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11 UNITED STATES DISTRICT COURT
 12 DISTRICT OF NEVADA

13 SANGHAMITRA BASU,
 14
 15 Plaintiff,

16 v.

17 MASSACHUSETTS MUTUAL LIFE
 INSURANCE COMPANY
 18
 19 Defendant.

CASE NO.: 2:20-cv-01432-JCM-
 BNW

JOINT PRETRIAL ORDER

20 The parties to this consolidated action, through counsel and in accordance with LR II 16-
 21 3, submit this Joint Pretrial Order.

22 After pretrial proceedings in this case,

23 IT IS ORDERED:

24 **I.**

25 **This is an action for:** Dr. Sangha Basu is insured under an individual disability income
 26 insurance policy issued by MassMutual. Dr. Sangha Basu alleges that MassMutual breached the
 27 policy when it determined that her claim for total disability benefits was subject to the policy's
 28

1 mental disorder limitation. MassMutual contends that it did not breach the policy and that Dr.
2 Basu is not totally disabled due to physical conditions.

3 **II.**

4 **Statement of Jurisdiction:** Jurisdiction exists under 28 U.S.C § 1332(a). Plaintiff is
5 resident of Nevada. Defendant is a resident of Massachusetts. The amount in controversy
6 exceeds \$75,000.

7 **III.**

8 **The following facts are admitted by the parties and require no proof:**

- 9 1. Dr. Basu is insured under MassMutual disability income insurance policy no. 8455557
10 (the “Policy”).
11 2. The Policy includes the relevant terms governing Dr. Basu’s claim.
12 3. Dr. Basu’s occupation was a pain management specialist.
13 4. In December 2015, Dr. Basu stopped working as a pain management physician.

14 **IV.**

15 **The following facts, though not admitted, will not be contested at trial by evidence**
16 **to the contrary.**

17 Not applicable

18 **V.**

19 **The following issues of fact to be tried and determined at trial.**

20 The parties agree that the following issues of fact are to be tried and determined at trial:

- 21 1. Did MassMutual breach the Policy when it stopped paying Dr. Basu’s claim on Novem-
22 ber 16, 2021 based upon the mental disorder limitation?
23 2. If MassMutual breached the disability insurance policy, what are Dr. Basu’s damages to
24 Dr. Basu?

25 Defendant maintains, and Plaintiff disagrees, that the following issues of fact are also to
26 be tried and determined at trial:

- 27 1. Why did Dr. Basu stop working as a pain management physician in December 2015?
28

2. Is Dr. Basu unable to perform the main duties of her occupation as a pain management physician due to physical medical conditions and absent the effects of any mental disorders?

3. Did Dr. Basu meet the Policy’s requirement that she provide MassMutual with proof of total disability due to physical conditions?

VI.

The following are the issues of law to be tried and determined at trial:

Plaintiff’s view: There are no issues of law to be tried and determined at trial.

Defendant’s view: 1.) Breach; 2.) Causation; 3.) Damages; and 4.) Any issues of law raised in the parties’ anticipated motions in limine.

VII.

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the court:

1. MassMutual Disability Income Insurance Policy No. 8455557
2. Letter from MassMutual to Plaintiff dated December 4, 2019

(b) As to the following exhibits, the party against whom the same will be offered objects to their admission on the grounds stated:

1. Plaintiff intends to present the following exhibits, and Defendant intends to assert the following objections:

No.	Name	Cite	Objections
3	Disability Claim Mental Disorder Limitation	ECF 60-2 at Ex. 2	Irrelevant; Confuses the Issues; Misleads the Jury; and Contravenes Court Order
4	Dr. Snyder Presentation	BASU-Dr Snyder-000012-40	Lack of Authentication; Irrelevant; Confuses the Issues; Inadmissible Hearsay; Misleads the Jury; and Best Evidence Rule
5	MassMutual Claim File	MM/Basu 1-4369	Vague and Ambiguous/Overbroad; Inadmissible Hearsay; Irrelevant

No.	Name	Cite	Objections
6	Attending Physician Statements	ECF 60-6 at Exs. 14-15	Inadmissible Hearsay; Misleads the Jury; Best Evidence Rule; Lack of Foundation; and Inadmissible Expert Opinion
7	Notes of Pre-Disability Earnings	ECF 60-6 at Ex. 18	Irrelevant; Confuses the Issues; and Misleads the Jury
8	May 8, 2018 Email	MM/Basu 5590	Irrelevant; Misleads the Jury; and Confuses the Issues
9	October 6, 2016 Email	MM/Basu 4580-84	Best Evidence Rule; Misleads the Jury; and Confuses the Issues
10	October 21, 2016 Detail Call	ECF No. 60-7 at Ex. 21	Inadmissible Hearsay
12	May 11, 2017 Email	MM/Basu 5047-5130	Inadmissible Hearsay; Confuses the Issues; Misleads the Jury; Inadmissible Expert Opinion; and Best Evidence Rule
14	May 8, 2018 Email	MM/Basu 5590	Irrelevant; Misleads the Jury; and Confuses the Issues
15	July 5, 2018 Email	MM/Basu 5569	Irrelevant
16	July 5, 2018 Action Plan	MM/Basu 2238-45	Confuses the Issues; and Misleads the Jury
17	October 2, 2018 Detail Call Notes	ECF 60-7 at Ex. 28	Best Evidence Rule; and Inadmissible Hearsay
18	October 3, 2018 Email	MM/Basu 5751	Irrelevant
20	MassMutual Surveillance Reports	MM/Basu 3247-53, 3441-49, 3454-75, 2847-51	Misleads the Jury; Confuses the Issues; Calls for Speculation; and Irrelevant
23	CoventBridge Summary of Surveillance	MM/Basu 2847-51, 3805-75	Misleads the Jury; Confuses the Issues; Calls for Speculation; and Irrelevant
24	November 15, 2019 Action Plan	MM/Basu 6508	Irrelevant; Confuses the Issues; and Misleads the Jury
29	Medical Records of Dr. Cestkowski	Basu- Dr. Cestkowski 1-187	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
30	Medical Records of Dr. Stuart Kaplan	ECF 60-2 at Ex. 5	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule

No.	Name	Cite	Objections
31	Medical Records of Dr. Thompson	ECF 60-2 at Ex. 8	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
32	Medical Records of Hennepin Medical Clinic	ECF 60-3 at Ex. 9	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
33	Medical Records of Hennepin Medical Clinic	ECF 60-3 and 4 at Ex. 9	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
34	Medical Records of Dr. Abraham Nagy	Basu- Dr. Nagy 0001-219	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; Best Evidence Rule; and Undue Prejudice/Untimely Disclosure Under FRCP 26
35	Medical Records of Dr. Mortillaro	ECF 60-6 at Ex. 12	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
36	Medical Records of Pain Institute of Nevada	Basu-PIN 1-716	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; Best Evidence Rule; and Undue Prejudice/Untimely Disclosure Under FRCP 26
37	Medical Records of Dr. Germin	ECF 60-2 at Ex. 6	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
38	Medical Records of Centennial Medical Imaging	ECF 60-5 at Ex. 11	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
40	Snyder Records	Snyder-Simonmed MRI Basu 1-11	Inadmissible Hearsay; Misstates the Evidence/Lack of Foundation; Misleads the Jury; and Best Evidence Rule
41	Divorce Decree	ECF 60-8 at Ex. 32	Irrelevant; Inadmissible Hearsay; Misleads the Jury; Best Evidence Rule; and Confuses the Issues
42	Lee Email June 24, 2016	Ex 6 to Souresh Basu Dep	Irrelevant; Inadmissible Hearsay; Misleads the Jury; Best Evidence Rule; and Confuses the Issues
43	Addendum to Certificate of Authority	Ex. 10 to Souresh Basu Dep	Irrelevant; Inadmissible Hearsay; Misleads the Jury; Best Evidence Rule; and Confuses the Issues
44	Basu, Souresh Emails	Basu-Souresh Emails 1-37	Irrelevant; Inadmissible Hearsay; Misleads the Jury; Best Evidence Rule; and Confuses the Issues

Plaintiff’s Position:

By identifying the foregoing documents, Plaintiff does not waive any right under the Federal Rules of Civil Procedure and the Federal Rules of Evidence to object to Plaintiff’s introduction of all or a portion of the foregoing documents, depending on the context in which the evidence is offered. Nothing contained herein shall be deemed a waiver or admission of any kind.

