

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ERIC M. ALBRITTON

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§

§

v.

§

C. A. NO. 6:08-CV-00089

§

CISCO SYSTEMS, INC.,

§

RICK FRENKEL, MALLUN YEN &

§

JOHN NOH

§

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S
DEPOSITION DESIGNATIONS AND CROSS-DESIGNATIONS**

TO THE HONORABLE COURT:

Defendants Cisco Systems, Inc. ("Cisco"), Richard Frenkel ("Frenkel"), Mallun Yen¹ ("Yen") and John Noh² ("Noh"), file objections to Plaintiff's deposition designations of trial witnesses:

Defendants object to the use of the following in open Court or in any publicly filed document: (1) all testimony that involves the use of Cisco Privileged documents and/or (2) testimony that has been designated as Highly Confidential pursuant to the Protective Order in this case.

¹ Subject to her Motion to Dismiss for Lack of Personal Jurisdiction, Docket #37.

² Subject to his Motion to Dismiss for Lack of Personal Jurisdiction, Docket #35.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Charles L. Babcock

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CERTIFICATE OF SERVICE

This is to certify that on this 25th day of February 2009, a true and correct copy of the foregoing was served via electronic mail upon:

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/s/ Charles L. Babcock

Charles L. Babcock

Deponent	Page/Line	Objections
David Maland	16:11-13	Offer does not include a question.
David Maland	23:6-9	The offer is not in question/answer format the designation does not include a question and only includes part of the witnesses answer.
David Maland	36:8-37:6	The offer is not in question/answer format the designation does not start with a question and begins in the middle of an answer.
David Maland	39:6	Side bar not a question or answer.
David Maland	39:13-39:22	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	42:3-9	Sidebar. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	48:8-14	The offer is not in question/answer format; the designation does not include a question.
David Maland	49:13-50:11	Hearsay. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	55:14-15	Sidebar. Irrelevant and immaterial under Fed. R. Evid. 402
David Maland	59:8-14	The offer is not in question/answer format; the designation does not start with a question and only includes part of an answer.
David Maland	59:15	Sidebar. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	61:15-23	Offer does not include a question.
David Maland	66:13-15	The offer is not in question/answer format; the designation is only a question without any answer.
David Maland	68:11-16	Nonresponsive
David Maland	76:21-78:2	The offer is not in question/answer format; the designation does not include a question. Hearsay.
David Maland	84:1-5	The offer is not in question/answer format the designation is only part of an answer.
David Maland	86:16-87:21	The offer is not in question/answer format; the designation does not include any question and only includes part of an answer.
David Maland	92:23-24	The offer is not in question/answer format; the designation does not include any question and only has part of the answer.
David Maland	110:6-111:20	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	118:17-119:6	The offer is not in question/answer format; the designation does not include any question.

Deponent	Page/Line	Objections
David Maland	140:1-4	Leading; Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. Unreliable lay opinion testimony, and no designation of this witness as an expert. Fed. R. Evid. 701, 702.
David Maland	147:25-148:4	Leading; Speculation
David Maland	152:18-19	Leading. The offer is not in question/answer format; the designation is a question without any answer.
David Maland	154:3-10	The offer is not in question/answer format; the designation is a question without any answer.
David Maland	156:16-24	Nonresponsive
David Maland	159:3-5 and 7	Leading, Speculation
David Maland	160:4-7	Hearsay
David Maland	161:6-11	Misstatement of the facts. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
David Maland	163:6-15	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	163:24-165:13	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	165:5-7	The offer is not in question/answer format; the designation is a question without any answer.
David Maland	165:16-20	The offer is not in question/answer format; the designation does not include a question. Further the question above is leading and calls for Specualtion.
David Maland	172:18-173:3	Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
David Maland	175:1-25	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	177:12-180:14	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	181:5-182:24	Unreliable speculative lay opinion testimony, and no designation of this witness as an expert. Fed. R. Evid. 701, 702. Irrelevant and immaterial under Fed. R. Evid. 402.

