

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 JASWINDER SINGH,

4 Appellant,

5 vs.

6 RAJWANT KAUR,

7 Respondent.

No.: 83613

Electronically Filed
Feb 15 2022 08:51 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX
Volume 2

8 **TABLE OF CONTENTS**

9

10 Affidavit of Resident Witness 1 AA 6

11 Affidavit of Service 1 AA 52

12 Certificate of Service 1 AA 203

13 Clerk's Exhibit List 3 AA 532

14 Clerk's Exhibit List 4 AA 710

15 Decree of Divorce 1 AA 8

16 Defendant's Closing Brief 4 AA 760

17 Defendant's Motion to Set Aside Decree of Divorce..... 1 AA 42

18 Defendant's Pre-Trial Memorandum 1 AA 212

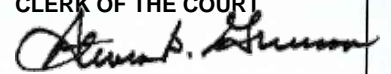
19 Defendant's Pre-Trial Memorandum [for Remanded Trial]..... 4 AA 634

20 Defendant's Supplemental Filing 1 AA 83

1	Deposition of Rajwant Kaur.....	4 AA 714
2	Deposition of Rajwant Kaur [Exhibit X]	3 AA 536
3	Ex Parte Application for an Order Shortening Time	
4	on Motion for Limine	1 AA 199
5	Exhibits in Support of Motion in Limine	1 AA 172
6	Exhibits to Defendant’s Motion to Set Aside Decree of Divorce	1 AA 12
7	Findings of Fact, Conclusions of Law, and Order	4 AA 568
8	Findings of Fact, Conclusions of Law and Order [Upon Remand]	4 AA 778
9	Joint Petition for Summary Decree of Divorce	1 AA 1
10	Motion / Opposition Fee Information Sheet	1 AA 11
11	Motion / Opposition Fee Information Sheet	2 AA 245
12	Motion in Limine	1 AA 159
13	Notice of Appeal	4 AA 589
14	Notice of Appeal	4 AA 808
15	Notice of Cross Appeal	4 AA 602
16	Notice of Entry of Findings of Fact,	
17	Conclusions of Law, and Order.....	4 AA 577
18	Notice of Entry of Findings of Fact, Conclusions of Law,	
19	And Order [Upon Remand]	4 AA 792
20	Notice of Entry of Order [February 13, 2019 Order].....	1 AA 154

1	Opposition to Motion in Limine; Countermotion	2 AA 234
2	Opposition to Motion to Set Aside Decree of Divorce; Countermotion ..	1 AA 55
3	Order [from February 13, 2019]	1 AA 132
4	Order Setting Evidentiary Hearing	4 AA 617
5	Order Shortening Time	2 AA 246
6	Plaintiff's Closing Brief	4 AA 746
7	Plaintiff's Pre-trial Memorandum	1 AA 205
8	Plaintiff's Pre-Trial Memorandum [for Remanded Trial].....	4 AA 627
9	Remittitur.....	4 AA 606
10	Reply to Opposition to Motion [and Opposition to Countermotion]	1 AA 72
11	Transcript [February 13, 2019]	1 AA 136
12	Transcript [September 12, 2019]	2 AA 248
13	Transcript [September 13, 2019]	3 AA 335
14	Transcript [May 10, 2021]	4 AA 609
15	Transcript [August 16, 2021]	4 AA 656

16
17
18
19
20



1 **OPP**

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

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 JASWINDER SINGH,
10

11 Plaintiff,

12 vs.

13 RAJWANT KAUR,
14

15 Defendant.

CASE NO: 04D323977
DEPT NO: P

Date of Hearing:
Time of Hearing:

ORAL ARGUMENT REQUESTED:

YES: XX NO:

16
17 **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE**
18 **and**
19 **DEFENDANT'S COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

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

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

...

KAINEN LAW GROUP, PLLC
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
702.823.4900 • Fax 702.823.4488
www.KainenLawGroup.com

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

5 DATED this 6th day of September, 2019.

6 KAINEN LAW GROUP, PLLC

7
8 By: 

ANDREW L. KYNASTON, ESQ.

9 Nevada Bar No. 8147
3303 Novat Street, Suite 200
10 Las Vegas, Nevada 89129
Attorneys for Defendant

11 I.

12 **POINTS AND AUTHORITIES**

13 **Rule 5.501. Requirement to attempt resolution.**

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

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

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

22 [Added; effective January 27, 2017.]

