

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

**FILED**  
**DATE: 6/18/2012**  
**3:37 O'Clock P.M.**  
**Sandra K. Markham, CLERK**  
**BY: Sharon McComack**  
Deputy

DIVISION: 4

SANDRA K MARKHAM, CLERK

HON. KENTON D. JONES

By: Sharon McComack, Deputy Clerk

CASE NO. P1300CV20030399

DATE: June 18, 2012

**TITLE:**

**COUNSEL:**

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

Plaintiffs,

**DONALD COX** and **CATHERINE COX**,  
Husband and wife, et al.,

Defendant

**J. Jeffrey Coughlin**  
J. JEFFREY COUGHLIN PLLC (e)  
Attorneys for Plaintiff

**Jeffrey R. Adams**  
THE ADAMS LAW FIRM, PLLC (e)  
Attorneys for Defendants Cox

**David K. Wilhelmsen**  
**Marguerite Kirk**  
FAVOUR MOORE & WILHELMSEN, PLC (e)  
Attorneys for Defendants James Varilek

**Mark W. Drutz**  
**Sharon Sargent-Flack**  
MUSGROVE DRUTZ & KACK, P.C. (e)  
Attorneys for Robert Veres

**Noel J. Hebets**  
NOEL J. HEBETS, PLC (e)  
(For Defendant William M. Grace)

**TIME SET FOR:**  
Scheduling Conference

**NATURE OF PROCEEDINGS**

**COURT REPORTER**  
Christy Olesek

**START TIME: 3:37 p.m.**

**APPEARANCES:** **Marguerite Kirk**, Counsel for Plaintiff, James Varilek (Telephonically)  
**Jeff Adams**, Counsel for Defendants, Mr. and Mrs. Cox  
**Mark Drutz**, Counsel for Defendant, Mr. Veres

This is the time set for Scheduling Conference

Mr. Coughlin has not appeared on behalf of the Plaintiff.

The Court has reviewed the five leading pleadings.

The Court does not enter any order requiring the filing of *lis pendens*.

Further, the Court does not raise any issue regarding Rule 55 defaults.

The Court SETS a 12-day Trial commencing **April 16, 2013** and continuing **April 17, 18, 19, 23, 24, 25, 26, and 30, 2012, and May 1, 2, and 3, 2013.**

The Court does not order a settlement conference be set at this time. The parties are invited and promoted to attend a settlement conference or mediation if they wish.

Unless the Court is shown good cause otherwise, the parties are allowed one expert per side.

A party requesting an additional expert shall provide distinction as to the reason for the request in an expeditious manner.

Plaintiff's expert witness shall be disclosed by **September 14, 2012.**

Defendant shall disclose any rebuttal expert witness by **November 16, 2012.**

All expert depositions shall be completed by **December 28, 2012.**

Non-expert witnesses shall be disclosed by **August 17, 2012.**

Rebuttal non-expert witness shall be disclosed by **September 21, 2012.**

Non-expert witness depositions shall be completed by **December 7, 2012.**

All other discovery shall be completed by **December 28, 2012.**

The joint pretrial statement shall be filed by **February 15, 2013.**

Plaintiffs shall submit their portion of the joint pretrial statement to Defendants by **January 28, 2013.**

Defendants shall submit their portion of the joint pretrial statement to Plaintiffs by **February 10, 2013.**

The Court permits the parties to use jury notebooks as long as they are timely.

The Court will address preliminary jury instructions, final jury instructions, and *voir dire* by separate minute entry.

Motions *in limine* shall be filed no later than 30 days prior to trial with responses filed pursuant to Rule 7.1.

There will be no replies with respect to motions *in limine*.

Dispositive motions shall be filed no later than **December 28, 2012.**

Responses and replies shall be timely filed thereafter.

The Court has signed the Van Dyke dismissal this date.

As to the motion for site inspection filed by Mr. Adams on June 5, 2012, the motion has not been fully pled. The Court will wait for the standard response time to pass.

As to the deadlines set, *supra*, regarding disclosure of the respective parties' expert witnesses, the parties shall disclose the respective expert opinions at the same time.

The dispositive motion deadline shall be **January 11, 2013**.

The parties agree to provide their own *voir dire*.

**END TIME: 4:05 p.m.**

cc: Division 4 (e)

cc: Hans Clugston—HANS CLUGSTON, PLLC (e)  
Robert E. Schmitt—MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C. (e)  
William "Bill" Jensen—2428 W. Coronado Avenue, Flagstaff, AZ 86001  
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Linda J. Hahn—10367 W. Mohawk Lane, Peoria, AZ 85382  
Jesus Manjarres—105 Paseo Sarta #C, Green Valley, AZ 85614  
Nicholas Corea—4 Denia, Laguna Niguel, CA 92677  
John and Rebecca Feddema—9550 E. Spurr Lane, Prescott Valley, AZ 86315  
Gary and Sabra Feddema—9601 Far Away Place, Prescott Valley, AZ 86315  
Jack and Dolores Richardson—505 Oppenheimer Drive #4 12, Los Alamos, NM 87544  
Eric Cleveland—9605 E. Disway, Prescott Valley, AZ 86315  
Rynda and Jimmy Hoffman—9650 E. Spurr Lane, Prescott Valley, AZ 86315  
William R. and Judith K. Stegeman Trust—9200 E. Far Away Place, Prescott Valley, AZ 86315  
Sergio Martinez and Susana Navarro—10150 N. Lawrence Lane, Prescott Valley, AZ 86315  
Robert and Patricia Janis—7685 N. Coyote Springs Road, Prescott Valley, AZ 86315  
William and Shaunla Heckethom—9715 E. Far Away Place, Prescott Valley, AZ 86315  
Leo and Marilyn Murphy—9366 E. Turtlerock Road, Prescott Valley, AZ 86315  
James and Leslie Richie—9800 E. Plum Creek Way, Prescott Valley, AZ 86315  
Rhonda Folsom—9305 N. Coyote Springs Road, Prescott Valley, AZ 86315  
Kenneth Paloutzian—8200 Long Mesa Drive, Prescott Valley, AZ 86315  
Robert Lee and Patti Ann Stack/Robert Lee and Patti Ann Stack Trust—  
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John and Dusti Audsley—6459 E. Clifton Terrace, Prescott Valley, AZ 86314  
Dana E. and Sherrilyn G. Tapp—8595 E. Easy Street, Prescott Valley, AZ 86315  
Richard and Beverly Strissel—9350 E. Slash Arrow Drive, Prescott Valley, AZ 86315  
Bonnie Rosson—8950 E. Plum Creek Way, Prescott Valley, AZ 86315  
Lloyd E. & Melva J. Self—9250 E. Slash Arrow Drive, Prescott Valley, AZ 86315  
Mike and Julia Davis—9147 E. Morning Star Rd., Prescott Valley, AZ 86315  
Richard and Patricia Pinney—10980 N. Coyote Springs Rd., Prescott Valley, AZ 86315