

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-003089

03/18/2014

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT
T. Springston
Deputy

GLEN ZELKIND, et al.

v.

DEL WEBB COMMUNITIES INC, et al.

WILLIAM A NEBEKER

STEVEN MICHAEL CHAET
TROY G ALLEN
JOHN J BELANGER
ROBERT R BRINA
JOHN DANIEL CAMPBELL
ADAM B CAMPBELL
MARK T COLLINSWORTH
C COLE CRABTREE
ROOPALI HARDIN DESAI
MELISSA J ENGLAND
KENNETH S KASDAN
RINA K RAI
MITCHELL J RESNICK
BURT RIVIERE
19969 N TEALSTONE DR
SURPRISE AZ 85374
THOMAS J SHORALL JR.
STEPHEN L WEBER
SCOTT A BOOTH
STEPHEN E RICHMAN

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**JURY TRIAL
DAY 55**

Central Court Building – Courtroom 704

9:48 a.m. Trial continues from March 17, 2014. Plaintiffs are represented by counsel, Scott A. Booth and Stephen L. Weber. Defendants are represented by counsel, Troy G. Allen and William A. Nebeker.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The jury is present.

Testimony will be presented on costs of repair and/or diminution of value and stucco cracking.

John Bardin resumes the stand and testifies further.

The Court receives a juror question, same is discussed with counsel at the bench and the Court asks the witness the question.

FILED: Juror Question (154)

John Bardin continues to testify.

Robert Perry is recalled to the stand and testifies further.

11:00 a.m. The jury is reminded of the previous admonition and excused from the courtroom. Court stands at recess.

11:16 a.m. Court reconvenes with respective counsel and parties present.

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The jury is present.

Robert Perry continues to testify.

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12:01 p.m. The jury is reminded of the previous admonition and excused from the courtroom. Court stands at recess.

1:30 p.m. Court reconvenes with respective counsel and parties present.

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The jury is present.

Robert Perry continues to testify.

The Court receives a juror question, same is discussed with counsel at the bench and the Court asks the witness the question.

FILED: Juror Question (155)

Robert Perry continues to testify.

Robert Perry is excused.

2:52 p.m. The jury is reminded of the previous admonition and excused from the courtroom. Court remains in session.

Discussion is held regarding the trial schedule for the remainder of the day.

2:53 p.m. Court stands at recess.

3:18 p.m. Court reconvenes with respective counsel and parties present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The jury is present.

John Bardin resumes the stand and testifies further.

4:29 p.m. The jury is reminded of the previous admonition and excused from the courtroom. Court stands at recess.

4:50 p.m. Court reconvenes with respective counsel and parties present. Troy Allen, counsel for Defendants, is no longer present.

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The jury is not present.

The Court reads a portion from the transcript of the final trial management conference of October 18, 2014.

Oral argument is presented on Plaintiffs' Motion for a Directed Verdict on Defendants' Affirmative Defense of Economic Waste and the Diminution in Value Measure of Damages; and Preclude Testimony or Opinions of Paul Johnson, filed March 11, 2014.

The Court advises counsel that it shall issue a ruling tomorrow.

5:17 p.m. Court stands at recess until 9:30 a.m. March 19, 2014.

BEFORE FILING ANY DISCOVERY MOTION, parties are instructed to contact this division for an informal teleconference. Division contact information: Judicial Assistant, Mary Farmer, phone: (602)506-0816.

For copies of hearings or trial proceedings recorded, please call Electronic Records Services at (602)506-7100. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call (602)506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

Pursuant to Part 1, Chapter 6, Section 1-602 D (4)(a), of the Arizona Code of Judicial Administration, **if a court reporter is present**, the court reporter's record is the official record and requests for transcripts shall be made by contacting the court reporter at (602)506-6100 or email request to lineburgc@superiorcourt.maricopa.gov.

Effective April 15, 2014 new civil rules and forms are in effect for managing cases moving to trial. Be sure to review the new Civil Rules 16, 26, 37, 38, 72 through 74 and 77.