

HILL, JOHNSON & SCHMUTZ

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January 15, 2009

Mark L. McCarty
Zachary E. Peterson
Richards, Brandt, Miller & Nelson
Wells Fargo Center, 15th Floor
299 South Main Street
P.O. Box 2465
Salt Lake City, Utah 84110-2465

CLIENT'S COPY

Re: *Greg Kersten, et al. v. EAGALA, et al.*

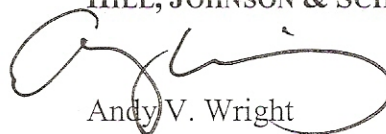
Dear Mark:

I am in receipt of your January 14, 2009 letter regarding your proposals for entering a case management order in this matter. We cannot agree to your proposed limits on discovery. We are confident that the Rules support our position and that discovery may be taken from each party in this case to the extent permitted under the Rules. Moreover, this case will in fact require a significant amount of discovery and our clients do not wish to be prejudiced in this area. Therefore, as we do not agree on several issues surrounding the entering of the case management order, please find enclosed herewith our Motion for Rule 16(b) Case Management and Scheduling Conference and Memorandum in Support.

Feel free to contact me if you have any questions regarding this matter.

Sincerely,

HILL, JOHNSON & SCHMUTZ, L.C.



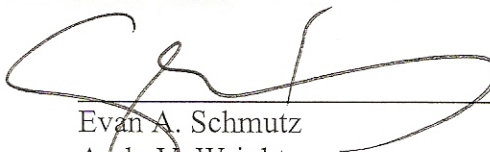
Andy V. Wright

Enclosure(s)

Plaintiffs, by and through undersigned counsel, hereby submit this Motion for Rule 16(b) Case Management and Scheduling Conference. This Motion is supported by an accompanying memorandum of points and authorities.

DATED this 15th day of January, 2009.

HILL, JOHNSON & SCHMUTZ

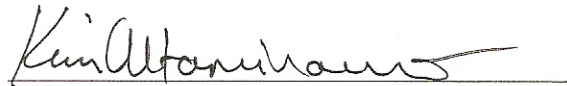
A handwritten signature in black ink, appearing to read "Evan A. Schmutz", is written over a horizontal line.

Evan A. Schmutz
Andy V. Wright
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2009, I caused to be served a true and correct copy of the foregoing document by depositing the same in the United States Mail, postage prepaid and addressed to the following:

Mark L. McCarty
Zachary E. Peterson
Richards, Brandt, Miller & Nelson
Wells Fargo Center, 15th Floor
299 South Main Street
P.O. Box 2465
Salt Lake City, Utah 84110-2465

A handwritten signature in black ink, appearing to read "Kim Altamirano", is written over a horizontal line.