

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 01-cv-01644-REB-CBS

CARTEL ASSET MANAGEMENT, a Colorado corporation,

Plaintiff,

v.

OCWEN FINANCIAL CORPORATION, a Florida corporation;
OCWEN FEDERAL BANK FSB, a subsidiary of OCWEN FINANCIAL CORPORATION
and
OCWEN LOAN SERVICING, LLC,

Defendants.

**ORDER RESOLVING OBJECTIONS TO DESIGNATIONS OF
DEPOSITION TESTIMONY AND PRIOR TRIAL TESTIMONY**

Blackburn, J.

This matter is before me on the following: 1) **Plaintiff's Objections To Defendants' Designations of Prior Testimony for Use at Trial** [#725]¹ filed August 30, 2010; and 2) **Defendants' Objections To Plaintiff's Designation and Counter-Designation of Testimony** [#728] filed August 30, 2010. I resolved the objections as shown in the tables below. In the ruling column of those tables, "O" means overruled and "S" means sustained.

¹ "[#725]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

**I. PLAINTIFF'S OBJECTIONS TO DEFENDANTS' DESIGNATIONS
OF PRIOR TESTIMONY FOR USE AT TRIAL [#725]**

DEPOSITION TESTIMONY OF ARTHUR J. CASTNER (April 8, 2004)

Item #	Testimony	Objection	Ruling
1.	P. 36, l. 23 – p. 40, l. 7	Fed.R.Evid. 402, 403	O
2.	P. 41, l. 15 – p. 42, l. 13.	Fed.R.Evid. 402, 403	O
3.	P. 45, ll. 13-19	Fed.R.Evid. 402, 403	O
4.	P. 62, l. 19 – p. 63, l. 5	Fed.R.Evid. 402, 403	O
5.	P. 63, l. 15 – p. 64, l. 2	Fed.R.Evid. 402, 403	O
6.	P. 87, ll. 16-24	Fed.R.Evid. 402, 403, 608	S
7.	P. 122, ll. 19-22	Fed.R.Evid. 402, 403	O
8.	P. 124, ll. 15-18	Fed.R.Evid. 402, 403	O
9.	P. 149, ll. 19-21	Not part of testimony	S
10.	P. 100, ll. 8-19	Fed.R.Evid. 402, 403	O
11.	P. 106, l. 20 – p. 107, l. 16	Fed.R.Evid. 402, 403	O
12.	P. 111, l. 14 – p. 112, l. 7	Fed.R.Evid. 402, 403	O
13.	P. 157, ll. 8-15	Fed.R.Evid. 402, 403	O
14.	P. 160, l. 18- p. 161, l. 1	Fed.R.Evid. 402, 403	O

DEPOSITION TESTIMONY OF ARTHUR J. CASTNER (June 18, 2004)

Item #	Testimony	Objection	Ruling
1.	P. 55, l. 8 – p. 57, l. 3	Fed.R.Evid. 402, 403	O
2.	P. 57, ll. 7-23	Fed.R.Evid. 402, 403	O
3.	P. 68, ll. 2-21	Fed.R.Evid. 402, 403	O
4.	P. 70, l. 5 – p. 71, l. 1	Fed.R.Evid. 402, 403	O
5.	P. 76, ll. 3-15	Fed.R.Evid. 402, 403	O

TRIAL TESTIMONY OF ANN GILBERT (July 1, 2004)

Item #	Testimony	Objection	Ruling
1.	P. 157, ll. 8-19	Fed.R.Evid. 402, 403	O
2.	P. 169, ll. 5-6	Fed.R.Evid. 402, 403	O
3.	P. 187, ll. 8-9	Fed.R.Evid. 402, 403	S
4.	P. 188, ll. 15-19	Fed.R.Evid. 402, 403	O
5.	P. 188, l. 20 – p. 191, l. 17	Fed.R.Evid. 402, 403	O
6.	P. 191, l. 22 – p. 192, l. 5	Fed.R.Evid. 402, 403	O
7.	P. 192, ll. 18-22	Fed.R.Evid. 402, 403	O
8.	P. 193, ll. 11-13	Fed.R.Evid. 402, 403	S

(not a question/answer)

9.	P. 193, l. 20 – p. 194, l. 2	Fed.R.Evid. 402, 403	O
10.	P. 194, l. 6 – p. 196, l. 4	Fed.R.Evid. 402, 403	O
11.	P. 196, ll. 15-24	Fed.R.Evid. 402, 403	O
12.	P. 197, l. 5 – p. 198, l. 8	Fed.R.Evid. 402, 403	O
13.	P. 199, l. 20 – p. 200, l. 4	Fed.R.Evid. 402, 403	O
14.	P. 200, ll. 10-17	Fed.R.Evid. 402, 403	O
15.	P. 200, l. 21 – p. 201, l. 1	Fed.R.Evid. 402, 403	O
16.	P. 201, l. 7 – p. 202, l. 7	Fed.R.Evid. 402, 403	O
17.	P. 202, l. 12 – p. 206, l. 17	Fed.R.Evid. 402, 403	O
18.	P. 207, l. 4 – p. 208, l. 13	Fed.R.Evid. 402, 403	O
19.	P. 208, l. 19 – p. 210, l. 13	Fed.R.Evid. 402, 403	O
20.	P. 215, l. 1 – p. 216, l. 16	Fed.R.Evid. 402, 403	O
21.	P. 216, ll. 19-24	Fed.R.Evid. 402, 403	O
22.	P. 217, ll. 17-20	Fed.R.Evid. 402, 403	O
23.	P. 218, ll. 6-13	Fed.R.Evid. 402, 403	O
24.	P. 218, l. 17 – p. 219, l. 8	Fed.R.Evid. 402, 403	O
25.	P. 219, ll. 13-19	Fed.R.Evid. 402, 403	O
26.	P. 220, ll. 1-4	Fed.R.Evid. 402, 403	O
27.	P. 220, l. 11 – p. 221, l. 6	Fed.R.Evid. 402, 403	O
28.	P. 221, l. 12 – p. 223, l. 14	Fed.R.Evid. 402, 403	O
29.	P. 223, l. 19 – p. 225, l. 9	Fed.R.Evid. 402, 403	O
30.	P. 225, l. 20 – p. 227, l. 2	Fed.R.Evid. 402, 403	O
31.	P. 227, l. 14 – p. 228, l. 18	Fed.R.Evid. 402, 403	O

TRIAL TESTIMONY OF WILLIAM KRUEGER (July 7, 2004) ²

Item #	Testimony	Objection	Ruling
1.	P. 775, l. 4 – p. 776, l. 21	Fed.R.Evid. 402, 403	O
2.	P. 777, ll. 21-23	Fed.R.Evid. 402, 403	O

² Objections one through six to Krueger’s testimony concern generally testimony about whether Cartel told Krueger, or Krueger otherwise was informed, that names of brokers or other information in broker price opinions was confidential. Cartel’s objection is relevance. I conclude that this testimony is not relevant to the question of whether the defendants misappropriated Cartel’s trade secrets. That question has been resolved. However, I conclude that this testimony is relevant to the issue of exemplary damages.

3.	P. 780, l. 19 – p. 781, l. 5	Fed.R.Evid. 402, 403	O
4.	P. 782, l. 1 – p. 783, l. 24	Fed.R.Evid. 402, 403	O
5.	P. 784, ll. 3-21	Fed.R.Evid. 402, 403	O
6.	P. 785, l. 5 – p. 786, l. 16	Fed.R.Evid. 402, 403	O
7.	P. 788, l. 21 – p. 789, l. 12	Fed.R.Evid. 402, 403	O
8.	P. 789, ll. 15-22	Fed.R.Evid. 402, 403	O
9.	P. 790, ll. 3-10	Speculation	O
10.	P. 792, ll. 1-14	Fed.R.Evid. 402, 403	O
11.	P. 793, l. 13 – p. 794, l. 1	Fed.R.Evid. 402, 403	O
12.	P. 796, l. 24 – p. 797, l. 15	Fed.R.Evid. 402, 403	O
13.	P. 798, l. 16 – p. 800, l. 7	Fed.R.Evid. 402, 403	O
14.	P. 807, l. 21 – p. 808, l. 5	Fed.R.Evid. 402, 403	O
15.	P. 844, ll. 19-24	Fed.R.Evid. 402, 403	O
16.	P. 845, ll. 4-13	Fed.R.Evid. 402, 403	O
17.	P. 866, ll. 7-11	Fed.R.Evid. 402, 403	O
18.	P. 870, l. 19 – p. 871, l. 9	Fed.R.Evid. 402, 403	O
19.	P. 889, ll. 10-21	Fed.R.Evid. 402, 403	O
20.	P. 890, ll. 2-7	Fed.R.Evid. 402, 403	O
21.	P. 890, l. 13 – p. 891, l. 17	Fed.R.Evid. 402, 403	O
22.	P. 891, ll. 21-23	Fed.R.Evid. 402, 403	O
23.	P. 892, l. 21 – p. 893, l. 9	Fed.R.Evid. 402, 403	O
24.	P. 893, ll. 14-21	Fed.R.Evid. 402, 403	O
25.	P. 895, ll. 3-21	Fed.R.Evid. 402, 403	O
26.	P. 898, ll. 2-8	Fed.R.Evid. 402, 403	O
27.	P. 899, ll. 4-12	Fed.R.Evid. 402, 403	O
28.	P. 905, ll. 17-23	Fed.R.Evid. 402, 403	O

TRIAL TESTIMONY OF DUANE ANDREWS
(References are to Deposition Conducted on July 7, 2004)

Item #	Testimony	Objection	Ruling
1.	P. 933, l. 18 – p. 936, l. 1	FRE 402, 403; incomplete answer on p. 936	O
2.	P. 937, ll. 10-15	FRE 402, 403	O
3.	P. 939, ll. 18-23	FRE 402, 403	O
4.	P. 940, l. 12 – p. 941, l. 4	FRE 402, 403	O
5.	P. 941, ll. 10-15	FRE 402, 403	O

6.	P. 941, l. 17 – p. 942, l. 1	FRE 402, 403;	O
		incomplete answer on p. 942	
7.	P. 942, ll. 7-11	Incomplete answer	O
8.	P. 942, ll. 18-21	FRE 402, 403	O
9.	P. 943, ll. 3-6	FRE 402, 403; leading	O
10.	P. 943, l. 16 – p. 944, l. 7	FRE 402, 403	O
11.	P. 945, ll. 14-24	FRE 402, 403	O
12.	P. 946, l. 23 – p. 948, l. 7	FRE 402, 403	O
13.	P. 950, l. 14 – p. 951, l. 13	FRE 402, 403	O
14.	P. 951, l. 18 – p. 952, l. 5	FRE 402, 403	O
15.	P. 952, l. 10 – p. 953, l. 3	FRE 402, 403	O
16.	P. 962, ll. 7-19	FRE 402, 403	O
17.	P. 967, l. 18 – p. 968, l. 16	FRE 402, 403; leading	O
18.	P. 968, ll. 18-21	FRE 402, 403; leading	O
19.	P. 971, l. 24 – p. 972, l. 6	FRE 402, 403	O
20.	P. 974, ll. 9-17	FRE 402, 403	O
21.	P. 976, ll. 13-22	FRE 402, 403	O

TRIAL TESTIMONY OF KEITH RENO (July 8, 2004)

Item #	Testimony	Objection	Ruling
1	P. 1019, ll. 19-23	speculation	O
2.	P. 1019, l. 24 – 1020, l. 6	FRE 402, 403	O
3.	P. 1021, l. 16 – p. 1022, l. 15	FRE 402, 403	O
4.	P. 1022, l. 16 – p. 1023, l. 5	FRE 402, 403; foundation	O
5.	P. 1028, l. 19 – 1029, l. 6	FRE 402, 403, foundation	O
6.	P. 1048, l. 25 – p. 1049, l. 3	Foundation, speculation	O
7.	P. 1050, ll. 11-13	Foundation, speculation	O
8.	P. 1072, l. 23 – p. 1073, l. 4	Leading	O
9.	P. 1075, ll. 9-14	Leading	O

