

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-009213

01/28/2019

HONORABLE CHRISTOPHER COURY

CLERK OF THE COURT
L. Stogsdill
Deputy

CAROLYN CRABTREE

THOMAS B DIXON
RICHARD A DILLENBURG

v.

AMERICAN NATIONAL PROPERTY AND
CASUALTY COMPANY

NEAL B THOMAS

ELECTRONIC RECORD SERVICES
COURT ADMIN-CIVIL-ARB DESK

MINUTE ENTRY

Courtroom 914- ECB

10:06 a.m. This is the time set for a hearing re: the trial issue of comparative fault and a potential Settlement Conference. Plaintiff is represented by counsel, Thomas B. Dixon and Richard A. Dillenburg. Defendant is represented by counsel, Neal B. Thomas and Kristen A. Briney.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court outlines the emails received from counsel.

Discussion is held regarding demonstrative exhibits.

IT IS ORDERED that if counsel has a good faith belief that an exhibit will be received in evidence during trial, that exhibit will be allowed to be used during opening statements.

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Discussion is held regarding the demonstrative boards proposed by Plaintiff's counsel for use during opening statements.

The Court rules on the record regarding Plaintiff's demonstrative timeline board and advises counsel how to revise the timeline.

LET THE RECORD REFLECT that the Joint Pretrial Statement was filed in this matter on December 21, 2018. Defense counsel has failed to identify prior to this January 28, 2019 hearing that it is objecting to the inclusion of an appraisal within the scope of this trial.

Further discussion is held regarding Plaintiff's demonstrative timeline board.

11:01 a.m. The Court stands in recess.

11:10 a.m. The Court reconvenes with the parties and counsel present.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court continues to issue its rulings on Plaintiff's demonstrative timeline board.

Defendant's exhibit 99 and Plaintiff's exhibit 100 are marked for identification.

For the reasons stated on the record,

IT IS FURTHER ORDERED that Plaintiff's objections to Defendant's exhibit 99 are overruled.

Discussion is held regarding Defendant's objections to Plaintiff's exhibit 92.

IT IS FURTHER ORDERED Defendant's disclosure objection to Plaintiff's exhibit 92 is overruled.

The Court holds in abeyance its ruling regarding use of exhibit 92 to substantiate punitive damages until evidence is presented at the time of trial.

Discussion is held regarding Defendant's objections to Plaintiff's exhibits 73, 75, 76, 77, 80, 81 and 83.

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IT IS FURTHER ORDERED that Plaintiff's exhibits 73, 75, 76, 77, 80 and 81 cannot be offered in evidence pursuant to Arizona Rules of Civil Procedure Rule 703.

IT IS FURTHER ORDERED that Plaintiff's exhibit 83 may be offered into evidence.

12:02 p.m. The Court stands in recess.

1:33 p.m. The Court reconvenes with the parties and counsel present. Mr. Dillenburg is not present.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding presentation of Plaintiff's bad faith claim.

For the reasons stated on the record,

IT IS FURTHER ORDERED that the Court will not restrict Plaintiff's counsel from raising items that constitute bad faith as outlined in pages 9-12 of the Defendant's portion of the parties' Joint Pretrial Statement.

IT IS FURTHER ORDERED vacating this Court's January 3, 2019 ruling on Defendant's Motion in Limine #2.

1:49 p.m. Matter concludes.

Counsel waives any objections to entering into settlement discussions with the Court.

Settlement discussions with Court and counsel will continue off the record.

3:11 p.m. The Court reconvenes with Defendant's counsel, Neal B. Thomas and Kristen A. Briney present. Counsel for Plaintiff, Thomas Dixon, appears telephonically. Mr. Dillenburg is not present. No other parties are present.

Counsel confirms with the Court that they both have their client's authority to settle this matter.

Counsel outlines the terms of the settlement on the record including that the parties will each bear their own costs and attorney's fees.

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IT IS FURTHER ORDERED placing this matter on the Dismissal Calendar for dismissal without further notice on **February 28, 2019** unless prior to said date a stipulation of dismissal is presented.

IT IS FURTHER ORDERED vacating the 6 day Jury Trial on **January 29, 2019 at 9:30 a.m.** in this division.

IT IS FURTHER ORDERED sealing the portion of the Court proceeding held on January 28, 2019 from 3:11 p.m. to 3:13 p.m. not to be opened or transcribed without further Order of the Court.

3:13 p.m. Matter concludes.