

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:14-cv-00066-MR-DLH**

MICHAEL AUSTIN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
REXON INDUSTRIAL CORP. and)	
POWER TOOL SPECIALISTS, INC.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Plaintiff's Motion for Ruling on Sequence in Which Plaintiff's Designated Videotaped Deposition Testimony Will Be Played to Jury [Doc. 106].

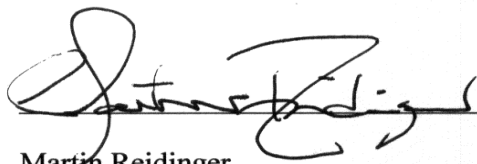
The Plaintiff and the Defendants have each designated excerpts of videotaped deposition testimony to be played to the jury at trial. The Plaintiff proposes to edit the videos in such a way that the substance of the proffered testimony would be organized by topic, which in some instances would result in the presentation of testimony out of the order in which the testimony was taken. The Plaintiff also proposes to play only his designations to the jury without incorporating the Defendants' counter-designations. The Defendants object to both of these proposals. In order to avoid any

confusion and ensure that the DVD's brought to trial are properly edited, the Plaintiff asks that the Court resolve this dispute in advance of trial. [Doc. 106].

In keeping with the custom and practice of this Court and the rule of completeness, the parties shall be expected to edit any videotaped depositions so that the designated testimony (whether designated by the Plaintiff or the Defendants) shall be played to the jury in chronological order, i.e. in the order in which the testimony was taken at the deposition. If any deposition testimony is to be read into the record from a transcript, the parties shall be expected to present such testimony in chronological order as well. If the Defendants make counter-designations of any testimony given in response to Plaintiff's counsel's questions, then Plaintiff's counsel will read that particularly testimony, even though counter-designated by the Defendants.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Ruling on Sequence in Which Plaintiff's Designated Videotaped Deposition Testimony Will Be Played to Jury [Doc. 106] is **GRANTED**, and the parties shall be expected to present any deposition testimony at trial in the manner specified in this Order.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

