

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

:SS

COUNTY OF HANSON

FIRST JUDICIAL CIRCUIT

File # 30CIV25-32

JOHN & DEBORAH E. HORNIDGE,
PLAINTIFFS,

-vs-

PLAINTIFFS EXTENTION
MOTION

-AFFIDAVIT OF J.R. DAVIES

BRENT & MELISSA MENTELE,
HANSON COUNTY, SOUTH DAKOTA,
A local government subdivision,
STATE OF SOUTH DAKOTA-
DEPARTMENT OF REVENUE,
STATE OF SOUTH DAKOTA-
DEPARTMENT OF LABOR,
LINCOLN COUNTY, SOUTH DAKOTA,
A local government subdivision,
AAA COLLECTIONS INC.,
CREDIT COLLECTIONS INC.,
CREDIT COLLECTIONS BUREAU,
RUSHMORE SERVICE CENTER, LLC,
ROGER GERLACH
DEFENDANTS.

STATE OF SOUTH DAKOTA

:SS

COUNTY OF HANSON

Comes now J. R. Davies, Attorney for the Plaintiffs named above, and
makes this Affidavit to support Plaintiffs Motion for extension of time to

file and for this Court's decision to accept the filing of Plaintiffs Reply to Defendants counterclaim herein.

1. Plaintiffs' failure to Reply within the 20-day time period for Reply as called for in the SDCL was purely inadvertent and accidental and not caused by any deliberate choice or action or attempt to be untimely.

2. Upon receipt of the Reply and counterclaim, your undersigned immediately provided copies of the same and made a notation in his calendar for a deadline date of 30 days after the date of service of that Reply and counterclaim.

3. No defendant or attorney for the defendant Mentale in this case has provided for the electronic service of any documents in this matter.

4. Distance is partially an issue. We have telephone and email contact, but Plaintiffs also live in North Carolina and Plaintiffs John Hornidge is working in Kentucky and the distances are significant between here and there.

5. Plaintiffs further request a specific Court order clarifying the relationship of any attorney or attorney's Defendants is consulting with so that Plaintiffs' attorney deals appropriately there with.

6. Plaintiffs Reply alleges the probability of a meritorious defense and the Plaintiffs have alleged a meritorious defense in their pleadings. Calculation of interest due and the timing of payments is a legitimate factual basis, and no decision has yet been made on that issue.

7. No complete disposition of the counterclaim can be made until evidence has been presented in the case in chief, because there will be overlaps between the evidence for both the claim and the counterclaim.

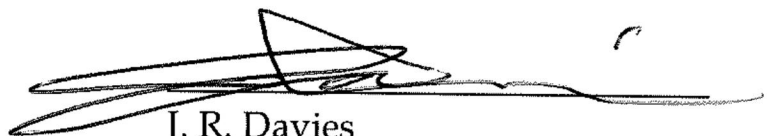
8a. Defendants are requesting a hearing on damages with no provision having been made for any discovery relating thereto. That needs to be done.

8b. Similarity of evidence between the 2 will make it impossible to decide one without deciding the other.

9. Defendants have alleged damages but has not specified the same. Until that has been done, her counterclaim is impossible to defend against.

WHEREFORE, Plaintiffs pray that this Court accept these filings and extend the time to reply to Defendants counterclaim by accepting the Reply submitted herewith and make such provision as is necessary for other proceedings before this Court to settle all matters relating to these parties in this case.

Dated: June 30, 2026.



J. R. Davies
Attorney for Plaintiffs
PO Box 277
Alexandria SD 57311
605-239-4321

subscribed and sworn to on June 30, 2026, by J. R. Davies. In witness whereof, I have hereunto set my hand and official seal.

Michelle R. Doyle
Michelle R. Doyle

My commission expires:

