

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

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Elizabeth A. Brown
Clerk of Supreme Court

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Volume 3

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1 TRANS

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Anna M. Johnson
CLERK OF COURT

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EIGHTH JUDICIAL DISTRICT COURT

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FAMILY DIVISION

7

CLARK COUNTY, NEVADA

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9 IN THE MATTER OF THE)

JOINT PETITION FOR)

10 DIVORCE OF:)

11 JASWINDER SINGH,)

CASE NO. 04D323977

12 and)

DEPT. P

13 RAJWANT KAUR.)

APPEAL NO. 80090

14)

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16

BEFORE THE HONORABLE SANDRA POMRENZE
DISTRICT COURT JUDGE

17

TRANSCRIPT RE: EVIDENTIARY HEARING

18

FRIDAY, SEPTEMBER 13, 2019

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1 APPEARANCES:

2 The Plaintiff: JASWINDER SINGH
3 For the Plaintiff: F. PETER JAMES, ESQ.
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8 The Defendant: RAJWANT KAUR
9 For the Defendant: ANDREW KYNASTON, ESQ.
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14 Also Present: MUNIR QURESHI
15 Court Interpreter

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1 LAS VEGAS, NEVADA

FRIDAY, SEPTEMBER 13, 2019

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

3 (THE PROCEEDINGS BEGAN AT 09:41:27)

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 morning, Your Honor. Peter James,
9 10091, here with Jaswinder Singh.

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

13 MR. JAMES: And the Punjabi interpreter is also
14 here.

15 THE INTERPRETER: Munir Qureshi.

16 THE COURT: Okay. And you're our registered
17 interpreter?

18 THE INTERPRETER: Yes, I am.

19 THE COURT: Okay. And that's in Punjabi?

20 THE INTERPRETER: Yes, indeed.

21 THE COURT: Okay. Well, let's pick up where we left
22 off.

23 THE CLERK: Okay. I need to re-swear him? Judge, I
24 need to re-swear him for today?

1 THE COURT: Yes.
2 THE CLERK: Okay. So --
3 THE COURT: Sorry.
4 THE CLERK: -- please stand. Raise your right hand.
5 (OATH ADMINISTERED)
6 THE PLAINTIFF: Okay.
7 THE CLERK: Okay, please be seated.
8 THE COURT: Proceed, Counsel.
9 JASWINDER SINGH
10 called as a witness on behalf of the Defendant and having been
11 first duly sworn, did testify upon his oath as follows on:
12 DIRECT EXAMINATION CONTINUED
13 BY MR. KYNASTON:
14 Q Good morning, Mr. Singh. As -- when we left
15 yesterday, I was asking you about your surgeries. You've been
16 through -- you testified that you've had a number of
17 surgeries. Okay. So just since 2004, how many surgeries have
18 you had?
19 A The surgeries took place before 2004.
20 Q You haven't had any surgeries since 2000 -- after
21 2004?
22 A Yes, I had a major surgery after 2000 --
23 THE COURT: I'm sorry, what?
24 THE PLAINTIFF: I had a major surgery after 2004.

1 BY MR. KYNASTON:
2 Q And when did that surgery occur?
3 A In 2012.
4 Q And that was on your pancreas; is that correct?
5 A Yes, I had cancer in the pancreas.
6 Q Okay. And after you had your surgery, was there a
7 recovery period?
8 A I have -- I had been bedridden for 10 -- nine, 10
9 months.
10 THE COURT: Sir, let me ask you if you could -- I
11 know when somebody's asking you a question, when you answer,
12 you want to look at them. But when you look at him, I don't
13 hear you as well. So if --
14 THE INTERPRETER: Okay.
15 THE COURT: -- you could listen to his question,
16 provide the --
17 THE INTERPRETER: Answer to you.
18 THE COURT: -- interpretation --
19 THE INTERPRETER: Okay.
20 THE COURT: -- looking at me --
21 THE INTERPRETER: I will.
22 THE COURT: -- that would make -- I wouldn't keep
23 interrupting you.
24 THE INTERPRETER: Sure, thank you. Thank you.

1 THE COURT: Would you translate that for him?

2 Because that's your job.

3 THE COURT: Okay.

4 THE PLAINTIFF: I -- I do understand you only when I
5 look at you and --

6 THE COURT: I -- I'm not directing this to the
7 witness, I'm directing this to you, sir.

8 THE PLAINTIFF: Okay.

9 BY MR. KYNASTON:

10 Q All right. Let me re-state the question. Okay. So
11 I was asking, did you have a recovery period after your
12 pancreas surgery?

13 A The surgeon gave me six/seven years to recover fully
14 from the surgery. After nine months, I was able to sit in the
15 bed and move around a little.

16 Q Okay. So you were bedridden for about nine months
17 after the surgery?

18 A Yes. I would go only for the therapy. While being
19 on the bed, I had -- certain parts of my body shrank, and so I
20 had to go for therapy.

21 Q Okay. And did you do your recovery at home?

22 A All the treatment went through -- at -- at home. I
23 used to get IV from a nurse practitioner from time to time.

24 Q Okay. And when you were recovering at home, who was

1 taking care of you?

2 A My father was there.

3 THE COURT: I'm sorry, what?

4 THE PLAINTIFF: My father was there.

5 BY MR. KYNASTON:

6 Q So your testimony is your father was providing for
7 your care during your recovery?

8 A I -- I had very little problem at night time.
9 That's (indiscernible) --

10 Q Okay. Well, the Defendant's a nurse, correct? The
11 Defendant, she's a nurse by training; is that correct?

12 A Yes, she is.

13 Q Okay. And didn't she take care of you during your
14 recovery?

15 A When there was a -- a serious trouble. I was in
16 coma. At that time, she helped me with -- when I recover from
17 coma, then my father --

18 THE COURT: I'm sorry, what?

19 THE PLAINTIFF: I was in serious trouble. I was in
20 coma. During that time, she assisted me. But after that, she
21 started going back to her work, and my father took care of me.

22 BY MR. KYNASTON:

23 Q Okay. But was she cooking your meals?

24 A I -- I had no feed from the mouth. I would get all

1 my feed through IV.

2 Q And was your father doing the IVs?

3 A A -- a nurse from the hospital would come to give me
4 IV.

5 Q Isn't it true you continued to show the Defendant as
6 your wife on your medical records?

7 A So at the time that I was seriously ill, I thought
8 that I was about to die. So all my property should go to
9 Rajwant.

10 THE COURT: She couldn't what?

11 THE PLAINTIFF: I was about to -- and I was in the
12 state of mind that I was about to die, so I decided that all
13 my property should go to her. And that is why I had her name
14 on my accounts.

15 BY MR. KYNASTON:

16 Q So the answer to my question is, yes, you included
17 her as your wife on your medical records?

18 A Yes, it is. Yes, it is correct. I was thinking
19 that I was not about to live here, so I gave everything to
20 her.

21 Q So if you died, it was your intention that your --
22 that the Defendant be considered your wife?

23 A The social worker people said that she's your
24 ex-wife. And I told them that, no, I don't have an ex-wife.

1 Everything should go to her.

2 MR. KYNASTON: Your Honor, I'd move to strike any
3 statements that social worker may have made as hearsay.

4 THE COURT: I'm sorry.

5 MR. KYNASTON: Hearsay.

6 THE COURT: I didn't hear that.

7 MR. KYNASTON: Well, part of the -- the part of the
8 testimony where he said that social welfare told him
9 something, I would move to have that stricken as hearsay.

10 THE COURT: You know what? I didn't pick up on
11 that. I'm just going to let it go.

12 MR. KYNASTON: Okay. All right.

13 MR. JAMES: And Your Honor, I'm actually going to
14 raise a relevance objection. There's really only two issues
15 for this Court to decide. Did my client live in Nevada during
16 the relevant time. And if he did, then case is over. If he
17 didn't, then we have to answer to second question, which is
18 did he force the other side to sign the decree?

19 THE COURT: Oh, it's a --

20 MR. JAMES: How they acted --

21 THE COURT: Do you want the -- well, let's follow
22 your logic, Counsel. Because we could interrupt this right
23 now, and I can get a motion for judgment on the evidence as to
24 the first issue if you want. Or we can proceed, and then you

1 can make these arguments in your closing arguments or in your
2 briefs.

3 MR. JAMES: Very good.

4 BY MR. KYNASTON:

5 Q All right. I'm going to move on to another topic.
6 You were aware that Rajwant filed the divorce action in
7 California, correct?

8 A Yes.

9 Q And do you remember about when she filed that
10 action?

11 A In April, she did.

12 Q Of this year or 2018?

13 THE COURT: I'm sorry, I -- I missed that. You
14 looked down --

15 MR. KYNASTON: I --

16 THE COURT: -- when you --

17 MR. KYNASTON: I --

18 THE COURT: -- asked the question.

19 MR. KYNASTON: Oh, I'm sorry. I said -- he -- he
20 said in April, and I'm asking which year.

21 BY MR. KYNASTON:

22 Q Was it the -- this year or 2018?

23 A In 2000 tw -- '18.

24 Q Okay. And were you served with that petition for

1 divorce in California?

2 A Yes. Yes, I was given the summons.

3 Q Okay. Now, if you look in the exhibit book at

4 Exhibit D --

5 THE COURT: Which one?

6 MR. KYNASTON: D, as in David.

7 BY MR. KYNASTON:

8 Q Is this a copy of the petition for divorce that you

9 received?

10 A Yes. My attorney gave it to me. I didn't sign

11 anything. I couldn't read it.

12 Q Okay. But you've testified that you did receive a

13 copy of the petition for divorce in California?

14 A Yes.

15 Q Okay. Now, if you look at Exhibit E, did you file a

16 response to the petition in California?

17 A My attorney gave it. I -- I don't know how to do

18 it.

19 Q Okay. So you hired an attorney in California to --

20 A Yes.

21 Q And that attorney helped you file a response to the

22 petition, correct?

23 A Yes.

24 Q Okay. And does Exhibit E appear to be a copy of the

1 response that was filed by your attorney in California?

2 A I -- I think it is probably that. I can't say. I
3 can't read it. I had given papers to him.

4 Q Okay. Now, if you look at Exhibit E, number 3 where
5 it talks about statistical facts, do you see that? Okay.

6 What did you state was the date of the marriage?

7 THE INTERPRETER: I guess you have to repeat the
8 question.

9 MR. KYNASTON: Okay. All right. Are you able to
10 interpret what he said for the Judge?

11 THE INTERPRETER: Of the -- the attorney might have
12 written somewhere -- I -- I had given him the date, but I
13 don't know what he wrote here.

14 BY MR. KYNASTON:

15 Q Okay. So my question is, is you say on here, the
16 date of marriage was December 31, 1989; is that correct?

17 MR. JAMES: Objection as to form of the question,
18 Judge. This was drafted by counsel, and it was signed by
19 counsel. This was not signed by my client. So --

20 THE COURT: Yeah, but --

21 MR. JAMES: -- for him to --

22 THE COURT: -- she was his --

23 MR. JAMES: -- say that you put --

24 THE COURT: -- authorized representative.

1 MR. JAMES: Yes, but there's also a correction to
2 all of this later.

3 THE COURT: We -- mister -- let Mr. Kynaston get to
4 that, and your client can explain it at that point in time.

5 MR. JAMES: Very good.

6 BY MR. KYNASTON:

7 Q Let me repeat the question. So you stated on here,
8 your attorney who helped you fill out this paperwork, that you
9 hired to represent you, stated that your date of marriage was
10 December 31, 1989; is that correct?

11 A It's either '89 or '90. I had said it yesterday,
12 too.

13 Q Okay. And then if you look over a little further,
14 you said the date of separation was 12/31/2015; is that
15 accurate?

16 A Yes.

17 Q Okay. And then if you look up ov -- up in the
18 caption if the document, it says that if -- I'm looking in the
19 last box. It -- your -- in your response, you respond for a
20 dissolution of the marriage, correct?

21 THE INTERPRETER: Last page?

22 MR. KYNASTON: It's on that same page, up on the top
23 of -- top of the -- the page, there's a box up there.

24 THE INTERPRETER: Okay.

1 MR. KYNASTON: And there's a -- there's a smaller
2 box down at -- at the bottom and it says response, and it
3 says, and request for -- the box is checked -- dissolution of
4 marriage.

5 THE INTERPRETER: Response, marriage, domestic
6 partnership. I don't see dissolution of marriage.

7 MR. KYNASTON: It's under the first column, under
8 the word response. There's an X, dissolution of --

9 THE INTERPRETER: Okay, got it. Got it.

10 MR. KYNASTON: Okay? So let me restate the
11 question.

12 BY MR. KYNASTON:

13 Q So you filed in your response, a request -- you
14 checked the box, and request for. And you checked the box,
15 dissolution of. And you checked the box, marriage. Do you
16 see that?

17 A Yes.

18 Q Okay. Do you recall being served with some
19 interrogatories in California, in the California case?

20 A I had received a paper from the other attorney,
21 stating that we need 75 percent of your property -- 65 percent
22 of your property. And otherwise, you have to leave the house.

23 Q Okay, but my question was, do you recall being
24 served with interrogatories or questions in the California

1 divorce case?

2 A Yes, he (sic) did.

3 Q Okay. Can you please turn to Exhibit O? It's

4 already been admitted by stipulation. Is this a copy of the

5 interrogatories you were served with --

6 THE COURT: Which exhibit?

7 MR. KYNASTON: Exhibit O.

8 THE COURT: Okay.

9 BY MR. KYNASTON:

10 Q Is this a copy of the interrogatories you were

11 served in California?

12 A Whatever came to me, I would give it back to my

13 attorney, and I wouldn't know what to do about it.

14 Q Okay. If you look on the third page of that

15 exhibit, it's DEF0381_3. It's got an --

16 THE COURT: I'm sorry.

17 MR. KYNASTON: -- attachment page.

18 THE COURT: What was the exhibit number?

19 MR. KYNASTON: It's still Exhibit O and it's the

20 third page in. It's Bates Stamped DEF0381_3.

21 THE COURT: Okay.

22 BY MR. KYNASTON:

23 Q Do you see that page? It's got attachment A at the

24 top?

1 A Read it out. I -- I can't say otherwise.

2 Q Okay. So number one, the first interrogatory in

3 California says -- and the interpreter can translate for you.

4 Do you contend that you and Petitioner terminated your

5 marriage in July 2004 in the state of Nevada?

6 A Yes, it was asked.

7 Q Okay. Now look over at Exhibit P, which has also

8 been admitted by stipulation. Is this a copy of your response

9 to the interrogatories in California?

10 A Who sent that?

11 Q Is this -- is it your attorney's name on the top of

12 that page, Constance Bessada (ph)? Is that your California

13 attorney?

14 A Yes.

15 Q Okay. And she helped prepare the responses to the

16 interrogatories, correct?

17 A Yes.

18 Q Okay. So in response to cor -- interrogatory number

19 one that we just read, you answered no; is that correct? If

20 you look at the bottom of that page, is that correct?

21 A I -- I don't know what was the response given. It

22 was given by her.

23 Q Okay. Well, if you look on -- if you look on the

24 last page of that exhibit, DEF0390_3 -- still in Exhibit P.

1 What -- this document is called verification, at the top of
2 the page. Do you see that?

3 THE INTERPRETER: Are -- are we reading from
4 DEF0389_3?

5 MR. KYNASTON: Okay, you need to go over one more
6 page. Okay. Do you see where it says verification?

7 THE INTERPRETER: Yes.

8 MR. KYNASTON: Okay.

9 BY MR. KYNASTON:

10 Q Mr. Singh, is your signature on this page?

11 A Yes. They are here.

12 Q Okay. So you signed the verification that the
13 answers to the interrogatories were true; is that correct?

14 A The attorney asked me to sign it, so I signed it.

15 Q Okay. Now it was mentioned by your attorney, at
16 some point in the California litigation, you sought to amend
17 your response; is that correct?

18 A I -- I didn't do anything. That -- whatever paper
19 came, I -- I gave it to the attorney.

20 Q Okay. But did you amend your response to the
21 petition for divorce in California?

22 A No, I didn't do anything.

23 Q Okay. Will you please look at Exhibit F? Okay.

24 And I want you to look at the page -- it's three pages in, DEF

1 -- Bates Stamp DEF012. Do you see that page?
2 A Yes.
3 Q And is your signature on that page?
4 A Yes, there are two signs.
5 Q Okay. So now, go back to the beginning of that
6 document. Can you identify this document?
7 A No, I don't know. What is this?
8 Q Okay. You look up in the box at the top, you see
9 where it -- the big box is. There's a box that -- checked
10 that says amended. Do you see that?
11 A I -- I don't remember. It could have happened.
12 Q Okay. Now go back to number 3 on that form, on that
13 same page, the one we looked at before, statistical facts. Do
14 you see that? Okay.
15 THE INTERPRETER: Could you ask the question?
16 MR. KYNASTON: Yeah.
17 BY MR. KYNASTON:
18 Q So it sa -- you state on here, the date of marriage
19 is now November 11th, 1989.
20 THE INTERPRETER: Can he talk?
21 MR. KYNASTON: Sorry?
22 THE INTERPRETER: Can he talk?
23 MR. KYNASTON: Yes, I want him to answer my
24 question.

1 THE PLAINTIFF: I -- I had submitted that it was
2 either in 1989 or 1990.
3 BY MR. KYNASTON:
4 Q Okay. So --
5 A I don't know --
6 Q -- you're not really sure the date of the marriage?
7 A No, I -- I'm not sure of the date. I said 1989 or
8 '90.
9 Q Okay. And then if you look on that same line, you
10 now say the date of separation is November 27th, 2004; is that
11 correct?
12 THE INTERPRETER: Here, it's written dissolution.
13 Separation has been crossed.
14 MR. KYNASTON: Okay. Yeah, they wrote dissolution.
15 I -- I apologize.
16 BY MR. KYNASTON:
17 Q So date of dissolution, now, you say is 11/27/2004;
18 is that correct? Is that correct?
19 A No, I don't remember this. It was 15 years ago.
20 Q Okay. And then look back at that third page again,
21 DEF -- with your signature, DEF012. Do you see that, where
22 your --
23 THE INTERPRETER: DEF --
24 MR. KYNASTON: -- signature is?

1 THE INTERPRETER: -- zero-one-two?

2 MR. KYNASTON: Yes.

3 THE INTERPRETER: Okay.

4 BY MR. KYNASTON:

5 Q And this was signed in October -- October 25, 2018,
6 correct?

7 A The attorneys asked me to sign, and I signed the
8 papers.

9 Q Right. But did you sign it on October 25, 2018?

10 A I -- I know that these are my signatures, and I
11 signed it in 2018. And whatever I was asked to sign, I
12 signed.

