

1 J. Gary Linder, Bar #020552
2 Lori L. Voepel, Bar #015342
3 JONES, SKELTON & HOCHULI, P.L.C.
4 2901 North Central Avenue, Suite 800
5 Phoenix, Arizona 85012
6 (602) 263-1700
7 glinder@jshfirm.com
8 lvoepel@jshfirm.com
9 Attorneys for Defendant/Appellant PC
10 Village Association, Inc.

11 **IN THE COURT OF APPEALS**
12 **STATE OF ARIZONA**
13 **DIVISION ONE**

14 ROBERT R. HAWK and CECILIA J.
15 HAWK,
16 Plaintiffs/Appellees,
17 vs.
18 PC VILLAGE ASSOCIATION, INC.,
19 Defendant/Appellant.

No. 1 CA-CV 12-0362
No. CV2011-00776
Coconino County Superior Court

**JOINT REQUEST TO
RESCHEDULE ORAL
ARGUMENT DUE TO
SCHEDULING CONFLICT
(Second Request)**

20 On February 8, 2013, this Court provided Notice of Oral Argument in this
21 matter, setting Oral Argument for March 19, 2013 at 10:15 a.m. On February 25,
22 the parties filed a Joint Request to Reschedule Oral Argument Due to Scheduling
23 Conflict, after counsel for Appellant received three orders from this Court setting
24 two oral arguments and the due date for a major consolidated brief in a highly
25 complex case within just 4 work days. (See attached Joint Request). Counsel
26 jointly requested a new oral argument date between March 25 and April 9 if
27 possible.

28 On February 27, this Court issued an Order resetting the March 19 oral

1 argument to April 16, 2013 at 9:30 a.m. Counsel appreciates this Court's
2 willingness to accommodate the parties' first Joint Request. Unfortunately,
3 however, counsel for Appellant has an important family commitment for which her
4 presence is required at the exact time of the new argument date on April 16, 2013.
5 Counsel for Appellant therefore respectfully requests, and counsel for Appellees
6 has no objection to, a rescheduling of the April 16, 2013 oral argument. Counsel
7 have conferred regarding upcoming dates on which the Court has oral argument
8 calendars, and inform the Court that the following dates are all available: the
9 afternoon of April 16, or on April 17, 23, 24, 30 or May 1. As noted in the first
10 Joint Motion, counsel for Appellees is unavailable May 21 through June 4, 2013.

11 For the foregoing reasons, the parties agree this conflict constitutes good
12 cause to reschedule the April 16, 2013 Oral Argument in this matter and
13 respectfully request this Court to reset the Oral Argument on the afternoon of April
14 16, or on April 17, 23, 24, 30 or May 1.

15 RESPECTFULLY SUBMITTED this 1st day of March, 2013.

16 JONES, SKELTON & HOCHULI, P.L.C.

17
18 By /s/ Lori L. Voepel

19 J. Gary Linder
20 Lori L. Voepel
21 2901 North Central Avenue, Suite 800
22 Phoenix, Arizona 85012
23 Attorneys for Defendant/Appellant
24 *PC Village Association, Inc.*

25 TEVIS REICH

26 By /s/ Lori L. Voepel (*w/permission for*)

27 Tevis Reich
28 Attorney at Law
6 East Dale Avenue
Flagstaff, Arizona 86001
Attorneys for Plaintiffs/Appellees
Robert R. Hawk and Cecilia J. Hawk

ATTACHMENT

1 J. Gary Linder, Bar #020552
2 Lori L. Voepel, Bar #015342
3 JONES, SKELTON & HOCHULI, P.L.C.
4 2901 North Central Avenue, Suite 800
5 Phoenix, Arizona 85012
6 (602) 263-1700
7 glinder@jshfirm.com
8 lvoepel@jshfirm.com

9 Attorneys for Defendant/Appellant PC
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**JOINT REQUEST TO
RESCHEDULE ORAL
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SCHEDULING CONFLICT**

20 On February 8, 2013, this Court provided Notice of Oral Argument in this
21 matter, setting Oral Argument for March 19, 2013 at 10:15 a.m. Counsel for
22 Appellant requests, and counsel for Appellees has no objection to, a rescheduling of
23 the oral argument due to the following conflicts with Appellant's counsel's
24 schedule.

25 In the past two weeks, undersigned counsel received two additional orders
26 from this Court in counsel's cases. One re-scheduled an oral argument in *Chasan v.*
27 *Farmers Insurance Exchange, et al.*, 1 CA-CV 12-0397, from March 12, 2013 to
28 March 20, 2013, which is just one day after the oral argument in the present appeal.

1 The other order set March 15, 2013 as the deadline for counsel to file an Opening
2 Brief in an exceptionally complex set of appeals, *ML Manager, LLC, et al. v.*
3 *Fidelity National Title Ins. Co.*, 1 CA-CV 12-0726, and *Fidelity National Title Ins.*
4 *Co. et al. v. Centerpoint Mechanic Lien Claims*, 1 CA-CV 12-0721 (“Centerpoint
5 cases”), which have now been consolidated for appeal.¹ In light of the complexity
6 of the Centerpoint appeals for which the Consolidated Opening Brief is due Friday,
7 March 15th, undersigned counsel will not be able to prepare for these two oral
8 arguments until after the Consolidated Brief is completed. That would only give
9 counsel three days (counting the weekend) to prepare for the two arguments on
10 March 19 and March 20.²

11 For the foregoing compelling reasons, the parties agree these conflicts
12 constitute good cause to reschedule Oral Argument in this matter and respectfully
13 request this Court to reset the Oral Argument to an available date between March
14 25 and April 9, 2013. Counsel for Plaintiffs/Appellees is unavailable May 21
15 through June 4, 2013.

24 ¹ The Centerpoint cases, and several others currently in the superior court,
25 relate to the insolvency and ultimate collapse of Mortgages Ltd. -- once one of
26 Arizona’s largest private lenders run by now-deceased multi-millionaire, Scott
27 Coles. Each of these cases arose from competing liens on several large-scale
commercial projects, all of which ceased construction when Mortgages Ltd.
stopped funding the loans and was forced into bankruptcy. The factual and
procedural history, as well as the issues, in the consolidated Centerpoint appeal are
highly involved and complex.

28 ² Counsel will also be out of state from March 4-6, 2013.

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RESPECTFULLY SUBMITTED this 25th day of February, 2013.

JONES, SKELTON & HOCHULI, P.L.C.

By /s/ Lori L. Voepel
J. Gary Linder
Lori L. Voepel
2901 North Central Avenue, Suite 800
Phoenix, Arizona 85012
Attorneys for Defendant/Appellant
PC Village Association, Inc.

TEVIS REICH

By /s/ Lori L. Voepel (w/permission for)
Tevis Reich
Attorney at Law
6 East Dale Avenue
Flagstaff, Arizona 86001
Attorneys for Plaintiffs/Appellees
Robert R. Hawk and Cecilia J. Hawk

Ginger Stahly

From: TurboCourt Customer Service [CustomerService@TurboCourt.com]

Sent: Tuesday, February 26, 2013 9:01 AM

To: Ginger Stahly; LORI VOEPEL

Subject: AZTurboCourt E-Filing Courtesy Notification

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #764687 has been accepted for filing at Court of Appeals Division 1.

Here are the filing details:

Case Number: CV-12-0362

Filed By: Lori L Vopel

AZTurboCourt Form Set: #764687

Filing date and time: Feb 25, 2013 1:35 PM MST.

Forms:

Summary Sheet

Attached Documents:

MISCELLANEOUS - Miscellaneous: Joint Request to Reschedule Oral Argument Due to Scheduling Conflict

Certificate of Service: Certificate of Service