

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-007263

03/01/2016

HON. RANDALL H. WARNER

CLERK OF THE COURT  
K. Ballard  
Deputy

JEFFREY SALLUS, et al.

JAMES ROBERT ECKLEY

v.

SUNRISE DESERT VISTAS PROPERTY  
OWNERS ASSOCIATION INC, et al.

GUY W BLUFF

LARRY D LANGLEY

TRIAL MINUTE ENTRY  
DAY 6

**Courtroom: ECB-512**

9:34 a.m. Jury trial continues from February 29, 2016. Plaintiffs Jeffrey Sallus and Suzanne Sallus are present and represented by Counsel John Harris (appearing in place of James Robert Eckley). Defendants Grace Violette, Bernard Potof, Joyce Strole, Ronald Holewinski, and Rosie Holewinski are present and represented by Counsel Larry D. Langley and Kathleen M. Langley, who also represent Defendants Sunrise Desert Vistas Property Owners Association, Inc., Liz Potof and Ron Strole. The Jury is not present.

Court Reporter Luz Franco is present. A record of the proceedings is also made by audio and/or videotape.

The court advises the Jury of the law applicable to this case.

Closing arguments are presented.

11:03 a.m. Court stands at recess.

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11:21 a.m. Court reconvenes with respective counsel and the parties present. The Jury is present.

Court Reporter Luz Franco is present. A record of the proceedings is also made by audio and/or videotape.

Closing arguments continue.

11:58 a.m. Court stands at recess.

1:33 p.m. Court reconvenes with respective counsel and the parties present. The Jury is present.

Court Reporter Luz Franco is present. A record of the proceedings is also made by audio and/or videotape.

Closing arguments continue.

The court reads the closing instruction.

FILED: Final Jury Instructions

Jurors 5 and 7 are selected by lot as the alternate jurors and excused from further consideration of this case; subject to recall.

2:37 p.m. The Jury retires in charge of the sworn bailiffs to consider its verdicts.

The court addresses counsel regarding logistical issues.

**IT IS ORDERED** setting the following briefing schedule on non-jury trial issues.

- Plaintiffs' opening brief shall be filed by **March 18, 2016**.
- Defendants' responsive brief shall be filed by **April 1, 2016**.
- Plaintiffs' reply brief shall be filed by **April 8, 2016**.

After reviewing the briefs, the court will determine whether oral argument is necessary.

The court has received a question from the Jury. The question is read into the record and discussed. Based thereon, a written answer will be provided via the bailiff.

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2:42 p.m. Court stands at recess.

FILED: Jury Question

3:04 p.m. Court reconvenes with Defendants' counsel present. The Jury is not present.

Court Reporter Luz Franco is present. A record of the proceedings is also made by audio and/or videotape.

The court's staff has been unable to contact Plaintiffs' counsel; therefore, the court will proceed in his absence.

The court has received a question from the Jury. The question and the court's proposed answer are read into the record and briefly discussed. Based thereon, the written answer will be provided via the bailiff.

3:05 p.m. Court stands at recess.

4:19 p.m. Court reconvenes with respective counsel and the parties present.

Court Reporter Luz Franco is present. A record of the proceedings is also made by audio and/or videotape.

The Jury is all present in the jury box and by its Foreperson returns into court its verdicts, which are read and recorded by the clerk, and are as follows:

**Verdict 1(a)**

“On Plaintiff Suzanne Sallus's claims against Defendant Grace Violette for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Violette:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(b)**

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“On Plaintiff Suzanne Sallus’s claims against Defendant Bernard Potof for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Potof:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(c)**

“On Plaintiff Suzanne Sallus’s claims against Defendant Joyce Strole for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Strole:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(d)**

“On Plaintiff Suzanne Sallus’s claims against Defendant Ronald Holewinski for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Holewinski:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(e)**

“On Plaintiff Suzanne Sallus’s claims against Defendant Rosie Holewinski for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Holewinski:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(f)**

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“On Plaintiff Suzanne Sallus’s claims against Defendant Sunrise Desert Vistas Property Owners Association for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant Association:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 4**

“On the Plaintiff Trust’s claim against the Defendant Association for breach of contract, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find:

  X   For the Association.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(ff)**

“On Plaintiff Jeffrey Sallus’s claims against Defendant Sunrise Desert Vistas Property Owners Association for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant Association:

  X   Not Liable.”

This verdict form has been signed by the following jurors: Juror 4, Juror 6, Juror 2, Juror 1, Juror 10, and Juror 8.

**Verdict 1(ee)**

“On Plaintiff Jeffrey Sallus’s claims against Defendant Rosie Holewinski for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Holewinski:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(dd)**

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“On Jeffrey Sallus’s claims against Defendant Ronald Holewinski for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Holewinski:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(cc)**

“On Plaintiff Jeffrey Sallus’s claims against Defendant Joyce Strole for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Strole:

  X   Not Liable.”

This verdict form has been signed by the following jurors: Juror 4, Juror 6, Juror 2, Juror 1, Juror 10, and Juror 8.

**Verdict 1(bb)**

“On Plaintiff Jeffrey Sallus’s claims against Defendant Bernard Potof for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Potof:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

**Verdict 1(aa)**

“On Plaintiff Jeffrey Sallus’s claims against Defendant Grace Violette for defamation and false light, we, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find Defendant Violette:

  X   Not Liable.”

The verdict is unanimous and signed by the Foreperson, Juror 8.

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The jurors reply that these are their true verdicts.

FILED: Verdicts (21)

The Jury is thanked by the court, released from the admonition and excused from further consideration of this case.

4:27 p.m. The Jury is excused from the courtroom; court remains in session.

The court addresses the parties regarding logistical issues.

Pursuant to the verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Forms

FILED: Exhibit Worksheet, Trial/Hearing Worksheet, Jury Note, and Jury List

4:29 p.m. Trial concludes.

**Later:**

**IT IS ORDERED** that the jury fees be assessed against Plaintiffs Jeffrey Sallus and Suzanne Sallus, in the amount of **\$1,696.20**, all in accordance with the formal written Judgment for Jury Fees signed by the court on March 1, 2016 and filed (entered) by the clerk on March 1, 2016.