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Shelly Tlucek, Byron Tlucek, Rebekah Tlucek,
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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. 63-02529 63-03163
63-03274 63-03323
63-03324 63-09109
63-10435

**OBJECTION TO HEARING ON STATE OF
IDAHO'S MOTION FOR PROTECTIVE
ORDER**

Claimants Pioneer Irrigation District, Jerry L. Tlucek, Mary Lou Tlucek, Shelly
Tlucek, Byron Tlucek, Rebekah Tlucek, Kevin Tlucek and DBSI Tiegs 979, LLC hereby file this
Objection to Hearing on State of Idaho's Motion for Protective Order ("Motion") pursuant to
Rule 6(f)(4)(b) of this Court's Administrative Order 1 ("AO1"). In short, and for the following

**OBJECTION TO HEARING ON STATE OF
IDAHO'S MOTION FOR PROTECTIVE ORDER - 1**

Client:1092678.1

reasons, Claimants believe that additional time should be allowed for Claimants to respond to the State's Motion prior to a hearing on the Motion.

1. On December 17, 2008, Claimants served their Notice of Rule 30(b)(6) Deposition Duces Tecum of the State of Idaho, upon the State of Idaho. This Notice scheduled the deposition of the State for January 27, 2009.

2. On December 19, 2008, Claimant DBSI Tiegs 979, LLC, filed its Motion for Protective Order in subcases 63-3163 and 63-3274, seeking approval from the Court for additional time to respond to the State's discovery requests, while DBSI Tiegs works through issues related to the recent bankruptcy filing of its member-manager, DBSI Inc. The hearing on this motion was originally scheduled for January 6, 2009.

3. In order to accommodate the personal schedule of counsel for the State, Claimants agreed to reschedule the hearing on DBSI Tiegs's Motion for Protective Order, in order to allow the State to file a responsive document. The hearing was subsequently rescheduled for January 13, 2009.

4. On January 8, 2009, the State filed and served its Motion for Protective Order, which counsel for Claimants did not receive until Friday, January 9, 2009. The hearing on the State's Motion was scheduled for January 13, 2009--less than three full business days after the date of service.

5. In its Motion, the State asks this Court to vacate the scheduled 30(b)(6) deposition of the State of Idaho. As a respondent, the State is a party to these subcases. AO1 Rule 2(p). The relief requested by the State—preventing the deposition of an actual party to a legal proceeding—is an extreme departure from the Idaho Rules of Civil Procedure and fundamental Due Process.

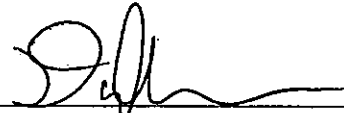
6. Given the extraordinary nature of the relief requested by the State, and the short amount of time Claimants have had to respond, the Claimants must be allowed additional time to respond to the State's Motion.

7. The deposition of the State's 30(b)(6) representative is currently scheduled for January 27, 2009. To Claimants' knowledge, there are no exigent circumstances requiring the Court to hear the State's Motion on January 13, 2009.

For the foregoing reasons, Claimants respectfully request that they be allowed additional time to respond to the State's Motion before a hearing on the Motion.

DATED this 12th day of January, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Claimants Pioneer
Irrigation District, Jerry L. Tlucek,
MaryLou Tlucek, Shelly Tlucek, Byron
Tlucek, Rebekah Tlucek, Kevin Tlucek
and DBSI Tiegs 979, LLC

CERTIFICATE OF SERVICE

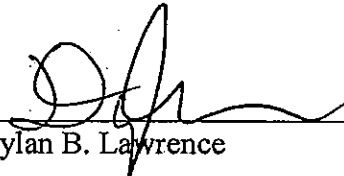
I HEREBY CERTIFY that on this 12th day of January, 2009, I caused a true and correct copy of the foregoing **OBJECTION TO HEARING ON STATE OF IDAHO'S MOTION FOR PROTECTIVE ORDER** to be served by the method indicated below, and addressed to the following:

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