

Daniel D. Manson
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Town Pump, Inc.
600 S. Main
Butte, MT 59702
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Email: DanM@townpump.com
Email: EmmaP@townpump.com

Defendant and Appellee

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0136

AUSTIN LAKE,

Plaintiff and Appellant,

v.

DEPARTMENT OF LABOR AND
INDUSTRY, UNEMPLOYMENT
INSURANCE APPEALS BOARD, and
TOWN PUMP, INC.,

Defendants and Appellees.

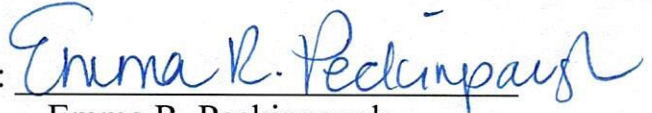
UNOPPOSED MOTION
TO DISMISS TOWN
PUMP, INC. and
AFFIDAVIT IN
SUPPORT THEREOF

Town Pump, Inc., a named defendant and appellee, files this Unopposed Motion to Dismiss, together with an Affidavit in support thereof. Appellant Austin Lake has appealed the Sanders County District Court,

Cause No. DV 2023-77 Order Dismissing Petition for Judicial Review. Town Pump, Inc. did not appear in Cause No. DV 2023-77 and did not take any position regarding Austin Lake's eligibility for unemployment or the merits of his judicial review petition. Austin Lake is not asserting any claim against Town Pump, Inc. on appeal and is not seeking any relief from Town Pump, Inc. *See* Page 11 of Austin Lake's Opening Brief dated March 27, 2024. Accordingly, Town Pump, Inc. respectfully requests that this Court enter an order dismissing it from this proceeding.

Respondent Town Pump, Inc., through the undersigned, has contacted Austin Lake and he does not oppose this Motion.

Dated this 10th day of April, 2024.

By: 
Emma R. Peckinpaugh
In-House Counsel

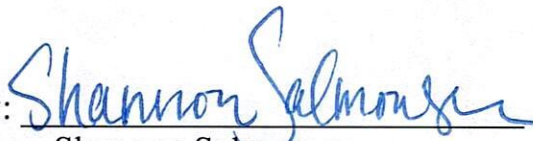
CERTIFICATE OF SERVICE

This is to certify that on the 10th day of April, 2024, TOWN PUMP'S
UNOPPOSED MOTION TO DISMISS, TOGETHER WITH THE
AFFIDAVIT OF EMMA PECKINPAUGH, were duly served upon the
following parties of record, by emailing and depositing a true copy thereof in
the United States mail, postpaid, addressed as follows:

Austin Lake
PO Box 1126
Plains, MT 59859

Austin Lake
76 Glenwood Dr. #314
Kalispell, MT 59901

Aleea Sharp
Department of Labor and Industry
P.O. Box 1728
Helena, MT 59624-1728

By: 
Shannon Salmonsen
Paralegal

Emma Peckinpaugh

From: Ozy L <ozylak475@gmail.com>
Sent: Tuesday, April 9, 2024 6:22 PM
To: Emma Peckinpaugh
Subject: [EXTERNAL EMAIL]Re: Proposed Town Pump motion for dismissal from appeal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Emma,
I'm responding to inform you that I am in agreeance to your motion.
Austin Lake

On Tue, Apr 9, 2024, 1:34 PM Emma Peckinpaugh <EmmaP@townpump.com> wrote:

Austin,

Attached for your consideration is a proposed: (1) unopposed motion to dismiss; (2) an affidavit; and (3) a proposed order. Please respond to this email to let me know you are agreeable to the motion. If you have any questions, you can contact me directly.

Thank you, Emma

Emma Peckinpaugh

In-House Counsel

Town Pump, Inc.

600 S. Main Street

Butte, Montana 59701

(406) 497-6919

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CERTIFICATE OF SERVICE

I, Emma Rose Peckinpaugh, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 04-10-2024:

Aleca Kay Sharp (Attorney)
1315 LOCKEY AVE
HELENA MT 59601-5178
Representing: Montana Department of Labor and Industry
Service Method: eService

Austin Lake (Appellant)
76 Glenwood Dr #314
Kalispell MT 59901
Service Method: Conventional

Electronically signed by Shannon Salmonsens on behalf of Emma Rose Peckinpaugh
Dated: 04-10-2024