

CASE NO. 23-3581

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

THE IMPERIAL SOVEREIGN COURT OF THE STATE OF MONTANA;
ADRIA JAWORT; RACHEL CORCORAN; THE MONTANA BOOK
COMOPANY, LLC d/b/a IMAGINE NATION BREWING COMPANY;
BUMBLEBEE AERIAL FITNESS; MONTANA PRIDE; THE WESTERN
MONTANA COMMUNITY CENTER; THE GREAT FALLS LGBTQ+
CENTER; THE ROXY THEATER; and THE MYRNA LOY,

Plaintiffs-Appellees,

v.

AUSTIN KNUDSEN; ELSIE ARNTZEN; J.P. GALLAGHER; and THE CITY
OF HELENA,

Defendants-Appellants.

On appeal from the United States District Court for the District of Montana
No. 2:23-cv-00050-BMM

UNOPPOSED MOTION FOR EXTENSION OF TIME

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Appellants Austin Knudsen and Elsie Arntzen respectfully request a 30-day extension of time until January 10, 2024, in which to prepare, serve, and file their Opening Brief in the above-entitled matter. Their Opening Brief is currently due December 11, 2023. This is Appellants' first extension request for its Opening Brief.

Good cause exists for granting this extension of time. (*See* attached Declaration of Michael Noonan.) The State has several conflicting deadlines on and prior to December 11, 2023, and additional time is necessary to ensure that the issues in this case are adequately briefed to the Court. (*Id.*) Undersigned counsel is working diligently on the matter, and the proposed extension will not cause undue delay. (*Id.*)

Counsel for Appellees has been contacted concerning this Motion and does not object.

DATED this 30th day of November, 2023.

Austin Knudsen
MONTANA ATTORNEY GENERAL

/s/ Michael Noonan .
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ATTORNEYS FOR APPELLANTS
AUSTIN KNUDSEN AND ELSIE
ARNTZEN

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OF HELENA,

Defendants-Appellants.

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No. 2:23-cv-00050-BMM

DECLARATION OF MICHAEL NOONAN

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I, Michael Noonan, make the following Declaration under penalty of perjury:

1. I am currently an Assistant Attorney General for the State of Montana and represent Austin Knudsen and Elsie Arntzen in this matter.

2. The Opening Brief in the matter is currently due December 11, 2023.

3. The undersigned is seeking a 30-day extension.

4. Counsel for Appellants has several conflicting deadlines on and prior to December 11, 2023, and additional time is necessary to ensure that the issues in this case are adequately briefed to the Court. This Court's November 16, 2023 Docketing Notice (Doc. 2.1) indicated that the briefing schedule would be set by future court order. However, the subsequent Order filed on November 22, 2023, which set the current deadline for the Opening Brief, was not served to all counsel for Appellees upon entry, further complicating scheduling for counsel. This issue was remedied on November 27, 2023.

5. The undersigned represents that counsel for Appellants have exercised diligence, and should this extension be granted, the Opening Brief will be filed within the time requested.

6. Opposing counsel has been contacted and do not object to this extension.

7. The court reporter is not in default regarding any designated transcripts in this matter.

DATED this 29th day of November, 2023.

Austin Knudsen
MONTANA ATTORNEY GENERAL



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