

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-010868

11/23/2015

HON. ROGER E. BRODMAN

CLERK OF THE COURT  
D. Harding  
Deputy

KIMBERLY HALE

JACK H HIRSCH

v.

DYLAN T MIERA

JENNIFER M ELIAS

TRIAL MINUTE ENTRY  
DAY 1

Courtroom ECB-514

Prior to commencement of trial, plaintiff's exhibits 1-15 are marked for identification.

9:40 a.m. This is the time set for trial to jury. Plaintiff is present and represented by counsel, Kimberly Sayer. Defendant is not present but is represented by counsel, Karen Klima.

The jury is not present.

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

Discussion is held regarding witnesses to be called to testify.

9:42 a.m. The prospective jury is present and sworn.

Voir dire is conducted.

Pursuant to stipulation of the parties, Juror 4 is excused for hardship as a juror in this case.

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Voir dire continues.

10:12 a.m. Defendant is present and introduced to the jury panel.

10:26 a.m. The jury is excused and Court remains in session.

The Court passes the jury panel to counsel.

10:28 a.m. Court stands in recess.

10:51 a.m. Court reconvenes with the parties and respective counsel present.

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

Trial jurors selected in this case are seated.

Four (4) persons are selected and sworn to act as trial jurors in this cause.

The Court reads the Preliminary Jury Instructions to the jury.

**FILED:** Preliminary Jury Instructions

Opening statements are presented.

Plaintiff's case.

Kimberly Brianne Hale is sworn and testifies.

12:02 p.m. The jury is excused for lunch and Court stands in recess.

1:17 p.m. Court reconvenes with the parties and respective counsel present.

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

Kimberly Hale resumes the stand and testifies further.

The Court receives written questions from the jury. Court and counsel discuss the questions and answers are provided through further testimony of the witness.

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**FILED:** Juror Questions (3)

Joseph Cammiso, III is sworn and testifies.

The witness is excused.

The Court receives written question from the jury. Court and counsel discuss the question and an answer is provided through further testimony of the witness.

**FILED:** Juror Question (1)

Plaintiff rests.

Defense case.

Dylan Taylor Miera is sworn and testifies.

Defense rests.

2:15 p.m. The jury is excused and Court remains in session.

Discussion is held regarding final jury instructions.

2:23 p.m. Court stands in recess.

2:38 p.m. Court reconvenes with the parties and respective counsel present.

The jury is present.

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

Final Jury Instructions are read.

**FILED:** Final Jury Instructions.

Closing arguments are presented.

3:25 p.m. The jury retires in charge of the sworn bailiffs to consider their verdict and the Court stands at recess.

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4:27 p.m. Court reconvenes with the parties and respective counsel present.

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

The jury is all present in the jury box and by their presiding juror, return into Court their verdict, which is read and recorded by the Clerk and is as follows:

“We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find in favor of Plaintiff Kimberly Hale and find the full amount of damages to be:

- |  |             |
|--|-------------|
| 1. For bodily injury (including pain and suffering,<br>medical bills, and loss of earnings)                                | \$7,334.16  |
| 2. For property damage (including vehicle<br>repair, loss of use, diminution of value,<br>towing, rental and storage fees) | \$10,000.00 |

We find the relative degrees of fault to be:

Plaintiff Kimberly Hale	38%
Defendant Dylan Miera	62%
<b>TOTAL</b>	<b>100%”</b>

The verdict is unanimous and signed by the foreperson.

The jury is thanked and released from further consideration in this matter.

4:31 p.m. Trial concludes.

**FILED:** Verdicts, Exhibit Worksheet, Juror Questions, Trial Worksheet, Jury List

**LATER:**

**IT IS ORDERED** assessing jury fees in the total amount of \$113.08 against defendant Dylan T. Miera, all in accordance with the formal written Judgment for Jury Fees signed by the Court on November 24, 2015 and entered (filed) by the clerk on November 24, 2015.