

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0648

MONTANA ENVIRONMENTAL
INFORMATION CENTER and
EARTHWORKS,

Appellees/Plaintiffs,

vs.

OFFICE OF THE GOVERNOR,
Appellant/Defendant.

Unopposed Second Motion for Extension of Time

On Appeal from the Montana First Judicial District, Lewis and Clark County,
Cause No. 25-2022-209, the Honorable Christopher D. Abbott presiding.

Appearances:

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Appellant Office of the Governor moves the Court for a 30-day extension of the time to file the opening brief in this appeal. Mont. R. App. P. 26(2). This is the Governor's second motion for an extension of time. The Governor's opening brief is currently due January 17, 2024. The Governor requests a 30 day extension to file and serve his brief on or before February 16, 2024. Counsel for the Governor has been working diligently on the opening brief. An extension is necessary, however, because counsel has several other briefing deadlines due around the same time and an upcoming trial. This motion is supported by the Declaration of Dale Schowengerdt.

Appellee's counsel has been contacted and does not oppose this motion.

Dated: January 10, 2024

Landmark Law PLLC

By: /s/ Dale Schowengerdt
*Attorney for Appellant Office of
the Governor*

Declaration of Dale Schowengerdt

I, Dale Schowengerdt, declare under penalty of perjury:

1. I am an attorney for Appellant Office of the Governor in the above captioned appeal. I am sole counsel in this appeal and am responsible for drafting the opening brief in this matter.

2. The Appellant's opening brief is currently due January 17, 2024. The Governor is requesting a 30-day extension of time until February 16, 2024, to file his opening brief in this appeal.

3. This extension is necessary because I have several briefs due around the same time. For example, I have a brief due in this Court on January 12, 2024, and another brief due in this Court on January 16, 2024. I am also in the process of preparing for a six day administrative hearing at the end of this month, and have had and will continue to have substantial witness preparation and briefing in that matter. I have made substantial progress on Appellant's opening brief, but I require additional time to finish the brief and ensure the important issues raised in the appeal are fully covered for this Court's consideration.

5. I contacted counsel for Appellee, who stated that they not oppose this motion.

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

Dated: January 10, 2024

/s/ Dale Schowengerdt

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-10-2024:

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Electronically Signed By: Dale Schowengerdt
Dated: 01-10-2024