

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-090103

08/22/2017

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 TWO

Courtroom 207 – SEF

9:18 a.m. Trial to jury continues from August 21, 2017. Counsel, Ryan J. Lorenz and Christopher T. Curran, appear on behalf of Plaintiff (managing member, Yair Ben Moshe, is present). Counsel, Kevin P. Nelson and Michael A. Wrapp, appear on behalf of Defendants (Emery Jensen is also present). The jury is 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 File Under Seal filed on August 18, 2017, which seeks to file testimony and documents within the personal knowledge of Cynthia Futter and Robert Frisbee.

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IT IS ORDERED allowing Plaintiff to incorporate by reference the documents already attached to the Motion for Reconsideration, which was previously denied by the Court. Plaintiff's Motion to File Under Seal is **denied**.

The Court has also received and reviewed Plaintiff's Fourth Motion *in Limine* Regarding Expert Witnesses filed on August 18, 2017.

IT IS ORDERED that Plaintiff's Fourth Motion *in Limine* Regarding Expert Witnesses is granted in part. Defendants' witness, Larry Ortega, is excluded as an expert witness. Defendants' witness, Landen Grote, may testify as a fact witness.

Discussion is held relating to a family emergency involving juror number 2.

Upon the agreement of counsel,

IT IS ORDERED that juror number 2 is excused from further service on the jury in this matter.

Discussion is held regarding procedural matters.

9:46 a.m. Court stands at recess.

9:53 a.m. Court reconvenes with the parties and respective counsel present. The jury is present.

Plaintiff's case:

Dennis Kolodin is sworn and testifies.

Defendants' exhibits 212, 236, 324 and 352 are received in evidence.

Plaintiff's exhibits 5 and 6 are received in evidence.

11:11 a.m. The jury is reminded of previous admonitions and excused from the courtroom. Court stands at recess.

11:35 a.m. Court reconvenes with the parties and respective counsel present. The jury is present.

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

Dennis Kolodin resumes testimony for purposes of direct examination.

Plaintiff's exhibit 10 is received in evidence.

12:27 p.m. The jury is reminded of previous admonitions and excused from the courtroom. The jury will reconvene at 1:45 p.m. Court stands at recess.

1:50 p.m. Court reconvenes with the parties and respective counsel present. The jury is present.

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

Dennis Kolodin resumes testimony for purposes of cross-examination.

Defendants' exhibits 208, 224, 225, 228, 229, 232, 233, 234, 237-240, 246 and 300 are received in evidence.

The witness is excused.

Andrew Karic is sworn and testifies.

2:50 p.m. The jury is reminded of previous admonitions and excused from the courtroom. Court stands at recess.

3:09 p.m. Court reconvenes with the parties and respective counsel present. The jury is present.

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

Andrew Karic resumes testimony for purposes of direct examination.

Plaintiff's exhibits 3 and 4 are received in evidence.

Plaintiff's exhibit 167 is offered but not received in evidence.

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The witness is excused.

Howard Kunkle is sworn and testifies.

4:27 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 23, 2017. Court remains in session.

Plaintiff's exhibit 151 is received in evidence.

Discussion is held concerning issues relating to the testimony of Jim Ehinger.

4:37 p.m. Court stands at recess until 9:30 a.m. on August 23, 2017.