

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-014406

07/17/2008

HONORABLE BETHANY G. HICKS

CLERK OF THE COURT  
D. Whitford  
Deputy

GERALD L PEARSON, et al.

WADE M BURGESSON

v.

FREDERICK J BROWN, et al.

TIMOTHY J THOMASON

**EVIDENTIARY HEARING  
RULINGS**

Prior to the hearing, Defendants' Exhibits 1 through 16 inclusive are marked for identification.

1:40 p.m. This is the time set for an Evidentiary Hearing on Defendants' Motion to Modify Temporary Restraining Order. Plaintiff Gerald Pearson is present with counsel Wade M. Burgesson. Defendants Frederick J. Brown and Megan E. Brown are present with counsel Timothy Thomason and Sophia Varma.

Court reporter, Michael Babicky, is present.

Opening statements.

Defendants' case:

Frederick J. Brown is sworn and testifies.

Plaintiff's Exhibit 17 is marked for identification.

Stephen W. Clayton is sworn and testifies.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-014406

07/17/2008

3:00 p.m. Court stands at recess.

3:10 p.m. Court reconvenes with respective counsel and parties present.

Court reporter, Michael Babicky, is present.

Stephen W. Clayton testifies further.

Plaintiffs' Exhibit 18 is marked for identification.

Stephen W. Clayton is excused.

Megan Elizabeth Brown is sworn and testifies.

**Plaintiff's case:**

Charles T. Rosoff is sworn and testifies.

Plaintiffs' Exhibits 19 through 21 are marked for identification.

Plaintiff moves for the admission of Exhibits 17, 19 and 21.

Plaintiff's Exhibits 19 and 21 are received in evidence.

Defendants' Exhibit 22 is marked for identification.

Testimony concludes.

Based on the matters presented, the Court finds that Defendant has met the burden of proof to modify the Temporary Restraining Order. Defendants shall go through the items of artwork as appraised by Mr. Clayton and shall select items worth the value of \$800,000.00 and notify Plaintiff through counsel.

**IT IS ORDERED** that the Temporary Restraining Order shall remain in full force and effect worth \$800,000.00.

**IT IS FURTHER ORDERED** that Plaintiff must post a bond of \$800,000.00.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-014406

07/17/2008

**IT IS FURTHER ORDERED** that the remaining art items listed in the injunction are released from the injunction and may be placed in possession of Defendant.

Defendants' counsel shall submit a formal written Order consistent with the Court's rulings.

**IT IS FURTHER ORDERED** that the items identified by Defendant subject to appraisal by Mr. Clayton, shall be photographed, identified by title, year and history and shall be presented to Plaintiff's counsel.

**IT IS FURTHER ORDERED** setting a telephonic Status Conference for **August 29, 2008 at a.m.**, with **Plaintiff to initiate** call to this Division, telephone number 602-506-2139.

**IT IS FURTHER ORDERED** that **3 days prior** to the Status Conference, the parties shall submit a written **Joint Notice of Statement of the Case** indicating the following:

- The status of the case;
- Compliance with the Court's deadlines,
- Issue(s) that they have resolved; and
- Any problems or motions to address.

Pursuant to the verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS FURTHER ORDERED** that the clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

**ISSUED:** Exhibit Release Forms (2)

**FILED:** Trial Worksheet; Exhibit Worksheet

5:00 p.m. Hearing concludes.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-014406

07/17/2008

**NOTE: The parties are advised that failure to appear at a hearing may result in sanctions, including a Default Judgment.**