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

Cause No. DA 24-0732

KATIE IRENE GARDING,

Defendant and  
Appellant,

v.

STATE OF MONTANA,

Plaintiff and Appellee.

**APPELLANT'S UNOPPOSED  
SECOND MOTION FOR  
EXTENSION OF TIME**

Appellant moves this Court for a second extension of time to file her opening brief. Mont. R. App. P. 26(2). Appellant's opening brief was first due on

January 29, 2025. Appellant was granted a 30-day extension of time to file her opening brief on January 8, 2025. Appellant's opening brief is currently due February 28, 2025. Appellant respectfully requests a 30-day extension of time to file and serve her opening brief on or before March 28, 2025. Pursuant to Mont. R. App. P. 26(2), this request is supported by the attached Declaration of E. Lars Phillips.

The undersigned is working diligently on this matter. However, this appeal presents complicated and unique issues, as well as matters of first impression, and arises from an extensive record spanning roughly fifteen years. For these reasons, the undersigned has a substantial need for the requested extension to present these issues fully and fairly for this Court's consideration.

Counsel for Appellant has contacted counsel for the State, who does not object to this request. Pursuant to Mont. R. App. P. 10(5), Appellant has presented a proposed order for the Court's consideration.

DATED this 21st day of February, 2025.

CROWLEY FLECK PLLP

By s/ E. Lars Phillips

E. Lars Phillips

*Counsel for Garding*

### **Declaration of E. Lars Phillips**

1. I am attorney representing Appellant Katie Irene Garding. I have primary responsibility to draft the opening brief in this matter.
2. The opening brief is current due February 28, 2025.
3. The opening brief was originally due January 29, 2025. That deadline was extended by Order of this Court dated January 8, 2025, after Appellant moved for a 30-day extension pursuant to Mont. R. App. P. 26(1).
4. Pursuant to Mont. R. App. P. 26(2), Appellant moves this Court for an extension of 30 days, so that the opening brief will be due on March 28, 2025.
5. I have been diligently working on the opening brief. In my view, this appeal presents complicated and unique issues, as well as matters of first impression, arising from an extensive record spanning roughly fifteen years. As a result, this extension is necessary to fully and fairly present these issues to this Court. For these reasons, I have a substantial need for an extension.
6. Counsel for Appellee was contacted and does not oppose this motion.

Pursuant to § 1–6–105(1), MCA, I declare under penalty of perjury that the foregoing is true and correct.

February 21, 2025 in Bozeman, MT  
Date and Place

/s E. Lars Phillips  
E. Lars Phillips

## **CERTIFICATE OF SERVICE**

I, E. Lars Phillips, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-21-2025:

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Electronically Signed By: E. Lars Phillips  
Dated: 02-21-2025