Electronically Filed 4/26/2022 9:29 AM Fourth Judicial District, Ada County Phil McGrane, Clerk of the Court By: Gena Foley, Deputy Clerk

J. KAHLE BECKER (ISB # 7408) Attorney at Law 223 N. 6th St., Suite 325 Boise, Idaho 83702 Phone: (208) 345-5183 Fax: (208) 906-8663 Email: <u>kahle@kahlebeckerlaw.com</u> Attorney for Plaintiff/Counterdefendant

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/Counterdefendant,

vs.

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

Defendant/Counterclaimant.

Case No. CV01-21-17825

MOTION TO STRIKE AND OBJECTION TO DEFENDANT'S REQUEST TO TAKE JUDICIAL NOTICE

COMES NOW the above-named Plaintiff/Counterdefendant, by and through his attorney of record, J. Kahle Becker, Defendant/Counterclaimant Idaho Department of Water Resources ("IDWR") having filed certain documents into the record in violation of several stipulations of the parties in an attempt to oppose Plaintiff's *Motion for Summary Judgment* and in support of IDWR's *Cross Motion for Summary Judgment*, Plaintiff now Objects pursuant to the stipulations of the parties, IRE 201(e), IRE 802, 901(b)(7), and IRCP 56(c)(2) and Moves to Strike those documents and any reference to the contents thereof pursuant to IRCP 12(f)(2). This Motion is Supported by a *Memorandum in Support* and a *Declaration of Counsel* filled concurrently herewith.

WHEREFORE, Plaintiff/Counterdefendant prays the Court Strike the records attached to Defendant's Statement of Facts in Support of Cross-Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment as well as any reference to the contents thereof in Defendant's Statement of Facts in Support of Cross-Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment, Defendant's Cross-Motion for Summary Judgment, and Defendant's Memorandum in Support of Cross-Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment.

DATED this 26th day of April, 2022.

LAW OFFICES OF J. KAHLE BECKER

By: /s/ J. Kahle Becker J. KAHLE BECKER

Attorney for Plaintiff/Counterdefendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the <u>26th</u> day of April, 2022, I caused to be served the foregoing Motion to Strike and Objection to Defendant's Request to Take Judicial Notice to the following persons:

Meghan Carter and Garrick Baxter Attorney for Defendant, Idaho Department of Water Resources via I-Court/Odyssey

/s/ J. Kahle Becker J. KAHLE BECKER Attorney for the Plaintiff/Counterdefendant