

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-039996

08/10/2012

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT  
C. Castro/L. Stogsdill  
Deputy

WENDYS INTERNATIONAL INC

DARRELL S DUDZIK

v.

LIBERTY FUEL L L C

DAXTON R WATSON

MICHAEL R AYERS  
TROY B STRATMAN

TRIAL MINUTE ENTRY  
DAY 2

Courtroom 704 - Central Court Building

9:47 a.m. Jury trial continues from August 9, 2012. Plaintiff is represented by counsel, Darrell S. Dudzik and Michael R. Ayres. Defendant is represented by counsel, Troy B. Stratman.

The jury is not present.

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

Legal matters are discussed.

9:50 a.m. The jury returns to the courtroom and trial proceeds.

Plaintiff's case continues:

Mary Perez is sworn and testifies.

Plaintiff's exhibit 21 is received in evidence.

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The witness is excused.

Jeff Green is sworn and testifies.

The witness is excused.

Paul Falkenbach is sworn and testifies.

The witness is excused.

Denny McDougal is sworn and testifies.

Plaintiff's exhibit 18 is received in evidence.

Plaintiff's exhibit 14 is received in evidence.

The witness is excused.

10:52 a.m. The jury is excused from the courtroom. Court remains in session.

Trial scheduling is discussed.

10:54 a.m. Court stands at recess.

11:10 a.m. Court reconvenes with respective counsel and parties present.

The jury is present.

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

David Stiller resumes the stand and testifies further.

Defendant's exhibit 38 is received in evidence.

Defendant's exhibit 42 is received in evidence.

Defendant's exhibit 3, same as Plaintiff's exhibit 3 for identification, is received in evidence.

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11:57 a.m. The jury is excused from the courtroom. Court stands at recess.

1:35 p.m. The Court reconvenes with respective counsel and parties present.

The jury is present.

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

David Stiller resumes the stand and testifies further.

Defendant's exhibit 31 is received in evidence.

Marc Sokol is sworn and testifies.

2:24 p.m. The Court stands at recess.

2:35 p.m. The Court reconvenes with respective counsel and parties present.

The jury is present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter

Marc Sokol continues to testify.

Plaintiff's exhibit 24 is received in evidence.

The witness is excused.

David Stiller resumes the stand and testifies further.

The witness is excused.

Plaintiff rests subject to the provisions discussed earlier with the Court.

Defendant's case:

Faris Sukkar is sworn and testifies.

Defendant's exhibit 25 is received in evidence.

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Upon agreement of the parties,

IT IS ORDERED that a complete unmarked copy of Defendant's exhibit 51 is hereby substituted for the original of Defendant's exhibit 51.

IT IS FURTHER ORDERED releasing to counsel for Defendant the original of exhibit 51.

ISSUED: Exhibit Release Form

Defendant's exhibit 51 is received in evidence.

4:02 p.m. The jury is excused from the courtroom. Court remains in session.

Trial scheduling is discussed.

4:16 p.m. The Court reconvenes with respective counsel and parties present.

The jury is present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter

Faris Sukkar continues to testify.

4:30 p.m. The jury is excused for the evening recess. Court remains in session.

Trial scheduling and proposed jury instructions are discussed. Jury questions were provided to the Court and discussed with counsel. The Court indicates it appears the questions were answered during testimony and counsel agrees.

4:36 p.m. Court stands at recess until 9:30 a.m. on August 14, 2012.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.