

ORIGINAL

John Dougherty
PO Box 501
Rimrock, AZ 86335
Intervener



BEFORE THE ARIZONA CORPORATION COMMISSION

Commissioners

BOB STUMP – Chairman
GARY PIERCE
SUSAN BITTER SMITH
BRENDA BURNS
BOB BURNS

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE
APPLICATION FOR APPROVAL
OF A RATE INCREASE
BY MONTEZUMA
WATER COMPANY, LLC
AND APPROVAL OF W-04254A-12-0206
CERTAIN LOANS

W-04254A-12-0204
W-04254A-12-0205
W-04254A-12-0207

**MOTION TO RESCHEDULE FEB. 7
PROCEDURAL CONFERENCE**

BY THE INTERVENER:

Intervener is on the defense witness list to appear at a four-day criminal trial in Yavapai County scheduled to begin February 5, 2013 and last approximately three to four days. A copy of the witness list is attached.

As a result, Intervener respectfully requests the Commission to reschedule the Feb. 7 procedural conference. Intervener will be on business travel between March 10 and 19, 2013.

Submitted on January 30, 2013 by

John E. Dougherty III
Intervener

Arizona Corporation Commission
DOCKETED
JAN 30 2013

DOCKETED BY

I certify that a copy of this Motion has been hand delivered/mailed on January 30, 2013 to:

Ms. Patricia Olsen
Montezuma Rimrock Water Company
P.O. Box 10
Rimrock, AZ 86335

Daniel Pozefsky
RUCO
1110 W. Washington St.
Suite 220
Phoenix, AZ 85007

Janice Alward
Arizona Corporation Commission
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THOMAS K. KELLY, P.C.
ATTORNEYS AT LAW
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THOMAS K. KELLY, P.C.
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425 E. Gurley
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(928) 445-5484
Thomas K. Kelly - 012025
Carrie A. Kelly - 021162
Attorneys for Defendant

SANDRA ...

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,) No. P1300CR201180337
)
Plaintiff,)
)
v.) **DEFENDANT'S LIST OF**
) **WITNESSES AND EXHIBITS**
)
IVO W. BUDDEKE, III,)
)
Defendant.)
_____)

COMES NOW defendant by and through undersigned attorney and hereby submits
the following **LIST OF WITNESSES AND EXHIBITS:**

Defendant discloses the following witnesses who may testify on his behalf:

1. Steven H. Schwartz, Esq.;
2. Van McDonald;
3. Martin T. Etcheverry;
4. Deputy K. Harper;
5. Deputy R. Bollen;
6. John Dougherty;
7. Ian Buddeke.
8. Honorable Judge Dwyer;

- 1 9. All witnesses, investigators and officers listed in the materials disclosed by the State of
2 Arizona.

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4 **Defendant may use the following list of papers and documents at trial:**

- 5 1. Deputy Report for Incident 12-014913;
6 2. Deputy Report for Incident 12-015988;
7 3. All Incident Reports prepared by YCSO and disclosed by the State in this matter;
8 4. Video Tape(s) of incident;
9 5. Photographs of scene;
10 6. Injunction Against Harassment dated May 11, 2011;
11 7. Petition for Injunction Against Harassment dated May 11, 2011
12 8. Arizona Traffic Ticket and Complaint dated April 18, 2011
13 9. Video containing Judge Dwyer Comments regarding P. Olsen misuse of Injunction
14 dated July 29, 2011;
15 10. Video of Arizona Corporation Commission Hearing dated October 28, 2011;
16 11. Record of Survey dated April 21, 2011, signed by Martin T. Etcheverry, Registered
17 Land Surveyor, Certificate No. 33873;
18 12. Yavapai County Map and Parcel Information document printed May 11, 2011;
19 13. Yavapai County Assessor's Parcel Information document printed May 11, 2011;
20 14. The Bugle Newspaper Articles (4) dated April 19, 2011 & April 22, 2011;
21 15. Yavapai County Sheriff's Office Incident Reports filed as a result of false
22 allegations by Patricia Olsen claiming violations of release orders and/or the order
23 of protection;
24 16. Yavapai County Sheriff's Office Incident Reports filed as a result of allegations
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made by Ivo Budakke;

17. Map of Lake Montezuma Estates 1 & 2;

18. Aerial Photo of Scene;

19. Record of Survey of Lot 559 in Lake Montezuma Estates dated April 21, 2011,
signed by Martin T. Etcheverry, Registered Land Surveyor, Certificate Number
33873,

20. CDs containing audio statements relating to the investigation;

*Counsel provides notice to the State of Arizona that this list contains impeachment evidence,
copies of which shall be provided as set forth in Rule 613, A.R.E.

DATED this 22nd day of January, 2013.

THOMAS K. KELLY, P.C.
Attorneys at Law

By 
Thomas K. Kelly
Attorney at Law

Copy of the foregoing
delivered this 22nd day
of January, 2013, to:

Hon. Michael Bluff
Division 7
Yavapai County Superior Court
Prescott, AZ 86301

Jay Ireland
Deputy County Attorney
255 E. Gurley St.
Prescott, Arizona 86301

By 