

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2000-013161

01/14/2003

THE HONORABLE MICHAEL A. YARNELL

CLERK OF THE COURT
K. Winchell
Deputy

FILED: 01/16/2003

MARICOPA COUNTY

WILLIAM D RISKE

v.

AIRPORT COMMERCENTER SUBDIVISION JAY DUSHOFF
NO. 1

TRIAL VACATED
ORAL ARGUMENT SET

Time set for continued Comprehensive Pretrial Conference. In Chambers. William D. Riske and Rick Garnett are present for Plaintiff. Jay Dushoff is present for Defendant.

Court Reporter is not present.

Defense counsel wishes to urge the position that Plaintiffs trial expert Jerry Zaddach's trial opinion [who's appraisal report was produced October 11, 2002] may not be bolstered or supported by a planning and land use study which commenced in the early December, 2002 time frame. Neither Plaintiff's nor Defendant's appraisal expert has been deposed, although the rule cut-off for discovery with a trial date of March 4, 2003, was January 3, 2003.

On the Court's own motion,

IT IS ORDERED vacating the trial date of March 4, 2003.

FURTHER ORDERED the parties shall file by **5:00 p.m., February 3, 2003**, simultaneous opening legal and factual memoranda Re: exclusion of planning and land use study. This memoranda shall discuss appropriate sanctions.

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FURTHER ORDERED the parties shall file by **5:00 p.m., February 17, 2003**, simultaneous responsive legal and factual memoranda Re: exclusion of planning and land use study.

FURTHER ORDERED setting oral argument on the issue of exclusion of planning and land use study and any appropriate sanctions at **11:00 a.m., March 3, 2003**.

Note: The parties may be litigating tactics, not merits. Counsel should prepare on the issue of appropriate personal sanctions.