

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-053132

03/03/2010

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
W. Tenover
Deputy

DOMINICK ABATEMARCO

BRIAN M BERGIN

v.

CANTERRA AT SQUAW PEAK
CONDOMINIUM ASSOCIATION INC

MARK A HOLMGREN

TRIAL MINUTE ENTRY
DAY 3

Prior to the commencement of trial,

FILED: Defendants' Objection to Plaintiff's Proposed Jury Instructions, Defendant's Designation of Transcript Portions from Deposition of Greg Yurkiw, and Addendum to Defendants' Proposed Jury Instructions.

9:27 a.m. Trial to a jury continues from March 2, 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 not present.

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

Discussion is held regarding deposition designations.

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9:29 a.m. The jury is present.

Defendant's case continues:

Michael Dicks is sworn and testifies.

Plaintiff's exhibit number 275 is marked for identification.

Let the record reflect the court has received written questions from the jury. Court and counsel discuss the same off the record and out of the hearing of the jury.

The witness testifies further.

The witness is excused.

Portions of the deposition of Greg Yurkiw dated January 19, 2010 are read to the jury.

David Dillon is sworn and testifies.

10:50 a.m. Court stands at recess.

11:05 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.

David Dillon resumes the stand and testifies further.

The witness is excused.

Defendant rests.

11:11 a.m. The jury is excused while court remains in session.

Plaintiff moves for directed verdict.

IT IS ORDERED denying Plaintiff's motion for directed verdict.

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11:14 a.m. The jury is excused until 11:00 a.m. on March 4, 2010.

11:16 a.m. Court stands at recess.

11:37 a.m. Court reconvenes with respective parties and counsel present.

The jury is not present.

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

Court and counsel settle the final jury instructions.

12:28 p.m. Court stands at recess until 10:30 a.m. on March 4, 2010.

FILED: Deposition of Greg Yurkiw dated January 19, 2010 and Juror Question.

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