

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

EARATON ADAMS, et al.,)	
Plaintiffs,)	
)	CIVIL ACTION NO 08-0155-KD-N
vs.)	
)	
AUSTAL, USA, L.L.C.,)	
Defendant.)	

ORDER

This matter came before the Court on this date for a hearing on the Defendant's Motion to Sever and Supplement thereto (Docs. 363, 389), Plaintiffs' Opposition (Doc. 371), Defendant's Reply (Doc. 372), and the parties' Joint Motion to Continue (Doc. 387).

Upon consideration and after hearing oral argument, it is **ORDERED** that Defendant's Motion to Sever (Docs. 363, 389) is **GRANTED in part** pursuant to Rule 42(b) of the Federal Rules of Civil Procedure for those reasons stated on the record. Thus, this action is **SEVERED FOR TRIAL** with the first trial to consist of **Plaintiffs Earaton Adams, Myron Barnes, Frederick Carter, Sidney Hedgeman and Carlos Johnson**. The Court will determine the manner in which the remaining plaintiffs shall be severed for trial at a later date.

It is further **ORDERED** that the parties' Joint Motion to Continue (Doc. 387) is **GRANTED** as to the Pretrial Conference setting and **DENIED** as to the trial setting, as follows:

- 1) The **Final Pretrial Conference** shall be held on **Thursday, August 25, 2011** at **8:00 a.m.** in the United States Courthouse in Mobile, Alabama (see Judge DuBose's Standing Order attached hereto); and

2) This **Jury action** is set for **Trial** during the months of **September and October 2011**, in Mobile, Alabama, with Jury Selection commencing at **8:30 a.m.** on **Tuesday, August 30, 2011,**¹ and **Trial** commencing on **Monday, September 26, 2011** at **8:30 a.m.**

DONE and **ORDERED** this the **28th** day of **July 2011**.

/s/ Kristi K. DuBose _____

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE

¹ The parties have consented to jury selection with the Magistrate Judge.