

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

THE KANSAS BANKERS SURETY)
COMPANY,)
)
 Plaintiff,) 8:07CV226
)
 v.)
)
 MINDEN EXCHANGE BANK & TRUST) ORDER
 CO.,)
)
 Defendant.)
)

This matter is before the Court on defendant's objections to plaintiff's deposition designations (Filing No. 111), defendant's objections to plaintiff's rebuttal deposition designations (Filing No. 112), and plaintiff's objections to defendant's deposition designations and discovery designations (Filing No. 117). The Court has reviewed the objections, the corresponding designations (Filing Nos. 116, 104, 117), and the applicable law, and reserves ruling, until the time of trial, on all objections except as follows:

Van Norman Deposition			
Designation	Objection	Ruling	Comment
58:10-12	Leading	Overruled	
114:4-11	Leading	Overruled	
6:17-20	Relevancy	Overruled	
71:4-6	Calls for Speculation	Overruled	
78:5	Non-Responsive Answer	Overruled	
81:5-15	Foundation, Speculation	Overruled	
85:21-24	Foundation, Speculation	Overruled	

85:25-86:3	Foundation, Speculation	Overruled	
86:9-13	Foundation, Speculation	Overruled	
88:23-89:10	Foundation, Speculation	Overruled	
89:11-17	Foundation	Overruled	
90:12-18	Foundation, Speculation	Overruled	
95:13-17	Speculation	Overruled	
96:5-18	Foundation, Speculation	Overruled	
96:22-97:7	Foundation, Speculation	Overruled	
97:8-17	Foundation, Speculation	Overruled	
97:18-98:1	Foundation, Speculation	Overruled	
98:2-9	Foundation, Speculation	Overruled	
98:10-19	Foundation, Speculation	Overruled	
98:20-99:4	Foundation, Speculation	Overruled	
99:5-12	Foundation, Speculation	Overruled	
100:5-13	Foundation, Speculation	Overruled	
101:9-15	Foundation, Speculation	Overruled	
104:22-24	Leading	Overruled	
105:5-6	Leading	Overruled	
108:3-16	Form, Speculation	Overruled	
114:4-11	Leading	Overruled	
117:12-20	Incomplete Hypo, Speculation	Overruled	

Osterbuhr Deposition			
Designation	Objection	Ruling	Comment
46:19-48:1	Incomplete Designation	Sustained	Must include entire answer through 48:3
48:22	Compound	Overruled	Not Designated
48:22	Incomplete Designation	Overruled	Not Designated

49:6-9	Incomplete Designation	Sustained	Must include entire answer through 49:14
62:4-21	Incomplete Designation	Sustained	Must include entire question from 61:18
63:24-64:3	Incomplete Designation	Sustained	Must include entire question from 63:8

Wilcox Deposition			
Designation	Objection	Ruling	Comment
25:19-26:18	Relevancy	Overruled	
27:16-19	Incomplete Designation	Sustained	Must include entire question from 27:9
31:11-16	Incomplete Designation	Sustained	Must include entire answer from 31:18
32:13-33:5	Leading	Overruled	

Armstrong Deposition			
Designation	Objection	Ruling	Comment
37:10-13	Incomplete Designation	Overruled	
83:14-20	Relevancy	Overruled	
84:4-9	Relevancy	Sustained	

Johnson Deposition			
Designation	Objection	Ruling	Comment
24:1-14	Overbroad Designation	Sustained	Includes question without an answer. Stop at 24:8
28:6-21	Incomplete Designation	Sustained	Must include question from 28:2 or could begin at 28:7
43:1-2	Relevancy	Sustained	
43:15-44:4	Compound, Relevancy, Form	Overruled	
47:14-48:12	Incomplete Designation	Sustained	Must include entire question at beginning and answer at end. 47:9-48:14
48:15-23	Incomplete Designation	Sustained	Must include entire answer to 48:25

IT IS SO ORDERED.

DATED this 14th day of October, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court