

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-090103

08/28/2017

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 FIVE

Courtroom 207 – SEF

9:38 a.m. Trial to jury continues from August 24, 2017. Counsel, Ryan J. Lorenz, appears on behalf of Plaintiff. 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.

Discussion is held regarding the deposition designations.

Counsel for Plaintiff raises a concern relating to a question posed by the jury for witness Howard Kunkle relating to allocation of the parking spaces. Counsel should include positions regarding the parking spaces in their closing arguments to the jury.

9:49 a.m. Court stands at recess.

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9:52 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:

James Ehinger is sworn and testifies.

**LET THE RECORD REFLECT** it is now 11:09 a.m., managing member of Plaintiff, Yair Ben Moshe, is present in the courtroom.

Defendants' exhibit 412 is received in evidence.

11:28 a.m. The jury is reminded of previous admonitions and excused from the courtroom. Court stands at recess.

11:46 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.

James Ehinger resumes testimony for purposes of re-direct examination.

The witness is excused.

12:21 p.m. The jury is reminded of previous admonitions and excused from the courtroom. The jury will reconvene at 1:45 p.m. Court remains in session.

The Court notes Defendants' Notice of Filing California Petition to Stay Deposition of Jeffrey Hall and to Quash Notice of Deposition and Subpoena filed on August 24, 2017.

12:22 p.m. Court stands at recess.

1:47 p.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.

William Acorn is sworn and testifies.

2:43 p.m. The jury is reminded of previous admonitions and excused from the courtroom. Court remains in session.

Procedural matters concerning testimony of the witnesses and use of the exhibits are discussed.

2:52 p.m. 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.

William Acorn resumes testimony for purposes of cross-examination.

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

**FILED:** jury questions

The witness is excused.

3:38 p.m. The jury is reminded of previous admonitions and excused from the courtroom. Court stands at recess.

4:17 p.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.

**LET THE RECORD REFLECT** based on the time remaining for trial today, the jury is excused and will reconvene at 9:30 a.m. on August 29, 2017.

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Discussion is held regarding disputed deposition designations.

**LET THE RECORD REFLECT** the designations are settled and will be read to the jury as indicated on the record.

Discussion is held regarding procedural matters relating to the outside interpreter. Counsel for Plaintiff may prepare a statement and present the same to Mr. Nelson and the Court for review concerning Mr. Ben Moshe's use of an interpreter during his testimony.

4:58 p.m. Court stands at recess until 9:30 a.m. on August 29, 2017.