

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DANNY R. RUARK,

Plaintiff,

v.

No. 3:14-329-DRH-RJD

UNION PACIFIC RAILROAD COMPANY,

Defendant.

ORDER

HERNDON, District Judge:

In an effort to save time during trial, the parties are designating their respective objections regarding the deposition testimony to be read at trial (Docs. 71-76; 78-79; 82) The Court has considered the objections submitted by the defendant relative to the May 11, 2017 deposition of Plaintiff Danny Ruark (Doc. 73), the May 9, 2017 deposition of Dr. Brett Taylor (Doc. 74), and the deposition of Derek Johnson (Doc. 79). The Court's rulings on said objections are as follows:

Danny Ruark's Deposition dated May 11, 2017

As to Danny Ruark's May 11, 2017 Deposition, the Court's rulings go through the objections included in Defendant's Designations of Video Deposition of Danny Ruark Dated May 11, 2017 (Doc. 73, pgs. 2-3).

Page	Lines	Objections	Court's Ruling
11	22-25	Relevancy and materiality	Objection overruled
12	1-25	Relevancy and materiality	Objection overruled as to lines 1-5, but sustained as to relevance and materiality regarding lines 6-25
13	1;6-24	Relevancy and materiality	Objection sustained as to relevance and materiality regarding line 1 and lines 6-24

17	16-25	Narrative; non-responsive; violation of motion in limine; hearsay	Objection overruled as to narrative and violation of motion in limine, but sustained as to hearsay starting from line 22 at “And they” through end of page
18	1-25	Narrative; non-responsive; violation of motion in limine; hearsay	Objection as to hearsay sustained regarding lines 18–21 through the words “fit the drill.” Objection sustained beginning on line 21 with words “The drill was” to end of page as to violation of motion in limine. Objections as to all other lines and for other reasons, overruled.
19	1-20	Narrative; non-responsive; violation of motion in limine; hearsay	Objection sustained through line 10 and words “made them happy.” as violation of the motion in limine. Objections as to all other lines and for other reasons, overruled.
21	15-25	Hearsay – reasked	Objection as to hearsay sustained beginning on line 15 with words “And they” through end of page. All other objections and lines overruled.
28	9-19	Relevancy and materiality; hearsay	Objection sustained as to hearsay but not relevance or materiality.
29	15-25	Relevancy and materiality; hearsay	Objection sustained as to relevance and materiality but not hearsay.
30	1-25	Relevancy and materiality	Objection sustained as to relevance and materiality.
31	1-25	Relevancy and materiality	Objection sustained as to relevance and materiality regarding lines 1-8. The Court defers on the balance of the objection until the Court has an opportunity to see Exhibit 1. Generally, the Court will not disallow wage loss evidence on the basis of relevance and materiality unless it is during a period when the plaintiff was incarcerated.
32	1-17	Relevancy and materiality	The Court defers on the balance of the objection until he has an opportunity to see Exhibit 1. Generally, the Court will not disallow wage loss evidence on the basis of relevance and materiality unless it is during a period when the plaintiff was incarcerated.

Dr. Brett Taylor’s Deposition dated May 9, 2017

As to Dr. Brett Taylor’s May 9, 2017 deposition, the Court’s rulings go through the objections included in Defendant’s Designations and Objections of Video Deposition of Dr. Brett Taylor Dated May 9, 2017 (Doc. 74, pg. 2).

Defendant's objections based on non-disclosed expert witness and hearsay are overruled as per the Court's in court ruling on May 31, 2017.

Defendant's objections as to pages 19 and 20 for no foundation and no evidence to support are overruled as well, lacking a basis for said objections.

Also, the language during the deposition from plaintiff's lawyer that he is tendering the witness as an expert witness should be removed since the Court will not endorse the witness as an expert witness in the presence of the jury, and the jury will be instructed regarding how they should regard witnesses who give opinion testimony.

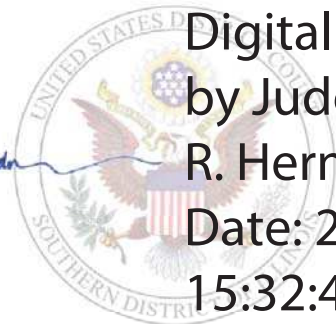
Derek Johnson's Deposition

As to Derek Johnson's deposition, the Court's ruling addresses the objections included in Defendant's Objections to Plaintiff's Designations Video Evidence Deposition of Derek Johnson (Doc. 79). Defendant objects to the designations that concern attorneys speaking to one another during the deposition, or objections that were withdrawn by defendant. Defendant's objections to the designations contained in Doc. 79 are sustained.

IT IS SO ORDERED.

Signed this 7th day of June, 2017.

Digitally signed
by Judge David
R. Herndon
Date: 2017.06.07
15:32:48 -05'00'



United States District Judge