Deponent	Page/Line	Objections
David Maland	187:21-188:7	Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
David Maland	189:5-191:5	The offer is not in question/answer format; the designation does not include a question. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland	193:22	Objection not to be read to the jury.
David Maland Cross Designations	11:6-13:2 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	15:20-16:1 (Cross)	Improper cross examination on area not covered in direct. Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	17:13-18:20 (Cross)	Improper cross examination on area not covered in direct. Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	23:1-8 (Cross)	The offer is not in question/answer format; the designation does not include a question and then ends with a question with no answer.
David Maland Cross Designations	27:10-12 (Cross)	The offer is not in question/answer format; the designation does not include a question.
David Maland Cross Designations	34:3-4 (Cross)	The offer is not in question/answer format; the designation does not include a question.
David Maland Cross Designations	38:9 (Cross)	Objection not to be read to the jury.
David Maland Cross Designations	39:4 (Cross)	Objection not to be read to the jury.
David Maland Cross Designation	49:13-50:11 (Cross)	Hearsay. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland Cross Designations	48:8-50:11 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403. The offer is not in question/answer format; the designation does not start with a question

Deponent	Page/Line	Objections
David Maland Cross Designations	51:2-52:25(Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.. The offer is not in question/answer format; the designation does not start with a question.
David Maland Cross Designations	59:8-14 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403. The offer is not in question/answer format; the designation does not start with a question and only includes part of an answer.
David Maland Cross Designations	67:23-68:25 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	70:6-71:8 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403. The offer is not in question/answer format; the designation does not start with a question.
David Maland Cross Designations	77:1-78:2 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403. The offer is not in question/answer format; the designation does not include a question.
David Maland Cross Designations	82:15-83:5 (Cross)	The offer is not in question/answer format; the designation does not include a question. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland Cross Designations	84:1-9 (Cross)	The offer is not in question/answer format the designation is an answer.
David Maland Cross Designations	84:25-85:12 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	86:16-87:21 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	89:12-19 (Cross)	The offer is not in question/answer format the designation is only part of an answer. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland Cross Designations	89:20-92:8 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403

Deponent	Page/Line	Objections
David Maland Cross Designations	92:9-93:23 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402. Hearsay.
David Maland Cross Designations	94:11-12 (Cross)	The offer is not in question/answer format the designation is an answer.
David Maland Cross Designations	94:13-17 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
David Maland Cross Designations	96:17-96:25 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	100:1-19 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	100:21-101:25 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403 The offer is not in question/answer format the designation is an answer.
David Maland Cross Designations	108:3-109:5 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	110:6-111:20 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403. Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland Cross Designations	111:21-112:3 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	112:14-24 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	114:14-19 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland Cross Designations	116:2 (Cross)	The offer is not in question/answer format the designation is only two words of an answer.
David Maland Cross Designations	122:10-16 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	122:24-123:13 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
David Maland Cross Designations	126:20-127:17 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	129:6-130:19 (Cross)	Improper cross examination on area not covered in direct. Objection should not be read to the jury. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	135:23-140:8 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	142:3-142:19 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	143:3-145:5 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	146:5-148:4 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	148:6-13 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	149:7-18 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	149:21-150:17; 150:24-152:19 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	152:18-19 (Cross)	Leading. The offer is not in question/answer format; the designation is a question without any answer.
David Maland Cross Designations	152:22-153:25 (Cross)	Cumulative under Fed. R. Evid 403. The offer is not in question/answer format; the designation does not include a question
David Maland Cross Designations	155:21-156:24 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	157:3-161:11 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	160:4-7 (Cross)	Hearsay

Deponent	Page/Line	Objections
David Maland Cross Designations	162:6-165:6 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403
David Maland Cross Designations	165:8-9 (Cross)	Leading and Speculation.
David Maland Cross Designations	163:6-15 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland Cross Designations	163:24-165:13 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402.
David Maland Cross Designations	165:13-14 (Cross)	Leading. Speculation.
David Maland Cross Designations	165:16-20 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	168:12-175:25 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	176:12-180:14 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	181:5-182:24 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	183:9-24 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	187:8-16 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	187:21-188:1 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	189:5-191:5 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	192:10-193:14 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	199:9-21 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Maland Cross Designations	199:25-200:19 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
David Maland Cross Designations	200:21-23 (Cross)	Already included in Plaintiff's Designation of David Maland Deposition Testimony. Cumulative under Fed. R. Evid 403. The offer is not in question/answer format; the designation does not include a question

Deponent	Page/Line	Objections
Cynthia Paar	6:5-5	Optional completeness to avoid confusion.
Cynthia Paar	6:15-24	Optional completeness to avoid confusion.
Cynthia Paar	7:19-21	Optional completeness to avoid confusion.
Cynthia Paar	8:9-9:1	Optional completeness to avoid confusion.
Cynthia Paar	10:12-22	Optional completeness to avoid confusion.
Cynthia Paar	16:25	Objection not to be read to the jury.
Cynthia Paar	17:9-12	Leading
Cynthia Paar	17:13-14	Objection not to be read to the jury.
Cynthia Paar	17:15-16	Irrelevant and immaterial under Fed. R. Evid. 402.
Cynthia Paar	18:7-9-10	Leading. Speculation
Cynthia Paar	19:9	Leading. Speculation
Cynthia Paar	19:13-15	Leading
Cynthia Paar	19:17-19	Leading
Cynthia Paar	19:22-25	Leading.
Cynthia Paar	20:2-8	Leading.
Cynthia Paar	20: 15-18	Compound. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701.
Cynthia Paar	20:19-21	Compound. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701.
Cynthia Paar	20:24-21:2	Compound. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701.
Cynthia Paar	21:3-5	Leading. Compound. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701.
Cynthia Paar	23:15-18	Leading
Cynthia Paar	24: 2-8	Leading. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701.
Cynthia Paar	24:5-6	Objection not to be read to the jury.
Cynthia Paar	24:18-20	Leading. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701.
Cynthia Paar	24: 21 and 23	Objections not to be read to the jury.
Cynthia Paar	28:13-175	Leading
Cynthia Paar	28:16	Objection not to be read to the jury.
Cynthia Paar	28:21	Sidebar
Cynthia Paar Cross Designations	8:1 (Cross)	The offer is not in question/answer format; the designation does not include a question.
Cynthia Paar Cross Designations	15:25-16:24 (Cross)	Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	15:20-16:1 (Cross)	Leading

Deponent	Page/Line	Objections
Cynthia Paar Cross Designations	17:1-17 (Cross)	Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	17:9-12 (Cross)	Leading.
Cynthia Paar Cross Designations	17:15-18:2 (Cross)	Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	18:7-9 (Cross)	Leading. Speculation. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	19:9-10 (Cross)	Leading. Speculation. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	19:13-15 (Cross)	Leading. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	19:17-19 (Cross)	Leading. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	19:22-25 (Cross)	Leading. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	20:2-5 (Cross)	Leading. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	20: 15-18 (Cross)	Compound. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	20:19-22 (Cross)	Compound. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
Cynthia Paar Cross Designations	20:24-21:2 (Cross)	Compound. Speculation. Lack of foundation for lay opinion testimony. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	21:3-5 (Cross)	Compound. Leading. Speculation. Lack of foundation for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	23:15-18 (Cross)	Leading. Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	25:6-19 (Cross)	Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	27:25-28:15 (Cross)	Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	28:13-17 (Cross)	Leading
Cynthia Paar Cross Designations	28:17-21 (Cross)	Already included in Plaintiff's Designation of Cynthia Paar Deposition Testimony. Cumulative under Fed. R. Evid 403.
Cynthia Paar Cross Designations	28:21 (Cross)	Sidebar

Deponent	Page/Line	Objections
Peggy Thompson	8:20-9:11	Optional completeness to avoid confusion.
Peggy Thompson	10:9-11:12	Optional completeness to avoid confusion.
Peggy Thompson	15:21-16:11	Optional completeness to avoid confusion.
Peggy Thompson	19:16-20:4	Optional completeness to avoid confusion.
Peggy Thompson	24:24-25:3	Leading.
Peggy Thompson	25:4-7	Leading
Peggy Thompson	25:14-18	Leading. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
Peggy Thompson	25:3	Objection not to be read to the jury.
Peggy Thompson	25:6	Objection not to be read to the jury.
Peggy Thompson	25:16-17	Objection not to be read to the jury.
Peggy Thompson	26:2-7	Leading.
Peggy Thompson	26:5	Objection not to be read to the jury.
Peggy Thompson	26:22-25	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
Peggy Thompson	26:24	Objection not to be read to the jury.
Peggy Thompson	27:5-6	Leading.
Peggy Thompson	27:7-11	Leading.
Peggy Thompson	27:9-10	Objections not to be read to the jury.
Peggy Thompson	27:18	Sidebar

Deponent	Page/Line	Objections
Rhonda Lafitte	24:4	Sidebar
Rhonda Lafitte Cross Designations	16:11-12 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402.
Rhonda Lafitte Cross Designations	17:22-18:1 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402.
Rhonda Lafitte Cross Designations	18:6-24 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402.
Rhonda Lafitte Cross Designations	22:24-23: 4 (Cross)	Already included in Plaintiff's Designation of Rhonda Lafitte Deposition Testimony. Cumulative under Fed. R. Evid 403.
Rhonda Lafitte Cross Designations	23:12-14 (Cross)	Already included in Plaintiff's Designation of Rhonda Lafitte Deposition Testimony. Cumulative under Fed. R. Evid 403.
Rhonda Lafitte Cross Designations	23:8-24:4 (Cross)	Already included in Plaintiff's Designation of Rhonda Lafitte Deposition Testimony. Cumulative under Fed. R. Evid 403.
Rhonda Lafitte Cross Designations	23:24-24:3 (Cross)	Already included in Plaintiff's Designation of Rhonda Lafitte Deposition Testimony. Cumulative under Fed. R. Evid 403.
Rhonda Lafitte Cross Designations	24:4 (Cross)	Already included in Plaintiff's Designation of Rhonda Lafitte Deposition Testimony. Cumulative under Fed. R. Evid 403. Sidebar.

Deponent	Page/Line	Objections
David Provines	13:21-14:3	Optional completeness to avoid confusion.
David Provines	23:15-25:2	Optional completeness to avoid confusion.
David Provines	29:12-15	Offer does not include a question.
David Provines	29:25-30:8	Optional completeness to avoid confusion.
David Provines	30:9-31:9	Optional completeness to avoid confusion.
David Provines	32:1-32:5	Leading
David Provines	32:5	Objection not to be read to the jury.
David Provines	32:6-7	Leading
David Provines	32: 8-10	Objections not to be read to the jury.
David Provines	35:16-18	Leading. The offer is not in question/answer format; the designation is a question without any answer.
David Provines	36:6-9	Leading. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	36:10-11	Objections not to be read to the jury.
David Provines	36:12-20	Leading
David Provines	37:3-13	Leading
David Provines	38:2-14	Optional completeness to avoid confusion.
David Provines	37:7-8	Objections not to be read to the jury.
David Provines	38:15-40:9	Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	41:2-5	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	42:10	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	42:11-12	Objections not to be read to the jury.
David Provines	43:13	Leading. Speculation. Improper predicate for lay opinion testimony. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
David Provines	43:14-15	Objections not to be read to the jury.
David Provines	43:17-18	Leading. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	43:19-20	Objections not to be read to the jury.
David Provines	43:22-24	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	43:24-44:1	Objections not to be read to the jury.
David Provines	44:3-7	Leading.
David Provines	44:8-13	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	44:11-12	Objections not to be read to the jury.
David Provines	44:16-21	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.

