

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 8

BC290553

SHASHIKANT JOGANI VS HARESH JOGANI ET AL

February 26, 2024

8:00 AM

Judge: Honorable Susan Bryant-Deason

Judicial Assistant: D. Gonzalez

Courtroom Assistant: M. Gomez

CSR: Tracy Dyrness #12323

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Michael Elliot Friedman, Esq; Steven Richard Friedman

For Defendant(s): Lawrence C. Ecoff; Caroline G. Glennie-Smith; John S Lee -- See additional appearances below.

Other Appearance Notes: Also Present - Plaintiff Shashikant Jogani and Defendants Rajesh Jogani, Chetan Jogani and Pinkal Jogani

NATURE OF PROCEEDINGS: Jury Trial

Jury Trial resumes from February 22, 2024.

The Court receives a telephone call from Alternate Juror #12 - Mae Morimoto. Ms. Morimoto states she is in Las Vegas and will be returning later today. Ms. Morimoto is instructed to call the Court at 10:30 a.m.

The Court also receives a telephone call from Juror #10 - Latasha Williams. Ms. Williams informs the Court that she will be 20 minutes late this morning.

The Court and counsel further discuss Jury Request #5.

The Court informs counsel that Juror #10 - Ms. Williams will be late and Alternate Juror #12 - Ms. Morimoto is in Las Vegas and will be returning today.

After a discussion with counsel regarding Alternate Juror #12, the Court states Alternate Juror #12 will remain as an Alternate Juror and will be instructed to report at 8:30 a.m. on February 27, 2024.

At 9:03 a.m. the late juror arrives and the jury and alternate jurors are brought into the courtroom.

The jury is informed that on the last court date, they were told that the Court and counsel looked through the transcripts where the jury had indicated that they thought that a formula had been given by Mr. Ackerman. Neither the Court nor counsel could find any calculation made by Mr.

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Deputy Sheriff: None

Ackerman. The jurors are informed that Mr. Ross indicated that he was the one that had prepared the mathematical calculation in argument based on Mr. Ackerman's numbers.

At 9:06 a.m. the jury resumes deliberating.

At 9:30 a.m. the jury submits Jury Request #6 as follows:

We, the jury in the above entitled case, submit the following question to Court and counsel:

What did Ackerman say the average annual rate of growth is for the S&P 500?

Dated: 2/26/24 Signed: John Metcalfe

The Court and counsel discuss the response to be sent to the jury.

At 10:29 a.m. the jury takes the morning recess.

At 10:47 a.m. the jury resumes with deliberations.

The jury is given the following response as to Jury Request #6:

Mr. Ackerman did not state what the annual average rate of growth was for the S&P 500. He testified as to the loss and what today's value would have been based on the S&P 500 had Hareesh not sold the shares, which was read to you in answer to Question 5. Mr. Ross made the calculation in his closing argument.

Dated: February 26, 2024 Signed: Judge Susan Bryant-Deason

At 11:50 a.m. the jury informs the Court that they have reached Verdicts.

The Court informs counsel and the parties that the Court will read the Verdicts at 1:30 p.m.

At 11:52 a.m. the jury takes the lunch break.

At 1:46 p.m. the jury is brought into the courtroom. All counsel and parties are present.

The jury returns the following Special Verdicts:

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ERM: None

Deputy Sheriff: None

TITLE OF COURT AND CAUSE

SPECIAL JURY VERDICT

FORM 1

JURY VERDICT FORM - PLAINTIFF SHASHI JOGANI'S CLAIMS

We the Jury in the above entitled matter answer the questions submitted to us as follows:

BREACH OF CONTRACT

1. Did Shashi enter into an oral or implied in fact agreement or contract with Haresh to acquire real property as partners?

ANSWER: Yes.

If you answered Yes to Question 1, then answer Question 2. If you answered No to Question 1, then skip to Question 10.

2. When Haresh created the agreement or contract with Shashi, was Haresh acting on behalf of himself and on behalf of Rajesh, Chetan and Shailesh?

ANSWER: Yes

Continue to Question 3.

3. Did Shashi do all, or substantially all, of the significant things the agreement or contract required him to do?

ANSWER: Yes

If you answered Yes to Question 3, then skip Question to question 5. If you answered No to Question 3, then answer Question 4.

5. Did all the conditions that were required for Haresh's performance occur?

ANSWER: Yes

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

If you answered Yes to Question 5, answer Question 6. If you answered No to Question 5, skip to Question 10.

6. Did Haresh breach the agreement with Shashi by failing to do something the contract required him to do?

ANSWER: Yes

If you answered Yes to Question 6, then answer Question 7. If you answered No to Question 6, then skip to Question 10.

7. Was Shashi harmed by Haresh's breach of the agreement with Shashi?

ANSWER: Yes

If you answered Yes to Question 7, then answer Question 8. If you answered No to Question 7, then skip to Question 10.

8. Was Haresh's conduct a substantial factor in causing Shashi's harm?

ANSWER: Yes

If you answered Yes to Question 8, then answer Question 9. If you answered No to Question 7, then skip to Question 10.

9. What are Shashi's monetary damages for this claim?

ANSWER: \$1,798,846,000.00

Continue to Question 10.

10. Do you find that Shashi is a 50% owner of a partnership which owns J.K. Properties, Inc., H.K. Realty, Inc., Commonwealth Investments, Inc., Mooreport Holdings Limited, and Gilu Investments Limited?

ANSWER: Yes

Continue to Question 11.

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ERM: None

Deputy Sheriff: None

BREACH OF FIDUCIARY DUTY

11. Was Haresh a fiduciary for Shashi?

ANSWER: Yes

If you answered Yes to Question 11, then answer Question 12. If you answered No to Question 11, then skip to Question 16.

12. Did Haresh breach any of Haresh's fiduciary duties owed to Shashi by acting against Shashi's interest?

ANSWER: Yes

If you answered Yes to Question 12, then answer Question 13. If you answered No to Question 12, then skip to Question 16.

13. Was Shashi harmed by Haresh's breach of Haresh's fiduciary duty?

ANSWER: Yes

If you answered Yes to Question 13, then answer Question 14. If you answered No to Question 13, then skip to Question 16.

14. Was Haresh's conduct a substantial factor in causing Shashi's harm?

ANSWER: Yes

If you answered Yes to Question 14, then answer Question 15. If you answered No to Question 14, then skip to Question 16.

15. What are Shashi's monetary damages for this claim?

ANSWER: \$1,798,846,000.00

INTENTIONAL MISREPRESENTATION

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

16. Did Haresh make a false representation of a material fact to Shashi?

ANSWER: Yes

If you answered Yes to Question 16, then answer Question 17. If you answered No to Question 16, then skip to Question 22.

17. When Haresh made the false representation to Shashi, did Haresh know the representation was false?

ANSWER: Yes

If you answered Yes to Question 17, then answer Question 18. If you answered No to Question 17, then skip to Question 22.

18. Did Haresh intend for Shashi to rely on Haresh's representation?

ANSWER: Yes

If you answered Yes to Question 18, then answer Question 19. If you answered No to Question 18, then skip to Question 22.

19. Did Shashi reasonably rely on Haresh's representation?

ANSWER: Yes

If you answered Yes to Question 19, then answer Question 20. If you answered No to Question 19, then skip to Question 22.

20. Was Shashi's reliance on Haresh's representation a substantial factor in causing harm to Shashi?

ANSWER: Yes

If you answered Yes to Question 20, then answer Question 21. If you answered No to Question 20, then skip to Question 22.

21. What are Shashi's monetary damages for this claim?

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ERM: None

Deputy Sheriff: None

ANSWER: \$1,798,846,000.00

If you answered Yes to one or more of the following questions: Question 8, Question 14, AND/OR Question 20, then answer Question 22. If you answered No to All of the following questions Question 8, Question 14 AND Question 22 then stop here, answer no further questions, and have the Presiding Juror sign and date the last page of this form.

TOTAL DAMAGES

22. What is the total amount of Shashi's monetary damages?

Past Economic Losses: \$1,798,846,000.00

If you answered Yes to one or more of the following questions: Questions 14, AND/OR Question 20, then answer Question 23 on the next page. If you answered No to ALL of the following questions: Question 14, and Question 20 then stop here, answer no further questions, and have the Presiding Juror sign and date the last page of this form.

MALICE, FRAUD OR OPPRESSION

23. As to Shashi's claims of Breach of Fiduciary Duty and/or Intentional Misrepresentation; Has Shashi proven by clear and convincing evidence that Hareh's conduct was committed with malice, oppression, and/or fraud?

ANSWER: Yes

Have the Presiding Juror sign and date this form.

Dated 2/26/2024 Signed: John Metclafe, Presiding Juror

At the request of counsel for defendant Hareh Jogani, the jury is polled as follows:

BREACH OF CONTRACT

1. Did Shashi enter into an oral or implied in fact agreement or contract with Hareh to acquire real property as partners?

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

2. When Haresh created the agreement or contract with Shashi, was Haresh acting on behalf of himself and on behalf of Rajesh, Chetan and Shailesh?

ANSWER: Yes

When asked, "Is this your verdict?" eleven jurors answer Yes, Juror #6 answers No.

3. Did Shashi do all, or substantially all, of the significant things the agreement or contract required him to do?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

5. Did all the conditions that were required for Haresh's performance occur?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

6. Did Haresh breach the agreement with Shashi by failing to do something the contract required him to do?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

7. Was Shashi harmed by Haresh's breach of the agreement with Shashi?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

8. Was Haresh's conduct a substantial factor in causing Shashi's harm?

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

9. What are Shashi's monetary damages for this claim?

ANSWER: \$1,798,846,000.00

When asked, "Is this your verdict?" eleven jurors answer Yes, Juror #6 answers No.

10. Do you find that Shashi is a 50% owner of a partnership which owns J.K. Properties, Inc., H.K. Realty, Inc., Commonwealth Investment, Inc., Mooreport Holdings Limited, and Gilu Investments Limited?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

BREACH OF FIDUCIARY DUTY

11. Was Hareh a fiduciary for Shashi?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

12. Did Hareh breach any of Hareh's fiduciary duties owed to Shashi by acting against Shashi's interest?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

13. Was Shashi harmed by Hareh's breach of Hareh's fiduciary duty?

ANSWER: Yes

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

When asked, "Is this your verdict?" all twelve jurors answer Yes.

14. Was Haresh's conduct a substantial factor in causing Shashi's harm?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

15. What are Shashi's monetary damages for this claim?

ANSWER: \$1,798,846,000.00

When asked, "Is this your verdict?" eleven jurors answer Yes, Juror #6 answers No.

INTENTIONAL MISREPRESENTATION

16. Did Haresh make a false representation of a material fact to Shashi?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

17. When Haresh made the false representation to Shashi, did Haresh know the representation was false?

ANSWER: Yes

When asked, "Is this your verdict?", all twelve jurors answer Yes.

18. Did Haresh intend for Shashi to rely on Haresh's representation?

ANSWER: Yes

When asked, "Is this your verdict?", all twelve jurors answer Yes.

19. Did Shashi reasonably rely on Haresh's representation?

ANSWER: Yes

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

When asked, "Is this your verdict?", all twelve jurors answer Yes.

20. Was Shashi's reliance on Haresh's representation a substantial factor in causing harm to Shashi?

ANSWER: Yes

When asked, "Is this your verdict?" all twelve jurors answer Yes.

21. What are Shashi's monetary damages for this claim?

ANSWER: \$1,798,846,000.00

When asked, "Is this your verdict?" eleven jurors answer Yes, Juror #6 answers No.

TOTAL DAMAGES

22. What is the total amount of Shashi's monetary damages?

Past Economic Losses: ANSWER \$1,798,846,000.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

MALICE, FRAUD OR OPPRESSION

23. As to Shashi's claims of Breach of Fiduciary Duty and/or Intentional Misrepresentation: Has Shashi proven by clear and convincing evidence that Haresh's conduct was committed with malice, oppression, and/or fraud?

ANSWER: Yes

When asked, "Is this your verdict?", all twelve jurors answer Yes.

The Special Jury Verdict Form 2 is read by the Judicial Assistant as follows:

TITLE OF COURT AND CAUSE:

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CSR: Tracy Dyrness #12323

ERM: None

Deputy Sheriff: None

JURY VERDICT FORM - CROSS COMPLAINANTS CHETAN AND RAJESH'S CLAIMS

We the Jury in the above entitled matter answer the questions submitted to us as follows:

REAL ESTATE PARTNERSHIP CLAIMS

1. Were Chetan and/or Rajesh partners in a partnership with Haresh and Shashi for the purpose of investing in real property in the United States?

ANSWER: Yes

If your answer to question 1 is yes, then answer question 2. If no, proceed to question 22.

I BREACH OF CONTRACT (REAL ESTATE)

2. Did Chetan and/or Rajesh enter into an oral or implied in fact agreement or contract with Haresh to acquire real property as partners?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 2 is yes, then answer question 3. If no, skip to question 14.

3. Did Chetan and/or Rajesh do all, or substantially all, of the significant things the agreement or contract required them to do?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 3 is yes, skip question 4 and answer question 5. If no, answer question 4.

5. Did all the conditions that were required for Haresh's performance occur?

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CSR: Tracy Dyrness #12323

ERM: None

Deputy Sheriff: None

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 5 is yes, then answer question 6. If no, skip to question 14.

6. Did Haresh breach the contract with Chetan and/or Rajesh by failing to do something the contract required him to do or doing something that the contract prohibited him from doing?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 6 is yes, then answer question 7. If no, skip to question 14.

7. Were Chetan and/or Rajesh harmed by Haresh's breach of the contract?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 7 is yes, then answer question 8. If no, skip to question 14.

8. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 8 is yes, then answer question 9. If no, skip to question 14.

9. What is the total amount of Chetan and/or Rajesh's damages for breach of contract in connection with the real estate partnership?

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ERM: None

Deputy Sheriff: None

ANSWER:

Chetan - \$233,849,980.00

Rajesh - \$359,769,200.00

10. What percentage of the real estate partnership, if any, does each of the following persons own?

ANSWER:

Shashi - 50%

Haresh - 24%

Rajesh - 10%

Chetan - 6.5%

Shailesh 9.5%

11. Does the real estate partnership beneficially own the following assets?

ANSWER:

Mooreport Holdings - Yes

Gilu Investments - Yes

J.K. Properties, Inc. - Yes

H.K. Realty, Inc. - Yes

Commonwealth Investments - Yes

12. Did Haresh Prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Haresh for breach of contract?

ANSWER:

Chetan - No

Rajesh - No

If your answer to question 12 is yes, then answer question 13. If no, skip to question 14.

II BREACH OF FIDUCIARY DUTY (REAL ESTATE)

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

14. Was Haresh a fiduciary for Chetan and/or Rajesh in connection with a real estate partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 14 is yes, then answer question 15. If no, skip to question 22.

15. Did Haresh breach any of Haresh's fiduciary duties owed to Chetan and/or Rajesh by acting against Chetan and/or Rajesh's interest in connection with the real estate partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 15 is yes, then answer question 16. If no, skip to question 22.

16. Were Chetan and/or Rajesh harmed by Haresh's breach of Haresh's fiduciary duty?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 16 is yes, then answer question 17. If no, skip to question 22.

17. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh's harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 17 is yes, then answer question 18. If no, skip to question 22.

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ERM: None

Deputy Sheriff: None

18. What is the total amount of Chetan and/or Rajesh's damages for breach of fiduciary duty in connection with the real estate partnership?

ANSWER:

Chetan - \$233,849,980.00

Rajesh - \$359,769,200.00

19. Did Chetan and/or Rajesh prove by clear and convincing evidence that Hareesh acted with malice, oppression and/or fraud in breaching a fiduciary duty to Chetan and/or Rajesh in connection with the real estate partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

20. Did Hareesh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Hareesh for breach of fiduciary duty in connection with the real estate partnership?

ANSWER:

Chetan - No

Rajesh - No

If your answer to question 20 is yes, then answer 21. If no, skip to question Total (A).

Total Real Estate Partnership Damages

Total (A): What is the total amount, if any, of Chetan and/or Rajesh's damages for the real estate partnership claims (breach of contract and breach of fiduciary duty)?

ANSWER:

Chetan - \$233,849,980.00

Rajesh - \$359,769,200.00

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ERM: None

Deputy Sheriff: None

DIAMOND PARTNERSHIP CLAIMS

22. After 1978, did Haresh, Shailesh, Rajesh and Chetan have a partnership which engaged in the diamond business and other investments?

ANSWER: Yes

If your answer to question 22 is yes, then answer question 23. If no, stop here, answer no further questions, and have the Presiding Juror sign and date the last page of this form.

III BREACH OF CONTRACT (DIAMOND)

23. Did Chetan and/or Rajesh enter into an oral or implied in fact agreement or contract with Haresh to have a partnership which engaged in the diamond business and other investments, and included Haresh after 1978.

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 23 is yes, then answer question 24. If you answered no, skip to question 35.

24. Did Chetan and/or Rajesh do all, or substantially all, of the significant things the agreement or contract required them to do?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 24 is yes, skip question 25 and answer question 26. If no, answer question 25.

26. Did all the conditions that were required for Haresh's performance occur?

ANSWER:

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ERM: None

Deputy Sheriff: None

Chetan - Yes

Rajesh - Yes

If your answer to question 26 is yes, then answer question 27. If no, skip to question 35.

27. Did Haresh breach the contract with Chetan and/or Rajesh by failing to do something the contract required him to do or doing something that the contract prohibited him from doing?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 27 is yes, then answer question 28. If no, skip to question 35.

28. Were Chetan and/or Rajesh harmed by Haresh's breach of the contract?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 28 is yes, then answer question 29. If no, skip to question 35.

29. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 29 is yes, then answer question 30. If no, skip to question 35.

30. What is the total amount of Chetan and/or Rajesh's damages for breach of contract in connection with the diamond partnership?

ANSWER:

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ERM: None

Deputy Sheriff: None

Chetan - \$65,000,000.00

Rajesh - 100,000,000.00

31. Does the diamond partnership beneficially own Akshi Investments?

ANSWER: Yes

32. What percentage of the diamond partnership, if any, does each of the following persons own?

ANSWER:

Haresh - 48%

Rajesh - 20%

Chetan - 13%

Shailesh - 19%

33. Did Haresh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Haresh for breach of contract in connection with the diamond partnership?

ANSWER:

Chetan - No

Rajesh - No

If your answer to question 33 is yes, then answer question 34. If no, skip to question 35.

IV BREACH OF FIDUCIARY DUTY (DIAMOND)

35. Was Haresh a fiduciary for Chetan and/or Rajesh in connection with a diamond partnership that included Haresh after 1978?

ANSWER:

Chetan - Yes

Rajesh - Yes

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Civil Division

Central District, Spring Street Courthouse, Department 8

BC290553

SHASHIKANT JOGANI VS HARESH JOGANI ET AL

February 26, 2024

8:00 AM

Judge: Honorable Susan Bryant-Deason

CSR: Tracy Dyrness #12323

Judicial Assistant: D. Gonzalez

ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

If your answer to question 35 is yes, then answer question 36. If no, skip to question 43.

36. Did Haresh breach any of Haresh's fiduciary duties owed to Chetan and/or Rajesh by acting against Chetan and/or Rajesh's interests in connection with the diamond partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 36 is yes, then answer question 37. If no, skip to question 43.

37. Were Chetan and/or Rajesh harmed by Haresh's breach of Haresh's fiduciary duty?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 37 is yes, then answer question 38. If no, skip to question 43.

38. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh's harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 38 is yes, then answer question 39. If no, skip to question 43.

39. What is the total amount of Chetan and/or Rajesh's damages for breach of fiduciary duty in connection with the diamond partnership?

ANSWER:

Chetan - \$65,000,000.00

Rajesh - \$100,000,000.00

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

40. Did Chetan and/or Rajesh prove by clear and convincing evidence that Haresh acted with malice, oppression and/or fraud in breaching a fiduciary duty to Rajesh and/or Chetan in connection with the diamond partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

41. Did Haresh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Haresh for breach of fiduciary duty in connection with the diamond partnership?

ANSWER:

Chetan - No

Rajesh - No

If your answer to question 41 is yes, then answer question 42. If no, skip to question 43.

V. CONVERSION (DIAMOND)

43. Did Chetan and/or Rajesh have a right to possess property in connection with a diamond partnership that included Haresh after 1978?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 43 is yes, then answer question 44. If no, skip to question Total (B).

44. Did Haresh substantially interfere with Chetan and/or Rajesh's property in connection with the diamond partnership by knowingly or intentionally taking possession of their property?

ANSWER:

Chetan - Yes

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

Rajesh - Yes

If your answer to question 44 is yes, then answer question 45. If no, skip to question Total (B).

45. Did Chetan and/or Rajesh consent to Haresh's conduct?

ANSWER:

Chetan - No

Rajesh - No

If your answer to question 45 is no, then answer question 46. If yes, skip to question Total (B).

46. Were Chetan and/or Rajesh harmed by Haresh's conduct?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 46 is yes, then answer question 47. If no, skip to question Total (B).

47. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh's harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

If your answer to question 47 is yes, then answer question 48. If no, skip to question Total (B).

48. What is the total amount of Chetan and/or Rajesh's damages for converting assets in connection with the diamond partnership?

ANSWER:

Chetan - \$65,000,000.00

Rajesh - \$100,000,000.00

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ERM: None

Deputy Sheriff: None

49. Did Chetan and/or Rajesh prove by clear and convincing evidence that Hareesh acted with malice, oppression and/or fraud to Rajesh and/or Chetan in converting assets in connection with the diamond partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

50. Did Hareesh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Hareesh for conversion in connection with the diamond partnership?

ANSWER:

Chetan - No

Rajesh - No

If your answer to question 50 is yes, then answer question 51. If no, skip to question Total (B).

Total Diamond Partnership Damages

Total (B): What is the total amount, if any, of Chetan and/or Rajesh's damages for the diamond partnership claims (breach of contract, breach of fiduciary duty and conversion)?

ANSWER:

Chetan - \$65,000,000.00

Rajesh - \$100,000,000.00

Dated: 2/26/2024 Signed: John Metcalfe - Presiding Juror

At 3:00 p.m. the courtroom is cleared with the exception of counsel and court staff. The Court and counsel address Special Jury Verdict Form 2.

After a discussion with counsel, the Court finds that Special Jury Verdict Form 2 is in proper order. There are no objections.

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ERM: None

Deputy Sheriff: None

Sealed box 1 of 2 containing Haresh Jogani's financial documents are opened in the courtroom. Box 1 is given to plaintiff's counsel and box 2 is given to counsel for Rajesh Jogani, Chetan Jogani, Pinkal Jogani and Shailesh Jogani.

At 3:35 p.m. the jury is brought into the courtroom. At the request of counsel for defendant Haresh Jogani, the jury is polled as follows:

REAL ESTATE PARTNERSHIP CLAIMS

1. Were Chetan and/or Rajesh partners in a partnership with Haresh and Shashi for the purpose of investing in real property in the United States?

ANSWER: Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

BREACH OF CONTRACT (REAL ESTATE)

2. Did Chetan and/or Rajesh enter into an oral or implied in fact agreement or contract with Haresh to acquire real property as partners?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

3. Did Chetan and/or Rajesh do all, or substantially all, of the significant things the agreement or contract required them to do?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

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Judicial Assistant: D. Gonzalez

ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

5. Did all the conditions that were required for Haresh's performance occur?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

6. Did Haresh breach the contract with Chetan and/or Rajesh by failing to do something the contract required him to do or doing something that the contract prohibited him for doing?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

7. Were Chetan and/or Rajesh harmed by Haresh's breach of the contract?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

8. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

9. What is the total amount of Chetan and/or Rajesh's damages for breach of contract in

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ERM: None

Deputy Sheriff: None

connection with the real estate partnership?

