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Attorneys for Defendant

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

JOHN HASTINGS, Jr.,

Plaintiff,

vs.

THE STATE OF IDAHO DEPARTMENT
OF WATER RESOURCES, a Political
Subdivision of the STATE OF IDAHO,

Defendant.

Case No. CV01-21-17825

**STIPULATION AND JOINT MOTION
TO BIFURCATE ISSUES AND
REQUEST FOR A BRIEFING
SCHEDULE AND ORAL ARGUMENT**

The parties, through their undersigned attorneys of record, in accordance with I.R.C.P. Rule 7 and 42(b), hereby stipulate and agree to move the Court for an order bifurcating the trial of this case so that the issue of the statute of limitations is heard separately and prior to a trial on the remaining issues in this matter.


The parties believe that it is the economic interest of the parties and the court to rule on the applicability of the two-year statute of limitations contained in Idaho Code § 42-3809 to this matter before moving forward with a trial on the other issues. Thereafter, should either party decide to appeal the Court's decision on the applicability of the two-year statute of limitations contained in Idaho Code § 42-3809, the parties agree the Court can issue an I.R.C.P. Rule 54(b) Certificate of Final Partial Judgment as to its ruling. In the event of an appeal, all other matters would be stayed pending a decision on said appeal.

The parties do not desire oral argument on this joint motion to bifurcate issues.

In the event the court agrees to issue an order bifurcating issues in this matter, the parties have agreed on a set of stipulated facts relevant to the statute of limitations issue and will file the same within 30 days of such an order and will simultaneously waive their rights to a court or jury trial on the Idaho Code § 42-3809 statute of limitations issue.

Further, the parties request a briefing schedule and oral argument, on the issue of the applicability of the two-year statute of limitation contained in Idaho Code § 42-3809, be scheduled during the February 8, 2022 scheduling conference already set in this matter.

DATED this 4th day of February 2022.



MEGHAN M. CARTER
Deputy Attorney General
Idaho Department of Water Resources
Attorney for Defendant

DATED this 3rd day of February 2022.

/s/ J. Kahle Becker

J. KAHLE BECKER
Attorney at Law
Attorney for Plaintiff


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February 2022, I caused to be served a true and correct copy of the foregoing *Stipulation and Joint Motion to Bifurcate Issues and Request for a Briefing Schedule and Oral Argument* via iCourt E-File and Serve, upon the following:

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Attorney for Plaintiff John Hastings

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- iCourt E-File and Serve


MEGHAN M. CARTER
Deputy Attorney General
Idaho Department of Water Resources