

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

**LONDON LUXURY, LLC**

**PLAINTIFF/COUNTER-DEFENDANT**

**V.**

**CASE NO. 5:22-CV-5059**

**WALMART, INC.**

**DEFENDANT/COUNTER-PLAINTIFF**

**ORDER**

Before the Court are the parties' objections to certain excerpts of the deposition testimony of Lew Ann Brown. Ms. Brown is a former employee of London Luxury who was employed there for approximately six years. During 2020 and 2021, Ms. Brown was an Account Manager for London Luxury, and her responsibilities included being a liaison between London Luxury and the retailers she worked with, including Walmart.

The parties identified certain excerpts, or "Excerpt Designation Numbers," from Ms. Brown's videotaped deposition to be presented to the jury in lieu of live testimony. Each party then noted its respective objections and responses to one another's designations. Below is a chart stating the Court's rulings on each objection. The Joint Motion to Exclude Deposition Testimony of Lew Ann Brown (Doc. 383) is therefore **GRANTED IN PART AND DENIED IN PART** as follows:<sup>1</sup>

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<sup>1</sup> In many instances, the parties have objected to a question and answer in the context of showing the witness an exhibit. The Court does not know whether a given exhibit will be in evidence when the proposed deposition testimony is presented to the jury. It is possible that the Court's rulings here might be different based on whether the exhibit at issue is or is not in evidence.

LEW ANN BROWN					
Excerpt No.	Objecting Party	From	To	Basis	Court's Ruling on the Objection
9	Walmart	19:9	20:07	19:21 to 20:3 – Reputation or Opinion Evidence (FRE 608(a)); Relevance (FRE 401 and 402)	<b>OVERRULED</b>
20	Walmart	34:15	34:17	Reputation or Opinion Evidence (FRE 608(a)); Relevance (FRE 401 and 401)	<b>OVERRULED</b>
27	London Luxury	42:10	42:18	Vague (42:12-42:18) Lacks foundation (42:12-42:18) FRE 403 (42:12-42:18)	<b>OVERRULED</b>
47	London Luxury	56:19	57:7	Vague (56:23-57:03) Lacks foundation (56:23-57:03) FRE 403 (56:23-57:03)	<b>OVERRULED</b> as to 56:19–56:22; <b>SUSTAINED</b> as to 56:23–57:07 (FRE 602)
48	London Luxury	57:18	58:2	Vague Lacks foundation FRE 403	<b>SUSTAINED</b> (FRE 602)
52	London Luxury	61:13	61:22	Vague (61:19-61:22) Lacks foundation (61:19-61:22) FRE 403 (61:19-61:22)	<b>SUSTAINED</b> (FRE 602)
53	London Luxury	61:24	62:2	Vague Lacks foundation FRE 403	<b>SUSTAINED</b> (FRE 602)

54	London Luxury	62:9	62:16	Vague Lacks foundation FRE 403	<b>SUSTAINED</b> (FRE 602)
55	London Luxury	62:23	63:5	Vague Lacks foundation FRE 403	<b>SUSTAINED</b> (FRE 602)
61	London Luxury	66:2	68:11	Vague (66:08-66:16; 68:03-68:11) Lacks foundation (66:08- 66:16; 68:03-68:11) FRE 403 (66:08-66:16; 68:03-68:11)	<b>OVERRULED</b> as to 66:02–66:07;  <b>SUSTAINED</b> as to 66:08–66:16 (FRE 602);  <b>OVERRULED</b> as to 66:19–68:02;  <b>SUSTAINED</b> as to 68:03–68:11 (FRE 602)
63	London Luxury	69:4	69:8	Vague Lacks foundation	<b>SUSTAINED</b> (FRE 602)
65	London Luxury	71:3	71:17	Vague (71:03-71:13) FRE 403 (71:03-71:13)	<b>OVERRULED</b>
76	London Luxury	84:5	86:13	Vague (84:05-84:09) Lacks foundation (84:05- 84:09) Argumentative (84:05- 84:09) FRE 403 (84:05-84:09)	<b>OVERRULED</b>
81	London Luxury	91:20	92:12	Vague (92:03-92:12) Lacks foundation (92:03- 92:12) FRE 403 (92:03-92:12)	<b>OVERRULED</b>

82	London Luxury	92:16	92:19	Vague FRE 403	<b>OVERRULED</b>
97	London Luxury	111:03	111:14	Lacks foundation (111:07-111:14) Calls for speculation (111:07- 111:14) FRE 403 (111:07-111:14)	<b>SUSTAINED</b> as to 111:04–111:06 (FRE 602);  <b>OVERRULED</b> as to 111:07–111:14
98	London Luxury	112:11	112:22	FRE 403	<b>OVERRULED</b>
114	London Luxury	136:20	139:24	Lacks foundation (138:13-138:22) Calls for speculation (138:13- 138:22)	<b>OVERRULED</b>

**IT IS SO ORDERED** on this 24th day of March, 2024.




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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE