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1100 US Bank Building  
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4 (509) 624-5265

5 Attorneys for Corporation of the Presiding Bishop,  
6 Corporation of the President and Donald C. Fossum

7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 THOMAS A. WAITE,

11 Plaintiff,

12 vs.

13 CORPORATION OF THE PRESIDING  
BISHOP OF THE CHURCH OF JESUS  
14 CHRIST OF LATTER DAY SAINTS, a  
Utah corporation, CORPORATION OF  
15 THE PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER DAY  
16 SAINTS, a Utah corporation; DONALD C.  
FOSSUM; and STEVEN D. BRODHEAD,

17 Defendants.  
18

Case No.: CV-05-399-EFS

AFFIDAVIT OF BRIAN T.  
REKOFKE IN SUPPORT OF  
MOTION TO EXTEND  
DISCOVERY CUTOFF FOR  
FOUR DAYS AND IN  
SUPPORT OF MOTION TO  
EXPEDITE

19 STATE OF WASHINGTON )  
20 County of Spokane ) :ss

21 BRIAN T. REKOFKE, being first duly sworn, upon oath, deposes and  
22 says:

23 1. I am one of the attorneys for the Corporate defendants and Donald  
24 Fossum and make this Affidavit on personal knowledge.

25 2. According to the Court's scheduling order discovery cutoff is May  
26 11<sup>th</sup>.

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28 AFFIDAVIT OF BRIAN T. REKOFKE IN  
SUPPORT OF MOTION ... - 1

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


1100 U.S. BANK BUILDING  
422 WEST RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201-0302  
(509) 624-5265

1 3. On March 14, 2007, plaintiff identified Richard Gill as a rebuttal  
2 expert.

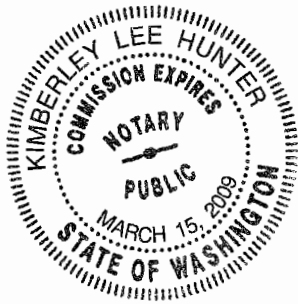
3 4. Between the schedules of Mr. Gill and plaintiff's counsel, Mr. Gill  
4 cannot be deposed until May 15, 2007, which is four days after the discovery  
5 cutoff.

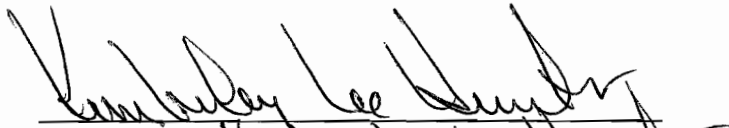
6 5. Accordingly, an extension of the discovery cutoff from Friday, May  
7 11 to Tuesday, May 15 is respectfully requested so that Mr. Gill may be deposed  
8 prior to discovery cutoff.

9 6. Given that the 25 day notice requirement results in a hearing date of  
10 May 21, Defendants request an expedited hearing on this motion.

11  
12   
13 \_\_\_\_\_  
14 Brian T. Rekofke

15 SUBSCRIBED AND SWORN to before me this 25<sup>th</sup> day of April, 2007.



16  
17   
18 \_\_\_\_\_  
19 Print Name: Kimberley Lee Hunter  
20 Notary Public in and for the State  
21 of Washington, residing in Spokane  
22 My Commission expires: 3/15/09

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28 AFFIDAVIT OF BRIAN T. REKOFKE IN  
SUPPORT OF MOTION ... - 2

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of April, 2007:

1. I electronically filed the foregoing **AFFIDAVIT OF BRIAN T. REKOFKE IN SUPPORT OF MOTION TO EXTEND DISCOVERY CUTOFF FOR FOUR DAYS** 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.**



Kimberley L. Hunter, Legal Assistant  
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