

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Pamela Dittmar,

4 Plaintiff

5 v.

6 City of North Las Vegas,

7 Defendant

Case No.: 2:17-cv-02916-JAD-BNW

**Order Resolving Defendant’s Objections to
Designated Deposition Testimony**

[ECF No. 184]

8 In the notices of deposition designations, the parties provided their objections to
9 designated deposition testimony.¹ Attached are the court’s rulings on defendant City of North
10 Las Vegas’s page-and-line objections, denoted next to the objection on the appropriate line of the
11 notice. The court will address the defendant’s “general-concerns” objections at today’s pretrial
12 conference.

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

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



18 U.S. District Judge Jennifer A. Dorsey
19 February 5, 2024

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¹ ECF No. 184 (defendant’s objections); ECF No. 185 (plaintiff’s objections).

1 KAMER ZUCKER ABBOTT
R. Todd Creer #10016
2 Kaitlin H. Paxton #13625
6325 South Jones Boulevard, Suite 300
3 Las Vegas, Nevada 89102-1990
Tel: (702) 259-8640
4 Fax: (702) 259-8646
tcreer@kzalaw.com
5 kpaxton@kzalaw.com

6 Attorneys for Defendant
City of North Las Vegas

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8 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 PAMELA DITTMAR,) Case No. 2:17-cv-02916-JAD-BNW
)
10 Plaintiff,) **COURT'S RULING ON**
) **DEFENDANT CITY OF NORTH LAS**
11 vs.) **VEGAS'S OBJECTIONS TO**
) **PLAINTIFF'S TRANSCRIPT**
12 CITY OF NORTH LAS VEGAS, a municipal) **DESIGNATIONS FOR QIONG LIU'S**
corporation,) **FEBRUARY 26, 2019 DEPOSITION**
13)
14 Defendant.)

15 Pursuant to the Court's January 17, 2024 Order Regarding Trial [ECF No. 163], Defendant
16 City of North Las Vegas ("the City" or "Defendant"), by and through its counsel of record, the law
17 firm of Kamer Zucker Abbott, submits the following objections to Plaintiff Pamela Dittmar's
18 deposition designations for former City Manager for Defendant Qiong Liu [ECF No. 178].

19 As raised in the City's Transcript Designations for Qiong Liu's Deposition [ECF No. 169] and
20 its Trial Brief [ECF No. 168], Defendant objects to the submission of Liu's deposition transcript at
21 trial, as Plaintiff's sole reason for requesting the trial be continued from its September 2023 date was
22 due to Liu's unavailability for the entire month of September, and Liu's designation by Plaintiff as her
23 "key witness." If, in fact, Liu never intended to make herself available for the trial while residing out
24 of state, the trial was unnecessarily delayed. Defendant has been prejudiced by that delay, resulting in

1 additional costs for trial preparation.

2 Further, Plaintiff's designations should be excluded from trial because she missed the filing
3 deadline of Monday, January 29, 2024 at 12:00 p.m. by more than a day. Indeed, Plaintiff's designations
4 were not filed until Tuesday, January 30, 2024 at 9:37 p.m. The parties were expressly cautioned in the
5 Order Regarding Trial that failure to provide the designations by the deadline could result in exclusion
6 of the testimony from trial. ECF No. 163 at 2-3. Further, such delay resulted in Defendant having
7 significantly less time to review the designations and prepare these objections.

8 Notwithstanding Defendant's general concerns with the use of Liu's deposition testimony at
9 trial, Defendant offers the following objections to Plaintiff's designations:

