

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

RAHUL GORAWARA,

Plaintiff,

v.

JOHN CAPRIO, et al.,

Defendants.

No. 3:19cv756

MEMORANDUM OF CONFERENCE

Following the pretrial conference held on August 31, 2022, the Court enters the following orders for the reasons discussed at the pretrial conference:

Pleadings

1. By **5 pm on September 1, 2022**, Mr. Caprio shall file a petition in Probate Court to be named administrator of the Estate of Carolyn Caprio. **By noon on September 2, 2022**, Attorney Connors shall file a copy of the petition on the docket in this case.

2. By **noon on September 1, 2022**, Mr. Gorawara shall file an Amended Complaint with the sole change being to the caption. He shall remove Carolyn Caprio as a named defendant and replace her with John Caprio, as Administrator for the Estate of Carolyn Caprio. He may thus name the two defendants as “John Caprio, individually and as Administrator of the Estate of Carolyn Caprio.” He may make no other changes to the Amended Complaint.

3. As discussed, Mr. Gorawara shall give thoughtful consideration as to whether he needs to press all of the claims asserted in the amended complaint, in light of the fact that he will not be able to recover duplicative damages and that a multiplicity of claims based on the same set of facts risks confusing and unnecessarily burdening the parties, the Court, and especially the jury. By **5 pm on September 1, 2022**, Mr. Gorawara shall file a notice on the docket identifying any counts of the complaint he no longer seeks to pursue.

4. By **5 pm on September 2, 2022**, Attorney Connors will file an Amended Answer (to include Mr. Caprio's answer to Count 9.)

5. By **midnight on September 5, 2022**, Mr. Gorawara and Attorney Connors shall file supplemental jury instructions, which they may file separately. Proposed jury instructions must cite to relevant legal authority. As the Court noted, to the extent possible, the parties should make use of the model civil instructions in Leonard B. Sand, et al., *Modern Federal Jury Instructions* for federal claims and the instructions on the Connecticut Judicial Branch website for Connecticut state law claims. The parties should understand that the Court is not likely to give a jury instruction

that is not supported by Connecticut or Second Circuit authority. If no jury instructions are submitted by Mr. Gorawara as to a particular count, the Court will deem that count dismissed. If no jury instructions are submitted by Attorney Connors as to any affirmative defense he might assert in the Amended Answer, the Court will deem that defense to be waived.

6. The Court will hold a conference at **10:00 am on September 6, 2022 via Zoom**. Chambers will provide the Zoom information.

Trial Logistics:

1. By **5 pm on September 1, 2022**, Attorney Connors will email my law clerk a list of the names of the members of the law firm in which he works (or with which he is associated in an “of counsel” role). The Court will compile a list of the names of the parties, the witnesses identified in the Joint Trial Memorandum, and the members of Attorney Connors's firm which will be provided to the prospective jurors during jury selection. In addition, during jury selection, Mr. Gorawara and Attorney Connors will introduce themselves to the jury panel and identify their witnesses.

2. The Court issued an order sequestering all fact witnesses except for parties, i.e., Mr. Gorawara and Mr. Caprio.

3. During jury selection, everyone will be masked.

4. Opening statements are limited to 10 minutes. Powerpoint presentations are not permitted. The length of closing arguments will be determined at the charge conference.

5. The charge conference is scheduled for **3:45 pm on September 12, 2022**. The Court will endeavor to provide Mr. Gorawara and Attorney Connors with a draft of the jury charge the day before.

6. Evidence will commence after jury selection on September 7, 2022 and will conclude at 3:30 pm. Thereafter, the trial day will be 9 am to 3:30 pm with two breaks: 10:45 am to 11:10 am and 12:45 pm to 1:30 pm. Mr. Gorawara and Attorney Connors should be in their seats in the courtroom every trial day by 8:50 am. As discussed, each side is responsible for making sure their witnesses appear and are ready to testify.

Evidence:

1. For the reasons discussed during the conference, the Court will not read the parties' proposed factual stipulations to the jury.

2. Exhibits: As discussed at the pretrial conference, the Court rules as follows on the defendant's objections to the plaintiff's exhibits. As to many of the proposed exhibits, admissibility depends on how the evidence comes in and therefore the Court reserves ruling:

Ex. 1: Overruled. As long as an adequate foundation is laid, the document may be offered for the limited purpose of demonstrating the type of document Mr. Gorawara or

other tenants showed to the Caprios to substantiate that they had paid their rent and showing the document that Mr. Gorawara allegedly tried to show to Mr. Caprio. As discussed, the plaintiff must redact the references to “delivered by” and “confirmation #.”

Exs. 6-9, 26, 30-31: Sustained. For the reasons stated on the record, these documents are not admissible.

Exs. 10 -17, 19-20, 22-24, 27-29: The Court reserves ruling on the objections. The Court is unable to determine the admissibility of these exhibits without a foundation and contextual evidence in the course of the trial.

3. No later than 5 pm on September 1, 2022, Mr. Gorawara shall email Attorney Connors PDF copies of all exhibits that the Court has not ruled inadmissible.

4. During trial, the grounds for an objection shall be stated in one word to the extent possible (e.g, “Objection hearsay”). Speaking objections are not permitted.

5. On **September 7, 2022**, Mr. Gorawara shall deliver an additional set of exhibits in a three-ring binder for the law clerk and shall deliver to the Courtroom Deputy the original set of exhibits with an exhibit list and with stickers showing the exhibit number of each exhibit; these may be obtained from the Clerk’s office if Mr. Gorawara cannot otherwise obtain them. See ECF No. 63 at 7.

IT IS SO ORDERED.

/s/
Michael P. Shea, U.S.D.J.

Dated: August 31, 2022
Hartford, Connecticut