

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-036352

05/01/2013

HONORABLE GEORGE H. FOSTER, JR.

CLERK OF THE COURT
L. Bee/J. Polanco
Deputy

KIMBERLY P ARCHIBALD

CHASE E HALSEY

v.

TOLL BROTHERS AZ LIMITED
PARTNERSHIP, et al.

JAMES S RIGBERG

FINAL PRETRIAL CONFERENCE

East Court Building – Courtroom 513

9:12 a.m. This is the time set for Final Pretrial Conference. Plaintiff is represented by counsel, Chase E. Halsey and John C. Marcolini. Defendants are represented by counsel, James S. Rigberg and Barry R. Sanders.

Court reporter Amy Weaver is present. A record of the proceedings is also made by audio and/or videotape.

Legal matters are discussed.

Argument is presented.

For the reasons set forth on the record,

IT IS ORDERED denying Plaintiff's Motion in Limine #1: Exclusion of Storm Tech and Creative Environments Evidence and Exclusion of Defendants' Appraisal Expert, Paul G. Johnson From Testifying at Trial.

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IT IS FURTHER ORDERED denying Plaintiff's Motion in Limine #2: Limiting Defendants to Evidentiary Admissions Made in Connection with Defendant's Motion for Partial Summary Judgment.

Defendants counsel, James S. Rigberg, withdraws Defendants' Motion in Limine Regarding Evidence Concerning Reused Grading and Drainage Plans.

Discussion is held regarding exhibits, opening statements, and the anticipated times for counsel to present their cases.

Further discussion is held regarding trial scheduling. **Note:** Trial days and hours are normally Mondays through Thursdays, 9:30 a.m. to 4:30 p.m. with lunch recess from noon to 1:30 p.m.

Court and counsel discuss Plaintiff's intent to introduce evidence regarding the financial wealth of the Defendant. In that regard, Defendant's counsel advises the Court that an objection has been filed to the Plaintiff's trial subpoena. Counsel is instructed to file a motion in limine on that issue.

IT IS ORDERED affirming the ten day trial to the Court set to commence on May 13, 2013.

10:09 a.m. Matter 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.