

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

AMERICAN HOME ASSURANCE )  
COMPANY and CARGILL MEAT )  
SOLUTIONS CORPORATION, )  
 )  
Plaintiffs, ) 8:11CV270  
 )  
v. )  
 )  
GREATER OMAHA PACKING COMPANY,) ORDER  
INC., )  
 )  
Defendant. )  
\_\_\_\_\_ )

This matter is before the Court on cross motions *in limine* (Filing No. [442](#) and Filing No. [450](#)) regarding video-tape deposition designations. The following is the Court's ruling on objections asserted by both parties for video-tape deposition testimony:

**Plaintiff's Objections:**

**William Buckner:**

Page 11, line 5 - page 12, line 1.  
Objection relevance, Rule 403.  
Sustained.

Page 15, lines 4-19. Objection  
relevance, Rule 403. Overruled.

Page 38, lines 2-22. Objection  
relevance, Rule 403, lack of  
personal knowledge, authentication.  
Sustained.

Page 39, lines 12-15. Objection  
form, foundation. Sustained.

Page 40, line 11 - page 43, line 19. Objection relevance, Rule 403, lack of personal knowledge, authentication, motion in limine. Sustained.

Page 53, line 8 - page 55, line 2. Objection relevance, lack of personal knowledge, motion in limine. Sustained.

Page 55, line 20 - page 57, line 5. Objection relevance, Rule 403, motion in limine. Overruled.

Page 80, line 23 - page 81, line 9. Objection relevance, Rule 403, lack of personal knowledge, authentication, motion in limine. Sustained.

Page 81, line 11 - page 83, line 24. Objection relevance, Rule 403, lack of personal knowledge, authentication, motion in limine. Sustained.

Page 84, line 21 - page 86, line 6. Objection relevance, Rule 403, lack of personal knowledge, hearsay, authentication. Sustained.

Page 96, line 6 - page 99, line 6. Objection to relevance, Rule 403. Sustained.

Page 107, lines 1-12. Objection foundation, relevance, Rule 403, lack of personal knowledge. Overruled.

Page 110, line 23 - page 111, line 18. Objection motion in limine. Overruled

Page 111, lines 19-22. Objection form, foundation. Sustained.

Page 111, line 23 - page 113, line 7. Objection motion in limine. Overruled.

Page 114, line 16 - page 117, line 5. Objection motion in limine, lack of personal knowledge. Overruled.

Page 118, line 17 - page 119, line 7. Objection motion in limine. Sustained.

Page 120, lines 2-20. Objection motion in limine, form, foundation, relevance, Rule 403, lack of personal knowledge. Sustained.

Page 122, line 22 - page 127, line 6. Objection relevance, Rule 403. Sustained.

Page 127, line 7 - page 128, line 3. Objection relevance, Rule 403. Overruled.

Page 128, line 4 - page 129, line 7. Objection relevance, Rule 403. Sustained.

Page 134, lines 13-25. Objection argumentative, form, foundation, lack of personal knowledge. Sustained.

Page 138, line 3 - page 139, line 2. Objection argumentative, form, foundation, relevance, Rule 403, lack of personal knowledge. Sustained.

Page 140, line 23 - page 141, line 10. Objection argumentative, form, foundation. Sustained.

Page 146, lines 11-18. Objection argumentative, form, foundation, misstates the record, relevance, Rule 403, lack of personal knowledge. Overruled.

Page 146, line 19 - page 148, line 5. Objection argumentative, form, foundation, misstates the record, relevance, Rule 403, lack of personal knowledge. Sustained.

Page 149, line 21 - page 150, line 7. Objection relevance, Rule 403. Sustained.

Page 150, line 12 - page 153, line 2. Objection counsel's argument is not admissible, relevance, Rule 403, lack of personal knowledge. Sustained.

Page 154, lines 8-16. Objection counsel's argument not admissible, form, foundation, relevance, Rule 403, lack of personal knowledge. Sustained.

Page 155, lines 9-19. Objection counsel's argument is not admissible, form, foundation, relevance, Rule 403, lack of personal knowledge. Sustained.

Page 156, line 13 - page 157, line 7. Objection relevance, Rule 403. Sustained.

Page 157, lines 8-18. Objection argumentative, foundation, relevance, Rule 403. Overruled.

Page 157, line 18 - page 158, line 5. Objection argumentative, foundation, relevance, Rule 403. Sustained.

Page 260, line 1 - page 270, line 3. Objection relevance and Rule 403. Sustained.

Page 294, line 5 - page 296, line 5. Objection motion in limine, form, foundation. Overruled.

Page 297, line 3 - page 301, line 10. Objection motion in limine, form, foundation. Overruled.

The Court will rule on page 158, line 3 to 248, line 14 at a later time. (See Filing No. [503](#)).

**Rebecca Hayne:**

The Court has previously sustained all of the plaintiff's objections to Rebecca Hayne's deposition. (See Filing No. [502](#)).

**Denise Van Voorhis:**

Page 113, lines 6-10. Objection cumulative, Rule 403. Sustained.

Page 113, line 21 - page 114, line 3. Objection cumulative, Rule 403. Sustained.

Page 114, lines 4-22. Objection argumentative, confusing, cumulative, form, foundation, relevance, hearsay. Sustained.

Page 116, lines 8-9. Objection form. Sustained.

Page 116, lines 21-22. Objection form. Sustained.

Page 118, lines 21-25. Objection argumentative, cumulative, unintelligible, Rule 403. Sustained.

Page 120, lines 8-13. Objection argumentative, unintelligible. Sustained.

Page 121, line 6-11. Objection argumentative, unintelligible. Sustained.

Page 122, lines 2-7. Objection argumentative, unintelligible. Sustained.

Page 123, lines 6-10. Objection argumentative, cumulative, form, foundation, hearsay, Rule 403. Sustained.

Page 135, line 25 - page 136, line 13. Objection argumentative, cumulative, form, foundation, Rule 403. Overruled.

**Defendant's Objections:**

**Sean Orness:**

Page 18, lines 1-4. Objection foundation. Overruled.

Page 19, lines 9-16. Objection foundation. Overruled.

Page 29, line 21 - page 30, line 4. Objection leading. Overruled.

Page 33, lines 9-14. Objection leading. Overruled.

Page 38, line 10 - page 39, line 8.  
Objection foundation. Overruled.

Page 40, line 23 - page 41, line 4.  
Objection foundation. Overruled.

Page 44, lines 6-11. Objection  
leading. Overruled.

Page 49, lines 11-23. Objection  
foundation, leading. Overruled.

Page 84, lines 12-17. Objection  
foundation, leading. Overruled.

Page 84, line 22 - page 85, line 4.  
Objection foundation. Overruled.

Page 85, lines 5-13. Objection  
foundation. Sustained.

Page 85, line 24 - page 86, line 8.  
Objection foundation. Overruled.

**Michele Nakata**

Page 23, lines 11-14. Objection  
foundation, hearsay, relevance.  
Overruled.

Page 26, lines 21-25. Objection  
foundation, hearsay, relevance.  
Overruled.

Page 27, lines 14-16. Objection  
foundation, hearsay, leading,  
relevance, speculation. Sustained.

Page 31, line 20 - page 32, line 1.  
Objection foundation, hearsay,  
leading, relevance, speculation.  
Overruled.

Page 43, lines 5-8. Objection foundation, hearsay, leading, relevance, speculation. Sustained.

Page 49, lines 3-12. Objection foundation, hearsay, relevance, speculation. Overruled.

Page 49, lines 13-16. Objection foundation, hearsay, relevance, speculation. Overruled.

**Pamela O'Brien**

Page 40, line 24 - page 41, line 2. Objection foundation, hearsay, relevance. Overruled.

Page 41, lines 18-21. Objection foundation, relevance, speculation. Overruled.

Page 44, lines 6-13. Objection foundation, hearsay, relevance. Overruled.

Page 45, lines 7-16. Objection foundation, hearsay, relevance. Overruled.

Page 47, lines 4-14. Objection foundation, hearsay, relevance. Sustained.

Page 51, lines 1-9. Objection foundation, hearsay, relevance, misstates testimony/documents. Sustained.

**Mansour Samadpour**

Page 53, line 23 - page 54, line 20. Objection ambiguous, vague, compound. Overruled.



Page 65, line 24 - page 66, line 4.  
Objection foundation. Overruled.

Page 70, line 19 - page 71, line 1.  
Objection ambiguous, foundation,  
relevance, vague. Overruled.

Page 114, line 3 - page 115, line  
1. Objection ambiguous,  
foundation, relevance, vague.  
Sustained.

Page 123, line 22 - page 124, line  
6. Objection foundation.  
Sustained.

Page 124, lines 8-14. Objection  
foundation. Sustained.

Page 124, line 19 - page 125, line  
6. Objection ambiguous,  
foundation, hearsay, relevance,  
vague. Sustained.

Page 130, lines 2-7. Objection  
ambiguous, foundation, relevance,  
vague. Overruled.

Page 131, lines 5-11. Objection  
ambiguous, foundation, relevance,  
vague. Overruled.

Page 154, lines 18-25. Objection  
foundation. Overruled.

Page 231, lines 1-11. Objection  
foundation. Overruled.

Page 231, lines 12-18. Objection  
ambiguous, foundation, relevance,  
vague. Overruled.

Page 233, line 10 - page 234, line  
3. Objection ambiguous, foundation,

relevance, speculation, vague.  
Overruled.

Page 234, lines 4-12. Objection  
ambiguous, foundation, relevance,  
speculation, vague. Sustained.

Page 234, lines 14-22. Objection  
foundation, relevance. Sustained.

**Kirk E. Smith**

Page 13, line 13 - page 14, line  
20. Objection non-responsive,  
relevance, non-disclosed expert  
testimony. Overruled.

Page 20, lines 7-18. Objection  
non-disclosed expert testimony,  
relevance. Overruled.

Page 20, line 22 - page 21, line 9.  
Objection non-disclosed expert  
testimony, relevance. Overruled.

Page 21, lines 10-20. Objection  
non-disclosed expert testimony,  
relevance. Overruled.

Page 26, line 8 - page 27, line 4.  
Objection ambiguous, relevance,  
vague. Overruled.

Page 77, line 21 - page 78, line 5.  
Objection ambiguous, non-disclosed  
expert testimony, relevance, vague.  
Overruled.

Page 80, lines 19-24. Objection  
ambiguous, non-disclosed expert  
testimony, relevance, vague.  
Overruled.

Page 98, lines 1-6. Objection ambiguous, foundation, hearsay, relevance, vague. Overruled.

Page 98, lines 8-15. Objection ambiguous, foundation, hearsay, relevance, vague. Overruled.

Page 102, lines 4-17. Objection ambiguous, foundation, hearsay, leading, relevance, vague. Overruled.

Page 102, lines 19-25. Objection ambiguous, foundation, hearsay, leading, relevance, vague. Overruled.

Page 109, lines 11-21. Objection ambiguous, foundation, hearsay, leading, relevance, vague. Overruled.

Page 131, line 15 - page 132, line 19. Objection foundation, non-disclosed expert testimony, relevance. Overruled.

Page 135, line 11 - page 136, line 2. Objection foundation, non-disclosed expert testimony, relevance. Overruled.

Page 136, line 16 - page 137, line 3. Objection foundation, non-disclosed expert testimony, relevance. Overruled.

Page 137, lines 8-23. Objection foundation, non-disclosed expert testimony, relevance. Overruled.

Page 138, line 20 - page 139, line 4. Objection foundation, non-

disclosed expert testimony,  
relevance. Overruled.

Page 140, lines 4-15. Objection  
foundation, non-disclosed expert  
testimony, relevance. Overruled.

Page 140, line 18 - page 141, line  
4. Objection foundation, non-  
disclosed expert testimony,  
relevance. Overruled.

Page 164, line 2 - page 165, line  
7. Objection foundation, non-  
disclosed expert testimony,  
relevance. Sustained.

Page 165, line 21 - page 166, line  
15. Objection foundation, non-  
disclosed expert testimony,  
relevance. Sustained.

Page 166, lines 16-22. Objection  
foundation, non-disclosed expert  
testimony, relevance. Sustained.

Page 170, lines 16-23. Objection  
foundation, non-disclosed expert  
testimony, relevance. Overruled.

Page 170, line 24 - page 171, line  
5. Objection foundation, non-  
disclosed expert testimony,  
relevance. Overruled.

Page 171, lines 6-11. Objection  
foundation, non-disclosed expert  
testimony, relevance. Sustained.

Page 174, lines 5-16. Objection  
foundation, non-disclosed expert  
testimony, relevance. Overruled.

Page 177, lines 17-25. Objection  
ambiguous, leading, vague.  
Overruled.

Page 178, lines 2-11. Objection  
foundation, leading, non-disclosed  
expert testimony, relevance.  
Overruled.

Page 179, lines 19-23. Objection  
foundation, leading, non-disclosed  
expert testimony, relevance.  
Sustained.

Page 180, lines 9-19. Objection  
leading, non-disclosed expert  
testimony, relevance. Overruled.

Page 180, line 20 - page 181, line  
15. Objection leading, non-  
disclosed expert testimony,  
relevance. Sustained.

Page 182, lines 3-8. Objection  
ambiguous, leading, non-disclosed  
expert testimony, relevance, vague.  
Overruled.

Page 182, lines 11-21. Objection  
ambiguous, leading, misstates prior  
testimony, non-disclosed expert  
testimony, relevance, vague.  
Overruled.

Page 182, line 23 - page 183, line  
13. Objection ambiguous,  
foundation, leading, non-disclosed  
expert testimony, relevance, vague.  
Overruled.

Page 183, lines 16-22. Objection  
ambiguous, leading, non-disclosed  
expert testimony, relevance, vague.  
Sustained.

Page 184, lines 4-11. Objection ambiguous, foundation, leading, non-disclosed expert testimony, relevance, vague. Overruled.

Page 184, lines 13-21. Objection ambiguous, compound, foundation, leading, non-disclosed expert testimony, relevance, vague. Overruled.

Page 184, line 23 - page 185, line 4. Objection ambiguous, foundation, leading, non-disclosed expert testimony, relevance, vague. Sustained.

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Page 50, lines 8-11. Objection foundation, relevance. Overruled.

Page 50, lines 16-20. Objection foundation, relevance. Overruled.

Page 69, lines 6-9. Objection foundation, hearsay, relevance. Overruled.

**Stephen Gladbach**

Page 58, lines 13-16. Objection ambiguous, compound, vague. Overruled.

Page 72, lines 8-23. Objection foundation, relevance. Overruled.

Page 124, lines 17-19. Objection relevance. Sustained.

Page 125, lines 7-13. Objection foundation, relevance. Sustained.

Page 125, lines 20-24. Objection  
ambiguous, relevance, vague.  
Sustained.

**Denise Van Voorhis**

Page 29, lines 11-23. Objection  
foundation, hearsay, relevance,  
speculation. Overruled.

Page 36, lines 3-17. Objection  
foundation, hearsay, relevance,  
speculation. Overruled.

Page 43, line 24 - page 44, line  
10. Objection foundation, hearsay,  
leading, relevance, speculation.  
Overruled.

Page 45, lines 6-18. Objection  
foundation, hearsay, leading,  
relevance, speculation, misstates  
prior testimony. Overruled.

Page 46, lines 3-11. Objection  
foundation, hearsay, leading,  
relevance, speculation. Overruled.

Page 130, lines 13-18. Objection  
foundation, relevance, speculation.  
Overruled.

Page 131, lines 17-23. Objection  
asked and answered, foundation,  
leading. Overruled.

Page 133, lines 20-25. Objection  
asked and answered, foundation,  
leading, relevance, speculation.  
Overruled.

Page 134, lines 6-10. Objection  
asked and answered, foundation,  
leading, relevance, speculation.  
Overruled.

Page 134, lines 12-15. Objection asked and answered, foundation, leading, relevance, speculation. Overruled.

**Kevin Thompson**

Page 16, line 21 - page 17, line 9. Objection nonresponsive. Overruled.

Page 18, lines 16-21. Objection foundation. Overruled.

Page 18, line 23 - page 19, line 14. Objection foundation, leading. Sustained.

Page 19, lines 20-25. Objection foundation. Overruled.

Page 22, line 20 - page 23, line 8. Objection foundation, leading, nonresponsive. Overruled.

Page 24, lines 8-12. Objection foundation. Overruled.

Page 26, line 25 - page 27, line 8. Objection foundation, misstates the testimony. Overruled.

Page 59, line 21 - page 60, line 1. Objection foundation, misstates the testimony. Overruled.

Page 60, lines 2-6. Objection foundation, misstates the testimony. Overruled.

Page 60, lines 10-16. Objection foundation. Overruled.



**Rebecca Kanenaka**

Page 21, line 6 - page 22, line 2.  
Objection foundation, hearsay,  
relevance, speculation. Overruled.  
Page 21, lines 8-19 are excluded.

Page 22, lines 9-21. Objection  
foundation, hearsay, relevance,  
speculation. Overruled.

Page 40, line 22 - page 41, line 3.  
Objection foundation, hearsay,  
relevance. Overruled.

Page 41, lines 4-9. Objection  
foundation, hearsay, relevance.  
Overruled.

Page 44, lines 9-15. Objection  
foundation, hearsay, relevance,  
speculation. Sustained.

Page 45, lines 2-12. Objection  
foundation, hearsay, relevance,  
speculation. Overruled.

Page 50, lines 15-20. Objection  
foundation, hearsay, leading,  
relevance. Overruled.

Page 55, lines 14-21. Objection  
hearsay, leading, relevance,  
speculation. Overruled.

Page 57, lines 1-7. Objection  
ambiguous, leading, vague.  
Sustained.

Page 57, lines 8-22. Objection  
foundation, hearsay, relevance.  
Overruled.

Page 60, line 18 - page 62, line 6.  
Objection foundation, hearsay,  
relevance. Overruled.

Page 62, lines 13-16. Objection  
foundation, hearsay, leading,  
relevance, speculation. Overruled.

Page 63, line 16 - page 64, line 6.  
Objection foundation, hearsay,  
leading, relevance, speculation.  
Overruled.

Page 71, line 24 - page 72, line 4.  
Objection foundation, hearsay,  
leading, relevance. Overruled.

**Craig Allen**

Page 38, lines 14-19. Objection  
foundation. Overruled.

Page 38, line 24 - page 39, line 6.  
Objection relevance. Overruled.

Page 42, line 7-15. Objection  
foundation, hearsay, relevance.  
Overruled.

Page 42, line 23 - page 43, line 1.  
Objection leading. Overruled.

Page 43, lines 2-9. Objection  
foundation, hearsay, relevance.  
Overruled.

Page 43, lines 10-15. Objection  
foundation, hearsay, relevance.  
Overruled.

Page 43, line 24 - page 44, line 3.  
Objection leading. Overruled.

Page 45, lines 14-17. Objection  
leading. Overruled.

Page 47, line 14 - page 49, line 15. Objection relevance. Sustained.

Page 49, lines 16-19. Objection foundation, relevance. Sustained.

Page 49, line 20 - page 50, line 19. Objection relevance. Sustained.

Page 50, lines 20-23. Objection foundation, relevance. Sustained.

Page 51, lines 3-8. Objection foundation, leading, relevance. Sustained.

Page 51, lines 9-25. Objection foundation, relevance. Sustained.

Page 56, lines 4-13. Objection foundation, relevance. Sustained.

Page 93, lines 19-23. Objection foundation. Overruled.

Page 94, lines 8-13. Objection foundation, leading, relevance, speculation. Overruled.

**William Buckner**

Page 101, line 9 - page 103, line 2. Objection hearsay, relevance. Overruled.

Page 108, lines 6-14. Objection foundation, hearsay, speculation. Overruled.

Page 130, lines 15-18. Objection foundation, hearsay, non-disclosed expert testimony, relevance, speculation. Overruled.

Page 130, line 19 - page 131, line 3. Objection foundation, hearsay, non-disclosed expert testimony, relevance, speculation. Overruled.

Page 131, lines 4-22. Objection foundation, hearsay, non-disclosed expert testimony, relevance, speculation. Sustained.

Page 271, line 5 - page 274, line 15. Objection hearsay, relevance. Overruled.

Page 275, line 20 - page 276, line 10. Objection hearsay, relevance. Overruled.

Page 278, line 12 - 279, line 2. Objection hearsay, relevance. Overruled.

Page 279, lines 3-10. Objection hearsay, relevance. Overruled.

Page 288, lines 2-18. Objection hearsay, relevance. Sustained.

Page 288, line 19 - page 289, line 8. Objection foundation, hearsay, relevance, speculation. Sustained.

Page 301, lines 20-23. Objection hearsay, relevance. Overruled.

Page 301, line 24 - page 302, line 5. Objection foundation, hearsay, relevance, speculation. Sustained.

Page 302, lines 6-13. Objection hearsay, relevance. Overruled.

IT IS ORDERED that the parties are instructed to edit the videotape depositions in accordance with the Court's rulings listed above.

DATED this 20th day of August, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court