13 Q Mr. Singh, isn't it true that you've never lived in
14 the Jansen Avenue address in Las Vegas, Nevada?

15 THE COURT: I'm sorry, what?

16 MR. KYNASTON: That he never lived in the Jansen
17 Avenue -- that was the address for Mr. Pabla's (ph) house in
18 Las Vegas, Nevada.

19 BY MR. KYNASTON:

20 Q You've never lived in that house?

21 A Yes, I -- I stayed with him. It -- he -- he did not
22 come to me in California. I stayed with him.

23 Q But I asked you if you'd lived there. Did you live
24 in that house?

1 A Yes, I -- I lived there. That's why this thing
2 happened.

3 Q Okay. And isn't it true that you actually just
4 traveled on one day in August to Nevada and did all the
5 divorce paperwork and then went home?

6 A It was a long time ago. I don't know where his
7 house is now. It -- the -- all the paperwork was done, and I
8 have forgotten as to what was in that.

9 Q Okay, but my question was did you travel to Las
10 Vegas on August 27, 2004 and file a joint petition for
11 divorce?

12 A I -- I came to him.

13 Q To who?

14 A I came to Pabla.

15 THE COURT: Want to try your question one more time?

16 MR. KYNASTON: Yes.

17 BY MR. KYNASTON:

18 Q I'm asking if you traveled to Las Vegas, Nevada on
19 August 27th, 2004 and filed your petition for divorce in
20 Nevada.

21 MR. JAMES: Objection, it's a compound question.

22 THE COURT: Overruled.

23 THE INTERPRETER: Okay.

24 THE PLAINTIFF: So.

1 BY MR. KYNASTON:
2 Q Did you -- is that -- did you answer in English?
3 THE INTERPRETER: So is the --
4 MR. KYNASTON: So?
5 THE INTERPRETER: -- response.
6 MR. KYNASTON: So? S-o? I don't understand the
7 response.
8 THE INTERPRETER: He didn't understand the question.
9 THE COURT: Try it one more time, Mr. Kynaston.
10 MR. KYNASTON: Okay.
11 BY MR. KYNASTON:
12 Q All right. Let me break it down. Did you travel --
13 travel from California to Las Vegas on or -- August 27, 2004?
14 A Yes.
15 Q Okay. And when you were here, did you file a
16 petition for divorce?
17 A Yes.
18 Q After you filed the petition, did you turn around
19 and go back home?
20 A No, I -- I stayed with Pabla.
21 Q For how long?
22 A About five, six weeks.
23 Q After you filed the petition?
24 A Yes, I stayed for some time after that and then went

1 back.

2 Q When you returned to California, did you continue to
3 hold yourself out as husband and wife with the Defendant?

4 MR. JAMES: I'm going to object, as it calls for a
5 legal conclusion.

6 THE COURT: I don't think that does. I think that's
7 pretty straight forward. Hold yourself out as husband and
8 wife?

9 MR. JAMES: It's a term of legal art.

10 THE COURT: You know what? Because you're having so
11 many problems getting responses, why don't you rephrase it --

12 MR. KYNASTON: Okay.

13 THE COURT: -- so that we eliminate that objection?

14 MR. KYNASTON: All right.

15 BY MR. KYNASTON:

16 Q Mr. Singh, when you returned to California, did you
17 continue to tell people that you and Rajwant were married?

18 A No, I didn't talk to anybody.

19 Q Did you tell anyone that she was your wife?

20 A No, I didn't talk to anybody.

21 Q All right. I'm almost done. Mr. Singh, do you know
22 -- do you know a Jagtar (ph) Singh?

23 THE COURT: Who?

24 MR. KYNASTON: Jagtar Singh. He's one of the

1 witnesses that we've named.

2 THE PLAINTIFF: Yes, he is Kaur's brother.

3 BY MR. KYNASTON:

4 Q He's the Defendant's brother?

5 A Yes.

6 Q And has he been to your home?

7 A No, we are not on speaking terms.

8 Q But has he ever been to your home?

9 A I -- I don't have any relations with him. When my
10 parents came, we moved away.

11 Q Didn't he live in the same apartment complex and you
12 and defen -- and the Defendant for a period of time?

13 A Yes, he was there for some time, and then he moved
14 away.

15 Q Okay. And when he lived there, did he come to your
16 home?

17 A No, we had no relations to each other.

18 Q So he was your wife's brother, and you had no
19 relationship with him?

20 A No, we had -- we were not on talking terms with each
21 other.

22 THE COURT: I'm sorry, what?

23 THE PLAINTIFF: We were not on talking terms with
24 each other.

1 THE COURT: You might want to turn that off.
2 BY MR. KYNASTON:
3 Q I've -- did you ever go to temple with him?
4 A No, I don't have -- in 2018, he was about to hit me,
5 so I don't even go --
6 THE COURT: He was about --
7 THE PLAINTIFF: -- out of --
8 THE COURT: -- to what?
9 THE PLAINTIFF: -- my house. In 2018, he tried to
10 hit me, and I -- no, I don't go out of my house.
11 BY MR. KYNASTON:
12 Q So if I understand your testimony, you have no
13 relationship with him, correct?
14 A No, I don't have any -- any relation with him. We
15 are not on speaking terms.
16 Q How long have you not been on speaking terms?
17 A In 2000, my father came and lived with me. And
18 after that, we didn't have any relations with him.
19 Q So you have no -- had no relationship since 2000?
20 A Yes. His wife had come, and they moved away from
21 there.
22 Q Do you have his phone number?
23 A No, I don't.
24 Q Do you know where he lives?

1 A No, I don't.

2 Q Okay. Do you know Supal Grenwal (ph) or Grenwal?

3 A I -- I believe he is -- is nephew of Kaur and lives
4 far.

5 THE COURT: Lives what?

6 THE PLAINTIFF: Lives far from me. About 36, 37
7 miles away from me.

8 BY MR. KYNASTON:

9 Q But still in California?

10 A In Simi Valley, California.

11 Q Okay. Has he ever been to your home?

12 A No, he didn't come to my apartment.

13 Q Is he --

14 A They didn't like me.

15 Q Okay. So he's never been to your home for dinner?
16 Tea?

17 A He came to our house, but not in the apartment.

18 Q Okay. Do you have his phone number?

19 A No, I don't have anybody's phone number.

20 Q You said he lives about 37 miles away. Do you have
21 his address?

22 A No, I don't have it.

23 Q But you know who he is, right?

24 A I -- I know that he's her nephew.

1 Q Okay. I have one -- one last -- do you know who
2 Guriqbal Pandher is? If I'm saying that right.
3 THE COURT: You want to say that --
4 MR. KYNASTON: Guriqbal --
5 THE COURT: -- a little clearer?
6 MR. KYNASTON: -- Pandher -- Pandher? Guriqbal
7 Pandher?
8 THE COURT: You want to spell that?
9 MR. KYNASTON: Yeah.
10 MR. JAMES: I wouldn't object for him showing the
11 translator the name if he can say it.
12 THE COURT: I'm sorry, what?
13 MR. JAMES: I would not object if Mr. Kynaston
14 wanted to show the translator the name so he could say it.
15 THE COURT: If I could just get a spelling so I get
16 --
17 MR. KYNASTON: I'll get --
18 THE COURT: -- some sense of what the name is.
19 MR. KYNASTON: I'll get a spelling.
20 (Pause)
21 BY MR. KYNASTON:
22 Q G-u-r-i-q-b-a-l. And the last name is
23 P-a-n-d-h-e-r.
24 A He is the brother-in-law of her nephew.

1 Q Okay, so also someone that you know?
2 A We used to get together in the church.
3 Q Okay.
4 MR. KYNASTON: I don't have any further questions,
5 Your Honor.
6 THE COURT: Proceed, Counsel.
7 MR. JAMES: All right.
8 CROSS EXAMINATION
9 BY MR. JAMES:
10 Q Mr. Singh, you testified earlier that you have
11 memory issues.
12 A Yes. When I get under pressure, then I -- I lose
13 track of things.
14 Q And what caused you to have memory issues, if
15 anything?
16 THE INTERPRETER: I guess you -- can you repeat it
17 again? I have to repeat the question.
18 BY MR. JAMES:
19 Q What caused your memory issues, if anything?
20 A The doctor told me that, you -- you take a lot of
21 stress. That's why the memory issues.
22 Q Was there an initial event that caused this?
23 A I -- I don't know how to say it. But since this
24 case has started, I'm having these issues.

1 THE COURT: I'm sorry, what?
2 THE INTERPRETER: I'm having these memory issues. I
3 -- I think he didn't understand the question.
4 THE COURT: Why are you mumbling to mister -- and
5 not talking to me? I didn't hear the answer, and that becomes
6 problematical because I'm the one that's supposed to be making
7 the decision. If I don't have the answer, maybe I have to
8 disregard the answer. And I don't think you want that,
9 Counsel.
10 MR. JAMES: No, Your --
11 THE COURT: So --
12 MR. JAMES: -- Honor.
13 THE COURT: -- what was the answer you gave?
14 THE INTERPRETER: The answer was not to the question
15 correctly. It was his own response and again --
16 THE COURT: I understand. What --
17 THE INTERPRETER: -- again, that since this -- this
18 case started, I am under pressure, and I have memory issues.
19 BY MR. JAMES:
20 Q Were you ever shot in the head?
21 MR. KYNASTON: Objection --
22 THE COURT: Sus --
23 MR. KYNASTON: -- leading.
24 THE COURT: Sustained.

1 MR. JAMES: It's a --
2 THE COURT: He answered --
3 MR. JAMES: -- yes or no --
4 THE COURT: -- your question.
5 MR. JAMES: -- question.
6 THE COURT: Now you're trying to feed him a new
7 answer. Sustained.
8 (Pause)
9 MR. JAMES: Permission to lead slightly on this
10 issue as a foundational matter, Your Honor? It's not as to
11 the --
12 THE COURT: I guess --
13 MR. JAMES: -- ultimate issue.
14 THE COURT: -- this begs the question, do you intend
15 to pretend to -- present a case in chief if I find that the
16 burden has shifted? In other words, as often happens in civil
17 domestic cases, for the sake of convenience of everybody and
18 efficiency, attorneys will agree to combine their respective
19 ch -- cases-in-chief so that their witnesses don't end up
20 getting called twice. Okay?
21 That creates some flexibility, but it also can
22 create some evidentiary problems for the party seeking to do
23 so. So I asked you because right now, in the context of where
24 we are now, your question is leading. Now, if you want to

1 present a separate case in chief, I may be looking at Mr.
2 Kynaston's objection in a different way. I don't know the
3 answer. I can't give you that guarantee. But in the context
4 of where we are now, if you want to present your case in chief
5 now or wait, that's going to be your call.

6 MR. JAMES: I was generally -- Your Honor, my
7 standard practice is to do a case in chief after I do rebuttal
8 upon --

9 THE COURT: Well, and -- and again, I certainly
10 think that that's the normal way to do it. I'm just
11 referencing the fact that because of, you know, time
12 constraints and everything else, sometimes parties will choose
13 to present all of it at once because then they don't -- aren't
14 recalling a particular witness.

15 If it's your intent to recall your client should the
16 burden shift, then I'm going to sustain the objection. Okay?
17 So is it your intent to call your client if, in fact, I decide
18 that the burden has shifted? Is it your intent to present a
19 case in chief with your client?

20 MR. JAMES: I could do it either way, Judge. I
21 could do --

22 THE COURT: Well --

23 MR. JAMES: -- by full --

24 THE COURT: -- but it's your call, not mine. It's

1 your case to try. It's just mine to decide.

2 MR. JAMES: Just to show the Court where I'm going
3 with this, I have very few questions on direct. It would be a
4 handful of questions. I'm happy to take care of it
5 immediately upon finishing my notes from direct examination.

6 THE COURT: Okay. Right now, you're confined to the
7 scope of direct, okay? That impacts how I'm going to legally
8 view any objection that's made by either party. That may be a
9 different consideration if you're presenting a separate case
10 in chief. So that's a call you have to make, and you have to
11 make it now.

12 MR. JAMES: For expediency Judge, I'll do both now.

13 THE COURT: All right, that's your call. Is that
14 your intent as well?

15 MR. KYNASTON: I -- I have no problem with that.

16 THE COURT: Okay. All right, then I am going to
17 allow the question.

18 BY MR. JAMES:

19 Q So the question was, did you ever have a gunshot
20 wound to the head?

21 A Yes.

22 Q And what effects, if any, have you had from that?

23 A I was about to die at that time.

24 Q And were there any effects that you have today from

1 that?

2 A Yes.

3 Q And what are they?

4 A I -- I have nerve issues, and I -- I feel pain in

5 the area.

6 THE COURT: I'm sorry, what?

7 THE PLAINTIFF: I feel pain in the area.

8 BY MR. JAMES:

9 Q Do you have memory issues from this?

10 MR. KYNASTON: Objection, leading.

11 THE COURT: Sustained. Now you're feeding.

12 BY MR. JAMES:

13 Q When was the gunshot wound to the head?

14 A It was in 1993.

15 (Pause)

16 BY MR. JAMES:

17 Q Do you recall being deposed in this case by Mr.

18 Kynaston?

19 A Yes. Yes, I do.

20 Q Turn to Exhibit X, please.

21 THE COURT: Can I get my deposition back, please?

22 (Pause)

23 THE INTERPRETER: Which page?

24 THE COURT: Page what?

1 MR. JAMES: Thirty-eight of the deposition
2 transcript.
3 THE COURT: Okay, thank you. I didn't hear.
4 (Pause)
5 THE INTERPRETER: Thirty what?
6 MR. JAMES: Thirty-eight. Three-eight.
7 THE INTERPRETER: Thirty-eight.
8 (Pause)
9 THE INTERPRETER: Okay.
10 BY MR. JAMES:
11 Q Line 23, it says I had a gunshot, and because of
12 that, my memory is not very good. Is that what the transcript
13 says?
14 A It's not an accident. I -- I don't pick up things
15 right away.
16 Q Okay. But is that what the transcript says?
17 A Yes. Yes, it is true.
18 Q Thank you. Just give me -- now, you testified
19 earlier that you've lived with the Defendant after the divorce
20 in this case was entered.
21 A Yes.
22 Q And that she currently lives in the same basic
23 household as you do.
24 A Yes.

1 Q My question to you is, why?

2 A She has filed for divorce against me, and she is
3 still living there in that house. You have to ask it from
4 her.

5 Q Okay. Who is permitting her to live in that
6 household?

7 A Not -- there is -- there is no permission. I
8 haven't signed any paper on that. There is no rent. There is
9 no other issue.

10 Q Why haven't you asked her to leave?

11 THE COURT: I'm sorry, what?

12 BY MR. JAMES:

13 Q Why haven't you asked her to leave?

14 A I don't want to get beaten by his -- her relatives.

15 THE COURT: What?

16 THE PLAINTIFF: I don't want to get beaten by his
17 rela -- her relatives.

18 (Pause)

19 BY MR. JAMES:

20 Q Turn to Exhibit Q, please. This is a grant deed
21 that's been previously admitted into evidence and that Mr.
22 Kynaston discussed with you.

23 A Yes.

24 Q Is your signature on this document anywhere?

1 A No, I don't have my signatures on this. No, the two
2 signatures that are here, they are not mine.

3 Q Thank you. Turn to Exhibit E, as in Edward. Turn
4 to the page that says DEF006, which is the third page of the
5 document. A little below halfway, typewritten on the page, is
6 Jaswinder Singh. Do you see that?

7 A Yes.

8 Q Now, is that your signature next to your name?

9 A No, this is not mine.

10 Q Do you know whose it is?

11 A No, I don't know.

12 Q Who is Constance Bessada?

13 A My attorney in California.

14 Q Turn to Exhibit F, please. Do you recall, this is
15 the amended response to the California divorce action?

16 A Okay.

17 Q Turn to page 3, DEF012. Do you see your name on
18 there, about halfway down?

19 A Yes.

20 Q Is that your signature?

21 A Yes, they are.

22 Q Okay. Now turn back to the first page of the
23 document, DEF010. Under heading number one, where it says
24 legal relationship, do you see that?

1 A Yes.

2 Q Are any of the boxes checked?

3 A No.

4 Q And specifically, is the box that says, we are
5 married, checked?

6 A No.

7 Q Turn to Exhibit O, please. Turn to the third page
8 of the exhibit, where it says attachment A, at the top.

9 THE INTERPRETER: Attachment A.

10 BY MR. JAMES:

11 Q Now, throughout the document, it gives a -- it
12 repeats the phrase, terminated your marriage in July 2004 in
13 the state of Nevada. Do you see that that's repeated several
14 times on the page? Do you see that on the page?

15 A Yes. Yes (indiscernible) --

16 Q Turn to Exhibit A, please. A, as in apple. Do you
17 see that document?

18 A Yes.

19 Q This is the decree of divorce. Yes?

20 A Okay.

21 Q All right. What's the -- the file date at the top?

22 A 8th September.

23 Q Of what year?

24 A 2004.

1 Q Okay.

2 MR. JAMES: I'd like the Court to take judicial
3 notice that marriage is ended upon entry of the decree of
4 divorce.

5 THE COURT: That is, effectively, the ultimate
6 question, so I can't take judicial notice of that just yet. I
7 can take notice that a decree of divorce was filed on
8 September 8th of 2004, but I can't take notice as you'd asked
9 me to.

10 MR. JAMES: No, not that this marriage was
11 necessarily ended, but that marriages are ended upon the entry
12 of decree of divorce.

13 THE COURT: I cannot even go that far. Because if
14 it's a fraudulent divorce, then that means the marriage didn't
15 end. So I can't -- it -- you're asking me to take too many
16 leaps.

17 MR. JAMES: Okay. I'll save it for argument.

18 THE COURT: Yeah. It -- I can take notice that
19 there was a decree of divorce filed. Did it end the marriage?
20 That's, basically, the -- the question that's before me. So I
21 can't -- and I -- and I cannot make a blanket statement that
22 all marriages end with all decrees of divorce. Because if
23 they are not valid decrees of divorce, then the marriage is
24 not ended. And that is the reason why I cannot take judicial

1 notice of that.

