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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

) No. CV 06-926-PHX-SMM

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) **ORDER**

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Plaintiff,

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v.

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AUTOZONE, INC., a Nevada
corporation,

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Defendant.

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At the Final Pre-Trial Conference held on May 26, 2009, the Court agreed to address and rule on the parties' objections to the designated testimony of Howard Brown prior to trial. Mr. Brown will appear via videotape deposition and the advance ruling will allow the parties to edit the videotape of the deposition.

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Defendant's Objections		
page 10	lines 1-10, 16-19	sustained
page 30	lines 7-22	sustained
page 31	lines 2-25	sustained
page 32	lines 1-25	sustained
page 33	lines 1-4	sustained

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page 33	lines 7-25	sustained
page 34	lines 1-3, 19-25	sustained
page 35	lines 1-23	sustained
page 48	lines 12-16 The Court includes line 12 for completeness purposes.	sustained
page 60	lines 1-3	sustained
page 62	lines 1-3	overruled
page 62	lines 22-25	sustained
page 63	line 1	sustained
page 63	lines 14-17	sustained
page 76	lines 7-25	sustained
page 77	lines 1-18	sustained
Plaintiff's Objections		
page 16	lines 18-25	sustained
page 17	lines 1-5	sustained
page 21	lines 6-25	sustained unless testimony goes to corporate knowledge
page 22	lines 1-14	sustained unless testimony goes to corporate knowledge

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page 28	lines 8-25	overruled
page 53	lines 15-25	overruled
page 54	lines 1-25	overruled
page 55	lines 1-4	sustained
page 55	lines 17-24	overruled
page 58	lines 8-15	overruled
page 68	lines 21-25	sustained
page 69	lines 1-4	sustained
page 69	lines 11-25	overruled
page 70	line 1	overruled
page 73	lines 3-6	sustained
page 74	lines 2-15	sustained
page 74	lines 24-25	sustained
page 75	lines 1-15	sustained

DATED this 28th day of May, 2009.



Stephen M. McNamee
United States District Judge