

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-018396

11/19/2008

HONORABLE GLENN M. DAVIS

CLERK OF THE COURT  
J. Rutledge  
Deputy

BRIAN STEELE, et al.

THOMAS B DIXON

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, et al.      LYNN M ALLEN

**ORAL ARGUMENT**

Courtroom ECB-414

9:49 a.m. This is the time set for Oral Argument.

Plaintiff is represented by Counsel Thomas B. Dixon and Robert D. Ryan. Defendant is represented by Counsel Lynn M. Allen and Randy L. Kingery.

Court reporter: Lynn Cronin; this matter is also electronically recorded by FTR (For The Record).

Arguments are presented re: the parties' Motions in Limine.

**PLAINTIFF'S MOTIONS IN LIMINE:**

Argument is presented re: *Plaintiffs' Motion in Limine Re: Proposed Trial Testimony of American Family Claims Manager David Polson.*

For the reasons set forth on the record,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-018396

11/19/2008

**IT IS ORDERED granting** *Plaintiffs' Motion in Limine Re: Proposed Trial Testimony of American Family Claims Manager David Polson* as to anything beyond what is in the claim file and correspondence that was specifically referenced by the witness in the deposition.

---

Argument is presented re: ***Plaintiffs' Motion in Limine Re: Preliminary Opinions of Appraisal Umpire.***

For the reasons set forth on the record,

**IT IS ORDERED granting in part** *Plaintiffs' Motion in Limine Re: Preliminary Opinions of Appraisal Umpire* as to the letter at issue itself and as to testimony on specific details of the appraisal. Court may revisit this issue at the time of trial.

---

Argument is presented re: ***Plaintiffs' Motion in Limine to Preclude Evidence Re: Legal Memoranda From Prior Counsel.***

For the reasons set forth on the record,

**IT IS ORDERED granting** *Plaintiffs' Motion in Limine to Preclude Evidence Re: Legal Memoranda From Prior Counsel.*

---

Argument is presented re: ***Plaintiffs' Motion in Limine Re: Undisclosed Opinion Testimony Regarding Smoke Damage.***

For the reasons set forth on the record,

**IT IS ORDERED granting in part** *Plaintiffs' Motion in Limine Re: Undisclosed Opinion Testimony Regarding Smoke Damage* as to anything that has not been previously disclosed.

---

Argument is presented re: ***Plaintiffs' Motion in Limine Re: Unsigned Homeowners Insurance Application Form.***

For the reasons set forth on the record,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-018396

11/19/2008

**IT IS ORDERED granting** *Plaintiffs' Motion in Limine Re: Unsigned Homeowners Insurance Application Form.*

---

Argument is presented re: *Plaintiffs' Motion in Limine to Preclude Evidence Re: Legal Opinions and Report from American Family's Bad Faith Expert* and *Defendant's Motion in Limine Re: Legal Opinions and Conclusions.*

For the reasons set forth on the record,

**IT IS ORDERED denying** the Motions in Limine related to legal opinions and reports. Admissibility of opinions and conclusions will be considered in the context of trial.

DEFENDANT'S MOTIONS IN LIMINE:

Argument is presented re: *Defendant's Motion in Limine Re: Evidence of Contractor as Agent.*

For the reasons set forth on the record,

**IT IS ORDERED granting** *Defendant's Motion in Limine Re: Evidence of Contractor as Agent.*

---

Argument is presented re: *Defendant's Motion in Limine Re: Uniform Claims Settlement Practices Act.*

For the reasons set forth on the record,

**IT IS ORDERED** taking *Defendant's Motion in Limine Re: Uniform Claims Settlement Practices Act* under advisement.

---

Argument is presented re: *Defendant's Motion in Limine Re: One Expert Per Issue.*

For the reasons set forth on the record,

**IT IS ORDERED granting** *Defendant's Motion in Limine Re: One Expert Per Issue.*

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-018396

11/19/2008

11:21 a.m. The court stands at recess.

11:39 a.m. Court reconvenes with the parties and respective counsel present.

Court reporter: Lynn Cronin; this matter is also electronically recorded by FTR.

Argument is presented re: *Defendant's Motion in Limine Re: Evidence of Other Claims.*

For the reasons set forth on the record,

**IT IS ORDERED** that the Court shall defer ruling on this issue to permit counsel to provide additional briefing on the issue.

---

Argument is presented re: *Defendant's Motion in Limine Re: Non-Renewal of Insurance Policy.*

For the reasons set forth on the record,

**IT IS ORDERED** that the Court shall defer ruling on this issue to permit counsel to provide additional briefing on the issue.

---

Argument is presented re: *Defendant's Motion in Limine Re: Incentive Program.*

For the reasons set forth on the record,

**IT IS ORDERED** taking *Defendant's Motion in Limine Re: Incentive Program* under advisement.

---

Argument is presented re: *Defendant's Motion in Limine Re: Post-Litigation Bad Faith.*

For the reasons set forth on the record,

**IT IS ORDERED** that the Court shall defer ruling on this issue to permit counsel to provide additional briefing on the issue.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-018396

11/19/2008

Counsel shall submit their Pretrial Memoranda to this division as to the issues stated above **no later than 12:00 p.m. on November 26, 2008.**

12:13 p.m. Hearing concludes.

**HONORABLE GLENN M. DAVIS  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 WEST JEFFERSON  
4th FLOOR, COURTROOM 414  
PHOENIX, AZ 85003  
602-506-3135 TEL**