2 MR. JAMES: Understood. Where I'm going with this
3 is that the attachment A says it was terminated July 4th.

4 THE COURT: I understand. I got your point,
5 Counsel.

6 MR. JAMES: Okay.

7 THE COURT: You don't have to beat it into me.

8 MR. JAMES: Very good.

9 BY MR. JAMES:

10 Q Now, the Defendant claims that you forced her in
11 some way to sign the divorce papers in this case back in 2004.

12 A No, I -- I haven't forced her to do anything.

13 Q Did you threaten her to sign any of these documents
14 in the divorce?

15 A No, I haven't.

16 Q Now, to your knowledge, did the Defendant get
17 remarried after these divorce papers were entered?

18 A Yes, she married my brother.

19 Q Do you remember when she married your brother?

20 A I don't recall the date.

21 MR. JAMES: If I may approach, Your Honor, with a
22 exhibit book to the witness?

23 THE COURT: Yeah, I have no problem.

24 MR. JAMES: Okay. I don't like entering the well

1 and -- without permission, Your Honor.

2 THE COURT: No, and I appreciate that.

3 (Pause)

4 BY MR. JAMES:

5 Q Would you turn to Exhibit 11, please?

6 THE COURT: That's one of the stipulated exhibits,

7 correct?

8 MR. JAMES: Incorrect.

9 THE COURT: What?

10 MR. JAMES: Incorrect.

11 THE COURT: Oh, okay. I don't want to look at it.

12 BY MR. JAMES:

13 Q Do you recognize this document?

14 A It's a marriage certificate.

15 Q Between whom?

16 A This is the marriage between my brother and her.

17 Q By her, do you mean Defendant?

18 A Yes, it is.

19 MR. JAMES: Your Honor, I move to admit Exhibit 11.

20 MR. KYNASTON: Your Honor, I'd object to this

21 exhibit. It's the -- there's no foundation laid. It's -- no

22 way to authenticate it. We don't -- I assume the original was

23 in pon -- Punjabi. I --

24 THE COURT: When's --

1 MR. KYNASTON: -- don't know --
2 THE COURT: -- the first time you saw it, Counsel?
3 MR. KYNASTON: He produced it a couple weeks ago.
4 THE COURT: What?
5 MR. KYNASTON: He produced it a couple of weeks ago.
6 THE COURT: Did he produce it prior to whatever it
7 is -- 21 days from the origin -- from the trial date?
8 MR. KYNASTON: I don't know, exactly, when I got it.
9 THE COURT: Because you have made an objection to
10 authenticity and you'd have 21 days to do so, so that's why
11 I'm asking the question.
12 MR. KYNASTON: Oh. Let me --
13 THE COURT: Mr. James, do you have any kind of ev --
14 proof as to when this document was provided to Mr. Kynaston?
15 MR. JAMES: I'm checking right now. This was served
16 August 27th of this year.
17 THE COURT: Nope, not 21 days, so he still has that
18 objection, I suppose.
19 MR. JAMES: Okay. It is a self-authenticating
20 document. It is a government document.
21 THE COURT: Is there an Apostille?
22 MR. JAMES: No.
23 THE COURT: So is --
24 MR. JAMES: It is --

1 THE COURT: -- it in -- is it in Indian or English?
2 MR. JAMES: It is in English.
3 THE COURT: You get married in India, and you get an
4 English marriage certificate?
5 MR. JAMES: Different --
6 THE COURT: I've got --
7 MR. JAMES: -- countries do --
8 THE COURT: -- a question --
9 MR. JAMES: -- things different ways.
10 THE COURT: -- about authenticity, too, then. I
11 could --
12 MR. JAMES: It is --
13 THE COURT: -- understand -- I mean, I've seen a
14 multitude of marriage documents and divorce documents from
15 other countries. And they are always in the language of that
16 country, and what I am given is an Apostille.
17 MR. JAMES: On here, I can read the -- without going
18 into the merits of it, I can read the --
19 THE COURT: No, but the --
20 MR. JAMES: -- seals that are on it.
21 THE COURT: All right. The problem is, there has to
22 be some indicia of authenticity. I mean --
23 MR. JAMES: Well --
24 THE COURT: -- I hate to -- to nit-pick on that --

1 MR. JAMES: It --

2 THE COURT: -- but frankly, it -- from the
3 standpoint of admissibility, there is an issue of
4 authenticity. And I have my own issue in my head. Because,
5 as I say, when people get married in a country where the
6 language is something other than English, their certificate
7 itself is in Eng -- is not in English. There is, rather, an
8 Apostille with the translation. And if this is simply not, I
9 -- I can't necessarily take a look at it because I don't know
10 that it's valid.

11 MR. JAMES: Well, the first thing, India used to be
12 an English commonwealth, so --

13 THE COURT: I get --

14 MR. JAMES: -- English is a widely-used language
15 there. But there are --

16 THE COURT: Yeah, I understand that. And -- and you
17 know what? I've looked at -- at documents from Austria, where
18 ev -- I've been there, just got back -- everybody's speaking
19 English, okay? And I've gotten documents from former British
20 colonies, okay? But none of them use English for their
21 official documents. They use their native languages for their
22 official documents.

23 Now, if you had provided me with a marriage
24 certificate in Punjabi or another English -- or another Indian

1 dialect with an Apostille that says this is a true and correct
2 translation, then that would get you past the authenticity
3 objection. But since this appears to be a document in
4 English, I have a question about its authenticity as well.

5 MR. JAMES: Well --

6 THE COURT: This looks like -- and I haven't looked
7 at it, but it sounds like it's a translation without an
8 Apostille.

9 MR. JAMES: Actually, no Your Honor, I -- I'm going
10 to assert to you, it does not look like that. There is a seal
11 here --

12 MR. KYNASTON: Mr. James can't authenticate this
13 document on his own.

14 THE COURT: No, you can't. You --

15 MR. JAMES: But the --

16 THE COURT: -- can't testify --

17 MR. JAMES: -- Court is under the assumption --

18 THE COURT: -- as to the document --

19 MR. JAMES: -- that the documents in India are --

20 THE COURT: It is not coming in, Counsel. You know,
21 future reference, practice point. Get me the absolute
22 original document with an Apostille with the translation. And
23 should I get that document or some kind of official government
24 document that says that we do our marriage certificates in

1 English, that would be different. But I think the
2 authenticity argument is still a valid one, and I'm going to
3 sustain the objection. It's not coming in. But you're free
4 to call somebody from the Indian consulate to tell me
5 otherwise.

6 (Pause)

7 BY MR. JAMES:

8 Q Moving on. Your -- the Defendant has stated that
9 your culture demands that she do what you say.

10 MR. KYNASTON: Objection, assumes facts not in
11 evidence.

12 THE COURT: Sustained. She hasn't testified yet.

13 MR. JAMES: Huh?

14 THE COURT: She hasn't testified yet. The only per
15 -- place that is, is in the brief. She hasn't testified yet.

16 MR. JAMES: It's her argument.

17 THE COURT: Well, it's -- it -- it may well be part
18 of the argument, but you can a -- rephrase, Counsel. There's
19 a lot of ways to ask --

20 MR. JAMES: Okay.

21 THE COURT: -- to get you where you need to go.

22 MR. JAMES: Okay.

23 BY MR. JAMES:

24 Q Are you familiar with the Punjabi culture?

1 A What -- what do you mean? Well, what's the intent?

2 Q Okay. You have certain cultural beliefs, true or
3 false?

4 MR. KYNASTON: I'm going to object to this line of
5 questioning. I don't know that the Plaintiff is an expert on
6 the cul -- Punjabi culture, and he hasn't been established as
7 an expert in Punjabi culture.

8 THE COURT: I'm going to sustain that objection. I
9 -- I -- but just understand, I will permit you to call your --
10 your client back if you choose to do some rebuttal after the
11 Defendant has testified.

12 MR. JAMES: Very good, Your Honor. I have no
13 further questions.

14 THE COURT: I may have a couple.

15 (Pause)

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 Q With regard to Mr. Singh Pabla, with whom you have
19 alleged you resided for a period of time, did you pay him to
20 reside with him?

21 A No, we didn't give any rent.

22 Q And did you pay him to provide you with a resident
23 witness affidavit and assist you in processing the divorce?

24 A No, we didn't pay him.

1 Q So is it your testimony that Mr. Singh Pabla, who is
2 a friend of a friend, provided you with a place to live and
3 assisted you in processing this divorce out of the goodness of
4 his heart?

5 A Yes.

6 Q Now, before you went to Nevada in 2004, did you
7 discuss with anyone what the waiting period or residency
8 period is to get a divorce in Nevada?

9 THE INTERPRETER: Did you specifically ask six-week
10 stay in Nevada?

11 THE COURT: Before you -- let me repeat -- repeat
12 the question.

13 BY THE COURT:

14 Q Before you came in Nevada in 2004, did you discuss
15 with anyone what the residency period was to get a divorce in
16 Nevada?

17 A No, I didn't discuss.

18 Q If you had thought that the residency period in
19 Nevada was a year instead of six weeks, would you have gone to
20 Nevada in the first place?

21 A No, I didn't know that.

22 Q While you were in Nevada, did you fill out any
23 employment applications?

24 A It's -- it's very difficult to get a job here.

1 Q How do you know that?

2 A I -- I had asked that person what kind of jobs are
3 available here and --

4 Q What person?

5 A I -- I talked to Pabla about that, and he said that
6 it's very difficult to get a job here.

7 Q So if you knew it was very difficult to get a job in
8 Nevada, why would you come to Nevada?

9 A No, I didn't know it beforehand.

10 Q So before you came to Nevada, did you think you were
11 going to easily get a job in Nevada?

12 A I -- I -- I had no idea if I would get a job or I
13 would not get a job.

14 Q And so after Mr. Pabla told you it was hard to get a
15 job in Nevada, you didn't even try?

16 A No, it was very difficult to get a job here, so I
17 went back.

18 Q How do know it was difficult if you didn't try?

19 A Yes, I did try, but I -- I didn't get any job.

20 Q Okay, then we get back to my first question. What
21 did you do to try to get a job?

22 A I -- I tried at 7-Eleven, and I didn't get anything
23 here.

24 Q Did you fill out an application?

1 A It -- it was difficult to get an employment
2 instantly. It would take time.

3 Q Okay.

4 A So we --

5 Q Let's --

6 A -- went back.

7 Q -- try my question again.

8 THE INTERPRETER: Yes.

9 BY THE COURT:

10 Q Did you fill out an application at 7-Eleven?

11 A I -- I asked, and they said that there is no
12 opening.

13 Q Did you go to any more 7-Elevens?

14 A Well, I couldn't get a job, so I went back.

15 Q So you never went to any other 7-Elevens?

16 A If someone were to leave the job, only then I would
17 get -- get a job, and it --

18 Q Let me --

19 A -- could take --

20 Q -- ask my --

21 A -- time.

22 Q Let me ask my question again. So you went into one
23 7-Eleven, and you never went into any other 7-Elevens?

24 A I -- I tried at a couple of places, and I couldn't

1 get the job.

2 Q Which ones?

3 A It's a long time ago. I don't recall exactly as to
4 where it is. I can't even go to the same address again.

5 Q Now, your wife had a good job as a nurse in
6 California, correct?

7 A I -- I can't say about that because I don't have
8 good relations with her.

9 Q In 2004, your wife had a good job as a nurse in
10 California, yes or no?

11 A Yes, it was all right.

12 Q Okay. And in 2004, you had a pretty good job, too,
13 correct, in California?

14 A I -- I was working at a minimum wage, so I wanted to
15 try something else.

16 Q Okay. So in 1993, you were shot in the head working
17 at a store like a 7-Eleven, right?

18 A Yes.

19 Q So instead of looking for a job in a warehouse, you
20 went back into a 7-Eleven in 2004?

21 A There was a -- there was a stipulation of minimum
22 wage and restricted hours of work.

23 Q Where?

24 A In the -- in the company in the -- in the warehouse

1 company.

2 Q But it was a steady job, correct?

3 A It was not a perfect job.

4 Q I didn't ask if it was a perfect job. It was a

5 steady job, right?

6 A Yes, it was, but --

7 Q And it was --

8 A -- I wanted to make more money.

9 Q It was full-time employment, correct?

10 A Yes, it was 40 hours.

11 Q And you didn't have the same worries about robbery

12 attempts, right?

13 A No, there are cases of robberies. I -- I got

14 gunshot in robbery.

15 Q During a robbery, right?

16 A Yes.

17 Q Let's talk about Balbinder (ph) Singh Pabla. Your

18 resident witness.

19 A Okay.

20 Q And he was the person who swore under oath that you

21 were a bona fide resident of the state of Nevada, correct?

22 A Yes.

23 Q Since this litigation started up again, what efforts

24 have you made to find Mr. Pabla?

1 A No, I didn't try.

2 Q Okay. And you didn't even Google his name?

3 A No, I didn't. I don't know how to.

4 Q And so sir, you are expecting me to rely on an
5 individual who is not coming forward as the proof of your
6 residency?

7 MR. JAMES: Your Honor, can we sidebar?

8 THE COURT: Well, let me hear the answer, and then
9 I'll make that call.

10 THE PLAINTIFF: At that time, I had some relations
11 with him. After that, he went away. And I don't have any
12 connection with him now.

13 BY THE COURT:

14 Q But you didn't try to find him for this litigation;
15 did you?

16 A No, I didn't try.

17 Q Okay.

18 THE COURT: Mr. James, you get your sidebar. You
19 want to do this on the record or out in the hall?

20 MR. JAMES: On the record's fine.

21 THE COURT: Okay. Come on. We'll do the white
22 noise thing.

23 (BENCH CONFERENCE AS FOLLOWS)

24 MR. JAMES: My office contacted Mr. Pabla, and he

1 was -- he moved down to Louisiana.

2 THE COURT: To where?

3 MR. JAMES: Louisiana.

4 THE COURT: Okay.

5 MR. JAMES: If I remember correctly. He said I

6 don't want anything to do with this, which is why we didn't

7 bring him in as a witness. He's not cooperative. I just --

8 THE COURT: There --

9 MR. JAMES: -- thought I had to --

10 THE COURT: There's a funny thing called a subpoena.

11 And did you provide this new address to Mr. Kynaston, as

12 you're arguing he didn't provide you information?

13 MR. JAMES: I believe I did.

14 THE COURT: Did you have the information to contact

15 Mr. Pabla?

16 MR. KYNASTON: I think the only thing I saw was

17 there was some kind of a deed or something that listed an

18 address somewhere in Louisiana.

19 THE COURT: No -- and we have no phone number?

20 MR. KYNASTON: No.

21 MR. JAMES: My office contacted him.

22 THE COURT: I understand that, but you should have

23 given Mr. Kynaston the opportunity to make -- to do the same

24 thing. Because frankly, I think it's in -- it's necessary

1 when people are arguing that they were bona fide residents,
2 that the person attesting to that fact is able to come forward
3 and confirm that fact.

4 MR. JAMES: And I did --

5 THE COURT: Now, that leaves me with many, many
6 questions because this person is not appearing.

7 MR. JAMES: And I'm aware of the -- what the --

8 THE COURT: And I am --

9 MR. JAMES: -- adverse --

10 THE COURT: -- not --

11 MR. JAMES: -- consequence are.

12 THE COURT: This Court is not unmindful of the
13 number of people who come to get quickie divorces in Nevada,
14 don't intend to be residents. I mean, I don't -- you know,
15 the Vaile case talks about that. I appreciate that. But it
16 -- it's a constant, and it's something that we -- that we
17 struggle with on a regular basis.

18 So most of my colleagues, myself included, expect to
19 hear from that resident witness when that's a question. And I
20 would have expected more herculean efforts to get some
21 testimony from him. That's why I asked your client the
22 question, okay?

23 MR. JAMES: Okay. And I understand the adverse
24 consequence of him not --

1 THE COURT: Right. Because maybe if your client had
2 talked to him, because they're such buddies, maybe he would
3 have been forthcoming.

4 MR. JAMES: Yeah.

5 THE COURT: But he didn't, and I don't have that
6 resident witness. All I've got is your client and this
7 Defendant, and I have to make credibility findings. And the
8 fact that a particular witness would be crucial to corroborate
9 your client isn't present, there's nothing from him, no
10 affidavit, no nothing, that -- that is a problem and that's
11 why I asked him the question.

12 MR. JAMES: There is an affidavit, the affidavit of
13 resident witness.

14 THE COURT: Yeah. You know how many false ones I've
15 seen over 15 years? There were a couple of attorneys,
16 long-time attorneys, and they always came in with these
17 divorces. And everybody was from the Philippines, and the
18 resident witness started looking really familiar. Because you
19 can't get a divorce in the Philippines, and that -- and that's
20 why it's for -- and again, I'm not --

21 MR. JAMES: I know.

22 THE COURT: -- tying that to this. But over time,
23 we all become somewhat skeptical with this scenario. And it
24 would have helped your client greatly if this particular

1 resident witness provided some evidence and testimony. We
2 could have put him on TV. But without that, it's a problem.
3 All right.

4 MR. JAMES: I understand, Your Honor.

5 (END OF BENCH CONFERENCE)

6 VOIR DIRE EXAMINATION CONTINUED

7 BY THE COURT:

8 Q Okay. Sir, you have Costco card, correct?

9 A Yes.

10 Q And you still regularly shop at Costco?

11 A Yes, I have it with my father.

12 Q Okay. And when you go to check out what you
13 purchased, you hand your card to the clerk, right?

14 A Yes.

15 Q And you've seen the clerk at Costco turn the card
16 around to look at your picture, right?

17 A Sometimes they do. Sometimes they don't.

18 Q But it's your testimony that on multiple occasions,
19 someone else was able to use your card at Costco?

20 A Yes.

21 (Pause)

22 THE COURT: Okay, I have no further questions.

23 MR. KYNASTON: I just have a couple, Your Honor, on
24 redirect.

1 REDIRECT EXAMINATION

2 BY MR. KYNASTON:

3 Q Mr. Singh, you testified that you have some memory
4 issues; is that correct?

5 A Yes, since 1930 (sic). Sometimes I recall a little
6 bit later.

7 Q Okay. Are you taking any medication for memory
8 issues?

9 A No, I don't get any medication. I have only this
10 advice from the physician that, take it easy, don't take so
11 much stress --

12 MR. KYNASTON: I'd object to --

13 THE PLAINTIFF: -- and you'll be okay.

14 MR. KYNASTON: -- any comment from the physician as
15 hearsay.

16 MR. JAMES: For medical diagnosis, Your Honor.

17 THE COURT: I'll strike it. I take that back. I'm
18 not striking it. He didn't, verbatim, say what the physician
19 said.

20 MR. KYNASTON: Okay.

21 THE COURT: And it's simply repeating advice that he
22 claims he got.

23 MR. KYNASTON: All right.

24 BY MR. KYNASTON:

1 Q Are you being treated for memory loss by any
2 physician?
3 A No. I don't have any doctor for that.
4 Q And when you were shot in 1993, where were you shot?
5 A Yeah, it came from -- from the front to the side of
6 my head.
7 Q So like, in the jaw area and then it came back?
8 A Yes, they broke.
9 Q Okay. And did the bullet af -- touch your brain?
10 A I -- I don't know. Only the doctors would know if
11 it did.
12 Q Okay. You didn't have to have any brain surgery
13 because of it?
14 A They did something. I don't know what.
15 Q Okay. But you recovered from the -- from the
16 gunshot?
17 A For six, seven years, I continued to be bedridden,
18 and I used to get IV.
19 Q Okay, but this was, like, 25 years ago, roughly?
20 A It's -- it was in 1993, yeah.
21 Q And you've been able to work?
22 A I started working again in 1998.
23 Q Okay. Mr. James asked you about the grant deed when
24 you bought the house in 2009. Do you remember about --

1 remember that?

2 A Yes. He -- he showed me those.

3 THE COURT: I'm sorry, what?

4 THE PLAINTIFF: Yes, he showed me just now.

5 BY MR. KYNASTON:

6 Q Okay. And he pointed out that you don't -- your
7 signature's not on the deed; is that correct?

8 A Yes, there are no -- my --

9 Q Okay.

10 A My signatures are not there.

11 Q All right. And do you know if you're the recipient,
12 if you're the person buying the property, if you have to sign
13 the deed?

14 A No, I don't know that.

15 THE COURT: Counsel, approach.

16 (BENCH CONFERENCE AS FOLLOWS)

17 THE COURT: I don't want to -- you to mislead the
18 Plaintiff. When you purchase property, there are various
19 documents you sign, like a HUD disclosure statement and stuff
20 like that. Not every state requires that the recipient of a
21 deed sign the deed itself.

22 MR. KYNASTON: Right. I'm just trying to establish
23 that he doesn't know.

24 THE COURT: Okay. But and again, I -- you know,

1 you're asking him to -- it -- it's sort of a misleading
2 question, is --
3 MR. KYNASTON: Okay.
4 THE COURT: -- what concerns --
5 MR. KYNASTON: Well --
6 THE COURT: -- me about that.
7 MR. KYNASTON: -- when Mr. James asked about it, it
8 was misleading. He's trying to make it sound like --
9 THE COURT: I know, but --
10 MR. KYNASTON: -- it's not a --
11 THE COURT: -- it didn't --
12 MR. KYNASTON: -- valid deed because --
13 THE COURT: -- it didn't mean --
14 MR. KYNASTON: -- he didn't --
15 THE COURT: -- anything to --
16 MR. KYNASTON: -- sign it.
17 THE COURT: -- me because you don't sign. The --
18 MR. KYNASTON: Okay.
19 THE COURT: -- the recipient, generally, doesn't
20 sign --
21 MR. KYNASTON: Okay.
22 THE COURT: -- the deed.
23 MR. KYNASTON: I will just --
24 THE COURT: They sign a --

1 MR. KYNASTON: I don't --
2 THE COURT: -- bunch of other stuff, but.
3 MR. KYNASTON: I'll withdraw the question --
4 THE COURT: Okay.
5 MR. KYNASTON: -- and --
6 THE COURT: Thank you.
7 (END OF BENCH CONFERENCE)
8 MR. KYNASTON: I -- I'm going to withdraw my last
9 question.
10 BY MR. KYNASTON:
11 Q Okay. Mr. James also asked you about your answers
12 to the interrogatories in California. Do you recall that?
13 A Yes. /
14 Q Okay. When I previously asked you about the
15 question that was asked, whether you and the Defendant were
16 divorced in July of 2004, you in -- you indicated in your
17 interrogatory, the answer was no, correct?
18 A I -- I don't recall that. When was it asked in
19 2004?
20 Q Okay. Well, let -- let me ask it a different way.
21 When you answered no to the question about whether you and the
22 Defendant had been divorced in July 2004, did you answer no
23 because the date was wrong or because you hadn't been -- you
24 didn't believe you were divorced?

1 A I -- I don't recall the month. I do remember the
2 year, 2004.

3 Q Okay. But my question is, was your answer no
4 because the date was wrong or because you didn't believe you
5 had been divorced?

6 A Yes, it was concerning the date.

7 Q Okay. And did you provide any additional
8 information in your response to clarify that it was because
9 the date was wrong?

10 MR. JAMES: Objection, the -- it asks for a yes or
11 no question in there. There was no room for a response. It
12 just says did -- did it happen, yes or no. So it gets kind of
13 misleading --

14 THE COURT: I don't -- I don't think either party
15 has a great handle on dates, so I don't know how far you want
16 to go with it. As I look at the documentation.

17 MR. KYNASTON: I -- that's fine.

18 BY MR. KYNASTON:

19 Q A couple more things. You testified that your --
20 that Rajwant married your brother; is that right?

21 A Yes.

22 Q And you went to India with her with she married your
23 brother, correct? You -- you went to India with her when she
24 went to marry your brother; is that correct?

1 A Yes.

2 Q Wasn't it upsetting to you that she was divorcing

3 you and marrying her (sic) brother?

4 A I -- I didn't have any objection.

5 Q So you went to their wedding?

6 A No, I didn't go.

7 Q Didn't your brother marry someone else a few days

8 before he married the Defendant?

9 A I don't know that.

10 Q Well, isn't your brother married?

11 A I don't know. I was here.

12 Q You don't know if your own brother's married?

13 MR. JAMES: Objection, argumentative.

14 THE COURT: Overruled.

15 THE PLAINTIFF: If he was taking some girlfriend

16 with him, how would I know if he is married or not?

17 BY MR. KYNASTON:

18 Q Well, doesn't he have a daughter with his wife?

19 MR. JAMES: Objection as to phrasing.

20 THE COURT: It's what?

21 MR. JAMES: Objection to phrasing. Mr. Kynaston --

22 THE COURT: Does he --

23 MR. JAMES: -- referred to --

24 THE COURT: -- have a daughter --

1 MR. JAMES: -- Defendant as wife.
2 THE COURT: -- with his wife?
3 MR. JAMES: It's ex-wife. As of right now, it's ex-
4 wife.
5 MR. KYNASTON: I don't know it's his ex-wife.
6 THE COURT: All right. Let me ask it this way to
7 clear it up, just make it easy. Did your brother have a child
8 with a women he was once married to?
9 THE PLAINTIFF: I have no information regarding
10 that. He married Rajwant.
11 THE COURT: What?
12 THE PLAINTIFF: He married Rajwant after we were
13 divorced.
14 BY MR. KYNASTON:
15 Q After Rajwant married your brother, didn't you and
16 Rajwant then go back to California and continue to live
17 together?
18 A I came back. And after that, when she came back,
19 she stayed there with her family. And I didn't or could
20 object to that.
21 Q Well, you -- you stated in your answers to
22 interrogatories that other than between June 13, 2004 and
23 mid-September 2004, that you and Rajwant have been together.
24 A I -- I have said that any distant memory is weak.

1 Q Now, is it true that your brother is, like, 12 years
2 younger than Rajwant?

3 A It's -- it's a privacy matter. I -- what does he do
4 or doesn't do, I have no concern with that. I, myself, am
5 being dragged in the courts.

6 Q Okay. How old is your brother?

7 A I don't know.

8 Q Isn't it true that you applied for a visa for your
9 brother after he married your wife?

10 A No, I didn't apply for his visa. Why should I do
11 that?

12 Q You've never applied for a visa or helped your
13 brother apply for a visa to come to the United States?

14 A No, I didn't do anything regarding that.

15 Q Okay.

16 MR. KYNASTON: No further questions.

17 THE COURT: I have a couple, and then you're free to
18 follow up.

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 Q Are you and your brother close?

22 A Yeah, we are -- we are --

23 Q Very --

24 A -- separate. We are distant.

1 Q Did your brother ever move to the United States?
2 A No, he didn't.
3 Q Do you know when the Defendant and your brother got
4 a divorce?
5 A No, I don't.
6 Q Do you know where they got a divorce?
7 A I -- I didn't go to India after that. I went there
8 only in the -- 2015.
9 Q Okay. Did you ever meet your brother's other wife?
10 A No, I have no relationship with him.
11 Q I didn't ask you that question. Please listen to
12 the question I ask. Did you ever meet your brother's other
13 wife?
14 MR. JAMES: I would object to assume that there was
15 another wife. I believe his testimony was he didn't know that
16 he was married before.
17 THE COURT: He said she (sic) got married. He
18 married someone else.
19 MR. JAMES: Said she (sic) got married -- okay.
20 THE COURT: You've already alleged they got a
21 divorce. You said it was his ex-wife, so I'm assuming you got
22 that information from your client.
23 MR. JAMES: That was the Defendant that got divorced
24 from him.

1 THE COURT: Let me ask my questions, Counsel.
2 BY THE COURT:
3 Q Did you ever meet the person with whom your brother
4 had a child?
5 A That -- that child is born after he divorced
6 Rajwant.
7 Q Did you ever meet that women with whom your brother
8 had a child? That's a yes or a no.
9 A I -- I went there in 2015. I didn't go there before
10 that.
11 Q Okay. And you met that person?
12 A I -- I met her in 2015.
13 Q Okay. Was she married to your brother?
14 A Yes, when he divorced, just once. After that, he
15 married --
16 Q Okay.
17 A -- another --
18 Q Now --
19 A -- woman.
20 Q -- the marriage he had to this other woman, was it
21 an arranged marriage?
22 A No, I don't know how he got married.
23 Q Did -- so you didn't attend the wedding?
24 A No.

1 Q Did your parents attend the wedding?
2 A Yes, the parents did attend the marriage.
3 Q Did your parents take part in selecting this woman
4 to marry your brother?
5 A I have no idea about that.
6 Q And your brother never came to the United States?
7 A No, he did -- he never came.
8 Q And he never got a visa?
9 A No, he didn't try.
10 Q How long was the Defendant married to your brother?
11 A I don't have any idea because after 2004, I went to
12 India in 2015.
13 Q Did the Defendant get a divorce from your brother?
14 A What happened? When did they get it? I --
15 Q That's a --
16 A -- have no --
17 Q -- yes --
18 A -- idea.
19 Q -- or a no, please.
20 A No, I don't know.
21 Q How long, after you and the Defendant went to India,
22 did the Defendant stay in India?
23 A Can you repeat the question, please?
24 Q How long, in 2004, did the Defendant stay in India?

1 A No, I don't know. I didn't go there.
2 Q You said you went to India in 2004.
3 A After 2004, I didn't go there.
4 Q In 2004 -- let's start this again -- did you go to
5 India?
6 A Yes.
7 Q And you went with the Defendant?
8 A The whole family went.
9 Q Okay. And it's your testimony that she married your
10 brother, right?
11 A Yes.
12 Q And how long did you stay in India in 2004?
13 A I stayed there for a couple of weeks.
14 Q And did -- when you returned to the United States,
15 did the Defendant come with you?
16 A Yes.
17 Q Okay.
18 A She came.
19 Q And how soon after this marriage did you and the
20 Defendant return to the United States?
21 A I came back after two or three weeks.
22 Q Let's try this again. You went to India with the
23 Defendant.
24 A I went with my parents as well.

1 Q The Defendant entered into a marriage ceremony with
2 your brother.

3 A Yes.

4 Q Were you present?

5 A Yes, I was there --

6 Q Okay.

7 A -- when the marriage --

8 Q How --

9 A -- took place.

10 Q -- many days after this wedding ceremony did the
11 Defendant return with you to the United States?

12 THE INTERPRETER: Can I repeat your question again
13 to her (sic)?

14 BY THE COURT:

15 Q How many days after this marriage ceremony did you
16 and the Defendant return to the United States?

17 A After two, three weeks.

18 Q Okay. So she married the -- your brother right
19 after you got there?

20 A I didn't stay there. Whatever they wanted to do,
21 they did.

22 Q All right. Now, after the Defendant married your
23 brother, did the Defendant and your brother stay in the same
24 house as you and your parents while in India?

1 A Yes, it was --
2 Q Okay.
3 A -- the same house.
4 Q Where did the Defendant sleep during this time after
5 the marriage?
6 A I stayed with my friends. I don't know the details
7 after that.
8 Q So you don't know if she ever had relations with
9 your brother after the marriage; do you?
10 A No, I don't know.
11 Q But when you left, she left?
12 A Yes. We came all together. My -- my parents and
13 she and me came together.
14 Q Okay. So you came with your wife -- with the
15 Defendant and your parents and you left with your Defendant --
16 with the Defendant and your parents after two to three weeks?
17 A Yes.
18 Q Was it your hope that your brother would be able to
19 move to the United States?
20 A I -- I don't know that.
21 Q Has your brother remained in India this whole time?
22 A Yes, he is there.
23 Q So he never came to the United States, even for a
24 visit?

1 A No.

2 THE COURT: I've got no further questions. Want to

3 take a lunch break, come back at -- what time do you want to

4 come back? It's a quarter-to-12:00.

5 MR. KYNASTON: I'm good with 1:00, if that works.

6 THE COURT: What about 1:15?

7 MR. KYNASTON: 1:15.

8 MR. JAMES: Sure.

9 THE COURT: You're excused, sir.

10 (COURT RECESSED AT 11:46 AND RESUMED AT 1:23)

11 THE COURT: All right. We're back on in case number

12 D323977. Before we get started, when I went back to chambers,

13 there was this on my desk. I don't even know if you're aware

14 of it.

15 MR. KYNASTON: The writ?

16 THE COURT: What?

17 MR. KYNASTON: The writ?

18 THE COURT: Yeah.

19 MR. KYNASTON: Yeah, I am.

20 THE COURT: Okay.

21 MR. KYNASTON: I got it yesterday or the day --

22 THE COURT: When did you get it?

23 MR. KYNASTON: It -- yesterday or the day before.

24 THE COURT: Okay. And in -- and in any event, I've

1 conferred with our presiding, and we both agree that it
2 doesn't divest me of jurisdiction. So let's proceed.

3 MR. JAMES: I would concur, Your Honor.

4 THE COURT: What?

5 MR. JAMES: I would concur. I agree --

6 THE COURT: Gee --

7 MR. JAMES: I agree.

8 THE COURT: -- thanks.

9 MR. JAMES: Okay. Just --

10 THE COURT: Would you staple that? Call your next
11 witness, Counsel.

12 MR. KYNASTON: All right. Your Honor, I call
13 Rajwant Kaur.

14 (Pause)

15 THE COURT: Are the services of the Interpreter
16 going to be needed for your client?

17 MR. KYNASTON: Yes.

18 THE COURT: Okay.

19 THE CLERK: Okay, ma'am, please raise your right
20 hand.

21 (OATH ADMINISTERED)

22 THE DEFENDANT: Yes, indeed.

23 THE CLERK: Thank you. Please be seated.

24 THE COURT: Proceed, Counsel.

1 MR. KYNASTON: Okay.

2 RAJWANT KAUR

3 called as a witness on behalf of the Defendant and having been

4 first duly sworn, did testify upon her oath as follows on:

5 DIRECT EXAMINATION

6 BY MR. KYNASTON:

7 Q Ms. Kaur, will you please state your name for the

8 record?

9 A Rajwant Kaur.

10 Q Okay. And where were you born?

11 A In India.

12 Q And how old are you?

13 A Sixty-one years.

14 Q Okay. When were you and Jaswinder married?

15 A In 1989.

16 Q Okay. And was this a marriage -- was this an

17 arranged marriage?

18 A Yes.

19 Q And who arranged the marriage?

20 A Our relatives.

21 Q Okay. When did you immigrate to the United States?

22 A In 1989.

23 Q Okay. And why did you come to the U.S.?

24 A My brother applied for my visa here.

1 Q Okay. Did you have a job lined up or why did --
2 what was the reason you came?
3 A No.
4 Q Okay. When you first came to America, where did you
5 live?
6 A In California.
7 Q Okay. Are you now a U.S. citizen?
8 A Yes.
9 Q And, approximately, when did you become a citizen?
10 A In 1994.
11 Q Okay. And your native tongue is Punjabi?
12 A Yes.
13 Q Do you speak English?
14 THE COURT: I'm sorry, what was that?
15 BY MR. KYNASTON:
16 Q Do you speak English?
17 A A little bit.
18 Q How would you describe your proficiency in English?
19 A A little bit.
20 Q Okay. Are you required to speak English at work?
21 A Yes.
22 Q Okay. Where do you currently reside?
23 A In California.
24 Q And what's your address?

1 A 15138 Hiawatha Street.
2 Q In what city?
3 A In Mission Hills.
4 Q Okay. And who else resides with you in that house?
5 THE COURT: I'm sorry, what?
6 BY MR. KYNASTON:
7 Q Who -- who else resides with you in that house?
8 A Jaswinder, his mother, his father, his sister,
9 sister's husband, and a teen-age girl.
10 Q And how long have you lived in that home?
11 A Since 2009.
12 Q Okay. And you and Jaswinder still reside in that
13 house together to this day; is that correct?
14 A Yes.
15 Q Okay. Prior to moving to that house in 2009, where
16 did you live before that?
17 A We lived in an apartment.
18 Q And what city was that apartment in?
19 A In Mission Hills.
20 Q Okay. And do you recall where you lived when you
21 were -- in 2004?
22 A We lived in an apartment.
23 Q And where was that apartment located?
24 A 969 -- 9969 Sepulveda Boulevard.

1 Q Okay. Are you presently employed?
2 A Yes.
3 Q And who's your employer?
4 A Sherman House. Sherman -- Sherman Oaks Hospital.
5 Q Okay. And what do you do at the hospital?
6 A I am a nursing assistant.
7 Q Okay. And where is the -- where is Sherman Oaks
8 Hospital located?
9 A In California.
10 Q Okay. And how long have you been employed by the
11 hospital?
12 A I've been working there for 18 years.
13 Q Okay, so approximately, what year did you start?
14 A In 2001.
15 Q Okay. Have you ever taken an extended leave of
16 absence from your job?
17 A No.
18 Q Have you ever lived in Nevada?
19 A No.
20 Q Have you ever had a job in Nevada?
21 A No.
22 Q You and Jaswinder have been together for how many
23 years?
24 A We have -- we were married in 1989, and we lived

1 together for some time. And then he came and joined me in
2 1993.

