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Scott M. McNair  
[REDACTED]  
Phoenix, Arizona [REDACTED]  
[REDACTED]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**SCOTT M. MCNAIR**  
Plaintiff,  
  
V.  
  
County of Maricopa, Kenneth Medlin, Terry  
Peterson, and Jennipher Ramsey  
Defendants,

CASE No. CIV-03-2119-PHX -ROS

**MOTION FOR SECOND SCHEDULING  
CONFERENCE**

Assigned to the Hon. Roslyn O. Silver

**I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS**

In that the Plaintiff (McNair) is neither represented by counsel nor had any formal legal training, he does hereby request leniency from the Court for the form and content of this pleading. As a pro se litigant, his pleadings are to be considered without technicality; "pro se litigant's pleadings are not to be held to the same high standards of perfection as lawyers." *Haines V. Kerner*, 92 S.Ct. 594; *Jenkins V. Mckeithen*, 395 US 411, 421 (1969); *Picking V. Penna. Rwy. Co.* 151 F.2d 240; *Puckett V. Cox*, 456 F.2d 233.

**II. MOTION**

The Plaintiff does hereby respectfully request the Court to hold a Second Scheduling Conference in this matter as the parties have been unable to come to mutual agreement on certain items required for the Case Management Plan and Rule 16 Scheduling Order

**III. DISCUSSION**

Originally, the initial Scheduling Conference was to be held on March 19 2004. Due to conflicts of other related cases and some disputed facts concerning the parties ability to meet and prepare a Joint Case Management Plan, the Court reset the initial conference to May 7 2004.

1 Prior to that date, each of the parties submitted separate Proposed Case Management Plans.

2 On May 7 2004, the Plaintiff appeared pro-se and Mr. Daniel Brenden appeared on behalf of the  
3 Defendants before this Court for the rescheduled Scheduling Conference.

4 During the conference, to the displeasure of Judge Silver, the Plaintiff asserted that the he was unable  
5 to submit a joint plan due in part to the Defendant's ongoing obstructionist behavior (i.e. "stone-  
6 walling"), while the Defendants asserted that the Plaintiff was at fault because he supposedly failed to  
7 deliver a request for a joint meeting.

8 After some discussion, Judge Silver instructed the parties to retire to a conference room outside the  
9 courtroom and confer on the case management plan. Judge Silver further ordered the parties to submit a  
10 joint case management plan by May 14 2004.

11 In compliance with such, McNair and Brenden immediately conferred and came to mutual agreement  
12 on the majority of the issues. The pair concluded by agreeing to continue the discussion and to submit  
13 proposals via email over the next few days in order to comply with Judge Silver's order and submit a joint  
14 proposal by Friday May 14 2004. Brenden and McNair then began an exchange of emails, submitting a  
15 single/joint case management plan back and forth to each other.

16 At the close of business on Tuesday May 11, Brenden emailed McNair that he had not reviewed the  
17 latest version of the joint plan, and informed McNair that he would be out of town for the remainder of  
18 the week. Brenden instructed McNair to continue negotiations with Ms. Mary Cronin, his co-counsel. From  
19 there, a complete breakdown in communication began between Cronin and McNair.

20 While McNair continued to pursue an amicable plan so that such could submitted to the court by  
21 Friday (May 14, 2004), Cronin began a campaign of arguing over issues irrelevant to the plan, refused to  
22 provide McNair with direct answers to simple questions, and categorically refused to a reasonable  
23 compromise on the date for "Filing of procedural motions including motions to amend, consolidate, and  
24 join additional parties".

25 Since Cronin did not respond to McNair's final proposal until late Thursday (May 13), and since  
26 McNair (a non-attorney) was required to complete and file an appellate memorandum the following  
27 morning in a related case before the Superior Court of Arizona, it became impossible to file the case  
28 management plan on Friday (May 14) as ordered by Judge Silver.

1 Having missed the Friday (May 14) deadline set by Judge Silver, McNair emailed Cronin and  
2 Brenden on Monday (May 17) suggesting that if a compromise was not reached by Wednesday (May 19)  
3 that the parties should request a scheduling conference with the Court to resolve the matter.

4 Of the items currently unresolved from the Joint Case Management Plan are:

5 **12. The scope of discovery, the date discovery should be completed, and whether discovery**  
6 **should be conducted in phases or should be limited to or focused upon particular issues.**

7 **13. The final date for supplementation of discovery.**

8 **14. The proposed deadlines for:**

9 **a) Disclosure of experts and testimony under Rule 26(a)(2) of the Fed. R. Civ. P.;**

10 **b) Filing of procedural motions including motions to amend, consolidate, and join**  
11 **additional parties;**

12 In item 12, the Plaintiff suggests March 1, 2005 and the Defendant April 29, 2005. The Plaintiff is  
13 willing to concede to the extra time, provided the Defendants are willing to agree to at least forty-five  
14 days for item 13 (final date for supplementation of discovery).

15 While the Plaintiff requests forty-five days for supplementary discovery, the Defendant has demanded  
16 that this be limited to only fifteen days. The Plaintiff does not believe this provides ample time.  
17 Especially considering the Defendants ongoing campaign of interference with discovery.

18 In item 14(a), the Plaintiff suggests that the date of December 1 2004 be set for both parties in the  
19 disclosure of experts. For reasons known only to the Defendants, they demand that the Plaintiff be  
20 subjected to October 1, 2004, and the Defendants be allowed an extra sixty days to disclose their experts.

21 Lastly is item 14(b). The Defendants have refused to accept any date for amendments beyond July 1  
22 2004 (approximately 35 days from today). The Plaintiff asserts that the Defendants are deliberately  
23 attempting to prevent the Plaintiff from the opportunity to proper amendment by demanding that such be  
24 submitted while the Defendants deliberately withhold and obstruct discovery of potential claims or issues.

25 The Plaintiff asserts that his suspicions of this have come true, in that the Defendants' Initial  
26 Disclosure Statement is so lacking in substance that it is clear evidence of the Defendants unending  
27 obstruction to discovery.

28 During the past **two years**, the Plaintiff has submitted numerous requests for hundreds of emails

1 (public records) of defendant Jennipher Ramsey and other County employees. For **two years** the  
2 Defendants have continually and categorically refused or withheld the disclosure of any and all of  
3 defendant Jennipher Ramsey's emails and any others employees. Not only have the Defendants not listed  
4 any of Ramsey's emails (or any other employee's) in their disclosure statement, they have previously  
5 informed the Plaintiff that they routinely **purge emails** (evidence) after 28 days.

6 Moreover, the Plaintiff has previously requested hundreds of public records that may or may not be  
7 damaging to the Defendants yet, for **two years** the Defendants have continually and categorically refused  
8 and withheld the disclosure of any and all PUBLIC RECORDS requested by the Plaintiff.

9 The Defendants have continually refused to provide even the most basic and accurate information  
10 about the individual defendants (full name, spouse's name, home address, phone, etc.). They also refuse  
11 to provide any accurate information about their witnesses. They list the contact information for their  
12 witnesses as "*c/o Maricopa County Attorney's Office*", rather than provide the true name, address, and  
13 phone number of such. (The Court should note, that some of the defendants and their witnesses, **are no**  
14 **longer employed by Maricopa County** and the County is providing them free representation.)

15 Lastly, an issue unrelated to the Case Management Plan but directly related to this case, is the issue  
16 that Daniel Brenden has been repeatedly notified that he will be a witness in this case (and a potential  
17 defendant) and is thereby required to remove himself due to a clear conflict of interest. In the lower  
18 courts, the Plaintiff has submitted no less than three motions demanding that Mr. Brenden abide by  
19 Arizona Ethics Rule 1.7 and removes himself as counsel for the Defendants. Yet he refuses to do so,  
20 deliberately flaunting his violation of the rules of ethics in both the Plaintiff's and this Court's face.

#### 21 IV. CONCLUSION

22 In review, it should be clear to the Court that the Plaintiff (a non-attorney) has made a substantial  
23 effort to work with the Defendants in preparing a Joint Case Management Plan. The Defendants not only  
24 continue to obstruct McNair in his discovery efforts, the Defendants now scheme to prevent him from  
25 properly pursuing his rights by using the Case Management Plan as a means of interfering with his right  
26 to due process and continuing their cover-up of corrupt and unlawful activity within Maricopa County  
27 government.

28 ...

1 The Court should therefore order a Second Scheduling Conference to address the scheduling issues,  
2 and to address the Defendants' obstruction of discovery and the unlawful appearance of Mr. Daniel  
3 Brenden.

4  
5 RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of MAY 2004.

6  
7 By \_\_\_\_\_

8 Scott M. McNair, Plaintiff Pro Per  
9

10  
11 FILED and MAILED this 28<sup>th</sup> day of MAY 2004.  
12

13 ORIGINAL and COPY FILED with:

14 Honorable Roslyn O. Silver  
15 United States District Court Judge  
16 Sandra Day O'Connor U.S. Courthouse  
17 401 West Washington Street  
18 Phoenix, AZ 85003

19 COPY of the forgoing HAND-DELIVERED to:

20 Office of the Maricopa County Attorney  
21 Attn: Dan Brenden  
22 222 North Central Avenue, Suite 1100  
23 Phoenix, Arizona 85004  
24 (Counsel for Defendants: Maricopa County, Medlin, Peterson, & Ramsey)  
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