

**SUPERIOR COURT OF ARIZONA**  
**COUNTY OF PINAL**

MARKWOOD ENTERPRISES LIMITED  
PARTNERSHIP, an Arizona limited  
partnership,

Plaintiff,

v.

WINDMILL DAIRY, LLC, an Arizona  
limited liability company; MILKY WAY  
DAIRY, LLC, an Arizona limited liability  
company,

Defendants.

No. S1100CV202100954

**SCHEDULING ORDER**

(Assigned to Hon. Steven J. Fuller)

Upon consideration of the parties' Joint Rule 16 Report, and good cause appearing, it is hereby ordered as follows:

**This case is assigned to discovery Tier 3, pursuant to Rule 26.2, Ariz. R. Civ. P.**

***1. Initial disclosure: November 19, 2021.***

***2. Expert witness disclosure:*** The parties shall simultaneously disclose areas of expert testimony by **January 14, 2022**. The parties shall disclose its expert witnesses, if any, and their opinions by **March 4, 2022**. The parties shall simultaneously disclose rebuttal expert opinions by **April 15, 2022**.

***3. Lay (non-expert) witness disclosure:*** The parties shall disclose all lay witnesses by **May 6, 2022**.

***4. Final supplemental disclosure:*** Each party shall provide final supplemental disclosure by **June 3, 2022**. This order does not replace the parties' obligation to seasonably disclose Rule 26.1 information on an on-going basis and as it becomes available.

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

4       **5. Discovery deadlines:** Tier 3 cases are permitted 240 days in which to complete  
5 discovery. The time to complete discovery runs from the date of the Early Meeting. The parties  
6 will propound all discovery undertaken pursuant to Rules 33 through 36 by **May 6, 2022**. The  
7 parties will complete the depositions of parties and lay witnesses by **June 10, 2022**, and will  
8 complete the depositions of expert witnesses by **June 10, 2022**. The parties will complete all  
9 other discovery by **June 17, 2022**. (“Complete discovery” includes conclusion of all  
10 depositions and submission of full and final responses to written discovery.)

11       **6. Settlement conference or private mediation:** [choose one]:

12       \_\_\_ **Referral to ADR for a settlement conference:** The clerk or the court will issue a  
13 referral to ADR by a separate minute entry. The parties ask for the assignment of a judge to  
14 conduct a settlement conference, if one is willing and available.

15       **X** **Private mediation:** The parties shall participate in mediation using a private  
16 mediator agreed to by the parties. Mediation shall be complete by July 1, 2022.

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

22       \_\_\_ **No settlement conference or mediation:** A settlement conference or private  
23 mediation is not ordered.

24       **7. Dispositive motions and trial:** The parties shall file all dispositive motions by **July**  
25 **15, 2022**. The parties propose a trial date of no earlier than **August 15, 2022** (unless dispositive  
26 motions are filed), and anticipate the number of days for trial to be **six or seven (6-7)** days.

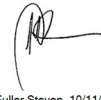
1        **8. Trial setting conference:** On Monday, July 18, 2022 at 9:00 a.m. the court will  
2 conduct a telephonic trial setting conference. Attorneys and self-represented parties shall have  
3 their calendars available for the conference.

4        Counsel for Plaintiff will schedule a conference call by arranging for the presence of all  
5 other counsel and self-represented parties, and by calling the **Court's Judicial Assistant at**  
6 **520-866-5417** with the conference call number and password/access code for the Court's use,  
7 **not less than two and not more than five judicial days prior to the hearing, (excluding**  
8 **weekends).**

9        **9. Firm dates:** No stipulation of the parties that alters a filing deadline or a hearing date  
10 contained in this scheduling order will be effective without an order of this court approving the  
11 stipulation. Dates set forth in this order that govern court filings or hearings are firm dates, and  
12 may be modified only with this court's consent and for good cause. This court ordinarily will  
13 not consider a lack of preparation as good cause.

14        **10. Further orders:** The court further orders as follows: Pursuant to Administrative  
15 Order No. 202100056, this matter is hereby reassigned to the **Honorable Lacey A. Stover**  
16 **Gard.**

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