

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 10-cv-01398-PAB-KLM

GENERAL STEEL DOMESTIC SALES, LLC,  
d/b/a General Steel Corporation, a Colorado limited liability company,

Plaintiff,

v.

ETHAN DANIEL CHUMLEY, individually, and  
ATLANTIC BUILDING SYSTEMS, LLC, a Delaware corporation,  
doing business as Armstrong Steel Corporation,

Defendants.

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**ORDER REGARDING THE PARTIES' OBJECTIONS TO  
DESIGNATIONS OF DEPOSITION TESTIMONY OF DAVID NARDOZZI**

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This matter comes before the Court on Defendants' Objections to Designated Deposition Testimony of David Nardozzi [Docket No. 221] and Plaintiff's Objections to Defendants' Counter Designations to Deposition Testimony of David Nardozzi [Docket No. 256].

The Court rules as follows on defendants' objections [Docket No. 221]:

Item #	Testimony	Objection	Ruling
1	7:7-10	Leading	Overruled
2	7:11-14	Compound; vague	Overruled
3	7:15-18	No question posed	Overruled
4	10:1-7	Assumes facts not in evidence; lack of foundation	Overruled

<b>Item #</b>	<b>Testimony</b>	<b>Objection</b>	<b>Ruling</b>
5	10:12-13	Assumes facts not in evidence; lack of foundation	Overruled
6	11:13-19	No questions posed	Overruled
7	13:7-14:10	Compound; answer is not responsive	Sustained, unresponsive and irrelevant pursuant to Court's ruling of July 3, 2012
8	14:11-13,21-25;15:1-3	Compound; vague; leading; answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
9	15:11-13	Leading; mischaracterizes the testimony	Irrelevant pursuant to Court's ruling of July 3, 2012
10	15:15-16:14	Leading; mischaracterizes the testimony	Irrelevant pursuant to Court's ruling of July 3, 2012
11	16:15-18	Leading; mischaracterizes the testimony	Irrelevant pursuant to Court's ruling of July 3, 2012
12	17:10-25	Leading; lack of foundation; vague; calls for hearsay	Irrelevant pursuant to Court's ruling of July 3, 2012
13	23:10-24:5	Vague; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
14	24:6-11	Leading; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
15	24:12-13	Leading	Irrelevant pursuant to Court's ruling of July 3, 2012
16	24:14-25:3	Answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
17	25:4-9	Leading; mischaracterizes the testimony; calls for hearsay	Irrelevant pursuant to Court's ruling of July 3, 2012

<b>Item #</b>	<b>Testimony</b>	<b>Objection</b>	<b>Ruling</b>
18	25:16-26:3	Vague; leading; mischaracterizes the testimony	Irrelevant pursuant to Court's ruling of July 3, 2012
19	27:17-19	Leading; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
20	29:8-14	Leading	Overruled
21	29:21-30:18	Leading; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
22	33:9-10	Leading	Overruled
23	33:14-16	Leading	Overruled
24	34:20-222	Mischaracterizes the testimony	Overruled
25	35:22-36:2	Leading; mischaracterizes the testimony; vague	Overruled
26	36:3-7	Leading	Overruled
27	37:14-17	Leading; vague; calls for hearsay; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
28	37:18-38:2	Vague; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
29	38:3-5	Lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
30	38:6-8	Leading; mischaracterizes the testimony	Irrelevant pursuant to Court's ruling of July 3, 2012
31	38:11-13	Lack of foundation; calls for hearsay	Irrelevant pursuant to Court's ruling of July 3, 2012
32	38:17-21	Leading; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
33	38:22-39:7	Leading; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012

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34	40:25-41:17	Leading; compound	Overruled
35	42:1-43:15	Answer not responsive	Overruled
36	44:9-17	Leading	Overruled
37	49:6-51:19	Vague; answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
38	51:25-52:1	Mischaracterizes the testimony	Irrelevant pursuant to Court's ruling of July 3, 2012
39	52:6-24	Answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
40	53:1-16	Answer is not responsive	Sustained
41	53:17-25	Lack of foundation	Overruled
42	54:10-12	Lack of foundation	Overruled
43	54:16-56:4	Leading; vague	Irrelevant pursuant to Court's ruling of July 3, 2012
44	56:5-7	Lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
45	57:13, 22-25; 58:1-59:8	Leading; answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
46	60:5-61:9, 17-24	Answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
47	64:13-66:9	Lack of foundation; mischaracterizes the testimony; answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
48	66:10-67:6	Leading; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
49	67:15-69:18	Leading; mischaracterizes the testimony; answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012

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50	69:19-20	Lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
51	69:21-24	Leading; calls for hearsay	Overruled
52	69:25-71:9	Leading, calls for hearsay	Overruled
53	71:18-25	No question posed; answer is not responsive	Sustained
54	72:23-73:1	Leading; mischaracterizes the testimony	Sustained as leading
55	73:7-74:4	Lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
56	76:23-77:1	Lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
57	77:2-77:7	Lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
58	77:12-77:17	Leading	Irrelevant pursuant to Court's ruling of July 3, 2012
59	78:8-17	Lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
60	78:18-20;79:13-80:25	Leading; answer is not responsive	Irrelevant pursuant to Court's ruling of July 3, 2012
61	84:21-85:2	No questions posed	Sustained
62	85:14-16	Leading	Overruled
63	86:20-88:12	Lack of foundation; answer is not responsive	Overruled as to 86:20-87:4; Sustained as nonresponsive as to 87:5-88:12
64	88:13-22	Compound; leading; lack of foundation	Overruled
65	93:22-23-95:14	Lack of foundation; calls for hearsay	Overruled

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66	96:12-20	Answer is not responsive	Overruled
67	97:22-98:10	Lack of foundation	Overruled
68	101:12-17	Leading; mischaracterizes the testimony	Overruled
69	102:25-104:4	Leading; calls for hearsay	Irrelevant pursuant to Court's ruling of July 3, 2012
70	121:23-122:7	Leading; lack of foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
71	128:1-3	Vague	Overruled
72	128:14-21	Lack of foundation	Overruled
73	129:22-130:11	Leading; lack of foundation; answer is not responsive	Overruled

The Court rules as follows on plaintiff's objections [Docket No. 256]:

<b>Item #</b>	<b>Testimony</b>	<b>Objection</b>	<b>Ruling</b>
1	15:17	Argument by counsel	Overruled since this is a trial to court
2	29:25	Argument of counsel	Overruled since this is a trial to court
3	35:24	Argument of counsel	Overruled since this is a trial to court
4	38:23	Argument of counsel	Overruled since this is a trial to court
5	54:13	Argument of counsel	Overruled since this is a trial to court
6	54:18	Argument of counsel	Overruled since this is a trial to court

<b>Item #</b>	<b>Testimony</b>	<b>Objection</b>	<b>Ruling</b>
7	66:12	Argument of counsel	Overruled since this is a trial to court
8	73:2	Argument of counsel	Overruled since this is a trial to court
9	85:17	Argument of counsel	Overruled since this is a trial to court
10	143:1-16	FRCP 106	Overruled
11	148:5-12	Relevance	Overruled
12	148:23-149:2	Relevance	Overruled
13	160:9-10	Argumentative	Overruled
14	174:14-175:1	Vague, foundation	Overruled
15	210:10-212:9	Relevance	Overruled
16	226:13-231:8	Relevance	Overruled
17	233:14-234:14	Incomplete, 234:13-14 should not be read	Irrelevant pursuant to Court's ruling of July 3, 2012
18	237:21-24	Beyond the scope of designation, relevance	Irrelevant pursuant to Court's ruling of July 3, 2012
19	238:4-241:21	Beyond the scope of designation, relevance	Irrelevant pursuant to Court's ruling of July 3, 2012
20	246:17-247:20	Foundation and relevance	Irrelevant pursuant to Court's ruling of July 3, 2012
21	254:2-255:19	Hearsay, foundation	Irrelevant pursuant to Court's ruling of July 3, 2012
22	259:1-21	Relevance, foundation	Irrelevant pursuant to Court's ruling of July 3, 2012

DATED July 11, 2012.

BY THE COURT:

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