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7 Attorneys for Plaintiff  
8 Desert Mountain Club, Inc.

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10 SUPERIOR COURT OF ARIZONA  
11 MARICOPA COUNTY

12 DESERT MOUNTAIN CLUB, INC.,  
13 Plaintiff,  
14 v.  
15 THOMAS CLARK and BARBARA  
CLARK, husband and wife,  
16 Defendants.

No. CV2014-015334  
No. CV2014-015335  
(Consolidated)

**RESPONSE TO MOTION TO WITHDRAW  
AS COUNSEL**

(Assigned to the Hon. Dawn Bergin)

18 DESERT MOUNTAIN CLUB, INC.,  
19 Plaintiff,  
20 v.  
21 husband and wife,  
22 Defendants.

24 Plaintiff Desert Mountain Club, Inc. (the "Club") does not object to the Motion to  
25 Withdraw filed by Mr. Williams as counsel for Defendants (the  
26 "I"). The Club does, however, request the Court to conduct a Rule 16 Conference (as

1 requested by the Club in its October 23, 2015 Rule 16 Scheduling Conference Report in  
2 CV2014-015334 and Request for Rule 16 Conference), before allowing the withdrawal.

3 The Club believes this request is appropriate because the Motion to Withdraw states, in  
4 pertinent part, that: “[redacted] claim they did not retain the undersigned as their  
5 counsel and did not sign any document directing the undersigned to be their attorney.” Motion,  
6 1:17-19. The Club believes that this statement may warrant further investigation because Mr.  
7 Williams **did** appear as counsel for the [redacted], both in filing a response to the Club’s Motion  
8 for Summary Judgment (which the Court accepted in lieu of the initial response that had been  
9 filed by the [redacted] *in propria persona*), and in appearing on behalf of the [redacted] at the August  
10 19 hearing on that motion. To the extent that Mr. Williams was not authorized to represent the  
11 [redacted] the Club seeks the Court’s guidance regarding: (1) whether this claimed lack of  
12 authority for Mr. Williams to represent the [redacted] impacts the Court’s October 19 ruling on the  
13 Motion for Summary Judgment; and, if it does, (2) the manner in which it impacts the ruling and  
14 the procedures/protocols that should be employed to address such impact.

15 DATED this 2nd day of November, 2015.

16 FENNEMORE CRAIG, P.C.

17  
18 By: /s/ Christopher L. Callahan

19 Christopher L. Callahan  
20 Theresa Dwyer-Federhar  
21 Seth G. Schuknecht  
22 Emily Ward  
23 Attorneys for Plaintiff  
24 Desert Mountain Club, Inc.  
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on the 2nd day of November, 2015, with the  
2 Clerk of the Maricopa County Superior  
Court using AZTurboCourt.  
3

4 COPY transmitted via eFiling system to:

5 The Honorable Dawn Bergin  
Maricopa County Superior Court  
6 201 W. Jefferson Street, Room 7D  
Phoenix, AZ 85003-2243  
7

8 COPY mailed this 2nd day of November, 2015, to:

9 Daryl M. Williams  
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10 Phoenix, AZ 85016  
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11 *Attorneys for Defendants*  
*Thomas and Barbara Clark*  
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16 /s/ Colleen A. Loos  
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