

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-001451

08/21/2003

HONORABLE CATHY M. HOLT

CLERK OF THE COURT
B. Mock
Deputy

FILED: 08/26/2003

JOHN H GIMBEL III

EDWIN B STANLEY

v.

ROGER M NORDBY, et al.

PAUL S GERDING

TRIAL MINUTE ENTRY
DAY THREE

9:44 a.m. Trial to the Court continues from August 20, 2003. Plaintiff is present and represented by counsel, Edwin B. Stanley. Defendants Roger Nordby, William Boyd, and Richard Holmquist are present and represented by counsel, Paul S. Gerding and Richard Lustiger.

Court Reporter, Denise Couvaras, is present.

Discussion is held regarding scheduling of witnesses.

Discussion is held regarding the extension the trial.

Plaintiff's case continues:

Mike Osselaer resumes the stand and continues to testify.

Defendants' exhibit 288 is marked for identification and received in evidence.

The witness is excused.

Keith Underwood is sworn and testifies.

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11:04 a.m. Court stands at recess.

11:18 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Denise Couvaras, is present.

Keith Underwood continues to testify.

Discussion is held regarding the admissibility of Plaintiff's exhibit 19, documents generated by Third Party entities, and the use of notes by the witness.

11:30 a.m. Court stands at recess.

1:30 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Denise Couvaras, is present.

Arguments are presented to the Court in regards to the admissibility of Plaintiff's exhibit 19.

The court states the cites as to why the documents must be stipulated to.

In regards to the witness using notes, the Court indicates that the witness may use his notes.

Keith Underwood continues to testify.

Plaintiff's exhibit 19 is offered in evidence, with the exception of pages 9, 10, 11, 12, 13 and 14.

Defendants' counsel objects to additional pages contained in Plaintiff's exhibit 19.

IT IS ORDERED holding in abeyance the admission of Plaintiff's exhibit 19 until it is redacted.

Discussion is held regarding witnesses being called out of order.

Craig Warren Johnson is sworn and testifies.

For the reasons as stated on the record,

Defense counsel objects to the testimony of the witness.

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Plaintiff's counsel requests that the Court considers the witness as an expert.

Defense counsel objects to the consideration of the witness to be an expert witness.

For the reasons as stated on the record,

IT IS ORDERED that based on his qualifications, the witness Craig Warren Johnson is qualified as an expert in the field of appraisal.

2:42 p.m. Court stands at recess.

3:02 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Denise Couvaras, is present.

For the reasons as stated on the record,

Upon stipulation, Plaintiff's exhibit 19 is to be redacted. The Court requests that the redacted copies of Plaintiff's exhibit 19 be submitted to the Clerk of the Court.

Defendants' counsel objects to the testimony of the witness in regards to contingency factors.

IT IS ORDERED overruling Defendants' challenge.

The witness is excused.

Upon stipulation, a witness is called out of order.

Lanell Hawkins is sworn and testifies.

The witness is excused.

Discussion is held regarding scheduling of witnesses and extending the length of the trial.

4:30 p.m. Court stands at recess until August 22, 2003 at 1:30 p.m.