

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

GORDON RIPPS,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 07-0832-CG-B
)	
D. LEON POWERS,)	
)	
Defendant.)	

ORDER

The above-styled action came on for trial by jury on September 8 and 9, 2010, before United States District Judge Callie V. S. Granade. The jury was selected, but not sworn, on August 31, 2010 before Judge Granade.

On September 8, 2010, the court held an in-camera hearing with the parties regarding pretrial matters. The jury was then duly sworn, and trial commenced. Plaintiff presented his case-in-chief on September 8 and 9, and rested. During the plaintiff's presentation the plaintiff's oral motion to strike the defendant's reference to plaintiff's attorney's role in this case (Doc. 130) was **GRANTED**, and plaintiff's oral motion for jury instruction regarding defendant's cross-examination testimony (Doc. 131) was **GRANTED**.

On September 9, 2010, the defendant presented his evidence and rested. At the conclusion of all the evidence the plaintiff's motion for judgment as a matter of law (Doc. 132) was **DENIED**, and plaintiff's motion to remove the rescission instruction from the jury charge (Doc. 133) was **GRANTED**. The court held a charge conference with the parties, the respective parties presented their closing arguments to the jury, the court charged the jury on the applicable law, and the jury commenced their deliberations.

Now, on the 9th day of September, 2010, comes the jury who having heard the evidence, the arguments of counsel, the charge of the court and having considered the same upon their oaths, return their verdict into open court with counsel present, to wit:

“WE, THE JURY, FIND FOR THE PLAINTIFF, GORDON RIPPS, AGAINST DEFENDANT, D. LEON POWERS.

DAMAGES ARE ASSESSED IN THE AMOUNT OF \$731,712.00.

JESSE GALBRAITH
FOREPERSON”

Post trial motions shall be filed **no later than September 16, 2010**. Any responses shall be filed **no later than September 23, 2010**.

By separate document, the court will enter judgment in accordance the verdict of the jury.

DONE and ORDERED this 10th day of September, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE