

**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.

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**DECISION REGARDING DESIGNATIONS IN THE DEPOSITION OF  
MADDALENA VITULLI-WESSEL**

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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 Appendix<sup>1</sup> to Doc. No. 192 as subsequently numbered in Attorney Marx's email of 8/12/2009 (12:11 P.M.), as follows:

p. 10, l. 22 to p. 11, l. 14	LaSalle's objection is overruled.
p. 15, ll. 1-24	Wells Fargo's objection to line 24 is sustained. As the Court understands Doc. No. 225-2, there is no objection to ll. 1-23 despite the color coding of the transcript.

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

p. 41, ll. 1-21	Wells Fargo's objection to line 21 is sustained. As the Court understands Doc. No. 225-2, there is no objection to ll. 1-20 despite the color coding of the transcript.
p. 42, l. 16 to p. 44, l. 10	The objections of both parties are sustained.
p. 45, l. 11 to p. 49, l. 12	The objections of both parties are overruled
p. 45, ll. 13-24 & p. 50, ll. 1-4	LaSalle's objection is sustained.
p. 50, ll. 5-11	LaSalle's objection is overruled.
p. 53, l. 20 to p. 54, l. 21 & p. 56, l. 23 to p. 57, l. 16	LaSalle's objection is sustained and the intervening designation is therefore withdrawn.
p. 62, ll. 5-21	LaSalle's objection is sustained.
p. 64, l. 6 to p. 65, l. 16	LaSalle's objection is sustained.
p. 81, ll. 1-11	Wells Fargo's objection is overruled.
p. 84, ll. 5-22	LaSalle's objection is overruled.
p. 85, l. 17 to p. 86, l. 20 and p. 87, l. 23 to p. 88, l. 15	LaSalle's objection is overruled.
p. 109, l. 6 to p. 110, l. 20	Wells Fargo has withdrawn this designation. Doc. No. 225-2 at 100
p. 116, l. 18 to p. 118, l. 16	LaSalle's objection is sustained.
p. 125, l. 15 to p. 127, l. 15	LaSalle's objection is sustained.
p. 128, ll. 7-13	LaSalle's objection is sustained.
p. 129, l. 11 to p. 132, l. 18	LaSalle's objection is sustained.
p. 134, ll. 8-15	LaSalle's objection is sustained.

October 2, 2009.

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