

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

Civil Action No. 12-cv-01683-PAB-MJW

GREGORY TOY,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Defendant.

**ORDER REGARDING THE PARTIES' OBJECTIONS
TO DESIGNATIONS OF DEPOSITION TESTIMONY OF MAUREEN ROBERTS**

This matter comes before the Court on Plaintiff's Objections to Defendant American Family Mutual Insurance Company's Counter Designations [Docket No. 182-1 at 3] and American Family's Objections and Counter Designations [Docket No. 171 at 12-13] as to Maureen Roberts.

The Court rules as follows on plaintiff's objections:

Item #	Testimony	Objection	Ruling
1	9:1 – 12:8	F.R.E. 403; not required by Fed. R. Civ. P. 32(a)(6)	Overruled.
2	29:6-29:14	F.R.E. 403; not required by Fed. R. Civ. P. 32(a)(6)	Sustained.

The Court rules as follows as to defendant's objections:

Testimony	Defendant's Objections	Ruling
34:10 – 16	Calls for a legal conclusion, vague	Sustained.
58:1-19	Assumes facts not in evidence, the question contains hearsay	Overruled.

58:23 – 59:22	Assumes facts not in evidence, the question contains hearsay, calls for speculation	Overruled.
61:17 – 62:19	Calls for speculation, calls for a legal conclusion, relevance,	Overruled.
67:19 – 68:24	Asked and answered, the question contains hearsay,	Overruled.
69:11 – 70:3	Calls for speculation, the question contains hearsay, leading	Overruled.
70:13 – 70:25	The question contains hearsay, assumes facts not in evidence	Overruled.
76:3 – 24	The question contains hearsay, assumes facts not in evidence	Overruled.
77:18 – 79:16	Question violates the Court's previous orders as it asks about conduct post arbitration demand	Overruled. The designated portions ask about pre-August 15 conduct, which is the date referenced by the Court's orders.
80:10-80:14	Question violates the Court's previous orders as it asks about conduct post arbitration demand, calls for a legal conclusion, relevance	Overruled.
80:21-25	Question violates the Court's previous orders as it asks about conduct post arbitration demand, calls for a legal conclusion, relevance	Overruled.
82:15-84:24	Relevance, the question contains hearsay and assumes facts not in evidence	Overruled.

DATED February 11, 2014.

BY THE COURT:

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