

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

03/29/2018

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
T. DeRaddo
Deputy

MANISH THAKRAR

GREGORY G MCGILL

v.

SURENDRA PALA

SURENDRA PALA
1601 N SABA ST # 247
CHANDLER AZ 85225

**JURY TRIAL RESET
FINAL TRIAL MANAGEMENT CONFERENCE RESET**

East Court Building - Courtroom 712

8:28 a. m. This is the time set for a telephonic Status Conference on Defendant's Motion to Extend Trial and Other dates, filed on March 15, 2018. Appearing on behalf of Plaintiff / Counterdefendant, is counsel, Gregory McGill. Defendant/Counterclaimant, Surendra Pala, appears on his own behalf. All parties appear telephonically.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding the status of the case. Counsel for Defendant withdrew from this case on February 28, and Defendant has not retained counsel. Mr. McGill reports that he has received a check for \$1500.00 from Mr. Levy for sanctions.

Mr. McGill reports that discovery is scheduled for closure on March 31, 2018. Defendant Pala requests that discovery be extended.

For the reasons stated on the record,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

03/29/2018

IT IS ORDERED extending the discovery deadlines that have not already passed, for 4 weeks; thus, discovery is closed on **April 30, 2018**.

Discussion is held regarding counsel, Paul Conant's (counsel for Manish Thakrar in the capacity of Judgment Collection only) *Motion for Supplemental Proceeding For Examination of Judgment Debtor, Surendra Pala*, filed on February 26, 2018.

IT IS ORDERED granting Mr. Conant, counsel for Plaintiff Thakrar's Motion for Judgment Debtor Exam.

IT IS FURTHER ORDERED that Mr. Conant shall submit an Order for the Court's signature regarding the date and time that he will be available to conduct the exam.

IT IS FURTHER ORDERED that if Mr. McGill files a motion for summary judgment, as he stated he would, the oral argument shall be held on **June 5, 2018 at 8:30 a.m.**

TRIAL INFORMATION

IT IS ORDERED vacating the **Pretrial Management Conference** set for April 2, 2018 at 9:00 a.m. and **resetting** the same for **June 5, 2018 at 8:30 a.m.** (**Time allotted: one hour**) in this division.

LET THE RECORD REFLECT that counsel who will be the lead trial attorneys on the case are required to be in Court for the Pretrial Management Conference.

FAILURE OF TRIAL COUNSEL TO ATTEND THE PRETRIAL MANAGEMENT CONFERENCE MAY RESULT IN PERSONAL SANCTIONS.

IT IS FURTHER ORDERED vacating the 2-day **Jury Trial** set for May 7-8, 2018 and **resetting** the same for, **June 25-26, 2018 at 9:30 a.m.** in this division. Trial days begin at 9:30 a.m.

THIS IS A FIRM TRIAL SETTING NO CONTINUANCE SHALL BE GRANTED

Final Joint Pretrial Statement: The Final Joint Pretrial Statement shall be due in this division by **5:00 p.m. June 5, 2018**.

Counsel who will be lead trial lawyers, are required to meet and prepare the final Joint Pretrial Statement. At this meeting Counsel shall in good faith address and attempt to reach agreement, at a minimum, on the following:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

03/29/2018

- **Exhibits**: counsel shall go over all exhibits each side proposes to introduce at time of trial and attempt to reach agreement on the introduction of exhibits. Written stipulations to admit specific exhibits into evidence are encouraged. All exhibits shall be **exchanged 30 business days prior** to the pretrial conference. The Court will hear and rule on all objections at the final trial management conference. Any objections to exhibits shall be in writing and shall set forth with specificity the substantive basis for the objection.
- **Depositions**: review all deposition summaries, videotaped depositions and excerpts from deposition transcripts and attempt to reach agreement on their introduction at trial;
- **Statement of case**: Counsel are to stipulate to a brief statement of the case the Court may read to the jury during its voir dire;
- **Discovery disputes**: Counsel shall discuss and make a good faith effort to resolve any discovery disputes; and
- **Jury instruction**: Counsel shall discuss preliminary, standard, and final jury instructions and attempt to reach agreement on all proposed jury instructions.

At the final trial management conference counsel shall also be prepared to discuss with the Court:

- Proposed length of counsels' voir dire, opening statements, examination of witnesses and closing arguments;
- Jury instructions [preliminary, standard, and final] and juror notebooks;
- Number of jurors and any stipulation regarding the size of the jury panel and whether alternate juror[s] may deliberate in the verdict;
- Voir dire questions;
- Stipulation regarding invoking the rule of exclusion of witnesses during the course of trial;
- The need for an interpreter for any witness[es] called at trial.

Motions in Limine: Any Motions in Limine shall be filed no later than **May 6, 2018**. Any Motion in Limine not timely filed will be deemed waived. Failure to file a timely response will be deemed to be consent to granting of the motion. The moving party shall not file a reply in support of a Motion in Limine.

The parties are reminded that the primary purpose of a Motion in Limine, is to avoid disclosing to the jury prejudicial matters which may compel a mistrial. *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 [1972].

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

03/29/2018

Witness Information Form: Lead Counsel will meet prior to the trial management conference to complete the Witness Information Form which is attached to this minute entry. The jointly completed form must be brought to the Court at the time of the trial management conference. The Court will use the Witness Information Form to predict the length of the trial for the jurors.

Attachment: Witness Information Form.

Depositions to be used at trial: The parties shall comply with the requirements of Rule 16 [d]. To the extent possible, depositions should be summarized. In addition, narrative summaries with brief excerpts of deposition question and answer testimony are preferred at trial rather than the reading of many pages of testimony.

Videotape deposition should be edited.

Before a deposition may be used for any purpose at trial, the **original** transcripts must be provided to this trial court division's clerk and an additional copy must be provided to the Court.

As to any deposition testimony which actually will be presented at trial in lieu of live testimony, counsel shall do the following:

- No less than 10 business days before the pretrial conference identify in writing the deposition testimony to be presented;
- No less than 5 business days before the pretrial conference opposing counsel shall submit in writing any objections to the proposed deposition testimony; and
- Assuming there are objections, lead counsel shall meet, prior to the date set for the pretrial conference in an attempt to amicably resolve the issue; and
- Assuming no agreement is reached the parties shall submit in writing a list of any objections to the proposed deposition testimony and the specific legal basis for any such objection[s].

Marking Exhibits for Trial: Trial counsel are directed to meet and discuss all exhibits prior to marking them for trial. Counsel shall attempt to agree on the authenticity, foundation and admission of as many exhibits as possible. Counsel shall contact the courtroom clerk at 602-506-1471 and present all exhibits to be used at trial no later than **June 15 2018**.

Counsel shall present all exhibits with a written list of exhibit description to the Clerk of this Court at the time scheduled by the clerk. The exhibits will be marked serially as they are listed in the Pretrial Statement- Plaintiff's first, Defendant's second. Counsel will make sure

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

03/29/2018

they do not bring duplicate copies of exhibits. Counsel shall also present **original** depositions for filing at that time.

Attachment to Joint Pretrial Statement: The parties shall exchange the Final Joint Pretrial Statement and shall attach to this pleading the following:

- Proposed voir dire questions;
- Joint set of agreed-upon preliminary, standard, and final jury instructions. These jury instruction shall be placed on a CD diskette in Microsoft Word format;
- Separate set of requested instructions that have not been agreed upon. These non-agreed upon jury instruction also to be placed on a CD diskette in Microsoft Word format. A copy of any and all case authority relied upon by counsel for the requested instruction shall be included;
- Proposed Findings of Fact and Conclusion of Law if this is to be a bench trial and a request for findings of fact and conclusion of law has been or will be filed. If no such request is received, the request shall be deemed waived;
- Jointly-Completed Witness Information Form;
- A brief stipulated statement or summary of the case, which the Court will read to the jury at the commencement of the trial;
- Any Trial Memorandum [optional] which a party wishes to submit to the Court;
- A comprehensive outline of each expert's separate opinions and a detailed description of the factual/substantive basis for each such opinion; and
- A copy of any and all agreed upon material to be included in the jurors' individual notebooks.

8:45 a.m. Matter concludes.

WITNESS INFORMATION FORM

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

03/29/2018

3			
4			
5			
6			

DIRECT & CROSS TOTAL: _____

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			
5			
6			

DIRECT & CROSS TOTAL: _____

TOTAL WITNESS TIME ESTIMATE: _____

TIME ESTIMATE FOR:	PLAINTIFF		DEFENDANT
OPENING STATEMENT			
CLOSING ARGUMENT	1 st :	2 nd :	

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

03/29/2018