

# Exhibit A

**From:** [Joan Weyrauch - SUPCRTX](mailto:Joan.Weyrauch@superiorcourt.maricopa.gov)  
**To:** [du Mee, Matthew](mailto:ps@strojnik.com); [ps@strojnik.com](mailto:ps@strojnik.com); [Fabian Zazueta \(fabian@aid.org\)](mailto:fabian@aid.org)  
**Subject:** RE: CV2016-090506, Advocates for Individuals with Disabilities v. Consolidated Defendants  
**Date:** Friday, January 13, 2017 12:00:01 PM

---

Okay. Perfect. I will set this matter for 1 hour oral argument on 2-17-2017 @ 11:00 am. I will have our clerk issue out the minute entry asap.

Thank you for your quick responses. It is greatly appreciated.

Joan Weyrauch  
Judicial Assistant to Judge David M. Talamante  
222 E. Javelina, Suite 2G  
Mesa, AZ 85210  
Office: (602) 506-6251  
Fax: (602) 372-8660

---

**From:** du Mee, Matthew [<mailto:Matthew.duMee@azag.gov>]  
**Sent:** Friday, January 13, 2017 11:58 AM  
**To:** Joan Weyrauch - SUPCRTX; [ps@strojnik.com](mailto:ps@strojnik.com); [Fabian Zazueta \(fabian@aid.org\)](mailto:fabian@aid.org)  
**Subject:** RE: CV2016-090506, Advocates for Individuals with Disabilities v. Consolidated Defendants

Ms. Weyrauch,

Both dates work for us, although Feb. 17 at 11 AM would work better.

Thanks,  
Matthew

---

**From:** Joan Weyrauch - SUPCRTX [<mailto:jweyrauc@superiorcourt.maricopa.gov>]  
**Sent:** Friday, January 13, 2017 11:47 AM  
**To:** [ps@strojnik.com](mailto:ps@strojnik.com); [Fabian Zazueta \(fabian@aid.org\)](mailto:fabian@aid.org); du Mee, Matthew  
**Subject:** RE: CV2016-090506, Advocates for Individuals with Disabilities v. Consolidated Defendants

Thank you Mr. Strojnik. Once I hear back from Mr. duMee I will firm up the date with everyone.

Joan Weyrauch  
Judicial Assistant to Judge David M. Talamante  
222 E. Javelina, Suite 2G  
Mesa, AZ 85210  
Office: (602) 506-6251  
Fax: (602) 372-8660

---

**From:** [ps@strojnik.com](mailto:ps@strojnik.com) [<mailto:ps@strojnik.com>]  
**Sent:** Friday, January 13, 2017 11:43 AM  
**To:** Joan Weyrauch - SUPCRTX; [Fabian Zazueta \(fabian@aid.org\)](mailto:fabian@aid.org); du Mee, Matthew ([Matthew.duMee@azag.gov](mailto:Matthew.duMee@azag.gov))  
**Subject:** RE: CV2016-090506, Advocates for Individuals with Disabilities v. Consolidated Defendants  
**Importance:** High

Hi, Joan. Either date is fine with me.

Cordially Yours,

Peter Strojnik  
STROJNIK, P.C.  
2375 East Camelback Road Suite 600  
Phoenix, Arizona 85016  
Telephone: 602-524-6602  
e-mail [ps@strojnik.com](mailto:ps@strojnik.com)

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If any reader of this communication is not the intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

----- Original Message -----

Subject: CV2016-090506, Advocates for Individuals with Disabilities v.  
Consolidated Defendants  
From: Joan Weyrauch - SUPCRTX <[jweyrauc@superiorcourt.maricopa.gov](mailto:jweyrauc@superiorcourt.maricopa.gov)>  
Date: Fri, January 13, 2017 11:31 am  
To: "[ps@strojnik.com](mailto:ps@strojnik.com)" <[ps@strojnik.com](mailto:ps@strojnik.com)>, "Fabian Zazueta  
([fabian@aid.org](mailto:fabian@aid.org))" <[fabian@aid.org](mailto:fabian@aid.org)>, "du Mee, Matthew  
([Matthew.duMee@azag.gov](mailto:Matthew.duMee@azag.gov))" <[Matthew.duMee@azag.gov](mailto:Matthew.duMee@azag.gov)>

Good Morning!

Judge Talamante has received the State of Arizona's Motion to Dismiss and Motion for Judgment on Pleadings along with Plaintiff's Response and the State's Reply regarding the above matter. He wants to set this matter for a 1 hour oral argument. I have the following dates available:

2-17-2017 @ 11:00 am  
2-24-2017 @ 2:00 pm

Can you please take a look at your calendars and let me know which date and time works best for you? You can respond to me through this e-mail or by contacting me at the number listed below.

Thank you!

Joan Weyrauch  
Judicial Assistant to Judge David M. Talamante  
222 E. Javelina, Suite 2G  
Mesa, AZ 85210  
Office: (602) 506-6251

Fax: (602) 372-8660

# Exhibit B

**From:** [du Mee, Matthew](mailto:du.Mee.Matthew)  
**To:** "[ps@strojnik.com](mailto:ps@strojnik.com)"; "Fabian Zazueta"  
**Cc:** [sydney@aid.org](mailto:sydney@aid.org)  
**Subject:** RE: Request to Extend Time for Oral Arguments - CV2016-090506  
**Date:** Thursday, February 09, 2017 9:07:09 AM

---

Mr. Strojnik,

In weighing the lack of explanation and documentation requested against the hardship of the delay to the individuals concerned, we will be forced to oppose the continuance.

Thanks,  
Matthew

---

**From:** ps@strojnik.com [mailto:ps@strojnik.com]  
**Sent:** Wednesday, February 08, 2017 4:27 PM  
**To:** du Mee, Matthew; 'Fabian Zazueta'  
**Cc:** sydney@aid.org  
**Subject:** RE: Request to Extend Time for Oral Arguments - CV2016-090506

No. Either agree or we file a motion.

Cordially Yours,

Peter Strojnik  
STROJNIK, P.C.  
2375 East Camelback Road Suite 600  
Phoenix, Arizona 85016  
Telephone: 602-524-6602  
e-mail [ps@strojnik.com](mailto:ps@strojnik.com)

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If any reader of this communication is not the intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

----- Original Message -----

Subject: RE: Request to Extend Time for Oral Arguments - CV2016-090506  
From: "du Mee, Matthew" <[Matthew.duMee@azag.gov](mailto:Matthew.duMee@azag.gov)>  
Date: Wed, February 08, 2017 4:25 pm  
To: "'[ps@strojnik.com](mailto:ps@strojnik.com)'" <[ps@strojnik.com](mailto:ps@strojnik.com)>, 'Fabian Zazueta' <[fabian@aid.org](mailto:fabian@aid.org)>  
Cc: "[sydney@aid.org](mailto:sydney@aid.org)" <[sydney@aid.org](mailto:sydney@aid.org)>

Mr. Strojnik,

Can you please present documentation showing:

- (1) when the arbitration was scheduled,
- (2) when the arbitration deadline was set, and

(3) what the arbitration deadline is?

Thanks,  
Matthew

---

**From:** [ps@strojnik.com](mailto:ps@strojnik.com) [<mailto:ps@strojnik.com>]  
**Sent:** Wednesday, February 08, 2017 4:09 PM  
**To:** du Mee, Matthew; 'Fabian Zazueta'  
**Cc:** [sydney@aid.org](mailto:sydney@aid.org)  
**Subject:** RE: Request to Extend Time for Oral Arguments - CV2016-090506

Gentlemen, please see below.

(1) How this arbitration got scheduled for a date that Mr. Strojnik had already reserved on his calendar? **Arbitration was schedule after the hearing.**

(2) What attempts Mr. Strojnik has made to reschedule the arbitration? **Arbitration deadline prevents rescheduling.**

(3) Why Mr. Strojnik believes a forty-day continuance is necessary? **I will attempt to get some vacation time.**

Cordially Yours,

Peter Strojnik  
STROJNIK, P.C.  
2375 East Camelback Road Suite 600  
Phoenix, Arizona 85016  
Telephone: 602-524-6602  
e-mail [ps@strojnik.com](mailto:ps@strojnik.com)

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If any reader of this communication is not the intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

----- Original Message -----

Subject: RE: Request to Extend Time for Oral Arguments - CV2016-090506  
From: "du Mee, Matthew" <[Matthew.duMee@azag.gov](mailto:Matthew.duMee@azag.gov)>  
Date: Wed, February 08, 2017 2:21 pm  
To: 'Fabian Zazueta' <[fabian@aid.org](mailto:fabian@aid.org)>

Cc: "[ps@strojnik.com](mailto:ps@strojnik.com)" <[ps@strojnik.com](mailto:ps@strojnik.com)>, "[sydney@aid.org](mailto:sydney@aid.org)" <[sydney@aid.org](mailto:sydney@aid.org)>

Mr. Zazueta,

I was surprised to receive your email, because Mr. Strojnik confirmed to the Court on January 13, 2017 that this date and time worked for him (see attached). While we are generally happy to stipulate to extended briefing deadlines as a professional courtesy, this is a firm court date that was set almost a month ago. Taking this hearing off calendar would result in a lengthy delay, and approximately one thousand defendants are waiting for resolution of this motion. Can you please give me additional details as to:

- (1) How this arbitration got scheduled for a date that Mr. Strojnik had already reserved on his calendar?
- (2) What attempts Mr. Strojnik has made to reschedule the arbitration?
- (3) Why Mr. Strojnik believes a forty-day continuance is necessary?

Any documentation you have related to these points would be very helpful. Once you provide these additional details and documents, we will be able to make a more informed decision with regard to your request.

Thanks,  
Matthew

---

**From:** Fabian Zazueta [<mailto:fabian@aid.org>]  
**Sent:** Wednesday, February 08, 2017 1:44 PM  
**To:** du Mee, Matthew  
**Cc:** [ps@strojnik.com](mailto:ps@strojnik.com); [sydney@aid.org](mailto:sydney@aid.org)  
**Subject:** Request to Extend Time for Oral Arguments - CV2016-090506

Mr. du Mee,

I hope this message finds you well. I have been informed that Mr. Strojnik has an arbitration that conflicts with the oral argument scheduled on February 17. Before Mr. Strojnik moves to continue the hearing for forty (40) days, I wanted to see if you consent and are willing to stipulate to his request to continue.

Please let us know by 5:00 p.m. on Friday, February 10, 2017, whether you consent and are willing to stipulate. If you do not agree, Mr. Strojnik intends to file his motion on Monday (2/13). Thank you for your anticipated professional courtesy.



best,

Fabian Zazueta, *In-House Counsel*  
**Advocates for Individuals with Disabilities**  
40 North Central Avenue, Ste 1400  
Phoenix, AZ 85004  
Telephone: (774)-768-2233

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If any reader of this communication is not the intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

# Exhibit C

**STROJNIK, P.C.**  
ATTORNEY AT LAW

**RULE 408 PROTECTED  
SETTLEMENT COMMUNICATION**

October 24, 2016

Mark A. Tucker  
Attorney at Law  
By E-mail and U.S. Mail *Mark@tuckerlawaz.com*

Re: *Advocates for Individuals with Disabilities Foundation, Inc. v. Rokar, LLC;*  
*CV2016-008862*

Dear Mark:

A judicial stay has been placed in this matter. There will be no motion practice from either side for now. Unfortunately, this stay delays the adjudication of the matters for many months to come, not including the subsequent appeals which are anticipated by all sides in the current dispute. In the meantime, we will consider settling your individual case(s), which would remove your case from the list of consolidated matters. Overtime, our cost and expenses for each individual matter will rise. Offers to settle now will likely not reflect potential future settlement amount offers. We firmly believe that this matter should and will settle, and the best time to do this would be now. The Foundation is prepared to accept 1) remediation of the alleged parking violations. 2) Confidentiality Covenant. 3) a one-time total payment of \$1,750.00 to cover all attorney's fees, expenses and costs. This offer will remain open for 10 business days.

Sincerely,



Peter Strojnik, Esq.

# Exhibit D



1 state law claims must be remanded to the state court or dismissed because it is  
2 “absolutely certain” that Plaintiff would not be allowed to proceed in state court due to  
3 lack of injury and standing. *Bell v. City of Kellogg*, 922 F.2d 1418, 1424 (9th Cir. 1991).  
4 It is necessary to have additional information before that question can be answered.

5 As background to the inquiries stated below, the Court is aware from several news  
6 media accounts widely disseminated in this community that Plaintiffs’ counsel Peter  
7 Strojnik has filed more than a thousand similar cases in the Arizona Superior Court.  
8 Many, like this one, have been removed to federal court. It appears from those reports  
9 that Mr. Strojnik files those actions without prior demand on the defendants and without  
10 opportunity to cure before litigation. It appears that many of the alleged violations are  
11 easily cured with minimal expense. Mr. Strojnik has stated in some news reports that he  
12 always insists that the defendant pay him \$7,000 in attorney fees to dismiss the case, even  
13 after immediate remediation at trivial cost and minimal effort by Mr. Strojnik.

14 This raises a question of whether Mr. Strojnik has engaged in a pattern of  
15 professionally unethical conduct by demanding attorney fees for bringing litigation that is  
16 unnecessary and for which the reasonable attorney fees would be nothing. There is a  
17 similar question whether he has engaged in a pattern of professionally unethical conduct,  
18 even if some attorney fees could be sought, by demanding payment of fees in a highly  
19 unreasonable amount. The circumstances raise the question whether Mr. Strojnik has  
20 used these cases to abuse people with unethical fee demands that are more economical to  
21 pay than defeat. These questions could bear upon whether in this case it is absolutely  
22 certain that Arizona law would not indulge the rare allowance of litigation without an  
23 injured plaintiff. These questions must be explored to decide whether this action should  
24 be remanded in whole or in part or dismissed entirely.

25  
26 IT IS THEREFORE ORDERED that Plaintiffs’ counsel Peter Strojnik and Fabian  
27 Zazueta appear in person on November 28, 2016, at 9:30 a.m. to give full answers to the  
28 following questions:



# Exhibit E



1 Mark I. Harrison, Bar No. 001266  
2 Geoffrey M.T. Sturr, Bar No. 014063  
3 Josh Bendor, Bar No. 031908  
4 Osborn Maledon, P.A.  
5 2929 N. Central Avenue, Suite 2100  
6 Phoenix, AZ 85012-2793  
7 mharrison@omlaw.com  
8 gsturr@omlaw.com  
9 jbendor@omlaw.com  
10 (602) 640-9000

11 Attorneys for Peter Strojnik and Fabian Zazueta

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE DISTRICT OF ARIZONA  
15

16 Advocates for Individuals with  
17 Disabilities, LLC, and David  
18 Ritzenthaler,

19 Plaintiffs,

20 vs.

21 MidFirst Bank,

22 Defendant.

CV-16-01969-PHX-NVW

**23 NOTICE OF APPEARANCE AND  
24 MOTION TO CONTINUE ORDER  
25 TO SHOW CAUSE HEARING**

26 Pursuant to LR Civ. 83.3, Osborn Maledon, P.A., by and through Mark Harrison,  
27 Geoffrey Sturr, and Josh Bendor, hereby give notice that they have been retained to  
28 represent Peter Strojnik and Fabian Zazueta, counsel for Plaintiffs in this action, in  
connection with the Court’s Order to Show Cause (Doc. 26), and appear in this action  
for that limited purpose.

Messrs. Strojnik and Zazueta hereby move the Court to continue the scheduled  
November 28, 2016 OSC hearing and reset it for a date on or after December 7, 2016,  
and to also reset the related deadline for the submission of a memorandum of law. A  
brief continuance is requested because: (1) as set forth in an accompanying declaration,  
Mr. Strojnik has long-standing travel plans to be out of state on November 28; (2) with  
the Thanksgiving holiday, Messrs. Strojnik and Zazueta believe they will need some





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2016, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

John A. Doran, Esq.  
201 E. Washington St., Suite 800  
Phoenix, AZ 85004  
jdoran@shermanhoward.com

Counsel for Defendant

s/ Debra Huss

# Exhibit F

1 Mark I. Harrison, Bar No. 001266  
2 Geoffrey M.T. Sturr, Bar No. 014063  
3 Josh Bendor, Bar No. 031908  
4 Osborn Maledon, P.A.  
5 2929 N. Central Avenue, Suite 2100  
6 Phoenix, AZ 85012-2793  
7 mharrison@omlaw.com  
8 gsturr@omlaw.com  
9 jbendor@omlaw.com  
10 (602) 640-9000

11 Attorneys for Peter Strojnik and Fabian Zazueta

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE DISTRICT OF ARIZONA

14 Advocates for Individuals with  
15 Disabilities, LLC, and David  
16 Ritzenthaler,

17 Plaintiffs,

18 vs.

19 MidFirst Bank,

20 Defendant.

CV-16-01969-PHX-NVW

**DECLARATION OF PETER  
STROJNIK IN SUPPORT OF  
MOTION TO CONTINUE ORDER  
TO SHOW CAUSE HEARING**

21 I, Peter Strojnik, declare:

22 1. I am one of the attorneys representing the plaintiffs in this action.

23 2. I have received the Court's Order (Doc. 26), requiring me to appear in  
24 person on November 28, 2016 to answer the questions posed in the Order.

25 3. I could not attend the scheduled November 28 hearing without substantial  
26 personal hardship because my family and I have long-standing plans to travel to Hawaii,  
27 leaving on Wednesday, November 23, 2016, and returning to Phoenix on Wednesday,  
28 November 30, 2016. Our plane tickets have been paid and could not be cancelled  
without a penalty.

4. Because of these travel plans, I respectfully request that the Court continue  
the scheduled November 28 hearing.



1           5.       A continuance will also allow sufficient time for me to obtain information  
2 so that I may answer fully the questions posed by the Court in its Order.

3           I declare under penalty of perjury under the laws of the United States of America  
4 that the foregoing is true and correct.

5           Executed on November 21, 2016 in Phoenix, Arizona.

6

7

8

s/ Peter Strojnik

9

Peter Strojnik

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

# Exhibit G

## du Mee, Matthew

---

**From:** Dennis Clancy <dclancy@ravlaw.com>  
**Sent:** Sunday, February 12, 2017 2:39 PM  
**To:** du Mee, Matthew  
**Subject:** RE: Arbitration in CV2015-096056

Matthew – the arbitration date was chosen during a deposition on 1-18-17. Changing the time to 1:00 pm would be no problem at all. I expect the arbitration to last less than one hour. I have no problem changing the arbitration date although getting a new date before the 28<sup>th</sup> would likely be a problem for the Arbitrator as his schedule has been tough to crack. I will help out in any way possible. Mr. Strojnik is an interesting character.

---

**From:** du Mee, Matthew [<mailto:Matthew.duMee@azag.gov>]  
**Sent:** Friday, February 10, 2017 10:21 AM  
**To:** 'dclancy@ravlaw.com'  
**Subject:** Arbitration in CV2015-096056  
**Importance:** High

Mr. Clancy,

I represent the Attorney General's office in CV2016-090506, where we have consolidated over a thousand cases related to alleged parking lot violations under the Americans with Disabilities Act. Mr. Strojnik is counsel of record on all of those cases.

In mid-January, Mr. Strojnik agreed to have oral argument on our motion to dismiss the consolidated cases on February 17 at 11 AM. Now, Mr. Strojnik has filed an emergency motion claiming that the oral argument needs to be moved because of the arbitration in your case.

Mr. Strojnik attached your notice of arbitration hearing (see attached). Can you please let me know:

- 1) Whether Mr. Strojnik agreed to this date and time for the arbitration (and if so, when he did so);
- 2) Whether it is possible to have the arbitration at 1 PM instead of 12:30 PM;
- 3) Whether it is possible (based on your schedule) to have the arbitration on a different date prior to the Feb. 28 arbitration deadline?

Based on the emergency nature of Mr. Strojnik's motion, it would be incredibly helpful to have this information today.

Thank you in advance for any assistance you can provide.