Deponent	Page/Line	Objections
David Provines	44:19-20	Objections not to be read to the jury.
David Provines	44:22-24	Leading
David Provines	44:25-45:1	Objections not to be read to the jury.
David Provines	45:2-5	Leading. Speculation.
David Provines	45:4	Objection not to be read to the jury.
David Provines	45:6-16	Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
David Provines	45:8-9	Objection not to be read to the jury.
David Provines	45:17-18	Leading. Speculation. Improper predicate for lay opinion testimony. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. The offer is not in question/answer format; the designation is a question without any answer.
David Provines	46:3-6	Leading. Speculation. Argumentative. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. The offer is not in question/answer format; the designation is a question without any answer.
David Provines	46:6-7	Objections not to be read to the jury.
David Provines	46:16	Leading. Argumentative. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
David Provines	46:21-22	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	46:23	Objection not to be read to the jury.
David Provines	46:25-47:3	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines	47: 4-7	Objections not to be read to the jury.
David Provines	49:2-4	Sidebar.
David Provines Cross Designations	29:12-24 (Cross)	Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	31:13-33:25 (Cross)	Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
David Provines Cross Designations	34:12-17 (Cross)	Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	36:6-9 (Cross)	Leading. Improper predicate for lay opinion testimony. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	36:12-20 (Cross)	Leading. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	36:21-25 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	37:3-6 (Cross)	Leading. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	36:17-37:6 (Cross)	Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	37:9-20 (Cross)	Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	38:15-40:9 (Cross)	Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403. The offer is not in question/answer format; the designation ends in only part of a question.
David Provines Cross Designations	41:2-5 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701.
David Provines Cross Designations	41:23-45:18 (Cross)	Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	42:10 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
David Provines Cross Designations	42:11-12 (Cross)	Objections not to be read to the jury.
David Provines Cross Designations	43:13 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	43:14-15 (Cross)	Objections not to be read to the jury.
David Provines Cross Designations	43:17-18	Leading. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	43:19-20 (Cross)	Objections not to be read to the jury.
David Provines Cross Designations	43:22-44:2 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	43:24-44:1 (Cross)	Objections not to be read to the jury.
David Provines Cross Designations	44:3-7 (Cross)	Leading. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	44:8-13 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	44:11-12 (Cross)	Objections not to be read to the jury.
David Provines Cross Designations	44:16-21 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	44:19-20 (Cross)	Objections not to be read to the jury.

