

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/28/2015

CLERK OF THE COURT
Form V000

JUDGE MARK H. BRAIN

L. Stogsdill
Deputy

W1-11-3342

FILED: 12-7-2015

In re Aravaipa Canyon
Wilderness Area

W1-11-3342

In re Trial

TRIAL MINUTE ENTRY
DAY 14

Central Court Building – Courtroom 1201

10:34 a.m. Trial to the Court continues October 27, 2015 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 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;
- Susan Montgomery on behalf of Yavapai Apache Nation and PascuaYaqui Tribe;
- Janet L. Miller on behalf of the Arizona Department of Water Resources;
- Carrie J. Brennan on behalf of State of Arizona.

Court Reporter, Marylynn Lemoine is present.

Claimant 3/Freeport Minerals Corporation's case continues:

Bob Mussetter resumes the stand and continues to testify.

The witness is excused

Claimant 3/ Freeport Minerals Corporation's exhibit 694 is marked for identification and received in evidence.

Claimant 3/ Freeport Minerals Corporation's exhibit 695 is marked for identification.

11:15 p.m. The Court stands at recess.

11:29 p.m. The Court reconvenes with the parties and their respective counsel present.

Court Reporter, Marylynn Lemoine is present.

Peter Reinthal, having been previously sworn, resumes the stand and testifies further.

12:00p.m. The Court stands at recess

Scheduling is discussed off the record.

Oral argument on Freeport Minerals Corporation's Motion for Summary Judgment will take place at the end of today's trial with R. Lee Leininger, counsel for United States, appearing telephonically.

1:42 p.m. The Court reconvenes with the parties and their respective counsel present.

Court Reporter, Marylynn Lemoine is present.

Peter Reinthal continues to testify.

The witness is excused.

Discussion is held regarding closing arguments.

For the reasons stated on the record,

IT IS ORDERED that counsel shall file their Findings of Fact, Conclusions of Law and written Closing Statements by **February 5, 2016**. Counsel shall provide these pleadings in word format to the Court via email to the Court's Judicial Assistant at: ellisonr@superiorcourt.maricopa.gov

Upon the Court's receipt of the Findings of Fact and Conclusions of Law and written Closing Statements, the matter will be deemed under advisement.

2:19 p.m. The Court stands at recess.

2:34 p.m. The Court reconvenes with the parties and their respective counsel present.

Court Reporter, Marylynn Lemoine is present.

Upon the parties' stipulation, Claimant 3/ Freeport Minerals Corporation's exhibit 695 is received in evidence.

LET THE RECORD REFLECT that counsel remaining in the Courtroom for the oral argument are:

- Sean T. Hood, Shilpa Hunter-Patel, and Brian J. Heiserman on behalf of Freeport Minerals Corporation;
- David Gehlert on behalf of the United States;
- Scott M. Deeny 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;
- R. Lee Leininger who appears telephonically for the United States;
- Carrie J. Brennan on behalf of State of Arizona.

Oral argument is presented on Freeport Mineral Corporation's Motion for Judgment as a Matter of Law Pursuant to Rule 52(c).

For the reasons stated on the record,

The Court takes the matter under advisement.

The Court disconnects the call with Mr. Leininger.

3:45 p.m. Trial concludes.

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.