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OFFICE OF THE
ATTORNEY GENERAL

Wiley F. Smith

Star Route

Mackay, Idaho 83251

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 Nos. 34-12894, 34-12894A, 34-12895, 34-12895A

)

34-13335A, 34-13336A, 34-13353, 34-13354.

Case No. 39576

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MOTION TO REQUEST REVISED SCHEDULING

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ORDER

)

DESCRIPTIVE SUMMARY

This is Wiley Smith and Carolyn Smith's motion to request the court to consider the alternative to reset the dates established in the court's April 1, 1996 scheduling order to allow the United States sufficient time to respond to our discovery requests upon the United States.

MOTION

Wiley F. Smith and Carolyn Smith hereby respectfully request that the Court extend the pre-trial and trial dates including an extension of the discovery cut-off date.

DISCUSSION

Not being knowledgeable about Law and Court Procedures and not having the finances to hire Legal Council, Wiley F. Smith and Carolyn Smith did not fully understand all of the implications of the various cut off dates of the pre-trial scheduling if they were exercised.

1 We understood the trial date setting and knew it would be late enough in the year after crop time
2 and cattle round up time that we could spend time in court proceedings without neglecting our ranch work
3 and did not understand how much time would be involved to research and answer the United States lengthy
4 interrogatories, request for admissions and requests for production which was delivered to us 15 days
5 before the deadline. At this point in time we began to see the problems and time involved in the legal
6 term- "DISCOVERY". Besides being involved with our son's wedding at Payette and also a reception
7 at Mackay, and moving cattle and haying, we made phone calls asking questions about what was expected
8 of us in this discovery. We have guessed at what was requested of us because we heard the phrase
9 several phone calls- "I cannot give you legal advice". The man hours we spent answering the United
10 States requests were from 10:PM to 1:30AM after each day's haying.

11 As we were realizing that while the United States was finding out what we knew and what we intended
12 use at trial, we should be finding out the same things from them. We answered their request and then
13 together our request to deliver on the United States.

14 I, Wiley Smith am in the wrong for not understanding the meanings and deadlines and am not very familiar
15 with Idaho Civil Rules of Procedure. My discovery request upon the United States was not delivered
16 them to allow the required 15 days before the Discovery Cut-off Date.

17 We are requesting the court to consider an extension of time because we would like the United
18 States to answer our discovery interrogatories, admissions, and production of documents.

19 Your Honor, We make this request because we feel handicapped with no legal training in
20 because it is a very bad time of year to devote man hours away from our ranch responsibilities.

21 Thank you for consideration.

22 *Wiley F. Smith*

August 2, 1996

23 Wiley F. Smith,

Date

24 Star Route

25 Mackay, Idaho 83251

26 (208)-588-2218

27 I hereby certify that on the 2nd day of August, 1996,

1 I mailed a copy of this motion to the SRBA Court to:

2 United States Department of Justice

3 Environment and Natural Resources Division

4 550 West Fort St. Box 33

5 Boise, Idaho 83724

6
7 Chief, Natural Resources Division

8 Office of the Attorney General

9 State of Idaho

10 P.O. Box 44449

11 Boise, Idaho 83711-4449

12
13 Signed

Wiley F. Smith

8-2-1996

14 Wiley F. Smith

Date

15 * Star Route

16 Mackay, Idaho 83251

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