

**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.*

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**ORDER REGARDING PLAINTIFFS' OBJECTIONS TO DEFENDANTS'  
DEPOSITION DESIGNATIONS AS TO ANDREW MACLEOD**

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This matter comes before the Court on Plaintiffs' Objections to Defendants' Deposition Designations [Docket No. 142]. The Court has reviewed the objections and rules as follows as to the deposition of Andrew MacLeod:

<b>DEPOSITION OF ANDREW MACLEOD – 9.12.2012</b>			
<b>Item #</b>	<b>Testimony</b>	<b>Objection</b>	<b>Ruling</b>
199.	13:2 – 13:15	Rule 602: Speculation/Lacks Personal Knowledge	Overruled
200.	15:2 – 16:19	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Overruled
201.	26:3 – 26:16	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	26:3 to 26:12 – Overruled

202.	28:17 – 28:24	Rule 602: Speculation/Lacks Personal Knowledge	Overruled
203.	30:4 – 30:19	Rule 602: Speculation/Lacks Personal Knowledge	Sustained
204.	36:2 – 36:20	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation; Incomplete hypothetical	Sustained – speculation
205.	37:6 – 37:15	Rule 602: Speculation/Lacks Personal Knowledge; Rule 611(a): Vague	Sustained
206.	42:12 – 43:9	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained – relevance, speculation. Also, no substantive answer given.
207.	43:11 – 44:3	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 611(a): Vague	Sustained – foundation
208.	44:5 – 45:19	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained. Also, foundation
209.	46:12 – 46:23	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
210.	47:22 – 48:20	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained. Also, speculation.
211.	49:11 – 50:2	Rule 701: Legal Conclusion; Rule 602: Foundation; Incomplete hypothetical	Sustained. Also, speculation.
212.	50:20 – 51:15	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained. Also, speculation.
213.	51:16 – 51:24	Rule 602: Best evidence	Sustained – Rule 701
214.	52:2 – 52:6	Rule 602: Speculation/Lacks Personal Knowledge; Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
215.	54:12 – 54:23	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation	Sustained
216.	55:10 – 56:20	Rule 602: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained

217.	58:9 – 60:4	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Incomplete hypothesis	Sustained. Also, speculation.
218.	61:3 – 63:2	Rule 602: Foundation; Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 611(a): Assumes facts not in evidence	61:3-68:13 – Overruled. 61:15-63:2 – Sustained.
219.	69:22 – 70:19	Rule 602: Foundation; Speculation/Lacks Personal Knowledge; Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
220.	70:21 – 71:8	Rule 611(a): Misstates Evidence	Sustained
221.	71:10 – 71:23	Rule 602: Speculation/Lacks Personal Knowledge; Foundation	Sustained
222.	72:4 – 72:10	Rule 602: Foundation	Overruled
223.	72:24 – 73:4	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
224.	73:16 – 74:9	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
225.	74:18 – 75:11	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
226.	75:22 – 76:12	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
227.	77:13 – 78:24	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
228.	80:12 – 80:15	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
229.	81:2 – 81:12	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation	Sustained
230.	81:24 – 82:5	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation	Sustained
231.	83:1 – 83:13	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation	Sustained

232.	84:3 – 85:24	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation	Sustained
233.	86:23 – 87:3	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation	Sustained
234.	88:17 – 89:12	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
235.	92:9 – 92:18	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation	Sustained
236.	93:1 – 93:17	Rule 602: Speculation/Lacks Personal Knowledge; Foundation	Sustained
237.	95:11 – 96:11	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
238.	97:7 – 97:15	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion	Sustained
239.	99:9 – 99:23	Rule 602: Speculation/Lacks Personal Knowledge; Foundation	Overruled
240.	100:17 – 101:8	Rule 602: Speculation/Lacks Personal Knowledge; Foundation	Overruled
241.	103:2 – 104:9	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge	Overruled
242.	106:19 – 108:1	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge	Sustained
243.	108:19– 108:24	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge	Sustained
244.	109:18 – 110:12	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge	Sustained
245.	112:4 – 112:23	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge	Sustained
246.	122:5 – 122:20	Rule 701: Legal Conclusion; Rule 602: Speculation/Lacks Personal Knowledge	Sustained

247.	123:22 – 124:4	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge; Rule 611(a): Assumes facts not in evidence	Sustained
248.	125:10 – 125:20	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge	Sustained - speculation
249.	126:10 – 126:24	Rule 701: Legal Conclusion/Impermissible Lay Witness Opinion; Rule 602: Speculation/Lacks Personal Knowledge	Overruled
250.	130:11 – 130:24	Rule 701: Legal Conclusion/Impermissible Lay Witness Testimony; Rule 602: Speculation/Lacks Personal Knowledge	Sustained
251.	172:18 – 172:24	Rule 611: Compound Question	Sustained

DATED June 12, 2015.

BY THE COURT:

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