

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/19/2017

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
T. DeRaddo
Deputy

MANISH THAKRAR

GREGORY G MCGILL

v.

SURENDRA PALA

BRYAN K LEVY

PAUL A CONANT

TRIAL TO THE COURT SET

East Court Building - Courtroom 712

9:48 a.m. This is the time set for Oral Argument on Plaintiff's Motion to Quash Subpoenas, filed on November 8, 2017. Plaintiff, Manish Thakrar is present and is represented by counsel, Gregory G. McGill and Paul Conant. Appearing on behalf of Defendant is counsel, Surendra Pala.

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

Discussion is held regarding the status of the case.

Argument is heard on Plaintiff's Motion to Quash Subpoenas.

For the reasons stated on the record,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/19/2017

IT IS ORDERED granting Plaintiff's motion in part and denying in part as follows: the Court grants the request to quash the subpoenas as currently written. Mr. Levy may re-issue the subpoenas with the limitations of the date range of January 1, 2012 through May 15, 2015.

IT IS FURTHER ORDERED instead of requiring the recipients of the subpoenas to provide the documents as a matter of limitation, the subpoenas will need to specify a list of the type of documents that the recipients may have and the dates that are covered by the documents that are responsive to the language in the subpoenas.

IT IS FURTHER ORDERED each recipient of the subpoenas shall then, without turning over the documents to counsel, provide a list of the documents in their possession to both counsel that are compliant to the request for the specified dates.

IT IS FURTHER ORDERED that if the parties have a discovery dispute, they shall first meet and confer in an attempt to settle the matter(s) on their own. Otherwise, counsel for the movant shall contact the Court's Judicial Assistant, and all other counsel to advise them of his/her request for a telephonic hearing. The parties shall thereafter e-mail to the Court's Judicial Assistant a one-paragraph summary of the dispute. Once the Court receives a summary, the Court's Judicial Assistant will contact the parties to schedule a telephonic conference, or instruct counsel to file a motion. The Judicial Assistant is Randy Collins who may be reached at collinsr005@superiorcourt.maricopa.gov

Pending is Plaintiff's Request for Production of documents propounded on Defendants. Mr. McGill asserts that he needs the document(s) that Defendant used to support its multi-count counterclaim.

Mr. Levy avows that he will contact and confer with Defendant regarding this issue.

Discussion is held regarding the status of the case and the parties advise the Court that they are prepared to set a trial date. Accordingly,

IT IS ORDERED as follows:

1. Setting a Trial Management Conference on **April 2, 2018 at 9:00 a.m.** (time allotted: 30 minutes). All parties must appear in person and cannot appear telephonically.
2. Setting a Trial to the Court for the dates of **May 7-9, 2018 at 9:30 a.m.** (time allotted: three (3) days).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/19/2017

Duties Prior to the Trial Management Conference

3. Motions in Limine: All Motions in Limine shall be filed no later than **March 12, 2018** and such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397; 499 P.2d 152 (1972): The primary purpose of a Motion in Limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial. See also, Ariz. R. Evid. 103(c). A written response to a Motion in Limine may be filed no later than **March 22, 2018**. The Court may rule on Motions in Limine without oral argument. No replies shall be filed. The parties must comply with Rule 7.2(a) Ariz.R.Civ.P., prior to filing any Motion in Limine.

PLEASE NOTE: This division requires that all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

4. Joint Pretrial Statement: Counsel shall file, no later than **March 26, 2018**, a Joint Pretrial Statement signed by all counsel. In addition to the information required by Rule 16, the Joint Pretrial Statement shall include,
- A Final Trial Witness List. This list shall contain the name of each witness a party actually intends to call at Trial, the day on which they intend to call each witness and the **estimated time needed for direct, cross and re-direct examination**. (see Witness Information Form attached)
 - Whether or not the Rule of Exclusion of Witnesses is being invoked.
5. Findings of Fact and Conclusions of Law: This matter is set for a trial to the bench. Any party who requests Rule 52 Findings of Fact and Conclusions of Law shall file a written request no later than thirty (30) days prior to trial. A party who makes this request shall file Proposed Findings of Fact and Conclusions of Law no later than twenty (20) days after the trial concludes, unless otherwise ordered by the Court. Any party who did not request Rule 52 findings may file its own Proposed Findings of Fact and Conclusion of Law by the same deadline. In addition to filing the Proposed Findings of Fact and Conclusions of Law, an electronic version in Word or Word-compatible format shall be provided to the Division's Judicial Assistant. If Proposed Findings of Fact and Conclusions of Law are not filed as ordered, the request shall be deemed waived.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/19/2017

Duties at Trial Management Conference

6. Counsel/parties shall be prepared to discuss:
 - a) Agreed-upon deposition summaries and excerpts from deposition transcripts and the editing of any videotaped depositions.
 - b) Any special scheduling or equipment issues.
 - c) Any information contained in the Joint Pretrial Statement.

Exhibits

7. Counsel or their assistants are to contact the clerk of this division at **602-506-1471**, no later than **April 23, 2018**, regarding the proper procedures for submitting exhibits to be marked for trial in this division.

No later than **April 30**, all parties shall deliver their exhibits. *The parties are directed to meet in person to exchange the exhibits before coming to court and, to the extent possible, remove any duplicate exhibits.* The parties should not reserve exhibit numbers for all Defendants' exhibits, all Plaintiffs' exhibits, miscellaneous demonstrative exhibits, and the like. The parties shall also present original depositions for filing at that time.

Exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, the Defendant's exhibits numbering shall start at the next number following the last of Plaintiff's exhibits. (For example, Plaintiff submits 82 exhibits, which are marked Exhibit 1 through 82. Defendant submits 63 exhibits, which are marked 83 through 145). Please do not combine the parties' exhibits. Each side's exhibits must be submitted separately and in numerical order.

IT IS ORDERED that any exhibit in excess of 20 pages shall be bates stamped.

With regard to trial exhibits, the parties are strongly discouraged from marking exhibits they do not anticipate using during trial. Each exhibit must be separately and securely bound by a staple, prong, in in a binder of some sort. Exhibits not securely bound or are bound with only a binder clip or rubber band will not be accepted and will be returned.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/19/2017

8. The dates set forth in this Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.

A trial date now having been set, the parties may, without leave of the Court, modify the deadlines previously set in the previously filed Scheduling Order using the trial date as a guideline for the new dates. Should the parties reach an impasse in their discussions to modify the deadlines, they may contact the Court for the setting of a telephonic status conference.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$30.00 charge. If a CD or videotape is requested, please obtain a form from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

NOTE: Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

Effective February 15, 2017, Rule 9.8 of the Maricopa County Superior Court Local Rules of Practice (Reporting of Oral Arguments and Hearings) has been abrogated. See Arizona Supreme Court Order No. R-16-0044. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

10:42 a.m. Matter concludes.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/19/2017

WITNESS INFORMATION FORM

Please note that there are approximately 5 hours of trial time which includes two 15-minute breaks and 1½ hours for lunch.

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT & RE-DIRECT	CROSS
1			
2			
3			
4			
5			
6			

DIRECT, RE-DIRECT & CROSS

TOTAL: _____

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT & RE-DIRECT	CROSS
1			
2			
3			
4			

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-000741

12/19/2017

5			
6			

DIRECT, RE-DIRECT & CROSS

TOTAL: _____

TOTAL WITNESS TIME ESTIMATE: _____

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

TOTAL ESTIMATED TRIAL TIME:

Should not exceed **15** total hours