

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Richard L. Kinzel, et al.,

Case No. 3:10-cv-2169

Plaintiffs

v.

ORDER

Bank of America, et al.,

Defendants

A bench trial in this case commenced on August 13, 2014. After hearing the opening statements of counsel, Plaintiffs began presentation of their evidence in their case-in-chief. Plaintiffs presented the testimony of their first four witnesses by deposition. I have read the deposition testimony, in order, of witnesses Jonathan Sargent, Heidi Harms, Douglas Rosen, and Michael Yanovitch. I also viewed, concomitantly with my review of the transcripts, the videotaped deposition testimony of three of the witnesses: Sargent, Rosen, and Yanovitch.

There were a number of objections by Defendants' counsel to the questions asked by Plaintiffs' counsel during the four depositions. I have been asked by the parties to rule upon those objections.

With regard to witness Jonathan Sargent, Defendants' objections are overruled, except that those appearing on the following pages of the deposition transcript are sustained: 31 (first

objection), 41 (both objections), 44, 46, 51, 52 (second objection), 69 (both objections), 165 (third objection), 173 (first objection), 178 (first objection), 185 (first objection), 194 (all three objections).

With regard to witness Heidi Harms, Defendants' objections are overruled, except that those appearing on the following pages of the deposition transcript are sustained: 9, 28, 31 (both objections), 40, 62 (first objection), 92, 108 (first objection), 109 (third objection), 111 (third objection), 115 (third objection).

With regard to witness Douglas Rosen, Defendants' objections are overruled, except that those appearing on the following pages of the deposition transcript are sustained: 62 (second objection), 94, 99, 133, 139 (first objection), 165 (first two objections), 173, 219 (second objection), 225.

With regard to witness Michael Yanovitch, Defendants' objections are overruled, except Defendants' first objection on page 175 is sustained.

So ordered.

s/ Jeffrey J. Helmick  
United States District Judge