

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

**DANIEL WADE HAILS,**  
**Plaintiff,**

v.

**TIMOTHY TRENT DENNIS, et al.,**  
**Defendants.**

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**CIVIL ACTION: 1:17-00259-KD-N**

**ORDER**

This matter came before the Court for Final Pretrial Conference on December 18, 2019, in the chambers of the undersigned District Judge. Present at the conference were Henry H. Brewster, and Henry F. Sherrod, III<sup>1</sup> counsel for Plaintiff; and Andrew John Rutens, Melissa P. Hunter, and Moshae Donald, counsel for Defendant.

As a result of the conference, the Court hereby establishes the following deadlines and rules that shall govern all trial preparations and proceedings in this action. None of the deadlines or dates herein shall be modified except by explicit written order of the Court.

**1. Jury Selection.** Jury selection will be conducted on **March 3, 2020 at 8:45 a.m.**, in Courtroom 4B of the United States District Court, 155 Saint Joseph Street, Mobile, Alabama, 36602. A jury of **eight (8)** jurors will be selected; there will be no alternates.

**2. Trial.** This action is set for jury trial from **March 16-19, 2020**. Trial shall commence daily at **8:30 a.m.** in Courtroom 4B of the United States District Court. Attorneys should prepare to be present daily at **8:00 a.m.** to address any issues before trial begins.

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<sup>1</sup> Henry F. Sherrod, III attended telephonically.

3. **Voir Dire & Objections.** Counsel for the parties shall submit their revised Voir Dire with the joint Proposed Pretrial Document. As discussed at the final pretrial conference, Plaintiff's proposed questions #5, 11, 13 are **DENIED**. Defendant's proposed questions #16, 18, 19 are **DENIED**. It is further ordered that Plaintiff shall file an amended proposed question #13 on or before **February 3, 2020**.

4. **Witness & Exhibit Lists.** Counsel for the parties submitted their witness lists and exhibit lists and any objections thereto with the joint Proposed Pretrial Document. (Doc. 136 at 12-14; Doc. 136-3; Doc. 136-4; Doc. 136-5; Doc. 136-6).

5. **Pre-marking of Exhibits; Trial Exhibit Lists.** Each party shall provide the Clerk of the Court with a properly formatted exhibit list no later than **February 3, 2020**.

6. **Bench Book.** On or before **February 3, 2020**, counsel for each party shall provide the Court with a bench book (a three-ring binder is sufficient) containing a copy of each exhibit that counsel anticipates offering at trial. The parties shall allow all opposing parties to review the bench book before delivery to the Court. Counsel are reminded that the bench book is for the Court's convenience in reviewing the exhibits and does not admit the exhibit as evidence.

7. **Deposition Testimony.** None.

8. **Motions in Limine.** The parties are limited to a total of **five (5)** motions in limine per side (Plaintiffs and Defendants) with no sub-parts permitted, and not to exceed **five (5) pages** per motion, which shall address separate and distinct issues. Motions are due by **February 3, 2020**. Responses shall be filed by **February 10, 2020**, and shall likewise not exceed **five (5) pages** in length.

9. **Joint Jury Instructions & Verdict Forms.** Joint Jury Instructions & Verdict Forms. Counsel for the parties shall file Joint Final Jury Instructions and Joint Verdict Forms (including any requested special interrogatories) on or before **February 3, 2020**.

The proposed final jury charges shall cover substantive issues in the case (i.e., the law governing all claims, defenses, and damages). The parties need not include general introductory or concluding charges. However, any anticipated special charges must be included in the submission. With respect to any charges on which the parties are unable to agree, the parties may submit those charges separately. Each requested charge, whether jointly or separately proposed, should be placed on a separate page. Authority shall be cited for each charge. To the extent the parties cannot agree on a jury charge, they shall separately number and designate said charge and also submit it as a separate filing as a “Disputed Charge” by **February 3, 2020**.

If the parties wish to submit special interrogatories to the jury, jointly prepared proposed verdict forms must be filed contemporaneously with the joint proposed final jury instructions. If the parties cannot agree on the need for or form of the special verdict forms, the parties may file separate proposed jury interrogatories designated accordingly, and may submit it as a separate filing as a “Disputed Verdict Form” by **February 3, 2020**.

**10. Pending Motions.**

Defendant’s motion to strike as to witnesses is **CARRIED TO TRIAL**. (Doc. 131). Defendant’s motion to strike as to Plaintiff’s claim for compensatory damages is **GRANTED** as to lost wages; it is **DENIED** as to physical suffering, emotional suffering, mental suffering, and reputational harm. (Doc. 137).

**11. Other.** Any questions regarding courtroom procedures and/or use of courtroom technology during trial may be directed to Courtroom Deputy Tina Wood (251-436-5276).

**DONE and ORDERED** this the **19th** day of **December 2019**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**

**UNITED STATES DISTRICT JUDGE**