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Attorneys for Appellant/Respondent

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 25-0021

IN RE THE MARRIAGE OF:

MINDI ROSETTA HIEBERT, fka
MINDI ROSETTA GAWE,

Appellee/Cross-Appellant/Petitioner,

v.

DAVID CHARLES GAWE, JR.,

Appellant/Cross-Appellee/Respondent

**MOTION FOR EXTENSION OF TIME
AND SUPPORTING DECLARATION**

Appellant, David Charles Gawe, Jr., respectfully requests an extension of time until June 30, 2025, in which to prepare, serve, and file the opening brief in the above-entitled matter. The brief is currently due May 16, 2025.

Opposing counsel has been contacted but at the time of filing, counsel's position is unknown. In support of this motion, counsel submits the following Declaration.

Respectfully submitted this 9th day of May 2025.

Matthew T. Cochenour
Cochenour Law Office, PLLC
7 West 6th Avenue, Suite 4F
PO Box 1914
Helena, MT 59624

/s/ Matthew T. Cochenour
MATTHEW T. COCHENOUR
Attorney for Appellant/Respondent

DECLARATION

Pursuant to Mont. Code Ann. § 1-6-105, I, Matthew T. Cochenour, declare as follows:

1. I am a licensed, practicing attorney in the State of Montana.
2. I am an attorney for Appellant David Charles Gawe, Jr., and have the primary responsibility of drafting the opening brief in this matter.
3. The opening brief is currently due on May 16, 2025, and was

originally due on March 17, 2025. This is Appellant's third motion for extension of time.

4. Appellant moves for an additional extension of time in which to file and serve the opening brief, making the brief due on Monday, June 30, 2025.

5. This extension is necessary as the parties are currently exploring the possibility of settlement. While settlement is not guaranteed, I believe that filing an opening brief during settlement discussions would be counterproductive to a possible resolution, as well as potentially a waste of parties' resources.

6. I am seeking an extension up to and including June 30, 2025, based on my understanding of the amount of time that would be necessary to comply with any settlement terms, if the parties are able to reach settlement.

7. In addition to working on settlement discussions in this case, I have been unable to complete my brief in this case due to my current workload. In the past month, I have been involved in time-intensive discovery proceedings, including two weeks of conducting and defending depositions in a complicated cannabis licensing matter, as well as drafting briefs in district court cases related to *Wellness in Action v. Madison County*, DA 25-0271. Additionally, I am appellate counsel in *Marriage of Nelson*, DA 25-0103. The opening brief in that matter was due May 16, 2025, and that case has now been settled through mediation. Further, I have taken on additional personal responsibilities in caring for an ill family

member, which has become a significant time commitment.

8. I will work diligently to complete the brief in the time requested.
9. Opposing counsel has been contacted and her position is unknown.
10. I declare under penalty of perjury that the foregoing is true and

correct.

Respectfully submitted this 9th day of May 2025.

/s/ Matthew T. Cochenour
MATTHEW T. COCHENOUR
Attorney for Appellant

CERTIFICATE OF SERVICE

I, Matthew Thompson Cochenour, hereby certify that I have served true and accurate copies of the foregoing Motion - Extension of Time to the following on 05-09-2025:

P. Mars Scott (Attorney)
PO Box 5988
Missoula MT 59806
Representing: David Charles Gawe, Jr.
Service Method: eService

Penni L. Chisholm (Attorney)
PO Box 2034
516 First Ave W
Columbia Falls MT 59912
Representing: Mindi Rosetta Gawe
Service Method: eService

Electronically Signed By: Matthew Thompson Cochenour
Dated: 05-09-2025