

**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
JAMES GILLIS**

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. 21, ll. 1-24	LaSalle's objection is overruled. The testimony is merely background on this witness and does not purport to state industry standards.
p. 34, l. 15 to p. 35, l. 19	Wells Fargo has withdrawn the designation of ll. 1-15 on p. 34. LaSalle's objection to the testimony on p. 35 is overruled

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. 40, l. 21 to p. 42, l. 17	LaSalle's objection is sustained.
p. 44, l. 1 to p. 48, l. 5	LaSalle's objection is sustained.
p. 48, l. 17 to p. 49, l. 7	LaSalle's objection is overruled.
p. 50, ll. 1-7	LaSalle's objection is sustained: the question calls for hearsay.
p. 52, ll. 6-23	LaSalle's objection is overruled.
p. 55, ll. 12-22	LaSalle's objection is overruled.
p. 68, l. 1 to p. 72, l. 16	The objections of both parties are overruled.
p. 86, l. 21 to p. 88, l. 16	LaSalle's objection is sustained.
p. 89, l. 16 to p. 94, l. 8	The objections of both parties are overruled.
p. 97, l. 2 to p. 99, l. 11	The objections of both parties are overruled.
p. 105, l. 17 to p. 106, l. 16	LaSalle's objection is sustained.
p. 126, ll. 5-21	Wells Fargo's objection is overruled.
p. 143, l. 9 to p. 145, l. 23	The objections of both parties are overruled.

October 6, 2009.

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