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**FILED**

TIME 11:36 A M

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

OCT 29 2009

IN AND FOR THE COUNTY OF MOHAVE

VIRLYNN TINNELL  
CLERK SUPERIOR COURT  
BY: AK DEPUTY  
SC\*

HONORABLE STEVEN F. CONN  
DIVISION 3  
DATE: OCT. 28, 2009

VIRLYNN TINNELL, CLERK

**COURT NOTICE/ORDER/RULING**

STATE OF ARIZONA,  
  
Plaintiff,  
  
vs.  
  
WARREN STEED JEFFS,  
  
Defendant.

No. CR-2007-0743 & CR-2007-0953

Counsel for the Defendant filed a Motion for Deposition of Witnesses Sam Brower and Dan Fischer on August 20, 2009. Mr. Sipe filed a Memorandum of Non-Party Witness Dan Fischer in Opposition to Defendant's Motion for Deposition of Witnesses Sam Brower and Dan Fischer on September 8, 2009. Mr. Novak filed a Memorandum in Opposition to Motion for Deposition of Witnesses Sam Brower and Dan Fischer on September 8, 2009. It appears that the State, who is actually prosecuting this case, has never filed any pleading in response to the original defense motion. Counsel for the Defendant on October 5, 2009, filed both a Reply to Witness Dan Fischer's Opposition to Motion for Deposition and a Reply to Hoole and King's Opposition to Motion for Deposition of Witnesses Sam Brower and Dan Fischer. The Court notes that by Minute Order dated September 25, 2009, it had extended to October 2, 2009, the date those pleadings could be filed, but the Court will not consider the filing of those pleadings on the next judicial day to be an issue unless made so through some written pleading by opposing counsel. Counsel for the Defendant has also filed a Motion to Exceed Page Limitation



as to each of the above Replies. The Court has to admit that if it had not looked up Rule 35.1(b) it would not have known that there was a page limitation for a reply. The Court is curious what happens when a pleading is deemed too long and request to exceed page limitation is denied, but is not curious enough to find out in these cases.

IT IS ORDERED granting the Defendant's Motion to Exceed Page Limitation.

IT IS ORDERED setting these matters for hearing on the Defendant's Motion for Deposition of Witnesses Sam Brower and Dan Fischer on Friday, December 11, 2009, at 1:30 p.m.

Because of how this procedural issue has evolved and because of the number of attorneys potentially involved, the Court will not allow any telephonic argument at this hearing. The Court probably has the technical ability to give persons telephonic access to the hearing, enabling one to hear the proceedings, but will require that any attorney who is going to present any argument on the motion will have to appear in person at the above hearing.

cc:

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Division 3

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Mohave County Jail\*