DEFENDANTS' NOVEMBER 11 DESIGNATION OF JOHN DEREK MACKEY

(Counter-Designations in italicized text)

March 26, 2005

Page/Line Cite	Objection (include specific page and line numbers of material objected to and objection(s))	Response
6:2-5		
8:14-9:7		
9:21-10:1		
Plaintiffs Counter-designate: 10:12-17		
10:18-11:9 Ex. 730	Objection to Exhibit 734, relevance, 403	Exhibit 734 is not a part of the testimony here; the objection makes no sense. To the extent the objection is to Exhibit 730, deponent testified he recognized the CBL 101 depicted in the picture. A depiction of the barge is plainly relevant to the issues and claims here. Plaintiffs have use this picture of the barge with their witnesses at trial.
11:17-22 Ex. 734		

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12:6-16		
12:23-25		
13:4-14		
13:16	Relevance	The instability of the platform at the time of the invasion goes to the danger of the takeover. The workers, including deponent, knew that it was unsafe to have over 100 unauthorized personnel on an oil production platform and that that unsafe environment was increased by the construction work underway. This is relevant to the state of mind of the workers, which the Court has found relevant during plaintiffs' case-in-chief and one of Davis' concerns was the instability of the platform.
13:18-14:3	Relevance	The instability of the platform at the time of the invasion goes to the danger of the takeover. The workers, including deponent, knew that it was unsafe to have over 100 unauthorized personnel on an oil production platform and that that unsafe environment was increased by the

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		construction work underway. This is relevant to the state of mind of the workers, which the Court has found relevant during plaintiffs' case-in-chief and one of Davis' concerns was the instability of the platform.
14:11-18	Relevance, 14:24-15:12-16	The instability of the platform at the time of the invasion goes to the danger of the takeover. The workers, including deponent, knew that it was unsafe to have over 100 unauthorized personnel on an oil production platform and that that unsafe environment was increased by the construction work underway. This is relevant to the state of mind of the workers, which the Court has found relevant during plaintiffs' case-in-chief and one of Davis' concerns was the instability of the platform.
14:24-15:15		
14:19-22		
16:1-7		

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16:11-17:2		
17:11-18:17		
18:23-19:1		
19:15-23	Hearsay, FRE 401-403.	19:15-20: Non hearsay testimony describing what deponent saw as the Ilaje boarded. 19:21-23: Not offered for the truth but for the state of mind of deponent and notice to CNL
20:2-21	Hearsay, relevance, non-responsive, FRE 401-403	Plaintiffs repeatedly stated that they were peaceful protestors and that they were invited on the barge and platform. Deponent's state of mind that the barge and platform were being taken-over refutes those claims. 20:2-8: Non hearsay testimony describing what deponent saw as the Ilaje boarded. 20:9-21: Not offered for the truth but for the state of mind

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		of deponent and notice to CNL.
21:5-10	Foundation, hearsay, speculative, irrelevant, FRE 401-403. The work on the barge was stopped because the workers were told to stop. The safety issue related to extra people in the barge, not because of the upgrade.	The instability of the platform at the time of the invasion goes to the danger of the takeover. The workers, including deponent, knew that it was unsafe to have over 100 unauthorized personnel on an oil production platform and that that unsafe environment was increased by the construction work underway. This is relevant to the state of mind of the workers, which the Court has found relevant during plaintiffs' case-in-chief and one of Davis' concerns was the instability of the platform. Plaintiffs are correct that there were safety issues related to the fact that nearly 150 Ilaje boarded the barge without permission. The safety concerns were increased given the unstable condition of the platform. There is no hearsay and plaintiffs' objection is in bad faith.
21:15-22:1	Foundation, hearsay, speculative, relevance, FRE 401-403. The record is clear that Ilaje were speaking either Ilaje or Pidgin. Ilaje could not have understood their instructions and there is no	Deponent's foundation is based on his eyewitness account of what the Ilaje were doing. Relevant to refute plaintiffs' claims that they were peaceful and invited on the barge and

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	evidence of hard signals.	to the deponent's state of mind. Many of plaintiffs and their witnesses spoke English and/or Pidgin English. Deponent confirmed that the Ilaje were yelling some of the words in English. *See* 139:25-140:13. 21:15-18: Non hearsay testimony describing deponent's perception. 21:19-22:1: Not offered for the truth but for the state of mind of deponent and notice to CNL.
22:5	Foundation, hearsay, speculative, relevance, FRE 401-403. See above.	Deponent's foundation is based on his eyewitness account of what the Ilaje were doing. Relevant to refute plaintiffs' claims that they were peaceful and invited on the barge and to the deponent's state of mind. Many of plaintiffs and their witnesses spoke English and/or Pidgin English. Deponent confirmed that the Ilaje were yelling some of the words in English. *See* 139:25-140:13. Non hearsay testimony describing deponent's perception.