Defendant’s Position:

Plaintiff’s list of exhibits identifies several exhibits of more than hundreds of pages (*see, e.g.,* Ex. No. 36 (Basu-PIN 1-716)). Accordingly, the foregoing objections are not an admission or a statement that the entirety of each of Plaintiff’s exhibits is inadmissible evidence. By making the foregoing objections, Defendant does not waive any evidentiary right to introduce admissible evidence at trial, including for purposes of impeachment.

Defendant reserves the right to make additional objections based upon the context in which evidence is offered and the nature of the evidence. Defendant further reserves the right to supplement and/or amend these objections.

2. Defendant intends to present the following exhibits, and Plaintiff intends to assert the following objections:

EXHIBITS	DESCRIPTION	BATES NO./DOCKET ENTRY (“D.E.”) NO.	Objections
	Plaintiff’s Statement for Disability Benefits	D.E. 54-3	FRE 402, 403, 801, 802
	Detail Call Notes	D.E. 54-5; 54-13; 54-18; D.E. 54-24; D.E. 54-34	FRE 402, 403, 801, 802, authenticity and foundation.
	Medical Records of Dr. Richard Cestkowski’s Treatment of Plaintiff	D.E. 54-7; BASU-Dr Cestkowski-000001-187	FRE 402, 403, 801, 802
	Aliante Chiropractic Intake Form	D.E. 54-8	FRE 402, 403, 801, 802
	Medical Reports of Dr. Reva Klein	D.E. 54-9; D.E. 54-16; D.E. 54-20; D.E. 54-	FRE 402, 403, 801, 802, FRCP 26(a)(2),

EXHIBITS	DESCRIPTION	BATES NO./DOCKET ENTRY ("D.E.") NO.	Objections
		31; D.E. 54-35; D.E. 54-44; D.E. 54-51	authenticity and foundation.
	Desert Oasis Clinic Form	D.E. 54-10	FRE 402, 403, 801, 802
	Letters from MassMutual to Plaintiff	D.E. 54-11; D.E. 54-14; D.E. 54-27; D.E. 54-28; D.E. 54-29; D.E. 54-33; D.E. 54-38; D.E. 54-55	FRE 402, 403, 801, 802
	Medical Reports of Dr. Frederick Kadushin	D.E. 54-12; D.E. 54-21; D.E. 54-23; D.E. 54-32; D.E. 54-36	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation.
	Letters of Calls Between Dr. Klein and Dr. Nagy	D.E. 54-15; D.E. 54-43	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation.
	MassMutual Action Plans	D.E. 54-17; D.E. 54-25; D.E. 54-39; D.E. 54-42; D.E. 54-49	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation.
	Dr. Mortillaro's Neuropsychological Evaluation Report	D.E. 54-19	FRE 402, 403, FRCP 26(a)(2)
	Letter of Call Between Dr. Kadushin and Dr. Mortillaro	D.E. 54-22	FRE 402, 403,
	Email from Plaintiff to MassMutual	D.E. 54-26	FRE 402, 403, 801, 802; FRCP 26(a)(2), foundation
	Dr. Tupper's Neuropsychological Evaluation Report	D.E. 54-30	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	Medical Reports of Dr. Ann Markes	D.E. 54-37; D.E. 54-46; D.E. 54-52	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	MassMutual File Consultation Memos	D.E. 54-40; D.E. 54-48; D.E. 54-53	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation

EXHIBITS	DESCRIPTION	BATES NO./DOCKET ENTRY ("D.E.") NO.	Objections
	Medical Reports of Dr. Lori Folk-Barron	D.E. 54-41; D.E. 54-50	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	Letter of Call Between Dr. Markes and Dr. Katherine Travnicek	D.E. 54-45	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	Medical Report of Dr. Mark Jackowitz	D.E. 54-47	FRE 402, 403, 801, 802; FRCP 26(a)(2), authenticity and foundation
	Medical Records of Plaintiff from Sunrise Hospital	MM/Basu – 002918-19	FRE 402, 403, 801, 802; FRCP 26(a)(2), authenticity and foundation
	Plaintiffs' Responses to MassMutual's Interrogatories		FRE 402, 403, 801, 802; FRCP 26(a)(2)
	Plaintiffs' Responses to MassMutual's Requests for Admission		FRE 402, 403, 801, 802; FRCP 26(a)(2)
	MassMutual's Chief Claim Consultant File Review	D.E. 54-54	FRE 402, 403, 801, 802; FRCP 26(a)(2) authenticity and foundation
	Surveillance Videos of Plaintiff	D.E. 54-59; D.E. 54-60	FRE 402, 403, 801, 802; FRCP 26(a)(2) authenticity and foundation
	Report of MassMutual's Medical Expert, Dr. Akhil Chhatre	D.E. 54-62	FRE 402, 403, 801, 802; authenticity and foundation
	Photographs of Plaintiff Ziplining	D.E. 54-66	FRE 402, 403, 801, 802; lack of authenticity and foundation and FRCP 26 disclosure
	MassMutual's Pay History for Plaintiff's Claim	D.E. 54-67	FRE 402, 403, 801, 802; authenticity and foundation

EXHIBITS	DESCRIPTION	BATES NO./DOCKET ENTRY ("D.E.") NO.	Objections
	Reports of Dr. Stephen L. G. Rothman	BASU-Dr Fish-002728-30; BASU-Dr Fish-002527-30; BASU-Dr Fish-002765-67; BASU-Dr Fish-000117-18; BASU-Dr Fish-00 119-20	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	Reports of Dr. Barry A. Hendin	BASU-Dr Fish-002507-10; BASU-Dr Fish-004128; BASU-Dr Fish-004151; BASU-Dr Gross-001854; BASU-Dr Fish-002468	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	Transcript of Deposition of Dr. Leo Germin	BASU-Dr Fish-001980-99	FRE 402, 403, 801, 802; FRCP 26(a)(1), FRCP 26(a)(2); FRCP 32(a)
	Transcript of Deposition of Dr. Jeffrey Gross	BASU-Dr Fish-001802-49	FRE 402, 403, 801, 802; FRCP 26(a)(1), FRCP 26(a)(2); FRCP 32(a)
	Reports of Dr. Zoran Maric	BASU-Dr Gross-001732-1741; BASU-Dr Fish-004201-03; BASU-Dr Fish-004272-73; BASU-Dr Gross-002093-95; BASU-Dr Gross-003720-21	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	Transcript of Deposition of Dr. David Fish	BASU-Dr Fish-001670-94	FRE 402, 403, 801, 802; FRCP 26(a)(1), FRCP 26(a)(2); FRCP 32(a); authenticity and foundation
	Reports of Dr. Howard Tung	BASU-Dr Fish-004056-4105; BASU-Dr Fish-005614-5660	FRE 402, 403, 801, 802; FRCP 26(a)(2); authenticity and foundation
	Medical Records of Dr. Stuart Kaplan's Treatment of Plaintiff	D.E. 60-2 at Ex. 5	FRE 402, 403, 801, 802; authenticity and foundation

EXHIBITS	DESCRIPTION	BATES NO./DOCKET ENTRY (“D.E.”) NO.	Objections
	Medical Records of Hennepin Medical Clinic’s Treatment of Plaintiff	D.E. 60-3 at Ex. 9	FRE 402, 403, 801, 802;
	Plaintiff’s Handwritten Notes	Ex. 1 to Souresh Basu’s Deposition	FRE 402, 403, 801, 802; authenticity and foundation
	Video of Plaintiff’s Slip and Fall on August 26, 2012	Ex. 1 to Dr. David Tupper’s Deposition	FRE 402, 403, authenticity, foundation.
	MassMutual’s Calculation of the Present Value of Future Policy Benefits	MM/Basu - 007895	FRE 402, 403, 801 authenticity, foundation and FRCP 26(a)(1).
	Exhibits to Depositions and Deposition Transcripts of Plaintiff, Sabitri Mangal, Dr. Abraham Nagy, Dr. David Tupper, and Souresh Basu		This category of identification is not reasonable and not a good faith compliance with LR-16-3 or 16-4. Plaintiff objects to the exhibits on the basis FRE 402, 403, 801, 802; FRCP 26(a)(1), FRCP 26(a)(2); FRCP 32(a); authenticity and foundation.
	Medical Records that MassMutual obtained to evaluate Plaintiff’s Claim		This general category of identification is not reasonable under LR-16-3 or 16-4. This general category of identification is not reasonable and is not identifiable by Bates-stamp nos. Plaintiff objects to the exhibits on the basis FRE 402, 403, 801, 802; FRCP 26(a)(1), FRCP 26(a)(2); authenticity and foundation.

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	Documents Produced by Non-Parties to this Litigation in Response to Subpoenas		This general category of identification is not reasonable under LR-16-3 or 16-4. This general category of identification is not reasonable to specifically identify objections. Plaintiff objects to the exhibits on the basis FRE 402, 403, 801, 802; FRCP 26(a)(1), FRCP 26(a)(2); authenticity and foundation.
	All pleadings filed in this litigation.		This general category of identification is not reasonable under LR-16-3 or 16-4. This general category of identification is not reasonable and is not identifiable by Bates-stamp nos. Plaintiff objects to the exhibits on the basis FRE 402, 403, 801, 802; FRCP 26(a)(1), FRCP 26(a)(2); authenticity and foundation.

Defendant’s Position:

Defendant reserves the right to utilize and/or introduce at trial any documents identified or produced by any party to this litigation, including but not limited to purposes of impeachment and/or rebuttal.

By identifying the foregoing documents, Defendant does not waive any right under the Federal Rules of Civil Procedure and the Federal Rules of Evidence to object to Plaintiff’s introduction of all or a portion of the foregoing documents, depending on the context in which the evidence is offered. Nothing contained herein shall be deemed a waiver or admission of any kind.

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1 Plaintiff's Position:

2 Defendant's reservation of rights to rely upon any documents identified or produced by
3 any party to this litigation for any purpose is inconsistent with LR 16-3(c).

4 (c) Electronic evidence:

5 Plaintiff intends to use presentation software to present evidence to the jury. They do not
6 separately intend to introduce evidence in its electronic form. The Plaintiff will contact the court
7 clerk or administrator to assure the presentation will be done consistent with electronic capability.
8 Plaintiff objects to the introduction of the PDF or JPEG format of any exhibit identified by either
9 party and objection to admission of any video deposition or any portion including Dr. Basu or
10 Souresh Basu on the basis of hearsay and FRCP 32.

11 MassMutual intends to present electronic evidence to the Court, including PDFs, JPEGs,
12 videos (e.g., Docket Entry Nos. 54-59 and 54-60 and excerpts from the videotaped depositions of
13 Dr. Basu and Souresh Basu), etc. to jurors for the purposes of jury deliberations. MassMutual
14 will provide such electronic evidence in a format compatible with the Court's electronic jury
15 evidence display system, and MassMutual will contact the courtroom administrator for
16 instructions about how to prepare evidence in an electronic format and other requirements for the
17 Court's electronic jury display system.

18 (d) Depositions:

19 The parties agree that David Tupper, Ph.D. is the only witness who was deposed in this
20 lawsuit whose entire testimony at trial is anticipated to be provided through deposition
21 testimony. The Plaintiff stipulates that Dr. Basu and Dr. Nagy will testify at trial during Plaintiff's
22 case in chief. Defendant stipulates that Sabitri Mangal will be made available to testify at trial
23 during Plaintiff's case in chief. In the event a witness who has been deposed in this matter is
24 unavailable or unable to provide live testimony pursuant to FRCP 32 at the time of trial, the parties
25 stipulate that the witness' deposition testimony may be offered by the parties at the time of trial
26 in lieu of live testimony. The parties will work in good faith to designate the portions of the
27 deposition testimony that each party will offer and the objections that the opposing party has to
28 the introduction of such testimony. The parties stipulate that each party has the right to utilize

1 deposition testimony in the examination of witnesses as permitted by the Federal Rules of
 2 Evidence and the Federal Rules of Civil Procedure, and the opposing party may object to such
 3 deposition testimony at the trial. The parties agree they will not object to a party utilizing the
 4 deposition testimony in the examination of a witness on the basis that deposition testimony was
 5 not disclosed in this Joint Pretrial Order under Section VII(d).

