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Town Pump, Inc.
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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.

AFFIDAVIT OF EMMA
PECKINPAUGH

I, Emma Peckinpaugh, having been duly sworn, testify as follows:

1. I am over the age of 18 years and am competent to testify to the
matters set forth herein.

2. I am a Montana-licensed attorney and In-House Counsel for Town pump, Inc.

3. Austin Lake filed petitions for judicial review of the Unemployment Insurance Appeal Board's decision in the Twentieth Judicial District Court, Cause Nos. DV 2023-76 and DV 2023-77.

4. Austin Lake has appealed the Order Dismissing Petition for Judicial Review entered by the Twentieth Judicial District Court in Cause No. DV 2023-77.

6. On page 11 of Austin Lake's Opening Brief dated March 27, 2024, Austin Lake states that he is not seeking any relief against or damages from Town Pump, Inc.

6. Because Austin Lake is not seeking any relief against or damages from Town Pump, Inc. in his appeal, and because Town Pump, Inc. did not appear in the underlying 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, I contacted Austin Lake via telephone on April 4, 2024 regarding dismissing Town Pump, Inc. from his appeal of the order of dismissal in Cause No. DV 2023-77.

7. Austin Lake indicated on April 4, 2024, that he did not oppose the dismissal of Town Pump, Inc. as a Defendant and Appellee in his appeal, Cause No. DA 24-0136.

7. I emailed a copy of Town Pump, Inc.'s Unopposed Motion to Dismiss and Proposed Order to Austin Lake on April 9, 2024.

8. Austin Lake responded to my email on the same day confirming he agrees with Town Pump, Inc.'s Unopposed Motion to Dismiss and the proposed order. A copy of Austin Lake's email indicating his agreement to dismissal of Town Pump, Inc. from Cause No. DA 24-0136 is attached to this Affidavit.

DATED this 10th day of April 2024.



Emma Peckinpaugh

Signed and sworn to before me on the 10th day of April 2024.


Notary Signature