

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-006947

11/15/2007

HONORABLE ROBERT C. HOUSER

CLERK OF THE COURT
R. Tomlinson
Deputy

JAMES F OTOOLE, et al.

RICHARD T TREON

v.

SAFECO INSURANCE COMPANY OF
AMERICA

LARRY D LANGLEY

STEPHEN E SILVERMAN

TRIAL MINUTE ENTRY
DAY ELEVEN

9:34 a.m. Trial to a Jury continues from November 14, 2007. Plaintiffs, James and Lisa O'Toole, are present and represented by counsel, Richard Treon, Daniel Treon, and Stephen Silverman. Defendant is present and represented by counsel, Larry Langley and Kathleen Langley. The jury is all present.

Court reporter, Lisa Vitoff, is present as well as a record of the proceedings being made by CD/videotape.

Bruce Lavalley, having been previously sworn, continues to testify.

Defendant's exhibit 303, same as Plaintiffs' exhibit 303 for identification, is admitted.

Defendant's exhibit 304, same as Plaintiffs' exhibit 304 for identification, is admitted.

Defendant's exhibit 302, same as Plaintiffs' exhibit 302 for identification, is admitted.

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The Court has received several juror questions, same are discussed with counsel, and any appropriate questions are asked of the witness.

FILED: Juror Question Form (3)

The witness is excused.

10:56 a.m. Court stands at recess.

11:14 a.m. Court reconvenes with respective parties and counsel present. The jury is not present.

Court reporter, Lisa Vitoff, is present as well as a record of the proceedings being made by CD/videotape.

Defense counsel advises the Court that jurors are passing notes during the trial proceedings. He further states on the record that he is not requesting the Court to take action, therefore any further request that action be taken is deemed to have been waived.

Discussion is held with respect to Plaintiffs' Motion in Limine regarding appraisal awards. The Court affirms its prior ruling in that regard.

11:22 a.m. The jury is now present.

Terry Cooper is sworn and testifies.

Defendant's exhibit 1052 is admitted.

12:08 p.m. Court stands at recess.

1:30 p.m. Court reconvenes with respective parties and counsel present. The jury is not present.

Plaintiffs move to strike the testimony of Bruce Lavalley in *toto*.

Argument is presented in that regard.

IT IS ORDERED taking this matter under advisement.

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Plaintiffs move for a curative instruction to be immediately given to the jury with regard to Mr. Lavallee's testimony regarding appraisal awards.

IT IS ORDERED taking the motion under advisement.

Discussion is held with respect to forthcoming witnesses and the schedule relating to those witnesses.

1:46 p.m. LET THE RECORD REFLECT that Plaintiffs' counsel, Stephen Silverman, is no longer present in the courtroom.

1:47 p.m. The jury is now present.

Terry Cooper continues to testify.

Defendant's exhibits 436, 445, 446, 447, 448, and 449 are admitted.

3:00 p.m. Court stands at recess.

3:24 p.m. Court reconvenes with respective parties and counsel present. The jury is all present.

Court reporter, Lisa Vitoff, is present as well as a record of the proceedings being made by CD/videotape.

Terry Cooper continues to testify.

The Court has received several juror questions, same are discussed with counsel, and any appropriate questions are asked of the witness.

FILED: Juror Question Form (3)

The witness is excused.

4:05 p.m. Court stands at recess until November 29, 2007 at 9:30 a.m.

Court and counsel confer in chambers and off the record.