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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**
3

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8 **RAJWANT KAUR,**

9 Appellant,

10 vs.

11 **JASWINDER SINGH,**

12 Respondent.

CASE NO. 80090

District Court Case No:

04D323977

13
14 **APPELLANT'S APPENDIX - VOLUME II**
15 **Volume I (Bates Stamps AA0001 - 0235)**
16 **Volume II (Bates Stamps AA0236- 0388)**
17 **Volume III (Bates Stamps AA0389 - 0506)**

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LIST OF APPENDIX DOCUMENTS

<u>Title of Document</u>	<u>Filing Date</u>	<u>Volume</u>	<u>Bates Stamp</u>
Acceptance of Service	8.29.2019	I	AA0179
Acceptance of Service	8.29.2019	I	AA0180
Acceptance of Service	8.29.2019	I	AA0181
Affidavit of Resident Witness	8.27.2004	I	AA0006 - 0007
Affidavit of Service	1.9.2019	I	AA0051 - 0053
Appendix of Exhibits to Defendant's Motion to Set Aside Decree of Divorce	1.4.2019	I	AA0011 - 0040
Certificate of Service	9.4.2019	I	AA0227 - 0228
Certificate of Service	9.10.2019	II	AA0276 - 0280
Decree of Divorce	9.08.2004	I	AA0008 - 0010
Defendant's Motion to Set Aside Decree of Divorce	1.7.2019	I	AA0041 - 0050
Defendant's Opposition to Plaintiffs Motion in Limine and Defendant's Countermotion for Attorney's Fees and Costs	9.6.2019	II	AA0258 - 0268
Defendant's Pre-Trial Memorandum	9.5.2019	II	AA0236 - 0257
Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Set Aside Decree of Divorce and Defendant's Opposition to Plaintiff's Countermotion	2.8.2019	I	AA074 - 0084
Defendant's Supplemental Filing	2.12.2019	I	AA0085 - 0137
Exhibits in Support of Motion in Limine	8.30.2019	I	AA0195 - 0221

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1	Ex Parte Application for an Order Shortening Time On Motion For Limine	8.30.2019	I	AA0222 - 0225
2				
3	Findings of Fact, Conclusions of Law, and Order	10.22.2019	II	AA0281 - 0289
4	Joint Petition for Summary Decree of Divorce	8.27.2004	I	AA0001 - 0005
5				
6	Motion in Limine	8.30.2019	I	AA0182 - 0194
7	Notice of Appearance of Counsel	1.16.2019	I	AA0054 - 0056
8	Notice of Entry of Findings of Fact, Conclusions of Law, and Order	10.22.2019	II	AA0290 - 0301
9				
10	Notice of Entry of Order From Hearing Held February 13, 2019	3.19.2019	I	AA0141 - 0145
11				
12	Notice of Entry of Stipulation and Order Re: Discovery	5.13.2019	I	AA0165 - 0170
13				
14	Notice of Entry of Stipulation and Order to Continue Trial (First Request)	6.3.2019	I	AA0174 - 0178
15				
16	Notice of Hearing	9.3.2019	I	AA0226
17	Notice of Hearing	9.9.2019	II	AA0269
18	Opposition to Motion to Set Aside Decree of Divorce; Countermotion	1.23.2019	I	AA0057 - 0073
19				
20	Order from Hearing Held February 13, 2019	3.14.2019	I	AA0138 - 0140
21				
22	Order Shortening Time	9.10.2019	II	AA0274 - 0275
23	Plaintiff's Pre-Trial Memorandum	9.5.2019	I	AA0229 - 0235
24	Plaintiff's Witness List	9.9.2019	II	AA0270 - 0272
25	Receipt of Plaintiff's Trial Exhibits	9.10.2019	II	AA0273
26				
27				

1	Stipulation and Order Re: Discovery	5.10.2019	I	AA0161 - 0164
2	Stipulation and Order to Continue Trial (First Request)	5.30.2019	I	AA0171 - 0173
3				
4	Transcript re: All Pending Motions	4.9.2019	I	AA0146 - 0160
5				
6	Transcript re: Evidentiary Hearing (9.12.2019)	1.31.2020	II	AA0302 - 0388
7	Transcript re: Evidentiary Hearing (9.13.2019)	1.31.2020	III	AA0389 - 0506
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AFFIRMATION

(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding documents
filed in the above-referenced matter does not contain the social security number
of any person.

DATED this 30 day of March, 2020.

KAINEN LAW GROUP, PLLC

By: 

ANDREW L. KYNASTON, ESQ.
Nevada Bar No. 8147
RACHEAL H. MASTEL, ESQ.
Nevada Bar No. 11646
Attorneys for Appellant

CERTIFICATE OF SERVICE

I the undersigned hereby certify that I am an employee of the KAINEN LAW GROUP, PLLC, located at 3303 Novat Street, Suite 200, Las Vegas, Nevada 89129, and on the 2 day of APRIL, 2020, I served a true and correct copy of the *Appellant's Appendix - Volume II* on all interested parties to this action as follows:

☒ Electronically through the Court's ECF system:

F. Peter James

Racheal H. Mastel

☒ By Traditional Means:

Andrew L. Kynaston



An Employee of
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DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

JASWINDER SINGH,

Plaintiff,

vs.

RAJWANT KAUR,

Defendant.

CASE NO. 04D323977
DEPT NO. P


Date of Hearing: 9/12/19 @ 1:30 p.m.
9/13/19 @ 9:30 a.m.

DEFENDANT'S PRE-TRIAL MEMORANDUM

COMES NOW, the Defendant, RAJWANT KAUR, by and through her attorney, ANDREW L. KYNASTON, ESQ., of the law firm of KAINEN LAW GROUP, PLLC, and hereby submits her Pre-Trial Memorandum to this Court.

DATED this 5th day of September, 2019

KAINEN LAW GROUP, PLLC

By: 
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I.

STATEMENT OF ESSENTIAL FACTS

A. NAMES/AGES OF PARTIES:

Plaintiff, JASWINDER SINGH (hereinafter "Husband"), born May 5, 1961, age 58, Defendant, RAJWANT KAUR (hereinafter "Wife"), born June 8, 1957, age 62. The parties have no children.

B. DATE OF MARRIAGE:

Husband and Wife were married either on November 11, 1989, or December 31, 1989, in Punjab, India.¹ A Decree of Divorce was erroneously filed on September 27, 2004 in Las Vegas, Nevada based upon a fraudulently filed joint petition filed August 27, 2004, instigated by Husband and supported by a false and fraudulent claim of Nevada residency. Since August 2004, the parties continued to reside as husband and wife in their marital residence in California, and to this day are still jointly residing in the same residence in California. Wife initiated a divorce action in California in May of 2018 (Case No. 18STFL05676). Husband responded to the California divorce petition, and countersued for dissolution of the parties' marriage in California. However, nearly six months later, Husband filed an amended Response in the California case alleging the parties' were already divorced in 2004 in Nevada. Wife subsequently had to retain Nevada counsel and file a *Motion to Set Aside Decree of Divorce* before this Court on January 7, 2019, which Motion was heard by the Court on February 13, 2019.

C. RESOLVED ISSUES, INCLUDING AGREED RESOLUTIONS:

None.

D. STATEMENT OF UNRESOLVED ISSUES:

At the hearing held February 13, 2019, the Court made specific findings in relation to Wife's *Motion to Set Aside the Decree of Divorce* and determined that evidentiary proceedings would be necessary to make a determination regarding Wife's

¹ There is some discrepancy regarding the actual date of the parties' marriage.

1 request to declare void and set aside the August 2004 Nevada Decree of Divorce. The
2 Court, as set forth in detail in its Order filed March 14, 2019, determined that evidence
3 needed to be taken in regard to three specific issues, as follows:

4 1) Whether Husband satisfied the requirements of actual physical
5 presence for six weeks and the requisite intent to establish valid Nevada residency prior
6 to the filing of the Joint Petition for Divorce in August 2004, and, if not, that a fraud has
7 been perpetrated on the State of Nevada.² The Court further determined that it was
8 Husband's burden to prove he was a bona-fide resident of the State of Nevada at the time
9 of filing the Complaint for Divorce;

10 2) Whether Wife voluntarily participated or was otherwise complicit in
11 the fraud perpetrated by Husband on the State of Nevada; and

12 3) Whether the 2004 Nevada Decree of Divorce should be set aside and
13 declared void by the Court based upon the fraud upon the Court and the State of Nevada
14 as permitted by NRCP Rule 60(b), and consideration of the holding in Vaile v. Eighth
15 Judicial District Court, 118 Nev. 262, 44 P.3d 506 (2002).

16 II.

17 **BACKGROUND & LEGAL ARGUMENT**

18 Husband and Wife were married by arranged marriage in either November
19 or December 1989, in Punjab, India. Prior to their marriage, Wife, had immigrated from
20 India to Southern California in the United States and started working as a nurse in a
21 California hospital. After the parties' marriage in India, Husband also immigrated to the
22 United States in Southern California, where the parties have resided together as husband
23 and wife since that time for a period of nearly 30 years. Wife has worked as a certified
24 nurse for the duration of the parties' nearly 30 years together. Husband worked as a
25

26
27 ² The Court made it clear that it views the State of Nevada as the injured party, if the alleged fraud
28 regarding residency has been committed, and noted that the "State of Nevada does not know that a
fraud has been committed until it is brought to the Court's attention." (Court Order filed March 14,
2019, page 2, lines 8-11)

1 cashier at a 7-Eleven in Southern California between 1989 and 1993, when he was shot
2 at work, and was disabled for several years after that while recovering from his injuries.
3 Thereafter, in 1998, he started working for Interamerican Motor Corporation, where he
4 has been employed consistently since that time and presently works as a forklift operator.

5 The evidence presented at trial will overwhelmingly establish that Husband
6 was not (and never has been) a bona-fide resident of the State of Nevada prior to the
7 filing of the Joint Petition for Divorce on August 27, 2004, and that his claims (as well
8 of those of his “resident witness”) of Nevada residency were fraudulent. Upon hearing
9 the evidence, the Court should easily find that Husband completely lacks credibility in
10 this regard and that he has been unable to even keep his own story straight during the
11 discovery process. Further, that he has not and cannot prove actual physical presence in
12 the State of Nevada for the requisite six-week period prior to filing the Joint Petition, and
13 further that he has no credible evidence to support a claim that he possessed the requisite
14 intent to be a Nevada resident at the time the Nevada Divorce Decree was filed. The
15 Court made it clear at the hearing of February 13, 2019, that it is Husband’s burden to
16 prove Nevada residency.³ He has not produced any credible supporting evidence in this
17 regard, and appears to be solely depending on his own inconsistent testimony.

18 In Husband’s Answers to Interrogatories, served May 13, 2019, in response
19 to Interrogatory No. 7 – “*State the beginning and end dates for each period you resided*
20 *together with Defendant. State the address(es) where you resided together.*” – Husband
21 answered that the parties resided together at various addresses all in Southern California
22 between February 1993 and June 13, 2004; then again in California “from about mid
23 September 2004 for 2-3 months until November or December 2004, Starting again in
24 December of 2004, or January 2005 we resumed living together again, and continue to
25

26 ³ Wife is aware that Husband and his counsel are arguing that it was improper for the Court to state
27 that it is Husband’s legal burden to prove residency. While Wife and her counsel disagree with this
28 legal conclusion by Husband and his counsel, the evidence at trial will overwhelmingly show that
Husband did not establish the requisite Nevada residency whether the burden is his or not.

1 do so through today.” The inference from this response was that there was a period of
2 time between June 13, 2004 and mid-September 2004, that he claims the parties were not
3 residing together. Otherwise they have been living together at all other relevant times in
4 California. Husband also indicated that he took a leave of absence from his job in
5 California from June 13, 2004 through mid September 2004, during which time he claims
6 to have resided in Las Vegas. (See Answer to Interrogatory No. 17).⁴ The fact that he
7 claims to have only taken a leave of absence from his job in California, rather than quit,
8 demonstrates that his intentions were not to permanently relocate to Nevada.
9 Furthermore, in response to Wife’s *Request for Production of Documents to Plaintiff*
10 propounded in discovery, Husband was requested to produce “any and all documents
11 relating to any employment” since January 1, 2004. Husband’s response was to object
12 to the request as “unduly burdensome” and suggesting it was too long ago for him to be
13 able to produce records. He did produce a Release Form for his employment records, but
14 nothing else. (See Husband’s Response to Requests for Production to Plaintiff, Response
15 No. 1). As it is Husband’s burden to prove Nevada residency, it would have been in his
16 interests to try to obtain the employment records to demonstrate that he had taken a leave
17 of absence during the period he claims to have been residing in Nevada. Instead, he
18 flippantly objects, suggests the records likely don’t exist, and then provides a release
19 telling Wife to try to get the records from his employer if she wants them.

20 Later on in his Answers to Interrogatories, in response to Interrogatory No.
21 22 (“*Provide a detailed explanation of the period you claim to have been a Nevada*
22 *resident. State where you lived, where you worked, where you received medical*
23 *treatments or care. Please state when you obtained a Nevada drivers license and when*
24 _____

25 ⁴ When asked about “leaves of absence” from his work during his deposition, Husband initially only
26 talked about taking a sick day here or there or a vacation day. When asked more specifically about
27 any “extended leaves of absence” he spoke about taking extended leaves of absence in 2012 for a
28 pancreas surgery and a wrist injury. When further pressed about any extended leaves of absence
specifically in 2004, his response was “I do take a leave of absence. It’s a long time ago, like 14, 15,
years ago. I don’t recall exactly.” (See Deposition Transcript of Jaswinder Singh page 9, lines 4-22)

1 you registered to vote. Please also state where you did your banking in Nevada, and
2 where you buy groceries”, Husband answered, “I lived with Balbinder Singh at his house
3 at 2916 Jansen Ave. Las Vegas, Nevada 89101. I never obtained a job in Nevada, and
4 never received medical care in Nevada. I did not get a Nevada driver’s license, nor did
5 I register to vote. I banked through Bank of America. I did not buy groceries as I only
6 ate out.” In response to Interrogatory No. 12, he also responded that the house he stayed
7 in Las Vegas was 2-3 bedrooms, that he slept on a mattress on the floor in the living
8 room, and that he “paid for his food and nothing else.”

9 Conveniently, Husband doesn’t know the present whereabouts of his
10 resident witness, Balbinder Singh Pabla, about whom he claims in his Answers to
11 Interrogatories that he met “through a mutual friend when he was in Los Angeles...”
12 “about a year before [he] went to stay with Mr. Pabla in Las Vegas” (See, Answer to
13 Interrogatory No. 13). During his deposition testimony, Husband further testified
14 regarding Mr. Pabla, that “[h]e was a friend of a friend. It’s just like when we see each
15 other, we talk to each other in different places. He was a friend of another friend.”
16 (Deposition Transcript of Husband Singh, page 46, lines 12-15). Yet this is a person he
17 claims welcomed him into his home, and allowed him to spend approximately two
18 months sleeping on this “friend of a friend’s” living room floor (See, Answer to
19 Interrogatory No. 12). He further testified that both he and Wife stayed in Mr. Pabla’s
20 home during this time, along with Mr. Pabla’s wife and his children (Deposition
21 Transcript of Jaswinder Singh, page 46, line 5). Husband didn’t even know how many
22 children Mr. Pabla had at the time (*Id.* at page 46, lines 3-10), how many bedrooms were
23 in the house (*Id.*, at page 49, lines 6-8), what part of town the house is located in or the
24 major cross streets near the house (*Id.* at page 51, lines 24-25, and page 52, lines 1-5), or
25 that there was a large park (Freedom Park) nearby (*Id.* at 52, lines 22-25).

26 Several months after providing his Answers to Interrogatories, during his
27 deposition testimony on August 19, 2019, Husband’s testimony was wholly inconsistent
28 with his Answers to Interrogatories. For instance, for the first time ever in this case and

1 in the discovery process, he testified that not only he had resided in Nevada at least six
2 weeks prior to filing the Joint Petition, but that Wife had also resided with him in Nevada
3 during that period of time, as evidenced by the following testimony:

4 MR. KYNASTON: Why did you file for divorce in Nevada?

WITNESS: At that time, we were living in Nevada so we filed here.

5 MR. KYNASTON: Who was? Who was living in Nevada at that time?

WITNESS: We were living in Balbinder Pabla's house.

6 MR. KYNASTON: Who? Who was living in his house?

WITNESS: We both lived with him.

7 MR. KYNASTON: Your testimony is that you and Rajwant were living with him in a
house in Nevada?

8 WITNESS: Yes. Myself and Rajwant were living with Balbinder. (Deposition of
Jaswinder Singh, page 31, lines 14-25, and page 32, line 1)

9 So in his Answers to Interrogatories signed under oath in May 2019, he stated that the
10 parties did not jointly reside together between June 13, 2004 and mid September 2004.
11 Then in his deposition on August 19, 2019, he claimed that they had both resided together
12 in Mr. Pabla's house in Las Vegas during that period of time. This claim is completely
13 false, and Wife and several of her family members will testify that they both continued
14 to live in California throughout this period of time and she has never lived in Nevada.
15

16 Other evidence that will be presented at trial will further show that Husband
17 was not physically present in Nevada during at least a portion of the time he claims to
18 have resided in Las Vegas. Wife and other witnesses from the family will testify that
19 Husband was still living with Wife in the marital residence throughout the period of time
20 he claims he was residing in Las Vegas. Other evidence, such as the credit card records
21 reflect that he shopped at Costco in Van Nuys, California, multiple times between June
22 20, 2004 and August 15, 2004. When questioned about this, his response was to suggest
23 that someone else was using his Costco credit card. The following exchange during his
deposition is illustrative:

24 MR. KYNASTON: You previously testified that you lived in the Jansen Avenue house
25 for at least six weeks before you filed for divorce in Nevada?

WITNESS: Yes, yes, yes.

26 MR. KYNASTON: Isn't it true that you were a patron at Costco in Van Nuys, California
multiple times between June 20, 2004 and August 15, 2004?

27 INTERPRETER: And what's the question?

28 MR. KYNASTON: The question is isn't it true that he was a patron in Van Nuys,
California multiple times between June 20, 2004 and August 15, 2004.

1 WITNESS: The Costco card can be made available to anybody and anybody can go with
2 the card to the store and get whatever you want. If you give me your card, I can get it
charged here in Las Vegas.

3 MR. KYNASTON: So someone else was using your card during that period of time is
your testimony?

4 WITNESS: Yes. (Deposition Transcript of Jaswinder Singh, page 57, lines 4-25, and
page 58, line 1)

5 Again, Husband demonstrates that he has no regard for the truth. Wife will testify that
6 she was present with Husband at Costco when these transactions occurred. The idea that
7 someone else was using his Costco card is absurd and an obvious lie. Costco cards
8 include the photograph of the patron and they check your membership as you enter the
9 store and again when you check out, so the idea of another person using his card, while
10 he was claiming to be living in Nevada is clear evidence of Husband being caught in yet
11 another lie in the face of concrete evidence to the contrary.

12 In addition to showing actual physical presence in the state for the required
13 six weeks, equally important in determining Nevada residency is demonstrating the
14 requisite *intent* to make Nevada one's home. Latterner v. Latterner, 51 Nev. 285, 274 P.
15 194, 195 (1929), provides that:

16 The legal residence of a person is that place where he or she shall have been
17 actually, physically and corporeally present within the state or county, as the
18 case may be, during all of the period for which residency is claimed by him
19 or her; provided however, should any person have sent himself from the
jurisdiction of his residence with the intention of good faith to return
without delay and continue his residence, the time of such absence shall not
be considered in determining the fact of such residence.

20 "Intent," is the intent to make the place a home. Encompassed in that intent is the notion
21 that if the party leaves the state at any time during the claimed residency period, he/she
22 must also have the intent to return without delay. Wife believes that the evidence will
23 show that Husband was in Nevada less than a day when he filed the joint petition for
24 divorce, and then returned immediately to the parties' home in California. Also, that he
25 has no evidence to support any claim that he possessed the requisite intent to make
26 Nevada his home.

27 ...

28 ...

1 In McLaughlin v. McLaughlin, 48 Nev. 153, 238 P.402 (1925), the Nevada
2 Supreme Court stated that, “the best evidence of intention is to be ascertained from the
3 party’s (sic) declarations;” however, such “evidence of expressed intent has no
4 controlling weight if such intent is inconsistent with the acts and general conduct of the
5 person.” Later the Court further clarified what types of “acts and general conduct” would
6 provide indicia of intent of residency in Aldabe v. Aldabe, 84 Nev. 392, 441 P.2d 691
7 (1968). The factors set forth in Aldabe included such things as: (1) mailing address; (2)
8 voter registration; (3) school attendance; (4) medical care; (5) business and financial
9 affairs; (6) automobile and operators’ licenses; (7) taxes; (8) wills; (9) employment; (10)
10 daily activities; and (11) corroborating testimony of witnesses. Id. at 694. Husband has
11 established none of these indicia. In both his Answers to Interrogatories and in his
12 deposition testimony it is abundantly clear that he lacked any of the requisite intent to
13 make Nevada his home. During his deposition he testified, following a series of
14 questions regarding any indicia of residency he might be able to show, as follows:

15 MR. KYNASTON: So is it your testimony that you left your home in California, moved
16 to Las Vegas where you had no job, you slept on the floor in a house, and six weeks later,
17 you filed for divorce?

17 WITNESS: Yes. (Deposition Transcript of Jaswinder Singh, page 52, lines 6-11).

18 Even if the Court takes him at his word and gives him the full benefit of the doubt that
19 he was actually physically present for six weeks, all he claims is that he spent 6 weeks
20 sleeping on the living room floor of a guy he didn’t know very well, then filed for divorce
21 in Nevada, and shortly thereafter returned to California to the same home he left, to the
22 same job, and the same wife and life. These claims, even if true, only show that his sole
23 intent for being in Nevada was to be here six weeks so he could file for divorce and then
24 go back home to California.

