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Attorneys for Joyce Livestock

IN THE SUPREME COURT OF THE STATE OF IDAHO

IN RE: SRBA, CASE NO. 39586
SUBCASE NOS. 55-10135 (Joyce Livestock),
55-11061, 55-11385, 55-12452 (BLM)

JOYCE LIVESTOCK'S
PETITION FOR REHEARING

JOYCE LIVESTOCK COMPANY,

Supreme Court No. 32278

Appellant,

vs.

UNITED STATES OF AMERICA, et al.

JOYCE LIVESTOCK COMPANY,

Supreme Court No. 32279

Respondent,

vs.

UNITED STATES OF AMERICA, et al.

Appellant.

JOYCE LIVESTOCK COMPANY,

Supreme Court No. 32846

Appellant,

vs.

UNITED STATES OF AMERICA, et al.,

Respondent.

JOYCE LIVESTOCK'S PETITION FOR REHEARING

Joyce Livestock Company ("Joyce Livestock"), by and through its attorneys of record, pursuant to I.A.R. 42, hereby requests a rehearing by this Supreme Court with respect to its Opinion dated February 9, 2007, and specifically requests a rehearing on the limited issue of attorneys fees presented in Idaho Supreme Court No. 32846. Joyce Livestock respectfully requests that the Court reconsider its ruling with respect to the following issues:

1. Whether the Court's ruling that state courts lack the authority to award attorneys fees against the United States under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA") is contrary to law;
2. Whether it was proper to disallow attorneys fees under I.C. § 12-121 when the only "legitimate issue" identified by the Court was never raised by the United States in its appeal;
3. Whether the Court's denial of attorneys fees was contrary to law in light of the history of this litigation and the legal issues presented therein.

Pursuant to I.A.R. 42(b), Joyce Livestock will file its brief in support of this Petition for Rehearing within fourteen (14) days of this filing.

Dated this 7 day of March, 2007.

Respectfully submitted,

McQUAID BEDFORD & VAN ZANDT, LLP

By:



Elizabeth P. Ewens
Michael J. Van Zandt

LING, ROBINSON & WALKER

By:

Roger D. Ling

ATTORNEYS FOR JOYCE LIVESTOCK

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8 Act, 28 U.S.C. § 2412 ("EAJA") is contrary to law;
- 9 2. Whether it was proper to disallow attorneys fees under I.C. § 12-121 when
10 the only "legitimate issue" identified by the Court was never raised by the
11 United States in its appeal;
- 12 3. Whether the Court's denial of attorneys fees was contrary to law in light of
13 the history of this litigation and the legal issues presented therein.

14 Pursuant to I.A.R. 42(b), Joyce Livestock will file its brief in support of this Petition for
15 Rehearing within fourteen (14) days of this filing.

16 Dated this 1 day of March, 2007.

17 Respectfully submitted,

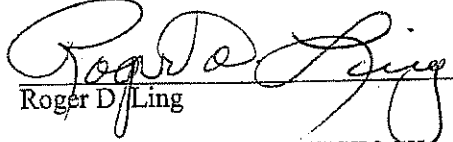
18 McQUAID BEDFORD & VAN ZANDT, LLP

19 By:

20 Elizabeth P. Ewens
21 Michael J. Van Zandt

22 LING, ROBINSON & WALKER

23 By:

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25 Roger D. Ling

26 ATTORNEYS FOR JOYCE LIVESTOCK

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CERTIFICATE OF SERVICE

I certify that on March 7, 2007, I served a true and correct copy of foregoing **JOYCE LIVESTOCK'S PETITION FOR REHEARING** upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

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