

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

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|--------------------------|---|----------------------|
| LESLYN PRICE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 07-1046-JTM |
| |) | |
| DAVID A. BRIAN, M.D. and |) | |
| ISSARA AYUTHIA, M.D., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**MEMORANDUM AND ORDER
CONCERNING EDIT OF VIDEOTAPE TESTIMONY**

Trial in this matter is scheduled to commence on the morning of March 8, 2008. At the Court's *in limine* hearing, held on March 2, 2010, the parties were instructed to supply the Court with any requested edits of the videotaped depositions of witnesses to be presented at trial.

Now before the Court is Plaintiff's Motion for Leave to Edit Videotape Testimony (Doc. 119) and Defendant's response (Doc. 122). Having reviewed the submissions of the parties, including the relevant portions of the depositions at issue, the Court rules as follows:

Dr. Beuerlein's deposition:

- 1) pg. 86:4-12 and 87:2-6 (regarding Dr. Beuerlein's own lawsuit and Dr. Tsue's involvement): the parties are in agreement that this passage should be removed. The Court therefore **grants** this request.
- 2) pg. 39:16-24 (Defendant's objection that the question was leading): the Court **sustains** Defendant's objection. The entire passage (pg. 39:16-24) should be removed.
- 3) pg. 43:6-14 (Plaintiff's counsel's request that Dr. Beuerlein's summarize his opinion): the Court **overrules** Defendant's objection, and pg. 43:12-15 (stating the objection) should be removed.
- 4) pg. 80:15-25, 81:10-82:1 (Defendant seeking a "straight answer" from Dr. Beuerlein): the Court **overrules** Plaintiff's objection and lines 81:21-23, 82:6-7 (stating and arguing the objection) should be removed.
- 5) pg. 96:21-97:1 (Defendant's characterization of the depositions of "the two most important persons in the case"): the Court **overrules** Plaintiff's objection and lines 96:23-24 (stating and arguing the objection) should be removed.

Dr. Busaidy's deposition:

- 1) time 9:55:05-9:56:48 (Plaintiff's request to remove approximately two minutes of "dead air time"): the Court **denies** Plaintiff's request; the portion at issue should remain intact.

IT IS SO ORDERED.

Dated at Wichita, Kansas on this 5th day of March, 2010.

s/ DONALD W. BOSTWICK
DONALD W. BOSTWICK
United States Magistrate Judge