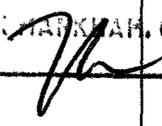


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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA ✓

2011 DEC -2 PM 2:07

SANDRA N. MARKHAM, CLERK
BY: 

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), Defendants hereby
18 submit their Proposed Pretrial Statement.

19 1. **Additional Disclosures, Discovery and related activities to be undertaken**
20 **and a Schedule Therefor:** Non-expert witnesses as set forth in Rule 26.1(a) (3) to be disclosed
21 by March 15, 2012. Rebuttal non-expert witnesses according to the requirements set forth in
22 Rule 26.1(a)(3) to be disclosed by April 16, 2012. Non-expert witness depositions to be
23 completed by July 25, 2012. All other discovery as described in Rule 16(b)(1)(A) to be
24 completed by August 31, 2012.
25

1 2. **Schedule for Disclosure of Expert Witnesses:** Plaintiffs shall disclose expert
2 witnesses as set forth in Rule 26.1(a)(6) by May 16, 2012. Defendants disclose their expert
3 witnesses as set forth in Rule 26.1(a)(6) by June 15, 2012. Plaintiffs shall disclose rebuttal
4 expert witnesses as set forth in Rule 26.1(a)(6) by July 16, 2012. All expert witness depositions
5 are to be completed by August 31, 2012..

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 4. **Disclosure of Non-Expert Witnesses:** See, Section 1, above. All discovery to be
9 completed by August 31, 2012.

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

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

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

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

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

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

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

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 January 31, 2012.

7 15. **Joint Pretrial Statement:** Plaintiffs request that the Rule 16(d) joint pretrial
8 statement be filed on October 17, 2012. Plaintiffs are to submit their portion of the joint pretrial
9 statement to Defendants by September 28, 2012. Defendants are to submit their portion of the
10 joint pretrial statement to the Plaintiffs by October 10, 2012.

11 16. **Trial Date:** Defendants request a trial after November 26, 2012.

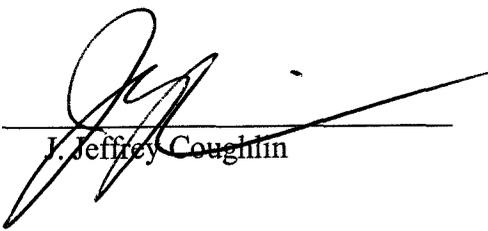
12 17. **Time Limits on Trial Proceedings, Juror Notebooks, Voir Dire, Opening**
13 **Statements, Preliminary Jury Instructions, and Management of Documents and Exhibits:**
14 Plaintiffs have the following suggestions on trial proceedings: request that the jurors have
15 notebooks; request the ability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

21 18. **Motions in Limine/Dispositive Motions:** All motions *in limine* to be filed no
22 later than thirty (30) days prior to trial. Responses and replies to be filed according to the
23 requirements set forth in Rule 7.1. Dispositive motions are to be filed by August 31, 2012 with
24 responses and replies to be filed as allowed under the Arizona Rules of Civil Procedure.
25

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

3 DATED this 29 day of December, 2011.

4 J. JEFFREY COUGHLIN PLLC

5
6 By: 
7 J. Jeffrey Coughlin

8 COPY of the foregoing
9 mailed this 2nd day of
Dec., 2011 to:

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16 First Amended Complaint by Jointed Property Owner Defendants
17 Dated September 22, 2010

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