

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
01/07/2002

12/31/2001

CLERK OF THE COURT  
FORM V000A

HONORABLE ROGER W. KAUFMAN

Y. Mesa/L. Rasmussen  
Deputy

CV 2000-004879

FILED: \_\_\_\_\_

STATE OF ARIZONA, et al.

WILLIAM S JAMESON JR  
Fax: 602-542-8840

v.

AMERICAN SUPPORT FOUNDATION INC,  
et al. MARY BETH PHILLIPS

MINUTE ENTRY

In chambers. This is the time set for Trial Management Conference. Plaintiff is represented by above-named counsel. Defendant is represented by above-named counsel.

Court reporter Lisa Bradley is present.

Trial date: 1/15/02; jury panel of 22; jury of 9, requiring 7 of 9, 6 of 8, or 5 of 7 for a valid verdict.

Rule excluding witnesses is invoked.

Exhibits and juror notebooks:

Today is the last day to stipulate to exhibits. A written stipulation shall be provided to the clerk on this date. Any objections to exhibits shall be indicated in the stipulation and will be ruled on before trial on January 15, 2002. January 8, 2002, is the last day for juror notebooks. All presentation materials must be shown to opposing counsel at least two business days before trial.

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Use of depositions at trial: None.

Each side will have a maximum of 30 minutes for either direct or cross-examination of each witness, except as follows:

Mark Wirth: 2 hours per side  
Dan Colton: 45 mins. per side  
Paul Johnson: 2 hours per side

Mini-openings: 5-7 mins. per side; voir dire: 15 mins. per side.

Jury instructions: Settled except on methods of valuation due 1/8/2002.

Counsel and the court discuss making of legal objections only, burden on the proponent to show disclosure when there is an objection, pace of trial, scheduling of witnesses, bench conferences, and method of giving jury instructions.

Rulings on motions *in limine* and other orders:

The date of valuation is March 15, 2000.

Real estate broker David Johnson and appraiser Paul Johnson cannot give testimony on the same areas of expert opinion testimony, nor can Mr. Colton give opinion testimony in an area covered by the testimony of Mr. Wirth. Mr. Colton may testify concerning existence of building permits, but plaintiffs must lay foundation for any testimony on the need for such permits. On stipulation, neither side shall refer to the Dennis Lopez appraisal. Exhibits related to defendants' second and third supplemental disclosures are inadmissible except on further order based on proceedings under Rule 37(c), A.R.C.P.

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The motion *in limine* to preclude owner's opinion as to value is denied as untimely. The proponent of the evidence will have the burden of showing proper disclosure if there is a "nondisclosure" objection.

The motion *in limine* as to Mr. Johnson's opinion of value based on the income approach is denied without prejudice to voir dire and objections at trial before any such testimony is heard by the jury.

The motion *in limine* concerning the Tri-Star lease is granted. The motion concerning the Allied Signal lease is denied. The rulings turn on time in relation to the date of valuation.

The motion *in limine* concerning tax valuation is granted as to the assessor's valuation. It is denied as to statements of value made by defendants' agent or agents.

Conference concludes.