

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-014526

10/21/2003

HONORABLE JANET E. BARTON

CLERK OF THE COURT  
D. Fitzpatrick  
Deputy

FILED: 11/05/2003

WESLEY HARRIS

JEFFREY D BONN

v.

BEAVER CREEK EQUESTRIAN CENTER L L    KENT S BERK  
C, et al.

JOHN F O'CONNOR

TRIAL MINUTE ENTRY  
DAY ONE

Prior to the commencement of trial, Plaintiff's exhibits 1-63 are marked for identification and Defendants' exhibits 64-102 are marked for identification.

In chambers: Respective counsel are present.

No court reporter is present.

Discussion is held regarding pretrial matters.

Upon stipulation, the Rule of Exclusion of Witnesses is invoked.

Matter concludes.

10:58 a.m. This is the time set for a trial to a jury. Plaintiff Wesley Harris is present with counsel, Jeffrey D. Bonn. Plaintiff Raydene Harris is present with counsel, John F. O'Connor. Defendant Ricky D. Harris is present with counsel, Kent S. Berk; who also represents Beaver Creek Equestrian Center, LLC. Prospective jurors are present.

Court reporter, Margie Riley, is present.

Voir dire examination of prospective jurors is conducted.

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12:02 p.m. The prospective jury leaves the courtroom and court remains in session.

Discussion is held regarding trial scheduling and preliminary jury instructions.

12:10 p.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective parties and counsel present. The prospective jurors are present.

Court reporter, Margie Riley, is present.

Voir dire examination of prospective jurors continues.

2:00 p.m. Court stands at recess.

2:40 p.m. Court reconvenes with respective parties and counsel present. The prospective jurors are present.

Voir dire examination of prospective jurors continues.

Court reporter, Margie Riley, is present.

3:30 p.m. The jury leaves the courtroom and court remains in session.

In chambers: Counsel for respective parties are present. No court reporter is present.

Hardships of jurors and strikes for cause are discussed.

Matter concludes.

4:05 p.m. Court reconvenes with respective parties and counsel present. The prospective jurors return to the courtroom and trial continues.

Court reporter, Margie Riley, is present.

The names of trial jurors in this cause are read by the clerk.

Trial jurors in this cause: numbers 1, 2, 5, 7, 10, 11, 12, 13, 19

Trial jurors are empanelled and sworn.

Preliminary Jury Instructions are read by the Court.

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FILED: Jury List  
Preliminary Jury Instructions

4:25 p.m. The jury is reminded of previous admonitions and is excused for the evening and Court remains in session.

Discussion is held among Court and counsel regarding legal issues. Defendants' counsel moves the Court on various oral motions.

IT IS ORDERED as follows:

1. Denying Defendants' request to preclude Plaintiff from discussing or introducing testimony at trial about the Hoscroft Appraisal.
2. Affirming the Court's prior ruling permitting Defendants to use documents submitted by Plaintiff in the Vining bankruptcy for impeachment purposes.
3. Denying Defendants' request to argue that monies Plaintiff received in the Vining bankruptcy should be offset against any monies awarded Plaintiff herein.
4. Denying Defendants' request to preclude Plaintiff from arguing at trial that he is entitled to receive from Defendants as damages the \$30,000 he loaned to Pam Vining which was then paid to Defendants as part of the \$140,000 at issue herein.

4: 35 p.m. Court stands at recess until 9:30 a.m., October 22, 2003.