

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WELLS FARGO BANK, N.A.,

Plaintiff,

:

Case No. 3:07-cv-449

-vs-

Magistrate Judge Michael R. Merz

:

LaSALLE BANK NATIONAL
ASSOCIATION,

Defendant.

**DECISION REGARDING DESIGNATIONS IN THE DEPOSITION OF
PAMELA J. REIMANN (December 15, 2008)**

This case is before the Court on the parties' request that the Court rule in limine on the admission of designated and cross-designated portions of depositions to be played at trial from edited videorecordings of the depositions. The background for the procedure to be followed is set forth in the Decision and Order Vacating Trial Date (Doc. No. 229). Rulings on the depositions will be issued as completed so that the video editing process can be started as needed.

The Court rules on the objections made in the Chart (attachment to Doc. No. 225) as corrected pursuant to Doc. Nos. 226 and 231, and as further clarified by the Appendix¹ to Doc. No. 192 as subsequently numbered in Attorney Marx's email of 8/12/2009 (12:11 P.M.), as follows:

p. 45, l. 8 through p. 47, l. 22	LaSalle's objections are overruled
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¹Both the numbered and unnumbered versions of this Appendix are now filed and docketed in the case for future reference at Doc. No. 241.

p. 49, ll. 4-17	Objection sustained: whether or not there is any indication in the email of any effort to have underwriting review the appraisal is not relevant; the question does not, as Wells Fargo's response to the objection argues, ask for the witness' understanding, but essentially for her reading of the document.
p. 50, ll. 1-2	Objection sustained
p. 53, ll. 14-21	Objection sustained - these are Wells Fargo's counsel's words, not testimony and no later portion of the question is designated, despite argument to that effect at Doc. No. 225-2, p. 280
p. 55, ll. 12-24	LaSalle's objection as to lines 12-18 is overruled; its objection to lines 19-24 is sustained.
p. 62, l. 6 through p. 63, l. 19	LaSalle's objection up through line 7 on p. 63 is overruled; its objection to lines 8 through 19 is sustained
p. 68, ll. 1-17.	Wells Fargo's objections are overruled
p. 69, l. 3, through p. 70, l. 11 & l. 20	LaSalle's objection is overruled
p. 72, ll. 23-24	Wells Fargo's objection is overruled.
p. 74, l. 13 through p. 76, l. 24	LaSalle's objection is overruled
p. 78, l. 1 through p. 81, l. 3	Through most of this testimony, Mr. Snyder is asking Ms. Reimann if Mr. Snyder is reading a document from Mr. Kleszynski correctly. Ms. Reimann is not being asked if she agrees with Kleszynski's conclusions, but whether Mr. Snyder read it correctly. If these portions are being offered for their truth, they are excludeable hearsay because it cannot be correctly said that Ms. Reimann adopts Kleszynski's conclusions. Ms. Reimann's explanations of PGIM, GIM, and OAR may be useful to the jury, so p. 79, l. 15, through p. 80, l. 17 may be played. Otherwise, the objection is sustained.
p. 83, ll. 3-15	LaSalle's objection is overruled.
p. 102, ll. 19-22	Sustained - this is merely counsels' question without an answer.
p. 103, l. 22 through p. 105, l. 6	Wells Fargo's objection is overruled.
p. 124, l. 24	Wells Fargo's objection is sustained.
p. 125, l. 1 through p. 126, l. 3	LaSalle's objection is overruled.
p. 144, l. 1 through p. 145, l. 24	Wells Fargo's objection is overruled.

p. 149, l. 6 through p. 150, l. 21	Wells Fargo's objection is overruled.
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September 11, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge