

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2014 OCT -3 PM 4:31 ✓

BY: V REISNER (S)

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 1570 Plaza West Drive
4 Prescott, Arizona 86303
5 Telephone: (928) 445-4400
6 Facsimile: (928) 445-6828
7 j.coughlin@azbar.org
8 Attorney for Plaintiffs

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF YAVAPAI

CASE NO. P1300CV20030399

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

11 Plaintiffs,

12 vs.

14 DONALD COX and CATHERINE COX,
15 husband and wife,

16 Defendants.

**PLAINTIFFS' WITHDRAWAL
OF APPLICATION FOR
ATTORNEYS' FEES AGAINST
JOINED DEFENDANTS**

AND

**REQUEST THAT REMAINING
MATTERS BE RETURNED TO
JUDGE JONES FOR
CONSIDERATION**

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18 Plaintiffs, by and through their attorney undersigned, hereby withdraw their application
19 for an award of attorneys' fees against all joined defendants and request that their application for
20 an award of attorneys' fees be directed against only Defendants Cox. In its July 21, 2014 "Order
21 Reassigning Matter", this Court indicated that it had contacted Judge Kenton D. Jones of the
22 Arizona Court of Appeals, Division 1 to determine if he would be willing to rule on the pending
23 matters. The pending matters at that time were:

- 24 • Plaintiffs/Varilek's Notice of Lodging Proposed Final Judgment;
- 25 • Plaintiffs' Rule 54(g) Motion for Award of Attorneys' Fees;

- Varilek's Motion for Award of Attorneys' Fees;
- Defendants' Motion for New Trial.

Judge Jones agreed to accept the assignment and on August 25, 2014, he granted Varilek's Motion for Award of Attorneys' Fees, denied Defendants' Motion for New Trial, and stayed any consideration of the two remaining matters as a result of the undersigned including the following language in his Rule 54(g) motion:

This Court is aware of the number of parties who were represented by defense counsel during a portion of the time period following the Court of Appeals decision. An appropriate division of responsibility for the allocation of Plaintiffs' attorneys' fees would be to divide those fees among the Defendants starting with their formal entry into the case. The Adams Law Firm PLLC filed answers for multiple defendants on multiple occasions.

Plaintiffs withdraw any claim for attorneys' fees against all defendants except Defendants Cox and request that this Court invite Judge Jones to complete his consideration of the two remaining pending matters:

- Plaintiffs/Varilek's Notice of Lodging Proposed Final Judgment;
- Plaintiffs' Rule 54(g) Motion for Award of Attorneys' Fees.

DATED this 3rd day of October, 2014.

J. JEFFREY COUGHLIN PLLC

By: 

1 COPY of the foregoing
2 mailed this 30th day of
Oct, 2014 to:

3 Jeffrey R. Adams
4 THE ADAMS LAW FIRM PLLC
5 125 Grove Avenue
6 P.O. Box 2522
7 Prescott, AZ 86302
8 Attorney for Defendants listed in Answer to
9 First Amended Complaint by Joined Property Owner Defendants
10 Dated September 22, 2010

11 David K. Wilhelmsen
12 Marguerite Kirk
13 Favour Moore & Wilhelmsen, PLC
14 P.O. Box 1391
15 Prescott, AZ 86302
16 Attorneys for James Varilek

17 Mark W. Drutz
18 Sharon Sargent-Flack
19 Musgrove, Drutz & Kack, P.C.
20 1135 W. Ironwood Springs Road
21 P.O. Box 2720
22 Prescott, AZ 86302
23 Attorneys for Robert D. Veres

24 Noel J. Hebets
25 NOEL J. HEBETS, PLC
127 East 14th Street
Tempe, AZ 85281
Attorney for William M. Grace

Robert E. Schmitt
MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.
P.O. Box 591
Prescott, AZ 86302
Attorneys for Robert H. Taylor and
Teri A. Thomson-Taylor

William "Bill" Jensen
2428 West Coronado Ave.
Flagstaff, AZ 86001
Pro Per
Karen L. Wargo

1 Michael P. Wargo
9200 E. Spurr Lane
2 Prescott Valley, AZ 86315

3 Linda J. Hahn
4 10367 W. Mohawk Lane
Peoria, AZ 85382

5 John and Rebecca Feddema
6 9550 E. Spurr Lane
Prescott Valley, AZ 86315

7 Gary and Sabra Feddema
8 9601 Far Away Place
9 Prescott Valley, AZ 86315

10 Sergio Martinez and Susana Navarro
10150 N Lawrence Ln
11 Prescott Valley, AZ 86315

12 William R. and Judith K. Stegeman Trust
9200 W. Far Away Place
13 Prescott Valley, AZ 86315

14 Rynda and Jimmy Hoffman
9650 E. Spurr Lane
15 Prescott Valley, AZ 86315

16 William and Shaunla Heckethorn
17 9715 E. Far Away Place
Prescott Valley, AZ 86315

18 Leo and Marilyn Murphy
19 9366 E. Turtlerock Road
Prescott Valley, AZ 86315

20 James and Leslie Richie
21 9800 E. Plum Creek Way
22 Prescott Valley, AZ 86315

23 Rhonda Folsom
9305 N. Coyote Strpings Rd.
24 Prescott Valley, Arizona 86315

25 Kenneth Paloutzian

1 8200 Long Mesa Drive
2 Prescott Valley, AZ 86315

3 Bonnie Rosson
4 8950 E. Plum Creek Way
5 Prescott Valley, AZ 86315

6 Robert Lee and Patti Ann Stack/Robert Lee and Patti Ann Stack Trust
7 10375 Lawrence Lane
8 Prescott Valley, AZ 86315

9 John and Dusti Audsley
10 10500 N. Orion Way
11 Prescott Valley, AZ 86315

12 Dana E. and Sherrilyn G. Tapp
13 8595 E. Easy Street
14 Prescott Valley, AZ 86315

15 Richard and Beverly Strissel
16 9350 E. Slash Arrow Drive
17 Prescott Valley, AZ 86314

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19
20
21
22
23
24
25
By: C. Padilla