

UNITED STATES OF AMERICA

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COUNSEL FOR THE UNITED STATES OF AMERICA

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase Nos.: EXHIBIT A
	)	(City of Pocatello / State Based)
Case No. 39576	)	
	)	UNITED STATES' MOTION TO
	)	REVISE TRIAL SCHEDULE AND
	)	RESCHEDULE MANDATORY
_____	)	SETTLEMENT CONFERENCE

The United States respectfully moves for an eight-week continuance, to August 31, 2005, of the mandatory settlement conference scheduled by the Court's January 13, 2005, *Second Amended Order Setting Mandatory Settlement Conference* and for similar extensions of other dates established by the Court's January 31, 2005 *Second Amended Trial Scheduling Order*. In support of this motion, the United States asserts:

1. On June 10, 2005, counsel for the United States, Peter C. Monson, was hospitalized on an emergency basis and, on June 13, 2005, underwent open-heart surgery. His physicians advise that he should not return to work for four to six weeks, and will need to restrict his work activity and travel for some time thereafter.

2. In order to allow counsel for the United States to fully participate in the mandatory settlement conference and to avoid prejudice to all parties from conflicts between the settlement schedule and trial schedule, the United States proposes the following revised deadlines be established by the Court:^{1/}

Mid-August, 2005		Phone conference or meeting of parties with IDWR to clarify issues and have advance discussion of IDWR's position for the August 31 Settlement Conference
August 12, 2005		Each party to submit a confidential "Settlement Statement" to Settlement Moderator Terrence A. Dolan
(August 31, 2005)	9:00 am	Settlement Conference
October 13, 2005	5:00 pm	Deadline to file motion for summary judgment on issue of law: whether IDWR had authority under I.C. § 42-1425, to impose conditions on Pocatello's interconnected well system.
November 14, 2005	5:00 pm	Deadline for responses to dispositive motions of law.
December 9, 2005	5:00 pm	Deadline for reply brief and for IDWR to file 706 report.
(December 28, 2005)		1 st Summary Judgment Hearing
February 13, 2006	5:00 pm	Deadline for serving written discovery
March 30, 2006	5:00 pm	Deadline for Pocatello's expert disclosures and reports
April 28, 2006	5:00 pm	Deadline for the State of Idaho and the United States' expert disclosures and reports
June 2, 2006	5:00 pm	Deadline for completion of depositions of experts

^{1/} Dates enclosed by parentheses are subject to the convenience of the Court and the availability of facilities.

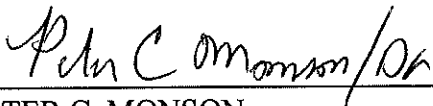
June 20, 2006	5:00 pm	2 nd deadline for dispositive motions
July 11, 2006	5:00 pm	Deadline for response briefs
August 2, 2006	5:00 pm	Deadline for reply briefs
(August 22, 2006)		2 nd Summary Judgment Hearing
(August 22, 2006)		Trial management conference to negotiate trial management order, including deadlines for trial briefs, etc.
(August 31, 2006)		Pretrial Conference
(September 12-19, 2006)		Trial (6 days)

3. Counsel for the Shoshone-Bannock Tribes, the City of Pocatello, and the State of Idaho have been contacted and do not oppose the proposed revised schedule.

DATED this 20th day of June, 2005.

Respectfully submitted,

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Certificate of Service

I hereby certify that on June 20th, 2005 I caused to be served a true and correct copy of the **United States' Motion to Revise Trial Schedule and Reschedule Mandatory Settlement Conference** upon the following as indicated:

Via Federal Express mail: CLERK OF THE SRBA COURT (Original and 37 copies)
SRBA Courthouse
253 Third Ave., North
Twin Falls, Idaho 83301
208-736-3011

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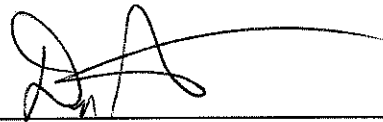


Exhibit A

Subcase Nos:

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
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