

THOMAS E. MOSS
UNITED STATES ATTORNEY
DEBORAH A. FERGUSON, ISB #5333
ASSISTANT UNITED STATES ATTORNEY
800 PARK BLVD., SUITE 600
BOISE, ID 83712-9903
TELEPHONE: (208) 334-1211
MAILING ADDRESS:
BOX 32
BOISE, IDAHO 83707

JENNIFER E. GRISHKIN
TRIAL ATTORNEY
UNITED STATES DEPARTMENT OF JUSTICE
P.O. BOX 386
WASHINGTON, D.C. 20044
(202) 514-9471 (TELEPHONE)
(202) 514-8742 (FACSIMILE)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

Case No. CV-04-577-S-BLW

v.

**PLAINTIFF'S MOTION FOR
RECONSIDERATION**

GARY PURRINGTON; DIANE
PURRINGTON; G. SKYLER
PURRINGTON; and FIREFOX
ENTERPRISES, INC.;

Defendants.

Plaintiff hereby moves the Court to reconsider its Order Granting Defendants' Motion For Extension of Time ("Order"). The Order was signed by the Court on December 22, 2004. In support of its request that the Court reconsider its Order, Plaintiff submits the following:

1. In late July 2004, Plaintiff notified the Defendants that Plaintiff intended to file a complaint for injunctive relief against them. Plaintiff in good faith attempted to achieve a negotiated resolution to this case. However, Defendants time and again either delayed responding to Plaintiff or outright failed to respond to Plaintiff. Defendants engaged in these tactics despite Plaintiff's repeated requests that the negotiations be moved along expeditiously. Copies of the parties' correspondence reflecting these communications are attached as Exhibit A.

2. After informing Defendants on November 10, 2004, that Plaintiff intended to go forward and file its suit against them, (see Ex. A at A12), Plaintiff filed its Complaint For Injunction on November 16, 2004. Given the drawn-out negotiations and correspondence between the parties' counsel, the filing of the Complaint was no surprise to the Defendants.

3. The Defendants have sold and continue to sell components to people who manufacture and deal in explosives and illegal fireworks. Although the Plaintiff is not seeking preliminary relief, there is a real need to proceed expeditiously in this case, and Plaintiff has always communicated to Defendants its desire to proceed efficiently and expeditiously. (See Ex. A at A1, A4, A12.)

4. In order to proceed expeditiously, Plaintiff served the Defendants personally. (Pursuant to Fed. R. Civ. P. 12, defendants who are served personally must answer within 20 days, whereas defendants who waive service on request under Rule 4(d) have 60 days to answer.) Service was effected on November 29, 2004. Based on this date of service, Defendants' Answer was due on December 20, 2003.

5. On December 17, 2003, one business day before the Defendants' deadline to file an Answer, Douglass K. Mawhorr, lead counsel for the Defendants, contacted Jennifer E.

Grishkin, counsel for Plaintiff, to ask whether the government would oppose a 30-day extension of Defendants' time to answer.

6. Noting that the government is normally very accommodating with respect to requests for extensions from opposing counsel, counsel for Plaintiff informed defense counsel that a 30-day extension was neither reasonable nor necessary, especially given the parties' negotiations as well as Plaintiff's long-stated desire to move this matter along expeditiously. Consequently, Plaintiff's counsel informed defense counsel that Plaintiff would agree to a three-day extension but would file an opposition if the Defendants asked the Court for a longer extension. A letter reflecting this communication is attached as Exhibit B.

7. On December 20, 2004, Defendants filed their Motion For Extension of Time To Respond To Complaint ("Defendants' Motion"). Defendants had previously agreed to serve Plaintiff by facsimile, e-mail, or overnight delivery. (See Ex. A at A1-A2.) Despite this agreement, Defendants served Plaintiff only by first-class mail.

8. Undersigned counsel for Plaintiff did not receive Defendants' Motion until December 27, 2004. The Court granted Defendants' Motion on December 22, 2004. Plaintiff had no opportunity to file an opposition before the Order was entered.

9. In sum, this is not a case in which Defendants had no warning they would be sued until they were served with the Complaint. The Defendants and their counsel have known for nearly five months that the government was going to file a Complaint against them. There is no good cause why Defendants should not be able to file an Answer immediately.

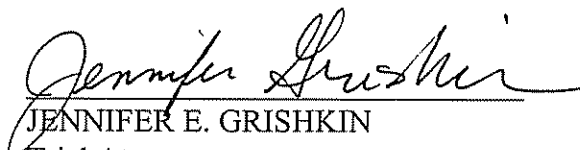
CONCLUSION

For the foregoing reasons, Plaintiff respectfully asks the Court to reconsider its ruling of December 22, 2004, and order the Defendants to respond to the Complaint by January 7, 2005.

Dated: December 29, 2004

Respectfully submitted,

THOMAS E. MOSS
United States Attorney

By: 
JENNIFER E. GRISHKIN
Trial Attorney
Office of Consumer Litigation
United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of Plaintiff's Motion for Reconsideration to be served by facsimile and overnight delivery on December 29, 2004, upon:

Steven J. Wright
WRIGHT WRIGHT & JOHNSON, PLLC
477 Shoup Avenue, Suite 109
P.O. Box 50578
Idaho Falls, ID 83405
(208) 523-4400 (facsimile)
Counsel for Defendants

Douglas K. Mawhorr
BROOKE MAWHORR
112 E. Gilbert St.
Muncie, IN 47308-1071
(765) 288-7763 (facsimile)
Counsel for Defendants



JENNIFER E. GRISHKIN
TRIAL ATTORNEY

EXHIBIT A



U.S. Department of Justice
Office of Consumer Litigation

Mailing Address
P.O. Box 386
Washington, D.C. 20044

Jennifer Grishkin.
t: (202) 514-9471
f: (202) 514-8742
E-mail: Jennifer.Grishkin@usdoj.gov

Overnight Delivery
1331 Pennsylvania Ave., N.W.
Room 950N
Washington, D.C. 20004

August 11, 2004

DJ #104-22-6

BY FACSIMILE AND FIRST-CLASS MAIL

Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071


Dear Douglas:

I have been trying to reach you by telephone since Monday to discuss the letter you sent me on Friday, August 6, 2004. Today, your receptionist informed me that you will be out of the office until next week. Rather than waiting until then to speak with you, let me summarize the purpose of my telephone calls. Based on the tenor and substance of your letter, the government believes that we will not be able to negotiate a resolution to this matter. Accordingly, we plan to go forward with filing a complaint for injunctive relief against your clients. However, if you believe this matter can be settled, please send us a consent decree that is acceptable to Gary, Diane and Skyler Purrington and Firefox Enterprises. Bear in mind, though, that any consent decree the government would accept would have to go beyond the one signed by Gary Purrington in 1986.

We would like to obtain your agreement to waive service of summons and accept the complaint on behalf of the Purringtons and Firefox. We would also like to agree with you that throughout the conduct of the prospective litigation, both parties will use facsimile, e-mail, or overnight delivery to serve each other with court filings, discovery, and all other important or time-sensitive materials such as correspondence. Please let me know whether you will agree to these proposals, which are designed to avoid unnecessary costs and to conduct the litigation in an efficient manner.

Finally, your letter stated that you think it is the government's intention "to put Firefox completely out of business." That is not the case. The government's sole goal is to have the Purringtons and their company comply with the law.

Sincerely,


Jennifer E. Grishkin
Trial Attorney

Cc: Deborah Ferguson, Esq., Assistant United States Attorney

A1

BROOKE ♦ MAWHORR

Attorneys At Law

John H. Brooke
Douglas K. Mawhorr

Dylan A. Vigh
Leslie M. Horn

August 23, 2004

Jennifer E. Grishkin
U.S. Department of Justice
Office of Consumer Litigation
P.O. Box 386
Washington, D.C. 20044

VIA FACSIMILE
202-514-8742

Re: Firefox Enterprises, Inc.

Dear Jennifer:

Thank you for your letter dated August 11, 2004. I know you have been attempting to contact me for several days now. Please be advised that I was out of town between August 6th and August 15th. I apologize for the delay in responding to your communication.

In regard to your letter of August 11, 2004, I would very much like to propose a consent decree that would be acceptable to the government and the Purringtons. However, when I contacted the Purringtons and inquired of the 1986 consent decree, they were unable to provide a copy of said consent decree to me. Would you be so kind as to provide a copy of the 1986 consent decree so that I may ensure that any new consent decree would encompass those requirements and address the more recent concerns of the government.

If it comes to the point where the government feels they must file a complaint and injunction, I would agree to waive service of summons and accept the complaint on behalf of the Purringtons and Firefox. However, that consent is not valid until September 20, 2004. If the government files its complaint and injunction after September 20, 2004 I will agree to accept summons on behalf of the Purringtons and Firefox. Additionally, I can see no reason why we should not be able to conduct any potential litigation via facsimile, e-mail, or over night delivery.

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Jennifer E. Grishkin
August 23, 2004
Page two

I would also still like to have additional information concerning the basis for the governments belief that the Purringtons and Firefox are not complying with the law. Please contact me should you have any questions concerning the issues in this letter.

Respectfully,

BROOKE ♦ MAWHORR, PC



Douglas K. Mawhorr
Attorney at Law

DKM/gkb

A3



U.S. Department of Justice
Office of Consumer Litigation

Mailing Address
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Overnight Delivery
1331 Pennsylvania Ave., N.W.
Room 950N
Washington, D.C. 20004

August 30, 2004

DJ #104-22-6

BY FACSIMILE AND FIRST-CLASS MAIL

Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071

Dear Douglas:

As you requested, attached is a copy of the consent decree against Gary Purrington that the court entered in 1986. We look forward to reviewing your proposal for a new consent decree, which we hope to receive from you within the next few days.

Also, thank you for agreeing to waive service of summons and accept the complaint on behalf of the Purringtons and Firefox, effective September 20, 2004. Please be advised, however, that because we believe it is important to move this case along expeditiously, we reserve our right to file the complaint before that date.

Sincerely,

Jennifer E. Grishkin
Trial Attorney

Cc: Deborah Ferguson, Esq., Assistant United States Attorney

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BROOKE ♦ MAWHORR

Attorneys At Law

John H. Brooke
Douglas K. Mawhorr

Dylan A. Vigh
Leslie M. Horn

September 3, 2004

Jennifer E. Grishkin
U.S. Department of Justice
Office of Consumer Litigation
P.O. Box 386
Washington, D.C. 20044

VIA FACSIMILE
202-514-8742

Re: Firefox Enterprises, Inc.

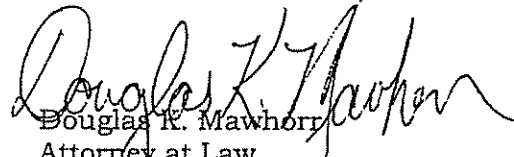
Dear Jennifer:

Thank you for your letter dated August 30, 2004 and the 1986 Consent Decree ("1986 Decree"). I have reviewed the 1986 Decree and faxed a copy to my client. I want to review the 1986 Decree with him and obtain his input for the proposed consent decree. While you are anticipating receipt of the proposed consent decree within the next few days, I do not believe it will be arriving that quickly. I ask that you indulge me a couple of weeks to send the proposed consent decree for your review.

I ask that I have until September 17, 2004, to send the proposed consent decree to you. This will give me time to adequately confer with my client and draft the decree. Further, I will be traveling out of town on business next week to attend to other client business. Thank you for your time and attention to this matter.

Respectfully,

BROOKE ♦ MAWHORR, PC


Douglas K. Mawhorr
Attorney at Law

DKM/gkb

A5



U.S. Department of Justice
Office of Consumer Litigation

FILE

Mailing Address
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Washington, D.C. 20044

Jennifer Grishkin.
t: (202) 514-9471
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E-mail: Jennifer.Grishkin@usdoj.gov

Overnight Delivery
1331 Pennsylvania Ave., N.W.
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Washington, D.C. 20004

September 21, 2004

DJ #104-22-6
BY FACSIMILE

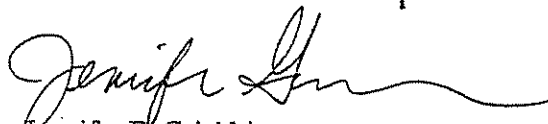
Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071
(765) 288-7763 (facsimile)

*Re: Gary Purrington, Diane Purrington, G. Skyler Purrington, and
Firefox Enterprises, Inc.*

Dear Douglas:

Thank you for your voice message today letting me know that you will need more time to send your clients' proposed consent decree to me. As you know, it has been almost a month since you indicated that your client was amenable to attempting to resolve this matter through a consent decree. As a consequence, we have delayed filing the suit. In that context, we look forward to receiving the proposed decree tomorrow. I request that you fax and/or e-mail it to me so that we may begin our review as soon as possible.

Sincerely,


Jennifer E. Grishkin
Trial Attorney

Cc: Deborah Ferguson, Esq., Assistant United States Attorney

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U.S. Department of Justice
Office of Consumer Litigation

Mailing Address
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Overnight Delivery
1331 Pennsylvania Ave., N.W.
Room 950N
Washington, D.C. 20004

September 24, 2004

DJ #104-22-6

BY FACSIMILE AND FIRST-CLASS MAIL

Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071
(765) 288-7763 (facsimile)

*Re: Gary Purrington, Diane Purrington, G. Skyler Purrington, and
Firefox Enterprises, Inc.*

Dear Douglas:

Based on your latest representations, we fully expected to receive a proposed consent decree by Wednesday, September 22, 2004, that would attempt to resolve the government's planned injunction action against the Purringtons and Firefox. As you know, we have waited more than a month to receive a draft from you. We will wait no longer. Accordingly, we plan to file our complaint without further notice. Filing the action is not intended to foreclose the possibility of settling the case, and we will consider any consent decree that your clients may propose.

Sincerely,

Jennifer E. Grishkin
Trial Attorney

Cc: Deborah Ferguson, Esq., Assistant United States Attorney

A7

BROOKE ♦ MAWHORR

Attorneys At Law

John H. Brooke
Douglas K. Mawhorr

Dylan A. Vigh
Leslie M. Horn

September 24, 2004

Jennifer E. Grishkin
U.S. Department of Justice
Office of Consumer Litigation
P.O. Box 386
Washington, D.C. 20044

VIA FACSIMILE and US MAIL
202-514-8742

Re: Firefox Enterprises, Inc.

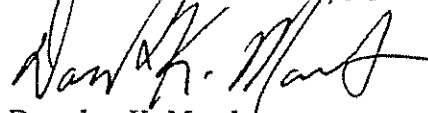
Dear Jennifer:

Enclosed please find Firefox and the Purrington's proposed consent decree. Again I apologize for the delay in the forwarding of this to you. I have not put any caption nor signature page with the draft proposed decree. I have only sent the "meat" of the decree. Please review it and feel free to call me if you have questions.

I will be out of the office all next week. I will be attending the American Pyrotechnics Association annual convention in Orlando, FL, as long as no hurricanes come ashore. I can be reached on my cell phone (765/ 215-8996) all next week.

Respectfully,

BROOKE ♦ MAWHORR, PC



Douglas K. Mawhorr
Attorney at Law

DKM/gkb



U.S. Department of Justice
Office of Consumer Litigation

Mailing Address
P.O. Box 386
Washington, D.C. 20044

Jennifer Grishkin.
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E-mail: Jennifer.Grishkin@usdoj.gov

Overnight Delivery
1331 Pennsylvania Ave., N.W.
Room 950N
Washington, D.C. 20004

October 6, 2004

DJ #104-22-6

BY FACSIMILE AND FIRST-CLASS MAIL

Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071
(765) 288-7763 (facsimile)

