

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-014526

10/27/2003

HONORABLE JANET E. BARTON

CLERK OF THE COURT  
D. Fitzpatrick  
Deputy

FILED: 11/26/2003

WESLEY HARRIS, et al.

JEFFREY D BONN

v.

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

JOHN F O'CONNOR

TRIAL MINUTE ENTRY  
DAY FOUR

8:47 a.m. Trial to a Jury continues from October 23, 2003. 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. The jury is not present.

Court reporter, Margie Riley, is present.

Discussion is held among Court and counsel.

Defendant moves the Court for a Directed Verdict and Motion to Strike. Plaintiff moves the Court for Reconsideration.

Arguments are presented to the Court.

IT IS ORDERED as follows:

1. Denying Defendant's Motion for Directed Verdict on the illegality issue.
2. Granting Defendant's Motion for Directed Verdict on the appraisal issue.
3. Denying Plaintiff's Motion for Reconsideration.

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The Court advises counsel to reevaluate the areas of conflict in the final jury instructions.

9:00 a.m. Court stands at recess.

9:30 a.m. Court reconvenes with respective parties and counsel present. The jury is now all present in the jury box and trial proceeds.

Court reporter, Margie Riley, is present.

Defendant's case:

Robert J. Winter is sworn and testifies.

Upon stipulation, Defendant's exhibits 77 and 84 are received in evidence.

The witness is excused.

Diane J. Dunn is sworn and testifies.

The witness is excused.

11:00 a.m. Court stands at recess.

11:20 a.m. Court reconvenes with respective parties and counsel present. The jury is all present.

Court reporter, Margie Riley, is present.

Defendant's case continues.

The Court receives a (1) written question from the jury and a response is provided.

Gregory F. Rivera is sworn and testifies.

The witness is excused.

Mark A. Musgrove is sworn and testifies.

The witness is excused.

11:58 a.m. The jury leaves the courtroom and Court remains in session.

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Discussion is held among Court and counsel regarding pending legal issues.

IT IS ORDERED as follows:

1. Denying Defendant's Motion for Judgment as a Matter of Law.
2. Denying Defendant's Motion for a Directed Verdict.

12:06 p.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective parties and counsel present. The jury is all present.

Court reporter, Margie Riley, is present.

Defendant's case continues.

Carla J. Panaccione is sworn and testifies.

Upon stipulation, Defendant's exhibits 81 and 82 are received in evidence.

The witness is excused.

Ricky D. Harris, previously sworn, resumes the stand and testifies further.

3:05 p.m. Court stands at recess.

3:21 p.m. Court reconvenes with respective parties and counsel present. The jury is all present.

Court reporter, Margie Riley, is present.

Defendant's case continues.

Ricky D. Harris resumes the stand and testifies further.

Upon stipulation, Defendant's exhibit 83 and Plaintiff's exhibit 6 are received in evidence.

4:29 p.m. The jury is reminded of the admonition and excused for the evening and Court remains in session.

Discussion is held regarding final jury instructions and verdicts.

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5:05 p.m. Court stands at recess until Tuesday, **October 28, 2003 at 10:30 a.m.**

FILED: Deposition of Diane Jane Dunn dated May 13, 2003  
Jury Question (1)