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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2016 JUN 24 PM 4: 31

DONNA McQUALITY, CLERK
K GRESHAM

BY: _____

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

GEORGE W. HANCE, et al.,)	No. P1300CV4772
)	
Plaintiffs,)	Division 1
)	
vs.)	RESPONSE TO MOTION FILED BY
)	PETER J. MOLLICK TO MODIFY
WALES ARNOLD, et ex., et al.,)	ORDER
)	
Defendants.)	
)	
_____)	
)	
In the matter of the VERDE DITCH)	
COMPANY)	
)	
_____)	

The Verde Ditch Company, through undersigned counsel, responds to the following Motion filed by Peter J. Mollick on June 8, 2016, and respectfully requests that the Motion be denied.

Mr. Mollick’s motion, like his prior pleadings in this matter, continues to urge or request the Court undertake some action or procedure that is without support under the applicable statutes and court rules.

Mr. Mollick’s current Motion appears to request that the Court ignore the pending Appeal

and undertake actions which will undoubtedly invoke challenges to the jurisdiction of the Court. Until a higher court provides the guidance to the jurisdictional challenges already presented by the Appeal, it would be unnecessarily burdensome, expensive, and premature to consider Mr. Mollick's request.

Mr. Mollick further cites to the adjudication statutes and procedures (A.R.S. § 45-251 et seq.), but fails to recognize that process commenced in 1974 and remains within the purview of the General Gila River Stream Adjudication pending in Maricopa County by order of the Arizona Supreme Court. This Court's jurisdiction does not emanate from A.R.S. § 45-253, and it would not be appropriate or beneficial to undertake the statutory processes under the General Adjudication statutes to which Mr. Mollick refers.

Mr. Mollick's Motion further fails to consider the costs and expenses that would result if the Court were to give serious consideration of his Motion. Since the filing of the Appeal by the United States, the Commissioners have continued in their efforts to assimilate and compile historical records in support of current uses for all Verde Ditch shareholders, but those efforts are necessarily limited by the funds available. The Verde Ditch Commissioners do not support increasing the special assessment borne by the Verde Ditch Shareholders as Mr. Mollick's Motion implies, nor do the Verde Ditch Commissioners believe that the Shareholders would favor increasing the special assessment in order to fund Mr. Mollick's requested modifications to the existing Order.

CONCLUSION:

The Verde Ditch Company requests that the Court deny Mr. Mollick's Motion.

RESPECTFULLY SUBMITTED this 20th day of June, 2016.

L. RICHARD MABERY, P.C.

By: 

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ORIGINAL of the foregoing
filed this 24th day of June,
2016, with:

Clerk of the Court
Yavapai County Court
120 South Cortez Street
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