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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**

STRIDER CONSTRUCTION CO., INC.,

Plaintiff,

vs.

IDAHO WATER RESOURCE BOARD,

Defendant.

Case No. CV01-22-10932

**DECLARATION OF THOMAS A.  
BANDUCCI IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
RECONSIDERATION**



8. We have one litigation paralegal, Shannon Menard, at our office in Boise who is staffed on both the Bradley B LLC case and the above referenced matter.

9. I believe that it is highly likely that both Bradley B LLC and this case will go to trial, as mediations in both cases have been unsuccessful.

10. Given that it would be impossible for me to try two cases at the same time, and given further that there are no other attorneys in the office who can assume the lead counsel role in either case, I respectfully request that the court reconsider the current trial setting, and reset the case for later in 2024 or early 2025, when counsel for both parties are available.

I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 27th day of February 2024.

**KIRTON MCCONKIE**

*/s/ Thomas A. Banducci*

Thomas A. Banducci  
*Attorney for Defendant*

## CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February 2024, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

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/s/ Thomas A. Banducci  
Thomas A. Banducci

# EXHIBIT A

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

Bradley B LLC, Dennis Dillon RV LLC  
 Plaintiff,  
 vs.  
 BRS Architects AIA PA, Andrew Davis,  
 Civil Site Works LLC, Corinne Graham  
 Defendant.

Case No. CV01-20-09653

Second Order Vacating and Resetting Jury Trial

On July 18, 2023, the Joint Motion to Continue Trial and All Associated Deadlines, filed June 12, 2023, came before the Court for oral arguments and this Court found good cause to vacate and reset the jury trial in this matter.

**NOTICE IS GIVEN** that the following matters are VACATED:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Judge</u>
Status Conference	08/15/2023	2:30 PM	Lynn G. Norton
Pre-trial Conference	08/29/2023	2:30 PM	Lynn G. Norton
Jury Trial	10/02/2023	8:30 AM	Lynn G. Norton

**NOTICE IS GIVEN** That the following hearings/trial are RESET and the December 23, 2020 Notice of Trial Setting is amended as follows:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Judge</u>
Status Conference	6/18/2024	2:30 PM	Lynn G. Norton
Pre-trial Conference	7/2/2024	2:30 PM	Lynn G. Norton
Jury Trial – 10 days	8/5/2024	8:30 AM	Lynn G. Norton

**NOTICE IS GIVEN** That the following hearing REMAINS AS SCHEDULED:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Judge</u>
Motion for Partial Summary Judgment	08/01/2023	3:15 PM	Lynn G. Norton

**IT IS FURTHER ORDERED** that all expired deadlines based on the October 2, 2023 trial date as of July 18, 2023 have passed and this order does not renew or extend those deadlines. However, all unexpired deadlines that the parties agreed to in their original Stipulation for Scheduling and Planning (dated December 22, 2020) that have not passed as of July 18, 2023, move forward and will be based off of the new trial date of August 5, 2024.



The parties may extend deadlines by stipulation of the parties filed with the court except the deadline to file any motions for summary judgment. If the parties desire extension of any deadline and there is no stipulation of all parties, then the party must file a motion with the Court and show good cause to extend such deadline as required in Idaho Rule of Civil Procedure 16 or 56.

Dated: 07/18/2023

  
Lynn Norton  
District Judge

### CERTIFICATE OF SERVICE

Steven Blaine Andersen	sandersen@kmclaw.com	<input checked="" type="checkbox"/> By E-mail
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Trent Tripple  
Clerk of the Court

Dated: 07/19/2023

By: Janine Korsen  
Deputy Clerk

