

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2005 NOV -7 PM 3:49

JEANNE HICKS, CLERK

BY **S. Murphy**

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7 Attorneys for Plaintiffs

8 **IN THE SUPERIOR COURT OF ARIZONA**  
9 **COUNTY OF YAVAPAI**

10 **JOHN B. CUNDIFF** and **BARBARA C.** )  
11 **CUNDIFF**, husband and wife; **BECKY NASH**, )  
12 a married woman dealing with her separate )  
13 property; **KENNETH PAGE** and **KATHRYN** )  
14 **PAGE**, as Trustee of the Kenneth Page and )  
15 Kathryn Page Trust, )

16 Plaintiffs, )

17 vs. )

18 **DONALD COX** and **CATHERINE COX**, )  
19 husband and wife, )

20 Defendants. )

Case No. CV 2003-0399

Division 1

**PLAINTIFFS' REQUEST  
FOR SCHEDULING OF  
ORAL ARGUMENT**

21 Plaintiffs, John and Barbara Cundiff, Becky Nash, and, Kenneth and Kathryn Page, hereby  
22 request that the Court schedule for oral argument the following motions: (1) Plaintiffs' motion for  
23 protective order and motion to quash subpoena *duces tecum* filed August 4, 2005; (2) Defendants'  
24 motion for award of attorneys' fees filed on or about August 15, 2005; and, (3) Plaintiffs' objection  
25 to defendants' form of partial final judgment filed August 30, 2005. Each of these motions has been  
26 fully briefed by the parties, and oral argument has been requested on each motion. The motions being  
fully briefed, Plaintiffs respectfully request that the Court set each matter for oral argument as  
expeditiously as possible.

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28 ///

1 DATED this 7<sup>th</sup> day of November, 2005.

2 FAVOUR MOORE & WILHELMSSEN, P.A.

3  
4 By:   
5 David K. Wilhelmsen  
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7 Original of the foregoing filed  
8 this 7<sup>th</sup> day of November, 2005 with:

9 Clerk, Superior Court of Arizona  
10 Yavapai County  
120 S. Cortez Street  
Prescott, Arizona 86302

11 A copy of the foregoing  
12 hand-delivered this 7<sup>th</sup>  
day of November, 2005, to:

13 Honorable David L. Mackey  
14 Division One  
Superior Court of Arizona  
15 Yavapai County  
120 S. Cortez Street  
Prescott, Arizona 86302

16 and, a copy mailed this  
17 7<sup>th</sup> day of November, 2005, to:

18 Mark Drutz  
19 Jeffrey Adams  
MUSGROVE, DRUTZ & KACK, P.C.  
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20 Prescott, Arizona 86302  
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21 By:   
22 David K. Wilhelmsen

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