

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-090103

08/23/2017

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 THREE

Courtroom 207 – SEF

9:26 a.m. Trial to jury continues from August 22, 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.

Counsel for Plaintiff advises the Court that an agreement has not been reached regarding the deposition of Jeff Hall.

Based on the argument of counsel and for reasons expressed on the record,

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THE COURT FINDS that a deposition of Jeff Hall is not necessary. Plaintiff's position concerning the deposition of Jeff Hall is deemed a motion to extend the discovery time without establishment of good cause. The Court finds insufficient cause to require Mr. Hall to participate in a deposition. To the extent that Plaintiff can facilitate the appearance and testimony of the witness, Mr. Hall may testify at trial in this matter.

9:52 a.m. Court stands at recess.

10:06 a.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.

Continuation of Plaintiff's case:

Howard Kunkle, previously sworn on August 22, 2017, now resumes testimony for purposes of direct examination.

Plaintiff's exhibits 168 and 169 are received in evidence.

Defendants' exhibits 180-190 and 244 are received in evidence.

Discussion is held regarding questions posed by the jury. Two of the three questions are asked and answered on the record by the witness.

FILED: jury questions

The witness is excused.

Emery Jensen is sworn and testifies.

12:02 p.m. The jury is reminded of previous admonitions and excused from the courtroom. The jury will reconvene at 1:30 p.m. Court stands at recess.

1:32 p.m. Court reconvenes with the parties and respective counsel present. The jury is present.

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Emery Jensen resumes testimony for purposes of direct examination.

Plaintiff's exhibit 41 is received in evidence.

Defendants' exhibit 425 is received in evidence.

IT IS ORDERED upon conclusion of this trial, Defendants' exhibit 425 shall be sealed, not to be opened without further Order of the Court.

3:07 p.m. The jury is reminded of previous admonitions and excused from the courtroom. Court stands at recess.

3:26 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.

Emery Jensen resumes testimony for purposes of cross-examination.

Defendants' exhibits 197, 248, 254, 268, 305, 497, 506, 517-520 and 523 are received in evidence.

4:33 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 24, 2017. Court remains in session.

Discussion is held regarding procedural matters.

4:34 p.m. Court stands at recess until 9:30 a.m. on August 24, 2017.