

Westra, John

From: Lori Graves [LGraves@spfwater.com]
Sent: Thursday, November 11, 2010 1:13 PM
To: Westra, John
Cc: Steve Loomis; Christian Petrich
Subject: Protested Application 65-23327
Attachments: Swenson Protest.pdf

John,

Tim and Jennifer Swenson filed the attached protest on application for permit 65-23327 in the name of Sands, LLC (Steve Loomis). The litigation that the Swensons referenced on Page 2 of the protest has been settled and Steve Loomis prevailed. Please let me know when and/or if a prehearing conference may be scheduled. Thanks John.

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— L. Graves. 11/12/10.

Discussed: would send letter to parties regarding their intent.
Sent letter out 11/15/10.

Case Number Result Page

Boise

1 Cases Found.

Sands LLC vs. Timothy S Swenson, etal.

Case: CV-2008-0000255 District Filed: 11/24/2008 Subtype: Other Claims Judge: Patrick Owen Status: Pending

Defendants: Swenson, Jennifer Swenson, Timothy S

Plaintiffs: Sands LLC,

Pending hearings:	Date/Time	Judge	Type of Hearing
	11/10/2010 2:00 PM	Patrick Owen	Motion

Register Date
of
actions:

11/24/2008 New Case Filed - Other Claims

11/24/2008 Plaintiff: Sands LLC, Appearance Jerry A. Kiser

11/24/2008 Filing: A - Civil Complaint for more than \$1,000.00 Paid by: Frank W. Stoppello for Sands LLC Receipt number: 0003547 Dated: 11/24/2008 Amount: \$88.00 (Check) For: Sands LLC, (plaintiff)

11/24/2008 Summons Issued

11/24/2008 Motion for Service of Summons by Publication

11/24/2008 Affidavit in support of motion for service of summons by publication

11/25/2008 Order for service of summons by publication

12/03/2008 Summons Issued

12/09/2008 Affidavit Of Service--Timothy Swenson

12/09/2008 Affidavit Of Service--Jennifer Swenson

12/23/2008 Filing: I2 - Initial Appearance by persons other than the plaintiff or petitioner more than \$300, Not more than \$1000 Paid by: Richard Cummings Receipt number: 0003784 Dated: 12/24/2008 Amount: \$58.00 (Check) For: Swenson, Timothy S (defendant)

12/23/2008 Defendant: Swenson, Timothy S Appearance Richard A Cummings

12/23/2008 Defendant: Swenson, Jennifer Appearance Richard A Cummings

01/07/2009 Proof Of Publication

01/12/2009 Defendants', Timothy S. Swenson and Jennifer Swenson, Answer to Plaintiff's Complaint to Quiet Title and Counterclaim

02/02/2009 Reply To Counterclaim

03/13/2009 Notice of Service to Discovery Requests

04/13/2009 Notice Of Service Of Discovery Responses

04/17/2009 Hearing Scheduled (Motion 05/08/2009 02:00 PM) To File Amended Complaint

04/22/2009 Motion for Leave to File Amended Complaint and Notice of Hearing

04/22/2009 Memorandum in Support of Motion for Leave to File Amended Complaint

04/22/2009 Affidavit of Jerry A. Kiser in Support of Motion for Leave to File Amended Complaint

04/29/2009 Affidavit Of Service-Stewart Title

04/30/2009 Notice Of Taking Deposition of Donald Rumsey

Hearing result for Motion held on 05/08/2009 02:00
05/05/2009 PM: Hearing Vacated For Leave To File Amended Complaint
05/05/2009 Stipulation Re: Amended Complaint
05/07/2009 Amended Complaint Filed
05/14/2009 Certificate Of Service
05/15/2009 Notice of Service of Discovery Requests
06/08/2009 Stipulation for Dismissal of Count Three of Plaintiff's Amended Complaint
06/17/2009 Change Assigned Judge (batch process)
06/18/2009 Notice Of Compliance
06/23/2009 Request For Trial Setting
06/30/2009 Response to Request for Trial Setting
06/30/2009 Notice Of Compliance
07/10/2009 Notice of Service of Discovery Requests
07/13/2009 Hearing Scheduled (Status 08/14/2009 01:30 PM) No Stip, Court Initiates
07/13/2009 Notice Of Hearing
07/23/2009 Notice Of Taking Deposition Duces Tecum of Timothy Swenson
08/04/2009 Amended Notice Of Taking Deposition Duces Tecum of Timothy Swenson
08/14/2009 Hearing result for Status held on 08/14/2009 01:30 PM: Interim Hearing Held No Stip, Court Initiates
08/14/2009 Order Referring Case to Mediation
08/19/2009 Certificate Of Mailing
10/05/2009 Second Amended Notice Of Taking Deposition Duces Tecum of Timothy Swenson
10/06/2009 Notice Of Compliance
10/09/2009 Order Governing Proceedings and Setting Trial
10/13/2009 Hearing Scheduled (Jury Trial 07/14/2010 09:00 AM) 4-day jury trial
10/13/2009 Hearing Scheduled (Pretrial Conference 06/11/2010 03:00 PM)
10/13/2009 Hearing Scheduled (Status 06/03/2010 03:00 PM) Telephonic
10/15/2009 Motion To Amend Order Governing Proceedings and Setting Trial Filed October 9, 2009
10/15/2009 Brief in Support of Motion to Amend Order Governing Proceedings and Setting Trial Filed October 9, 2009
10/16/2009 Amended Order Governing Proceedings and Setting Trial
10/23/2009 Hearing Scheduled (Motion for Summary Judgment 12/11/2009 02:30 PM)
11/13/2009 Motion For Summary Judgment- Defendants Timothy & Jennifer Swenson
11/13/2009 Memorandum of law in support of motion for summary judgment- defendant's Timothy & Jennifer Swenson
11/13/2009 Affidavit of Timothy S Swenson in support of motion for summary judgment
11/13/2009 Affidavit of David W Lloyd in support of motion for summary judgment
11/18/2009 Notice Of Compliance
11/18/2009 Motion To Vacate and Reset Hearing
11/18/2009 Plaintiff's Motion For Summary Judgment and Notice of Hearing

