

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-002410

06/04/2007

JUDGE ROBERT E. MILES

CLERK OF THE COURT
K. Ballard
Deputy

VICTORIA LARIA

CRAIG L KELLER

v.

SHEA HOMES ARIZONA LIMITED
PARTNERSHIP, et al.

JILL ANN HERMAN

TRIAL MINUTE ENTRY
DAY 1

Prior to the commencement of trial,

Plaintiff's exhibits 1-247, Defendant Shea Homes' exhibits 248-342, and Plaintiff's exhibits 343-347 are marked for identification.

Pursuant to stipulation of counsel, the following exhibits are received in evidence:

Plaintiff's exhibits 1-6, 8, 12, 16, 17, 31, 36, 37, 39, 41, 42, 44, 46, and 53 and Defendant's exhibits 291 and 314.

FILED:

1. Deposition of Philip S. Coppola, dated October 17, 2006
2. Deposition of David L. Jarol, dated October 30, 2006
3. Deposition of Victoria Laria, dated October 30, 2006
4. Deposition of J. David Deatherage, dated September 25, 2006
5. Deposition of Bruce D. Greenberg, dated November 29, 2006
6. Deposition of Robert T. O'Connor, dated October 6, 2006

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9:33 a.m. This is the time set for jury trial. Plaintiff, Victoria Laria, is present and is represented by counsel, Craig L. Keller. Defendant, Shea Homes Arizona Limited Partnership, is represented by counsel, Jill Ann Herman and Bruce Wallace Lorber. Rick Young, a representative/special projects manager from Shea Homes, is also present.

Court Reporter, Mike Haley, is present.

The prospective jury panel is not present.

Defendant's counsel addresses the Court regarding a pending disclosure issue relating to Plaintiff's disclosure of unrepairable/economic waste. Court and counsel discuss the same. Based thereon, the issue will be dealt with during the course of trial.

Defendant's counsel addresses the Court regarding the use of a specific document during opening statements. The admissibility of the document will be dealt with during the course of trial; therefore, counsel will not be permitted to use said document during opening statements.

10:09 a.m. Court stands at recess.

10:56 a.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Mike Haley, is present.

The prospective jury panel is present.

Voir dire examination commences.

12:03 p.m. Court stands at recess.

Let the record reflect informal discussion is held regarding the hardship excuses referenced by the prospective jury panel. Based thereon, at the appropriate time, certain jurors will be excused from service.

1:32 p.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Mike Haley, is present.

Voir dire examination continues.

1:52 p.m. The prospective jury panel is excused; court remains in session.

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An additional hardship for cause is discussed.

Defendant passes the panel for cause.

Plaintiff moves to strike juror 8 for cause.

IT IS ORDERED denying the motion.

Further discussion is held regarding whether Plaintiff has adequately disclosed testimony/evidence of the experts relating to the unrepairable/economic waste issue. Based thereon, the Court determines Plaintiff has failed to adequately disclose such evidence. Accordingly, without evidence on the issues, Plaintiff shall not be permitted to offer evidence as to a diminution in market value.

2:03 p.m. Court stands at recess.

FILED: Deposition of Kimberly Ann McLane, dated January 16, 2007

2:27 p.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Mike Haley, is present.

Nine (9) persons are selected and sworn to act as trial jurors in this case.

FILED: Jury List

The Court reads the Preliminary Jury Instructions to the jury.

Plaintiff invokes the Rule of Exclusion of Witnesses.

FILED: Preliminary Jury Instructions

Opening statements.

Plaintiff's case:

Victoria Laria is sworn and testifies.

Plaintiff's exhibit 7 is received in evidence.

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4:31 p.m. Court stands at recess until 9:30 a.m. on June 5, 2007.