

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
08/23/2002

08/20/2002

CLERK OF THE COURT  
FORM V000A

HON. GARY E. DONAHOE

S. Yoder  
Deputy

CV 1999-009432

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

DANIEL B RIFLEY

RICHARD T TREON

v.

AMERICAN FAMILY INSURANCE GROUP, JAMES T ACUFF JR  
et al.

LEON J BRANDRIET

TRIAL MINUTE ENTRY  
DAY 10

Note: These time formats represent real time, digital time,  
and videotape time respectively.

09:33:42 a.m. 00:00:07 00:00:11 Bench trial continues  
from August 19, 2002. Plaintiff Daniel B. Rifley is present with  
counsel, Richard T. Treon and Leon J. Brandriet. James T. Acuff  
and Dean M. Fink are present on behalf of Defendants.

09:33:45 00:00:10 00:00:14 The proceedings are  
electronically recorded in lieu of a court reporter.

09:34:31 00:00:56 00:01:01 Exhibits 313 and 314  
are received in evidence.

09:36:25 00:02:49 00:02:54 Scheduling is  
discussed.

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09:36:43      00:03:07      00:03:12      The Court has reviewed  
Plaintiff's Motion to Preclude Testimony of American Family's  
Expert, Mark Besler.

**IT IS HEREBY ORDERED** denying the motion as an untimely  
motion for summary judgment on the issue of the scope of the  
appraisal, without prejudice to make the appropriate objection  
during Mr. Bresler's testimony.

09:37:35      00:04:00      00:04:04      Mr. Treon makes an  
oral motion to exclude certain testimony of Todd Keisling.  
After argument, the motion is withdrawn.

09:40:30      00:06:55      00:06:59      Defendant's case  
continues:

09:40:32      00:06:57      00:07:02      Todd Keisling is sworn  
and testifies.

09:48:32      00:14:56      00:15:01      Cross

10:05:57      00:32:22      00:32:27      The witness is  
excused.

10:06:14      00:32:38      00:32:43      Robert A. Morris is  
sworn and testifies.

10:55:36      01:22:01      01:22:05      Voir dire of witness.

10:58:36      01:25:00      01:25:05      Witness continues  
testifying.

11:05:56      01:32:21      01:32:25      Court stands at  
recess.

11:22:33      01:32:22      00:00:01      Court reconvenes with  
Plaintiff and respective counsel present.

11:23:08      01:32:56      00:00:35      Robert A. Morris  
resumes the stand and testifies further.

11:44:19      01:54:08      00:21:46      Defendants' exhibit  
317 is marked for identification and received in evidence.

11:44:41      01:54:30      00:22:08      Cross

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12:06:25 p.m. 02:16:14 00:43:52 Discussion is held  
regarding the Motion to Allow Participation of Counsel for  
Witness Posey Moore Nash. What is meant by "participation" is  
unclear. However, counsel have no objection to Ms. Nash's  
counsel being present during her testimony.

12:08:19 02:18:07 00:45:46 Court stands at  
recess.

01:19:21 02:18:07 00:00:00 Court reconvenes with  
Plaintiff and respective counsel present.

01:20:14 02:18:59 00:00:53 Robert A. Morris  
resumes the stand and testifies further.

02:35:49 03:34:35 01:16:28 Exhibit 238 is  
received in evidence.

02:48:07 03:46:53 01:28:46 The witness is  
excused.

02:48:22 03:47:07 01:29:01 Court stands at  
recess.

03:06:16 03:47:08 00:00:01 Court reconvenes with  
Plaintiff and respective counsel present.

03:07:21 03:48:12 00:01:06 Scheduling issues are  
discussed.

03:13:03 03:53:55 00:06:48 Exhibit 318 is marked  
for identification and received in evidence.

03:15:19 03:56:10 00:09:04 Brent Richard Bowen is  
sworn and testifies.

03:40:43 04:21:35 00:34:28 Cross

04:30:01 05:10:52 01:23:46 Re-direct

04:33:46 05:14:38 01:27:32 The witness is  
excused.

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04:34:05      05:14:57      01:27:50  
until August 21, 2002 at 9:30 a.m.

Court stands at recess