

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLORADO**

By Judge Philip A. Brimmer

Civil Action 09-cv-1542-PAB-CBS

In re: CENTRIX FINANCIAL, LLC, et al.,

CENTRIX FINANCIAL LIQUIDATING TRUST, and
JEFFREY A. WEINMAN in his capacity as Trustee
for the Centrix Financial Liquidating Trust,

Plaintiffs,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, and
AIG DOMESTIC CLAIMS, INC.,

Defendants.

**ORDER REGARDING DEFENDANTS' OBJECTIONS TO PLAINTIFFS' COUNTER
DEPOSITION DESIGNATIONS FOR TRIAL AS TO ROBERT SUTTON**

This matter comes before the Court on Defendants' Objections to Plaintiffs' Counter Deposition Designations for Trial [Docket No. 161]. The Court has reviewed the objections and rules as follows as to the deposition of Robert Sutton:

DEPOSITION OF ROBERT SUTTON - 5-15-2014

Item #	Testimony	Objection	Ruling
	74:18-22	Rule 611: Completeness (requires addition of 74:23-25)	Sustained
	96:17-20	Rule 611: Completeness (requires addition of 96:21-25)	Overruled
	98:14-17	Rule 611: Completeness (requires addition of 98:18-21)	Overruled
	105:19 to 106:5	Rule 611 (Completeness requires addition of 106:6-9)	Overruled
	111:10 to 112:7	Rule 611: Completeness (requires addition of 112:8-20)	Overruled
	114:7-13	Rule 602: Lacks Personal Knowledge)	Sustained – nonresponsive
	142:21 to 143:6	Rule 802: Hearsay (testimony based on hearsay statements)	Sustained
	147:1-20	Rule 611: Completeness (requires addition of 146:4-25)	Overruled
	162:20 to 166:16	Rule 602: Lacks Personal Knowledge; Rule 403: Prejudice (irrelevant as testimony concerns litigation involving two non-Centrix entities); Rule 403: Prejudice (any marginal probative value of whether litigation and settlement between two non-Centrix entities substantially outweighed by danger of unfair prejudice)	Sustained – foundation
	175:23 to 177:3	Rule 802: Hearsay (testimony based on hearsay statements)	Sustained
	180:24 to 182:5	Rule 802: Hearsay (testimony based on hearsay statements); Rule 602: Lacks Personal Knowledge	Sustained
	202:17 to 203:8	Rule 602: Lacks Personal Knowledge (only related statements made to him by others); Rule 802: Hearsay (testimony based on hearsay statements)	Sustained
	222:4-18	Rule 802: Hearsay (testimony based on hearsay statements)	Overruled
	224:1-9	Rule 701: Improper Lay Witness Opinion (calls for an interpretation of a term “financial benefit” that is defined under the bond)	Overruled

DEPOSITION OF ROBERT SUTTON - 5-15-2014

Item #	Testimony	Objection	Ruling
	231:11-14	Rule 602: Speculation	Sustained
	235:21 to 236:12	Rule 611: Vague (mischaracterizes prior testimony)	Overruled
	248:20 to 249:18	Rule 602: Speculation	Sustained

DEPOSITION OF ROBERT SUTTON - 5-16-2014

Item #	Testimony	Objection	Ruling
	265:19 to 266:1	Rule 602: Lacks Personal Knowledge (only relating statements made to him by others); Rule 802: Hearsay (testimony based on hearsay statements)	Sustained
	281:5 to 284:5	Rule 802: Hearsay (testimony based on hearsay statements)	281:5-283:20 – Overruled; 283:21-284:5 - Sustained
	285:9-17	Rule 802: Hearsay (testimony based on hearsay statements)	Overruled
	286:8-17	Rule 611: Vague (mischaracterizes the document)	Overruled
	287:15-18	Rule 802: Hearsay (testimony based on hearsay statements)	Sustained
	288:1-7	Rule 802: Hearsay (testimony based on hearsay statements)	Sustained
	302:2-23	Rule 611: Vague	Overruled
	303:5-13	Rule 802: Hearsay (testimony based on hearsay statements)	Overruled
	311:12-16	Rule 701: Improper Lay Opinion (testimony in respect to a defined term under the bond, “personal/financial benefit)	Overruled
	311:17 to 312:1	Rule 611: Vague	Overruled
	312:22 to 313:1	Rule 701: Improper Lay Opinion (testimony in respect to a defined term under the bond, “personal/financial benefit)	Overruled
	314:13-16	Rule 701: Improper Lay Opinion (testimony in respect to a defined term under the bond, “personal/financial benefit)	Overruled
	317:21-23	Rule 701: Improper Lay Opinion (testimony in respect to a defined term under the bond, “personal/financial benefit)	Overruled
	328:21 to 329:20	Rule 602: Lacks Personal Knowledge, Speculation	Sustained
	338:13 to 339:22	Rule 602: Lacks Personal Knowledge; Rule 802: Hearsay (testimony based on hearsay statements)	Sustained

DEPOSITION OF ROBERT SUTTON - 5-16-2014

Item #	Testimony	Objection	Ruling
	370:7-15	Rule 602: Lacks Personal Knowledge, Speculation	Overruled
	370:19 to 371:4	Rule 602: Speculation	Overruled
	371:6 to 372:5	Rule 611: Vague	Overruled
	372:6-11	Rule 602: Speculation	Overruled
	374:16 to 375:19	Rule 602: Foundation; Rule 802: Hearsay (testimony based on hearsay statements)	Sustained
	382:21 to 383:9	Rule 602: Lacks Personal Knowledge, Speculation	Sustained
	384:8-21	Rule 602: Lacks personal knowledge, Speculation	Sustained
	387:22 to 395:12	Rule 402: Relevance; Rule 403: Prejudice (any marginal probative value is substantially outweighed by danger of unfair prejudice); Rule 404(a)(1): Improper Character Evidence	Sustained - relevance
	408:20 to 409:6	Rule 802: Hearsay (testimony based on hearsay)	Sustained
	410:1 to 411:7	Rule 602: Lacks Personal Knowledge, Speculation	Sustained
	441:5 to 442:14	Rule 802: Lacks Personal Knowledge, Speculation; Rule 611: Vague (mischaracterizes prior testimony)	Sustained

DATED June 5, 2015.

BY THE COURT:

s/Philip A. Brimmer
 PHILIP A. BRIMMER
 United States District Judge