Deponent	Page/Line	Objections
David Provines Cross Designations	44:22-24 (Cross)	Leading. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	44:25-45:1 (Cross)	Objections not to be read to the jury.
David Provines Cross Designations	45:2-5 (Cross)	Leading. Speculation. Irrelevant and immaterial under Fed. R. Evid. 402. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	45:4 (Cross)	Objection not to be read to the jury.
David Provines Cross Designations	45:6-16 (Cross)	Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.
David Provines Cross Designations	45:8-9 (Cross)	Objection not to be read to the jury.
David Provines Cross Designations	45:17-18 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. The offer is not in question/answer format; the designation is a question without any answer. Already included in Plaintiff's Designation of David Provines Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
Faye Thompson	12:22-16:5	Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
Faye Thompson	12:25-13:13	Hearsay. Fed. R. Evid. 802.
Faye Thompson	14:12-14	Leading.
Faye Thompson	14:15	Objection not to be read to the jury.
Faye Thompson	14:16	Leading. Speculation
Faye Thompson	14:17	Objection not to be read to the jury.
Faye Thompson	14:19-21	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
Faye Thompson	14:20	Objection not to be read to the jury.
Faye Thompson	14:22	Objection not to be read to the jury.
Faye Thompson	14:23-15:11	Improper predicate for lay opinion testimony. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403
Faye Thompson	15:10-11	Leading. Improper predicate for lay opinion testimony.
Faye Thompson	15:12-13	Objections not to be read to the jury.
Faye Thompson	15:14-16	Leading
Faye Thompson	15:17-18	Objections not to be read to the jury.
Faye Thompson	15:19-22	Leading
Faye Thompson	15:21	Objection not to be read to the jury.
Faye Thompson	15:23-16:1	Leading. Speculation.
Faye Thompson	15:25	Objection not to be read to the jury
Faye Thompson	16:2	Objection not to be read to the jury.
Faye Thompson Cross designations	12:4-14:14 (Cross)	Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.
Faye Thompson Cross designations	12:22-16:5 (Cross)	Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
Faye Thompson Cross designations	12:25-13 (Cross)	Hearsay. Fed. R. Evid. 802. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.
Faye Thompson Cross designations	14:12-14 (Cross)	Leading. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid. 403.
Faye Thompson Cross designations	14:16-14:18 (Cross)	Leading. Speculation. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.
Faye Thompson Cross designations	14:19-21 (Cross)	Leading. Speculation. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.
Faye Thompson Cross designations	14:23-15:11 (Cross)	Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.
Faye Thompson Cross designations	15:10-11 (Cross)	Leading. Improper predicate for lay opinion testimony. Fed. R. Evid. 701. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.
Faye Thompson Cross designations	15:14-16 (Cross)	Leading. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.
Faye Thompson Cross designations	15:19-22 (Cross)	Leading. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid 403.

Deponent	Page/Line	Objections
Faye Thompson Cross designations	15:23-16:1 (Cross)	Leading. Speculation. Already included in Plaintiff's Designation of Fay Thompson Deposition Testimony. Cumulative under Fed. R. Evid. 403.

Deponent	Page/Line	Objections
Peter J. McAndrews	13:18-15:11	Improper predicate for opinion testimony Fed. R. Evid. 701, 702 and 703. Mr. McAndrews was not designated as an expert witness.
Peter J. McAndrews	44:1-47:18	Improper predicate for opinion testimony Fed. R. Evid 701, 702 and 703. Mr. McAndrews was not designated as an expert witness. Hearsay and Speculation. Fed. R. Evid. 802. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
Peter J. McAndrews	48:13-49:22	Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
Peter J. McAndrews	55:12-56:18	Optional completeness to avoid confusion.
Peter J. McAndrews	65:17-68:9	Improper predicate for opinion testimony Fed. R. Evid 701, 703 and 703. Mr. McAndrews was not designated as an expert witness. Hearsay Fed. R. Evid. 802. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
Peter J. McAndrews	68:10-70:14	Hearsay Fed. R. Evid. 802. Irrelevant and immaterial under Fed. R. Evid. 402.
Peter J. McAndrews	70:15-71:5	Hearsay Fed. R. Evid. 802. Improper predicate for opinion testimony Fed. R. Evid. 701, 702 and 703. Mr. McAndrews was not designated as an expert witness. Irrelevant and immaterial under Fed. R. Evid. 402. If deemed relevant, the probative value is outweighed by danger of unfair prejudice under Fed. R. 403.
Peter J. McAndrews	71:6-9	Optional completeness to avoid confusion.
Peter J. McAndrews	79:4-81:2	Hearsay Fed. R. Evid. 802.
Peter J. McAndrews	81:5-9	Optional completeness to avoid confusion.
Peter J. McAndrews	82:20-23	Nonresponsive
Peter J. McAndrews	83:25-84:11	Improper predicate for opinion testimony Fed. R. Evid 701, 702 and 703. Mr. McAndrews was not designated as an expert witness.
Peter J. McAndrews	84:12-13	Speculation.
Peter J. McAndrews	87:16-17	The offer is not in question/answer format; the designation is part of a question without any answer.