

1 Brian T. Rekofke
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3 Witherspoon, Kelley, Davenport & Toole
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5 422 West Riverside
6 Spokane, WA 99201
7 (509) 624-5265

8 Attorneys for Church Defendants and Fossum

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 THOMAS A. WAITE,

12 Plaintiff,

13 vs.

14 THE CHURCH OF JESUS CHRIST OF
15 LATTER DAY SAINTS d/b/a
16 CORPORATION OF THE PRESIDING
17 BISHOP OF THE CHURCH OF JESUS
18 CHRIST OF LATTER DAY SAINTS, a
19 Utah corporation, d/b/a CORPORATION
20 OF THE PRESIDENT OF THE CHURCH
21 OF JESUS CHRIST OF LATTER DAY
22 SAINTS, a Utah corporation; DONALD C.
23 FOSSUM; and STEVEN D. BRODHEAD,

24 Defendants.

Case No.: CV-05-399-EFS

THE CHURCH OF JESUS
CHRIST OF LATTER-DAY
SAINTS AND DONALD C.
FOSSUM'S MOTION TO
COMPEL

25 **1. Relief Sought.** Defendants Church of Jesus Christ of Latter-day
26 Saints and Donald C. Fossum ("Church Defendants") move the Court for an Order
27 compelling Plaintiff to fully answer Church Defendants Interrogatories 2 - 5 and
28 Request for Production No. 8 served on February 26, 2007.

2. Grounds. Plaintiff has failed and refused to answer relevant
questions and to provide discoverable information. Plaintiff's refusal is a violation
of the rules of discovery.

3. Basis. This motion is made pursuant to FRCP 26 and FRCP 37,

CHURCH AND FOSSUM'S MOTION
TO COMPEL DOCUMENTS - 1

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WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
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1 Church Defendants' Memorandum in Support of Motion to Compel, the Affidavit
2 of Brian T. Rekofke in Support of Motion to Compel, and the files and records
3 herein.

4 DATED this 11th day of April, 2007.

5 **WITHERSPOON, KELLEY, DAVENPORT**
6 **& TOOLE**

7
8 By: /s/ Brian T. Rekofke
9 Brian T. Rekofke, WSBA No. 13260
10 Ross P. White, WSBA No. 12136
11 Attorneys for LDS and Donald C. Fossum
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28 CHURCH AND FOSSUM'S MOTION
TO COMPEL DOCUMENTS - 2

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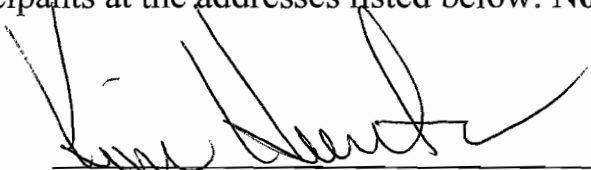
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April, 2007:

1. I electronically filed the foregoing **THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND DONALD C. FOSSUM'S MOTION TO COMPEL** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

(for Waite) Richard C. Eymann and Stephen L. Nordstrom;
(for Brodhead) Andrew C. Smythe
2. I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants at the address listed below: **None.**
3. I hereby certify that I have hand delivered the document to the following participants at the addresses listed below: **None.**



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