

YAVAPAI COUNTY  
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Attorneys for Robert H. Taylor and  
Teri A. Thomson-Taylor, husband and wife

**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

JOHN B. CUNDIFF and BARBARA C. )  
CUNDIFF, husband and wife; )  
ELIZABETH NASH, a married woman )  
dealing with her separate property; )  
KENNETH PAGE and KATHRYN PAGE, )  
as Trustee of the Kenneth Page and )  
Catherine Page Trust, )  
Plaintiffs, )  
vs. )  
DONALD COX and CATHERINE COX, )  
husband and wife, )  
Defendants. )

Case No. P1300CV20030399

**ROBERT H. TAYLOR AND TERI A.  
THOMSON-TAYLOR'S JOINDER IN  
DEFENDANT VERES'S RESPONSE TO  
PLAINTIFFS' MOTION FOR AWARD OF  
ATTORNEYS' FEES AND NON-  
TAXABLE COSTS**

Hon. David L. Mackey

Robert H. Taylor and Teri A. Thomson-Taylor, husband and wife (hereafter "the  
Taylors"), acting by and through their counsel, hereby join in the Defendant Veres's  
Response to Plaintiffs Rule 54(g) Motion for Award of Attorneys' Fees and Non-Taxable  
Costs. The Taylors have not participated in this lawsuit in any way, having been joined  
as a Rule 19 indispensable party by order of this Court. The Taylors' entire involvement  
in this matter consists of a single filing: a Notice of Special Appearance submitted to  
the Court on April 4, 2011. A copy of that Special Appearance is attached hereto as  
**Exhibit A** for the Court's convenience.

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1 In their Motion for an Award of Attorneys' Fees and Non-Taxable Costs, Plaintiffs  
2 argue that "[a]n appropriate division of responsibility for the allocation of Plaintiffs'  
3 attorneys' fees would be to divide those fees among the Defendants starting with their  
4 formal entry into the case." Motion at 3:22-24. Counsel undersigned assumes that  
5 Plaintiffs argue for an allocation of fees against only those parties that appeared and  
6 actively participated in the case, but out of an abundance of caution the Taylors provide  
7 this Response.

8 As stated in the Special Appearance, the Taylors simply agreed to "be bound by  
9 the decisions of the Court regarding the validity of the Declaration of Restrictions for  
10 Coyote Springs Ranch." Ex. A at 1. The Special Appearance goes on to state that  
11 "[t]his Notice is provided with the specific understanding and condition that the Taylors  
12 will not be liable for or responsible for any costs and/or attorneys' fees incurred by any  
13 party or non-party to the above-captioned litigation." *Id.* at 2 (emphasis added). The  
14 Taylors did not answer this lawsuit, take any position, or participate in any way in the  
15 proceedings.

16 Rather than restate the arguments of counsel for Defendant Robert Veres, the  
17 Taylors join in his Response in full. The arguments against allocating fees against  
18 Defendant Veres apply with much greater force to the Taylors. The Taylors were added  
19 to this suit by order of this Court because they are property owners in Coyote Springs  
20 Ranch, along with hundreds of others. The Taylors merely acknowledged that they had  
21 notice of the proceeding through their Special Appearance and did nothing else. Under  
22 the circumstances, making the Taylors responsible for attorneys' fees in this matter  
23 would be a gross miscarriage of justice.

24 The Taylors therefore respectfully request that they not be responsible for any  
25 attorneys' fees awarded in this matter. The Taylors take no position as to whether  
26 attorneys' fees are properly awarded against other parties in this case.

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1 DATED this 30<sup>th</sup> day of July, 2013.

2 MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.

3  
4 By:   
for Robert E. Schmitt, Esq.  
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7 *Attorneys for Robert H. Taylor and  
Teri A. Thomson-Taylor, husband and wife*

8 ORIGINAL of the foregoing hand-delivered  
this 30<sup>th</sup> day of July, 2013, to:

9 Clerk of the Court  
10 Yavapai County Superior Court  
11 Yavapai County Courthouse  
120 South Cortez  
11 Prescott, AZ 86303

12 **COPY emailed this same date to:**

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11 **COPY mailed this same date to:**

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- 3 *Pro Se*
  
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8200 Long Mesa Drive
- 5 Prescott Valley, AZ 86315  
*Pro Se*
  
- 6 Robert Lee Stack and Patti Ann Stack
- 7 as Trustees of the *Robert Lee and Patti*  
*Ann Trust* utd March 13, 2007
- 8 10375 Lawrence Lane  
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- 9 *Pro Se*
  
- 10 John D. and Dusti L. Audsley  
966 North Stirrup Hldhg Drive
- 11 Dewey, AZ 86327  
*Pro Se*
  
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- 13 8595 East Easy Street  
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- 14 *Pro Se*
  
- 15 Beverly and Richard Stissel  
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- 24 *Pro Se*

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26 By: 

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

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JEANNE HICKS, CLERK

BY: Joy Rios

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Attorneys for Robert H. Taylor and  
Teri A. Thomson-Taylor, husband and wife

**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife;	)	
ELIZABETH NASH, a married woman dealing with her separate property;	)	Case No. P1300CV20030399
KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,	)	<b>SPECIAL APPEARANCE OF ROBERT H. TAYLOR AND TERI A. THOMSON-TAYLOR, HUSBAND AND WIFE</b>
Plaintiffs,	)	
vs.	)	
DONALD COX and CATHERINE COX, husband and wife,	)	Hon. David L. Mackey
Defendants.	)	

Robert H. Taylor and Teri A. Thomson-Taylor, husband and wife (hereafter "the Taylors"), acting by and through their counsel, hereby enter this Special Appearance in response to the Notice from the Honorable David L. Mackey, dated June 15, 2010, and filed with the Clerk of the Court on June 17, 2010. A copy of the aforementioned Notice is attached hereto as **Exhibit A**.

The Taylors hereby give notice that they are hereby agreeing to "be bound by the decisions of this Court regarding the validity of the Declaration of Restrictions for Coyote Springs Ranch," in conformance with paragraph 2 on page 2 of the aforementioned

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.  
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EXHIBIT

A

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.  
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1 Notice, which specifically provides as follows:

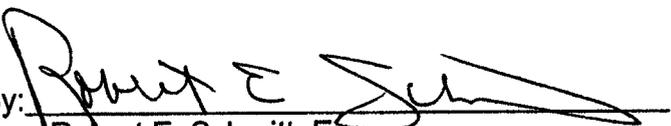
2 In the event you chose to do nothing after being served with this lawsuit,  
3 you will be bound by the decisions of this Court regarding the validity of  
the Declaration of Restrictions for Coyote Springs Ranch.

4 This Notice is provided with the specific understanding and condition that the  
5 Taylors will not be liable for or responsible for any costs and/or attorneys' fees incurred  
6 by any party or non-party to the above-captioned litigation. The Taylors reserve the  
7 right to respond to and oppose any request by or through this litigation for an award or  
8 relief (whether for costs, attorneys' fees or otherwise) against them which goes beyond  
9 "the decisions of this Court regarding the validity of the Declaration of Restrictions for  
10 Coyote Springs Ranch."

11 Further, the Taylors hereby give notice that, in light of their decision, they are  
12 requesting that they not receive copies of any pleadings filed by any of the litigants in  
13 the future, unless by such filing(s) any award or relief is sought against the Taylors that  
14 goes beyond "the decisions of this Court regarding the validity of the Declaration of  
15 Restrictions for Coyote Springs Ranch." However, in the event that the Court should  
16 wish to provide them with information, it is respectfully requested that such information  
17 be sent to their counsel, Robert E. Schmitt of the law firm of Murphy, Schmitt, Hathaway  
18 & Wilson, P.L.L.C., whose e-mail address is as follows: [RSchmitt@mshwlaw.com](mailto:RSchmitt@mshwlaw.com).

19 DATED this 4th day of April, 2011.

20 MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.

21  
22 By:   
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26 Attorneys for Robert H. Taylor and  
Teri A. Thomson-Taylor, husband and wife

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1 ORIGINAL of the foregoing hand-delivered  
this 4th day of April, 2011, to:

2 Clerk of the Court  
3 Yavapai County Superior Court  
4 Yavapai County Courthouse  
5 120 South Cortez  
6 Prescott, AZ 86303

7 COPIES mailed this same date to:

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