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Attorneys for Claimants/Objectors Heltsley and Felton

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. 75-10603, 75-14531**

MOTION FOR CONTINUANCE OF DEADLINE  
WITHIN WHICH TO FILE A MEMORANDUM  
IN SUPPORT OF MOTION TO ALTER OR  
AMEND AND FOR CONTINUANCE OF  
HEARING DATE

COMES NOW, Claimants/Objectors Heltsley and Felton, by and through their attorney Charles L. Honsinger of the firm RINGERT LAW, CHARTERED and pursuant to I.R.C.P. 7(b)(1), hereby move this Court for a continuance of the deadline within which Claimants/Objectors are required to file a memorandum in support of their Motion to Alter or Amend Special Master's Report, and for a continuance of the currently scheduled hearing date for the Motion to Alter or Amend. The grounds for this motion are that the transcript from the trial of this matter was just

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completed, giving the parties and counsel very little time to review it prior to the date on which the opening brief is due, and counsel for Claimants/Objectors is brand new to this case and has not yet received, nor had any opportunity to review and analyze the pleadings and evidence. This Motion is supported by the Affidavit of Charles L. Honsinger submitted herewith, and by the record herein.

### **DISCUSSION**

Trial in these two subcases was held on February 26, 2010. A Special Master Report was issued on July 9, 2010. Claimants/Objectors Heltsley and Felton filed their Motion to Alter or Amend on August 18, 2010. Claimants/Objectors Heltsley and Felton filed their Motion for Continuance of Deadline to File a Memorandum in Support of Motion to Alter or Amend on August 25, 2010. The Special Master issued his Order Granting Motion for Continuance and Resetting Hearing on August 30, 2010 for the reason that the SRBA Court's reporter had advised the Special Master and parties that she could not complete a transcript until mid-September. Accordingly, the Special Master reset the hearing on the Motion to Alter or Amend for November 29, 2010 (approximately 2 ½ months later than the date the Court's reported had advised the transcript was to be finished), making the Claimants'/Objectors' Memorandum in Support due on November 15, 2010.

Claimants/Objectors have just retained new counsel to assist them in this case. He has yet to receive the pleadings and evidence, and needs time to familiarize himself with, and analyze the same, along with reviewing and analyzing the transcript. Claimants/Objectors just received a copy of the transcript of the trial in this matter late on October 28, 2010.

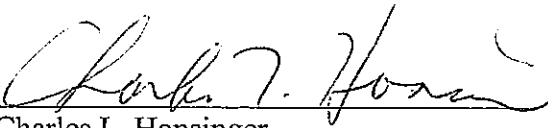
Because the Special Master granted a previous continuance to allow for review and analysis

of the transcript prior to preparation of a brief and hearing, a similar continuance should be granted at this time. The Special Master set the hearing for the Motion to Alter or Amend approximately 2 ½ months after he expected the transcript to be complete. No party will be prejudiced by the continuance as all have simply been waiting for the transcript to be completed in any case. Accordingly, Claimants/Objectors suggest that the Special Master set the hearing in this matter approximately 2 ½ months after the date on which the transcript was actually received - approximately January 15, 2010.

Claimants/Objectors respectfully request that the Special Master grant their Motion for Continuance.

Dated this 2<sup>nd</sup> day of November, 2010.

RINGERT LAW, CHARTERED

By   
Charles L. Honsinger

CERTIFICATE OF MAILING

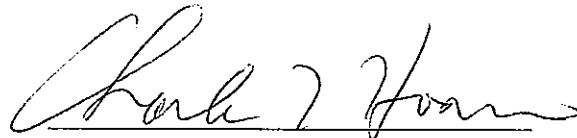
I hereby certify that service of the within and foregoing document was made this 2<sup>nd</sup> day of November, 2010, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

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