23 **Rule 5.510. Motions in limine.**

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

27 (b) Where the facts that would support a motion in limine
28 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
8 "(1) *the qualities of the advocate*: his ability, his training,
9 education, experience, professional standing and skill; (2) *the*
10 *character of the work to be done*: its difficulty, its intricacy, its
11 importance, time and skill required, the responsibility imposed
12 and the prominence and character of the parties where they
13 affect the importance of the litigation; (3) *the work actually*
14 *performed by the lawyer*: the skill, time and attention given to
15 the work; (4) *the result*: whether the attorney was successful
16 and what benefits were derived. Furthermore, good judgment
17 would dictate that each of these factors be given consideration
18 by the trier of fact and that no one element should predominate
19 or be given undue weight. (citations omitted).

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

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

23 Wife's attorney, Andrew Kynaston, has excellent credentials. He is a
24 Nevada Board Certified Family Law Specialist and an AV rated attorney by Martindale-
25 Hubbell. He is a Fellow of the American Academy of Matrimonial Lawyers. He has
26 been engaged in the exclusive practice of family law for over seventeen years -- one year
27 as law clerk to the Honorable Gerald W. Hardcastle, and nearly nine years as an attorney
28 at Ecker & Kainen, Chartered, and now over seven years with Kainen Law Group, PLLC,
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 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:

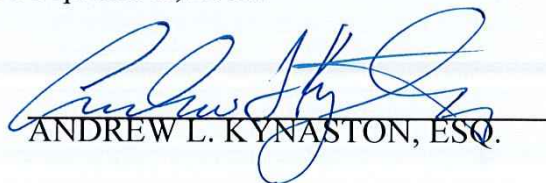
That I am an attorney licensed to practice law in the State of Nevada, and in that capacity, I represent RAJWANT KAUR, the Defendant in this action. I have read and reviewed the foregoing DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE and know the contents thereof and that the same is true of 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

Steven D. Grierson

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JASWINDER SINGH
Plaintiff/Petitioner

v. RAJWANT KAKR
Defendant/Respondent

Case No. 04D 323977
Dept. P

MOTION/OPPOSITION
FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
 - ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
 - ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
 - ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
 - ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- OR-
- ☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
- OR-
- ☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☒ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: RAJWANT KAKR Date 9/6/19

Signature of Party or Preparer *[Signature]*

ORIGINAL

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

Steven D. Grierson

1 **OST**
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.

ORDER SHORTENING TIME

17 RAJWANT KAUR,
18
19 Defendant.

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

///

///

///

///

///

///

RECEIVED

RECEIVED

SEP - 6 2019

SEP - 3 2019

1 of 2
FAMILY COURT
DEPARTMENT P

FAMILY COURT
DEPARTMENT P

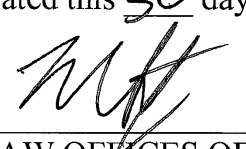
1 **IT IS HEREBY ORDERED** that the time to hear Plaintiff's Motion shall
2 be heard on the 12th day of Sept 2019 at the hour of 1:30 p.m. in
3 Department P of the Eighth Judicial District Court Family Division, located at
4 601 North Pecos Road; Las Vegas, Nevada 89101 in Courtroom 10.

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
13 F. Peter James, Esq.
14 Nevada Bar No. 10091
15 3821 W. Charleston Blvd., Suite 250
16 Las Vegas, Nevada 89102
17 702-256-0087
18 Counsel for Plaintiff
19
20

1 TRANS

ORIGINAL

FILED

JAN 31 2020

Alison L. Johnson
CLERK OF COURT

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 LAS VEGAS, NEVADA

9 IN THE MATTER OF THE)
10 JOINT PETITION FOR)
DIVORCE OF:)
11 JASWINDER SINGH,)
12 and)
13 RAJWANT KAUR.)

CASE NO. 04D323977

DEPT. P

APPEAL NO. 80090

16 BEFORE THE HONORABLE SANDRA POMRENZE
DISTRICT COURT JUDGE

18 TRANSCRIPT RE: EVIDENTIARY HEARING

19 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
6 Las Vegas, NV 89102
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

16
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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>
---	---------------	--------------	-----------------	----------------

(None presented)

DEFENDANT'S
WITNESSES:

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

* * * * *

1 LAS VEGAS, NEVADA

THURSDAY, SEPTEMBER 12, 2019

2 P R O C E E D I N G S

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.

10

11

/s/ Charlene M. Barra
Charlene M. Barra
Court Reporter/Transcriber

12

13

14

15

16

17

18

19

20

21

22

23

24