

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-011414

09/14/2009

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 1

East Court Building – Courtroom 414

Prior to commencement of trial, Plaintiff's exhibits 1 through 36 and Defendants' exhibits 37 through 75 are marked for identification.

9:30 a.m. Trial to a jury. 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.

Discussion is held regarding Plaintiff's exhibit 30. By agreement of the parties, exhibit 30 shall be exchanged for the new exhibit 30 as presented by Plaintiff's counsel this date.

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Discussion is held regarding the presentation of Mr. Bates' appraisal is it relates to the parties' Stipulation re: Appraisal for Trial Use.

The Court will review the parties' Stipulation and the Court's related Order and rule prior to the concluding for the day.

Discussion is held regarding the use of the term "liar loan" during opening statements.

IT IS ORDERED that no party shall use the term "liar loan" until evidence has been presented regarding its use as a colloquialism in the "business."

Discussion is held regarding Defendants' Trial Memorandum and the motion within related to the breach of contract claim.

For the reasons stated on the record,

IT IS ORDERED Plaintiff may present testimony and evidence related to the breach of contract claim.

Discussion is held regarding the redaction of Defendants' exhibit 60.

Discussion is held regarding exhibits precluded by previous rulings on Motions in Limine.

IT IS ORDERED the use the exhibits shall be maintained within the scope of the Court's rulings on the parties' Motions in Limine.

Discussion is held regarding Mr. Jardine being called as a witness and Plaintiff's exhibit 11.

For the reasons stated on the record, Mr. Jardine will not be called as a witness. As to Plaintiff's exhibit 11, the Court will hold in abeyance any ruling pending presentation of evidence.

The prospective jury enters the courtroom.

Juror #3 is excused as a juror in this case.

Voir dire examination of jurors.

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11:42 a.m. Court stands at recess.

11:47 a.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Marylynn LeMoine, is present.

The prospective jurors are not present.

Jurors #s 2, 5, 7, 15, 16, 20, 21, 22, 27, 30, 31, 32, 34, 38, 40, 11 and 26 are excused as a jurors in this case.

11:52 a.m. Court stands at recess.

12:28 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Marylynn LeMoine, is present.

The prospective jury is present.

Trial jurors selected in this case are seated.

Nine (9) trial jurors in this cause are sworn.

FILED: Jury List

12:37 p.m. Court stands at recess.

2:02 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Marylynn LeMoine, is present.

The jury is not present.

Mark Bean, a witness subpoenaed in this matter, addresses the Court regarding availability to testify in this matter.

The jury enters the courtroom and trial continues.

The Court reads the preliminary jury instructions to the jury.

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Opening statements are presented.

Plaintiff's case:

Mark Bean is sworn and testifies.

Plaintiff's exhibits 1, 24 and 23 are received in evidence.

3:37 p.m. Court stands at recess.

3:51 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Marylynn LeMoine, is present.

The jury is present.

Mark Bean resumes the stand and testifies further.

Defendants' exhibits 52, 53, 30, 8 are 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 witness is excused.

The jury leaves the courtroom and court remains in session.

Discussion is held regarding the parties' Stipulation re: Appraisal for Trial Use.

For the reasons stated on the record,

IT IS ORDERED that Mr. Bates will be permitted to testify and give the reasons for his opinions.

Discussion is held regarding the Subpoena for Ms. Oleah Bean.

5:00 p.m. Court stands at recess until September 15, 2009 at 9:00 a.m.

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FILED: Letter from Oleah Bean (considered by the Court as Ms. Bean's objection to her Subpoena)

FILED: Deposition of Mark Bean dated February 18, 2009  
Deposition of Chad Fisher dated November 18, 2008  
Deposition of King Graham Ruby dated November 19, 2008  
Deposition of Jay Josephs dated February 24, 2009  
Deposition of Jan Alan Sell dated February 24, 2009  
Deposition of Sandra Lee Duke dated April 6, 2009  
Deposition of Drue Bates dated April 6, 2009  
Deposition of W. Roy Tolson, SRA dated March 26, 2009  
Deposition of Mark Bean dated November 18, 2008  
Deposition of Oleah Shawntelle Bean dated November 18, 2008  
Deposition of Kathy Jeffries dated January 19, 2009

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