

TRIAL OBJECTIONS GUIDE
PLAINTIFFS' TRIAL NOTEBOOK

Santa Cruz De Leon Saucedo and Martha Martinez

v.

Iraissy Montalvo Reyna

Cause No. C-2344-19-E

275th District Court, Hidalgo County, Texas

I. QUICK REFERENCE BENCH CARD

Keep this page visible at counsel table. One-line objections with Texas Rules of Evidence citations.

OBJECTION	ONE-SENTENCE BASIS
Relevance (401/402)	"Doesn't make any fact of consequence more or less probable."
Unfair Prejudice (403)	"Unfair prejudice/misleading/confusion substantially outweighs probative value."
Speculation (602)	"No personal knowledge; calls for guessing."
Lay Opinion (701)	"Calls for conclusions beyond witness's perception."
Expert Required (702)	"Medical/biomechanics opinion requires qualified expert foundation."
Argumentative (611)	"Counsel is testifying; question is argumentative."
Asked & Answered (611)	"This has been asked and answered; counsel is badgering."
Misstates Record (611)	"Counsel is mischaracterizing the testimony/evidence."
Completeness (106)	"If part is read, the rest must be admitted to avoid misimpression."
Hearsay (801/802)	"Out-of-court statement offered for truth of the matter asserted."
Leading (611)	"Leading question on direct examination."
Beyond Scope (611)	"Beyond the scope of direct examination."
Collateral Source (411)	"Improper inquiry into insurance/payment source."

II. "IF DEFENSE SAYS X, OBJECT Y" – QUICK RESPONSE GRID

Case-specific triggers based on deposition testimony, discovery responses, and predicted defense themes.

IF DEFENSE SAYS/ASKS...	OBJECTION	CURATIVE ASK
"No ambulance was called, so they weren't really hurt"	Argumentative (611); Improper medical inference (702)	Instruct: absence of EMS transport is not medical determination of no injury
"The damage was minor – look at the photos"	Argumentative (611); Expert required for biomechanics (702)	Instruct: counsel's biomechanics argument is not evidence
"Chiropractors aren't real doctors"	Argumentative (611); Unfair prejudice (403)	Limit to this plaintiff's actual treatment; no attacks on profession
"They didn't pay anything – these are paper bills"	Collateral source (411); Relevance (401)	Avoid payment-source questions; focus on reasonable/necessary
"They didn't claim lost wages, so they weren't hurt"	Relevance (401); Misleading (403); Argumentative (611)	Instruct: damage categories not mandatory; absence of one is not evidence of no injury
"The police report doesn't mean anything"	Argumentative (611); Misleading (403)	Instruct: report is evidence to extent admitted; argument for closing
"She doesn't remember crossing the yellow line"	Argumentative (611) if counsel testifies	"Please instruct counsel to ask questions, not testify"
"They stopped treating – they must be fine now"	Argumentative (611); Misleading (403)	Gap in treatment can have many causes; not evidence of cure
[Quotes depo out of context]	Misstates record (611); Completeness (106)	"May I approach with transcript? Request full Q/A for context"
[Questions about Mexico/residency/border]	Relevance (401); Unfair prejudice (403)	Limit to treatment logistics only; exclude residency insinuations
"They were referred by a lawyer"	Relevance (401); Unfair prejudice (403)	Source of referral doesn't change treatment received or injuries

III. DETAILED OBJECTION CATEGORIES – CASE-SPECIFIC

A. Police Report / Officer Testimony / Fault Language

A1. Defense tries to minimize the report or claim it's "just paperwork"

WHY IT'S LIKELY: Reyna testified she was "surprised" to learn she was placed at fault in the police report. This telegraphs a built-in "I disagree with the report" posture that defense will exploit.

OBJECTION: "Objection, relevance and misleading the jury."

Rule: Tex. R. Evid. 401, 403

OBJECTION: "Objection, argumentative – counsel is testifying."

Rule: Tex. R. Evid. 611(a)

CURATIVE REQUEST: "Your Honor, I ask the jury be instructed that the report may be considered as evidence to the extent admitted; counsel's argument about what it 'means' is for closing."

A2. Defense uses "no ambulance" to argue "no injury"

WHY IT'S LIKELY: Reyna testified: "No ambulance arrived and nothing arrived. I left and they left." This is a neon sign for the defense theme that "they weren't really hurt."

OBJECTION: "Objection, relevance and misleading the jury."

Rule: Tex. R. Evid. 401, 403

OBJECTION: "Objection, improper medical inference – requires expert."

