IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

DANNY LEE **PLAINTIFF**

v. **CASE NO. 3:07CV00098 BSM**

NUCOR-YAMATO STEEL COMPANY LP
AND NUCOR CORPORATION **DEFENDANTS**

ORDER

Now pending are the parties' objections to designations and counter-designations of deposition and trial testimony. Because the parties have indicated that they no longer intend to use a number of the depositions they initially designated, the only objections relevant at this time are plaintiff's objections to defendants' designations of testimony from Joe Stratman's deposition [Doc. No. 108] and defendants' objections to plaintiff's counter-designations of testimony from Stratman and Michael Hooks's depositions [Doc. No. 106]. Also ripe for review are defendants' objections [Doc. Nos. 163, 164] to plaintiff's designations of Rodney Washington and Ozzie Green's trial testimony in *Bennett v. Nucor Corp.*, Case No. 3:04CV00291. The rulings on these objections are as follows.

A. Plaintiff's objections to designations from Joe Stratman's deposition

Plaintiff's objection to designation 165:14 to 169:3 from Stratman's deposition is sustained as to the testimony from 165:13–167:8, and overruled as to the testimony from 167:9–169:3. Plaintiff's objection to designation 181:19–186:12 is sustained but on the condition that the testimony from 181:19–183:20, where Stratman testifies about statements made to him by other Nucor employees, can not be offered for the truth of the matter

asserted. Those statements can only be offered to show the basis for the course of action taken by Stratman. Finally, plaintiff's objection to designation 203:8–204:20 is sustained.

B. Defendants' objections to counter-designations from Joe Stratman and Michael Hooks's depositions

Defendants' objections to plaintiff's counter-designations from the depositions of Stratman and Hooks are all overruled.

C. Defendants' objections to designations from Rodney Washington's trial testimony

Defendants' objections to the following designations from Washington's trial testimony are sustained: 126:17–126:25; 153:15–153:17; 205:11–205:18; 206:8–207:6; and 212:22–214:16. The remaining objections are overruled.

D. Defendants' objections to designations from Ozzie Green's trial testimony

Defendants' objections to the following designations from Green's trial testimony are sustained: 220:25–221:11; 235:7–235:9; 237:25–238:4; 260:17–261:25; 316:10–316:25; and 317:1–318:6. Defendants' objection to designation 224:8–225:17 is sustained only as to lines 8-9 on page 224. Defendants' objection to designation 243:2–243:8 is sustained only as to line 2 on page 243. Finally, defendants' objection to designation 256:15–257:5 is sustained only as to lines 15-16 on page 256.

IT IS SO ORDERED this 11th day of April 2013.

UNITED STATES DISTRICT JUDGE