

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
11/21/2001

11/19/2001

CLERK OF THE COURT
FORM V089

THE HONORABLE SHERRY HUTT

P. Krevitt
Deputy

CV 2000-014430

FILED: _____

STATE OF ARIZONA, et al.

JEFFREY T MURRAY

v.

FAIRVIEW INVESTMENTS II, et al.

JAY DUSHOFF

STEVEN A HIRSCH

TRIAL SETTING

11:00 a.m. In chambers. This is the time set for Status Conference. Counsel Jeffrey Murray is present on behalf of the Plaintiff. Counsel Jay Dushoff is present on behalf of the Defendants.

Court reporter is not present.

Status conference is held.

THE COURT FINDS that Plaintiff and Defendant are ready to proceed to trial over the difference in appraisal value. Prior to this trial, Defendant must resolve the issue with tenant, Copperstate, of condemnation award apportionment and the issue of the status of the tenant building on site. Defendant and tenant may require a bench trial on the condemnation award. Plaintiff and Defendant will require a jury trial. Accordingly,

IT IS ORDERED:

1. The matter between Plaintiff and Defendant Fairview Investments II is set for trial to jury on **August 20, 2002 at 9:00 a.m.**

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Estimated length of trial is: **4 days**

THIS IS A FIRM TRIAL SETTING.

2. All motions, including Motions in Limine shall be filed by **June 14, 2002**.

3. A Pretrial Management Conference is set on **July 15, 2002 at 9:30 a.m.** This shall also be the time set for oral argument on pending motions and substantive motions in limine.

The joint pretrial statement in accordance with Rule 16(d), A.R.C.P., and stipulated jury instructions are due by **5:00 p.m., on August 16, 2002**. In addition to the information required by Rule 16(d), counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.

4. No less than five (5) judicial days prior to trial, counsel (or the parties) shall file:

A. Voir dire questions counsel request that the Court ask.

The Judge would appreciate counsel providing a copy of the jury instruction requests on IBM-compatible double-sided, high-density 3.5-inch diskettes, in Microsoft Word.

B. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

C. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

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5. At least one week before trial, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division before 3:00 p.m. the court day before trial, presenting all exhibits. The exhibits will be marked serially as they are listed in the pretrial statement - plaintiff's first, defendant's second. Please advise the Clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.

6. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

7. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

8. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the Court.

IT IS ORDERED setting a Status Conference for Defendant Fairview and Copperstate on **January 9, 2002 at 9:30 a.m.** for trial setting. Counsel shall bring their calendars to the conference to assist the Court in selecting a trial date.

Hearing concludes.