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1 R. L. Whitmer
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6 Pro Per

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 R. L. WHITMER,

10 Plaintiff.

11 v.

12 HILTON CASITAS HOMEOWNERS
13 ASSOCIATION, also known as
14 HILTON CASITAS COUNCIL OF
15 HOMEOWNERS, also known as
16 COUNCIL OF CO-OWNERS, also
17 known as HILTON CASITAS
18 COUNCIL OF CO-OWNERS;

19 Defendant.

CV2021-050888

**REQUEST FOR AN ARCP RULE
16(d) SCHEDULING
CONFERENCE AND VACATING
THE EVIDENTIARY HEARING
AND DEADLINES**

(Assigned to the
Honorable Sara Agne)

Accelerated Consideration
Requested

20 After the Court's April 23, 2021 Hearing to Show Cause the HOA's
21 attorney, Mr. Butterfield, as a follow up to the Hearing called the Plaintiff and as
22 he informed the Court, he discussed with the Plaintiff that the HOA board was
23 taking immediate measures to resolve the issues in the complaint to allow the
24 parties to file a stipulated "notice of voluntary dismissal without prejudice" with the
25 Court. The Plaintiff agreed to a stipulated voluntary dismissal based upon the
26 Defendant taking immediate action.

27 However, Mr. Butterfield has not communicated with the Plaintiff since then,
28 nor has the Defendant taken action. The Plaintiff emailed Mr. Butterfield on April

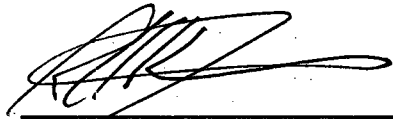
1 23, 2021 and May 1, 2021 to which he did not respond.

2 As result of Mr. Butterfield's refusal to communicate with the Plaintiff, he
3 has frustrated the Court's order "that the parties cooperate together on disclosure
4 and discovery."

5 In fact, since the April 23, 2021 hearing he has not disclosed any
6 information regarding the issues raised in the complaint. By Mr. Butterfield's
7 refusal to communicate with the Plaintiff the completion of the discovery and
8 disclosure by May 14, 2021 is rendered impossible.

9 Accordingly, the Plaintiff requests the Court to schedule an ARCP Rule
10 16(d) scheduling conference and to vacate the June 11, 2021 evidentiary hearing
11 and associated deadlines.

12 Respectfully submitted, this 12th day of May 2018.

13 

14 R. L. Whitmer, Pro per
15
16
17

18 ORIGINAL filed this
19 12th day of May 2021,
20 with the Clerk of the Court;

21 and a COPY mailed this same date to:
22 Tim Butterfield
23 Carpenter Hazelwood
24 1400 E. Southern Ave., Ste. 400
25 Tempe, AZ 85282
26
27
28