

Chambers Copy

Dr. Dea

PLAINTIFFS' NOVEMBER 9, 2008 DESIGNATION OF DEPOSITION TESTIMONY OF CHRISTOPHER CROWTHER
 (Testifying By Way of Deposition Only)
 (Counter-Designations in Italicized text)

Deposition October 6, 2005

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
5:1-3					
7:17-20					
9:19-21					
15:2-12					
59:3-10					
79:21-80:2	It is undisputed that the deponent was not involved in any way in the Parabe incident. The line of questioning concerning military instructing a pilot where to fly relates to Opia/Ikenyan and will mislead and confuse the jury and is	As Chief Pilot, witness has personal knowledge of types of information to be reported to him. On its face, the question and answer includes the period from the "beginning of May 1998" and thus squarely deals with Parabe.			

OK

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92:23-93:3	Testimony about reconnaissance is misleading and prejudicial and does not relate to Parabe and is an attempt to backdoor Opia and Ikenyan evidence. FRE 401-403. If the Court is going to allow plaintiffs to introduce evidence of security arrangements during the post-Parabe time period, then defendants should be permitted to introduce evidence of the ethnic violence that necessitated such security. <i>But such evidence has been</i>	There is no reference whatsoever to Opia and Ikenyan. Witness' testimony that CNL pilots would fly reconnaissance flights with GSF personnel over any community giving CNL "problems" is relevant to show common control, agency, notice and ratification. He has personal knowledge based on his role as Chief Pilot of approximately one such flight a day. Sufficiently establishes personal knowledge to testify in this regard. Scott Davis and other CNL personnel undertook one such			

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	excluded, <i>inter alia</i> , during Michael Watts' cross-examination.	reconnaissance "flyover" after the Ilaje boarded Parabe, to assess the Ilaje's reaction.			
122:21-123:8	Testimony that the deponent once saw a Seatruck carrying military in Abiteye (123:9-14) (located outside of Ilajeland) is irrelevant and misleading. Seatrucks were not involved in Parabe. <i>FRE 401-403.</i> 	Objection misstates testimony of witness -- while he only personally saw the military on one occasion on Sea trucks, he has more general recall of their practices in this regard. Further, the Ilaje were transported from Parabe to Escravos, where they were transported to a CNL leased Seatruck and taken to Warri where they were beaten and tortured.			
124:19-25	Testimony concerning the commanding of helicopters relates solely to Opia/Ikenyan	Testimony is relevant to cooperative role that CNL played with GSF and active role CNL played in			

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	<p>and should be excluded as overly prejudicial pursuant to the Court's <i>in limine</i> ruling on Opia/Ikenyan evidence. Dkt. # 2001; FRE 401-403</p> <p><i>Plaintiffs have designated passages concerning the "commandeering" of helicopters in other depositions as well, see, e.g., R. Pell. Plaintiffs are trying to imply that commandeering relates to Parabe which is misleading and confusing. FRE 401-403.</i></p>	<p>allowing GSF to conduct military reconnaissance missions in their helicopters. No mention of Opia/Ikenyan incident. Also, highly relevant to plaintiffs' ratification claims, as defendants repeatedly state in their Parabe media campaign that the GSJ "forced us to take them" to Parabe.</p>			

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126:25-127:3	Misleading and prejudicial. The deponent is not referring to Parabe because he had no involvement in the Parabe incident and the time period is vague. Moreover, as the following testimony makes clear, the military removed the magazines from their weapons. <i>FRH/401</i> 403.	The question is all encompassing regarding time: "Did you ever..." The testimony is not misleading, as while the GSF may have removed magazines from weapon, they could reload in "less than a second." See below, 128:8 – 129:20.	127:4-10 (completeness designation)		
127:11-20	Misleading and prejudicial. The deponent is not	The question is all encompassing regarding time: "Did you ever..."			

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128:8-129:2	referring to Parabe because he had no involvement in the Parabe incident and time period is vague. FRE 401-403.	The testimony is not misleading, as while the GSF may have removed magazines from weapon, they could reload in "less than a second." See below, 128:8 - 129:20.			
128:8-129:2	Speculation and incomplete hypothetical. Testimony is misleading and prejudicial because the jury will infer that the military loaded their weapons when in the helicopter and there has been no trial testimony that shots were fired prior to landing. The deponent has no personal knowledge of	Defendants' summary of evidence is inaccurate. Several trial witnesses, including Johnson Boyo, have stated the defendants' agents, the GSF, commenced shooting as they jumped from helicopter.			

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	the Parabe incident (see 188:6-23). FRE 401-403.				
136:13-19					
192:16-193:3	Speculation about what deponent "would" have done in particular situations and deponent lacks foundation as to what CNL "would" do. FRE 602. None of the speculative scenarios relates to Parabe and will mislead the jury. FRE 401-403.	Witness has personal knowledge of CNL's policies and practices with respect to use of helicopters based on his years of experience flying for them in Nigeria.			