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Attorneys for Appellees and Cross-Appellants

IN THE SUPREME COURT OF THE STATE OF MONTANA

<p>MOORE FAMILY COMPANY and MOORE REVOCABLE LIVING TRUST DATED NOVEMBER 14, 2019, Appellants and Cross- Appellees, v. TIMOTHY C. KELLY AND MARTHA EVERT KELLY as TRUSTEES of the TIMOTHY C. KELLY AND MARTHA EVERT KELLY REVOCABLE TRUST, U/A/D DECEMBER 8, 2008, Appellees and Cross- Appellants.</p>	<p>Cause No. DA 24-0016 NINTH UNOPPOSED MOTION TO HOLD APPEAL IN ABEYANCE</p>
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Appellants and Cross-Appellees Moore Family Company and the Moore Revocable Living Trust Dated November 14, 2019, and Appellees and Cross-Appellants Timothy C. Kelly and Martha Evert Kelly as Trustees of the Timothy C. Kelly and Martha Evert Kelly Revocable Trust, U/A/D/ December 8, 2008

move this Court to hold this appeal in abeyance for an additional 30 days to enable the parties to finalize the anticipated settlement.

The parties mediated this case pursuant to Mont. R. App. P. 7 on April 2, 2024, and executed a memorandum of understanding at the conclusion of that mediation. C.J. Johnson filed a mediator's report confirming this on April 2, 2024. The parties have since moved for, and have been granted, eight extensions to hold this appeal in abeyance. The last extension was granted by this Court on November 27, 2024, and allowed the parties until December 30, 2024, to file dismissal paperwork or stipulate a new briefing schedule.

As counsel for Appellants and Cross-Appellees have previously indicated to this Court in the various joint or unopposed motions to extend the existing stay, finalizing settlement documents in this case has been an extensive and time-consuming process. The settlement involves property and easement rights and negotiations have been delayed due to numerous intervening circumstances, including medical emergencies. The parties remain very close to reaching a full resolution and executing the necessary agreements but require more time to complete this process, especially due to the holidays.

For these reasons, Appellees and Cross-Appellants respectfully request this Court hold the appeal in abeyance for an additional 32 days, until January 31, 2025. The parties anticipate that, on or before that date, they will file dismissal

paperwork. If a settlement is not ultimately finalized, the parties anticipate stipulating to a new briefing schedule and will seek the Court's approval of the same by January 31, 2025.

Counsel for Appellants and Cross-Appellees do not oppose this motion.

Dated this 27th day of December, 2024.

CROWLEY FLECK PLLP

By: /s/ Jeffrey R. Kuchel

Jeffrey R. Kuchel

E. Lars Phillips

Attorneys for Appellees / Cross-Appellants

Declaration of Jeffrey R. Kuchel

I, Jeffrey R. Kuchel, pursuant to § 1-6-105, MCA, declare under penalty of perjury that the following is true and correct:

1. I am an attorney for Appellees and Cross Appellants Timothy C. Kelly and Martha Evert Kelly as Trustees of the Timothy C. Kelly and Martha Evert Kelly Revocable Trust, U/A/D/ December 8, 2008.
2. The parties mediated this case on April 2, 2024. At the conclusion of that mediation, the parties executed a memorandum of understanding regarding the basic terms of a complex settlement agreement to be negotiated and executed thereafter.
3. Since that time, the parties have exchanged numerous drafts of two different, necessary agreements.
4. The process has been slowed due to the complicated nature of the settlement, and has also been delayed by medical emergencies suffered by both Robert and Betty More, the unprecedented storm and related damage which occurred in Missoula on July 24, 2024, an injury suffered by counsel for the Appellees and Cross-Appellants, the need to hire a surveyor to complete a document necessary for the final implementation of the memorandum of understanding executed on April 2, 2024, and the holidays.

5. Despite these hurdles, the parties are close to finalizing the settlement documents, with only a few points remaining for negotiation. The parties remain confident they will be able to finalize the settlement within the deadline requested in this Ninth Motion to Hold Appeal in Abeyance.

Dated and executed this 27th day of December, 2024, in Missoula, Montana.

CROWLEY FLECK PLLP

By: /s/ Jeffrey R. Kuchel
Jeffrey R. Kuchel

Attorneys for Appellees / Cross-Appellants

CERTIFICATE OF SERVICE

I, Jeffrey R. Kuchel, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 12-27-2024:

Alyssa Lanae Campbell (Attorney)

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620 High Park Way

Missoula MT 59806

Representing: Moore Family Company, Moore Revocable Living Trust Dated Nov.14, 2019

Service Method: eService

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Representing: Timothy C. Kelly, Martha Evert Kelly, Timothy C. Kelly and Martha Evert Kelly
Revocable Living Trust Dated December 8, 2008

Service Method: eService

Electronically Signed By: Jeffrey R. Kuchel

Dated: 12-27-2024