

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE
(Counter-Designations in italicized text)
Deposition August 16-17, 2005
Volumes 1-2

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
All	<p>Defendants object to the entire designation as improper rebuttal. Plaintiffs could have called Kalejaiye in their case-in-chief and his testimony regarding the shooting, his experience on the peg and taking Captain Schools and his crew hostage does not rebut defendants' evidence. Plaintiffs could have used his "substantiating" testimony in their case-in-chief.</p> <p>The deposition was taken by video and defendants request that</p>	<p>Deponent's testimony is proper rebuttal to the testimony of the tugboat Capt. Schools, put on in Defs' case. This includes the question of whether Ilaje protesters were seen with knives and cutlasses. Additionally, deponent reflects the testimony of numerous substantiators re: when, where and how the GSF fired on protesters located on the barge. Plaintiffs do not seek to introduce any rebuttal evidence as to the circumstances under</p>			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
4:23-25	<p>if plaintiffs are permitted to use it as rebuttal that the video be played pursuant to FRCP 32(c). Rule 32(c) applies regardless who proffers the deposition ("On any party's request, deposition testimony offered in a jury trial for any purpose other than impeachment must be presented in nontranscript form, if available, unless the court for good cause orders otherwise.")</p>	<p>which the tug crew was taken to shore or held in the Ilaje communities. Plaintiffs have decided to read deponent's testimony into the record. This choice is for the proffering party to make, not the defendants. There is no portion of the testimony designated or counter-designated that falls within the scope of rebuttal that would be adversely affected by this choice.</p>			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
5:23-6:3					
			88:7-13		
			23:24-24:6		
			24:17-24		
			26:7-10		
			43:8-44:12		
44:20-45:25					

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
48:16-18					
49:18-50:1					
50:3-51:10					
51:15-17, 20-25					
52:3			52:5-9		
52:10-12	Compound and Counsel is testifying. Leading. FRE 401-403	Question is not compound. Counsel is not testifying, just specifying time frame. Mr. Mittelstaedt			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
52:14-53:5		waived the leading objection by not objecting at the time of the deposition.			
53:22-25	Leading and asked and answered, <i>FRE 401-403.</i> 	Question is not leading, does not suggest a "right" answer. Asked for clarification as to answer of prior question.			
54:3					
54:17-55:6	54:25-55:6: Leading, misstates evidence that the soldiers in the first two helicopters were discharged in the same manner. <i>FRE 401-403.</i>	Objected to question does not "state" any evidence, so cannot misstate it. Not leading, does not suggest a "right"			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
55:25-56:15		answer.			
56:17-18, 56:23-57:9					
58:4-12	Leading, misstates evidence, counsel is testifying FRE 401-403.	Question is not leading – just asks where the witness was. Does not misstate evidence; in answer to question: “What do you recall being fired... from the helicopters?” witness answered, “The shot was fired twice... but after some time...my	<i>57:10-15</i>		

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
59:5-13	59:12-13: Leading. FRE 401-403. Cumulative of other evidence regarding Judah's message and improper rebuttal. FRE 401-403.	The recollection as to the message from the elders is unquestionably deponent's own and not suggested by counsel; he describes it in detail in the following designation.			
59:15-60:4	59:18-60:4: Hearsay. FRE 802. 59:22-60:4: Leading. FRE 401-403. Cumulative of other evidence regarding	Not introduced for truth of the matter, but merely to prove that it was said and for proponent and deponent's state of mind. Goes to why the			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
60:11-15	Judah's message and improper rebuttal. FRE 401-403.	protesters on the barge and tug believed they were going home the next day and rebuts testimony by Deji Hastrup concerning whether an agreement was reached in Ikorigho. Question not leading; in any case, Mr. Mittelstaedt waived leading objection by not objecting at deposition.			
60:8-9					
60:11-15	60:14-15: Leading. FRE 401-403. Cumulative of other evidence regarding	Recollection is unquestionably deponents' own and not suggested by counsel, as he is able			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
	Judah's message and improper rebuttal. FRE 401-403.	to give detail of the time of Judah's arrival in the following designation.			
60:17-21	50:20-21: Leading. FRE 401-403. Cumulative of other evidence regarding Judah's message and improper rebuttal. FRE 401-403.	Recollection is unquestionably deponents' own and not suggested by counsel, as deponent already stated that the message was from the elders. (59:12-13, 16)			
60:23-61:1	Leading and Hearsay. FRE 401-403, 802. Cumulative of other evidence regarding Judah's message and improper rebuttal. FRE 401-403.	Recollection is unquestionably deponents' own and not suggested by counsel, as deponent already stated that the message was from the elders. (59:12-13, 16). Not hearsay,			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
61:3-6, 8	61:3: Hearsay. FRE 802. <i>Cumulative of other evidence regarding Judah's message and</i>	introduced not for the truth of the matter but for the fact that it was said and for proponent and deponent's state of mind – this goes to why the protesters on the tug and barge believed they were leaving on May 28 and rebuts testimony from Deji Hastrup concerning whether an agreement was reached in Ikorigho.			
	Not hearsay, introduced not for the truth of the matter but for the fact that it was said and for proponent and deponent's state of				

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
	improper rebuttal. FRE 401-403.	mind -- this goes to why the protesters on the tug and barge believed they were leaving on May 28 and rebuts testimony from Deji Hastrup concerning whether an agreement was reached in Ikorigho.			
63:3-12	Leading, asked and answered. FRE 401-403. 	Not leading: does not suggest an obvious "right" answer. Question is asked for clarification because the order of events is complex and unclear, not repetition.			
67:23-68:4					

PLAINTIFFS' REBUTTAL DESIGNATION OF KARRMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
			69:12-17	<p>Goes beyond the scope of rebuttal. Plaintiffs do not seek to introduce rebuttal evidence regarding the circumstances under which the tug was taken to shore, or about anything that took place after the Parabe attack..</p>	<p>Defendants' designations showing that the deponent took the tug crew hostage are within the scope of plaintiffs' rebuttal designations. Plaintiffs affirmatively designated testimony that this deponent was non-violent, did not "see any community person do anything improper in anyway" during the time he was on the tug (67:23-68:4), that he never saw an Ilaje with a machete in his hands on the tug (79:19-22), that he watched television with the crew (45:1-25), moved peacefully about the tug (48:16-18), that he never saw any protestor do anything to injure a crew member (47:17-22), and that his intention in going to Parabe was to merely "display our placards for [CNL] to read,"</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALFAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
					<p>(208:6-10). Testimony that he took the tug hostage is relevant impeachment and goes directly to the deponent's credibility.</p> <p>Moreover, plaintiffs designated testimony relating to how the deponent learned of the shooting and testimony regarding how Arolika's relative reacted (277:6-278:21). This all occurred after the shooting and was part of the hostage-taking of the tug. See 280:22-282:21 (deponent took the Captain and crew hostage to the community because they would be safe from Arolika's upset relative).</p> <p>Finally, this is the first time deponent will appear in this case. Defendants are entitled to a full cross-examination and to show</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
					<p>that the witness is not credible.</p> <p>Just as plaintiffs argue Kalejaiye is important to "reflect[] the testimony of numerous substantiators re: when, where and how the GSF fired on protesters located on the barge," he is also important to defendants' to show how his testimony is inconsistent with those "substantiators" in key respects.</p> <p>This objection will hereinafter be called "Defendants' Proper Rebuttal Designation Objection."</p>
			70:18-71:1	<p>Goes beyond scope of rebuttal. Also, Plaintiffs object to inclusion of colloquy (70:21-24) as irrelevant and a waste of</p>	<p>Defendants' Proper Rebuttal Designation Objection</p> <p>Defendants will withdraw counsel colloquy</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
				time.	
			75:6-12	Goes beyond scope of rebuttal. 75:8-12: Deponent's answer is unresponsive.	Defendants' Proper Rebuttal Designation Objection
			76:2-8	Goes beyond scope of rebuttal.	Defendants' Proper Rebuttal Designation Objection
			78:8-14	Goes beyond scope of rebuttal.	Defendants' Proper Rebuttal Designation Objection
79:19-22					
			79:23-23, 80:5	Goes beyond scope of rebuttal + testimony about whether the deponent considered cutlasses to be weapons does not rebut anything in testimony by the deponent that plaintiffs seek to	Deponent testified that he knew what a machete was and that it could be used as a weapon. This impeaches his later testimony when viewing the pictures and denying knowledge that the object the individual held that killed the sea turtle was a machete. It also

