

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/08/2002

04/04/2002

CLERK OF THE COURT
FORM V000A

HON. MICHAEL J. O'MELIA

A. Pagel-Spaulding/A. Beery
Deputy

CV 2000-019582

FILED: _____

WILLIAM RONALD BURNS, et al.

PAUL J MOONEY

v.

MICHAEL EDMUND REES, et al.

ROGER W RIVIERE

MINUTE ENTRY

9:40 a.m. Trial to a jury continues from April 3, 2002. Plaintiffs William Ronald Burns and Gertrude Burns are present and represented by counsel, Paul J. Mooney and Rick Erickson. Defendant is represented by counsel Roger W. Riviere. The jury is all present.

Court Reporter, Karen Bolton, is present.

Plaintiff's exhibits 14 and 15 are received in evidence.

Gertrude Burns testifies further.

Defendant's exhibits 32, 33, and 34 are received in evidence.

Defendant's exhibit 22 is received in evidence.

David Pittenger is sworn and testifies.

10:52 a.m. The jury exits the courtroom. Court remains in session.

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Discussion is held.

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

11:08 a.m. Court reconvenes with respective counsel present. Plaintiffs William and Gertrude Burns are present. The jury is all present.

Court Reporter, Karen Bolton, is present.

David Pittenger testifies further.

Plaintiff rests.

Defense rests.

11:35 a.m. The jury exits the courtroom. Court remains in session.

Defense counsel moves for Rule 50 Motion for Judgment as a Matter of Law.

Motion is argued.

IT IS ORDERED denying Defendant's motion.

Plaintiff's counsel moves for directed verdict.

IT IS ORDERED denying Plaintiff's motion.

Instructions and verdicts are settled.

12:10 p.m. Court stands at recess.

1:24 p.m. Court reconvenes with respective counsel present. Plaintiffs William Burns and Gertrude Burns are present. Jury is not present.

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Court Reporter, Karen Bolton, is present.

Discussion is held.

1:30 p.m. Jury is all present.

The Court instructs the jury as to the law applicable to this cause.

Closing arguments.

The jury retires in charge of sworn bailiff to consider their verdicts.

3:10 p.m. Court stands at recess.

4:26 p.m. Court reconvenes with respective counsel present. Plaintiffs William Burns and Gertrude Burns are present.

Court Reporter, Karen Bolton, is present.

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

"We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find **in favor of Plaintiff, Gertrude Burns, on the injury claim, and find the full damages to be \$6,100.00.**"

"We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find **in favor of Plaintiffs William Ronald Burns and Gertrude Burns on their property damage claim and find the full damages to be: Repairs to the Vehicle \$7,500.00; Diminution in fair market value \$0; Loss of Use \$0.**"

FILED: Verdicts; Instructions; Worksheet

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4:31 p.m. Trial concludes.

IT IS ORDERED that jury fees be assessed against the Defendant Michael Edmund Rees in the sum of \$496.32, all in accordance with formal written Order signed by the Court April 4, 2002, and filed (entered) by clerk April 4, 2002.

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

IT IS ORDERED that the clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Forms (2)