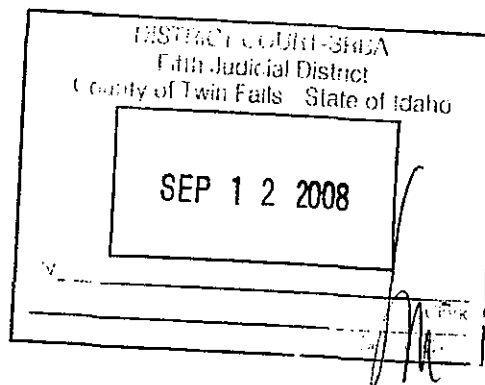


John M. Marshall (ISB # 5678)
 J. Will Varin (ISB # 6981)
 Givens Pursley LLP
 601 W. Bannock Street
 P.O. Box 2720
 Boise, Idaho 83701-2720
 Telephone: 208-388-1200
 Facsimile: 208-388-1300
s:\clerk\73831\motion to shorten time.doc

Attorneys for Sarah Jane Smith



**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 No.: 63-7539

Case No. 39576

**SARAH JANE SMITH'S MOTION TO
 SHORTEN TIME**

Claimant Sarah Jane Smith, pursuant to Idaho Rule of Civil Procedure 7(b)(3), moves this Court *ex parte* for an order shortening time so her Motion to Strike Cross-Motion for Summary Judgment and All Supporting Documents may be heard on Tuesday, September 16, 2008, at 9:00 o'clock a.m.

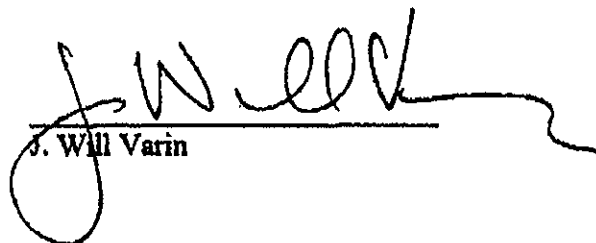
This Motion to Shorten Time is necessary because Objector Craig Whitted violated the Court's Order Vacating Trial and Setting Deadline for Filing Dispositive Motions by filing a Cross-Motion for Summary Judgment on September 9, 2008, which was noticed for hearing on September 24, 2008, the hearing time of Sarah Jane Smith's Motion for Summary Judgment. Not only does the filing of the Cross-Motion violate this Court's Order, Whitted has not complied with Idaho Rule of Civil Procedure 56(c)'s timing requirements that requires that summary judgment motions be filed at least 28 days before the time fixed for the hearing. It is necessary to address the propriety of Whitted's Cross-Motion and whether Sarah Jane Smith

must respond to it sometime prior to the currently scheduled September 24, 2008 hearings on Sarah Jane Smith's Motion and Whitted's Cross-Motion for Summary Judgment.

This Motion is supported by the files and record in this matter, as well as the Sarah Jane Smith's Motion to Strike Cross-Motion for Summary Judgment and All Supporting Documents.

Dated this 12th day of September, 2008.

GIVENS PURSLEY LLP

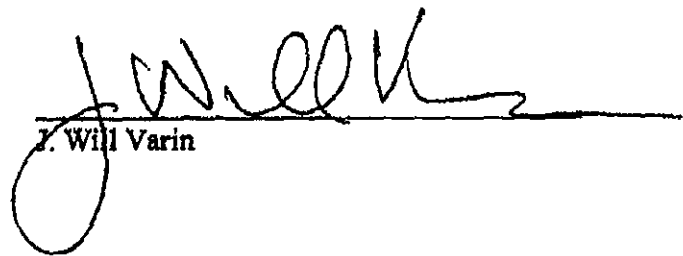

J. Will Varin

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 2008, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Kimball D. Gourley
Trout Jones Gledhill Furhman, P.A.
225 N. 9th Street, Suite 820
PO Box 1097
Boise, ID 83701-1097

☐ U.S. Mail
☐ By hand
☐ Overnight
☒ Facsimile


J. Will Varin