


SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2005 JUL 12 PM 3:24

JEANNE HICKS, CLERK

BY: 

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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.
21)
22)
23)
24)
25)
26)

Case No. CV 2003-0399

Division 1

**PLAINTIFFS' COUNSEL'S
CERTIFICATION PURSUANT TO
RULE 37(a)(2)(C)
IN SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL**

27 Plaintiffs, John and Barbara Cundiff, Becky Nash, and, Kenneth and Katheryn Page, by and
28 through undersigned counsel, hereby certifies in accordance with Rule 37(a)(2)(C), Ariz.R.Civ.Proc.,
29 that undersigned counsel based upon Defendants' counsel letter stating that "[t]here are no financial
30 statements and there was no documentation used by the accountant to prepare these tax returns" (*see,*
31 *Exhibit 1 attached to Plaintiffs' Motion to Compel, July 12, 2005*), requests that this Court find that
32 there is no "discovery dispute" which counsel can attempt to resolve within the time limits prior to
33 trial, currently scheduled to begin August 2, 2005.

34 Therefore, Plaintiffs request that this Court consider and rule upon Plaintiffs' motion to
35 compel.
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RESPECTFULLY SUBMITTED this 12th day of July, 2005.

FAVOUR MOORE & WILHELMSSEN, P.A.

By: Marguerite Kirk
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Attorneys for Plaintiffs

Original of the foregoing
filed this 12th day of July, 2005
with:

Clerk, Superior Court of Arizona
Yavapai County
Prescott, Arizona 86302

A copy hand-delivered this 12th day
of July, 2005 to:

Honorable David L. Mackey
Division One
Superior Court of Arizona
Yavapai County
Prescott, Arizona 86302

and, a copy hand-delivered this
12th day of July, 2005 to:

Mark Drutz
Jeffrey Adams
MUSGROVE, DRUTZ & KACK, P.C.
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Attorneys for Defendants Cox

By: Marguerite Kirk
David K. Wilhelmsen
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