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**The Estate of William Harris III,**

**Appellant,**

**v.**

**Michael Reilly,**

**Appellee.**

**AFFIDAVIT SUPPORTING  
APPELLANT'S MOTION  
FOR AN EXTENSION OF  
TIME TO FILE OPENING  
BRIEF**

I, Adam Cook, Appellant's attorney in the above cause of action, being first duly sworn, under oath, and pursuant to Rule 26 of the Montana Rules of Appellate Procedure, states as follows:

(a) That Appellant received an extension of time to file its opening until June 12, 2024, however, to date the record on appeal is not complete due to the parties stipulation not to request the transcript until mediation failed to result in a settlement.

(b) The time period for filing of the Opening Brief was previously calculated by Appellant's attorney to be May 12, 2024. Appellant requested a 30-day extension

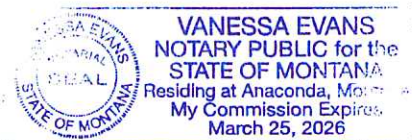
to June 12, 2024. However, as previously mentioned, the record is not complete due to a stipulation holding the filing of the transcript in abeyance until mediation failed to result in a settlement.

- (c) Appellant requests that this Court extend the time for the filing of its Opening Brief until 30 days after the filing of the transcript.
- (d) The extension is necessary because the transcript is a necessary record on appeal, including how and when each issue was preserved.
- (e) Counsel for Appellee has been contacted and does not object.

FURTHER AFFIANT SAYETH NAUGHT.

Adam Cook

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of June, 2024,  
by Adam Cook.



Printed Name: Vanessa Evans  
Notary Public of the State of MT,  
Residing in anaconda,  
My commission expires. MARCH 25, 2026