

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

**KRISTINA LEE KELLEY, Individually
and as Personal Administrator for the
ESTATE OF CAITLIN KELLEY FUCHS;
CASI RIGGS AND COURTNEY FUCHS**

PLAINTIFF

V.

NO: 4:09CV000894 JMM

**HYUNDAI MOTOR COMPANY;
HYUNDAI MOTOR AMERICA, INC;
and JOHN DOES 3 - 10**

**DEFENDANTS
THIRD-PARTY PLAINTIFFS**

V.

JOSEPH GERKE

THIRD-PARTY DEFENDANT

ORDER

Pending are the parties' objections to deposition designations and counter-designations. Following a review of the pleadings and the deposition transcripts, the Court finds and orders as follows:

The depositions of Jeffrey Pearson, Thomas McNish and Geoffrey Germane may not be directly presented to the jury unless they are first shown to be unavailable. In the event each is unavailable, the Court finds as follows:

1. Plaintiffs' objections to the Defendants' designations of the deposition testimony of Jeffery Pearson at page 84 line 15 through 16 is overruled.
2. Plaintiffs' objections to the Defendants' designations of the deposition testimony of Jeffery Pearson at page 102 line 22 through page 105 line 19 is overruled. However, Plaintiffs will be allowed to add page 105 line 20 through page 106 line 8.
3. Plaintiffs' objections to the Defendants' designations of the deposition testimony of Thomas McNish at page 71 line 10 is moot as the Court finds that the testimony at page 71 lines 11

through 13 should be added.

4. Plaintiffs' objections to the Defendants' designations of the deposition testimony of Thomas McNish at page 150 line 17 through 25 is moot as the Court finds that the testimony at page 87 lines 15 through page 88 line 19 should be added.

5. Defendants' objections to the Plaintiffs' designations of the deposition testimony of Geoffrey Germane are overruled.

6. Defendants' objections to the Plaintiffs' designations of the deposition testimony of Jeffrey Pearson at page 206 line 15 are overruled.

7. Defendants' objections to the Plaintiffs' designations of the deposition testimony of Jeffrey Pearson at page 240 line 18 through page 241 line 1 are sustained.

8. Defendants' objections to the Plaintiffs' designations of the deposition testimony of Jeffrey Pearson at page 242 lines 12 to 15 are sustained.

9. Defendants' objections to the Plaintiffs' designations of the deposition testimony of Thomas McNish are overruled.

IT IS SO ORDERED this 1st day of August, 2011.


James M. Moody
United States District Judge