

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

JEFFREY L. WILHITE,)	
)	
Plaintiff,)	8:10CV306
)	
v.)	
)	
UNION PACIFIC RAILROAD)	ORDER
COMPANY,)	
)	
Defendant.)	
_____)	

This matter is before the Court upon plaintiff's request for ruling on videotape depositions taken for use at trial. Both parties may offer in evidence videotaped depositions of witnesses as part of their cases in chief. In a letter to the Court dated March 19, 2012, plaintiff has listed objections for which he seeks this Court's rulings. The following is the Court's rulings on objections asserted by both parties:

1. Deposition of Patrick Leu, M.D.

Direct Examination:

Page 37, line 15 - page 38, line 6. Objection foundation. Overruled.

Page 38, line 8 - page 39, line 5. Objection form, foundation. Overruled.

Page 39, lines 6-16. Objection form, foundation. Overruled.

Page 39, lines 18-24. Objection form, foundation. Overruled.

Page 40, line 16 - page 41, line 3. Objection form.
Overruled.

Page 41, line 12 - page 42, line 11. Objection form,
foundation. Overruled.

2. Deposition of Deborah Doud, M.D.

Direct Examination:

Page 7, lines 19-24. Objection foundation. Overruled.

Redirect Examination:

Page 34, line 21 - page 35, line 11. Objection form.
Overruled.

3. Deposition of Leslie C. Hellbusch, M.D.

Direct Examination:

Page 26, lines 12-20. Objection form. Overruled.

Page 27, lines 4-20. Objection form, foundation.

Overruled.

Page 27, line 21 - page 28, line 1. Objection form,
foundation. Overruled.

Page 28, lines 18-23. Objection form, foundation.

Overruled.

Page 32, line 23 - page 33, line 7. Objection form,
foundation. Overruled.

4. Deposition of Michael C. Longley, M.D.

Direct Examination:

Page 39, line 18 - page 40, line 11. Objection form, foundation. Overruled.

Page 40, lines 12-22. Objection asked and answered. Overruled.

Page 42, line 23 - page 43, line 10. Objection form, foundation. Overruled.

Page 43, line 24 - page 44, line 9. Objection form, foundation. Overruled.

Page 44, lines 15-20. Objection form, foundation. Overruled.

Cross-Examination:

Page 59, lines 2-10. Objection form, foundation. Overruled.

Page 59, lines 11-23. Objection foundation on the hypothetical. Overruled.

Page 59, line 24 - page 60, line 1. Objection foundation on the hypothetical. Overruled.

Page 60, line 17 - page 61, line 2. Objection foundation. Overruled.

Page 61, lines 3-10. Objection foundation. Overruled.

Page 61, lines 11-19. Objection foundation. Overruled.

Page 62, lines 11-17. Objection foundation.

Overruled.

Page 67, lines 2-6. Objection foundation. Overruled.

Redirect Examination:

Page 76, lines 5-12. Objection form. Overruled.

Page 76, lines 13-22. Objection form. Overruled.

5. Deposition of Rodney R. Czaplewski, M.D.

Direct Examination:

Page 8, line 21 - page 9, line 2. Objection hearsay, Rule 403, foundation, relevancy. The Court reserves ruling until it has had the opportunity to review the exhibit referred to in p. 8, line 21 - page 9, line 2.

Page 13, lines 13-19. Objection foundation.

Overruled.

Page 16, lines 11-17. Objection form, foundation.

Sustained; the Court strikes page 16, lines 11-17.

Page 16, line 18 - page 17, line 3. Objection form, foundation. Overruled.

Page 18, lines 11-15. Objection foundation, hearsay.

Overruled.

Page 18, lines 16-22. Objection foundation, hearsay.

The Court reserves ruling until it has had the opportunity to review the exhibit referred to in p. 18, lines 16-22.

Page 19, lines 1-9. Objection foundation, hearsay.
Overruled.

Cross-Examination:

Page 29, line 22 - page 30, line 7. Objection
foundation. Overruled.

Page 30, lines 15-23. Objection foundation.
Overruled.

6. Deposition of Steven P. Stanos, D.O.

Direct Examination:

Page 34, lines 10-22. Objection leading, suggestive,
form. Sustained; the Court strikes page 34, lines 10-22.

Page 37, line 18 - page 38, line 3. Objection form.
Sustained; the Court strikes page 37, line 18 - page 38, line 3.

Page 59, line 19 - page 60, line 5. Objection form.
Sustained; the Court strikes page 59, line 19 - page 60, line 5.

Cross-Examination:

Page 78, line 24 - page 79, line 7. Objection form,
foundation, Rule 403. Sustained; the Court strikes page 78, line
24 - page 79, line 7.

Page 79, line 23 - page 80, line 15. Objection form,
foundation, *Norquay* rule. Sustained; the Court strikes page 79,
line 23 - page 80, line 15.

Page 93, lines 5-12. Objection form. Overruled.

Page 100, line 23 - page 101, line 5. Objection form. Overruled.

Page 102, lines 6-23. Objection form, foundation, mischaracterization of testimony. Overruled.

Page 103, lines 5-12. Objection form. Overruled.

Redirect Examination:

Page 109, lines 6-22. Objection form of question, lack of foundation, asked and answered. Sustained; the Court strikes page 109, lines 6-22.

Page 110, line 21 - page 111, line 5. Objection form, foundation. Sustained; the Court strikes page 110, line 21 - page 111, line 5.

IT IS ORDERED:

- 1) The plaintiff's request for ruling on videotape depositions taken for use at trial is granted.
- 2) The parties are instructed to edit the videotape depositions in accordance with the Court's rulings listed above.

DATED this 27th day of March, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court