3 THE COURT: What?

4 THE PLAINTIFF: We were married in 1989. We lived
5 for some time together, and then he joined me in 1993.

6 MR. KYNASTON: I can ask some follow-up questions.

7 THE COURT: Yeah, please.

8 BY MR. KYNASTON:

9 Q Where -- where were you and your hu -- Jaswinder
10 married?

11 A In India.

12 Q Okay. And after you were married, you were -- had
13 already -- you had already been living in the United States;
14 is that correct?

15 A Yes, I was living here, and I went from here to get
16 married there.

17 Q Okay. And your -- and Jaswinder joined you in the
18 United States when?

19 A I had applied for him after marriage, and he joined
20 me in 1993.

21 Q Okay. And since the time that he came to join you
22 in 1993, you've been living together since that time?

23 A Yes.

24 Q So during the period of your marriage when you've

1 been living with Jaswinder, have you ever -- are you aware of
2 him ever living in Nevada?

3 A No.

4 Q Did he live in Nevada in the summer of 2004?

5 A Yes, he did.

6 THE COURT: I'm sorry --

7 MR. KYNASTON: The --

8 THE COURT: -- I didn't -- could you repeat the
9 question because I don't think --

10 MR. KYNASTON: No, I --

11 THE COURT: -- she understood it.

12 MR. KYNASTON: -- I don't think so.

13 BY MR. KYNASTON:

14 Q My -- let me repeat the question. Did -- did
15 Jaswinder live -- move to Nevada in 2004?

16 A No.

17 Q Okay. And you didn't reside in Nevada in 2004; is
18 that correct?

19 A No.

20 Q Okay. Do you know Balbinder Singh Pabla?

21 A No.

22 Q Have you ever met him?

23 A No. When we came to divorce, only at that time, I
24 saw him.

1 Q Okay. Did you ever go to his home?
2 A Yes.
3 Q And what did you go to his home for?
4 A I didn't know him. Jas -- Jaswinder took me to his
5 house.
6 Q And what did you do when you were at his house?
7 A We just had our meals and then went to bed.
8 Q Okay. And where did you go after you went to his
9 house?
10 A After that, we went to court and signed some
11 paperwork.
12 Q Okay. And do you remember, approximately, the date
13 you came to Nevada with him in 2004?
14 A No, I don't remember.
15 Q Was it sometime during the summer months of 2004?
16 A Yes.
17 Q Okay. How many times have you visited Las Vegas?
18 A I -- I came three times here.
19 Q And what --
20 A This is the third time.
21 Q Okay. What was the first time you came here?
22 A In 2004.
23 Q Okay. And how long did you stay?
24 A We didn't stay here.

1 Q So you came up on the same day and then back home on
2 the same day?
3 A Yes.
4 Q Okay. And when was the second visit to Las Vegas?
5 A We -- we came here on the 19th of September, 2019
6 for a deposition.
7 Q You mean the 18th of September? Or the 18th of
8 August, sorry. 19th of August? Let me correct.
9 A 19th of August, 2019.
10 Q For the deposition?
11 A Yes.
12 Q Okay. And then today is your third time coming to
13 Las Vegas?
14 A Yes.
15 Q Okay. What were the circumstances that brought you
16 to Las Vegas in 2004?
17 A We -- we need to call your (sic) brother, so
18 therefore, we need to divorce each other.
19 THE COURT: Huh? I didn't get that.
20 MR. KYNASTON: I didn't either. But why -- let me
21 ask the question again.
22 BY MR. KYNASTON:
23 Q Why did you come to Las Vegas in 2004?
24 A Jaswinder brought me here, saying that we need to

1 divorce so that he could get his brother here.

2 Q How was he planning to get his brother here by you
3 getting divorced?

4 A By marrying him to me.

5 Q Okay. Do you recall where you went when you came to
6 Las Vegas in 2004?

7 A No, I don't remember.

8 Q Okay. So you -- when you came here, did you sign
9 some papers?

10 A Yes.

11 Q All right. Did you read the papers before you
12 signed them?

13 A No, I didn't.

14 Q What did you believe the papers were?

15 A I didn't read them. I didn't know then.

16 Q Okay, so why did you sign them?

17 A Jaswinder asked me to sign, so I signed it.

18 Q Do you sign anything he asks you to sign?

19 A Yes, I did.

20 Q And why would you do that?

21 A He was my husband. He would say it, and I will do
22 it.

23 Q Did you ever receive a copy of the divorce papers
24 from Nevada at that time?

1 A No, I didn't.

2 Q Was there anybody present who read the papers to you
3 in -- and translated them into Punjabi?

4 A No.

5 Q When did you -- when did you find out what the
6 papers said?

7 A No, I didn't know.

8 Q But you -- you know what they say now, correct?

9 A Yes.

10 Q So when did you find out what they say?

11 A Ask the question again, please.

12 Q When did you find out what the papers said -- the
13 decr -- the Nevada decree of divorce, what it said?

14 A In 2018.

15 Q And what happened in two thous -- 2018 that caused
16 you to find out what these papers said?

17 A In -- in 2004, he took me to India, and got me
18 married to his brother, and said that between us there is a
19 divorce.

20 THE COURT: I'm sorry, what?

21 THE INTERPRETER: Between us -- Jaswinder and
22 Rajwant -- we are divorced.

23 THE COURT: I'm sorry, maybe my brain isn't working,
24 but I couldn't understand what you said.

1 THE PLAINTIFF: In 2004, he told me that the
2 paperwork that we filled (sic) for divorce was not a complete
3 divorce, it was just a paper divorce.

4 BY MR. KYNASTON:

5 Q Okay. Let me ask my question again. So when did
6 you find out what the decree of divorce actually said?

7 A In 2018.

8 Q And what happened in 2018 that caused you to find
9 out what these papers said?

10 A At -- in 2018, he went to India to get married, and
11 he told me that we are both divorced.

12 Q So he told you in 2018 that he'd gotten married in
13 India?

14 A No, he didn't tell me. I got to understand it from
15 his relatives.

16 Q Okay.

17 THE COURT: Sir, I'm going to ask you a question.
18 And this -- this has happened a lot during the Plaintiff's
19 testimony as well. There are these long responses in Punjabi.
20 Are you translating them word-for-word or giving me your
21 interpretation of what they -- what the witness said?

22 THE INTERPRETER: Okay. My respond to that question
23 would be that both the witnesses mumble a lot and repeat
24 themselves again and again. And the answer is the same that I

1 translate in English.

2 THE COURT: Okay. I just want to be sure because
3 I'm hearing -- and I heard it with the -- the Plaintiff's
4 testimony as well -- it goes on and on and then I get a ver --
5 relatively short translation. And so what I'm concerned about
6 is, there isn't a verbatim translation, which is what is
7 required in order for you to interpret.

8 THE INTERPRETER: Yes, indeed. Yes, indeed. And
9 the -- there's a lot of mumbling going on, a lot of repetition
10 going on and --

11 THE COURT: But if there's mumbling and repetition,
12 you have to actually translate the mumbling and repetition as
13 well.

14 THE INTERPRETER: Okay.

15 THE COURT: And that's just --

16 THE INTERPRETER: Okay, thank you.

17 MR. KYNASTON: Okay.

18 BY MR. KYNASTON:

19 Q After you signed the divorce papers in Nevada in
20 2004, what did you do next?

21 A Nothing happened after that. We lived in the same
22 house like husband and wife.

23 Q So did you immediately return back to California?

24 A Yes.

1 Q Okay. And when you got home, did anything change in
2 your household?
3 A No.
4 Q Did you continue to share a bedroom?
5 A Yes.
6 Q Did you continue to have sexual relations?
7 A Yes.
8 Q Did you change anything in the way you managed your
9 household finances?
10 A Yes, we were -- we were both together and arranged
11 the finances together.
12 Q All right. Well, was that the same way you did it
13 before you went to Nevada?
14 A Yes.
15 Q And what did your husband tell you about the
16 divorce?
17 A He -- he said that it would be a paper divorce, but
18 we will stay together.
19 THE COURT: A what?
20 THE PLAINTIFF: It will be a paper divorce, but we
21 will stay together.
22 MR. KYNASTON: Paper --
23 THE COURT: We will what? Schedule it?
24 MR. KYNASTON: Stay together.

1 THE INTERPRETER: Stay together.
2 THE COURT: Oh.
3 MR. KYNASTON: Paper divorce, but stay together.
4 MR. JAMES: That's what I heard.
5 THE COURT: What?
6 MR. JAMES: I -- that's what I heard as well, Judge.
7 That's what I heard as well.
8 THE COURT: That they will stay together?
9 MR. JAMES: Yes.
10 THE COURT: Okay.
11 MR. JAMES: Yeah.
12 THE COURT: Well, your hearing's better than mine
13 because you're younger than me, okay?
14 MR. KYNASTON: All right.
15 BY MR. KYNASTON:
16 Q Ms. Kaur, did you ever marry the Plaintiff's
17 brother?
18 A Yes.
19 Q And why did you marry his brother?
20 A He wanted to bring him here.
21 Q Bring him to the United States?
22 A Yes.
23 Q And after you marry -- when -- when, approximately,
24 did you marry his brother?

1 A In 2004.

2 Q And when you went to India to marry his brother, who
3 went with you?

4 A Jaswinder and his mom and dad.

5 Q And did -- did you have a wedding ceremony with his
6 brother?

7 A Yes.

8 Q Okay. And after you got married, did you live with
9 him?

10 THE COURT: You mean the brother?

11 MR. KYNASTON: With the brother, sorry.

12 BY MR. KYNASTON:

13 Q After you got married, did you live with his
14 brother?

15 A No.

16 Q When did you return to the United States?

17 A We stayed there for a month, and we came back.

18 Q And when you say we, you mean you and Jaswinder?

19 A Yes, me and Jaswinder.

20 Q Okay. Did you ever have sexual relations with his
21 brother?

22 A No.

23 Q When did you and his brother get a divorce?

24 A In 2008.

1 Q And between 2004 and 2008, are you aware of
2 Jaswinder ever making efforts to try and bring his brother to
3 the United States?
4 A Yes.
5 Q And do you know what efforts he made?
6 A He filed a petition for him.
7 Q Okay. And do you know if that petition was granted?
8 A No, I don't.
9 Q Okay. What's the age difference between yourself
10 and Jaswinder's brother?
11 A Twelve years.
12 Q All right. Who's older?
13 A I am the older.
14 Q So you're 12 years older than his brother?
15 A Yes.
16 Q Are you aware if his brother was married to anyone
17 else?
18 A We -- we went to attend his marriage. We had gone
19 there --
20 THE COURT: I'm sorry --
21 THE PLAINTIFF: -- to attend --
22 THE COURT: -- what?
23 THE PLAINTIFF: -- his marriage. We had gone there
24 to attend his marriage.

1 BY MR. KYNASTON:
2 Q And what -- who -- who did he marry?
3 THE COURT: Wait, wait, wait. Let me get this --
4 back up here. When did the brother get married to someone
5 else other than you?
6 BY MR. KYNASTON:
7 Q Okay. When -- when did you attend that wed --
8 marriage to someone else?
9 A Yes, we did.
10 Q But when did that happen?
11 A In 2004.
12 Q Was that before or after you married his brother?
13 A Yes.
14 Q What --
15 A Before that.
16 Q Before? So your testimony is that his brother was
17 already married to someone else when he married you?
18 A Yes.
19 Q Did you ever return to India after you married him
20 to live with him?
21 A No.
22 Q Did you have to go back when the divorce happened?
23 A Yes, we went in 2008.
24 Q And when you say we, who -- who went?

1 A No, I went by myself.

2 Q And how long were you there?

3 A About 20, 22 days.

4 Q And where did you stay when you went?

5 A It was at my nephew's marriage. I had gone there to
6 attend that marriage.

7 Q So you went in 2008 to attend the marriage of your
8 nephew, correct?

9 A Yes.

10 Q And while you were there, you also got a divorce
11 from his brother?

12 MR. JAMES: Objection, leading.

13 THE COURT: State the question again.

14 BY MR. KYNASTON:

15 Q Was there any other purpose for your trip in 2008 to
16 India?

17 A No.

18 Q Okay. Did you participate in any divorce
19 proceedings in India from his brother?

20 A No, just (indiscernible) --

21 THE COURT: Just what?

22 THE INTERPRETER: Jaswinder's brother's divorce vo
23 -- was --

24 THE COURT: You said just and then you said a word.

1 I'm asking you what that word was. You don't need to re --
2 restate everything she said. But you've been looking in a
3 different direction and lowering your head --

4 THE INTERPRETER: Okay.

5 THE COURT: -- and I don't catch a word.

6 THE INTERPRETER: Okay.

7 THE COURT: So what I want is the word.

8 THE INTERPRETER: Could you repeat the question
9 again so she answers?

10 BY MR. KYNASTON:

11 Q Did you participate in the divorce in 2008, from his
12 brother?

13 A No, I wasn't.

14 Q So how did you find out about the divorce?

15 A I don't remember that.

16 Q Do you know why the marriage was dissolved?

17 A No, I don't know.

18 Q Do you believe that Jaswinder has ever remarried?

19 A Yes, I do.

20 Q And why do you believe that?

21 THE COURT: I'm sorry, what did you say?

22 BY MR. KYNASTON:

23 Q Why do you believe that?

24 A He came back and told his relatives that, I have

1 married someone else.

2 Q That he had married someone else?

3 A Yes.

4 Q Okay. Want you to look at the exhibit book, the one
5 that's up there, Exhibit A.

6 THE INTERPRETER: Exhibit A?

7 MR. KYNASTON: A, as in apple.

8 (Pause)

9 BY MR. KYNASTON:

10 Q Do you recognize this document?

11 A Yes.

12 Q And you've previously testified you didn't know what
13 this said until 2018; is that correct?

14 (Pause)

15 THE WITNESS: I did not see this paper. I didn't
16 see this paper.

17 BY MR. KYNASTON:

18 Q So you don't re -- you don't recall seeing this dec
19 -- Nevada decree of divorce before?

20 A I -- I just signed some paperwork. Nobody showed me
21 any -- anything before.

22 Q So other than knowing that you had gotten a divorce
23 in Nevada, you never saw the decree?

24 A No.

1 Q Okay. Did you and Jaswinder have any joint -- joint
2 assets in 2004?

3 A Yes.

4 Q And what type of assets did you have?

5 A We had a joint bank account.

6 Q Anything else?

7 A We -- we had the same membership of Costco.

8 Q Okay. Did you have any other tangible assets, any
9 other property?

10 A Yes, we had cars.

11 Q Okay. And do you have a retirement account?

12 A Yes, I have.

13 Q And how long have you had an interest in a
14 retirement account?

15 A I can't say for sure in which year it started.

16 Q Okay. But you said you started --

17 THE COURT: Can I -- can we sidebar for just a
18 second?

19 MR. KYNASTON: Sure.

20 THE COURT: Out in the hall.

21 MR. KYNASTON: Uh-huh.

22 (COURT RECESSED AT 2:02 AND RESUMED AT 2:08)

23 THE COURT: Okay. Let's go back on the record. But
24 just to clarify the record, I conducted a short off-the-record

1 conference with Counsel in the hall. It was what I call one
2 of my lightbu -- bulb moments because I had some questions
3 about the Defendant's retirement. So we can continue on.

4 MR. JAMES: Okay. Does anyone else hear a buzzing?

5 THE COURT: Oh, who knows?

6 MR. JAMES: It's the light.

7 THE COURT: They've been banging and buzzing and all
8 kinds of stuff.

9 THE CLERK: They're working on the courtrooms.

10 MR. JAMES: Okay. I just didn't know if it was part
11 of the Court's, like, you know, private --

12 THE COURT: No --

13 MR. JAMES: -- thing.

14 THE COURT: -- it's not in here.

15 MR. JAMES: Okay.

16 THE COURT: If that's your question. Not yet
17 anyway.

18 MR. KYNASTON: All right.

19 BY MR. KYNASTON:

20 Q Did you file a divorce case in California?

21 A Yes.

22 Q And when -- when did you file a divorce in
23 California?

24 A In 2018.

1 Q And why did you file it?

2 A He married someone else, and he didn't tell me.

3 Q You heard the testimony from the Plaintiff that --

4 stating that the two of you lived for at least six weeks in

5 Mr. Pabla's house here in Las Vegas in 2004. Do you recall

6 that?

7 A No, I don't remember.

8 Q You don't remember the testimony?

9 A Yes, I do remember, but we didn't stay there.

10 THE COURT: Why don't you ask the question again?

11 MR. KYNASTON: Okay. I'll ask it a different way.

12 BY MR. KYNASTON:

13 Q Did you -- did you and the Plaintiff ever live in

14 Mr. Pabla's house?

15 A No.

16 Q And during the summer of 2004, did you ever live in

17 his house?

18 A No.

19 Q Okay. Where were you living in June, July, and

20 August of 2004?

21 A In California.

22 Q Okay. And was the Plaintiff living with you during

23 those months?

24 A Yes, he was.

1 Q And he -- was anyone else living in the house with
2 the two of you at that time?

3 A His father and mother lived there.

4 Q Okay. Was he going to work?

5 A Who?

6 Q Jaswinder. Was he going to work?

7 A Yes, he did.

8 Q And were you going to work?

9 A Yes.

10 Q Okay. How often did you see Jaswinder during that
11 period of time?

12 A We were living together.

13 THE COURT: I'm sorry, what?

14 THE PLAINTIFF: We were living together.

15 BY MR. KYNASTON:

16 Q So it would be fair to say you saw him everyday?

17 A Yes, I would cook for them and -- and did
18 everything.

19 Q When Jaswinder had surgery in 2012, who took care of
20 him?

21 A I did.

22 Q And how long was he bed-ridden?

23 A He -- he was in bed for two or three months. I had
24 taken time off from my job for two months.

1 Q Ms. Kaur, why -- why did you wait until now to try
2 to set aside the Nevada divorce?

3 A Ask again. I didn't understand it.

4 Q Okay. Let me -- let me lead you into it a little
5 bit. So you -- a Nevada divorce was entered in 2004, correct?

6 A Yes.

7 Q Okay. And now it's 2019.

8 A Yes.

9 Q Okay. So why did you wait for so many years to seek
10 to set aside the Nevada divorce?

11 A We had -- we have been living together all this
12 time. But when he married someone else in India, so I divorce
13 him.

