

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

07/30/2015

CLERK OF THE COURT  
Form V000

JUDGE MARK H. BRAIN

T. Springston  
Deputy

W1-11-3342

FILED: July 31, 2015

In re Aravaipa Canyon  
Wilderness Area

W1-11-3342

In re Trial

TRIAL MINUTE ENTRY  
DAY 11

Central Court Building – Courtroom 1201

10:57 a.m. Trial to the Court continues before Judge Mark H. Brain.

The following attorneys appear in-person:

- Sean T. Hood, Shilpa Hunter-Patel, and Brian J. Heiserman on behalf of Freeport Minerals Corporation;
- David Gehlert and R. Lee Leininger on behalf of the United States;
- Scott M. Deeny and Jeffrey R. Heilman on behalf of Salt River Project;
- Joe P. Sparks and Julia M. R. Kolsrud on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe;
- Janet L. Miller on behalf of the Arizona Department of Water Resources;
- Carrie J. Brennan on behalf of State of Arizona;
- David A. Brown on behalf of Bayless & Berkalew Company; and
- Susan Montgomery on behalf of the Yavapai-Apache Nation and Pascua Yaqui Tribe.

Court Reporter, Karen Bolton, is present.

Discussion is held regarding trial matters including designations of Dr. Johnson's deposition, Freeport Minerals Corporation's Motion for Judgment as a Matter of Law Pursuant to Rule 52(c), post-trial briefing, and scheduling.

Counsel agree to jointly file designations to Dr. Johnson's deposition in a few weeks.

THE COURT INFORMS counsel that a ruling will not be issued today on Freeport Minerals Corporation's Motion for Judgment as a Matter of Law Pursuant to Rule 52(c). The responses will be filed separately from the post-trial briefing.

IT IS ORDERED responses to Freeport Minerals Corporation's Motion for Judgment as a Matter of Law Pursuant to Rule 52(c) are due **four (4) weeks from today (August 27, 2015)**.

THE COURT DIRECTS counsel to work out the schedule for the replies.

Mr. Gehlert makes a clarification regarding a PowerPoint presentation.

Mr. Deeny informs the Court that Trial will not finish today.

Ms. Brennan requests that the Court mark and receive an exhibit, page 55 from exhibit 63, relating to the testimony of pro per, Kathy Sergent.

Court's exhibit 691 is marked for identification and received in evidence.

Claimant 3 / Freeport Minerals Corporation's case continues:

Steven Carothers resumes the stand and testifies further.

Claimant 3 / Freeport Minerals Corporation's exhibits 692 and 693 are marked for identification.

Claimant 3 / Freeport Minerals Corporation's exhibit 628 is received in evidence.

11:52 a.m. Court stands at recess.

After recess and off the record, Trial scheduling is discussed.

Prior to reconvening and off the record, scheduling in Contested Case No. W1-103 is discussed.

1:31 p.m. Court reconvenes with respective counsel and parties present. Patrick B. Sigl, counsel for Salt River Project, is now present.

Court Reporter, Karen Bolton, is present.

Steven Carothers continues to testify.

2:42 p.m. Court stands at recess.

3:00 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter, Karen Bolton, is present.

Steven Carothers continues to testify.

4:34 p.m. Court stands at recess.

Off the record, Court and counsel discuss the Trial schedule and presentation equipment.

**IT IS ORDERED** continuing Trial in this division. Additional Trial days will be at **10:30 a.m. August 26, 2015 and 10:30 a.m. August 27, 2015.**

A copy of this order is mailed to all persons listed on the Court approved mailing lists for Contested Case No. W1-11-3342 dated July 20, 2015.