

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

BELLE OF SIOUX CITY, L.P.,

Plaintiff/Defendant to Counterclaim,
vs.

MISSOURI RIVER HISTORICAL
DEVELOPMENT, INC.,

Defendant/Counter-claimant.

MISSOURI RIVER HISTORICAL
DEVELOPMENT, INC.,

Third Party Plaintiff,

vs.

PENN NATIONAL GAMING, INC.

Defendant to Counterclaim.

SIOUX CITY ENTERTAINMENT, INC.,

Intervenor,

vs.

BELLE OF SIOUX CITY, L.P. and PENN
NATIONAL GAMING, INC.,

Intervention Defendants.

LAW NO. LACL 126161

**MISSOURI RIVER HISTORICAL
DEVELOPMENT, INC'S MOTION
TO EXTEND DEADLINE FOR
RESPONSE TO BELLE'S
SUBPOENA DUCES TECUM
DIRECTED TO DAVID BERNSTEIN**

COMES NOW Defendant, Counterclaimant and Third-Party Plaintiff Missouri River Historical Development, Inc., ("MRHD"), and moves for an extension of the deadline for responding to the Subpoena Duces Tecum served on MRHD by Belle of Sioux City, L.P., ("Belle"). In support of its Motion, MRHD states as follows:

1. On January 3, 2014, the Court entered an Order denying MRHD's Motion to Quash a subpoena duces tecum served on MRHD Board Member David Bernstein by Belle.

2. The Order required MRHD to produce the requested documents by January 13, 2014.

3. On January 13 and 23, 2014, MRHD produced the responsive documents in its possession and requested an additional 10 days, until January 23, 2013, to allow MRHD to conduct a search for additional documents, not in its possession, which might be responsive to the subpoena.

4. MRHD's request for an extension was granted by the Court in an Order filed on January 17, 2014.

5. Subsequently, on January 21, 2014, MRHD Board member David Bernstein, a non-party to the pending litigation, filed his own Motion for Protective Order, seeking to limit the scope of Belle's subpoena and the use and disclosure of any material which may ultimately be produced.

6. If there are any remaining, responsive documents, those documents are in the possession of Mr. Bernstein and MRHD does not have copies. Mr. Bernstein has asked the Court to determine the extent to which he must provide additional information to MRHD for production to Belle.

7. Under the circumstances, MRHD cannot attempt further compliance with Belle's subpoena duces tecum until Mr. Bernstein's Motion for Protective Order is ruled upon.

WHEREFORE, MRHD requests an Order extending its time to respond to the subpoena duces tecum served on David Bernstein by Belle until a date following the Court's ruling on Mr. Bernstein's Motion for Protective Order.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleading on January 23, 2014

By: U.S. Mail facsimile
 Hand delivered Overnight courier
 Other ECF

Signature 