

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000842

04/01/2016

HONORABLE KERSTIN LEMAIRE

CLERK OF THE COURT
A. Arnold
Deputy

WENTIAN YANG

EDWARD HOPKINS JR.

v.

ARIZONA CHINESE NEWS INC, et al.

WILLIAM MORRIS FISCHBACH III

RICK K CARTER
MATTHEW ALLEN KLOPP

TRIAL MANAGEMENT CONFERENCE

East Court Building – Courtroom 711

9:02 a.m. This is the time set for a Trial Management Conference. Counsel, Edward Hopkins and Alexandra Tracy-Ramirez are present on behalf of the Plaintiff Counterdefendant/Third-Party Defendant, Wentian Yang, Lirong Chen and Deng-Feng USA Inc. Counsel, Susan Larsen and Rick Carter are present on behalf of the Defendant, Kim Ung and Jenny Ung.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the time set for the evidentiary hearing. Two hours shall be sufficient time to complete the evidentiary hearing.

Argument is held regarding Motion in Limine Re: Document Forgery and Building Location.

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IT IS ORDERED granting in part to the extent that witnesses are able to testify to evidence or information that is within their personal knowledge.

Argument is held regarding Motion in Limine Re: Partnership.

IT IS ORDERED denying. However counsel may draft instructions for the jury regarding the verbiage of “partnership”.

Argument is held regarding Unga’s Motion in Limine No. 1 Re: Exclusion of all Reference to Property Appraisal Report Commissioned by Yang.

IT IS ORDERED granting.

Argument is held regarding Unga’s Motion in Limine No. 2 Re: Limitation of Plaintiff’s Expert (Natalie Zhang) to Rebuttal Testimony Only.

IT IS ORDERED denying, and the expert shall be limited to discuss only disclosed information.

Argument is held regarding Unga’s Motion in Limine no. 3 Re: Exclusion of All Reference to Su Zhisong and his Report.

IT IS ORDERED deferring until trial.

Argument is held regarding Unga’s Motion in Limine no. 4 Re: Preclusion of Use or Mention of Late Disclosed Documents.

IT IS ORDERED granting.

General procedures for trial are discussed. In that regard counsel and the parties are advised of the following:

- Trial days will commence promptly at 9:00 a.m. The lunch break will be taken at 12:00 p.m., with the afternoon session beginning promptly at 1:30 p.m. A fifteen minute break will be taken mid-morning (with the exception of jury selection on the first day) and mid-afternoon. The trial day will conclude at 4:30 p.m.
- The time given for the trial will be split evenly between the two parties 50/50.
- When a witness is called for testimony, both sides will conduct their full examination before the witness is excused, to avoid having witness needing to appear on multiple days.

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Argument is held regarding witness testimony of Plaintiff's case in chief.

IT IS ORDERED denying Defendants' request for the deposition of Virginia Ho.

Discussion is held regarding exhibits.

Exhibit information is as follows:

At least two weeks prior to trial, counsel or their assistants shall contact the Clerk of this division at **602-506-1470**, regarding the proper procedures for submitting exhibits to be marked for trial in this division.

No later than **April 25, 2016**, all parties shall deliver their exhibits to the clerk (**any deviation from this date must be approved by the clerk**). *The parties are directed to meet in person to exchange the exhibits before coming to court and, to the extent possible, remove any duplicate exhibits.* The clerk will not hold or reserve exhibit numbers for any party. If an exhibit has not been submitted by the time of marking, the clerk will assign the next exhibit with that number.

Exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, the Defendant's exhibits numbering shall start at the next number following the last of Plaintiff's exhibits. (For example, Plaintiff submits 82 exhibits, which are marked Exhibit 1 through 82. Defendant submits 63 exhibits, which are marked 83 through 145). Please do not combine the parties' exhibits. Each side's exhibits must be submitted separately and in numerical order.

If counsel stipulate to any exhibits being received in evidence, counsel shall provide a signed stipulation as to said exhibits (**lack of objection to an exhibit in the Joint Pretrial Statement is not taken to signify that the exhibit is automatically received in evidence**). If large demonstrative exhibits are submitted for marking, a smaller version, such as a photograph, must also be provided in case the exhibit is received in evidence. If photographs are submitted for marking, each photograph must be marked as an individual exhibit unless counsel have stipulated to a set of photographs being admitted into evidence.

With regard to trial exhibits, the parties are strongly discouraged from marking exhibits they do not anticipate offering during trial. Each exhibit must be

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separately and securely bound by a staple, prong, or in a binder of some sort. Exhibits not securely bound or are bound with only a binder clip or rubber bands will not be accepted and will be returned. Exhibits must be separated using numbered tabs or a single sheet of colored paper.

The court would appreciate a bench copy of any exhibits or depositions in a binder.

Discussion is held regarding opening statements.

10:07 a.m. Matter concludes.