

2014 JAN 16 PM 2:56

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9 SUPERIOR COURT OF ARIZONA
10 YAVAPAI COUNTY

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

17 Plaintiffs,

18 v.

19 DONALD COX and CATHERINE COX,
20 husband and wife, et al., et ux.,

21 Defendants.

Case No. CV 2003-0399

Division 1

(Assigned to Hon. David L. Mackey)

**NOTICE OF ERROR AND FILING
OF CORRECTED AND RESTATED
JAMES VARILEK'S RESPONSE
TO MOTION FOR NEW TRIAL
RE: GRANT OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

22 Aligned Plaintiff property owner James Varilek ("Varilek") hereby gives notice that
23 an uncorrected draft of *James Varilek's Response to Motion for New Trial Re: Grant of*
24 *Plaintiffs' Motion for Summary Judgment* was inadvertently filed on January 14, 2014.
25 Varilek herewith files a *Corrected and Restated James Varilek's Response to Motion for*
26 *New Trial Re: Grant of Plaintiffs' Motion for Summary Judgment.*

27 RESPECTFULLY SUBMITTED January 16, 2014.

28 FAVOUR & WILHELMSSEN, PLLC

By: _____

David K. Wilhelmsen
Lance B. Payette

Attorneys for Property Owner James Varilek

1 Original of the foregoing
2 filed on January 16, 2014
3 with:

4 Clerk of the Court
5 Yavapai County Superior Court
6 120 South Cortez Street
7 Prescott, AZ 86303

8 Copy of the foregoing
9 hand-delivered on January
10 16, 2014 to:

11 Honorable David L. Mackey
12 Yavapai County Superior Court
13 120 S. Cortez Street
14 Prescott, AZ 86303

15 Copy of the foregoing
16 mailed with copies of the
17 Corrected and Restated
18 James Varilek's Response
19 to *Motion for New Trial*
20 *RE: Grant of Plaintiffs'*
21 *Motion for Summary*
22 *Judgment* on January 16,
23 2014 to:

24 Each of the parties listed
25 on the Mailing Certificate
26 for the Corrected and
27 Restated Response

28

By: 

David K. Wilhelmsen