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*Attorneys for Appellee*

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Case No. DA 24-0101

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THOMAS C. WEINER, M.D.,

Plaintiff and Appellant,

v.

ST. PETER'S HEALTH, a Montana Domestic  
Nonprofit Corporation, d/b/a St. Peter's Hospital,  
WADE JOHNSON, JAMES TRAVER, M.D.,  
KERRY HALE, M.D., SHELLY HARKINS,  
M.D., TODD WAMPLER, M.D., RANDY  
SASICH, M.D., and JOHN DOES 1-5,

Defendants and Appellees.

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**AFFIDAVIT OF DAVID M. McLEAN**

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I, David M. McLean, hereby state under the penalty of perjury, that:

1. I am an attorney for St. Peter's Health, Wade Johnson, James Tarver, M.D., Kerry Hale, M.D., Shelly Harkins, M.D., and Todd Wampler, M.D., Defendants and Appellees in this matter.
2. I am over the age of eighteen (18) and competent to testify to the facts asserted in this affidavit, of which I have personal knowledge.
3. The Answer Brief in this matter was initially due May 20, 2024.
4. I requested an extension pursuant to Rule 26(1), M.R.App.P., which was granted by the Court.
5. The Answer Brief is currently due June 26, 2024.
6. Appellees request a second extension, of thirty (30) days until July 26, 2024, within which to file their Answer Brief, although it does not anticipate utilizing all of that time.
7. I was out of my office from May 16, 2024 until June 2, 2024 for my daughter's wedding, and then on vacation outside of the United States.
8. Co-counsel on this case, Michael Miller, who has been actively involved in this case and whose input is important, has likewise been unable to get the brief concluded due to both his work schedule (he was out of the office between May 8 and May 15, 2024, for vacation) and two visits to the hospital for an acute illness in the last week of May.

9. Additionally, co-counsel Axel Trumbo, who was recently admitted *pro hac vice* to assist with this appeal, has likewise had work conflicts as he prepared for and handled oral argument on an appeal in the Tenth Circuit on May 14, drafted and filed an appellate brief in the Utah Court of Appeals on May 22, and was out of the country from May 24 to June 6, 2024.
10. Appellees and their attorneys have exercised due diligence in trying to complete the Answer Brief, but the respective schedules of all, along with the unexpected illness of the other, have precluded completion of the brief.
11. If the extension is granted, Appellees will file their Answer Brief no later than July 26, 2024.
12. I have contacted counsel for Dr. Thomas Weiner, the Plaintiff and Appellant in this matter, J. Devlan Geddes, and he opposes this Motion.

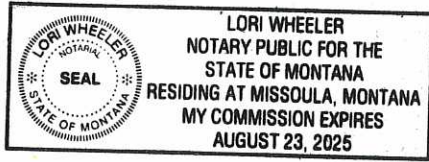
DATED this 14<sup>th</sup> day of June, 2024.

McLEAN & ASSOCIATES, PLLC

By   
David M. McLean  
*Attorneys for Appellees*

Subscribed and sworn to before me this 14<sup>th</sup> day of June, 2024.

(Notarial Seal)



Lori Wheeler  
Notary Public For The State Of Montana