

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-014261

11/10/2020

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
C. Lacey/K. Tretz
Deputy

JASON KOMOROWSKI, et al.

E JEFFREY WALSH

v.

WHISPER MOUNTAIN HOMEOWNERS
ASSOCIATION

BRADLEY R JARDINE

JUDGE MIKITISH

TRIAL MINUTE ENTRY
DAY THREE

ECB 613

Prior to the commencement of the trial, Defendant's exhibit 109 is marked for identification.

9:43 a.m. Trial to the Court continues from November 9, 2020. 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. Greg Wingert, a representative of the Defendant Whisper Mountain Homeowners Association, is present. Plaintiff Melissa Komorowski appears telephonically.

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

Defendant's case:

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Greg Wingert is sworn and testifies.

Defendant's exhibit 70 is received in evidence.

The Court notes that the truth of the contents and legal opinions contained therein shall not be regarded while reviewing exhibit 70.

Plaintiffs' exhibit 17 is received in evidence.

10:17 a.m. Michael Warzynski, additional counsel of record for the Defendant, is present.

Defendant's exhibit 109 is received in evidence.

Plaintiffs' exhibit 21 is received in evidence.

Plaintiffs' exhibit 24 is received in evidence.

Defendant's exhibits 47, 48, and 49 are received in evidence.

Defendant's exhibit 50 is received in evidence.

Discussion is held regarding the Defendant's oral Motion to strike witness testimony regarding insurance.

Pursuant to the matters discussed,

IT IS ORDERED granting the Defendant's oral Motion.

Discussion is held regarding the Defendant's oral Motion for a mistrial.

For reasons stated on the record,

IT IS ORDERED denying the Defendant's oral Motion.

Plaintiffs' exhibit 9 is received in evidence.

Discussion is held regarding witness scheduling.

12:03 p.m. Court stands at recess.

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1:09 p.m. Court resumes with respective parties and counsel present.

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

Greg Wingert continues testifying.

Discussion is held regarding prior settlement conference discussions.

The Court notes that anything specifically related to mediation decisions shall not be heard.

The witness is excused.

James Deatherage resumes the stand and testifies further.

Discussion is held regarding the Defendant's exhibit 61.

Pursuant to the matters discussed,

IT IS ORDERED that the exhibit remains inadmissible.

2:43 p.m. Court stands at recess.

3:03 p.m. Court resumes with respective parties and counsel present.

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

James Deatherage continues testifying.

The witness is excused.

Defendant rests.

Jason Komorowski resumes the stand and testifies further.

Defendant's exhibit 68 is received in evidence.

The Court notes that the exhibit shall be considered only in its function of showing notice to the Defendant.

Discussion is held regarding closing arguments.

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Counsel for Defendant makes an oral motion to submit a reply to the outstanding Motion for Sanctions under Rule 37(D), filed November 4, 2020.

For the reasons stated on the record,

IT IS ORDERED continuing today's Trial to the Court for the purpose of presenting closing arguments and to discuss the aforementioned outstanding Motion to **December 9, 2020 at 9:00 a.m.** (time allotted: 90 minutes) in this Division.

4:37 p.m. Court stands at recess until 9:00 a.m. on December 9, 2020.