

W-10

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

<p>JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; ELIZABETH NASH, a married woman dealing with her separate property; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> <p>DONALD COX and CATHERINE COX, husband and wife, et al., et ux.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. P1300CV20030399</p> <p>NOTICE RE: REASSIGNMENT</p>	<p style="text-align: center;">FILED</p> <p>DATE: NOV 06 2013 ✓</p> <p><u>12</u> O'Clock <u>1</u> .M.</p> <p style="text-align: center;">SANDRA K. MARKHAM, CLERK</p> <p>BY: <u>SHEETAL PATEL</u> Deputy</p>
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<p>HONORABLE DAVID L. MACKEY</p> <p>DIVISION 1</p>	<p>BY: Cheryl Wagster Judicial Assistant</p> <p>DATE: November 5, 2013</p>
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Due to the appointment of the Honorable Kenton D. Jones to the Arizona Court of Appeals this matter has been referred to the Presiding Judge for reassignment. Upon review of the file the Court notes the following pending Motions, which will adjudicate this matter upon ruling:

- 1) Plaintiffs/Varilek's Notice of Lodging Proposed Final Judgment;
- 2) Plaintiffs' Rule 54(g) Motion For Award of Attorneys' Fees;
- 3) Varilek's Motion For Award of Attorneys' Fees.

Currently this Judge and two other judges on the Superior Court bench are assigned civil matters: Honorable Patricia A. Trebesch and Honorable Joseph C. Butner. It is this Judge's belief that because of his familiarity with this matter it would be less time consuming for this Court to rule on the pending motions. However, this matter was reassigned from this Court to the Honorable Kenton D. Jones based on the Notice of Change of Judge filed by James Varilek when this matter was consolidated with P1300CV20090822.

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THEREFORE, IT IS ORDERED within thirty (30) days of the date of this Notice the parties to the pending motions may file a waiver of the Notice of Change of Judge for the purpose of resolving the three pending motions only. In the event waivers are not filed, this matter will then be reassigned to another Judge for ruling on these motions.

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