

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. 1:10-cv-644-JLK-MJW

SHANNON FREEMAN, as Personal Representative of BRYANT HANNA, a child, and
STEPHANIE HANNA, as representative of the estate of ROBERT HANNA, deceased

Plaintiffs,

v.

GREGORY COSTA, PA-C,

Defendant.

ORDER/RULINGS ON DEPOSITION TESTIMONY AND OBJECTIONS

Kane, J.

Having reviewed the various video and non-video deposition transcripts before me, I
issue the following rulings and corrections:

Deposition of Shanna Nelson, R.N.

1. Plaintiff may correct lines 1 and 2 on page 11 to reflect that the party referenced is “Dr.”,
not “Mr.”, Kollé.¹
2. Plaintiff may change line 11 on page 30 to reflect that the underlined “his” should read
“Mr. Hanna’s.”
3. Plaintiff may exchange “said” for “side” on line 15, page 45.
4. The objections by Mssrs. Kresl, Hubbard, and Leasure on page 49, lines 20-23, are

OVERRULED.

¹ Page eleven first introduces Dr. Kollé. Wherever the same Dr. Kollé is subsequently referred to, the
same correction may be made.

Deposition of Dr. Gary Kollé

1. The question posed in lines 20-23 is never answered and is STRICKEN.
2. Mr. Golden's objections, lines 6 and 8, page 28, are OVERRULED.
3. The objection to the question beginning on line 13, page 29 is SUSTAINED.
4. Objection on pages 44-55 is SUSTAINED through page 58. Those portions of the transcript may not be used.
5. Testimony beginning with line 10 of page 64 and continuing through line 22 of page 74 is STRICKEN. Dr. Kollé is a treating physician. He is not a juror [witness?] and he is limited to giving opinions related to his treatment and those performed under his supervision.
6. Objection on line 6 page 65 is OVERRULED.
7. Objection on lines 15-16 is OVERRULED.

Deposition of Kyle Darnall

1. The objections concerning Bryant Hanna's truthfulness and memory, pages 59-66, are OVERRULED. The testimony is relevant to Bryant Hanna's treatment and prognosis.

Deposition of Charles Andrews

1. Objection to testimony beginning on line 5 of page 32 and continuing to line 21 of page 33 is OVERRULED.
2. Typographical error "EHR," line 13, page 39, may be corrected.
3. *Nota bene*: Although line 2 of page 44 reads "complaint," I assume it is meant to read "compliant," and the former may be swapped for the latter. Similarly, I believe "proceeds" on line 21 of page 49 should properly be exchanged for "precedes."

4. Objection to the questioning beginning on line 7 of page 64 and concluding on line 12 of page 64 is OVERRULED.

Deposition of Laura Egan

Plaintiffs' Opposed Motion for Leave to Present Deposition Testimony of Laura Egan (Doc. 111) is GRANTED, subject to the following rulings.

1. The Court notes that the transcript cover page names the wrong deponent, and the record be modified to reflect that deponent's identity is Laura Egan.
2. Lines 19-24 on page 20 are STRICKEN. Defense counsel may read 20:25-22:7.

Dated: October 22d, 2012.

By the Court:
/s/ John L. Kane
Senior U.S. District Judge