

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

01/31/2012

HONORABLE KATHERINE COOPER

CLERK OF THE COURT
A. Melchert
Deputy

DAVID B VANYO, et al.

JEFFREY D GROSS

v.

CAREFREE FOOTHILLS HOMEOWNERS
ASSOCIATION, et al.

KURT M ZITZER

**TRIAL MINUTE ENTRY
DAY 2**

Courtroom 514- East Building

9:33 a.m. Trial to a jury continues from January 30, 2012. Plaintiffs are represented by counsel, Jeffrey Gross. Plaintiff, David Vanyo, is present. Defendants are represented by counsel, Kurt Zitzer. John Crane, representative for Defendant Carefree Foothills Homeowners Association, is present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is also made by audio and/or videotape.

The jury is not present.

Discussion is held regarding jury notebooks.

The jury enters the courtroom.

The Preliminary Instructions are read to the jury.

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FILED: Preliminary Instructions

Opening statements are presented.

The jury leaves the courtroom and court remains in session.

Discussion is held regarding exhibits. Defendants move for admission of their exhibits 32-40 and 57.

Defendants' exhibit 35 is received in evidence.

Defendants' exhibit 57 is not received in evidence but may be re-offered at a later time.

The Court will review Defendants' exhibits 32-34 and 36-40 for admissibility.

11:10 a.m. Court stands at recess.

11:22 a.m. Court reconvenes with the parties and respective counsel present. The jury is present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is also made by audio and/or videotape.

Plaintiffs' case:

David Barrett Vanyo is sworn and testifies.

The jury leaves the courtroom and court remains in session.

Argument is heard on the admissibility of Defendants' exhibit 57.

IT IS ORDERED taking this issue under advisement.

12:01 p.m. Court stands at recess.

FILED: Deposition of David Vanyo dated June 6, 2007;
Deposition of James Murphy, dated August 3, 2007.

1:17 p.m. Court reconvenes with the parties and respective counsel present. The jury is not present.

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Court Reporter, Robin Bobbie, is present and a record of the proceedings is also made by audio and/or videotape.

Discussion is held regarding the exhibits.

IT IS ORDERED sustaining Plaintiffs' objections to the admission of Defendants' exhibits 32, 38-40, and 57.

IT IS FURTHER ORDERED overruling Plaintiffs' objections to the admission of Defendants' exhibits 33, 34, 36, and 37 and they are received in evidence.

IT IS FURTHER ORDERED that the Court changes the earlier ruling receiving Defendants' exhibit 35 in evidence and this one is no longer in evidence.

The jury enters the courtroom and trial continues.

David Vanyo resumes the stand and testifies further.

David Vanyo leaves the stand.

Video trial testimony of Donald Duncan is played for the jury.

2:44 p.m. Court stands at recess.

3:03 p.m. Court reconvenes with the parties and respective counsel present. The jury is not present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is also made by audio and/or videotape.

Discussion is held regarding the trial schedule.

The jury enters the courtroom and trial continues.

Trial testimony of Donald Duncan continues.

Greg Gentsch is sworn and testifies.

The witness is excused.

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Video trial testimony of John Ratliff is played for the jury.

Plaintiffs rest.

The jury leaves the courtroom and court remains in session.

Discussion is held regarding the trial schedule.

Argument is heard on the admissibility of Defendants' exhibit 51.

Defendants' exhibit 51 is received in evidence.

4:18 p.m. Court stands at recess until February 1, 2012 at 9:30 a.m.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.