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8 MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

9 STATE OF MONTANA,

10 Plaintiff,

11 vs.

12 LIONEL SCOTT ELLISON,

13 Defendant.
14

) Case No.: DC 11-0767
)
) Judge: Russell C. Fagg
)
) **UNOPPOSED MOTION TO CONTINUE**
) **DATE OF TRIAL AND BRIEF IN**
) **SUPPORT**
)
)
)
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17 COMES NOW Defendant, Lionel Scott Ellison, by and through his attorney of record
18 Elizabeth J. Honaker, and moves this Court, pursuant to §46-13-202, MCA, to vacate the
19 current trial setting of November 26, 2012, and continue the trial to a future date.

20 Special Deputy Yellowstone County Attorney Jameson C. Walker does not object, and
21 concurs, to a continuance of this matter. Defendant is filing a Waiver of his Speedy Trial Right
22 concurrently herein. This motion is supported by the following brief.

23 **BRIEF IN SUPPORT**

24 The trial in this matter is scheduled for November 26, 2012. Defendant is moving the
25 Court for a continuance of the trial date upon agreement with Jameson C. Walker, the special

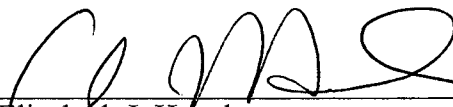
1 prosecutor on this matter. Due to the complexity of this case, it involves thousands of pages of
2 records, insurance information, interview transcripts, and law enforcement reports.
3 Additionally, the parties are in the process of scheduling over a dozen interviews of witnesses,
4 insurance claim representatives, law enforcement, as well as several expert witnesses.
5 Accordingly, the parties are in need of additional time to properly prepare for trial or to see
6 whether this matter can be settled after the interviews have taken place.
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8 Defendant's counsel is not available in December 2012 for trial, due to being out of
9 town several times. On January 8, 2013, Defendant's counsel has a jury trial commencing with
10 the Thirteenth Judicial District Court (Yellowstone County), in the case *Ronning v.*
11 *Yellowstone County, et al.*, Cause No. DV 10-549 that will last for a minimum of a week. On
12 January 22, 2013, Defendant's counsel has a jury trial that commences in federal court in
13 Billings in the case *Speer v. United Blood Services*, Cause No. CV 11-54-BLG-RFC.
14 Defendant's counsel will also be out of town the majority of March 2013. Accordingly, the
15 parties are requesting a new trial date in April 2013 or sometime later.

16 For the foregoing reasons, Defendant respectfully requests that the trial of this matter
17 currently set for November 26, 2012, be vacated, and be reset to a trial setting in April 2013 or
18 a later date.

19 DATED this 15th day of October, 2012.
20

21 HONAKER LAW FIRM

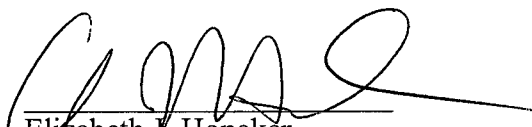
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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that a true and correct copy of the foregoing document
3 was served via first class mail, postage prepaid, on the 15th day of October, 2012, to the
4 following:

4 Jameson C. Walker
5 Special Deputy Yellowstone County Attorney
6 840 Helena Avenue
7 Helena, MT 59601

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9 Elizabeth J. Honaker
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