

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 JUN 29 PM 12:35

JEANNE HICKS, CLERK

BY: B. Hamilton

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10 Pine Water Co., Inc.; Strawberry Water Co.,
11 Inc.; Brooke Utilities, Inc.

12 SUPERIOR COURT OF ARIZONA

13 YAVAPAI COUNTY

14 PINE STRAWBERRY WATER
15 IMPROVEMENT DISTRICT, a Tax
16 Levying Public Improvement District,

17 Plaintiff,

18 v.

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

Defendants.

No. CV2009-0785

**DEFENDANTS PINE WATER CO., INC.;
STRAWBERRY WATER CO., INC.;
AND BROOKE UTILITIES, INC.'S
RESPONSE TO PLAINTIFF'S MOTION
TO CONSOLIDATE DEFENDANTS'
MOTION FOR SANCTIONS AND
PLAINTIFF'S MOTION TO VACATE**

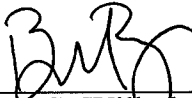
(Assigned to the Honorable David L.
Mackey)

21 Defendants Pine Water Co., Inc.; Strawberry Water Co., Inc.; and Brooke Utilities,
22 Inc. ("Defendants") hereby respond to the Pine Strawberry Water Improvement District's
23 ("PSWID") Motion to Consolidate Defendants' Motion for Sanctions and Plaintiff's
24 Motion to Vacate the Order of Immediate Possession. Defendants do not object to
25 hearing both matters at the same time. Defendants wish, however, that PSWID would
26 have consulted with them (and the Court) prior to filing this (and the other three

1 procedural motions PSWID recently filed¹) in an effort to reduce the filings before the
2 Court and avoid unnecessarily wasting fees and resources in responding.

3 DATED this 29th day of June, 2009.

4 FENNEMORE CRAIG, P.C.

5
6 By 
7 Bart S. Wilhoit
8 Jay L. Shapiro
9 Attorneys for Defendants
10 Pine Water Co., Inc.; Strawberry Water
11 Co., Inc.; Brooke Utilities, Inc.

10 ORIGINAL of the foregoing filed
11 this 29th day of June, 2009, with
12 COPY mailed to:

12 The Honorable David L. Mackey
13 Yavapai County Superior Court
14 120 South Cortez
15 Prescott, Arizona 86301

15 John G. Gliege
16 Gliege Law Offices, PLLC
17 P.O. Box 1388
18 Flagstaff, AZ 86002-1388
19 Attorneys for Plaintiff

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19 1400 E. Ash Street
20 Globe, AZ 85501

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21 Brown and Brown Law Offices
22 P.O. Box 1890
23 St. Johns, AZ 85936

22 
23

24 PHX/2209833 1

25 ¹PSWID filed three motions on procedural issues (the Alternative Dispute Resolution
26 motion, a Motion for Rule 16 Conference and a Motion to Consolidate Pending Motions)
on June 9, 2009 and June 11, 2009 without even attempting to contact Defendants first.