

ATTACHMENT 45

1 Kip M. Micuda - 011921  
2 4900 N. Scottsdale Road, Suite 1500  
3 Scottsdale, Arizona 85251  
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5 Email: Kip@hildebrandlaw.com  
6 *Pro Se*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 **KIP M. MICUDA**, a married man;  
10 **ANN HAUGEN**, a married woman,

**NO.**

11 Plaintiffs,

12 and

13 **DAMON BRUNS**, a married man;  
14 **HOLLY BRUNS**, a married woman;  
15 **HOLLY K. WAGNER**; **JOHN DOE**  
16 **WAGNER**; **DYNAMITE WATER,**  
17 **LLC**, an Arizona limited liability  
18 company; **GRANITE MOUNTAIN**  
19 **INVESTMENTS, LLC**, an Arizona  
20 limited liability company; **SCOTT**  
21 **MUCH**, a married man; **ANGELA**  
22 **MUCH**, a married woman; **JANE** and  
23 **JOHN DOE**; **ABC CORPORATION**;  
24 **123 COMPANY** or **LLC** or  
25 **PARTNERSHIP**;

**AFFIDAVIT OF GARY THAIFALT**

26 Defendants.

27 STATE OF ARIZONA )  
28 ) ss.  
29 County of Maricopa )

I, **GARY THAIFALT**, having first been duly sworn upon oath, depose and say:

1           1.     I know the following to be true and correct to the best of my knowledge. To  
2 the extent I lack personal knowledge of the following, I am informed and believe the following to  
3 be true and accurate.

4           2.     I work for Rio Verde Foothills Potable Water Hauling, LLC, ("Rio Verde  
5 Water"). John C. Hornewer is an owner Rio Verde Water.

6           3.     On December 15, 2018, I entered the Circle K located at 10989 E. Dynamite  
7 Blvd, Ste. 101, Scottsdale, Arizona 85262, to make a purchase. Holly K. Wagner started  
8 disparaging Rio Verde Water and Mr. Hornewer. I told her to stop. She refused. I left the store  
9 and contacted the manager of the store. I told him Ms. Wagner was using Circle K as a platform  
10 for her personal advocacy of Dynamite Water and other views about water services in the area.  
11 The manager told me such conduct was not allowed by Circle K and he would talk to her.

12           4.     On December 16, 2018, I entered the Circle K located at 10989 E. Dynamite  
13 Blvd, Ste. 101, Scottsdale, Arizona 85262. An employee asked Ms. Wagner if she wanted to talk  
14 about the water issues in the area. Ms. Wagner responded that she could not discuss such issues  
15 at work or she would be terminated.

16           5.     On July 18, 2019, about 11:00 a.m., I entered the Circle K located at 10989  
17 E. Dynamite Blvd, Ste. 101, Scottsdale, Arizona 85262, to make a purchase. During my purchase,  
18 Ms. Wagner, an employee of Circle K, told me the that Damon Bruns, owner of Dynamite Water,  
19 LLC, ("Dynamite Water"), was served by Maricopa County the week before for violations of the  
20 Maricopa County Zoning Code. She related that I and all other water vendors in the area "will  
21 get served" by the County too. She then told me the following about a person I learned later was

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Kip M. Micuda:

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a. Ms. Wagner stated that Mr. Micuda was following me;

b. Ms. Wagner stated that Mr. Micuda “turned me in” to Maricopa County zoning.

c. Ms. Wagner stated that the water vendors need to cooperate in refusing and denying Mr. Micuda and his wife water.

6. I left the Circle K and drove east on Dynamite Blvd. When I reached the first round-about, I phoned Mr. Hornewer about what Ms. Wagner told me.

7. During the call with Mr. Hornewer, Mr. Hornewer stated that Mr. Bruns was calling him.

8. On July 28, 2019, I again entered the Circle K located at 10989 E. Dynamite Blvd, Ste. 101, Scottsdale, Arizona 85262. Ms. Wagner again reiterated what she stated previously on July 18, 2019, and added that a hearing against Mr. Micuda was on August 7, 2019. She handed me a hard copy of an email string between her and Kathryn Garcia, ending July 18, 2019, concerning a meeting between her and Mr. Bruns and Maricopa County zoning. I gave the copy to Mr. Hornewer.

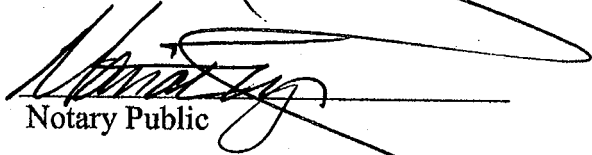
9. Later that day, Mr. Micuda contacted Rio Verde Water for water service. I delivered water to Mr. and Mrs. Micuda that afternoon. I informed both of the statements made by Ms. Wagner. Mr. Micuda was adamant that her statements above related to his conduct were utterly false. Mr. and Mrs. Micuda were extremely thankful for the water delivery. Their home depends on such water delivery services.

1           10.    Subsequently, I was served by Maricopa County with a Notice and Order to  
2 comply relative to my water service truck. I am informed and believe that either Ms. Wagner,  
3 Mr. Bruns or someone at either's direction initiated the complaint.  
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5 **Further, Affiant sayeth naught.**

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8 **GARY THAIFAULT**  
9 Petitioner

10 SUBSCRIBED AND SWORN before me this 5 day of <sup>Sept.</sup>~~August~~, 2019, by **GARY**  
11 **THAIFAULT.**

12   
13 Notary Public

14 My Commission Expires:

15 02-18-2020

