

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

Civil Action No. 14-cv-01734-PAB-NYW

PATRICIA SCHNIEDWIND,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Defendant.

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**ORDER REGARDING DEFENDANT'S OBJECTIONS TO PLAINTIFF'S  
INITIAL DESIGNATION OF DEPOSITION TESTIMONY OF AMERICAN  
FAMILY MUTUAL INSURANCE COMPANY'S ADJUSTER SUZANNA WADE**

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This matter comes before the Court on Defendant's Objections to Plaintiff's Initial Designation of Deposition Testimony of American Family Mutual Insurance Company's Adjuster Suzanna Wade [Docket No. 64]. The Court rules as follows on defendant's objections:

Item #	Testimony	Objection	Ruling
1	5:3-19	Defendant has no objection as long as 5:20-6:5 are included. This testimony clarifies deponent's response re "revised" and "reviewed" and also identifies the notes referred to in the testimony identified by Plaintiff's counsel. Failure to include this testimony would be a misstatement of deponent's testimony and highly prejudicial to Defendant.	No ruling necessary since defendant has cross-designated 5:20 to 6:5 without objection.

Item #	Testimony	Objection	Ruling
2	9:1-10:3	No objection as long as 10:4-8 is included for context.	No ruling necessary since defendant has cross-designated 10:4-8 without objection.
3	10:9-10:18	No objection as long as 10:4-8 is included for context.	No ruling necessary since defendant has cross-designated 10:4-8 without objection.
4	15:10-16:16	Objection to exhibit 55 as no foundation. No objection to 15:16 starting at "I just want to"-21. Objection to 15:22-16:1 as compound question. Objection to 16:2-16:16 at to exhibit 55 as no foundation.	Objection as to exhibit 55 is overruled. Exhibit 55 is not part of the testimony. As to 15:22 to 16:1, waived for lack of contemporaneous objection. Fed. R. Civ. P. 32(d)(3)(B). As to 16:2 to 16:16, overruled.
5	16:19-16:20	See objections to 4.	Overruled.
6	16:21-17:1	No objection.	
7	17:23-18:14	No objection.	
8	21:12-22:8	No objection.	
9	22:11-22:15	No objection.	
10	23:22-24:1	Objection as the question is an improper hypothetical question that is argumentative and has no foundation.	Overruled.
11	24:5-24:13	See objections in 10.	Overruled.
12	24:20-22	See objections in 10.	Overruled.
13	25:21-25	No objection.	
14	26:1-18	Objection, form, foundation and is argumentative.	As to 26:1-12, overruled. Waived. Rule 32(d)(3)(B). As to 26:13-18, overruled.
15	26:20	See objection in 14.	Overruled.
16	34:1-20	No objection.	
17	40:22-43:1	Objection. Irrelevant and no foundation. Deponent had no knowledge regarding the identified entries in Plaintiff's questions. Further, if this testimony is allowed then 43:10-19 which clarifies deponent's answer.	As to 40:22 to 41:24, overruled. As to 41:25 to 43:1, overruled. Waived since no objection as to lack of foundation, which, if made, could have clarified questions.
18	44:22-45:5	See objections in 17.	Overruled.

19	53:6-53:22	No objection.	
20	54:2-54:19	No objection.	
21	59:9-11	Objection, the testimony identified by Plaintiff's counsel references and misstates prior testimony and lacks a proper foundation for testimony from the deponent.	Sustained. The deponent does not answer this question.
22	59:15-17	See objection to 22.	Sustained as irrelevant and misleading. This line of questioning shows that the witness was confused and that she is not aware of any harm due to a failure to mitigate.
23	59:19-22	See objection to 22.	Sustained as irrelevant and misleading. This line of questioning shows that the witness was confused and that she is not aware of any harm due to a failure to mitigate.
24	59:24-60:12	See objection to 22.	Sustained as irrelevant and misleading. This line of questioning shows that the witness was confused and that she is not aware of any harm due to a failure to mitigate.
25	60:15-16	See objection to 22.	Sustained as irrelevant and misleading. This line of questioning shows that the witness was confused and that she is not aware of any harm due to a failure to mitigate.
26	60:18	See objection to 22.	Sustained as irrelevant and misleading. This line of questioning shows that the witness was confused and that she is not aware of any harm due to a failure to mitigate.

DATED January 13, 2016.

BY THE COURT:

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