

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

01/30/2012

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 1**

Courtroom 514 – East Court Building

Prior to commencement of trial, Plaintiffs' exhibits 1 through 19 and Defendants' exhibits 20 through 57 are marked for identification.

9:28 a.m. This is the time set for trial to a jury. 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.

Argument is presented on Defendants' Motion to Reconsider.

IT IS ORDERED revising the Minute Entry dated January 23, 2012 as stated on the record.

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Argument is presented on Plaintiffs' Trial Memorandum regarding Attorney-Client Privilege and Damages, both filed January 25, 2012.

IT IS ORDERED that Defendant may not question Plaintiff in a way to invade client/attorney privileges and the Court will allow Defendants to present the damages evidence.

Discussion is held regarding the exhibits. Defendant moves to withdraw exhibits.

IT IS ORDERED withdrawing Defendants' exhibits 24-29, 31, and 41-45.

IT IS FURTHER ORDERED that the following exhibits are stipulated into evidence:

Plaintiffs' exhibits 1, 4 through 14, 17 through 19, Defendants' exhibits 46 through 50, and Defendants' exhibits 52, 53 and 56

Discussion is held regarding voir dire, trial procedures and jury instructions. The Court will review the cases presented.

11:09 a.m. Court stands at recess.

1:32 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Robin Bobbie, is present.

Discussion is held regarding deposition designations and whether the alternate juror will be allowed to deliberate.

IT IS ORDERED that the alternate juror will deliberate.

1:39 p.m. Court stands at recess.

2:09 p.m. Court reconvenes with the parties and respective counsel present. The prospective jurors are present.

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

The prospective jurors are sworn.

Voir dire examination of prospective jurors.

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The prospective jurors leave the courtroom and court remains in session.

Court and counsel confer with respect to the jurors being struck for hardship and/or cause.

The prospective jurors enter the courtroom.

Jurors # 2-4, 7, 14, 16-18, 22, 25, 29, 30, 33, 38 and 39 are excused.

Voir dire examination continues with the remaining prospective jurors.

The prospective jurors leave the courtroom and court remains in session.

4:31 p.m. Court stands at recess and Counsel pass the panel.

4:54 p.m. Court reconvenes with respective counsel and parties present.

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

The prospective jury is present.

Nine (9) persons are selected and sworn to act as trial jurors in this cause.

5:03 p.m. Court stands at recess until January 31, 2012 at 9:00 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.