

# STAFFORD FREY COOPER

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March 1, 2005

*Hand Delivered*

Lowell Williams, Deputy Clerk  
Laurie Cuaresma, Deputy Clerk  
The Honorable Richard S. Martinez  
UNITED STATES DISTRICT COURT  
700 Stewart Street  
Seattle WA 98101

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04-CV-02338-0BJ

Re: Fleming, et al. v. Corporation of the President of the Church of Jesus Christ of Latter-day Saints, et al.  
Case No. C04-2338 RSM

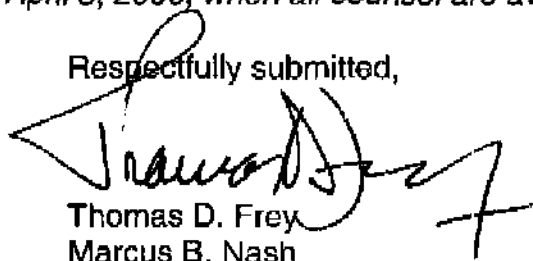
Dear Mr. Williams and Ms. Cuaresma:

*No letter rec'd to date*

We are in receipt of plaintiff counsel's letter to you regarding a continuance of the trial date in this matter. Counsel state they are available for trial the second half of January 2006, all of February 2006, and all of April 2006.

We do not believe we can accommodate a January or February 2006 trial date in this matter because we would not have adequate time to complete discovery. We and plaintiffs' counsel have another case (*Doe, et al. v. Corporation of the President of The Church of Jesus Christ of Latter-day Saints*, King County Superior Court No. 02-2-04105-1 KNT) set for trial October 24, 2005. Discovery in that case is not yet complete and the case is currently pending a decision on review by the Washington Supreme Court. That trial is expected to last two weeks and would therefore further infringe on the time needed to complete discovery in this matter.

As mentioned in our letter to you of February 25, 2005, we request that this matter be reset for trial some time after April 5, 2006, when all counsel are available.

Respectfully submitted,  
  
Thomas D. Frey  
Marcus B. Nash  
Attorneys for Defendants

cc: Michael Pfau, *Counsel for Plaintiff*  
Timothy Kosnoff, *Counsel for Plaintiff*

FILED ENTERED  
LODGED RECEIVED

MAR - 1 2005

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY  
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ADMITTED IN Washington and Idaho