

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2005 FEB -3 PM 3:34
JEANNE HICKS, CLERK
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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 **Catherine Page Trust,)**
16 **Plaintiffs,)**
17 **vs.)**
18 **)**
19 **)**
20 **DONALD COX and CATHERINE COX,)**
21 **husband and wife,)**
22 **Defendants.)**

Case No. [REDACTED]

Division 1 ✓

23 **PLAINTIFFS' OBJECTION TO**
24 **DEFENDANTS' SUPPLEMENTAL**
25 **AUTHORITIES**
26 **RE: PLAINTIFFS' MOTIONS**
FOR SUMMARY JUDGMENT

16 Plaintiffs, John and Barbara Cundiff, Becky Nash, and Kenneth and Kathryn Page, by and
17 through undersigned counsel, hereby oppose Defendants' impermissible filing of a purported
18 "supplemental authorities" concerning Plaintiffs' motions for summary judgment taken under
19 advisement by this Court following oral argument on January 31, 2005.

20 The purpose of filing supplemental authorities with a court is to bring to the court's attention
21 recently discovered pertinent authorities or judicial decisions released subsequent to completion of
22 briefing on the matter that directly bear on the issues before the court. Supplemental authorities are
23 *not* a vehicle to re-urge argument or case law that could have, or should have, been argued by the party
24 in its moving papers or oral argument.

25 In this instance, Defendants' supplemental authorities is a thinly veiled attempt to re-argue
26 matters already fully briefed and orally argued to the Court. Defendants are impermissibly attempting
to raise a sur-rebuttal argument. This is not permitted under Arizona's rules of civil procedure.

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