

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

EPIC SYSTEMS CORPORATION,

Plaintiff,

v.

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

Defendants.

ORDER

14-cv-748-wmc

Having reviewed plaintiff's amended deposition designations (dkt. #745), and defendants' amended objections and counter-designations (dkt. #751), the court makes the following rulings as to witness: Bill McCarthy.¹ 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.**

¹ The court notes that the designations for Venu Medikonda have been withdrawn since he will be appearing live and that there were no objections to the designations or counter designation of Mukesh Kumar requiring court rulings.

BILL MCCARTHY (January 27, 2016)					
Plaintiff's Designations	Plaintiff's Amended designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
40:18-22	Retained	Move to strike as not responsive.			Overruled
51:2-52:23	Retained	Cumulative. 52:10-16 Relevance, speculation, Rule 403 (misleading, confusion). 52:17-23 Rule 403 (Reading from exhibit), cumulative			Overruled as to 51:2-52:16; Sustained as to 51:17-52:23
53:3-13	Retained	53:3-9 Calls for speculation.			Sustained
56:20-57:21	Retained	56:20-25 Cumulative, reading from exhibit. 57:2-10 Calls for speculation.			Sustained
69:13-70:19	Retained	70:16-19 Argumentative, Testimony should be struck pursuant to Rule 403 (unfair prejudice).			Overruled
71:20-72:2	Retained	71:20-72:2 Argumentative; assumes facts not in evidence; foundation; Rule 403 (unfair prejudice).			Overruled
72:6-73:19	Retained	72:6-72: 15 Argumentative; assumes facts not in evidence; foundation; Rule 403 (unfair prejudice)			Overruled

BILL MCCARTHY (January 27, 2016)					
Plaintiff's Designations	Plaintiff's Amended designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		73:11-73: 9 Cumulative; Rule 403 (unfair prejudice; unduly repetitive).			
77:11-24	Added 79:7-21	77:11-17 Cumulative, reading from exhibit. 79:7-21 Relevance; untimely designation			Overruled
92:1-5	Retained	Relevance; argumentative.			Overruled
92:8-11	Retained	Relevance; argumentative.			Overruled
92:14-17	Retained	Relevance; argumentative.			Overruled
94:18-25	Retained	94:22-25 Testimony should be struck pursuant to Rule 403 (redundant of earlier designated testimony).			Sustained
95:14-20	Retained	95:14-19 Rule 403 (Cumulative, reading from exhibit.)			Overruled
96:16-97:18	Retained	Relevance. 96:16-24 Rule 403 (Cumulative, reading from exhibit.)			Sustained
99:7-100:6	Retained as to 99:7-13, 99:18-100:6	99:21-100:1 Rule 403 (Cumulative, reading from exhibit.) 100:3-6 Calls for			Overruled

BILL MCCARTHY (January 27, 2016)					
Plaintiff's Designations	Plaintiff's Amended designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		speculation.			
100:20-101:18	Retained	100:20-101:2 Assumes facts not in evidence. 100:20-101:1 Cumulative, reading from exhibit. 101:4-6 Cumulative, reading from exhibit. 101:8-101:18 Calls for speculation.			Overruled
101:25-103:21	Retained	Relevance . 101:25-102:4 Cumulative, reading from exhibit. 102:14-17 Calls for speculation. 102:18-19 Cumulative, reading from exhibit. 102:21-103:1 Cumulative, reading from exhibit. 103:3-10 Calls for speculation. 103:11-13 Cumulative, reading from exhibit. 103:15-21 Calls for speculation.			Overruled
104:9-15	Retained	104:9-14 Cumulative,			Overruled

BILL MCCARTHY (January 27, 2016)					
Plaintiff's Designations	Plaintiff's Amended designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		reading from exhibit.			
106:17-107:14	Retained	Relevance. 106:17:107:1 Cumulative, reading from exhibit. 107:8-107:14 Calls for speculation.			Sustained
109:25-110:15	Retained	110:4-15 Relevance, argumentative. 110:4-8 Testimony should be struck pursuant to Rule 403 (unfair prejudice),			Overruled

Entered this 3rd of April, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge