

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Proposed List of Deposition Testimony [doc. # 106], Defendants' Counter-Designations and Objections as to Plaintiff's Designations of the Bentley Deposition [doc. #116], and Plaintiff's Objections to Defendants' Counter-Designations and Response to Defendants' Objections to Plaintiff's Designations of the Bentley Deposition [doc. #117]. The Court held a telephone hearing on May 6, 2009 to hear arguments from the Parties on this matter.

Plaintiff designated the following transcript excerpts as the portions of the deposition of Defendant Nathan Bentley that she intends to show to the jury: P.4 L.8-P.5 L.9; P.10 L.21-P.11 L.17; P.12 L.19-P.13 L.8; and P.14 L.19-P.25 L.15. Defendants objected to the following portions: P.4 L.4-25; P.11 L.14-15; P.18 L.5, 11-15; P.23 L.10-24; and P.24 L.24.¹ The Court makes the following rulings with respect to Defendants' objections. As to Defendants' objection to page 4, lines 4-25 (the introductory page), the Court sustains Defendants' objection only as to lines 7-24. The Court overrules the objection as to lines 4-6 and 25. Defendants' objection to

¹Defendants initially objected to P.13 L.23-P.14 L.13 and P.14 L.14-18, however they withdrew those objections at the hearing.

page 11, lines 14-15 (regarding whether Defendant Bentley was carrying OC spray) is overruled.

As to Defendants' objection to page 18, lines 5 and 11-15, the Court sustains the objection and finds that the following phrases should be redacted from the deposition transcript: "Again, unless -- unless I actually seen the video" (P.18 L.5) and "I mean I don't know unless I seen the video.

Q. Which video are you talking about? A. I'm talking for the cameras? For the camera system?

Q. From the Desloge Jail camera system? A. Uh-huh." (P.18 L.11-15). Defendants' objection to page 23, lines 10-24 is overruled. Finally, Defendants' objection to page 24, line 24 is sustained and the following phrase should be redacted from the transcript: "personally or via camera."

Additionally, Defendants have withdrawn the following objections, made at the deposition: P.21 L.6; P.25 L.6; and P.25 L.11. Defendants have agreed that these objections may be redacted from the transcript.

Defendants designated the following transcript excerpts as the portions of the deposition of Defendant Nathan Bentley that they intend to show to the jury: P.25 L.17-20; P.27 L.11-15; P.27 L.18-P.28 L.2; P.28 L.4-8; and P.28 L.10-17. Plaintiff objected to each of these designated portions, with the exception of the final portion, P.28 L.10-17. However, at the hearing, Plaintiff noted that the only objection still at issue is as to P.25 L.17-20. The remaining objections were resolved with this Court's May 4, 2009 Memorandum and Order [doc. #118] regarding the Parties' Motions in Limine. As to Plaintiff's remaining objection to P.25 L.17-20, the Court overrules the objection.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Objections to Plaintiff's Designations of the Bentley Deposition and Plaintiff's Objections to Defendants' Counter-Designations of the Bentley Deposition are resolved by the Court as set forth above.

Dated this 6th Day of May, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE