

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-004302

01/24/2011

HON. EDWARD O. BURKE

CLERK OF THE COURT
L. Nixon
Deputy

RICHARD SAMPSON, et al.

KELLY BROWN

v.

RICHMOND AMERICAN HOMES OF
ARIZONA INC

DENNIS I WILENCHIK

MINUTE ENTRY

9:38 a.m. This is the time set for Oral Argument. Plaintiffs, Richard Sampson and Paola Sampson et al. are represented by counsel, Kraig Marton, Kelly Brown and Sharon Sprague. Defendant, Richmond American Homes of Arizona, Inc. is represented by counsel, Dennis I. Wilenchik and Thomas E. Lordan.

Court Reporter, Scott Coniam is present and a record of the proceedings is made by audio and/or videotape.

Argument is heard regarding plaintiffs' claim that they are entitled to both rescission and damages.

IT IS ORDERED taking this issue under advisement.

Argument is heard and the court issues rulings on the following motions for limine:

- Defendant Richmond American's Motion in Limine #1 (To Preclude Plaintiffs From Testifying or Otherwise Introducing Any Evidence About Any Pondering on Their Properties) is taken under advisement.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-004302

01/24/2011

- Defendant Richmond American's Motion in Limine #2 (To Preclude Plaintiffs From Testifying or Otherwise Introducing Any Evidence About Any "Bashas' Hearsay") is GRANTED upon stipulation of counsel.
- Defendant Richmond American's Motion in Limine #3 (To Preclude Plaintiffs From Introducing Any Evidence of Any Negligence in Connection with the Plant Issue; To Preclude Edwin J. Richetts from Testifying About the Plant Issue; And to Preclude Plaintiffs from Testifying About or Otherwise Introducing Any Evidence of Any "Negligence Damages-Water Treatment Plant") is taken under advisement.
- Defendant Richmond American's Motion in Limine #4 (To Preclude Plaintiffs from Introducing Any Evidence of Any Alleged Negligence in Connection with the Floodplain Issue; To Preclude Edwin J. Ricketts from Testifying About the Floodplain Issue; And to Preclude Plaintiffs from Testifying About or Otherwise Introducing Any Evidence of Any "Negligence Damages-Flood Zone") is taken under advisement.
- Defendant Richmond American's Motion in Limine #5 (To Preclude Lisa J. Richardson from Testifying) is GRANTED.
- Defendant Richmond American's Motion in Limine #6 (To Preclude Zack G. Bunch from Testifying Regarding Any Diminution in Value as a Result of Any Failure to Have Disclosed the Flood Zone AE Designation) is DENIED.
- Defendant Richmond American's Motion in Limine #7 (To Preclude Plaintiffs from Having Two Expert Witnesses Testify as to the Same Issue) is GRANTED.
- Defendant Richmond American's Motion in Limine #8 (To Preclude Plaintiffs from Introducing Any Evidence of Any "Environmental Impact" of the Plant or that the Plant is a Nuisance) is taken under advisement.
- Defendant Richmond American's Motion in Limine #9 (To Preclude Plaintiffs from Introducing Any Evidence About Any Consent Order) is GRANTED as to the case in chief.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-004302

01/24/2011

- Defendant Richmond American's Motion in Limine #10 (To Preclude Plaintiffs from Testifying or Otherwise Introducing Any Evidence that They Were "Forced" to Obtain a Mortgage and Insurance from RAH Affiliates) is GRANTED as to all the plaintiffs being forced.

Plaintiffs' counsel makes an oral Motion to Allow Defendants' Trial Exhibits to be Numbered Out of Sequence.

Plaintiffs' Motion to Allow Defendants' Trial Exhibits to be Numbered Out of Sequence is GRANTED. Exhibits in between plaintiffs and defendants shall be marked and left blank.

11:07 a.m. Hearing concludes.