

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

BADER FARMS, INC. and)	
)	
Plaintiffs,)	MDL No. 1:18-md-02820-SNLJ
v.)	
)	
MONSANTO COMPANY and)	Indiv. Case No. 1:16-cv-00299-SNLJ
BASF CORPORATION,)	
)	
Defendants.)	

**ORDER REGARDING CERTAIN DEPOSITION
DESIGNATIONS AND TRIAL EXHIBITS**

This matter comes before the Court on Defendants' objections to certain deposition designations and trial exhibits offered by Plaintiff. The Parties appeared before the Court on January 26, 2020, and argued their respective positions. The Court, having heard the parties' arguments and having reviewed the parties' written submissions and submitted evidence, and being duly advised on the premises, hereby rules as follows:

Deponent	Page/Line Numbers	BASF's Objections	Motion in Limine	Ruling
Birk, Jeff	137:22 - 140:03	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), prejudicial (Rule 403), confusing (Rule 403)		Overruled
Birk, Jeff	140:05 - 141:12	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), prejudicial (Rule 403), confusing (Rule 403)		Overruled

Deponent	Page/Line Numbers	BASF's Objections	Motion in Limine	Ruling
Birk, Jeff	142:24 - 143:02	Vague and ambiguous (Rule 611), lack of foundation (Rule 602), lack of personal knowledge (Rule 602)		Overruled
Birk, Jeff	143:18 - 143:23	Relevance (Rule 402), hearsay (Rule 802), lack of foundation (Rule 602), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	BASF's Motion in Limine (ECF # 302), No. 6, 11 (extrinsic evidence, alleged evidence of joint control)	Overruled
Birk, Jeff	144:01 - 144:08	Relevance (Rule 402), hearsay (Rule 802), lack of foundation (Rule 602), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	BASF's Motion in Limine (ECF # 302), No. 6, 11 (extrinsic evidence, alleged evidence of joint control)	Overruled
Birk, Jeff	151:08 - 152:15	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308) No. 24 (improper lay testimony)	Overruled
Birk, Jeff	152:17 - 152:25	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611),	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11 (other claims), BASF's Motion in Limine (ECF # 302) No. 3 (other BASF entities)	Overruled

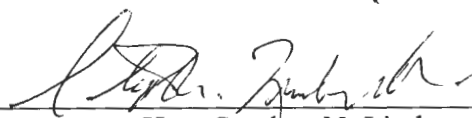
Deponent	Page/Line Numbers	BASF's Objections	Motion in Limine	Ruling
		prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine		
Birk, Jeff	153:09 - 153:14	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11 (other claims)	Overruled
Birk, Jeff	153:16 - 153:21	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11 (other claims)	Overruled
Birk, Jeff	153:23 - 154:10	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11 (other claims)	Overruled

Deponent	Page/Line Numbers	BASF's Objections	Motion in Limine	Ruling
		evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine		
Birk, Jeff	154:12 - 155:14	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11 (other claims)	Overruled
Birk, Jeff	155:16 - 156:12	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11, 24 (other claims, improper lay testimony)	Overruled
Birk, Jeff	156:15 - 156:16	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403),	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11, 24 (other claims, improper lay testimony)	Overruled

Deponent	Page/Line Numbers	BASF's Objections	Motion in Limine	Ruling
		confusing (Rule 403), subject to motion in limine		
Birk, Jeff	156:18 - 156:22	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11, 24 (other claims, improper lay testimony)	Overruled
Birk, Jeff	156:23 - 156:25	Outside the scope, relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), lack of personal knowledge (Rule 602), calls for speculation (Rule 611), assumes facts not in evidence (Rule 611), prejudicial (Rule 403), confusing (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308) No. 5, 11, 24 (other claims, improper lay testimony)	Overruled

Plaintiffs' Exhibit Number	Defendants' Objections	Motion in Limine	Ruling
PLTF 1151	Relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), prejudicial (Rule 403), confusing (Rule 403), cumulative (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308), No. 5, 11 (other claims)	Overruled – goes to notice
PLTF 1153	Relevance (Rule 402), hearsay (Rule 802), hearsay within hearsay (Rule 805), lack of foundation (Rule 602), prejudicial (Rule 403), confusing (Rule 403), cumulative (Rule 403), subject to motion in limine	Defendants' Joint Motion in Limine (ECF #304, 308), No. 5, 11 (other claims)	Overruled – goes to notice

SO ORDERED



Hon. Stephen N. Limbaugh, Jr.

Dated this 12th day of February, 2020