

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

COLONY INSURANCE COMPANY, )  
as subrogee for Regeneration, LLC and )  
Roy Granger, )

Plaintiff, )

v. )

CASE NO. 3:14-cv-1051-WHA-TFM

AL & SONS CORP. and )  
AL MITCHELL, )

(WO)

Defendants. )

**MEMORANDUM OPINION AND ORDER**

This cause is before the court on the Plaintiff’s Objection to Defendants’ Witness List (Doc. #36). The Plaintiff objects to witnesses on the Defendants’ list as follows: Witness 4. Robert Meadows, Witness 12. Gene Calhoun, and Witnesses 13, 14, 15, and 15 which are witnesses who have not been specifically identified.

In response to the objection to Robert Meadows, Defense counsel states that he has decided not to call Robert Meadows, so that that objection is moot.

The Plaintiff objects as to Gene Calhoun on the ground that his testimony will not aid the jury because the value of the property pre and post-fire is not relevant. The Plaintiff also states that Gene Calhoun was not identified as an expert witness.

In response Defense counsel states that Gene Calhoun will not be called as a witness. Defense counsel states that the documents submitted by Gene Calhoun to Colony Insurance and made a part of Colony Insurance’s business records will be offered as evidence. These exhibits will be discussed in a separate Order on the Plaintiff’s Objections to the Defendants’ List of Exhibits.

Exhibit 13 is a designation for a representative of Colony Insurance Company. The Defendant states that Pete DeJesso has been listed as a witness and will serve as a trial representative for the Plaintiff, so the Defendants do not anticipate calling any additional witnesses from Colony Insurance Company. Defense counsel also states that as to Witnesses 14, 15, and 16, it does not anticipate calling any other witnesses and only reserves the right to call witnesses for rebuttal or impeachment.

Accordingly, it is hereby ORDERED that the Plaintiff's Objections as to Defendants' Witnesses 4 and 12 are OVERRULED as moot, and are SUSTAINED as to Witnesses 13, 14, 15, and 16. Defendants will be permitted to present rebuttal evidence in accordance with the Federal Rules of Evidence and Civil Procedure.

Done this 27<sup>th</sup> day of October, 2015.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE