

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-051912

08/31/2015

HON. ROGER E. BRODMAN

CLERK OF THE COURT
D. Harding
Deputy

MELISSA SKINNER

MICHAEL DAY MORGAN

v.

MILANO TERRACE PRIVATE RESIDENCES
CONDOMINIUM ASSOCIATION

NATHAN T METZGER

TRIAL MINUTE ENTRY
DAY 1

Courtroom ECB-413

Prior to commencement of trial, Plaintiff's Exhibits 1-58 and Defendant's Exhibits 60-113 are marked for identification.

The Rule of Exclusion has been invoked by stipulation as stated in the Joint Pre-Trial Statement filed on August 14, 2015.

FILED: Deposition of Douglas P. Hartzler, MD dated August 6, 2015
Deposition of Dawn Eileen Martinski dated May 13, 2015
Deposition of Paul M. Petelin, MD dated August 21, 2014
Deposition of Melissa Lee Skinner dated May 27, 2014
Deposition of Brianna Fagan dated June 6, 2014
Deposition of Frank Edward Gomer, Ph.D. dated November 13, 2014
Deposition of Karen Turney dated April 3, 2014
Deposition of Tom Van Epps dated July 14, 2015
Deposition of Chris Canetta dated June 6, 2014
Deposition of Douglas P. Hartzler, MD dated November 3, 2014

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9:24 a.m. This is the time set for trial to jury. Plaintiff is present and represented by counsel, Michael D. Morgan and Andrew R. Peshek. Defendant is represented by counsel, Nathan T. Metzger and Perry E. Casazza.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The jury is not present.

Discussion is held regarding the videotaped deposition of Douglas P. Hartzler, MD.

9:30 a.m. Court stands in recess.

9:35 a.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The prospective jury panel is present and sworn.

Voir dire examination of jurors proceeds.

Juror numbers 2, 5, 6, 8, 15, 17, 18, 22 and 26 are excused for hardship as jurors in this case.

11:03 a.m. Prospective jurors are excused and Court remains in session.

Jurors 21 and 35 return to the courtroom and are questioned further.

11:09 a.m. Court stands in recess.

11:23 a.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prospective jurors are present.

Voir dire continues.

12:02 p.m. Prospective jurors are admonished and leave the courtroom.

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Court remains in session.

Plaintiff moves to strike jurors 13, 14, 23 and 35.

Good cause having been shown,

Jurors 14 and 23 are struck for cause.

Defendant moves to strike jurors 20 and 27.

Good cause having been shown,

Juror 27 is struck for cause.

Counsel passes the panel.

12:13 p.m. Court stands in recess.

1:28 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Trial jurors selected in this case are seated.

Nine (9) persons are selected and sworn to act as trial jurors in this cause.

The Court reads the Preliminary Jury Instructions.

FILED: Preliminary Jury Instructions.

Opening statements are presented.

Karen Turney is sworn and testifies.

Plaintiff's exhibit 27 is received in evidence.

Defendant's exhibits 102 and 103 are received in evidence.

Plaintiff's exhibit 114, one photo having been removed from Plaintiff's exhibit 46, is marked for identification and received in evidence.

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3:00 p.m. Court stands in recess.

3:20 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Juror 9 returns to the courtroom and is questioned further.

The jury is present.

Karen Turney resumes the stand and testifies further.

The witness is excused.

Brianna Fagan is sworn and testifies.

The witness is excused.

Scheduling issues are discussed.

4:28 p.m. The jury is excused until **September 1, 2015 at 9:30 a.m.**

Court remains in session.

Witness scheduling is discussed.

4:40 pm. Court is adjourned.