*Re: Gary Purrington, Diane Purrington, G. Skyler Purrington, and
Firefox Enterprises, Inc.*

Dear Douglas:

We received your proposed consent decree. We cannot accept your proposal for two primary reasons. First, despite the statement in my August 11 letter that "any consent decree the government would accept would have to go beyond the one signed by Gary Purrington in 1986," your consent decree did not go beyond the 1986 consent decree. Somewhat surprisingly, it was much more permissive. For example, the 1986 decree permitted the defendants to distribute ½ pound of aluminum per customer. Your current draft permits the Purringtons and Firefox to distribute a full pound of aluminum, even to customers with no ATF license, and to repeat such sales every six months. Also, the 1986 decree only exempted sales to ATF licensees from its reach, whereas you have added several categories of exempt sales in your current draft, including the very broadly worded category of sales to chemical dealers "or other similar business[es]." Moreover, you have not increased the effective period of the decree in the current draft. Like the 1986 decree, it would be operative for only five years.

Second, there are fundamental aspects of your proposed decree that make it unacceptable. The government changed its proposed decree from the 1986 decree precisely because the latter did not define the prohibited conduct clearly enough. By using most of the 1986 decree as your template, you have devised a draft that would leave too many questions and gray areas about the Purringtons' and Firefox's future sales of components of banned hazardous substances. The government will not agree to your more ambiguous language and the looser restrictions.

Based on your draft and in the interest of resolving this matter expeditiously, we are trying once more to propose a consent decree that would resolve the government's claims against your clients. We explain our basis for modifying our previous draft:

Paragraph(s) Comment

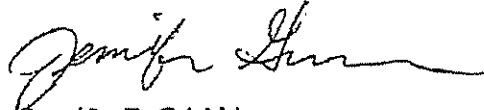
- Intro & I-II We will accept your versions of these paragraphs. We have made only very minor changes.
- III - V As explained above, the government will not accept the structure set forth in your proposed draft. We want to reach an agreement that more clearly sets out what conduct is prohibited and what conduct is permitted or required. We have thus modified these paragraphs, including by providing two of the exemptions that your draft (¶ 6) sought. We have exempted from the restrictions sales to persons holding valid ATF explosives licenses or to governmental units. Because we have agreed to add these exemptions, we also need to add a recordkeeping procedure by which the government can monitor compliance. The exemptions are at Paragraphs IV(A) and IV(B) of the enclosed Decree and the recordkeeping procedure is at Paragraph V. The other exemptions in your draft – for educational institutions and chemicals dealers “or other similar business[es]” – are not founded in law.
- VI This paragraph is similar to your ¶ 17, but your version lacks some important terms that ensure CPSC will be able to exercise effectively its compliance monitoring authority. However, we have incorporated the language from your version that provides that inspections will occur “during normal business hours.”
- VII - VIII Your draft did not contain these provisions. The requirements are not onerous, and the government views them as important to ensuring that Firefox personnel comply with the decree. Therefore, we will not remove these requirements.
- IX This provision is similar to your ¶ 15, but the government’s version requires notification of some additional events that would be critical to our monitoring of the defendants’ compliance. We have kept our language but clarified how notice is to be provided.
- X Your ¶ 20 provides that all parties will bear their own costs in this action. (This differed from the 1986 decree, which required the defendants to pay the government’s costs.) We will accept that provision, but we require that the defendants pay the government’s costs of any future contempt actions.
- XI Your draft did not contain this provision, which merely instructs defendants how to serve any notices required under the decree. We have retained this provision in our current draft.
- XII Your ¶ 19 contains a five-year expiration period. We are not willing to agree to an outright expiration date, but we are willing to agree that after ten years, Firefox

can petition the court to dissolve the order. As part of this provision, if Firefox has been in continuous compliance with the decree for at least seven years, the government will not oppose Firefox's petition.

Several paragraphs of your proposed decree imposed restrictions or obligations upon Firefox and the Purringtons that we had not asked for in our original proposal. These are Paragraphs 7, 8, 10, and 14. Because we believe these restrictions or obligations are unnecessary or not appropriate to the facts of this case, we have not included them.

