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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Varxity Development Corp., a Canadian
corporation,

Plaintiff,

v.

Town of Payson, an Arizona municipal
corporation,

Defendant.

No. 2:21-cv-01216-SPL

**NOTICE OF SETTLEMENT AND
JOINT MOTION TO VACATE
PRETRIAL**

The Parties provide Notice that they have reached a settlement in this case and respectfully request this Court vacate the January 3, 2024, deadline for submission of the Parties' final pretrial order and motions in Limine, and the January 24, 2024, pre-trial conference. Alternatively, the parties request the deadlines be extended by one month to allow the parties the opportunity to present the agreement to the Town Council and complete the terms of the agreement. The settlement agreement is within the authority granted by the Town Council for purposes of settlement, but the final agreement will need to be approved by the Town Council in a public session on January 10, 2023. Once approved and payment is made, the Parties will file a stipulated motion to dismiss. The Parties anticipate this will occur no later than January 31, 2024.

RESPECTFULLY SUBMITTED this 22nd day of December 2023.

FR LAW GROUP PLLC

/s/ Richie Edwards (with permission)

Troy B. Froderman,

Scott C. Ryan

Richie J. Edwards

Attorneys for Plaintiff

SIMS MACKIN, LTD.

/s/ Kristin Mackin

Kristin M. Mackin

Attorneys for Defendant Town of Payson

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ORDER

The Court having considered the Parties' Notice of Settlement and Joint Motion to Vacate Pretrial Deadlines and Hearing, and for good cause appearing,

IT IS ORDERED that the January 3, 2024 deadlines for the parties to file the final pretrial order and motions in limine is vacated;

IT IS FURTHER ORDERED that the final pretrial conference set for January 24, 2024, at 1:30 pm is vacated.

Dated this _____ day of _____.