

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

ROCK CREEK HYDROPOWER, INC.	)	
an Idaho corporation,	)	
	)	
Plaintiff,	)	Case No. CV 04-556-S-BLW
	)	
v.	)	<b>ORDER</b>
	)	
ENEL NORTH AMERICA, INC., et al.,	)	
	)	
<u>Defendants.</u>	)	

Currently pending before the Court is Defendant’s Motion to Compel and/or Determine the Sufficiency of Plaintiff’s Responses to Defendant’s First Requests for Admissions (“Motion to Compel”). (Docket No. 80). Defendant CHI Finance, LLC (“Defendant”) filed this Motion to Compel on June 16, 2006, requesting that the Court require Plaintiff to “respond in full” to its First Requests for Admissions because, it alleged, Plaintiff had “made insufficient and/or evasive responses” to certain requests. *Motion and Memorandum to Compel*, p. 1 (Docket No. 80). Defendant also has requested that the Court award it the reasonable attorneys’ fees and costs incurred in bringing this Motion. *Id.* at p. 2.

Plaintiff responded on July 5, 2006 by serving its First Supplemental and Amended Responses to Defendant’s Requests for Admissions, *Tolman Affidavit*, Ex. B (Docket No. 84, Att. 3), and detailing this supplementation in a response brief filed with the Court on July 10, 2006, *Response to Defendant’s Memorandum and Motion to Compel* (Docket No. 84). Plaintiff also has objected to any award of fees and costs.

In light of Plaintiff's recent supplementation of its responses, it appears that most of the issues raised by Defendant's Motion to Compel have been resolved. To identify any issues remaining for the Court's consideration, the parties will be required to meet and confer by telephone or in person by July 26, 2006 and to provide a joint, written report to the Court detailing any unresolved issues. At the time the written report is received by the Court, the remaining issues shall be deemed under advisement. The Court will then address the pending Motion to Compel on the existing record without the need for oral argument. If issues remain for the Court's consideration, Defendant's reply brief will be due on July 26, 2006, and not on July 24, 2006 as previously scheduled.

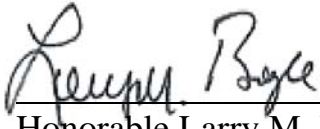
**ORDER**

IT IS THEREFORE HEREBY ORDERED that:

1. The parties shall meet and confer by telephone or in person by **July 26, 2006** and, by that same date, provide a joint, written report to the Court detailing any unresolved issues relating to Defendant's Motion to Compel. If issues remain for the Court's consideration, Defendant's reply brief shall be filed on or before **July 26, 2006**.



DATED: **July 12, 2006.**

  
Honorable Larry M. Boyle  
Chief U. S. Magistrate Judge