

STATEMENT OF ISSUES

1. WHETHER THE TRIAL COURT ERRED IN GRANTING SUMMARY JUDGMENT AGAINST WAGAMAN AND IN FAVOR OF PEPL ON WAGAMAN'S COUNTERCLAIM FOR DEFENSE EXPENSES FOR THE DECLARATORY JUDGMENT ACTION?

TRIAL COURT: The trial court held that PEPL was entitled to a judgment as a matter of law on the issue of entitlement to defense expenses in a declaratory judgment action.

2. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN GRANTING TERMS AGAINST WAGAMAN'S COUNSEL AND IN FAVOR OF THE LAW FIRM FROM WHOM DISCOVERABLE DOCUMENTS WERE SOUGHT?

TRIAL COURT: The trial court assessed terms against Wagaman's counsel for attempting to obtain discovery of the law firm's partnership agreement.

3. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING WAGAMAN'S MOTION FOR TERMS AGAINST PEPL WHEN WAGAMAN ATTEMPTED TO COMPEL CRITICAL TESTIMONY?

TRIAL COURT: The trial court denied Wagaman's motion for terms against PEPL regarding the motion to compel.