

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-014261

11/05/2020

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
C. Lacey
Deputy

JASON KOMOROWSKI, et al.

E JEFFREY WALSH

v.

WHISPER MOUNTAIN HOMEOWNERS
ASSOCIATION

BRADLEY R JARDINE

JUDGE MIKITISH

TRIAL MINUTE ENTRY
DAY ONE

ECB 913

Prior to the commencement of trial, Plaintiffs' exhibits 1-40, 84-91, and Defendant's exhibits 41-83 are marked for identification.

8:47 a.m. This is the time set for a Trial to the Court. Plaintiffs Jason Komorowski and Melissa Komorowski, who are present, are represented by counsel, E. Jeffrey Walsh and Robert A. Hill. Defendant Whisper Mountain Homeowners Association is represented by counsel, Bradley R. Jardine and Michael Warzynski. Greg Wingert, a representative of the Defendant Whisper Mountain Homeowners Association, is present. Defendant's counsel Mr. Warzynski and Melissa Komorowski appear telephonically.

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

LET THE RECORD REFLECT that the parties have affirmed on the record their stipulation to proceeding with the matter as a bench trial.

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Discussion is held regarding the Defendant's Motion for Sanctions Under Rule 37(d).

Argument is presented by the parties.

The Court notes that a determination regarding the Motion shall be made upon review and after the parties have presented their case.

Opening statements.

At the Court's direction,

IT IS ORDERED that the parties shall meet and confer before the Court reconvenes after lunch regarding witness scheduling.

10:02 a.m. Court stands at recess.

Prior to reconvening, Defendant's exhibit 92 is marked for identification.

10:34 a.m. Court reconvenes with respective parties and counsel present.

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

Plaintiffs' case:

Jason Komorowski is sworn and testifies.

Plaintiffs' exhibits 88, 90, and 91 are received in evidence.

Plaintiffs' exhibit 2 is received in evidence.

Plaintiffs' exhibit 3 is received in evidence.

Defendant's exhibit 58 is received in evidence.

Plaintiffs' exhibit 1 is received in evidence.

Plaintiffs' exhibits 16 and 18 are received in evidence.

Plaintiffs' exhibit 20 is received in evidence.

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12:00 p.m. Court stands at recess.

Prior to reconvening, Plaintiffs' exhibits 93, 94, and 95 are marked for identification.

1:06 p.m. Court reconvenes with respective parties and counsel present.

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

Discussion is held regarding the Plaintiffs' full disclosure statements and the parties' witness schedule dialogue.

Jason Komorowski continues testifying.

Plaintiffs' exhibits 34 and 39 are received in evidence.

Defendant's exhibit 55 is received in evidence.

Plaintiffs' exhibit 25 is received in evidence.

Defendant's exhibit 46 is received in evidence.

Plaintiffs' exhibits 84 and 86 are received in evidence.

Plaintiffs' exhibits 27 through 32 are received in evidence.

Defendant's exhibit 92 is received in evidence.

2:37 p.m. Court stands at recess.

Prior to reconvening, Defendant's exhibits 96, 97, and 98 are marked for identification.

3:04 p.m. Court reconvenes with respective parties and counsel present.

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

Jason Komorowski continues testifying.

Defendant's exhibits 96 and 97 are received in evidence.

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Plaintiffs' exhibit 45 is received in evidence.

Curt R. Peterson is sworn and testifies.

Discussion is held regarding a Microsoft PowerPoint presentation created by the witness, the Defendant's objections to it, and its marking as an exhibit. The Court notes that the Plaintiffs have not submitted the PowerPoint presentation as an exhibit.

4:47 p.m. Court stands at recess until 8:30 a.m. on November 9, 2020.