

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-051912

09/03/2015

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 4

Courtroom ECB-413

9:31 a.m. Trial to jury continues from September 2, 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.

On stipulation of the parties, plaintiff's exhibit 116 is received in evidence.

The jury is present.

Dr. Paul Petelin is sworn and testifies.

On stipulation of the parties, defendant's exhibit 106 is received in evidence.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-051912

09/03/2015

The witness is excused.

Dawn Martinski 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 Questions (3)

The witness is excused.

Defense rests.

11:03 a.m. The Court stands at recess.

11:15 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 jury is not present.

The Court having taken plaintiff's oral Motion for Jury Instructions on Negligence Per Se under advisement,

**IT IS ORDERED** denying plaintiff's Motion for Jury Instructions on Negligence Per Se.

Proposed final jury instructions are discussed.

12:11 p.m. The Court stands at recess.

12:25 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 not present.

Final revisions to the jury instructions are discussed.

12:44 p.m. The Court stands at recess.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-051912

09/03/2015

1:29 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.

Discussion is held regarding an alternate juror. On stipulation of the parties,

**IT IS ORDERED** all 9 jurors will deliberate in this matter.

The Court reads the Final Jury Instructions to the jury.

FILED: Final Jury Instructions

Closing arguments are presented.

2:45 p.m. The jury retires in charge of the sworn bailiffs to consider their verdict and the Court stands at recess.

4:45 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 all present in the jury box and by their presiding juror, return into Court their verdict, which is read and recorded by the Clerk and is as follows:

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find in favor of plaintiff, Melissa Skinner, and find the full damages to be \$135,000.00.

We find the relative degrees of fault to be:

Plaintiff Melissa Skinner 15%

Defendant Milano Terrace  
Private Residences Condo-  
minium Association 85%

**TOTAL 100%**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-051912

09/03/2015

Signed: 8 of 9 jurors

The jury is polled at the request of counsel for defendant. Each juror that signed the verdict form replies that this is his/her true verdict.

4:48 p.m. The jury is thanked by the Court and excused from further consideration in this cause.

**IT IS ORDERED** that counsel for plaintiff lodge a proposed form of judgment no later than 10 days from today's date.

4:51 Trial concludes.

FILED: Verdicts; Exhibit Worksheet; Juror Questions, Trial Worksheet

**LATER:**

**IT IS ORDERED** assessing jury fees in the total amount of \$1,017.72 against defendant Milano Terrace Private Residences Condominium Association, all in accordance with the formal written Judgment for Jury Fees signed by the Court on September 4, 2015 and entered (filed) by the clerk on September 4, 2015.

Pursuant to the verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** permanently releasing exhibits 1-4, 24, 28-59 and 115 to counsel for plaintiff, and exhibits 60-69, 71-76, 78-101, 104-105, and 107-113 to counsel for defendant.

**ISSUED:** Exhibit Release Form (2)