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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 Nos. 63-03163 & 63-03274

MOTION FOR PROTECTIVE ORDER

EXPEDITED CONSIDERATION REQUESTED

COMES NOW DBSI Tiegs 979, LLC ("Claimant"), through undersigned counsel of record, and hereby files this Motion for Protective Order pursuant to Idaho Rule of Civil Procedure 26(c) and Rules 1 and 6(f) of this Court's Administrative Order 1 ("AO1"). Claimant's member-manager DBSI, Inc. ("DBSI") recently filed for bankruptcy protection. While the Claimant itself was not specifically listed in the bankruptcy petition, DBSI's bankruptcy filing during the discovery phase of this consolidated subcase is hindering the ability of Claimant to timely respond to the Respondent State of Idaho's ("State") discovery requests.

The State has threatened to file a motion to compel discovery responses. Therefore, Claimant is forced to bring this Motion.

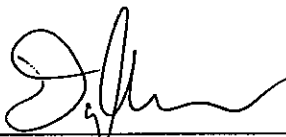
Claimant respectfully requests that this Court issue an order staying the deadline for Claimant's responses to the State's discovery requests for a reasonable amount of time while it works through issues related to DBSI's bankruptcy filing.

This Motion is supported by a memorandum of law and an affidavit of counsel.

Claimant respectfully requests a hearing on this Motion. Expedited consideration is requested pursuant to Rule 6(f)(2) of AO1; however, due to the specific nature of the issues raised, Claimant has not served this Motion on the expedited service list, but will do so at the Court's request.

DATED this 19th day of December, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 

Dylan B. Lawrence – Of the Firm
Attorneys for Claimant DBSI Tiegs 979, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2008, I caused a true and correct copy of the foregoing **MOTION FOR PROTECTIVE ORDER** to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
Office of the Attorney General
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