

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

JUAN SALAZAR,

Plaintiff,

vs.

A&J CONSTRUCTION OF  
MONTANA, INC.,

Defendant.

CV 11-16-BLG-CSO

ORDER

In light of issues that have arisen on this date during the trial of this matter, the Court deems it necessary to reconsider its prior rulings respecting Plaintiff's objections (*Dkt. 308*) to Corrine Hajjar's testimony.

Ms. Hajjar may testify as a percipient witness. As defense counsel has conceded, however, Ms. Hajjar is not qualified to render testimony as either a medical or vocational expert. It became evident to the Court during the viewing of the first portion of Ms. Hajjar's videotaped deposition at trial that Defendant's questioning improperly seeks to elicit medical and vocational testimony that Ms. Hajjar is not qualified to provide. Thus, in light of consideration of the entirety of

Ms. Hajjar's offered deposition testimony, and in light of the entirety of the evidence that has been offered at this point in the trial, the Court will grant Plaintiff's motion to exclude the remainder of her testimony, in part.

Consistent with this ruling, the Court will permit presentation to the jury of only the following portions of Ms. Hajjar's videotaped deposition, in addition to the approximately 20 pages that have heretofore been shown to the jury:

Page 20, lines 19 (after the word "prior") - 21

Page 24, lines 13-19

Page 25, line 25 (from last word "Did ...") to Page 26, line 2

Page 33, lines 13-17

Page 73, line 18 to Page 74, line 12

Page 75, lines 13-23

Page 78, line 12 to Page 80, line 3.

DATED this 25<sup>th</sup> day of January, 2013.

/s/ Carolyn S. Ostby  
United States Magistrate Judge