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**B. Lederhos**

BY: \_\_\_\_\_

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8 Attorney for Plaintiffs

9 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
10 IN AND FOR THE COUNTY OF YAVAPAI

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

17 Plaintiffs,

18 vs.

19 DONALD COX and CATHERINE COX,  
20 husband and wife,

21 Defendants.

CASE NO. P1300CV20030399

**MOTION FOR  
REASSIGNMENT BY COURT**

22 Plaintiffs, by and through their attorney undersigned, hereby requests that this  
23 Court take action in this matter to assign a new judge so that proceedings may continue.

24 Plaintiffs' Motion for Summary Judgment was granted on June 14, 2013 by Hon.  
25 Kenton D. Jones. Thereafter, on July 1, 2013 and July 2, 2013, Plaintiffs filed their  
26 Motions for Award of Attorneys' Fees and Statement of Taxable Costs. Defendants filed  
27 their Responses on July 22, 2013 and August 9, 2013. Replies in support of the Motions  
28 for Attorneys' Fees were filed by Plaintiffs on August 19, 2013 and August 28, 2013. No  
29 additional action occurred until the Court's November 6, 2013 Notice of Reassignment  
30 due to Hon. Kenton D. Jones' appointment to the Court of Appeals.

1 In the November 6, 2013 Notice of Reassignment Hon. David L. Mackey stated  
2 that he believed it would be more efficient for him to rule on the pending motions;  
3 however the matter had previously been reassigned from him because of a Notice of  
4 Change of Judge filed by James Varilek. Judge Mackey gave the parties thirty (30) days  
5 to file a waiver of the Notice of Change of Judge for the purpose of resolving the pending  
6 motions. He stated that in the event waivers were not filed, the matter would be  
7 reassigned to another Judge for ruling on the pending motions. The parties did not file  
8 any such waivers.

9 Defendants filed a Motion for New Trial on January 3, 2014. Responses were filed  
10 by Plaintiffs on January 16, 2014 and January 22, 2014. A reply was filed by Defendants  
11 on February 10, 2014. Meanwhile, on February 3, 2014, the case was reassigned to Hon.  
12 Patricia A. Trebesch. Judge Trebesch was noticed by Defendants on February 5, 2014.  
13 The case was referred back to the presiding judge for reassignment on February 7, 2014.

14 No action has occurred in this matter since February 10, 2014. Plaintiffs  
15 respectfully request that this matter be assigned to a new judge so that proceedings may  
16 continue.

17 DATED this 13<sup>th</sup> day of May, 2014.

18 **J. JEFFREY COUGHLIN PLLC**

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20  
21 By: \_\_\_\_\_

J. Jeffrey Coughlin

22 COPY of the foregoing  
23 mailed this 15<sup>th</sup> day of  
24 May, 2014 to:

25 Jeffrey R. Adams  
THE ADAMS LAW FIRM PLLC

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5 First Amended Complaint by Joined Property Owner Defendants  
6 Dated September 22, 2010

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14 By: C. Padilla

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