

GREENBERG TRAURIG, LLP
VINCENT H. CHIEFFO (SBN 49069)
E-Mail: *ChieffoV@gtlaw.com*
NINA D. BOYAJIAN (SBN 246415)
E-Mail: *BoyajianN@gtlaw.com*
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404-5524
Telephone: 310-586-7700
Facsimile: 310-586-7800

Attorneys for Plaintiffs John G. Branca and John McClain, Special Administrators of the Estate of Michael J. Jackson; Triumph International, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JOHN G. BRANCA, Special
Administrator of the Estate of Michael J.
Jackson; JOHN MCCLAIN, Special
Administrator of the Estate of Michael J.
Jackson; TRIUMPH INTERNATIONAL,
INC., a California corporation,

Plaintiffs,

vs.

HEAL THE WORLD FOUNDATION, a
California corporation; UNITED FLEET,
a California corporation; and DOES 1-10,
inclusive,

Defendants.

CASE NO. CV-09-07084 DMG (PLAx)

**PLAINTIFFS' OBJECTIONS AND
COUNTER-DESIGNATIONS TO
DEFENDANTS' DESIGNATIONS OF
DEPOSITIONS OF HOWARD MANN
AND BRIAN OXMAN**

Trial Date: April 19, 2011

Complaint Filed: September 29, 2009
Hon. Dolly M. Gee

Pursuant to Local Rule 16-2.7, Plaintiffs John G. Branca and John McClain, Co-Executors of the Estate of Michael J. Jackson (the “Estate”) and Triumph International, Inc. (collectively, “Plaintiffs”), hereby submit the following index of the portions of the depositions offered,¹ stating the pages and lines offered, objections, and the grounds for the objections to the depositions of non-parties Howard Mann and Brian Oxman.

Plaintiffs object to Defendants’ submission of any deposition by Mr. Mann and Mr. Oxman, as neither person is unavailable, and Defendants have submitted witness statements for both Mr. Mann and Mr. Oxman. Accordingly, Defendants’ designation of the deposition of Mr. Mann and Mr. Oxman is prohibited by the Federal Rules of Civil Procedure and the Federal Rules of Evidence. Fed. R. Civ. Proc. 3232; Fed. R. Evid. 802. In the event, however, that the Court chooses to consider Defendants’ designations, Plaintiffs submit the following objections and counter-designations.

Deponent	Defendants’ Designation	Plaintiffs’ Objection	Plaintiffs’ Counter-Designation	Defendants’ Objection
Howard Mann	11:5-12:25			
	17:5-25	Hearsay (FRE 802); irrelevant (FRE 402); lacks personal knowledge (FRE 602).		
	27:8-28:25	Hearsay (FRE 802); irrelevant (FRE 402); lacks personal knowledge (FRE 602).		

¹ Plaintiffs have marked their designations, counter-designations, and objections in blue on the transcripts; Defendants have marked their designations, counter-designations, and objections in green/yellow.

Deponent	Defendants' Designation	Plaintiffs' Objection	Plaintiffs' Counter-Designation	Defendants' Objection
	30:12-25	Hearsay (FRE 802); irrelevant (FRE 402).		
	35:4-38:25	Hearsay (FRE 802).		
	41:8-25	Hearsay (FRE 802); irrelevant (FRE 402).		
	43:6-44:25	Hearsay (FRE 802); irrelevant (FRE 402).	44:23-45:10	
	46:2-25	Hearsay (FRE 802).		
	49:16-54:25	Hearsay (FRE 802); inadmissible opinion testimony by lay witness (FRE 701).		
	55:10-14	Hearsay (FRE 802).		
	60:18-61:25	Hearsay (FRE 802).		
	62:10-63:25	Hearsay (FRE 802).		
	64:16-25	Hearsay (FRE 802).		
	66:4-67:25	Hearsay (FRE 802).		
	71:20-25	Hearsay (FRE 802); irrelevant (FRE 402).		
	72:25	Hearsay (FRE 802); irrelevant (FRE 402).		

Deponent	Defendants' Designation	Plaintiffs' Objection	Plaintiffs' Counter-Designation	Defendants' Objection
	73:22-23	Hearsay (FRE 802); irrelevant (FRE 402).	73:24-75:1	
	74:13-25	Hearsay (FRE 802).	75:1	
	78:6-20	Hearsay (FRE 802).	78:23-79-25	
	83:19-84:12	Hearsay (FRE 802).		
Brian Oxman	6:20-72:17	Hearsay (FRE 802); irrelevant (FRE 402).	15:6-16:5; 16:6-24; 24:22-26:8; 26:13- 27:6; 32:19-24; 35:2-12; 40:5-18; 41:5-10; 49:20-50:3; 52:9-53:10; 53:18-25; 54:20-56:17; 60:22-61:2; 64:8-65:10; 67:8-21	
	73:1-77:25	Hearsay (FRE 802).		

Dated: April 15, 2011

GREENBERG TRAURIG, LLP

By: /S/ NINA D. BOYAJIAN

NINA D. BOYAJIAN

Attorneys for Plaintiffs John G. Branca and John McClain, Special Administrators of the Estate of Michael J. Jackson; Triumph International, Inc.