- 10 1. P. 15, ll. 13-15 – Leading; **OVERRULED**
- 11 2. P. 15, ll. 16-18 – Asked and Answered; **OVERRULED**
- 12 3. P. 15, l. 19 through p. 16, l. 6 – Leading; **OVERRULED**
- 13 4. P. 18, l. 22 through p. 19, l. 1 – Improper characterization of evidence;
14 **OVERRULED**
- 15 5. P. 19, ll. 2-8 – Leading; **SUSTAINED as to ll. 4-6; OVERRULED as to the rest**
- 16 6. P. 19, ll. 9-21 – Leading; improper characterization of evidence; calls for legal
17 conclusion; **SUSTAINED**
- 18 7. P. 20, ll. 5-8 – Improper characterization of evidence; **OVERRULED**
- 19 8. P. 20, ll. 9-24 – Leading; improper characterization of evidence; calls for legal
20 conclusion; **SUSTAINED**
- 21 9. P. 20, l. 25 through p. 21, l. 2 – Leading; misstates testimony; **OVERRULED**
- 22 10. P. 22, ll. 19-21 – Leading, asked and answered; **OVERRULED**
- 23 11. P. 23, ll. 3-7 – Hearsay within hearsay; **SUSTAINED**
- 24 12. P. 23, ll. 13-14 – Hearsay; **SUSTAINED**
13. P. 23, ll. 15-19 – Hearsay within hearsay; **SUSTAINED**

- 1 14. P. 23, l. 23 through P. 24, l. 12*¹ - Leading; calls for speculation; argumentative;
OVERRULED
- 2 15. P. 24, ll. 14-18 – Incomplete designation that lacks a question; calls for speculation;
3 **SUSTAINED**
- 4 16. P. 24, ll. 19-24 – Leading; argumentative; **SUSTAINED**
- 5 17. P. 25, ll. 6-13 – Unresponsive; **OVERRULED**
- 6 18. P. 26, l. 21 through 27, l. 4 – Unresponsive; hearsay; **OVERRULED**
- 7 19. P. 27, ll. 5-9 – Leading; **OVERRULED**
- 8 20. P. 27, l. 23 through p. 28, l. 19 – Hearsay; **OVERRULED**
- 9 21. P. 29, 7 through p. 30, l. 9 – Unresponsive; **SUSTAINED - except for P. 29, ll. 7-14**
10 **through the word "change."**
- 11 22. P. 30, l. 24 through p. 31, l. 21 – Leading; argumentative; **OVERRULED**
- 12 23. P. 32, l. 21 through p. 33, l. 7 – Speculative; irrelevant; **OVERRULED**
- 13 24. P. 33, ll. 19-25 – Lacks foundation, assumes facts not in evidence; **SUSTAINED**
- 14 25. P. 34, ll. 5-13 – Leading, calls for speculation; **OVERRULED**
- 15 26. P. 35, ll. 14-15 – Hearsay; **SUSTAINED**
- 16 27. P. 36, l. 20 through p. 37, l. 3 – Unresponsive; **SUSTAINED**
- 17 28. P. 37, ll. 8-10 – Misstates testimony; leading; **OVERRULED**
- 18 29. P. 37, ll. 12-21 – Unresponsive; **SUSTAINED**
- 19 30. P. 37, l. 22 through p. 38, l. 4 – Leading; **OVERRULED**
- 20 31. P. 38, ll. 5-12 – Leading; calls for legal conclusion; argumentative; improper
21 characterization of evidence; **SUSTAINED**
- 22 32. P. 39, ll. 4-9 – Leading, misstates testimony; **OVERRULED as to ll. 4-5; SUSTAINED as**
23 **to ll. 6-9.**
- 24 33. P. 39, ll. 19-23 – Unresponsive; **SUSTAINED**
34. P. 39, l. 24 through p. 40, l. 3 – Irrelevant; speculative; **OVERRULED**

¹ Plaintiff's list of designations does not include all of the lines highlighted in Plaintiff's accompanying transcript. To the extent she intended to include the additional highlighted lines, Defendant includes objections to certain lines.

- 1 35. P. 40, ll. 4-12 – Unresponsive; speculative; **OVERRULED**
- 2 36. P. 40, ll. 13-19 – Leading; **OVERRULED**
- 3 37. P. 40, l. 20 through p. 41, l. 1 – Speculative; **SUSTAINED**
- 4 38. P. 41, ll. 1-4 – Leading; **SUSTAINED**
- 5 39. P. 42, l. 24 through 43, l. 4 – Leading; calls for a legal conclusion; improper
6 characterization of evidence; **SUSTAINED**
- 7 40. P. 43, ll. 12-13 – Unresponsive; **SUSTAINED**
- 8 41. P. 43, l. 24 through p. 44, l. 14 – Leading; misstates testimony; **SUSTAINED**
- 9 42. P. 45, ll. 1-13 – Leading; speculative; **SUSTAINED as to ll. 1-8; OVERRULED as**
10 **to ll. 9-13.**
- 11 43. P. 47, ll. 4-9 – Leading; **SUSTAINED**
- 12 44. P. 47, ll. 10-19 – Calls for speculation; **SUSTAINED**
- 13 45. P. 47, ll. 20-22 – Leading; argumentative; **SUSTAINED**
- 14 46. P. 48, ll. 3-11 – Hearsay; asked and answered; **OVERRULED**
- 15 47. P. 48, ll. 12-21 – Leading; **SUSTAINED**
- 16 48. P. 49, ll. 5-20 – Misstates testimony; speculative; **OVERRULED**
- 17 49. P. 49, ll. 21-24 – Leading; **OVERRULED**
- 18 50. P. 49, l. 25 through p. 50, l. 6 – Calls for speculation; **SUSTAINED**
- 19 51. P. 50, l. 19 through p. 51, l. 9 – Hearsay; speculative; **SUSTAINED**
- 20 52. P. 51, ll. 20-21 – Speculative; **SUSTAINED**
- 21 53. P. 53; ll. 10-21 – Irrelevant; unresponsive; hearsay; **OVERRULED**
- 22 54. P. 55, ll. 6-11 – Incomplete designation that is lacking the question for context;
23 speculative; **SUSTAINED**
- 24 55. P. 55, ll. 12-13 – Attorney is testifying for the witness; **SUSTAINED**
56. P. 55, ll. 14-19 – Speculative; **SUSTAINED**

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- 57. P. 56, ll. 6-10 – Leading, argumentative; **OVERRULED**
- 58. P. 57, ll. 1-4 – Unresponsive; **SUSTAINED**
- 59. P. 58, ll. 14-17 – Compound; Leading; **SUSTAINED**
- 60. P. 58, l. 18 through p. 60, l. 6 – Unresponsive; **SUSTAINED**
- 61. P. 61, ll. 2-11 – Leading; calls for speculation; **SUSTAINED**
- 62. P. 61, ll. 16-21 – Leading; unresponsive; **SUSTAINED**
- 63. P. 62, ll. 1-6 – Calls for speculation; **SUSTAINED**
- 64. P. 62, 7-19 – Leading; unresponsive; speculative; assumes facts not in evidence; **SUSTAINED**
- 65. P. 62, l. 20 through p. 63, l. 6 – Leading; speculative; assumes facts not in evidence; **SUSTAINED**
- 66. P. 63, l. 14 through p. 64, l. 2 – Calls for speculation; asked and answered; **SUSTAINED**
- 67. P. 64, ll. 10-16 – Leading; **OVERRULED**
- 68. P. 65, l. 22 through p. 66, l. 7 – Leading; **SUSTAINED**
- 69. P. 67, l. 22 through p. 68, l. 11 – Unresponsive; **SUSTAINED**
- 70. P. 68, ll. 16-19 – Unresponsive; **SUSTAINED**
- 71. P. 68, l. 20 through p. 69, l. 7 – Leading; **SUSTAINED**
- 72. P. 69, ll. 15-25 – Hearsay within hearsay; speculative; **SUSTAINED**
- 73. P. 70, ll. 3-10 – Leading, calls for legal conclusion; calls for speculation; **SUSTAINED**
- 74. P. 70, ll. 14-22 – Unresponsive; **SUSTAINED**
- 75. P. 70, l. 23 through p. 71, l. 8 – Leading; **SUSTAINED**
- 76. P. 71, ll. 9-13 – Leading; calls for legal conclusion; **SUSTAINED**
- 77. P. 71, l. 14 through p. 72, l. 21 – Leading; **OVERRULED as to P. 71, ll. 14-24 through the word "them," SUSTAINED as to the rest.**
- 78. P. 72, l. 23 through p. 73, l. 9 – Unresponsive; **OVERRULED**
- 79. P. 73, ll. 10-21 – Irrelevant; hearsay; **SUSTAINED**
- 80. P. 73, l. 22 through p. 75, l. 22 – Assumes facts not in evidence; calls for speculation;

1 unresponsive; hearsay; **SUSTAINED**

2 81. P. 75, l. 23 through p. 76, l. 5 – Hearsay; **OVERRULED**

3 82. P. 76; ll. 6-7 – Unresponsive; **SUSTAINED**

4 83. P. 77, l. 7 through p. 78, l. 8 – Topic of spoliation subject to dispute argued within trial briefs;
5 irrelevant; more prejudicial than probative; **OVERRULED**

6 84. P. 79, ll. 2-12 – Hearsay; **SUSTAINED**

7 85. P. 80, ll. 15-25 – Hearsay; leading; lacks foundation; more prejudicial than probative;
8 **SUSTAINED**

9 86. P. 81, ll. 12-20 – Hearsay; leading; **SUSTAINED**

10 87. P. 83, ll. 1-11 – Hearsay within hearsay; **SUSTAINED**

11 88. P. 83, l. 22 through p. 84, l. 6 – Hearsay; leading; irrelevant; speculative; in violation of the
12 order on motion in limine as it is lacking presentation of proof **SUSTAINED**

13 89. P. 84, l. 20 through p. 85, l. 5 – Hearsay; leading; irrelevant; speculative; in violation of the
14 order on motion in limine as it is lacking presentation of proof; **SUSTAINED**

15 90. P. 85, l. 24 through p. 86, l. 3 – Hearsay; leading; lacks foundation; **OVERRULED**

16 91. P. 88, l. 22 through p. 89, l. 3 – Hearsay; leading; irrelevant; speculative; in violation of the
17 order on motion in limine as it is lacking presentation of proof and references the EMRB
18 transcript; lacks foundation from prior lines that are also in violation; **SUSTAINED**

19 92. P. 90, l. 19 through p. 91, l. 6 – Calls for speculation; leading; assumes facts not in
20 evidence; unresponsive; **SUSTAINED**

21 93. P. 91, ll. 18-23 – Calls for speculation; **SUSTAINED**

22 94. P. 94, ll. 14-22 – Unresponsive; speculative; **SUSTAINED**

23 95. P. 99, ll. 16-23 – Speculative; hearsay; **OVERRULED**

24 96. P. 109, l. 20 through p. 110, l. 25 – Unresponsive; **OVERRULED**

 97. P. 111, l. 17 through p. 112, l. 24 – Unresponsive; **OVERRULED**

1 98. P. 118, l. 8 through 119, l. 8 – Unresponsive; speculative; **SUSTAINED**

2 99. P. 124, l. 23 through p. 125, l. 2 – Unresponsive; in violation of the order on motion in
3 limine as it is lacking presentation of proof **SUSTAINED**

4 100. P. 126, l. 19 through p. 127, l. 3 – Unresponsive; **SUSTAINED**

5 101. P. 130, l. 131, l. 18 – Unresponsive; **OVERRULED (no line number given for start of
6 range)**

7 102. P. 136, l. 12-21 – Compound; leading; **SUSTAINED**

8 DATED this 2nd day of February, 2024.

9 Respectfully submitted,

10 KAMER ZUCKER ABBOTT

11 By: /s/Kaitlin H. Paxton

12 R. Todd Creer #10016

13 Kaitlin H. Paxton #13625

14 6325 South Jones Boulevard, Suite 300

15 Las Vegas, Nevada 89118

16 Tel: (702) 259-8640

17 Fax: (702) 259-8646

18 Attorneys for Defendant

19 City of North Las Vegas