

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

**CHARLES K. BRELAND, JR.,)
OSPREY UTAH, LLC, WATER)
CANYON HOLDINGS, LLC, RANGE)
CREEK HOLDINGS, LLC, and)
UTAH REVERSE EXCHANGE, LLC,)**

Plaintiffs,

vs.

LEVADA EF FIVE, LLC

Defendant.

CIVIL ACTION NO. 14-0158-CG-C

ORDER

The above-styled action came on for trial by jury on February 1, 2, and 3, 2016, before United States District Judge Callie V. S. Granade. The jury was selected before Judge Granade on February 1, 2016.

On February 1, 2016, prior to jury selection, 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:

Plaintiffs’ orally moved to renew their motion to consolidate actions and continue trial (Doc. 161). The Court advised that the motion would be taken under submission once a written motion was filed.¹

Plaintiffs’ oral motion in limine to preclude admission of defendant’s exhibits 7 and 8 to be taken up at time offered.²

¹Motion is **DENIED** as **MOOT**.

²Motion is **DENIED** as to Exhibit 8, and deemed to be **MOOT** as to Exhibit 7 since said

Defendant's oral motion in limine to preclude plaintiffs from introducing an Invoice from Reed and Smith as an exhibit to be taken up at the time such exhibit is offered.³

The jury was then duly sworn, and trial commenced. Plaintiffs presented their case-in-chief on February 1 and 2, 2016, and rested on February 2, 2016. At the close of the plaintiffs' case the defendant's motion for judgment as a matter of law (Doc. 163) was **GRANTED in part** and **DENIED in part** for the reasons as set forth on the record.

On February 2, 2016, defendant presented its case and rested. At the close of all the evidence, the Court **DENIED** the plaintiffs' oral motion for judgment as a matter of law on the nonpayment of property taxes (Doc. 169); **DENIED** Plaintiffs' oral motion for judgment as a matter of law as to defendant's counter-claims (Doc. 167); **DENIED** defendant's motion for judgment as a matter of law at the conclusion of all the evidence (Doc. 164); and **DENIED** plaintiffs' oral motion for judgment as a matter of law at the close of all the evidence (Doc. 168).

On February 3, 2016, 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 3rd day of February, 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 (a copy of which is attached hereto)

exhibit was not offered.

³Motion is deemed to be **MOOT** since no such exhibit was offered.

into open court with counsel present.

Post trial motions are to be filed **no later than March 4, 2016**. Any responses to said motions shall be filed **no later than March 11, 2016**.

A judgment will be entered separately in accordance with the verdict of the jury after the court determines the issue regarding attorneys' fees.

DONE and ORDERED this 3rd day of February, 2016.

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