

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-090967

03/25/2014

HON. MARK F. ACETO

CLERK OF THE COURT
M. Scott
Deputy

WOODLAND SPRINGS H O A

DAVID CHAMI

v.

MID-CENTURY INSURANCE COMPANY, et
al.

ELLIOT H WERNICK

WILLIAM M DEMLONG
NEMER HADOUS

MINUTE ENTRY

Courtroom 203-SEA

9:21 a.m. This is the time set for continued jury trial in this case. Plaintiff's representative, David Reckard, is present with counsel David Chami, Nemer Hadous and Tanveer Shah. Defendant's representative, Jeffery Triplett, is present with counsel, William Demlong and Elliot Wernick. Court Reporter, Scott Coniam, is present.

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

Court is reconvened outside the presence of the jury.

Mr. Chami is heard. Mr. Demlong is heard in response. The Court sustains Defendant's objection. Mr. Chami moves to enter Mid-Century Insurance Company's Annual Statement in evidence. Mr. Demlong is heard and objects. The Court denies the motion to admit.

The Court proceeds off the record.

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9:28 a.m. Court reconvenes with respective counsel and parties present. The jury is all present. Court Reporter, Scott Coniam is present. A record of the proceedings is made by audio and/or videotape in addition to the court reporter.

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

FILED: Final Instructions of Law

Closing Arguments:

Mr. Chami is heard in closing.

10:14 a.m. The jury is excused. Court remains in session. Mr. Demlong is heard. Mr. Chami is heard in response. The Court stands in recess.

10:24 a.m. The Court is reconvened with respective counsel and parties. Court Reporter, Scott Coniam is present. A record of the proceedings is made by audio and/or videotape in addition to the court reporter.

Mr. Demlong is heard in closing.

11:29 a.m. The jury is excused with the admonition. Court remains in session outside the presence of the jury.

Discussion is held.

11:41 a.m. The Court is reconvened with the jury, respective counsel and parties. Court Reporter, Scott Coniam is present. A record of the proceedings is made by audio and/or videotape in addition to the court reporter.

Mr. Chami is heard in rebuttal.

The jury is given final instructions by the Court as to the law applicable to this case.

12:15 p.m. The jury retires in charge of sworn bailiffs to consider their verdicts.

1:38 p.m. The Court has received a jury question. Defense counsel and Court Reporter, Scott Coniam are present on the record in Chambers. Mr. Chami appears telephonically with the Court.

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The question is discussed and the proposed answer is discussed. Counsel have no objection to the proposed answer which will be given to the jury in writing.

1:40 p.m. The Court stands in recess.

FILED: Jury Question & Answer No. 3

1:52 p.m. Counsel are present in Chambers. Court Reporter, Scott Coniam is present.

The Court has received a jury question. The question and a proposed answer are discussed on the record. Counsel have no objection to the proposed answer which will be given to the jury in writing.

1:54 p.m. The Court stands in recess.

FILED: Jury Question & Answer No. 4

2:45 p.m. The Court and respective counsel are present in the courtroom outside the presence of the jury. Court Reporter, Scott Coniam is present. A record of the proceedings is made by audio and/or videotape in addition to the court reporter.

The Court has received a jury question. The question is reviewed and the answer will be provided to the jury in writing.

2:48 p.m. The Court stands in recess.

FILED: Jury Question & Answer No. 5

3:22 p.m. The Court reconvenes with respective counsel and parties present. Court Reporter, Scott Coniam 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 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 as follows:

On Count I (alleged breach of contract), we find in favor of Plaintiff Woodland Springs HOA.

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On Count II (alleged bad faith), we find in favor of Plaintiff Woodland Springs HOA.

We find Plaintiff's full compensatory damages, not including punitive damages, to be \$952,000.00.

On Plaintiff's claim for punitive damages, we find in favor of Plaintiff and award punitive damages in the amount of \$1,904,000.00.

The jurors reply that this is their true verdict.

The jury is polled at the request of counsel for the defense. Each juror replies that this is his/her true verdict.

FILED: Verdict

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

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel.

IT IS FURTHER ORDERED that counsel take immediate possession of all exhibits referenced above.

3:29 p.m. The Court proceeds on the record. The Court inquires of counsel regarding a question he plans to ask of the jury. Counsel all reply they have no objection and understand the question will be posed to the jury off the record.

3:30 p.m. Trial concludes.

LATER:

Trial having concluded in this case,

IT IS ORDERED placing the case on the inactive calendar for dismissal on **April 25, 2014**. Unless a stipulated judgment or a stipulation for dismissal together with a proposed form of order is submitted to the Court before that date, all remaining unadjudicated claims will be dismissed without further notice.

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FILED: Jury Questions (and Answers) 3-5, Exhibit Release Form, Exhibit Worksheet, Trial Worksheet