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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUDE P. NWANDU)	Civil No.06CV999 WMc
)	
Plaintiff,)	
v.)	ORDER DENYING PLAINTIFF'S
)	MOTION <i>IN LIMINE</i> [DOC. NO. 149]
SERGEANT V. BACH, et al.)	
)	
Defendants.)	
_____)	

On May 24, 2011, the Court held a telephonic hearing on the parties' motions *in limine*. Plaintiff *pro se* Jude Nwandu appeared. Suzanne Antley, Esq. appeared for Defendants. After hearing from Plaintiff *pro se* and counsel of record, the Court issued an oral ruling denying Plaintiff's motion *in limine* which is incorporated by reference herein.

As directed by the Court at the May 24, 2011 teleconference, Plaintiff's motion *in limine* is **DENIED**. Under Federal Rule of Civil Procedure 30(e), deponents have an opportunity to sign their transcripts, but they *are not* required to do so. A refusal to sign a transcript does not affect its ultimate admissibility. *Evans v. County of San Diego*, 2009 WL 306609 (S.D.Cal., Feb. 4, 2009)("that the deponent refuses to sign the deposition transcript does not make it inadmissible."). In fact, federal courts have found that where signatures or corrections have been made outside of the 30-day time framed allotted in FRCP 30(e) for alterations, the deponent can be said to have waived his opportunity to review or amend the transcript and the original deposition transcript may be admitted into evidence. *Blackthorne v. Posner*, 883 F.Supp. 1443, 1454 (D.Or. 1995). Accordingly, Plaintiff's refusal to sign the deposition

1 has no effect on the admissibility of the transcript. Admissibility of the deposition transcript is governed
2 by Fed. R. of Evid. 403, which allows relevant evidence to be excluded if its probative value is
3 outweighed by the danger of unfair prejudice, confusion or misleading the jury. Here, Plaintiff has not
4 identified unfair prejudice or confusion that would result from use of his deposition transcript on cross
5 examination. Moreover, Plaintiff still retains the right at trial to object to use of his deposition testimony
6 on cross under Fed. R. of Evid. 403.

7 **IT IS SO ORDERED.**

8 DATED: May 24, 2011

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11 Hon. William McCurine, Jr.
12 U.S. Magistrate Judge, U.S. District Court

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