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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROSEMARY GREENLAW,  
Plaintiff,  
v.  
VINCENT N. MICONE,  
Defendant.

Case No. 18-cv-04932-VKD

**ORDER RE MICHELLE DANIELS  
DEPOSITION TESTIMONY**

The Secretary intends to call Michelle Daniels as a witness at trial through Ms. Daniels’s deposition testimony. Ms. Greenlaw objects to the Secretary’s designations of Ms. Daniels’s testimony on foundation, hearsay, and relevance grounds. *See* Fed. R. Evid. 402, 403, 602, 802. With respect to Ms. Daniels’s testimony about statements security guard(s) made to her, the Secretary argues that Court should provide the jury with a limiting instruction that such testimony is not being offered for the truth of those statements, but to establish Ms. Daniels’s notice of certain matters. With respect to other designated portions of Ms. Daniels’s testimony, the Secretary argues that such testimony is relevant to explain Ms. Daniels’s actions. Having reviewed the disputed portions of Ms. Daniels’s deposition testimony, the Court rules as follows:

**Daniels Dep. at 20:14-21:5:** Ms. Greenlaw’s objections to the testimony at 20:14-18 and 20:25-21:5 are overruled, as Ms. Daniels has personal knowledge of some aspects of the incident in question. Ms. Greenlaw’s objections to the testimony at 20:19-24 are sustained. Fed. R. Evid. 602, 802. The statements are hearsay and appear to be offered for the truth of the matters asserted; there is no indication that Ms. Daniels’s having “notice” of the matters described in the statements is relevant to any issue in the case.

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**Daniels Dep. at 22:1-6, 25:22-24, 26:3-10, 15; 39:23-40:6, 40:16-18, 21-23:** Ms. Greenlaw’s objections to this testimony are sustained. Fed. R. Evid. 602, 802. The statements are hearsay and appear to be offered for the truth of the matters asserted; there is no indication that Ms. Daniels’s having “notice” of the matters described in the statements is relevant to any issue in the case.

**Daniels Dep. at 50:12-51:15 and 51:25-53:13:** Ms. Greenlaw’s objections to this testimony are overruled. Ms. Greenlaw has tried to minimize the significance of leaving the cart with items to be donated where it was. Accordingly, this portion of Ms. Daniels’s testimony is relevant and admissible to explain why this incident was significant, and it appears to be based on Ms. Daniels’s personal knowledge.

**IT IS SO ORDERED.**

Dated: March 11, 2025

  
Virginia K. DeMarchi  
United States Magistrate Judge