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U.S. COURTS

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REC'D _____ FILED _____
CAMERON S. BURKE
CLERK IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH and MICHAEL B.
HINCKLEY, individually and on behalf of
those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a
Minnesota corporation,

Defendant.

Case No. CIV 01-0244-S-BLW

**DEFENDANT'S STATEMENT OF NON-
OPPOSITION TO PLAINTIFFS'
"MOTION FOR LEAVE TO FILE
OVERLENGTH STATEMENT OF
MATERIAL FACTS" (DOCKET NOS.
258-259)**

**DEFENDANT'S STATEMENT OF NON-OPPOSITION TO PLAINTIFFS' "MOTION
FOR LEAVE TO FILE OVERLENGTH STATEMENT OF MATERIAL FACTS"
(DOCKET NOS. 258-259) - 1**

Boisc-175545.1 0026493-00046

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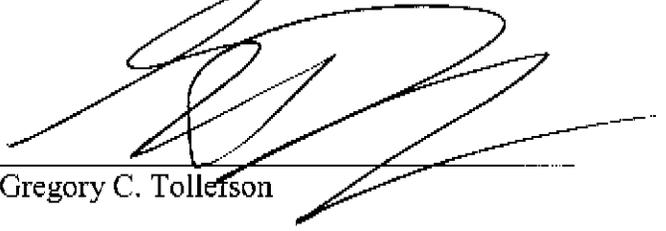
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Pursuant to District of Idaho Local Civil Rule 7.1(a)(5), Defendant Micron Electronics, Inc. ("Defendant"), by and through its attorneys, Stoel Rives LLP, hereby files its notice of non-opposition to "Plaintiffs' Motion for Leave to File Overlength Statement of Material Facts" (Docket Nos. 258-259).

Defendant has no opposition to Plaintiffs being granted leave to file their twenty-six page Statement of Material Facts (Docket No. 220).

DATED this 3rd day of September, 2004.

STOEL RIVES LLP



Gregory C. Tollefson

DEFENDANT'S STATEMENT OF NON-OPPOSITION TO PLAINTIFFS' "MOTION FOR LEAVE TO FILE OVERLENGTH STATEMENT OF MATERIAL FACTS" (DOCKET NOS. 258-259) - 2

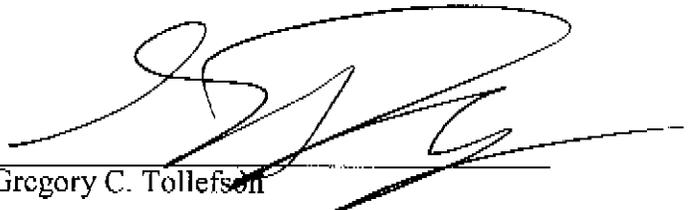
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of September, 2004, I caused to be served a true copy of the foregoing **DEFENDANT'S STATEMENT OF NON-OPPOSITION TO PLAINTIFFS' "MOTION FOR LEAVE TO FILE OVERLENGTH STATEMENT OF MATERIAL FACTS (DOCKET NOS. 258-259)** by the method indicated below, and addressed to each of the following:

William H. Thomas
Daniel E. Williams
Christopher F. Huntley
HUNTLEY PARK LLP
250 South 5th Street
P.O. Box 2188
Boise, Idaho 83701-2188

U.S. Mail
 Hand Delivery
 Overnight Delivery
 Facsimile



Gregory C. Tollefson

DEFENDANT'S STATEMENT OF NON-OPPOSITION TO PLAINTIFFS' "MOTION FOR LEAVE TO FILE OVERLENGTH STATEMENT OF MATERIAL FACTS" (DOCKET NOS. 258-259) - 3