14 Q The -- let me ask the question again. Why did --
15 why didn't you try to get rid of the Nevada divorce sooner?

16 A Before that, we were living together, and there was
17 no cause for that.

18 Q Well, did you believe you were divorced?

19 A No.

20 Q And why not?

21 A We were -- we were living together all the time.

22 (Pause)

23 MR. KYNASTON: Your Honor, I have no further
24 questions.

1 THE COURT: You're on, Counsel.

2 MR. JAMES: Actually, Your Honor, at this time, I'm
3 going to move for a directed verdict.

4 THE COURT: Well, we don't have a jury, so you're
5 not going to get a verdict.

6 MR. JAMES: Okay, directed --

7 THE COURT: It's called judgment on the evidence.

8 MR. JAMES: -- judgment on the evidence. Very good,
9 Your Honor. The Defendant has to show that my client forced
10 her to sign. That has not been shown.

11 THE COURT: Much -- and I -- and I'm going to make
12 this observation, and I -- it -- I think it's -- it's an
13 observation I think I share with some of my colleagues, but
14 I'm not going to tell you who. I question the vi -- the Vaile
15 case. It -- it seems to be illogical. It seems to say it's
16 okay to pull a scam and get away with it. Okay?

17 That -- that's how I read the Vaile case, but the
18 Vaile case is Nevada law. And the testimony of the Defendant
19 is not a far cry different from the facts in the Vaile case.
20 I want to hear your argument on it because I'm considering it.
21 I'm surprised a little bit.

22 MR. KYNASTON: Your Honor, I don't -- we -- we've
23 sat here for two days, and we've heard the Plaintiff lie and
24 lie and --

1 THE COURT: Absolutely.
2 MR. KYNASTON: -- and lie and lie. And we --
3 THE COURT: I -- you know --
4 MR. KYNASTON: -- know that --
5 THE COURT: -- what? His credibility --
6 MR. KYNASTON: -- this was a fraudulent --
7 THE COURT: -- isn't good.
8 MR. KYNASTON: -- divorce. That --
9 THE COURT: But your --
10 MR. KYNASTON: -- is -- it's --
11 THE COURT: -- client's --
12 MR. KYNASTON: -- unquestionable.
13 THE COURT: -- credibility, if it's good --
14 MR. KYNASTON: My client testified that she was
15 repeatedly told this is a paper divorce. It doesn't mean
16 anything. She didn't know. She didn't read the paperwork.
17 He doesn't even know what was in the paperwork.
18 THE COURT: But Counsel, that's not the standard.
19 MR. KYNASTON: So the Vaile -- the Vaile standard
20 talks about the idea that the Court has the discretion to
21 decide if this is a void -- a voidable divorce.
22 THE COURT: Would you agree --
23 MR. KYNASTON: She testified she had little --
24 THE COURT: -- it's an equitable -- I'm a little

1 Socratic, so --

2 MR. KYNASTON: She testified --

3 THE COURT: -- would you agree, it's an equitable
4 decision? It's a decision on eq -- equity, as opposed to law?

5 MR. KYNASTON: Well, I think it -- it -- I think
6 it's a highly discretionary decision. I think the Court has a
7 great deal of discretion in --

8 THE COURT: Well, I -- I call it a reasonable
9 exercise of discretion. And I still have the Vaile case,
10 whether I like it or not, that tells me how to rule.

11 MR. KYNASTON: Right, but the Vaile case -- the
12 holding in the Vaile case didn't say that, too late, so sorry,
13 you can't do it. What the holding in the Vaile case said is,
14 under the facts in that case, they decided they weren't going
15 to do it. And in this case --

16 THE COURT: So tell me --

17 MR. KYNASTON: But it --

18 THE COURT: -- how the facts of this case are
19 different from those in the Vaile case, such that it provides
20 sufficient cause for me to set aside this decree. Because
21 that is the ultimate question in the case. The penultimate
22 was the validity of the divorce, but there's a penal -- that
23 -- but that's only a penultimate question.

24 Now, you're -- you've got Vaile and whether -- and

1 let me throw something out. I don't mind if either one of you
2 appeal because I'd like to see our current Supreme Court
3 address the Vaile case. But I -- that's not my decision, you
4 understand. It's not my decision to make. I'm left with -- I
5 am guided by Vaile. So tell, please, how does this case
6 sufficiently differ from Vaile, that I can say that this
7 should be set aside?

8 MR. KYNASTON: I think the facts in the Vaile case
9 were such that the parties both fully cooperated. They knew
10 what they were doing. This is a case where, I think the
11 evidence shows that neither one of these guys knew what they
12 were doing. I mean, the Plaintiff testified repeatedly that
13 he had no clue what was in the paperwork. No one read it to
14 him, he -- everybody's just said, someone told me to sign. We
15 don't know who the mastermind is.

16 But somebody, at some point, convinced this guy that
17 he could come here, get a quick divorce. And the -- the
18 reality is, is that it -- you -- you -- that this Court
19 mentioned when we were in here in February that the real fraud
20 is on the state of Nevada and on this Court. That somebody
21 came here, they were not a legitimate resident of this state,
22 they obtained a divorce.

23 THE COURT: Same as Vaile.

24 MR. KYNASTON: They went back, and they lived

1 together. And they've been acting as if they were husband and
2 wife for the last 15 years. In the state of California, we
3 know that the date of separation is a key. I -- I mean, this
4 is something that is -- is critical. Because we know in
5 Nevada, we're different because it's the date of divorce that
6 is the key on the community property. So we're looking at --
7 THE COURT: Well --
8 MR. KYNASTON: -- potentially 15 --
9 THE COURT: -- why does --
10 MR. KYNASTON: -- years of --
11 THE COURT: -- your client describe the date of
12 separation in her California complaint as July of 2004?
13 MR. KYNASTON: Sorry? I didn't hear what you --
14 THE COURT: Why does your client, in her complaint
15 for divorce, describe the date of separation as two -- July of
16 2004?
17 MR. KYNASTON: I don't know. I didn't fill out the
18 paper.
19 THE COURT: Neither do I, but that's -- it is what
20 it is.
21 MR. KYNASTON: The --
22 THE COURT: I notice stuff.
23 MR. KYNASTON: I think that -- that it has to be --
24 I think the analysis should be based on -- driven by facts and

1 -- and by the consideration of the overall fairness of the
2 situation. So if we do to the conclusion of, okay, this
3 divorce in -- this fraudulent divorce in 2004, we can't do
4 anything about it because it's too late, so sorry. The net
5 result is this woman is 61 years old, is left, basically,
6 receiving no benefit from the last 15 years of being married
7 to this guy.

8 THE COURT: Other than her own retirement.

9 MR. KYNASTON: Which I don't know is substantial.

10 THE COURT: I don't either.

11 MR. KYNASTON: But it -- it's -- but the thing is,
12 is that's, ultimately, should be -- the California court
13 should be able to make that determination.

14 THE COURT: Okay.

15 MR. KYNASTON: Because I mean, we don't really have
16 jurisdiction over either of these parties, even today. I
17 mean, the only thing we have jurisdiction over is whether this
18 is a -- we're going to set aside or void this fraudulent
19 decree that was entered in 2004.

20 THE COURT: You're preaching to the choir my
21 preference, but I don't know if you're preaching to the choir
22 on the law. That's --

23 MR. KYNASTON: Well --

24 THE COURT: -- the problem.

1 MR. KYNASTON: -- the thing is, I -- like I said
2 before, the -- I think the Vaile case gives the Court
3 discretion to exercise --
4 THE COURT: It does give the Court discretion, but
5 it must be --
6 MR. KYNASTON: And I --
7 THE COURT: -- the exercise of reasonable
8 discretion. And it doesn't mean that I can willy-nilly
9 disregard what the Supreme Court has said --
10 MR. KYNASTON: Well --
11 THE COURT: -- if the case is --
12 MR. KYNASTON: -- it doesn't --
13 THE COURT: -- sufficiently similar --
14 MR. KYNASTON: -- it doesn't mean --
15 THE COURT: -- to the Vaile case.
16 MR. KYNASTON: -- you can willy-nilly disregard the
17 fraud that's happened in this case. I mean, this was --
18 THE COURT: But that's what the Vaile case was all
19 about. That's why I said I -- I question the merits. I -- I
20 -- like I said, I invited one of you, whoever I rule against,
21 to appeal. Because I would love to see the Supreme Court take
22 a second look at the Vaile case. It -- you -- it was odd, I
23 thought. It's an entirely different Supreme Court body now
24 than at the time the Vaile case became law. But it is the law

1 of the state of Nevada. All right. I --

2 MR. KYNASTON: I --

3 THE COURT: I understand your argument. And -- and
4 -- but I can't rule on sympathy, frankly.

5 MR. KYNASTON: Well, I'm not asking you to rule on
6 sympathy. I'm asking you to exercise your discretion, to look
7 at the overall facts of this case, look at the fraud that's
8 occurred, look at the lying, the cheating, the -- all the
9 stuff that's been going on, and just make a decision that's --
10 that's right.

11 THE COURT: Okay.

12 MR. KYNASTON: That's what --

13 THE COURT: And again --

14 MR. KYNASTON: -- I'm asking for, Judge.

15 THE COURT: -- I don't know what's right until the
16 Supreme Court tells me. Because I really don't. And I don't
17 know that either party, necessarily, is committed to an
18 appeal, but I think I have to rule on the law. And I don't
19 think -- you know, I don't rule on my feelings. Let's make
20 that perfectly clear. I never have.

21 Sometimes it annoys people to no end, but I can't
22 rule on my feelings about these kinds of issues. I -- I'm --
23 I have a boss. The boss is the law, and part of that law is
24 embodied in the cases from our Supreme Court. And Vaile is

1 one of them. Is there anything else you want to add? Either
2 -- either of you?

3 MR. KYNASTON: Just give me one second, Your Honor.

4 (Pause)

5 MR. KYNASTON: So it just -- just for the record, I
6 mean, we know Rule 60(B), it provides that the Court -- does
7 not limit the power of the Court to entertain an independent
8 action to relieve a party from a judgment, order, or
9 proceeding, or to set aside a judgment for fraud upon the
10 Court. I think there's clear evidence that there was fraud
11 upon the Court in this case.

12 And then we look at the Vaile case. And the Supreme
13 Court said, we realize that the posture of this case is
14 unusual and unique since we're refusing to void a decree that
15 was entered, as it turns out, by a court which had no
16 jurisdiction over the parties. However, we reiterate that the
17 decree was entered when the court believed it had
18 jurisdiction. Any person who might review the district court
19 filing would not re -- have reason to --

20 THE COURT: Speak up, please.

21 MR. KYNASTON: -- but trust the validity of the
22 court's decree. Under these circumstances, the law and
23 policies which support it permit no result other than the
24 decree as voidable, not void. As mentioned for the reasons

1 stated, we decline to declare the decree void. So in that
2 case, because of the specific facts in that case, they
3 declined to declare it void, but they certainly left open the
4 idea that the Court has the ability to do it.

5 THE COURT: Counsel, I'm asking, distinguish those
6 facts sufficiently for me.

7 MR. KYNASTON: Well, the testimony is that she had
8 no choice but to sign. She was told to sign. She had to re -
9 - she had to obey her husband.

10 THE COURT: When did she testify to that?

11 MR. KYNASTON: When she was -- when I asked her the
12 question, why did you sign, she said I was --

13 THE COURT: Because he asked me to. She didn't say
14 because he had a gun to my head or -- or that I had to do it
15 because I must obey my husband. She said because he asked me
16 to.

17 MR. KYNASTON: Well, I'm just asking the Court to --
18 to --

19 THE COURT: And I --

20 MR. KYNASTON: -- look at this.

21 THE COURT: -- I appreciate that. Mr. Kynaston, if
22 I rule the way I think I'm going to rule right now, it does --
23 it gives me no joy.

24 MR. KYNASTON: I understand that.

1 THE COURT: But you know, I -- I expected something
2 more from her testimony that didn't happen. And you -- you
3 rested.

4 MR. KYNASTON: Well, I --

5 THE COURT: And so you're stuck with your client's
6 testimony.

7 MR. KYNASTON: I know. I can't -- I can't --

8 THE COURT: You can't get her back --

9 MR. KYNASTON: -- testify for my client.

10 THE COURT: -- not if he doesn't ask any cross
11 examination. You don't get her back. All right.

12 MR. KYNASTON: The Court's going to what's it's
13 going -- what the Court can do. And what we can do and we'll
14 have to see what we're going to do --

15 THE COURT: And then --

16 MR. KYNASTON: -- about it. So --

17 THE COURT: -- I, you know --

18 MR. KYNASTON: -- I understand.

19 THE COURT: -- really, I mean, I frankly implore
20 that there be an appeal. I think Vaile should be revisited.
21 Happy to take it back if they send it back to me. But right
22 now, I would be exceeding my discretion as well as my ethical
23 obligations if I don't entertain Mr. James' motion.

24 MR. KYNASTON: Well, let me just point out one other

1 thing. We agreed by stipulation to the admission of both
2 parties' deposition transcripts.

3 THE COURT: I'm -- yeah, I know. But it has --
4 again, I go with the es -- the testimony that's presented
5 today. The evidence that's presented today. And the only
6 evidence --

7 MR. KYNASTON: Okay.

8 THE COURT: -- that has been admitted, as far as
9 depositions, is the Plaintiff's deposition.

10 MR. KYNASTON: Well, right, but I --

11 THE COURT: Neither party has admitted the
12 Defendant's deposition. So as far as I'm concerned, I don't
13 know what it says.

14 MR. KYNASTON: Well, it was admitted by stipulation.

15 THE COURT: No, it -- you have to -- there has to be
16 a reason to publish. You can't just throw a document into
17 evidence and say the Court has to consider it. If, in fact,
18 it has not been admitted by the Court and then the deposition
19 published -- well, published then admitted, then I can't
20 consider it.

21 And that's the rules of -- of civil procedure and
22 the rules of evidence. I can't publish a transcript that I --
23 nobody's asked me to publish. And if I haven't published, I
24 haven't read it. So I don't know what it says. And I can't

1 consider it after the fact. Do you have a response to his
2 argument?

3 MR. JAMES: I think the facts, as presented today,
4 are directly on-point with Vaile. I mean, forget about the --
5 the first part because Vaile had a defective affidavit of
6 resident witness. That's why they had a big issue with that.
7 But now going to once they established that he wasn't, then we
8 go to the second part, was the other party -- the party asking
9 for the set-aside -- coerced into signing? Didn't happen
10 here.

11 THE COURT: Okay. All right.

12 MR. KYNASTON: I --

13 THE COURT: Well, let --

14 MR. KYNASTON: I would dispute --

15 THE COURT: -- me start with some findings.

16 MR. KYNASTON: I believe the evidence does show
17 that, but the Court has to make the decision.

18 THE COURT: Let me start with some findings. I do
19 not find that the Plaintiff was cred -- credible in any
20 portion of his testimony. I want to make that perfectly
21 clear. I find, based on the evidence presented to the Court,
22 that, in fact, the Defendant was more credible. Therefore, I
23 do find that the parties perpetrated the fraud on the State of
24 Nevada by entering into a decree of divorce without the

1 requisite residency. Were that that would be the end of the
2 inquiry, but because of these Vaile versus Eight Judicial
3 District Court case, it is not the end of the inquiry.

4 If sufficient time has passed, then the Court is
5 obligated to make a decision on -- on the merits as to how the
6 fraudulent divorce was implemented. What were the parties'
7 roles? In the Vaile case, both spouses were willing
8 participants.

9 They both knew that they didn't have residency.
10 They both knew that they wanted a divorce sooner rather than
11 later. It is not uncommon -- unfortunately, because we have
12 such generous divorce laws -- that people take advantage of
13 those divorce laws.

14 And they come here thinking they'll get a quickie
15 divorce, and they pretend to be residents. And you know, we
16 see it on a regular basis in our courts. Sometimes they get
17 away with it. Sometimes they don't. But certainly, this inst
18 -- in this instance, the presiding judge at the time had no
19 reason to question the validity of the documents that were
20 submitted and therefore executed the decree. Although I don't
21 think it was the purpose -- the judge who was -- presided over
22 the case who actually signed it.

23 I think it was the then-presiding judge who signed
24 it because there are initials that don't match Judge Giuliani.

1 Or, no, it wasn't just Giuliani. Who would it have been?

2 MR. KYNASTON: It might have been Judge Del Vecchio
3 or something.

4 THE COURT: I can't remember. In any event, I
5 digress. What Vaile says, again -- if I were on the Supreme
6 Court, I might not have made that -- because they make a
7 distinction. Where there is a very old divorce and one party
8 seeks to set it aside based on fraud, the party who seeks to
9 set it aside must prove that they were free from fault, is
10 really what it boils down to. You've got two parties at
11 fault. And the court in Vaile applied an equitable standard
12 that they aren't going to reward a wrongdoer.

13 That's why there's a requirement of some equitable
14 reason why a co-wrongdoer shouldn't be permitted relief.
15 There has to be a reason -- or excuse me, a reason why that
16 wrongdoer would be permitted relief, even though they're
17 equally a wrongdoer as the other party.

18 That's really, the -- the teaching of Vaile. So
19 they set the standard that there had to be some kind of duress
20 or coercion or some equitable reason why that party is free
21 from fault. In the incident case, I did find the Defendant to
22 be very, very credible, unlike the Plaintiff.

23 However, what is missing from her testimony is that
24 she was forced to sign these papers. And in fact, in this

1 instance, she knew that there was a divorce in Nevada.
2 Whether he told her was a piece of paper or not, this is a
3 person who is a competent adult and, in fact, knew that there
4 was a divorce in Nevada.

5 Until such time as she became upset with the
6 Plaintiff upon his allegation that he had married someone
7 else, she's content to let sleeping dogs lie, and live
8 together, and be fine and dandy. And in fact, ironically,
9 they're still living together.

10 And ironically, the Plaintiff has not remarried.
11 But it requires, in this instance, evidence of an unequal
12 bargaining position at a minimum. There was nothing in the
13 Defendant's testimony that was evidence of an unequal
14 bargaining position between the Defendant and the Plaintiff.
15 He said we're going to Nevada.

16 He said we're going to sign some paperwork. It's
17 going to be a divorce. It's going to be a paper divorce.
18 We're going to continue to live together. This was not a
19 person with an im -- a mental defect or inability to
20 understand what's being told to her.

21 She knew it and, in fact, at his request -- again,
22 it's a request, not a demand, according to her own testimony.
23 She went back, went to India, and married his brother. Now,
24 is that a sham marriage? Of course it was. Did it assist the

1 parties in their end game? No, because the brother never got
2 a visa and never came to the U.S.

3 But at the end of the day, there is simply
4 insufficient evidence that the Plain -- Defendant acted under
5 duress. So much as I find the facts of this case offensive --
6 and I do -- I can't rule on me being offended. I have to rule
7 on what is law and precedent, and Vaile is still precedent in
8 this state.

9 Should the Supreme Court choose to take a second
10 look on appeal, I -- they're free to do so. And if, in fact,
11 they say that Vaile is not good law, I'm happy to have her
12 come back and -- and you know, I'll even set a second hearing.

13 But on the testimony today, on the evidence up to
14 this point, I am compelled to grant the motion for judgment on
15 the evidence. And therefore, I am compelled to deny the
16 motion to set aside. I further find, because neither party
17 comes to this Court with clean hands, that neither party will
18 receive an award of attorney's fees against the other.

19 The Plaintiff is not entitled to an award of
20 attorney's fees. He's equally, not greater, at fault than the
21 Defendant. So he may be the prevailing party, but I'm not
22 going to award somebody with extremely unclean hands any
23 attorney's fees.

24 Plaintiff -- the Defendant is not the prevailing party

1 here. And as much as there is some sympathy here, I don't
2 rule on sympathy. I must rule on the law. And insofar as the
3 Defendant is not the prevailing party, I cannot award her any
4 attorney's fees either. I will tell you, Mr. Kynaston -- I
5 don't know if you were watching me, I have a feeling that Mr.
6 James was. I was surprised when you rested.

7 I was kind of surprised. But you did at that point,
8 and you didn't get to what really is at the heart of the Vaile
9 case. That is not a criticism of you, so don't take it that
10 way. I know what a fine attorney you are, but I think that
11 your client was honest and candid with the Court.

12 And you're left with the case you get. Okay?
13 That's why I say this is no reflection on you. She knew what
14 her husband wanted her to do. She went ahead and did it.
15 There's no evidence that she said -- refused or that he
16 demanded or that he threatened her or anything else.

17 She went along with the ride, just like the parties
18 did in Vaile. So because of that and because of the Vaile
19 precedent, I am compelled to deny the motion to set aside. I
20 think it's a -- I think that there is an appealable issue with
21 -- there. I don't know what our Supreme Court would do.

22 So but you know, again, that's a decision parties
23 have to make because of the costs associated with appeals.
24 But I don't -- I -- it's a question that's been answered.

1 It's been answered in a way that most of us might not
2 appreciate, but it is the question that is answered.

3 And the testimony of the Defendant does not rise to
4 the level that I can set aside this decree of divorce. So
5 unfortunately, I'm denying the motion. Mr. James, would you
6 prepare the findings of fact, conclusions of law, and order I
7 issued and countersign? And then, again, decide what you want
8 to do because I do think there is an issue here. It's just
9 not one that I have the ability to jump over the Supreme Court
10 and decide.

11 MR. KYNASTON: Okay.

12 MR. JAMES: Very good, Your Honor. Thank you.

13 THE COURT: Let me know if they grant you judicial
14 review, Counsel.

15 MR. KYNASTON: It's moot.

16 (PROCEEDINGS CONCLUDED AT 02:39:12)

17 * * * * *

18 ATTEST: I do hereby certify that I have truly and
19 correctly transcribed the digital proceedings in the
20 above-entitled case to the best of my ability.

21 /s/ Shellie A. Callaway

22 Shellie A. Callaway
23
24

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
12 Charlene M. Barra
13 Court Reporter/Transcriber
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CASE NO. 04D323977

DEPT. P

Jaswinder Singh

Vs PLAINTIFF

Rajwant Kaur

DEFENDANT,

TRIAL DATE: SEP 12 2019 / SEP 13 2019

JUDGE: SANDRA POMRENZE

CLERK: CAROL CRITCHETT

REPORTER: VIDEO

F. Peter James
COUNSEL FOR PLAINTIFF

Andrew Kynaston
COUNSEL FOR DEFENDANT

TRIAL BEFORE THE COURT

PLAINTIFF'S WITNESSES:

- | | |
|----------|-----------|
| 1. _____ | 7. _____ |
| 2. _____ | 8. _____ |
| 3. _____ | 9. _____ |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | 12. _____ |

DEFENDANT'S WITNESSES:

- | | | |
|---------------------------|-----------------|-----------|
| 1. <u>Jaswinder Singh</u> | <u>1:39:30</u> | 7. _____ |
| | <u>9-12-19</u> | |
| 2. <u>Jaswinder Singh</u> | <u>9:42:57</u> | 8. _____ |
| | <u>9-13-19</u> | |
| 3. <u>Rajwant Kaur</u> | <u>09:30:00</u> | 9. _____ |
| | <u>9-13-19</u> | |
| 4. _____ | | 10. _____ |
| 5. _____ | | 11. _____ |
| 6. _____ | | 12. _____ |

REBUTTAL WITNESSES:

- | |
|----------|
| 1. _____ |
| 2. _____ |

SUR-REBUTTAL WITNESSES:

- | |
|----------|
| 1. _____ |
| 2. _____ |

04D323977

Jaswinder Singh vs. Rajwant Kaur 04323977

PLAINTIFF'S TRIAL EXHIBITS

TRIAL DATE: 9/12 & 9/13

Exhibit	Description	Objected	Offered	Accepted admitted
✓1	Executed release for employment records	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✓2	Letter from Bank of America regarding records being unavailable	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Grant Bargain Sale Deed in the name of Balbinder Singh Pabla for Nevada property			
✓4	Payment receipts for the Law Office of F. Peter James, Esq. dated 1/16/19 and 2/26/19	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✓5	Invoice # 2621, 2588, and 2606 from the Law Office of F. Peter James, Esq. (redacted)	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Invoices from Constance Bessada, Esq. dated 6/13/18, 8/21/18, and 1/3/19 (redacted)			
✓7	Retainer Agreement for Law Offices of F. Peter James, Esq.	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Retainer Agreement for Constance Bessada, Esq.			
✗	Passport of Jaswinder Singh			
✓10	Documents disclosed by Defendant's counsel at the August 19, 2019 deposition	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✓11	India Marriage Certificate Jasvir Singh Dhaliwal and Rajwant Kaur	yes	✓ 9-13-19	no
✗	India Divorce Ruling			
✓13	Defendant's Deposition Transcript	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✓14	Plaintiff's Interrogatories to Defendant	↑		
✓15	Defendant's responses to the Interrogatories	no	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Plaintiff's Requests for Production of Documents to Defendant			
✗	Defendant's responses to Requests for Production of Documents			

Jaswinder Singh v. Rajwant Kaur
CASE NO. 04D323977

DEFENDANT'S EXHIBITS		OFFERED	ADMITTED	Objected
✓A	Decree of Divorce, filed September 8, 2004 in Clark County [DEF018 - DEF020]	Stipulated ✓9-12-19	9-12-19	NO
✓B	Joint Petition for Summary Decree of Divorce, filed August 27, 2004 in Clark County [DEF013 - DEF017]	↑	↑	
✓C	Affidavit of Resident Witness, filed August 27, 2004 in Clark County [DEF021 - DEF022]	↑	↑	
✓D	Petition for Dissolution of Marriage, filed May 7, 2018 in Los Angeles County [DEF001 - DEF003]	↑	↑	
✓E	Plaintiff's Response and Request for Dissolution of Marriage [DEF004 - DEF006]	↑	↑	
✓F	Plaintiff's Amended Response to Petition [DEF010 - DEF012]	↓	↓	
✓G	Order from Hearing Held February 13, 2019, filed March 14, 2019 in Clark County	Stipulated ✓9-12-19	9-12-19	NO
✗	Minutes from Hearing Held February 13, 2019			
✓I	Plaintiff's Response to Defendant's First Set of Interrogatories to Plaintiff, e-served May 13, 2019	Stipulated ✓9-12-19	9-12-19	NO
✓J	Plaintiff's Response to Defendant's First Request for Production of Documents to Plaintiff, e-served May 13, 2019]	↑	↑	
✓K	Copy of Plaintiff's Costco Membership Card [DEF0065]	↑	↑	
✓L	Copy of Defendant's Costco Membership Card [DEF0067]	↑	↑	
✓M	Costco Receipt showing that Store No. 48 is located in Van Nuys, CA [DEF0066]	↓	↓	
✓N	Copy of Costco Membership Activity for card ending in 50001, from January 3, 2004 through December 19, 2004 [DEF0371 - DEF0376_3]	Stipulated ✓9-12-19	9-12-19	NO

Jaswinder Singh v. Rajwant Kaur
CASE NO. 04D323977

DEFENDANT'S EXHIBITS		OFFERED	ADMITTED	objected
✓O	Contention Interrogatories Set No. One from California case no. 18STFL05676 [DEF0379 - DEF0386_3]	Stipulated ✓ 9-12-19	9-12-19 ✓	no
✓P	Plaintiff's Response to Contention Interrogatories Set No. One, from California case no. 18STFL05676 [DEF0387 - DEF0390_3]			
✓Q	Sales Deed showing listing property to Jaswinder Singh as a married man [DEF0024]			
✓R	Experian and TransUnion Credit Report in the name of Rajwant Kaur, showing Jaswinder as spouse or co-applicant [DEF0025 - DEF0043]			
✓S	Aftercare instruction from Gastroenterology Department for Jaswinder Singh, signed by "Accompanying Adult" Rajwant Kaur, Wife [DEF0044]	Stipulated ✓ 9-12-19	9-12-19 ✓	no
✗	Verification of employment letter from Defendant's employer dated August 21, 2019 [DEF0377_3]			
✗	Letter from SoCal Gas regarding service dates at the Sepulveda Apartment [DEF0064]			
✓V	Interinsurance Exchange of the Automobile Club Renewal Declarations from July 2004 [DEF0362 - DEF0364_2]	Stipulated ✓ 9-12-19	9-12-19 ✓	no
✓W	Interinsurance Exchange of the Automobile Club Truth in Lending Information Billing Statement for Automobile Policy from July 2004 [DEF0365 - DEF0366_2]			
✓X	Plaintiff's Deposition Transcript			
✓Y	Defendant's Deposition Transcript	Stipulated ✓ 9-12-19	9-12-19 ✓	no

DISTRICT COURT, FAMILY DIVISION

CLARK COUNTY, NEVADA

JASWINDER SINGH,)
)
 Plaintiff,)
)
 vs.) No. 04D323977
) Dept. No. P
 RAJWANT KAUR,)
)
 Defendant.)
 -----)

DEPOSITION OF RAJWANT KAUR

Taken on Monday, August 19, 2019
By a Certified Court Reporter
At 9:12 a.m.
At Kainen Law Group
3303 Novat Street
Suite 200
Las Vegas, Nevada

Reported By: Cindy Huebner, CCR 806

MARK IDENT EXHIB CASE #

SED

9-12-7

PLAINTIFF'S EXHIBIT 13

PENGAD 800-631-6889

040333977

APPEARANCES:

For the Plaintiffs:

F. PETER JAMES, ESQ.

Law Offices of F. Peter James, Esq.
3821 West Charleston Boulevard
Suite 250
Las Vegas, NV 89102

For the Defendants:

ANDREW L. KYNASTON, ESQ.

Kainen Law Group
3303 Novat Street
Suite 200
Las Vegas, NV 89129

ALSO PRESENT:

MUNIR QURESHI, Punjabi interpreter
JASWINDER SINGH

INDEX OF EXAMINATIONS

EXAMINATIONS	PAGE
BY MR. JAMES	4

INDEX OF EXHIBITS

(Exhibits attached as PDF bookmark.)

NO.	DESCRIPTION	PAGE
<u>Exhibit 1.</u>	Decree of Divorce, 9/8/04	11

INFORMATION TO BE PROVIDED

None

1 (Court reporter's opening statement waived.)

2 (Interpreter sworn.)

3 (Witness sworn.)

4 WHEREUPON:

5 RAJWANT KAUR

6 having been first duly sworn, was
7 examined and testified as follows:

8

9 EXAMINATION

10 BY MR. JAMES:

11 Q. Please state your name.

12 A. Rajwant Kaur. R-A-J-W-A-N-T, K-A-U-R.

13 Q. Now, you do understand that your
14 testimony is under oath?

15 A. Yes, I do understand.

16 Q. And this is the same oath that you
17 would take if we were in a court of law in front
18 of a judge.

19 A. Okay.

20 Q. And you have an interpreter here with
21 you. So if you would please even if you
22 understand what I am saying in English, because
23 you have an interpreter, please use the
24 interpreter for the questions and your answers.

25 A. Okay.

1 Q. Now, the court reporter is taking
2 everything down for us today. Now, she is typing
3 as well on her special typewriter that she uses,
4 so the responses have to be verbal.

5 If you nod your head or shake your
6 head, I will understand you and so will everyone
7 else here in the room, but on the transcript, it
8 won't translate very well.

9 A. Okay.

10 Q. So please wait until the interpreter is
11 done with the translation of the question before
12 you answer.

13 A. Okay.

14 Q. And I will wait for the translator to
15 finish your response before I ask another
16 question.

17 A. Okay.

18 Q. Now, if you don't understand one of my
19 questions, please say so before you answer.

20 A. Okay.

21 Q. And if you do answer a question, I will
22 assume that you understood the question.

23 A. Okay.

24 Q. Now, from time to time, you may want to
25 take a break, and that's okay. I don't think we

1 will be here very long, so I don't think a break
2 will be necessary.

3 A. Okay.

4 Q. However, if you choose to take a break,
5 I reserve the right to finish my line of
6 questioning before we take a break.

7 A. Okay.

8 Q. Now, from time to time, your attorney
9 might object. If he is telling you not to
10 answer, he will specifically say, "Do not
11 answer," and then we will talk, the attorneys
12 will talk to talk about that issue.

13 A. Okay.

14 Q. But if he objects and he does not tell
15 you, "Do not answer," then you have to answer.

16 A. Okay.

17 Q. Now, I have to ask this question. Are
18 you under the influence of any medication,
19 alcohol, or drugs that would impair your ability
20 to give your best testimony today?

21 A. No.

22 Q. How many times have you been married?

23 A. Just once.

24 Q. And to whom was that?

25 A. Jaswinder Singh.

1 Q. When was that?

2 A. 1989.

3 Q. And where were you married?

4 A. India.

5 Q. Now, when did you move to the United
6 States?

7 A. In 1989.

8 Q. Now, why did you move to the United
9 States?

10 A. My brother and -- the word is my
11 brother had applied for me for a visa.

12 Q. And I imagine your husband came along
13 with you?

14 A. I was not married at that time.

15 Q. So you moved to the United States and
16 then you went back to India to marry?

17 A. Yes.

18 Q. And please use the interpreter because
19 it will be too confusing if you don't.

20 A. Yes.

21 Q. Even though you might understand me in
22 English, it's still necessary to use the
23 translator.

24 A. Okay.

25 Q. So when did Mr. Singh move to the

1 United States?

2 A. He came in 1993.

3 Q. With you?

4 A. I had come by myself and he came
5 afterwards.

6 Q. Do you have any children with
7 Mr. Singh?

8 A. No, no children.

9 Q. Where did you live in the United
10 States?

11 A. In California.

12 Q. In which city?

13 A. Missionary.

14 Q. Is that in Mission Hills?

15 A. Mission Hills.

16 Q. So now, do you know how much money you
17 were worth when you married Mr. Singh?

18 INTERPRETER: Could you rephrase that
19 question? How much what?

20 BY MR. JAMES:

21 Q. How much money in either the bank or
22 assets that they had when they married.

23 A. I didn't work in the initial status and
24 I had very little money.

25 Q. When you say you, do you mean you and

1 your husband or just you?

2 A. I alone had very little money. He came
3 later.

4 Q. But my question was when you were
5 married to him, how much money did you both have
6 together?

7 A. I have no idea of his worth, but I had
8 very little money.

9 Q. Are you claiming that -- strike that.
10 I will get to that later.

11 When did you understand that Mr. Singh
12 wanted a divorce?

13 A. I didn't know.

14 THE INTERPRETER: That is the answer.
15 I am not adding or subtracting anything.

16 BY MR. JAMES:

17 Q. So when you signed the Decree of
18 Divorce, you didn't know that Mr. Singh wanted a
19 divorce?

20 A. No, I didn't.

21 THE INTERPRETER: Strange things
22 happened.

23 MR. JAMES: If that's her answer.

24 BY MR. JAMES:

25 Q. Did you sign the Decree of Divorce?

1 A. Yes, I did.

2 Q. And where did you sign it, in what
3 city?

4 A. In Nevada.

5 Q. Was anyone there with you when you
6 signed?

7 A. Jaswinder's father was there that day.

8 Q. Was Jaswinder there?

9 A. Yes.

10 Q. Do you know who Balbinder Singh Pabla
11 is?

12 A. I don't know. Some friend of his.

13 Q. Was he present when you signed the
14 Decree of Divorce?

15 A. Yes.

16 Q. So we have Jaswinder, you, Jaswinder's
17 father, and the Balbinder Singh Pabla. Was
18 anyone else present?

19 A. Those are the four people.

20 Q. Did you sign this before a notary
21 public?

22 A. No.

23 Q. I didn't have this marked as an
24 exhibit, but I am showing the Decree of Divorce.
25 I want you to take a look at it.

1 MR. KYNASTON: It looks like it's the
2 decree, the affidavit of resident witness, the
3 joint petition.

4 BY MR. JAMES:

5 Q. Did you sign a joint petition for a
6 Decree of Divorce?

7 THE INTERPRETER: Joint petition, what
8 does that mean?

9 MR. JAMES: That's the name of the
10 document.

11 THE WITNESS: I don't remember.

12 BY MR. JAMES:

13 Q. I am going to mark this as Exhibit 1,
14 and I will proffer that this is when we
15 downloaded the Decree of Divorce, this is how it
16 came out, with everything attached.

17 (Deposition Exhibit 1 marked.)

18 THE WITNESS: I haven't done it in
19 front of a notary. I do recall that much.

20 BY MR. JAMES:

21 Q. But she signed this -- you signed this?

22 I am still waiting for an answer.

23 A. That appears to be my signature, but I
24 don't recall having signed it in front of a
25 notary.

1 Q. But that is your signature?

2 A. Yes. Not in front of a notary.

3 Q. Do you claim that Jaswinder never lived
4 in Nevada?

5 A. No.

6 Q. Do you claim that he never spent
7 approximately six weeks living in Nevada?

8 A. Yes, I claim that.

9 Q. Do you claim that he did not spend six
10 weeks in Nevada, living or not living, but six
11 weeks in Nevada before the filing of the divorce?

12 INTERPRETER: Living or not living?
13 With her?

14 MR. JAMES: No, no. I am trying to get
15 around the question of he didn't actually move
16 here. I am trying to get to the question that he
17 was actually present in Nevada.

