

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 25-0480

MICHAEL JOHNSON and TERESA JENISCH,

Plaintiffs/Appellants/Cross-Appellees,

v.

SPIRE HOME INSPECTION, LLC and KEVIN KIVELA,

Defendants/Appellees/Cross-Appellants.

On Appeal from the Montana Fourth Judicial District Court, Missoula County
Cause No. DV-32-2023-0000182-NE
Honorable John W. Larson Presiding.

**APPELLEES' UNOPPOSED MOTION FOR SECOND EXTENSION
OF TIME TO FILE RESPONSE BRIEF**

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Appellees, Spire Home Inspection, LLC and Kevin Kivela (collectively “Appellees”), move this Court for a second extension of time to file the response brief in this appeal. Mont. R. App. P. 26(2). Appellee’s response brief was first due on January 9, 2026. Appellee was granted a 30-day extension to file its opening brief on December 29, 2025. Appellee’s response brief is currently due February 9, 2026. Appellee respectfully requests a 30-day extension to file and serve its brief on or before March 11, 2026. Pursuant to Mont. R. App. P. 26(2), this request is supported by the attached Declaration of G. Patrick HagEstad.

The undersigned is working diligently on this matter. The requested extension is necessary to allow this case to be fully and fairly presented to this Court. This appeal raises legal questions that are developing or have not been directly addressed by this Court, including the interpretation of Mont. Code Ann. § 25-7-105 at issue and the enforceability of damage-limitation provisions in home-inspection agreements. For these reasons, the undersigned has a substantial need for the requested extension.

Appellants’ counsel has been contacted and does not oppose this motion.

Dated this 29th day of January, 2026.

By: /s/ G. Patrick HagEstad
G. Patrick HagEstad

HAGESTAD LAW GROUP, PLLC
*Attorneys for Defendants/Appellees/
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FURTHER AFFIANT SAYETH NOT.

EXECUTED this 29th day of January, 2026.

By: /s/ G. Patrick HagEstad
G. Patrick HagEstad

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CERTIFICATE OF SERVICE

I, G. Patrick HagEstad, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 01-29-2026:

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Electronically signed by Velvet Truzzolino on behalf of G. Patrick HagEstad

Dated: 01-29-2026