

JAN 27 2015

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

D. L. EVANS BANK,

Plaintiff,

vs.

BALLENTYNE DITCH COMPANY,
LIMITED; THOMAS MECHAM RICKS;
GARY SPACKMAN, IN HIS OFFICIAL
CAPACITY AS DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER
RESOURCES; AARON RICKS, DIRECTOR
OF BALLENTYNE DITCH COMPANY;
SHAUN BOWMAN, DIRECTOR OF
BALLENTYNE DITCH COMPANY; JOE
KING, DIRECTOR OF BALLENTYNE
DITCH COMPANY; STEVE SNEAD,

)
) Case No.: CV OC 1317406
)

) **JOINT MOTION TO SHORTEN TIME**
) **PURSUANT TO I.R.C.P. 56(C)**
)

DIRECTOR OF BALLENTYNE DITCH
COMPANY,

Defendants.

COME NOW counsel for Defendant Thomas M. Ricks (“Ricks”), Defendants Gary Spackman and the Idaho Department of Water Resources (collectively “IDWR”), and Plaintiff D.L. Evans Bank (“D.L. Evans”) and move this court, for good cause shown, to alter and shorten the time periods and requirements of Idaho Rule of Civil Procedure 56(c). The purpose of this *Joint Motion* is to allow the Court to hear oral argument on the motions for summary judgment on February 19, 2015 at 2:45 p.m.

ARGUMENT

Pursuant to this Court’s *Stipulation for Scheduling and Planning*, “All motions for summary judgment or other dispositive motions must be filed at least ninety-one (91) days and heard at least sixty (60) days before trial.” On January 22, 2015, counsel for defendants the Ballentyne Ditch Company, Ltd. and the Directors of Ballentyne Ditch Company, Ltd. (collectively referred to herein as “Ballentyne”), filed a motion for summary judgment. On January 23, 2015, Ricks filed his motion for summary judgment. On January 26, 2015, IDWR filed its motion for summary judgment.

Hearing on Ballentyne’s motion for summary judgment is scheduled to take place on February 19, 2015 at 2:45 p.m. Because of when the motions for summary judgment were filed by Ricks and IDWR, and in order to provide fourteen days for response briefing and seven days for reply briefing on said motions for summary judgment, the hearing dates for said motions for summary judgment will have to be set for a different time than the hearing date set for argument on Ballentyne’s motion for summary judgment.

The issues in the motions for summary judgment are sufficiently related that, in the interests of economy, the parties wish to have all issues heard at the February 19, 2015 hearing date.

In order to have all issues heard on February 19, 2015, the undersigned parties agree to provide D.L. Evans with fourteen days to respond to the motions for summary judgment filed by Ricks and IDWR, and to shorten the time for Ricks and IDWR to reply.¹ The undersigned agree to the following response and reply deadlines:

- February 6, 2015 – D.L. Evans files its response brief to Ricks’ motion for summary judgment;
- February 9, 2015 – D.L. Evans files its response brief to IDWR’s motion for summary judgment;
- February 12, 2015 – Ricks files its reply to D.L. Evans’ response to Ricks’ motion for summary judgment
- February 12, 2015– IDWR files its reply to D.L. Evans’ response to IDWR’s motion for summary judgment

A proposed order is submitted herewith for the Court’s consideration.

Respectfully submitted this 27th day of January, 2015.

MCHUGH BROMLEY, PLLC

OFFICE OF THE ATTORNEY GENERAL



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JASON NAESS
Attorney for Plaintiff D.L. Evans Bank

¹ The response and reply deadlines for Ballentyne’s motion for summary judgment are not altered.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of January, 2015, a true and correct copy of the foregoing document was served as follows:

Jason R. Naess Parsons Smith Stone Loveland & Shirley, LLP PO Box 910 Burley, ID 83318	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Delivery
John Homan Idaho Department of Water Resources PO Box 83720-0098 Boise, ID 83720	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Delivery
S. Bryce Farris Sawtooth Law Offices, PLLC PO Box 7985 Boise, ID 83707	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Delivery



CHRIS M. BROMLEY