

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-053132

03/02/2010

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
W. Tenoever
Deputy

DOMINICK ABATEMARCO

BRIAN M BERGIN

v.

CANTERRA AT SQUAW PEAK
CONDOMINIUM ASSOCIATION INC

MARK A HOLMGREN

TRIAL MINUTE ENTRY
DAY 2

9:33 a.m. Trial to a jury continues from March 1, 2010. Plaintiff Dominick Abatemarco is present and represented by counsel, Brian M. Bergin and Ken Frakes. Defendant is represented by counsel, Mark A. Holmgren, Josh Bolen and Kellie Callahan.

The jury is present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Plaintiff's case continues:

Eric Hayes is sworn and testifies.

Plaintiff's exhibit number 4 is received in evidence.

10:49 a.m. Court stands at recess.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-053132

03/02/2010

Let the record reflect the court has received a written question from the jury. The court shows the question to counsel for follow-up.

11:08 a.m. Court reconvenes with respective parties and counsel present.

The jury is present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Eric Hayes resumes the stand and testifies further.

The witness is excused.

11:57 a.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective parties and counsel present.

The jury is present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Dominic Petrocelli is sworn and testifies.

Plaintiff's exhibit number 110 is received in evidence.

Plaintiff's exhibit number 141 is received in evidence.

The witness is excused.

Jan Alan Sell is sworn and testifies.

3:18 p.m. Court stands at recess.

3:35 p.m. Court reconvenes with respective parties and counsel present.

The jury is present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Jan Alan Sell resumes the stand and testifies further.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-053132

03/02/2010

The witness is excused.

Plaintiff rests.

3:42 p.m. The jury is excused while court remains in session.

Defendant moves for directed verdict.

IT IS ORDERED denying Defendant's motions for directed verdict.

3:46 p.m. The jury is present.

Defendant's case:

Eric Hayes, previously sworn, resumes the stand and testifies further.

Plaintiff's exhibit number 274 is received in evidence.

The witness is excused.

4:28 p.m. The jury is excused while court remains in session.

Discussion is held regarding scheduling.

4:30 p.m. Court stands at recess until 9:30 a.m. on March 3, 2010.

FILED: Juror Question, Deposition of Dominick Abatemarco dated February 21, 2008.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>