

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
08/20/2002

08/14/2002

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 SEVEN

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

09:31:00 a.m. 00:00:29 00:00:31 Bench trial continues
from August 13, 2002. Plaintiff Daniel B. Rifley is present with
counsel, Richard T. Treon, Leon J. Brandriet and Sharon Wolfkiel.
James T. Acuff, Dean M. Fink and Charles E. Fleury are present on
behalf of Defendants.

09:31:02 00:00:31 00:00:33 The proceedings are
electronically recorded in lieu of a court reporter.

09:31:35 00:01:04 00:01:06 The Court clarifies its
ruling regarding the July 24, 2002 minute entry as it relates to
Mr. Miller's testimony.

09:36:26 00:05:54 00:05:57 Issue regarding the
appraisal amount is discussed.

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09:38:37 00:08:05 00:08:08 Counsel stipulate that
the appraisal done in conjunction with Crossland Mortgage was
\$750,000.00 for the total property.

09:38:51 00:08:20 00:08:22 Plaintiff's case
continues:

09:38:55 00:08:23 00:08:26 Re-direct examination
of Daniel B. Rifley commences.

09:47:58 00:17:26 00:17:29 Exhibit 161 is received
in evidence.

10:02:37 00:32:05 00:32:08 Exhibit 72 is received
in evidence over the objection of Defendants.

10:31:42 01:01:10 01:01:13 Exhibit 259 is received
in evidence.

10:52:45 01:22:13 01:22:16 Court stands at recess.

11:08:02 01:22:14 00:00:01 Court reconvenes with
the parties and respective counsel present.

11:08:48 01:23:00 00:00:47 Daniel B. Rifley
resumes the stand and testifies further.

11:18:06 01:32:18 00:10:05 Exhibit 173 is received
in evidence.

12:00:21 p.m. 02:14:33 00:52:20 Court stands at recess.

01:18:04 02:14:33 00:00:00 Court reconvenes with
respective parties and counsel present.

01:18:58 02:15:27 00:00:54 Daniel B. Rifley
resumes the stand and testifies further.

01:25:01 02:21:30 00:06:57 Exhibit 250 is received
in evidence.

01:27:26 02:23:55 00:09:22 Exhibit 245 is received
in evidence.

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01:28:09 02:24:37 00:10:05 Tape recording of
anonymous caller, exhibit 250, is played.
01:41:20 02:37:48 00:23:16 Tape replay concludes.
02:03:42 03:00:11 00:45:38 Testimony is
interrupted as the witness leaves the courtroom.

02:04:01 03:00:29 00:45:57 Defendants' Motion in
Limine Re: Mr. Pugh's Testimony Concerning Rug Fragments is
argued.

02:08:53 03:05:22 00:50:49 **IT IS HEREBY ORDERED**
denying Defendants' Motion in Limine Re: Mr. Pugh's Testimony
Concerning Rug Fragments.

02:10:32 03:07:01 00:52:29 Court stands at recess.

02:18:05 03:07:02 00:00:01 Court reconvenes with
respective parties and counsel present.

02:19:23 03:08:20 00:01:19 Daniel B. Rifeley
resumes the stand and testifies further.
02:30:58 03:19:55 00:12:54 Mr. Rifeley steps down.

02:31:29 03:20:26 00:13:25 Mr. Treon makes an
offer of proof regarding the anonymous caller and letters.
Mr. Treon requests an evidentiary hearing.
02:43:36 03:32:33 00:25:32 Mr. Acuff responds to
the statements of Mr. Treon.

02:49:34 03:38:30 00:31:30 **IT IS HEREBY ORDERED**
denying Plaintiff's request for evidentiary hearing without
prejudice to his right to renew the request if a motion for
sanctions is filed after the trial.

02:52:58 03:41:55 00:34:54 Mr. Treon makes further
statements.
02:54:17 03:43:14 00:36:14 Mr. Acuff responds to
the statements of Mr. Treon.

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02:55:14	03:44:11	00:37:10	Mark Earl Fowler is sworn and testifies.
02:57:58	03:46:55	00:39:55	Cross
03:01:50	03:50:46	00:43:46	Re-direct
03:02:11	03:51:08	00:44:07	The witness is excused.
03:02:24	03:51:21	00:44:20	Thomas J. Pugh is sworn.
03:03:11	03:52:08	00:45:07	Court stands at recess.
03:07:51	03:52:08	00:00:00	Court reconvenes with respective parties and counsel present.
03:08:20	03:52:36	00:00:29	Thomas J. Pugh testifies.
03:38:08	04:22:24	00:30:17	Exhibit 115 is received in evidence.
03:50:00	04:34:16	00:42:09	Exhibit 313 is marked for identification.
03:50:02	04:34:19	00:42:12	Exhibit 314 is marked for identification.
03:54:42	04:38:58	00:46:51	Exhibit 264 is received in evidence.
04:04:30	04:48:46	00:56:39	Cross
04:31:25	05:15:42	01:23:34	Scheduling is discussed.
04:35:59	05:20:15	01:28:08	Court stands at recess until August 15, 2002 at 9:30 a.m.