ANSWER:

Chetan - \$233,849,980.00

Rajesh - \$359,769,200.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

10. What percentage of the real estate partnership, if any, does each of the following persons own?

ANSWER:

Shashi - 50%

Hareesh - 24%

Rajesh - 10%

Chetan - 6.5%

Shailesh - 9.5%

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

11. Does the real estate partnership beneficially own the following assets?

ANSWER:

Mooreport Holdings - Yes

Gilu Investments - Yes

J.K. Properties, Inc. - Yes

H.K. Realty, Inc. - Yes

Commonwealth Investments - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

12. Did Hareesh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Hareesh for breach of contract?

ANSWER:

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Judicial Assistant: D. Gonzalez

ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

Chetan - No

Rajesh - No

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

II BREACH OF FIDUCIARY DUTY (REAL ESTATE)

14. Was Haresh a fiduciary for Chetan and/or Rajesh in connection with a real estate partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

15. Did Haresh breach any of Haresh's fiduciary duties owed to Chetan and/or Rajesh by acting against Chetan and/or Rajesh's interests in connection with the real estate partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

16. Were Chetan and/or Rajesh harmed by Haresh's breach of Haresh's fiduciary duty?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

17. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh's harm?

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Courtroom Assistant: M. Gomez

CSR: Tracy Dyrness #12323

ERM: None

Deputy Sheriff: None

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

18. What is the total amount of Chetan and/or Rajesh's damages for breach of fiduciary duty in connection with the real estate partnership?

ANSWER:

Chetan - \$233,849,980.00

Rajesh - \$359,769,200.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

19. Did Chetan and/or Rajesh prove by clear and convincing evidence that Hareesh acted with malice, oppression and/or fraud in breaching a fiduciary duty to Chetan and/or Rajesh in connection with the real estate partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

20. Did Hareesh prove his affirmative defense that the statute of limitation bars Rajesh and/or Chetan's claim against Hareesh for breach of fiduciary duty in connection with the real estate partnership?

ANSWER:

Chetan - No

Rajesh - No

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

TOTAL REAL ESTATE PARTNERSHIP DAMAGES

Total (A): What is the amount, if any, of Chetan and/or Rajesh's damages for the real estate partnership claims (breach of contract and breach of fiduciary duty)?

ANSWER:

Chetan - \$233,849,980.00

Rajesh - \$359,769,200.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

DIAMOND PARTNERSHIP CLAIMS

22. After 1978, did Hareesh, Shailesh, Rajesh and Chetan have a partnership which engaged in the diamond business and other investments?

ANSWER: Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

III BREACH OF CONTRACT (DIAMOND)

23. Did Chetan and/or Rajesh enter into an oral or implied in fact agreement or contract with Hareesh to have a partnership which engaged in the diamond business and other investments, and included Hareesh after 1978?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

24. Did Chetan and/or Rajesh do all, or substantially all, of the significant things the agreement or contract required them to do?

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Courtroom Assistant: M. Gomez

CSR: Tracy Dyrness #12323

ERM: None

Deputy Sheriff: None

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

26. Did all the conditions that were required for Haresh's performance occur?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

27. Did Haresh breach the contract with Chetan and/or Rajesh by failing to do something the contract required him to do or something that the contract prohibited him from doing?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

28. Were Chetan and/or Rajesh harmed by Haresh's breach of the contract?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

29. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh harm?

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Courtroom Assistant: M. Gomez

CSR: Tracy Dyrness #12323

ERM: None

Deputy Sheriff: None

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

30. What is the total amount of Chetan and/or Rajesh's damages for breach of contract in connection with the diamond partnership?

ANSWER:

Chetan - \$65,000.000.00

Rajesh - \$100,000.000.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

31. Does the diamond partnership beneficially own Akshi Investments?

ANSWER: Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

32. What percentage of the diamond partnership, if any, does each of the following persons own?

ANSWER:

Haresh - 48%

Rajesh - 20%

Chetan - 13%

Shailesh - 19%

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

33. Did Haresh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Haresh for breach of contract in connection with the diamond partnership?

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ERM: None

Deputy Sheriff: None

ANSWER:

Chetan - No

Rajesh - No

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

IV. BREACH OF FIDUCIARY DUTY (DIAMOND)

35. Was Haresh a fiduciary for Chetan and/or Rajesh in connection with a diamond partnership that included Haresh after 1978?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

36. Did Haresh breach any of Haresh's fiduciary duties owed to Chetan and/or Rajesh by acting against Chetan and/or Rajesh's interests in connection with the diamond partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

37. Were Chetan and/or Rajesh harmed by Haresh's breach of Haresh's fiduciary duty?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

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ERM: None

Deputy Sheriff: None

38. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh's harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

39. What is the total amount of Chetan and/or Rajesh's damages for breach of fiduciary duty in connection with the diamond partnership?

ANSWER:

Chetan - \$65,000,000.00

Rajesh - \$100,000,000.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

40. Did Chetan and/or Rajesh prove by clear and convincing evidence that Haresh acted with malice, oppression and/or fraud in breaching a fiduciary duty to Rajesh and/or Chetan in connection with the diamond partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

41. Did Haresh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Haresh for breach of fiduciary duty in connection with the diamond partnership?

ANSWER:

Chetan - No

Rajesh - No

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ERM: None

Deputy Sheriff: None

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

V. CONVERSION (DIAMOND)

43. Did Chetan and/or Rajesh have a right to possess property in connection with a diamond partnership that included Hareesh after 1978?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

44. Did Hareesh substantially interfere with Chetan and/or Rajesh's property in connection with the diamond partnership by knowingly or intentionally taking possession of their property?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

45. Did Chetan and/or Rajesh consent to Hareesh's conduct?

ANSWER:

Chetan - No

Rajesh - No

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

46. Were Chetan and/or Rajesh harmed by Hareesh's conduct?

ANSWER:

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ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

47. Was Haresh's conduct a substantial factor in causing Chetan and/or Rajesh's harm?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

48. What is the total amount of Chetan and/or Rajesh's damages for converting assets in connection with the diamond partnership?

ANSWER:

Chetan - \$65,000,000.00

Rajesh - \$100,000,000.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

49. Did Chetan and/or Rajesh prove by clear and convincing evidence that Haresh acted with malice, oppression and/or fraud to Rajesh and/or Chetan in converting assets in connection with the diamond partnership?

ANSWER:

Chetan - Yes

Rajesh - Yes

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

50. Did Haresh prove his affirmative defense that the statute of limitations bars Rajesh and/or Chetan's claim against Haresh for conversion in connection with the diamond partnership?

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Judicial Assistant: D. Gonzalez

ERM: None

Courtroom Assistant: M. Gomez

Deputy Sheriff: None

ANSWER:

Chetan - No

Rajesh - No

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

Total Diamond Partnership Damages

Total (B): What is the total amount, if any, of Chetan and/or Rajesh's damages for the diamond partnership claims (breach of contract, breach of fiduciary duty and conversion)?

ANSWER:

Chetan - \$65,000,000.00

Rajesh - \$100,000,000.00

When asked, "Is this your verdict?", eleven jurors answer Yes, Juror #6 answers No.

The Court declares Special Jury Verdict Form 1 and Special Jury Verdict Form 2 to be complete. Special Jury Verdict Form 1 and Special Jury Verdict Form 2 are recorded and filed.

The jurors are advised that the Court will proceed with the punitive damage phase of the jury trial.

The jurors are informed to call the courtroom at 1:30 p.m. on February 27, 2024 for instruction on when to report to Court for the punitive damage phase of the jury trial.

The jurors are admonished not to speak to anyone regarding this case and are excused.

The Court and counsel discuss the punitive damage phase of the trial.

The Court orders forthwith that Hareesh Jogani and his staff are not to change anything, not to delete anything, not to transfer funds, to leave things as they are rather than undertake any changes, including transfer of funds outside the country or to anyone's name who is Jogani. They can continue to pay the ordinary expenses but they shouldn't be moving money, they shouldn't be destroying anything, they shouldn't be getting rid of anything, modifying anything, selling, hypothecating, loaning, borrowing, lending, transferring, encumbering or anything else that

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ERM: None

Deputy Sheriff: None

would change the makeup of the financial situation of the property or the properties themselves.

Mr. Haresh Jogani is ordered to personally appear back to testify during the punitive damage phase of the trial.

Counsel are instructed to call the courtroom before 11:30 a.m. on February 27, 2024 to discuss the scheduling of the punitive damage phase of the trial. The Court will set up Court Call in the event a hearing is necessary.

Additional appearances for Defendant(s):

Rick Richmond

Peter Wayne Ross