

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 JUN 10 PM 1:44

JEANNE HICKS, CLERK

BY: *Marcey*

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6 Attorney for Pine Strawberry Water Improvement District

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

9 PINE STRAWBERRY WATER) CASE NO. . P-1300-CV-20090785
10 IMPROVEMENT DISTRICT, a Tax Levying)
11 Public Improvement District pursuant to A.R.S.) MOTION FOR RULE 16
12 §§ 48-901 to 48-966 inclusive, and §§ 48-1011 to) SCHEDULING CONFERENCE AND
13 48-1019 inclusive and all amendments and) ORDER
14 supplements thereto,)

15 Plaintiff,)

16 v.)

17 PINE WATER CO., INC., an Arizona)
18 Corporation; STRAWBERRY WATER CO.,)
19 INC., an Arizona Corporation; BROOKE)
20 UTILITIES, INC., an Arizona Corporation;)
21 COUNTY OF GILA, a political subdivision of)
22 the State of Arizona; JOHN DOES 1 through)
23 10; and BLACK AND WHITE)
24 PARTNERSHIPS 1 through 10,)

25 Defendants.)

26 Plaintiff Pine Strawberry Water Improvement District (PSWID), by and through counsel
27 undersigned, hereby moves this Court for setting a *Rule 16 (a)* Scheduling Conference pursuant
28 to *Arizona Rules of Civil Procedure* to consider the following:

- 29
1. Expediting the disposition of this Condemnation Action before the Court.
 2. Establishing early and continuing control so that this Condemnation Case will not be protracted because of lack of management.
 3. Discouraging unnecessary pretrial activities on the part of both parties.

1. 4. Improving the overall quality of the trial through more thorough preparation.
2. 5. To determine what additional disclosures, discovery and related activities to be undertaken
and a schedule made for such.
3. 6. Such schedule shall include time for depositions, production of documents or electronically
4. stored information, non-uniform interrogatories, admissions, inspections, or physical or
5. mental examination, and any other discovery pursuant to these rules.
6. 7. Determining requirements and/or limitations for the disclosure or discovery of
7. electronically stored information, including the form or forms in which the electronically
8. stored information should be produced.
9. 8. Determining what if any measures the parties must take to preserve discoverable
10. electronically stored information.
11. 9. Adopting any agreements the parties reach for asserting claims of privilege or of protection
12. as to trial preparation materials after production.
13. 10. Determine a schedule for the disclosure of expert witnesses, with such disclosure occurring
14. within 90 days of the scheduling conference except upon good cause shown, additionally,
15. determine the number of expert witnesses or designate expert witnesses as set forth in **Rule**
16. **20(b)(4) Arizona Rules of Civil Procedure**
17. 11. Determine a date for the disclosure of non-expert witnesses and the order of their
18. disclosure. The date for disclosure of all witnesses, expert and non-expert, shall be at least
19. 45 days before the completion of discovery. Any witnesses not so disclosed shall not be
20. allowed to testify at trial unless there is a showing of good cause.
21. 12. Discovery disputes that have been presented to the court by way of motion shall be resolved
22. not less than 10 days before the Conference.
23. 13. Eliminate non-meritorious claims or defenses.
24. 14. Assist in identifying those issues of fact, which are still at issue.
25. 15. Consider alternative dispute resolution.
26. 16. Determine whether Rule 26.1 has been appropriately complied with by the parties.
27. 17. Determine a date for a settlement conference if such a conference is requested by a party of
28. deemed advisable by the court.
29. 18. Determine a date for filing a joint pretrial statement.

1 19. Set a trial date.

2 20. Discuss the following: a. imposition of time limits on trial proceedings; b. juror notebooks;
3 c. brief pre-voir dire opening statements and preliminary jury instructions; the effective
4 management of documents and exhibits.

5 21. Determine how verbatim record of future proceedings in the case will be made.

6 **RESPECTFULLY SUBMITTED** this 9 day of June 2009

7 LAW OFFICE OF JOHN G. GLIEGE

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10 _____
11 John G. Gliege

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13
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15 Copy of the foregoing delivered/mailed this

16 9 day of June, 2009.

17 Yavapai County Superior Court
18 Attn: Clerk of Court
19 120 S. Corte
20 Prescott, AZ 86301

21 Fennemore Craig, P.C.
22 Attn: Bart Wilhoit
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