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JANET W. PARKHAM, CLERK

BY: ~~A. White~~

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

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

15 Plaintiffs,

16 vs.

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

19 Defendants.

CASE NO. P1300CV20030399

**CONTROVERTING
 CERTIFICATE**

20 Pursuant to Arizona Rules of Civil Procedure Rule 38.1(b), Plaintiffs, by and through
 21 their attorney undersigned, hereby controvert Defendants' Motion to Set and Certificate of
 22 Readiness filed in this matter.

23 Defendants have approached Plaintiffs to conduct substantial discovery which will not be
 24 completed in time for a November 1, 2011 trial. Following the anticipated discovery, Plaintiffs
 25 will be in a position to file motions which may dispose of some, if not all the issues in this case.
 Those motions will not be filed, responded to, replied to and argued in time for a November 1,
 2011 trial. For example, a motion for summary judgment if filed today would not be at issue
 until October 11, 2011. Argument would have to be scheduled immediately and the motion

1 would have to be decided within two weeks to occur before the trial date suggested by
2 Defendants.

3 For the above reasons, this case will not be ready for trial on November 1, 2011 as
4 proposed by Defendants. If the Court is inclined to place the case on the active calendar, it
5 should be done so on a date in the future as allowed for in the final paragraph of Rule 38.1(b).
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8 DATED this 29th day of August, 2011.

9 **J. JEFFREY COUGHLIN PLLC**

10
11 By: 

12 J. Jeffrey Coughlin

13 COPY of the foregoing
14 mailed this 29th day of
August 2011 to:

15 Jeffrey R. Adams
16 THE ADAMS LAW FIRM PLLC
17 125 Grove Avenue
18 P.O. Box 2522
19 Prescott, AZ 86302
20 Attorney for Defendants listed in Answer to
21 First Amended Complaint by Joined Property Owner Defendants
22 Dated September 22, 2010

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