

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations |
|--------------------------|---|--|--------------------------|---|---|
| | | | | | |
| | | | | | |
| 5:12-14 | | | | | Defendants object to the introduction of all environmental evidence pursuant to FRE 401-403, in addition to the specific objections identified below. |
| 5:17-18 | | | | | |
| 6:11-14 | | | | | |
| 5:24 | | | | | |
| 6:1-6:6 | | | | | |
| 9:25-10:4 | | | | | |
| 10:7-13 | | | | | |

*Off R. Winters
 not sufficient
 for summary
 judgment*

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--------------------------|--|--|--------------------------|---|--|
| 10:15-18 | | | | | |
| 10:20-11:1 | | | | | |
| 13:2-3 | | | | | |
| 14:22 | | | | | |
| 14:24 | | | | | |
| 15:14-15 | | | | | |
| 15:17-18 | | | | | |
| 16:21-22 | | | | | |
| 16:24 | | | | | |
| 17:1-2 17:5-6 | FRE 401-403, 602 irrelevant; lacks foundation, no personal knowledge of saltness of waterways in past. <i>See also</i> Order re: environmental expert and | QIR | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--------------------------|--|--|--------------------------|---|--|
| 17:19-24 | FRE 401-403 number of trees in Obe-Arenewo is irrelevant and too tangential, particularly because Arenewo is not a plaintiff. <i>See also</i> Order re: environmental expert and issues (Dkt. # 1210). | OR | | | |
| 21:3-12 | 21:3-12 FRE 401-403, 602, 701 irrelevant to claims and more prejudicial than probative, lacks foundation as to what caused demise of fish; improper lay expert opinion on a scientific issue. <i>See also</i> Order re: environmental expert and issues (Dkt. # 1210). | OR | | | |
| 21:16-18 | 21:16 FRE 401-403, 602, 701 irrelevant to claims and | OR | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations |
|--------------------------|---|--|--------------------------|---|--|
| | more prejudicial than probative, lacks foundation as to what caused demise of fish; improper lay expert opinion on a scientific issue. <i>See also</i> Order re: environmental expert and issues (Dkt. # 1210). | | | | |
| 21:21-22 | | | | | |
| 22:11-12 | FRE 401-403 fish and trees in 1980s are irrelevant, more prejudicial than probative and too remote in time. | PR | | | |
| 22:14-18 | FRE 401-403 fish and trees in 1980s are irrelevant, more prejudicial than probative and too remote in time. | PR | | | |
| 22:20 | FRE 401-403 fish and trees in 1980s are irrelevant, more prejudicial than probative. | PR | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ARIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations |
|--------------------------|--|--|--------------------------|---|--|
| 23:7-13 | 23:7-12 FRE 401-403, 602, 701 trees and injury allegedly caused by salinity in 1980s are irrelevant and more prejudicial, particularly because too remote; Arenewo is not a plaintiff; lacks foundation as to what caused demise of fish; improper lay expert opinion on a scientific issue. See also Order re: environmental expert and issues (Dkt. # 1210). | This is overkill QR | | | |
| 23:16-19 | | | | | |
| 23:22-25 | 23:24-25 FRE 401-403 irrelevant and more prejudicial that probative; | | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--|---|--|--------------------------|---|--|
| 24:3-15 | 24:3-15 FRE 401-403 irrelevant and more prejudicial that probative; improper leading question. | O/R | | | |
| 24:17-21 | 24:17 FRE 401-403 irrelevant and more prejudicial that probative; improper leading question. | not leading O/R | | | |
| 27:21-23 28:2-5 28:8-13 28:16-29:13 29:16-18 29:20-21 | 27:21-23; 28:2-5; 28:8-11 FRE 401-403, 602 Amount of fish caught is irrelevant, lacks foundation as witness demonstrates no personal knowledge. 28:12-13; 28:16-29:11 FRE 401-403, 602, 701 irrelevant and more prejudicial than probative, lacks foundation and opinion re: fish dying is | O/R O/R | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ARIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--|--|--|--------------------------|---|--|
| | impermissible lay opinion on a scientific issue. See <i>also</i> Order re: environmental expert and issues (Dkt. # 1210). 28:20-21 Colloquy of counsel is irrelevant, waste of time. FRE 401-403. | <i>Not relevant</i> | | | |
| 32:13-18 32:21-22 | | | | | |
| 36:14 36:16-19 36:22-25 37:2-18 38:1-3 38:6-9 38:12-15 | 36:24-25; 37:2-37:16 Answer is not responsive to the question and should be stricken; FRE 802, 1001-1003 testimony is hearsay recounting of content of the letter; best evidence of what letter asked is the letter. 38:2-3; 38:6-7 FRE 602 Facts assumed by question | O/R | | | |

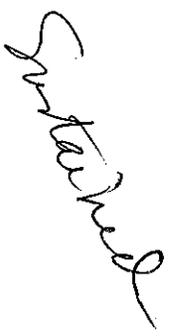
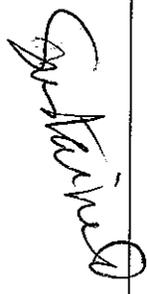
DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in Italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--|---|--|--------------------------|---|--|
| 38:17-20 38:24-39:2 39:4-7 39:10-11 39:14-20 | lack foundation, assume facts not in evidence. 38:14-15; 38:17-20; 38:24-25; 39:6-7; 39:10-11; 39:14-20: FRE 611(c) impermissible leading questions. | | | | |
| 40:16 40:18 | | | 41:14-15; 41:18-21 | | |
| 43:16-17 43:20-22 43:24-44:3 | | | 42:25-43:1; 43:4-5 | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ARIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--------------------------|---|--|--------------------------|---|--|
| 45:6-11 | | | | | |
| 46:8-11 | | | 45:14-15; 45:19-46:1 | | |
| 46:14-24 | | | | | |
| 49:3-4 | | | | | |
| 49:7-10 | | | | | |
| 49:13-16 | | | | | |
| 49:18-21 | | | | | |
| 49:24 | | | | | |
| | | | 50:6-7; 50:10-15 | | |
| | | | 50:24-51:3 | | |
| | | | 51:6-9 | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ARIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations |
|--------------------------|---|--|--------------------------|---|--|
| 55:1-18 | | | | <i>Counter-Designate: 52:6-7, 9-10</i> | |
| 56:11-19 | | | | | |
| 57:15-17 | | | | | |
| 57:24-58:11 | FRE 602, 802, 1001-1003 report of conversation in English (see 57:15-17) in Ikorigho is hearsay and double hearsay when it relates content of letter, no personal knowledge; letter is best evidence of what letter said. |  | | | |
| 59:3-22 | FRE 401-403, 602, 701, 802, 1001-1003 reference to water is more prejudicial than probative, lacks |  | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--------------------------|---|--|--------------------------|---|--|
| 60:25-61:1 61:3-5 | foundation, and improperly includes lay expert opinion on a scientific matter. See <i>also</i> Order re: environmental expert and issues (Dkt. # 1210); report of conversation in English (see 57:15-17) in Ikorigho is hearsay and double hearsay when it relates content of letter, no personal knowledge; letter is best evidence of what letter said. | O/R | | | |
| 61:16-23 | This is all information that he heard from Judah Ajidibo see 61:12-15. FRE 602, | <i>Sustained</i> | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations |
|--------------------------|--|--|--------------------------|---|--|
| | 802, 1001-1003 report of conversation in English (see 57:15-17) in Ikorigho is hearsay, no personal knowledge. | | | | |
| 61:24-62:13 | This is all information that he heard from Judah Ajidibo see 61:12-15. FRE 602, 802, 1001-1003 report of conversation in English (see 57:15-17) in Ikorigho is hearsay, no personal knowledge. | <i>Sustained</i> | | | |
| 63:23-24 | | | | | |
| 64:2 | | | | | |
| 64:14-65:2 65:4-66:11 | 64:17 "and"-64:18 602 lacks foundation as to what "Deji said" because witness did | <i>OK</i> | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--|---|--|--------------------------|---|--|
| | 67:11-19 FRE 401-403, 602, 802 lacks personal know, hearsay about what fishermen said, nor is it admissible for any other purpose that is relevant to plaintiffs' claims. | O/R | | | |
| Rebuttal Designations re Tugboat Incident – Offered Only if Incident is allowed in Defendants' Case | | | | | |
| 72:19-20 | | | | | |
| 72:22-23 | | | | | |
| 73:1 | | | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--|---|---|--------------------------|---|--|
| 73:9-12 73:15-18 73:20-24 | | | | | |
| 78:13-23 | | | 79:18-25; 80:2 | | |
| 80:4-11 80:17-18 80:22-23 81:1-5 81:7-21 81:24-82:5 82:8 | 80:8-11; 80:17-18; 80:22-23; 81:1-3 FRE 401-403; 802 more prejudicial than probative because it is very confusing; hearsay and not relevant for any other purpose. 81:4-5; 81:7-12 802 Hearsay and not relevant for any other purpose. 81:13 Colloquy of counsel is irrelevant, waste of time. | <p style="text-align: center;">OR</p> <p style="text-align: center;">OR</p> | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|---|--|--|--------------------------|---|--|
| 82:25-83:2 83:4 | FRE 401-403, 602 irrelevant, more prejudicial than probative, speculation. | O/R | | | |
| 84:15 84:18-85:1 | | | | | |
| 86:19-20 86:23-87:3 87:6-10 87:12-17 | 86:19-20; 86:23-24 FRE 401-403 irrelevant. 87:1-3; 87:6-10; 87:12-17; 87:19 611(c), 802 Leading, hearsay. | O/R | | | |
| 87:19-24 88:1-5 88:7-8 | | | | | |
| 88:19-22 | | | | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--------------------------|---|--|--------------------------|---|---|
| 90:14-21 | FRE 802 hearsay. | | 79:18-25; 80:2 | Irrelevant, FRE 403.  | <i>See supra</i> Defendants' Response Showing that Further Kidnapping of the Cheryl Ann Tug Crew is Relevant. |
| | | | 141:1-5 | Irrelevant as to whether the Jjaw "invaded" this community; hearsay; witness has no personal knowledge re: alleged "invasion"; FRE 403 (<i>see</i> 141:18-142:4).  | Plaintiffs are seeking compensation for lost earning capacity, and testimony relating to when the Jjaw/Maje crisis began is relevant to the plaintiffs' damages because their capacity to earn (i.e., their businesses) was destroyed by the Jjaws when the crisis began. |
| | | | 141:9-15 | Irrelevant as to whether the Jjaw "invaded" this community; hearsay;  | Plaintiffs are seeking compensation for lost earning capacity, and |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--------------------------|---|--|-------------------------------|---|--|
| | | | 142:23-143:9 | witness has no personal knowledge re: alleged "invasion"; FRE 403 (see 141:18-142:4). | testimony relating to when the Jaw/Iaje crisis began is relevant to the plaintiffs' damages because their capacity to earn (i.e., their businesses) was destroyed by the Jaws when the crisis began. |
| | | | 282:5-10 | | |
| | | | 284:2-11; 284:14-17 | | |
| | | | 292:17-293:7; 293:9-294:14 | | |
| | | | 298:4-6 | | |
| | | | 304:8-11 | | |
| | | | 342:9-13 | | |

DESIGNATIONS OF DEPOSITION TESTIMONY OF ABIAH ARENEWO
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition July 15, 16 & 18, 2005

| Plaintiffs' Designations | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Counter-Designations | Defendants' Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Counter-Designations |
|--------------------------|---|--|--------------------------|---|--|
| | | | 352:16-18; 352:21-22 | | |