

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 1999-005971

01/31/2003

HONORABLE CATHY M. HOLT

CLERK OF THE COURT  
E. Schneider  
Deputy

FILED: 02/04/2003

CITY OF PHOENIX

WILLIAM F MCDONALD

v.

DINUBHAI JIVAN PATEL, et al.

DALE S ZEITLIN

MINUTE ENTRY

2:49 p.m. This is the time set for the continued Trial Management Conference. William F. McDonald and Janis Haug appear on behalf of Plaintiff City of Phoenix. Dale S. Zeitlin appears on behalf of the Defendants.

Court Reporter: Denise Couvaras

The Court will treat Defendants' Motion in Limine Re: Exclusion of Fire Damage as a Motion for Summary Judgment and a briefing schedule will be set.

For the reasons stated on the record,

IT IS ORDERED denying Defendants' Motion for Reconsideration of Patel's Rule 17 Motion to Add Milem Properties/World Travel Inns, etc.

IT IS FURTHER ORDERED granting Plaintiff's Motion in Limine Re: Public Use and Necessity.

Plaintiff's Motion in Limine Pursuant to Rule 26(B)(4) to Preclude More than One Evaluation Expert is moot at this time.

Defendants' Motion in Limine Re: Exclusion of Robert Hayward is moot.

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As to this Court's January 6, 2003 minute entry order, Plaintiff's Motion in Limine to exclude any evidence of testimony or documents relating to the proposed use of the property for redevelopment as a hotel is argued and granted as further stated on the record – this Motion was granted in essence – Plaintiff's Motion in Limine Re: Source of Funds (dated 12/6/02).

Defendants' Motion to Strike Steve Nagy's November 7, 2002 and March 12, 2002 Review Reports has been resolved by the parties by a stipulation that Mr. Nagy will not opine as to whether Mr. Martori is in compliance with the Uniform Standards of Professional Appraisal Practice. The parties stipulate that Mr. Nagy's reports will not be admitted into evidence.

3:46 p.m. Court stands at recess.

4:05 p.m. Court reconvenes with respective counsel present.

Court Reporter: Denise Couvaras

IT IS ORDERED vacating the trial set for February 4, 2003. The Court offers counsel to begin trial on February 11, 2003.

IT IS ORDERED setting a telephonic conference on **Monday, February 3, 2003 at 3:15 p.m.** to determine if the parties have reached an agreement regarding the issue of how to treat the fire damage and if so, are counsel and their experts available for trial on February 11, 2003. If the parties have not reached a settlement of the fire damage issue, the Court will set a briefing schedule re: Defendants' Motion in Limine Re: Exclusion of Fire Damage and reset the trial and a continued trial management conference.

The record should reflect that discovery is closed.

The following Motions in Limine are held in abeyance until the continued trial management conference: (1) Defendants' Motion in Limine Re: Exclusion of City's Document Entitled "Dispatched Calls for Services; (2) Plaintiff's Motion in Limine Re: Project Influence; and (3) Defendant's Motion in Limine Re: Exclusion of Land Sales of Mr. Nagy's Sales of Vacant Land.