

1 Jonathan A. Dessales (019439) – [jdessales@dessauleslaw.com](mailto:jdessales@dessauleslaw.com)  
2 Jacob A. Kubert (027445) – [jkubert@dessauleslaw.com](mailto:jkubert@dessauleslaw.com)  
3 Ashley C. Hill (032483) – [ahill@dessauleslaw.com](mailto:ahill@dessauleslaw.com)

4 **DESSAULES LAW GROUP**  
5 5353 North 16<sup>th</sup> Street, Suite 110  
6 Phoenix, Arizona 85016  
7 Tel. 602.274.5400  
8 Fax 602.274.5401

9 *Attorneys for Plaintiffs*

10 IN THE SUPERIOR COURT OF ARIZONA  
11 COUNTY OF MARICOPA

12 BOLTON and FLORENCE ANDERSON;  
13 SHARON ATWOOD; MICHAEL BAKER;  
14 DAVID and DAWNNA BARNES; JEAN  
15 BATTISTA; VIRGINIA BAUGHMAN;  
16 EDWARD BERGER; OLGA CARLSON;  
17 LAVINA DAWSON; CATHERINE FULLER;  
18 KENNETH GEGG; MARY GRANSDEN;  
19 JOANNE GREATHOUSE; REGINA HECK;  
20 RAY and LINDA HICKS; SHERRY  
21 JOHNSON-TRAVER, as Trustee of the Sherry  
22 Sue Johnson-Traver Trust; SHIRLEY KOERS;  
23 SUSAN MARSH; GEORGE and SHERYL  
24 MCCLAIN; ELIZABETH MERCER, as  
25 Trustee of the Elizabeth Scott Mercer Trust;  
26 ARLEF MOYER; JAMES NAPIER; ARTHUR  
NEALT, as Trustee of the Arthur D. Neault  
Living Trust; DIANE PATRAKIS; PETUNIA  
LLC; CAROLE POPEROWITZ; PAUL and  
GLORIA RICHMAN; DONNA SIES; GAY  
SOUSEK; ANNE RANDALL STEWART, as  
Trustee of the Stewart Trust; THERESE  
TERRIS; WENDY and CHARLES WOOD;  
and ANGELO ZAPPELLA, individually and  
on behalf of the similarly situated,

Plaintiffs,

vs.

RECREATION CENTERS OF SUN CITY,  
INC., a nonprofit corporation,

Defendant.

No. CV2015-012458

**[PROPOSED]  
AMENDMENT TO SECOND JOINT  
SCHEDULING ORDER**

**(Complex Case)**

(Hon. Roger Brodman)

1           Upon consideration of the parties' attached Stipulation to Extend Deadlines and Amend  
2 Scheduling Order, this court orders as follows:

3           1.     **Scope:** The purpose of this Amended Second Joint Scheduling Order is to revise  
4 certain deadlines set forth in the Second Joint Scheduling Order.

5           2.     **Amendment of Pleadings:** Any motion to add or remove parties in the case shall be  
6 filed by **May 5, 2017**.

7           3.     **Lay (Non-Expert) Witness Disclosure:** The parties shall disclose all lay witnesses  
8 who will be relied upon for adjudication of issues pertaining to class certification and applicability  
9 of the Act by **November 15, 2017**.

10          4.     **Final Supplemental Disclosure:** Each party shall provide final supplemental  
11 disclosure to be used for adjudication of issues pertaining to class certification and applicability  
12 of the Act by **November 15, 2017**. This order does not replace the parties' obligation to  
13 seasonably disclose Rule 26.1 information on an on-going basis and as it becomes available.

14           **No party shall use any lay witness, expert witness, expert opinion, or exhibit at  
15 trial not disclosed in a timely manner, except upon order of the court for good  
16 cause shown or upon a written or an on-the-record agreement of the parties.**

17          5.     **Discovery Deadlines:** The parties will propound all discovery undertaken pursuant  
18 to Rules 33 through 36 necessary to adjudicate the issues discussed herein by **October 13, 2017**.  
19 The parties will complete the depositions of parties and lay witnesses necessary to adjudicate the  
20 issues discussed herein by **December 20, 2017**. The parties will complete all other discovery  
21 necessary to adjudicate the issues discussed herein by **December 20, 2017**.

22          6.     **Settlement Conference or Private Mediation:**

23           [ ] **Referral to ADR for a settlement conference:** The clerk or the court will issue a  
24 referral to ADR by a separate minute entry.

25           [ ] **Private Mediation:** The parties shall participate in mediation using a private mediator  
26 agreed to by the parties. The parties shall complete the mediation by \_\_\_\_\_.

1 All attorneys and their clients, all self-represented parties, and any non-attorney  
2 representatives who have full and complete authority to settle this case shall  
3 personally appear and participate in good faith in this mediation, even if no  
4 settlement is expected. However, if a non-attorney representative requests a  
telephonic appearance and the mediator grants the request prior to the mediation  
date, a non-attorney representative may appear telephonically.

5 **[x] No Settlement Conference or Mediation:** A settlement conference or private  
6 mediation is not ordered, at this stage.

7 7. **Class Certification Motion:** Plaintiffs' Rule 23 class certification motion shall be  
8 filed by **January 17, 2018**.

9 8. **Dispositive Motions:** The anticipated motion of summary judgment regarding the  
10 applicability of the Planned Communities Act as set forth in A.R.S. § 33-1801 et seq. shall be  
11 filed by **January 17, 2018**.

12 9. **Second Scheduling Conference:** The Court recognizes that this Scheduling Order  
13 is a preliminary order whose purpose and intent is to assist the parties with defining the ultimate  
14 issues that will be litigated after the motions for class certification and applicability of the Act are  
15 adjudicated. Once these motions are adjudicated, the Court will issue a minute entry scheduling  
16 the date by which the parties must file a Third Joint Report and proposed scheduling order to  
17 advise the court of the posture of the case and to establish deadlines for any further discovery  
18 including, but not limited to, disclosures, lay witnesses, expert witnesses, written discovery,  
19 depositions, dispositive motions, and other matters as required by the court. Attorneys and self-  
20 represented parties shall have their calendars available for the conference.

21 **[X]** Plaintiffs **[ ]** Defendant will initiate the conference call by arranging for the presence  
22 of all other counsel and self-represented parties, and by calling this division at 602.372.2943 at  
23 the scheduled time.

24 10. **Firm Dates:** No stipulation of the parties that alters a filing deadline or a hearing  
25 date contained in this scheduling order will be effective without an order of this court, approving  
26

1 the stipulation. Dates set forth in this order that govern court filings or hearings are firm dates,  
2 and may be modified only with this court's consent and for good cause. This court ordinarily will  
3 not consider a lack of preparation as good cause.

4 11. **Further Orders:** The court further orders as follows:

5  
6 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

7  
8  
9 \_\_\_\_\_  
HONORABLE ROGER BRODMAN

# eSignature Page 1 of 1

Filing ID: 8221242 Case Number: CV2015-012458  
Original Filing ID: 8210529

---

Granted as Submitted



/S/ Roger Brodman Date: 4/3/2017  
Judicial Officer of Superior Court

**ENDORSEMENT PAGE**

CASE NUMBER: CV2015-012458

SIGNATURE DATE: 4/3/2017

E-FILING ID #: 8221242

FILED DATE: 4/4/2017 8:00:00 AM

CHRISTOPHER A LAVOY

JONATHAN A DESSAULES