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

GEORGE W. HANCE, et al., <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-vs-</p> WALES ARNOLD, et ux., et al., In the matter of VERDE DITCH COMPANY, <p style="text-align: center;">Defendants.</p>	Case No. P1300CV4772 RULING	<p style="text-align: center;">FILED</p> DATE: <u>JUL 24 2015</u> ✓ <u>4:42</u> O'Clock <u>P.</u> M. DONNA McQUALITY, CLERK BY: <u>S. Chamberlain</u> Deputy
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HONORABLE DAVID L. MACKEY DIVISION 1	BY: Rosie Flores Judicial Assistant DATE: July 24, 2015
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The Court has considered the Notice of Filing Verde Ditch Information Request Received from Peter J. Mollick which was filed by the Verde Ditch Company on July 6, 2015. The Court finds that Mr. Mollick's request is overly broad, unduly burdensome and expensive. The Verde Ditch Company is authorized to provide Mr. Mollick with information regarding the parcel of land owned by Mr. Mollick which receives water from the Verde Ditch. At the discretion of the Verde Ditch Company, it may charge Mr. Mollick for the copying costs and office staff time to provide Mr. Mollick with the information on his parcel if that information is provided prior to a shareholder meeting that is contemplated by the parties through the MOU. The Verde Ditch Company need not provide Mr. Mollick with information on other shareholder's parcels at this time.

IT IS ORDERED Mr. Mollick's request for the names and addresses of all purple land owners is **DENIED**.

IT IS ORDERED the Verde Ditch Company is authorized to provide Mr. Mollick with information regarding the parcel of land owned by Mr. Mollick which receives water from the Verde Ditch, and, at the discretion of the Verde Ditch Company, it may charge Mr. Mollick for the copying costs and office staff time to provide Mr. Mollick with the information on his parcel if that information is provided prior to a shareholder meeting that is contemplated by the parties through the MOU.

The Court has considered the following documents filed by Peter J. Mollick:

1. Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding, filed on June 19, 2015.

IT IS ORDERED the objections may be considered along with any replies at the hearing set for August 21, 2015.

2. Motion for a Postponement of the Memorandum of Understandings Legal Proceedings between Verde Ditch Company and Salt River Company, filed June 23, 2015.

IT IS ORDERED the motion for postponement is **DENIED**.

3. Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding, filed on June 23, 2015.

IT IS ORDERED to the extent the objection addresses severances not currently before the Court the objections are **DENIED** as premature; however, to the extent the objections address the MOU currently before the Court the objections may be considered along with any replies at the hearing set for August 21, 2015.

4. (Revised) Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding, filed on June 23, 2015.

IT IS ORDERED the objections may be considered along with any replies at the hearing set for August 21, 2015.

5. Motion for a Shareholders Vote on the Memorandum of Understanding between the Verde Ditch Company and Salt River Project, filed on June 23, 2015.

IT IS ORDERED the Motion for a Shareholders Vote on the Memorandum of Understanding is **DENIED**. The issue currently before the Court is whether this Court will authorize the Commissioners of the Verde Ditch to enter into the proposed MOU. Neither the Shareholders nor the Commissioners control the actions or duties of the Court regarding the Verde Ditch. The Court declines to order that the Commissioners schedule such a vote and leaves it up to the Commissioners whether they wish to have such a vote.

6. Amendment: Motion for a Shareholders Vote on the Memorandum of Understanding between the Verde Ditch Company and Salt River Project, filed on July 2, 2015.

IT IS ORDERED the Amendment: Motion for a Shareholders Vote on the Memorandum of Understanding is **DENIED** for the same reasons set forth above.

7. (Revised, 1st Revision): Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding, filed on July 6, 2015.

IT IS ORDERED the objections may be considered along with any replies at the hearing set for August 21, 2015.

8. (Revised, 2nd Revision): Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding, filed on July 6, 2015.

IT IS ORDERED the objections may be considered along with any replies at the hearing set for August 21, 2015.

9. Information related to the Preceding [sic] Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding, filed July 6, 2015.

IT IS ORDERED the objections may be considered along with any replies at the hearing set for August 21, 2015 and the Court considers this filing to supplement the objections filed by Mr. Mollick.

10. Motion to Schedule an Emergency Shareholders Meeting Similar to the SRP Informational Meeting on July 9, 2015. Sponsored by the Verde Ditch Company, filed July 13, 2015.

IT IS ORDERED the Motion to Schedule an Emergency Shareholders Meeting is **DENIED**. It appears from other documents filed by Mr. Mollick that such a meeting already took place. For the same reasons the Court declined to enter an order for a shareholder vote, the Court declines to order that the Commissioners schedule an emergency shareholders meeting and leaves it up to the Commissioners whether they wish to hold an emergency shareholders meeting.

11. Motion to Proceed with a Feasibility [sic] Study of the Availability of Historic Water Use Rights for Severance and Transfer, filed on July 13, 2015.

IT IS ORDERED the Motion to Proceed with a Feasibility [sic] Study of the Availability of Historic Water Use Rights for Severance and Transfer is **DENIED** as Mr. Mollick provides no legal or factual basis why such a feasibility study is necessary at this time. Furthermore, Mr. Mollick provides little detail on what he has done to conduct his own study and what process he is requesting be ordered by the Court. The process contemplated by the Court can include such an assessment at an appropriate time.

12. Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding Objections Number 11 & 12, filed July 13, 2015.

IT IS ORDERED objections number 11 and 12 are **DENIED**.

13. Complete Copies of all of the Enclosed First Page Documents Were Sent to All Interested Parties, filed on July 13, 2015.

This filing does not request any relief from the Court; however, the Court notes that the document suggests that Mr. Mollick is only sending the first page of the documents he is filing to the parties. That does not comply with Rule 5(c), *Arizona Rules of Civil Procedure* which contemplates that copies of the entire document will be provided to the parties.

IT IS ORDERED Mr. Mollick shall comply with Rule 5(c), *Arizona Rules of Civil Procedure* by providing each party who has appeared in these proceedings a complete copy of any document filed with the Court. In the event Mr. Mollick does not comply with this Order, the Court may strike as improper any objections or motions still pending with the Court.

14. Discussion of Events during the Proceedings of the Memorandum of Understanding between Salt River Project and the Verde Ditch Company, filed July 13, 2015.

IT IS ORDERED any objections to the MOU contained in this filing along with any replies may be considered at the hearing set for August 21, 2015; however, any requests for immediate relief are **DENIED** as they are without legal justification.

15. Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Objections Number 13, filed July 17, 2015.

IT IS ORDERED the objections may be considered along with any replies at the hearing set for August 21, 2015.

16. Revised 07-17-15: Formal Objections to the Verde Ditch Company and Salt River Project Memorandum of Understanding Objections Number 13.

IT IS ORDERED the objections may be considered along with any replies at the hearing set for August 21, 2015.

The Court notes that Mr. Mollick has filed not only numerous objections but numerous amendments to those objections. On July 17, 2015, Mr. Mollick filed revised objections regarding objections he had just filed earlier in the day. The Court cautions Mr. Mollick to avoid filing numerous duplicative pleadings as such conduct could be considered as actions intended to harass, cause unnecessary delay or needlessly increase the cost of litigation in violation of Rule 11(a), *Arizona Rules of Civil Procedure*. That rule provides that upon an appropriate showing the Court may impose sanctions upon Mr. Mollick for such conduct. The Court can see from the objections that Mr. Mollick has filed that he has strong opinions regarding the matter currently before the Court. Mr. Mollick detracts from the merits of his objections when he engages in the filing of multiple duplicative pleadings with minor changes and does not comply with the *Arizona Rules of Civil Procedure*.

IT IS ORDERED Mr. Mollick shall comply with the *Arizona Rules of Civil Procedure* in all future filings with the Court. Failure to comply with this Order may result in the filing being

stricken without consideration of the merits and Mr. Mollick may be subject to sanctions from this Court.

The Court has considered the following objections filed by individuals who had not previously appeared in this matter:

1. Formal Objections To The Verde Ditch Company And Salt River Project Memorandum Of Understanding filed by Leroy Miller on July 17, 2015.
2. Notice of Filing by Bradford Gordon on June 25, 2015.
3. Formal Objections To The Verde Ditch Company And Salt River Project Memorandum Of Understanding filed by Karen Phillips on July 16, 2015.

All of those objections do not reflect that copies of the filed document have been sent to all parties that have appeared as is required by Rule 5(c), *Arizona Rules of Civil Procedure*.

IT IS ORDERED the new parties shall comply with Rule 5(c), *Arizona Rules of Civil Procedure* by providing each party who has appeared in these proceedings a complete copy of any document filed with the Court. In the event the parties do not comply with this Order, the Court will strike as improper any objections or motions still pending with the Court.

IT IS ORDERED in the event there has been compliance with Rule 5(c), *Arizona Rules of Civil Procedure* and this Court's Order, the objections may be considered along with any replies at the hearing set for August 21, 2015.

The Court has considered the following objections filed by parties previously appearing before this this Court:

1. Arizona Department Of Water Resources' Comments to Revised Memorandum Of Understanding filed July 16, 2015.
2. Yavapai-Apache Nation's Objections And Comments to Revised Memorandum Of Understanding (MOU) And Proposed Order filed July 17, 2015.
3. The United States' Objections To The MOU Submitted By The Verde Ditch Commissioners For Approval filed July 17, 2015.

IT IS ORDERED those objections may be considered along with any replies at the hearing set for August 21, 2015.

IT IS ORDERED confirming the prior Order of the Court as set forth at the May 15, 2015 minute entry that any replies to objections shall be filed by **July 31, 2015**.

IT IS ORDERED the following individuals who have filed objections shall be added to the mailing list by the Court and parties to receive copies of filed documents, Court notices and Rulings:

Peter J. Mollick, 3124 W. Sunnyside Ave., Phoenix, AZ 85029
Leroy Miller, 1733 W. Park Verde Road, Camp Verde, AZ 86322
Bradford Gordon, P.O. Box 830, Camp Verde, AZ 86322
Karen Phillips, 1861 N. River View Drive, Camp Verde, AZ 86322

cc: L. Richard Mabery, Law Offices of Richard L. Mabery, PC (e)
John B. Weldon, Jr./Mark A. McGinnis, SALMON, LEWIS & WELSON, PLC
2850 East Camelback Road, Suite 200, Phoenix, AZ 85016
Douglas E. Brown/David A. Brown/J Albert Brown, BROWN & BROWN LAW (e)
Patrick Berry, U.S. Department of Justice, Indian Resources Section, ENRD
P.O. Box 7611, Ben Franklin Station, Washington, DC 20044
Robyn Interpreter/ Susan Montgomery, Montgomery & Montgomery & Interpreter, PLC,
4835 E. Cactus Rd., Suite 210, Scottsdale, AZ 85257
Don Ferguson, 1695 W. Bronco Drive, Camp Verde, AZ 86322
Janet Miller, Arizona Department of Water Resources
3550 N. Central, Phoenix, AZ 85012
Carrie J. Brennan, Assistant Attorney General, Arizona Attorney General's Office
1275 West Washington Street, Phoenix, AZ 85007
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Bradford Gordon, P.O. Box 830, Camp Verde, AZ 86322
Karen Phillips, 1861 N. River View Drive, Camp Verde, AZ 86322