

STATE OF MICHIGAN  
MACOMB COUNTY CIRCUIT COURT

SARMAD BRIKHO,

Plaintiff,

vs.

Case No. 2014-3977-CB

SHANT SHIRINIAN, SHIRINIAN INVESTMENTS,  
LLC, VAN 8 COLLISION, INC., GARY  
CUNNINGHAM, and GARY H. CUNNINGHAM,  
P.C.

Defendants,

and

CHOICE AUTOMOTIVE GROUP, LLC, d/b/a  
Chase Automotive Leasing,

Nominal Defendant.

FILED  
2016 SEP 30 A 10:50  
CARNELLA SABAUGH  
MACOMB COUNTY CLERK  
MT. CLEMENS, MICHIGAN

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OPINION AND ORDER

This matter is before the Court regarding Defendants Shant Shirinian ("Defendant Shirinian"), Shirinian Investments, LLC and Van 8 Collision, Inc.'s (collectively, "Shirinian Defendants") motion in limine to exclude evidence offered contrary to the stipulated opening inventory, and motion in limine to exclude audio recordings.

I. Factual and Procedural History

On July 1, 2016, the Shirinian Defendants filed their instant motion to exclude evidence offered contrary to the stipulated opening inventory. On July 8, 2016, Plaintiff filed a response to the motion in which he opposed the motion on the sole basis that he was not served with the motion. On July 11, 2016, the

Court held a hearing in connection with the motion. At the hearing, the Court took the matter under advisement and granted Plaintiff seven days to file a response to the motion. However, Plaintiff has not filed a response to the motion.

## II. Arguments and Analysis

### A. Motion to Exclude Audio Recordings

On July 6, 2016, the Shirinian Defendants filed a motion to exclude audio recordings. On July 11, 2016, Plaintiffs filed their response to the motion. On July 11, 2016, the Court held a hearing in connection with the motion. At the conclusion of the hearing, the Court entered an order adjourning the motion to allow the parties to confer regarding the issues presented in the motion and to advise the Court, within 14 days, as to what issues, if any, the Court was being asked to resolve. Neither side has advised the Court of any outstanding issue(s) regarding the motion. As a result, the motion is hereby dismissed based on the parties' failure to comply with the terms of the July 11, 2016 Order.

### B. Motion to Exclude Evidence Regarding Opening Inventory

The Court will now address the Shirinian Defendants' motion to exclude evidence offered contrary to the stipulate opening inventory. In their motion, Defendants argue that Plaintiff should not be able to challenge the Receiver's conclusion regarding CAG's opening inventory. This issue was previously addressed by the Court during the December 7, 2015 hearing. Specifically, on the issue of beginning inventory the Court held that there is a stipulation admitted by both parties as to the beginning inventory. Specifically, the Court found that

the parties had agreed to hire Mr. Bills Edwards from Rehman to calculate that beginning inventory. (See Shirinian Defendants' Exhibit C, at p.49.) Further, the Court found that the parties agreed that Mr. Edwards would, with the input from the parties, determine the beginning inventory. (Id.) Finally, the Court held that objections as to the beginning inventory, as determined by Mr. Edwards, had been waived. (Id. at 50.)

Neither party filed a motion for reconsideration of the Court's ruling on December 7, 2015, nor has either side had that ruling set aside. Based on the fact that this issue has already been ruled on, the Court declines to revisit the issue. Based on the December 7, 2015 ruling, and the reasoning set forth by the Court at that hearing, the Court remains convinced that the issues related to the beginning inventory have been resolved. As a result, the Shirinian Defendants' motion to exclude Plaintiff from introducing evidence contrary to Mr. Edwards' conclusions regarding the opening inventory will be granted.

### III. Conclusion

For the reasons set forth above, the Shirinian Defendants' motion to exclude evidence offered contrary to the stipulated opening inventory is GRANTED. Further, the Shirinian Defendants' motion to exclude audio recordings is DISMISSED. In compliance with MCR 2.602(A)(3), the Court states this Opinion and Order does not resolve the last claim and does not close the case.

IT IS SO ORDERED.

Date: SEP 30 2016

Kathryn A. Viviano  
Hon. Kathryn A. Viviano, Circuit Court Judge