

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-094239

09/06/2023

HONORABLE ADAM D. DRIGGS

CLERK OF THE COURT
C. Avena
Deputy

ROBERT GIEDT, et al.

KEVIN R HARPER

v.

TREVISO COMMUNITY ASSOCIATION

NICHOLAS C NOGAMI

JUDGE DRIGGS

**BENCH TRIAL
DAY TWO**

9:36 a.m. Trial to the Court continues from September 5, 2023. Plaintiffs Robert Giedt and Leslie Giedt are present with counsel, Kevin R Harper. Defendant Treviso Community Association is present with counsel, Nicholas C. Nogami. Director of Treviso Community Association Russell Falconer is present.

A record of the proceeding is made digitally in lieu of a court reporter.

Plaintiffs' Case Continues:

Robert Giedt, having been previously sworn on September 5, 2023, resumes the stand and testifies further.

The witness steps down.

Leslie Giedt is sworn and testifies.

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The witness steps down.

Plaintiffs rest.

10:24 a.m. Court stands at recess.

10:37 a.m. Court reconvenes with respective counsel and parties present.

A record of the proceeding is made digitally in lieu of a court reporter.

Defendant's case:

Russell Falconer is sworn and testifies.

12:08 p.m. Court stands at recess.

1:34 p.m. Court reconvenes with respective counsel and parties present.

A record of the proceeding is made digitally in lieu of a court reporter.

Russell Falconer resumes the stand and testifies further

Plaintiffs' exhibit 29 is received in evidence.

Defendant's exhibit 48 is received in evidence.

Plaintiffs' exhibit 31 is received in evidence.

The witness steps down.

Defendant rests.

Closing arguments are presented to the Court.

IT IS ORDERED taking this matter under advisement.

4:14 p.m. Trial concludes.

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EXHIBITS RELEASED

IT IS FURTHER ORDERED that the clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party 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 Exhibits Room 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.