


David A. Brown (SBN 006827)
Douglas E. Brown (SBN 010791)
Bradley J. Palmer (SBN 024904)
BROWN & BROWN LAW OFFICES, P.C.
P. O. Box 1890
St. Johns, AZ 85936
(928) 337-4225

Attorney for Interveners

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ANITA ESCOBEDO, CLERK
BY  DEPUTY

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

PINE STRAWBERRY WATER)
IMPROVEMENT DISTRICT, a Tax)
Levying Public Improvement District)
pursuant to A.R.S. §§ 48-901 to 48-966)
inclusive, and §§ 48-1011 to 48-1019)
inclusive and all amendments and)
supplements thereto,)

Plaintiff,)

v.)

PINE WATER CO., INC., an Arizona)
Corporation; STRAWBERRY WATER)
CO., INC., an Arizona Corporation;)
COUNTY OF GILA, a political)
subdivision of the State of Arizona;)
JOHN DOES 1 through 10; and BLACK)
AND WHITE PARTNERSHIPS 1)
through 10,)

Defendants.)

CASE NO. CV-20080375

MOTION FOR EXPEDITED
CONSIDERATION OF GARY ROGERS'
MOTION TO INTERVENE

Intervener, Gary Rogers hereby moves this Court for an order expediting consideration of his Motion to Intervene in the above-captioned condemnation proceeding. Upon information and belief, the other parties to this action have stipulated to an order allowing plaintiff to take possession of the property at issue next week. Mr. Rogers owns some of the property at issue but has not agreed to the stipulation, been involved in this proceeding or in

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1 any of the settlement discussions between the other parties. If this order is allowed to proceed,
2 plaintiffs will be allowed to take possession of Mr. Rogers' property without just compensation
3 in violation of the Arizona and United States Constitutions.

4 Mr. Rogers just learned of this condemnation action last month and, as set forth more
5 fully in his Motion to Intervene, just learned of the stipulated order allowing plaintiff to take
6 possession of his property yesterday, after several weeks of seeking clarification regarding
7 plaintiff's complaint.

8 Accordingly, Mr. Rogers respectfully requests that the Court schedule a hearing on this
9 matter before plaintiff is permitted to take possession of Mr. Rogers' property.

10 DATED this 12th day of May, 2009.

11
12 **BROWN & BROWN LAW OFFICES, P.C.**

13
14 By 

15 Douglas E. Brown
16 David A. Brown
17 Bradley J. Palmer
18 Attorneys for Interveners

19 Original of the foregoing
20 filed with the Court this
21 12th day of May,
22 2009 to:

23 Gila County Superior Court

24 Copy of the foregoing
25 mailed and sent by electronic mail this
26 12th day of May,
27 2009 to:

28 John Gliege
GLIEGE LAW OFFICES, PLLC
PO Box 1388
Flagstaff, Arizona 86002-1388
jgliege@earthlink.net
Attorney for plaintiffs

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