~Matthew

**Matthew du Mée | Office of the Arizona Attorney General**  
*Senior Litigation Counsel*  
Consumer Protection and Advocacy Section  
1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-7731  
[MduMee@azag.gov](mailto:MduMee@azag.gov)



# Exhibit H

1 *RAVEN, CLANCY & McDONAGH, P.C.*  
182 NORTH COURT AVENUE  
2 TUCSON, AZ 85701  
(520) 628-8700

3 DENNIS J. CLANCY SBN 011425  
4 [dclancy@ravlaw.com](mailto:dclancy@ravlaw.com)  
Attorneys for Plaintiff

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

7 AHERN RENTALS, INC., a Nevada  
8 corporation,

9 Plaintiff,

10 v.

11 CIRCUS ODELAY, LLC, an Arizona  
limited liability company; ALEX CALLAN,  
12 in his individual capacity;  
CORPORATIONS 1-10,

13 Defendants.

NO. CV2015-096056

**STIPULATION TO EXTEND  
THE ARBITRATION  
DEADLINE AND CONTINUE  
ON THE DISMISSAL  
CALENDAR**

[Assigned to Arbitrator Raymond S.  
Dietrich]

[Assigned to Honorable David M.  
Talamante]

14  
15  
16  
17 Plaintiff Ahern Rentals, Inc. and Defendants Circus Odelay, LLC and Alex Callanby and  
18 through counsel undersigned, stipulate to an extension of the arbitration deadline and respectfully  
19 request that this Court enter an Order continuing this matter on the dismissal calendar for the  
20 reasons set forth:

21 1. The arbitrator was appointed May 13, 2016, setting the deadline to hold an  
22 arbitration hearing of September 9, 2016.

23 2. The parties were in negotiations in an attempt to settle the matter and delayed  
24 setting a hearing date for that reason.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

3. As the arbitration deadline approached, the arbitrator was contacted to set an arbitration hearing.

4. The arbitrator's first available hearing date is the end of October, well past the September 9, 2016 deadline to hold the hearing.


5. Pursuant to the 150 Day Order from the Court, a Joint Report and Proposed Joint Scheduling Order, Rule 16(b)(c) or an Appeal from Arbitration are to be filed on or before September 19, 2016.


Wherefore the parties stipulate to an extension of the deadline to hold the arbitration hearing, setting the new deadline to hold the hearing of November 30, 2016, and request an Order from this Court continuing the matter on the Dismissal Calendar until January 31, 2017.

RESPECTFULLY SUBMITTED this 29 day of August 2016.

RAVEN, CLANCY & McDONAGH, P.C.

STROJNIK, P.C.

By   
Dennis J. Clancy  
Attorneys for Plaintiff

By   
Peter Strojnik  
Attorney for Defendants

Copy of the foregoing mailed/delivered this 29 day of August 2016, to:

RAYMOND SCOTT DIETRICH  
ARBITRATOR  
2355 E CAMELBACK RD STE 618  
PHOENIX AZ 85016-9040

# Exhibit I

1 RAVEN, CLANCY & McDONAGH, P.C.  
182 NORTH COURT AVENUE  
2 TUCSON, AZ 85701  
(520) 628-8700

3 DENNIS J. CLANCY SBN 011425  
4 [dclancy@ravlaw.com](mailto:dclancy@ravlaw.com)  
Attorneys for Plaintiff

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF MARICOPA**

8 AHERN RENTALS, INC., a Nevada  
9 corporation,

10 Plaintiff,

11 v.

12 CIRCUS ODELAY, LLC, an Arizona  
limited liability company; ALEX CALLAN,  
13 in his individual capacity;  
CORPORATIONS 1-10,

14 Defendants.

NO. CV2015-096056

**MOTION TO EXTEND THE  
ARBITRATION DEADLINE  
AND CONTINUE ON THE  
DISMISSAL CALENDAR**

[Assigned to Arbitrator Raymond S.  
Dietrich]

[Assigned to Honorable David M.  
Talamante]

15  
16 Plaintiff Ahern Rentals, Inc. by and through counsel undersigned, submits this Motion  
17 to Extend the Arbitration Deadline and Continue on the Dismissal Calendar and respectfully  
18 requests that this Court enter an Order continuing this matter on the dismissal calendar for the  
19 reasons set forth:

20 1. The arbitrator was appointed May 13, 2016, setting the deadline to hold an  
21 arbitration hearing of September 9, 2016.