25 The following exchange during Husband’s deposition testimony further
26 shows that he had no intention of residing in Nevada indefinitely or becoming a bona-fide
27 resident at the time the Joint Petition for Divorce was filed and the Nevada Decree
28 obtained:

1 MR. KYNASTON: When you moved to Nevada, did you obtain a Nevada driver's license?

2 WITNESS: No. I don't have it.

MR. KYNASTON: Did you register to vote?

3 WITNESS: No. I haven't transferred the vote from California. It's still there.

MR. KYNASTON: Did you move any of your property from California to Nevada?

4 WITNESS: No. Just our bags.

MR. KYNASTON: So you didn't move any furniture?

5 WITNESS: No.

MR. KYNASTON: Did you bring your cars?

6 WITNESS: Yes, we had a car.

MR. KYNASTON: Did you bring both cars?

7 WITNESS: We just brought one car.

MR. KYNASTON: Did you register that car in Nevada?

8 WITNESS: No.

MR. KYNASTON: Who was your doctor when you lived in Nevada?

9 WITNESS: No doctor.

MR. KYNASTON: Where did you go for your medical care when you were living here?

10 WITNESS: I didn't go anywhere.

MR. KYNASTON: Where did you work when you were living in Nevada?

11 WITNESS: I couldn't find a job here.

MR. KYNASTON: What places did you look for work?

12 WITNESS: I don't recall exactly which places, was it McDonald's or 7-eleven, but I didn't get a job I had to go back. (Deposition Transcript of Jaswinder Singh page 46, lines 19-25; page 47, lines 1-23)

13
14 In short, the evidence will clearly establish that Husband did not meet either
15 the actual physical presence requirement or the requisite intent requirement to establish
16 Nevada bona-fide residency. Rather, he clearly committed a fraud upon the Court and
17 the State of Nevada in claiming Nevada residency when the Nevada divorce action was
18 filed. Husband has not produced a solitary witness or concrete piece of documentary
19 evidence to collaborate his claims of Nevada residency. His sole named witness to
20 support his claims of Nevada residency is nowhere to be found.⁵ Husband has failed to
21 meet his legal burden in this regard and the Court made it clear at the last hearing that it
22 was his burden to prove residency rather than Wife's burden to prove he was not a
23 Nevada resident (although she will provide sufficient evidence of this at trial as well).

24 . . .

25 . . .

26 _____

27 ⁵ Husband testified during his deposition that he did not know where Mr. Pabla lives, he's no longer
28 in contact with him, and that he has no phone number for him. (Deposition Transcript of Jaswinder Singh page 50, lines 20-25, and page 51, lines 1-2)

1 In contrast to Husband's unsupportable claims, Wife will testify that on or
2 about August 27, 2004, Husband told her to get into the car and drove her to Las Vegas
3 from their home in California. Prior to that date, the parties had continued to jointly
4 reside in their marital home, pay the joint bills, and both parties continue to work at their
5 jobs in California. She will further testify that while in Las Vegas that day, he threatened
6 her and instructed her to sign the Nevada divorce papers before a notary public. Husband
7 claimed in his deposition testimony that the notary (who is also nowhere to be found)
8 prepared and filled out the self-help paperwork. Furthermore, neither party's English is
9 very good. Wife will testify that she wasn't even permitted to try to read the documents
10 and there was certainly no interpreter present to translate the documents she was forced
11 to sign. (Even Husband testified in his deposition that he cannot read or write in English.)
12 After signing the paperwork, Husband drove Wife back to California, where they have
13 continued to live together for the last 15 years.⁶

14 During that period of time, Husband continued to hold himself out as
15 married to Wife. When Wife later filed for divorce in California in 2018, he initially
16 responded to the Petition for Divorce filed by Wife in California, and counter-sued her
17 for divorce. In fact, in Husband's responses to the Contention Interrogatories propounded
18 in the California case in May 2018 and answered in June 2018, he responded "No" to an
19 interrogatory asking if the parties had terminated their marriage in 2004 in Nevada, and
20 then responded "Not applicable" to all of the follow-up interrogatories addressing a
21 Nevada divorce. (See, Contention Interrogatories Set No. One, page 3, lines 2-15; and
22 Response to Contention Interrogatories Set No 1, page 1, lines 27-28, and page 2, lines
23 1-3). Only many months later did he seek to amend his answer in the California case and
24 start asserting that the parties were already divorced in Nevada 14 years earlier in 2004.

25 . . .

26 _____
27 ⁶ Husband even testified during his deposition that the parties had continued to engage in sexual
28 relations up until at least 5-6 years ago. (Deposition Transcript of Jaswinder Singh page 19, lines
23-25, page 20, lines 1-10)

1 By way of further evidence that Husband continued to hold himself out as
2 a married man, a copy of a Grant Deed recorded in California on September 24, 2009
3 (more than 5 years after the alleged divorce), granting an interest in real property located
4 in Los Angeles County, to "Jaswinder Singh, a married man as his sole and separate
5 property" will be put into evidence at trial. If Husband had been divorced, or believed
6 himself to be divorced, at that time, why would he take title to this real property as "a
7 married man?" This deed is a legal document, duly recorded in California. If Husband
8 did not believe himself to be married to Wife in September 2009, then he executed and
9 recorded a fraudulent deed.

10 Wife will further testify, that she never saw the Nevada Divorce Decree until
11 this action to set aside was commenced earlier this year. Further, she will testify that
12 Husband repeatedly assured her that it wasn't a real divorce, but a "paper divorce" so that
13 he could make her marry his brother to try to get him to the United States.⁷ The Decree
14 itself is evidence that the divorce was illegitimate. It falsely claims that the parties had
15 no community property to divide and no community debts to divide. Yet, even according
16 to Husband's own deposition testimony, he confirmed that at the time of the Nevada
17 divorce, the parties had at least one joint bank account, jointly owned vehicles, and
18 possibly a retirement account. He also testified that they had at least one joint credit card
19 (i.e., the Costco credit card he was using in California during the period he claims Nevada
20 residency). The Decree also included a waiver of alimony, a provision in the Decree that
21 was unwarranted and was unknown to Wife at the time of the Decree. It would be a great
22 miscarriage of justice to enforce this fraudulently obtained Decree of Divorce under these
23 circumstances.

24 + + +
25 _____
26 ⁷ It does appear that Husband did force Wife to go back to India to and marry his brother in late
27 2004. However, the evidence will show that Wife never lived with his brother, that she continued to
28 live with Husband in California throughout this period of time, and the marriage was later
terminated in 2008, after efforts to help his brother immigrate failed. It was a sham marriage for
immigration purposes.

1 Another glaring example of Husband's inability to be truthful is found in the
2 fact that representations were made by Husband through his attorney at the hearing before
3 this Court on February 13, 2019, that both parties had remarried. (See Court Minutes and
4 Video Transcript from Hearing of February 13, 2019). This was a false statement. First,
5 he clearly knew that the sham marriage of Wife to his brother had been terminated ten
6 years earlier in 2008, so it was a blatant lie to claim that Wife was remarried. Second,
7 Husband's claims at the hearing that he had also remarried someone else was also later
8 learned to be false, as evidenced by Husband's deposition testimony:

9 MR. KYNASTON: Are you remarried?

10 WITNESS: I didn't actually marry anybody, but I am engaged with somebody since
2018. We have the same house, but we live in separate quarters.

11 MR. KYNASTON: So your fiancée is also living in the house?

12 WITNESS: She is in India.

13 MR. KYNASTON: She is in India? Have you gone through a marriage ceremony with
her?

14 WITNESS: No, not yet.

15 MR. KYNASTON: You haven't obtained a marriage license?

16 WITNESS: No, not yet.

17 MR. KYNASTON: Did you ever tell Rajwant that you had gotten married again?

18 WITNESS: Her – to tell you the truth, since we broke up with each other, I didn't tell her.
(Deposition Transcript of Jaswinder Singh page 19, lines 5-22).

19 Wife anticipates that at trial Husband and his counsel will seek to distract
20 the Court from the facts showing Husband's complete lack of credibility and the clear
21 fraud he perpetrated against the State of Nevada and this Court, and try to assert multiple
22 legal theories to suggest that Wife's request to set aside or declare void the fraudulently
23 obtained Nevada Divorce from more than 15 years ago is time barred, or that she was
24 complacent or complicit in the fraud and should therefore not be entitled to relief sought.
25 For example, Husband may seek to argue that Wife's Motion is time barred by the six
26 month time restriction imposed by NRCP Rule 60(b). While NRCP Rule 60(b) does
27 include language regarding a six month time frame, for bringing motions to set aside, this
28 is not a black and white rule without exceptions or room for considerations of equity and
fairness. The rule provides that such motions shall be made "within a reasonable time,"
and for reasons (1) (i.e., *mistake, inadvertence, surprise or excusable neglect*), (2) (i.e.,
newly discovered evidence which by due diligence could not have been discovered in time

1 to move for a new trial under Rule 59(b)), and (3) (i.e., fraud (wether heretofore
2 denominated intrinsic or extrinsic), mis- representation or other misconduct of an
3 adverse party), before defining reasonable time as “not more than 6 months after the
4 proceeding was taken or the date that written notice of entry of the judgment or order was
5 served.” However, omitted from Husband’s arguments in this regard, and critical to the
6 analysis is this important caveat to the Rule 60(b), which provides “[t]his rule does not
7 limit the power of a court to entertain an independent action to relieve a party from
8 a judgment, order, or proceeding, or to set aside a judgment for fraud upon the
9 court.” This is exactly what occurred in this case. The evidence will show that the fraud
10 upon this Court was Husband’s false and unsupportable claims regarding Nevada
11 residency, which if known by the Court at the time would have made clear that this Court
12 did not have jurisdiction to enter the Nevada Divorce Decree upon which he now wishes
13 to rely in order to cheat his wife and companion of nearly 30 years out of what she would
14 otherwise be entitled to, but for the fraudulently obtained divorce! The rule is clear that
15 there is no limitation on the Court's power in this case when there has been a “fraud upon
16 the court,” so the six month provision is inapplicable.

17 Furthermore, as was discussed at the hearing of February 13, 2019, there is
18 a distinction between a void and a voidable order. In this case it would be a great
19 miscarriage of justice for the Court not to set aside or declare void the Nevada Decree,
20 which is clearly voidable at the discretion of this court. Vaile v. Eighth Judicial District
21 Court, 118 Nev. 262, 44 P.3d 506 (2002), stands for principal that while a Decree of
22 Divorce may not be *void* when it is later established that the Husband was not a bona fide
23 resident of Nevada, it is still *voidable* at the discretion of the Court.⁸ Vaile makes it clear
24

25 ⁸ The Nevada Supreme Court stated:

26 We realize that the posture of this case is unusual and unique since we are refusing to
27 void a decree which was entered, as it turns out, by a court which had no jurisdiction
28 over the parties. However, we reiterate, the decree was entered when the court believed
it has jurisdiction. Any person who might review the district court filing would have not
reason but to trust the validity of the court's decree. Under these circumstances, the law

1 that it is a facts-driven analysis. Based upon the facts of this case, the Court should
2 exercise its discretion and declare the 2004 Nevada Decree of Divorce void. To do
3 otherwise would result in Wife being deprived of her interests in the community assets
4 acquired over the course of a 30-year marriage/relationship, and the enforcement of a
5 Decree that falsely declares there was not community property, no community debts, and
6 no right to alimony.

7 It is important to note that in the Vaile case, one critical factor for the Court
8 in upholding the Decree and not exercising discretion to void it -- notwithstanding the
9 evidence that the residency requirements were not met -- was because the district Court
10 had determined that the defendant was not operating under duress and was not coerced,
11 but voluntarily signed the answer. Vaile, 118 Nev. at 274. It was based upon this finding
12 that they court held that judicial estoppel was applicable and determined not to exercise
13 its discretion to void the Decree.⁹ In this case easily distinguished, as there was clearly
14 duress and coercion by Husband to force Wife to sign the false statements. There will
15 also be evidence present to demonstrate that Wife had little to no knowledge about what
16 she was forced to sign, was never provided a copy, and was written in a language in
17 which she has only rudimentary knowledge. She was also repeatedly told by Husband
18 that it wasn't a real divorce, but a paper divorce that didn't mean anything as far as the
19 relationship was concerned. This is certainly the type of case where the Court should
20 exercise its discretion in the interest of justice to declare the Decree void and set it aside.
21 Husband should not be permitted to benefit from his fraud upon the State of Nevada and
22 this Court to the detriment of Wife.

23 . . .

24 _____
25 and policies which support it permit no result other than that the decree is voidable, not
26 void. As mentioned and for the reasons stated, we decline to declare the decree void.
Vaile v. Eighth Judicial District Court, 118 Nev. 262, 274, 44 P.3d 506 (2002).

27 ⁹ The Court in Vaile further noted that the defendant in that case had clearly relied on the divorce
28 decree because she decided to remarry. Id. Conversely in the case at bar, Wife and Husband both
continued to hold themselves out as married for the next 14 years.

1 In previous arguments in this case, Husband has also argued that Wife's
2 claims should be barred by the doctrine of *in pari delicto*, by arguing that Wife was
3 culpable or a participant in the fraud perpetrated on this Court and the State of Nevada.
4 Again, such arguments are baseless under the facts of this case and are not supported by
5 any evidence. Rather, the evidence will demonstrate that Wife had no ability to resist
6 Husband's demands that she sign the paperwork that he placed before her. She wasn't
7 even allowed to read the documents, she has no access to an interpreter, and was told that
8 she must sign them upon threats from Husband. Culturally, the parties are Indian and part
9 of an arranged marriage. In that culture (and in this relationship in particular) Wife
10 essentially became Husband's chattel, with no independent rights. She was required to
11 comply with whatever demands were made upon her by her husband. Wife acted under
12 severe duress and coercion, and ignorance of what she was doing or the ramifications
13 thereof. Any suggestion that she participated voluntarily or was complicit in Husband's
14 fraud is false.

15 Based upon the foregoing, and after hearing the evidence that will be
16 presented at the time of the evidentiary hearing, Wife respectfully requests that the Court
17 exercise its clear discretion and declare the 2004 Nevada Decree of Divorce void, so that
18 the pending California divorce action may proceed.

19 III.

20 **ATTORNEY'S FEES**

21 Wife requests that she be awarded attorney's fees and costs and that other
22 appropriate sanctions be imposed based upon Husband's fraudulent behaviors. Wife has
23 had to incur substantial attorney's fees to bring this matter to the Court's attention,
24 completing discovery, and preparing for these evidentiary proceedings. It is clear that
25 Husband has not acted in good faith, either at the time of the fraudulently obtained
26 divorce, or in the present case, when his repeated lies have caused this matter to be
27 extended and the costs to be exponentially increased.

28 . . .

The Nevada Supreme Court addressed the issue of attorney's fees in the case of Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005). The Court stated:

[W]hile it is within the trial court's discretion to determine the reasonable amount of attorney fees under a statute or rule, in exercising that discretion, the court must evaluate the factors set forth in Brunzell v. Golden Gate National Bank [85 Nev. 345, 455 P.2d 31 (1969)]. Under Brunzell, when courts determine the appropriate fee to award in civil cases, they must consider various factors, including the qualities of the advocate, the character and difficulty of the work performed, the work actually performed by the attorney, and the results obtained. We take this opportunity to clarify our jurisprudence in family law cases to require trial courts to evaluate the Brunzell factors when deciding attorney fee awards. Additionally, the Wright v. Osburn [114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998)], this court stated that family law trial courts must also consider the disparity in income of the parties when awarding fees. Therefore, parties seeking attorney fees in family law cases must support their fee request with affidavits or other evidence that meets the factors in Brunzell and Wright.

The Brunzell factors adopted by the Nevada Supreme Court were derived from an Arizona case, Schartz v. Schwerin, 336 P.2d 144, 146 (Ariz. 1959). Schartz classified the factors into four general areas:

"(1) *the qualities of the advocate*: his ability, his training, education, experience, professional standing and skill; (2) *the character of the work to be done*: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) *the work actually performed by the lawyer*: the skill, time and attention given to the work; (4) *the result*: whether the attorney was successful and what benefits were derived. Furthermore, good judgment would dictate that each of these factors be given consideration by the trier of fact and that no one element should predominate or be given undue weight. (citations omitted).

In the case at bar, the Court should consider the following in applying the factors set forth

1. Qualities of Wife's Advocate

Andrew Kynaston, has excellent credentials. He is an AV rated attorney, a Fellow of the American Academy of Matrimonial Lawyers, a Nevada Board Certified Family Law Specialist, and Board Certified in Family Trial Law by the National Board of Trial Advocacy (NBTA). He has been engaged in the exclusive practice of family law for more than seventeen years. For the past ten years he has been named a Mountain States "Super Lawyer" (2014 -2019) or a "Rising Star" (2010-2013) by Super Lawyers magazine. He served on the publications development board of the ABA Section of

1 Family Law from 2002 -2010. He has been a presenter at various CLE conferences.

2 Clearly, Wife's attorney is well trained and qualified in relation to the fees
3 charged for his services in this matter. Mr. Kynaston's billable rate is \$475 per hour.

4 **2. The Character of the Work Done**

5 Under the circumstances of this case the character of the work completed
6 and yet to be completed certainly justifies the fees incurred.

7 **3. The Work Actually Performed**

8 Wife's attorney has made every effort to be as efficient as possible in
9 completing the necessary work to obtain favorable results for Wife in this case.

10
11 **4. The Results**

12 The finally factor adopted in Brunzell, is whether the attorney was successful
13 and what benefits were derived. Wife is confident that the results in this case will be
14 favorable to her. Wife has not taken any unreasonable positions in the case but has
15 simply sought for fairness and justice.

16 **IV.**

17 **LIST OF WITNESSES**

- 18 1. Jaswinder Singh, Plaintiff
19 2. Rajwant Kaur, Defendant
20 3. Jagtar Singh, Defendant's brother
21 4. Sukhpal Singh Grewal, Defendant's nephew
22 5. Guriqbal Singh Pandher, Mr. Grewal's brother-in-law
23 6. Any and all other witnesses listed by Plaintiff.
24 7. Rebuttal witnesses as necessary.
25
26
27
28

V.

LIST OF EXHIBITS

1. Decree of Divorce, filed September 8,
2004 in Clark County **DEF018 - DEF020**
2. Joint Petition For Summary Decree of
Divorce, filed August 27, 2004 in
Clark County **DEF013 - DEF017**
3. Affidavit of Resident Witness, filed
August 27, 2004 in Clark County **DEF021 - DEF022**
4. Petition for Dissolution of Marriage,
filed May 7, 2018 in Los Angeles County **DEF001 - DEF003**
5. Plaintiff's Response and Request for
Dissolution of Marriage **DEF004 - DEF006**
6. Plaintiff's Amended Response to Petition **DEF010- DEF012**
7. Order from Hearing Held February 13,
2019, filed March 14, 2019 in Clark County
8. Minutes from Hearing Held February
13, 2019
9. Plaintiff's Response to Defendant's First
Set of Interrogatories to Plaintiff, e-served
May 13, 2019
10. Plaintiff's Response to Defendant's First
Request for Production of Documents to
Plaintiff, e-served May 13, 2019
11. Copy of Plaintiff's Costco Membership Card **DEF0065**
12. Copy of Defendant's Costco Membership Card **DEF0067**
13. Costco Receipt showing that Store No. 48
is located in Van Nuys, CA **DEF0066**

14. Copy of Costco Membership activity for
card ending in 50001, from January 3,
2004, through December 19, 2004 **DEF0371 - DEF0376_3**
15. Contention Interrogatories Set No. One from
California case no. 18STFL05676 **DEF0379 - DEF0386_3**
16. Plaintiff's Response to Contention
Interrogatories Set No. 1, from California
case no. 18STFL05676 **DEF0387 - DEF390_3**
17. Sales Deed showing listing property to
Jaswinder Singh as a married man **DEF0024**
18. Experian and TransUnion Credit Report in
the name of Rajwant Kaur, showing
Jaswinder as spouse or co-applicant **DEF0025 - DEF0043**
19. Aftercare instruction from Gastroenterology
Department for Jaswinder Singh, signed by
"Accompanying Adult" Rajwant Kaur, Wife **DEF0044**
20. Verification of employment letter from
Defendant's employer dated August 21, 2019 **DEF0377_3**
21. Letter from SoCal Gas regarding service
dates at the Sepulveda Apartment **DEF0064**
22. Interinsurance Exchange of the Automobile Club
Renewal Declarations from July 2004 **DEF0362 - DEF0364_2**
23. Interinsurance Exchange of the Automobile Club
Truth in Lending Information Billing Statement
For Automobile Policy from July 2004 **DEF0365 - DEF0366_2**
24. Plaintiff's Deposition Transcript
25. Defendant's Deposition Transcript

VI.

UNUSUAL LEGAL OR FACTUAL ISSUES PRESENTED

Any unusual legal or factual issues have been briefed in the above Statement of Facts and Legal Arguments.


VII.

LENGTH OF TRIAL

Length of trial: One and one-half days.

Respectfully submitted,

KAINEN LAW GROUP, PLLC

By: 
ANDREW L. KYNASTON, ESQ.
Nevada Bar No. 8147
KAINEN LAW GROUP, PLLC
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5 day of September, 2019, I caused to be served ***Defendant's Pretrial Memorandum*** filed, to all interested parties as follows:

___ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

___ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage fully paid thereon, addressed as follows:


___ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via Wiznet, to the following e-mail address(es):

Peter@peterjameslaw.com

Claudia@peterjameslaw.com

Colleen@peterjameslaw.com


An Employee of
KAINEN LAW GROUP, PLLC

1 **OPP**

2 Andrew L. Kynaston, Esq.
 3 Nevada Bar No. 8147
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 3303 Novat Street, Suite 200
 Las Vegas, Nevada 89129
 4 Telephone: (702) 823-4900
 Facsimile: (702) 823-4488
 5 service@KainenLawGroup.com
 Attorneys for Defendant

7 DISTRICT COURT
 8 CLARK COUNTY, NEVADA

9 JASWINDER SINGH,

10 Plaintiff,

11 vs.

12 RAJWANT KAUR,

13 Defendant.

CASE NO: 04D323977

DEPT NO: P

Date of Hearing:

Time of Hearing:

ORAL ARGUMENT REQUESTED:

YES: XX NO:

14 **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE**
 15 **and**
 16 **DEFENDANT'S COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

17 COMES NOW, Defendant, RAJWANT KAUR, (hereinafter "Defendant")
 18 by and through her attorney, ANDREW L. KYNASTON, ESQ., of the law firm of
 19 KAINEN LAW GROUP, PLLC, and submits her Opposition to *Plaintiff's Motion in*
 20 *Limine* and Countermoves this Court for the following relief:

- 21 1. For the Court to deny Plaintiff's Motion in Limine;
- 22 2. For an Order awarding Defendant Attorney's Fees for having to prepare this
 23 Opposition and respond to the Motion in Limine; and
- 24 3. For such other and further relief as the Court deems just and proper in the
 25 premises.

26 ...
27
28

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 702.823.4900 • Fax 702.823.4488
 www.KainenLawGroup.com

This Opposition and Countermotion is made and based upon the papers and pleadings on file herein, the Points and Authorities submitted herewith, Defendant's Counsel's Declaration attached hereto, and oral argument of counsel at the time of the hearing of this matter.

DATED this 6th day of September, 2019.

KAINEN LAW GROUP, PLLC

By:

ANDREW L. KYNASTON, ESQ.

Nevada Bar No. 8147

3303 Novat Street, Suite 200

Las Vegas, Nevada 89129

Attorneys for Defendant

I.

POINTS AND AUTHORITIES

Rule 5.501. Requirement to attempt resolution.

(a) Except as otherwise provided herein or by other rule, statute, or court order, before any family division matter motion is filed, the movant must attempt to resolve the issues in dispute with the other party.

(b) A party filing a motion in which no attempt was made to resolve the issues in dispute with the other party shall include a statement within the motion of what provision, futility, or impracticability prevented an attempt at resolution in advance of filing.

(c) Failure to comply with this rule may result in imposition of sanctions if the court concludes that the issues would have been resolved if an attempt at resolution had been made before filing.

[Added; effective January 27, 2017.]

Rule 5.510. Motions in limine.

(a) Except as otherwise provided herein or by court order, a motion in limine to exclude or admit evidence must ordinarily be in writing and must be heard not less than 5 calendar days prior to trial.

(b) Where the facts that would support a motion in limine arise or become known after it is practicable to file a motion in the ordinary course as set forth above, the filing party may

1 seek an order shortening time to hear the motion as provided
2 by these rules, or bring an oral motion in limine at a hearing.
3 The court may refuse to sign any such order shortening time or
4 to consider any such oral motion.

5 (c) A written motion in limine must be supported by
6 affidavit and, if not filed in the ordinary course, **must detail**
7 **how and when the facts arose or became known. The**
8 **motion shall also set forth that after a conference or a**
9 **good-faith effort to confer, counsel were unable to resolve**
10 **the matter satisfactorily, detailing what attempts to resolve**
11 **the dispute were made, what was resolved and what was**
12 **not resolved, and why. A conference requires either a**
13 **personal or telephone conference between or among the**
14 **parties. If a personal or telephone conference was not**
15 **possible, the motion shall set forth the reasons.**

16 [Added; effective January 27, 2017.]
17 (Emphasis added)

18 II.

19 PLAINTIFF'S EDCR 5.501 STATEMENT

20 Plaintiff's Motion in Limine was served upon undersigned counsel on
21 August 30, 2019, the last day to file dispositive motions in this matter. Plaintiff's Motion
22 is disingenuous at best, and yet another attempt by plaintiff to hinder this matter.
23 Pursuant to EDCR 5.501, requires counsel to attempt to resolve the outstanding issue
24 prior to filing a Motion. Plaintiff's counsel made no efforts to resolve this issue prior to
25 the filing of the instant Motion. EDCR 5.501 (b), further states, "A party filing a motion
26 in which no attempt was made to resolve the issues in dispute with the other party shall
27 include a statement within the motion of what provision, futility, or impracticability
28 prevented an attempt at resolution in advance of filing." Contained with Plaintiff's EDCR
5.501 Statement in the Motion, it is stated that Plaintiff's counsel would make reasonable
efforts to meet and confer with Defendant's counsel "before the opposition is due/before
the hearing." To date, and as of the filing of this Opposition, undersigned counsel has not
heard from Plaintiff's counsel regarding any outstanding issue in this matter.

Additionally, EDCR 5.510(c), expressly states that a Motion in Limine must
contain "detail [of] how and when the facts arose or became known. The motion shall
also set forth that after a conference or a good-faith effort to confer, counsel were unable

1 to resolve the matter satisfactory..." Plaintiff's Motion fails to state any instances in
2 which opposing counsel attempted to alleviate these issues nor does it inform the Court
3 that an attempt was actually made. Lastly, EDCR 5.510 (c), states that if a meeting to
4 confer regarding the issues could not be set, the Motion shall set forth the reasons that the
5 same could not occur. Clearly, Plaintiff has not completed these requirements under the
6 rules.

7 **III.**

8 **ARGUMENT**

9 **A. Statement of Facts**

10 Defendant, RAJWANT KAUR (hereinafter "Wife"), and Plaintiff,
11 JASWINDER SINGH (hereinafter "Husband"), were married more than 29 years ago on
12 November 11, 1989, in Punjab, India. After the marriage both parties moved to
13 California, where they have resided as husband and wife since that time. The parties
14 never resided in Nevada.

15 This matter is set for a day and a half Trial, set to commence on September
16 12, 2019, beginning at 1:30 p.m., as well as the following day, September 13, 2019, at
17 9:00 a.m.

18 **B. Properly notified of witnesses**

19 Wife provided Husband with her Initial disclosures pursuant to NRCP 16.2.
20 The names of potential witnesses within her Initial Production of Documents pursuant to
21 NRCP 16.2, were served May 31, 2019. At that time, early on in this case, undersigned
22 counsel identified a total of eight (8) potential witnesses. All eight witnesses were
23 anticipated to testify regarding Husband's California residency during the period of time
24 he alleges he resided in Nevada, but for purposes of judicial economy, Wife narrowed
25 her list of witnesses for Trial, prior to the discovery deadline. Furthermore, upon receipt
26 of the Motion in Limine, Wife's counsel immediately served Defendant's counsel with

27 ...

28 ...

1 an Amended Disclosure, providing the missing telephone numbers for the witnesses.¹
2 Thus, further evidencing how simple the issue could have been if Plaintiff's counsel
3 would have simply reached out to undersigned counsel for the information.

4 **C. Husband Personally Knows All The Witnesses**

5 It is no surprise that the Husband is making every last ditch effort to prevent
6 these witnesses from testifying. The three individuals that were named as Trial witnesses
7 in May of 2019, are absolutely relevant to this matter. They will provide testimony
8 regarding Husband's and Wife's California residency, as well as personally witnessing
9 Husband present in California on a regular weekly basis. Husband and these witnesses
10 are by no means strangers, having attended temple weekly together for many years,
11 including during the specific time-frame in question. To allege that Husband had no
12 ability to contact and/or depose these witnesses is disingenuous. Husband personally
13 knows all of the witnesses, knows where they live, and has all of their phone numbers in
14 his phone. They have socialized together for many years and many of them reside in the
15 same neighborhood as Husband and Wife. A simple email or letter to undersigned
16 counsel could have alleviated this issue. Husband's counsel communicated extensively
17 with Wife's counsel regarding setting and even rescheduling the depositions set for the
18 parties, as well as jointly retaining an interpreter for purposes of the depositions and the
19 Trial in this matter. There has been extensive cooperation in the discovery process and
20 any issues in this regard could have been easily resolved.

21 **D. Open Communication Regarding Discovery**

22 Lastly, and most notably, this case is unique in that there is a pending
23 Divorce case, presently on hold, in California, case no. 18STFL05676. Due to this
24 unusual fact, there has been constant open communication regarding all discovery in this
25 matter. For instance, as the Court is aware, the Court signed a Stipulation and Order
26

27 ¹ It should be noted that Husband's own Disclosures of Documents and Witnesses Pursuant to NRC
28 16.2, served in this matter on May 13, 2019, also failed to include phone numbers for one of their
witnesses.

1 regarding the discovery being used in both the Nevada and California matters. This is yet
2 another attempt by Husband to cover up and conceal the fraud he committed on this
3 Court. The witnesses that he is now trying to exclude on a frivolous and disingenuous
4 “technicality” are eye witnesses to Husband’s continuous residency in California during
5 the period he has claimed to be a Nevada resident.

6 **IV.**

7 **ATTORNEY’S FEES**

8 This Motion is frivolous and Wife should be awarded her attorney’s fees for
9 the necessity of having to defend against the same. Further, NRCP 37(a)(4)(B), the Court
10 may award Wife attorney’s fees in denying Husband’s Motion.

11 The Nevada Supreme Court addressed the issue of attorney’s fees in the case
12 of Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005). The Court stated:

13 [W]hile it is within the trial court’s discretion to determine the
14 reasonable amount of attorney fees under a statute or rule, in
15 exercising that discretion, the court must evaluate the factors
16 set forth in Brunzell v. Golden Gate National Bank [85 Nev.
17 345, 455 P.2d 31 (1969)]. Under Brunzell, when courts
18 determine the appropriate fee to award in civil cases, they must
19 consider various factors, including the qualities of the
20 advocate, the character and difficulty of the work performed,
21 the work actually performed by the attorney, and the results
22 obtained. We take this opportunity to clarify our jurisprudence
23 in family law cases to require trial courts to evaluate the
24 Brunzell factors when deciding attorney fee awards.
25 Additionally, the Wright v. Osburn [114 Nev. 1367, 1370, 970
26 P.2d 1071, 1073 (1998)], this court stated that family law trial
27 courts must also consider the disparity in income of the parties
28 when awarding fees. Therefore, parties seeking attorney fees

1 in family law cases must support their fee request with
2 affidavits or other evidence that meets the factors in Brunzell
3 and Wright.

4 The Brunzell factors adopted by the Nevada Supreme Court were derived
5 from an Arizona case, Schartz v. Schwerin, 336 P.2d 144, 146 (Ariz. 1959). Schartz
6 classified the factors into four general areas:

7 "*(1) the qualities of the advocate: his ability, his training,*
8 *education, experience, professional standing and skill; (2) the*
9 *character of the work to be done: its difficulty, its intricacy, its*
10 *importance, time and skill required, the responsibility imposed*
11 *and the prominence and character of the parties where they*
12 *affect the importance of the litigation; (3) the work actually*
13 *performed by the lawyer: the skill, time and attention given to*
14 *the work; (4) the result: whether the attorney was successful*
15 *and what benefits were derived. Furthermore, good judgment*
16 *would dictate that each of these factors be given consideration*
17 *by the trier of fact and that no one element should predominate*
18 *or be given undue weight. (citations omitted).*

19 In the case at bar, the Court should consider the following in applying the
20 factors set forth above:

21 **A. Qualities of Wife's Advocates**

22 Wife's attorney, Andrew Kynaston, has excellent credentials. He is a
23 Nevada Board Certified Family Law Specialist and an AV rated attorney by Martindale-
24 Hubbell. He is a Fellow of the American Academy of Matrimonial Lawyers. He has
25 been engaged in the exclusive practice of family law for over seventeen years -- one year
26 as law clerk to the Honorable Gerald W. Hardcastle, and nearly nine years as an attorney
27 at Ecker & Kainen, Chartered, and now over seven years with Kainen Law Group, PLLC,
28 where he is a partner with the firm. For the past ten years he has been either named
a Mountain States "Super Lawyer" or "Rising Star" by Super Lawyers magazine. He
served on the publications development board of the ABA Section of Family Law from
2002 -2010, and was has twice served as a member of the NRCP Rules Revision
Committee commissioned by the Nevada Supreme Court to review and revise the Nevada

1 Rules of Civil Procedure specifically as they relate to family law matters to better serve
2 the intricacies and needs of family law practice. He graduated from law school Cum
3 Laude in 2002. During law school he served as Student-Editor-In-Chief of *Family Law*
4 *Quarterly*. He also was selected as the law student liaison to the ABA Section of Family
5 Law.

6 Clearly, Wife's attorney is well trained and qualified in relation to the fees
7 charged for his services in this matter. Mr. Kynaston's current rate is \$475 per hour.

8 **B. The Character of the Work Done**

9 Under the circumstances of this case, Wife should have never been required
10 to oppose the instant motion. The character of the work completed certainly justifies the
11 fees incurred.

12 **C. The Work Actually Performed**

13 Wife's attorney has made every effort to be as efficient as possible in
14 completing the necessary work to obtain favorable results for Wife. The amount of fees
15 and costs accurately reflects the actual work done in this matter. The work was
16 completed in the most cost efficient manner to minimize the over all fees and costs
17 incurred.

18 **D. The Results**

19 The finally factor adopted in Brunzell, is whether the attorney was successful
20 and what benefits were derived. Wife is hopeful that the results in this case will be
21 favorable to her. Wife has consistently taken reasonable positions with regard to the
22 issues in this matter and has had to expend substantial resources to pursue this action.

23 Accordingly, Wife requests her attorney's fees be awarded in this matter and
24 she be given the opportunity, if necessary, to further brief the same for the Court upon the
25 conclusion of the trial in this matter and final costs of the same have been determined.

26 ...

27 ...

28 ...

V.

CONCLUSION

Based on the forgoing, Wife requests the following relief:

1. For the Court to rule Plaintiff's Motion in Limine is meritless;
2. For an Order awarding Defendant Attorney's Fees for having to prepare this Opposition and respond to the Motion in Limine; and
3. For such other and further relief as the Court deems just and proper in the premises.

DATED this 6th day of September, 2019.

KAINEN LAW GROUP, PLLC

By: 

ANDREW L. KYNASTON, ESQ.
Nevada Bar No. 8147
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
Attorneys for Defendant

DECLARATION OF ATTORNEY

STATE OF NEVADA }
COUNTY OF CLARK } ss:

ANDREW L. KYNASTON, being first duly sworn, deposes and says:

That I am an attorney licensed to practice law in the State of Nevada, and in that capacity, I represent RAJWANT KAUR, the Defendant in this action. I have read and reviewed the foregoing DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE and know the contents thereof and that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and as to those matter, I believe them to be true.

I am unaware of any efforts by Plaintiff's counsel to reach out and confer with me regarding the issues in the pending Motion in Limine. The Witness List that Plaintiff's counsel is now objecting to was provided more than 5 months ago, and until the Motion in Limine was filed, I received no communication with opposing counsel regarding any issues with the witness list or the information provided therein.

Throughout this case undersigned counsel has been cooperating with Plaintiff's counsel in all matters relating to discovery. There is no reason that this could not have been resolved in a timely manner with direct communication between counsel.

I respectfully request that Plaintiff's Motion in Limine be denied.

DATED this 6th day of September, 2019.


ANDREW L. KYNASTON, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6TH day of September, 2019, I caused to be served the *Defendant's Opposition to Plaintiff's Motion in Liminie, and Countermotion for Attorney's Fees and Costs*, to all interested parties as follows:

___ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

___ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage fully paid thereon, addressed as follows:

___ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via Wiznet, to the following e-mail address(es):

Counsel for Plaintiff:

Peter@peterjameslaw.com

Courtney@peterjameslaw.com


Colleen@peterjameslaw.com


An Employee of
KAINEN LAW GROUP, PLLC

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**DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
9/9/2019 7:55 AM
Steven D. Grierson
CLERK OF THE COURT



In the Matter of the Joint Petition for
Divorce of:
Jaswinder Singh and Rajwant Kaur

Case No.: 04D323977
Department P

NOTICE OF HEARING

Please be advised that the Rajwant Kaur's Opposition to Plaintiff's Motion in Limine and Defendant's Countermotion for Attorney's Fees and Costs in the above-entitled matter is set for hearing as follows:

Date: November 05, 2019

Time: 10:00 AM

Location: Courtroom 10
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

1 1. Jaswinder Singh
2 c/o F. Peter James, Esq.
3 3821 West Charleston Blvd #250
4 Las Vegas, Nevada 89102
5 (702) 256-0087

6 This witness is expected to testify regarding the facts and circumstances
7 of the allegations and defenses contained in the pleadings.

8 2. Rajwant Kaur
9 c/o Andrew L. Kynaston, Esq.
10 Kainen Law Group
11 3303 Novat Street, Suite 200
12 Las Vegas, Nevada 89129
13 702-823-4488

14 This witness is expected to testify regarding the facts and circumstances
15 of the allegations and defenses contained in the pleadings.

16 Plaintiff reserves the right to supplement this witness list as discovery
17 continues.

18 Plaintiff further reserves the right to call at trial any witness disclosed,
19 identified and/or utilized by Defendant.

20 Dated this 9 day of September 2019



LAW OFFICES OF F. PETER JAMES
F. Peter James, Esq.
Nevada Bar No. 10091
3821 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
702-256-0087
Counsel for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 9 day of September, 2019, I caused the above and
3 foregoing document entitled **PLAINTIFF'S WITNESS LIST** to be served as
4 follows:

5 ☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D)
6 and Administrative Order 14-2 captioned "In the Administrative
7 Matter of Mandatory Electronic Service in the Eighth Judicial
8 District Court," by mandatory electronic service through the
9 Eighth Judicial District Court's electronic filing system;

8 ☐ by placing same to be deposited for mailing in the United States
9 Mail, in a sealed envelope upon which first class postage was
10 prepaid in Las Vegas, Nevada;


10 ☐ pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile /
11 email;

12 to the attorney(s) / party(ies) listed below at the address(es), email address(es),
13 and/or facsimile number(s) indicated below:

14 Andrew L. Kynaston, Esq.
15 Kainen Law Group
16 3303 Novat Street, Suite 200
17 Las Vegas, Nevada 89129
18 702-823-4488 (fax)
19 Service@KainenLawGroup.com
20 Counsel for Defendant

By: 

An employee of the Law Offices of F. Peter James, Esq., PLLC



1 **ROC**
2 LAW OFFICES OF F. PETER JAMES, ESQ.
3 F. Peter James, Esq.
4 Nevada Bar No. 10091
5 3821 West Charleston Boulevard, Suite 250
6 Las Vegas, Nevada 89102
7 Peter@PeterJamesLaw.com
8 702-256-0087
9 702-256-0145 (fax)
10 Counsel for Plaintiff

11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 JASWINDER SINGH,
14
15 Plaintiff,

CASE NO. : 04D323977
DEPT. NO. : P

16 vs.

17 **RECEIPT OF PLAINTIFF'S**
18 **TRIAL EXHIBITS**

19 RAJWANT KAUR,
20 Defendant.

I certify on this 10 day of September, 2019, I received **PLAINTIFF'S**
TRIAL EXHIBIT BOOK.

Dated this 10 day of September, 2019



An authorized agent of Kainen Law Group
3303 Novat St., Suite 200
Las Vegas, Nevada 89129
702-823-4900

ORIGINAL

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9/10/2019 3:25 PM
Steven D. Grierson
CLERK OF THE COURT

1 **OST**
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6 Las Vegas, Nevada 89102
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9 702-256-0145 (fax)
10 Counsel for Plaintiff

11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 JASWINDER SINGH,
14
15 Plaintiff,

CASE NO. : 04D323977
DEPT. NO. : P

16 vs.

ORDER SHORTENING TIME

17 RAJWANT KAUR,
18
19 Defendant.

20 Upon application of F. Peter James, Esq. for sufficient cause shown,

///

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SEP - 6 2019

SEP - 3 2019

1 of 2
FAMILY COURT
DEPARTMENT P

FAMILY COURT
DEPARTMENT P


1 **IT IS HEREBY ORDERED** that the time to hear Plaintiff's Motion shall
2 be heard on the 12th day of Sept 2019 at the hour of 1:30 p.m. in
3 Department P of the Eighth Judicial District Court Family Division, located at
4 601 North Pecos Road; Las Vegas, Nevada 89101 in Courtroom 10.

5 **IT IS SO ORDERED.**

6 Dated this 10 day of September, 2019

7 
8 _____
DISTRICT COURT JUDGE

9
10 Dated this 30 day of August, 2019

11 
12 _____
LAW OFFICES OF F. PETER JAMES
F. Peter James, Esq.
13 Nevada Bar No. 10091
3821 W. Charleston Blvd., Suite 250
14 Las Vegas, Nevada 89102
702-256-0087
15 Counsel for Plaintiff



1 **CSERV**
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8 702-256-0087
9 702-256-0145 (fax)
10 Counsel for Plaintiff

11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 JASWINDER SINGH,
14
15 Plaintiff,

CASE NO. : 04D323977
DEPT. NO. : P

CERTIFICATE OF SERVICE

16 vs.

17 RAJWANT KAUR,
18
19 Defendant.

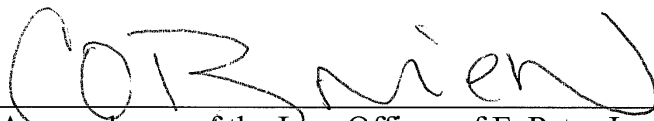
20 I hereby certify that the Order Shortening Time filed on September 10,
2019 was e-served to opposing counsel (*please see attached for proof of service*).

as follows:

X pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D)
and Administrative Order 14-2 captioned "In the Administrative
Matter of Mandatory Electronic Service in the Eighth Judicial
District Court," by mandatory electronic service through the
Eighth Judicial District Court's electronic filing system;

1 to the attorney(s) / party(ies) listed below at the address(es), email address(es),
2 and/or facsimile number(s) indicated below:

3 Andrew L. Kynaston, Esq.
4 Kainen Law Group
5 3303 Novat Street, Suite 200
6 Las Vegas, Nevada 89129
7 702-823-4488 (fax)
8 Service@KainenLawGroup.com
9 Counsel for Defendant

10
11
12
13
14
15
16
17
18
19
20
By: 
An employee of the Law Offices of F. Peter James, Esq., PLLC

Case # 04D323977 - In the Matter of the Joint Petition for Divorce of

Envelope Information

Envelope Id
4884358

Submitted Date
9/10/2019 3:25 PM PST

Submitted User Name
Claudia@peterjameslaw.com

Case Information

Location
Department P

Category
Family

Case Type
Divorce - Joint Petition

Case Initiation Date
8/27/2004

Case #
04D323977

Assigned to Judge
Pomrenze, Sandra

Party Information

Filings

Filing Code	Client Ref #	Filing Description
Order Shortening Time - OST (FAM)		Order Shortening Time

Filing Details

Filing Type
EFileAndServe

Filing Code
Order Shortening Time - OST (FAM)

Filing Description
Order Shortening Time

Filing Status
Accepted

Accepted Date
9/10/2019 3:26 PM PST

Accept Comments
Auto Review Accepted

Stamped Documents

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Lead Document

File Name	Description	Security	Download
20190910_OST.pdf 77.55 kB	Order Shortening Time - OST (FAM)		Original File Court Copy

eService Details

Status	Name	Firm	Served	Date
Sent	F Peter James	Law Offices of F. Peter James, Esq...	<input checked="" type="checkbox"/>	Not
Sent	Colleen O'Brien	Law Offices of F. Peter James, Esq...	<input checked="" type="checkbox"/>	9/10
Sent	Claudia Cano	Law Offices of F. Peter James, Esq...	<input checked="" type="checkbox"/>	Not
Sent	Service KLG	Kainen Law Group	<input checked="" type="checkbox"/>	Not
Sent	Hagen Anderson	Kainen Law Group	<input checked="" type="checkbox"/>	9/10
Sent	Andrew Kynaston	Kainen Law Group	<input checked="" type="checkbox"/>	9/10

1 10 items per page 1 - 6 of 6 items

Service Contacts

Name	Email
▼ Party: Jaswinder Singh - Petitioner	
Claudia Cano	claudia@peterjameslaw.com
F Peter James	peter@peterjameslaw.com
Colleen O'Brien	colleen@peterjameslaw.com
▼ Party: Rajwant Kaur - Petitioner	

Hagen Anderson

hagen@kainenlawgroup.com

Service KLG

service@kainenlawgroup.com

Andrew Kynaston

Service@KainenLawGroup.com

► Other Service Contacts

Fees

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1 **FFCL**
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5 3821 West Charleston Boulevard, Suite 250
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7 Peter@PeterJamesLaw.com
8 702-256-0087
9 702-256-0145 (fax)
10 Counsel for Plaintiff

11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 JASWINDER SINGH,

14 Plaintiff,

15 vs.

16 RAJWANT KAUR,

17 Defendant.

CASE NO. : 04D323977

DEPT. NO. : P

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

18 This matter came before the Court on the 12th of September, 2019 and the
19 13th of September, 2019 for an Evidentiary Hearing on Defendant's Motion to
20 Set Aside Decree of Divorce, which was filed on January 7, 2019, and on
21 Plaintiff's Opposition thereto filed January 23, 2019. Also being heard was
22 Plaintiff's Motion in Limine, which was filed August 30, 2019, and on
23 Defendant's Opposition and Countermotion thereto, which was filed on
24 September 6, 2019. F. Peter James, Esq. appeared with Plaintiff, Jaswinder

Non-Trial Dispositions:
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial
Settled/Withdrawn:
☐ Without Judicial Conf/Hrg
☒ With Judicial Conf/Hrg
☐ By ADR
Trial Dispositions:
☐ Verdict
☐ Judgment Entered
☐ Judgment Reversed
☐ Appeal by Trial Court

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OCT 18 2019

FAMILY COURT
DEPARTMENT P

1 Singh. Andrew L. Kynaston, Esq. appeared with Defendant, Rajwant Kaur.
2 Nevada registered Punjabi interpreter, Muir Qureshi, was also present to interpret
3 for Plaintiff and Defendant. The Honorable Sandra Pomrenze presided over the
4 matter.

5 Testimony and exhibits were presented. There was argument and
6 discussion regarding the relative issues for this hearing. Testimony and exhibit
7 presentation resumed. There was argument and discussion regarding the Court
8 taking judicial notice that entry of a Decree of Divorce ends a marriage and that
9 being the issue before the Court in these proceedings. Court advised counsel it
10 was taking judicial notice that a Decree of Divorce was entered on September 04,
11 2004. Testimony and exhibit presentation resumed. There was colloquy at the
12 bench. Testimony and exhibit presentation resumed. The matter was trialed and
13 then recalled with all present as before.

14 Court advised counsel it received documents (Plaintiff's Petition for writ
15 relief filed in the Nevada Supreme Court) in chambers and it conferred with the
16 Presiding Judge and it was agreed the documents did not divest this Court of
17 jurisdiction and the matters would proceed. Counsel concurred with the Court.
18 Testimony and exhibit presentation resumed. Upon Court's inquiry both counsel
19 agreed to conduct a conference with the Court. The matter was trailed for the
20 Court to conduct a conference with counsel off the record and outside of the

1 courtroom. The matter was recalled with all present as before. Testimony and
2 exhibit presentation resumed.

3 Defendant testified. Mr. Kynaston finished his examination and passed
4 the witness. Mr. James moved the Court for Judgment on the Evidence. Court
5 observed it questioned *Vaile v. Eighth Judicial District Court*, 118 Nev. 262, 44
6 P.3d 512 (2002), as it seemed to be illogical and it seemed to say it was okay to
7 “pull a scam and get away with it” but it was Nevada law.

8 The Court further observed the testimony of the Defendant is not a far
9 distance from the facts of the *Vaile* case. There was argument and discussion
10 regarding the fraudulent divorce, both parties’ testimony about the divorce, the
11 *Vaile* case decision, the facts of the *Vaile* case, and Mr. Kynaston appealing this
12 case to have the Supreme Court review of the *Vaile* case. There was argument
13 and discussion regarding neither party understanding what they were doing,
14 Plaintiff’s beliefs about getting a Nevada divorce, the California requirements for
15 divorce, and Nevada divorce law. There was argument and discussion regarding
16 the decision regarding the fraudulent divorce, Defendant not receiving any
17 benefits after the last 15 years with Plaintiff, California making the decision, and
18 the Court’s discretion under the *Vaile* case. Mr. Kynaston requested the Court
19 exercise its discretion and rule on the facts of the case.

1 There was discussion regarding the Court's obligation to rule on the facts
2 and the law. There was argument and discussion regarding the provisions of Rule
3 60(b), the provisions of the *Vaile* case, Defendant's testimony, and counsel
4 appealing this case. Court advised counsel it would be exceeding its obligation
5 if it did not rule on Plaintiff's motion for judgment based on the evidence
6 presented, and Defendant's deposition was not published so it could not review
7 the deposition. There was argument and discussion regarding the facts presented
8 today being on point with the *Vaile* case and Defendant not meeting her burden
9 of proof.

10 The Court, having read the papers and pleadings on file herein, being well
11 advised in the premises, having heard the testimony, having considered the
12 evidence, being well advised in the premises, and for sufficient cause shown,
13 hereby finds and orders as follows:

14 **THE COURT HEREBY FINDS** that Plaintiff was not credible in any
15 portion of his testimony. Based on the evidence presented Defendant was more
16 credible; therefore, the Court does find that the parties perpetrated a fraud on the
17 State of Nevada by entering into a Decree of Divorce without the requisite
18 residency. Were that to be the end of the inquiry, but because of the *Vaile vs.*
19 *Eighth Judicial District* case, it was not the end of the inquiry. If sufficient time
20 has passed, the Court is obligated to make a decision on the merits as to how the

1 fraudulent divorce was implemented and what the parties' roles were. In the
2 *Vaile* case, both spouses were willing participants and they both knew that they
3 did not have residency. They both knew they wanted a divorce sooner rather than
4 later. It is not uncommon, unfortunately, because we have such generous divorce
5 laws, that people take advantage of those divorce laws and they come here
6 thinking they will get a quick divorce and they pretend to be residents. The
7 Courts see that on a regular basis. Sometimes they get away with it, sometimes
8 they do not, but certainly, in this instance, the presiding judge had no reason to
9 question the validity of the documents that were submitted and, therefore,
10 executed the Decree. What *Vaile* says is, if they make a distinction where there
11 is a very old divorce and one party seeks to set it aside based on fraud, that party
12 must prove they were free from fault. You have 2 parties at fault and the Court
13 in *Vaile* applied an equitable standard that they were not going to reward a
14 "wrong doer" and that is why there is a requirement of some equitable reason
15 why a "co-wrong doer" should be permitted relief even though they are equally
16 as much of a wrong doer as the other party. So, they set the standard that there
17 has to be some threat, duress, or coercion or an equitable reason why that party
18 is free from fault. In the instant case the Court finds the Defendant to be very
19 credible, unlike the Plaintiff. However, what is missing from Defendant's
20 testimony is that she was forced to sign those papers and, in fact in this instance,

1 she knew there was a divorce in Nevada whether Plaintiff told her it was a piece
2 of paper or not. This is a person who is a competent adult and who knew there
3 was a divorce in Nevada until such time as she became upset with the Plaintiff,
4 upon his allegation he had married someone else. She was content to “let
5 sleeping dogs lie” and live together with the Plaintiff. Ironically, they are still
6 living together and, ironically, Plaintiff has not remarried. But it requires, in this
7 instance, evidence of an unequal bargaining position at a minimum. There was
8 nothing in Defendant’s testimony that was evidence of an unequal bargaining
9 position between the Plaintiff and Defendant. Plaintiff said, “we’re going to
10 Nevada, we’re going to sign some paperwork, it is going to be a divorce, it is
11 going to be a paper divorce, we’re going to continue to live together.” This was
12 not a person with a mental defect or an inability to understand what was being
13 told to her. Defendant knew it, and in fact at his request, not a demand according
14 to her own testimony, she in fact went to India to marry Plaintiff’s brother. Was
15 it a “sham” marriage? Of course it was. Did it assist the parties in their “end
16 game”? No, because Plaintiff’s brother never got a Visa and did not come to the
17 U.S. But at the end of the day, there is simply insufficient evidence that the
18 Defendant acted under duress. So as much as the Court finds the facts of this
19 case offensive, it cannot rule on what it finds offensive—it has to rule on the law
20 and precedent and *Vaile* is still precedent in this state. Should the Supreme Court

1 choose to take a second look on appeal, they are free to do so, and, if in fact, they
2 say that *Vaile* is not good law then the Court is happy to have the parties come
3 back and the Court will even set a second hearing. On the testimony and the
4 evidence, the Court is compelled to grant the motion for judgment on the
5 evidence and it is compelled to deny the motion to set aside.

6 **THE COURT FURTHER FINDS** that, because neither party comes to
7 this court with clean hands, neither party shall receive an award of attorney's fees
8 against the other. The Plaintiff is not entitled to an award of attorney's fees. He
9 is equally, if not greater, at fault than the Defendant, so he may be the prevailing
10 party, but the Court will not reward someone with extremely unclean hands with
11 an award of attorney's fees. The Defendant is not the prevailing party here and
12 as much as there is some sympathy here, the Court does not rule on sympathy. It
13 must rule on the law and insofar as Defendant is not the prevailing party the Court
14 cannot award her any attorney's fees either. The Court was surprised when
15 Defendant rested, but counsel did, and did not get to the heart of the *Vaile* case
16 standard. It is not a criticism of counsel. The Court believes that Defendant was
17 honest and candid with the Court, and counsel was left with the case he had.
18 Defendant knew what her husband wanted her to do, and she went ahead and did
19 it. There is no evidence that she refused or that he demanded or that he threatened
20 her or anything else, just like the parties did in the *Vaile* case. Because of that,

1 and the *Vaile* precedent, the Court is compelled to deny the motion to set aside.
2 There is an appealable issue there. The Court does not know what the Supreme
3 Court will do. It is a question that has been answered in a way that most of us
4 might not appreciate, but it is the question that has been answered and
5 Defendant's testimony does not rise to the level for the Court to set aside the
6 Decree of Divorce. Counsel need to decide what they wish to do, because the
7 Court does believe there is an issue here. This Court does not have the ability to
8 "jump over" the Supreme Court and decide.

9 Therefore,

10 **IT IS HEREBY ORDERED** that the Motion for Judgment on the
11 Evidence is GRANTED.

12 **IT IS FURTHER ORDERED** that Defendant's Motion to Set Aside the
13 Decree of Divorce is DENIED.

14 **IT IS FURTHER ORDERED** that, as neither party is the prevailing
15 party, there shall be no award of attorney's fees to either party.

16 ///

17 ///

18 ///

19 ///

20 ///

1 **IT IS FURTHER ORDERED** that Mr. James shall prepare the Findings
2 of Fact, Conclusions of Law with Mr. Kynaston to review the same and
3 countersign.

4 **IT IS SO ORDERED.**

5 Dated this 21 day of October, 2019.

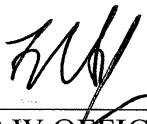


DISTRICT COURT JUDGE

SANDRA L. POMRENZE

8 Respectfully submitted by:

Approved as to form and content by:



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11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 JASWINDER SINGH,
14
15 Plaintiff,

16 vs.

17 RAJWANT KAUR,
18
19 Defendant.

CASE NO. : 04D323977
DEPT. NO. : P

**NOTICE OF ENTRY OF FINDINGS
OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

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1 Please take notice that the attached Findings of Fact, Conclusions of Law,
2 and Order was entered on October 22, 2019.

3 Dated this 22 day of October 2019

4 

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1 **CERTIFICATE OF SERVICE**

2 I certify that on this 22 day of October, 2019, I caused the above and
3 foregoing document entitled **NOTICE OF ENTRY OF FINDINGS OF FACT,**
4 **CONCLUSIONS OF LAW, AND ORDER** to be served as follows:

5 ☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D)
6 and Administrative Order 14-2 captioned "In the Administrative
7 Matter of Mandatory Electronic Service in the Eighth Judicial
8 District Court," by mandatory electronic service through the
9 Eighth Judicial District Court's electronic filing system;

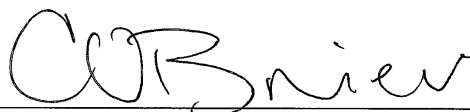
8 [] by placing same to be deposited for mailing in the United States
9 Mail, in a sealed envelope upon which first class postage was
10 prepaid in Las Vegas, Nevada;

10 [] pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile /
11 email;

12 to the attorney(s) / party(ies) listed below at the address(es), email address(es),
13 and/or facsimile number(s) indicated below:

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ORIGINAL

Electronically Filed
10/22/2019 10:51 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 **FFCL**
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11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 **JASWINDER SINGH,**
14 **Plaintiff,**

CASE NO. : 04D323977
DEPT. NO. : P

15 **vs.**

16 **FINDINGS OF FACT,**
17 **CONCLUSIONS OF LAW, AND**
18 **ORDER**

19 **RAJWANT KAUR,**
20 **Defendant.**

21 This matter came before the Court on the 12th of September, 2019 and the
22 13th of September, 2019 for an Evidentiary Hearing on Defendant's Motion to
23 Set Aside Decree of Divorce, which was filed on January 7, 2019, and on
24 Plaintiff's Opposition thereto filed January 23, 2019. Also being heard was
25 Plaintiff's Motion in Limine, which was filed August 30, 2019, and on
26 Defendant's Opposition and Countermotion thereto, which was filed on
27 September 6, 2019. F. Peter James, Esq. appeared with Plaintiff, Jaswinder

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FAMILY COURT
DEPARTMENT P

Non-Trial Dispositions:
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial Start
Settled / Withdrawn:
☐ Without Judicial Conf/Hrg
☒ With Judicial Conf/Hrg
☐ By ADR
Trial Dispositions:
☐ Trial by Trial
☒ Judgment Reached

1 Singh. Andrew L. Kynaston, Esq. appeared with Defendant, Rajwant Kaur.
2 Nevada registered Punjabi interpreter, Muir Qureshi, was also present to interpret
3 for Plaintiff and Defendant. The Honorable Sandra Pomrenze presided over the
4 matter.

5 Testimony and exhibits were presented. There was argument and
6 discussion regarding the relative issues for this hearing. Testimony and exhibit
7 presentation resumed. There was argument and discussion regarding the Court
8 taking judicial notice that entry of a Decree of Divorce ends a marriage and that
9 being the issue before the Court in these proceedings. Court advised counsel it
10 was taking judicial notice that a Decree of Divorce was entered on September 04,
11 2004. Testimony and exhibit presentation resumed. There was colloquy at the
12 bench. Testimony and exhibit presentation resumed. The matter was trialed and
13 then recalled with all present as before.

14 Court advised counsel it received documents (Plaintiff's Petition for writ
15 relief filed in the Nevada Supreme Court) in chambers and it conferred with the
16 Presiding Judge and it was agreed the documents did not divest this Court of
17 jurisdiction and the matters would proceed. Counsel concurred with the Court.
18 Testimony and exhibit presentation resumed. Upon Court's inquiry both counsel
19 agreed to conduct a conference with the Court. The matter was trailed for the
20 Court to conduct a conference with counsel off the record and outside of the

1 courtroom. The matter was recalled with all present as before. Testimony and
2 exhibit presentation resumed.

3 Defendant testified. Mr. Kynaston finished his examination and passed
4 the witness. Mr. James moved the Court for Judgment on the Evidence. Court
5 observed it questioned *Vaile v. Eighth Judicial District Court*, 118 Nev. 262, 44
6 P.3d 512 (2002), as it seemed to be illogical and it seemed to say it was okay to
7 “pull a scam and get away with it” but it was Nevada law.

8 The Court further observed the testimony of the Defendant is not a far
9 distance from the facts of the *Vaile* case. There was argument and discussion
10 regarding the fraudulent divorce, both parties’ testimony about the divorce, the
11 *Vaile* case decision, the facts of the *Vaile* case, and Mr. Kynaston appealing this
12 case to have the Supreme Court review of the *Vaile* case. There was argument
13 and discussion regarding neither party understanding what they were doing,
14 Plaintiff’s beliefs about getting a Nevada divorce, the California requirements for
15 divorce, and Nevada divorce law. There was argument and discussion regarding
16 the decision regarding the fraudulent divorce, Defendant not receiving any
17 benefits after the last 15 years with Plaintiff, California making the decision, and
18 the Court’s discretion under the *Vaile* case. Mr. Kynaston requested the Court
19 exercise its discretion and rule on the facts of the case.

1 There was discussion regarding the Court's obligation to rule on the facts
2 and the law. There was argument and discussion regarding the provisions of Rule
3 60(b), the provisions of the *Vaile* case, Defendant's testimony, and counsel
4 appealing this case. Court advised counsel it would be exceeding its obligation
5 if it did not rule on Plaintiff's motion for judgment based on the evidence
6 presented, and Defendant's deposition was not published so it could not review
7 the deposition. There was argument and discussion regarding the facts presented
8 today being on point with the *Vaile* case and Defendant not meeting her burden
9 of proof.

10 The Court, having read the papers and pleadings on file herein, being well
11 advised in the premises, having heard the testimony, having considered the
12 evidence, being well advised in the premises, and for sufficient cause shown,
13 hereby finds and orders as follows:

14 **THE COURT HEREBY FINDS** that Plaintiff was not credible in any
15 portion of his testimony. Based on the evidence presented Defendant was more
16 credible; therefore, the Court does find that the parties perpetrated a fraud on the
17 State of Nevada by entering into a Decree of Divorce without the requisite
18 residency. Were that to be the end of the inquiry, but because of the *Vaile vs.*
19 *Eighth Judicial District* case, it was not the end of the inquiry. If sufficient time
20 has passed, the Court is obligated to make a decision on the merits as to how the

1 fraudulent divorce was implemented and what the parties' roles were. In the
2 *Vaile* case, both spouses were willing participants and they both knew that they
3 did not have residency. They both knew they wanted a divorce sooner rather than
4 later. It is not uncommon, unfortunately, because we have such generous divorce
5 laws, that people take advantage of those divorce laws and they come here
6 thinking they will get a quick divorce and they pretend to be residents. The
7 Courts see that on a regular basis. Sometimes they get away with it, sometimes
8 they do not, but certainly, in this instance, the presiding judge had no reason to
9 question the validity of the documents that were submitted and, therefore,
10 executed the Decree. What *Vaile* says is, if they make a distinction where there
11 is a very old divorce and one party seeks to set it aside based on fraud, that party
12 must prove they were free from fault. You have 2 parties at fault and the Court
13 in *Vaile* applied an equitable standard that they were not going to reward a
14 "wrong doer" and that is why there is a requirement of some equitable reason
15 why a "co-wrong doer" should be permitted relief even though they are equally
16 as much of a wrong doer as the other party. So, they set the standard that there
17 has to be some threat, duress, or coercion or an equitable reason why that party
18 is free from fault. In the instant case the Court finds the Defendant to be very
19 credible, unlike the Plaintiff. However, what is missing from Defendant's
20 testimony is that she was forced to sign those papers and, in fact in this instance,

1 she knew there was a divorce in Nevada whether Plaintiff told her it was a piece
2 of paper or not. This is a person who is a competent adult and who knew there
3 was a divorce in Nevada until such time as she became upset with the Plaintiff,
4 upon his allegation he had married someone else. She was content to “let
5 sleeping dogs lie” and live together with the Plaintiff. Ironically, they are still
6 living together and, ironically, Plaintiff has not remarried. But it requires, in this
7 instance, evidence of an unequal bargaining position at a minimum. There was
8 nothing in Defendant’s testimony that was evidence of an unequal bargaining
9 position between the Plaintiff and Defendant. Plaintiff said, “we’re going to
10 Nevada, we’re going to sign some paperwork, it is going to be a divorce, it is
11 going to be a paper divorce, we’re going to continue to live together.” This was
12 not a person with a mental defect or an inability to understand what was being
13 told to her. Defendant knew it, and in fact at his request, not a demand according
14 to her own testimony, she in fact went to India to marry Plaintiff’s brother. Was
15 it a “sham” marriage? Of course it was. Did it assist the parties in their “end
16 game”? No, because Plaintiff’s brother never got a Visa and did not come to the
17 U.S. But at the end of the day, there is simply insufficient evidence that the
18 Defendant acted under duress. So as much as the Court finds the facts of this
19 case offensive, it cannot rule on what it finds offensive—it has to rule on the law
20 and precedent and *Vaile* is still precedent in this state. Should the Supreme Court

1 choose to take a second look on appeal, they are free to do so, and, if in fact, they
2 say that *Vaile* is not good law then the Court is happy to have the parties come
3 back and the Court will even set a second hearing. On the testimony and the
4 evidence, the Court is compelled to grant the motion for judgment on the
5 evidence and it is compelled to deny the motion to set aside.

6 **THE COURT FURTHER FINDS** that, because neither party comes to
7 this court with clean hands, neither party shall receive an award of attorney's fees
8 against the other. The Plaintiff is not entitled to an award of attorney's fees. He
9 is equally, if not greater, at fault than the Defendant, so he may be the prevailing
10 party, but the Court will not reward someone with extremely unclean hands with
11 an award of attorney's fees. The Defendant is not the prevailing party here and
12 as much as there is some sympathy here, the Court does not rule on sympathy. It
13 must rule on the law and insofar as Defendant is not the prevailing party the Court
14 cannot award her any attorney's fees either. The Court was surprised when
15 Defendant rested, but counsel did, and did not get to the heart of the *Vaile* case
16 standard. It is not a criticism of counsel. The Court believes that Defendant was
17 honest and candid with the Court, and counsel was left with the case he had.
18 Defendant knew what her husband wanted her to do, and she went ahead and did
19 it. There is no evidence that she refused or that he demanded or that he threatened
20 her or anything else, just like the parties did in the *Vaile* case. Because of that,

1 and the *Vaile* precedent, the Court is compelled to deny the motion to set aside.
2 There is an appealable issue there. The Court does not know what the Supreme
3 Court will do. It is a question that has been answered in a way that most of us
4 might not appreciate, but it is the question that has been answered and
5 Defendant's testimony does not rise to the level for the Court to set aside the
6 Decree of Divorce. Counsel need to decide what they wish to do, because the
7 Court does believe there is an issue here. This Court does not have the ability to
8 "jump over" the Supreme Court and decide.

9 Therefore,

10 **IT IS HEREBY ORDERED** that the Motion for Judgment on the
11 Evidence is GRANTED.

12 **IT IS FURTHER ORDERED** that Defendant's Motion to Set Aside the
13 Decree of Divorce is DENIED.

14 **IT IS FURTHER ORDERED** that, as neither party is the prevailing
15 party, there shall be no award of attorney's fees to either party.

16 ///

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1 **IT IS FURTHER ORDERED** that Mr. James shall prepare the Findings
2 of Fact, Conclusions of Law with Mr. Kynaston to review the same and
3 countersign.

4 **IT IS SO ORDERED.**

5 Dated this 21 day of October, 2019.




DISTRICT COURT JUDGE

SANDRA L. POMRENZE

8 Respectfully submitted by:

Approved as to form and content by:



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13	Counsel for Plaintiff	Counsel for Defendant

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Clerk of Court

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
LAS VEGAS, NEVADA

IN THE MATTER OF THE
JOINT PETITION FOR
DIVORCE OF:

JASWINDER SINGH,

and

RAJWANT KAUR.

CASE NO. 04D323977

DEPT. P

APPEAL NO. 30090

BEFORE THE HONORABLE SANDRA POMKENZE
DISTRICT COURT JUDGE

TRANSCRIPT RE: EVIDENTIARY HEARING

THURSDAY, SEPTEMBER 12, 2019

1 APPEARANCES:

2 The Plaintiff: JASWINDER SINGH
3 For the Plaintiff: F. PETER JAMES, ESQ.
4 3821 W. Charleston Blvd.
5 Suite 250
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7 (702)256-0087

8 The Defendant: RAJWANT KAUR
9 For the Defendant: ANDREW F. KYNASTON, ESQ.
10 3303 Novat Street
11 Suite 200
12 Las Vegas, NV 89129
13 (702)823-4900

14 Also Present: MUNIR QURESHI
15 Court Interpreter

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I N D E X O F W I T N E S S E S

<u>PLAINTIFF'S</u> <u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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(None presented)

DEFENDANT'S
WITNESSES:

JASWINDER SINGH	9	--	--	--
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* * * * *

1 LAS VEGAS, NEVADA

THURSDAY, SEPTEMBER 12, 2019

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 1:35:22)

4

5 THE COURT: All right. We are here on case number
6 D323977, Singh versus Kaur. Counsel, please state your names
7 and bar numbers for the record.

8 MR. JAMES: Good afternoon, Your Honor. Peter
9 James, 10091, here with Jaswinder Singh.

10 MR. KYNASTON: Afternoon, Your Honor. Andrew
11 Kynaston. My Bar number is 8147. I'm here with the
12 Defendant, Rajwant Kaur.

13 THE COURT: All right.

14 MR. JAMES: And we have the Punjabi interpreter
15 here, Your Honor. There is only --

16 THE COURT: Okay. And your name is?

17 THE INTERPRETER: My name is Munir Qureshi.

18 THE COURT: And do you have a registration or a
19 certification?

20 THE INTERPRETER: Yes. I am registered with the
21 Clark County.

22 THE COURT: With what?

23 THE INTERPRETER: Clark County.

24 MR. JAMES: Clark County.

1 THE COURT: Clark cou -- I'm sorry. Okay. Let's go
2 ahead and talk about the motion in limine. I think there were
3 some questions as to -- we can all sit down. Oh, by the way,
4 is either party invoking an exclusionary rule relating to
5 anybody in the courtroom?

6 MR. JAMES: Yes, Your Honor.

7 THE COURT: Okay. Well then let's empty the
8 courtroom of anybody who's going to be a witness. And that
9 includes your side.

10 MR. JAMES: We only have the parties as witnesses,
11 Judge.

12 THE COURT: With what?

13 MR. JAMES: We only have the parties as witnesses.

14 THE COURT: Okay. I thought there were going to be
15 a bunch of other witnesses because you have motion in limine.

16 MR. JAMES: Right. To preclude the other side's
17 witnesses.

18 THE COURT: I haven't quite responded to the motion
19 in limine yet because I have a question about disclosure, as
20 to whether or not anybody who's being called by the Defendant
21 was at some point in time disclosed to the other party. Is
22 that accurate?

23 MR. JAMES: The name only. And I -- in the exhibits
24 I gave the --

1 THE COURT: So no identifying information?

2 MR. JAMES: Corr -- not until the --

3 THE COURT: And, sir, the next time you talk to me
4 you're out of the room. You're -- this guy's busy nodding,
5 and I'm not going to tolerate that in my courtroom. It's a
6 distraction, and it's inappropriate. Okay.

7 I'm going to deny your motion in limine without
8 prejudice. I want -- as each witness comes, I want to be able
9 to make a determination and give Mr. Kynaston a chance to do
10 an or -- an offer of proof. So that doesn't mean they're
11 going to testify, it just means I'm not, blanket, going to
12 exclude certain people. I want to make a decision as it comes
13 to each particular witness, okay, or proposed witness.

14 MR. JAMES: Okay. But just so the Court's aware,
15 all the witnesses, none of them were, except the parties, were
16 provided any contact information until 20 minutes before
17 discovery closed.

18 THE COURT: Well, I get that. Again, I'm simply --
19 I'm not taking -- it is denied without prejudice. What does
20 that mean? If Mr. Kynaston still chooses to call a particular
21 witness, I will entertain your argument as to each individual
22 witness. Okay?

23 MR. JAMES: Very good.

24 THE COURT: That's all that's changed. Okay. So

1 does either party want to make an opening statement, or do we
2 just proceed to the evidence? I've read your briefs.

3 MR. JAMES: Your Honor, I think the briefs speak for
4 themselves.

5 MR. KYNASTON: Yeah, that's fine.

6 THE COURT: Okay. Then Mr. Kynaston call your first
7 witness. It's your burden of proof.

8 MR. KYNASTON: All right. Your Honor, I would call
9 the Plaintiff, Jaswinder Singh.

10 MR. JAMES: Your Honor, how would you like the
11 Interpreter to be positioned?

12 THE COURT: Standing next to him.

13 MR. JAMES: Okay. I believe he's the only Punjabi
14 interpreter in town.

15 THE COURT: What?

16 MR. JAMES: I believe he's the only Punjabi
17 interpreter in town.

18 THE COURT: I don't think so.

19 MR. JAMES: The only one we could find.

20 THE COURT: I've had other individuals in my
21 courtroom. It may be a dialect issue.

22 MR. JAMES: Yeah.

23 THE COURT: Okay.

24 THE CLERK: Okay. Hold on one second.

1 (OATH ADMINISTERED)

2 THE PLAINTIFF: Okay.

3 MR. KYNASTON: Your Honor, before we begin, I -- I
4 forgot one housekeeping thing. Mr. James and I did confer
5 prior to the trial today about exhibits, and we've stipulated
6 to the -- the admission of a large portion of the exhibits.
7 So you want me to put that on the record right now, as far as
8 --

9 THE COURT: So all of your exhibits, you're
10 stipulating to?

11 MR. KYNASTON: Well, not all of them. There's a few
12 that we have not stipulated to, but I can let the Court know
13 which ones we have. Or maybe it would be easier to tell you
14 which ones we haven't.

15 THE COURT: Well, does my Clerk know what's been
16 stipulated to?

17 MR. KYNASTON: No, that's why --

18 THE COURT: She's the one that needs to --

19 MR. KYNASTON: -- that's why I'm mentioning it
20 because we didn't --

21 THE COURT: Okay. That's the stuff you do with her
22 before I show up.

23 MR. KYNASTON: Right. And I apologize for that. We
24 just --

1 THE COURT: Okay. So let her know,
2 MR. KYNASTON: Okay. So from Defendant's exhibit
3 book, which is the letters, we've stipulated to the admission
4 of all of the exhibits except for H, T and U.
5 MR. JAMES: That is correct.
6 THE CLERK: H, T and U.
7 MR. JAMES: Everything except those.
8 THE CLERK: Yeah. Got it. Okay.
9 MR. KYNASTON: And then on the Plaintiff's exhibit
10 book, we've stipulated to all of the exhibits except for 3, 6,
11 8, 9, 11, 12, 16, and 17.
12 THE CLERK: Three, 6, 8, 9, 11, 12, 16, and 17.
13 MR. KYNASTON: And 17. All others have been
14 stipulated to.
15 THE COURT: So mark the rest of them admitted.
16 THE CLERK: I will. Okay.
17 MR. KYNASTON: All right. I'm ready to proceed.
18 Sir, you can go ahead and sit down.
19 JASWINDER SINGH
20 called as a witness on behalf of the Defendant and having been
21 first duly sworn, did testify upon his oath as follows on:
22 DIRECT EXAMINATION
23 BY MR. KYNASTON:
24 Q All right. Will you please state your full name for

1 the record?

2 A Jaswinder Singh.

3 Q Would you mind spelling that for the court reporter?

4 A J-a-s-w-i-n-d-e-r, S-i-n-g-h.

5 Q Okay. Mr. Singh, where were you born?

6 A In India, in the Punjab State.

7 Q Okay. And how old --

8 THE COURT: I'm sorry. I didn't hear that.

9 THE INTERPRETER: In the Punjab State of India.

10 BY MR. KYNASTON:

11 Q Okay. And how old are you, sir?

12 A Fifty-eight years.

13 Q When were you and the Defendant married?

14 A December 19.

15 Q Of what year?

16 A December 19, 1990.

17 Q 1990?

18 A Yeah.

19 Q Okay. Did you previously testify you were married
20 in 1989?

21 A Could be '89 or '90, that's what you said.

22 Q Okay. And where were you married?

23 A In the Punjab State of India.

24 THE COURT: In where?

1 THE WITNESS: In the Punjab State of India.
2 BY MR. KYNASTON:
3 Q And was this an arranged marriage?
4 A Our relatives arranged it.
5 Q And do you and the Defendant have any children?
6 A No.
7 Q Okay. When did you first immigrate to the United
8 States?
9 A In 1993, in February.
10 Q Okay. And are you a U.S. citizen?
11 A Yes.
12 Q And when did you become a U.S. citizen?
13 A In 1999 or 2000.
14 Q Okay. And when you came to the United States, where
15 did you live? What state did you live in?
16 A In California.
17 Q Okay. And your native language is Punjabi; is that
18 correct?
19 A Yes, in the Punjab State, Punjabi I speak.
20 Q And do you speak English?
21 A No.
22 Q How would you describe your level of proficiency in
23 English. Do you speak it at all?
24 A I have learned here to get by and to understand a

1 little bit.

2 THE COURT: You what?

3 THE WITNESS: I didn't come with English language
4 from Punjab. I learned here.

5 BY MR. KYNASTON:

6 Q Okay. Can you read in English?

7 A No, I can't read or write.

8 Q Or write. Okay. Where do you currently reside?

9 A In California, Mission Hills.

10 Q Okay. What's your current address?

11 A 15138 Hiawatha Street. City, Mission --

12 THE COURT: What street?

13 THE WITNESS: Hiawatha Street.

14 THE COURT: Can you spell that?

15 THE WITNESS: H-a-w-a-t-h-a. H-i-t-h-w-a.

16 BY MR. KYNASTON:

17 Q And who else lives with you at that address?

18 A My sister, my mother, my father.

19 Q What about your wife, does she live there?

20 MR. JAMES: Objection to characterization.

21 MR. KYNASTON: I'll restate the question.

22 BY MR. KYNASTON:

23 Q What about the Defendant, does she live in that
24 home?

1 A She stays at a separate place. Its bathroom is
2 separate.

3 THE COURT: I'm sorry, what?

4 THE WITNESS: Lives in a separate part of the house
5 with a separate bathroom.

6 BY MR. KYNASTON:

7 Q But she lives in the same house as you; is that
8 correct?

9 A Yes, she does, in the same house.

10 Q And how long have you lived at that address?

11 A Since 2009.

12 Q Okay. And where did you live prior to that?

13 A We lived in an apartment.

14 Q And where was that apartment located?

15 A In the same city, Sepulveda Street.

16 Q That's in Mission Hills, California?

17 A That is correct.

18 Q And how long did you live in that apartment?

19 A We lived there for three, four years.

20 Q And when you say we, are you talking about yourself
21 and the Defendant?

22 A Yes. She lived with me in the apartment before we
23 moved to the house.

24 Q Okay. But you said -- testified that you first came

1 to the United States in 1993; is that correct?

2 A Yes.

3 Q And when you came to the United States, did you
4 start living with the Defendant?

5 THE COURT: There's an awful lot of conversation
6 going on if it's not direct translation, and that has to stop.

7 THE INTERPRETER: Okay.

8 THE COURT: Because if I'm going to allow you to
9 translate for this witness, you are going to have to translate
10 and do nothing else. If he asks you a question, you have to
11 state the question.

12 THE INTERPRETER: Got it. Got it now.

13 THE COURT: I'm not going to tolerate any more
14 conversation, or you're going to be excused and he's going to
15 be without an interpreter.

16 THE INTERPRETER: Okay.

17 THE WITNESS: We rented a part of an apartment from
18 a friend, and we lived together in that portion.

19 THE COURT: Okay. Was that responsive to your
20 question?

21 MR. KYNASTON: Well, I don't think so. Let me ask
22 the question again.

23 BY MR. KYNASTON:

24 Q When you first came to the United States, you

1 testified it was in 1993, correct?

2 A Yes.

3 Q And you went to southern California; is that
4 correct?

5 A Yes.

6 Q Okay. And you began residing with your wife at the
7 time, the Defendant, correct?

8 A Yes.

9 Q Okay. Isn't it true that you and the Defendant have
10 lived in the same household for virtually thirty years?

11 A We came to our friend's house. Then we moved to an
12 apartment, and then another apartment, and now in this house
13 in 2009.

14 THE COURT: Okay. This is going to go a lot
15 smoother, please let the witness know, if he answers the
16 question being asked, not the one he wants to answer.

17 BY MR. KYNASTON:

18 Q So my question was, isn't it true that you and the
19 Defendant have resided together for most of the last thirty
20 years?

21 A Yes.

22 Q Okay. Mr. Singh, are you presently employed?

23 A I work in a company.

24 Q Okay. Who's your employer?

1 A It's a warehouse of spare parts.
2 Q And what's the name of the company?
3 A Interamerican Motor Corporation, and the short is
4 IMC.
5 Q Okay. How long have you been employed by
6 Interamerica Corporation -- Motor Corporation?
7 A I've been working here since 1998.
8 Q Okay. And this company is located in California?
9 A Yes.
10 Q Okay. So you've worked for this California company
11 since 1998, correct?
12 A Yes. I continued working here. At one time, they
13 rehired me after my surgery.
14 Q When was your surgery?
15 A In 2012.
16 Q Okay. Did you ever take an extended leave of
17 absence from your job in 2004?
18 A Yes, I have taken time out for different occasions.
19 THE COURT: For what?
20 THE WITNESS: Couple of times, surgery.
21 THE COURT: I'm sorry. Repeat that?
22 THE WITNESS: I've taken time out several times
23 during my employment, couple of times for surgery.
24 BY MR. KYNASTON:

1 Q Okay. But I asked you, did you take a leave of
2 absence in 2004?

3 A I can't recall for that long. It's a long time ago.

4 Q Did you ever quit your job?

5 A The company is of the kind that if you leave the
6 job, they would rehire you.

7 THE COURT: Mr. James, I don't want to have to
8 repeat myself with your client. But if he's asked a direct
9 question, he should answer the question and let him -- you
10 need to let him know that you'll have an opportunity to
11 clarify. But when Mr. Kynaston asks the question -- please be
12 translating. When Mr. Kynaston asks a question that requires
13 a yes or no, I just want to hear a yes or no, or an I don't
14 know. So I guess if you convey that to your client, then this
15 will go much smoother.

16 MR. JAMES: Would you like me to do that now or take
17 a --

18 THE COURT: Take a quickie break with him. We'll go
19 off the record.

20 (COURT RECESSED AT 1:56 AND RESUMED AT 1:58)

21 THE COURT: Let's go back on the record.

22 DIRECT EXAMINATION CONTINUED

23 BY MR. KYNASTON:

24 Q So you just testified that you don't remember if you

1 took a leave of absence from your job in 2004; is that
2 correct?

3 A Yes.

4 Q Did you move to Nevada in 2004?

5 A Yes, we came.

6 Q When you say we came, who do you mean?

7 A I don't understand it.

8 Q I believe you answered my question, yes, we came.

9 I'm asking who we is?

10 A My wife came with me.

11 Q So your testimony is that you and your wife came to
12 Nevada in 2004?

13 A Yes.

14 Q But you don't remember if you took a leave of
15 absence from your job to move to Nevada?

16 A No, I don't remember that.

17 Q But you're certain you never quit your job; is that
18 correct?

19 A I left the job and came back and joined it again.

20 Q So you temporarily left your job and then went back?

21 A Yes.

22 Q And when approximately did you do that?

23 A In 2004, I don't exactly remember when.

24 Q Did you have another job lined up in Nevada?

1 A No, I didn't have any job.

2 Q Now you stated that you've had your current job
3 since 1998; is that correct?

4 A Yes. I started in 1998.

5 Q Okay. That exhibit book that's there on the witness
6 stand, if you'd open that book to Exhibit I. Okay. This
7 exhibit's already been admitted by stipulation. Do you
8 recognize this exhibit?

9 A Yes, it is between the two of us, husband and wife.

10 Q What do you mean it's between the two of you,
11 husband and wife?

12 A I just read these two names. I don't know what --
13 what else is it.

14 Q Okay. Do you recall being served with
15 interrogatories in this case?

16 A I don't remember.

17 Q Okay. I want you to flip to the second to last page
18 of that exhibit, of Exhibit I, please?

19 THE COURT: Why don't I have them Bates-stamped?

20 MR. KYNASTON: Well, these were just discovery, so
21 we didn't Bates stamp them.

22 THE COURT: So what page is this?

23 MR. KYNASTON: So this would be page 20, Your Honor,
24 I'm sorry. Or page 22. There's no page number on it, but

1 it's between --

2 MR. JAMES: Page 20.

3 THE COURT: Okay.

4 BY MR. KYNASTON:

5 Q Second to last page of that exhibit. Do you see
6 that page?

7 A Yes.

8 Q Is your signature on that page?

9 A Yes.

10 Q Did your attorney have anybody translate or explain
11 this page to you before you signed it?

12 MR. JAMES: Objection. Attorney-client privilege.

13 THE COURT: It is skirting it a little bit. So I'm
14 going to sustain the objection.

15 MR. KYNASTON: I'll -- I'll restate -- I'll restate
16 the question.

17 BY MR. KYNASTON:

18 Q So it's -- it's your signature on this page?

19 A Yes.

20 Q And do you -- do you sign things that you don't know
21 what it says?

22 A If I have to sign something, I just sign it. I
23 can't read.

24 Q So you signed this page, and you didn't know what it

1 said?

