

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
11/30/2001

11/27/2001

CLERK OF THE COURT
FORM V000A

HON. MICHAEL J. O'MELIA

A. Beery
Deputy

CV 1999-016011

FILED: _____

LANE CONCRETE CORPORATION

AARON KIZER

v.

ARROWHEAD FOUNTAINS PARTNERS LLC, CHRISTINE ANNE BAILEY
et al.

JAY M MANN

MINUTE ENTRY

9:30 a.m. Trial to a jury. Plaintiffs Federal Insurance Company and Cohen Construction are represented by counsel, Jay Mann and Hank Pearson. Defendant Arrowhead Fountains Partners, L.L.C. is represented by counsel, Christine Bailey and David Paige.

Court Reporter, Cecile Derickson, is present.

Motions in Limine:

Arrowhead's Motion in Limine to Exclude Testimony of Jay Mann is argued to the Court.

The Court reserves ruling on this motion until later in the trial.

Arrowhead's Motion in Limine re: Zurich Insurance Company and Waiver of Subrogation is argued to the Court.

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IT IS ORDERED allowing testimony that the insurance was purchased, but not that money was recovered from said policy.

IT IS ORDERED that Arrowhead's Motions in Limine re: Partners' Delay Damages and Building Design Issues are moot.

IT IS ORDERED granting Federal Insurance Company's Motion in Limine re: allegation of bad faith.

Federal Insurance Company's Motions in Limine re: alleged diminution of value of the building and installation of the transformer are argued to the Court.

The Court will rule on these issues later during the trial.

IT IS ORDERED granting Federal Insurance Company's Motion in Limine to preclude evidence of other projects on which Cohen Contracting performed work for Koll.

Federal Insurance Company's Motion in Limine re: precluding evidence of settlement attempts is argued to the Court.

The Court will rule on this issue later during the trial.

Federal Insurance Company's Motion in Limine re: precluding mention of water damage that occurred this year is argued to the Court.

IT IS ORDERED denying the motion.

Federal Insurance Company's Motion in Limine re: precluding evidence of Federal's refusal to defend Arrowhead in the lawsuit brought by Arrowhead is argued to the Court.

The Court will rule on this issue during the trial.

IT IS ORDERED there will be no testimony regarding Lane Concrete's settlement in this case.

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11:05 a.m. Court stands at recess.

11:15 a.m. Court reconvenes with respective parties and
counsel present.

Court Reporter, Cecile Derickson, is present.

Voir dire examination of jurors.

12:20 p.m. Court stands at recess.

1:50 p.m. Court reconvenes with respective parties and
counsel present.

Court Reporter, Cecile Derickson, is present.

Voir dire continues.

2:15 p.m. Court stands at recess.

2:50 p.m. Court reconvenes with respective parties and
counsel present. The jury panel is not present.

Court Reporter, Cecile Derickson, is present.

Counsel advise the Court that an agreement has been
reached.

2:55 p.m. Court stands at recess.

3:00 p.m. Court reconvenes with respective parties and
counsel present. The jury panel is not present.

Court Reporter, Cecile Derickson, is present.

The agreement between the parties is put on the record.

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3:05 p.m. The jury panel is now present.

Court excuses the jury panel.

FILED: Jury List

Pursuant to stipulation,

IT IS ORDERED dismissing this matter as to all parties and all claims.

IT IS ORDERED that jury fees be assessed against Defendant Arrowhead Fountains Partners, LLC, in the sum of \$186.12, all in accordance with the formal written Judgment for Jury Fees signed by the Court on November 27, 2001 and filed (entered) by the Clerk on November 27, 2001.

3:07 p.m. Trial concludes.