

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

02/01/2012

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 3

Courtroom 514- East Building

9:34 a.m. Trial to a jury continues from January 31, 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.

Argument is heard on the admissibility of Defendants' exhibit 30.

Defendants' exhibit 30 is received in evidence, over Plaintiffs' objection.

The jury enters the courtroom and trial continues.

Defendants' case:

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John Dwyer is sworn and testifies.

The witness is excused.

Whitney Smelser is sworn and testifies.

10:51 a.m. Court stands at recess.

11:09 a.m. Court reconvenes with the parties and respective counsel present. The jury is present.

Whitney Smelser resumes the stand and testifies further.

The witness is excused.

Bob Gemmill is sworn and testifies.

Plaintiffs' exhibit 16 is received in evidence.

The witness is excused.

The jury leaves the courtroom and court remains in session.

Discussion is held regarding the trial schedule.

Jury instructions are argued on the record without the presence of the court reporter.

1:00 p.m. Court stands at recess.

1:58 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.

Jury instructions are argued. Counsel state their objections to the final jury instructions on the record.

The jury enters the courtroom and trial continues.

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The deposition of James Murphy, dated August 3, 2007 is read to the jury.

John Crane is sworn and testifies.

The witness is excused.

Defendants rest.

The jury is excused for the day to return February 2, 2012 at 9:30 a.m. Court remains in session.

Plaintiffs renew Motion for Summary Judgment as a motion for directed verdict.

IT IS ORDERED denying Plaintiffs' oral motion.

3:34 p.m. Court stands at recess until February 2, 2012

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.