

**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  
BRIAN FETTEROLF**

---



---

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 Appendix<sup>1</sup> to Doc. No. 192 as subsequently numbered in Attorney Marx's email of 8/12/2009 (12:11 P.M.), as follows:

p. 14, l. 5-9	Wells Fargo's objection is sustained
p. 35, l. 13 to p. 36, l. 23	Wells Fargo's objection is overruled.

---

<sup>1</sup>Both the numbered and unnumbered versions of this Appendix are now filed and docketed in the case for future reference at Doc. No. 241.

p. 37, ll. 4-13	Wells Fargo's objection is sustained
p. 37, l. 20 to p. 38, l. 8	Wells Fargo's objection is sustained
p. 40, l. 4 to p. 41, l. 17	Wells Fargo's objection is sustained
p. 46, l. 1 to p. 47, l. 21	Wells Fargo's objection is overruled.
p. 52, l. 1 to p. 54, l. 2	Wells Fargo's objection is overruled.
p. 56, l. 7 to p. 57, l. 11	Wells Fargo's objection is overruled.
p. 66, l. 11 to p. 69, l. 5	Wells Fargo's hearsay objection is sustained
p. 70, l. 2 to p. 71, l. 4	Wells Fargo's objection is sustained
p. 79, l. 4 to p. 80, l. 17	Wells Fargo's objection is sustained
p. 83, ll. 1-4 & 13-24	Wells Fargo's objection is sustained
p. 88, l. 23 to p. 93, l. 7	Wells Fargo's objection is overruled.
p. 101, l. 6 to p. 102, l. 3 & ll. 22-24	Wells Fargo's objection is overruled.
p. 106, l. 3 to p. 107, l. 16	Wells Fargo's objection is sustained
p. 110, l. 1, to p. 111, l. 22	Wells Fargo's objection is sustained
p. 112, ll. 8-22	The objections of both parties are sustained
p. 115, l. 5 to p. 121, l. 17	The objections of both parties are sustained
p. 121, l. 18 to p. 122, l. 10	Wells Fargo's objection is overruled.
p. 125, l. 1 to p. 128, l. 23	Wells Fargo's objection is overruled.
p. 131, ll. 14-23	LaSalle's objection is sustained

p. 138, l. 8 to p. 143, l. 17	The objections of both parties are overruled
p. 149, l. 10 to p. 151, l. 24	Wells Fargo's objection is overruled.
p. 164, l. 15 to p. 167, l. 16	Wells Fargo's objection is overruled.
p. 172, ll. 4-12	LaSalle's objection is sustained.

October 5, 2009.

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