

Claimants Names:
Marathon Partners LLC

Attorney Name & Address:
James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

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Department of Water Resources

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DEPT. OF WATER RESOURCES

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 37-21112
Case No. 39576	)	
	)	CLAIMANT'S MOTION TO STRIKE
	)	OBJECTORS' JOINT RESPONSES
	)	TO REQUESTS FOR ADMISSION

TO: OBJECTORS AND THEIR ATTORNEYS OF RECORD

Claimant, MARATHON PARTNERS LLC ("Claimant") hereby moves this Court for its Order striking the Responses to Requests for Admission served by Objectors on Claimant by mail on December 30, 2011 as not in compliance with the requirements of the Idaho Rules of Civil Procedure.

IRCP Rule 36(a) provides in pertinent part as follows:

The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time.

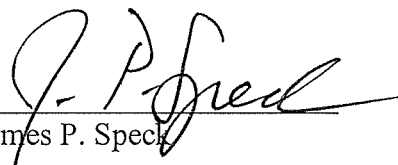
As set forth in the Affidavit of James P. Speck filed herewith, Claimant's First Discovery Requests

CLAIMANT'S MOTION TO STRIKE OBJECTORS'
JOINT RESPONSES TO REQUESTS FOR ADMISSION - 1

to Objectors was served by both fax and first class mail on Objectors on November 28, 2011. As further set forth in said Affidavit, Objectors' Joint Response to First Discovery Requests, which include Responses to Requests for Admission Nos. 1 through 13, inclusive, was served on Claimant by mail on December 30, 2011, which is 32 days after the date of service of the Requests on Objectors. Furthermore, the Responses to Requests for Admission were not signed by Objectors' attorney under oath. Therefore, the matters requested must be deemed admitted. To make this clear for the record in this Subcase the Responses to such Requests for Admission should be stricken.

DATED this 3rd day of January, 2012.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Claimant

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of January, 2012, I served a true and correct copy of the foregoing CLAIMANT'S MOTION TO STRIKE OBJECTORS' JOINT RESPONSES TO REQUESTS FOR ADMISSION on the following persons in the manner designated below:

Mr. Nicholas J. Spencer
Idaho Department of Water Resources
322 E. Front Street
Boise ID 83720-0098
Fax: (208) 287-6700

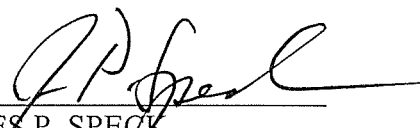
- ☐ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☒ Facsimile, with copy by United States Mail, Postage Prepaid

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Fax: (208) 344-6034

- ☐ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☒ Facsimile, with copy by United States Mail, Postage Prepaid

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Fax: (208) 934-4420

- ☐ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☒ Facsimile, with copy by United States Mail, Postage Prepaid



JAMES P. SPECK