

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2002-008831  
CONSOL  
CV 2002-016848

01/20/2005

HONORABLE REBECCA A. ALBRECHT

CLERK OF THE COURT  
K. Ballard  
Deputy

FILED: 01/24/2005

SALT RIVER PROJECT AGRICULTURAL  
IMPROVE

DOUGLAS G ZIMMERMAN

v.

SUSAN HUIZINGA, et al.

DALE S ZEITLIN

LARRY WULKAN

STATUS CONFERENCE

8:46 a.m. IN CHAMBERS. This is the time set for Status Conference. Appearing telephonically are Douglas G. Zimmerman, counsel for Plaintiff; Dale S. Zeitlin, counsel for Defendants Wagner, Birchett, Leonard, Huizinga, Ray, and Ellett; and Larry Wulkan, counsel for Defendant Tucson Electric Power Company ("TEP").

Court reporter is not present.

Discussion is held regarding the status of the Wagner litigation. In that regard, the Court is advised that all settlement documents regarding TEP have been executed and that a 54(b) Judgment regarding TEP will be submitted leaving Wagner as the only Defendant in CV 2002-016848.

Based upon the foregoing, any discussion with regard to trial and discovery deadlines will not apply to TEP as it appears a resolution has been reached regarding that Defendant. Accordingly, Mr. Wulkan is excused from the remainder of these proceedings.

8:48 a.m. Mr. Wulkan disconnects from the conference call.

Discussion is held regarding the status of the remaining consolidated cases/defendants.

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Counsel indicate that there is a legal issue regarding landscape in which Plaintiff will be submitting a Motion for Summary Judgment in the next few weeks and requests, as this issue will likely relate to all remaining cases, that the arguments be consolidated into one hearing.

The Court is advised that all appraisals, with the exception of the Wagner appraisal, have either been disclosed or will be disclosed on or before **January 31, 2005**.

With regard to the appraisal for Wagner,

IT IS ORDERED Plaintiff shall disclose the appraisal regarding the Wagner property on or before **February 28, 2005**.

The Court is advised the following cases/claims have been resolved: Bushong, 115<sup>th</sup> Avenue and Southern, Highway 80 Corner, and Nelway.

Discussion is held regarding Plaintiff's pending Motion to Reset Pretrial Deadlines.

Based upon the forthcoming Motion for Summary Judgment, the current discovery/disclosure deadlines will be reset after the Court rules on the landscape issue.

Discussion is held regarding the scope of the impending Motion for Summary Judgment regarding the landscape issue. On the limited issue as discussed here today, Defendant's counsel agrees to have the Court resolve the issue for all cases involving the same issue.

IT IS ORDERED setting this matter for a **telephonic** Status Conference on **Thursday, May 19, 2005 at 8:30 a.m.** Plaintiff's counsel shall arrange and initiate the conference call to this division at 602-506-3727.

9:30 a.m. Matter concludes.