UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

WILLIAM CORDOBA,

Plaintiff,

vs.

SYLVIA PULIDO,

Defendant.

Case No: C 12-4857 (PR)

ORDER ON THE PARTIES' RESPECTIVE OBJECTIONS TO THE DEPOSITION DESIGNATIONS FOR THOMAS PENINGER

Dkt. 228, 232, 240, 278

Plaintiff William Cordoba ("Plaintiff") and Defendant Sylvia Pulido ("Defendant") have each designated (by page and line number of the transcript) portions of the videotaped deposition testimony of Thomas Peninger to play for the jury. The parties have lodged objections to each other's designations. The Court rules on the objections as follows:

1. Defendant's objection to Plaintiff's designation of lines 4:21-4:25 is SUSTAINED on the ground that it is incomplete, and line 5:1 is ADDED for completeness.

2. Plaintiff's objection to Defendant's designation of lines 16:7-16-19 is SUSTAINED on the ground that it is incomplete, and lines 16:20-17:4 are ADDED for completeness.

3. Defendant's objection to Plaintiff's designation of lines 17:15-18:6 is OVERRULED; lines 17:13-17:14 are ADDED for completeness.[1]

4. Defendant's objections to Plaintiff's designation of lines 28:7-28:20 are OVERRULED.

[1] The Court has sua sponte added lines 17:13-17:14 on the ground that its omission was likely inadvertent. Lines 17:13-17:14 contain the question to which designated lines 17:15-19 respond.

5. Defendant's objections to Plaintiff's designation of lines 30:8-32:23 are SUSTAINED only as to lines 30:11-23 on the ground that the testimony is nonresponsive and lacks foundation; Defendant's objections are OVERRULED as to the remaining lines.

6. Plaintiff's objection to Defendant's designation of lines 32:9-32:13 is SUSTAINED on the ground that it is incomplete, and lines 32:14-32:23 are ADDED for completeness.

7. Defendant's objections to Plaintiff's designation of lines 34:10-37:20 are SUSTAINED only as to lines 35:21-36:16, 36:21-36:23 (to exclude "I was working on something and they had a hard time finding me, but it was imperative that she get into that room"), and lines 37:13-20 on the grounds that the testimony is speculative and nonresponsive, lacks personal knowledge, and contains hearsay. The objections are OVERRULED as to the remaining lines.

8. Plaintiff's objection to Defendant's designation of lines 34:10-35:20 is OVERRULED.

9. Plaintiff's objection to Defendant's designation of lines 37:2-37:12 is SUSTAINED IN PART on the ground that it is incomplete, and lines 36:17-36:21 and 36:23-7:1 (as described in paragraph 7 above) are ADDED for completeness.

10. Defendant's objection to Plaintiff's designation of lines 40:3-41:19, 41:21-41:21, 41:23-42:2, 42:7-42:20, 42:25-43:24, 44:5-45:11, 45:18-45:22, 46:9-46:21, 47:1-47:7, 47:17-48:4, and 55:18-56:10 is SUSTAINED on the ground that the testimony is precluded by the Court's order granting Defendant's motion in limine no. 3. Dkt. 284.

11. Defendant's objection to Plaintiff's designation of lines 62:21-63:1, 63:5-63:14, 63:18-64:10, 64:14-66:16, 67:14-67:20, 69:15-70:10, and 70:12-70:21 is SUSTAINED on the ground that the testimony is precluded by the Court's order granting Defendant's motion in limine no. 5. Dkt. 284. Although Defendant failed to object to Plaintiff's designation of lines 66:18-67:1, this testimony is also excluded on the ground that it contravenes the Court's order granting Defendant's motion in limine no. 5.

12. Plaintiff's objections to Defendant's designation of lines 99:18-101:11 are OVERRULED.

13. Defendant's objections to Plaintiff's designation of lines 107:8-107:21 are OVERRULED.

14. Plaintiff's objection to Defendant's designation of lines 107:15-107:21 is SUSTAINED on the ground that it is incomplete, and lines 107:8-107:14 are ADDED for completeness.

15. Plaintiff's objections to Defendant's designation of lines 108:10-109:10 are SUSTAINED on the ground that the testimony is incomplete, irrelevant, prejudicial, and constitutes improper character evidence.

IT IS SO ORDERED.

Dated: January 22, 2018

Saundra B Armstrong

SAUNDRA BROWN ARMSTRONG
Senior United States District Judge