

Attorneys for Silver King Ltd.

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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

Case No. 39576

Subcase No. 77-02021

**MOTION TO VACATE TRIAL SCHEDULING ORDER
AND MOTION FOR SCHEDULING CONFERENCE**

COMES NOW Silver King Ltd. (hereafter "Silver King"), by and through its undersigned counsel of record, and pursuant to SRBA Administrative Order 1 and Rule 16(b) of the Idaho Rules of Civil Procedure, hereby moves this Court to vacate the November 2, 2007 Trial Scheduling Order and reschedule the necessary dates in the above-captioned matter. This Motion is supported by the record before the Court and the Affidavit of Scott L. Campbell filed contemporaneously herewith.

The reason for this Motion is that Silver King only recently retained legal counsel to represent it in this subcase proceeding. The Trial Scheduling Order entered on November 2, 2007, identifies several impending deadlines, including a December 14, 2007

deadline for initial disclosures. This deadline is approximately two weeks away, and counsel for Silver King would be at a serious disadvantage in representing it should these deadlines remain as currently scheduled.

Counsel for the objector United States of America – the only other party to this subcase – was contacted concerning this request prior to filing this Motion. As of the time of the filing of this Motion, a response has not yet been received.

For the reasons set forth above and in the Affidavit of Scott L. Campbell, Silver King respectfully requests that the Court exercise its discretion to vacate the current Trial Scheduling Order and to schedule a scheduling conference to allow the Court and counsel to confer and reschedule the vacated deadlines to mutually convenient dates.

REQUEST FOR EXPEDITED CONSIDERATION

Due to the impending deadlines established in the Trial Scheduling Order, Silver King respectfully requests the Court to consider this Motion on an expedited basis.

DATED this 29th day of November, 2007.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Silver King Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2007, I caused a true and correct copy of the foregoing MOTION TO VACATE TRIAL SCHEDULING ORDER AND MOTION FOR SCHEDULING CONFERENCE to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
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David L. Negri
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☐ Overnight Mail
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