

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-022048

04/09/2012

HON. SALLY SCHNEIDER DUNCAN

CLERK OF THE COURT
D. Glab
Deputy

VERDE VALLEY PROFESSIONAL CENTER
PARTNERS L L C, et al.

MARK DEATHERAGE

v.

HOSKIN RYAN CONSULTANTS INC

JOHN L CONDREY

ORAL ARGUMENT HELD

Courtroom 702 – Central Court Building

9:33 a.m. This is the time set for oral argument on various motions. Plaintiff is represented by counsel, Mark Deatherage and Laura Antonuccio. Defendant is represented by counsel, John L. Condrey.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument is held on Plaintiffs' Motion in *Limine* No. 1 to Preclude Introduction of Evidence Regarding the Amount Paid for the Surveys.

IT IS ORDERED granting Plaintiffs' Motion in *Limine* No. 1.

Argument is held on Defendant Hoskin Ryan Consultants, Inc.'s Motion in *Limine* No. 1 to Exclude Evidence of Insurance.

IT IS FURTHER ORDERED granting Defendant's Motion in *Limine* No. 1.

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Argument is held on Defendant Hoskin Ryan Consultants, Inc.'s Motion in *Limine* No. 2 to Exclude Designation of Richard Rosenzweig as an Expert.

IT IS FURTHER ORDERED granting in part and denying in part Defendant's Motion in *Limine* No. 2 – Mr. Rosenzweig shall be permitted to testify as a percipient fact witness and as a real estate expert and not as an commercial survey expert nor an appraisal expert.

Argument is held on Defendant Hoskin Ryan Consultants, Inc.'s Motion in *Limine* No. 3 to Limit Plaintiffs' Measure of Damages; No. 4 to Preclude Introduction of Evidence Regarding the Value of the Subject Property After Its Sale to Plaintiffs; and Motion for Summary Judgment/Opposition to Plaintiffs' Cross-Motion for Partial Summary Judgment.

10:07 a.m. Court stands at recess.

10:12 a.m. Court reconvenes with respective counsel present.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

Argument continues on Motions.

IT IS FURTHER ORDERED denying Motion in *Limine*, and granting Plaintiffs' Cross-Motion for Partial Summary Judgment on Damages.

IT IS FURTHER ORDERED vacating the telephonic Status Conference set April 26, 2012, and resetting same on **June 26, 2012, at 9:30 a.m.** in this division. Plaintiffs' counsel will initiate the call.

Counsel shall submit to this Court proposed jury instructions, preliminary and final in Word. Jury instructions are not to be referenced by numbers of standard instructions. Counsel shall also submit joint pretrial statement and voir dire to this Court in Word. Courtesy copies of the instructions, joint pretrial statement and voir dire are to be emailed to opposing counsel and the Court's staff at the following addresses: the Judicial Assistant, Carol Sands at csands@superiorcourt.maricopa.gov and the Bailiff, Debbie Paetz at paetzd@superiorcourt.maricopa.gov.

All emails and attachments to the division shall be filed but emails to the division are a courtesy to the court only and not a substitute for electronic filing.

10:55 a.m. Matter concludes.

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ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.