

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

Civil Action No. 13-cv-01643-PAB-CBS

J. BRUCE NORMAN and
DIANE NORMAN,

Plaintiffs,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Defendant.

**ORDER REGARDING DEFENDANT'S OBJECTIONS TO PLAINTIFFS'
DESIGNATION OF DEPOSITION TESTIMONY**

This matter comes before the Court on Defendant's Objections to Plaintiffs' Initial Designation of Deposition Testimony of Defendant State Farm Fire and Casualty Company's 30(b)(6) Representative Edwin Joe Lucero [Docket No. 53].

The Court rules as follows:

Item #	Testimony	Objection	Ruling
1	6:24-10:6	Beyond the Scope of the 30(b)(6) Notice; F.R.E. 402 and F.R.E. 403	As to the "beyond the scope" objection, overruled. The remaining objections are overruled as well.
2	10:7-11:14	F.R.E. 402 and F.R.E. 403	Overruled.
3	16:20-17:15	Beyond the Scope of the 30(b)(6) Notice; F.R.E. 402 and F.R.E. 403. Questions are asking Mr. Lucero about personal his individual knowledge and actions.	Overruled. The information the deponent reviewed in preparation for the deposition is germane to his Rule 30(b)(6) testimony.

Item #	Testimony	Objection	Ruling
4	20:16-23:18	Beyond the Scope of the 30(b)(6) Notice; Argumentative and factually inaccurate 20:18-19. F.R.E. 402 and F.R.E. 403. If the Court is going to allow the testimony over the objection, Defendant counter designates 20:14-15.	Overruled.
5	23:19-24:21	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	Overruled.
6	24:22-25:3	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403. Counsel withdrew the question at 25:3.	Sustained on grounds that the question was withdrawn and therefore is not itself relevant.
7	25:4-26:13	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	Sustained as irrelevant colloquy by counsel.
8	26:14-34:11	Beyond the Scope of the 30(b)(6) Notice; Argumentative and F.R.E. 402 and F.R.E. 403. Plaintiffs' counsel is asking the personal opinions of the deponent. If the Court is going to allow the testimony over the objection, Defendant counter designates 27:25-28:17; 34:12-14	Overruled.

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9	38:24-40:6	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403. If the Court is going to allow the testimony over the objection, Defendant counter designates 38:8-12 and 14-21; 40:6-14.	Overruled.
10	41:1-47:1	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403	As to 43:24-44:7, sustained as irrelevant. Otherwise, overruled.
11	62:5-63:23; 64:12-68:7	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403	As to 62:5-62:13, sustained as argumentative. Otherwise, overruled.
12	69:6-71:7	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403	Overruled.
13	77:20-22; 78:22	Duplicative of the following question and answer starting at 78:23.	Sustained.
14	80:5-81:12	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403	As to 80:24-25, stricken as improper statement of counsel. Otherwise, overruled.
15	82:3-21	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403	Overruled.

Item #	Testimony	Objection	Ruling
16	83:16-84:1	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403. If the Court is going to allow the testimony over the objection, Defendant counter designates 84:2-6 and 8-17.	Overruled.
17	84:19-85:6	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	Overruled.
18	85:7-86:19	Speculation	Overruled.
19	86:20-87:9	Beyond the Scope of the 30(b)(6) Notice; Foundation and Speculation. If the Court is going to allow the testimony over the objection, Defendant counter designates 87:10-19.	Sustained. Lack of foundation and calls for speculation.
20	88:21-89:11	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403. Mr. Lucero is being asked to comment on Plaintiff's credibility.	Sustained as beyond the scope of the Rule 30(b)(6) notice and calls for speculation.
21	90:1-91:20	F.R.E. 802	Overruled.
22	91:21-93:2	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	Overruled.
23	93:3-94:4	Argumentative; F.R.E. 403 and F.R.E. 802 for 93:13-15.	Overruled.

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24	94:5-98:2	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	As to 95:19-96:22, sustained as argumentative and asked and answered. Otherwise, overruled.
25	98:3-17	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	Overruled.
26	98:18-99:3	Plaintiffs' counsel withdrew at 99:7-9	Sustained.
27	100:6-102:22	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	As to 100:14-101:15, sustained as argumentative. Otherwise, overruled.
28	103:19-104:21	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	Overruled.
29	110:1-4	F.R.E. 402 and F.R.E. 403.	Sustained. Irrelevant.
30	111:9-112:2	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403.	Overruled.
31	112:8-112:21	Beyond the Scope of the 30(b)(6) Notice; Argumentative; F.R.E. 402 and F.R.E. 403. If the Court is going to allow the testimony over the objection, Defendant counter designates 112:23.	Overruled.

DATED November 20, 2014.

BY THE COURT:

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