



This motion is supported by the Affidavit of Counsel.

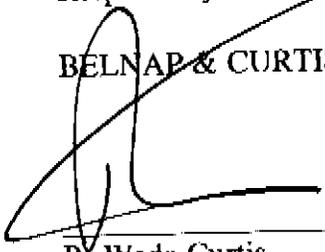
Counsel for the Plaintiff opposes this motion because of some Lis Pendens which were filed by Manjit Sahota on behalf of the Defendant. Manjit Sahota acted without the knowledge of this law firm and apparently on the legal advice of an attorney in Colorado. If the Lis Pendens did have an adverse effect on actions being taken by Plaintiff with regard to the underlying stores in Colorado, the Plaintiff has stated that it will seek to file an Amended Complaint and assert additional causes of action. If the Lis Pendens had no effect on the pending sale of the stores, Plaintiff is in possession of the subject funds and is not prejudiced by any additional delay in this case in filing an Answer and/or Counterclaim.

Defendant requests oral argument.

DATED this <sup>2</sup>16 day of June, 2004.

Respectfully submitted,

~~BELNAP & CURTIS, PLLC~~

  
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R. Wade Curtis  
Attorney for Defendant

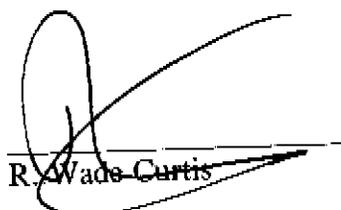
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 16<sup>th</sup> day of June, 2004, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

- MAILED
- FAXED -- 385-5384
- HAND DELIVERED
- OVERNIGHT DELIVERY

Attorney(s) and/or Individual(s) Served:

Michael O. Roe  
Post Office Box 829  
Boise, Idaho 83701

  
R. Wade Curtis