

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-090103

08/24/2017

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

TAPESTRY ON CENTRAL L L C, et al.

RYAN J LORENZ

v.

TAPESTRY ON CENTRAL CONDOMINIUM
ASSOCIATION, et al.

KEVIN P NELSON

MICHAEL A WRAPP
CHRISTOPHER T CURRAN

TRIAL
DAY FOUR

Courtroom 207 – SEF

9:21 a.m. Trial to jury continues from August 23, 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.

Notwithstanding the invocation of Rule 615, counsel for Defendants makes an oral motion to allow his expert to review two transcripts of fact witnesses and the transcript of Randall Clemson, who is scheduled to testify today.

Counsel for Plaintiff states his objections.

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IT IS ORDERED granting Defendants' oral motion.

9:27 a.m. Court stands at recess.

9:35 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:

Randall Clemson is sworn and testifies.

The witness is excused.

10:46 a.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.

11:08 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.

Emery Jensen, previously sworn on August 23, 2017, now resumes testimony.

Plaintiff's exhibit 20 is received in evidence.

The witness is excused.

11:54 a.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.

11:58 a.m. Court reconvenes with the parties and respective counsel 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.

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Argument is presented on Plaintiff's Fifth Motion *in Limine* Regarding Tom Johnston filed on August 24, 2017.

For reasons expressed on the record,

IT IS ORDERED denying Plaintiff's Fifth Motion *in Limine* Regarding Tom Johnston.

Discussion is held regarding the order of the remaining witnesses. Plaintiff shall let Defendants definitively know what witnesses they intend to call for the second week of trial.

Further discussion is held regarding managing member of Plaintiff, Yair Ben Moshe's, request for a court interpreter to assist with his trial testimony. Counsel advise the Court that a court contracted interpreter will be available for the second week of trial.

12:17 p.m. Court stands at recess.

1:39 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.

Julia Brown is sworn and testifies out of order.

Defendants' exhibits 241, 261 and 274 are received in evidence.

The witness is excused.

2:36 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 28, 2017. Court remains in session.

Discussion is held regarding procedural matters.

2:37 p.m. Court stands at recess until 9:30 a.m. on August 28, 2017.