11/18/2009 Hearing Scheduled (Motion for Summary Judgment
01/08/2010 02:00 PM) Plaintiffs

11/18/2009 Affidavit of Deanne M. Chaffin

11/18/2009 Affidavit of Jerry A. Kiser

11/30/2009 Plaintiffs Brief in Opposition to Defendants' Motion for
Summary Judgment

11/30/2009 Affidavit of Authenticity

11/30/2009 Affidavit of Christian Petrich

11/30/2009 Affidavit of Steve Loomis

11/30/2009 Affidavit of Elliot Scott

11/30/2009 Notice Of Hearing

12/04/2009 Defendants Timothy and Jennifer Swensons' Reply
Memorandum in Support of Motion for Summary
Judgment

12/11/2009 Order Vacating and Resetting Hearing

12/11/2009 Hearing Scheduled (Court Trial 07/14/2010 09:00 AM)
4-day court day

12/14/2009 Certificate Of Service

12/14/2009 Brief in Support of Plaintiffs Motion for Summary
Judgment

12/14/2009 Affidavit of Authenticity

12/14/2009 Affidavit of Steve Loomis in Support of Motion for
Summary Judgment

12/14/2009 Affidavit of Susan Holland in Support of Motion for
Summary Judgment

12/14/2009 Affidavit of Christian Petrich in Support of Motion for
Summary Judgment

12/14/2009 Affidavit of Terry Scanlan

12/14/2009 Affidavit of John Rennison

12/14/2009 Affidavit of Brian L. McMahan

12/17/2009 Hearing result for Motion for Summary Judgment held
on 12/11/2009 02:30 PM: Hearing Vacated And
Plaintiffs Motion to Vacate and Reset Hearing

12/24/2009 Defendants Timothy and Jennifer Swensons'
Memorandum in Opposition to Plaintiffs Motion for
Summary Judgment

12/24/2009 Affidavit of Jennifer Swenson in Opposition to Plaintiffs
Motion for Summary Judgment

12/24/2009 Affidavit of Timothy S. Swenson in Opposition to
Plaintiffs Motion for Summary Judgment

01/04/2010 Plaintiffs Reply to Defendants' Memorandum in
Opposition to Motion for Summary Judgment

01/27/2010 Hearing result for Motion for Summary Judgment held
on 01/08/2010 02:00 PM: Interim Hearing Held
Plaintiffs

03/17/2010 Notice of Service to Discovery Requests

03/18/2010 Memorandum Decision and Order--Motions for
Summary Judgment Denied

04/07/2010 Notice Of Service Of Discovery Responses

04/14/2010 Notice of Compliance

04/21/2010 Defendants', Timothy S. Swenson and Jennifer
Swenson, Answer to Plaintiffs Amended Complaint
and Counterclaim

04/23/2010 Plaintiffs Motion to Reconsider Memorandum Decision
and Order of March 18, 2010 and Notice of Hearing

04/23/2010 Memorandum in Support of Plaintiffs Motion to
Reconsider Memorandum Decision and Order of March

18, 2010

04/23/2010 Hearing Scheduled (Motion 05/13/2010 02:30 PM)
Plaintiff's Motion to Reconsider

04/27/2010 Notice Of Hearing

04/27/2010 Affidavit of David W. Lloyd in Support of Motion in
Limine Re: Written Purchase Agreement
Defendants Timothy and Jennifer Swensons'

04/27/2010 Memorandum of Law in Support of Motion in Limine
Re: Written Purchase Agreement

04/28/2010 Plaintiff's Motion in Limine and Notice of Hearing

04/28/2010 Memorandum in Support of Plaintiff's Motion in Limine

04/28/2010 Affidavit of Jerry A. Kiser in Support of Plaintiff's Motion
in Limine

05/05/2010 Amended Notice Of Hearing on Defendant's Motion in
Limine

05/05/2010 Hearing Scheduled (Motion in Limine 06/10/2010 02:30
PM) Defendant's

05/06/2010 Defendants Timothy and Jennifer Swensons'
Opposition To Plaintiff's Motion in Limine
Defendants Timothy and Jennifer Swensons'

05/06/2010 Opposition To Plaintiff's Motion to Reconsider
Memorandum Decision and Order of March 18, 2010

05/11/2010 Plaintiff's Memorandum in Opposition to Defendants'
Motion in Limine Re: Written Purchase Agreement

05/11/2010 Plaintiff's Reply to Defendants' Opposition to Plaintiff's
Motion to Reconsider

05/11/2010 Plaintiff's Reply to Defendants' Opposition to Plaintiff's
Motion in Limine

Hearing result for Motion held on 05/13/2010 02:30
PM: Interim Hearing Held Plaintiff's Motion to
Reconsider and Motion in Limine

05/17/2010 Acknowledgement Of Service--Scott Elliot

05/17/2010 Acknowledgement Of Service--Christian Petrich

05/17/2010 Acknowledgement Of Service--Terry Scanlan

05/17/2010 Acknowledgement Of Service--Brian McMahan

05/17/2010 Acknowledgement Of Service--Don Rumsey

05/19/2010 Notice Of Service of Discovery Requests
Defendants Timothy and Jennifer Swensons' Motion in
Limine Re: Doctrine of Merger and Rules of Contract
Interpretation

05/25/2010 Defendants Timothy and Jennifer Swensons'
Memorandum of Law in Support of Motion in Limine
Re: Doctrine of Merger and Rules of Contract
Interpretation

05/25/2010 Affidavit of David W. Lloyd in Support of Motion in
Limine Re: Doctrine of Merger and Rules of Contract
Interpretation

05/25/2010 Notice Of Hearing

05/25/2010 Notice Of Withdrawal of Defendants' Motion in Limine
Re: Written Purchase Agreement and of Vacating
Hearing

05/25/2010 Hearing result for Motion in Limine held on 06/10/2010
02:30 PM: Hearing Vacated Defendant's (Per David
Lloyd)

05/25/2010 Hearing Scheduled (Motion in Limine 06/10/2010 01:30
PM) Defendant's Re: Doctrine of Merger and Rules of
Contract Interpretation

05/26/2010 Amended Notice Of Hearing

05/27/2010 Mailed Disc of 5/13 hearing to Jerry Kiser
05/27/2010 Defendants Timothy and Jennifer Swensons' Motion in
Limine Re: Evidence of Subjective, Undisclosed Intent
Defendants Timothy and Jennifer Swensons'
05/27/2010 Memorandum of Law in Support of Motion in Limine
Re: Evidence of Subjective, Undisclosed Intent
Amended Notice Of Hearing on Defendants Motion in
Limine Re: Doctrine of Merger and Rules of Contract
05/27/2010 Interpretation and Notice of Hearing on Defendants'
Motion in Limine Re: Evidence of Subjective,
Undisclosed Intent
06/01/2010 Notice of Compliance
06/03/2010 Hearing Scheduled (Status 06/03/2010 03:00 PM)
Plaintiff's Memorandum in Opposition to Defendants'
06/03/2010 Motion in Limine Re: Evidence of Subjective,
Undisclosed Intent
06/03/2010 Affidavit of Authenticity
Plaintiff's Memorandum in Opposition to Defendants'
06/03/2010 Motion in Limine Re: Doctrine of Merger and Rules of
Contract Interpretation
06/15/2010 Plaintiff's Motion to Bifurcate Trial and Notice of
Hearing
06/15/2010 Motion to Reduce Time Required for Notice of Hearing
06/15/2010 Hearing Scheduled (Motion 06/23/2010 09:00 AM) To
Bifurcate Trial
06/17/2010 Notice of Non-Opposition to Plaintiff's Motion to
Bifurcate Trial
06/22/2010 Defendants Timothy and Jennifer Swensons' Exhibit
and Witness List
06/23/2010 Plaintiff's Witness List
06/23/2010 Plaintiff's Exhibit List
07/06/2010 Stipulation Re: Exhibits
07/12/2010 Defendants/Counter-Claimants' Pre-Trial Brief
07/12/2010 Plaintiff's Pre-Trial Memorandum
08/09/2010 Order Re: Submission of Parties' Written Closing
Arguments
08/25/2010 Defendants/Counter-Claimants' Closing Argument
08/25/2010 Affidavit of David W. Lloyd in Support of Closing
Argument
08/25/2010 Plaintiff's Closing Argument Brief
09/14/2010 Motion for Sanctions and Notice Of Hearing
09/14/2010 Affidavit of Jerry A. Kiser in Support of Sanctions
09/14/2010 Memorandum in Support of Motion for Sanctions
09/15/2010 Hearing result for Status held on 06/03/2010 03:00 PM:
Interim Hearing Held
09/15/2010 Hearing result for Motion held on 06/23/2010 09:00
AM: Interim Hearing Held To Bifurcate Trial
09/15/2010 Hearing result for Court Trial held on 07/14/2010 09:00
AM: Case Taken Under Advisement 4-day court day
09/15/2010 Hearing Scheduled (Motion 11/10/2010 02:00 PM) for
Sanctions

Connection: Public