

**UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

L.J. GIBSON, BEAU BLIXSETH, AMY KOENIG,  
VERN JENNINGS, MARK MUSHKIN,  
MONIQUE LEFLEUR, and GRIFFEN  
DEVELOPMENT, LLC, JUDY LAND, and  
CHARLES DOMINGUEZ, each individually, and  
on behalf of others similarly situated

Plaintiffs,

vs.

CREDIT SUISSE AG, a Swiss corporation;  
CREDIT SUISSE SECURITIES (USA), LLC, a  
Delaware limited liability company, CREDIT  
SUISSE FIRST BOSTON, a Delaware limited  
liability corporation; CREDIT SUISSE CAYMAN  
ISLAND BRANCH, an entity of unknown type;  
CUSHMAN & WAKEFIELD, INC., a Delaware  
corporation and DOES 1 through 100 inclusive,

Defendants.

Case No.: CV 10-1-EJL-REB

**MEMORANDUM DECISION AND  
ORDER RE: PLAINTIFFS' MOTION  
FOR LEAVE TO FILE EXPEDITED  
FIVE-PAGE BRIEF RE: ORDER TO  
SHOW CAUSE HEARING**

**(DOCKET No. 308)**

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Currently pending before the Court is Plaintiffs' Motion for Leave to File Expedited Five-Page Brief Re: Order to Show Cause Hearing (Docket No. 308). Having carefully considered the record and otherwise being fully advised, the Court enters the following Memorandum Decision and Order:

**DISCUSSION**

Plaintiffs' counsel request an opportunity to submit additional briefing to more specifically address the issues and argument presented during oral argument upon Defendants' motions for sanctions, which was held on December 5, 2012.

The Motion states that "no pre-hearing briefs were requested by either the Court or the

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parties," but the issues have already been briefed at length in the context of the pending motions for sanctions. The Motion also seems to suggest that the seriousness of the issues raised in the motion for sanctions was not fully appreciated by Plaintiffs' counsel until the hearing occurred, and state in the motion that the "issue before the Court has serious consequences, particularly to the integrity and reputation of Plaintiffs' attorneys as well as the other considerations articulated in court." The Court agrees, but also notes that Mr. Flynn, Mr. Sabalos, Mr. John Flood, Mr. Stillman, and Mr. Chris Flood, all attorneys of record for Plaintiffs, chose not to participate in the hearing either in person or by telephone.

The Court struggles with any assessment of the pending motions for sanctions that does not immediately raise significant issues for Plaintiffs requiring a thorough and careful response. However, it is possible that the seriousness of the issue raised by the motions for sanctions, and the sanctions requested by Defendants, were not apprehended by Plaintiffs' counsel to the appropriate degree. Given the implications of the pending motions for all Plaintiffs' counsel, and for the claims made in the lawsuit, the Court will grant the Motion.

Plaintiffs shall file the requested five-page brief, with such brief due on or before December 10, 2012. The Court will allow each Defendant to file a five-page response on or before December 13, 2012. No further briefing or oral argument will be allowed.

### **ORDER**

Based on the foregoing, IT IS HEREBY ORDERED THAT Plaintiffs' Motion for Leave to File Expedited Five-Page Brief Re: Order to Show Cause Hearing (Docket No. 308) is GRANTED. Plaintiffs shall file the requested five-page brief, with such brief due on or before

December 10, 2012. The Court will allow each Defendant to file a five-page response on or before December 13, 2012. No further briefing or oral argument will be allowed.



DATED: **December 6, 2012**

A handwritten signature in black ink, appearing to read "Ronald E. Bush". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable Ronald E. Bush  
U. S. Magistrate Judge