

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2012-017609

08/12/2013

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT  
T. Springston  
Deputy

PENELOPE JOHNSON

CHRISTOPHER A LAVOY

v.

POINTE SOUTH MOUNTAIN RESIDENTIAL  
ASSOCIATION, THE

BRIAN W MORGAN

PAUL R NEIL  
CHAD M GALLACHER

**BENCH TRIAL  
DAY 1**

Prior to commencement of trial, Plaintiff's Exhibits 1 through 38; and 87 through 103 are marked for identification. Defendant's Exhibits 39 through 86; and 104 through 118 are marked for identification.

**FILED:** Deposition of Barry Smith, dated June 28, 2013

9:59 a.m. This is the time set for Trial to the Court. Plaintiff is present with counsel, Christopher LaVoy. Defendant is represented by counsel, Paul R. Neil and Chad M. Gallacher.

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

Discussion is held regarding Exhibits and scheduling.

Plaintiff's Exhibits 4; 6; 8; 11; 13; 14; 19 through 27; 33 through 38; 87; 88; 90 through 94; 96; 98 through 103 are received in evidence.

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Defendant's Exhibits 45; 47; 52 through 54; 104 through 109; 111 through 118 are received in evidence.

Opening statements.

Plaintiff's case:

Mike P. Harris is sworn and testifies.

12:01 p.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective counsel and parties present.

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

Mike P. Harris continues to testify.

Mike P. Harris is excused.

Kathleen Daurio is sworn and testifies.

Kathleen Daurio is excused.

Steven J. Schloeder is sworn and testifies.

Steven J. Schloeder is excused.

3:04 p.m. Court stands at recess.

3:25 p.m. Court reconvenes with respective counsel and parties present.

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

Penelope Johnson is sworn and testifies.

4:47 p.m. Court stands at recess until 9:30 a.m. August 13, 2013.

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**BEFORE FILING ANY DISCOVERY MOTION**, parties are instructed to contact this division for an informal teleconference. Division contact information: Judicial Assistant, Mary Farmer, phone: (602)506-0816.

**For copies of hearings or trial proceedings recorded, please call Electronic Records Services at (602)506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call (602)506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

Pursuant to Part 1, Chapter 6, Section 1-602 D (4)(a), of the Arizona Code of Judicial Administration, **if a court reporter is present**, the court reporter's record is the official record and requests for transcripts shall be made by contacting the court reporter at (602)506-6100 or email request to [lineburgc@superiorcourt.maricopa.gov](mailto:lineburgc@superiorcourt.maricopa.gov).

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.