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

<p>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, et al., et ux.,  Defendants.</p>	<p>Case No. P1300CV20030399  Order Reassigning Matter</p>	<p>FILED DATE: JUL 22 2014 ✓ 8:06 O'Clock A M. SANDRA K MARKHAM, CLERK BY: B. Chamberlain Deputy</p>
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<p>HONORABLE DAVID L. MACKEY DIVISION 1</p>	<p>BY: Jennifer Jaramillo, Judicial Assistant DATE: July 21, 2014</p>
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This matter having been assigned to the Presiding Judge for reassignment,

The Court notes that the options for reassignment of this case to a current Judge in Yavapai County with civil experience is significantly limited given the notices of change of judge that have been filed, the prior employment of some of the Yavapai County Judges with a law firm that has provided representation to one of the parties in this litigation and the prior office sharing arrangement one of the parties' counsel had with one of the current Yavapai County Judges.

Therefore, the Court contacted Judge Kenton D. Jones, of the Arizona Court of Appeals, Division 1 to determine if he would be willing to rule on the pending matters. Judge Jones obtained permission from his Presiding Judge of Division 1 of the Court of Appeals and the Chief Justice of the Arizona Supreme Court. Pursuant to that permission, Judge Jones has graciously agreed to accept the assignment of this case for the purpose of ruling on the pending motions. Should those rulings not result in a resolution of the case before the Superior Court, this Court will reassign the case to another Judge and notes that such a reassignment will likely be to a retired judge or a visiting judge.

**IT IS ORDERED** assigning this matter to Judge Kenton D. Jones, Arizona Court of Appeals, Division 1 for the purpose of ruling on the pending motions noted below.

Court notes *Plaintiffs/Varilek's Notice of Lodging Proposed Final Judgment, Plaintiffs' Rule 54(g) Motion for Award of Attorneys' Fees, Varilek's Motion for Award of Attorneys' Fees and Defendants' Motion for New Trial* are pending.

cc: Honorable Kenton D. Jones, Arizona Supreme Court  
J. Jeffrey Coughlin – electronically via Clerk’s Office (e)  
Jeffrey R. Adams – electronically via Clerk’s Office (e)  
Mark W. Drutz/Sharon M. Flack – Musgrove, Drutz & Kack – electronically via Clerk’s Office (e)  
David K. Wilhelmsen/Lance B. Payette – Favour & Wilhelmsen – electronically via Clerk’s Office (e)  
Robert E. Schmitt – Murphy, Schmitt, Hathaway & Wilson – electronically via Clerk’s Office (e)  
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