## IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

OSCAR L. JOHNNY, JR.,	)
Plaintiff,	)
ν.	) ) Case No. 10-04008-CV-FJG
LARRY BORNOWSKI and STAMPEDE CARRIERS, LLC, et al.,	)
Defendants.	)

<u>ORDER</u>

Currently pending before the Court are the parties' objections to the deposition

designations of Murray Underwood and Brandon Wade. The Court hereby rules as

follows:

## **Defendants' Objections to Plaintiff's Designations**

(Doc. No. 132)

### MURRAY UNDERWOOD

PAGE REFERENCE	OBJECTION	RULING
Page 43, lines 3-7	Foundation, calls for speculation, ultimate issue, invades the province of the jury (whether Bornowski was going too fast)	SUSTAINED

### Plaintiff's Objections to Defendants' Designations

(Doc. No. 133)

### MURRAY UNDERWOOD

PAGE REFERENCE	OBJECTION	RULING
P. 5; lines 4-8	Not a question	SUSTAINED

P. 5; line 17 to P. 6; line 5	Non-responsive	SUSTAINED
P. 6; lines 6-14	Foundation	OVERRULED
P. 6; lines 6-18	Not a question; Non- Responsive; Relevance; Vague and ambiguous	SUSTAINED
P. 6; line 25 to P. 7; line 2	Not a question; Non- Responsive	SUSTAINED
P. 7; lines 3-12	Foundation	SUSTAINED
P. 7; line 17 to P. 8; line 15	Foundation	SUSTAINED
P. 8; lines 12-15	Not a question; Non- Responsive; Foundation	SUSTAINED
P. 8; line 20 to P. 9; line 1	Foundation	SUSTAINED
P. 9; lines 4-10	Foundation	SUSTAINED
P. 9; lines 11-18	Hearsay; Foundation	OVERRULED
P. 9; lines 18-21	Foundation	OVERRULED
P. 9; line 22 to P. 10; line 14	Foundation	SUSTAINED
P. 10; lines 15-19	Foundation	OVERRULED
P. 12; lines 16-20	Relevance	OVERRULED
P. 13; lines 2-9	Relevance	SUSTAINED
P. 14; line 21 to P. 15; line 23	Foundation; Relevance	OVERRULED
P. 15; line 25 to P. 16; line 24	Foundation; Relevance	OVERRULED
P. 17; lines 2-4	Foundation	SUSTAINED
P. 17; line 7 to P. 18	Foundation; Relevance; Form	SUSTAINED
P. 18; line 15 to P. 20 line 25	Foundation; Relevance; Form	OVERRULED

P. 21; lines 3-13	Foundation; Relevance; Form	OVERRULED
P. 21; line 17 to P. 22; line 24	Relevance	OVERRULED
P. 22; lines 21-24	Relevance	OVERRULED
P. 23; line 2 to P. 24; line 13	Relevance	OVERRULED
P. 25; line 5 to P. 26; line 18	Foundation; Relevance; Form	OVERRULED
P. 26; line 18 to P. 29; line 23	Foundation; Relevance	OVERRULED
P. 30; line 3 to P. 32; line 18	Foundation; Relevance	OVERRULED
P. 32; line 23 to P. 33; line 12	Foundation; Relevance	OVERRULED

# **BRANDON WADE**

PAGE REFERENCE	OBJECTION	RULING
P. 5; lines 8-15	Relevance	OVERRULED
P. 5; line 24 to P. 6; line 3	Relevance; Foundation	SUSTAINED
P. 6; lines 11-21	Relevance	SUSTAINED
P. 6; line 25 to P. 7; line 2	Relevance	OVERRULED
P. 7; line 21 to P. 8; line 21	Relevance; Foundation	OVERRULED
P. 9; lines 6-24	Relevance; Foundation; Speculation	SUSTAINED
P. 10; lines 3-25	Relevance	OVERRULED
P. 11; lines 12-25	Foundation; Relevance	OVERRULED
P. 13; line 1 to P. 14	Relevance	OVERRULED
P. 14; line 24 to P. 16; line 25	Relevance	SUSTAINED
P. 17; lines 1-25	Relevance	OVERRULED

P. 18; line 1 to P. 19; line 24	Foundation; Relevance	SUSTAINED
P. 20; lines 10-13	Not a question	SUSTAINED
P. 24; lines 2-5	Foundation	SUSTAINED
P. 24: lines 8 - 18	"It" Non-Responsive	OVERRULED
P. 24: lines 12-25	Form; Leading; Foundation	SUSTAINED
P. 25: lines 4-8	Foundation	SUSTAINED
P. 26: lines 7-12	Leading; Foundation	OVERRULED
P. 26: lines 15-19	Leading; Foundation; Relevance	SUSTAINED
P. 27: lines 3-11	Leading; Foundation; Relevance	SUSTAINED

Date: <u>September 20, 2012</u> Kansas City, Missouri

<u>S/ FERNANDO J. GAITAN, JR.</u> Fernando J. Gaitan, Jr. Chief United States District Judge