2 MR. JAMES: Objection. Argumentative.

3 THE COURT: I'm sorry, what?

4 MR. JAMES: Argumentative.

5 THE COURT: Overruled.

6 THE WITNESS: No, I don't know. I just signed it.

7 MR. KYNASTON: Okay. All right.

8 MR. JAMES: I can submit, Judge. This is what we
9 responded back to --

10 THE COURT: Counsel, you're going to have an
11 opportunity to rehabilitate your client when you get him back.

12 MR. JAMES: Just trying to procedurally speed things
13 along, Judge.

14 THE COURT: If you can. If you can.

15 BY MR. KYNASTON:

16 Q Mr. Singh, did you provide answers to the
17 interrogatories that were propounded upon your Counsel?

18 A I was given to understand that this was a divorce
19 paper, and I was to sign it.

20 Q Okay. Flip over to page 14 of that exhibit.
21 Actually 13, let's start there. Okay. And the Interpreter
22 hopefully can help me out here to translate this. So
23 interrogatory number 17, it says, for your present employment
24 state, okay, A, a detailed summary of your duties and

1 responsibilities. B, your schedule, including days and hours.
2 C, on the next page, your salary. D, your start date.

3 E, any leave of absences from the job, please
4 include the dates of any leave. F, any bonuses or gratuities
5 not included in your salary and how frequently you have
6 received them, including the specific amount you received in
7 each of the last five years. Okay?

8 And in G, the terms and conditions of any expense
9 and/or drawing accounts, allowances for transportation or
10 accommodations and other expenses, including -- including but
11 not limited to identification of specific credit cards that
12 are available to you and the extent of the average approximate
13 monthly use during the last five years. Okay. And in
14 response to that interrogatory, in part D of your response,
15 you said your start date was 1998, correct?

16 A Yes.

17 Q Okay. And in part E regarding leaves of absence,
18 you said, Plaintiff, meaning yourself, took a leave of absence
19 in 2004 from approximately June 13, 2004 through mid-September
20 2004, during which time he resided in Las Vegas, but does not
21 remember the exact dates of the same.

22 Okay. And then it says, Plaintiff took a leave of
23 absence for approximately seven weeks to have hand surgery,
24 although he does not remember the specific dates of the same.

1 Plaintiff also took a leave of absence for eight to nine
2 months to undergo abdominal surgery in approximately May of
3 2012. So according to your answer to the interrogatory,
4 you're tell -- you're stating to the Court that you took a
5 leave of absence from June 13, 2004 through mid-September,
6 correct?

7 A Yes.

8 Q Okay. Is it still your testimony today that you
9 moved to Nevada on June 13, 2004?

10 MR. JAMES: Objection. Misstates prior testimony.

11 MR. KYNASTON: How so?

12 MR. JAMES: He never stated he moved on June 13,
13 2004.

14 THE COURT: I'm sorry, what?

15 MR. KYNASTON: He did in his interrogatory answer.

16 THE COURT: That's in the interrog -- interrogatory.

17 MR. JAMES: Just in the interrogatory, it says he
18 took a leave of absence.

19 THE COURT: Well, you know what, interrogatory
20 answers are testimony. So I'm going to permit it. Overruled.

21 MR. JAMES: But that's not what the interrogatory
22 response says. The interrogatory response says he took a
23 leave of absence from then, not that he moved here then.

24 MR. KYNASTON: I'll -- I'll res --

1 THE COURT: Also overruled. Answer the question.

2 THE WITNESS: Yes.

3 BY MR. KYNASTON:

4 Q All right. Will you please look in the book to
5 Exhibit A? Exhibit A, first book. This exhibit's al -- also
6 already been admitted by stipulation. Do you recognize this
7 exhibit?

8 A Oh, what is this, I don't know.

9 Q Okay. You agree this is a copy of your decree of
10 divorce from Nevada filed September 8th, 2004?

11 THE INTERPRETER: September 8th, you said?

12 MR. KYNASTON: September 8, 2004. That was the file
13 stamp. There's a file stamp in that top right corner, first
14 page.

15 THE INTERPRETER: Okay. Okay. Got it.

16 BY MR. KYNASTON:

17 Q Do you agree this is a copy of the decree of divorce
18 that was filed on September 8th, 2004?

19 A Yes. Okay.

20 Q Okay. Now I want you to look at Exhibit B. Do you
21 recognize this document?

22 A No, I don't understand.

23 Q Okay. Maybe the Interpreter can help. Is the title
24 of this document, joint petition for summary decree of

1 divorce?

2 A Okay.

3 Q And when was this document filed, if you look at the
4 file stamp in the top right-hand corner of that page?

5 A Okay.

6 Q But when was it filed? What's the file stamp?

7 A 27th August.

8 Q Of what year?

9 A In 2004.

10 Q Okay. Now, if you look at the second to last page
11 of that document, it's Bates-stamped DEF016 -- actually, sorry
12 -- no, that's right. Actually it's DEF015, my apologies.

13 THE INTERPRETER: DEF?

14 MR. KYNASTON: Yeah. On the very bottom right-hand
15 corner, there's a Bates stamp, DEF015.

16 BY MR. KYNASTON:

17 Q It's also page three of the document. Is your
18 signature on that page?

19 A Yes, there are.

20 Q And do you recall signing this document?

21 A I don't remember. These signatures are mine.

22 THE COURT: I'm sorry. Did your -- did the witness
23 just state that the signature on page 15 is not his?

24 THE WITNESS: Is mine. The signature is mine.

1 THE COURT: Okay.

2 THE WITNESS: But I don't remember when and what
3 this page.

4 BY MR. KYNASTON:

5 Q Okay. Did you -- who filled out this document for
6 you?

7 A There was a certain person by the name, Bopinda
8 (ph). He filled it up. I don't know who that person was. I
9 was just asked to sign, and I did. It was long ago.

10 Q Who asked you to sign it?

11 A The person to whom we went to fill out the
12 paperwork.

13 Q What was that person's name?

14 A I don't know him.

15 Q Why did you go to that person?

16 A That person said that this is a divorce paper, sign
17 it, so I signed it.

18 Q Did anybody interpret the paper for you before you
19 signed it?

20 A No, nobody.

21 Q So you don't know what it said?

22 A No.

23 Q How did you decide to go file divorce paperwork in
24 Nevada?

1 THE COURT: I'm sorry. I didn't hear that, Counsel.
2 I missed the question.
3 BY MR. KYNASTON:
4 Q How did you decide to file a divorce action in
5 Nevada?
6 A I don't know. I don't remember.
7 Q Do you recall testifying during your deposition that
8 a notary filled the paperwork out for you?
9 A I don't know. I can't read or write. And that
10 there was a notary, who said it, I don't know.
11 Q Okay. Please flip over to Exhibit X.
12 THE COURT: I'm sorry?
13 MR. KYNASTON: Exhibit X.
14 BY MR. KYNASTON:
15 Q If you go to page --
16 THE COURT: Is it your intent to publish the
17 deposition?
18 MR. KYNASTON: Yes.
19 THE COURT: Where is it?
20 MR. KYNASTON: It's right here.
21 THE COURT: Counsel --
22 MR. JAMES: No objection.
23 THE COURT: -- any objection? And I might as well
24 take a look at the original since it's been published. Do you

1 need to stamp it?

2 THE CLERK: Yes.

3 THE COURT: I want to give it to her to stamp it.
4 Okay.

5 BY MR. KYNASTON:

6 Q All right. If you look at page 30 of the deposition
7 transcript. Are you there? Are you on page 30?

8 A Yes.

9 Q Okay. Now, if we look at starting at line 20, and
10 I'll ask the Interpreter to assist me. The question that was
11 asked during his deposition was, your testimony is that the
12 notary filled this paperwork out? Okay. And then on line 22,
13 it says, the -- for the interpreter, and the interpreter said
14 answer the question. And on line 23, you said yes. So did a
15 notary help you fill out this paperwork?

16 A There were two, three people. And one of them
17 stamped the paper, and I signed that. I don't know his name.
18 It was notary who got me signed that paper.

19 Q Okay. And did the notary also provide you the forms
20 that you signed?

21 A I didn't fill up any paper. The notary asked me to
22 sign the paper.

23 Q All right. Well, my question is, does the notary
24 provide the forms that you signed?

1 A Yes.

2 Q And did the notary type in the information on the
3 form?

4 A No, I don't know who put that information there.

5 Q Well, who provided the information to the notary?

6 A He had two, three people who had given him the
7 information.

8 Q Who are the two or three people? What are their
9 names?

10 A I don't remember their names.

11 Q When you signed these documents before the notary,
12 did you sign the notary book?

13 A Yes.

14 Q And did you have to show him any identification?

15 A Yes. I showed the California I.D. card.

16 Q So you showed the notary --

17 THE COURT: California what?

18 THE WITNESS: California I.D. card.

19 BY MR. KYNASTON:

20 Q So you showed the notary a California I.D. card?

21 A Yes.

22 Q How did you locate this notary that helped you fill
23 out the paperwork?

24 A A guy by the name Pabla (ph) with whom we stayed,

1 that person found him.

2 Q Is this the same Mr. Pabla that was your resident
3 witness?

4 A The one with whom we stayed.

5 Q Right. But did Mr. Pabla sign an affidavit
6 attesting that you were a Nevada resident?

7 A Yes.

8 Q And this is the same person that you claim that you
9 stayed in his house for six weeks?

10 A Yes.

11 Q Is Mr. Pabla the person that told you you could come
12 to Nevada for six weeks and get a divorce?

13 A No, nobody told us.

14 Q So no one ever told you that you could get a divorce
15 in Nevada after six weeks?

16 A No.

17 Q Why didn't you file a divorce in California where
18 you lived?

19 A We just came here and we filed here.

20 THE COURT: I'm sorry, what?

21 THE WITNESS: We came here, and we filed divorce
22 here.

23 BY MR. KYNASTON:

24 Q All right. You previously testified that you don't

1 read or write in English; is that correct?

2 A No, I don't. No.

3 Q Okay. And you didn't have an interpreter present
4 when you signed this paperwork to translate the documents for
5 you?

6 A No.

7 Q And nobody translated the documents for the
8 Defendant?

9 A No.

10 Q Did the notary speak Punjabi?

11 A No. Pabla speaks Punjabi.

12 Q Mr. Pabla speaks Punjabi. Did he interpret?

13 A The notary asked me to sign, and I signed it.

14 Q Did you ever speak to a Nevada lawyer before you
15 filed the divorce case?

16 A No.

17 Q And you testified that you weren't aware at the time
18 that you have to have six weeks of residency to get a divorce
19 in Nevada?

20 A No.

21 Q So you tes -- you previously testified that both you
22 and the Defendant lived in Mr. Pabla's house here in Las Vegas
23 for six weeks; is that correct?

24 A Yes.

1 Q And so you moved to Nevada six weeks before you
2 filed for divorce?

3 A Yes.

4 Q But you didn't quit your job?

5 A I had a vacation from the job on account of the
6 surgery of my hand.

7 Q So you had a surgery on your hand during the six
8 weeks you lived in Nevada?

9 A I couldn't find a job here, so I went back.

10 Q Okay. My question was, did you have a surgery on
11 your hand when you were in Nevada?

12 A No.

13 Q Okay. So you got a divorce in Nevada; is that
14 right?

15 A Yes.

16 Q And then you went back to California?

17 A Yes.

18 Q And you went back to your job?

19 A I was given another call by the company, and then I
20 went back to that company.

21 THE COURT: He was given a what?

22 THE WITNESS: A call from the company to come back.

23 BY MR. KYNASTON:

24 Q So had the company let you go when you went to

1 Nevada? Had they fired you?

2 A When you don't report to the job, then they don't
3 hire you. They have to call, themselves, before getting
4 hired.

5 Q Okay. But you testified in your interrogatories
6 that you took a leave of absence?

7 A I did take the leave of absence, but I didn't go
8 back to work.

9 Q So when you went back to California, you moved back
10 into the same apartment?

11 A In the same area, but another apartment.

12 Q So you didn't keep your lease when you left?

13 A It was not a continuous lease. It's pay rent while
14 you are living there.

15 Q I'm sorry?

16 A You pay rent only for the time that you live there.
17 It was not a lease. It was a control rent property.

18 Q Okay. But weren't your parents living with you at
19 the time?

20 A Yes, my parents lived.

21 Q So did they move out of the apartment, too, while
22 you came to Nevada?

23 A No. They had that apartment, and we went back to
24 them.

1 Q So you moved back into the same apartment with your
2 parents?

3 A Yes.

4 Q Okay. So like, two minutes ago you testified you
5 went back to a different apartment?

6 A It was the same building, then they used the rent.
7 And we went to another apartment in the same building, same
8 city.

9 Q Okay. Can you go back to Exhibit I, please. It's
10 the interrogatory responses. I want you to go to page 20 --
11 well, sorry. Let's go -- page 8, sorry, of the interrogatory
12 responses. Okay. I'm looking at interrogatory number 7, and
13 the Interpreter can help me translate this for you.
14 Interrogatory 7 says, state the beginning and end dates for
15 each period you resided together with Defendant, state the
16 addresses where you resided together. You agree that's what
17 the question is?

18 A No, I don't remember.

19 Q Okay. But is that what it says? Is that what the
20 question says?

21 A Okay.

22 Q All right. In your response to that question, you
23 said, Defendant and I resided together from February 1993 to
24 June 13, 2004. Correct?

1 A Yes, it is correct.

2 Q Okay. And then it says, we lived at the following
3 addresses together, correct?

4 A Yes.

5 Q Okay. And then you list one, two, three, four, five
6 addresses, correct?

7 A Yes.

8 Q And all of these addresses are in California; is
9 that correct?

10 A Yes, in California.

11 Q Okay. And then flip over to the next page. You go
12 on to say, we also lived together from about mid-September of
13 2004 for two to three months until about November or December
14 2004. Do you see that?

15 A Yes.

16 Q Okay. And then the rest of it, starting again in
17 about December of 2004 or January of 2005, we resumed living
18 together again and continued so through today.

19 A Yes, it's the same.

20 Q Okay. So you don't list any addresses in Nevada in
21 that answer; do you?

22 A I was asked in which places did we move in
23 California.

24 Q No. That's not what the question is. The question

1 was, beginning and end dates for periods you resided together
2 with the Defendant.

3 A I don't remember the dates.

4 Q Okay. Well, can we infer from your answer to this
5 question that between June 14, 2004 and middle of September,
6 you and the Defendant didn't reside together?

7 A I don't know, whatever you want.

8 Q I don't understand your answer.

9 A It's a long time. I don't remember the dates that
10 we lived together.

11 Q Okay. Look over on page 17, interrogatory number
12 22. Let me know when you're there.

13 THE COURT: What line are you on?

14 MR. KYNASTON: Sorry?

15 THE COURT: What line?

16 MR. KYNASTON: What line? It's interrogatory number
17 22, it's line 18.

18 THE COURT: Okay.

19 BY MR. KYNASTON:

20 Q So you see where it says, provide a detailed
21 explanation of the period you claim to have been a Nevada --
22 been a Nevada resident. Okay. And then it says, state where
23 you lived, where you worked, where you received your medical
24 treatment or care. Then it says, please state when you

1 obtained a Nevada driver's license and when you registered to
2 vote.

3 And then lastly, please also state where you did
4 your banking in Nevada and where you buy groceries. Okay. So
5 you stated in your answer, I lived with Balbinder (ph) Singh
6 at his house at 2916 Jansen Avenue, Las Vegas, Nevada 89101;
7 is that correct?

8 A Yes.

9 Q And then you said, I never obtained a job in Nevada.

10 A I couldn't find a job here.

11 Q I never received medical care in Nevada.

12 A No.

13 Q Okay. I did not get a Nevada driver's license.

14 A I didn't have a car here.

15 Q You didn't bring a car when you came?

16 A Yes, we brought the car.

17 Q Okay. And you said, nor did I register to vote.

18 A No.

19 Q I banked through Bank of America.

20 A I had account in Bank of America and no other bank.

21 THE COURT: I'm sorry, what?

22 THE WITNESS: I had account in Bank of America and
23 no other bank.

24 BY MR. KYNASTON:

1 Q And no other bank?

2 A Yes.

3 Q And then lastly, I did not buy groceries, I only ate
4 out.

5 A Yes.

6 Q Okay. Now, you previously testified and you also
7 testified in your deposition that both you and the Defendant
8 came and lived with Mr. Pabla in his house; is that correct?

9 THE COURT: Is there a -- go ahead -- is there a
10 typo in here? Because on page 18, line 5, all of a sudden the
11 last name has been changed.

12 MR. JAMES: Balbinder Singh?

13 THE COURT: Yeah. I thought his name was Pabla.

14 MR. KYNASTON: I believe it's Balbinder Singh Pabla.
15 They just didn't put the complete name.

16 MR. JAMES: I believe that's correct, Judge.

17 THE COURT: Okay.

18 MR. KYNASTON: This is the resident witness.

19 THE COURT: I know it's the residence witness. So
20 Singh was part of his last name?

21 MR. KYNASTON: Yeah. They left his last name off
22 apparently.

23 THE COURT: Okay.

24 BY MR. KYNASTON:

1 Q All right. So my question was, you previously
2 testified today and also in your deposition that both you and
3 the Defendant came and lived with Mr. Singh or Pabla in his
4 house for six weeks; is that correct?

5 A Yes.

6 Q So in your answer to the interrogatory, you say, I
7 lived with Mr. Singh, correct?

8 A Yes.

9 Q Okay. I ate out. You also said in your answer
10 that, I ate out, you ate out, correct?

11 A I don't exactly recall as to what was the answer.
12 It's a long time ago. I don't quite recall.

13 Q Isn't it true that neither you nor the Defendant
14 actually lived here?

15 A I don't recall. It's a long time ago. I don't
16 remember.

17 THE INTERPRETER: I ask you to rephrase the
18 question. He didn't answer the question.

19 BY MR. KYNASTON:

20 Q My question is, isn't it true that neither you nor
21 the Defendant ever lived in Nevada?

22 A Then how did we get divorced?

23 Q Please answer my question.

24 THE COURT: What? Sir, what did you just say?

1 THE INTERPRETER: I repeated the question again and
2 again and asked as to what is the answer, is it right or
3 wrong.

4 THE COURT: Okay.

5 THE WITNESS: Then how did the divorce happen.

6 BY MR. KYNASTON:

7 Q Okay. That's nonresponsive. Can you please respond
8 to the question that I asked?

9 A Okay. Tell me what's the question.

10 Q Isn't it true that you and the Defendant never lived
11 in Nevada? Is it yes or a no?

12 A I don't quite understand. It's a long time ago.
13 What is it that you're asking?

14 Q Well, I think he's answered it. All right. Go back
15 in Exhibit 11. I want you to look at interrogatory number 12
16 on page 11.

17 THE INTERPRETER: Page 11.

18 BY MR. KYNASTON:

19 Q Starting on line 15. Are you there?

20 THE INTERPRETER: Yeah. Interrogatory number 12.

21 BY MR. KYNASTON:

22 Q Number 12. Okay. So we asked, describe Mr.
23 Balbinder Singh Pabla's residence in Nevada where you claimed
24 you stayed for six weeks prior to filing your complaint for

1 divorce in Nevada. Okay. And then we asked, what room did
2 you stay in while you resided with Mr. Pabla, how did you
3 share the expenses with Mr. Pabla.

4 Okay. Now look at the next page, page 12. You
5 responded, to the best of Plaintiff's recollection, it was an
6 older house with two to three bedrooms, a one-car garage,
7 nothing growing in the garden because it was -- did not water
8 it -- he did not water it. Plaintiff stayed in the living
9 room sleeping on a mattress on the floor. He paid for his
10 food, but nothing else. Are those statements true?

11 A It was a three-bedroom house, I don't quite recall.
12 When I stayed there, it was a long time ago.

13 Q Okay. But you testified that you slept on the floor
14 on a mattress?

15 A Yes, yes.

16 Q Okay. But your -- your wife at the time, she wasn't
17 sleeping on the floor on the mattress with you?

18 A I was the one who had come to him.

19 THE COURT: I'm sorry, what?

20 THE WITNESS: I was the one who came to him in the
21 first place.

22 MR. KYNASTON:

23 Q But my question was, was your wife sleeping on the
24 mattress on the living room floor with you in the house?

1 A I don't recall. I can't remember.

2 THE COURT: What? I'm sorry, what?

3 THE WITNESS: I can't recall. I don't remember.

4 BY MR. KYNASTON:

5 Q You would agree that you gave no indication in your
6 answer to the interrogatory that she was sleeping on the floor
7 with you?

8 A I don't recall.

9 Q Let's look at your deposition transcript again,
10 Exhibit X. And I want to turn to page 31.

11 MR. JAMES: What page of the deposition?

12 MR. KYNASTON: Page 31 of the deposition transcript.

13 BY MR. KYNASTON:

14 Q And I want to start at line 17 on that page. I
15 asked you a question -- well, you -- well, I -- actually let's
16 start at line 14 just so we can lead into it. So I asked you
17 a question, why did you file for divorce in Nevada? You
18 answered -- I guess you can translate that. Okay. And then
19 you answered, at that time we were living in Nevada, so we
20 filed here. Okay.

