

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

JAMES WRIGHT,)	
)	
Plaintiff,)	
)	
vs.)	Case Number 06-cv-351-RJC-KLM
)	
LIBERTY MUTUAL FIRE INSURANCE)	
CO.,)	
)	
Defendant.)	

ORDER

Defendant filed a motion to exclude certain portions of the deposition testimony endorsed by Plaintiff. The Court finds as follows:

- (A) Deposition Testimony of Dr. Richard Murphy
 - (1) (32:2-33:14) - Objection overruled.
 - (2) (34:15-22) - Objection overruled.
 - (3) (43:6-15) - Objection overruled.
 - (4) (50:2-52:23) - Objection overruled
 - (5) (53:4-12) - Objection overruled
 - (6) (68:15-69:7) - No response from Plaintiff, so the objection is sustained.
 - (7) (71:10-72:23) - Objection overruled.
 - (8) (166:8-168:3) - Objection overruled.
 - (9) (168:12-169:18) - Objection overruled.
 - (10) (170:17-171:6) - Objection sustained.
- (B) Deposition Testimony of Carla O’Hara

- (1) (31:16-18) - Objection overruled.
- (2) (33:7-12 and 23) - Objection overruled.
- (3) (52:17-53:2) - Objection sustained.
- (4) (60:21-23; 61:1) - Objection sustained.
- (5) (77:2-20) - Objection overruled.
- (6) (77:21-78:19) - Objection overruled

(C) Deposition Testimony of Linda Cunningham

- (1) (19:16-21:21) - Objection overruled.
- (2) (26:18-27:5; 28:2-29:24) - Objection overruled.
- (3) (44:1-53:14) - Objection overruled.
- (4) (54:23-56:12) - Objection overruled.
- (5) (57:21-58:19) - The evidence is cumulative, so the objection is sustained.
- (6) (59:1-60:22) - Objection overruled.

(D) Deposition Testimony of Sherry Martin

- (1) (49:21-50:2) - Objection sustained.
- (2) (84:5-17) - Objection overruled.
- (3) (111:7-10) - Objection sustained.
- (4) (137:16-21) - Objection sustained.
- (5) (161:25-162:5) - Objection overruled.
- (6) (188:4-14) - Objection overruled.

- (7) (191:2-10) - Objection overruled.
- (8) (192:21-193:8) - Objection overruled.
- (9) (213:24-214:11) - Objection sustained.
- (10) (216:6-8) - Objection sustained.
- (11) (217:17-218:9) - Objection sustained.
- (12) (221:22-222:21) - Objection overruled.
- (13) (249:19-250:25) - Objection sustained.
- (14) (258:23-261:17) - Objection overruled.
- (15) (273:3-11) - The evidence is cumulative, so the objection is sustained.
- (16) (276:13-18) - Objection sustained.
- (17) (294:5-6) - Objection overruled.

(E) Deposition Testimony of Randall Moody

- (1) (24:6-22) - Objection overruled.
- (2) (26:4-21) - Objection overruled.
- (3) (28:18-29:2) - Objection overruled.
- (4) (41:17-42:25) - Objection overruled.
- (5) (44:16-47:9) - Objection overruled.
- (6) (63:1-4) - Objection overruled.
- (7) (84:12-92:11) - Objection overruled.
- (8) (92:12-94:12) - Objection overruled.

- (9) (94:13-17) - Plaintiff confesses this objection, and agrees to remove this portion of the deposition testimony.
- (10) (104:19-105:15) - Objection overruled.
- (11) (131:15-132:9) - Objection overruled.
- (12) (140:25-141:13) - Objection overruled.
- (13) (151:20-152:2) - Objection overruled.
- (14) (160:17-166:2) - Objection overruled.
- (15) (168:19-170:21) - Objection sustained.
- (16) (171:7-174:22) - Objection sustained.
- (17) (177:20-180:9) - Objection overruled.
- (18) (185:8-186:17) - Objection overruled.
- (19) (186:18-187:20) - Objection overruled.
- (20) (189:22-190:4) - Objection sustained.
- (21) (192:15-196:21) - Objection sustained.
- (22) (200:25-227:16) - Objection sustained.
- (23) (227:23-230:14) - Objection overruled.
- (24) (230:15-231:1) - Plaintiff confesses this objection, and agrees to remove this portion of the deposition testimony.
- (25) (231:2-232:5) - Objection sustained.
- (26) (236:2-238:3) - Objection sustained.
- (27) (243:7-11) - Objection overruled.

(28) (246:12-251:13) - Objection sustained.

Accordingly, Defendant's Motion to Preclude Deposition Testimony Endorsed by Plaintiff (Dkt. No. 205) is GRANTED IN PART and DENIED IN PART.

IT IS SO ORDERED this 29th day of October, 2009.

A handwritten signature in blue ink, reading "Robin J. Cauthron", written over a horizontal line.

ROBIN J. CAUTHRON
United States District Judge