

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. ##733, 767, 792) and defendants' amended objections and counter-designations (dkt. ##751, 781), the court makes the following rulings as to witnesses: Santosh Mohanty, Mahendra Pandian, and Deepa Pandurangan. 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.**

SANTOSH MOHANTY (January 9, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
19:2 (starting at "...just to...")-23:8	Retained	Relevance.			Overruled
31:14-22	Retained	Relevance			Overruled
			31:23-32:4	Incomplete (must add 32:10-14)	Sustained, add 32:10-14
			53:11-12	401; 403M (original designation withdrawn; no longer makes sense)	Sustained
	Retained counter-counter designation as to 90:1-5, 92:3-7		91:12-92:2	Improper Counter-Designation; insofar as it is included, it is also Incomplete (must add (90:1-91:11, 92:3-12))	Overruled as to 90:1-91:11, sustained as to 92:3-12
112:16-19	Retained	Relevance; Rule 403 (unfair prejudice); Cumulative			Overruled
112:21-113:5	Retained	112:16-23 Relevance; Rule 403 (unfair prejudice); Cumulative			Overruled
	Retained counter-counter designations as to 131:14-131:16,		129:8 (starting with "what")-131:13	Improper Counter-Designation; insofar as it is included it is Incomplete	Improper counter-designation objection overruled; incomplete

SANTOSH MOHANTY (January 9, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
	131:18, 131:20- 132:11			128:17-23, 128:25, 131:14-16, 131:16, 131:18, 131:20-132:11	objection sustained in part, overruled in part; add 128:17-23, 25, 131:20-132:11
148:19-150:15	Retained as to 148:22-150:15	150:12-150:15 Assumes facts not in evidence; Rule 403 (unduly prejudicial)			Overruled
150:17-23	Retained	150:17-18 Assumes facts not in evidence; Rule 403 (unduly prejudicial)			Overruled
167:14-168:2	Retained	167:24-168:2 Vague; Foundation; Calls for legal conclusion.			Sustained
168:4-21	Retained	168:6-17 Rule 403 (Cumulative, reading from Exhibit). 168:18-21 Calls for speculation; calls for legal conclusion.			Sustained
168:23-169:14	Retained as to 168:23-24, 169:5-14	168:23 Calls for speculation; calls for legal			Sustained

SANTOSH MOHANTY (January 9, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		conclusion. 169:5-14 Calls for speculation.			
			171:12-24	Speculation; NR; 602; Foundation; 403P; 403M; 403C.	Sustained
			172:5-7	Speculation; NR; 602; Foundation; 403P; 403M; 403C.	Sustained
			172:9-15	Speculation; NR; 602; Foundation; 403P; 403M; 403C.	Sustained
			173:4-12	Speculation; NR; 602; Foundation; 403P; 403M; 403C.	Sustained
			173:19-174:2	Speculation; NR; 602; Foundation; 403P; 403M; 403C.	Sustained
178:1-3	Retained	Relevance; Foundation			Sustained
178:5-8	Retained	Relevance; Foundation			Sustained
178:18-20	Retained	Relevance; Foundation			Sustained
178:22-179:1	Retained	Relevance; Foundation			Sustained
188:18-20	Retained	Form; Vague ("deep dive")			Overruled

SANTOSH MOHANTY (January 9, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
242:20-243:3	Retained	242:20-24 Vague; no context; cumulative			Sustained

MAHENDRA PANDIAN (February 12, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
7:9-12	Retained	Relevance; Rule 403			Sustained
56:14-57:15	Retained as to 56:14-57:10	Cumulative			Overruled
58:19-59:10	Retained	Cumulative			Overruled as to 68:19-59:5; sustained as to 59:6-10
59:21-23	Retained	Cumulative			Sustained
60:1-3	Retained	Cumulative			Sustained
60:9-61:17	Retained as to 61:8-17	Cumulative	60:14-23		Overruled
61:20-62:18	Retained	Cumulative			Overruled as to 62:4-18; sustained as to 61:20-62:3
62:22-66:16	Retained as to 63:13-18	Cumulative			Overruled
90:7-25	Retained as to 90:10-25	Cumulative			Overruled
91:3-17	Retained	Cumulative			Overruled
92:12-93:4	Retained	Cumulative			Overruled
93:17-94:16	Retained as to 93:17-94:14	94:9-16 Move to strike (speculation: "as far as I know")	95:6-25 (only if objection is overruled)		Sustained, mooted counter-designation
96:17-99:1	Retained as to 96:20-97:8, 98:10-99:1	Cumulative; 97:2-15 Relevance			Overruled as to both objections as to 96:20-97:8; sustained as

MAHENDRA PANDIAN (February 12, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
					cumulative as to 98:10-99:1; relevance objection for that portion is mooted
99:22-100:12	Retained as to 100:8-10	Cumulative			Sustained
102:7-15	Retained as to 102:7-10	Cumulative			Sustained
106:3-107:18	Retained	Cumulative; 106:3-22 Relevance; testimony should be struck pursuant to Rule 403 because it is wasting time and unduly prejudicial.			Sustained
107:24-109:13	Retained	Relevance; Rule 403 (unfairly prejudicial)			Overruled
109:15-111:2	Retained	Relevance; Rule 403 (unfairly prejudicial)			Overruled
111:9-112:11	Retained	112:1-11 Relevance; Rule 403 (unfairly prejudicial)			Overruled
113:19-114:8	Retained	113:21-114:21 Relevance;			Sustained

MAHENDRA PANDIAN (February 12, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		Rule 403 (unfairly prejudicial)			
114:10-21	Retained	Relevance; Rule 403 (unfairly prejudicial)			Sustained
115:7-117:18	Retained	Relevance; Rule 403 (unfairly prejudicial)			Sustained
118:2-24	Retained	Relevance; Rule 403 (unfairly prejudicial)			Sustained
119:23-122:1	Retained as to 119:23-120:10	120:2-7 Relevance; testimony should be struck pursuant to Rule 403 because it is wasting time and unduly prejudicial.			Objection overruled, but remove 119:23-120:1 as cumulative
123:18-125:17	Retained as to 123:21-125:17	Relevance; Rule 403 (unfairly prejudicial)			Overruled as to 123:21-125:3; sustained as to 125:4-17
125:24-126:10	Retained	Relevance; Rule 403 (unfairly prejudicial)			Sustained
126:15-127:11	Retained	Relevance; Rule 403 (unfairly			Overruled

MAHENDRA PANDIAN (February 12, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		prejudicial)			
131:12-25	Retained	Relevance; Rule 403 (unfairly prejudicial)			Sustained
132:5-23	Retained	Relevance; Rule 403 (unfairly prejudicial)			Overruled
133:14-134:8	Retained	Relevance; Rule 403 (unfairly prejudicial)			Sustained
134:12-18	Retained	Relevance; Rule 403 (unfairly prejudicial)			Sustained
134:24-136:11	Retained as to 134:24-136:6, 136:10-11	Relevance; Rule 403 (unfairly prejudicial)			Overruled
136:23-137:16	Retained	Relevance; Rule 403 (unfairly prejudicial); also Cumulative			Overruled

DEEPA PANDURANGAN (January 9, 2016)					
Plaintiff's Designations	Plaintiff's Amended Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
62:1-25	Retained as to 62:1-62:3, 62:7-15	62:1-25 Relevance; Testimony should be struck pursuant to Rule 403 because it is wasting time, and needlessly presenting cumulative evidence.			Sustained
66:4-6	Retained	Assumes facts not in evidence; Relevance; Testimony should be struck pursuant to Rule 403 because it is wasting time, confusing the jury, and causing undue delay.			Sustained
66:23-24	Retained	Assumes facts not in evidence			Sustained
67:1-3	Retained	Assumes facts not in evidence			Sustained
74:22-76:8	Retained as to 75:4-18	74:20-75:6 Assumes facts not in evidence; Lacks personal knowledge; relevance.			Overruled
78:21-79:11	Retained as to 78:21-23, 79:10-11	79:10-19 Assumes facts not in evidence; foundation			Sustained

DEEPA PANDURANGAN (January 9, 2016)					
Plaintiff's Designations	Plaintiff's Amended Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
			84:17-20	Improper counter-designation	Overruled

Entered this 5th of April, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge