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Attorneys for Plaintiff/Appellee

IN THE SUPREME COURT OF THE STATE OF MONTANA

<p>HOMERIVER GROUP,</p> <p style="text-align: center;">Plaintiff and Appellee,</p> <p>v.</p> <p>ANDERS BUSINESS SOLUTIONS, LLC,</p> <p style="text-align: center;">Defendant and Appellant.</p>	<p style="text-align: center;">Cause No: DA-24-0531</p> <p style="text-align: center;">APPELLEE’S RESPONSE IN OPPOSITION TO APPELLANT’S MOTION FOR EXTENSION OF TIME</p>
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COMES NOW Appellee HomeRiver Group, by and through counsel, and opposes the current *Motion for Extension of Time* filed by Appellant. This is the second motion for extension that Appellant has filed in connection with its briefing on this appeal. Appellant moved for and was granted a 30-day extension to file its opening brief. Now Appellant seeks another 30-day extension to file its reply brief, which otherwise is subject to a 14-day briefing period. Appellant’s current

Motion for Extension of Time should be denied because it fails to comply with Rule 26 of the Rules of Appellate Procedure.

Since Appellant already took advantage of the single 30-day extension allowable by Rule 26(1), M.R.App.P., for its opening brief, it should not be allowed to utilize the same allowance to obtain a 3-fold extension of the timing to file its reply brief without compliance with Rule 26(2), M.R.App.P. Section (1) of Rule 26 states, “Any second or subsequent motion for extension of time for file a brief shall meet the requirements of section (2) of this rule.” According to section (2) of Rule 26, “[t]here shall be a presumption against granting motions for extension of time to file briefs.” As such, the motion must be accompanied by an affidavit stating, among other things, “an explanation establishing that movant has exercised diligence and has substantial need for the extension.” A conclusory statement as to the press of business is not sufficient “and will subject the motion to summary denial.” Rule 26(2)(e), M.R.App.P.

Here, Appellant’s current *Motion for Extension of Time* does not satisfy the requirements of Rule 26(2). The motion is not accompanied by the required affidavit, and the motion merely references the “press of business for Appellant’s counsel,” with nothing more. Allowing Appellant, who already was granted a 30-day extension to file its opening brief, to obtain a second three-fold extension of

time to file its reply brief, absent any showing of diligence and substantial need, would be contrary to judicial efficiency and the spirit of Rule 26.

Dated this 12th day of February, 2025.

JONES & HOUSTON, PLLC

By: /s/ Joseph D. Houston
Joseph D. Houston
Attorney for Appellee

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 12th day of February, 2025, a copy of the foregoing Response was served by eService and First Class Mail, postage prepaid, at Missoula, Montana, to the following:

Charles H. Carpenter
Carpenter Law Firm, PLC
210 North Higgins Avenue
Higgins Buildings, Suite 336
Missoula, MT 59802

/s/ Joseph D. Houston

CERTIFICATE OF SERVICE

I, Joseph David Houston, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Response to Motion to the following on 02-12-2025:

Charles H. Carpenter (Attorney)
210 N. Higgins Ave.
Ste. 336
Missoula MT 59802
Representing: Anders Business Solutions, LLC
Service Method: eService

Electronically Signed By: Joseph David Houston
Dated: 02-12-2025