

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-023304

08/11/2004

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
S. Brown
Deputy

FILED: 08/16/2004

ABBAS AMERI

RONITHA MAHARAJ

v.

ABEL GHASSEMI, et al.

CARL R RETTER

MINUTE ENTRY

The Court received and considered Plaintiff's Motion to Compel Against Moghtada Tavassoli, the non-party's responsive pleading and the reply.

Plaintiff seeks a motion compelling this non-party to respond to outstanding discovery requests. Specifically, the outstanding subpoena requests documents related to insurance appraisals and the identity of rugs stored at Madison Rug Gallery.

In response to this Motion to Compel, witness Moghtada Tavassoli has filed an affidavit that responds as follows:

- Asserts that he has never done any insurance appraisals for Defendant and has no insurance appraisal documents or records; and
- That he stored rugs at Madison Rug Gallery during the time he remodeled. Further, that none of his rugs were sold by Madison Rug Gallery and all of them were eventually returned to him.

The Court herein denies in part and grants in part Plaintiff's Motion to Compel.

Non-party Tavassoli has provided an affidavit asserting that he possesses no documents regarding any insurance appraisal performed in connection with the rugs in question.

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The Court does find that Plaintiff's request for the identity of rugs placed by this non-party at Madison Rug Gallery is relevant and/or may lead to the discovery of relevant evidence.

IT IS ORDERED denying Plaintiff's request regarding documentation of insurance appraisal work.

IT IS FURTHER ORDERED granting Plaintiff's request that non-party witness Tavassoli provide an inventory/identity of all rugs placed with Madison Rug Gallery.

IT IS FURTHER ORDERED denying Plaintiff's request for sanctions including attorney's fees and costs incurred in connection with this matter.