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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2012 AUG 29 PM 1:29 ✓

SANDRA K. HARRAHAN, CLERK

BY: J. Erickson

10 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

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

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

18 Plaintiffs,

19 v.

20 DONALD COX and CATHERINE COX,
21 husband and wife, et al., et ux.,

22 Defendants.

Case No. CV 2003-0399

Division No. 4

**RESPONSE TO OBJECTION AND
MOTION TO STRIKE LIST OF NON-
EXPERT WITNESSES FILED BY
DEFENDANTS**

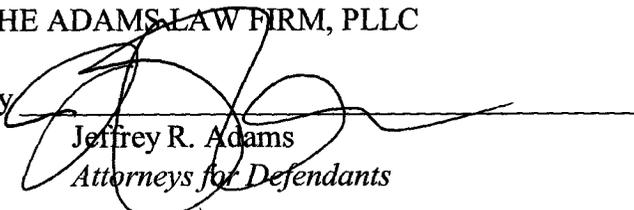
(Assigned to the Honorable Kenton D. Jones)

23 Defendants Cox et al., et ux., by and through undersigned counsel, hereby respond to the
24 Objection and Motion to Strike filed by Plaintiffs and ask that the Objection be overruled and the
25 Motion be denied. The list of witnesses filed with the Court was filed not only to provide notice
26 to all parties in this case of those witnesses that may be called to testify but also to put the Court
27 on notice of the number of witnesses that may testify to prepare for what will be a lengthy trial
28 with an unusual number of witnesses but which number may prove necessary in light of the fact
that this case involves a subdivision with a few hundred individual lots and property owners.

1 Furthermore, the majority of those witnesses identified are undersigned's clients and the majority
2 of whom were disclosed long ago and before Mr. Coughlin's involvement in this case, were
3 included in Defendants' Cox's witness list filed with the Court shortly before this matter was
4 originally set for trial many years ago. Inasmuch as the property owner witnesses are parties to
5 this case, they each have a right to testify if they so choose to testify and as should be rather
6 obvious, they would testify, among other things related to this case, as to (i) their ownership and
7 use of property in the subdivision, (ii) other property owners' use of their properties, and (iii)
8 property owners' lack of compliance with the Declaration of Restrictions at issue in this case.
9 Plaintiffs also are fully aware that those Defendants listed as witnesses who are represented by
10 undersigned can be contacted through undersigned. Based upon the foregoing, we ask that the
11 Court overrule Plaintiffs' objection and deny their Motion to Strike.¹

12
13
14
15 RESPECTFULLY SUBMITTED this 29 day of August, 2012

16 THE ADAMS LAW FIRM, PLLC

17
18 By 

Jeffrey R. Adams

Attorneys for Defendants

19 COPY of the foregoing hand-delivered
20 this 29 day of August, 2012 to:

21 Honorable Kenton D. Jones
22 Yavapai County Superior Court
23 Division 4
24 Prescott, Arizona 86301

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26 _____
27 ¹It is worth noting that since the original trial in this case was vacated several years ago,
28 Plaintiffs have conducted absolutely no discovery, taken no depositions, or supplemented their
disclosures. What they have done, however, is pursue every available procedural device and
maneuver possible to delay a final determination herein and to protract these proceedings.

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12 COPY of the foregoing mailed
13 this 27th day of August, 2012, to:

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28