

1 E. SCOTT DOSEK #012114
 JOHN P. PASSARELLI #16018 (NE)
 2 KUTAK ROCK LLP
 Suite 300
 3 8601 North Scottsdale Road
 Scottsdale, AZ 85253-2742
 4 (480) 429-5000
 Facsimile: (480) 429-5001
 5

6 *Attorneys for Plaintiff / Counterdefendant /*
Counterclaimant Soilworks, LLC

7
 8 **UNITED STATES DISTRICT COURT**
 9 **IN AND FOR THE DISTRICT OF ARIZONA**

10 SOILWORKS, LLC, an Arizona
 11 corporation,

12 Plaintiff / Counterdefendant /
 Counterclaimant,

13 v.

14 MIDWEST INDUSTRIAL SUPPLY, INC.,
 an Ohio corporation authorized to do
 15 business in Arizona,

16 Defendant / Counterclaimant /
 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**SOILWORKS LLC'S SUPPLEMENT
 TO THE PARTIES' PROPOSED
 FINAL PRETRIAL ORDER (Docket
 #116)**

(Assigned to the Honorable David G.
 Campbell)

17
 18 Plaintiff Soilworks, LLC ("Soilworks") supplements to the Parties' Proposed Final
 19 Pretrial Order (Dkt#116) and submits its objections to Defendant Midwest Industrial Supply,
 20 Inc.'s ("Midwest") deposition designations therein at pp. 29 through 31 as follow:

21 **Defendant's Deposition Designations:**

22 Midwest may offer the following portions of the following depositions at trial:

23 **Deposition of Steven Hickman (April 23, 2008):**

	Soilworks' Objections
24 4:1-9:24	
25 11:4-12:8	
26 21:8-22:1	
27 22:11-25:23	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Soilworks' Objections
26:8-33:3	
34:2-37:17	35:17-37:17 – Foundation; relevance
37:18-39:22	37:18-21 – Foundation; relevance
39:23-45:20	40:6-12 – Foundation; 403 40:18-25 – Foundation; relevance 41:1-25- 44:1-25 – Foundation; relevance 45:1-20 – Foundation; relevance; hearsay
45:21-46:4	Foundation; relevance; hearsay
46:5-48:15	Foundation; relevance; hearsay
48:15-50:2	Foundation; relevance; hearsay
54:17:-56:4	
56:5-56:12	
56:13-57:3	
64:17-66:1	
67:2-70:11	
70:15-71:5	
72:9-73:9	
74:13-76:2	75:16-76:2 – Relevance
76:16-78:25	Relevance
79:1-80:24	Relevance; 403
80:25-81:5	Relevance
87:7-90:18	
90:20-94:18	Relevance
95:9-96:5	Relevance
99:7-101:16	101:7-16 – Foundation
101:22-110:23	
116:13-118:5	
118:6-127:21	
135:12-140:1	
140:10-142:15	
142:19-146:4	
146:5-156:10	148:12-25 – Foundation; relevance 149:1-7 – Foundation; relevance 151:8-23 – Relevance

	Soilworks' Objections
156:11-160:9	159:22-25 – Foundation 160:1 – Foundation
160:13-174:23	162:4-23 – Relevance 163:20-25 – Foundation 164:13-25; 165:1-167:25 – Relevance
175:13-178:17	Relevance
178:19-179:20	
179:21-183:2	

Deposition of Steven Gordner (April 23, 2008):

	Soilworks' Objections
4:1-11:18	
12:24-17:25	17:17-25 – Foundation; legal conclusion
18:1-19:13	
21:1-23:19	21:14-24 – Foundation
24:5-26:24	25:1-26:24 – Relevance; foundation; competence
28:8-23	
29:16-33:1	29:16-25 – Relevance; foundation; competence 30:1-25 – Relevance; foundation; competence 31:1-25 – Relevance; foundation; competence 32:21-25 – Foundation 33:1 – Foundation
33:2-35:8	33:2-25 – Foundation; relevance 34:1-3 – Foundation; relevance
35:9-39:4	
41:1-42:4	Foundation; relevance
43:24-48:18	43:24-46:18 – Foundation; relevance 47:1-48:18 – Foundation; relevance
49:5-52:11	51:1-52:11 – Foundation; relevance
54:6-55:1	
57:3-12	
62:3-64:2	

1 **Deposition of Kevin Hurst (April 11, 2008):**

2

	Soilworks' Objections
3 4:1-6:18	
4 8:20-9:19	
5 12:13-13:11	13:5-11 – Leading; foundation
6 13:12-14:14	
7 15:1-17	
8 15:21-17:14	
9 17:15-20:1	
10 20:2-21:15	
11 21:16-22:11	
22:12-23:8	Relevance
23:22-25	

12 Dated this 11th day of March, 2009.

13
14 KUTAK ROCK LLP

15
16 By /s E. Scott Dosek
17 E. Scott Dosek, Esq.
18 John P. Passarelli, Esq.
19 8601 North Scottsdale Road #300
20 Scottsdale, AZ 85253-2742
21 *Attorneys for Plaintiff Soilworks, LLC*
22
23
24
25
26
27
28

