Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
09/21/2010 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-013543 09/15/2010

HONORABLE JEANNE GARCIA

CLERK OF THE COURT
M. Hovorka
Deputy

SCOTTSDALE CITY TIMOTHY J THOMASON

v.

HUALAPAI L L C, et al. DALE S ZEITLIN

J LAWRENCE MCCORMLEY
STEVEN B PALMER

MINUTE ENTRY

Courtroom 303 – Old Courthouse

11:04 a.m. This is the time set for Oral Argument on the following Motions:

- City of Scottsdale's Motion for Partial Summary Judgment (Project Influence Rule)
- Defendant Hualapai's Motion in Limine to Prohibit Mr. Zaddack from Offering an Opinion (etc.)
- City of Scottsdale's Motion in Limine to Exclude Anticipated Testimony of Thomas E. Kabat, MAI
- City of Scottsdale's Amended Motion in Limine Re: One Independent Expert per Issue Rule
- Defendant Hualapai's Motion in Limine to Exclude the Appraisal and Opinion of Value of the City's Appraiser, Gerald Zaddack

The City of Scottsdale is represented by counsel, Gary L. Birnbaum and Scot L. Claus. Defendant, Hualapai LLC, is represented by counsel, Dale S. Zeitlin.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument is presented on the City of Scottsdale's Amended Motion in Limine Re: One Independent Expert per Issue Rule.

IT IS ORDERED granting Plaintiff's Motion in Limine to the extent it prohibits Defendant's experts from providing more than one (1) opinion regarding the value of the property.

- Accepting Mr. Zeitlin's avowal, Mr. Smith will not give any opinion as to the value. He may only testify to his investigation before the auction.
- Mr. Glassmoyer will not be allowed to give his opinions on the value.
- Mr. Wichterman will be allowed to challenge only the risk or discount rate as Plaintiff's expert testifies about.

Argument is presented on Defendant Hualapai's Motion in Limine to Prohibit Mr. Zaddack from Offering an Opinion (etc.) and Hualapai's Motion in Limine to Exclude the Appraisal and Opinion of Value of the City's Appraiser, Gerald Zaddack.

For the reasons stated on the record,

IT IS ORDERED denying Defendant Hualapai's Motion in Limine to Prohibit Mr. Zaddack from Offering an Opinion (etc.).

IT IS FURTHER ORDERED denying Defendant Hualapai's Motion in Limine to Exclude the Appraisal and Opinion of Value of the City's Appraiser, Gerald Zaddack.

IT IS FURTHER ORDERED denying Defendant's oral request to extend the deadline for Motion for Summary Judgment to seek the court's determination regarding the validity of the lease term requiring consent to any assignment of the lease.

Argument is presented on the City of Scottsdale's Motion for Partial Summary Judgment (Project Influence Rule) and the City of Scottsdale's Motion in Limine to Exclude Anticipated

Testimony of Thomas E. Kabat, MAI.

IT IS ORDERED taking these two Motions under advisement.

IT IS FURTHER ORDERED that the City of Scottsdale may file a Reply to Hualapai's Response to the City of Scottsdale's Notice of Filing Out of State Authorities no later than **September 22, 2010** at which time these two (2) Motions will be deemed submitted for ruling.

1:38 p.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp