

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

Supreme Court Cause No.  
DA 23-0692

IN RE THE PARENTING OF  
A.A.H., and A.M.H.

Minor Children,

MIRIAM PENADOI,

Petitioner and Appellant,

v.

DANIEL HUNTER,

Respondent and Appellee.

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**RESPONDENT/APPELLEE'S BRIEF IN OPPOSITION TO  
PETITIONER/APPELLANT'S "UNOPPOSED" MOTION FOR  
EXTENSION OF TIME ON DUE DATE FOR REPLY BRIEF**

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**BRIEF.**

COMES NOW the Respondent and Appellee, DANIEL HUNTER (Daniel) and files his Brief in Opposition to the Unopposed Motion For Extension of Time on Due Date for Reply Brief filed by Petitioner and Appellant Miriam Penado (Miriam). Daniel requests the Court to deny Miriam's motion.

To begin with, Miriam's motion incorrectly states it is "Unopposed". It is not and Daniel's counsel never communicated with Miriam's counsel that he did not oppose Miriam's request. All Miriam's counsel did was leave a phone voice mail about needing another extension and never spoke with or communicated with Daniel's counsel before filing her motion 2 ½ hours later. Therefore, Miriam's motion should have been entitled "Opposed" rather than "Unopposed".

Had counsel communicated with each other Daniel's counsel would have advised he did object. The grounds for his objection are that this is Miriam's second request for an extension to file her Reply Brief. In granting her first request in the May 30, 2024 Order this Court stated;

"No further extensions will be granted"

Based upon the foregoing Daniel requests the Court to deny Miriam's second

Motion for Extension of Time on Due Date to File Reply Brief.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of June, 2024.



Charles P. Bowen

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 10<sup>th</sup> day of June 2024, a true and correct copy of the foregoing was duly served on the persons as set forth below by:

- ☐ Depositing the same in the U.S.
- ☐ Hand Delivery
- ☐ Email
- ☒ E-File

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Charles Bowen

## **CERTIFICATE OF SERVICE**

I, Charles P. Bowen, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 06-10-2024:

Kevin E. Vainio (Attorney)  
27 West Park Street  
Butte MT 59701  
Representing: Miriam Penado  
Service Method: eService

Electronically Signed By: Charles P. Bowen  
Dated: 06-10-2024