

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2000-008967

05/12/2003

HON. PAUL A KATZ

CLERK OF THE COURT  
B. Navarro  
Deputy

FILED: 05/22/2003

STATE OF ARIZONA, et al.

TERRENCE E HARRISON

v.

RIVERA MASONRY INCORPORATED, et al. DALE S ZEITLIN

**ORAL ARGUMENT**

3:01 p.m. This is the time set for oral argument on motions in limine. Plaintiff is represented by counsel, Terrence E. Harrison. Defendant Rivera Masonry, Incorporated is represented by counsel, Dale S. Zeitlin.

Court Reporter, Bethany Campbell, is present.

Oral argument is presented on Plaintiff's Motion in Limine #1 (Appraisal Reports).

For the reasons set forth on the record,

**IT IS ORDERED** granting Plaintiff's Motion in Limine #1 with respect to the appraisal reports of Plaintiff's exhibit witness and with respect to the appraisal reports of Defendant's expert witness unless otherwise stipulated to by counsel.

Oral argument is presented on Plaintiff's Motion in Limine #2 (Hearsay statements within the knowledge of Alberto Rivera).

For the reasons set forth on the record,

**IT IS ORDERED** allowing Alberto Rivera to testify as to what he believes is the value of the property and what he believes the character of the neighborhood was at or about the time of the taking. Mr. Rivera will also be allowed to testify to how he intended to use the property

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and if that intended use was consistent of how it was intended to be used before this and other related takings occurred.

Based upon Defendant's avowal that they will not be calling Phil Reina as a witness,

**IT IS ORDERED** denying Plaintiff's Motions in Limine #3 (Hearsay statements from witness Phil Reina) and #4 (Limits of testimony from witness Phil Reina) as moot.

Based upon Defendant's avowal that they will not be calling Frank Hitzeman as a witness,

**IT IS ORDERED** denying Plaintiff's Motion in Limine #5 (Hearsay statements, undisclosed facts and opinions of Defendant's witness Frank Hitzeman as moot.

Oral argument is presented on Plaintiff's Motion in Limine #6 (Expenses allegedly incurred by Defendant prior to notice of taking).

For the reasons set forth on the record,

**IT IS ORDERED** granting Plaintiff's Motion in Limine #6.

Oral argument is presented on Plaintiff's Motions in Limine #7 (Appraisals and sale of nearby Ugly Duckling parcel) and #8 (Peter Martori).

For the reasons set forth on the record,

**IT IS ORDERED** precluding the admission of all the appraisal reports completed in conjunction with the Ugly Duckling sale, but will allow Peter Martori to testify to the review of his appraisal and any disclosed opinions he might have as to the appraisal.

**IT IS ORDERED** taking a portion of Plaintiff's Motions in Limine #7 and #8 under advisement.

For the reasons set forth on the record,

**IT IS ORDERED** denying Plaintiff's Motion in Limine #9 (Zeitlin auto strip mall) with the understanding that this issue will not be disclosed.

Oral argument is presented on Defendant's Motion in Limine Re: Exclusion of Peter Drake's Opinions.

**IT IS ORDERED** taking Defendant's Motion in Limine under advisement.

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Discussion is held off the record.

4:54 p.m. Matter concludes.