

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-011414

09/17/2009

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 4

East Court Building – Courtroom 414

9:34 a.m. Trial to a jury continues from September 16, 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, Lisa Edgar, is present.

The jury is not present.

Discussion is held regarding the trial schedule.

The jury enters the courtroom and trial continues.

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King Ruby resumes the stand and testifies further.

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

11:06 a.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Lisa Edgar, is present.

The jury is present.

King Ruby resumes the stand and testifies further.

The Court receives written question(s) from the jury. Court and counsel discuss the question(s), and it is decided that the Court cannot provide an answer to the juror question..

FILED: Juror Question(s)

Kathy Jeffries is sworn and testifies.

The witness is excused.

Jan Alan Sell is sworn and testifies.

The jury leaves the courtroom and court remains in session.

Discussion is held regarding jury instructions.

12:33 p.m. Court stands at recess.

1:32 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Lisa Edgar, is present.

The jury is not present.

Discussion is held regarding forms of verdict.

The jury enters the courtroom and trial continues.

Jan Alan Sell resumes the stand and testifies further.

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Defendants' exhibit 60 is received in evidence.

Plaintiff's exhibit 17 is received in evidence.

Jay Josephs resumes the stand and testifies further.

The witness is excused.

Portions of the deposition of Chad Fisher dated November 18, 2008 are read to the jury.

Defendants rest.

The jury leaves the courtroom and court remains in session.

Discussion is held regarding jury instructions.

IT IS ORDERED temporarily releasing Defendants' exhibit 60 to Michael Warzynski, counsel for Defendants, same to be returned to the Court before 4:00 p.m. this date.

Issued: Release Form (1)

2:50 p.m. Court stands at recess.

3:10 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Lisa Edgar, is present.

Discussion is held regarding jury instructions.

Plaintiff moves for a directed verdict.

For the reasons stated on the record,

IT IS ORDERED denying Plaintiff's motion.

Further discussion is held regarding jury instructions.

Defendants' exhibit 45 is received in evidence.

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By stipulation of counsel, exhibit 17 is redacted.

The jury enters the courtroom and trial continues.

The jury is instructed by the court as to the law applicable to this cause.

FILED: Final Jury Instructions

Closing arguments are presented.

4:50 p.m. The jury retires in charge of the sworn bailiff to consider their verdicts.

5:10 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Lisa Edgar, is present.

The jury is not present.

The Court advises the parties that the assigned bailiff in this division must be excused for the day. By agreement of the parties, the extern currently assigned to this division is sworn.

5:11 p.m. Court stands at recess.

6:14 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Lisa Edgar, is present.

The jury is all present in the jury box and by their presiding juror return into court their verdicts, which are read and recorded by the Court and are as follows:

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find in favor of Fisher Financial Group, Inc. and find the full damages to be \$288,250. We find the relative degrees of fault to be: Plaintiff Fisher Financial Group, Inc., 25% and Defendants Logan Real Estate Appraisal Service and King Ruby, 75%.”

The verdict is signed by the following jurors: 4, 8, 1, 2, 6, 5 and 3.

The jury is thanked by the Court and excused from further consideration in this cause.

6:19 p.m. Trial concludes.

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FILED: Verdicts; Exhibit Worksheet; Trial Worksheet

IT IS ORDERED that jury fees be assessed against the Defendants, in the sum of **\$779.76**, all in accordance with the formal written Judgment for Jury Fees signed by the Court on September 18, 2009, and filed (entered) by the Clerk on September 18, 2009.

Pursuant to the verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED permanently releasing all exhibits not offered in evidence to the counsel/party causing them to be marked.

ISSUED: Exhibit Release Forms (2)

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