 445 P.3d 834.

6. The jury trial in the *Knudsen* case started on Monday, January 8, 2024.

7. Trial is scheduled to run from January 8, 2024, to January 18, 2024.

8. Preparation for the *Knudsen* trial has been ongoing throughout the month of December, the holiday season, and especially the first week of 2024.

9. Plaintiffs/Appellees have also been working on their Response Brief, as noted above, but given the timing of trial and the present deadline in this matter additional time is required to finish the same.

10. Opposing counsel in this matter was also aware of the *Knudsen* trial at the time of filing the Notice of Appeal and graciously acknowledged that the briefing schedule may be disrupted by trial.

11. Accordingly, Plaintiffs/Appellees respectfully request an extension to file their Response Brief on or before February 12, 2024. An additional extension will not be required.

I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT.

/s/Matt Rossmiller  
Matt Rossmiller

Date of Signature: January 8, 2024

City and State of: Missoula, Montana

## **CERTIFICATE OF SERVICE**

I, Matthew Rossmiller, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-08-2024:

Nicole Lynn Siefert (Attorney)  
1135 Strand Ave., Suite A  
Missoula MT 59801

Representing: Curt Bates, Sally Jo Beck, Mark Carpenter, Courtney Family Trust, Don Courtney, Donald Hall, Phillip Hall, Kevin Huguet, Libecap Revocable Trust, Gary Libecap, Shalom House, LLC, Vivid Properties, LLC, Carrie Bates, Anita Courtney, Nancy Hall, Jane Hall, Margie Huguet, Ann Libecap  
Service Method: eService

Colleen M. Dowdall (Attorney)  
4900 Lower Miller Creek Road  
Missoula MT 59803

Representing: Dimar Family LLC, Dimar Family Partnership, LTD, John Dimar  
Service Method: eService

Donald R. Murray (Attorney)  
136 First Avenue W  
kalispell MT 59901

Representing: Dimar Family LLC, Dimar Family Partnership, LTD, John Dimar  
Service Method: eService

Electronically signed by Nancy Knilans on behalf of Matthew Rossmiller  
Dated: 01-08-2024