

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

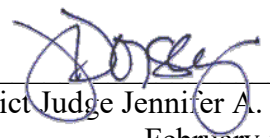
Pamela Dittmar,  
Plaintiff  
v.  
City of North Las Vegas,  
Defendant

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

**Order Amending Court’s Ruling Resolving  
Defendant’s Objections to  
Designated Deposition Testimony**

[ECF No. 186]

During today’s pretrial conference, plaintiff Pamela Dittmar’s counsel argued that defendant City of North Las Vegas had waived many of its objections to the designated deposition testimony of Dr. Qiong Liu. After reviewing Federal Rule of Civil Procedure 32(d)(3) and the deposition transcript, the court hereby revises and provides amended rulings in light of the fact that the City did waive many of its objections by failing to raise them at Dr. Liu’s deposition.



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

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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 AMENDED 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 )  
Defendant. )  
14 \_\_\_\_\_ )

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. **OVERRULED as stated on the record 2/5/24.**

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  
4 designations were not filed until Tuesday, January 30, 2024 at 9:37 p.m. The parties were expressly  
5 cautioned in the Order Regarding Trial that failure to provide the designations by the deadline could  
6 result in exclusion of the testimony from trial. ECF No. 163 at 2-3. Further, such delay resulted in  
7 Defendant having significantly less time to review the designations and prepare these objections.

8 **OVERRULED as stated on the record 2/5/24.**

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

- 11 1. P. 15, ll. 13-15 – Leading; **OVERRULED (waived)**
- 12 2. P. 15, ll. 16-18 – Asked and Answered; **OVERRULED (waived)**
- 13 3. P. 15, l. 19 through p. 16, l. 6 – Leading; **OVERRULED (waived)**
- 14 4. P. 18, l. 22 through p. 19, l. 1 – Improper characterization of evidence;  
**OVERRULED**
- 15 5. P. 19, ll. 2-8 – Leading; **OVERRULED (waived)**
- 16 6. P. 19, ll. 9-21 – Leading; improper characterization of evidence; calls for legal  
17 conclusion; **OVERRULED (waived)**
- 18 7. P. 20, ll. 5-8 – Improper characterization of evidence; **OVERRULED (waived)**
- 19 8. P. 20, ll. 9-24 – Leading; improper characterization of evidence; calls for legal  
20 conclusion; **OVERRULED (waived)**
- 21 9. P. 20, l. 25 through p. 21, l. 2 – Leading; misstates testimony; **OVERRULED**  
22 **(waived)**
- 23 10. P. 22, ll. 19-21 – Leading, asked and answered; **OVERRULED (waived)**
- 24 11. P. 23, ll. 3-7 – Hearsay within hearsay; **SUSTAINED**
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\*<sup>1</sup> - Leading; calls for speculation; argumentative; **OVERRULED**  
2 (waived)
- 3 15. P. 24, ll. 14-18 – Incomplete designation that lacks a question; calls for speculation;  
4 **OVERRULED (waived)**
- 5 16. P. 24, ll. 19-24 – Leading; argumentative; **OVERRULED (waived)**
- 6 17. P. 25, ll. 6-13 – Unresponsive; **OVERRULED (waived)**
- 7 18. P. 26, l. 21 through 27, l. 4 – Unresponsive **WAIVED**; hearsay **OVERRULED**
- 8 19. P. 27, ll. 5-9 – Leading; **OVERRULED (waived)**
- 9 20. P. 27, l. 23 through p. 28, l. 19 – Hearsay; **OVERRULED**
- 10 21. P. 29, 7 through p. 30, l. 9 – Unresponsive; **OVERRULED (waived)**
- 11 22. P. 30, l. 24 through p. 31, l. 21 – Leading; argumentative; **OVERRULED (waived)**
- 12 23. P. 32, l. 21 through p. 33, l. 7 – Speculative **WAIVED**; 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 (waived)**
- 15 26. P. 35, ll. 14-15 – Hearsay; **SUSTAINED**
- 16 27. P. 36, l. 20 through p. 37, l. 3 – Unresponsive; **OVERRULED (waived)**
- 17 28. P. 37, ll. 8-10 – Misstates testimony; leading; **OVERRULED (waived)**
- 18 29. P. 37, ll. 12-21 – Unresponsive; **OVERRULED (waived)**
- 19 30. P. 37, l. 22 through p. 38, l. 4 – Leading; **OVERRULED (waived)**
- 20 31. P. 38, ll. 5-12 – Leading; calls for legal conclusion; argumentative; improper  
21 characterization of evidence; **SUSTAINED (calls for legal conclusion)**
- 22 32. P. 39, ll. 4-9 – Leading, misstates testimony; **OVERRULED (waived)**
- 23 33. P. 39, ll. 19-23 – Unresponsive; **OVERRULED (waived)**
- 24 34. P. 39, l. 24 through p. 40, l. 3 – Irrelevant **OVERRULED**; speculative **WAIVED**

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<sup>1</sup> 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 (waived)**
- 2 36. P. 40, ll. 13-19 – Leading; **OVERRULED (waived)**
- 3 37. P. 40, l. 20 through p. 41, l. 1 – Speculative; **OVERRULED (waived)**
- 4 38. P. 41, ll. 1-4 – Leading; **OVERRULED (waived)**
- 5 39. P. 42, l. 24 through 43, l. 4 – Leading; calls for a legal conclusion; improper  
6 characterization of evidence; **OVERRULED (waived)**
- 7 40. P. 43, ll. 12-13 – Unresponsive; **OVERRULED (waived)**
- 8 41. P. 43, l. 24 through p. 44, l. 14 – Leading; misstates testimony; **OVERRULED**  
9 **(waived)**
- 10 42. P. 45, ll. 1-13 – Leading; speculative; **OVERRULED (waived)**
- 11 43. P. 47, ll. 4-9 – Leading; **OVERRULED (waived)**
- 12 44. P. 47, ll. 10-19 – Calls for speculation; **SUSTAINED**
- 13 45. P. 47, ll. 20-22 – Leading; argumentative; **OVERRULED (waived)**
- 14 46. P. 48, ll. 3-11 – Hearsay; asked and answered; **OVERRULED**
- 15 47. P. 48, ll. 12-21 – Leading; **OVERRULED (waived)**
- 16 48. P. 49, ll. 5-20 – Misstates testimony; speculative; **OVERRULED**
- 17 49. P. 49, ll. 21-24 – Leading; **OVERRULED (waived)**
- 18 50. P. 49, l. 25 through p. 50, l. 6 – Calls for speculation; **OVERRULED (waived)**
- 19 51. P. 50, l. 19 through p. 51, l. 9 – Hearsay; speculative; **OVERRULED (waived)**
- 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; **OVERRULED (waived)**
- 24 55. P. 55, ll. 12-13 – Attorney is testifying for the witness; **OVERRULED (waived)**
56. P. 55, ll. 14-19 – Speculative; **OVERRULED (waived)**

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

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

3           82. P. 76; ll. 6-7 – Unresponsive; **OVERRULED (waived)**

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           **OVERRULED**

9           86. P. 81, ll. 12-20 – Hearsay; leading; **SUSTAIN (hearsay)**

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

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 as to 84:4-6**  
13          **(calls for speculation); OVERRULED &/or waived as to rest**

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

16          90. P. 85, l. 24 through p. 86, l. 3 – Hearsay **OVR**; leading/lacks foundation **WAIVED**

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

21          92. P. 90, l. 19 through p. 91, l. 6 – Calls for speculation; leading; assumes facts not in  
22          evidence; unresponsive; **SUSTAINED (calls for speculation/assumes facts)**

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

24          94. P. 94, ll. 14-22 – Unresponsive; speculative; **OVERRULED (waived)**

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

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

            97. P. 111, l. 17 through p. 112, l. 24 – Unresponsive; **OVERRULED as to 111:17 - 112:3;**  
            **WAIVED as to rest**

