

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/02/2014

HON. SALLY SCHNEIDER DUNCAN

CLERK OF THE COURT
M. Corriveau
Deputy

MANISH THAKRAR

GREGORY G MCGILL

v.

SURENDRA PALA

BIMAL R MERCHANT

HEARING CONTINUED

Courtroom: CCB 702

1:34 p.m. This is the time set for Evidentiary Hearing. Plaintiff, Manish Thakrar, is present and is represented by counsel, Gregory G. McGill. Defendant/Counterclaimant, Surendra Pala, is present and represented by counsel, Bimal R. Merchant.

Court Reporter, Tara Kramer, is present and a record of the proceedings is also made by audio and/or videotape.

Prior to commencement of hearing Plaintiff's exhibits 1 and 2 and Defendant/Counterclaimant's exhibits 3 and 4 are marked for identification.

On stipulation of counsel, exhibits 1 through 4 are received in evidence.

Plaintiff's case:

Greg Allen Lynch is sworn and testifies.

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The witness is excused.

Plaintiff rests.

Defendant/Counterclaimant's case:

2:25 p.m. Court stands at recess.

2:37 p.m. Court reconvenes with respective Counsel and parties present.

Court Reporter, Tara Kramer, is present and a record of the proceedings is also made by audio and/or videotape.

Discussion is held regarding availability of Defendant/Counterclaimant's expert witness.

Defendant/Counterclaimant's counsel orally moves to continue this matter to permit his expert witness to appear. Counsel further requests that the witness be permitted to appear telephonically.

IT IS ORDERED continuing this hearing to **December 10, 2014 at 10:00 a.m.**, before this Court. Time allotted: 1 hour.

Maricopa County Superior Court
Central Court Building
201 West Jefferson, Courtroom 702
Phoenix, AZ 85003
Telephone number: 602-506-9042

IT IS FURTHER ORDERED denying Defendant/Counterclaimant's request for their expert witness to appear telephonically.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division (602-506-9042) at least three (3) business days before the scheduled hearing.

Argument is presented to the Court regarding Plaintiff/Third Party Defendant's Motion to Strike Kanabar Affidavit filed October 9, 2014 and Plaintiff/Third Party Defendant's Motion for Summary Judgment on the Option filed August 26, 2014.

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LET THE RECORD REFLECT that Plaintiff/Third Party Defendant's Motion to Strike Kanabar Affidavit filed October 9, 2014 is withdrawn.

LET THE RECORD FURTHER REFLECT that the Court takes notice of Plaintiff/Third Party Defendant's Notice of Objection in Lieu of Motion to Strike Kanabar Affidavit filed October 24, 2014.

Further argument is presented to the Court regarding Plaintiff/Third Party Defendant's Motion for Summary Judgment on the Option filed August 26, 2014 and Defendant/Counterclaimant Pala's Response in Opposition to Motion for Summary Judgment Re: Option and Cross-Motion for Summary Judgment Re: Ownership Interests filed September 24, 2014.

3:20 p.m. Court stands at recess.

3:37 p.m. Court reconvenes with respective Counsel and parties present.

Court Reporter, Tara Kramer, is present and a record of the proceedings is also made by audio and/or videotape.

Further argument is presented to the Court.

For the reasons set forth on the record,

IT IS FURTHER ORDERED granting count 1 in Plaintiff/Third Party Defendant's Motion for Summary Judgment on the Option.

IT IS FURTHER ORDERED denying count 3 in Plaintiff/Third Party Defendant's Motion for Summary Judgment on the Option.

IT IS FURTHER ORDERED denying Defendant/Counterclaimant Pala's Cross-Motion for Summary Judgment Re: Ownership Interests.

4:07 p.m. Matter concludes.