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Attorneys for Trustee

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In Re: ) Case No. 03-21652  
)  
GERALD and ONA LINDSEY, et al., )  
) MOTION TO SHORTEN TIME ON  
) TRUSTEE'S MOTION TO DISMISS  
Debtors. ) OR VACATE NEVAK MINING,  
) LTD.'S MOTION TO SET ASIDE  
ORDER APPROVING COMPROMISE

COMES NOW Plaintiff, Ford Elsaesser, Chapter 7 Trustee, by and through undersigned counsel, ELSAESSER JARZABEK ANDERSON MARKS ELLIOTT & MCHUGH, CHTD., and moves the Court for an order shortening time pursuant to Bankruptcy Rule 9006 for an order shortening time for a notice to present the Trustee's Motion to Dismiss or Vacate Nevak Mining, Ltd.'s Motion to Set Aside Order Approving Compromise. The Trustee waited to see if Nevak Mining, Ltd., would file documents in support of its motion, but it has not. Therefore, shortened notice is necessary in order to have the motion dismissed, or the hearing on the motion scheduled for October 20, 2004, to be vacated.

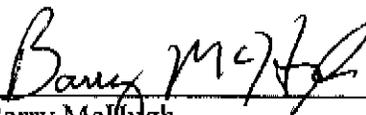
MOTION TO SHORTEN TIME ON TRUSTEE'S MOTION TO DISMISS OR VACATE  
NEVAK MINING, LTD.'S MOTION TO SET ASIDE ORDER APPROVING  
COMPROMISE - 1

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WHEREFORE, IT IS PRAYED the Court issue an order shortening time for hearing on Trustee's Motion to Dismiss or Vacate Nevak Mining, Ltd.'s Motion to Set Aside Order Approving Compromise on Wednesday, October 20, 2004 at 10:00 a.m., Pacific Time, or as soon thereafter as is possible.

DATED this 15<sup>th</sup> day of October, 2004.

ELSAESSER JARZABEK ANDERSON  
MARKS ELLIOTT & McHUGH, CHTD.

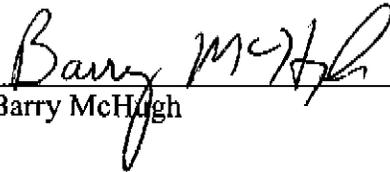
  
\_\_\_\_\_  
Barry McHugh  
Attorney for Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of October, 2004, a true and correct copy of the foregoing MOTION TO SHORTEN TIME ON TRUSTEE'S MOTION TO DISMISS OR VACATE NEVAK MINING, LTD.'S MOTION TO SET ASIDE ORDER APPROVING COMPROMISE was served upon the following via first class U.S. Mail, postage prepaid:

Ford Elsaesser Chapter 7 Trustee P.O. Box 2220 Sandpoint, ID 83864	U.S. Trustee MK Central Plaza 720 Park Blvd., Suite 220 Boise, ID 83712
Michael Ioane C/O 801 Woodside Road, Ste. 14-404 Redwood City, CA 94061	Brit D. Groom Attorney at Law P.O. Box 227 Cottonwood, ID 83522
Dru Guthrie Attorney at Law P.O. Box 50616 Idaho Falls, ID 83405	Danny Radakovich Attorney at Law 1624 G Street Lewiston, ID 83501
Glen Halliday C/O 801 Woodside Road, Ste. 14-404 Redwood City, CA 94061	Steven B. McCrea Attorney at Law P.O. Box 1501 Coeur d'Alene, ID 83816
Sheila R. Schwager Attorney at Law Hawley Troxell P.O. Box 1617 Boise, ID 83701-1617	Warren Derbidge US Attorney's Office 800 Park Boulevard, Suite 600 Boise, ID 83712
H. James Magnuson Attorney at Law PO Box 2288 1250 Northwood Center Court Coeur d'Alene, Idaho 83814	Clinton Jim Henderson Attorney at Law 604 Sixth Street Clarkston, WA 99403
Peter J. Cabbiness Attorney at Law 2440 West Shaw Avenue, Suite 114 Fresno, CA 93711	Jennifer D. Auchterlonic US Department of Justice P.O. Box 683 Ben Franklin Station Washington, DC 20044-0683

Edwin L. Litteneker Attorney at Law PO Box 321 322 Main Street Lewiston, ID 83501	
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Barry McHugh