6 (1) Plaintiff may offer the following deposition:

7 a. David Tupper:

8 Plaintiff will object to Dr. Tupper’s testimony in its entirety on the basis of relevancy and
 9 undisclosed expert testimony pursuant to FRCP 26(a)(2). In the event the objection is overruled,
 10 Plaintiff will offer the following deposition testimony in her case in chief or cross-designations
 11 listed in Section VII(d)(1):

12 48:25-50:7

13 66:11-80:3

14 (2) Defendant may offer the following deposition testimony:

Dr. David Tupper	15 15:4-17
	16 16:11-20:3
	17 20:20-21:6
	18 23:17-24:8
	19 25:17-26:3
	20 28:1-16
	21 30:21-31:10
	22 37:6-15
	23 37:19-38:2
	24 38:24-39:20
	25 42:13-18
	26 45:5-46:7
	27 46:12-47:11
	28 49:4-20
	50:14-51:23
52:3-53:7	
53:13-54:5	

	54:17-55:5
	57:6-59:5
	60:9-61:10
	64:20-66:3
	71:4-17
	72:18-23

Defendant’s Position:

Defendant reserves the right to supplement and/or amend the list of testimony that it may introduce at trial. Nothing herein shall be construed as a waiver of any rights or objections.

Plaintiff’s Position:

Defendant’s rights to supplement or amend testimony is governed by LR 16-3.

(e) Objections to depositions:

(1) Without waiver of Defendant’s right to object to the introduction of deposition testimony at or prior to trial, and as permitted under the Federal Rules of Civil Procedure and the Federal Rules of Evidence, Defendant objects to the deposition testimony that Plaintiff has identified as follows:

Dr. David Tupper	
Testimony	Objections
48:25-50:7	Calls for Speculation; Inadmissible Hearsay; Misleads the Jury; Undue Prejudice; Best Evidence Rule; and Lacks Foundation
66:11-80:3	Calls for Speculation; Inadmissible Hearsay; Misleads the Jury; Undue Prejudice; Best Evidence Rule; and Lacks Foundation

By making the foregoing objections, Defendant does not waive any evidentiary right under the Federal Rules of Civil Procedure and/or the Federal Rules of Evidence to introduce any admissible testimony at trial.

Defendant reserves the right to supplement and/or amend these objections prior to or at trial.

Plaintiff’s Position:

Defendant’s reservation of rights and assertion that it does waive any right is inconsistent with LR 16-3.

1 (2) Plaintiff objects to defendant's depositions as follows:

2 a. Dr. David Tupper:

3 Plaintiff will object to Dr. Tupper's testimony in its entirety on the basis of relevancy and
4 undisclosed expert testimony pursuant to FRCP 26(a)(2). In the event the objection is overruled,
5 Plaintiff will offer the cross-designations listed in Section VII(d)(1), and Plaintiff will offer the
6 following objections to the testimony cited by Defendant:

- 7 • 16:11-20:3 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2)
- 8 • 20:20-21:6 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2)
- 9 • 23:17-24:8 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2); lack of com-
10 pleteness FRCP 32(a)(6).
- 11 • 25:17-26:3 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2); lack of com-
12 pleteness FRCP 32(a)(6).
- 13 • 28:1-16 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2); lack of com-
14 pleteness FRCP 32(a)(6)
- 15 • 30:21-31:10 - FRE 402, 403, 702, 801, lack of foundation and FRCP 26(a)(2)
- 16 • 37:6-15 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2)
- 17 • 37:19-38:2 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2);
- 18 • 38:24-39:20 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2)
- 19 • 42:13-18 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2)
- 20 • 45:5-46:7 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2); lack of com-
21 pleteness FRCP 32(a)(6)
- 22 • 46:12-47:11 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2).
- 23 • 54:17-55:5 - Lack of completeness FRCP 32(a)(6)
- 24 • 57:6-59:5 - FRE 402, 403, 702, lack of foundation and FRCP 26(a)(2)

