

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-015126

07/11/2006

HONORABLE ROBERT E. MILES

CLERK OF THE COURT
K. Ballard
Deputy

FILED: 07/12/2006

EAGLE MOUNTAIN COMMUNITY
ASSOCIATION

WILLIAM F SHORE III

v.

EAGLE MOUNTAIN INVESTORS L L C

WILLIAM A NEBEKER

TRIAL MINUTE ENTRY
DAY 1

Prior to the commencement of trial, Plaintiff's exhibits 1-116 and Defendant's exhibits 126-376 are marked for identification.

Pursuant to the stipulation of counsel during the June 30, 2006 Pretrial Management Conference,

Plaintiff's exhibits 1-39, 41-88, 93, 95, 96, 98-116 and Defendant's exhibits 126-376 are received in evidence.

FILED:

1. Deposition of David R. Perry, dated June 28, 2006
2. Deposition of Steven Michael Pritulsky, dated May 4, 2006
3. Deposition of John F. Suriano, dated May 5, 2006
4. Deposition of J. David Deatherage, dated June 13, 2006
5. Deposition of Robert W. McMichael, dated June 16, 2006

10:37 a.m. This is the time set for Jury Trial. Plaintiff is represented by counsel, William F. Shore. Defendant is represented by counsel, William A. Nebeker and Marcus D. Tappe. Also present are various members of the Plaintiff Association and an officer representative of the Defendant. The prospective jury panel is present.

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A digital audio and video recording of this proceeding is being made by the "For the Record" recording system in lieu of a court reporter.

Voir dire examination.

12:09 p.m. Court stands at recess.

12:11 p.m. Court reconvenes with respective counsel and the party representatives present. The jury is not present.

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The Court advises counsel of the jurors the Court is inclined to excuse due to hardships and/or conflicts. Based thereon, certain jurors are stricken.

Counsel pass the panel for cause.

12:16 p.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective counsel and the party representatives present.

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Ten (10) persons are selected and sworn to act as trial jurors in this case.

FILED: Jury List

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

FILED: Preliminary Instructions

Opening statements.

2:55 p.m. Court stands at recess.

3:21 p.m. Court reconvenes with respective counsel and the party representatives present. The jury is present.

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Opening statements continue.

4:28 p.m. Court stands at recess until 9:30 a.m. on July 12, 2006.