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U.S. DISTRICT COURT
U.S. DISTRICT COURT
DISTRICT OF IDAHO

AUG 23 2004

LONGER

Attorneys for Defendant Leasecomm Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

CHUCK WEDDE, dba POCATELLO CAB)
COMPANY)
)
Plaintiff,)
)
v.)
)
LEASECOMM CORPORATION and)
LOGANBERRY MERCHANT SERVICE,)
)
Defendants.)
)
)

Case No. CIV 03-505-E-BLW
**DEFENDANT LEASECOMM'S
RESPONSE TO PLAINTIFF'S
"MOTION TO ENLARGE TIME TO
RESPOND TO MOTION FOR
SUMMARY JUDGMENT"** (Docket
No. 19), FILED AUGUST 2, 2004

Comes now Defendant Leasecomm and timely responds to Plaintiff's Motion to Enlarge Time to Respond to Defendant Leasecomm's Motion for Summary Judgment. As set forth below, Defendant Leasecomm does not oppose a reasonable extension, but cannot file a notice of non-opposition because it is not clear how much of an extension Plaintiff's counsel seeks.

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Plaintiff filed the motion to extend time for his opposition briefing on August 2, 2004. However, the Motion did not set forth how much additional time Plaintiff was requesting, and there was also no proposed order provided.

Therefore, on August 11, 2004 a letter was sent to Plaintiff's counsel requesting clarification. The letter (which is attached hereto as Exhibit A) provided as follows:

I am in receipt of your July 30, 2004 motion to enlarge time to respond to Defendant Leasecomm's Motion for Summary Judgment.

I am writing to seek clarification before filing a response.

I cannot at this time consider filing a non-opposition under D. Id. L. Civ. R. 7.1 (a) (5), because your motion for enlargement does not indicate how much additional time you seek to complete your opposition briefing.

This is an issue for several reasons, including the fact that it appears the summary judgment hearing will need to be reset.

According to my computation, as the schedule currently stands, your response to the Motion for Summary Judgment is due on August 16, 2004. If such response were timely filed and served by mail, Leasecomm's reply briefing would be due on August 30, 2004 -- in preparation for the hearing on September 2, 2004.

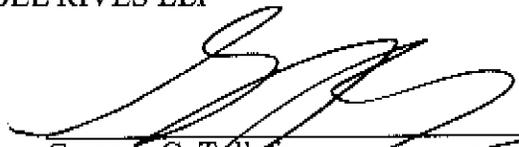
Please let me know what you propose in terms of a new briefing schedule, and then, based on that proposed schedule, what days Judge Winnill has available for a hearing.

As of today's date, Defense counsel has received no response from Plaintiff's counsel.

Defendant Leasecomm certainly does not oppose a reasonable extension of time for opposition briefing, but Defendant will require additional time for its reply papers, as well as setting a new summary judgment hearing which fits with the Court's schedule and the schedules of both counsel.

DATED this 23rd day of August, 2004.

STOEL RIVES LLP

By: 

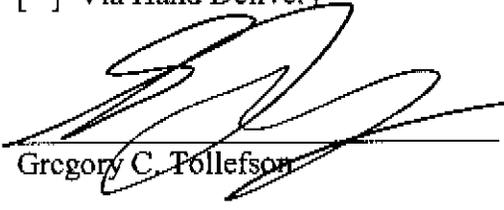
Gregory C. Tollefson
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 2004, I caused to be served the foregoing **DEFENDANT LEASECOMM'S RESPONSE TO PLAINTIFF'S "MOTION TO ENLARGE TIME TO RESPOND TO MOTION FOR SUMMARY JUDGMENT"** (Docket No. 19), FILED AUGUST 2, 2004 upon the following in the manner indicated:

Curtis N. Holmes
ATTORNEY AT LAW
845 W. Center, Suite C-11
Pocatello, Idaho 83204

Via U.S. Mail
 Via Facsimile
 Via Overnight Mail
 Via Hand Delivery

By: 

Gregory C. Tollefson

DEFENDANT LEASECOMM'S RESPONSE TO PLAINTIFF'S "MOTION TO ENLARGE TIME TO RESPOND TO MOTION FOR SUMMARY JUDGMENT" (Docket No. 19), FILED AUGUST 2, 2004 - 3

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GREGORY C. TOLLEFSON
Direct (208) 387-4211
gctollefson@stoel.com

August 11, 2004

VIA FACSIMILE AND U.S. MAIL

Curtis N. Holmes
Attorney at Law
845 West Center, Suite C
P. O. Box 4267
Pocatello, Idaho 83205

Re: Leasecomm

Dear Mr. Holmes:

I am in receipt of your July 30, 2004 motion to enlarge time to respond to Defendant Leasecomm's Motion for Summary Judgment.

I am writing to seek clarification before filing a response.

I cannot at this time consider filing a non-opposition under D. Id. L. Civ. R. 7.1 (a) (5), because your motion for enlargement does not indicate how much additional time you seek to complete your opposition briefing.

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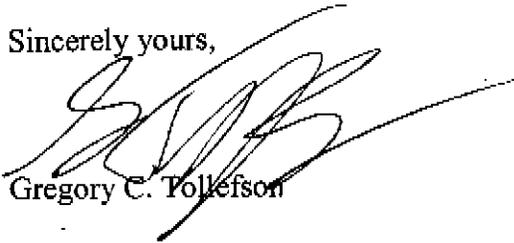
Oregon
Washington
California
Utah
Idaho



August 11, 2004
Page 2

I look forward to hearing from you.

Sincerely yours,



Gregory C. Tollefson

gct

PRINT TIME 08/11 '04 09:00 ID:Stoel Rives LLP

FAX:208 389 9040

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Name:	Fax No.	Company/Firm	Phone No.
TO: Curtis N. Holmes	208-232-8001	Attorney at Law	208-233-9560
Name:	Sender's Direct Dial:	Sender's Direct Email:	
FROM: Gregory C. Tollefson	(208) 387-4211	gctollefson@stoel.com	

Client: Leasecomm	Matter:
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Date: August 11, 2004

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COMMENTS: