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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**

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

**SECOND STIPULATION AND JOINT
MOTION FOR AN EXTENSION OF
TIME TO FILE BRIEFS AND TO
VACATE AND RESET HEARING**

The parties, through their undersigned attorneys of record, in accordance with the *Order for Scheduling Conference and Order Re: Motion Practice* issued by the Court in this matter on December 15, 2021, and pursuant to Local Rule 2.1 and I.R.C.P. 2.2(b) and 2.5, hereby stipulate and jointly move the Court to vacate and reset the current summary judgment hearing and for an extension of time for Plaintiff to file certain motions, memoranda, and declarations in support thereof.

The *Scheduling Order* issued by the Court in this matter on February 9, 2022, originally set the deadline to file any response brief for March 29, 2022, the deadline to file any reply brief for April 5, 2022, and a summary judgment hearing for April 12, 2022 at 3:15 p.m. The parties then requested the Court grant a one-week extension of time for

Defendant to file any response brief and opposing memoranda to April 5, 2022 and to file any reply brief to April 12, 2022. Additionally, the parties requested this Court vacate the April 12, 2022 summary judgment hearing and reset the hearing for Tuesday, April 19, 2022, at 3:15 p.m. Based on the parties *Stipulation and Joint Motion for an Extension of Time to File Briefs and Vacate and Reset Hearing*, the Court reset the Summary Judgment hearing for Tuesday, April 19, 2022, at 3:15 p.m. on I Court, but did not send a written Order to the parties.

On April 5, 2022, Defendant IDWR filed a *Cross Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment*, a *Statement of Facts in Support of Cross Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment*, and a *Memorandum in Support* thereof. In addition to a Reply to Defendant's Summary Judgment Motion/Opposition, Plaintiff desires to file a Motion to Strike and a Motion in Opposition to Defendant's request for this Court to take Judicial Notice of certain records, pursuant to IRE 201(e), as well as a motion in the alternative for limited discovery pursuant to IRCP 56(d). While these motions may be supported by Declarations of Counsel, as contemplated by the parties' *Stipulation and Joint Motion to Bifurcate Issues and Request for a Briefing Schedule and Oral Argument and Stipulation of Facts for Motion Practice re: Statute of Limitations*, neither party will introduce extraneous facts in support of the limited issue before the court regarding the applicability of the Statute of Limitations found in Idaho Code § 42-3809.

The Parties now respectfully request the Court reset the hearing on Summary Judgment and the Motions Plaintiff desires to file, related thereto, for a hearing on May 10, 2022 at 4:00 p.m. Pursuant to IRCP 7(b)(3) any new motions Plaintiff intends to file must

be filed on or before April 26, 2022. Plaintiff's Motion for Summary Judgment Reply Brief will also be filed on or before April 26, 2022. Defendant's responses to any new motions Plaintiff files are to be filed on or before May 3, 2022. Should Plaintiff desire to file a reply brief to any response brief submitted by Defendant for the other Motions referenced above, Plaintiff's Replies must be filed on or before May 6, 2022.

DATED this 7th day of April 2022.

/s/ Meghan M. Carter

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

DATED this 7th day of April 2022.

/s/ J. Kahle Becker

J. KAHLE BECKER
Attorney at Law
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of April 2022, I caused to be served a true and correct copy of the foregoing *Second Stipulation and Joint Motion for an Extension of Time to File Briefs and to Vacate and Reset Hearing* via iCourt E-File and Serve, upon the following:

MEGHAN CARTER
GARRICK BAXTER
Attorneys for Defendant,
Idaho Department of Water Resources

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

/s/ J. Kahle Becker

J. KAHLE BECKER
Attorney for Plaintiff, John Hastings, Jr.