

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

|                                |   |                                      |
|--------------------------------|---|--------------------------------------|
| <b>JENNIFER ANN CLARK,</b>     | ) |                                      |
| <b>ANGELA STEVENS,</b>         | ) |                                      |
|                                | ) |                                      |
| <b>Plaintiffs,</b>             | ) |                                      |
|                                | ) |                                      |
| <b>vs.</b>                     | ) | <b>Civil Action No. 09-0694-CG-B</b> |
|                                | ) |                                      |
| <b>OFFICER JOHN MILLER,</b>    | ) |                                      |
| <b>OFFICER ALAN CARPENTER,</b> | ) |                                      |
| <b>VINCENT HERTZ,</b>          | ) |                                      |
| <b>MOBILE COUNTY,</b>          | ) |                                      |
|                                | ) |                                      |
| <b>Defendants.</b>             | ) |                                      |

**ORDER**

The above-styled action came on for trial by jury on March 15 and 16, 2011, before United States District Judge Callie V. S. Granade. The jury was selected, but not sworn, on March 1, 2011, before the United States Magistrate Katherine P. Nelson.

On March 15, 2011, the court held an in-camera hearing with counsel, at which the court made the following rulings for the reasons as set forth on the record:

1) Plaintiffs' Motion in Limine regarding gratuitous racial slurs (Doc. 57) was

**GRANTED in part.**

2) Defendants' Miller and Carpenter's Motion in Limine regarding dismissal of criminal charges (Doc. 58) was **GRANTED.**

3) Defendants' Vincent Hertz and Mobile County's Motion in Limine #1 regarding denial of medical treatment (Doc. 62) was **GRANTED in part.**

4) Defendants' Vincent Hertz and Mobile County's Motion in Limine #2 regarding

potential injury to unborn child (Doc. 63) was **GRANTED in part**.

5) Defendants' Vincent Hertz and Mobile County's Motion in Limine #3 regarding history of plaintiff Clark's pregnancies (Doc. 64) was **GRANTED in part**.

6) Defendants' Vincent Hertz and Mobile County's Motion in Limine #4 regarding plaintiff Clark's "high risk" pregnancy (Doc. 65) was **GRANTED in part**.

7) Defendants' Hertz and Mobile County's oral motion regarding plaintiff Stevens' use of anxiety medication (Doc. 72) was **DENIED**.

8) Plaintiff Stevens' oral motion in limine regarding prior arrest (Doc. 71) was **DENIED**. The jury was then duly sworn, and trial commenced. Plaintiffs presented their case-in-chief and rested. At the close of the plaintiffs' case the defendants' motions for judgment as a matter of law (Docs. 73,74,84) were **DENIED** for the reasons as set forth on the record. Defendants Miller and Carpenter then began presentation of their case.

On March 16, 2011, a hearing was held outside the presence of the jury, in which the plaintiff's motion to call a rebuttal witness not listed in the pretrial document was **DENIED**. Defendants Miller and Carpenter resumed presentation of their evidence, and rested. Defendants Hertz and Mobile County presented their case and rested. At the close of all the evidence, the court **DENIED** the defendants' renewed motions for judgment as a matter of law (Docs. 87,88,89) for the reasons as set forth on the record. The court then 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 16<sup>th</sup> day of March 2011, 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 (a copy of which is attached hereto) into open court with counsel present.

Post trial motions are to be filed **no later than April 5, 2011**. The deadline for filing responses and replies will be set once the post trial motions are filed.

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

**DONE and ORDERED** this 17th day of March, 2011.

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