**II. DEFENDANTS' OBJECTIONS TO PLAINTIFF'S DESIGNATION AND
COUNTER-DESIGNATION OF TESTIMONY [#728]³**

CARTEL'S DESIGNATION OF TESTIMONY

Testimony of Ann Elizabeth Gilbert, July 1, 2004

Item #	Testimony	Objection(s)	Ruling
1.	00133:15-00133:25	Rule 402 - relevance	O
2.	00134:1-00134:18	Rule 402 - relevance	O
3.	00134:25-00135:8	Rule 402 - relevance	O
4.	00137:22-00137:25	Rule 402 - relevance	O
5.	00138:1-00138:3	Rule 402 - relevance	O
6.	00138:7-00138:18	Rule 402 - relevance	O
7.	00138:19-00139:24	Rule 402 - relevance	O
8.	00139:25-00140:10	Rule 402 - relevance	O
9.	00141:6-00141:12	Rule 402 - relevance	O
10.	00144:13-00144:24	Rule 402 - relevance designation includes an answer but no question.	O <i>P. 144:11-11-12 must be included</i>
11.	00146:16-00146:22	Rule 402 - relevance	O
12.	00146:23-00147:2	Rule 402 - relevance	O
13.	00147:3-00147:14	Rule 402 - relevance	O
14.	00154:13-00154:20	Rule 402 - relevance	O
15.	00154:21-00155:24	Rule 402 - relevance	O
16.	00155:25-00156:13	Rule 402 - relevance	O

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³ Apparently, the defendants' objections [#728] were scanned as a means of creating an electronic document for filing on the court's CM/ECF system. As a result, the court was not able to paste into a word processing document the tables reflecting the defendants' objections, as shown in [#728]. As a result, the court has copied images of the defendants' tables, including my handwritten rulings, into this order.

Item #	Testimony	Objection(s)	Ruling
17.	00162:22-00162:24	Rule 403 - cumulative	Is this relevant to Cartel's claim for punitive damages
18.	00162:25-00163:1	Rule 403 - cumulative	0
19.	00166:15-00166:18	Rule 403 - cumulative	0
20.	00167:1-00167:11	Rule 403 - cumulative	0
21.	00167:23-00168:4	Rule 402 - relevance	0
22.	00168:5-00168:8	Rule 602 - lack of foundation	S
23.	00168:9-00168:25	Rule 402 - relevance Rule 403 - cumulative	0
24.	00169:1-00169:4	Rule 402 - relevance	0
25.	00169:8-00169:20	Rule 402 - relevance	0
26.	00169:21-00170:22	Rule 402 - relevance	0
27.	00170:23-00171:7	Rule 402 - relevance	0
28.	00171:15-00171:18	Rule 402 - relevance Rule 403 - cumulative	0
29.	00174:11-00174:13	Rule 402 - relevance	0
30.	00174:21-00174:25	Rule 402 - relevance	0
31.	00175:1-00175:23	Rule 402 - relevance	0
32.	00175:24-00176:17	Rule 402 - relevance	0
33.	00179:24-00180:2	Rule 402 - relevance	0
34.	00180:3-00180:7	Rules 611 and 1002 - document speaks for itself Rule 402 - relevance Rule 403 - value outweighed by unfair prejudice	0
35.	00180:8-00180:18	Rule 402 - relevance	0
36.	00180:19-00180:23	Rules 611 and 1002 - document speaks for itself	S
37.	00180:24-00181:6	Rules 611 and 1002 - document speaks for itself	S
38.	00181:7-00181:23	Rule 402 - relevance	0
39.	00181:24-00182:6	Rule 402 - relevance Rule 403 - cumulative	0
40.	00182:7-00182:13	Rules 611 and 1002 - document speaks for itself	S

Item #	Testimony	Objection(s)	Ruling
41.	00182:14-00182:19	Rule 402 - relevance	0
42.	00183:22-00184:3	Designated question without any designated response Rule 402 - relevance Rule 403 - value outweighed by unfair prejudice	0 <i>p. 184: l. 4 must be included</i>

Testimony of Christina Teahan, July 1, 2004

Item #	Testimony	Objection(s)	Ruling
1.	00091:3-00091:20	Rule 402 - relevance	0
2.	00091:21-00092:2	Rule 402 - relevance	0
3.	00092:3-00092:10	Rule 402 - relevance	0
4.	00092:11-00092:17	Rule 403 - cumulative	0
5.	00092:18-00093:6	Rule 402 - relevance	0
6.	00114:18-00119:3	Rule 402 - relevance Rule 403 - cumulative	0

Testimony of Arthur John Castner, July 2, 2004
(from April 8, 2004 deposition transcript)

Item #	Testimony	Objection(s)	Ruling
1.	00004:15-00004:19	Rule 611 - vague Rule 402 - relevance	0
2.	00004:23-00005:3	Rule 602 - lack of foundation Rule 402 - relevance	0
3.	00005:7 - 00005:12	Rule 611 - vague Rule 602 - lack of foundation Rule 402 - relevance	0
4.	00006:1 - 00006:6	Rule 402 - relevance	0

Item #	Testimony	Objection(s)	Ruling
5.	00008:21 -00009:1	Rule 611 - vague Rule 402 - relevance Rule 403 - cumulative	0
6.	00023:19-00023:25	Rule 402 - relevance	0
7.	00024:1 -00024:23	Rule 402 - relevance	0
8.	00024:24-00025:5	Rule 402 - relevance	0
9.	00025:6-00025:13	Rule 402 - relevance	0
10.	00025:24-00025:24	Rule 402 - relevance	0
11.	00036:4-00036:22	Rule 402 - relevance	0
12.	00042:23-00043:9	Rule 611- vague	0
13.	00043:21-00043:24	Rule 611 - vague	0
14.	00044:16-00044:18	Rule 403 - cumulative	0
15.	00045:2-00045:12	Rule 802 - hearsay	0
16.	00066:7-00066:17	Rule 402 - relevance	0
17.	00084:10-00084:15	Rule 402 - relevance Rule 611 - vague	0
18.	00084:16-00084:24	Rule 402 - relevance	0
19.	00084:25-00085:6	Rule 402 - relevance	0
20.	00085:7-00085:9	Rule 402 - cumulative	0
21.	00085:10-00085:17	Rule 402 - relevance	0
22.	00085:18-00085:25	Rule 611 - vague	0
23.	00086:1-00086:3	Rule 611 - vague	0
24.	00086:19-00086:24	Rule 403 - cumulative	0
25.	00086:25-00087:6	Rule 403 - cumulative	0
26.	00087:7-00087:12	Rule 402 - relevance	0
27.	00088:5-00088:9	Rule 402 - relevance	0
28.	00088:10-00088:15	Rule 403 - cumulative	0
29.	00093:16-00093:21	Rule 611 - vague	0
30.	00093:22-00093:22	Designated question without any designated response	S
31.	00097:10-00097:11	Rule 403 - cumulative	0
32.	00097:12-00097:20	Rule 402 - relevance	0
33.	00097:25-00097:25	Designated portion of question without any designated response	S
34.	00115:16-00115:17	Rule 611 - vague	0

Testimony of William Krueger, July 7, 2004

Item #	Testimony	Objection(s)	Ruling
1.	00768:10-00768:20	Rule 402 - relevance	0
2.	00772:19-00773:16	Rule 402 - relevance	0
3.	00773:21-00773:22	Rule 611 - vague	0
4.	00823:1-00823:4	Rule 403 - cumulative	0
5.	00823:5-00823:7	Rule 402 - relevance	0
6.	00823:10-00823:10	Designated response without designated question	0 <i>P. 823:11. 8-9 must be included</i>
7.	00823:11-00823:12	Rule 402 - relevance	0
8.	00824:10-00824:13	Rule 403 - cumulative	0
9.	00825:24-00826:5	Rule 403 - cumulative	0
10.	00827:3-00827:6	Rule 403 - cumulative	0
11.	00828:6-00828:9	Rule 402 - relevance	0
12.	00828:22-00828:23	Rule 403 - cumulative	0
13.	00829:1-00829:4	Rule 402 - relevance	0
14.	00830:17-00830:18	Rule 403 - cumulative	0
15.	00830:24-00831:1	Rule 403 - cumulative	0
16.	00831:15-00831:17	Objection and Court overruling objection	S
17.	00831:18-00831:25	Rule 403 - cumulative	0
18.	00832:1-00832:12	Exchange between counsel and Court regarding morning recess	S
19.	00832:13-00832:18	Rule 403 - cumulative	0
20.	00832:24-00833:4	Rule 403 - cumulative	0
21.	00833:5-00833:9	Rule 402 - relevance	0
22.	00833:10-00833:15	Rule 611 - vague Rule 402 - relevance	0
23.	00833:16-00833:18	Rule 402 - relevance Rule 403 - cumulative	0
24.	0833:19-0833:25	Rule 611 - vague Designated question without response	0

Item #	Testimony	Objection(s)	Ruling
25.	0835:11-00835:13	Rule 611 - vague Rule 402 - relevance Rule 403 - confusion of issues	0
26.	00835:18-00836:1	Rule 402 - relevance	0
27.	00836:2-00836:7	Rule 403 - cumulative	0
28.	00836:8-00836:23	Rule 402 - relevance	0
29.	00837:8-00837:23	Rule 403 - cumulative	0
30.	00837:24-00838:2	Rule 402 - relevance Rule 403 - cumulative	0
31.	00838:3-00838:7	Rule 403 - cumulative	0
32.	00838:9-00838:12	Rule 403 - cumulative	0
33.	00840:19-00840:24	Rule 611 - vague	0
34.	00840:25-00841:2	Rule 402 - relevance	0
35.	00841:20-00841:23	Rule 403 - cumulative	0
36.	00842:2-00842:6	Rule 402 - relevance	0
37.	00843:9-00843:25	Rule 402 - relevance	0
38.	00844:1-00844:3	Rule 402 - relevance	0
39.	00846:17-00846:20	Rule 402 - relevance	0
40.	00847:12-00847:25	Rule 402 - relevance	0
41.	00848:1-00848:4	Rule 403 - cumulative	0
42.	00848:20-00848:23	Rule 402 - relevance	0
43.	00848:24 -00849:1	Rule 402 - relevance	0
44.	00849:5-00849:14	Rule 402 - relevance	0
45.	00849:15-00850:2	Rule 402 - relevance	0
46.	00850:3-00850:19	Rule 402 - relevance	0
47.	00850:20-00850:23	Rule 403 - cumulative	0
48.	00850:24-00851:1	Rule 403 - cumulative	0
49.	00854:19-00855:25	Rule 402 - relevance	0
50.	00856:1-00856:2	Rule 402 - relevance Rule 403 - cumulative	0
51.	00856:21-00857:23	Rule 402 - relevance	0
52.	00857:24-00857:25	Designated question without designated response	0
53.	00858:16-00859:2	Rule 402 - relevance	0
54.	00859:14-00860:12	Rule 402 - relevance	0
55.	00860:13-00860:20	Rule 611 - vague	0
56.	00860:24-00861:1	Rule 403 - cumulative	0
57.	00861:18-00861:20	Rule 403 - cumulative	0
58.	00861:21-00864:7	Rule 402 - relevance	0

Item #	Testimony	Objection(s)	Ruling
59.	00864:8-00864:11	Rule 402 - relevance Rule 403 - cumulative Rule 611 - compound	0
60.	00864:12-00864:13	Rule 403 - cumulative	0
61.	00864:14-00864:18	Rule 402 - relevance Rule 611 - compound	0
62.	00864:19-00864:20	Rule 402 - relevance Rule 611 - vague	0
63.	00864:21-00865:14	Rule 402 - relevance	0
64.	00865:24-00866:2	Rule 402 - relevance	0
65.	00866:12-00868:1	Rule 402 - relevance	0
66.	00869:16-00869:24	Rule 402 - relevance Rule 403 - cumulative	0
67.	00870:5-00870:11	Rule 402 - relevance	0
68.	00883:23-00883:25	Rule 403 - cumulative	0
69.	00884:1-00884:5	Rule 402 - relevance Rule 403 - cumulative	0

CARTEL'S COUNTER- DESIGNATION OF TESTIMONY

Deposition Testimony of Arthur John Castner
(June 18, 2004 deposition transcript)

Item #	Testimony	Objection(s)	Ruling
1.	00007:5-00007:5	Designated portion of question without designated response Rule 402 - relevance	0
2.	00008:1-00008:15	Rule 402 - relevance	0
3.	00058:1-00066:12	Rule 402 - relevance	0
4.	00158:19-00159:6	Rule 402 - relevance	0
5.	00160:8-00161:6	Rule 402 - relevance	0
6.	00182:21-00185:15	Rule 402 - relevance	0
7.	00187:13-00189:20	Rule 602 - lack of foundation	0
8.	00190:16-00191:8	Rule 602 - lack of foundation	0

Item #	Testimony	Objection(s)	Ruling
9.	00191:15-00193:2	Rule 602 - lack of foundation	S
10.	00194:17-00195:10	Rule 402 - relevance	O
11.	00195:11-00196:5	Rule 602 - lack of foundation Rule 402 - relevance	O
12.	00196:20-00197:15	Rule 402 - relevance	O
13.	00198:12-00199:20	Rule 602 - lack of foundation	O
14.	00200:18-00200:24	Rule 611 - vague	O
15.	00202:12-00202:24	Rule 602 - lack of foundation	O
16.	00208:21-00210:4	Rule 602 - lack of foundation	O
17.	00210:19-00210:25	Rule 602 - lack of foundation Rule 402 - relevance Rule 611 - argumentative	O

Testimony of Duane Andrews, July 7, 2004

Item #	Testimony	Objection(s)	Ruling
1.	957:7 - 957:19	Rule 402 - relevance	O
2.	968:22 - 969:21	Rule 402 - relevance	O
3.	970:1 - 970:11	Rule 402 - relevance	O

Testimony of Keith Reno, July 8, 2004

Item #	Testimony	Objection(s)	Ruling
1.	1055:17-1055:22	Rule 402 - relevance	O
2.	1057:14-1057:20	Rule 402 - relevance	O
3.	1062:11-1062:15	Rule 403- cumulative	O

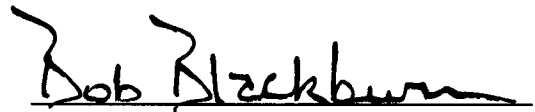
Item #	Testimony	Objection(s)	Ruling
4.	1062:19-1063:2	Rule 402 - relevance Rule 403 - confusion of issues	0
5.	1063:19-1063:21	Rule 402 - relevance Rule 403 - cumulative	0
6.	1063:22- 1063:25	Rule 402 - relevance	0
7.	1064:1-1064:7	Rule 402 - relevance	0
8.	1064:21-1064:23	Rule 402 - relevance Rule 403 - cumulative	0
9.	1065:5-1065:15	Rule 402 - relevance	0
10.	1066:6 -1066:7	Rule 403 - cumulative	0
11.	1066:20-1066:25	Rule 403 - cumulative	0
12.	1067:6-1067:10	Rule 402 - relevance Rule 403 - cumulative	0
13.	1067:11-1067:19	Rule 402 - relevance Rule 403 - confusion of issues	0
14.	1069:6-1069:8	Rule 403 - cumulative	0
15.	1069:22 - 1070:25	Rule 402 - relevance	0
16.	1071:1-1071:2	Rule 402 - relevance	0
17.	1071:3 - 1071:14	Rule 402 - relevance Rule 403 - value outweighed by unfair prejudice, waste of time, confusion of issues	0
18.	1071:15 - 1071:18	Rule 402 - relevance Rule 403 - confusion of issues	0
19.	1071:19-1072:8	Rule 402 - relevance Rule 403 - cumulative	0
20.	1072:9 - 1072:11	Rule 402 - relevance	0

THEREFORE, IT IS ORDERED as follows:

1. That **Plaintiff's Objections To Defendants' Designations of Prior Testimony for Use at Trial** [#725] filed August 30, 2010, are **RESOLVED** as stated in this order; and
2. That **Defendants' Objections To Plaintiff's Designation and Counter-Designation of Testimony** [#728] filed August 30, 2010, are **RESOLVED** as stated in this order.

Dated September 10, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge