

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RONALD SELLERS, as assignee]
of GARY GARDNER & GARY]
GARDNER BUILDERS, INC.]

Plaintiff,]

v.]

NATIONWIDE MUTUAL FIRE]
INSURANCE COMPANY and]
STEVE DURHAM d/b/a S.]
DURHAM CONTRACTING,]

Defendants.]

CIVIL ACTION NO.:

2:15-CV-957-KOB

MEMORANDUM OPINION AND ORDER

Before the court is Defendant Nationwide’s “Objection to Plaintiff’s Exhibit List and Motion to Strike Certain Exhibits.” (Doc. 40). Plaintiff Sellers submitted a list of exhibits “that may be offered into evidence at the trial of this case.” (Doc. 35). Mr. Sellers filed the exhibits while the parties were briefing legal issues to be resolved by the court, which have since come under submission. Because the court has not yet set this case for trial, ruling on the motion at this time would be premature.

Therefore, the court will **DENY** Nationwide’s motion to strike the exhibits **WITHOUT PREJUDICE** to refile the motion at a later date.

DONE and ORDERED this 6th day of March, 2018.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE