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Boise, ID 83702-1271  
Idaho State Bar No. 5697

Attorneys for Defendants

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

SHERRY R. HUBER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 IDA-WEST ENERGY COMPANY, and )  
 IDAHO POWER COMPANY, )  
 )  
 Defendants. )

Case No. CIVO 3-527-S-BLW

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

PLEASE TAKE NOTICE that the above-entitled action has been removed by Defendants Ida-West Energy Company and Idaho Power Company to the United States District Court for the District of Idaho on the following grounds:

I.

An action was commenced against Ida-West Energy Company and Idaho Power Company in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, bearing Case No. CV OC 0304234D, entitled *Huber v. Ida-West Energy Company, et. al.* The complaint was filed on June 2, 2003. Defendant Ida-West Energy Company was served on November 19, 2003, and Defendant Idaho Power Company was served on November 24, 2003. Copies of the complaint and summonses served upon Defendants and all pleadings filed with the state court at the time of this removal, together with the state court docket sheet, are attached hereto. No further proceedings have been had thereon.

II.

The above-described action is one which this Court has original jurisdiction under the provisions of Title 28, United States Code, § 1331, and is one which may be removed to this Court by Defendants, pursuant to the provisions of Title 28, United States Code, Section 1441.

III.

The Complaint concerns, *inter alia*, claims for 1) “unlawful discrimination by termination for disability” under the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq*; 2) “unlawful discrimination by constructive discharge in retaliation for complaints of sex discrimination, harassment, and retaliation” under Title VII of the federal Civil Rights Act; 3) “unlawful discrimination by constructive discharge or termination because of age and gender” under Title VII of the federal Civil Rights Act; 4) “unlawful discrimination by unwarranted discipline on account of gender and in retaliation for complaints of sex and age discrimination, harassment, and retaliation” under Title VII of the federal Civil Rights Act; 5) “unlawful discrimination by failure to promote and demotion on account of gender and in retaliation for complaints of sex and age discrimination, harassment, and retaliation” under Title VII of the

federal Civil Rights Act; 6) violations of the federal Equal Pay Act of 1963; and 7) "unlawful discrimination by policy and practices", also under Title VII of the federal Civil Rights Act.

IV.

The action has been removed within thirty (30) days of receipt, through service, of a copy of the Complaint by the Plaintiff, Sherry R. Huber, on Defendant Ida-West Energy Company.

V.

Notice of Removal by the Defendants will be given to the Plaintiff herein, through her counsel of record, and to the Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, which will be filed with the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada; a true and correct copy of the Notice of Filing Notice of Removal is attached hereto and by this reference incorporated herein as if set forth in full.

VI.

The Defendants respectfully request that this Court accept this Notice of Removal and that it assume jurisdiction of this cause and issue such further orders and processes as may be necessary to bring before it all parties necessary for the conclusion thereof.

DATED this 8<sup>th</sup> of December, 2003.

GJORDING & FOUSER, P.L.L.C.

  
\_\_\_\_\_  
TRUDY HANSON FOUSER  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of December, 2003, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

Merrily Munther  
PENLAND MUNTHER GOODRUM, CHARTERED  
The Mallard Building #260  
1161 W. River Street  
P.O. Box 199  
Boise, ID 83701

- U.S. mail, postage prepaid
- express mail
- hand delivery
- facsimile

  
\_\_\_\_\_  
Trudy Hanson Fouser

Merrily Munther (#1908)  
 PENLAND MUNTHER GOODRUM, CHARTERED  
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 Fax (208) 344-9836  
 File No: 5855.00001  
 Attorneys for Plaintiff

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 By J. DAVID NAVARRO Clerk  
 DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
 IN AND FOR THE COUNTY OF ADA**

SHERRY R. HUBER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 IDA-WEST ENERGY COMPANY, and )  
 IDAHO POWER COMPANY, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

**CV 00 03042340**  
 Case No: \_\_\_\_\_

**COMPLAINT AND  
 DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, by and through her undersigned counsel, and for claims and causes of action against the Defendants, alleges, avers and states as follows:

**JURISDICTION, VENUE AND PARTIES**

1. This is an action for damages and for equitable relief from unlawful employment discrimination under the Idaho Human Rights Act, Sections 67-5901 et seq., as amended, Idaho Code sections 44-1701, et seq., Title VII of the Civil Rights Act, 42 United States Code sections

*N*

2000e et seq., as amended, the Equal Pay Act of 1963, 29 U.S.C. sections 201 et seq., the Age Discrimination in Employment Act of 1967, 42 United States Code sections 621 et seq., as amended, and the Americans with Disabilities Act, 42 United States Code sections 12101 et seq., as amended.

2. This Court has jurisdiction pursuant to Idaho Code section 67-5908 and other pertinent provisions of state and federal law.

3. Venue is proper in Idaho in that the principal conduct which gives rise to this action occurred in Ada County and the place of business of the Defendants is in Ada County, Idaho.

4. Sherry R. Huber ("Huber") is, and at all times pertinent hereto, was a citizen and resident of the State of Idaho, residing in Ada County, Idaho.

5. Defendant Ida-West Energy Company ("IWE") is, and at all times pertinent hereto was, an Idaho corporation authorized to do business in the State of Idaho with its principal offices in Boise, Idaho.

6. Defendant Idaho Power Company ("Idaho Power") is, and at all times pertinent hereto was, an Idaho corporation authorized to do business in the State of Idaho with its principal offices in Boise, Idaho.

7. All acts, omissions and conduct of the employees and agents of IWE and Idaho Power are imputed to and are the legal responsibility of such Defendants by virtue of the principles of agency, the doctrine of respondeat superior, and the laws of the state of Idaho and the United States authorizing the imputation of such responsibility.

### FACTUAL STATEMENT

8. IWE is, and at all times pertinent hereto has been engaged in the business of developing, constructing and operating energy producing facilities and marketing and selling power produced by those facilities throughout the United States. IWE is a wholly owned subsidiary of IdaCorp, an Idaho corporation, which is a holding company.

9. Idaho Power is, and at all times pertinent hereto, has been engaged in buying and selling power within and outside the state of Idaho. Idaho Power also is a wholly owned subsidiary of IdaCorp.

10. In 1990, Huber was recruited to work for IWE from Sithe Energies where she had worked in hydropower operations for six years. At IWE she was responsible for developing and maintaining the hydro operations staff and procedures and was Manager of Hydro Operations for IWE and Vice President of Ida-West Operating Services, Inc. ("IWOS"), at the time of her termination.

11. Huber reported to Kip Runyan, President of IWE, for approximately six years, and subsequently to Randy Hill ("Hill"), President of IWE, for two years until Hill promoted Huber's peer, Blaine Graff, to a new position of Director of Engineering, Operations and Hydro Compliance, to whom she reported until she was terminated.

12. In or about August 1998, Huber and her husband Henry Huber, an officer of IWE, reported to Vice President of Idaho Power, the Chairman of the Board of Idaho Power, and General Counsel for Idaho Power, a complaint related to them by an employee of IWE of unlawful sexual harassment of the employee's wife by Hill, including the e-mailing to the

employee's home of sexually explicit material, including a talking penis, a masturbating santa claus, a big breasted woman and a file of sodomy pictures.

13. Almost immediately after the incident was reported, Hill changed his treatment of Huber and her husband, shunning them, making snide remarks, and providing them no positive feedback, exactly the reverse of his treatment of them before the incident was reported.

14. Approximately one year later Hill seized on a complaint from one of Huber's subordinates, Ed Hillary (an employee who had worked for IWE for six months), about her management style to admonish her, in which other employees joined at the behest of Hill. When all but one of the employees tried to tell Hill that the response of Hill and Gray to the complaint was disproportionate and that Huber had promptly improved her manner of speaking and giving direction such that they had no further complaints about Huber, Hill continued to criticize Huber's management style, refused to give her any support, and encouraged the remaining employee, David Gray ("Gray"), to bring his complaints about Huber directly to Hill, thereby undermining her ability to supervise Gray. Hill never spoke to Huber about these complaints or gave her an opportunity to respond.

15. In January 2000, Huber complained to Jan Packwood, the President of Idaho Power, that she felt she was being retaliated against by Hill and feared for her future with IWE. She requested an investigation, but Packwood did not undertake an investigation or respond to her complaints about Hill. Packwood is and at all times pertinent was also a member of the Board of Directors of IWE.

16. In or about February 2000, Hill created a new position of Director of Engineering, Operations and Hydro Compliance and selected Huber's peer, Blaine Graff, to fill the position

without considering Huber for the position. Thereafter Huber reported to Graff and did all she could to support him in that position, even though she felt she should have at least been considered for the position for which she was equally or better qualified.

17. On February 29, 2000, Huber filed her first complaint of unlawful discrimination with the Idaho Human Rights Commission and the Equal Employment Opportunity Commission.

18. In May 2000, Gray filed a written complaint against Huber with Hill, who suspended Huber pending an investigation of the complaint.

19. Later that month, Hill prepared and delivered to Huber a "Special Performance Review," criticizing her management style and declaring her to be incompetent.

20. At or about the same time, Huber was diagnosed with breast cancer and was forced to take leave from her position and to apply for short term disability benefits pursuant to the policies of IWE.

21. At the expiration of those benefits, Huber was continuing her treatments and applied for long term disability benefits pursuant to the policies of IWE.

22. Upon application for those benefits, Huber was summarily terminated pursuant to policies of IWE requiring such termination. No individualized determination was done regarding her ability to work or IWE's ability to accommodate her until she was able to return to work fulltime.

23. Huber offered to return to work parttime while her treatments continued but was refused.

24. IWE refused to allow Huber to return to work unless she agreed to the Special Performance Review despite the fact that it contained false and scurrilous accusations against Huber.

25. On or about December 28, 2000, Huber filed her second charge of discrimination with the Idaho Human Rights Commission and the Equal Employment Opportunity Commission.

26. Throughout her employment with IWE and on account of her sex, female, Huber was paid less compensation for her services than her male peers, despite doing comparable work and having more responsibility.

27. The practices of Defendants as stated herein were done with malice or with reckless indifference to the protected rights of Huber.

#### **INCORPORATION**

28. All of the statements, averments and allegations of paragraphs 1 through 27 above, are incorporated as if set forth in full in each of the claims and causes of action hereafter stated, and all statements, averments and allegations of paragraphs 65 through 75 below, are incorporated into each and every Count hereafter stated.

#### **FIRST CAUSE OF ACTION**

(Unlawful Discrimination by Termination for Disability)

29. In 2000 Huber was suffering from a disability, breast cancer, within the meaning of the Idaho Human Rights Act, Idaho Code sections 67-5901 et seq., and the Americans with Disabilities Act, 42 U.S.C. sections 12101, et seq.

30. Huber was terminated unlawfully by IWE on account of her disability, breast cancer, when IWE applied the policy requiring that she be terminated when she applied for long term disability benefits, without an individualized determination of her ability to work with or without accommodation.

31. Huber's termination was motivated by her disability, breast cancer, in violation of the Idaho Human Rights Act and the Americans with Disabilities Act.

### **SECOND CAUSE OF ACTION**

(Unlawful Discrimination by Constructive Discharge in Retaliation for Complaints of Sex Discrimination, Harassment and Retaliation)

32. Huber hereby incorporates, as if set forth below, each of the statements, allegations and averments contained in the First Cause of Action, above.

33. In or about May 2000, Hill prepared a "Special Performance Review" criticizing Huber for her management style based on the complaints of Gray which were not related to her and to which she was given no opportunity to respond, and declaring Huber to be incompetent in her position.

34. The accusations by Hill in this Review were untrue and scurrilous, and the Review required that Huber agree with the accusations as a condition of continuing work for IWE.

35. On or about October 9, 2000, Huber offered to return to work parttime and to discuss the Special Performance Review with Hill upon her return.

36. On or about October 11, 2000, Hill informed Huber that she could not return to work unless she agreed unconditionally to the Special Performance Review.

37. By requiring that Huber agree unconditionally to false and scurrilous accusations and admit to her alleged incompetence, Hill constructively discharged Huber from her employment in retaliation for her prior involvement in the investigation of Hill's unlawful sexual harassment and her complaints of discrimination and retaliation made to Jan Packwood of Idaho Power, and written complaints filed with the Idaho Human Rights Commission and the Equal Employment Opportunity Commission.

38. Huber's constructive discharge from IWE in retaliation for her involvement in investigation of discrimination charges and for her complaints of discrimination is a violation of the Idaho Human Rights Act and Title VII of the Civil Rights Act of 1964, as amended.

### **THIRD CAUSE OF ACTION**

(Unlawful Discrimination by Constructive Discharge or Termination  
because of Age and Gender)

39. Huber hereby incorporates, as if set forth below, each of the statements, allegations and averments contained in the First and Second Cause of Action, above.

40. Huber was 57 years old at the time of her termination from employment with IWE and the only female person in management. Her replacement was approximately ten years younger.

41. In 2000 and 2001 there were five officers of IWE, three of whom were 55 years of age or older and two in their forties. By October 2001 all three of the officers who were 55

years of age or older were no longer employed by IWE, and age was a factor in Huber's termination.

42. In 2000 and 2001, Hill asked Huber and her husband several times when they were going to retire, and announced to the employees of IWE that they would be retiring "soon", reflecting Hill's age animus and undermining their ability to supervise employees effectively.

43. Age was a factor in the decision to terminate Huber, and her termination therefore violated the Idaho Human Rights Act and the Age Discrimination in Employment Act, and the conduct of IWE in reference thereto was willful. Gender was also a factor in the decision to terminate insofar as her discharge was based on her management style, and therefore violated the Idaho Human Rights Act and Title VII of the Civil Rights Act of 1964, as amended.

#### **FOURTH CAUSE OF ACTION**

(Unlawful Discrimination by Unwarranted Discipline on Account of Her Gender and in Retaliation for Complaints of Sex and Age Discrimination, Harassment and Retaliation)

44. Huber hereby incorporates, as if set forth below, each of the statements, allegations and averments contained in the First, Second and Third Causes of Action, above.

45. The Special Performance Review issued by Hill was extremely critical of Huber's management style even though only one subordinate of Huber, David Gray, had any complaints about Huber at the time the Review was prepared.

46. Hill actively encouraged complaints by Gray about Huber to be brought to him, not to Huber or to Graff, and never discussed these complaints with Huber or gave her an opportunity to respond. The Special Performance Review is based in large part on these complaints by Gray.

47. Huber tried to talk to Hill, and later to Graff, about the difficulties she had supervising Gray because of the encouragement that Gray's complaints be made to Hill directly and because of the lack of support for Huber from Hill in reference to requiring Gray to work out his problems with Huber. She received no response or assistance.

48. In the Review, Hill declared Huber to be incompetent in several aspects of her position as Director of Hydro Operations without ever having discussed these accusations with her or giving her an opportunity to respond. The declaration and accusations were untrue and scurrilous.

49. The Review, and its contents, were prompted by Huber's having participated in an investigation of sexual harassment charges against Hill and having complained of discrimination, harassment and retaliation by Hill to Packwood, to the Idaho Human Rights Commission and to the Equal Employment Opportunity Commission.

50. The unwarranted disciplinary action violated the Idaho Human Rights Act and Title VII of the Civil Rights Act of 1964, as amended.

#### **FIFTH CAUSE OF ACTION**

(Unlawful Discrimination by Failure to Promote and Demotion on account of Gender and in Retaliation for Complaints of Sex and Age Discrimination, Harassment and Retaliation)

51. Huber hereby incorporates, as if set forth below, each of the statements, allegations and averments contained in the First, Second, Third and Fourth Causes of Action, above.

52. In or about February 2001 Hill promoted Blaine Graff, a male, to a new position, as Director of Engineering, Operations and Hydro Compliance, without consideration of Huber, a female, who was equally or better qualified for the position than Graff.

53. Following the creation of that position, Huber no longer reported to Hill as she had previously, but instead reported to Graff, and was no longer allowed to make decisions regarding titles and compensation for employees who reported to her, without Graff's approval.

54. By creating the new position to oversee Huber, she was effectively demoted in her position at IWE.

55. Hill's failure to consider Huber for the new position, and the demotion which was thereby effected, were prompted by Huber's gender and by her having participated in an investigation of sexual harassment charges against Hill and having complained of discrimination, harassment and retaliation by Hill to Packwood, to the Idaho Human Rights Commission and to the Equal Employment Opportunity Commission.

56. Hill's, and thus IWE's, failure to consider Huber for promotion, and her demotion as a result of the promotion of Graff, violated the Idaho Human Rights Act and Title VII of the Civil Rights Act of 1964, as amended.

#### **SIXTH CAUSE OF ACTION**

##### **(Equal Pay)**

57. Huber hereby incorporates, as if set forth in full below, each of the allegations contained in the First, Second, Third, Fourth and Fifth Causes of Action, above.

58. Throughout her employment with IWE, Huber was paid less than her counterpart employees having comparable or less responsibility than Huber.

59. Failure to pay Huber comparable pay for work of comparable worth is a violation of the Idaho Human Rights Act, Idaho Code sections 44-1701, et seq., Title VII of the Civil Rights Act of 1964 as amended, and the Equal Pay Act of 1963, as amended.

**SEVENTH CAUSE OF ACTION**

(Unlawful Discrimination by Policy and Practices)

60. Huber hereby incorporates, as if set forth below, each of the statements, allegations and averments contained in the First, Second, Third, Fourth and Fifth Causes of Action, above.

61. IWE policies, copied from Idaho Power Company, required termination of Huber because she applied for long term disability benefits without an individualized determination of her disability and her capability of working with or without accommodation.

62. There being no policy or procedure in place for employees to complain about unlawful acts of the President of IWE, Huber took her complaints of discrimination, harassment and retaliation to Jan Packwood, president of Idaho Power Company and a member of the board of IWE.

63. Packwood promised to undertake an investigation of her complaints regarding Hill but failed to do so and never responded to Huber.

64. The policies and procedures of IWE and Idaho Power Company are inadequate to address violations of employment discrimination and are thus themselves violative of the Idaho Human Rights Act, Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act.

**EQUITABLE RELIEF, DAMAGES, COSTS AND FEES**

65. By reason of the causes of action stated herein, Huber is entitled to make whole remedies, including back pay from the date of her termination until the date of judgment, on

account of the unlawful discrimination against her. Such back pay shall include without limitation her salary, bonuses, contributions to IWE's retirement and profit sharing plans, and the cost of health care coverage and/or medical expense reimbursement equivalent to what she would have received if she had remained employed.

66. By reason of the causes of action stated herein, Huber is further entitled to reinstatement to her former position or, alternatively, front pay until such time as she can be expected to achieve a comparable position. Such front pay shall include without limitation her salary, bonuses, contributions to IWE's retirement and profit sharing plans, and the cost of health care coverage and/or medical expense reimbursement equivalent to what she would have received if she had remained employed.

67. By reason of the causes of action stated herein, Huber is entitled to additional compensation for the period of time she was paid less because of her sex while she was employed doing work of comparable worth to her male peers, and because the action of IWE was willful, an equal amount as liquidated damages.

68. By reason of the aforesaid causes of action, Huber is entitled to recover compensatory and punitive damages under 42 United States Code section 1981a, of not less than \$50,000.00 nor more than \$300,000.00.

69. By reason of the aforesaid causes of action under the Age Discrimination in Employment Act, Huber is entitled to an amount as liquidated damages equal to the amount of damages determined to be owed to her pursuant to that Act.

70. By reason of the aforesaid causes of action under the Idaho Human Rights Act, Huber is entitled to recover punitive damages of \$1,000.00 for each act of unlawful discrimination under the Idaho Human Rights Act.

71. By reason of the aforesaid causes of action, if Huber is ordered to be reinstated, she is entitled to be promoted to the position of Director of Engineering, Operations and Hydro Compliance at IWE, with adjustments in pay for the period she should have been so employed.

72. By reason of the aforesaid causes of action, Huber has incurred and will in the future incur damages and losses, economic and noneconomic, direct, incidental and consequential, in the minimum amount prayed for below and as will be proved at trial.

73. By reason of the aforesaid causes of action, Huber has been required to retain legal counsel to protect and prosecute her interests, and has incurred and will in the future incur attendant costs and attorney fees which Huber is entitled to recover by law pursuant to and including, but not limited to Rule 54, Idaho Rules of Civil Procedure, Idaho Code sections 12-120 and 12-121, 29 United States Code section 216(b), and 42 United States Code sections 12117(b), 12205 and 2000e-5(k).

74. The conduct of the Defendants, alleged herein, was gross, reckless, oppressive, wanton, willful, intentional, malicious and/or outrageous, in extreme deviation from acceptable standards and with knowledge or reckless disregard of the consequences, warranting an award of exemplary and punitive damages on those causes where allowed by federal or state law. On her state law claims, Huber will seek leave to amend this Complaint during the course of this litigation, pursuant to Idaho Code Section 6-1604, to add a prayer for such damages.

