

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-051912

09/02/2015

HON. ROGER E. BRODMAN

CLERK OF THE COURT
S. Hack
Deputy

MELISSA SKINNER

MICHAEL DAY MORGAN

v.

MILANO TERRACE PRIVATE RESIDENCES
CONDOMINIUM ASSOCIATION

NATHAN T METZGER

TRIAL MINUTE ENTRY
DAY 3

Courtroom ECB-413

9:39 a.m. Trial to jury continues from September 1, 2015. Plaintiff is present and represented by counsel, Michael D. Morgan and Andrew R. Peshek. Defendant is represented by counsel, Nathan T. Metzger.

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 technical issues.

9:43 a.m. The jury is present.

The playing of the videotaped deposition of Dr. Douglas P. Hartzler is interrupted to allow for live video testimony of Dr. Frank Gomer.

Dr. Frank Gomer is sworn and testifies via contemporaneous transmission.

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10:45 a.m. The Court stands at recess.

11:02 a.m. Court reconvenes with the parties and respective counsel present.

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The jury is present.

The court resumes playing the videotaped deposition of Dr. Douglas P. Hartzler from where the videotape was stopped on September 1, 2015.

12:00 p.m. The jury is excused for lunch.

Discussion is held regarding the trial schedule.

12:14 p.m. The Court stands at recess.

1:02 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.

The jury is present.

The court resumes playing the videotaped deposition of Dr. Douglas P. Hartzler.

Plaintiff rests.

2:01 p.m. The jury is excused.

Court remains in session.

Defendant makes oral motion for directed verdict regarding medical necessity.

Oral argument is held.

For reasons stated on the record,

IT IS ORDERED denying defendant's Motion for Directed Verdict.

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Plaintiff makes oral motion for jury instructions on negligence per se.

Oral argument is held.

For reasons stated on the record,

IT IS ORDERED taking plaintiff's Motion for Jury Instructions on Negligence Per Se under advisement.

Plaintiff makes oral motion to amend the complaint to add punitive damages.

Oral argument is held.

For reasons stated on the record,

IT IS ORDERED denying plaintiff's Motion to Amend Complaint to Add Punitive Damages.

2:31 p.m. The Court stands at recess.

2:44 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.

The jury is present.

Defendant's case.

Tom Van Epps is sworn and testifies.

The Court has received several juror questions, same are discussed with counsel, and any appropriate questions are asked of the witness.

FILED: Juror Question Form (2)

The witness is excused.

3:29 p.m. The Court stands at recess.

3:37 p.m. Court reconvenes with the parties and respective counsel present.

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The jury is present.

Dr. Jon Zoltan is sworn and testifies.

On stipulation of the parties, defendant's exhibit 70 is received in evidence.

The witness is excused.

4:34 p.m. The jury is excused until **September 3, 2015 at 9:30 a.m.**

Court remains in session.

Final jury instructions are discussed.

4:42 p.m. Court is adjourned.