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22:6-9	Foundation, hearsay, speculative, relevance, FRE 401-403. See above. Additionally, he assumes why they were running to the platform.	Deponent's foundation is based on his eyewitness account of what the Ilaje were doing. Relevant to refute plaintiffs' claims that they were peaceful and invited on the barge and to the deponent's state of mind. Many of plaintiffs and their witnesses spoke English and/or Pidgin English. Deponent confirmed that the Ilaje were yelling some of the words in English. *See* 139:25-140:13. Not offered for the truth but for the state of mind of deponent and notice to CNL
22:14-22	Foundation, hearsay, speculative, relevance, FRE 401-403. See above. Additionally, he assumes why they were running to the platform.	Deponent's foundation is based on his eyewitness account of what the Ilaje were doing. Relevant to refute plaintiffs' claims that they were peaceful and invited on the barge and to the deponent's state of mind. Many of plaintiffs and their witnesses spoke English and/or Pidgin English. Deponent confirmed that the Ilaje were yelling some of the words in English. *See* 139:25-140:13. Not offered for the truth but for the state of mind of

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		deponent and notice to CNL
22:25-23:5		
23:8-9		
24:5-9		
24:19-20	Speculation.	Not speculative. Testimony is based on deponent's perception of what he saw the invaders doing.
25:1-3	Speculation, 403.	Not speculative. Testimony is based on deponent's perception of what he saw the invaders doing.
Plaintiffs Counter-designate: 25:6-11 NO		
25:17-26:9	25:24-26:2, Speculation. The Ilaje were not speaking English. He could not have understood. 26:5-9, Speculation, foundation.	25:24-26:2: Many of plaintiffs and their witnesses spoke English and/or Pidgin English. Deponent confirmed that the Ilaje were yelling some words in English during the

25:17 - 26:4 OBJ OR

26:5 - 27:17 OBJ

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	See testimony below.	takeover. *See* 139:25-140:13. 26:5-9: Not speculation, but based on seeing Dave Dent immediately after he was pushed down with Ilaje near him. *See* 26:14-15, 22-23, 27:1-2.
Plaintiffs Counter-designate: 25:6-11	This counter-designation appears three times.	
26:11-16	Foundation, hearsay, non-responsive, FRE 401-403. 26:14-16, assumes a fact not in evidence in the question.	Not speculation, but based on seeing Dave Dent immediately after he was pushed down with Ilaje near him. *See* 26:14-15, 22-23, 27:1-2. Deponent has foundation because he was present and spoke to Dave Dent. 26:14-16: No facts assumed. Based on testimony in previous exchange that is designated (26:6-9).
Plaintiffs Counter-designate: 25:6-11	This counter-designation appears three times.	

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26:22-23	Speculation.	Not speculation but based on deponent's observations while on the barge
27:1-2	Foundation, hearsay, non-responsive, FRE 401-403.	Not speculation but based on deponent's observations while on the barge. There is no hearsay statement and the answer directly responds to whether there were Ilaje near Dave Dent.
27:6-17	27:10-17. Hearsay. Also, defendants' state of mind is irrelevant, particularly if no proof it was communicated to the decision maker.	Not offered for the truth but for the workers' state of mind and for notice. Moreover, Davis was aware that people were beat-up during the incident, as he testified during plaintiffs' trial examination a few weeks ago. Refutes plaintiffs' and their witnesses' claims that they were peaceful.
29:11-23		
29:24-30:17		
Plaintiffs Counter-		

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designate 32:1-6		
36:9 starting with "If" – 18	Relevance.	Plaintiffs and their witnesses claimed that they were invited on the barge and platform. This testimony refutes that assertion because plaintiffs and the Ilaje invaders did not follow the proper procedure when boarding the barge.
Plaintiffs Counter-designate 34:12-19	Completeness designation: 34:6-11, 34:20-35:6	
36:21-23		
Plaintiffs Counter-designate 37:16-24		
Plaintiffs Counter-designate 38:6-11	Completeness designation: 38:3-5	
39:13-19		

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40:9-13		
40:24-42:6 Exhibit 730		
42:15-44:14 Exhibit 730		
45:18-46:13	Relevance.	Deponent is an eyewitness to the shootings and testified that one of the invaders who was shot was charging the military with a dummy spool raised over his head with both arms before he was shot. *See* 87:11-88:23. Deponent's description of what a dummy spool looked like is relevant to the jury's understanding of the shooting.
46:16-24	Relevance.	Deponent is an eyewitness to the shootings and testified that one of the invaders who was shot was charging the military with a dummy spool raised over his head with both arms before he was shot. *See* 87:11-88:23.

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		Deponent's description of what a dummy spool looked like is relevant to the jury's understanding of the shooting.
47:2-12	Relevance.	Deponent is an eyewitness to the shootings and testified that one of the invaders who was shot was charging the military with a dummy spool raised over his head with both arms before he was shot. *See* 87:11-88:23. Deponent's description of what a dummy spool looked like is relevant to the jury's understanding of the shooting.
47:14-48:21 Exhibit 730	Relevance.	Deponent is an eyewitness to the shootings and testified that one of the invaders who was shot was charging the military with a dummy spool raised over his head with both arms before he was shot. *See* 87:11-88:23. Deponent's description of what a dummy spool looked like and where dummy spools are stored is relevant to the jury's understanding of the shooting.
49:5-15		
50:7-18		

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50:19-25	Foundation, hearsay, nonresponsive, speculative, FRE 401-403,	Nonhearsay based on deponent's perceptions and his presence on the barge when it was invaded by the Ilaje. Relevant to refute plaintiffs' claims that they had placards and sang songs.
51:3	Calls for a narrative, characterizing.	There is no narrative or characterizing. Deponent simply responded "no" to a straightforward question.
51:5-6	Calls for a narrative, characterizing.	The examination does not call for a narrative, but a short answer, which was given ("no"). Testimony is based on deponent's percipient knowledge.
51:10-13	Calls for a narrative, characterizing.	The examination does not call for a narrative, but a short answer, which was given ("no"). Testimony is based on deponent's percipient knowledge.
51:15	Calls for a narrative, characterizing.	The examination does not call for a narrative, but a short answer, which was given ("no").

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		Testimony is based on deponent's percipient knowledge.
51:17-23		
52:1-14		
52:15-53:8	Relevance.	Deponent testified that the invaders were throwing long bolts at the military as they attempted to rescue the hostages. Deponent's description of a long bolt is relevant to provide context to his eyewitness testimony of the rescue operation.
Plaintiffs Counter-designate 53:24-54:2	Lacks foundation, calls for speculation. FRE 602.	
Plaintiffs Counter-designate 54:5-6	Lacks foundation, calls for speculation. FRE 602.	
54:8-21		

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54:22-55:10	55:4-10, Hearsay, deponent's state of mind is irrelevant.	Not offered for the truth but for state of mind. Plaintiffs repeatedly testified that they were peaceful the entire time and played games with the workers and sang songs. The workers' state of mind that they felt unsafe is relevant to refute those claims.
55:21-56:5	55:21-23, Hearsay. Also, Tim Browne is testifying.	55:21-23: Not offered for the truth but for state of mind. Plaintiffs repeatedly testified that they were peaceful the entire time and played games with the workers and sang songs. The workers' state of mind that they felt unsafe is relevant to refute those claims.
56:8-20	Hearsay. No proof he understood either Ilaje or Pidgin. The court has ruled, excluding untranslated hearsay.	Not offered for the truth but for deponent's state of mind that he was not free to leave or move about the barge. This is relevant to refute plaintiffs' claims that they were peaceful and that the worker were free to leave. Many of plaintiffs and their witnesses spoke English and/or Pidgin English. Deponent confirmed that the Ilaje were yelling some of the words in English during the initial takeover. *See* 139:25-140:13

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Plaintiffs Counter-designate 56:21-24 OK		
56:25-57:2		
57:9-22	57:9-12, asked and answered; 57:13-19, relevance, 403	57:9-12: Not a repetitive question. 57:13-19: That deponent did not feel free to leave and felt like a hostage is directly relevant to refute plaintiffs' claims that they were peaceful and that the workers were free to leave at any time
57:23-59:14	Foundation, hearsay, nonresponsive, FRE 401-403 59:5-11, speculation, relevance, 403	There are no hearsay statements and deponent is responsive. Testimony is based on percipient knowledge. 59:5-11: Deponent's state of mind and concern that the Ilaje were going to light the barge on fire is relevant to refute plaintiffs' claims that they were peaceful during the invasion.
59:22-60:14	Foundation, hearsay, nonresponsive, FRE 401-403	Not offered for the truth but for state of mind. Testimony

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	59:25-60:14, hearsay, speculation, no proof of translation	that the Ilaje threatened to burn the barge is directly relevant to the case because it refutes plaintiffs' claims that they were peaceful. Davis also testified that he was aware the Ilaje threatened to burn the barge so it is relevant to his state of mind. Many of plaintiffs and their witnesses spoke English and/or Pidgin English. Deponent confirmed that the Ilaje were yelling some of the words in English during the initial takeover. *See* 139:25-140:13
61:2-8	FRE 401-403, relevance, hearsay, deponent's state of mind is not at issue.	Not offered for the truth but for state of mind. Testimony that the Ilaje threatened to burn the barge and that deponent's state of mind was "unstable," is directly relevant to the case because it refutes plaintiffs' claims that they were peaceful. Davis also testified that he was aware the Ilaje threatened to burn the barge so it is relevant to his state of mind.
61:11-12	Foundation, hearsay, nonresponsive, FRE 401-403	Not offered for the truth but for state of mind. Testimony that the Ilaje threatened to burn the barge and that deponent was frightened, is directly relevant to the case because it

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		refutes plaintiffs' claims that they were peaceful. Davis also testified that he was aware the Ilaje threatened to burn the barge so it is relevant to his state of mind.
61:23-25	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question
62:4-5	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question
62:7	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question
62:9-22	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive

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		to question
63:13-18	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question
64:5-7	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question
64:9-16	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question
65:20-66:2	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question

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66:9-11	Foundation, hearsay, nonresponsive, FRE 401-403	No hearsay statements Based on deponent's percipient knowledge and responsive to question
Plaintiffs Counter-designate 66:14-17		
66:18-19	Foundation, hearsay, nonresponsive, speculative, FRE 401-403 There is no proof in his testimony that this was anything more than a suspicion. Also, hearsay as to being told to go back to the room. The Ilaje did not speak English.	Based on deponent's percipient knowledge that he smelled alcohol on the Ilaje's breath and that they were acting intoxicated. *See* 69:6-20. Relevant to plaintiffs' claims that they did not drink alcohol and that one of the elders' rules was no alcohol. Also relevant to state of mind of barge workers and notice to Davis who testified that he was informed the invaders were intoxicated.
66:22	Foundation, hearsay, nonresponsive, speculative, FRE 401-403 There is no proof in his testimony that this was anything more than a suspicion. Also, hearsay as to being told to go back to the room. The Ilaje did not speak English.	Based on deponent's percipient knowledge that he smelled alcohol on the Ilaje's breath and that they were acting intoxicated. *See* 69:6-20. Relevant to plaintiffs' claims that they did not drink alcohol and that one of the elders' rules was no alcohol. Also relevant to state of mind of barge workers and notice to Davis who testified that he

