



This matter came before the Court on December 18, 2007 at the hour of 9:00 a.m. for oral argument on Plaintiffs' Motion to Disqualify Holland & Hart ("Motion"). Greg and Jennifer Kersten appeared and were represented by Evan A. Schmutz. Defendant Lynn Thomas appeared in her capacity as an individual defendant and as a representative for Defendant Equine Assisted Growth and Learning Association, Inc. Defendants were represented by Cecilia M. Romero.

At the beginning of the hearing, the Court advised counsel and the parties that he had not had an opportunity to review the memoranda and papers submitted by the parties and offered to proceed with oral argument of parties prior to review of the papers if the parties so stipulated. Counsel for each of the parties stipulated to proceed with oral argument.

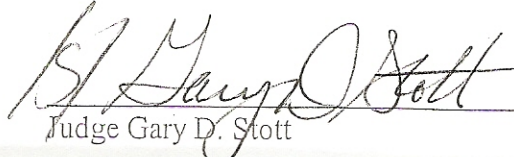
Following oral argument from counsel, the Court, took the matter under advisement and, on January 2, 2008, issued its Ruling, granting Plaintiffs' Motion to Disqualify Holland & Hart. Based thereon and for the reasons stated therein, good cause appearing,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Disqualify Holland & Hart is hereby granted, the Court having found that (1) the matters are substantially similar and materially adverse to the interests of the clients in violation of Rule 1.7, (2) the representation of the defendants runs a significant risk that it may be materially limited by Attorney Wirthlin's responsibilities to Plaintiff, a former client, in violation of Rule 1.9, (3) the violations are imputed to the defendants' entire law firm under Rule 1.10, and (4) Rule 3.7 would require disqualification if Attorney Matthew Wirthlin testifies because his testimony would violate Rules

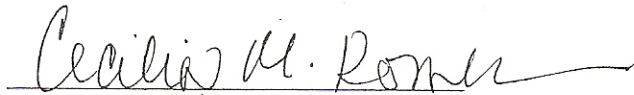
1.7 and 1.9.

DATED this 20 day of February, 2008.

BY THE COURT

  
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Judge Gary D. Stott

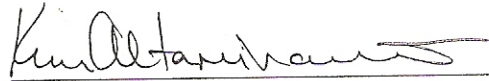
Approved as to Form:

  
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Cecilia M. Romero  
Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6<sup>th</sup> day of February, 2008, 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:

Lois A. Bar  
Robert G. Wing  
Cecilia M. Romero  
Holland & Hart LLP  
60 E. South Temple, Suite 2000  
Salt Lake City, Utah 84111-1031

  
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