

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-090103

08/31/2017

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

CHRISTOPHER T CURRAN  
MICHAEL A WRAPP

TRIAL  
DAY EIGHT

Courtroom 207 – SEF

9:47 a.m. Trial to jury continues from August 30, 2017. Counsel, Ryan J. Lorenz and Christopher T. Curran, appear on behalf of Plaintiff (managing member of Plaintiff, 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.

Discussion is held regarding final jury instructions and evidentiary issues.

10:06 a.m. Court stands at recess.

10:17 a.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.

Continuation of Defendants' case:

Chris Gorman is sworn and testifies.

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

**FILED:** jury question

The witness is excused.

Defendants rest.

11:02 a.m. The jury is reminded of previous admonitions and excused from the courtroom. Court remains in session.

Counsel for Plaintiff makes a motion for directed verdict relating to Defendants' counterclaim.

Argument is presented.

**IT IS ORDERED** denying the Rule 50 motion as it relates to Defendants' counterclaim.

11:10 a.m. Court stands at recess.

11:12 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.

Plaintiff's witness, Randall Clemson, is sworn and testifies for purposes of rebuttal.

The witness is excused.

Plaintiff and Defendants rest.

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Plaintiff's exhibit 9 and Defendants' exhibits 452 and 476 are received in evidence.

11:35 a.m. The jury is reminded of previous admonitions and excused from the courtroom. The jury will reconvene at 1:30 p.m. Court remains in session.

Discussion is held regarding final jury instructions.

Instructions are settled and verdicts are prepared.

12:29 p.m. Court stands at recess.

1:41 p.m. Court reconvenes with the parties and respective counsel present. The jury is present.

The jury is instructed by the Court as to the law applicable to this cause.

**FILED:** Final Jury Instructions

Closing arguments are presented.

The alternate juror is designated and excused from deliberations subject to recall.

4:02 p.m. The jury retires in charge of a sworn bailiff to consider their verdicts. Court remains in session.

Counsel for Plaintiff raises a concern that an instruction was not given to the jury to distinguish the forms of verdict.

The forms of verdict are affirmed.

4:03 p.m. Court stands at recess.

4:22 p.m. Court reconvenes with the parties and respective counsel present. The jury is not present.

Discussion is held regarding a question posed by the jury during deliberations. An answer to the question will be provided to the jury.

**FILED:** jury question

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4:23 p.m. Court stands at recess.

5:30 p.m. The jury is excused by the Court until 8:30 a.m., September 1, 2017, at which time deliberations will resume.