21 And then I asked, who was, who was living in Nevada
22 at that time? And you said, we were living in Balbinder --
23 Balbinder's -- Pabla's house. Okay. And then I asked, who,
24 who was living in his house? Okay. And you answered, we both

1 Q Okay. Did — did you see Mr. Pabla sign this
2 document?

3 A Yes.

4 Q And do you know what it said when he signed it?

5 A No, I don't remember.

6 Q Okay. Now, are you asking the Court to rely on this
7 document for your proof that you were a resident of the state
8 of Nevada; is that correct?

9 A It depends on the Court whether it accepts it or
10 not.

11 Q Okay. But your position is that this is a valid
12 affidavit of resident witness?

13 A I don't know if it is true or false. I don't
14 remember.

15 Q Okay. You initially named Mr. Pabla as a witness in
16 this case; is that correct?

17 A I don't have any contact with this person. It's a
18 long time ago.

19 Q Okay. So you currently have no contact with him?

20 A No, no connection.

21 Q When was the last time you had contact with him?

22 A After that, that person moved away, and our
23 connection was severed.

24 Q Okay,

1 THE COURT: I didn't get a responsive answer to the
2 question.

3 BY MR. KYNASTON:

4 Q When was the last time you had contact, sir?

5 A After that, I didn't have any contact with him.

6 Q So after he signed this document, you never had any
7 other contact with him?

8 A Yes, no contact.

9 Q So you lived with this man for at least six weeks?
10 Yes?

11 A We stayed with that person. And after that, he
12 moved away. And I don't have any contact with him anymore.

13 Q So you don't know where he lives today?

14 A No, I don't.

15 Q You don't have a phone number for him?

16 A No, nothing.

17 Q In fact, didn't you indicate in your deposition that
18 you don't even know him very well?

19 A I knew him. But no, I don't have any contact with
20 him.

21 Q Okay. Go back over to Exhibit I please, the
22 interrogatories. Okay. I want to look at page 12 starting on
23 line 6. Okay. This is interrogatory number 13; do you see
24 that?

1 A What is this? Could you tell me?

2 Q Okay. So interrogatory number 13, you see it on the
3 page there on line 6?

4 A What is the question? Please explain.

5 Q I'm just asking to make sure you were looking at the
6 right thing. So you're looking at interrogatory 13? It's a
7 yes or -- it's a yes or no.

8 A Please read it out to me.

9 Q Okay. So the interrogatory says, please state how
10 you know Mr. Balbinder Singh Pabla, how long you have known
11 him, and the nature of your relationship with him. Correct?
12 That's what the question is?

13 A Yes.

14 Q And then you answered, Plaintiff met Mr. Pabla
15 through a mutual friend when he was in Los Angeles. Do you
16 see that?

17 A Yes, yes.

18 Q Okay. And then you said, the two met about a year
19 before Plaintiff went to stay with Mr. Pabla in Las Vegas.

20 A Yes.

21 Q Okay. And then you said, Mr. Pabla was a friend,
22 and they stayed in touch for a while after they left Las
23 Vegas. And then you said, but the two lost touch when
24 Balbinder moved to another state.

1 A Yes.

2 Q Okay. So you just testified a few minutes ago that
3 after he signed this document, you never saw him again,
4 correct?

5 A I had relations with him before we went to Las
6 Vegas. But when he moved away, after that, we didn't have any
7 connection.

8 Q Do you recall testifying in your deposition that Mr.
9 Pabla was a friend of a friend?

10 THE COURT: Was a what?

11 MR. KYNASTON: A friend of a friend.

12 THE WITNESS: Yes. He introduced me in a party.

13 BY MR. KYNASTON:

14 Q So you met him at a party in Los Angeles?

15 A Yes.

16 Q Okay. And so this friend of a friend -- let me get
17 this straight. A friend of a friend welcomed you into his
18 home, allowed you to spend two months sleeping on a mattress
19 on his living room floor; is that correct?

20 A Could you repeat the question again?

21 Q Sure. So this friend of a friend welcomed you into
22 his home and allowed you to spend two months sleeping on a
23 mattress on his living room floor?

24 A I don't recall if it was two months or one month or

1 one-and-a-half months.

2 Q Okay. But other than the amount of time, can you
3 answer the rest of the question? This friend of a friend
4 allowed you to live in his home, sleep on his floor, for a
5 number of weeks; is that accurate?

6 A Yes.

7 Q And now you're not even sure how many bedrooms were
8 in this house; is that correct?

9 A No.

10 Q And you also claim that you and Rajwant lived in
11 this house together?

12 MR. JAMES: Objection. Asked and answered several
13 times.

14 THE COURT: Overruled.

15 THE WITNESS: Asking the same question I have
16 answered several time before.

17 MR. KYNASTON: The Judge overruled the objection.

18 THE COURT: Sir, you can answer it again.

19 THE INTERPRETER: Could I ask the question again?

20 MR. KYNASTON: Yes.

21 THE WITNESS: Because he's saying I don't know, I
22 don't remember.

23 BY MR. KYNASTON:

24 Q Okay. So you've -- you claim that you and Rajwant,

1 the Defendant, lived together in this house with Mr. Pabla for

2 --

3 A Yes.

4 Q Now you said in your deposition that you also -- Mr.
5 Pabla's wife and children lived in this house, correct?

6 A Yes.

7 Q In your deposition, you couldn't even remember how
8 many kids he's had -- he has, right?

9 A No, I don't remember how many kids there were.

10 Q Now, you also couldn't remember in your deposition
11 where this house is located; is that correct?

12 A No, it's a long time ago. I don't remember.

13 Q Okay. And you can't remember the major cross
14 streets?

15 A No, I don't remember.

16 Q When you came to Nevada, assuming for the sake of
17 argument that you actually lived here for six weeks, was it
18 your intent to stay here?

19 A When I couldn't get a job here in Nevada, then I
20 went back.

21 Q Okay. But my question was, when you moved here, was
22 it your intent to stay here?

23 A I don't recall what was the state of my mind at that
24 time.

1 Q Okay. You said that you couldn't get a job here,
2 correct?

3 A Yes, I couldn't get a job.

4 Q What jobs did you apply for?

5 A I could go for any job, any cashier's job, any job.

6 Q Okay. But you had a job --

7 THE COURT: Why don't you ask the question again,
8 Mr. Kynaston?

9 BY MR. KYNASTON:

10 Q What jobs did you apply for?

11 A Delivery job -- there is no job here.

12 Q Did you apply at McDonald's? Did you apply at 7-11?
13 Where did you apply?

14 A I don't remember. I don't recall. I can't even say
15 where his house is.

16 Q Now, you already had a good job in California,
17 right?

18 A It's a so-so job. It's not a good job.

19 Q You were making 18 bucks an hour; is that what you
20 --

21 A They changed my pay several times. I started with
22 \$5.25 per hour.

23 Q Okay. What were you being paid in 2004?

24 A I don't remember.

1 Q Okay. But you've admitted that you didn't apply or
2 get a Nevada driver's license, correct?

3 A Yes.

4 Q Yes, you never got one?

5 A No.

6 Q You never registered to vote?

7 A No.

8 Q You didn't move any of your property from California
9 to Nevada, correct?

10 THE COURT: I'm sorry, what was the question?

11 MR. KYNASTON: He didn't move any of his property
12 from California to Nevada.

13 BY MR. KYNASTON:

14 Q Is that correct?

15 A I don't have much -- many goods. We live in
16 apartments. We have just two cars. That's it.

17 Q Okay. Did you move any furniture?

18 A We have secondhand furniture. What is there to
19 move?

20 THE COURT: What?

21 THE INTERPRETER: What is there to move? We have
22 secondhand furniture.

23 BY MR. KYNASTON:

24 Q Okay. You had two cars?

1 A Yes.

2 Q And did you bring both cars to Nevada?

3 A We brought one.

4 Q And did you register that car in Nevada?

5 A No.

6 Q Did you ever find a doctor in Nevada?

7 A No.

8 Q Have you ever received any medical care here in
9 Nevada?

10 A No.

11 Q You previously testified you never got a job,
12 correct?

13 A No..

14 Q And you never bought groceries?

15 A I don't remember. I remember we ate something.
16 What it was, I don't remember.

17 Q Well you said in your interrogatories you always ate
18 out, right?

19 A Yes.

20 Q Okay. Did you ever visit a bank -- you said you
21 bank at Bank of America, correct?

22 A I had cash. I didn't go to bank.

23 Q So you never went to a branch of Bank of America in
24 Nevada?

1 A I used only cash. I had cash.

2 Q Okay. Go back to Exhibit X. I want you to go to
3 page 52 of your deposition starting on line 6. Are you there?
4 Okay. So I asked you, so is it your testimony that you left
5 your home in California, moved to Las Vegas where you had no
6 job, you slept on the floor in a house, and six weeks later
7 you filed for divorce? And you said, yes. Is that correct?

8 A Yes.

9 Q Okay. Isn't it true that other than your own
10 testimony, you provided no documentary proof of your claims of
11 Nevada residency during the period of time before you filed
12 for divorce in Nevada?

13 A Yes.

14 Q You didn't provide any evidence you ever received
15 mail in Nevada, correct?

16 A No, we didn't apply for a driver's license. We
17 didn't receive any mail here.

18 Q Okay. You never paid a bill in Nevada?

19 A No, we stayed here temporarily.

20 Q Okay. You haven't provided a single corroborating
21 witness to testify that they saw you in Nevada?

22 A I don't know. I don't recall.

23 Q Okay. Now, you claim that you resided in Nevada or
24 -- let me restate that. You claim that you took a leave of

1 absence from your job in California between June 13th, 2004
2 and mid-September of 2004; is that correct?

3 A No, I don't quite recall how much vacation I applied
4 for.

5 Q Okay. But my question was, you -- you stated in
6 your interrogatories that you took a leave of absence from
7 your job in California from June 13th, 2004 through
8 mid-September 2004?

9 A I don't remember.

10 Q You've testified that you claimed to have lived in
11 Nevada for six weeks before you filed for divorce, correct?

12 A Yes. It's a long time ago. I don't recall all the
13 details.

14 Q Okay. Did you have a Costco membership?

15 A Yes, it's my own.

16 Q Okay. Is it a joint Costco membership with Rajwant?

17 A I had it before, but not now.

18 Q So you no longer have a Costco membership?

19 A My own individual membership is there.

20 Q Okay. In 2004, did you have a joint Costco
21 membership with Rajwant?

22 A Yes, I had.

23 Q Okay. Can you look at Exhibit K in the book? Is
24 this a -- I know it's not a great copy, but is this a copy of

1 your Costco card?

2 A Yes.

3 Q And that's your picture on the back of the card?

4 A I don't see anything.

5 Q In the bottom right-hand corner of the back of your

6 card, there's a photograph; do you see that?

7 A I did have membership. I don't -- I can't see this

8 picture.

9 Q Okay. Does your name appear on the card?

10 A Yes.

11 Q And you see where it says MBR number? What's your

12 understanding of what that means?

13 A I don't know what this is.

14 Q Okay. I want you to flip over to Exhibit M. You

15 recognize that document?

16 A Yes.

17 Q Is this a receipt from Costco?

18 A Yes.

19 Q Okay. And it says, okay member and it's got a

20 number. Do you see that? Right underneath the address of the

21 store.

22 A Yes.

23 Q Okay. And what's that number? I know there's a

24 little bit of a smudge through it, but can you read the

1 number?

2 A Eight-zero-four-zero-three-one-seven -- there is a
3 smudge after seven, 0001.

4 Q Okay. Does that member number appear to be the same
5 as the one that's on your card in Exhibit K? On Exhibit K,
6 you can verify?

7 A I don't know.

8 Q Okay. So on Exhibit K, the member number says
9 804031750001, correct?

10 A Yes.

11 Q Okay. And then on the receipt that's provided in
12 Exhibit M, it's got the member number as 8040317, the 5 is
13 smudged out, 001, correct?

14 A Yes.

15 Q Okay. And do you in fact -- do you recall making
16 this purchase, \$7.99, on what's the date, February 8th, 2019?

17 A I do have the membership, but I don't remember this
18 receipt. What is -- what is it?

19 Q That's fine. What's the address on the receipt up
20 at the top?

21 A 6100 Sepulveda Boulevard, Van Nuys, California 8141
22 -- 89141. There is one digit missing.

23 Q Okay. But this was -- this was a Costco in Van
24 Nuys, California, correct?

1 A Yes.

2 Q And do you know what that number 48 means?

3 A No, I don't know.

4 Q Okay. Do you know if that's a store number?

5 A Yes, store number, okay.

6 Q Okay. I want you to look over at Exhibit N. If you

7 flip -- please go to the page that's got the Bates stamp on

8 the bottom DEF0374 underscore 3. Are you on that page?

9 A Yep.

10 Q Okay. So you see where it says card number at the

11 top?

12 A Okay.

13 Q Okay. And that's your -- is that your membership

14 number again under card number?

15 A Yes.

16 Q Okay. Now, you see the column that has -- the top

17 of the column that says WHS. Do you know what that means?

18 A Top of the column?

19 Q So the second column over, at the top it says WHS

20 between card number and date? Do you know what that WHS

21 stands for?

22 A No, I don't.

23 Q Okay. And you see below that where it's got 437,

24 and then a few down it says 48 all the way down the column?

1 A No, I don't know what it is.

2 Q If you skim down that second column, there's numbers
3 there, right? There's 437, and then it goes 48 all the rest
4 of the page. Do you see that?

5 THE INTERPRETER: Second column, WHS date and those
6 dates are starting from 4-4-2000 down to 7-31.

7 BY MR. KYNASTON:

8 Q Okay. So I want to just draw your attention to the
9 second column. So where it says 48, is your -- is your
10 understanding that that 48 is a reference to the store?

11 A No, I don't know.

12 Q Okay. But you saw the number 48 on the receipt from
13 the Van Nuys, California, Costco, correct?

14 A Yes.

15 Q Okay. And then we agree that that's your member
16 number there on the left col -- the left-hand column, correct?

17 A Okay.

18 Q Okay. Now, if you look at the date, go down to the
19 first date. Let's go to the one that's four down. It's June
20 20th, 2004. Do you see that?

21 MR. JAMES: Which page are you on?

22 MR. KYNASTON: It's DEF374 underscore 3.

23 BY MR. KYNASTON:

24 Q So it's the transactions between -- on this page

1 it's between April of 2004 and July 31st, 2004.

2 A That is correct.

3 Q Okay. So a few of those transactions down, there's
4 a date that 6/20/2004, June 20, 2004, correct? Is that
5 correct?

6 A Yeah. Sometimes people take the card and go and buy
7 stuff.

8 Q Okay. Just answer my question.

9 A I don't remember.

10 Q Okay. Did you -- did you go to the Costco in Van
11 Nuys, California on June 20th, 2004?

12 A No, I don't remember.

13 Q Okay. So someone with your member number went to
14 that Costco in June 2004?

15 A Sometimes, people do borrow membership card.

16 Q Okay. So you would agree, though, that it shows
17 transactions at the Van Nuys, California, Costco on June 20th,
18 2004?

19 A I don't -- I don't know. I don't remember.

20 Q Okay. Did you go to Costco on July 31st, 2004?

21 A I don't remember.

22 Q Okay. If you look on to the next page, did you go
23 to Costco on August 14th, 2004?

24 A No, I don't -- I don't remember.

1 Q Okay. What about on August 15th, 2004?
2 A No, I don't remember.
3 Q Do you have your Costco card on you right now?
4 A Yes, I do.
5 Q Okay. Can we take a look at it?
6 A I have given it to my father to get groceries.
7 Q So you don't have it on you?
8 A No.
9 Q So just to clarify your testimony, do you -- do you
10 recall shopping at the Costco in Van Nuys, California between
11 June 20th and August 15th, 2004?
12 A No, I don't remember.
13 Q Okay. But you would agree that that's the period of
14 time where you said you were physically residing in Nevada,
15 correct?
16 A No, I don't recall.
17 Q Okay. Let's look at Exhibit X again.
18 THE COURT: Why don't we take a five-minute break.
19 MR. KYNASTON: Okay.
20 THE COURT: You've been going a while.
21 MR. KYNASTON: All right.
22 (COURT RECESSED AT 3:40 AND RESUMED AT 3:55)
23 THE CLERK: Okay. We're back on the record.
24 THE COURT: Okay. Proceed, Counsel.

1 MR. KYNASTON: Okay.

2 DIRECT EXAMINATION CONTINUED

3 BY MR. KYNASTON:

4 Q So before the break we were talking about your
5 Costco membership, correct? Now, do you remember me asking
6 you about your -- about your Costco membership during your
7 deposition a couple of weeks ago?

8 A Yes.

9 Q Okay. So let -- let's look at Exhibit X again. I
10 want to look at page 57.

11 THE COURT: What page?

12 MR. KYNASTON: Fifty-seven.

13 BY MR. KYNASTON:

14 Q And I want to start on line 17 -- well, actually
15 let's -- let's start at line 13. You see where -- are you
16 there?

17 THE INTERPRETER: Yes.

18 BY MR. KYNASTON:

19 Q Okay. So you see where I asked the question. The
20 question is, isn't it true that he was a patron in Van Nuys,
21 California multiple times between June 20th, 2004 and August
22 15th, 2004? You see the question? You see that? That was
23 the question, correct? All right. And then you said, the
24 Costco card can be made available to anybody, and anybody can

1 go with the card to the store and get whatever you want. If
2 you give me your card, I can get it charged here in Las Vegas.
3 That was your answer, correct?

4 A Okay.

5 Q Yes, that was your answer?

6 A Yes.

7 Q Okay. And then I asked, so someone else was using
8 your card during the period of time, is your testimony?

9 A Yes.

10 Q Okay. And then on the next page, your answer was,
11 yes.

12 A Okay.

13 Q Okay. And then I asked, who was using your card?

14 A My friend living in the same apartment complex used
15 the card.

16 Q Okay. Your answer during the des -- during your
17 deposition was, my friends used it. Correct?

18 A Yes.

19 Q So your explanation for why your Costco membership
20 was used at the Van Nuys, California Costco between June 20th
21 and August 15th was that your friends were using your card?

22 A Yes, that person had the card, and he was using it.

23 Q And what was that person's name?

24 A We used to call him Doctor. He has left that place.

1 Q You don't know his real name?

2 A We just called him Doctor.

3 Q So you let somebody use your card, you didn't even
4 know his real name?

5 A Yes, and the consequence, the Costco people
6 confiscated that card from him, and then I had to get it
7 recharged.

8 THE COURT: I'm sorry. What was that answer? Would
9 you repeat that, sir? Repeat the answer you --

10 THE WITNESS: That membership card was confiscated
11 by Costco, and then I had to renew it when I came back.

12 BY MR. KYNASTON:

13 Q Okay. Let's look back at Exhibit A, the copy of the
14 Nevada decree of divorce. You -- you previously testified
15 that you didn't read the document, and nobody interpreted it
16 for you before you signed it, correct?

17 A Yes.

18 Q Okay. So you didn't know what the decree provided
19 regarding, for example, your marital property, correct?

20 A No, I don't.

21 Q Okay. If you look on the second page of that
22 decree, if the Interpreter can translate number 10, which is
23 on line 9. What does that say? There is no community
24 property for the court to provide. Can you interpret that,

1 please? Is that what it says?

2 A At that time we didn't have anything. We just had
3 two secondhand cars. That's it.

4 Q Okay. And then also the next line says, there's no
5 community debt for the court to divide; is that correct?

6 A No. There was no debt.

7 Q Okay. Now, didn't you testify during your
8 deposition that you guys had a joint bank account at that
9 time?

10 A Yes.

11 Q Okay. And you already said you had two cars,
12 correct?

13 A Secondhand cars, yes.

14 Q Okay. Secondhand cars. But you had two cars?

15 A Yes.

16 Q And they had some value, correct?

17 A Two to three thousands. One is Toyota '91, \$500.

18 Q Okay. And I believe you also acknowledged during
19 the deposition that there was probably a retirement account?

20 A No, I don't have any retirement account.

21 Q Okay. Did Rajwant have a retirement account?

22 A She had it. I don't.

23 Q Okay. She had one. You didn't?

24 A I don't know.

1 Q Okay. And we've already established you guys had a
2 joint Costco card, correct?

3 MR. JAMES: Objection. Misstates prior testimony.
4 We didn't even discuss her card.

5 THE COURT: I'm sorry, what?

6 MR. JAMES: I don't believe her card was discussed.

7 MR. KYNASTON: He testified that they were on a
8 joint Costco account.

9 THE COURT: Yeah, he did.

10 MR. JAMES: Withdrawn.

11 BY MR. KYNASTON:

12 Q So if you had a joint bank account, a couple of
13 cars, a retirement account, and a joint Costco account, is it
14 accurate to say you had no marital property in 2004?

15 MR. JAMES: Objection. Argumentative.

16 THE COURT: I think it calls for a legal conclusion,
17 so I'm going to go with -- with that. I don't --and that's
18 frankly what you should have said.

19 MR. JAMES: Very good, Your Honor.

20 THE COURT: I'm not going to give you any more
21 hints.

22 BY MR. KYNASTON:

23 Q So is it true that the statement, there was no
24 community property in 2004 -- let me restate the question.

1 Was it true that there was no community property in 2004,
2 correct?

3 MR. JAMES: Objection. Calls for legal conclusion.

4 THE COURT: As -- rephrase.

5 MR. KYNASTON: Okay.

6 THE COURT: Sustained.

7 BY MR. KYNASTON:

8 Q Would you consider a joint bank account a marital
9 property?

10 A There wasn't much money in there. We didn't have
11 money at that time.

12 Q My question is, do you consider the joint bank
13 account to be marital property?

14 A No, I don't. No.

15 Q In August 2004, how long had you and Rajwant been
16 married at that point?

17 A About 14, 15 years.

18 Q Okay. And did you and your wife have discussions
19 about your property?

20 A No, there wasn't any discussion.

21 Q So you had no discussions with her about property?

22 A We didn't have anything at that time, so we didn't
23 discuss anything.

24 Q Okay. Did you talk about alimony?

1 A No.

2 Q Okay. If you look back at the decree on page 2,
3 this is Exhibit A, line 20, number 13. If the Interpreter can
4 translate for me, you basically said that both parties have
5 waived any right to spousal support. Do you see that?

