



testimony relates to contract interpretation issues that the court has ruled on. Sidump'r reasserts foundation objections made at the Darling Sons' deposition

Golden's objections to the court's initial jury instructions have been noted for the record and are overruled. The court finds that deposition testimony will not be admitted if witnesses are available to testify. Testimony that invades the province of the court will not be admitted. The court will address foundational objections in the event a witness is not available at trial and deposition testimony is offered. The parties' objections to deposition designations are overruled in all other respects.

THEREFORE, IT IS ORDERED that:

1. Golden's objections to jury instructions (Filing No. [268](#)) are overruled.
2. Golden's objections to deposition testimony (Filing No. [273](#)) are sustained in part and overruled in part.
3. Sidump'r's objections to deposition testimony (Filing No. [276](#)) are sustained in part and overruled in part.

DATED this 2<sup>nd</sup> day of April, 2010.

BY THE COURT:

s/ Joseph F. Bataillon \_\_\_\_\_  
Chief United States District Judge

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