

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**KEVIN JORDAN,
Plaintiff**

CIVIL ACTION

VERSUS

NO. 15-1226

**ENSCO OFFSHORE COMPANY,
Defendant**

SECTION: "E" (1)

ORDER AND REASONS

Before the Court is Defendant ENSCO Offshore Company's objections to certain designations of Corey Temple's deposition.¹ The Court rules on the objections as follows:

I. PAGE 23, LINE 3 – PAGE 24, LINE 16

Defendant objects to this testimony, arguing it is speculative and was elicited with leading questions by Plaintiff's counsel. The Court disagrees. This questions posed to Mr. Temple were not leading. Neither is the testimony impermissibly speculative. Federal Rule of Evidence 701 permits opinion testimony from non-expert lay witness if it is (1) "rationally based on the witness's perception;" (2) "helpful to clearly understanding the witness's testimony or to determining a fact in issue;" and (3) "not based on scientific, technical, or other specialized knowledge within the scope of Rule 702." Mr. Temple's testimony is rationally based on his perception and would be helpful to the jury in understanding certain issues in this case. The testimony is not based on scientific or specialized knowledge. The objection to this excerpt is **OVERRULED**.

II. PAGE 27, LINE 24 – PAGE 31, LINE 7

Defendant objects to this testimony on the basis that it is inadmissible hearsay. The objection is **SUSTAINED IN PART** and **OVERRULED IN PART**, as set forth below.

¹ R. Doc. 133 at 1-2.

Page 27, line 24, through Page 28, line 16, is admissible as the statement of an opposing party under Federal Rule of Evidence 801(d)(2)(A).

Page 28, line 17, through Page 31, line 7, is inadmissible hearsay and is excluded. This testimony does not qualify for any exception to or exclusion from the general hearsay rule.

III. PAGE 75, LINE 4 – LINE 24

Defendant objects to this excerpt of Mr. Temple's deposition, arguing that the testimony is inadmissible hearsay, is speculative, and is cumulative of other portions of Mr. Temple's deposition. The Court disagrees. The testimony is not speculative, does not amount to hearsay, and is not cumulative. The objection is **OVERRULED**.

IT IS SO ORDERED.

New Orleans, Louisiana, this 21st day of May, 2016.

Susie Morgan

SUSIE MORGAN
UNITED STATES DISTRICT JUDGE