Rule: Tex. R. Evid. 702

CURATIVE REQUEST: "Instruction that refusal or absence of EMS transport is not a medical determination and does not prove absence of injury."

A3. Defense objects to officer saying "at fault" as legal conclusion

WHY IT'S LIKELY: Reyna is pinned to the report's fault designation. Defense will fight use of the term "at fault" from the officer.

Your position: Let the officer testify to what he did, observed, and recorded. Avoid biomechanics. If defense pushes the officer beyond his role, YOU object.

OBJECTION: "If defense elicits causation theories beyond investigation: improper expert, beyond scope."

Rule: Tex. R. Evid. 702, 703, 611(a)

B. Lane Lines / No-Passing Zone / Collision Mechanics

B1. Defense tries to soften lane-crossing or claim Reyna "doesn't remember"

WHY IT'S LIKELY: *Reyna testified "I don't remember" when asked about stepping into yellow lines before impact. Defense will use "can't recall" to argue uncertainty about mechanics.*

OBJECTION: "Objection, asked and answered."

Rule: Tex. R. Evid. 611(a)

OBJECTION: "Objection, argumentative – counsel is testifying."

Rule: Tex. R. Evid. 611(a)

OBJECTION: "Objection, speculation – calls for witness to guess."

Rule: Tex. R. Evid. 602

CURATIVE REQUEST: "Please instruct counsel to ask a question, not testify."

B2. Defense attacks "no-passing zone" as exaggeration

WHY IT'S LIKELY: *Plaintiffs' interrogatory states Reyna attempted to "pass over to the inside lane in a no passing zone." Defense will contest this characterization.*

OBJECTION: "Objection, mischaracterizes the evidence."

Rule: Tex. R. Evid. 611(a)

OBJECTION: "Objection, calls for legal conclusion."

Rule: Tex. R. Evid. 701

CURATIVE REQUEST: "Counsel can ask what she saw and did; legal significance of markings is for the Court's charge."

C. Vehicle Damage / "Low Impact" / "Minor Dent = No Injury"

C1. Defense argues "damage was minor, therefore injuries aren't real"

WHY IT'S LIKELY: *This is soft tissue + conservative treatment. "Low impact" is the default defense in every case like this. You produced photos and a damage appraisal – defense will use them.*

OBJECTION: "Objection, argumentative."

Rule: Tex. R. Evid. 611(a)

OBJECTION: "Objection, improper expert opinion – biomechanics inference requires qualified expert."

Rule: Tex. R. Evid. 702

OBJECTION: "Objection, speculation / lack of foundation."

Rule: Tex. R. Evid. 602, 701, 702

CURATIVE REQUEST: "Instruction: vehicle damage may be considered, but jurors may not treat counsel's biomechanics argument as evidence."

PRACTICAL NOTE: Let them show photos; stop them from turning photos into "medical proof" without an expert.

D. Medical Treatment / Chiropractic / Pain Clinic / Bills

D1. Defense attacks chiropractors as "not real doctors" or "lawsuit care"

WHY IT'S LIKELY: *Both plaintiffs treated at Chiro Sync. This is a standard defense tactic to discount chiropractic care as lawyer-directed treatment.*

OBJECTION: "Objection, improper opinion / argumentative."

Rule: Tex. R. Evid. 611(a), 701

OBJECTION: "Objection, relevance / unfair prejudice."

Rule: Tex. R. Evid. 403

CURATIVE REQUEST: "Limit to this plaintiff's actual treatment and complaints; no generalized attacks on an entire profession."

D2. Defense insinuates "they didn't pay anything / bills aren't real"

WHY IT'S LIKELY: *Discovery shows "Amount Due" entries with no amounts "actually paid" disclosed. Classic setup for "paper bills" argument.*

OBJECTION: "Objection, collateral source / improper inquiry into payment source."

Rule: Tex. R. Evid. 411; CPRC § 41.0105

OBJECTION: "Objection, relevance – who paid is not the issue."

Rule: Tex. R. Evid. 401

CURATIVE REQUEST: "Instruction to avoid collateral source and payment-source questions."

D3. Defense uses "no lost wages claim" to argue "not really hurt"

WHY IT'S LIKELY: *Both RFP responses state no lost wages claim. Defense will weaponize this: "If you were really hurt, you'd have wage loss."*

OBJECTION: "Objection, relevance / misleading."

Rule: Tex. R. Evid. 401, 403

OBJECTION: "Objection, argumentative."

Rule: Tex. R. Evid. 611(a)

CURATIVE REQUEST: "Instruction that damages categories are not mandatory; absence of one category is not evidence of absence of injury."

D4. Defense attacks gap in treatment

WHY IT'S LIKELY: *Standard defense tactic. If plaintiffs stopped treating, defense argues they're cured or exaggerating.*

OBJECTION: "Objection, argumentative."

Rule: Tex. R. Evid. 611(a)

OBJECTION: "Objection, misleading."

Rule: Tex. R. Evid. 403

CURATIVE REQUEST: "Gap in treatment can result from many factors (cost, insurance, work); stopping treatment is not evidence of cure."

E. Plaintiff Credibility / Residency / Border Issues

E1. Defense uses residency/cross-border life to attack credibility

WHY IT'S LIKELY: Saucedá deposition index shows "Mexico" and "Reynosa" terms. Cross-border life is in the testimony and defense may exploit it for prejudice.

OBJECTION: "Objection, relevance."

Rule: Tex. R. Evid. 401

OBJECTION: "Objection, unfair prejudice / confusion of issues."

Rule: Tex. R. Evid. 403

CURATIVE REQUEST: "Limit questioning to treatment logistics only; exclude nationality/residency insinuations."

F. Deposition Use / Misquotes / Partial Reads

F1. Defense misquotes deposition to make plaintiff sound inconsistent

WHY IT'S LIKELY: *Defense counsel reserved questions "for trial" in depositions – a signal they plan to impeach live. Martinez deposition: defense said they will "reserve the rest for trial."*

OBJECTION: "Objection, misstates the record."

Rule: Tex. R. Evid. 611(a)

OBJECTION: "Rule of completeness."

Rule: Tex. R. Evid. 106

CURATIVE REQUEST: "May I approach with the transcript? I request the full Q/A be read for context."

PRACTICAL TIP: Have deposition transcripts tabbed and ready. When defense misquotes, immediately request to read the complete exchange.

IV. OBJECTIONS BY STAGE OF TRIAL

A. During Defendant's Opening Statement

- If defense argues facts not in evidence: "Objection, this is argument, not a preview of evidence."
- If defense makes improper "low impact" medical conclusions: "Objection, counsel is testifying to matters requiring expert testimony."
- If defense attacks chiropractors generally: "Objection, improper argument; prejudicial."

PRACTICAL TIP: Be selective during opening. Juries don't like lawyers who object constantly. Save objections for clear violations.

B. During Cross-Examination of Plaintiffs

- Asked and answered (611) – when defense repeats same question to badger
- Argumentative (611) – when defense argues instead of asking
- Misstates testimony (611) – when defense mischaracterizes prior answers
- Assumes facts not in evidence (611) – when question contains false premise
- Compound question (611) – when multiple questions asked at once
- Relevance (401/403) – when defense goes into collateral matters

C. During Direct Examination of Defendant

- Leading (611) – defense counsel cannot lead on direct of their own witness
- Narrative (611) – if witness gives long speeches instead of answering questions
- Hearsay (801/802) – if defendant testifies to what others said
- Speculation (602) – if defendant guesses about Plaintiffs' actions

D. During Defense Closing Argument

- Misstates evidence: "Objection, that misstates the evidence."
- Improper inference: "Objection, there is no evidence to support that argument."
- Appeals to prejudice: "Objection, improper appeal to prejudice."
- Personal attacks on counsel: "Objection, improper."

NOTE: Courts give wide latitude in closing. Object only to clear violations. Make record for appeal if needed.

V. LIKELY OBJECTIONS BY WITNESS

During Cross of Santa Cruz De Leon Saucedo

LIKELY DEFENSE TACTIC	YOUR OBJECTION
"You didn't go to the ER"	Argumentative (611); improper medical inference (702)
"The damage was minor"	Argumentative (611); expert required (702)
"You stopped treating"	Argumentative (611); misleading (403)
Questions about Mexico/Reynosa	Relevance (401); unfair prejudice (403)
"Your lawyer sent you to the chiropractor"	Relevance (401); unfair prejudice (403)
Misquotes deposition	Misstates record (611); completeness (106)

During Cross of Martha Martinez

LIKELY DEFENSE TACTIC	YOUR OBJECTION
"You were just a passenger – you don't know what happened"	Argumentative (611)
"You didn't need surgery"	Argumentative (611); misleading (403)
"No lost wages claim"	Relevance (401); argumentative (611)
Speculation about Saucedo's driving	Speculation (602); lack of personal knowledge

During Direct of Iraissy Montalvo Reyna

LIKELY DEFENSE TACTIC	YOUR OBJECTION
Leading questions	Leading (611) – this is direct examination
"The damage didn't look that bad"	Lay opinion (701); expert required for injury inference (702)
"They seemed fine at the scene"	Lay opinion (701); improper medical inference (702)
"I don't think it was my fault"	Legal conclusion; let it go – jury decides fault
Narrative answers	Narrative (611); nonresponsive

During Cross of Treating Physicians

LIKELY DEFENSE TACTIC	YOUR OBJECTION
"Chiropractors aren't real doctors"	Argumentative (611); unfair prejudice (403)
"You treated on a lien"	Relevance (401) if used to attack credibility generally
"You didn't witness the collision"	Let it go – standard foundation question
Attacking causation opinion generally	Monitor – proper cross unless it becomes argumentative

VI. PRESERVING ERROR FOR APPEAL

If the Court overrules your objection, you must take additional steps to preserve error for appeal:

- **STATE YOUR OBJECTION CLEARLY:** "Objection, [specific ground]." Be specific – "objection" alone is insufficient.
- **GET A RULING:** If the Court doesn't rule, ask: "May I have a ruling, Your Honor?"
- **REQUEST INSTRUCTION TO DISREGARD:** "I ask that the jury be instructed to disregard."
- **MOVE FOR MISTRIAL (if egregious):** "The prejudice cannot be cured by instruction. I move for mistrial."
- **MAKE AN OFFER OF PROOF:** If your evidence is excluded, make an offer of proof outside the jury's presence to preserve the record.

RUNNING OBJECTION: If the Court allows a line of questioning over objection, request: "Your Honor, may I have a running objection to this line of questioning?" This preserves your objection without requiring you to object to each question.

VII. MOTIONS IN LIMINE – CHECKLIST

Consider filing motions in limine on these topics BEFORE trial to prevent defense from mentioning them in front of the jury:

- Insurance / collateral source – exclude references to who paid medical bills
- Attorney referral – exclude references to lawyer referring plaintiffs to treatment
- Absence of lost wages claim – exclude argument that no wage claim = no injury
- Immigration / residency status – exclude irrelevant references to cross-border life
- Prior unrelated medical conditions – exclude unless defense can show relevance
- "Lawsuit abuse" / "frivolous lawsuits" – exclude generic anti-lawsuit rhetoric
- Settlement negotiations – exclude under Rule 408
- Criminal history (if any) – exclude unless relevant to credibility under Rule 609
- "Low impact" biomechanics argument – exclude without qualified expert

If you did not file written motions in limine, you can still raise these issues orally before the witness testifies or the evidence is offered.

APPENDIX: TEXAS RULES OF EVIDENCE – QUICK REFERENCE

RULE	SUMMARY
106	COMPLETENESS: When part of a statement is introduced, adverse party may require introduction of any other part that ought in fairness to be considered with it.
401	RELEVANCE: Evidence is relevant if it has any tendency to make a fact of consequence more or less probable.
402	GENERAL ADMISSIBILITY: Relevant evidence is admissible unless excluded by law. Irrelevant evidence is inadmissible.
403	EXCLUSION: Court may exclude relevant evidence if probative value is substantially outweighed by unfair prejudice, confusion, misleading, delay, or cumulative.
411	LIABILITY INSURANCE: Evidence of insurance is not admissible to prove negligence or wrongful conduct. (Basis for collateral source objection.)
602	PERSONAL KNOWLEDGE: Witness may testify only to matters of which the witness has personal knowledge.
611	MODE AND ORDER: Court controls questioning. Leading questions generally not allowed on direct. Court should protect witnesses from harassment.
701	LAY OPINION: Lay witness may give opinion if rationally based on perception and helpful. Cannot give opinions requiring specialized knowledge.
702	EXPERT TESTIMONY: Witness qualified by knowledge, skill, experience, training, or education may give expert opinion if it will help the trier of fact.
703	EXPERT BASIS: Expert may base opinion on facts perceived, made known at trial, or reasonably relied upon by experts in the field.
801	HEARSAY DEFINED: Out-of-court statement offered to prove the truth of the matter asserted.
802	HEARSAY RULE: Hearsay is not admissible except as provided by law or these rules.
803(6)	BUSINESS RECORDS: Records of regularly conducted activity are not excluded as hearsay if proper foundation.