

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-001025

01/11/2008

HON. PAUL A KATZ

CLERK OF THE COURT  
W. Bobrowski  
Deputy

CITY OF SCOTTSDALE

CHARLES K AYERS

v.

EDMUNDS-TOLL CONSTRUCTION  
COMPANY, et al.

DALE S ZEITLIN

ROBERT BRUCE WASHBURN  
JEFFREY D GROSS

**TRIAL MINUTE ENTRY**  
**DAY 4**

9:45 a.m. Trial to a Jury continues from January 10, 2008. Plaintiff is represented by counsel, Robert B. Washburn, Charles K. Ayers and Melinda A. Bird. Defendant's representative, Kevin Duermit, is present and represented by counsel, Dale S. Zeitlin, Jeffrey D. Gross and Jennifer A. Ratcliff.

The jury is not present.

Court Reporter, Kim Hannan, is present.

Discussion is held regarding evidentiary issues.

IT IS ORDERED that the Court will allow the comparable sale in but will be instructing the jury that if they find that the valuation in 2002 was based upon project influence, then in that event they will disregard that appraisal.

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10:06 a.m. The jury is present.

Defendant's case continues:

Thomas Kabat, previously sworn, resumes the stand and testifies further.

Defendant's exhibit number 205 is received in evidence subject to any necessary redactions being made.

Page 2 of Defendant's exhibit number 29 is received in evidence.

IT IS ORDERED sustaining the objection to Defendant's exhibit number 177 and Plaintiff's exhibit number 329.

Defendant's exhibit number 193 is received in evidence.

10:58 a.m. Court stands at recess.

11:18 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan, is present.

Thomas Kabat resumes the stand and testifies further.

Defendant's exhibit numbers 33, 44 and 38 are received in evidence.

12:05 p.m. Court stands at recess.

1:36 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan, is present.

Upon stipulation of counsel, Defendant's exhibit numbers 37, 39, 40 and 41 are received in evidence subject to the proper redactions being made.

Defendant's exhibit number 376 is marked for identification and received in evidence.

Defendant's exhibit number 54 is received in evidence.

Defendant's exhibit number 377 is marked for identification and received in evidence.

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2:58 p.m. Court stands at recess.

3:22 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan, is present.

Thomas Kabat resumes the stand and testifies further.

Defendant's exhibit numbers 25 and 47 are received in evidence.

Defendant's exhibit number 46 is received in evidence subject to the proper redactions being made.

4:17 p.m. Court stands at recess until 9:30 a.m. on January 15, 2008.