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U.S. DISTRICT COURT
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Michael O. Roe, ISB No. 4490
Jason G. Murray, ISB No. 6172
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
mor@moffatt.com
jgm@moffatt.com
19-111.20

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RECUPEROS, LLC, an Idaho limited liability
company,

Plaintiff,

vs.

AMERICAN FOOD STORES, LLC, a
California limited liability company,

Defendant.

Civil No. 04-229-S-BLW

**MOTION FOR PRELIMINARY
INJUNCTION AND EXPUNGEMENT
OF LIS PENDENS**

COMES NOW the plaintiff, Recuperos, LLC, by and through the undersigned counsel of record, and hereby move this Court for a preliminary injunction ordering defendant American Food Stores, LLC to remove the lis pendens recorded against certain real property owned by the plaintiff and for an Order expunging such lis pendens.

**MOTION FOR PRELIMINARY INJUNCTION AND
EXPUNGEMENT OF LIS PENDENS- 1**

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This motion is based on the record, the Memorandum in Support of Motion for Preliminary Injunction and Expungement of Lis Pendens and the affidavits of Brian Nacve and Jason G. Murray, each filed contemporaneously herewith.

DATED this 18th day of June, 2004.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By



Michael O. Roe - Of the Firm
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

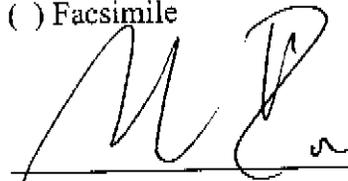
I HEREBY CERTIFY that on this 18th day of June, 2004, I caused a true and correct copy of the foregoing **MOTION FOR PRELIMINARY INJUNCTION AND EXPUNGEMENT OF LIS PENDENS** to be served by the method indicated below, and addressed to the following:

Robert L. Chortek
BERLINER COHEN
10 Almaden Boulevard, 11th Floor
San Jose, CA 95113-2233
Fax: (408) 998-5388

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Wade Curtis
2611 Stoney Fork Way
Boise, ID 83706
Fax: (208) 345-4461

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



Michael O. Roc