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COUNTY OF KOOTENAI } SS  
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2012 APR 24 PM 3:45

CLERK DISTRICT COURT

DEPUTY

Attorneys for Petitioner

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

**CLIFFORD T. HAYES, in his official  
capacity as KOOTENAI COUNTY  
CLERK, KOOTENAI COUNTY, IDAHO;**

**Petitioner,**

**vs.**

**RECALL CDA, INC., an Idaho  
corporation, and/or FRANK ORZELL,  
individually and as registered agent;  
the CITY OF COEUR D'ALENE, an  
Idaho municipal corporation; MIKE  
KENNEDY, WOODY McEVERS,  
DEANNA GOODLANDER, AND SANDI  
BLOEM, individually and in their  
capacity as officers of the City of  
Coeur d'Alene;**

**Respondents.**

Case No. CV-12-3135

**MOTION FOR EXPEDITED  
HEARING ON PETITION FOR  
DECLARATORY JUDGMENT**

COMES NOW, the Petitioner, Clifford T. Hayes, Kootenai County Clerk, by and through his counsel of record, Barry McHugh, Kootenai County Prosecuting Attorney,

**MOTION FOR EXPEDITED HEARING ON PETITION FOR  
DECLARATORY JUDGMENT - 1**

and R. David Ferguson, II, Civil Deputy Prosecuting Attorney, and does hereby move this court for an Order shortening the timeframe normally required for hearing Petitioner's Petition for Declaratory Judgment, pursuant to Idaho Rule of Civil Procedure 57. Petitioner further requests that an expedited hearing be scheduled and a formal ruling entered by this Court on Petitioner's Petition no later than May 28, 2012.

The grounds for this motion is that the Petitioner seeks a Declaratory Judgment to protect the rights of the parties involved and to assure that this Court sets a deadline for submission of the recall petitions no later than May 28, 2012. Further, a court ruling on Petitioner's Petition for Declaratory Judgment is of public importance, and any ruling by this Court would potentially have an impact on the upcoming election process.

The undersigned respectfully requests that the Court enter an Order granting an expedited hearing on Petitioner's Petition for Declaratory Judgment; setting a date certain for the hearing; and, establishing a briefing schedule which would require the submission of response briefs not later than 7 days before the hearing and reply briefs not later than 3 days before the hearing. This process would permit the parties the opportunity to present their positions through briefing and oral argument and allow the Court sufficient time to consider the facts presented and issue its ruling no later than May 28, 2012.

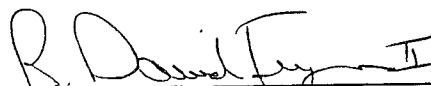
**MOTION FOR EXPEDITED HEARING ON PETITION FOR  
DECLARATORY JUDGMENT - 2**

This motion is supported by the Verified Petition for Declaratory Judgment filed simultaneously herewith.

Oral argument is respectfully requested on this motion.

DATED this 24 day of April, 2012.

Kootenai County Prosecuting Attorney



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R. David Ferguson, II, Civil Deputy  
Attorney for Petitioner