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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2012 MAY 30 PM 1:49 ✓
COURT CLERK
BY: J. Ericson

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,

11 Plaintiffs,

12 vs.

14 DONALD COX and CATHERINE COX,
15 husband and wife,

16 Defendants.

CASE NO. P1300CV20030399

PLAINTIFFS PROPOSED
SCHEDULE FOR RULE 16(b)
SCHEDULING CONFERENCE

17 In accordance with Arizona Rules of Civil Procedure, Rule 16 (b) and this Court's order
18 issued at the May 29, 2012 status conference, Plaintiffs hereby submit their Proposed Pretrial
19 Schedule to be discussed at the scheduling conference on June 18, 2012.

20 1. **Additional Disclosures, Discovery and related activities to be undertaken**
21 **and a Schedule Therefor:** Non-expert witnesses as set forth in Rule 26.1(a) (3) to be disclosed
22 by September 17, 2012. Rebuttal non-expert witnesses according to the requirements set forth in
23 Rule 26.1(a)(3) to be disclosed by October 16, 2012. Non-expert witness depositions to be
24 completed by January 25, 2013. All other discovery as described in Rule 16(b)(1)(A) to be
25 completed by February 28, 2013.

1 2. **Schedule for Disclosure of Expert Witnesses:** Plaintiffs shall disclose expert
2 witnesses as set forth in Rule 26.1(a)(6) by November 16, 2012. Defendants shall disclose their
3 expert witnesses as set forth in Rule 26.1(a)(6) by December 14, 2012. Plaintiffs shall disclose
4 all rebuttal expert witnesses they may have as set forth in Rule 26.1(a)(6) by January 16, 2013.
5 All expert witness depositions are to be completed by February 28, 2013..

6 3. **Number of Expert Witnesses:** According to the parameters of Rule 26.1(a)(6)
7 the Plaintiffs suggest that each side be permitted to present no more than four expert witnesses.
8

9 4. **Disclosure of Non-Expert Witnesses:** See, Section 1, above. All discovery to be
10 completed by February 28, 2013.

11 5. **Discovery Disputes:** There are no discovery disputes at this time.

12 6. **Non-Meritorious Claims or Defenses:** There are no non-meritorious claims or
13 defenses at this time.

14 7. **Amendment of Pleadings:** Plaintiffs suggest that pleadings may be amended
15 according to ARCP 15.

16 8. **Issues of Fact Still at Issue:** Plaintiffs allege Defendants Cox are in violation of
17 the CC&Rs for Coyote Springs Ranch, Phase I by operating a business at their property.
18 Defendants claim the CC&Rs have been abandoned.

19 9. **Stipulations as to the Foundation of Evidence:** Plaintiffs agree to stipulate as to
20 the foundation of evidence at least thirty (30) days prior to trial.
21

22 10. **Special Procedures for Management of the Case:** Plaintiffs believe that special
23 procedures for the management of this case are necessary.

24 11. **Alternative Dispute Resolution:** Plaintiffs believe that alternative dispute
25 resolution may be successful at this point in the litigation.

1 12. **Modification/Suspension of Discovery Rules:** Plaintiffs do not believe that any
2 modification or suspension is necessary regarding any discovery rule.

3 13. **Rule 26.1:** Plaintiffs believe that Rule 26.1 has been appropriately complied with
4 by the parties.

5 14. **Settlement Conference:** Plaintiffs propose that a settlement conference be
6 scheduled and occur no later than July 31, 2012.

7 15. **Joint Pretrial Statement:** Plaintiffs request that the Rule 16(d) joint pretrial
8 statement be filed on April 17, 2013. Plaintiffs shall submit their portion of the joint pretrial
9 statement to Defendants by March 28, 2013. Defendants shall submit their portion of the joint
10 pretrial statement to the Plaintiffs by April 10, 2013.

11 16. **Trial Date:** Plaintiffs suggest that at least twelve days be set aside for trial and
12 that it be scheduled to commence after June 25, 2013.

13 17. **Time Limits on Trial Proceedings, Juror Notebooks, Voir Dire, Opening**
14 **Statements, Preliminary Jury Instructions, and Management of Documents and Exhibits:**
15 Plaintiffs have the following suggestions on trial proceedings: request that the jurors have
16 notebooks; request the ability to conduct voir dire; request the opportunity to make a brief
17 opening statement before conducting voir dire and a full opening statement before the
18 submission of evidence; suggest that the parties submit preliminary jury instructions and any
19 recommended Court voir dire questions to the Court and exhibits to the Clerk for marking no
20 later than five (5) business days before trial.

21 18. **Motions in Limine/Dispositive Motions:** All motions *in limine* shall be filed no
22 later than thirty (30) days prior to trial. Responses and replies shall be filed according to the
23
24
25

1 requirements set forth in Rule 7.1. Dispositive motions shall be filed by February 28, 2013;
2 responses and replies shall be filed as allowed under the Arizona Rules of Civil Procedure.

3 19. Plaintiffs request that a court reporter be present at all future court proceedings to
4 obtain a verbatim record.

5 DATED this 30th day of May, 2012.

6 **J. JEFFREY COUGHLIN PLLC**

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8
9 By: 

J. Jeffrey Coughlin

10 COPY of the foregoing hand-
11 delivered this 30th day
of May, 2012 to:

12 Jeffrey R. Adams
13 THE ADAMS LAW FIRM PLLC
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Attorney for Defendants listed in Answer to
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Dated September 22, 2010

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24 COPY of the foregoing
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7 By: C. Padilla

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