75. For the conduct alleged in the aforesaid causes of action, Defendants are and shall be jointly and severally liable.

WHEREFORE, Huber prays for damages and equitable relief against the Defendants, jointly and severally, as follows:

1. Back pay from the date of her termination to the date of judgment;
2. Reinstatement to employment or, alternatively, front pay from the date of judgment until she can reasonably be expected to achieve substantially similar compensation to that she received from IWE.
3. Promotion to the position of Director of Engineering, Operations and Hydro Compliance and damages equal to the additional amount she would have received as compensation if she had been promoted to the position of Director of Engineering, Operations and Hydro Compliance.
4. Damages equal to the amount she would have received if she had received comparable pay for work of comparable worth to her male peers, plus an equal amount as liquidated damages.
5. Compensatory and punitive damages of not less than \$50,000.00 pursuant to amendments to the Civil Rights Act of 1964.
6. Punitive damages of \$1,000.00 under the Idaho Human Rights Act for each act of unlawful discrimination.
7. An amount, as liquidated damages, equal to the amount awarded to Huber for violations of the Age Discrimination in Employment Act.

RECEIVED  
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Fax (208) 344-9836  
File No: 5855.00001  
Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF ADA

SHERRY R. HUBER,

Plaintiff,

vs.

IDA-WEST ENERGY COMPANY, and  
IDAHO POWER COMPANY,

Defendants.

Case No: CV OC 0304234D

SUMMONS

**NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFF(S). THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO: IDA-WEST ENERGY COMPANY

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

WITNESS My hand and seal this 18 day of November, 2003.

CLERK OF THE DISTRICT COURT  
**J. DAVID NAVARRO**

By   
Deputy



A copy of the Complaint is served with this Summons. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

WITNESS My hand and seal this 8 day of September, 2003  
**D. DAVID NAVARRO**  
CLERK OF THE DISTRICT COURT

By [Signature]  
Deputy

Case: CV OC 03 04234

HUBER vs IDA-WEST ENERGY COMPANY, etal

Date	Jdg	Code	Entry	User ID	Class
06 02 2003	192	NEWC	NEW CASE FILED	CCCROWBL	Y
06 02 2003	192	A1	CIVIL COMPLAINT, MORE THAN \$1000,	CCCROWBL	
06 02 2003	192		NO PRIOR APPEARANCE	CCCROWBL	
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MODE IS INQUIRY, ENTER CASE# OR USE CMD KEYS BELOW

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- Cmd3 Add              CMD13 Last Screen    Cmd17 Hearing Results    ROLL Page

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**Tamsen L. Leachman**  
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P.O. Box 1271  
Boise, ID 83702-1271  
Idaho State Bar No. 5697

Attorneys for Defendants

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

SHERRY R. HUBER,	)	Case No. CV OC 0304234D
	)	
Plaintiff,	)	
	)	NOTICE OF FILING
vs.	)	NOTICE OF REMOVAL
	)	
IDA-WEST ENERGY COMPANY, and	)	
IDAHO POWER COMPANY,	)	
	)	
Defendants.	)	
	)	

PLEASE TAKE NOTICE that Defendants Ida-West Energy Company and Idaho Power Company, on Monday, December 8, 2003, filed a Notice of Removal, a copy of which is attached hereto, in the office of the Clerk of the United States District Court for the District of Idaho, Boise, Idaho.

DATED THIS 8 day of December, 2003.

GJORDING & FOUSER, PLLC



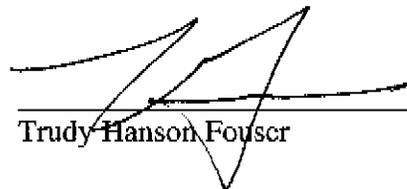
TRUDY HANSON FOUSER  
Attorneys for Defendants

#### CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of December, 2003, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

Merrily Munther  
PENLAND MUNTHER GOODRUM, CHARTERED  
The Mallard Building #260  
1161 W. River Street  
P.O. Box 199  
Boise, ID 83701

- U.S. mail, postage prepaid
- express mail
- hand delivery
- facsimile



Trudy Hanson Fouser