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		was informed the invaders were intoxicated.
67:15-16	Foundation, hearsay, nonresponsive, FRE 401-403 There is no proof in his testimony that this was anything more than a suspicion. Also, hearsay as to being told to go back to the room. The Ilaje did not speak English.	Based on deponent's percipient knowledge that he smelled alcohol on the Ilaje's breath and that they were acting intoxicated. *See* 69:6-20. Relevant to plaintiffs' claims that they did not drink alcohol and that one of the elders' rules was no alcohol. Also relevant to state of mind of barge workers and notice to Davis who testified that he was informed the invaders were intoxicated.
67:18	Foundation, hearsay, nonresponsive, FRE 401-403 There is no proof in his testimony that this was anything more than a suspicion. Also, hearsay as to being told to go back to the room. The Ilaje did not speak English.	Based on deponent's percipient knowledge that he smelled alcohol on the Ilaje's breath and that they were acting intoxicated. *See* 69:6-20. Relevant to plaintiffs' claims that they did not drink alcohol and that one of the elders' rules was no alcohol. Also relevant to state of mind of barge workers and notice to Davis who testified that he was informed the invaders were intoxicated.
67:21-69:15	Foundation, hearsay, nonresponsive, FRE 401-403 There is no proof in his testimony that this was anything more than a suspicion. Also, hearsay as to being told to go back to the	Based on deponent's percipient knowledge that he smelled alcohol on the Ilaje's breath and that they were acting intoxicated. *See* 69:6-20. Relevant to plaintiffs' claims that they did not drink alcohol and that one of the elders'

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	room. The Ilaje did not speak English.	rules was no alcohol. Also relevant to state of mind of barge workers and notice to Davis who testified that he was informed the invaders were intoxicated. 69:10-11: Offered for state of mind and notice, not for the truth of the matter.
Plaintiffs Counter-designate 69:16-18 OK	Completeness designation: 69:19-70:1	
70:6-9		
Plaintiffs Counter-Designate 70:23-71:5 OK		
71:13-16	Foundation, hearsay, nonresponsive, FRE 401-403 Speculation as to what he was doing.	There are no hearsay statements and testimony is based on deponent's percipient knowledge.
71:19-72:15		

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74:7-8		
Plaintiffs Counter-designate 73:20-74:6	Plaintiffs used this counter-designation five times	
74:11-14	Foundation, hearsay, nonresponsive, FRE 401-403 Irrelevant.	No hearsay statements and testimony is based on deponent's percipient knowledge. Plaintiffs repeatedly testified that they were peaceful the entire time and were simply at Parabe for a protest. Testimony that the deponent saw the Ilaje steel food and fuel refutes these claims and goes to the heart of the defense.
Plaintiffs Counter-designate 73:20-74:6	Plaintiffs used this counter-designation five times	

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74:16-20	Foundation, hearsay, nonresponsive, FRE 401-403 Irrelevant. O/R	No hearsay statements and testimony is based on deponent's percipient knowledge. Plaintiffs repeatedly testified that they were peaceful the entire time and were simply at Parabe for a protest. Testimony that the deponent saw the Ilaje steel food and fuel refutes these claims and goes to the heart of the defense.
Plaintiffs Counter-designate 73:20-74:6	Plaintiffs used this counter-designation five times	
74:23-25	Foundation, hearsay, nonresponsive, FRE 401-403 Irrelevant. O/R	No hearsay statements and testimony is based on deponent's percipient knowledge. Plaintiffs repeatedly testified that they were peaceful the entire time and were simply at Parabe for a protest. Testimony that the deponent saw the Ilaje steel food and fuel refutes these claims and goes to the heart of the defense.

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Plaintiffs Counter-designate 73:20-74:6	Plaintiffs used this counter-designation five times	
75:3-12	Foundation, hearsay, nonresponsive, FRE 401-403 Irrelevant.	No hearsay statements and testimony is based on deponent's percipient knowledge. Plaintiffs repeatedly testified that they were peaceful the entire time and were simply at Parabe for a protest. Testimony that the deponent saw the Ilaje steel food and fuel refutes these claims and goes to the heart of the defense.
Plaintiffs Counter-designate 73:20-74:6	Plaintiffs used this counter-designation five times	
76:5-17	Foundation, hearsay, irrelevant, FRE 401-403	No hearsay statements and testimony is based on deponent's percipient knowledge. Plaintiffs repeatedly testified that they were peaceful the entire time and were simply at Parabe for a protest.

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		Testimony that the deponent saw the Ilaje steel fuel refutes these claims and goes to the heart of the defense.
77:2-5	Irrelevant, FRE 401-403	Testimony that the deponent could not sleep because he felt his life was being threatened refutes plaintiffs' claims that they were peaceful and that the workers were free to leave. Also goes to state of mind of CNL
77:7	Irrelevant, FRE 401-403	Testimony that the deponent could not sleep because he felt his life was being threatened refutes plaintiffs' claims that they were peaceful and that the workers were free to leave. Also goes to state of mind of CNL
77:9-15	Irrelevant, FRE 401-403	Testimony that the deponent could not sleep because he felt his life was being threatened refutes plaintiffs' claims that they were peaceful and that the workers were free to leave. Also goes to state of mind of CNL
77:17-78:9	77:20-78:9, Hearsay re: translation	Not offered for the truth but for state of mind and notice to CNL. Many of plaintiffs and their witnesses spoke English and/or

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		Pidgin English. Deponent confirmed that the Ilaje were yelling some of the words in English during the initial takeover. *See* 139:25-140:13
Plaintiffs Counter-designate 78:11-23 ok	Hearsay. FRE 802. O/R	
78:24-79:2		
Plaintiffs Counter-designate 79:3-7 ok		
79:8-10		
79:12-81:6		
81:8-85:24 Exhibit 730	Relevance. There is no proof of a connection between these killings and the deceased.	There are no other deceased from the rescue operation other than Arolika and Joli. Even if there were evidence that anyone else was killed, the testimony is still relevant to show that the invaders were not peaceful and that the GSF were acting in self defense. Plaintiffs' objection is

DEFENDANTS' NOVEMBER 11 DESIGNATION OF JOHN DEREK MACKEY (Counter-Designations in italicized text) March 26, 2005		
Page/Line Cite	**Objection** **(include specific page and line numbers of material objected to and objection(s))**	**Response**
		made in bad faith.
86:1-88:23	Relevance. There is no proof of a connection between these killings and the deceased.	There are no other deceased from the rescue operation other than Arolika and Joli. Even if there were evidence that anyone else was killed, the testimony is still relevant to show that the invaders were not peaceful and that the GSF were acting in self defense. Plaintiffs' objection is made in bad faith.
Plaintiffs Counter-designate Exh. 543, paragraph 43 only	The Court excluded Exhibit 543. Dkt. 2152, p. 48. Hearsay, improper impeachment.	
Plaintiffs Counter-designate M. Browne Dep., 294:14-17	Mike Browne's deposition has been designated and will be played. Plaintiffs designated the exact same testimony in their counter-designations of Browne. The testimony should be played once to avoid confusion to the jury. If this is allowed, then for completeness, the Court should require that the designation include 295:14-16, 296:20-22, 297:1-16.	

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	Improper impeachment.	
Plaintiffs Counter-designate *M. Browne Dep., 294:20-295:1*	Mike Browne's deposition has been designated and will be played. Plaintiffs designated the exact same testimony in their counter-designations of Browne. The testimony should be played once to avoid confusion to the jury. If this is allowed, then for completeness, the Court should require that the designation include 295:14-16, 296:20-22, 297:1-16. Improper impeachment.	
Plaintiffs Counter-designate *M. Browne Dep., 295:5-7*	Mike Browne's deposition has been designated and will be played. Plaintiffs designated the exact same testimony in their counter-designations of Browne. The testimony should be played once to avoid confusion to the jury. If this is allowed, then for completeness, the Court should require that the designation include 295:14-16, 296:20-22, 297:1-16. Improper impeachment.	

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Plaintiffs Counter-designate M. Browne Dep., 295:17-296:5	Mike Browne's deposition has been designated and will be played. Plaintiffs designated the exact same testimony in their counter-designations of Browne. The testimony should be played once to avoid confusion to the jury. If this is allowed, then for completeness, the Court should require that the designation include 295:14-16, 296:20-22, 297:1-16. Improper impeachment.	
89:1-20	Speculation. Relevance. There is no proof of a connection between these killings and the deceased.	There are no other deceased from the rescue operation other than Arolika and Joli. Even if there were evidence that anyone else was killed, the testimony is still relevant to show that the invaders were not peaceful and that the GSF were acting in self defense. Plaintiffs' objection is made in bad faith.
89:24-90:1	Speculation. Relevance. There is no proof of a connection between these killings and the deceased.	There are no other deceased from the rescue operation other than Arolika and Joli. Even if there were evidence that anyone else was killed, the testimony is still relevant to show that the invaders were not peaceful and that the GSF were acting in self defense. Plaintiffs' objection is

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		made in bad faith.
90:3	Speculation. Relevance. There is no proof of a connection between these killings and the deceased.	There are no other deceased from the rescue operation other than Arolika and Joli. Even if there were evidence that anyone else was killed, the testimony is still relevant to show that the invaders were not peaceful and that the GSF were acting in self defense. Plaintiffs' objection is made in bad faith.
90:5-92:1	Relevance, 403. 90:21-91-5 – This makes no sense. It is non responsive. 90:6-24 – Vague as to time and place. As framed it is unduly prejudicial. 91:25-92:20. 403. Unduly prejudicial. Relevance, vague as to time.	How the Ilaje reacted (throwing bolts) when the military arrived goes to plaintiffs' claims for negligence. That the military fired tear gas before firing their guns also goes to the reasonableness of the military's actions and therefore to plaintiffs' negligence claims. The testimony is not vague as to time because it is clear deponent is testifying about when the military came to rescue the hostages from the barge and platform.
92:4	Relevance, 403. 90:21-91-5 – This makes no sense. It is non responsive. 90:6-24 – Vague as to time and place. As framed it is unduly prejudicial. 91:25-92:20. 403. Unduly prejudicial.	How the Ilaje reacted (throwing bolts) when the military arrived goes to plaintiffs' claims for negligence. That the military fired tear gas before firing their guns also goes to

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	Relevance, vague as to time.	the reasonableness of the military's actions and therefore to plaintiffs' negligence claims. The testimony is not vague as to time because it is clear deponent is testifying about when the military came to rescue the hostages from the barge and platform.
92:6-8	Relevance, 403. 90:21-91-5 – This makes no sense. It is non responsive. 90:6-24 – Vague as to time and place. As framed it is unduly prejudicial. 91:25-92:20. 403. Unduly prejudicial. Relevance, vague as to time.	How the Ilaje reacted (throwing bolts) when the military arrived goes to plaintiffs' claims for negligence. That the military fired tear gas before firing their guns also goes to the reasonableness of the military's actions and therefore to plaintiffs' negligence claims. The testimony is not vague as to time because it is clear deponent is testifying about when the military came to rescue the hostages from The barge and platform.
92:12-14	Relevance, 403. 90:21-91-5 – This makes no sense. It is non responsive. 90:6-24 – Vague as to time and place. As framed it is unduly prejudicial. 91:25-92:20. 403. Unduly prejudicial. Relevance, vague as to time.	How the Ilaje reacted (throwing bolts) when the military arrived goes to plaintiffs' claims for negligence. That the military fired tear gas before firing their guns also goes to the reasonableness of the military's actions and therefore to plaintiffs' negligence claims.

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
		The testimony is not vague as to time because it is clear deponent is testifying about when the military came to rescue the hostages from The barge and platform.
92:17-20	Relevance, 403. 90:21-91-5 – This makes no sense. It is non responsive. 90:6-24 – Vague as to time and place. As framed it is unduly prejudicial. 91:25-92:20. 403. Unduly prejudicial. Relevance, vague as to time.	How the Ilaje reacted (throwing bolts) when the military arrived goes to plaintiffs' claims for negligence. That the military fired tear gas before firing their guns also goes to the reasonableness of the military's actions and therefore to plaintiffs' negligence claims. The testimony is not vague as to time because it is clear deponent is testifying about when the military came to rescue the hostages from the barge and platform.
92:23-95:11	93:1-5 – Vague as to whether this took place "then," later or earlier. 95:8-11 – Foundation.	93:1-5: The question goes to what the tear gas gun looked like and the deponent responded with an explanation of its characteristics. 95:8-11: Based on percipient knowledge of being present on the barge and witnessing the rescue operation.

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Plaintiffs Counter-designate 95:12-15 OK		
95:22-96:20		
96:21-24		
97:1-10		
97:14-17	Relevance. Competence to determine the appropriateness of force. 403.	Level of force of military goes directly to plaintiffs' negligence claim. Testimony is based on deponent's percipient knowledge, as made clear in the question.
97:20		
Plaintiffs Counter-designate 97:22-98:10		

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98:11-14		
Plaintiffs Counter-designate 98:15-20		
100:7-16		
100:19-21		
100:23		
101:7-8		
101:11		
101:13-16		
Plaintiffs Counter-designate 101:24-		

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
102:1		
Plaintiffs Counter-designate 102:10-15		
102:16-18	Relevance. There is no proof this feeling was communicated. 403.	State of mind and perception of the barge workers that the situation was tense, that they did not know what the outcome would be, that the occupation was stressful and frightening refutes plaintiffs' claims that they were peaceful. Also relevant to Davis' state of mind who testified by deposition and in multiple declarations that the tensions were increasing on the barge as the occupation continued and that he was concerned for the mental state of the workers.
102:21-103:5	Relevance. There is no proof this feeling was communicated. 403.	State of mind and perception of the barge workers that the situation was tense, that they did not know what the outcome would be, that the occupation was stressful and frightening refutes plaintiffs' claims that they were peaceful. Also relevant to Davis' state of mind who testified by deposition and in multiple declarations that the

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		tensions were increasing on the barge as the occupation continued and that he was concerned for the mental state of the workers.
103:7	Relevance. There is no proof this feeling was communicated. 403.	State of mind and perception of the barge workers that the situation was tense, that they did not know what the outcome would be, that the occupation was stressful and frightening refutes plaintiffs' claims that they were peaceful. Also relevant to Davis' state of mind who testified by deposition and in multiple declarations that the tensions were increasing on the barge as the occupation continued and that he was concerned for the mental state of the workers.
103:9-16	Relevance. There is no proof this feeling was communicated. 403.	State of mind and perception of the barge workers that the situation was tense, that they did not know what the outcome would be, that the occupation was stressful and frightening refutes plaintiffs' claims that they were peaceful. Also relevant to Davis' state of mind who testified by deposition and in multiple declarations that the tensions were increasing on the barge as the occupation continued and that he was concerned for the mental state of

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		the workers.
103:18	Relevance. There is no proof this feeling was communicated. 403.	State of mind and perception of the barge workers that the situation was tense, that they did not know what the outcome would be, that the occupation was stressful and frightening refutes plaintiffs' claims that they were peaceful. Also relevant to Davis' state of mind who testified by deposition and in multiple declarations that the tensions were increasing on the barge as the occupation continued and that he was concerned for the mental state of the workers.
103:20-104:5	Asked and answered previously. 403. No proof Ilaje were actually drinking. The reference to knives has been repeated numerous times and is both asked and answered and prejudicial.	Testimony is not cumulative or asked and answered because this excerpt is specifically related to how the fact that the Ilaje had knives and were drinking affected deponent's state of mind. Relevant to refute plaintiffs' claims that they were peaceful, had no weapons and were not drinking.
104:9-17	Asked and answered previously. 403. No proof Ilaje were actually drinking. The reference to knives has been repeated	Testimony is not cumulative or asked and answered because this excerpt is specifically related to how the fact that the Ilaje had knives and were drinking affected

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	numerous times and is both asked and answered and prejudicial	deponent's state of mind. Relevant to refute plaintiffs' claims that they were peaceful, had no weapons and were not drinking.
Plaintiffs Counter-designate 104:18-105:2 OK	Completeness designation: 104:3-7 OK	
Plaintiffs Counter-designate 106:15-24 OK	Completeness designation: 105:24-106:5 OK	
Plaintiffs Counter-designate 110:19-22 OK	Irrelevant. FRE 401-403 OK	
Plaintiffs Counter-designate 111:14-23 OK		

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Page/Line Cite	**Objection** **(include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 113:24-114:7 OK		
115:1-10 Exhibit 542	Relevance. Asked and answered. Unduly prejudicial. Hearsay – reading from a document. OR	Based on percipient knowledge, as shown at 115:15-19. The passage from the document is not offered for the truth, but for state of mind and notice. That the deponent and other workers were tense during the takeover refutes plaintiffs' claims that they were peaceful and goes to notice and CNL's state of mind because Davis was concerned for the mental state of the workers and knew that tensions were increasing as the occupation continued.
115:13 Exhibit 542	Relevance. Asked and answered. Unduly prejudicial. Hearsay – reading from a document. OR	Based on percipient knowledge, as shown at 115:15-19. The passage from the document is not offered for the truth, but for state of mind and notice. That the deponent and other workers were tense during the

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		takeover refutes plaintiffs' claims that they were peaceful and goes to notice and CNL's state of mind because Davis was concerned for the mental state of the workers and knew that tensions were increasing as the occupation continued.
115:15-17	Relevance. Asked and answered. Unduly prejudicial. Hearsay – reading from a document.	Based on percipient knowledge, as shown at 115:15-19. The passage from the document is not offered for the truth, but for state of mind and notice. That the deponent and other workers were tense during the takeover refutes plaintiffs' claims that they were peaceful and goes to notice and CNL's state of mind because Davis was concerned for the mental state of the workers and knew that tensions were increasing as the occupation continued.
115:19	Relevance. Asked and answered. Unduly prejudicial. Hearsay – reading from a document.	Based on percipient knowledge, as shown at 115:15-19. The passage from the document is not offered for the truth, but for state of mind and notice.

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		That the deponent and other workers were tense during the takeover refutes plaintiffs' claims that they were peaceful and goes to notice and CNL's state of mind because Davis was concerned for the mental state of the workers and knew that tensions were increasing as the occupation continued.
115:21-116:1	Relevance. Asked and answered. Unduly prejudicial. Hearsay – reading from a document.	Based on percipient knowledge, as shown at 115:15-19. The passage from the document is not offered for the truth, but for state of mind and notice. That the deponent and other workers were tense during the takeover refutes plaintiffs' claims that they were peaceful and goes to notice and CNL's state of mind because Davis was concerned for the mental state of the workers and knew that tensions were increasing as the occupation continued.
116:4-19 Exhibit 539		

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Plaintiffs Counter-designate 116:20-22 OK		
117:22-118:7	Asked and answered. Redundant. 403, Relevance. Hearsay. OVR	That the deponent and other workers were tense during the takeover refutes plaintiffs' claims that they were peaceful and goes to notice and CNL's state of mind because Davis was concerned for the mental state of the workers and knew that tensions were increasing as the occupation continued. There are no hearsay statements. Rather, the testimony is based on what the witness saw.
118:16-119:4		
Plaintiffs Counter-designate 119:5-12 OK	119:5-8: Counsel colloquy is irrelevant and confusing. FRE 401-403. OVR	
119:13-120:1		

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120:8-11	Relevance, 403. Asked and answered.	Relevant to refute plaintiffs' claim that they were peaceful and that the workers were free to leave. Not asked and answered because this question goes specifically to whether the Ilaje controlled the barge and platform.
120:13	Relevance, 403. Asked and answered.	Relevant to refute plaintiffs' claim that they were peaceful and that the workers were free to leave. Not asked and answered because this question goes specifically to whether the Ilaje controlled the barge and platform.
120:15-18	Relevance, 403. Asked and answered.	Relevant to refute plaintiffs' claim that they were peaceful and that the workers were free to leave. Not asked and answered because this question goes specifically to whether the Ilaje controlled the barge and platform.
120:19-25		
Plaintiffs Counter-designate 122:25-123:5 OK	Completeness: 123:6-9 OK	

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Plaintiffs Counter-designate 123:17-124:5	Multiple levels of hearsay. FRE 802, 805.	
Plaintiffs Counter-designate 126:12-20		
Plaintiffs Counter-designate 126:24-127:16		
121:2-7		
Plaintiffs Counter-designate 132:5-13	Incomplete designation. FRE 106 add 132:14	
Plaintiffs Counter-designate 132:18-133:11		

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Page/Line Cite	**Objection** **(include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 135:14-17	Relevance and plaintiffs did not lay a foundation that Ricky Wilson would have any reason to report anything to deponent. FRE 401-403, 602.	
Plaintiffs Counter-designate 137:8-16		
Plaintiffs Counter-designate 138:9-11		
Plaintiffs Counter-designate 138:20-22		
Plaintiffs Counter-designate 139:9-24		
Plaintiffs Counter-designate 143:20-144:1		

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 146:18-21		
Plaintiffs Counter-designate 149:6-12		
Plaintiffs Counter-designate 149:15-17		
Plaintiffs Counter-designate 151:8-24	Completeness 151:25-152:1 OK	
Plaintiffs Counter-designate 152:2-4		
Plaintiffs Counter-designate 152:18-21	152:20: Move to strike "he wasn't on the platform with us," as speculation. FRE 602. O/R	

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Page/Line Cite	**Objection** **(include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 154:1-5	Completeness designation: 154:6-7	
Plaintiffs Counter-designate 158:24-159:10		
Plaintiffs Counter-designate 159:14-160:9	Completeness designation: 160:10-12	
Plaintiffs Counter-designate 163:1-4	Completeness designation: 162:8-25	
166:2-10	Asked and answered, 403. Calls for a characterization.	Based on deponent's percipient knowledge of how he perceived the boarding by the Ilaje.
Plaintiffs Counter-designate 167:7-11	Completeness designation: 167:12-16	

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Plaintiffs Counter-designate 167:19-24	Completeness designation: 167:25-168:12	
Plaintiffs Counter-designate 169:16-25		
Plaintiffs Counter-designate 170:7-22		
Plaintiffs Counter-designate 172:23-25		
173:12-25		
Plaintiffs Counter-designate 174:4-13	Completeness designation: 174:14-17	

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Plaintiffs Counter-designate 174:18-175:16		
176:9-13	Hearsay. O/R	Not offered for the truth but for state of mind and notice. Mike Brown was the construction crew's boss and he spoke with Parkin and CNL during the incident.
Plaintiffs Counter-designate 176:22-177:2		
Plaintiffs Counter-designate 180:9-12	Completeness designation: 180:13-18	
Plaintiffs Counter-designate 183:2-9	This designation is out or order and should be played in the order it appears in the transcript. Inserting it here is prejudicial and confusing because the following designation by defendants completes the designation above. FRE 401-403.	

Sustained Read in order Francoeur

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180:19-22		
181:10-15		
182:1-5		
Plaintiffs Counter-designate 184:7-21		
Plaintiffs Counter-designate 188:10-15		
193:4-7		
Plaintiffs Counter-designate 193:8-12	Asked and answered. *See* 78:20-23, which plaintiffs' counter-designated.	
Plaintiffs Counter-	Speculation, as shown at 194:18-23. FRE 602.	

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designate 194:8-17	If defendants' objection is overruled, defendants mark 194:18-23 for completeness.	
Plaintiffs Counter-designate 194:24-195:5		
Plaintiffs Counter-designate 196:15-18		
Plaintiffs Counter-designate 196:24-197:7		
Plaintiffs Counter-designate 197:13-25		
Plaintiffs Counter-designate 199:18-		

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
25		
Plaintiffs Counter-designate 200:3-16		
Plaintiffs Counter-designate 201:12-16	Completeness designation: 201:17-202:9	
Plaintiffs Counter-designate 202:10-17		
Plaintiffs Counter-designate 202:24-203:2		
Plaintiffs Counter-designate 203:10-18		

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Page/Line Cite	**Objection** **(include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 204:13-205:2		
Plaintiffs Counter-designate 205:11-206:1	205:17-25: Counsel colloquy is irrelevant. FRE 401-403 Exclude colloquy	
Plaintiffs Counter-designate 206:6-22		
Plaintiffs Counter-designate 207:1-3		
Plaintiffs Counter-designate 207:16-18	Completeness designation: 207:11-15, 21-25	
Plaintiffs Counter-designate 208:1-4	Completeness designation: 208:5-23	

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 208:24-209:1		
Plaintiffs Counter-designate 209:23-210:15		
Plaintiffs Counter-designate 212:5-9		
Plaintiffs Counter-designate 212:22-24		
Plaintiffs Counter-designate 214:14-19	Completeness Designation: 214:9-12	
Plaintiffs Counter-designate 215:16-		

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19		
Plaintiffs Counter-designate 221:4-9		
Plaintiffs Counter-designate 221:10-17 OK		
Plaintiffs Counter-designate 222:18-223:4 OK	222:18-22: Incomplete designation and misleading. FRE 106, 401-403.	
Plaintiffs Counter-designate 223:5-224:6		
Plaintiffs Counter-designate 224:9 "I'm asking" – 15		

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
225:6-17		
Plaintiffs Counter-designate 226:12-17	Completeness designation: 226:18-20	
Plaintiffs Counter-designate 226:21-227:10		
Plaintiffs Counter-designate 227:18-228:9	227:23-228:1: Hearsay	
Plaintiffs Counter-designate 229:12-18		
Plaintiffs Counter-designate 229:19-	Completeness designation: 229:23-230:3	

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22		
Plaintiffs Counter-designate 230:13-23		
Plaintiffs Counter-designate 233:17-234:11		
Plaintiffs Counter-designate 235:24-236:1		
Plaintiffs Counter-designate 237:18-21		
Plaintiffs Counter-designate 238:2-11	238:2-7. Speculation, lacks foundation and misleading. FRE 401-403, 602.	

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 239: 4-15		
Plaintiffs Counter-designate 241:22-242:2	Hearsay. FRE 802.	
Plaintiffs Counter-designate 242:13-17	Hearsay. FRE 802, 805. If defendants hearsay objection is overruled, defendants designate the following for completeness: 242:9-12.	
Plaintiffs Counter-designate 243:12-14	Completeness designation: 243:15-18, 244:13-15	
Plaintiffs Counter-designate 244:18-246:5		

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Page/Line Cite	**Objection** **(include specific page and line numbers of material objected to and objection(s))**	**Response**
Plaintiffs Counter-designate 246:10-18		
Plaintiffs Counter-designate 248:19-249:2	Hearsay, speculation. FRE 602, 802. Incomplete designation. FRE 106.	
Plaintiffs Counter-designate 252:1-3		
Plaintiffs Counter-designate 264:10-25	Incomplete designation. FRE 106. 264:17-25: Speculation and lacks foundation about the operation of the flare. FRE 602.	
Plaintiffs Counter-designate 265:8-15	Hearsay. FRE 802.	
Plaintiffs Counter-designate 268:15-	268:20-22, 269:4-7. Hearsay. FRE 802.	

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Page/Line Cite	**Objection (include specific page and line numbers of material objected to and objection(s))**	**Response**
269:7		
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