

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0505

DAVID VICEVICH, GILLIAN CLARK,
LEONARD G. JANSON, JR., and LYNN M.
JANSON,

Plaintiffs and Appellants,

v.

O R D E R

URBAN R. KULTGEN II and
LUCINDA R. KULTGEN,

Defendants and Appellees.

Appellants, via counsel, have moved for an extension of time to file the Opening Brief in this matter. This is the first motion for extension of time filed in this case, and counsel requests an additional sixty (60) days to file the brief.

Pursuant to M. R. App. P. 26(1), “a party may move for and be granted one 30-day extension of time in which to file a brief,” and the Clerk of the Supreme Court is authorized to act on such motions. Appellants’ motion seeks an extension of 60 days, however, and therefore M. R. App. P. 26(2) applies. M. R. App. P. 26(2) requires, in relevant part, that the motion shall be accompanied by an affidavit that contains certain information, as enumerated in the Rule. In this case, counsel did not include an affidavit in compliance with the Rule.

IT IS THEREFORE ORDERED that the motion for extension of time is DENIED WITHOUT PREJUDICE. Appellants may refile the motion for a 60-day extension with an affidavit that complies with M. R. App. P. 26(2). Alternatively, Appellants may file a motion for a 30-day extension that complies with M. R. App. P. 26(1) and on which the Clerk is authorized to act.

The Clerk shall serve a copy of this Order upon all counsel of record.

Electronically signed by:
Cory Swanson
Chief Justice, Montana Supreme Court
September 19 2025