

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-019231

11/07/2005

HON. COLIN F. CAMPBELL

CLERK OF THE COURT  
M. Sahli  
Deputy

FILED: 11/09/2005

TROON NORTH ASSOCIATION

FREDERICK E DAVIDSON

v.

CRESCENT CLUB INVESTORS I LTD, et al.

BRIAN A CABIANCA

GREGORY G MCGILL

EVIDENTIARY HEARING  
MINUTE ENTRY

10:00 a.m. This is the time set for Evidentiary Hearing. Plaintiff is represented by counsel, Frederick Davidson and Brian Lester. Defendant Michael Hutchings is present with counsel, Gregory McGill.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

Plaintiff's exhibits 1 through 9, inclusive, are marked for identification.

Michael Hutchings is sworn and testifies.

Plaintiff's exhibits 10, 11 and 12 are marked for identification.

Plaintiff's exhibits 13 through 16, inclusive are marked for identification.

Plaintiff's exhibits 17 through 20, inclusive are marked for identification

The witness is excused.

Brian Lester is sworn and testifies.

Plaintiff's exhibits 21 through 23, inclusive are marked for identification.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-019231

11/07/2005

The witness is excused.

James Hunsberger is sworn and testifies.

Defendant's exhibit 24 is marked for identification.

11:18 a.m. Court stands at recess.

11:31 a.m. Court reconvenes with respective parties and counsel present.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

The witness resumes the stand and testifies further.

Defendant's exhibit 25 is marked for identification.

Defendant's exhibits 24 and 25 are received in evidence.

Plaintiff's exhibits 1 through 23, inclusive, are received in evidence.

Defendant's exhibits 26 and 27 are marked for identification.

Defendant's exhibits 28 and 29 are marked for identification.

Defendant's exhibit 29 is received in evidence.

**IT IS ORDERED** continuing Evidentiary Hearing to Tuesday, November 8, 2005 at 8:30 a.m. in this division.

Discussion is held re Trial date for Preliminary Injunction.

**IT IS ORDERED** setting Trial to the Court for **Friday, December 9, 2005 at 9:30 a.m.** in this division.

**THE HONORABLE COLIN F. CAMPBELL**  
**125 W. WASHINGTON, SUITE 309**  
**PHOENIX, ARIZONA 85003**  
**(602)506-3837**

**IT IS FURTHER ORDERED** as follows:

No less than five (5) judicial days prior to the trial, counsel (or the parties) shall file:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-019231

11/07/2005

A. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

B. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

C. At least one week before trial, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division before 10:00 a.m. two (2) court days before trial, presenting all exhibits. The exhibits will be marked serially as they are listed in the pretrial statement – plaintiff's first, defendant's second. Please advise the Clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.

11:52 a.m. Court stands at recess until 8:30 a.m. on November 8, 2005.