

Teresa A. Hill, ISB No. 6175
 Gregory C. Tollefson, ISB No. 5643
 STOEL RIVES LLP
 101 S. Capitol Boulevard, Suite 1900
 Boise, Idaho 83702-5958
 Telephone: (208) 389-9000
 Facsimile: (208) 389-9040
 tahill@stoel.com
 gctollefson@stoel.com

07 JUL 21 PM 4:30
 CLERK CATHY S. BURKE
 IDAHO

Attorneys for Defendant Leasecomm Corporation

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

CHUCK WEDDE, dba POCATELLO CAB COMPANY)	
)	
)	Case No. CIV-03-505-E-BLW
Plaintiff,)	
)	DEFENDANT LEASECOMM
v.)	CORPORATION'S MOTION FOR
)	SUMMARY JUDGMENT
LEASECOMM CORPORATION and)	
LOGANBERRY MERCHANT SERVICE,)	
)	
Defendants.)	
)	

Pursuant to Federal Rule of Civil Procedure 56 and District of Idaho Local Civil Rule 7.1(b)(1), Defendant Leasecomm Corporation, by and through its counsel, hereby moves for summary judgment against Plaintiff Chuck Wedde. Defendant Leasecomm Corporation is timely filing this motion for summary judgment pursuant to the Court's Scheduling Order (Docket No. 9 at 1).

Plaintiff Wedde and all of his claims should be dismissed with prejudice. The undisputed facts demonstrate that Plaintiff's causes of action are all barred by the applicable statutes of limitation and, alternatively, are also barred as a matter of law for other reasons.

**DEFENDANT LEASECOMM CORPORATION'S MOTION FOR SUMMARY
 JUDGMENT - 1**

Boise-171587.1 0051523-00002

ORIGINAL 12

This Motion is supported by the concurrently-filed Memorandum in Support of Leasecomm's Motion for Summary Judgment, Leasecomm's Statement of Material Facts, the Affidavit of Tercsa A. Hill, and the pleadings and record on file in this matter.

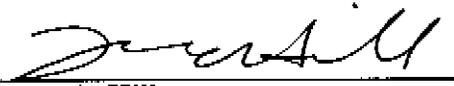
Defendant respectfully requests that Plaintiff's claims be stricken and that his lawsuit be dismissed with prejudice.

As asserted in its Answer (Docket No. 1, at p.4, ¶ 12 and at p.6, ¶ b), following the Court's decision on this summary judgment motion, Defendant Leasecomm respectfully reserves the right to seek attorney's fees as allowed under Idaho Code Section 12-120(3).

DATED this 21st day of July, 2004.

STOEL RIVES LLP

By:


Teresa A. Hill
Attorneys for Defendant Leasecomm
Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of July, 2004, I caused to be served the foregoing **DEFENDANT LEASECOMM CORPORATION'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** 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:



Teresa A. Hill