25 **VIII.**

26 The following witnesses may be called by the parties at trial:

27 (a) Plaintiffs' Witnesses

- 28 1. Sanghamitra Basu
c/o Matthew L. Sharp, Ltd.
432 Ridge Street
Reno, Nevada 89501

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- 1 2. Stuart Kaplan, M.D.
2 Western Regional Center for Brain & Spine Surgery
3 3061 S. Maryland Pkwy.
4 Las Vegas, Nevada 89109
- 5 3. Katherine Travnicek, M.D.
6 Pain Institute of Nevada
7 W. Azure Drive, Ste 190
8 Las Vegas, NV 89130
- 9 4. Walter M. Kidwell, M.D.
10 Pain Institute of Nevada
11 W. Azure Drive, Ste 190
12 Las Vegas, Nevada 89106
- 13 5. Steven D. Lockman, M.D.
14 Minnesota Neurorehabilitation Institute
15 12805 Hwy 55, Suite 304
16 Plymouth, MN 55441
- 17 6. Elhain Taherian, M.D.
18 Dignity Health Medical Group
19 10001 S. Eastern Ave., Ste. 203
20 Henderson, NV 89052
- 21 7. Travis Snyder, D.O.
22 SimonMed Imaging
23 7455 W. Washington Ave., Ste. 120
24 Las Vegas, NV 89128
25 (702) 433-6455
- 26 8. Terry Van Noy
27 2312 Prometheus Court
28 Henderson, NV 89074
9. Terrence Clauretie, Ph.D.
 217 Palmetto Point Dr.
 Henderson NV 89012
10. Sabitri Mangal
 Faegre, Drinker, Biddle & Reath
 191 North Wacker Dr., Ste 3700
 Chicago, IL 60606
11. Anamika Das
 4124er Saxon Drive
 North Las Vegas, Nevada 89085
12. Sam Scire
 9013 Raven Avenue
 Las Vegas, Nevada 89143

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1 13. Nicole Ducker
2 1231 Chambers Road
3 St. Louis, MO 63137

4 14. Michael B. Lee
5 1820 E. Sahara Ave, #110
6 Las Vegas, NV 89104

7 (b) Defendants' Witnesses:

8 1. Sanghamitra Basu
9 c/o Matthew L. Sharp
10 Law Offices of Matthew L. Sharp
11 432 Ridge Street
12 Reno, NV 89501

13 2. Souresh Basu
14 7405 Midnight Rambler Street
15 Las Vegas, NV 89149

16 3. Abraham Nagy, M.D.
17 Nevada Headache Wellness
18 8285 West Arby Avenue, Suite 320
19 Las Vegas, NV 89113

20 4. Katherine Travnicek, M.D.
21 Pain Institute of Nevada
22 7435 West Azure Drive, Suite 190
23 Las Vegas, NV 89130

24 5. Walter Kidwell, M.D.
25 Pain Institute of Nevada
26 7435 West Azure Drive, Suite 190
27 Las Vegas, NV 89130

28 6. John Thompson, D.O.
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IX.

The attorneys or parties have met and jointly offer these three trial start dates: October 30, 2023; January 15, 2024; and February 26, 2024.

It is expressly understood by the undersigned that the court will set the trial of this matter on one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

X.

It is estimated that the trial will take a total of 7-10 days.

APPROVED AS TO FORM AND CONTENT:

DATED this 16th day of March 2023.

DATED this 16th day of March 2023.

MATTHEW L. SHARP, LTD.

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DATED this 16th day of March 2023.

DATED this 16th day of March 2023.

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of MATTHEW L. SHARP, LTD., and that on March 16, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to:

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Kimberly Jones @ kimberly.jones@faegredrinker.com
Attorneys for Defendant

DATED this 16th day of March 2023.

/s/ Suzy Thompson
An Employee of Matthew L. Sharp, Ltd.

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