

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-011414

09/16/2009

HON. JOHN REA

CLERK OF THE COURT  
L. Gilbert  
Deputy

FISHER FINANCIAL GROUP  
INCORPORATED

STEPHEN A U'REN

v.

LOGAN REAL ESTATE APPRAISAL SERVICE    BRADLEY R JARDINE  
L L C, et al.

TRIAL MINUTE ENTRY  
DAY 3

East Court Building – Courtroom 414

9:29 a.m. Trial to a jury continues from September 15, 2009. Plaintiff is represented by counsel, Stephen A. U'Ren. Chad Fisher, Representative of Fisher Financial Group, Inc., is present. Defendants are represented by counsel, Bradley R. Jardine and Michael Warzynski. Defendant King Ruby is present.

Court Reporter, Marylynn LeMoine, is present.

The jury is not present.

Discussion is held regarding Plaintiff's exhibit 11.

Plaintiff's exhibit 11 is received in evidence.

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Discussion is held regarding the schedule of trial witnesses.

The jury enters the courtroom and trial continues.

Chad Fisher resumes the stand and testifies further.

Plaintiff's exhibits 15 and 16 are received in evidence.

10:49 a.m. Court stands at recess.

11:07 a.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Marylynn LeMoine, is present.

The jury is present.

Chad Fisher resumes the stand and testifies further.

Defendants' exhibit 46 is received in evidence.

The Court receives written question(s) from the jury. Court and counsel discuss the question(s), and answers are provided through further testimony of the witness.

FILED: Juror Question(s)

The jury leaves the courtroom and court remains in session.

Discussion is held.

Plaintiff's exhibits 2 and 3 are received in evidence.

11:47 a.m. Court stands at recess.

1:38 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Marylynn LeMoine, is present.

The jury is not present.

Plaintiff rests.

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Defendant moves for judgment as a matter of law.

For the reasons stated on the record,

IT IS ORDERED denying Defendants' motion as to causation and granting Defendants' motion as to the breach of contract claim.

The jury enters the courtroom and trial continues.

Defendants' case:

Jay Josephs is sworn and testifies.

Defendants' exhibits 63 and 64 are received in evidence.

The witness is released to return on Thursday, September 17, 2009.

Portions of the deposition of Oleah Shawntelle Bean dated November 18, 2008 are read to the jury.

King Ruby is sworn and testifies.

3:14 p.m. Court stands at recess.

3:33 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Marylynn LeMoine, is present.

Discussion is held regarding the disclosure of an e-mail elicited during the testimony of King Ruby.

4:52 p.m. Court stands at recess until September 17, 2009 at 9:30 a.m.

IT IS ORDERED temporarily releasing Plaintiff's exhibit 5 to Michael Warzynski, counsel for Defendants, same to be returned to the Court September 17, 2009.

Issued: Release Form (1)

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>