

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

11/15/2007

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 2**

Courtroom 704 – Central Court Building

9:25 a.m. Trial to a Jury continues from November 14, 2007. Plaintiff is present with counsel, Jeffrey D. Gross. Defendants' are present with counsel, Kevin T. Minchey and Michael R. Scheurich.

The jury is not present.

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

Pursuant to stipulation,

Defendant's Exhibits 60 and 61 are marked for identification and received in evidence.

9:29 a.m. Court stands at recess.

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9:36 a.m. Court reconvenes with respective counsel and parties present.

The jury is present.

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

Plaintiff's case continues:

Donald Duncan resumes the stand and testifies further.

The witness is excused.

Plaintiff rests.

10:01 a.m. The jury is reminded of previous admonitions and excused from the courtroom; Court remains in session.

Counsel for the Defendants makes a motion for judgment as a matter of law.

Oral argument is presented.

For the reasons stated on the record,

IT IS ORDERED denying Defendants' motion for judgment as a matter of law.

10:42 a.m. Court stands at recess.

10:57 a.m. Court reconvenes with respective counsel and parties present.

The jury returns to the courtroom.

Defendants' case:

Ralph Applegate is sworn and testifies.

The witness is excused.

David Schwan is sworn and testifies.

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Bench conference is held.

The witness is excused.

John Ratliff is sworn and testifies.

12:02 p.m. The jury is excused from the courtroom and court stands at recess.

1:31 p.m. Court resumes with respective counsel and parties present.

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

John Ratliff continues to testify.

The witness is excused.

James Murphy is sworn and testifies.

Defendants' Exhibit 43 is received in evidence.

Defendants' Exhibit 44 is received in evidence.

The witness is excused.

Whitney Smelser is sworn and testifies.

Bench conference is held.

3:09 p.m. The jury is excused from the courtroom and court stands at recess.

3:29 p.m. Court resumes with respective counsel and parties present.

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

Whitney Smelser continues to testify.

Bench conference is held.

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The witness is excused.

Robert Gemmill is sworn and testifies.

Bench conference is held.

The witness is excused.

Bench conference is held.

Trial scheduling is discussed.

4:26 p.m. The jury is excused for the evening recess and court stands at recess until November 20, 2007, at 9:30 a.m.