

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-005288

02/01/2013

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
K. Carter
Deputy

PACIFIC CAPITAL GROUP L L C

MICHAEL R ROSS

v.

LAWYERS TITLE INSURANCE
CORPORATION, et al.

DANIEL E FREDENBERG

PATRICK J DAVIS

FINAL TRIAL MANAGEMENT CONFERENCE

Courtroom 701 – Central Court Building

2:08 p.m. This is the time set for Final Trial Management Conference. Plaintiff is represented by counsel, Michael R. Ross and Jeffrey Pyburn. Party representative Larry Fink is also present. Defendants are represented by counsel, Daniel E. Fredenberg and Patrick J. Davis.

Court Reporter Michele Kaley is present; a record of the proceedings is also made by audio and/or videotape.

A Trial Management Conference is conducted and legal matters are discussed.

IT IS ORDERED affirming the four (4) day jury trial beginning on **February 6, 2013**, in this Division. Counsel shall be present at **9:00 a.m.** on the first day of trial to discuss any pretrial matters. The Court conducts jury trials Monday through Thursday, 9:30 a.m. to 4:30 p.m. There will be a morning and afternoon recess of 15 minutes. The Court takes an hour and a half lunch break.

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Discussion is held regarding Defendants' Motions for Summary Judgment and request for Daubert hearing.

IT IS ORDERED setting oral argument on Defendants' Motions for Summary Judgment on February 5, 2013, at 10:00 a.m. in this division. Time allotted: two (2) hours.

IT IS FURTHER ORDERED setting a Daubert Evidentiary Hearing for February 5, 2013, at 1:30 p.m. Time allotted: three (3) hours.

Argument is presented on the parties' Motions in Limine.

3:23 p.m. Court stands at recess.

3:41 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter Michele Kaley is present; a record of the proceedings is also made by audio and/or videotape.

Further argument is presented on the parties' Motions in Limine.

IT IS ORDERED ruling on Plaintiff's Omnibus Motion in Limine, filed December 7, 2012, as follows:

1. Plaintiff's Motion in Limine regarding Michael Yancy's testimony is deemed moot.
2. Plaintiff's Motion in Limine regarding any testimony or evidence offered by Defendants to contradict their own 30(b)(6) corporate representative's deposition testimony is deemed moot.
3. Plaintiff's Motion in Limine regarding any argument or claim that there is no coverage under the title insurance policy shall be ruled upon after the oral arguments set for February 5, 2013, are presented.

IT IS ORDERED ruling on Defendants' Motions in Limine, filed December 7, 2012, as follows:

Defendants' Motion in Limine #1 is granted.

Defendants' Motion in Limine #2 shall be ruled upon after voir dire takes place.

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Defendants' Motion in Limine #3 is granted.

Counsel for Defendants makes an oral motion to the Court to strike Plaintiff's Motion in Limine re: First Appraisal Services and Donald Duncan, filed January 31, 2013.

4:20 p.m. Court stands at recess.

4:30 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter Michele Kaley is present; a record of the proceedings is also made by audio and/or videotape.

Counsel for Plaintiff withdraws the Motion in Limine re: First Appraisal Services and Donald Duncan.

4:31 p.m. Conference concludes.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.