

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-015126

07/18/2006

HONORABLE ROBERT E. MILES

CLERK OF THE COURT
T. Melius
Deputy

FILED: 07/21/2006

EAGLE MOUNTAIN COMMUNITY
ASSOCIATION

WILLIAM F SHORE III

v.

EAGLE MOUNTAIN INVESTORS L L C

WILLIAM A NEBEKER

TRIAL MINUTE ENTRY
DAY 5

Prior to beginning of trial, Defendant's exhibit 380 and 381 are marked for identification.

9:32 a.m. Trial to a jury continues from July 14, 2006. Plaintiff is represented by counsel, William F. Shore, III. Defendant is represented by counsel, William A. Nebeker and Marcus Tappe. Also present are various members of the Plaintiff Association and an officer representative of the Defendant. The jury is present.

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.

Plaintiff's case continues:

Stefen Gustafson is sworn and testifies.

10:48 a.m. Court stands at recess.

11:07 a.m. Court reconvenes with respective counsel and the party representatives present. The jury is present.

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Stefen Gustafson resumes the stand and testifies further.

The witness is excused.

The parties stipulate to allow the testimony of a defense witness out of order.

John Suraino is sworn and testifies.

Defendant's exhibit 381 is received in evidence.

11:57 a.m. Court stands at recess.

1:29 p.m. Court reconvenes with respective counsel and the party representatives present. The jury is present.

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Scott Randall Smith is sworn and testifies.

The Court receives questions from the jury. Court and counsel discuss the same outside of the hearing of the jury.

The witness testifies further.

FILED: Jury Questions (2)

2:49 p.m. Court stands in recess.

3:05 p.m. Court reconvenes with respective counsel and the party representatives present. The jury is present.

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Randy Harrel is sworn and testifies.

The Court receives a question from the jury. Court and counsel discuss the same outside of the hearing of the jury.

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The witness testifies further.

FILED: Jury Question (1)

The witness is excused.

Plaintiffs rest.

Defendants' Case:

John Suriano resumes the stand and testifies further.

The witness is excused.

4:07 p.m. The jury is excused until 9:30 a.m. on July 19, 2006.

Court remains in session.

Trial schedule is discussed off the record.

4:13 p.m. Court stands in recess.