22 2. The parties submitted a Stipulation to extend the arbitration deadline on August  
23 29, 2016 and an Order Extending Arbitration Deadline and Continuing Matter on Dismissal  
24

1 Calendar was entered on September 6, 2016. The arbitration deadline was extended to November  
2 30, 2016 and the matter placed on the dismissal calendar for dismissal on January 31, 2017.

3 3. The arbitration hearing was set for October 25, 2016

4 4. On September 20, 2016, Plaintiff scheduled the deposition of Defendants for  
5 October 12, 2016. Defendants failed to appear for the deposition as scheduled. Subsequently,  
6 Plaintiff's counsel unsuccessfully attempted to resolve the discovery dispute and thereafter filed  
7 a Motion for Sanctions on October 24, 2016.

8 5. Due to Defendants' failure to appear at the deposition, the arbitration hearing set  
9 for October 25, 2016 was cancelled.

10 6. With the November 30, 2016 arbitration deadline approaching, Plaintiff's Motion  
11 for Sanctions pending, Plaintiff's need to reschedule the deposition of Defendants, and the  
12 difficulty of scheduling an arbitration hearing prior to the November 30, 2016 arbitration  
13 deadline, Plaintiff is requesting the arbitration deadline be extended to **January 31, 2017** and the  
14 matter be extended on the dismissal calendar until **March 15, 2017**.

15 RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of November 2016.

16 RAVEN, CLANCY & McDONAGH, P.C.

17 By /s/Dennis J. Clancy #011425

18 Dennis J. Clancy  
19 Attorneys for Plaintiff

20 Copy of the foregoing mailed/delivered  
21 this 7<sup>th</sup> day of November 2016, to:

22 PETER STROJNIK  
23 STROJNIK PC  
24 2415 EAST CAMELBACK RD STE 700  
25 PHOENIX AZ 85016

1 RAYMOND SCOTT DIETRICH  
2 ARBITRATOR  
3 2355 E CAMELBACK RD STE 618  
4 PHOENIX AZ 85016-9040  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

# Exhibit J



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Peter Strojnik, 6464  
**STROJNIK, P.C.**  
2375 East Camelback Road, Suite 600  
Phoenix, Arizona 85016  
Telephone: 602-524-6602  
E-mail: *ps@strojnik.com*  
Attorney for Defendants

**IN THE MARICOPA COUNTY SUPERIOR COURT**  
**STATE OF ARIZONA**

) NO. CV2015-096056

AHERN RENTALS, INC. a Nevada  
Corporation,

)  
)  
)

**STIPULATION TO EXTEND TIME**

Plaintiff,

Honorable David M. Talamante

)

vs.

)

)

CIRCUS ODELAY, LLC, an Arizona  
limited liability company; ALEX  
CALLAN, in his individual capacity;  
CORPORATIONS 1-10

)  
)  
)  
)  
)

Defendants.)

)

Pursuant to the Court’s December 12, 2016 ME, the parties have tentatively agreed to take the 30(b)(6) deposition of Defendant on January 18, 2016. However, it will be logistically difficult to schedule the arbitration prior to January 31, 2017 as currently ordered because Counsel for Defense has a significant jury trial commencing on January 30, 2016 before the Honorable Jo Lynn Gentry captioned *Security Title Agency v. Lupyrciw and Vegas Land*,

1 CV2013-001159. Therefore, the parties stipulate to extend the time to complete the arbitration to  
2 February 28, 2017.

3 The [Proposed] Order is appended hereto.

4 DATED this 14<sup>TH</sup> day of December, 2016.

5 RAVEN, CLANCY & McDONAGH, P.C.

6 By /s/Dennis J. Clancy #011425  
7 Dennis J. Clancy  
8 Attorneys for Plaintiff

9 **STROJNIK, P.C.**

10 /s/ Peter Strojnik  
11 Peter Strojnik  
12 Counsel for Defendants  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25