

1 Eli Dalton-Webb
2 5009 E. Ironwood Circle
3 Sierra Vista, Arizona 85650
4 email: dw4az@proton.me
5 *Plaintiff*
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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

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

<p>12 Eli Dalton-Webb, 13 14 Plaintiff 15 16 v. 17 18 CITY OF PRESCOTT, a municipal 19 corporation in Arizona, OFFICER 20 CARON (#517), OFFICER TRUJILLO, 21 SGT. GERLACH, LT. NOVAK, 22 OFFICER BRAMBILA, CHIEF 23 BONNEY, peace officers of the Prescott 24 Police Department, et al., 25 26 Defendants</p>	<p>Case No. S-1300-CV-202500445 Division: 2, Hon. John Napper Joint Report and a Proposed Scheduling Order</p>
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29 On 6 March 2026 this Court entered an order, for parties (among other
30 options) to submit a “Joint Report and a Proposed Scheduling Order under Rule
31 16(c).”. Plaintiff was unable to meet, confer, and/or agree with Defense Counsel and
32 submit this in a stipulated manner. Plaintiff hereby attempts to comply with this
33 Court’s directive by filing this without Defense Counsel.
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40 **Plaintiff’s Witnesses:**

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42 Plaintiff anticipates disclosing the following witnesses: fellow salesmen
43 Plaintiff was working with, staff of the roofing company, and any other person that is
44 familiar with the facts and circumstances of this case.
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Plaintiff's Depositions:

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3 Plaintiff anticipates discovery concerning the factual basis, enforcement
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5 history, purpose, and effects of the Prescott City Code provisions at issue, including
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7 whether the challenged regulations are directed at ameliorating secondary effects and
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9 whether they significantly further any substantial governmental interest without
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11 unduly burdening protected speech, as discussed in State v. Stummer, 219 Ariz. 137
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13 and other authorities. Plaintiff expects this discovery may include public records,
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15 written discovery, Rule 30(b)(6)-type organizational testimony if available under
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17 Arizona procedure, depositions of City personnel with relevant knowledge, law-
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19 enforcement witnesses, persons involved in adopting or enforcing the challenged
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21 provisions, affected residents or complainants, and other third-party witnesses with
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23 relevant nonprivileged knowledge.
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27 Plaintiff anticipates that he will be deposing various residents in the
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29 neighborhood that the City of Prescott is presumably alleging Plaintiff had abused, to
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31 discover how Plaintiff allegedly abused the various residents with his speech.
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34 Plaintiff anticipates that he will be deposing various residents and various
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36 engagement groups in the the City of Prescott to discover how the City of Prescott is
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38 regulating the secondary effects, within the meaning of State v. Stummer, 219 Ariz.
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40 137 (and other authorities), as relevant in this civil action.
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43 Plaintiff anticipates that he will be deposing other door-to-door salesmen and
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45 construction contractors to discover how they conduct business in the City of
46
47 Prescott.
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1 Plaintiff anticipates that he will be deposing peace officers of the City of
2
3 Prescott.

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5 Plaintiff anticipates that he will be deposing City of Prescott city council
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7 members.

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9 Plaintiff anticipates that he will be deposing any other person, entity, party, or
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11 non-party to understand how the City of Prescott is effective in regulating the
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13 secondary effects, within the meaning of State v. Stummer, 219 Ariz. 137 (and other
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15 authorities), as relevant in this action.
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18 **Plaintiff's Disclosures:**

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20 Plaintiff is in possession of one or more audio/video recordings of the 22 May
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22 2024 incident outside of the records the City of Prescott has already given him.
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25 Plaintiff may be in possession of an internal sales script and other sales
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27 materials.
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29 **Plaintiff's Position Regarding Discovery Tier:**

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31 Plaintiff is in the position to assert tier 3 discovery. Even though the dollar
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33 amount may not be high in this matter, Parties need to litigate whether or not the City
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35 of Prescott has been effective in ameliorating the secondary effects within the
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37 meaning of State v. Stummer, 219 Ariz. 137 and other relevant law, which means that
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39 Parties need to depose various stakeholders in the community to get an understanding
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41 of how the City of Prescott's code against free speech in the pursuit of regulating
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43 secondary effects outweighs its offense against speech itself. Tier 3's hours of fact
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witness deposition is appropriate (although Plaintiff reserves the right to request more than hours of depositions).

AGREEMENTS THAT COULD AID IN THE JUST, SPEEDY, AND INEXPENSIVE RESOLUTION OF THE CASE

Plaintiff believes the following stipulations, if agreed to by Defendants, would narrow the issues and reduce discovery:

1. Plaintiff was going door-to-door on May 22, 2024, speaking with people about roof repairs;
2. Plaintiff was working for or on behalf of a contractor licensed under Chapter 10 of Title 32 of the Arizona Revised Statutes;
3. Officer Caron threatened criminal consequences, arrest, jail, citation, or trespass enforcement if Plaintiff continued the conduct at issue;
4. Officer Caron did not receive a request from any relevant property owner to trespass Plaintiff from that owner’s property;
5. Plaintiff was financially indigent at the time of the incident;
6. Prescott City Code Chapter 4-4 imposed fees that Plaintiff could not afford at the time;
7. The City of Prescott does not waive or defer the relevant Chapter 4-4 fees for indigent applicants.

Plaintiff has not obtained Defendants’ agreement to these proposed stipulations.

SCHEDULING

Plaintiff proposes the following deadlines:

serving initial disclosures under Rule 26.1 if they have not already been served;	Friday, 3 July 2026
identifying areas of expert testimony;	Monday, 2 November 2026
identifying and disclosing expert witnesses and their opinions under Rule 26.1(d);	Monday, 30 November 2026
propounding written discovery;	Thursday, 1 October 2026
disclosing nonexpert witnesses;	Tuesday, 1 September 2026
completing depositions;	Friday, 15 January 2027
completing all discovery other than	Friday, 29 January 2027

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depositions;	
final supplementation of Rule 26.1 disclosures;	Friday, 29 January 2027
unless the court orders otherwise for good cause, a deadline for holding a Rule 16.1 settlement conference or private mediation to occur no more than 15 months after the action commenced, but in no event later than 60 days after the date discovery is set to complete consistent with the discovery tier to which the case is assigned under Rule 26.2(f);	No settlement conference or private mediation is requested/ordered at this time
filing dispositive motions;	Wednesday, 10 March 2027
a proposed trial date;	Wednesday, 31 March 2027
the anticipated number of days for trial	Wednesday, 3 January 1900

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A COPY OF THIS WILL BE SENT TO:

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Dated this day, 4 May 2026

/s/Eli Dalton-Webb