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UNITED STATES DISTRICT COURT**DISTRICT OF NEVADA**

Tamares Las Vegas Properties, LLC, et al.,

Case No.: 2:16-cv-02933-JAD-NJK

Plaintiffs

**Order Resolving Objections to
Designated Deposition Testimony**

v.

The Travelers Indemnity Company,

Defendant

In the joint pretrial order at pages 76–124, the parties provided their objections to designated deposition testimony.¹ Attached are the court’s rulings on those objections, denoted next to the objection in the appropriate line of the charts. O = overruled; S = sustained. Where there is an indication that a portion of an objection was overruled or sustained, the parties should presume that the remainder of that objection was contrarily overruled or sustained.

Whether addressed by these rulings or not, when presenting deposition testimony at trial, counsel must:

- Exclude the internal objections and any discussion about or response thereto; and
- Exclude attorney-to-attorney colloquy.



U.S. District Judge Jennifer A. Dorsey
March 14, 2022

¹ ECF No. 147.

(f) Objections to Depositions:

(1) Defendant objects to Plaintiff's depositions as follows:

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
Kevin Owens	6:8	8:10	No objection
	12:15	15:17	No objection
	16:25	17:13	No objection
	18:3	27:19	No objection
	29:12	33:16	31:20 – 32:7 Hearsay (FRE 801 and 802)
	36:3	44:12	No objection
	45:24	103:21	49:5 – 49:18 Interruption/commentary by Plaintiffs' counsel
			50:3 – 50:22 Interruption/commentary by Plaintiffs' counsel
			61:12 – 62:1 Interruption/commentary by Plaintiffs' counsel
			66:17 – 66:22 Interruption/commentary by Plaintiffs' counsel
			69:21 – 69:25 Interruption/withdrawn objection by Plaintiffs' counsel
			70:14 – 70:15 Interruption/commentary by Plaintiffs' counsel
			71:19 – 72:2 Interruption/commentary by Plaintiffs' counsel
	105:1	105:9	No objection
	106:15	108:8	Improper Expert Opinion (FRE 702)
	108:11	112:13	Speculation
	117:6	129:12	117:11 – 120:21 Witness lacks personal knowledge (FRE 602)
			121:14 – 121:22 Witness lacks personal knowledge (FRE 602)
			121:17 – 121:22 Interruption/commentary by Plaintiffs' counsel

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			167:23 – 167:24 Witness lacks personal knowledge (FRE 602); Speculation 0
			168:6 – 168:9 Witness lacks personal knowledge (FRE 602) 0
			170:16 – 171:4 Witness lacks personal knowledge (FRE 602); Speculation; Interruption/commentary by Plaintiffs' counsel S: 170:19-171:4 0
			171:13 – 171:20 Witness lacks personal knowledge (FRE 602); Speculation S
			174:14 – 174:19 Witness lacks personal knowledge (FRE 602); Speculation 0
			176:6 – 176:7 Witness lacks personal knowledge (FRE 602); Speculation 0
			176:23 – 177:19 Improper Expert Opinion (FRE 702); Speculation 0
			178:22 Witness lacks personal knowledge (FRE 602); Speculation 0
	182:19	183:1	No objection
	183:4	183:15	Witness lacks personal knowledge (FRE 602); Speculation 0
	183:20	191:4	Witness lacks personal knowledge (FRE 602); Speculation
	191:19	191:23	Witness lacks personal knowledge (FRE 602); Speculation 0
	191:25	192:1	No objection
	192:3	192:11	No objection
	192:20	193:14	No objection
	193:22	194:4	No objection
	194:14	196:9	No objection
	196:14	197:7	Witness lacks personal knowledge (FRE 602); Speculation 0
	197:21	198:7	Witness lacks personal knowledge (FRE 602); Speculation 0

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	198:9	198:14	Witness lacks personal knowledge (FRE 602); Speculation
	200:2	200:10	No objection
	202:24	203:17	Witness lacks personal knowledge (FRE 602); Speculation
	204:1	204:1	No objection
	204:5	205:3	No objection
	207:11	207:14	No objection
	208:1	208:6	No objection
	208:18	209:3	No objection
	212:4	212:8	No objection
	212:14	212:25	Witness lacks personal knowledge (FRE 602); Speculation
	213:7	215:10	No objection
	223:2	252:5	231:11 – 231:13 Witness lacks personal knowledge (FRE 602); Improper Expert Opinion (FRE 702); Speculation
			234:10 – 234:21 F.R.E. 602 Witness lacks personal knowledge (FRE 602); Speculation
	253:16	254:4	No objection
	254:12	257:21	No objection
	258:2	258:10	No objection
	258:12	260:25	No objection
	261:3	261:13	No objection
	261:16	261:17	No objection
	262:13	263:10	No objection
	263:14	263:15	No objection
	263:20	263:23	No objection
	265:14	266:4	Witness lacks personal knowledge (FRE 602); Speculation
	266:8	266:12	Witness lacks personal knowledge (FRE 602); Speculation
	266:18	266:20	No objection
	267:3	267:19	No objection
	268:6	268:18	Relevance (FRE 402); Witness lacks personal knowledge (FRE 602); Speculation

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
Douglas W. Neumann	8:19	9:5	No objection
	9:10	10:6	No objection
	11:3	12:2	No objection
	12:8	13:19	Relevance (FRE 402) (as to office location)
	14:20	16:10	Leading (FRE 611)
	16:16	17:8	Relevance (FRE 402) (as to office location)
	17:19	18:7	Leading (FRE 611)
	18:15	22:12	Counsel is testifying (as to how he would define "adjusting"); Speculation/Lack of Personal knowledge (FRE 602); Counsel is testifying (as to how he "would imagine" how things work); Misstates testimony (as to "senior vice president")
	22:21	23:6	Leading (FRE 611); Counsel is testifying (as to his "recollection"); Speculation/lack of personal knowledge (FRE 602)
	23:25	24:15	Attorney-Client Privilege (FRE 501); Leading (FRE 611); Counsel is testifying (as to what he imagines)
	24:24	25:2	No objection
	25:19	26:9	Leading (FRE 611); Counsel is testifying (as to when the loss was)
	26:14	27:9	Leading (FRE 611)
	28:11	29:13	Asked and answered (FRE 611(a)); Counsel is testifying (as to what he "gather[s]")
	30:10	31:3	Speculation/Lack of Personal Knowledge (FRE 602); Leading (FRE 611); Counsel is testifying (as to what he "gather[s]");
	33:8	35:2	Leading (FRE 611); Speculation/Lack of Personal Knowledge (FRE 602);
	35:9	35:12	Compound
	37:1	37:11	Missing questions and half of the answer; Leading (FRE 611); Counsel is testifying (as to what

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			he imagines)
	37:18	38:5	Vague; Leading (FRE 611)
	39:5	41:14	Leading (FRE 611); Compound; Speculation/Lack of Knowledge (FRE 602); Counsel is testifying as to what the witness said; asked and answered (FRE 611(a))
	43:23	44:11	Speculation/Lack of Personal Knowledge (FRE 602); Counsel is testifying (as to what he gathers)
	44:22	45:13	Leading (FRE 611); Counsel is testifying (as to what he gets); Compound; Counsel is testifying (As to what he thinks)
	47:3	47:7	No objection
	47:25	48:11	Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Leading (FRE 611)
	49:1	49:8	Vague (as to the designated portion of the first question); Compound
	51:10	52:10	Compound; Speculation/Lack of Personal Knowledge (FRE 602); Leading (FRE 611)
	54:3	55:13	Leading (FRE 611); Counsel is testifying; Compound;
	55:20	55:24	Leading (FRE 611); Counsel is testifying (as to what the witness's job is)
	56:15	56:22	Speculation/Lack of Personal Knowledge (FRE 602)
	62:7	62:16	Speculation/Lack of Personal Knowledge (FRE 602)
	63:11	65:6	Leading (FRE 611); Compound; Argumentative; Speculation/Lack of Personal Knowledge (FRE 602); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	65:11	68:4	Asked and Answered (FRE 611(a)); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Compound

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	68:14	69:5	Counsel is testifying (as to what he represents); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Counsel is testifying (as to what he imagines)
	69:13	69:14	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	69:23	70:7	Leading (FRE 611); Counsel is testifying (as to what one item is "sometimes referred to as"); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	70:13	71:10	Compound; Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	72:4	72:13	Counsel is testifying (as to what something "means"); leading (FRE 611); Speculation/Lack of Knowledge (FRE 602)
	73:15	74:5	Counsel is testifying (as to what something "means" and to what he "know[s]"); Relevance (FRE 402) (counsel admits that his hypothetical is not the case here); Leading (FRE 611)
	75:3	75:14	Counsel is testifying (as to what he would go to); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Counsel is testifying (as to what he gathers)
	76:2	76:5	Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	77:7	77:14	Counsel is testifying (as to what the witness identified and concluded); Leading (FRE 611); Improper Lay Opinion (FRE 701); Argumentative
	78:16	79:7	Speculation/Lack of Personal Knowledge (FRE 602); Improper Lay Opinion (FRE 701)

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	80:2	80:8	Speculation/Lack of Personal Knowledge (FRE 602); Improper Lay Opinion (FRE 701)
	81:16	82:6	Leading (FRE 611); Counsel is testifying (as to what the witness can or cannot do and as to what the witness can or cannot know)
	82:16	82:19	No objection
	83:1	84:6	Vague (as to who was hired, to whose credentials, and whose findings); Leading (FRE 611)
	84:10	85:16	Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	85:20	86:13	Leading (FRE 611)
	87:1	88:24	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Lack of Personal Knowledge (FRE 602); Improper Lay Opinion / Ultimate Issue (FRE 701)
	89:5	89:13	Improper Lay Opinion / Ultimate Issue (FRE 701)
	89:17	90:5	Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003);
	90:9	91:3	Improper Lay Opinion / Ultimate Issue (FRE 701); Speculation (FRE 602)
	91:9	92:1	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Improper Lay Opinion/Ultimate Issue (FRE 701)
	92:6	92:24	Lack of Personal Knowledge (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Improper Lay Opinion / Ultimate Issue (FRE 701)
	93:21	93:25	Improper Lay Opinion (FRE 701); Leading (FRE 611)
	94:13	94:21	Asked and Answered (FRE

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			611(a)); Leading (FRE 611); Improper Lay Opinion (FRE 701)
	99:6	99:22	Lack of Personal Knowledge (FRE 602); Speculation (FRE 602); Leading (FRE 611); Asked and Answered (FRE 611(a)); Improper Lay Opinion (FRE 701)
	100:1	100:14	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	101:16	101:24	No objection
	103:12	103:14	No objection
	103:20	104:12	Leading (FRE 611); Speculation/Lack of Personal Knowledge (FRE 602); Foundation; Hearsay (FRE 801(c))
	104:23	105:24	Leading (FRE 611); Compound Question; Asked and Answered (FRE 611(a)); Speculation/Lack of Personal Knowledge (FRE 602); Foundation; Hearsay (FRE 801(c)); Argumentative;
	106:4	106:9	Speculation (FRE 602); Leading (FRE 611)
	106:18	107:8	Speculation/Lack of Knowledge (FRE 602); Compound Question; Leading (FRE 611)
	107:23	108:4	No objection
	108:18	108:22	Leading (FRE 611)
	109:10	110:11	Leading (FRE 611); Assumes Facts not in evidence; Compound question
	110:22	111:8	Leading (FRE 611)
	111:18	112:1	Asked and answered (FRE 611(a))
	112:23	113:1	Leading (FRE 611)
	113:20	114:2	Leading (FRE 611)
	114:13	114:23	Leading (FRE 611)
	115:10	117:1	Lack of Personal Knowledge (FRE 602); Speculation (FRE 602); Leading (FRE 611)
	117:8	118:10	Attorney-Client Privilege (FRE 501); Lack of Personal

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			Knowledge/Speculation (FRE 602); Leading (FRE 611);
	118:18	119:2	Attorney-Client Privilege (FRE 501); Lack of Knowledge/Speculation (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c))
	121:4	122:5	Leading (FRE 611); Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	122:21	123:9	Leading (FRE 611); Compound; Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	125:10	125:19	Speculation (FRE 602); Leading (FRE 611); Asked and Answered (FRE 611(a)); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	128:12	128:19	Leading (FRE 611)
	130:13	130:25	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Compound
	131:3	132:6	Leading (FRE 611); Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Counsel is Testifying
	132:17	133:7	Leading (FRE 611); Asked and Answered (FRE 611(a)); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Compound; Non-Responsive Answer
	133:21	135:14	Lack of Personal Knowledge (FRE 602); Speculation (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	135:18	135:23	No objection
	136:2	136:3	No objection

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	137:13	142:19	Relevance (FRE 402); Attorney-Client Privilege (FRE 501); Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Asked and Answered (FRE 611(a)); Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Argumentative; Assumes facts not in evidence
	142:24	143:25	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	144:4	144:25	Leading (FRE 611); Asked and Answered (FRE 611(a)); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	146:4	146:21	Answer lacks question; Relevance (FRE 402); Attorney-client privilege (FRE 501); Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611);
	147:1	147:11	Vague/Foundation; Leading (FRE 611); Counsel is Testifying
	148:2	150:3	Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Compound; Assumes Facts not in Evidence; Argumentative
	150:7	152:4	Assumes facts not in evidence; Speculation (FRE 602); Argumentative; Leading (FRE 611); Counsel is Testifying; Improper Lay Opinion (FRE 701)
	152:17	154:3	Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Asked and Answered (FRE 611(a)); Argumentative;
	154:9	156:6	Argumentative; Speculation

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			(FRE 602); Lack of Knowledge (FRE 602); Leading (FRE 611); Asked and Answered (FRE 611(a))
	157:23	158:23	Leading (FRE 611); Improper Lay Opinion (FRE 701); Argumentative
	159:3	160:1	Missing question; Attorney-client privilege (501); Asked and answered (FRE 611(a)); Leading (FRE 611); Argumentative
	160:10	160:25	Attorney-client privilege (FRE 501); Leading (FRE 611); Vague
	162:8	163:12	Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Argumentative; Vague; Compound
	163:21	165:17	Attorney-Client Privilege (501); Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Asked and answered (FRE 611(a)); Argumentative
	165:23	166:25	Attorney-Client Privilege (FRE 501); Speculation (FRE 602); Argumentative; Irrelevant/Non-Response as to Mr. Colburn
	173:5	175:14	Leading (FRE 611); Argumentative
	177:19	178:7	Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Improper Lay Opinion (FRE 701); Compound
	178:13	180:3	Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Argumentative; Best Evidence (FRE 1001-FRE 1003)
	180:12	181:24	Attorney-Client Privilege (FRE 501); Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	183:14	184:16	Leading (FRE 611); Assumes Facts not in Evidence; Counsel is testifying; Argumentative
	185:17	187:12	Leading (FRE 611); Assumes Facts not in Evidence; Counsel is testifying; Argumentative; Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	187:20	189:2	Leading (FRE 611); Argumentative; Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	189:6	190:14	Leading (FRE 611); Improper Lay Opinion (FRE 701); Argumentative; Hearsay (FRE 801(c)); Vague
	190:20	191:15	Attorney-Client Privilege (FRE 501); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	191:24	193:2	Leading; Speculation/Lack of Knowledge (FRE 602); Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Argumentative
	193:7	195:6	Speculation (FRE 602); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Leading; Counsel is testifying; Argumentative
	195:18	198:14	Speculation (FRE 602); Lack of knowledge (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Argumentative; Counsel is testifying; Cut off response.
	199:21	203:19	Lack of Knowledge (FRE 602); Leading (FRE 611); Asked and Answered (FRE 611(a)); Improper Lay Opinion (FRE 701); Hearsay (FRE 801(c)); Counsel is testifying; Compound; Argumentative;

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			Badgering; Assumes facts not in evidence;
	204:1	204:19	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Argumentative
	205:2	208:3	Speculation (FRE 602); Lack of Knowledge (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Argumentative; Counsel is Testifying;
	208:11	211:4	Lacks knowledge (FRE 602); Leading (FRE 611); Asked and answered (FRE 611(a)); Seeks improper lay opinion/Legal conclusion (FRE 701); Hearsay (FRE 801(c)); Counsel is testifying; Argumentative
	211:25	212:13	Attorney-Client Privilege (FRE 501); Calls for Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611);
	212:21	123:11	Attorney-Client Privilege (FRE 501); Calls for Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Argumentative; Asked and Answered (FRE 611(a))
	213:18	214:8	Attorney-Client Privilege (FRE 501); Calls for Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Argumentative
	214:15	215:10	Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Argumentative; Badgering
	215:15	216:25	Attorney-Client Privilege (FRE 501); Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Argumentative; Asked and Answered (FRE 611(a))
	217:15	218:13	Lack of Direct Knowledge (FRE 602); Leading (FRE 611); Counsel is Testifying; Hearsay (FRE 801(a)).

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	219:3	219:12	Lack of Direct knowledge (FRE 602); Leading (FRE 611); Counsel is Testifying;
	219:21	220:9	Lack of Direct knowledge (FRE 602); Leading (FRE 611); Counsel is Testifying; Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	221:12	223:14	Lack of Knowledge/Speculation (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	224:3	225:17	Speculation/Lack of Knowledge (FRE 602); Leading (FRE 611); Counsel is testifying; Improper Lay Opinion (FRE 701)
	226:12	227:18	Speculation (FRE 602); Leading (FRE 611)
	228:8	233:1	Argumentative; Speculation (FRE 602); Leading (FRE 611); Hearsay (810(c)); Best Evidence (FRE 1001-FRE 1003); Compound
	233:8	237:10	Lack of Knowledge (FRE 602); Leading (FRE 611); Asked and Answered (FRE 611(a)); Compound; Argumentative; Badgering
	237:20	239:6	Lack of Knowledge (FRE 602); Leading (FRE 611); Argumentative; Asked and Answered (FRE 611(a)); Counsel is Testifying
	239:24	240:5	No objection
	240:10	244:25	Speculation/Lack of Personal Knowledge (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Counsel is Testifying; Compound; Argumentative;
	245:10	247:18	Leading (FRE 611); Hearsay (FRE 801(c)); Counsel is testifying;

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237: 10
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242: 5-
243: 11,
244: 1-
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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
Brad Becker	9:22	11:2	Counsel is testifying (as to what he thinks); Compound; Counsel is testifying (as to what he gathers); Misstates Testimony (Becker Construction, not Becker Consulting)
	12:1	15:22	Foundation; Counsel is testifying (as to what he understands); Leading (FRE 611); Compound; Counsel is testifying (as to what the witness' job is); Counsel is testifying (as to what he imagines); Counsel is testifying (as to what the witness' job is again); Counsel is testifying (as to that the witness is "doing"); Counsel is testifying (as to what he imagines)
	18:4	24:5	Compound; misstates testimony (Becker is not an employee of Young and Associates, he is an independent contractor); Leading (FRE 611); Counsel is testifying (as to how the witness advertises); Counsel is testifying (as to what he gathers); Counsel is testifying (as to what he imagines); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Counsel is testifying (literally reading evidence into the record); Counsel is testifying (literally reading evidence into the record again)
	25:16	30:11	Leading (FRE 611); Counsel is testifying (as to what he considers to be contaminates); Compound; Counsel is testifying (as to what he knows); Counsel is testifying (as to what he read); Counsel is testifying (as to what the witness does or does not recall); Counsel is testifying (as to what

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			he imagines)
	30:23	31:1	Compound
	31:12	31:15	No Answer
	32:3	32:11	No Foundation; Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	32:24	34:25	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Counsel inserts commentary (as to what is or is not self-evidence); Compound; Counsel is testifying (“providing some answers”)
	36:15	37:1	Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	37:23	38:4	Vague (as to who “he” is); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	39:4	40:21	Vague (as to “this purpose”); Leading (FRE 611); Counsel is testifying (as to what he notices)
	41:1	46:23	Vague/Compound; Counsel is testifying (as to what he imagines)(twice); Leading (FRE 611); Counsel is testifying (as to the size of a room); Counsel is testifying (as to how he knows how water behaves); Calls for a narrative response; Counsel is testifying (as to the possession of videos); Counsel is testifying (as to the description of water flow as “Niagara Falls”); Counsel is testifying (as to whether a fact is disputed); Asked and Answered (FRE 611(a))
	47:8	47:23	Leading (FRE 611); Counsel is testifying (as to how a section of the hotel is referred and what amenities are/were available in that section); Argumentative;

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in part
46:8-
46:15
only
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47:19
47:20
from
“And I
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to
“acknowledges”
only

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			Counsel is testifying (as to what he thinks)
	48:19	48:24	Counsel is testifying (as to what was beneath the pool deck); Compound; Leading (FRE 611); Vague (as there does not appear to even be a question)
	50:20	51:13	Counsel is testifying (telling the witness what parts of the hotel are called); Counsel is testifying (as to which portions of the hotel are forgotten); Leading (FRE 611)
	51:21	53:25	Speculation / Lack of Personal Knowledge (FRE 602); Counsel is testifying (as to features of the property); Leading (FRE 611); Final question is cut-off and no response designated
	54:7	59:20	Speculation / Lack of Personal Knowledge (FRE 602); Leading (FRE 611); Counsel is testifying (as to what the witness would have done); Compound; Counsel is testifying (as to his review of reports); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003)
	60:4	61:11	Leading (FRE 611); Counsel is testifying (as to whether the witness is right or wrong); counsel is testifying (as to how walls may be dried); Foundation
	61:17	61:23	Leading (FRE 611)
	62:14	63:3	Leading (FRE 611); Counsel is testifying (as to what he is saying); Vague (as to which estimate counsel is referring to)
	63:8	70:3	Speculation / Lack of Personal Knowledge (FRE 602); Leading (FRE 611); Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Compound; Counsel is testifying (as to what the document does or does not say); Counsel is testifying

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S in part
51:6-51:7
from "So the" to "space" only
○
S in part
55:16-55:18
from "And he" to "but" and
56:10-56:11
from "And from" to "impression" only

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			(quoting the document on multiple occasions); Assumes facts not in evidence; Argumentative; Foundation
	70:18	72:16	Speculation / Lack of Personal Knowledge (FRE 602); Missing part of the question; Leading (FRE 611); Compound; Counsel is testifying (as to what influenced the witness' investigation); Counsel is testifying (as to what he understands)
	73:20	76:15	Leading (FRE 611); Counsel is testifying (as to the witness' job); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Counsel is testifying (as to what he imagines); Compound; Speculation / Lack of Personal Knowledge (FRE 602); No designated response to the final question
	77:6	79:15	Answer without a question; Vague (who was talking to the witness); Call for hearsay (FRE 801(c)); Compound; Leading (FRE 611); Counsel is testifying (as to what would happen); Speculation / Lack of Personal Knowledge (FRE 602)
	80:8	82:21	Compound; Leading (FRE 611); Counsel is testifying (as to what he understands); Counsel is testifying (as to what the witness could have done); Asked and answered (FRE 611(a))
	83:3	84:8	Beginning of question is cut off; Compound; Speculation / Lack of Personal Knowledge (FRE 602); Leading (FRE 611); Counsel is testifying (as to what he imagines);
	84:22	90:17	Leading (FRE 611); Compound; Speculation / Lack of Personal

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	113:5	118:10	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Speculation / Lack of Personal Knowledge (FRE 602); Compound; Leading (FRE 611); Counsel is testifying (as to what the witness wrote [multiple times]); Asked and answered (FRE 611(a));
	118:25	119:17	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611)
	122:3	122:18	Beginning of question is cut off
	123:1	132:22	Beginning of question is cut off; Counsel is testifying (as to the date of the photos); Best Evidence (FRE 1001-FRE 1003)
	129:12	130:5	Best Evidence (FRE 1001-FRE 1003); Leading (FRE 611); Speculation (FRE 602); Counsel is testifying (final question has no answer designated and is really just a description by counsel)
	130:23	132:1	Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602); Counsel is testifying (as to what the witness would have done)
	132:19	136:16	Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602); Argumentative; Asked and Answered (611(a)); Counsel is testifying (as to whether water conducts electricity, whether water rusts metals, and whether rust and corrosion are not good); Best Evidence (FRE 1001-FRE 1003)
	137:10	138:3	Leading (FRE 611); Best Evidence (FRE 1001-FRE 1003); Counsel is testifying (as to what the photo depicts)

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	140:7	141:2	Leading (FRE 611); Best Evidence (FRE 1001-FRE 1003); Argumentative; Speculation / Lack of Personal Knowledge (FRE 602)
	141:17	142:19	Leading (FRE 611); Best Evidence (FRE 1001-FRE 1003); Argumentative; Counsel is testifying (as to what was or was not affected); Speculation / Lack of Personal Knowledge (FRE 602); Counsel is testifying (as to what is in the photo)
	143:16	144:1	Vague (as to what counsel is referring to); Leading (FRE 611); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c))
	144:10	144:22	Best Evidence (FRE 1001-FRE 1003)
	145:6	147:15	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is testifying (as to what the photo depicts); Speculation / Lack of Personal Knowledge (FRE 602); Counsel is testifying (as to what he gathers)
	148:5	149:20	Leading (FRE 611); Counsel is testifying (as to where the wet ceilings were contained to)
	151:13	151:16	Vague; Leading (FRE 611)
	153:2	153:7	Vague; Assumes facts not in evidence; Compound
	155:4	156:18	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is testifying (as to what his takeaway is)
	156:25	157:13	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Speculation / Lack of Personal Knowledge (FRE 602); Leading (FRE 611); Counsel is testifying (as to what constitutes good news)

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	157:20	158:24	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Compound; Leading (FRE 611); Counsel is testifying (reading an email into the record); Counsel is testifying (as to what the witness knows); Speculation / Lack of Personal Knowledge (FRE 602)
	159:5	163:20	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602); Counsel is testifying (as he is both reading and spelling the report into the record); Compound; Foundation; Counsel is testifying (as to what he gathers)
	165:11	165:19	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Counsel is testifying (as to what he was reading)
	166:7	167:7	Asked and answered (611(a)); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Speculation / Lack of Personal Knowledge; Foundation; Vague (as to whom Counsel is referring)
	167:14	169:18	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602); Compound; Counsel is testifying (as to what someone is doing)
	169:24	171:9	Leading (FRE 611); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Asked and answered (FRE 611(a))
	171:19	174:10	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Counsel is testifying (as to what

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			Leading (FRE 611); Asked and answered (FRE 611(a)); Compound
	180:3	181:20	Compound; Speculation (FRE 602); Argumentative; Leading (FRE 611); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c));
	182:2	182:3	Question without an answer; Hearsay (FRE 801(c)); Best Evidence (FRE 1001-FRE 1003); Counsel is testifying (as to what someone said); Vague (as to who said it)
	182:16	183:15	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Compound; Argumentative
	184:24	186:21	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602)
	187:7	187:10	Leading (FRE 611); Vague (as to who was reporting and what that person was reporting)
	187:25	189:22	Foundation; Leading (FRE 611); Argumentative; Badgering; Counsel is interrupting the witness; Attorney-Client Privilege (FRE 501).
	190:6	191:22	Argumentative; Leading (FRE 611); Attorney-Client Privilege (FRE 501); Hearsay (FRE 801(c))
	196:14	198:2	Compound; Asked and answered (FRE 611 (a)); Best Evidence (FRE 1001-FRE 1003); Argumentative; Badgering; Leading (FRE 611); Counsel is Testifying
	199:11	199:23	Attorney-Client Privilege (FRE 501)

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197:6-
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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	202:2	202:5	Not a question, not an answer; Statement of Defending Counsel; Not evidence
	204:5	204:10	Not a question, not an answer; Statement of Deposing Counsel; Not evidence
	211:3	212:1	Leading (FRE 611); Argumentative; Hearsay (FRE 501(c)); Counsel is testifying and drawing conclusions;
	212:1	213:15	Deposing Counsel is trying to instruct the Witness how to answer; Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Argumentative; Counsel is testifying (As to what the author was addressing); Speculation / Lack of Personal Knowledge (FRE 602)
	213:19	214:21	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Counsel is testifying; Leading; Counsel is literally reading a document into the record
	214:25	215:2	Leading (FRE 611); Compound; Counsel is testifying
	216:5	216:8	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record
	216:13	217:4	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record
	219:2	219:4	Attorney-Client Privilege (FRE 501)
	219:13	221:3	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record; Argumentative; Counsel is testifying (as to what someone "had to do"); Asked

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in part
211:23
-212:1
only

in part
212:1
-212:14
only

in part
"he had
to do
his job"
only

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			and answered (FRE 611(a))
	221:16	222:2	Asked and answered (FRE 611(a)); Leading (FRE 611); Counsel is testifying (as to what is clear); Compound
	222:6	222:9	None
	222:12	223:12	Leading (FRE 611); Asked and Answered (FRE 611(a)); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Counsel read another provision into the record.
	226:18	228:18	Leading (FRE 611); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Speculation / Lack of Personal Knowledge (FRE 602)
	229:8	229:12	Leading (FRE 611)
	241:16	242:11	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record
	243:16	244:4	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record; Compound
	244:12	244:19	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record
	244:22	246:1	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record; Speculation / Lack of Personal Knowledge (FRE 602)
	247:11	248:7	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record; Speculation / Lack of Personal Knowledge (FRE 602)
	249:3	249:10	None

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	254:8	255:12	Counsel is arguing with himself; Speculation / Lack of Personal Knowledge (FRE 602); Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611)
	255:17	256:13	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Asked and Answered (FRE 611(a))
	256:25	257:18	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record
	257:23	258:5	Argumentative; Leading (FRE 611)
	263:1	263:23	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Counsel is reading the document into the record
	264:12	264:24	None
	265:12	265:15	Asked and Answered (FRE 611(a))
	265:20	265:25	Compound; Leading
	266:24	267:24	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611);
	269:4	270:2	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611);
	270:10	270:13	None
	270:22	271:17	Leading (FRE 611);
	272:24	272:24	No question designated, answer is non-sensical without a question.
	273:9	273:17	Leading (FRE 611)
	273:25	274:3	Leading (FRE 611)
	274:17	274:19	Leading (FRE 611); Vague as to whom Counsel is referencing
	274:24	274:25	No question, no answer, not evidence
	277:7	277:13	Leading (FRE 611); Asked and Answered (FRE 611(a))

S in part 254:8-254:10 only

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S in part 258:1-258:5 only

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			Assumes Facts Not In Evidence
	349:25	352:19	Leading (FRE 611); Counsel is testifying (as to what the witness wants to do); Compound
	353:10	353:25	Counsel is testifying (as to his understanding of agency principles); Speculation / Lack of Personal Knowledge (FRE 602)
	354:11	356:7	Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602)
	356:24	357:12	Speculation / Lack of Personal Knowledge (FRE 602); Compound; Leading (FRE 611)
	357:21	358:7	Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602); Assumes Facts Not In Evidence
	360:5	361:21	Leading (FRE 611); Compound; Asked and answered (FRE 611(a))
	366:5	366:12	Compound; Asked and Answered (FRE 611(a))
	367:19	368:15	Counsel is testifying; Leading; Seeks improper lay opinion (FRE 701); Asked and Answered (FRE 611(a))
	372:9	373:23	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Speculation / Lack or Personal Knowledge (FRE 602)
Richard Kim	All pages and lines other than those designated for trial by Defendants		Relevancy (FRE 402), Confusion, Prejudice (FRE 403), Hearsay (801 and 802), Speculation (FRE 602); Improper testimony by Plaintiffs' counsel
Daniel Weatherbie	7:7	7:17	
	8:6	8:13	No objection.

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
			Assumes Facts Not In Evidence
	349:25	352:19	Leading (FRE 611); Counsel is testifying (as to what the witness wants to do); Compound
	353:10	353:25	Counsel is testifying (as to his understanding of agency principles); Speculation / Lack of Personal Knowledge (FRE 602)
	354:11	356:7	Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602)
	356:24	357:12	Speculation / Lack of Personal Knowledge (FRE 602); Compound; Leading (FRE 611)
	357:21	358:7	Leading (FRE 611); Speculation / Lack of Personal Knowledge (FRE 602); Assumes Facts Not In Evidence
	360:5	361:21	Leading (FRE 611); Compound; Asked and answered (FRE 611(a))
	366:5	366:12	Compound; Asked and Answered (FRE 611(a))
	367:19	368:15	Counsel is testifying; Leading; Seeks improper lay opinion (FRE 701); Asked and Answered (FRE 611(a))
	372:9	373:23	Best Evidence (FRE 1001-FRE 1003); Hearsay (FRE 801(c)); Leading (FRE 611); Speculation / Lack or Personal Knowledge (FRE 602)
Richard Kim	All pages and lines other than those designated for trial by Defendants		Relevancy (FRE 402), Confusion, Prejudice (FRE 403), Hearsay (801 and 802), Speculation (FRE 602); Improper testimony by Plaintiffs' counsel
Daniel Weatherbie	7:7	7:17	
	8:6	8:13	No objection.

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	11:10	12:5	Relevancy (FRE 402)
	13:9	14:1	Relevancy (FRE 402)
	14:9	20:20	Relevancy (FRE 402)
	21:19	22:16	Relevancy (FRE 402)
	23:12	26:2	No objection.
	27:23	29:7	No objection.
	31:22	34:17	Relevancy (FRE 402); Improper Lay Opinion (FRE 701) Improper Expert Opinion (FRE 702)
	35:5	35:7	Relevancy (FRE 402); Improper Lay Opinion (FRE 701) Improper Expert Opinion (FRE 702)
	35:18	36:3	Relevancy (FRE 402); Improper Lay Opinion (FRE 701) Improper Expert Opinion (FRE 702); Calls for legal conclusion
<i>S. except</i> <i>38:18 - 49:18</i> <i>49:25 - 51:1</i> <i>51:8 - 53:3</i>	36:17	53:13	37:2 - 38:17 Relevance (FRE 402); Witness lacks personal knowledge (FRE 602); speculation (FRE 602)
	54:12	55:2	No objection.
	55:10	59:12	No objection.
<i>S as to 43:8 -</i> <i>64:8, 13-14.</i>	60:3	66:4	63:8 - 64:8 Hearsay (FRE 801, 802); witness lacks personal knowledge (FRE 601)
	67:3	67:24	No objection.
	68:4	68:10	No objection.
	68:20	72:5	69:13 - 70:19 Hearsay (FRE 801, 802); witness lacks personal knowledge (FRE 601); 71:4 - 72:5 Hearsay (FRE 801, 802), Relevancy (FRE 402)
	74:24	75:16	Relevancy (FRE 402)
	76:12	76:16	Hearsay (FRE 801, 802), Relevancy (FRE 402)
	76:24	77:7	No objection.
	77:20	78:21	No objection.
	79:8	79:23	No objection.
	80:8	81:10	No objection.
	81:23	82:11	No objection.
	83:8	86:25	Hearsay (FRE 801, 802)
	87:13	88:15	No objection.
	88:25	90:4	No objection.

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	91:2	91:17	Relevancy (FRE 402); completeness
	92:4	94:15	92:4 – 93:18 Relevancy (FRE 402); speculation (FRE 602)
	96:7	96:13	No objection.
	97:6	97:13	No objection.
	98:17	99:11	98:17 – 99:2 Hearsay (FRE 801, 802)
	99:22	104:10	No objection.
	106:13	106:16	No objection.
	107:6	107:18	Witness lacks personal knowledge (FRE 602); speculation (FRE 602)
	108:12	108:17	No objection.
S: 110:15-21 O: rest	109:19	110:21	Hearsay (FRE 801, 802); speculation (FRE 602); leading (FRE 611); asked & answered
	111:15	111:24	No objection.
Craig Pasco	11:8	11:17	No objection.
	14:6	14:9	No objection.
	14:11	14:17	No objection.
	14:22	15:1	No objection.
	15:11	16:22	No objection.
	17:6	17:8	No objection.
	19:19	19:22	No objection.
	23:5	23:19	No objection.
	31:11	31:15	No objection.
	46:5	46:24	No objection.
	48:4	48:10	No objection.
	50:18	51:1	Hearsay (FRE 801(c))
	51:4	51:7	Hearsay (FRE 801(c))
	51:16	51:23	No objection.
	52:2	52:25	No objection.
	57:8	57:20	No objection.
	58:21	58:24	Hearsay (FRE 801(c))
	67:2	67:6	Hearsay (FRE 801(c)); Foundation
	68:17	69:4	Hearsay (FRE 801(c)); Foundation
	69:13	70:8	Hearsay (FRE 801(c))
	70:23	71:15	Hearsay (FRE 801(c)); Foundation
	72:17	72:20	No objection.
	72:25	73:10	No objection.

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection/Response</u>
	74:12	74:20	No objection.
	74:24	75:15	No objection.
	75:22	77:6	No objection.
	77:12	78:4	No objection.
	78:14	78:16	No objection.
	79:3	79:4	No objection.
	79:7	79:13	No objection.
	79:22	79:24	No objection.
	80:4	80:24	No objection.
	81:3	82:3	No objection.
	82:5	82:6	No objection.
	82:8	82:15	No objection.
	82:22	83:16	No objection.
	83:23	84:1	No answer
	86:5	86:25	Incomplete question; Hearsay (FRE 801(c))
	87:3	87:8	No objection.
	87:10	87:12	No objection.
	87:16	88:13	Hearsay (FRE 801(c))
	88:23	89:3	No objection.
	89:5	89:11	No objection.
	90:4	91:1	Hearsay (FRE 801(c))
	91:5	91:15	Hearsay (FRE 801(c))
	91:20	92:3	No objection.
	92:8	93:9	Hearsay (FRE 801(c))
	99:1	99:21	No answer.
	101:25	102:16	No objection.

Defendant objects to Plaintiffs' Counter-designations as follows:

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection</u>
Ivy Greenberg	19:2	19:6	Answer lacks context without reference to remainder of transcript
	24:14	25:9	Hearsay (FRE 801)
	38:12	38:13	Question and Answer lacks context without 38:3-11
	39:2	39:13	Speculation / Lack of Knowledge (FRE 602)
	63:6	63:10	No Question designated, Counsel is coaching the witness.
	69:7	71:7	Hearsay (FRE 801); Best

			Evidence (FRE 1001-1003)
	72:2	72:17	Hearsay (FRE 801); Best Evidence (FRE 1001-FRE 1003)
	76:1	76:3	No Question designated, Counsel is coaching the witness.
John Panico	59:9	59:21	Designation cuts off the witness's answer at 59:22.
	60:5	60:5	This answer is in response to Counsel's coaching rather than a question.
	159:22	160:2	This is not testimony. This is a back and forth between counsel. It is not evidence.
	160:6	160:9	This is not testimony. This is a back and forth between counsel. It is not evidence.

(2) Plaintiffs object to Defendant's depositions as follows:

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection</u>
Daniel Weatherbie	25:4	2577	End line should be 25:7, or Relevancy (FRE 402), Cumulative (FRE 403), and all objections as follow herein
	42:5	42:8	Speculation (FRE 602)
	43:11	43:23	Relevancy (FRE 402) Speculation (FRE 602)
	52:13	54:16	Completeness (FRE 106)
	55:1	55:2	Completeness (FRE 106)
	55:11	56:16	Relevancy (FRE 402) Lay Witness Opinion (FRE 701)
	57:10	57:21	Relevancy (FRE 402) Lay Witness Opinion (FRE 701)
	58:6	58:23	Completeness (FRE 106)
	59:4	59:11	Completeness (FRE 106)
	59:20	60:5	Completeness (FRE 106)
	60:9	60:17	Completeness (FRE 106)
	60:24	61:11	Completeness (FRE 106)
	62:4	62:14	Completeness (FRE 106)
	67:14	67:23	Relevancy (FRE 402) Immaterial (FRE 403) Prejudicial (FRE 403)
	68:2	68:22	Relevancy (FRE 402) Immaterial (FRE 403)

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			Prejudicial (FRE 403) Speculation (FRE 602)		
	69:1	69:2	Relevancy (FRE 402) Immaterial (FRE 403) Prejudicial (FRE 403) Speculation (FRE 602)	0	
	69:5	69:6	Relevancy (FRE 402) Immaterial (FRE 403) Prejudicial (FRE 403) Speculation (FRE 602)	0	
	80:8	80:18	Relevancy (FRE 402)	0	
	88:25	89:22	Speculation (FRE 602) Lay Witness Opinion (FRE 701)	0	
	99:3	100:14	Speculation (FRE 602) Lay Witness Opinion (FRE 701)	0	
	103:12	103:21	Speculation (FRE 602) Lay Witness Opinion (FRE 701)	0	
	Richard Kim		No objections		
	Ivy Greenberg	13:1	13:23	Relevancy (FRE 402) Foundation (FRE 901)	0
		22:1	22:20	Relevancy (FRE 402)	S
		22:23	23:9	Relevancy (FRE 402)	S
		24:1	24:6	Relevancy (FRE 402) No answer	S
		62:16	63:3	Relevancy (FRE 402) Speculation (FRE 602) Hearsay (FRE 801)	0
		66:5	66:21	Relevancy (FRE 402) Foundation (FRE 901)	0
		71:8	71:25	Relevancy (FRE 402)	S
		75:14	75:25	Relevancy (FRE 402) Foundation (FRE 901)	0
	John Panico	15:8	15:20	Relevancy (FRE 402)	0
		16:15	16:23	Relevancy (FRE 402)	0
		20:21	21:1	Relevancy (FRE 402)	0
		39:19	41:3	Relevancy (FRE 402) Immaterial (FRE 403) Prejudicial (FRE 403)	S
		58:24	59:8	Relevancy (FRE 402)	0
		61:11	61:24	Relevancy (FRE 402)	0
		62:5	62:8	Relevancy (FRE 402)	0
		157:12	159:19	Relevancy (FRE 402)	0

	161:4	161:25	Relevancy (FRE 402)	0
	167:17	167:23	Relevancy (FRE 402)	0

Plaintiffs object to Defendant's Counter-designations as follows:

<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection</u>	
Kevin Owens	10:7	10:22	No objection	
	28:7	28:19	Relevancy (FRE 402)	0
	34:12	35:9	Relevancy (FRE 402)	0
	104:3	104:10	Relevancy (FRE 402); Form	0
	104:22	106:14	Relevancy (FRE 402)	0
	110:2	110:8	Relevancy (FRE 402); Speculation (FRE 602)	0
	130:24	131:4	Relevancy (FRE 402)	0
	131:22	132:5	Relevancy (FRE 402); Foundation (FRE 901); Form	0
	134:12	135:17	Relevancy (FRE 402)	0
	153:3	153:10	No objection	
	157:9	157:12	No objection	
	157:13	158:14	Foundation (FRE 901)	0
	160:21	161:7	No objection	
	164:10	164:15	No objection	
	181:24	182:11	No objection	
	194:14	196:2	No objection	
	196:5	196:9	No objection	
	204:3	204:9	No objection	
	205:13	205:15	Relevancy (FRE 402)	0
	219:19	220:3	Relevancy (FRE 402)	0
	220:19	220:23	No objection	
	221:2	221:5	No objection	
	222:2	222:15	No objection	
	253:16	254:7	No objection	
	258:1	263:1	No objection	
	267:3	267:16	No objection	
Douglas W. Neumann	4:8	4:18	No objection	
	10:25	10:25	No objection	
	18:8	18:14	No objection	
	22:13	22:14	No objection	
	30:5	30:9	No objection	
	35:13	36:13	No objection	

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<u>Witness Name</u>	<u>Page/Line Start</u>	<u>Page/Line End</u>	<u>Objection</u>
	86:5	86:11	Relevancy (FRE 402); Foundation (FRE 901); Form
	88:10	88:17	Relevancy (FRE 402); Foundation (FRE 901); Form
	89:20	89:24	Relevancy (FRE 402); Foundation (FRE 901)
	98:2	98:8	Relevancy (FRE 402); Foundation (FRE 901); Form
	98:24	99:2	Relevancy (FRE 402); Foundation (FRE 901); Form
	101:19	102:9	Relevancy (FRE 402); Foundation (FRE 901); Form
	102:11	102:22	Relevancy (FRE 402); Foundation (FRE 901); Form
	107:19	107:25	Hearsay (FRE 801 and 802); Foundation (FRE 901)
	108:10	109:1	Hearsay (FRE 801 and 802); Foundation (FRE 901)
	109:6	109:15	Hearsay (FRE 801 and 802); Foundation (FRE 901)
	110:2	110:5	Relevancy (FRE 402); Foundation (FRE 901)
	113:6	113:10	Relevancy (FRE 402); Form
	114:6	114:19	Relevancy (FRE 402); Form
	125:11	125:13	Relevancy (FRE 402)
	128:3	128:4	Relevancy (FRE 402); Hearsay (FRE 801 and 802)
	128:6	128:15	Relevancy (FRE 402); Hearsay (FRE 801 and 802)
	128:20	129:1	Relevancy (FRE 402); Hearsay (FRE 801 and 802)
	133:2	133:20	Relevancy (FRE 402); Foundation (FRE 901);

