

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

ABS GLOBAL, INC.,

Plaintiff/Counterclaim Defendant,

v.

INGURAN, LLC,

Defendant/Counterclaimant/Third-Party Plaintiff,

and

XY, LLC,

Intervening Defendant/Counterclaimant/Third-Party Plaintiff,

v.

GENUS PLC,

Third-Party Defendant.

Having reviewed ST's amended proponent deposition designations (dkt. #630), as well as the objections to ABS's counter-designations as reflected in ABS's designations (dkt. #631), the court makes the following rulings as to witness Gary Durack. The approved designations may be presented to the jury unless the witness is available to testify in person. **ST shall remove all objections and any other asides or discussions between counsel and/or with the court reporter, even where not noted by the court in its rulings.**

ORDER

14-cv-503-wmc

Deponent	Designations	Objections	Counter-Designations	Objections	Counter-Counter Designations	Rulings
Gary Durack	<p>7:2-18:20</p> <p>19:23-20:3</p> <p>20:11-21:5</p> <p>21:12-22:11</p> <p>23:21-26:4</p> <p>28:5-30:5</p> <p>30:14-46:2</p> <p>47:24-62:6</p>	<p>Statements of the videographer are not evidence [7:2-23 (Sustained); 8:6-7 (Sustained)]</p> <p>Identification of counsel is not evidence [7:24-25 (Sustained); 8:2-5 (Sustained)]</p> <p>Comments of counsel are not evidence [8:22-25 (Sustained); 14:8-11 (Sustained)]</p> <p>Comments of counsel are not evidence [21:16-18 (Sustained)]</p> <p>Hearsay [25:20-25 (Overruled); 26:2-4 (Overruled)]</p> <p>Comments of counsel are not evidence [28:5-6 (Sustained)]</p>	<p>30:6-13</p> <p>46:18-37:23</p> <p>110:18-110:20</p> <p>113:24-113:25</p> <p>114:2-114:4 (Overruled)</p> <p>120:4-120:18</p> <p>129:16-129:25 (Overruled)</p> <p>130:2-130:3</p> <p>131:21-131:25</p> <p>132:2-132:16</p> <p>133:17-133:25 (Overruled)</p> <p>134:2-134:5 (Overruled)</p> <p>135:9-135:19 (Overruled)</p> <p>142:18-142:25 (Overruled)</p> <p>143:3-143:14</p> <p>143:19-143:25</p> <p>144:2-144:7</p> <p>147:23-147:25 (Overruled)</p> <p>148:2-148:6</p> <p>149:8-149:15 (Sustained)</p> <p>149:23-149:25</p> <p>150:2-150:25</p> <p>151:2-151:25</p>	<p>Inguran and XY incorporate by reference the objections to Gary Durack's deposition designations cited in Dkt. No. 600.</p>	<p>Inguran and XY incorporate by reference the counter-designations to Gary Durack's deposition designations cited in Dkt. No. 600.</p>	<p>The parties' designations 172:10-175:2 will be included; ST's counter-counter designations 177:20-179:18, 180:3-6, 180:9-185:4, 185:6, 185:8-188:17, 189:9-190:14, 242:7-244:2 will be included; ST's counter-counter designations 323:7-21, 323:24, 324:1-12 are excluded</p>

	<p>62:16-68:8</p> <p>68:22-70:6</p> <p>71:11-19</p> <p>71:24:72:7</p> <p>77:24-78:14</p>	<p>Improper commentary on testimony [32:11 (Sustained from “And” through “answer.”)]</p> <p>Improper commentary on testimony [72:6-7 (Sustained)]</p> <p>Comments of counsel are not evidence [77:24-25 (Sustained); 78:2-14 (Sustained)]</p>	<p>(Overruled)</p> <p>152:2-152:3</p> <p>152:17-152:21</p> <p>153:2-153:7</p> <p>153:9-153:13</p> <p>154:2-154:20</p> <p>(Overruled)</p> <p>154:24-154:25</p> <p>155:2-155:19</p> <p>156:6-156:14</p> <p>157:4-157:25</p> <p>(Sustained as to 157:10-12; otherwise overruled)</p> <p>164:16-164:25</p> <p>(Overruled)</p> <p>165:2-165:12</p> <p>179:19-179:24</p> <p>(Sustained as to leading)</p> <p>188:18-188:25</p> <p>(Sustained as to relevance)</p> <p>189:2-189:8</p> <p>(Overruled)</p> <p>192:5-192:10</p> <p>(Sustained as to leading)</p> <p>204:22-204:25</p> <p>205:2-205:17</p> <p>206:21-206:25</p> <p>207:2-207:11</p> <p>213:8-213:22</p>			
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			<p>(Sustained) 218:17-218:25 (Sustained; ST's counter-counter designation 219:1-14 is excluded) 219:15-219:25 (Sustained) 220:2-220:9 (Sustained; ST's counter-counter designation 220:10-222:4 is excluded) 222:5-222:22 223:12-223:25 224:2 231:9-231:14 (Overruled) 231:22-231:25 (Sustained) 232:2-232:7 (Sustained) 247:8-247:25 (Sustained) 248:2-248:13 (Sustained) 248:21-248:25 (Sustained) 249:2-249:25 (Sustained) 250:2-250:3 (Sustained)</p>			
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			<p>305:20-305:25 (Overruled) 306:2-306:25 (Sustained as to 306:16-25; otherwise overruled) 307:2-307:6 (Sustained; ST's counter-counter designation 307:7-22 will be included) 309:24-309:25 (Sustained) 310:2-310:4 (Sustained; ST's counter-counter designation 310:5-312:4 is excluded) 313:9-313:25 314:2-314:6 315:20-315:22 315:24-315:25 (Sustained) 316:2-316:5 (Sustained; ST's counter-counter designation 316:6-19 is excluded) 316:20-316:25 (Sustained)</p>			
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			317:2-317:21 (Sustained) 317:23-317:25 (Sustained) 318:2 (Sustained) 318:4-318:12 (Sustained) 318:15-318:25 (Sustained) 319:2-319:4 (Sustained; ST's counter-counter designation 319:6-320:23 is excluded)			
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Entered this 4th of August, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge