

FILED
4:40 O'Clock M
AUG 21 2003

JEANNE HICKS, Clerk
BY *[Signature]*
Deputy

1 FAVOUR, MOORE & WILHELMSSEN, P.A.
Post Office Box 1391
2 Prescott, AZ 86302-1391
928/445-2444
3 David K. Wilhelmsen, 007112

4 Attorneys for Plaintiffs

5 IN THE SUPERIOR COURT OF ARIZONA
6 COUNTY OF YAVAPAI

7 JOHN B. CUNDIFF and BARBARA C.)
CUNDIFF, husband and wife; ELIZABETH)
8 NASH, a married woman dealing with her)
separate property; KENNETH PAGE and)
9 KATHRYN PAGE, as Trustee of the)
Kenneth Page and Catherine Page Trust,)
10 Plaintiffs,)

No. CV 2003-0399
Division 3

MOTION TO VACATE OSC HEARING
SCHEDULED AUGUST 25, 2003,
10:30 a.m.

11 vs.)
12 DONALD COX and CATHERINE COX,)
13 husband and wife,)
14 Defendants.)

15
16 Plaintiffs, through their counsel undersigned, hereby moves to have the
17 OSC Hearing currently scheduled in this court at 10:30 a.m., Monday, August 25,
18 2003, vacated to be reset at a later date upon request of counsel. Plaintiffs timely
19 served the Defendants Cox with the order and have been in contact with Defendants'
20 prospective attorney, Michael A. Bourke.

21 Although Mr. Bourke has not appeared of record in this matter, he has
22 agreed to represent the Defendants at a mediation proceeding set before James
23 Hancock at 10:00 a.m., September 9, 2003. As the requesting party for the OSC,
24 Plaintiffs respectfully urge this Court to vacate the scheduled OSC and reset it only if
25 and when requested by Plaintiffs' counsel.

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RESPECTFULLY SUBMITTED August 21, 2003.

FAVOUR, MOORE & WILHELMSSEN, P.A.

By 
David K. Wilhelmsen
Post Office Box 1391
Prescott, AZ 86302-1391
Attorneys for Plaintiffs

COPY OF the foregoing Motion
to Vacate OSC Hearing hand
delivered this 21st day of
August, 2003 to:

Hon. Janis Ann Sterling, Div. 3
Judge of the Superior Court
Yavapai County Courthouse
Prescott, AZ 86301

AND COPY MAILED this date to:

Mr. Michael A. Bourke
THE LAW OFFICES OF MICHAEL A. BOURKE
990 Copper Vista Drive
Prescott, AZ 86303
Representing Defendants Cox at Mediation

By 