

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-013188

03/28/2008

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 2

Courtroom 704 – Central Court Building

**FILED:** Deposition of Craig L. Early dated November 14, 2007

**FILED:** Deposition of Jill E. Early dated November 14, 2007

9:29 a.m. Trial to a Jury continues from March 27, 2008. 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.

Conference is conducted between the court, counsel, and Juror # 4.

9:36 a.m. The jury is now present.

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Plaintiffs' case continues:

Sean Bodkin is sworn and testifies.

Bench conference is held.

The witness is excused.

10:13 a.m. The jury is excused from the courtroom and court stands at recess.

10:33 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.

Bench conference is held.

The jury returns to the courtroom and trial proceeds.

Rick Nowell is sworn and testifies.

The witness is excused subject to recall.

Plaintiffs' rest.

Bench conference is held.

Defendants' case:

Rick Nowell resumes the stand and testifies further.

The court has received a juror question, same is discussed with counsel and the court asks the witness the question.

**FILED:** Juror Question (1)

The witness is excused.

Bench conference is held.

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11:24 a.m. The jury is excused from the courtroom; court remains in session.

Counsel for the Plaintiffs makes a motion for judgment as a matter of law.

Oral argument is presented.

**IT IS ORDERED** denying Plaintiffs' motion for judgment as a matter of law.

Counsel for the Defendants makes a motion for judgment as a matter of law.

Oral argument is presented.

**IT IS ORDERED** taking this matter under advisement.

11:38 a.m. Court stands at recess.

1:35 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 is not present.

For the reasons stated on the record,

**IT IS ORDERED** denying Defendants' motion for judgment as a matter of law.

Defendants rest.

1:44 p.m. The jury returns to the courtroom and are instructed to return at 9:30 a.m.,  
April 1, 2008; court remains in session.

Discussion is held regarding jury instructions.

1:46 p.m. Court stands at recess.

3:11 p.m. Court resumes with respective counsel and parties present.

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Instructions are settled and verdicts are prepared.

Counsel stipulate that the alternate juror shall not be excused and the entire jury panel of nine shall deliberate with a verdict of 7 of 9 being sufficient.

3:45 p.m. Court stands at recess until 9:30 a.m., April 1, 2008.