

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-090103

08/21/2017

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

TAPESTRY ON CENTRAL L L C

RYAN J LORENZ

v.

TAPESTRY ON CENTRAL CONDOMINIUM
ASSOCIATION, et al.

KEVIN P NELSON

MICHAEL A WRAPP
CHRISTOPHER T CURRAN

TRIAL
DAY ONE

Prior to the commencement of today's proceeding, Plaintiff's exhibits 1 -169 and Defendants' exhibits 170 – 526 are marked for identification.

Courtroom 207 – SEF

9:28 a.m. This is the time set for Jury Trial. Counsel, Ryan J. Lorenz and Christopher T. Curran, are present on behalf of Plaintiff (managing member, Yair Ben Moshe, is present) . Counsel, Kevin P. Nelson and Michael A. Wrapp, are present on behalf of Defendants (Emery Jensen is also present). The prospective jurors are not present.

Court Reporter, Scott Coniam, is present. The proceedings are audio recorded via FTR for the Court's use only.

The Court has received and reviewed Plaintiff's Motion to Continue Trial.

Counsel for Defendants states his objections to the Motion to Continue.

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For reasons expressed on the record,

IT IS ORDERED denying Plaintiff's Motion to Continue Trial.

The Court suggests that counsel confer and use their best efforts in the next two weeks to depose Yair Ben Moshe with the assistance of an outside interpreter for purposes of trial testimony.

9:45 a.m. Court stands at recess.

10:06 a.m. Court reconvenes with the parties and respective counsel present. The prospective jurors are not present.

Court Reporter, Scott Coniam, is present. The proceedings are audio recorded via FTR for the Court's use only.

Counsel for Defendants raises an issue relating to the inclusion of tortious interference in the statement of the case to be read to the jury. Counsel for Plaintiff addresses the Court regarding the statement.

The Court declines to modify the statement of the case contained in the Preliminary Jury Instructions.

FILED: Deposition of William Acorn dated December 16, 2015;
Deposition of Eric Alden dated March 30, 2016;
Deposition of Uzrad Lew dated August 20, 2015;
Deposition of Andrew Karic dated December 23, 2015;
Deposition of David Maimon dated June 23, 2015;
Videotaped Deposition of Yair Ben-Moshe dated June 18, 2015 (Volume I);
Deposition of Yair Ben-Moshe dated November 12, 2015 (Volume II); and
Deposition of Yair Ben-Moshe dated November 24, 2015 (Volume III)

10:13 a.m. Court stands at recess.

10:33 a.m. Court reconvenes with the parties and respective counsel present. The prospective jurors are present.

Court Reporter, Scott Coniam, is present. The proceedings are audio recorded via FTR for the Court's use only.

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A statement of the case is read to the jury.

Voir dire examination of prospective jurors.

12:11 p.m. The prospective jurors are excused from the courtroom. Court remains in session.

Strikes for cause and hardship for jurors are discussed. Juror number 2, 6, 10, 14, 18, 19, 21, 25, 27, 30, 31, 32, 36 and 40 are struck for hardship.

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

12:39 p.m. Court reconvenes with the parties and respective counsel present. The prospective jurors are present.

Court Reporter, Scott Coniam, is present. The proceedings are audio recorded via FTR for the Court's use only.

Voir dire examination of prospective jurors resumes.

1:11 p.m. The prospective jurors are excused from the courtroom. Court remains in session.

LET THE RECORD REFLECT juror number 4 is present in the courtroom outside the presence of the other prospective jurors. Juror number 4 provides further explanation regarding previous questions asked.

Strikes for cause and hardship for jurors are discussed. Juror number 3, 17, 23, 26, 29 and 33 are struck for hardship. Juror number 35 is struck for cause. Each party will be allowed 5 peremptory strikes.

Plaintiff's motion to strike juror number 4 is denied.

Counsel pass the panel.

1:23 p.m. Court stands at recess.

1:25 p.m. Court reconvenes with the parties and respective counsel present. The prospective jurors are not present.

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LET THE RECORD REFLECT juror number 16 advised the Court's Judicial Assistant during a prior recess of her difficulty to serve on this jury for employment reasons. Counsel stipulate to the excusal of juror number 16.

1:26 p.m. Court stands at recess.

2:06 p.m. Court reconvenes with the parties and respective counsel present. The prospective jurors are present.

Court Reporter, Scott Coniam, is present. The proceedings are audio recorded via FTR for the Court's use only.

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

2:11 p.m. The jury is admonished and will reconvene at 3:15 p.m. Court remains in session.

Discussion is held regarding procedural matters.

2:13 p.m. Court stands at recess.

3:23 p.m. Court reconvenes with the parties and respective counsel present. The jury is present in the courtroom.

Court Reporter, Scott Coniam, is present. The proceedings are audio recorded via FTR for the Court's use only.

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

FILED: Preliminary Jury Instructions

Opening statements are presented.

4:50 p.m. The jury is reminded of previous admonitions and excused from the courtroom. The jury will reconvene at 9:30 a.m. on August 22, 2017. Court remains in session.

Counsel for Plaintiff addresses the Court relating to the deposition of Jeff Hall.

Counsel for Defendants state their objections to the deposition of Mr. Hall.

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For reasons expressed on the record, the deposition of Jeff Hall should be completed. Counsel shall be prepared to address the relevancy of the deposition and its use during trial prior to the resumption of trial on August 22, 2017. Counsel are to use their best efforts to confer regarding the purpose of Mr. Hall's deposition.

4:58 p.m. Court stands at recess until 9:30 a.m. on August 22, 2017.