

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-090103

09/01/2017

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 NINE

8:35 a.m. Let the record reflect that the jury is all present in the jury room and resume their deliberations from August 31, 2017.

**LET THE RECORD REFLECT** two questions are posed by the jury during deliberations. Answers to the questions will be provided to the jury.

**FILED:** jury questions

Courtroom 207 – SEF

11:48 a.m. Court reconvenes. Counsel, Ryan J. Lorenz and Christopher T. Curran, appear on behalf of Plaintiff. Counsel, Kevin P. Nelson and Michael A. Wrapp, appear on behalf of Defendants.

Court Reporter, Scott Coniam, is present. The proceedings are audio recorded via FTR for the Court's use only.

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The jury is all present in the jury box and by their Foreperson return into Court their verdicts, which are read and recorded by the Clerk and are as follows:

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find in favor of The Association on The Association Counterclaim. We find the full damages caused by the Plaintiff are:

Principal	<u>\$132,635</u>
Interest	<u>\$23,874</u>
Penalties	\$ _____
	<u>\$156,509</u>
	Total

**and**

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find in favor of TOC and against The Association on the following claims for relief:

- |   |                     |
|---|---------------------|
| <input type="checkbox"/> Breach of Contract   | \$ _____            |
| <input type="checkbox"/> Breach of Implied Covenant<br>of Good Faith and Fair Dealing | <u>\$1, 190,400</u> |

We find that the full damages caused by the Defendants on the claims for relief is stated next to each claim for relief. We find that the grand total of damages is \$1, 190,400.

**LET THE RECORD REFLECT** the verdicts are not unanimous.

The jurors reply that this is their true verdict.

Counsel waive their right to poll the jury.

**FILED:** Verdicts and Jury List

The jury is thanked by the Court and excused from further consideration of this cause.

11:53 a.m. The jury is excused from the courtroom. Court remains in session.

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**IT IS ORDERED** directing counsel for Plaintiff to submit a final form of Order, including Rule 54(c) language to the Court on or before **September 20, 2017**. The parties shall also submit any Applications for Attorneys' Fees and Costs on or before **September 20, 2017**. The Court will rule on the matter without further argument.

11:59 a.m. Trial concludes.

**LATER:**

**IT IS ORDERED** assessing jury fees in the amount of \$931.50 against Plaintiff and \$931.50 against Defendants, all in accordance with the formal written Judgment for Jury Fees signed by the Court on September 1, 2017 and filed (entered) by the Clerk on September 1, 2017.

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 Court,

**IT IS ORDERED** that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written designee shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibit Department of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

Plaintiff's exhibits 7, 21-40, 42-99, 103, 104, 115-118, 121-123, 128-130, 132, 139-141, 144-150, 152-162, 164-166 and Defendants' exhibits 170-179, 191-196, 198-207, 209-211, 213-223, 226, 227, 231, 235, 242, 243, 245, 249-253, 255, 256, 258-260, 262-267, 269, 270, 272, 273, 275-286, 288-295, 297-299, 301-304, 306-323, 325, 328-330, 332-345, 347-351, 354-391, 393-398, 401-411, 413-424, 426-451, 453-456, 458-475, 477-496, 498-505, 507-516, 521, 522, and 524-526 are released.

**ISSUED:** Exhibit Release Forms

**FILED:** Trial/Hearing Worksheet and Judgment for Jury Fees