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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. 63-27475

**SUPPLEMENTAL MEMORANDUM
OF COSTS AND REQUEST FOR
ATTORNEY FEES**

Janicek Properties, LLC ("Janicek"), by and through its counsel Givens Pursley LLP, hereby files this *Supplemental Memorandum of Costs and Request for Attorney Fees* ("Supplemental Memorandum") seeking reimbursement of 50% of its costs and attorney fees incurred since August 28, 2008 for litigating the issue of whether Janicek is entitled to an award of costs and fees. This Supplemental Memorandum is filed pursuant to Rules 15 and 54 of the Idaho Rules of Civil Procedure and is supported by the accompanying *Affidavit of Michael P. Lawrence in Support of Janicek's Supplemental Memorandum of Costs and Request for Attorney Fees* ("Supplemental Affidavit"). Janicek requests the Court award \$193.52 in discretionary costs and \$3,032.25 in attorney fees in addition to those costs and fees it awarded to Janicek in

the *Special Master's Report and Recommendation Re: Janicek's Request for Attorney Fees* ("Report and Recommendation") dated December 22, 2008.

As found by the Special Master in his Report and Recommendation, Janicek is entitled to an award of 50% of its costs and 50% of its attorney fees incurred after May 7, 2008 that are attributable to legal work done in connection with claiming fees and costs. (Report and Recommendation at 7, 10.) At the time the Report and Recommendation was issued, however, the Special Master did not have the benefit of Janicek's billing records for photocopying costs that occurred on August 28, 2008 and legal work that occurred after August 28, 2008 (the date of Janicek's original *Memorandum of Costs and Request for Attorney Fees* and supporting affidavit). As a result, \$387.03 in costs and \$6,064.50 in attorney fees incurred by Janicek to litigate costs and fees were not included in the Special Master's calculations of cost and fee awards. *Supplemental Affidavit* ¶ 5.

Accordingly, and consistent with the Special Master's finding that Janicek is entitled to 50% of such costs and fees, Janicek requests the Special Master include an additional award of \$193.52 in discretionary costs and \$3,032.25 in attorney fees for total awards against NMID as follows:

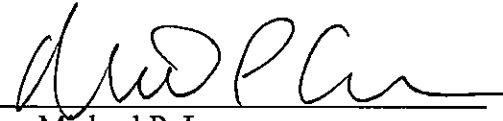
	<u>Discretionary costs</u>	<u>Attorney Fees</u>
Report and Recommendation award (sums through Aug. 28, 2008)	\$627.99	\$20,038.25
Supplemental Memo of Costs and Fees (sums on or after Aug. 28, 2008)	\$193.52	\$3,032.25
TOTAL	\$821.51	\$23,070.50

DATED this 8th day of January, 2009.

Respectfully submitted,

GIVENS PURSLEY LLP

By


Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8TH of January, 2009, the foregoing was filed, served, or copied as follows:

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