If your clients are interested in resolving this matter on these terms, please have them sign and execute the enclosed consent decree by October 15, 2004. After that date, we will file our complaint against your clients without further notice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer E. Grishkin".

Jennifer E. Grishkin
Trial Attorney



U.S. Department of Justice
Office of Consumer Litigation

FILE

Mailing Address
P.O. Box 386
Washington, D.C. 20044

Jennifer Grishkin.
t: (202) 514-9471
f: (202) 514-8742
E-mail: Jennifer.Grishkin@usdoj.gov

Overnight Delivery
1331 Pennsylvania Ave., N.W.
Room 950N
Washington, D.C. 20004

November 10, 2004

DJ #104-22-6

BY FACSIMILE AND FIRST-CLASS MAIL

Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071
(765) 288-7763 (facsimile)

Re: *Gary Purrington, Diane Purrington, G. Skyler Purrington, and
Firefox Enterprises, Inc.*

Dear Douglas:

During our telephone conversation on October 18, 2004, you promised to send me written comments to the government's proposed consent decree (which we sent to you on October 6) by the end of October. Last Thursday, you told me that you had forgotten to provide those comments to me. You then promised to send the written comments to me by this past Monday, November 8. I have not received anything from you yet. I called your office yesterday and again today to discuss this matter with you and left messages for you after being told on both occasions that you were unavailable.

As you know, we have delayed filing suit because we believed, based on your representations, that your clients were interested in trying to negotiate a resolution in good faith. However, your repeated failures to respond to us in a timely fashion make us question whether your clients are truly interested in resolving this matter through settlement negotiations. Therefore, unless we receive your written comments on the proposed consent decree by this Friday, November 12, 2004, we intend to file our complaint against your clients without further notice.

Sincerely,

Jennifer E. Grishkin
Trial Attorney

Cc: Deborah Ferguson, Esq., Assistant United States Attorney

A12



U.S. Department of Justice
Office of Consumer Litigation

Mailing Address
P.O. Box 386
Washington, D.C. 20044

Jennifer Grishkin.
t: (202) 514-9471
f: (202) 514-8742
E-mail: Jennifer.Grishkin@usdoj.gov

Overnight Delivery
1331 Pennsylvania Ave., N.W.
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Washington, D.C. 20004

December 13, 2004

DJ #104-22-6

BY OVERNIGHT DELIVERY

Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071

*Re: United States v. Gary Purrington, Diane Purrington, Skyler Purrington, and
Firefox Enterprises, No. CIV 04-577-E-BLW (D. Idaho)*

Dear Mr. Mawhorr:

As a courtesy to you, I am enclosing copies of the complaint and two notices (Notice of Case Number Change, and Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction and Requirement for Consent) filed in the above-captioned case. The defendants were personally served on November 29, 2004. Accordingly, their Answer is due by December 20, 2004.

Sincerely,

Jennifer E. Grishkin
Trial Attorney

Enclosures

Cc: Deborah Ferguson, Esq., Assistant United States Attorney

EXHIBIT B



U.S. Department of Justice
Office of Consumer Litigation

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P.O. Box 386
Washington, D.C. 20044

Jennifer Grishkin.
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1331 Pennsylvania Ave., N.W.
Room 950N
Washington, D.C. 20004

December 17, 2004

DJ #104-22-6

BY FACSIMILE (W/O ENCLOSURES) AND OVERNIGHT DELIVERY

Douglas K. Mawhorr, Esq.
Brooke Mawhorr
P.O. Box 1071
112 E. Gilbert St.
Muncie, IN 47308-1071

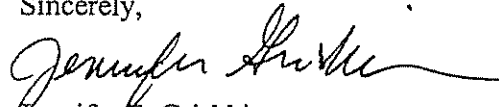
*Re: United States v. Gary Purrington, Diane Purrington, Skyler Purrington, and
Firefox Enterprises, No. CIV 04-577-E-BLW (D. Idaho)*

Dear Mr. Mawhorr:

As you know, the defendants in the above-captioned case were personally served on November 29, 2004. Accordingly, their Answer is due by Monday, December 20, 2004. You left me a voice mail message this morning asking for our consent to a thirty-day extension to file the defendants' Answer. Normally, we are happy to accommodate reasonable requests for extensions. Based on the history of this case, though, a thirty-day extension to file an answer is neither reasonable nor necessary.

Since late July, we have made every effort to negotiate a resolution to this case. We waited patiently through delay after delay on your part, until it finally became clear that you would not give us the courtesy of any reply to our inquiries. Moreover, you and the defendants had plenty of warning that this complaint would be filed. I have attached copies of our correspondence that reflect these facts. Based on this history, we chose to serve the defendants personally, rather than avail ourselves of a waiver of service, precisely so that we could move this case along in an expeditious and efficient manner. Given this background, we will agree to an extension of three days, which would make the defendants' Answer due Thursday, December 23, 2004. If you seek a longer extension from the Court, we intend to oppose your motion.

Sincerely,


Jennifer E. Grishkin
Trial Attorney

Enclosures

Cc: Deborah Ferguson, Esq., Assistant United States Attorney

Steven J Wright, ISBN # 5461
Aaron J Tolson, ISBN # 6558
WRIGHT WRIGHT & JOHNSON
Attorneys at Law
477 Shoup Avenue, Suite 109
P. O. Box 50578
Idaho Falls, Idaho 83405
Telephone: (208) 523-4433
Facsimile: (208) 523-4400

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	
)	Case No. CV-04-557-S-BLW
Plaintiff,)	
)	OBJECTION TO MOTION
vs.)	
)	
GARY PURRINGTON, an)	
individual; DIANE PURRINGTON,)	
an individual; G. SKYLER)	
PURRINGTON, an individual; and)	
FIREFOX ENTERPRISES, INC., a)	
Corporation,)	
)	
Defendant.)	
_____)	

COMES NOW Plaintiffs, by and through counsel of record, Aaron J. Tolson and hereby objects to Plaintiff's Motion for Reconsideration dated the 29th day of December, 2004 and submits the following:

1. Counsel retained in Idaho had no knowledge of this case until recently.
2. By the time Plaintiff's Motion could be heard, the answer would be past due.
3. Said Motion For Reconsideration should be denied in the interests of justice and judicial economy.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a licensed attorney in the State of Idaho, with my office in Idaho Falls, and that on the 12th day of January, 2005, I served a true and correct copy of the following described document on the person listed below by the method indicated below.

DOCUMENT SERVED: Objection

PERSON SERVED: Thomas E. Moss
 Email Deborah A. Ferguson, Esq.
 Hand Delivered US ATTORNEY'S OFFICE
 Mail Box 32
 Fax Boise, ID 83707
 @208-334-1414

PERSON SERVED: Jennifer E. Grishkin
 Email UNITED STATES DEPARTMENT OF JUSTICE
 Hand Delivered PO Box 386
 Mail Washington, D.C. 20044
 Fax
 @202-514-8742

Aaron J. Tolson
Attorney at Law

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	
)	Case No. CV-04-577-S-BLW
Plaintiff,)	
)	ORDER
v.)	
)	
GARY PURRINGTON, an Individual;)	
DIANE PURRINGTON, an Individual;)	
G. SKYLER PURRINGTON, an)	
Individual; and FIREFOX ENTERPRISES,)	
INC., a Corporation,)	
)	
Defendants.)	
_____)	

Pending before the Court is Plaintiff's Motion for Reconsideration filed December 29, 2004. (Docket No. 10). Plaintiff is correct in that the Court issued its order prematurely.

However, after reading the pleadings and considering the matter, the Court shall deny the Motion for Reconsideration.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
DECREED that Plaintiff's Motion for Reconsideration is DENIED.

DATED: **January 27, 2005**



B. Lynn Winmill

B. LYNN WINMILL
Chief Judge
United States District Court