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The Honorable Ricardo Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,

No. 04-2338 RSM

Plaintiffs,

v.

DECLARATION OF THOMAS D. FREY IN SUPPORT OF AGREED MOTION TO AMEND CASE SCHEDULE RE MEDIATION DEADLINE

THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, a/k/a "MORMON CHURCH"; LDS SOCIAL SERVICES a/k/a LDS FAMILY SERVICES, a Utah corporation,

Noted for: May 11, 2005

Defendants.

THOMAS D. FREY declares as follows:

1. I am one of the attorneys for the defendants Corporation of the President of Church of Jesus Christ of Latter-Day Saints and LDS Family Services. I am over the age of 18 years and am competent to testify as to the matters contained herein.

1 2. The Case Schedule herein has set the mandatory mediation to be held no
2 later than May 27, 2005. A true and correct copy of the Case Schedule is attached
3 hereto at page 3.

4 3. The date for the completion of all discovery in this case has been set for
5 October 31, 2005.

6 4. The parties have commenced written discovery and will not be able to
7 complete all written discovery and depositions prior to the May 27, 2005 mediation
8 deadline.

9 5. Without the information which will be learned from completing the
10 discovery in this case, early mediation will not be meaningful or fruitful.

11 5. The parties herein have met and conferred, and it has been agreed that it
12 would be in the best interest of resolution of this case to extend the mediation deadline.

13 6. The parties have agreed that any time from December 1, 2005 to
14 December 16, 2005, they will be available and prepared to engage in meaningful
15 mediation of this matter.

16 I declare under penalty of perjury under the laws of the State of Washington that
17 the foregoing is true and correct.

18 Executed this 2nd day of May, 2005, at Seattle, Washington.

19
20 s/ Thomas D. Frey
Thomas D. Frey, WSBA #1908
E-mail: tfrey@staffordfrey.com
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CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed the ***Declaration of Thomas D. Frey in Support of Agreed Motion to Amend Case Schedule Re Mediation Deadline*** using the CM/ECF system which will send notification of such filing to the following persons:

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Attorneys for Plaintiffs

DATED this 2nd day of May, 2005, at Seattle, Washington.

/s/Thomas D. Frey