

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-013582

05/27/2011

HON. JOHN REA

CLERK OF THE COURT
L. Nixon
Deputy

VALLEY AVIATION SERVICES L L P

DARYL M WILLIAMS

v.

CITY OF GLENDALE, THE, et al.

DANIEL ROBERT LORD

TRIAL MINUTE ENTRY
DAY 5

East Court Building – Courtroom 414

9:42 a.m. Trial to a jury continues from May 26, 2011. Plaintiff is represented by counsel, Daryl M. Williams. George Van Houten, Representative of Valley Aviation Services, LLP, is present. Defendant is represented by counsel, Daniel Robert Lord and J.T. Shoaf. Defendant Judith J. Skeen is present.

Court Reporter, Marmie Guimont is present and a record of the proceeding is also made by audio and/or videotape.

The jury is not present.

Jury instructions and verdict forms are finalized.

9:37 a.m. Jury is present.

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

Closing arguments are presented.

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10:47 a.m. Court stands at recess.

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

The jury is present.

Court Reporter, Marmie Guimont is present and a record of the proceeding is also made by audio and/or videotape.

Closing arguments continue.

The Court reads the closing instruction.

FILED: Final Jury Instructions

12:11 p.m. The jury retires in charge of the sworn bailiff to consider their verdict.

3:29 p.m. Court reconvenes. Plaintiff is represented by counsel, Daryl M. Williams. George Van Houten, Representative of Valley Aviation Services, LLP, is present. Defendant is represented by counsel, Daniel Robert Lord and J.T. Shoaf. Defendant Judith J. Skeen is present.

Court Reporter, Marmie Guimont is present and a record of the proceeding is also made by audio and/or videotape.

The jury is all present in the jury box and by its Foreman returns into court its verdict, which is read and recorded by the clerk as follows:

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, as to Plaintiff’s claim as third party beneficiaries of the Federal Grant Assurances, find in favor of Plaintiff and award damages in the amount of \$0.”

The verdict is unanimous and signed by the Foreperson, Juror #2.

The jurors reply that this is their true verdict.

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, as to Plaintiff’s claim for Breach of the Covenant of Good Faith and Fair Dealing, find in favor of Plaintiff and award damages in the amount of \$1,112,200.”

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The verdict is signed by Juror #'s 1, 2, 3, 4, 6, 8 and 5.

The jurors reply that this is their true verdict.

“We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, as to Plaintiff’s claim for Intentional Interference with Business Expectancies, find in favor of Plaintiff and award damages in the amount of \$665, 718.”

The verdict is signed by Juror #'s 1, 2, 3, 4, 6, 8 and 5.

The jurors reply that this is their true verdict.

Counsel decline to poll the members of the jury.

FILED: Verdicts (6)

The Court asks the Jury to return to the jury room and answer a Special Interrogatory for clarification.

3:34 p.m. Court stands at recess.

3:52 p.m. Court reconvenes with respective parties and counsel.

Court Reporter, Marmie Guimont is present and a record of the proceeding is also made by audio and/or videotape.

The jury is all present in the jury box and by its Foreman returns into court its special interrogatory, which is read and recorded by the clerk as follows:

“Are your 2 damages cumulative, that is, do they represent 2 different forms of damages and both should be recovered; OR are the intentional interference damages included in the breach of contract damages?”

Cumulative: X

Or

Included: ___.”

The special interrogatory is signed by Juror #'s 6, 2, 1, 8, 5, 3 and 4.

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The jurors reply that this is their true answer.

Counsel decline to poll the members of the jury.

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

The verdict having been entered and 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 permanently releasing all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

Plaintiff's exhibits 9-21, 23-37, 40-43, 45, 46, 48-67, 72, 74-80, 89 and 90 are released to Stefanie Garigol for Daryl M. Williams; and defendant's exhibits 91-114, 122, 124-239, 241-254, 256-284 are released to counsel, J.T. Shoaf.

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

3:55 p.m. Trial concludes.

FILED: Trial/Hearing Worksheet, Exhibit Worksheet
ISSUED: Exhibit Release Form (2)

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.