

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

STEPHANIE MCREVY, <u>et al.</u>,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 08-0508-CG-B
)	
STEPHEN BLAKE RYAN,)	
)	
Defendant.)	

ORDER

The above-styled action came on for trial by jury on December 21 and 22, 2009, before Chief United States District Judge Callie V. S. Granade. The jury was selected, but not sworn, on December 1, 2009, before the United States Magistrate Judge Bert W. Milling, Jr.

On December 21, 2009, the court held an in-camera hearing with counsel regarding pretrial matters, at which the court found items 1-10 of the plaintiffs' motion in limine (Doc. 62) to be **MOOT**, and **DENIED** items 11 and 12 for the reasons as set forth on the record. The court also heard the defendant's objections to several of plaintiff's exhibits. Plaintiffs withdrew police report, bills for repairs for vehicles, and exhibit related to audiologist. Defendants objection to photos of vehicle was overruled. Defendant's objection to Apple Wellness exhibit to be taken up at time offered. The jury was then duly sworn, and trial commenced. Plaintiffs presented their case-in-chief on December 21 and 22, 2009, and rested. During presentation of the plaintiffs' evidence, the defendant's motion to strike page 53, line 14 through 55, line 20 of Michael Haydel's deposition testimony was **GRANTED**, and defendant's oral motion to strike non-responsive answer of Samantha Mulkey was **GRANTED**.

At the close of the plaintiffs' case on December 22, 2009, the defendant orally renewed his motion to dismiss based on lack of subject matter jurisdiction, and the court **DENIED** the motion, finding that there was evidence from which the jury could award damages in excess of \$75,000.00. The defendant then presented his evidence, and rested. The court held a charge conference with counsel, 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 22nd day of December, 2009, 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 verdicts (copies of which are attached hereto) into open court with counsel present.

Post trial motions are to be filed **no later than January 15, 2010**. Any responses shall be filed **no later than January 29, 2010**.

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

DONE and ORDERED this the 22nd day of December, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE