

1 Douglas S. John (#021150)
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8 Attorneys for Plaintiff

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN THE ARIZONA TAX COURT**

11 BENCHMARK ESTATE WINERY LLC, an
12 Arizona limited liability company; ARIDUS
13 WINE COMPANY LLC, an Arizona limited
14 liability company,

15 Plaintiff,

16 v.

17 COCHISE COUNTY, a political subdivision
18 of the State of Arizona,

19 Defendant.

Case No.: TX2022-000397

NOTICE OF SETTLEMENT

(Title 42)

(Assigned to the Honorable Sara J.
Agne)

20 Pursuant to Rule 5.3(d) A.R.C.P., Plaintiff hereby notifies the Court that the
21 parties have reached a settlement of this matter pending and subject to, as applicable,
22 review and approval by the Cochise County Board of Supervisors (“Board”) in
23 accordance with A.R.S. § 11-251(14). The settlement recommendation is void in the
24 event the necessary approvals and authorization are not received. In addition, the
25 proposed settlement is conditioned upon agreement by the parties on the terms of a
26 stipulated judgment to be submitted to the Court.

27 Accordingly, Plaintiff requests that the Court place this matter on the dismissal
28 calendar for dismissal on a date no fewer than 90 days after the date of this notice to
allow the parties sufficient time to obtain the necessary approvals and authorization and,
if those approvals and authorization are obtained, to complete the necessary settlement
documentation and form of stipulated judgment.

1 Dated this 26th day of October, 2023.

2 **FRAZER RYAN GOLDBERG & ARNOLD, LLP**

3
4 By: /s/ Douglas S. John

5 Douglas S. John
6 *Attorneys for Plaintiff*

7 **ORIGINAL** of the foregoing electronically
8 filed with the Clerk of the Superior Court,
9 Maricopa County

10 **COPY** of the foregoing electronically
11 served this 26th day of October 2023 to:

12 Paul Correa
13 Cochise County Attorney's Office
14 P.O. Drawer CA
15 Bisbee, Arizona 85603
16 cvattymeo@cochise.az.gov
17 PCorrea@cochise.az.gov
18 *Attorneys for Defendant*

19 By: /s/ Paige Kleinwolterink