

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-003754
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CV 2005-003768
CV 2005-004189
CV 2005-004190
CV 2005-004191
CV 2005-004192

03/22/2005

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT
D. Whitford
Deputy

FILED: 03/24/2005

TEMPE CITY

CLIFFORD L MATTICE

v.

TROY L VALENTINE, et al.

ANDREW M FEDERHAR

JAMES T BRASELTON
GARY L BIRNBAUM
DALE S ZEITLIN
CLARE H ABEL
SCOTT H ZWILLINGER
CHARLES I KELHOFFER
STANLEY LUTZ
JEFFREY M PROPER
THEODORE MATZ
JAMES L TANNER
JUDGE ALBRECHT

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JUDGE ARMSTRONG
JUDGE BACA
JUDGE BARTON
JUDGE GAINES
JUDGE GAMA
JUDGE GOTTSFIELD
JUDGE HILLIARD
JUDGE HOLT
JUDGE KATZ
JUDGE MCCLENNEN
JUDGE O'MELIA
JUDGE PETER REINSTEIN
JUDGE SCHNEIDER
JUDGE SCHWARTZ
ALLAN LEYBECK
CANYON STATE METAL
1850 E RIO SALADO PKWY
TEMPE AZ 85281
CHARLES URBAN
PO BOX 5041
CLINTON NJ 08809
PETE COLANTONI
B&B WRECKER SERVICE
POBOX 62554
PHX AZ 85082

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JAN A SELL
4625 S LAKESHORE DRIVE
TEMPE AZ 85281
ANGELA BERGLUND
PO BOX 18896
FOUNTAIN HILLS AZ 85269
ANTHONY OZINGA
137 N MCCLINTOCK
TEMPE AZ 85281
JIM BURSS
177 N MCCLINTOCK
TEMPE AZ 85281
DAVID RICHARDSON
1118 S UNA
TEMPE AZ 85281
JAMES CROFTS
121 N MCCLINTOCK
TEMPE AZ 85281
JACK MOUSA
133 N MCCLINTOCK
TEMPE AZ 85281

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**CASES CONSOLIDATED FOR MANAGEMENT ONLY
DEADLINES SET/EVIDENTIARY HEARING SET**

4:17 p.m. This is the time set for an Evidentiary Hearing.

Appearances:

- Plaintiff City of Tempe is represented by counsel James T. Braselton, Gary Birnbaum, and Clifford L. Mattice.
- Defendant Luxury Auto Service is represented by counsel Jeffrey M. Proper in CV2005-003767.
- Jan A. Sell, witness with City of Tempe, is present on her own behalf.
- Defendant Luxury Auto (CV2005-003767) is represented by counsel Jeffrey M. Proper.
- Defendant Angela Berglund (CV2005-003763) is represented by counsel Theodore Matz.
- National Bank of Arizona (CV2005-004189) is represented by counsel James Tanner.

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- Defendants Omar Henkel (CV2005-003767, and Troy Valentine (CV2005-003754) are represented by counsel Andrew Federhar.
- Defendants A. Leroy Anderson (CV2005-003756), Christian W. Ruc (CV2005-003758), New Construction, Inc. (CV2005-003760), Thomas A. Downey (CV2005-003764), Hyden/BRD LLC (CV2005-003766), Emily Urban (CV2005-003768) are represented by counsel Dale Zeitlin.
- Defendant Pyrotek of Arizona (CV2005-004189 and CV2005-004191) is represented by counsel Stan Lutz.
- Charles Urban is present on his own behalf in (CV2005-004192).
- Defendant Rural/Metro Corporation (CV2005-003757) is represented by counsel Clare Abel.
- Defendant Allen Benjamin (CV2005-003759) is represented by counsel Scott Zwillinger.
- Allan Leybeck, a representative from Defendant Canyon State Metal (CV 2005-00376), is present.
- Defendant Angela Berglund (CV2005-003763) is represented by counsel Theodore Matz.

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- Defendant DPP, LLC (CV2005-003765) is represented by counsel Charles I. Kelhoffer.
- Defendant Canyon State Metal (CV2005-003761) is not represented by counsel, but a representative, Allen Leybeck, is present.
- Anthony Ozinga (Renter) is present re: CV2005-003767.
- Tim Burss is present re: CV2005-003767.
- David Richardson is present re: CV2005-003767.
- James Crofts is present in CV2005-003767.
- Del Sturgall, H.L. Kelly and Donna McGregor are present in CV 2005-004189.
- Jack Mousa is present.

Court reporter, Sandy Ong-Wolf, is present. The proceedings are also recorded electronically by CD and videotape.

The status of the cases is discussed. The City of Tempe is in Phase 1 of the Redevelopment Agreement. Today there are an additional 19 parcels.

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IT IS ORDERED consolidating the following case **under CV2005-003754 for management purposes only**: CV 2005-003754; CV 2005-003755; CV 2005-003756; CV 2005-003757; CV 2005-003758; CV 2005-003759; CV 2005-003760; CV 2005-003761; CV 2005-003762; CV 2005-003763; CV 2005-003764; CV 2005-003765; CV 2005-003766; CV 2005-003767; CV 2005-003768; CV 2005-004189; CV 2005-004190; CV 2005-004191; and CV 2005-004192.

Counsel advise the Court that not all the defendants have been served. They estimated approximately 3 people need to be served.

Defendants are advised that a corporation must be represented by counsel if they are to be represented at all.

IT IS ORDERED that the City of Tempe complete disclosure by close of business on **March 28, 2005**, pursuant to Rule 26.1 and make the documents available.

IT IS FURTHER ORDERED that electronic service be used.

IT IS FURTHER ORDERED that all Defendants who have been served and Defense counsel meet no later than close of business on **March 30, 2005** and select a spokesperson to decide the issue re: public appraisal. After they have met, they are directed to consult with Plaintiffs' counsel and provide the Court with a Proposed Case Management Order at the next Status Conference.

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IT IS FURTHER ORDERED setting a Status/Management Conference for Friday,
April 15, 2005 at 4:00 p.m. (ALLOTED TIME: 1 Hour).

IT IS FURTHER ORDERED setting an Evidentiary Hearing for **July 19, 2005 at 9:00 a.m.** on the following issues:

- Public Use and Necessity
- Value of Property for issue of Posting Bond

Before:

The Honorable Kenneth Fields
Maricopa County Superior Court
East Court Building
Courtroom 414
Phoenix, AZ 85003
PHONE: 602-506-2060

ALLOTED TIME: 5 Days

4:45 p.m. Conference concludes.

ELECTRONIC ("E") COURTROOM

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A record of the proceedings may be made by videotape in lieu of a court reporter. Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the Court's video-recording system before requesting a court reporter.

If a court reporter is required, a written request must be received by the Court at least 48 hours before the hearing.

NOTICE

New Fee for Copies of Electronically Recorded Proceedings

Effective Monday, January 27, 2003, a fee of \$20.00 will be charged for each copy of superior court proceedings digitally recorded and provided on compact Disc (CD) and for each copy of a superior court proceeding provided on videotape. The fee is due when the CD or videotape is picked up. Cash and in-state checks will be accepted for payment. Please make checks payable to: Clerk of the Superior Court.

Blank, unused CDs and videotapes will not be accepted in lieu of payment.

Beginning Monday, January 27, 2003, the pick up location for CD or videotape copies of superior court proceedings recorded in downtown Phoenix will be the court's Self Service Center located in the Law Library on the first floor of the East Court Building. Fees will be collected at the Self Service Center. Copies of superior court proceedings recorded at the court's Southeast Docket Code 005

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Facility in Mesa and at the court's Northwest Facility in Surprise may be picked up, and fees paid, at the Self Service Centers at those locations.

Questions may be directed to Ken Crenshaw, Administrator, Electronic Records Services, 602-506-7100 or kcrensa@superiorcourt.maricopa.gov

Request for Daily Copy of Electronically Recorded Proceedings

Obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee at the Self Service Center. Attach the receipt showing payment of fee and present both the receipt and the form to the courtroom clerk or bailiff. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.

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