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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2012 JUN -8 PM 3:49
CLERK
BY: REISINGER

7 Attorneys for Defendant Robert D. Veres

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF YAVAPAI**

11 JOHN B. CUNDIFF and BARBARA C.
12 CUNDIFF, husband and wife; ELIZABETH
13 NASH, a married woman dealing with her
14 separate property; KENNETH PAGE and
15 KATHRYN PAGE, as Trustee of the Kenneth
16 Page and Catherine Page Trust,

17 Plaintiffs,

18 v.

19 DONALD COX and CATHERINE COX,
20 husband and wife, et al.,

21 Defendants.

Case No. P1300CV20030399

**RESPONSE TO PLAINTIFFS' AND
DEFENDANTS' COX, ET AL.'S
PRETRIAL CONFERENCE
MEMORANDUMS IN ACCORDANCE
WITH RULE 16(b), ARIZ. R. CIV. P.**

22 Defendant Robert D. Veres (hereinafter, "Defendant" or "Veres"), through undersigned
23 counsel, pursuant to Ariz.R.Civ.P. 16(b), and any other applicable rule or law, hereby submits his
24 Response to Plaintiffs' and Defendants' Cox, et al.'s Pretrial Conference Memorandums in
25 Accordance with Rule 16(b), Ariz. R. Civ. P. in the above-captioned matter.

26 Veres suggests the following:

27 **1. Discovery.**

28 Discovery shall be completed by November 2, 2012.

1 **2. Expert Witness.**

2 Plaintiffs shall disclose their expert witnesses by July 31, 2012. Defendants shall disclose their
3 expert witnesses by August 17, 2012. Rebuttal expert witnesses shall be disclosed by September 4,
4 2012.
5

6 **3. Determination or Designation of Experts.**

7 Each side shall be entitled to one expert witness per issue as provided by Rule 26.1(b)(4)(D),
8 Arizona Rules of Civil Procedure.
9

10 **4. Disclosure of Non-Expert Witnesses.**

11 All non-expert witnesses shall be disclosed by September 7, 2012.

12 **5. Discovery Disputes.**

13 Veres is not aware of any discovery disputes.
14

15 **6. Elimination of Unmeritorious Claims or Defenses.**

16 Veres believes that there is no need to eliminate any claims or defenses.

17 **7. Amendment of Pleadings.**

18 Any amendments shall be filed by July 31, 2012.

19 **8. Identification of Issues of Fact.**

20 The parties dispute whether the recorded Declaration of Restrictions has been
21 abandoned/waived and is enforceable.
22

23 **9. Stipulations Re: Foundation or Admissibility.**

24 Veres agrees that he will entertain and address any necessary stipulations by or before twenty
25 (20) days prior to trial.
26

27 **10. Special Procedures.**

28 No special procedures for management of this case are necessary.

1 **11. Alternative Dispute Resolution.**

2 Veres is willing to participate in a Settlement Conference or other Alternative Dispute
3 Resolution.
4

5 **12. Modification/Suspension of Any Rules.**

6 The parties do not believe this is necessary.

7 **13. Rule 26.1 Compliance.**

8 See paragraph 1 above. Veres will agree to full compliance with Rule 26.1, Ariz. R. Civ. P.,
9 will have been made by the discovery deadline.
10

11 **14. Settlement Conference.**

12 A Settlement Conference or other Alternative Dispute Resolution shall occur by October 31,
13 2012.
14

15 **15. Joint Pretrial Statement.**

16 Veres believes that the parties should file a Joint Pretrial Statement within ten (10) days of
17 trial.

18 **16. Trial Date.**

19 Veres believes that a trial date on or after March 1, 2013 would be reasonable.
20

21 **17. Motions in Limine/Dispositive Motions.**

22 Veres believes that any motions in limine, if necessary, should be filed no later than twenty
23 (20) days prior to trial. Dispositive motions should be filed no later than December 7, 2012.

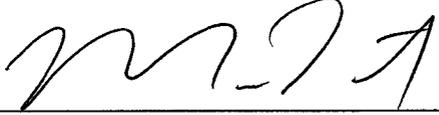
24 **18. Jury Trial.**

25 Veres has requested a jury trial.
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RESPECTFULLY SUBMITTED this 8th day of June, 2012.

MUSGROVE, DRUTZ & KACK, P.C.

By 

Mark W. Drutz
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Attorneys for Defendant Robert D. Veres

COPY of the foregoing mailed
this 8th day of June, 2012, to:

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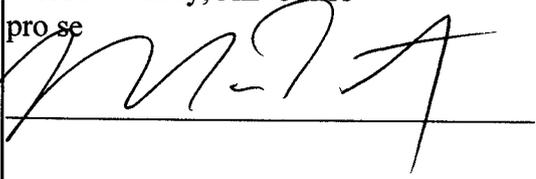
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