

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

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EPIC SYSTEMS CORPORATION,

Plaintiff,

v.

TATA CONSULTANCY SERVICES LIMITED  
and TATA AMERICA INTERNATIONAL  
CORPORATION d/b/a TCA America,

Defendants.

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ORDER

14-cv-748-wmc

Having reviewed plaintiff's first set of amended deposition designations (dkt. #733), defendants' amended objections and counter-designations (dkt. #751), and plaintiff's objections to counter-designations for one witness (dkt. #755), the court makes the following rulings as to witnesses: Arun Agarwal, Vishwa Prasad Duddukuru and Anmol Gupta. The approved 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 and/or with the court reporter, even where not noted by the court in its rulings.**

<b>ARUN AGARWAL</b> <b>(January 14, 2016)</b>					
<b>Plaintiff's Designations</b>	<b>Plaintiff's Amended Designations</b>	<b>Defendants' Objections</b>	<b>Defendants' Counter-Designations</b>	<b>Plaintiff's Objections to Counter-Designations</b>	<b>Rulings</b>
73:3-74:21	Retained as to 73:20-74:8	74:4-13 Lacks personal knowledge, see 74:9-13			Sustained
80:15-81:2	Retained	80:18-25 Hearsay; Testimony should be struck pursuant to Rule 403 because it is needlessly presenting cumulative evidence.			Overruled
81:20-82:23	Retained as to 81:20-82:4, 82:9-82:23	82:10-13 Hearsay; Testimony should be struck pursuant to Rule 403 because it is needlessly presenting cumulative evidence. 82:20-23 Cumulative (Reading from Exh. 163).	82:5-8		Overruled as to 82:10-13; Sustained as to 82:20-23

<b>ARUN AGARWAL</b> <b>(January 14, 2016)</b>					
<b>Plaintiff's Designations</b>	<b>Plaintiff's Amended Designations</b>	<b>Defendants' Objections</b>	<b>Defendants' Counter-Designations</b>	<b>Plaintiff's Objections to Counter-Designations</b>	<b>Rulings</b>
92:14-93:3	Retained as to 92:14-92:24	92:14-92:24 Relevance; Testimony should be struck pursuant to Rule 403 because it is confusing the issues, misleading the jury, wasting time, and causing undue delay.			Overruled
137:13-24	Retained	137:19-24 Incomplete hypothetical; Speculation; Relevance; Testimony should be struck pursuant to Rule 403 because it is confusing the issues, misleading the jury, wasting time, and causing undue delay.			Overruled

<b>ARUN AGARWAL</b> <b>(January 14, 2016)</b>					
<b>Plaintiff's Designations</b>	<b>Plaintiff's Amended Designations</b>	<b>Defendants' Objections</b>	<b>Defendants' Counter-Designations</b>	<b>Plaintiff's Objections to Counter-Designations</b>	<b>Rulings</b>
138:2-140:2	Retained as to 138:2-139:21	138:22-139:21: Relevance; Testimony should be struck pursuant to Rule 403 because it is confusing the issues, misleading the jury, wasting time, and causing undue delay.			Overruled

<b>VISHWA PRASAD DUDDUKURU</b> <b>(December 16, 2015)</b>					
<b>Plaintiff's Designations</b>	<b>Plaintiff's Amended Designations</b>	<b>Defendants' Objections</b>	<b>Defendants' Counter-Designations</b>	<b>Plaintiff's Objections to Counter-Designations</b>	<b>Rulings</b>
Defendants object to all of plaintiff's designations to the extent that they are vague, ambiguous and confusing by failing to designate complete questions and answers or by otherwise failing to properly designate testimony. Any failure to repeat the objection in any specific response to a designation shall not constitute a waiver or relinquishment of such objection. To the extent plaintiff amends or supplements its current designations, defendants reserve the right to amend or supplement their objections in response.					Overruled <sup>1</sup>
			5:12-15	401; Not testimony	Overruled
75:22-84:21	Retained as to 75:22-76:8, 81:6-13, 83:1-7, 84:1-21	81:6-13 Relevance; Foundation (witness does not know what the software			Overruled as to 81:6-13; sustained as to 83:1-7;

<sup>1</sup> The court overrules this general objection. Defendants must submit specific objections to specific designations in order for the court to render a ruling. A general objection across several grounds as to an entire deposition constitute waiver.

VISHWA PRASAD DUDDUKURU (December 16, 2015)					
Plaintiff's Designations	Plaintiff's Amended Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		was.)  83:1-7 Relevance; Foundation (context not clear due to limited designation.)  84:1-21 Relevance; Rule 403 (waste of time).			overruled as to 84:1-7, 11-12, 19-21; sustained as to 84:8-10, 13-18
			116:11-23	401; 403M; Epic withdrew its designation, TCS should withdraw its counter-designation	Overruled
121:18-123:8	Retained	121:22-123:8 Hearsay; foundation; witness lacks personal knowledge.			Sustained
124:5-126:7	Retained as to 124:5-20	124:5-9 Relevance (no knowledge). 124:10-20 Based on Hearsay (see prior designation; this friend not identified); Relevance (no knowledge).			Sustained
			126:8-16	401; 403M; Epic	Sustained

VISHWA PRASAD DUDDUKURU (December 16, 2015)					
Plaintiff's Designations	Plaintiff's Amended Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
				withdrew its designation, TCS should withdraw its counter-designation	
138:9-12	Retained	Relevance			Overruled
138:15-139:9	Retained	Relevance			Overruled
			139:10-140:6 (only if objection is overruled)	401	Overruled
140:7-20	Retained	Relevance			Overruled
			140:21-23 (only if objection is overruled)	401	Sustained
163:17-166:3	Retained	163:17-25 Relevance.			Sustained
166:10-167:13	Retained	166:11-167:10 Relevance			Sustained
168:9-169:18	Retained	168:15-18 Move to strike as not responsive; Rule 403 (waste of time)			Overruled
169:24-170:6	Retained	Speculation (see 170:20-171:2); cumulative.			Overruled
170:20-172:19	Retained as to 170:20-172:4, 172:11-19	172:17-19 Calls for speculation; witness lacks personal knowledge.			Sustained
172:21-174:10	Retained as to 172:21-173:21,	172:21-173:1 Calls for speculation;			Overruled

<b>VISHWA PRASAD DUDDUKURU</b> <b>(December 16, 2015)</b>					
<b>Plaintiff's Designations</b>	<b>Plaintiff's Amended Designations</b>	<b>Defendants' Objections</b>	<b>Defendants' Counter-Designations</b>	<b>Plaintiff's Objections to Counter-Designations</b>	<b>Rulings</b>
	174:9-10	witness lacks personal knowledge; cumulative.  173:3-21 Cumulative.			
175:10-178:1	Retained as to 175:10-13, 176:8-178:1	175:5-13 Cumulative; calls for speculation.  177:21-24 Relevance; Rule 403 (confusion, misleading, unfair prejudice).  177:25-178:1 Assumes facts not in evidence; argumentative: Rule 403 (unfair prejudice); cumulative.			Overruled as to 175:5-13, but include lines 174:12-175:9 (excluding objections); overruled in all other respects
178:3-12	Retained as to 178:3	178:11-12 Calls for speculation.			Overruled
179:15-181:23 (ending at "...off.")	Retained as to 179:15-181:4	179:21-180: Not relevant; not responsive.			Sustained

<p align="center"><b>ANMOL GUPTA</b> <b>(September 10, 2015)</b></p>
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<b>Plaintiff's Designations</b>	<b>Plaintiff's Amended Designations</b>	<b>Defendants' Objections</b>	<b>Defendants' Counter-Designations</b>	<b>Plaintiff's Objections to Counter-Designations</b>	<b>Rulings</b>
40:25-41:4	Retained	40:25-41:4 Vague and ambiguous.			Overruled
56:16-19	Retained	Vague and ambiguous; assumes facts not in evidence; Speculation.			Sustained
56:22	Retained	Vague and ambiguous; assumes facts not in evidence; Speculation.			Sustained
			59:24-60:17	59:24-60:3 - Incomplete	Overruled, except include 59:7-59:23 and 60:18-61:11 (excluding objection)
			62:16-63:1	Improper counter designation; 401	Overruled
			123:3-124:5	Improper counter-designation	Overruled
152:9-153:3	Retained	152:9-15 Testimony should be struck pursuant to Rule 403 because it is needlessly presenting cumulative evidence. (Reading from Exh. 181); lacks personal knowledge			Overruled



ANMOL GUPTA (September 10, 2015)					
Plaintiff's Designations	Plaintiff's Amended Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
203:20-205:18	Retained as to 203:20-205:13	204:20-25 Testimony should be struck pursuant to Rule 403 because it is needlessly presenting cumulative evidence. (Reading from Exh. 183) 205:2-12 Testimony should be struck pursuant to Rule 403 because it is needlessly presenting cumulative evidence and wasting time.			Overruled

ANMOL GUPTA (September 10, 2015)					
Plaintiff's Designations	Plaintiff's Amended Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
228:23-230:11	Retained as to 228:23-229:7, 229:10-17	229:7-230:2 Testimony should be struck pursuant to Rule 403 because it is wasting time; Testimony should be struck because it is irrelevant. 230:3-6 Testimony should be struck pursuant to Rule 403 because it is wasting time and needlessly presenting cumulative evidence. (Reading from Exh. 163) 230:7-11 Testimony should be struck pursuant to Rule 403 because it is wasting time.			Sustained
346:7-347:16	Retained	346:20-347:19 Calls for a legal conclusion; relevance (refers to TCS/Kaiser agreement).			Sustained as to 347:13-19; overruled in all other respects

Entered this 31st day of March, 2016.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge