

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-013824

02/21/2006

HONORABLE DONALD DAUGHTON  
FOR HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT  
A. Gonzalez  
Deputy

FILED: 02/27/2006

JOHN CHAVEZ, et al.

WILLIAM H DOUGLAS

v.

AARON LEE CHRISMAN, et al.

RICHARD G POTTS

KENT E TURLEY

Prior to trial, Plaintiffs' exhibits one through 89, and Defendants' exhibits 90 through 99, are marked for identification. Plaintiffs' exhibits 17 through 87 are temporarily released. (See Exhibit Release Form.)

TRIAL MINUTE ENTRY ~ DAY ONE

10:01 a.m. This is the time set for Trial to a Jury, day one. Plaintiffs Julie Chavez and John Chavez, et al. appear through counsel William Douglas. Defendants Aaron Chrisman and Julie Chrisman are present through counsel Richard Potts. Defendant Corporation of the President of the Church of Jesus Christ of Latter-day Saints (hereinafter "LDS Church") appears through counsel Kent Turley and counsel *pro hac vice* Thomas Walk. The Jury Panel is not present.

Court Reporter Judie Bryant is present.

LET THE RECORD REFLECT that Court and above-named counsel have conducted an informal conference in Chambers, wherein discussion was held regarding Rules of Court, and arguments were presented re Motions *in Limine*. At this time counsel make a record of those arguments and the Court's rulings. The Court has taken its ruling re Motion *in Limine* re Records of Dr. Robin McKinion under advisement.

THE RECORD SHALL FURTHER REFLECT that the Jury will consist of nine Jurors with one alternate. Each side (Defendants being one side) will have five preemptory strikes. A prevailing Verdict will consist of seven of nine decisions.

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Defendants LDS Church present demonstrative exhibits, to which there no objections, and therefore may be utilized at trial.

Counsel stipulate to invoke the Rule of Exclusion of Witnesses.

10:39 a.m. Court stands at recess until 1:15 p.m.

1:26 p.m. Court reconvenes. Plaintiffs Julie Chavez and John Chavez, et al. appear through counsel William Douglas; Plaintiff John Chavez is present. Defendants Aaron Lee Chrisman and Julie Chrisman are present with counsel Richard Potts. Defendant LDS Church appears through Bishop Gary Robertson, counsel Kent Turley and counsel *pro hac vice*, Thomas Walk. The Jury Panel is not present.

Court Reporter, Vanessa Gartner, is present.

IT IS ORDERED that the progress notes of Robin McKinion, N.P., shall *not be* admitted in evidence, for the reasons set forth on the record. For the record, the Court notes that counsel for the Defendants were given an opportunity to depose Dr. McKinion, and chose not to do so.

1:30 p.m. The Jury Panel is present, and sworn under oath.

*Voir dire* begins.

Plaintiffs exhibits are 17 through 87 are returned to the Clerk.

Court and counsel conduct a bench conference.

Jurors 9 and 19 are excused to return to the Office of the Jury Commissioner.

Juror 21 is excused to return to the Office of the Jury Commissioner.

Court and counsel conduct a bench conference

Juror 18 is excused to return to the Office of the Jury Commissioner.

Juror 23 is excused to return to the Office of the Jury Commissioner.

3:13 p.m. The Jury Panel is excused.

LET THE RECORD REFLECT that counsel were asked at Bench Conference whether they passed the Panel for cause. Defendants Chrisman presented a challenge re Juror 14, which the Court overruled.

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Defendants present a challenge for cause regarding juror 12. The challenge is overruled.

Designation of the Alternate Juror is settled (the alternate will be the juror with the highest number on the Jury List).

Discussion ensues regarding scheduling. Counsel are asked to review and affirm the Preliminary Jury Instructions.

3:19 p.m. Court stands at recess while counsel make peremptory strikes.

3:57 p.m. Court reconvenes. Counsel and parties are present as previously mentioned.

Court Reporter Vanessa Gartner is present.

The Court reviews the Final Jury List.

4:03 p.m. The Jury Panel is present.

The Jury is seated in the Jury Box, and sworn under oath.

FILED: § Final Jury List.

The Court instructs the Jury according to the Preliminary Jury Instructions.

FILED: § Preliminary Jury Instructions.

4:30 p.m. The Jury is excused. Court remains in session.

4:32 p.m. After discussion re scheduling, Court stands at recess until 9:00 a.m., February 22, 2006.

LATER: Plaintiffs present the following depositions for filing.

- 1) Deposition of Aaron Chrisman dated 5/14/02.
- 2) Deposition of Verl J. Garrett dated 5/14/04.