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*Attorney for Appellant R. Porch Construction, Inc.*

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0177

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CITY OF KALISPELL, a Municipal Corporation

Appellee/Petitioner,

v.

R PORCH CONSTRUCTION, INC., a Montana Corporation,

Appellant/Interested Party/Defendant

DIABLO INVESTMENTS, LLC, a Montana Limited Liability  
Company; KALISPELL AIRPORT ASSOC., a Montana  
Corporation; RED EAGLE AVIATION, INC., a Montana  
Corporation; and JOHN DOES 1-10,

Interested Parties/Defendants.

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**UNCONTESTED MOTION TO STAY**

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Comes now Appellant R Porch Construction, Inc., and moves to stay all actions in this appeal for 90 days in order to allow the parties to fully perform under a recently signed Settlement Agreement and Mutual Release. Appellee City of Kalispell, as a signatory to the Settlement, does not contest the motion to stay.

A Proposed Order is attached.

DATED this 10th day of May 2024.

/s/ Arthur V. Wittich  
ARTHUR V. WITTICH

## **CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing  
MOTION TO STAY with the Clerk of the Montana Supreme Court and each  
attorney of record as follows:

Johnna Preble  
Kalispell City Attorney  
201 First Avenue East  
Kalispell, MT 59901  
Representing: City of Kalispell

Taylor Nicole Eisenzimer  
321 W. Broadway, Suite 500  
Missoula, MT 59802  
Representing: Kalispell Airport Association, Inc.

Paul A. Sandry  
Johnson, Berg & Saxby, PLLP  
P.O. Box 3038  
Kalispell, MT 59903  
Representing: Diablo Investments, LLC

Sarah D. Simkins  
P.O. Box 3038  
Kalispell, MT 59903  
Representing: Diablo Investments, LLC

DATED: May 10, 2024  
/s/ Arthur V. Wittich

## CERTIFICATE OF SERVICE

I, Arthur Montana Law Company Wittich, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 05-10-2024:

Johnna Justine Preble (Govt Attorney)  
201 1st Ave. E.  
Kalispell MT 59901  
Representing: City of Kalispell  
Service Method: eService

Paul A. Sandry (Attorney)  
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PO Box 3038  
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Sarah D. Simkins (Attorney)  
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Taylor Nicole Eisenzimer (Attorney)  
321 W. Broadway, Suite 500  
Missoula MT 59802  
Representing: Kalispell Airport Association, Inc.  
Service Method: eService

Electronically Signed By: Arthur Montana Law Company Wittich  
Dated: 05-10-2024