

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA

<b>LACKSHMANAN PONNAYAN ACHARI, et al., Plaintiffs v.</b>	<b>CIVIL ACTION No. 13-6218 (c/w 13-6219, 13-6220, 13-6221, 14-732, 14-1818)</b>
<b>SIGNAL INTERNATIONAL, LLC, et al., Defendants</b>	<b>SECTION "E"</b>
<b>Related Cases:</b>	
<b>KURIAN DAVID, et al., Plaintiffs v.</b>	<b>CIVIL ACTION No. 08-1220</b>
<b>SIGNAL INTERNATIONAL, LLC, et al., Defendants</b>	<b>SECTION "E"</b>
<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff v.</b>	<b>CIVIL ACTION No. 12-557</b>
<b>SIGNAL INTERNATIONAL, LLC, et al., Defendants</b>	<b>SECTION "E"</b>

Applies to: *Achari v. Signal*, 13-6218

PRE-TRIAL ORDER

1. The date of the Pre-Trial Conference is January 6, 2016, at 10:00 a.m.
2. Counsel for the parties:

For Plaintiffs:

Daniel Adams, Lead Trial Counsel  
Katelyn Beaudette  
Eric Broad  
A. Gregory Grimsal  
Christopher Harris  
Michael Romey  
Miles Ruthberg  
Rebekah Soule  
Kirk Wilkinson

For the Dewan Defendants:

Stephen Shapiro

3. Plaintiffs are ten individuals from India who were recruited by Defendants to work at Signal International, L.L.C. as welders or fitters over the time period of October 2006 to December 2008.

Defendant Dewan Consultants Pvt. Ltd. (“Dewan Consultants”) is a private limited liability company organized under the laws of India, with its office in Mumbai, India. Defendant Sachin Dewan is the Managing Director of Dewan Consultants. Dewan Consultants and Sachin Dewan (collectively, the “Dewan Defendants”) engage in recruitment of skilled workers in India for work abroad.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), 18 U.S.C. § 1595(a) (civil trafficking), and 28 U.S.C. § 1343 (civil rights). This Court has supplemental jurisdiction over Plaintiffs’ causes of action based on the laws of U.S. states and foreign states pursuant to 28 U.S.C. § 1367(a), as these claims arise out of the same nucleus of facts which support the federal claims.

5. The motions which are pending or are being contemplated by the parties are listed below.

a. Pending Motions in Limine

*To be Filed by Plaintiffs*

- i. Achari Plaintiffs' Motion in Limine to Exclude Evidence Concerning Plaintiffs' Settlements with Signal and Malvern Burnett

*To be Filed by the Dewan Defendants*

- i. None at this time

6. Each of the parties has attached a brief summary of the material facts claimed in the Exhibits detailed below:

- Plaintiffs: **Exhibit A** hereto.
- Dewan Defendants: **Exhibit B** hereto.

7. A single listing of uncontested material facts is annexed at **Exhibit C** hereto.

8. A single listing of contested issues of material fact is annexed at **Exhibit D** hereto.

9. A single listing of contested issues of law is annexed at **Exhibit E** hereto.

10. Each of the parties has attached a list of exhibits intended to be introduced at the trial. The parties will submit objections to exhibits and a supporting memoranda for each objection on October 23, 2015, in accordance with the Court's Order of July 15, 2015 (Rec. Doc. 680). Prior to that date, and consistent with the Court's instructions, the parties will consolidate their exhibit lists and use the *David v. Signal* bench book designations for exhibits, where available. Each party's list of exhibits is detailed below:

- Plaintiffs' Exhibits: **Exhibit F** hereto.
- Dewan Defendants' Exhibits: **Exhibit G** hereto.

11. The witnesses for whom deposition testimony shall be offered in evidence is indicated on the parties' respective witness lists referenced in paragraph 13 below, and submitted herewith at Exhibits H and I. Specific portions of deposition and/or trial testimony will be designated and exchanged by the parties on October 23, 2015, in accordance with the Court's Order of July 15, 2015 (Rec. Doc. 680), and any objections and cross-designations hereto after a meet and confer among counsel, shall be filed and served on October 23, 2015. All parties reserve the right to introduce additional portions of deposition testimony if necessary for impeachment purposes.

12. The parties have included on their respective exhibit lists demonstrative exhibits that they currently intend to use at any point during the trial. For these purposes, enlarged or highlighted copies of exhibits are not deemed demonstrative exhibits that need to be separately identified. With respect to demonstrative exhibits to be used in opening statements, consistent with the Court's Order of July 15, 2015 (Rec. Doc. 680), brief descriptions of any such demonstrative shall be exchanged by the parties on October 26, 2015, and any objections to such demonstrative exhibits shall be filed on October 28, 2015.

13. A list of witnesses for all parties is included in the attached Exhibits detailed below.

- Plaintiffs' Witness List: **Exhibit H** hereto.
- Dewan Defendants' Witness List: **Exhibit I** hereto.

The witness lists for each party were filed in accordance with prior court orders. No other witnesses shall be allowed unless agreeable to all parties and their addition does not affect

the trial date.<sup>1</sup> This restriction shall not apply to rebuttal witnesses or documents whose necessity cannot be reasonably anticipated.

Counsel have exchanged expert reports in accordance with the prior court orders. Expert witnesses whose reports have not been furnished to opposing counsel shall not be permitted to testify nor shall experts be permitted to testify to opinions not included in the reports timely furnished.

14. This is a jury trial for all aspects of the case, with the exception of the award of attorneys' fees, if any, which shall be a matter for the Court after the jury renders its verdict.

A joint statement of the case which will be read by the Court to the prospective panel of jurors prior to the commencement of voir dire is attached as **Exhibit J**.

Proposed joint jury instructions are attached as **Exhibit K**. To the extent agreement has not been reached on all jury instructions, the proposed jury instructions attached as Exhibit K provide alternate versions with respect to any instruction in dispute. Each party has noted its reasons for putting forth an alternative instruction and the law in support thereof. Counsel must submit electronic versions (in Word or Word Perfect format) to the Court no later than 5:00 p.m. five working days before trial at the following email address: efile-Morgan@laed.uscourts.gov, and must deliver 2 courtesy copies to Chambers.

Joint proposed jury verdict forms are attached as **Exhibit L**. To the extent that the parties have not reached agreement, the parties have filed a joint memorandum explaining the disagreements between the parties as to the proposed jury verdict form.

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<sup>1</sup> Dewan reserves his right to amend his witness list and exhibit list upon further analysis of Plaintiffs' proposed presentation of agency theories, as well as Dewan's anticipated presentation of agency issues. Plaintiffs reserve their right to object to any untimely modifications of witness or exhibit lists.

15. The issue of liability will not be tried separately to that of quantum of damages, or the award or quantum of punitive damages.

16. The parties are unaware of any other matters that might expedite a disposition of the case.

17. Trial shall commence on January 19, 2016 at 9:00 a.m. Trial shall last two weeks and three days (13 trial days) according to the Court's instructions at the September 9, 2015 Status Conference.

18. This Pre-Trial Order has been formulated after conference. Reasonable opportunity has been afforded counsel for corrections, or additions, prior to signing. Hereafter, this Pre-Trial Order will control the course of the trial and may not be amended except by consent of the parties and the Court, or by order of the Court to prevent manifest injustice.

19. The Parties have considered settlement. In light of the judgment entered in *David et al. v. Signal et al.*, No. 08-1220, and the request of the Defendants that settlement discussions include counsel to all plaintiffs asserting similar claims, the Parties are in the process of coordinating a settlement discussion involving counsel to plaintiffs in other related actions.

Respectfully submitted this 13th day of October 2015.

LATHAM & WATKINS LLP

By: /s/ Daniel D. Adams

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Christopher Harris, *pro hac vice*

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2015, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of an electronic filing to all CM/ECF participants. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to non-CM/ECF participants.

/s/ A. Gregory Grimsal

A. Gregory Grimsal