

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WELLS FARGO BANK, N.A.,

Plaintiff,

:

Case No. 3:07-cv-449

-vs-

:

Magistrate Judge Michael R. Merz

LaSALLE BANK NATIONAL
ASSOCIATION,

Defendant.

**DECISION REGARDING DESIGNATIONS IN THE DEPOSITION OF
RONALD C. STEFFENINO**

This case is before the Court on the parties' request that the Court rule in limine on the admission of designated and cross-designated portions of depositions to be played at trial from edited videorecordings of the depositions. The background for the procedure to be followed is set forth in the Decision and Order Vacating Trial Date (Doc. No. 229). Rulings on the depositions will be issued as completed so that the video editing process can be started as needed.

The Court rules on the objections made in the Chart (attachment to Doc. No. 225) as corrected pursuant to Doc. Nos. 226 and 231, and as further clarified by the Appendix¹ to Doc. No. 192 as subsequently numbered in Attorney Marx's email of 8/12/2009 (12:11 P.M.), as follows:

p. 33, ll. 1-3 & 13-24	Although all these lines are coded as being objected to by Wells Fargo, it appears the only objection is to lines 13-18 which is sustained.
p. 76, l. 11 to p. 77, l. 13	The Court does not agree that any of this amounts to lay opinion testimony. It merely describes a relevant use of terminology.

¹Both the numbered and unnumbered versions of this Appendix are now filed and docketed in the case for future reference at Doc. No. 241.

p. 79, l. 1 to p. 81, l. 24	Wells Fargo's objections are overruled
p. 136, l. 15 to p. 139, l. 24	Wells Fargo's objections are overruled
p. 179, ll. 12-16 and p. 180, ll. 1-7	The form of the answer makes it unclear if the witness actually knows what the document is or whether he is just reading what it is. LaSalle's objection is sustained.
p. 193, l. 22 to p. 194, l. 7	Same ruling as the prior objection for the same reason.
p. 195, l. 15 to p. 197, l. 1	Wells Fargo's relevance objection is overruled.
p. 221, l. 2 to p. 224, l. 13	LaSalle's objection is overruled.
p. 225, l. 23 to p. 227, l. 19	LaSalle's objection is overruled.

September 29, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge