

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-013647

04/03/2009

HONORABLE ROBERT C. HOUSER

CLERK OF THE COURT
T. Melius
Deputy

JOHN GRAY

JORGE FRANCO JR.

v.

ARIZONA STATE DEPARTMENT OF
ECONOMIC SECURITY, et al.

MICHAEL G GAUGHAN

DANIEL J O'CONNOR

TRIAL MINUTE ENTRY
DAY TEN

9:04 a.m. Trial to Jury continues from April 2, 2009. Plaintiff is present with counsel, Jorge Franco, Jr. and Larry Crown. Defendants are represented by counsel, Michael G. Gaughan and Daniel J. O'Connor.

The jury is present.

Court Reporter, Lisa Vitoff, is present.

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

Closing arguments continue.

The jury is instructed by the Court as to the law applicable to this cause.

FILED: Final Instructions of Law

9:50 a.m. The jury retires in charge of sworn bailiffs to consider their verdicts.

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Court remains in session.

Defense counsel moves for mistrial based upon Plaintiff's closing arguments.

IT IS ORDERED denying the motion for mistrial.

9:58 a.m. Court stands in recess.

1:59 p.m. Court reconvenes with respective counsel and parties present.

The jury is not present.

Court reporter, Lisa Vitoff, is present.

A juror question has been received and is discussed with counsel.

A stipulated written response to the jury is submitted by the Court.

2:01 p.m. Court stands in recess.

2:22 p.m. Court reconvenes with respective counsel and parties present.

The jury is not present.

Court reporter, Lisa Vitoff, is present.

A juror question has been received and is discussed with counsel.

A stipulated written response to the jury is submitted by the Court.

2:30 p.m. Court stands in recess.

2:45 p.m. Court reconvenes with respective counsel and parties present.

The jury is not present.

Court reporter, Lisa Vitoff, is present.

A juror question has been received and is discussed with counsel.

A stipulated written response to the jury is submitted by the Court.

2:49 p.m. Court stands in recess.

3:55 p.m. Court reconvenes with respective counsel and parties present.

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Court reporter, Lisa Vitoff, is present.

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

The jury is all present in the jury box and by their Foreperson 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, John Gray, and find the full damages to be \$ 875,000.00.

We further find the relatives degrees of fault to be: (if a party or non-party is not at fault, put a zero (0) on the percentage line for that party or non-party):

Defendant State of Arizona	<u>51 %</u>
Non-party, Celene Gray	<u>49 %</u>
Total	100 %”

The jurors reply that this is their true verdict.

FILED: Verdicts.

The jury is thanked by the Court and excused from further consideration of this cause.

3:59 p.m. Trial concludes.

Later:

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written designee 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 Exhibit Department 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 Form (2).

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Depositions previously filed:

John Gray	10/23/2007
Michel A Sucher	06/17/2008
Shannon C. Miller	05/28/2008
Brenda Truesdell	05/30/2008
Peter J Pecora	06/06/2008
Syble Oliver	01/08/2008
Carole Hogle	03/13/2008
Jimmy Lopez	02/11/2008
Lisa Morella	02/11/2008
Andre Porter	02/12/2008
Nancy Fladell	12/07/2007
Syble Oliver	01/08/2008
Sara Jo Engan	12/07/2007
Daniel Terence Moe	02/20/2008
Erin Spiers	02/27/2009
Melissa Lashmet	12/12/2007
Brian S. Baum	12/12/2007