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REC'D _____
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Attorneys for Plaintiff/Counterdefendant Recuperos, LLC

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.

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

Counterclaimant,

vs.

RECUPEROS, LLC, an Idaho limited liability
company,

Counterdefendant.

Civil No. 04-229-S-BLW

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT RE:
SPECIFIC PERFORMANCE**

**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT
RE: SPECIFIC PERFORMANCE - 1**

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COMES NOW the plaintiff/counterdefendant, Recuperos, LLC, by and through its undersigned counsel of record, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves this Court for an order granting partial summary judgment in its favor and against defendant with respect to the defendant's claim and/or prayer for specific performance, as set forth in the Answer to Verified Complaint, Counterclaim and Demand for Jury Trial, filed on or about July 12, 2004.

This motion is supported by the Memorandum in Support of Plaintiff's Motion for Partial Summary Judgment Re: Specific Performance, the Plaintiff's Statement of Undisputed Facts, and the Second Affidavit of Brian Naeve, each filed concurrently herewith. Such motion is further supported by the Affidavit of Jason G. Murray and the (First) Affidavit of Brian Naeve, previously filed with the Court.

DATED this 11 day of August, 2004.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Michael O. Roe - Of the Firm
Attorneys for Plaintiff/Counterdefendant
Recuperos, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of August, 2004, I caused a true and correct copy of the foregoing **PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE: SPECIFIC PERFORMANCE** to be served by the method indicated below, and addressed to the following:

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