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
80:11-16			81:15-18, 82:1, 4-5	<p>This is an improper backdoor attempt by Defs to bring in inadmissible evidence about Juju. Goes beyond scope of rebuttal – plaintiffs have not introduced any rebuttal evidence raising issues of the deponent's identity or the clothing worn by deponent.</p>	<p>introduce on rebuttal.</p> <p>impeaches the testimony designated by plaintiffs that the deponent did not "see any community person do anything improper in anyway" during the time he was on the tug (67:23-68:4)</p> <p>Defendants' Proper Rebuttal Designation Objection. There is no mention of Juju. Deponent denies that he knew any person depicted in the photographs. The photographs depict 7 people. This testimony is necessary to impeach plaintiffs' affirmative designation that there were only 12-13 people on the tug (83:3-25) the entire time because it</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIFE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
					shows that either there were more people, or that each of the 7 photographed just happen to be people deponent does not recognize. The designation also goes to credibility.
		85:11-19		<p>This is an improper backdoor attempt by Defs to bring in inadmissible evidence about juju. Goes beyond scope of rebuttal – plaintiffs have not introduced any evidence raising issues of the deponent's identity or clothing worn by deponent.</p>	<p>Defendants' Proper Rebuttal Designation Objection. There is no mention of juju. Deponent denies that he knew any person depicted in the photographs. The photographs depict 7 people. This testimony is necessary to impeach plaintiffs' affirmative designation that there were only 12-13 people on the tug (83:3-25) the entire time because it shows that either there were more people, or that each of the 7 photographed just happen to be</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
82:17-23					people deponent does not recognize. The designation also goes to credibility.
83:3-84:2					
		111:18-12:14			
112:16-20	Hearsay. FRE 802.	Not hearsay - introduced only to show what was said, not for the truth of an underlying matter.	113:14-114:6	Outside scope of rebuttal - plaintiffs do not seek to introduce any rebuttal evidence relating to events that took place	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				<p>after the Parabe attack or, specifically, anything deponent said to Capt. Schools after the attack..</p>	
			119:3-6	<p>Outside scope of rebuttal – plaintiffs do not seek to introduce any rebuttal evidence as the conduct of the protesters toward Capt. Schools or specifically whether deponent ever “gripped” him. This is also an improper attempt by Defendants to lay the groundwork for 119:8-11 and the admission of Larry Bowoto’s interrogatory response about deponent’s behavior after the Parabe</p>	<p>Defendants’ Proper Rebuttal Designation Objection. Moreover, this testimony impeaches Methusela Aiyenumelo’s trial testimony that Karimu forced the Captain into the tug by grabbing his arm. Trial Tr., 1125-26.</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

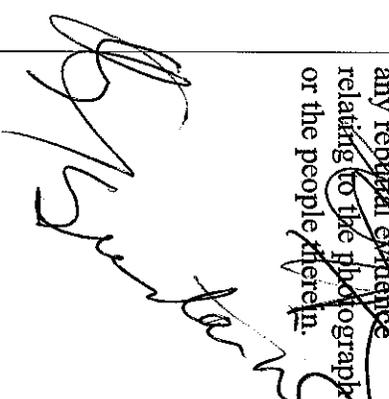
Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				attack – another subject that is outside the scope of rebuttal.	
			119:8-11	Outside the scope of rebuttal – Plaintiffs do not seek to introduce any evidence of events that took place after the Parabe/attack, or specifically whether deponent pushed Capt. Schools toward the speedboat.	Defendants' Proper Rebuttal Designation Objection.
			119:25-120:4	Outside the scope of rebuttal – Plaintiffs do not seek to introduce any evidence of events that took place after the Parabe attack or specifically whether	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				deponent pushed Capt. Schools toward the speedboat.	
			151:4-6	<p>Outside the scope of rebuttal. Plaintiffs have not sought to introduce any rebuttal evidence relating to the photograph or the people therein.</p> 	<p>Defendants' Proper Rebuttal Designation Objection.</p> <p>Deponent denies that he knew any person depicted in the photographs. The photographs depict 7 people. This testimony is necessary to impeach plaintiffs' affirmative designation that there were only 12-13 people on the tug (83:3-25) the entire time because it shows that either there were more people, or that each of the 7 photographed just happen to be people deponent does not recognize. The designation also goes to credibility.</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
			151:17-152:14	<p>Outside the scope of rebuttal. Plaintiffs have not sought to introduce any rebuttal evidence relating to the photograph. <i>Ob</i> Furthermore, Defendants continue to attempt to covertly introduce evidence of jujū that has consistently been ruled inadmissible by the Court.</p>	<p>Defendants' Proper Rebuttal Designation Objection. There is no mention of jujū. Deponent denies that he knew any person depicted in the photographs. The photographs depict 7 people. This testimony is necessary to impeach plaintiffs' affirmative designation that there were only 12-13 people on the tug (83:3-25) the entire time because it shows that either there were more people, or that each of the 7 photographed just happen to be people deponent does not recognize. The designation also goes to credibility.</p>
			153:4-12	<p>Outside the scope of rebuttal. Plaintiffs have not sought to introduce <i>Ob</i></p>	<p>Defendants' Proper Rebuttal Designation Objection. Deponent denies that he knew any</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				<p>any rebuttal evidence relating to the photograph or the identities of the people therein. Furthermore, Defendants have not tendered Ex. 1407 as a trial exhibit, and it should not be admitted now.</p>	<p>person depicted in the photographs. The photographs depict 7 people. This testimony is necessary to impeach plaintiffs' affirmative designation that there were only 12-13 people on the tug (83:3-25) the entire time because it shows that either there were more people, or that each of the 7 photographed just happen to be people deponent does not recognize. The designation also goes to credibility.</p>
		<p>153:23-158:23</p>	<p>153:23-155:16 - Outside scope of rebuttal. Plaintiff have not sought to introduce any rebuttal evidence as to the identity of the protesters on the tug, or to this photograph in specific.</p>	<p>153:23-155:16 - Outside scope of rebuttal. Plaintiff have not sought to introduce any rebuttal evidence as to the identity of the protesters on the tug, or to this photograph in specific.</p>	<p>Defendants' Proper Rebuttal Designation Objection. Deponent denies that he knew any person depicted in the photographs. The photographs depict 7 people. This testimony is necessary to impeach plaintiffs'</p>

153:23-158:23
obj. sustained

153:23-155:16
obj. sustained

156:14-158:23
obj. sustained

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
				<p>155:16-156:18 – We have objected previously, and the court has ruled, that blow-ups of this photograph are not admissible. Defendants have shown the full version of Ex. 1411 before and attempted to introduce a blow-up of the man with the alleged weapon, and the court has not allowed the introduction of the blow-up. To allow this would be prejudicial in the extreme, as it would display to the jury a person and an apparently bloody weapon without any context or indicia of</p>	<p>affirmative designation that there were only 12-13 people on the tug (83:3-25) the entire time because it shows that either there were more people, or that each of the 7 photographed just happen to be people deponent does not recognize. The designation also goes to credibility. Plaintiffs affirmatively designated testimony that the deponent never saw anyone with a machete on the tug (79:19-22). Photographs showing that there was a machete on the tug and deponent's testimony about those photographs rebuts and impeaches this testimony. The Court has not ruled that blow-ups are inadmissible. The blow-up</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
				<p>reliability. 156:19-157:8 – We have objected previously, and the court has ruled, that blow-ups of this photograph are not admissible. Defendants have shown the full version of Ex. 1421 before and attempted to introduce a blow-up of the man with the sea turtle, and the court has not allowed the introduction of the blow-up. To allow this would be prejudicial in the extreme, as it would display to the jury a face and an apparently butchered sea turtle</p>	<p>are not prejudicial but show that the individuals depicted could be easily identified.</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
				<p>without any context or indicia of reliability. 157:8-24; 158:1-23 - We have objected previously, and the court has ruled, that blow-ups of this photograph are not admissible. Defendants have shown the full version of Ex. 1422 before and attempted to introduce a blow-up of the man with the sea turtle, and the court has not allowed the introduction of the blow-up. To allow this would be prejudicial in the extreme, as it would display to the jury a face and an apparently</p>	

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				<p>butchered sea turtle without any context or indicia of reliability. 157:25 – This does not constitute any sort of rebuttal of plaintiffs' rebuttal evidence, as counsel does not ask any questions of the deponent regarding this photograph. Furthermore, although not labeled as such, it is in fact a blow-up of the same photograph discussed above in Plaintiffs' objections to this counter-designation and is thus inadmissible.</p>	

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
			163:23-164:9	<p>Outside scope of rebuttal. Plaintiffs have not sought to introduce any rebuttal evidence as to the identity of the protesters on the tug, and this image does not rebut anything else that plaintiffs have introduced on rebuttal. Furthermore, as a blow-up of the same photograph discussed in Plaintiffs' objections to the previous counter-designation (153:23-158:23), it is similarly inadmissible according to this court's prior rulings.</p>	<p>Defendants' Proper Rebuttal Designation Objection.</p> <p>Deponent denies that he knew any person depicted in the photographs. The photographs depict 7 people. This testimony is necessary to impeach plaintiffs' affirmative designation that there were only 12-13 people on the tug (83:3-25) the entire time because it shows that either there were more people, or that each of the 7 photographed just happen to be people deponent does not recognize. The designation also goes to credibility.</p> <p>The Court has not ruled that blow-ups are inadmissible. The blow-up are not prejudicial but show that the individuals depicted could be</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

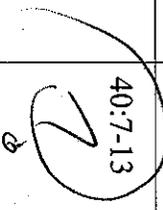
Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
		167:19-168:8		<p>This designation and the accompanying photograph (Def's Ex. 1426) are outside scope of rebuttal. Plaintiffs have not admitted any rebuttal evidence that relates to the appearance of the tugboat or its layout.</p>	<p>easily identified.</p>
		176:22-177:12		<p>Outside the scope of rebuttal. Plaintiffs have not introduced any rebuttal evidence relating to the elders' instructions</p>	<p>Defendants' Proper Rebuttal Designation Objection.</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
183:1-24	183:1-6: Hearsay. FRE 802 	Testimony is not introduced for the truth of the matter, but merely for the fact that it was said.	178:6-15	Outside the scope of rebuttal. Plaintiffs have not introduced any rebuttal evidence relating to the elders' instructions to the protesters before they went to the tug.	Defendants' Proper Rebuttal Designation Objection.
			187:7-17	Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence as to the	Defendants' Proper Rebuttal Designation Objection.
			40:7-13 		

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
			187:22-188:5	identities of the Ilaje protesters.	Defendants' Proper Rebuttal Designation Objection.
			188:15-18	Outside the scope of rebuttal – plaintiffs do not seek to introduce any evidence as to the circumstances under which the Ilaje protesters boarded the tug, or Mr. Oyinbo's interaction with Capt. Schools.	
			189:2-6		
208:2-209:10	Incomplete designation. FRE 106.				

209:11-13
 SF1-582640v1

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
223:11-25			209:23-210:10		
			224:11-21	<p>Designation of colloquy is irrelevant and a waste of time. It is clear from Plaintiffs' designation of 224:22-225:5 that this is what the parties did to approximate the distance between barge and tug.</p>	<p>The video of the colloquy shows the distance that deponent testified to. The video records the distance between the deponent and where he states the barge was the morning he witnessed the military land on the barge. It is important to the credibility of deponent's testimony about his eyewitness account that plaintiffs are desingating in rebuttal. The visual display on the video is essential to understanding the deponent's testimony and further supports defendants' request that the video be played.</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
224:22-225:5	Incomplete designation. Should go to line 6. FRE 106.				
228:4-23	228:19-23: Speculation RE 401-403, 602.	Not speculation; the deponent is estimating based on his best recollection.			
231:18-232:8					
234:4-17					
234:24-235:3					
			235:12-236:10	235:23-22, 236:3-5 - inclusion of colloquy is irrelevant and waste of time.	Defendants withdraw counsel colloquy

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIFE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
237:12-238:1			237:7-11	Compound, confusing, calls for speculation, lacks foundation. Deponent has testified that he was only on the barge for a very brief time, so it is only speculation for him whether or not the deck near the crane could be seen from the helideck.	Plaintiffs designated testimony that deponent saw the military shooting from the helideck to the crane. This rebuts and goes to the credibility of that testimony. As plaintiffs admit, deponent was on the barge so his response does not call for speculation or lack foundation.
238:8-9					
238:12-239:18	239:15-18: Calls for speculation (rep 239:24-240:6) TRK 401-405, 602	Not speculation – counsel asks the deponent what he heard. That he is not			

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIFE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
241:14-242:24		sure and did not count does not make his answer inadmissible.	240:7-11		
244:2-12					
244:23-245:19, 245:23-246:1	245:9-13: Hearsay. 245:23-246:1: Counsel is testifying and the question is reasked at 246:6-7.	Not hearsay – deponent is testifying as to what he said. Plaintiffs withdraw 245:20-23. Question asked at 246:6-7 is different	244:19-22		

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
246:6-22		from question asked at 245:24-246:1. One asks if the arrival of the chopper was <i>when</i> deponent heard shots, the other asks <i>if</i> the deponent heard shots.			
			249:19-250:2		
251:4-11					
			251:22-252:6	Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence as to Mr. Aiyemuhelo's actions on the tug during or after the attack on Marabe, or	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALFAIYE
(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
252:10-14	Speculation, as shown at 251:7-8. FRE 401-403, 602.	Not speculation. Deponent is testifying as to what he heard or thought at the time. Deponent did not say at 251:7-8 that he can't tell the difference between tear gas and bullets, just that he can't differentiate merely by sound.		about his beliefs as to whether the helicopter was shooting at the tug. Also, asks for hearsay.	
			253:2-254:4	Outside scope of rebuttal. Plaintiffs do not seek to introduce rebuttal evidence from this deponent regarding when	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEFAIYE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				the deponent heard about the detention of the Ilajes or the circumstances under which the Ilaje took the tug crew to shore.	
			262:9-264:8	Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, or specifically, how the Ilaje on the tug obtained the speedboat to take the tug crew to shore.	Defendants' Proper Rebuttal Designation Objection.
			264:19-265:6	Outside the scope of rebuttal. Plaintiffs do not seek to introduce any	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE
(Counter-Designations in italicized text)

Deposition August 16-17, 2005
Volumes 1-2

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
				<p>rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, or specifically how Capt. Schools was told to get into the speedboat.</p>	
			<p>265:17-266:14</p>	<p>Outside the scope of rebuttal. Plaintiffs do not seek to introduce any <i>rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, or anything that was said to Capt. Schools after the Parabe attack concerning getting into the speedboat.</i></p>	<p>Defendants' Proper Rebuttal Designation Objection.</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
			266:24-268:7	<p>Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, or the manner in which Capt. School entered the speed boat.</p>	<p>Defendants' Proper Rebuttal Designation Objection.</p>
			271:16-272:3	<p>Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, or specifically the</p>	<p>Defendants' Proper Rebuttal Designation Objection.</p>

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

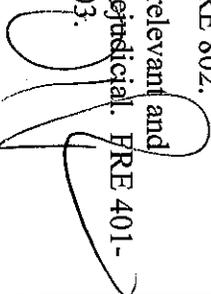
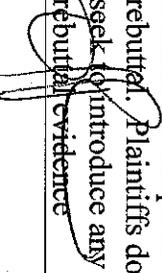
Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
				deponent's request to Capt. Schools to pull the anchor and take the Ilaje to shore.	
			274:1-11	Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, or the Ilaje's plans once they got to shore.	Defendants' Proper Rebuttal Designation Objection.
			274:18-276:1	275:20-276:1 - Outside the scope of rebuttal. Plaintiffs do not seek to introduce evidence as to the identity of the protesters on the tug or	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIFE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
277:6-278:21	277:16-21: Hearsay. FRE 802. Irrelevant and prejudicial. FRE 401-403. 	Introduced not for the truth of the matter, but to show its effect on Arolika's relative. Not irrelevant or prejudicial; this is introduced only as rebuttal to David Schools' testimony at trial that he didn't see any of the Ilaje cry on May 28. (Schools Depo., 289:15-22, read at trial on 11/20/08)		anything relating to the photograph in question.	
			281:12-24	Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence 	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
				regarding the circumstances under which the tug crew was taken to shore or held in the Ilaje communities.	
			284:20-285:11	Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, anything said to Capt. Schools after the Parabe attack, or, specifically, the words deponent used to urge Capt. Schools to enter the local boat.	Defendants' Proper Rebuttal Designation Objection.
			285:23-286:13	Outside the scope of	Defendants' Proper Rebuttal

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIFE
 (Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
				rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, anything said to Capt. Schools after the Parkab attack, or, specifically, the words deponent used to urge Capt. Schools to enter the local boat.	Designation Objection.
		288:23-289:3		Outside the scope of rebuttal. Plaintiffs do not seek to introduce any rebuttal evidence regarding the circumstances under which the tug crew was taken to shore, or the	Defendants' Proper Rebuttal Designation Objection.

PLAINTIFFS' REBUTTAL DESIGNATION OF KARIMU KALEJAIVE

(Counter-Designations in italicized text)

Deposition August 16-17, 2005

Volumes 1-2

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
			<p>Plaintiff Larry Bowoto's Response to Defendant ChevronTexaco's Second Set of Interrogatories, Response to No. 7, 47:9-12</p>	<p>whereabouts of Capt. Schools at any time after the Parabe attack.</p>	
				<p>Outside the scope of rebuttal. Plaintiffs to not seek to introduce any rebuttal evidence regarding the circumstances under which Capt. Schools got in the speed boat or were taken to shore, or specifically about whether deponent grabbed Capt. Schools' arm or pushed him toward the boat.</p>	<p>Defendants' Proper Rebuttal Designation Objection. See 47:17-22 (deponent never saw any protester do anything to injure a crew member)</p>