

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**JENNIFER STOGSDILL, Individually,**

**PLAINTIFF**

**V.**

**4:08CV00207 JMM**

**JUAN J. ROMAN, M.D.**

**DEFENDANT**

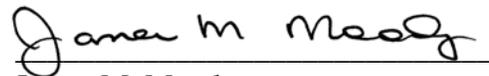
**ORDER**

The Court has reviewed the parties' designations of Dr. Homesley's depositions (Docket # 143 and 145) and the corresponding objections.

The Court denies Plaintiff's request to exclude the 2007 deposition of Dr. Homesley. The Federal Rules do not differentiate between evidentiary and discovery depositions. Both may be used at trial. However, Plaintiff's specific objections to page 21, lines 14-16, and page 56, line 7-11, are sustained. Plaintiff's objections to Dr. Homesley's 2007 deposition at page 37, line 3-16, and page 41, line 9-19, are overruled. These sections of the deposition may be read to the jury.

As for Dr. Homesley's 2009 video deposition, the Court denies the Defendant's objection to page 58, lines 7-21. Defendant's objection to page 29, lines 5-9 are moot because Plaintiff does not plan to present this portion of the video deposition.

IT IS SO ORDERED this 22<sup>nd</sup> day of September, 2010.



James M. Moody  
United States District Judge