6 A I don't know what to write. I don't know. If I
7 could read or write, it would be much better.

8 Q Okay. But you testified you didn't have any
9 discussions with your wife about spousal support?

10 A There were no kids.

11 Q Okay. My question is, you didn't have any
12 discussions with your wife about spousal support?

13 A No, no discussion.

14 Q Okay. But this decree of divorce says that you both
15 waive it; is that correct?

16 A Okay.

17 Q Correct?

18 A Okay.

19 Q Mr. Singh, do you recall when you were before this
20 Court back in February? It was February 13, 2019, earlier
21 this year. Do you remember being -- being in this courtroom?

22 A No, I don't recall.

23 Q You don't have any memory of being before this Judge
24 before?

1 A No, I don't remember. On the 19th, we got together
2 in your office. That's -- that's all we know. That's all I
3 remember.

4 Q So you don't remember six months ago in February of
5 this year coming to this courtroom? Your attorney was here
6 with you. You sat over there --

7 A I don't remember coming here, but if you say so.

8 THE COURT: All right. Counsel, approach.

9 (BENCH CONFERENCE AS FOLLOWS:)

10 THE COURT: Are we going to have a competency
11 question?

12 MR. JAMES: I'm beginning to think so. At the
13 deposition, he testified the first time to my knowledge, but
14 it never occurred to me to ask.

15 THE COURT: Well, the residency is his burden and if
16 he's not competent, I mean -- the burden on setting aside is
17 Mr. Kynaston's, but the burden of establishing residency is
18 your client's.

19 MR. KYNASTON: I would respectfully disagree. He's
20 trying to set it aside. Residency was stipulated by both
21 parties.

22 THE COURT: No, the issue of residency is always the
23 burden of the Plaintiff.

24 MR. JAMES: But -- but where I was going with this,

1 Judge, he's the victim of a gunshot wound to the head and he
2 has memory problems.

3 THE COURT: When did he have a gunshot wound? But
4 that was a long time ago.

5 MR. JAMES: It was after the divorce, but before
6 these proceedings.

7 THE COURT: So I mean, then the only person with a
8 halfway decent memory as to what happened in 2004 is going to
9 be the Defendant.

10 MR. JAMES: Pretty much. I wasn't planning on
11 asking her any questions.

12 THE COURT: Do you know where that's going -- you
13 know where that's going then, Mr. James. If she's the only
14 one that can provide an accurate recollection of what
15 transpired in 2004 and your client doesn't remember anything,
16 let alone where he was six months ago, then he's not going to
17 maintain his burden on residency. That's what I'm saying
18 where that's leading, so you know, it's kind of a pick your
19 poison kind of thing. And if in fact he is incompetent, then
20 we're going to have to call off these proceedings for a little
21 while, while he gets a --

22 MR. JAMES: Eval?

23 THE COURT: -- gets a guardian ad litem.

24 MR. KYNASTON: I don't think it has anything to do

1 with incompetence. I think it's someone who just doesn't know
2 how to sell the truth.

3 THE COURT: There is that.

4 MR. KYNASTON: He changed his story four times.

5 MR. JAMES: A lot of it is memory.

6 MR. KYNASTON: It's not.

7 THE COURT: Mr. James, you can't have it both ways.
8 You can't have it both ways.

9 MR. JAMES: I haven't asked a single question yet,
10 Judge.

11 THE COURT: No, I know you haven't.

12 MR. JAMES: But as far as my case --

13 THE COURT: I -- it begs credulity that he does not
14 remember he was here six months ago. That's not that far.

15 MR. JAMES: With a gunshot wound to the head --

16 THE COURT: Yeah.

17 MR. JAMES: -- that causes brain injury.

18 THE COURT: Really? Where's your medical records to
19 establish that he has a loss of memory?

20 MR. JAMES: We have his testimony during the
21 deposition and this is the first time --

22 THE COURT: No, no, no. Where's your medical
23 records that establish that he had suffered brain damage?

24 MR. JAMES: Don't have them.

1 THE COURT: You don't have them? And so you don't
2 have them and --

3 MR. KYNASTON: This has been set for evidentiary
4 hearing for six months.

5 THE COURT: What?

6 MR. KYNASTON: It's been set for evidentiary hearing
7 for six months.

8 THE COURT: Right. And you haven't produced a
9 single medical record to establish that your client has memory
10 loss.

11 MR. JAMES: He just informed me of this during the
12 deposition a couple weeks ago.

13 THE COURT: Okay. And when did you get the medical
14 records between now and a couple weeks ago?

15 MR. JAMES: I didn't. Discovery closed right after,
16 can't introduce them.

17 THE COURT: That doesn't matter. You can always
18 supplement the record on good cause. And if you're going to
19 claim that your client suffers under an impediment, I think
20 that's pretty damn good cause to use a legal term of art. So
21 keep asking your questions. I think it may well be in my mind
22 turn out to be a credibility issue as opposed to a -- an
23 impairment issue. Fair warning.

24 MR. JAMES: Yeah. No, I understand.

1 THE COURT: If you want to have a conversation with
2 your client before we go any further?
3 MR. JAMES: Yep.
4 THE COURT: Okay.
5 (END OF BENCH CONFERENCE)
6 THE COURT: Let's go off the record for five minutes
7 or less.
8 (COURT RECESSED AT 4:15 AND RESUMED AT 4:29)
9 MR. JAMES: If we may approach again?
10 (BENCH CONFERENCE AS FOLLOWS:)
11 MR. JAMES: Okay. He had an abdominal injury
12 between the divorce and now and that's what I was thinking of.
13 But his gunshot wound to the head was in '93.
14 THE COURT: Right.
15 MR. JAMES: He said from '93 to about '97, he pretty
16 much laid in bed. And when he's over-stressed, and he said he
17 has a doctors appointment later on this month --
18 THE COURT: I can't rely on him.
19 MR. JAMES: During the deposition is the first time
20 I heard about it, watching in the trial today now I'm
21 concerned.
22 THE COURT: You took his deposition.
23 MR. JAMES: At the deposition it wasn't like this.
24 THE COURT: Was he like this?

1 MR. KYNASTON: Lying?

2 THE COURT: Was he evasive?

3 MR. KYNASTON: Yeah.

4 MR. JAMES: I don't know about -- but he wasn't
5 giving two answers, not remembering, saying I don't know,
6 whatever you say. I'm sitting here, I'm like he answered this
7 in his deposition.

8 THE COURT: I -- I don't see it to be extreme. I
9 think -- it seems more like evasion to me. Without medical
10 records that establish that he has a loss of memory problem,
11 he looks as if he's evading, because that's how it comes
12 across.

13 The way he kept saying I don't know, I'm giving you
14 an opportunity, but I'm telling you right now -- right now it
15 looks more like evasion than memory loss, and that's because
16 of the way he answered (indiscernible) largely the questions.
17 If you want to bring some medical evidence at some point in
18 time, you're going to have to do it real quickly, but I don't
19 have anything. So right now, a lot of people who don't want
20 to answer questions always say I don't know or I don't
21 remember, and with any -- he keeps saying I don't know, but --

22 MR. JAMES: If he's --

23 THE COURT: -- unless he can prove that he suffers
24 from a mental deficit, he's evasive.

1 MR. JAMES: I'm sure that his ex-wife will testify,
2 if she testifies truthfully, she knew about that he has a
3 problem and he has memory issues.

4 THE COURT: Well, we'll see. I'm going to tackle
5 her testimony as soon as next. Tomorrow.

6 MR. KYNASTON: Yeah, not today.

7 THE COURT: No.

8 MR. JAMES: Well, I will get an expedite on -- on
9 records.

10 THE COURT: I just know that I'm -- or that any --
11 it needs to be a record that shows right now he cannot
12 remember anything. And the problem is, if he can't remember
13 anything, and it's not selective if you will, than the only
14 source of information I'll have is the Defendant, for the
15 record.

16 MR. JAMES: But I have deposition --

17 THE COURT: Your record. My perception right now is
18 that this was a fraudulent divorce. I don't think I've heard
19 anything else that tells me otherwise and that's out of the
20 mouth of your client. So just fair warning.

21 MR. JAMES: His memory issues. But I only have to
22 win one out of two arguments.

23 THE COURT: What?

24 MR. JAMES: I only have to win one out of two.

1 THE COURT: Yeah. Well, we can get into issues of
2 credibility now, I suppose, but we're not going to. We'll
3 allow Mr. Kynaston to finish his examination and then -- which
4 will happen tomorrow, and then you'll have an opportunity to
5 try and rehabilitate him, I suppose, but without anything
6 more.

7 I raised this concern not because I think it's
8 there, because I don't have any -- I'm not a medical expert.

9 MR. JAMES: But I'm sharing the same concern sitting
10 here, because he answered these questions during the
11 deposition and you're going through the deposition, he
12 answered it just fine there, but he can't answer it
13 (indiscernible) get whatever you say, if you say so, that's --

14 MR. KYNASTON: He hasn't said that. You just can't
15 -- when you lie, it's hard to keep your story straight.

16 THE COURT: (Indiscernible) it's coming across, and
17 I'll be honest with you.

18 MR. JAMES: There's a lot of translation --

19 MR. KYNASTON: And he's one way in the
20 interrogatories, another way in the deposition, another way at
21 the trial.

22 THE COURT: Because I can (indiscernible) everything
23 he says that is an I don't remember, we'll take his testimony
24 that he -- of the stuff he does remember. You've got a lot of

1 work ahead of you.

2 MR. JAMES: Not every case is handed to you on a
3 silver platter.

4 THE COURT: What?

5 MR. JAMES: Not every case is handed to you on a
6 silver platter.

7 THE COURT: No, no, no, hey, you know, I -- yeah,
8 I'd be the first one to agree wholeheartedly with you. In
9 fact, no case is handed to you on a silver platter. There's
10 always something. Okay.

11 Let's just step back, let's try to get as far as we
12 can today.

13 (END OF BENCH CONFERENCE)

14 THE COURT: Continue, Counsel.

15 DIRECT EXAMINATION CONTINUED

16 BY MR. KYNASTON:

17 Q Okay. So before we took the break I had asked you
18 if you remembered coming to court in February of this year,
19 and you said you didn't remember; is that correct?

20 A Yes, we came here. I just told you that.

21 THE COURT: I'm sorry, what?

22 THE WITNESS: Yes we came in February, I just told
23 you.

24 THE INTERPRETER: We were sitting outside, and he

1 told me that, yes, he came here in February. But his exact
2 words are when this --

3 THE COURT: No, you can't tell me what his exact
4 words were. That only can come out of his mouth translated by
5 you. You're not here as his advisor. You're here as his
6 Interpreter. I'm going to ask you a question, sir. Have you
7 ever seen me before, sir?

8 THE WITNESS: Yes.

9 THE COURT: And that was in February?

10 THE WITNESS: Yes.

11 THE COURT: And you were sitting next to Mr. James,
12 okay? And Mr. James was making arguments, remember that?

13 THE WITNESS: Yes, he was.

14 THE COURT: And he was telling me certain things
15 about you on your behalf, correct?

16 THE WITNESS: I don't recall exactly what he said at
17 that time.

18 THE COURT: Okay. Then I'll let Mr. Kynaston delve
19 into that.

20 THE INTERPRETER: Okay.

21 THE COURT: And let the record reflect the witness
22 now remembers the February hearing.

23 BY MR. KYNASTON:

24 Q Mr. Singh, when you were here in the February

1 hearing, do you recall your attorney telling the Court that
2 you were married?

3 A Yes.

4 Q Okay. Are you married?

5 A There is an engagement that I have.

6 Q So when Mr. James told the Court you were married,
7 you weren't married?

8 THE COURT: And do you mean by that, married to
9 someone else?

10 MR. KYNASTON: Yes.

11 THE WITNESS: Yes, that was an engagement at that
12 time.

13 BY MR. KYNASTON:

14 Q If you go to Exhibit X, which is the deposition
15 transcript, I want you to turn to page 19, starting at line 5.
16 Okay. I asked the question, are you remarried? Do you see
17 that?

18 A Yes.

19 Q Okay. And you answered, I didn't actually marry
20 anybody, but I am engaged with somebody since 2018. We have
21 the same house, but we live in separate quarters.

22 A Okay.

23 Q That was your answer?

24 A Yes.

1 Q Okay. And then I asked, so your fiancé is also
2 living in the house?

3 A She doesn't live here.

4 Q Okay. You answered, she is in India. Correct? And
5 then I asked to clarify said, she's in India. And then I
6 said, have you gone through a marriage ceremony with her? And
7 you said, no, not yet. Correct?

8 A There's a ring ceremony of engagement.

9 Q Okay. And then I said, you haven't obtained a
10 marriage license. And you said, no, not yet.

11 A No, not yet.

12 Q Okay. And then I asked, did you ever tell Rajwant
13 that you had gotten married again?

14 A Nope.

15 Q And your answer was, her, to tell the truth, since
16 we broke up with each, other I didn't tell her.

17 A Yes.

18 Q When was the last time you went to India?

19 A I went there in March '18.

20 Q And why did you go to India in March of 2018?

21 A I haven't gone to India since 2004, so I went there
22 to see my brother.

23 Q So your purpose of your trip was to see your
24 brother?

1 A I had the bad news from the doctors that I have only
2 50-50 chance, so I went there to go and see my relatives and
3 brothers and friends.

4 Q Fifty-fifty chance of what?

5 A There was an infection in my pancreas, and that had
6 to be operated on that account.

7 Q Did you go to India for an operation?

8 A No. The operation was here in the United States.

9 Q Okay. Was that --

10 THE COURT: What?

11 BY MR. KYNASTON:

12 Q Was that before your trip or after your trip?

13 A It was after the operation that I went there.

14 Q Okay. When was the operation?

15 A In May 2012.

16 Q So you went to India in March of 2018, and your
17 surgery was in May 2012?

18 A I went there in 2015 and I went there in 2018.

19 Q And when you went in March 2018, did you see your
20 fiancé?

21 A Yes, I did.

22 Q And did you go through any kind of ceremony with
23 her?

24 A My wife had reported to the police, and the police

1 was about to catch me. So I came here.

2 Q What did your wife report to the police?

3 THE COURT: I'm sorry. What was that, please?

4 MR. KYNASTON: I believe the answer was, my wife
5 reported to the police. And my question is -- and he came --
6 came here because they were going to catch him.

7 THE WITNESS: I guess you need to repeat the
8 question again.

9 BY MR. KYNASTON:

10 Q Okay. So you just mentioned something about your
11 wife reporting you to the police.

12 A Yes.

13 Q And what was the police report about?

14 A The report was that he is still married to me and
15 he's defrauding me by getting engaged with someone else. This
16 was the police report.

17 Q Okay. And when you say your wife, you're talking
18 about the Defendant, correct?

19 A Yes.

20 Q Okay. So after you got the divorce in Nevada, you
21 went back to California; is that right?

22 A Yes.

23 Q And you and Rajwant continued to live in the same
24 house?

1 A Yes.

2 Q You went back to your jobs?

3 A Yes.

4 Q You maintained your joint bank account?

5 A When I was about to be operated and the doctor said
6 that there's a 50-50 chance, so I got everything under joint
7 account.

8 Q When was that?

9 A So everything, all the assets were made jointly.

10 Q With Rajwant?

11 A With Rajwant.

12 Q Okay. And you've maintained joint insurance
13 policies; is that correct?

14 A Everything together.

15 Q Okay. And in fact, you've continued up until a few
16 years ago to have sexual relations with her?

17 A Since 2015, we have completely separated.

18 Q Okay. So up until 2015, you continued to have
19 sexual relations with her?

20 A No, I didn't have any relations. I was a sick
21 person. I didn't have -- I was --

22 THE COURT: Did the witness say he was sick?

23 THE WITNESS: Yes. I was sick and I was afraid of
24 my life.

1 THE COURT: And was what?

2 THE WITNESS: I was afraid for my life.

3 BY MR. KYNASTON:

4 Q So when was the last time that you and Rajwant had
5 sexual relations?

6 A I don't recall.

7 Q Okay. Do you remember me asking you about that in
8 your deposition?

9 A Yes, it was asked, but I don't recall. I don't
10 remember.

11 Q Okay. Let's look at Exhibit X, go to page 19,
12 starting on line 23. Are you there? Okay. So I asked, when
13 was the last time you and Rajwant had sexual relations? Okay.
14 And you answered, I don't remember.

15 A That's the same.

16 Q Okay. And then I asked, have you had sexual
17 relations with her within the last twelve months? And you
18 said, no, I don't think so.

19 A There was no relations.

20 Q Okay. And then I asked, what about in the last
21 three years? And you said, no, not in the last three years.
22 Correct? Okay. And then I asked, what about in the last five
23 years. Correct?

24 A I've told that I don't remember.

1 Q Okay. And your answer was, I guess we were
2 separated since five or six years.

3 A Yes.

4 Q So then I asked, so would it be fair to say you
5 haven't had sex for the last five or six years?

6 A Yes.

7 Q And you said, yes. Correct?

8 A Yes.

9 Q So it would be fair to say that in 2004 after you
10 got divorced in Nevada and you came -- went back to
11 California, did you and your wife continue to have sexual
12 relations?

13 A You better ask her that question. For the last many
14 years, we haven't been together.

15 Q Okay. So can you just please answer my question?

16 A Yes.

17 Q Okay. So my question was, you said in your
18 deposition, so would it be fair to say you haven't had sex for
19 the last five or six years? And you said, yes.

20 A Yes, that's what I said.

21 Q And then I asked you, did you continue to have
22 sexual relations with her after the Nevada divorce? Did you?

23 A I can't tell. I don't have that long memory. You
24 have to ask her.

1 Q Did you continue to share a bedroom?
2 A No, we have three separate bedrooms.
3 Q No. In 2004, after your divorce in Nevada, did you
4 continue to share a bedroom with your wife?
5 A No, I used to be in the living room on sofa.
6 Q All right. If you can look at Exhibit Q.
7 THE COURT: Exhibit 2?
8 MR. KYNASTON: Q.
9 THE COURT: Q, sorry.
10 MR. KYNASTON: Q as in quack.
11 BY MR. KYNASTON:
12 Q Are you there?
13 A Yep.
14 Q Okay. Did you purchase a house in 2009?
15 A Yes.
16 Q Okay. And is this a copy of the deed for that
17 house?
18 A Yes.
19 Q Okay. And how did you take title to that house?
20 A What is title? I don't know.
21 Q Okay. When you purchase a piece of property, a deed
22 gets recorded, and it says who owns the property, correct?
23 A Okay.
24 Q Correct? So is your name on this deed?

1 A Yes, I am.

2 Q Okay. And what does it say after your name on the
3 deed?

4 A Where should I read?

5 Q So it's about a third of the way down the page, it
6 hereby grants to Jaswinder Singh, a married man, as his sole
7 and separate property.

8 THE INTERPRETER: Are we on the same page, 205?

9 MR. KYNASTON: It should be DEF0024 on the bottom.
10 It's Exhibit Q.

11 THE INTERPRETER: Yeah, there. Exhibit Q.

12 MR. KYNASTON: I'm looking about a third of the way
13 down the page.

14 THE INTERPRETER: Hereby grants to Jaswinder Singh,
15 a married man, as his sole and separate property.

16 THE WITNESS: The realtor had suggested that because
17 that would be the only way that I could get the loan.

18 THE COURT: I'm sorry. What did you say?

19 THE WITNESS: The realtor had suggested to get the
20 deed in his sole and separate name, and that was the only way
21 he could get the loan through his company.

22 BY MR. KYNASTON:

23 Q Okay. I'm focusing on the language where you said,
24 Jaswinder Singh, a married man. You took title to the

1 property as a married man; is that correct?

2 A Yes. This is the language that the real estate guy
3 wrote. I don't know. He wrote it.

4 Q Did you tell the real estate guy that you were
5 married?

6 A He said that if you are divorced for more than five
7 years and you are living together, you are automatically --

8 MR. KYNASTON: I'm going to object to this testimony
9 as hearsay.

10 THE COURT: Stricken.

11 BY MR. KYNASTON:

12 Q Mr. Singh, does -- you mentioned that you've had a
13 number of surgeries?

14 THE COURT: Are we going to a new subject? Because
15 I sug -- I'm going to suggest you hold that until tomorrow.

16 MR. KYNASTON: Yeah. I can -- I can start that
17 tomorrow.

18 THE COURT: Okay. We're off.

19 MR. KYNASTON: Come back 9:30 tomorrow?

20 THE COURT: 9:30. See you then.

21 MR. JAMES: May we leave our stuff?

22 THE COURT: What?

23 MR. JAMES: May we leave this here?

24 THE COURT: I don't see why not.

1 THE CLERK: Yeah, but pack it up. Don't leave it
2 out on the tables.

3 THE COURT: That's right. Cleaning people come.

4 THE CLERK: Uh-huh.

5 (PROCEEDINGS CONCLUDED AT 4:59:07)

6 * * * * *

7 ATTEST: I do hereby certify that I have truly and
8 correctly transcribed the digital proceedings in the above-
9 entitled case to the best of my ability.

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/s/ Charlene M. Barra
Charlene M. Barra
Court Reporter/Transcriber