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9 IN THE JUSTICE COURTS OF THE STATE OF ARIZONA

10 IN AND FOR THE PRECINCT OF MANISTEE, COUNTY OF MARICOPA

11 KENT HARDING,

12 Plaintiff,

13 v.

14 JOHN W. STONE and SHIRLEY STONE,

15 Defendants.

Cause No. CC2007-176431

MOTION TO STRIKE DEFENDANTS'
MOTION TO VACATE WRIT OF
RESTITUTION (FILED JUNE 6, 2008)

16 Plaintiff, KENT HARDING, by and through undersigned counsel, hereby moves this Court
17 to strike Defendants' Motion to Vacate Judgment (filed June 6, 2008). This issue has been
18 previously adjudicated by this Court, a decision affirmed on appeal by a court of superior
19 jurisdiction. The joint principles of *res judicata* and *collateral estoppel* apply and preclude Defendants
20 from again raising this issue in this forum. A copy of the appellate opinion is attached as Exhibit
21 One.

22 WHEREFORE, Plaintiff respectfully requests the Court strike Defendants' Motion to
23 Vacate Judgment.

24 RESPECTFULLY SUBMITTED this day, the 10th of June 2008,

25 LAW OFFICES OF SCOTT M. CLARK, P.C.

26 By 

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