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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
FOR RULE 16 CONFERENCE**

(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 for Rule 16 Conference. As with the three other procedural motions
24 PSWID filed on June 9, 2009 and June 11, 2009, PSWID did not even attempt to consult
25 on these issues before filing the Motion. In addition to the fees PSWID forced Defendants
26 to incur by pursuing immediate possession without having the ability to finance it,

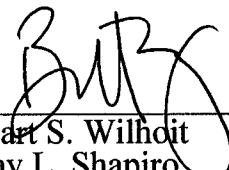
1 PSWID's continued filings without first consulting Defendants or the Court unnecessarily
2 churn attorneys' fees and waste judicial resources.

3 In any event, to the extent PSWID seeks to use the Rule 16 conference to argue
4 that disclosure of expert witnesses and their opinions should be done within ninety days
5 after the conference, Defendants object to the request for Rule 16 conference as
6 premature. Defendants are in the process of retaining experts and preparing their
7 valuation information, but likely will not have it complete within ninety days.

8 To the extent PSWID simply seeks to have the Court set reasonable deadlines
9 (including extended expert deadlines as is customary in condemnation matters),
10 Defendants do not have any objection. If the Court is inclined to hold a Rule 16
11 Conference at this time, PSWID respectfully requests that the Court order the parties to
12 confer and file a joint scheduling memorandum (discussing the parties' positions on the
13 items listed in Ariz. R. Civ. P. 16(b)) prior to the Rule 16 Conference.

14 DATED this 21st day of June, 2009.

15 FENNEMORE CRAIG, P.C.

16
17 By 
18 Bart S. Wilhoit
19 Jay L. Shapiro
20 Attorneys for Defendants
Pine Water Co., Inc.; Strawberry Water
Co., Inc.; Brooke Utilities, Inc.

21 ORIGINAL of the foregoing filed
22 this 29th day of June, 2009, with
COPY mailed to:

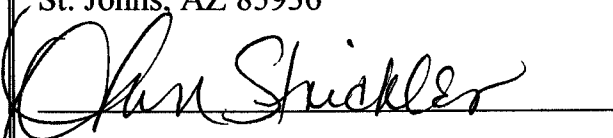
23 The Honorable David L. Mackey
24 Yavapai County Superior Court
120 South Cortez
25 Prescott, Arizona 86301
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