

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-003148

07/31/2024

HONORABLE SCOTT A. BLANEY

CLERK OF THE COURT
P. McKinley
Deputy

AMERICA M YOUNG

WILLIAM MORRIS FISCHBACH III

v.

CITY OF PHOENIX, THE

ANDREW ABRAHAM

GIANNI PATTAS
DAVID BARLOW
DARYL D MANHART
JUDGE BLANEY

MINUTE ENTRY

The Court has reviewed and considered Plaintiff's *Briefing Regarding Debra Stark Testimony* and Defendant's *Response Opposing Plaintiff's Briefing Regarding Debra Stark Testimony*. Plaintiff seeks to introduce at trial statements previously made by Phoenix City Councilwoman Debra Stark at a City Council meeting. Plaintiff argues that the statements are relevant to bias and credibility, and that the statements establish that Defendant placed a "historical preservation designation" on Plaintiff's property for an improper reason.

In response, Defendant informs the Court that Councilwoman Stark has agreed to appear in person at trial and her previously recorded statements are therefore unnecessary. Defendant further argues that the statements are not relevant to the issues before the Court.

THE COURT FINDS that Plaintiff's request to allow Councilwoman Stark's statements is moot because the Councilwoman has agreed to appear and testify at trial. Plaintiff may still present the Councilwoman's prior statements to the jury for impeachment purposes, however, but only after (and if) the Councilwoman presents conflicting testimony at trial.