

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

DIVISION 4

HON. KENTON D. JONES

CASE NO. P1300CV 20030399

Sandra K Markham, Clerk

BY: Laura Crow, Deputy

DATE: February 13, 2013

Filed  
Date: FEB 13 2013  
5 O'Clock P.M.  
Sandra K Markham, Clerk  
By: Laura Crow  
Deputy ✓

**TITLE:**

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,  
Plaintiff,

**COUNSEL:**

J. Jeffrey Coughlin  
J. JEFFREY COUGHLIN PLLC (e)  
(For Plaintiff)

David K. Wilhelmsen  
FAVOUR MOORE & WILHELMSSEN, PLC (e)  
(For James Varilek)

vs.

DONALD COX and CATHERINE COX,  
husband and wife,

Jeffrey R. Adams  
THE ADAMS LAW FIRM, PLLC (e)  
(For Defendants Cox)

Defendants.

Sharon Sargent-Flack  
MUSGROVE DRUTZ & KACK, P.C. (e)  
(For Robert Veres)

Noel J. Hebets  
NOEL J. HEBETS, PLC (e)  
(For William M. Grace)

**HEARING ON:**

Oral Argument

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Christy Olesek

**START TIME: 10:11 a.m.**

APPEARANCES: David Wilhelmsen, Counsel for James Varilek, aligned w/ Plaintiff  
Jeffrey Adams, Counsel for Donald & Catherine Cox/Jim Cox  
Donald, Catherine and Jim Cox, Defendants  
Sharon Sargent-Flack, Counsel for Robert Veres

Now is the time set for Oral Argument in regard to Defendant's Motion *In Limine* Regarding Robert Conlin. The Court also has another Motion *In Limine* and a Motion for Summary Judgment that need to be scheduled for argument.

The file reflects that Counsel Coughlin was permitted to appear telephonically and the Court has not received a call.

Counsel present argument.

The Court takes the matter under advisement this date. ✓

Discussion ensues regarding Trial matters and the number of parties involved.

At 12:01 p.m. Counsel Coughlin appears telephonically. Counsel is advised that the motions have been argued and the matter will be taken under advisement. Counsel apologizes for calling late due to the time zone difference.

Court and Counsel discuss joinder of the parties pursuant to the Memorandum Decision.

**END TIME: 12:14 p.m.**

cc: Division 4 (e) w/ file- (*under advisement*)  
Hans Clugston - HANS CLUGSTON, PLLC (e)  
Robert E. Schmitt - MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C. (e)  
William "Bill" Jensen - 2428 W. Coronado Avenue, Flagstaff, AZ 86001  
Karen L. Wargo/Michael P. Wargo - 9200 E. Spurr Lane, Prescott Valley, AZ 86315  
Linda J. Hahn - 10367 W. Mohawk Lane, Peoria, AZ 85382  
Jesus Manjarres - 105 Paseo Sarta #C, Green Valley, AZ 85614  
Nicholas Corea - 4 Denia, Laguna Niguel, CA 92677  
John and Rebecca Feddema - 9550 E. Spurr Lane, Prescott Valley, AZ 86315  
Gary and Sabra Feddema - 9601 Far Away Place, Prescott Valley, AZ 86315  
Jack and Dolores Richardson - 505 Oppenheimer Drive #4 12, Los Alamos, NM 87544  
Eric Cleveland - 9605 E. Disway, Prescott Valley, AZ 86315  
Rynda and Jimmy Hoffman - 9650 E. Spurr Lane, Prescott Valley, AZ 86315  
William R. and Judith K. Stegeman Trust - 9200 E. Far Away Place, Prescott Valley, AZ 86315  
Sergio Martinez and Susana Navarro - 10150 N. Lawrence Lane, Prescott Valley, AZ 86315  
Robert and Patricia Janis - 7685 N. Coyote Springs Rd., Prescott Valley, AZ 86315  
William and Shaunla Heckethorn - 9715 E. Far Away Place, Prescott Valley, AZ 86315  
Leo and Marilyn Murphy - 9366 E. Turtlerock Road, Prescott Valley, AZ 86315  
James and Leslie Richie - 9800 E. Plum Creek Way, Prescott Valley, AZ 86315  
Rhonda Folsom - 9305 N. Coyote Springs Rd., Prescott Valley, Arizona 86315  
Kenneth Paloutzian - 8200 Long Mesa Drive, Prescott Valley, AZ 86315  
Robert Lee and Patti Ann Stack/Robert Lee and Patti Ann Stack Trust - 10375 Lawrence Lane, Prescott Valley, AZ 86315  
John and Dusti Audsley - 6459 E. Clinton Terrace, Prescott Valley, AZ 86314  
Dana E. and Sherrilyn G. Tapp - 8595 E. Easy Street, Prescott Valley, AZ 86315  
Richard and Beverly Strissel - 9350 E. Slash Arrow Drive, Prescott Valley, AZ 86314  
Bonnie Rosson - 8950 E. Plum Creek Way, Prescott Valley, Arizona 86315  
Lloyd E. & Melva J. Self - 9250 E. Slash Arrow Drive, Prescott Valley, Arizona 86315