

7-2-2013

Guzman v. Piercy Augmentation Record Dckt. 39708

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"Guzman v. Piercy Augmentation Record Dckt. 39708" (2013). *Idaho Supreme Court Records & Briefs*. 1486.
https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/1486

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law.

In the Supreme Court of the State of Idaho

LUIS JESUS GUZMAN, individually,)	
)	
Plaintiff-Defendant-Respondent,)	
)	
v.)	
)	
DALE PIERCY, individually,)	
)	
Defendant-Plaintiff-Appellant,)	
)	
v.)	
)	
CANYON COUNTY,)	
)	
Defendant-Respondent,)	
)	
and)	
)	
JENNIFER L. SUTTON, individually,)	
)	
Defendant-Respondent.)	

ORDER GRANTING REQUEST FOR
ADDITIONAL RECORD

Supreme Court Docket No. 39708-2012

Canyon County Docket No. 2005-4848

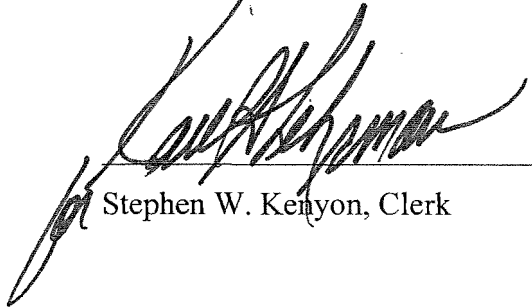
DEFENDANT/RESPONDENT JENNIFER SUTTON'S REQUEST FOR ADDITIONAL RECORD was filed by counsel for Respondent Jennifer Sutton on June 26, 2013. Opposing counsel had no objection to the request for additional record. Therefore, good cause appearing,

IT HEREBY IS ORDERED that DEFENDANT/RESPONDENT JENNIFER SUTTON'S REQUEST FOR ADDITIONAL RECORD be, and hereby is, GRANTED and the augmentation record shall include the document listed below, file stamped copies of which accompanied this Motion:

1. Order From Scheduling Conference Setting Bench Trial on Challenge to Canyon County Herd Districts, file-stamped March 27, 2008.

DATED this 22nd day of July, 2013.

For the Supreme Court



A handwritten signature in black ink, appearing to read "Stephen W. Kenyon", is written over a horizontal line. The signature is fluid and cursive.

Stephen W. Kenyon, Clerk

cc: Counsel of Record

FILED
A.M. P.M.

MAR 27 2008

CANYON COUNTY CLERK
J DRAKE, DEPUTY

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

<p>LUIS J. GUZMAN Plaintiff,</p> <p>vs.</p> <p>DALE PIERCY, individually and JENNIFER SUTTON, individually Defendants.</p> <hr/> <p>CANYON COUNTY, IDAHO Third-party defendant.</p>	<p>CASE NO. CV 2005-4848</p> <p>ORDER FROM SCHEDULING CONFERENCE SETTING BENCH TRIAL ON CHALLENGE TO CANYON COUNTY HERD DISTRICTS</p>
--	---

THIS IS A CIVIL ACTION. The court and respective counsel held a status conference on the record on March 20, 2008. Based upon that conference, the court enters its order, below.

THEREFORE, THIS ORDERS THAT:

1. The above-described matter is now set for a two (2) day bench trial to commence on the **8th day of October 2008**, at the hour of 9:30 o'clock a.m., before the Honorable Gordon W. Petrie, at the Canyon County Courthouse, Caldwell, Idaho.
2. The court also sets a new status conference for **September 3, 2008**, at 0930 a.m.

3. The parties stipulate to a bench trial of that portion of this litigation challenging the validity of Canyon County's Herd District Ordinances.

THIS ALSO ORDERS that within fourteen (14) days, all parties shall submit an amended stipulation to the following scheduling dates:

- (a) Joinder of parties or amendment of pleadings;
- (b) All discovery completed;
- (c) The filing, noticing, and hearing of all pretrial motions, which shall be filed and noticed in compliance with I.R.C.P. 56 (c);
- (d) The last day for advancing party to disclose expert witnesses, together with their opinions and reports;
- (e) The last day to disclose rebuttal experts, together with their opinions and reports;
- (f) If the parties are unable to agree upon the dates called for above, the parties shall forthwith contact the court's secretary to obtain a date for a scheduling conference.
- (g) The court notifies the parties that the **current cut-off date** for mediation and alternative dispute resolution is **September 3, 2008**;
- (h) The court further notifies the parties they must strictly adhere to I.R.C.P. 56(e). If affidavits setting out facts on personal knowledge do **not** demonstrate on their face the evidence contained therein is admissible under the Idaho Rules of Evidence (or a case on point construing the same), the parties will assist the court by filing a memorandum in

support of the affidavit(s) or applicable parts, specifically referencing the evidence in question, and citing the court and opposing counsel to the rule or case supporting the court's consideration of the affidavit(s) proffered;

- (i) If a party moves to **strike an affidavit** as setting forth evidence that is not otherwise admissible, the movant, in either the motion or a supporting memorandum, will assist the court by directing it with specificity to the paragraph or paragraphs objected to and will further cite the court to the rule or case that supports the motion to strike.
- (j) The court reminds the parties that a motion under I.R.C.P. 37(a) requires a **certification** that the movant has, in good faith, conferred or attempted to confer with the party not making the disclosure (serving as the object of the motion) in an effort to secure the disclosure without court action.

THIS FURTHER ORDERS that all parties shall file with the court no later than seven (7) days prior to the status conference the following:

- (a) A concise **written** statement of the theory of recovery or defense, the elements of such theory, and supporting authorities;
- (b) A written list identifying stipulated facts, all witnesses, and all exhibits to be introduced at trial, accompanied by a statement pertaining to each exhibit on whether each exhibit in question is stipulated as admissible;

- (c) A written statement that the parties have discussed settlement or the use of extrajudicial proceedings including alternative dispute resolution techniques to resolve the dispute.

DATED this 25th day of March 2008


GORDON W. PETRIE, District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that on the 21st day of March 2008, s/he served a true and correct copy of the original of the foregoing **ORDER FROM SCHEDULING CONFERENCE SETTING BENCH TRIAL ON CHALLENGE TO CANYON COUNTY HERD DISTRICTS** upon the following individuals in the manner described:

- Upon Rodney R. Saetrum and Ryan B. Peck of SAETRUM LAW OFFICES, 101 S. Capitol Blvd, Boise, Idaho 83702, attorney for Defendant Dale Piercy; and upon
- Joshua S. Evett of ELAM & BURKE, P.A., PO Box 1539, Boise, Idaho 83701, attorneys for Defendant Jennifer Sutton; and upon
- Timothy C. Walton of CHASAN & WALTON LLC, PO Box 1069, Boise, Idaho, and upon Stephen E. Blackburn, BLACKBURN LAW PC, 660 E Franklin Road, Suite 255, Meridian, Idaho 83642, attorneys for Plaintiff Luis Guzman

when s/he caused to be deposited a copy of the same into the U.S. Mail with sufficient postage affixed to the addresses set forth above; and upon

- Charles L. Saari, Chief Civil Deputy for Canyon County,

when s/he caused to be placed a copy of the same into the latter's "pick up" box in the Canyon County Clerk's Office, Canyon County Courthouse, Caldwell, Idaho.

WILLIAM H. HURST, Clerk of the Court

By: **J DRAKE**
Deputy Clerk of the Court