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2012 AUG 21 PM 5:00

BY: V REISINGER ✓

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF YAVAPAI

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

14 Plaintiffs,

15 vs.

16 DONALD COX and CATHERINE COX,
17 husband and wife,

18 Defendants.

CASE NO. P1300CV20030399

**OBJECTION AND MOTION TO
STRIKE DEFENDANTS COX
NOTICE OF FILING
DEFENDANTS' WITNESS LIST
AND DEFENDANT VERES
JOINDER IN NOTICE OF
FILING DEFENDANTS'
WITNESS LIST**

19 Plaintiffs, by and through their attorney undersigned, hereby object to Defendants Donald
20 and Catherine Cox's Notice of Filing Defendants' Witness List and Defendant Robert D. Veres'
21 Joinder in Notice of Filing Defendants' Witness List for the reason that this Court's June 18,
22 2012 Scheduling Order this Court stated that non-expert witnesses shall be disclosed by August
23 17, 2012. The deadline set at the Scheduling Conference was for disclosure of non-expert
24 witnesses, not a list of witnesses. Witness lists are submitted to the Court close to the time of trial
25 so that the Court will know which witnesses are likely to testify at trial, not what they are
expected to say. The purpose of disclosing witnesses is to provide other parties with a fair
description of the witness' expected testimony so that a decision can be made to take further
action, such as taking a witness' deposition.

1 Defendants' disclosure does not meet the requirements of ARCP, Rule 26.1(a)(3) which
2 states that when disclosing witnesses the parties shall disclose in writing to every other party:

3 The names, addresses, and telephone numbers of any witnesses
4 whom the disclosing party expects to call at trial with a fair
5 description of the substance of each witness' expected testimony

6 Defendants Cox, through Mark W. Drutz, **Jeffrey R. Adams** and Sharon Sargent-Flack
7 on the first page of their Notice list 282 witnesses, but do not provide current addresses,
8 telephone numbers or a fair description of the witnesses' expected testimony. Defendant Veres,
9 through Mark W. Drutz, Sharon Sargent-Flack and Jeffrey D. Gautreaux, join in the same
10 defective disclosure. Both filings are on the pleading paper of the Musgrove Drutz and Kack
11 firm.

12 For all of the reasons above, Plaintiffs object to and move to strike Defendants Cox
13 Notice of Filing Defendants' Witness List and Defendant Robert D. Veres Joinder in Notice of
14 Filing Defendants' Witness List.

15 DATED this 21st day of August, 2012.

16 **J. JEFFREY COUGHLIN PLLC**

17 By: _____

18 
J. Jeffrey Coughlin

19 COPY of the foregoing
20 mailed this 21st day of
21 August, 2012 to:

22 Jeffrey R. Adams
23 THE ADAMS LAW FIRM PLLC
24 125 Grove Avenue
25 P.O. Box 2522
Prescott, AZ 86302
Attorney for Defendants listed in Answer to
First Amended Complaint by Joined Property Owner Defendants
Dated September 22, 2010

David K. Wilhelmsen
Marguerite Kirk
Favour Moore & Wilhelmsen, PLC

1 P.O. Box 1391
Prescott, AZ 86302
2 Attorneys for James Verilek

3 Mark W. Drutz
4 Sharon Sargent-Flack
Musgrove, Drutz & Kack, P.C.
5 1135 W. Ironwood Springs Road
P.O. Box 2720
6 Prescott, AZ 86302

7 William "Bill" Jensen
2428 West Coronado Ave.
8 Flagstaff, AZ 86001
Pro Per
9

10 Karen L. Wargo
Michael P. Wargo
11 9200 E. Spurr Lane
Prescott Valley, AZ 86315

12 Linda J. Hahn
13 10367 W. Mohawk Lane
Peoria, AZ 85382
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15 Noel J. Hebets
NOEL J. HEBETS, PLC
16 127 East 14th Street
Tempe, AZ 85281
17 Attorney for William M. Grace

18 Robert E. Schmitt
MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.
19 P.O. Box 591
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20 Attorneys for Robert H. Taylor and
Teri A. Thomson-Taylor
21

22 John and Rebecca Feddema
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23 Prescott Valley, AZ 86315

24 Gary and Sabra Feddema
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25 Prescott Valley, AZ 86315

Sergio Martinez and Susana Navarro
10150 N Lawrence Lane

1 Prescott Valley, AZ 86315

2 William R. and Judith K. Stegeman Trust
3 9200 E. Far Away Place
4 Prescott Valley, AZ 86315

5 Rynda and Jimmy Hoffman
6 9650 E. Spurr Lane
7 Prescott Valley, AZ 86315

8 William and Shaunla Heckethorn
9 9715 E. Far Away Place
10 Prescott Valley, AZ 86315

11 Leo and Marilyn Murphy
12 9366 E. Turtlerock Road
13 Prescott Valley, AZ 86315

14 James and Leslie Richie
15 9800 E. Plum Creek Way
16 Prescott Valley, AZ 86315

17 Rhonda Folsom
18 9305 N. Coyote Springs Rd.
19 Prescott Valley, Arizona 86315

20 Kenneth Paloutzian
21 8200 Long Mesa Drive
22 Prescott Valley, AZ 86315

23 Bonnie Rosson
24 8950 E. Plum Creek Way
25 Prescott Valley, AZ 86315

Robert Lee and Patti Ann Stack/Robert Lee and Patti Ann Stack Trust
10375 Lawrence Lane
Prescott Valley, AZ 86315

John and Dusti Audsley
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Dana E. and Sherrilyn G. Tapp
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Prescott Valley, AZ 86315

Richard and Beverly Strissel
9350 E. Slash Arrow Drive

1 Prescott Valley, AZ 86314

2 Lloyd E. and Melva Self
3 9250 E. Slash Arrow Drive
4 Prescott Valley, AZ 6315

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