

EXHIBIT B

to, or may be used in a manner that, on its face or as argued at trial is contrary to any of Defendants' Motions for Summary Judgment, *Daubert* Motions, Motions to Strike, and/or forthcoming Motions *in Limine*. Defendants further generally object to any use of deposition designation testimony of any witness where Plaintiff has not demonstrated these individuals are unavailable to testify live, *see* Fed. R. Evid. 804. Defendants object to any attempt to call Defendants' employees as live trial witnesses, *see* Fed. R. Civ. P. 45(c)(1). Defendants object to Plaintiff calling any witness by designation who Defendants intend to present live at trial. Defendants intend to incorporate by reference their objections and counter-designations to Plaintiff's deposition designations as well as any evidentiary issues to be raised at the pre-trial conference. Defendants further reserve the right to object on any ground of improper or irrelevant testimony advanced at trial by any of Plaintiff's witnesses (including on cross-examination of Plaintiff's or third-party witnesses).

Defendants do not know the precise nature or scope of the testimony and evidence that Plaintiff may seek to present at trial. As such, Defendants reserve the right to amend or supplement their objections prior to or during trial including, by way of example and not of limitation, rulings by the Court including on any of Defendants' Motions for Summary Judgment, *Daubert* Motions, Motions to Strike, and forthcoming Motions *in Limine*, or any other case developments.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via email on all counsel of record on this 5th day of January, 2022.

/s/ Christopher W. Kennerly
Christopher W. Kennerly