

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2002-001608

01/02/2003

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT  
J. Escarcega  
Deputy

FILED: 01/07/2003

LESLIE HASTINGS

YVETTE Y EDMOND

v.

ANDREW VIDA SZUCS, et al.

FRANCIS P SMITH

LOIDA MCDANIEL  
11051 N 44TH WAY  
PHOENIX AZ 85028-0000

**TRIAL CONTINUED**

9:06 a.m. This is the time set for a jury trial. Plaintiff is present and represented by counsel Yvette Edmond. Defendant is present and represented by counsel Francis Smith.

Court reporter Steve King is present.

The Court has not received a Joint Pretrial Order from counsel and informs counsel that they will be charged equally for one days jury fees if this trial needs to be continued.

Arguments are held on the above.

The Court inquires of counsel as to whether the equitable claim can be tried this date. Plaintiff is in agreement. Defendant objects.

**IT IS ORDERED** jury fees and mileage in this cause are assessed in the sum of **\$194.94**. The County of Maricopa, State of Arizona, shall recover from Yvette Y. Edmond and Francis P. Smith the sum of **\$97.47 each**. Said sum shall be paid to the Clerk of the Court and by such Clerk paid to the County Treasurer as a sanction for failure to timely file their Joint Pretrial Statement and therefore forcing the continuation of the trial date.

**FILED:** Judgment for jury fees.

Docket Code 064

Form V000A

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Defendant's Motion to Strike Complaint and Answer to Counterclaim is discussed.

The Court is advised that Defendant Loida McDaniel may be deceased. A Notice of Bankruptcy was filed 02/12/02 in this Court on her behalf.

**IT IS ORDERED** denying Defendant's Motion to Strike Complaint and Answer to Counterclaim.

**IT IS ORDERED** denying Defendant's Motion to Strike Complaint and Answer to Counterclaim.

Defendant's Motions in Limine are decided as follows:

Motion re: exclude evidence re: appraisal of jewelry is **denied**.

Motion re: exclude list of witnesses and documents based on discovery dispute is **denied**.

Motion in Limine re: Plaintiff's emotional health **denied** as moot.

Motion in Limine re: exclude documents re: gifts is **denied** as moot.

Motion in Limine re: exclude documents, testimony and/or comments about the value of the items listed is **granted in part** and **denied in part** as stated on the record.

Motion in Limine re: exclude any documents upon submission of Plaintiff. No specific documents having been listed, the motion is **granting** the motion.

Plaintiff's have filed no Motions in Limine.

**IT IS ORDERED**, by 5:00 p.m. this date, both counsel shall provide a joint pretrial memorandum to this Court. Counsel is instructed to utilize this Court's jury room in that endeavor.

Defendant's Motion to Assess Attorneys' Fees against the Plaintiff for not complying with discovery on November 5, 2002.

**IT IS ORDERED** taking this motion under advisement.

**IT IS ORDERED** continuing this trial to **Friday, January 3, 2003**.

9:32 a.m. Matter concludes.