

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-004379

02/19/2019

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT
C. Mai
Deputy

BRITTANY HAYS

MICK LEVIN

v.

WENDY DUTTON, et al.

NEIL C ALDEN
ELIZABETH K HAYS
PO BOX 7693
CAVE CREEK AZ 85327
MIKE WATERS
10316 W WILLOW CREEK CIR
SUN CITY AZ 85373
HOPE WATERS
10316 W WILLOW CREEK CIRCLE
SUN CITY AZ 85373
CURTIS M BERGEN
JUDGE KILEY

**TRIAL MINUTE ENTRY
DAY ELEVEN (11)**

9:04 a.m. LET THE RECORD REFLECT that the jury is all present in the jury room and resume their deliberations from February 15, 2019.

Courtroom 911 (ECB)

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11:38 a.m. This is the time set for a telephonic Hearing re: juror question.

The following counsel/parties are present:

- Plaintiff Brittany Hays is present and is represented by counsel Mick Levin (who is present in the courtroom).
- Defendant Mary K. Livingston is telephonically represented by counsel, Neil C. Alden and Curtis M. Bergen.
- Defendant Elizabeth K. Hays is telephonically present on her own behalf.
- Defendant Hope Waters is telephonically present on her own behalf.
- Defendant Mike Waters is telephonically present on his own behalf.

Court Reporter, Tanya D. McCowan, is present. A record of the proceedings is also made digitally.

Discussion is held regarding the written question the Court received from the jury.

The Court will provide the agreed upon written answer to the jury.

LET THE RECORD REFLECT that this Division's judicial assistant is sworn.

12:00 p.m. Court stands at recess.

LET THE RECORD REFLECT prior to recommencement of trial, at the request of the jury, the Court provided the jury with another copy of all verdict forms in this matter.

Courtroom 911 (ECB)

3:32 p.m. Trial to a jury continues from Friday, February 15, 2019.

The following counsel/parties are present:

- Plaintiff Brittany Hays is present and is represented by counsel Mick Levin (who is present in the courtroom).
- Defendant Mary K. Livingston is represented by counsel, Neil C. Alden (who is present in the courtroom).
- Defendant Elizabeth K. Hays is telephonically present on her own behalf.
- Defendant Hope Waters is telephonically present on her own behalf.
- Defendant Mike Waters is telephonically present on his own behalf.

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LET THE RECORD REFLECT Counsel for Defendant Mary K. Livingston waives his client's appearance for the reading of the verdicts.

The jury is all present in the jury box and by their Foreperson return into court their verdict, which is read and recorded by the clerk and is as follows:

Verdict Form # 1

We, the jury, duly empaneled and sworn in the above-entitled action, upon our oaths, on Plaintiff Brittany Hays's claim for Battery against Defendant Hope Waters, do find as follows (check one):

 X We find in favor of Plaintiff Brittany Hays

 We find in favor of Defendant Hope Waters

The verdict is not unanimous and is signed by the following jurors: 1, 3, 4, 5, 6, 7, and 8.

The jurors who have signed this verdict reply that this is their true verdict.

Verdict Form # 2

We, the jury, duly empaneled and sworn in the above-entitled action, upon our oaths, on Plaintiff Brittany Hays's claim for Battery against Defendant Mike Waters, do find as follows (check one):

 We find in favor of Plaintiff Brittany Hays

 X We find in favor of Defendant Mike Waters

The verdict is unanimous.

The jurors reply that this is their true verdict.

Verdict Form # 3

We, the jury, duly empaneled and sworn in the above-entitled action, upon our oaths, on Plaintiff Brittany Hays's claim for Negligence against Defendant Elizabeth K. Hays, do find as follows (check one):

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 X We find in favor of Plaintiff Brittany Hays

 We find in favor of Defendant Elizabeth K. Hays

The verdict is unanimous.

The jurors reply that this is their true verdict.

Verdict Form # 4

We, the jury, duly empaneled and sworn in the above-entitled action, upon our oaths, on Plaintiff Brittany Hays's claim for Negligence against Defendant Mike Waters, do find as follows (check one):

 X We find in favor of Plaintiff Brittany Hays

 We find in favor of Defendant Mike Waters

The verdict is not unanimous and is signed by the following jurors: 1, 3, 4, 5, 6, 7, and
10.

The jurors who have signed this verdict reply that this is their true verdict.

Verdict Form # 5

We, the jury, duly empaneled and sworn in the above-entitled action, upon our oaths, on Plaintiff Brittany Hays's claim for Professional Negligence against Defendant Mary K. Livingston, do find as follows (check one):

 We find in favor of Plaintiff Brittany Hays

 X We find in favor of Defendant Mary K. Livingston

The verdict is not unanimous and is signed by the following jurors: 1, 3, 5, 6, 7, 8, and
10.

The jurors who have signed this verdict reply that this is their true verdict.

Verdict Form # 6

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We, the jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the full amount of Plaintiff Brittany Hays's damages to be
\$ 2,700,000.00.

We find the relative degrees of fault to be (total must equal 100%):

Mary K. Livingston	<u>0 %</u>
Elizabeth K. Hays	<u>35 %</u>
Hope Waters	<u>25 %</u>
Mike Waters	<u>5 %</u>
Donald Hays	<u>35 %</u>
Wendy Dutton	<u>0 %</u>

The verdict is unanimous.

The jurors reply that this is their true verdict.

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

3:45 p.m. Trial concludes.

FILED: Jury List; Verdicts (6); Trial Worksheet; Jury Deliberation Question

LATER:

IT IS ORDERED assessing jury fees in the total amount of **\$3109.70** against **Elizabeth Hays, Hope Waters, and Michael Waters**, all in accordance with the formal written Judgment for Jury Fees signed by the Court on February 20, 2019 and filed (entered) by the clerk on February 20, 2019.