

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NICHOLAS MANCUSO,

Plaintiff,

CV-07-835-ST

v.

ORDER ON DEPOSITION  
DESIGNATIONS

AMERICAN FAMILY MUTUAL INSURANCE  
COMPANY, a Wisconsin Based Insurance  
Company,

Defendant.

STEWART, Magistrate Judge:

For use at trial, plaintiff has designated portions of deposition testimony from two witnesses, Jeff Fletcher (Exhibit 40) and John Olson (Exhibit 41). Defendant has identified cross-designations of those same witnesses. The following is the court's ruling on the parties' evidentiary objections to those designations (dockets # 84 & # 86):

**Exhibit 40 (Fletcher)**

1 - ORDER ON DEPOSITION DESIGNATIONS

Defendant's evidentiary objections to plaintiff's following designations are sustained:

Page 38, lines 17-19  
Page 49, lines 6-12  
Page 66, line 14 - page 67, line 4  
Page 72, line 22 - page 73, line 7

Defendant's remaining objections are overruled.

**Exhibit 41 (Olson)**

Defendant's evidentiary objections to plaintiff's following designations are sustained:

Page 62, line 17 - page 63, line 2  
Page 75, lines 13-24  
Page 76, line 9 - page 77, line 19  
Page 78, lines 3-23  
Page 94, lines 11-21  
Page 99, lines 7-23  
Page 100, line 12 - page 102, line 1  
Page 147, line 18 - page 149, line 15  
Page 150, line 16 - page 151, line 9  
Page 151, line 23 - page 152, line 6  
Page 155, lines 6-9  
Page 158, line 22 - page 159, line 9

Defendant's remaining objections are overruled.

Plaintiff's evidentiary objection to defendant's following cross-designation is sustained:

Page 40, line 17 - page 41, line 1

In addition, the court *sua sponte* strikes the following cross-designations by defendant

because they refer to inadmissible matters:

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Page 142, lines 17-25  
Page 143, lines 14-25

Page 149, lines 16-23  
Page 150, lines 11-15

DATED this 23<sup>rd</sup> day of January, 2009.

s/ Janice M. Stewart \_\_\_\_\_  
Janice M. Stewart  
United States Magistrate Judge