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JAN 29 2010

1 PRESCOTT LEGAL DEPARTMENT  
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3 By: Thomas A. Lloyd  
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Attorney for City of Prescott

5  
6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

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

8 THE CENTER FOR BIOLOGICAL	)	P1300CV20090596
DIVERSITY, a not-for-profit corporation;	)	
	)	
9 Plaintiff,	)	<b>MOTION FOR CONTINUANCE</b>
	)	
10 -vs-	)	<b>(Special Action)</b>
	)	
11 CITY OF PRESCOTT, a municipal Corporation of	)	Division 5
the State of Arizona; JOHN DOES 1-10,	)	
	)	(Assigned to the Hon. William T. Kiger)
12 Defendants.	)	
	)	

13  
14 The Defendant City of Prescott herein, by and through undersigned counsel, hereby moves  
15 the Court for a continuance of any further proceedings on Center for Biological Diversity's Motion  
16 for Summary Judgment, the City's cross motion, and any replies to permit the City an adequate  
17 opportunity to discuss settlements in a number of other pending cases, which may affect the City's  
18 position and the result in this public records case. The City requests a three week continuance of  
19 the due dates for the City's response, cross-motion, and any replies in this matter.

20 The City requests this continuance to allow for the discussion and possible settlement of a  
21 number of other pending matters, which may affect the result in this case and the need for the court  
22 to decide this matter. The City is involved in a number of other cases with other parties who  
23 include the Salt River Project Ag. Improvement District, Salt River Project Water Users Assn.,  
24 Arizona Dept of Water Resources Director, Herb Guenther, citizens Gary Beverly, Tom Atkins and  
25

1 Anthony Kryzsik. These cases include issues of the constitutionality of the statute that allows  
2 Prescott to import water into the Prescott Active Management Area, judicial review of ADEQ's  
3 decision to grant the City of Prescott's application to import a quantity of water into the Prescott  
4 AMA and other issues related to the City's Big Chino Water Ranch (BCWR). Finally, two  
5 separate public records and public records/declaratory judgment actions related to the BCWR are  
6 pending between the City, Prescott Valley and the Salt River Project. The City is presently making  
7 efforts and is engaged in settlement discussions with the Salt River Project to resolve these matters.

8 The results of any settlement in the above cases, and the separate public records lawsuit  
9 between the City and the Salt River Project, may affect the resolution of the matter presently  
10 before this court and may conserve judicial resources and obviate the need for this court to decide  
11 the present matter. To allow the other settlement discussions to continue, the City requests a three  
12 week continuance of all due dates for summary judgment matters in this case.

13 DATED this 28<sup>th</sup> day of January, 2010.

14 CITY OF PRESCOTT LEGAL DEPARTMENT

15 By: Thomas A. Lloyd

16 Thomas A. Lloyd  
Chief Assistant City Attorney

17 COPY of the foregoing hand-delivered this  
18 28<sup>th</sup> day of January, 2010, to:

19 William T. Kiger  
Judge of the Yavapai County Superior Court  
Yavapai County Courthouse, Division 5  
20 Prescott, AZ

21 COPY of the foregoing mailed this  
22 28<sup>th</sup> day of January, 2010, to:

23 Howard Shanker, Esquire  
SHANKER LAW FIRM, PLC  
700 East Baseline Road, Bldg. B  
Tempe, AZ 85283

24 By: D. Johnston

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8 THE CENTER FOR BIOLOGICAL	)	P1300CV20090596
DIVERSITY, a not-for-profit corporation;	)	
	)	<b>ORDER RE MOTION FOR</b>
9 Plaintiff,	)	<b>CONTINUANCE</b>
	)	
10 -vs-	)	<b>(Special Action)</b>
	)	
11 CITY OF PRESCOTT, a municipal Corporation of	)	Division 5
the State of Arizona; JOHN DOES 1-10,	)	
	)	
12 Defendants.	)	
	)	

14 Pursuant to Defendant City of Prescott's Motion For Continuance, and good cause  
15 appearing,

16 **IT IS ORDERED** that the Defendant City of Prescott is granted a continuance to file its  
17 response to Plaintiff's motion for summary judgment to March 4, 2010, with all normal response  
18 and reply times as prescribed by Ariz.R.Civ.P.

19 DONE IN OPEN COURT this \_\_\_\_ day of \_\_\_\_\_, 2010.  
20

21  
22  
23 \_\_\_\_\_  
Honorable William T. Kiger  
Judge of the Yavapai County Superior Court  
24  
25