18 THE INTERPRETER: Got it.

19 THE WITNESS: No, he didn't spend six
20 weeks here.

21 BY MR. JAMES:

22 Q. Do you have any documentary proof that
23 Jaswinder actually was in California when he said
24 he was in Nevada? And just so we have our time
25 frames correct, the joint petition was filed on

1 August 27, 2004. In there, Mr. Singh claims that
2 he lived in Nevada for at least six weeks prior
3 to that date.

4 A. No.

5 Q. Now, you claim that Mr. Singh forced
6 you to sign the divorce paperwork?

7 A. Yes, he did. His purpose was to bring
8 his brother here.

9 Q. How did he threaten you?

10 A. He threatened to kill me.

11 Q. Any other ways?

12 A. No.

13 Q. How many times did he make that threat?

14 A. Besides that, he would force in other
15 verbal ways, too.

16 Q. How so? But I want an answer to the
17 first question first. How many times did he
18 threaten to kill you?

19 A. Twice.

20 Q. Now, are you claiming that he
21 threatened you in other ways?

22 A. He would call names.

23 Q. What kind of names?

24 A. Like a dog.

25 Q. Okay. How is that forcing you to sign

1 the decree?

2 A. In Indian culture, we have to abide by
3 whatever our husband says, so I was supposed to
4 sign the document.

5 Q. Based upon culture?

6 A. Yes.

7 Q. And that's why you signed?

8 A. Yes.

9 Q. Because of your cultural beliefs?

10 A. Yes.

11 Q. Do you have any documentary proof of
12 the threats you say that Mr. Singh made?

13 A. No, I don't have any paper for that.

14 Q. Did you ever go to the doctor because
15 of any harm that Mr. Singh may have caused you?

16 A. No.

17 Q. Did you ever report Mr. Singh to any
18 authorities, the police, anyone?

19 A. No.

20 Q. Now, you were aware that in 2004, you
21 received a Decree of Divorce from Mr. Singh?

22 A. Yes, I am.

23 Q. After the divorce was filed on
24 September 8, 2004, did you marry someone else?

25 A. I married his brother in India.

1 Q. What date was that?

2 A. In November of 2004.

3 Q. And where was the divorce? Was it in
4 California, in India? Where was the divorce
5 filed from the brother?

6 A. In India.

7 Q. Your testimony is you did receive a
8 divorce from Jaswinder's brother?

9 A. Yes.

10 Q. And what is Jaswinder's brother's name?

11 A. Jasweer Singh.

12 Q. Can you spell that?

13 INTERPRETER: J-A-S-W-E-E-R, last name
14 S-I-N-G-H.

15 BY MR. JAMES:

16 Q. Now, did Jaswinder's brother after you
17 married ever move to the United States?

18 A. No, he didn't.

19 Q. How long were you married to
20 Jaswinder's brother?

21 A. We divorced in 2008.

22 Q. And when was the marriage again?

23 A. In November of 2004.

24 Q. Why did Jaswinder's brother, if you
25 know, not move to the United States?

1 A. I have no idea why he didn't move.
2 Probably a visa was applied for him but he
3 didn't.

4 Q. Do you know for sure that he applied
5 for a visa or are you guessing?

6 A. I know it for sure.

7 Q. Do you know if it was granted?

8 A. I don't know. Perhaps he didn't get
9 it.

10 Q. After you divorced Jaswinder's brother,
11 did you re-marry after that?

12 A. No.

13 Q. To your knowledge after you divorced
14 Jaswinder in 2004, did he ever re-marry?

15 A. No, he didn't marry.

16 Q. Why did you file for a divorce in
17 California from Jaswinder?

18 A. I was living in California. I had to
19 file over there.

20 Q. But you were already divorced from
21 Jaswinder.

22 A. I don't know about that. We were
23 living together in the same house.

24 Q. But you just testified that you did not
25 re-marry after you divorced Jaswinder's brother

1 and you just testified you knew you divorced
2 Jaswinder.

3 A. He had divorced me to get his brother
4 here, and he had told me that this will not be a
5 permanent divorce, it would just be a divorce on
6 papers.

7 Q. But you knew the judge had signed the
8 Decree of Divorce?

9 A. He never showed me any papers that the
10 judge signed or not signed.

11 Q. But you were aware you were divorced?

12 A. I just told you that it was just to get
13 his brother. In reality, we were not divorced
14 from each other.

15 Q. That was not my question. My question
16 was you were aware that you were divorced,
17 correct?

18 A. Yes, I do. Yes, I know.

19 Q. What are you asking for in the
20 California divorce action?

21 A. We had a joint account and all my
22 jewelry was with him. I'm claiming that.

23 Q. Anything else?

24 A. We had bought the house together and
25 that also. That's it.

1 Q. How much money?

2 A. We had a joint account and I'm asking
3 for my share of that.

4 Q. Which was about how much,
5 approximately?

6 A. About \$400,000.

7 Q. When did you buy your house?

8 A. In 2009.

9 Q. Do you know how much money you had in
10 the bank on or about September 8, 2004?

11 A. I don't quite recall exactly how much
12 money there was at that time.

13 Q. 100 million?

14 A. I don't know. I didn't check. My
15 husband did.

16 Q. My question is did you have 100
17 million?

18 A. I don't remember that. I don't know.

19 Q. When did you build your bank account up
20 to at least \$400,000?

21 A. I used to work.

22 Q. The question is calling for a date or a
23 time frame.

24 A. I used to work two jobs.

25 Q. Once again, the question is asking for

1 a time frame because you are claiming that he
2 took at least \$400,000 of your money out of the
3 bank.

4 MR. KYNASTON: Objection. Assumes
5 facts not in evidence.

6 You can answer.

7 THE WITNESS: He would also work and we
8 had a joint account.

9 BY MR. JAMES:

10 Q. So when did he take the money out?
11 Because you answered in your interrogatories he
12 took \$400,000 from your joint account. When did
13 that happen, approximately?

14 A. I realized in 2016 that this has
15 happened.

16 Q. When did you start looking at how much
17 money was in your bank account?

18 A. In 2015 when we came back from India,
19 at that time, he separated the account and took
20 that money.

21 Q. My question was when did you start
22 looking at your bank accounts? Because you
23 testified in or around September of 2004, you
24 weren't looking at your bank accounts. Yet, you
25 are testifying that he took \$400,000 from your

1 joint account. So at some point, you started
2 looking at bank accounts. I would like to know
3 approximately when that was.

4 A. In 2016.

5 Q. What caused you to look at your bank
6 accounts at that time?

7 A. In 2016.

8 Q. That wasn't my question. My question
9 was why, what caused you to look.

10 A. We went in in 2015 and at that time,
11 his behavior with me was not good and he didn't
12 give me money for the ticket to India. And at
13 that time, I came to know that there was so much
14 money in the bank and it was no more.

15 Q. And that was in 2016?

16 A. Yes.

17 MR. JAMES: Go off the record.

18 (Recess taken from 10:05 a.m. to
19 10:08 a.m.)

20 MR. JAMES: I have nothing further.

21 MR. KYNASTON: I have no questions for
22 this witness.

23 (Proceedings concluded at
24 10:08 a.m.)
25

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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned Certified Court Reporter in and for the State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; that the testimony of the witness and all objections made at the time of the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing is a true record of the testimony and of all objections made at the time of the proceedings.

There being no request by the deponent or party to read and sign the deposition transcript, under Rule 30(e), signature is deemed waived. The original transcript will be forwarded to Peter James, Esq.

I further certify that I am a disinterested person and am in no way interested in the outcome of said action or connected with or related to any of the parties in said action or to their respective counsel.

The dismantling, unsealing or unbinding of the original transcript will render the reporter's certificate null and void.

In witness whereof, I have subscribed my name on this date, August 30, 2019.

_____/s/ Cindy Huebner_____
Cindy Huebner
CCR No. 806

ORIGINAL

55

1 DECD
 2 (Your name) Jaswinder Singh
 3 (Address) 2916 Jansen Ave
 4 Las Vegas NV 89101
 5 (Telephone) (702)281-2373
 6 In Proper Person

FILED

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Shirley S. Paragiani
CLERK

7 DISTRICT COURT
 8 CLARK COUNTY, NEVADA

9 In the Matter of the
 10 Joint Petition of
 11 (Name) Jaswinder Singh
 12 and (Name) Rajwant Kaur
 13 Petitioners.

14 CASE NO.: D323977
 15 DEPT. NO.: K

16 DECREE OF DIVORCE

17 The above-entitled cause having been submitted to the above-entitled Court for decision
 18 pursuant to Chapter 125 of the Nevada Revised Statutes, and based upon the Joint Petition by
 19 Petitioner Jaswinder Singh and Petitioner Rajwant Kaur
 20 and all of the papers and pleadings on file, finds as follows:

- 21 1. That all of the allegations contained in the documents on file are true;
 22 2. That all of the requirements of NRS 125.181 and NRS 125.182 have been met;
 23 3. That this Court has complete jurisdiction as to the parties and the subject matter
 24 thereto;
 25 4. That Petitioner Jaswinder Singh has been and is now an actual
 26 bona fide resident Clark County, Nevada, and has actually been domiciled in Clark County for
 27

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EXHIBIT	1
WITNESS	<u>Rajwant Kaur</u>
DATE:	<u>8/19/19</u>
CINDY HUEBNER, CCR	

1 more than six (6) weeks immediately prior to the commencement of this action;

2 5. That the parties were married on (date of wedding) Nov. 11, 1989 in (city
3 and state) Punjab, India;

4 6. That the parties are incompatible in marriage and are entitled to a Decree of
5 Divorce on the grounds of incompatibility;

6 7. That there are no minor children the issue of this marriage;

7 8. That there are no minor children adopted by the parties;

8 9. That Petitioner Rajwant Kaur is not now pregnant;

9 10. That there is no community property for the Court to divide;

10 11. That there is no community debt for the Court to divide;

11 12. (CHECK ONLY ONE BOX)

12 ☐ That Petitioner _____ does not desire to have her
13 former or maiden name restored.

14 OR

15 ☐ That Petitioner _____ requests that her former or
16 maiden name of _____ be restored.

17 OR

18 ☒ That Petitioner Rajwant Kaur never changed her name, and
19 therefore does not request restoration of a former or maiden name.

20 13. That both parties have waived any right to spousal support;

21 14. That the parties waive their rights to written Notice of Entry of Decree of Divorce,
22 to appeal, to Findings of Fact and Conclusions of Law, and to move for a new trial;

23 Therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the bonds of matrimony
24 now and heretofore existing between the Petitioners are hereby wholly dissolved, set aside and forever
25 held for naught, and an absolute Decree of Divorce is hereby granted to the parties, and each of the
26 parties are hereby restored to the status of a single, unmarried person.

27 ///

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner
2 Rajwant Kaur [] does/ [x] does not desire to have her former name restored and
3 her name shall [] change to/ [x] stay as name of Rajwant Kaur.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that both parties are required
5 to provide their social security numbers on a separate form to the Court and to the Welfare Division
6 of the Department of Human Resources pursuant to NRS 125.130. Such information shall be
7 maintained by the Clerk in a confidential manner and not part of the public record.

8 DATED this 7th day of (month) September, (year) 2004

10
11 Respectfully Submitted: M. A. O.
DISTRICT COURT JUDGE
12 (Your signature) Jaswinder Singh

13 Jaswinder Singh
14 2916 Jansen Ave
15 Las Vegas NV 89101
16 (702)281-2373
Petitioner in Proper Person

17 (Spouse's signature) Rajwant Kaur
18 Rajwant Kaur

19 (Address) 9969 Sepulveda Blvd #204
20 Mission Hills, CA 91345

21 (Telephone) (818)895-7302
Petitioner in Proper Person

22 ///
23 ///
24 ///
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26 ///
27 ///

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Shirley L. Hargrave
CLERK

1 AFFR

2 (Your name) Jaswinder Singh

3 (Address) 2916 Jansen Ave

Las Vegas NV 89101

4 (Telephone) (702)281-2373

In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

9 In the Matter of the
10 Joint Petition of

11 (Name) Jaswinder Singh

12 and (Name) Rajwant Kaur

13 Co-Petitioners.

D323977

CASE NO.: _____

DEPT. NO.: 12

AFFIDAVIT OF RESIDENT WITNESS

16 STATE OF NEVADA

17 COUNTY OF CLARK

} ss:

19 1. I, (name of Resident Witness) Balbinder Singh Pabla, do solemnly swear to
20 testify herein to the truth, the whole truth and nothing but the truth.

21 2. That I live at (Resident Witness' address) 2916 Jansen Ave

22 (city) Las Vegas, Nevada, (zip code) 89101.

23 3. That I first moved to Clark County, Nevada on (approximate date Resident Witness
24 moved to Clark County) 1992. It is my intention to live in Clark County for
25 the foreseeable future.

26 4. That I first saw Petitioner (Petitioner's name) Jaswinder Singh

27 in Clark County, Nevada on (approximate date) June 17, 2004.

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1 5. That since that date, I have seen (Petitioner's name) Jaswinder Singh
2 in Clark County, Nevada approximately 5 times per week.

3 6. That I know of my own personal knowledge that Petitioner (Petitioner's name)
4 Jaswinder Singh is a bona fide resident of Clark County, Nevada.

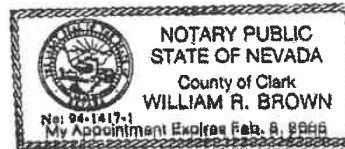
5
6
7 Dated this 27 day of (month) Aug, 2004.

8
9
10 (Witness' signature) Balbinder S. Pabla

11 Balbinder Singh Pabla

12
13 SUBSCRIBED and SWORN to before
14 me this 27 day of
15 (month) Aug, (year) 2004.

16 William R. Brown
17 NOTARY PUBLIC



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Shirley L. Pangione
CLERK

1 PSDD

2 (Your name) Jaswinder Singh

3 (Address) 2916 Jansen Ave

4 Las Vegas NV 89101

5 (Telephone) (702)281-2373

6 In Proper Person

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 In the Matter of the
11 Joint Petition of

12 (Name) Jaswinder Singh

13 and (Name) Rajwant Kaur

14 Petitioners.

CASE NO.

D323977

DEPT. NO.:

K

15
16 **JOINT PETITION FOR SUMMARY DECREE OF DIVORCE**

17 Petitioners, Jaswinder Singh and Rajwant Kaur hereby petition this
18 Court, pursuant to the terms of Chapter 125 of the Nevada Revised Statutes, to grant them a
19 divorce. Petitioners respectfully show, and under oath, state to the Court as follows:

20 1. That Petitioner, Jaswinder Singh, is now, and for more than six
21 weeks preceding the commencement of this action has been, an actual, bona fide resident of the
22 County of Clark, State of Nevada, and during all said period of time has been actually, physically
23 and corporeally present, residing and domiciled in the State of Nevada.

24 2. That the Petitioners are incompatible in marriage.

25 3. That the Petitioners have no minor children who are the issue of this marriage, have
26 no adopted minor children, and Petitioner Rajwant Kaur is not now pregnant.

27
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1 WHEREFORE, Petitioners pray that the Court enter a Decree of Divorce restoring them to
2 the status of single, unmarried persons.

3
4 DATED this (day) 27 day of
5 (month) August, (year) 2004.

DATED this (day) 27 day of
(month) August, (year) 2004.

6
7 Jaswinder Singh
8 (Your Signature)
9 Petitioner

Rejwinder Kaur
(Spouse's Signature)
Petitioner

10
11 VERIFICATION

12 STATE OF NEVADA }
13 COUNTY OF CLARK } ss:

14 Jaswinder Singh, under penalties of perjury, being first duly sworn, deposes
15 and says:

16 That I am the Petitioner in the above-entitled action; that I have read the foregoing Joint
17 Petition for Summary Decree of Divorce and know the contents thereof; that the same is true of
18 my own knowledge, except for those matters therein contained stated upon information and belief,
19 and as to those matters, I believe them to be true.

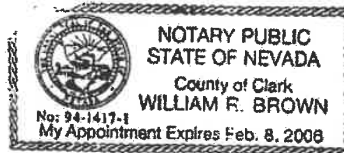
20 DATED this 27 day of (month) Aug, (year) 2004

21 By:

22 (Your signature) Jaswinder Singh
23 Jaswinder Singh

24 SUBSCRIBED and SWORN to before
25 me this 27 day of
26 (month) Aug, (year) 2004.

27 William F. Brown
28 NOTARY PUBLIC



1 **ACKNOWLEDGMENT**

2 STATE OF NEVADA }
3 COUNTY OF CLARK } ss:

4 On this 27 day of (month) August, (year) 2004, before me, the undersigned
5 Notary Public in and for the said County and State, personally appeared Jaswinder Singh,
6 known to me to be the person described in and who executed the foregoing Joint Petition for
7 Summary Decree of Divorce, and who acknowledged to me that (check one) [x] he/ [] she did
8 so freely and voluntarily and for the uses and purposes therein mentioned.

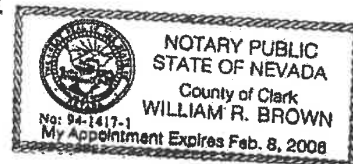
9 WITNESS my hand and official seal.

10 William R. Brown

11 NOTARY PUBLIC

12 **VERIFICATION**

13 STATE OF NEVADA }
14 COUNTY OF CLARK } ss:



15 Rajwant Kaur, under penalties of perjury, being first duly sworn, deposes
16 and says:

17 That I am the Petitioner in the above-entitled action; that I have read the foregoing Joint
18 Petition for Summary Decree of Divorce and know the contents thereof; that the same is true of
19 my own knowledge, except for those matters therein contained stated upon information and belief,
20 and as to those matters, I believe them to be true.

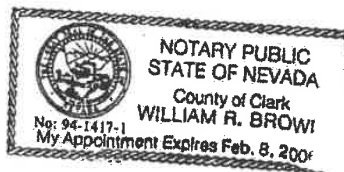
21 DATED this 27 day of (month) Aug., (year) 2004.

22 By:

23 (Spouse's signature) Rajwant Kaur
24 Rajwant Kaur

25 SUBSCRIBED and SWORN to before
26 me this 27 day of
(month) Aug., (year) 2004.

27 William R. Brown
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ACKNOWLEDGMENT

STATE OF NEVADA }
COUNTY OF CLARK } ss:

On this 27 day of (month) August, (year) 2004, before me, the undersigned
Notary Public in and for the said County and State, personally appeared Rajwant Kaur,
known to me to be the person described in and who executed the foregoing Joint Petition for
Summary Decree of Divorce, and who acknowledged to me that (check one) [] he/ [x] she did
so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

William R. Brown
NOTARY PUBLIC

