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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0305

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STATE OF MONTANA,

Plaintiff and Appellant,

v.

NEIL DENNIS COLE,

Defendant and Appellant.

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
AND DECLARATION IN SUPPORT**

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The Appellee, State of Montana, respectfully requests a 14-day extension of time until February 26, 2025, in which to prepare, file, and serve its response brief

in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following Declaration.

Respectfully submitted this 4th day of February, 2025.

AUSTIN KNUDSEN  
Montana Attorney General  
Justice Building  
P.O. Box 201401  
Helena, MT 59620-1401

By: /s/ Cori Losing  
CORI LOSING  
Assistant Attorney General

### **DECLARATION**

Pursuant to Mont. Code Ann. § 1-6-105, I, Cori Losing, hereby declare as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Appellate Services Bureau, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I have been assigned to handle the above-entitled matter.
3. The State's Appellee's brief was originally due on December 12, 2024, and is presently due on February 12, 2025. This is the State's third Motion

for Extension of Time, and the State is requesting a 14-day extension to file the State's brief.

4. I am currently drafting the State's response in this case but, due to my workload, I require an additional 14-day extension to conduct further research to finalize the brief. I spent the past 30-day extension drafting the State's responses in *State v. Dellar*, DA 23-0130, filed on January 23, 2025, *In re D.L.L. & J.T.L.*, DA 24-0514, to be filed by February 16, 2025, and *In re K.S.*, DA 24-0606, to be filed by February 26, 2025. I also drafted a motion to for leave to amend the State's response, with the amended response attached, in *State v. Alford*, DA 24-0250, filed on January 10, 2025.

5. I will work diligently to complete the matter in the time requested.

6. Opposing counsel has been contacted and does not object.

7. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Respectfully submitted this 4th day of February, 2025.

By: /s/ Cori Losing  
CORI LOSING

## **CERTIFICATE OF SERVICE**

I, Cori Danielle Losing, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-04-2025:

Matthew C. Jennings (Govt Attorney)  
200 W. Broadway  
Missoula MT 59802  
Representing: State of Montana  
Service Method: eService

Deborah Susan Smith (Attorney)  
555 Fuller Avenue  
P.O. Box 200147  
Helena MT 59620-0147  
Representing: Neil Dennis Cole  
Service Method: eService

Electronically signed by LaRay Jenks on behalf of Cori Danielle Losing  
Dated: 02-04-2025