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E-FILED 2/8/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREGORY NEAL GRIMES,
Plaintiff,
v.
UNITED PARCEL SERVICE, INC.,
Defendant.

NO. C 05-01824 RS
**ORDER RE TIMOTHY
METCALF DESIGNATIONS**

The objections to the introduction of testimony from the deposition of Timothy Metcalf are sustained or overruled as set forth below. Where reference is made only to page numbers, the specific lines affected by this ruling are those identified by the parties in their submissions to the Court.

Plaintiff's Designations

Pp. 21-22: Sustained, lack of relevance.

Pp. 26-28: Overruled.

Pp. 29-30: Overruled.

Pp. 35-43: Sustained, lack of relevance and cumulative.

P. 41: The additional objections to the testimony regarding Exhibit 338 are moot, in light of

1 the ruling that none of this testimony is admissible.

2 Pp. 43-47: In light of the rulings above, no basis remains to admit this testimony.

3 Pp. 47-48: Overruled.

4 P. 52: In light of the rulings above, no basis remains to admit this testimony.

5 Pp. 53-56: Sustained, lack of relevance and cumulative.

6 Pp. 57-58: Overruled

7 Pp. 58-60: Sustained, lack of relevance, lack of foundation, speculative.

8 Pp. 61-64: Overruled

9 Pp. 65: Sustained, lack of foundation, speculative.

10 Pp. 78-79: Sustained, without prejudice to defendant's right to introduce the testimony
11 through its counter-designations.

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13 Defendant's Counter-designations

14 Pp. 63-64: Overruled.

15 Pp. 65-66: Overruled.

16 Pp. 70-71: Overruled.

17 P. 73: Sustained, hearsay.

18 Pp. 74-75: Sustained, hearsay.

19 Pp. 75-76: Overruled.

20 Pp. 92-93: Overruled.

21 Pp. 103-104: Overruled.

22 Pp. 106: Overruled.

23 IT IS SO ORDERED.

24 Dated: February 8, 2008

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ORDER
C 05-01824 RS



RICHARD SEEBORG
United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

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15 Counsel are responsible for distributing copies of this document to co-counsel who have not
16 registered for e-filing under the Court's CM/ECF program.

17 **Dated: 2/8/08**

Richard W. Wieking, Clerk

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19 **By: Chambers**

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