

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

LA QUEN NÁAY ELIZABETH)
MEDICINE CROW, AMBER LEE, and)
KEVIN MCGEE,)
Plaintiff,)
v.)
DIRECTOR CAROL BEECHER, in her)
official capacity, LT. GOVERNOR)
NANCY DAHLSTROM, in her official)
capacity, and the STATE OF ALASKA)
DIVISON OF ELECTIONS, ,)
Defendants,)
v.)
DR. ARTHUR MATHIAS, PHILLIP)
IZON, and JAMIE R. DONLEY,)
Intervenors.)
Case No. 3AN-24-05615CI

ORDER RE OBJECTIONS TO DEPOSITION DESIGNATIONS

Included herein are the Court's rulings on each of the objections to deposition designations submitted by the Parties. The Parties are ordered to work together to edit the deposition videos consistent with these rulings and submit them to the Court as soon as practicable.

Plaintiffs' Objections:

Designated Testimony	Objection	Ruling
Mikaela Emswiler: 1:1-6:9	Hearsay, relevance, Evid. R. 403	Overruled.
Mikaela Emswiler: 6:12-8:15	Hearsay, relevance, Evid. R. 403	Overruled.
Mikaela Emswiler: 89:17-89:19	Hearsay, relevance, Evid. R. 403, accuracy	Overruled.
Mikaela Emswiler: 90:8-90:17	Hearsay, relevance, Evid. R. 403	Sustained.
Mikaela Emswiler: 101:13-102:3	Hearsay, relevance, Evid. R. 403	Overruled.
Natalie Martin: 1:1-5:13	Hearsay, relevance, Evid. R. 403	Overruled.
Natalie Martin: 5:16-6:23	Hearsay, relevance, Evid. R. 403	Overruled.
Natalie Martin: 7:15-10:19	Hearsay, relevance, Evid. R. 403	Overruled.
William Quantick: 1:1-5:14	Hearsay, relevance, Evid. R. 403	Overruled.
William Quantick: 5:16-10:12	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing pages 6-9. ¹
William Quantick: 32:8-32:13	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing page 32.
Theodorus Ransum: 1:1-5:12	Hearsay, relevance, Evid. R. 403	Overruled.
Theodorus Ransum: 5:15-7:21	Hearsay, relevance, Evid. R. 403	Overruled.
Colleen Sherman: 1:1-5:20	Hearsay, relevance, Evid. R. 403	Overruled.
Colleen Sherman: 5:23-8:21	Hearsay, relevance, Evid. R. 403	Overruled.
Sylvia Stewart: 1:1-5:14	Hearsay, relevance, Evid. R. 403	Overruled.
Sylvia Stewart: 5:23-9:11	Hearsay, relevance, Evid. R. 403	Overruled.
Sharon Wessels: 1:1-5:18	Hearsay, relevance, Evid. R. 403	Overruled.

¹ If this passage encompasses the introductory information similar to other depositions, overruled.

Sharon Wessels: 7:3-10:23	Hearsay, relevance, Evid. R. 403	Overruled.
Eric Hughes: 1:1-5:13	Hearsay, relevance, Evid. R. 403	Overruled.
Eric Hughes: 8:1-9:7	Hearsay, relevance, Evid. R. 403	Overruled.
Jesse Baise: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
Jesse Baise: 1:1-5:13	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ²
Jesse Baise: 5:16-11:5	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ³
Richard Eide: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
Richard Eide: 1:1-5:15	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ⁴
Richard Eide: 5:18-8:11	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ⁵
Richard Eide: 8:24-9:17	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ⁶
Richard Eide: 10:2-10:24	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ⁷
John Miller: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
John Miller: 1:1-5:13	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ⁸

² Same.

³ Same.

⁴ Same.

⁵ Same.

⁶ Same.

⁷ Same.

⁸ Same.

John Miller: 5:16-11:2	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ⁹
Barbara Tyndall: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
Barbara Tyndall: 1:1-6:2	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ¹⁰
Barbara Tyndall: 6:5-9:10	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ¹¹
John Whisamore: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
John Whisamore: 1:1-5:15	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ¹²
John Whisamore: 5:20-10:4	Hearsay, relevance, Evid. R. 403	Unable to rule. Missing deposition. ¹³
Phillip Izon, II: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
Phillip Izon, II: 1:1-7:11	Hearsay, relevance, Evid. R. 403	Overruled.
Phillip Izon, II: 7:14-12:7	Hearsay, relevance, Evid. R. 403	Overruled.
Dr. Arthur Mathias: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
Dr. Arthur Mathias:	Hearsay, relevance, Evid.	Overruled.

⁸ Same.

⁹ Same.

¹⁰ Same.

¹¹ Same.

¹² Same.

¹³ Same.

1:1-5:14	R. 403	
John Costa: All	Hearsay	Reserved. Inadmissible unless hearsay objections overcome, or parties stipulate to depositions of available witnesses.
John Costa: 1:1-6:16	Hearsay, relevance, Evid. R. 403	Overruled.
John Costa: 6:19-8:10	Hearsay, relevance, Evid. R. 403	Overruled.

Sponsors' Objections:

Designated Testimony	Objection	Ruling
All	Sponsors' object to the playing of designated depositions at trial in open court	The Court will only review designated portions of depositions off record if all parties agree
Various	Sponsors' repeatedly object that Plaintiffs were "selective" in their designations	Overruled. Sponsors' had the ability to counter-designate testimony
Various	Sponsors' repeatedly object to lack of foundation and hearsay as to audio in videos	Reserved. Videos will not be admitted as exhibits or considered until foundation is laid and any hearsay objections overcome.
Brad Campbell: pp 16-17	Evid. R. 403	Overruled.
Brad Campbell: pp 19-21	Evid. R. 403	Overruled.

IT IS SO ORDERED.

DATED this 20 day of June, 2024, at Anchorage, Alaska.



Christina Rankin
Superior Court Judge

I certify that on 6/24/21
a copy of the above was emailed
via Case Parties (unless noted otherwise below)
to each of the following at their address of record:
C Kendall, S Gottstein, J Lindemuth,
S Kendall, T Flynn, L Harrison,
~~K~~K Clarkson
C Feltineil, Judicial Assistant