

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-013647

03/17/2009

HONORABLE ROBERT C. HOUSER

CLERK OF THE COURT  
T. Melius  
Deputy

JOHN GRAY

JORGE FRANCO JR.

v.

ARIZONA STATE DEPARTMENT OF  
ECONOMIC SECURITY, et al.

MICHAEL G GAUGHAN

DANIEL J O'CONNOR

MINUTE ENTRY

9:39 a.m. This is the time set for Pre-Trial Management Conference in this matter. Plaintiff is represented by counsel, Jorge Franco, Jr. and Larry Crown. Defendant, Arizona State Department of Economic Security, is represented by counsel, Michael G. Gaughan. Defendant, State of Arizona, is represented by counsel, Daniel J. O'Connor.

Court reporter, Lisa Vitoff, is present.

A record of the proceedings is made by audio and/or videotape in addition to the court reporter.

Discussions are held regarding the Motion for Prescreening the Jury.

**IT IS ORDERED** denying the Motion for Prescreening the Jury.

Discussions are held regarding the Motion for Sanctions.

**IT IS FURTHER ORDERED** denying the Motion for Sanctions.

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Motions in Limine are argued.

- Plaintiff's Motion in Limine # 1 re: Irrelevant Post Death Witnesses and Matters.

**IT IS ORDERED** denying the Motion in Limine # 1 re: Irrelevant Post Death Witnesses and Matters.

- Plaintiff's Motion in Limine # 2 re: Expert Witness Erin A. Spiers.

**IT IS FURTHER ORDERED** granting Plaintiff's Motion in Limine # 2 re: Expert Witness Erin A. Spiers and excluding the testimony without prejudice.

11:17 a.m. Court stands in recess.

11:30 a.m. Court reconvenes with above named counsel present.

Court reporter, Lisa Vitoff, is present.

A record of the proceedings is made by audio and/or videotape in addition to the court reporter.

- Plaintiff's Motion in Limine #3 re: Criminal Prosecution of Celene Gray.

**IT IS FURTHER ORDERED** granting Plaintiff's Motion in Limine # 3 and Defendant's Motion in # 6 as stated on the record.

- Plaintiff's Motion in Limine # 4 re: Florida Criminal Records.

**IT IS FURTHER ORDERED** denying Plaintiff's Motion in Limine # 4 re: Florida Criminal Records.

- Plaintiff's Motion in Limine # 5 re: Late Disclosed Witnesses.

**IT IS FURTHER ORDERED** denying Plaintiff's Motion in Limine # 5 re: Late Disclosed Witnesses as to Ms. Downing, and excluding the other 3 CPS workers discussed on the record.

12:16 p.m. Court stands in recess until 1:30 p.m.

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1:38 p.m. Court reconvenes with above named counsel present.

Court reporter, Lisa Vitoff, is present.

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- Plaintiff's Motion in Limine # 6 re: John Gray's Bankruptcy.

**IT IS FURTHER ORDERED** granting Plaintiff's Motion in Limine # 6 re: John Gray's Bankruptcy, without prejudice.

- Plaintiff's Motion in Limine # 7 re: John Gray's Website.

**IT IS FURTHER ORDERED** granting the Plaintiff's Motion in Limine # 7 re: John Gray's Website and precluding any party from presenting evidence regarding the website.

- Defendants' Motion in Limine # 1 re: The Autopsy Report.

**IT IS FURTHER ORDERED** granting Defendants' Motion in Limine # 1 re: The Autopsy Report.

- Defendants' Motion in Limine # 2 re: Haley's Law.

**IT IF FURTHER ORDERED** granting Defendants' Motion in Limine # 2 re: Haley's Law.

- Defendants' Motion in Limine # 3 re: Testimony of Expert Witness Shannon Miller.

**IT IS FURTHER ORDERED** granting Defendants' Motion in Limine # 3 re: Testimony of Expert Witness Shannon Miller. Mr. Miller will not be permitted to testify as to causation issues.

- Defendants' Motion in Limine # 4 re: Opinion Testimony of Brenda Truesdale.

**IT IS FURTHER ORDERED** granting Defendants' Motion in Limine # 4 re: Opinion Testimony of Brenda Truesdale and precluding Ms. Truesdale from testifying regarding causation.

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**IT IS FURTHER ORDERED** precluding the State from offering expert testimony as to the cause of death.

- Defendants' Motion in Limine # 5 re: Use of Portable Breathalyzer.

**IT IS FURTHER ORDERED** denying Defendants' Motion in Limine # 5 re: Use of Portable Breathalyzer.

- Defendants' Motion in Limine # 7 re: Dr. Sucher.

**IT IS FURTHER ORDERED** denying Defendants' Motion in Limine # 7 re: Dr. Sucher.

Discussions are held re: trial schedule.

Trial schedule is as follows:

3/23/2009	9:00 a.m. – 4:30 p.m.
3/24/2009	9:00 a.m. – 4:30 p.m.
3/25/2009	1:30 p.m. – 4:30 p.m.
3/26/2009	9:00 a.m. – 4:30 p.m.
3/27/2009	9:00 a.m. – 12:00 p.m.
3/30/2009	9:00 a.m. – 4:30 p.m.
3/31/2009	9:00 a.m. – 4:30 p.m.
4/01/2009	1:30 p.m. – 4:30 p.m.
4/02/2009	9:00 a.m. – 4:30 p.m.
4/03/2009	9:00 a.m. – 12:00 p.m.

Discussions are held re: opening statement prior to voir dire.

Counsel will be permitted to present brief statements to the proposed jury panel.

Arguments are held on State's Objections to Plaintiff's proposed jury questions.

3:25 p.m. Court stands in recess.

3:46 p.m. Court reconvenes with above named counsel present.

Court reporter, Lisa Vitoff, is present.

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Pre-trial matters are discussed.

The parties stipulate to seat 10 jurors and agree to decide on whether the 2 alternate jurors will be permitted to deliberate until a later time during trial.

Preliminary jury instructions are discussed.

Further pre-trial matters are discussed.

Pursuant to stipulation of the parties,

The rule of exclusion of witnesses is invoked.

4:20 p.m. Matter concludes.