

- 1 A. I vaguely recall we did meet with Jon and Walt.
- 2 Q. Okay. Do you recall -- well, what can you tell me
3 about that meeting?
- 4 A. Not a lot because it's been a while ago. Just that we
5 discussed the request.
- 6 Q. Do you recall discussing what had transpired in the
7 prior trial and what some of the testimony was in
8 terms of what would be appropriate zoning for that
9 property?
- 10 A. I have a ton of meetings, so I can't, I can't tell you
11 exactly what we discussed about.
- 12 Q. Do you recall Mr. Wilburn at any point saying that he
13 wasn't concerned with what the trial testimony had
14 been and he wanted to look forward and, and not look
15 backward, anything like that?
- 16 A. I don't recall it.
- 17 Q. Okay. Well, let me ask you personally. Do you --
18 step back.
- 19 You sat through I know some of the testimony
20 at the prior trial. But I'm not sure, did you sit
21 through the entire trial?
- 22 A. Uh-huh. Yes.
- 23 Q. In your own personal opinion, do you think that the
24 testimony of the planning experts at the trial should
25 be taken into account in determining what's the best

1 zoning for this property?

2 MR. GOLDSMITH: Objection. That presumes he
3 remembers what the testimony was or that he has
4 reviewed it. And I don't believe it's relevant to
5 this cause of action. But you can go ahead and
6 answer.

7 THE WITNESS: I don't recall. I mean I was
8 there for the testimony but I don't recall the
9 details.

10 BY MR. HANSON:

11 Q. I guess I've got Mr. Goldsmith's opinion but I'll ask
12 you, regardless of what that testimony was, do you
13 believe that that testimony would be irrelevant to
14 determining what the appropriate zoning on this
15 property should be?

16 A. I'm not quite sure I understand the question.

17 Q. Well, the question is do you think it's relevant what
18 the planning and zoning experts who testified at that
19 trial, whatever they testified to as to what would
20 constitute sound zoning and planning for this
21 property, would you believe that to be relevant in
22 formulating a rezoning application and determining
23 that rezoning application?

24 MR. GOLDSMITH: Same objection.

25 THE WITNESS: Yes.