

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

BERNARD PITTERMAN et al.,
Plaintiffs,

v.

GENERAL MOTORS LLC,
Defendant.

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CIVIL ACTION NO.
3:14-cv-967 (JCH)

JULY 8, 2017

DEPOSITION DESIGNATION RULING RE: DEPOSITION OF KYLE KLAWITER¹

PAGE / LINE	OBJECTION ²
5/4 – 5/23	O/R
6/3 – 6/20	O/R
7/15 – 9/17	O/R (assuming document is admitted in evidence at trial)
9/18 – 10/2	O/R
10/3 – 10/4	SUST.
10/5 – 10/18	O/R
11/12 – 12/6	O/R (assuming DVD is admitted into evidence at trial)
12/6 – 17/2	O/R
17/3	O/R (Limiting Instruction: state of mind)

¹ As to each Rule 403 objection, the court weighed the probative value of the deposition testimony against any prejudicial effect. If the objection was overruled, the court in overruling the objection found the probative value outweighed the prejudicial effect.

² The shorthand "O/R" indicates that the objection to the testimony identified in Column One was overruled. The shorthand "SUST." indicates that the objection was sustained.

19/17	O/R (Limiting Instruction: state of mind)
21/1 – 21/2	O/R (Limiting Instruction: state of mind)
27/18	SUST.
35/3 – 35/19	SUST.
37/25	O/R
40/3 – 40/8	O/R
40/9 – 41/2	SUST.
41/18 – 43/2	SUST.
43/3 – 44/14	SUST.
53/9 – 53/20	SUST.
53/21 – 54/1	O/R
54/2 – 55/9	SUST.

To the extent the plaintiffs generally object to any/all testimony in this deposition pursuant to Federal Rules of Evidence 401 or 403, their objection is overruled on the condition the defendant lays a foundation to prove the car in question in the deposition is similar in internal configuration/size to the 2004 Suburban at issue in this case. If that foundation is laid, the deposition has probative value, which outweighs what, if any, prejudice plaintiffs might suffer.

In addition, the video deposition includes a part in which portions of Officer Klawiter’s dashboard camera video are shown twice. The court strikes this cumulative replaying of that video.

Moreover, if the video deposition is played, those parts that include extended portions of Officer Klawiter's dashboard camera video in which nothing probative is shown must be cut.

SO ORDERED.

Dated at New Haven, Connecticut this 8th day of July, 2017.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge