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TONY S. CULLUM*

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*ADMITTED TO PRACTICE
IN STATE OF COLORADO

April 20, 2020

VIA EMAIL and U.S. MAIL

Mr. Jeffrey B. Molinar, Esq.
Ms. Meghan Grabel, Esq.
OSBORN MALEDON, PA
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RE: BEAVER VALLEY IMP. ASSOC. V. BEAVER LAND, LLC ET AL.
Gila County Superior Court – Division II – Payson Cause No. S0400CV201900254
Assigned Hon. Timothy M. Wright

MEDIATION REQUESTS

Counselors:

I write this letter in an additional attempt to confirm a date for Mediation in the above referenced cause of action. While my clients appreciate the current world events, and the uncertainty that the COVID-19 pandemic has placed upon each of our schedules and the Court System, after numerous attempts to lock down a date for Mediation, we are confident that a date can and should be secured. As you are aware, we have tentatively scheduled June 4, 2020 with Mr. Shawn Alkins, Esq.

On February 10, 2020, after several attempts, the parties agreed to a mediator, Mr. Shawn Aikens, Esq. in Phoenix, Arizona. At the time, we suggested several dates that Mr. Shawn Aikens was available in February, March and April, advising we were available on February 25, 2020. We were advised that February 25, 2020 was not conducive to your schedule, but you would check with client availability and provide suitable dates.

On February 13, 2020, due to Mr. Aikens availability and our calendar reducing quickly, our office locked the first available date of April 30, 2020 and requested that your office confirm the date. On February 27, 2020 you advised that you were not available on April 30th. Working with Mr. Aikens' legal assistant, we provided the next available dates on his calendar and placed a hold on June 4, 2020.

Mr. Aiken's legal assistant provided patience and flexibility in finding a date acceptable to your firm and client. On March 17, 2020, both Mr. Aiken staff and we were advised that your firm was "prohibiting us from scheduling mediations and other gatherings indefinitely, so we will not be able to commit to May 26 at this time." Working with Mr. Aikens' legal assistance, we requested that the June 4th date be held, pending further developments, and advised your firm of the same.

On March 26, 2020, we reached out again to discuss the ordered May 26th status conference before Judge Wright and our desire to be able to advise the court that, not only we had agreed to a mediator, but we have a set date and time for the mediation. To date, we have not received a response.

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Given above and the current status of the COVID-19 restrictions and orders, to include the Arizona Supreme Court's orders, it is our client's belief that we can confirm June 4, 2020 date with Mr. Aikens. Our clients would like to be able to present to the Court on May 26, 2020 a united stipulation as to the direction of this matter.

Upon review of Mr. Aiken's current calendar, there are several dates available in May or June 2020, if June 4th does not work for your schedule. Please advise of the first available date your firm and client are ready to proceed with mediation. Thank you for your time and consideration. We look forward to your response.

Sincerely,



Tony S. Cullum

TC:rs:tw

Cc: Beaver Valley Improvement Assoc – Mark Mexal, President
Ms. DeAnn Buchmeier – Legal Assistant – Mr. Aikens
Ms. Veronica Guadiana – Judicial Assistant – Judge Timothy M. Wright