

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-002232

07/24/2009

HON. EDWARD O. BURKE

CLERK OF THE COURT
L. Nixon
Deputy

CITY OF PHOENIX

JANIS M HAUG

v.

JOSEPH VANDENBERG, et al.

JOSEPH VANDENBERG
4459 E MARIGOLD LANE
TEMPE AZ 85281-1414

JUDGE GAMA
JUDGE REA

MINUTE ENTRY

9:42 a.m. This is the time set for Final Pretrial Conference. Plaintiff, City of Phoenix is represented by counsel, Janis M. Haug. Defendant Joseph Vandenberg is present on his own behalf.

Court Reporter Scott Coniam is present and a record of the proceedings is made by audio and/or videotape.

Due to a conflict on this court's calendar,

IT IS ORDERED transferring this case to the Honorable John Rea for the 3-day Jury Trial scheduled to begin at 9:30 a.m. on August 3, 2009, and for all further proceedings. The trial shall be held in Judge Rea's division located in the East Court Building, Fourth Floor Suite 414, 101 W. Jefferson St., Phoenix. Judge Rea's division may be contacted at (602)372-0382.

Argument is heard and the Court rules on the following motions:

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- Plaintiff's Motion in Limine #1 Re: Tom Dempster Testimony is DENIED. Mr. Dempster may testify regarding the value of his property only as a "comparable" value. He may not testify regarding obtaining a variance and obtaining easements from SRP. Plaintiff's counsel may supplement her motion with additional case law on this issue and re-argue it before Judge Rea.
- Plaintiff's Motion in Limine #2 Re: Jerrott Willard Testimony is GRANTED;
- Plaintiff's Motion in Limine #3 Re: Pre-Condemnation Offer to Purchase is GRANTED as to any testimony about the City's prior offers to purchase Defendant's property and as to the use of Albert Allen's report which is hearsay. Defendant may cross-examine the City's expert with evidence of the comparable sales mentioned in Mr. Allen's report provided he has proper evidence of them, i.e. certified copies of recorded public records. The Defendant states that Albert Allen's appraisal was disclosed and if he is able to show Judge Rea proof of this, this motion may be reconsidered.
- Plaintiff's Motion in Limine #4 Re: Joseph Vanderberg Testimony is GRANTED.

Discussion is held regarding jury instructions, witnesses and exhibits. Plaintiff's exhibits 1 through 23 are stipulated into evidence. All exhibits shall be submitted to this division's clerk for marking.

Counsel stipulate and agree the jury will consist of 9 persons, including 1 alternate; all 9 jurors will deliberate, with 7 of 9 required to return a verdict; if one or more jurors cannot complete jury service, 6 of 8 or 5 of 7 jurors will be required to return a verdict.

10:19 a.m. Hearing concludes.