

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

11/14/2007

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT
C. Castro
Deputy

DAVID B VANYO

JEFFREY D GROSS

v.

CAREFREE FOOTHILLS HOMEOWNERS
ASSOCIATION, et al.

KEVIN T MINCHEY

MICHAEL R SCHEURICH

**TRIAL MINUTE ENTRY
DAY 1**

Courtroom 704 – Central Court Building

Prior to the commencement of trial, Plaintiff's Exhibits 1 through 26 and Defendants' Exhibits 27 through 58 are marked for identification.

FILED: Deposition of Whitney Smelser, R.L.S.

FILED: Deposition of David B. Vanyo.

FILED: Deposition of James Farris Murphy.

FILED: Deposition of Jeffrey Rybarczyk, P.E.

9:37 a.m. This is the time set for Trial to a Jury. Plaintiff is present with counsel, Jeffrey D. Gross. Defendants' are present with counsel, Kevin T. Minchey and Michael R. Scheurich.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

11/14/2007

The jury is not present.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

Trial and jury selection procedures are discussed.

Pursuant to stipulation,

Plaintiff's Exhibits 1, 2, 5 through 22, 25, 26 and Defendants' Exhibits 27 through 30, 33, 37, 38, 41, 42, 45, 47, 53, 54, and 56 through 58 are received in evidence.

9:52 a.m. Court stands at recess.

Plaintiff's Exhibit 59 is marked for identification.

10:32 a.m. Court reconvenes with respective parties and counsel present.

Court reporter, Brenda Brown is present and a record of the proceedings is made by CD/videotape.

Voir dire examination of prospective jurors.

Bench conference is held.

Counsel pass the panel.

The jury is excused.

12:05 p.m. Court stands at recess.

1:50 p.m. Court reconvenes with respective parties and counsel present.

Court reporter, Brenda Brown is present and a record of the proceedings is made by CD/videotape.

Nine (9) persons are selected and sworn to act as trial jurors in this cause.

FILED: Jury List.

The Preliminary Instructions are read to the jury by the Court.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

11/14/2007

FILED: Preliminary Instructions.

Bench conference is held.

Opening statements.

2:58 p.m. The jury is excused from the courtroom and court stands at recess.

3:16 p.m. Court reconvenes with respective counsel and parties present.

Court reporter, Brenda Brown is present and a record of the proceedings is made by CD/videotape.

The rule of exclusion of witnesses is invoked.

Plaintiff's case:

David B. Vanyo is sworn and testifies.

Greg Gentsch is sworn and testifies.

The witness is excused.

Donald Duncan is sworn and testifies.

4:30 p.m. The jury is excused for the evening recess and court remains in session.

Pursuant to stipulation,

Plaintiff's Exhibit 59 is received in evidence.

4:32 p.m. Court stands at recess until November 15, 2007, at 9:30 a.m.