

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JUDGE: Hon. Dale A. Kimball

COURT REPORTER: Becky Janke/Kelly Hicken/Dawn

COURTROOM DEPUTY: Kim Jones

INTERPRETER:

CASE NO. 2:98-cv-31 K

Kazanofski v Provo City

Approved By: *DAK*

APPEARANCE OF COUNSEL

Pla Thomas Beck
 Dft Dennis Ferguson & David Dixon

DATE: April 30, 2001

MATTER SET: Jury Trial

1. H. Kathryn Merrill	2. Shauna B. Spencer	3. David W. Baird	4. Holly Edwards
5. Troy Perry	6. Stacy D. Beck	7. Vickie Johnston	8. Jonnie W. Heaton
9. Steven B. Money	10. Steven Murdock	11. Kay Thomas-Perkins	12. Linda Egbert
Alt 1.		Alt 2.	

DOCKET ENTRY:

Crt opened at 8:41 a.m. Prospective jurors seated; voir dire completed & panel of 12 jurors selected & swm. Out of jury's presence, cnsl argued evidentiary matters to the Crt & rec'd the Crt's ruling. Jury returned to box; trial resumed. Opening stmts made. Testimony taken & evidence rec'd. Jury excused at 1:55 p.m., to return at 8:30 a.m. on 5/1/01. Out of jury's presence, trial schedule reviewed. Crt adjourned at 2:00 p.m. (Court Reporter: Becky Janke)

5/1/01 - Crt opened at 8:35 a.m. w/ all parties present. Jury returned to box & trial resumed. Testimony taken & evidence rec'd. Depo of Paul Kazanofski published. Jury excused at 1:30 p.m., to return at 8:30 a.m. on 5/2/01. Crt recessed at 1:35 p.m. (Court Reporter: Kelly Hicken)

5/2/01 - Crt opened at 8:43 a.m. w/ all parties present. Out of jury's presence, Crt heard dft's objection to testimony of pla's witness Thomas Streed. Jury returned to box; trial resumed.

Testimony taken & evidence rec'd. Depo of Thomas Streed published. Out of jury's presence, Crt set jury instruction cnf w/ cnsl for 8:00 a.m. on 5/3/01, and discussion of pla Gallerani's testimony re: bankruptcy, rebuttal testimony of Thomas Streed, & dft's objection to testimony of Christina Winterton-Bremer took place. Jury excused at 1:33 p.m., to return at 9:00 a.m. on 5/3/01. Crt recessed for the day. (Court Reporter: Becky Janke)

5/3/01 - Crt held jury instruction cnf in chambers. Crt opened at 9:25 a.m. w/ all parties present. Jury returned to box & trial resumed. Testimony taken & evidence rec'd. Pla rested. Dfts' case presented. Depos of William Devon Jensen, Jerry Harper & Russell Billings published. Defense rested. Jury excused at 4:55 p.m., to return at 8:30 a.m. on 5/4/01. Out of jury's presence, pla moved for directed verdict on all claims; Crt denied the motion. Dfts moved for directed verdict as written in the record; Crt denied the motion. Crt adjourned at 5:00 p.m. (Court Reporter: Kelly Hicken)

5/4/01 - Crt met w/ cnsl in chambers at 8:30 a.m. to finalize the verdict form. Crt opened at 9:00 a.m. w/ all parties present. Jury returned to box; trial resumed. Closing arguments of cnsl heard. Jury instructions read. Jury retired to deliberate at 11:15 a.m. Jury note rec'd and ans'd. Jury returned w/ a verdict in favor of plaintiffs at 11:15 p.m. Verdict published. Jury thanked and excused. Crt ordered Mr. Beck to prepare the judgment. Crt adjourned at 11:30 p.m. (Court Reporter: Dawn Brunner-Hahn for trial portion; Ed Young for note & verdict)

Case 2:98-cv-00031-DAK Document 91 Filed 04/30/01 Page 3 of 3
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
JURY PANEL RECORD

Case Name: Kazanofski v Provo City Date Drawn: 4/30/01
 Case Number: 2:98-C-31K Judge: Dale A. Kirkball
 Plf Atty: Thomas Beck Def Atty: Dennis Ferguson, David Dixon

Challenges: _____ Plif _____ Def _____ Cause _____ Total _____

No	Name	Challenge			No	Name	Challenge		
		Plif	Def	Can			Plif	Def	Can
1	Ethel Walters	TEB			26.	Earl Matern			
1	2. H. Kathryn Merrill				27.	Jeffrey Overby			
2	3. Shauna B. Spencer				28.	Janice Davis			
	4. Shea H. Carpenter		DEF		29.	Carilyn Hinckley			
3	5. David W. Baird				30.	Loretta Fredrick			
	6. Nicole Anderson Sharp			C	31.	Jerald Tolman			
4	7. Holly Edwards				32.	Jan C. Daybell			
	8. Michelle Berlin		DEF		33.	Arlene Breinholt			C
5	9. Fog Perry				34.	Randy Stringer			
6	10. Stacy D. Stark Beck				35.	Lisa A. Adair			
	11. Jerry Brigante	TEB			36.				
	12. Karen Cox			C	37.				
7	13. Vickie Johnston				38.				
	14. Star Sargent		DEF		39.				
	15. Jeannette Sant	TEB			40.				
8	16. Joanie Heaton				41.				
9	17. Steven B. Money				42.				
	18. Mykell Bryson			C	43.				
10	19. Steven Murdock				44.				
11	20. Kay Thomas Perkins				45.				
	21. Linda Egbert				46.				
	22. Jatre Madsen			C	47.				
	23. Eugena Williams				48.				
	24. Julie Lynn Cram			C	49.				
	25. Theodore Whitaker			C	50.				