

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

MARQCHELLO JORDAN

PLAINTIFF

v.

Case No. 4:17-cv-4011

ELMER ENRIQUE VENTURA,
and JOHN DOES 1-3

DEFENDANTS

ORDER

Plaintiff has designated and Defendant has counter-designated portions of depositions that they plan to present at trial for the following witnesses: Dr. Kamal Kabakibou, Kevin Clifton, Ken Jordan, Trooper Hamilton, Rachel Cuffy, Lennon Hall, Robert Hinterman, and John Freeman. The Court has reviewed the deposition transcripts and makes the following rulings regarding objections to deposition testimony:

1. Dr. Kamal Kabakibou

- Page 32: line 15 through page 34: line 11 – **Defendant’s objection sustained.**
- Page 35: line 19 through page 36: line 14 – **Defendant’s objection overruled.**
- Page 37: line 13 through page 38: line 7 – **Defendant’s objection overruled.**
- Page 45: line 15 through page 45: line 17 – **Plaintiff’s objection sustained.**
- Page 47: line 23 through page 48: line 3 – **Plaintiff’s objection sustained.**
- Page 57: line 20 through page 57: line 24 – **Plaintiff’s objection sustained.**
- Page 60: line 13 through page 60: line 19 – **Plaintiff’s objection sustained.**
- Page 61: line 4 through page 61: line 12 – **Plaintiff’s objection sustained.**
- Page 62: line 20 through page 62: line 24 – **Plaintiff’s objection sustained.**

2. Kevin Clifton

- Page 8: line 5 through page 8: line 15 – **Defendant’s objection overruled.**
- Page 13: line 3 through page 13: line 24 – **Defendant’s objection sustained as to page 13: line 7 through page 13: line 14, and as to page 13: line 22 through page 13: line 24. Defendant’s objection overruled as to the remainder of this section.**
- Page 20: line 14 through page 20: line 17 – **Defendant’s objection sustained.**
- Page 20: line 20 through page 20: line 22 – **Defendant’s objection overruled.**
- Page 14: line 12 through page 14: line 14 – **Plaintiff’s objection sustained.**
- Page 14: line 16 through page 15: line 9 – **Plaintiff’s objection sustained.**
- Page 17: line 3 through page 18: line 19 – **Plaintiff’s objection sustained.**

3. Ken Jordan

- Page 10: line 2 through page 10: line 5 – **Defendant’s objection sustained.**
- Page 10: line 6 through page 10: line 11 – **Defendant’s objection overruled.**
- Page 11: line 8 through page 11: line 13 – **Defendant’s objection overruled.**
- Page 12: line 1 through page 12: line 2 – **Defendant’s objection overruled.**
- Page 12: line 9 through page 12: line 12 – **Defendant’s objection overruled.**
- Page 12: line 13 through page 12: line 15 – **Defendant’s objection sustained.**
- Page 14: line 13 through page 14: line 18 – **Plaintiff’s objection sustained.**

4. Trooper Hamilton

- Page 17: line 6 through page 17: line 19 – **Defendant’s objection overruled.**

- Page 19: line 2 through page 20: line 19 – **Defendant’s objection sustained as to page 19: line 23 through page 20: line 19. Defendant’s objection overruled as to the remainder of this section.**
- Page 20: line 23 through page 21: line 2 – **Defendant’s objection overruled.**
- Page 22: line 16 through page 22: line 25 – **Defendant’s objection overruled.**
- Page 23: line 1 through page 23: line 13 – **Defendant’s objection overruled.**
- Page 52: line 5 through page 52: line 11 – **Defendant’s objection sustained.**
- Page 27: line 21 through page 27: line 25 – **Plaintiff’s objection sustained.**
- Page 28: line 9 through page 28: line 11 – **Plaintiff’s objection sustained.**
- Page 41: line 25 through page 42: line 6 – **Plaintiff’s objection overruled.**
- Page 57: line 17 through page 59: line 2 – **Plaintiff’s objection sustained.**

5. Rachel Cuffy

- Page 13: line 17 through page 13: line 20 – **Defendant’s objection overruled.**
- Page 14: line 9 through page 14: line 11 – **Defendant’s objection overruled.**
- Page 24: line 17 through page 24: line 20 – **Plaintiff’s objection sustained.**

6. Lennon Hall

- Page 12: line 13 through page 12: line 15 – **Defendant’s objection overruled.**
- Page 14: line 7 through page 14: line 12 – **Defendant’s objection overruled.**
- Page 15: line 20 through page 15: line 25 – **Plaintiff’s objection sustained.**
- Page 15: line 25 through page 16: line 3 – **Plaintiff’s objection sustained.**
- Page 16: line 5 through page 16: line 6 – **Plaintiff’s objection sustained.**
- Page 16: line 9 through page 16: line 15 – **Plaintiff’s objection sustained.**

7. Robert Hinterman

- Page 14: line 16 through page 23: line 10 – **Defendant’s objection sustained.**
- Page 29: line 18 through page 30: line 14 – **Defendant’s objection sustained.**
- Page 34: line 14 through page 36: line 3 – **Defendant’s objection sustained.**
- Page 36: line 12 through page 36: line 19 – **Defendant’s objection sustained.**
- Page 38: line 16 through page 39: line 5 – **Defendant’s objection sustained.**
- Page 39: line 6 through page 40: line 5 – **Defendant’s objection sustained.**
- Page 83: line 17 through page 84: line 2 – **Defendant’s objection sustained.**
- Page 48: line 9 through page 50: line 14 – **Plaintiff’s objection sustained.**
- Page 50: line 22 through page 51: line 4 – **Plaintiff’s objection sustained.**
- Page 55: line 5 through page 55: line 10 – **Plaintiff’s objection overruled.**
- Page 58: line 16 through page 60: line 9 – **Plaintiff’s objection overruled as to page 58: line 16 through page 58: line 20. Plaintiff’s objection sustained as to the remainder of this section.**
- Page 61: line 5 through page 67: line 4 – **Plaintiff’s objection sustained.**
- Page 67: line 5 through page 67: line 17 – **Plaintiff’s objection sustained as to page 67: line 5 through page 67: line 11. Plaintiff’s objection overruled as to the remainder of this section.**
- Page 74: line 22 through page 80: line 14 – **Plaintiff’s objection sustained.**

8. John Freeman

- Page 19: line 6 through page 21: line 14 – **The Court is currently without sufficient information to rule on this objection. The Court will address this objection at the pretrial conference set on March 18, 2019.**

- Page 25: line 10 through page 28: line 1 – Defendant’s objection sustained as to page 25: line 22 (beginning with “like I was”) through page 25: line 24, page 26: line 8 through page 26: line 11, and page 26: line 15 (beginning with “But he said”) through page 26: line 17 (ending with “students, you know.”). Defendant’s objection overruled as to the remainder of this section.
- Page 28: line 2 through page 29: line 6 – Defendant’s objection sustained as to page 28: line 16 (beginning with “You know, I”) through page 29: line 1 (ending with “this many hours.”). Defendant’s objection overruled as to the remainder of this section.
- Page 30: line 7 through page 32: line 16 – Defendant’s objection sustained as to page 31: line 8 (beginning with “talking about”) through page 31: line 11 (ending with “from, you know.”), and page 32: line 7 (beginning with “And like I was”) through page 32: line 14 (ending with “glad you like it.”). Defendant’s objection overruled as to the remainder of this section.
- Page 33: line 14 through page 38: line 11 – Defendant’s objection sustained as to page 34: line 21 (beginning with “like I told him”) through page 34: line 22 (ending with “worked out.”), page 36: line 8 (beginning with “But he kept saying”) through page 36: line 14 (ending with “you know.”), page 37: line 8 through page 37: line 13 (ending with “wrong, you know.”), page 37: line 14 (beginning with “What”) through page 37: line 21 (ending with “was,”), and page 38: line 2 through page 38: line 7 (ending with “you

know.”). Defendant’s objection overruled as to the remainder of this section.

- **Page 40: line 14 through page 47: line 23 – Defendant’s objection sustained as to page 42: line 21 through page 43: line 8, page 46: line 7 through page 46: line 12 (ending with “at home,”), and page 47: line 15 through page 47: line 21 (ending with “know.”). Defendant’s objection overruled as to the remainder of this section.**
- **Page 49: line 6 through page 59: line 24 – Defendant’s objection sustained as to page 50: line 13 through page 50: line 22 (ending with “a hard time doing.”), page 52: line 4 through page 52: line 9 (ending with “have a helper.”), page 53: line 11 (beginning with “I can’t remember”) through page 53: line 16 (ending with “remember who.”), page 54: line 1 (beginning with “Since”) through page 54: line 12 (ending with “what I’m saying?”), page 54: line 23 through page 55: line 16, page 55: line 21 (ending with “Probably. But”), page 56: line 3 (beginning with “You know,”) through page 56: line 12, page 57: line 6 (beginning with “But”) through page 57: line 8, and page 58: line 8 through page 59: line 4. Defendant’s objection overruled as to the remainder of this section.**
- **Page 60: line 19 through page 64: line 19 – Defendant’s objection sustained as to page 60: line 20 (beginning with “And kind”) through page 62: line 8, page 62: line 21 through page 63: line 6, and page 63: line 12 through page 64: line 19. Defendant’s objection overruled as to the remainder of this section.**

- Page 68: line 21 through page 69: line 19 – **Plaintiff’s objection sustained.**
- Page 76: line 14 through page 76: line 24 – **Plaintiff’s objection overruled.**
- Page 77: line 22 through page 79: line 8 – **Plaintiff’s objection sustained.**
- Page 86: line 8 through page 86: line 16 – **Plaintiff’s objection sustained.**

IT IS SO ORDERED, this 15th day of March, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge