

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. STEPHEN C. VILLARREAL
JUDGE

CASE NO. C20091753

COURT REPORTER: Bob Sipos
Courtroom - 380

DATE: February 29, 2012

TAMARA SHAMROCK
Plaintiff

Harold Hyams, Esq. counsel for Plaintiff

VS.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY
Defendant

Ralph E. Hunsaker, Esq. counsel for Defendant

MINUTE ENTRY

JURY TRIAL (DAY FIVE):

8:30 a.m. OUT OF THE PRESENCE OF THE JURY:

Plaintiff is present. Defendant's representative is not present.

The Court and counsel settle final jury instructions and verdict forms outside the presence of the court reporter and clerk.

9:15 a.m. OUT OF THE PRESENCE OF THE JURY:

Bob Sipos reporting.

The Court and counsel discuss the deposition testimony of Dr. Jacobs.

9:35 a.m. IN THE PRESENCE OF THE JURY:

CONTINUATION OF DEFENDANT'S CASE:

Mr. Hunsaker and Victoria Robertson read portions of the direct examination of the deposition of David Jacobs, M.D. to the jury.

Mr. Hyams reads portions of the direct examination and the cross-examination of the deposition of David Jacobs, M.D. to the jury.

Defendant rests.

IN REBUTTAL:

Tamara Shamrock, previously sworn, is examined.

Mimi Armstrong
Deputy Clerk

MINUTE ENTRY

Plaintiff rests; Defendant rests; both sides rest.

11:38 a.m. The jury is admonished and excused until 12:30 p.m. this date and Court is at recess.

12:31 p.m. OUT OF THE PRESENCE OF THE JURY:

Plaintiff is present; same counsel and court reporter are present.

Mr. Hyams requests that a final jury instruction be amended which request is denied.

12:37 p.m. IN THE PRESENCE OF THE JURY:

The Court instructs the jury regarding the law that must be applied to this case. The jury is given a copy of the Court's Final Jury Instructions for their use during deliberations.

The Court further instructs the jury that all nine jurors will deliberate and that seven out of nine jurors are required to decide the verdict if the verdict is not unanimous.

Counsel make closing arguments to the jury.

2:13 p.m. The jury retires to consider its verdict under the charge of the law clerk/bailiff, Victoria Robertson, who was first duly sworn for that purpose.

OUT OF THE PRESENCE OF THE JURY:

Mr. Hyams and Mr. Hunsaker argue their objections to jury instructions as stated on the record.

Upon stipulation of counsel, Defendant's Exhibits A, B, O and P(1) through P(5) and Plaintiff's Exhibits 2, 3 and 8 are admitted.

IT IS ORDERED that all exhibits admitted into evidence shall be given to the jury for their use during deliberations.

5:07 p.m. IN THE PRESENCE OF THE JURY:

Plaintiff is present. Same counsel and court reporter are present.

The jury announces, through the Jury Foreperson, that they have reached a verdict in this case.

The Court directs the clerk to read and enter the verdict into the record.

The Jury finds "Tamara Shamrock's full damages arising out of the automobile accident on July 25, 2006, to be \$70,000."

The clerk inquires of the jury whether this is their verdict of those who signed the verdict.

The jury is polled at the request of Mr. Hyams.

5:17 p.m. The jury is thanks for their services and discharged.

FILED IN COURT: Court's Preliminary Jury Instructions; Jury List; Court's Final Jury Instructions; Jury Questions during trial; Verdict; Exhibits Releases (2)

Mimi Armstrong
Deputy Clerk

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All exhibits not admitted are released to respective counsel.

OUT OF THE PRESENCE OF THE JURY:

Mr. Hyams is directed to submit a verified statement of taxable costs within 30 days of today's date and shall submit a form of judgment for the Court's review and signature.

LATER IN CHAMBERS:

Parties, counsel, and court reporter not present.

Pursuant to the Civil Jury Fees Billing Sheet,

IT IS ORDERED that judgment is entered in favor of the Clerk of the Pima County Superior Court and against the Defendant in the total amount of \$1,639.18 for five (5) days' jury fees.

Counsel for Plaintiff shall include the judgment for jury fees in the formal order for the Court's signature.

cc: Harold Hyams, Esq.
Ralph E. Hunsaker, Esq.
Clerk of Court - Accounting - Ray Vermeulen

Mimi Armstrong
Deputy Clerk