

On October 29, 2012, Respondents filed a *Motion to Remand Proceeding to IDWR* (“*Motion to Remand*”) in the above-captioned matter. The *Motion to Remand* asks this Court to remand this proceeding back to the Department pursuant to I.R.C.P. 84(r) and Idaho Appellate Rule 13.3. On October 30, 2012, the Petitioner filed a *Motion to Strike*, requesting that this Court strike the *Affidavit of Chris M. Bromley* dated July 7, 2011, and the *Second Affidavit of Chris M. Bromley* dated August 2, 2011, from the record. Hearing on both *Motions* was held before the Court on November 15, 2012. At the hearing, the Court set forth its ruling on both *Motions* and the supporting rationale from the bench, granting the *Motion to Strike* and denying the *Motion to Remand*.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The Petitioner’s *Motion to Strike* **is hereby granted**, and the following two documents are hereby stricken from the record in this proceeding: (a) *Affidavit of Chris M. Bromley* dated July 7, 2011, and (b) *Second Affidavit of Chris M. Bromley* dated August 2, 2011.
2. The Respondents’ *Motion to Remand* **is hereby denied**.

Dated Nov. 16, 2012


ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO STRIKE / ORDER DENYING MOTION TO REMAND was mailed on November 16, 2012, with sufficient first-class postage to the following:

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