

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-013188

03/27/2008

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT  
C. Castro  
Deputy

CRAIG EARLY, et al.

STEPHEN L TUNNEY

v.

TATUM RANCH HOMEOWNERS  
ASSOCIATION, et al.

STEPHEN W TULLY

TRIAL MINUTE ENTRY  
DAY 1

Courtroom 704 – Central Court Building

Prior to the commencement of Trial, Plaintiffs' Exhibits 1 through 56 and Defendants' Exhibits 57 through 61 are marked for identification.

9:28 a.m. This is the time set for Trial to a Jury. Plaintiffs, Craig and Jill Early are present with counsel, Stephen L. Tunney. Defendants, Tatum Ranch Homeowners Association are represented by counsel, Stephen W. Tully.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

Trial scheduling and preliminary matters are discussed.

**IT IS ORDERED** *nunc pro tunc* correcting the Final Pretrial Management Conference minute entry dated March 10, 2008, page 2, by **eliminating** the following order:

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*“If all 9 jurors remain at the close of evidence, the parties have agreed that all jurors shall deliberate and that a verdict of 7 of 9 will be sufficient to render a verdict.”*

The balance of the minute entry remains.

9:54 a.m. Court stands at recess.

10:07 a.m. Court resumes with respective counsel and parties present.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

The entire jury panel is present.

Voir dire examination of prospective jurors.

Jurors # 5, 9, and 17 are excused for cause and replaced with jurors # 20, 21, and 22.

10:57 a.m. Bench conference is held.

Counsel pass the panel.

11:00 a.m. Court stands at recess.

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

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

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

**FILED:** Jury List

The Preliminary Instructions are read to the jury by the court.

**FILED:** Preliminary Instructions

11:52 a.m. The jury panel is admonished and court stands at recess.

1:27 p.m. Court resumes with respective counsel and parties present.

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A record of the proceedings is made by CD/videotape in lieu of a court reporter.

The jury is not present.

Pursuant to stipulation of the parties,

Plaintiffs' Exhibits 1, 2, 3, 7, 8, 9, 11, 13, and 15 are received in evidence.

Defendants' Exhibits 57 and 59 are received in evidence.

1:29 p.m. The jury returns to the courtroom and trial proceeds.

Opening statements are presented.

Plaintiffs' case:

Craig Early is sworn and testifies.

Plaintiffs' Exhibit 4 is received in evidence.

Plaintiffs' Exhibit 5 is received in evidence.

Plaintiffs' Exhibit 6 is offered and not received in evidence.

Plaintiffs' Exhibit 10 is received in evidence.

Bench conference is held.

Plaintiffs' Exhibit 12 is offered and not received in evidence.

Plaintiffs' Exhibit 14 is received in evidence.

Plaintiffs' Exhibit 16 is received in evidence.

Plaintiffs' Exhibit 17 is received in evidence.

Bench conference is held.

Plaintiffs' Exhibit 19 is offered and not received in evidence.

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2:59 p.m. The jury is excused from the courtroom and court stands at recess.

3:18 p.m. Court resumes with respective counsel and parties present.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

The jury returns to the courtroom and trial proceeds. .

Craig Early continues to testify.

Plaintiffs' Exhibit 31 is received in evidence.

Bench conference is held.

Plaintiffs' Exhibit 32 is offered and not received in evidence.

Bench conference is held.

Jill Early is sworn and testifies.

Plaintiffs' Exhibit 33 is received in evidence.

Plaintiffs' Exhibit 36 is received in evidence.

Plaintiffs' Exhibit 20 is offered and not received in evidence.

Bench conference is held.

Plaintiffs' Exhibit 22 is offered and not received in evidence.

The jury is excused for the evening recess.

4:20 p.m. Court stands at recess until 9:30 a.m., March 28, 2008.