

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HAVCO WOOD PRODUCTS, LLC,

Plaintiff,

v.

INDUSTRIAL HARDWOOD
PRODUCTS, INC.,

Defendant.

ORDER

10-cv-566-wmc

Having reviewed plaintiff's deposition designations, defendant's counter-designations and any objections, the court makes the following rulings as to Ziqiang "John" Lu's deposition. The approved designations and counter-designations may be presented to the jury unless the witness is available to testify in person. **Plaintiff shall remove all objections and any other asides or discussions between counsel, even where not noted by the court in its rulings.**

Havco's Designations	Defendant's Objections	Defendant's Counter-designations	Plaintiff's Objections	Ruling
4:1-7:10	5:25-6:20 Rules 401/402 (irrelevant)			Sustained as to 6:6-20, overruled in all other respects.
9:24-11:3	9:24-11:3 Rule 402 (irrelevant); Rule 403 (prejudicial)	11:11-19		Sustained as to 10:19-22, overruled in all other respects.

Havco's Designations	Defendant's Objections	Defendant's Counter-designations	Plaintiff's Objections	Ruling
19:1-2	No objection	18:10-25	FRE 611(b); dkt. 198, p. 8 (“[D]efendant may not reserve any right to present testimony from deposition transcripts since IHP failed to file any deposition designations.”)	Overruled. ¹
22:5-23:11	22:5-23:11 Rule 402 (irrelevant); Rule 403 (prejudicial)			Overruled.
24:15-21	No objection			
25:23-28:1	No objection			
35:4-38:13	No objection			
40:15-41:9	40:15-41:9 Rule 402 (irrelevant); Rule 403 (prejudicial)			Overruled.
42:24-43:8	42:24-43:8 Rule 402 (irrelevant); Rule 403 (prejudicial)			Overruled.
47:12-48:18	47:12-48:18 Rule 402 (irrelevant); Rule 403 (prejudicial)			Sustained.

¹ Where there is only an objection to the counter-designation, the ruling addresses that objection. Where there is an objection to both the designation and the counter-designation, the court will address both objections separately.

Havco's Designations	Defendant's Objections	Defendant's Counter-designations	Plaintiff's Objections	Ruling
48:24-51:24	48:24-51:24 Rule 402 (irrelevant); Rule 403 (prejudicial); 49:11-19 (form); 50:7-12 (lawyer objection); 51:8-11 (lawyer comment)			Sustained.
54:3-24	54:14 (lawyer objection); 54:18-24 Rule 402 (irrelevant); Rule 403 (prejudicial);			Overruled.
57:6-9	57:6-59:3 Rule 402 (irrelevant); Rule 403			Sustained.
57:22-59:3	57:6-59:3 Rule 402 (irrelevant); Rule 403 (prejudicial); 58:25-59:3 Rules 603 (foundation); Rule 802 (hearsay)	60:14-63:11		Sustained.
63:25-65:13	63:25-65:13 Rule 105 (limited admissibility); Rule 402 (irrelevant); Rule 403 (prejudicial)			Sustained.
66:3-67:3	66:3-67:3 Rule 403 (prejudicial)			Sustained as to 66:3, overruled in all other respects.
67:18-69:21	No objection	69:22:3		
72:4-73:7	No objection			
74:25-76:13	75:5-76:13 Rule 402 (irrelevant); Rule 403 (prejudicial); Rule 602 (foundation)	77:20-80:5	FRE 611(b); dkt. 198, p. 8	Overruled as to objection to designation; overruled as to objection to counter-designation.
		80:6-81:15	FRE 611(b); dkt. 198, p. 8	Overruled.

Havco's Designations	Defendant's Objections	Defendant's Counter-designations	Plaintiff's Objections	Ruling
		82:18-83:8	FRE 611(b); dkt. 198, p. 8	Overruled.
		84:22-85:2	FRE 611(b); dkt. 198, p. 8	Overruled.
		86:3-23	FRE 611(b); dkt. 198, p. 8	Overruled.
88:15-89:18	No objection			
91:1-10	No objection	91:11-18	FRE 611(b); dkt. 198, p. 8	Overruled.
93:8-94:9	93:8-94:9 Rule 402 (irrelevant); Rule 403 (prejudicial)			Overruled.
96:10-97:18	No objection			
97:19-103:4	97:24-103:4 Rule 402 (irrelevant); Rule 403 (prejudicial)	103:10- 104:7		Overruled.
104:8-16	104:15 (lawyer objection)	104:17- 105:2	Incomplete; 105:3-16	Sustained as to objection to designation; sustained as to objection to counter- designation; include 105:3- 16.
105:17-20	No objection			
109:12-19	109:18-20 Rule 402 (irrelevant); Rule 403 (prejudicial)			Overruled.
118:10-18	118:10-18 Rule 602 (foundation); (form)			Overruled.
120:14-121:1	No objection	121:16- 122:6	No witness testimony counter- designated by IHP; attorney question only	Overruled.
		122:15-21		

Havco's Designations	Defendant's Objections	Defendant's Counter-designations	Plaintiff's Objections	Ruling
131:8-11	No objection	129:2-6; 131:25- 132:5	FRE 611(b); dkt. 198, p. 8	Overruled, but incomplete; include 129:7.
		133:2-5	FRE 611(b); dkt. 198, p. 8	Overruled, but incomplete; include 132:17-20.
134:16-25	No objection			
142:1-143:12	142:11-25 (not produced); 143:1-11 (lawyer argument); 143:11-12 Rule 602 (foundation)			Sustained as to 143:11-12 but overruled in all other respects.
144:2-6	144:2-6 Rule 602 (foundation)			Overruled.
145:3-6	No objection			
150:17-151:7	No objection			
167:22-168:4	No objection	168:5-25		
169:1-7	No objection	169:25- 170:7	FRE 611(b); dkt. 198, p. 8	Overruled.
179:19-181:2	179:19-181:2 Rule 402 (irrelevant); Rule 403 (prejudicial)			Overruled.
182:24-183:6	No objection			
183:15-21	183:15-21 Subject to Motion in Limine; Rule 402 (irrelevant); Rule 602 (foundation)			Reserved. ²

² The court will address the objections to these designations as the October 18, 2012 hearing.

Havco's Designations	Defendant's Objections	Defendant's Counter-designations	Plaintiff's Objections	Ruling
183:22-184:13	183:22-184:13 Motion in Limine; Rule 402 (irrelevant); Rule 602 (foundation)			Reserved.
185:4-17	No objection			
188:18-22	No objection	188:10-22	FRE 611(b); dkt. 198, p. 8	Overruled.
198:12-15	No objection			

Entered this 17th day of October, 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge