

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

THOMAS C. O'BRYANT,

Plaintiff,

v.

Case No. 5:05cv111/LAC/MD

M.D. FINCH,

Defendant.

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**ORDER SUPPLEMENTING AND AMENDING  
PREVIOUS ORDERS OF THE COURT**

In light of the February 6 and February 11, 2009, Pretrial Orders of the Court, it is now hereby **ORDERED**:

1. On or before **March 5, 2009**, Plaintiff shall file all written motions pertaining to the Court issuance of any writ to secure the attendance of an incarcerated witness, as explained in the Court's February 11, 2009, Order. In the event that Plaintiff does not need to secure the attendance of any such witness, he shall file a Notice with the Court stating this. Failure to comply with this Order will result in Plaintiff being unable to call any incarcerated witnesses and may also result in the dismissal of this action.

2. On or before **March 10, 2009**, the parties shall file a Notice with the Court detailing the results of their communications regarding all stipulations, exhibits, documents, witness and experts, and the possibility of settlement, as instructed in the Court's February 11, 2009, Order Setting Trial. Failure to do so may result in sanctions.
3. On or before **March 19, 2009**, the parties shall file their trial briefs or memoranda as explained in the February 11, 2009, Order Setting Trial. Failure to do so may result in sanctions.
4. The Court notes that in its February 11, 2009, Order Setting Trial it stated that this case was set for a jury trial. There is no indication in the record of this case that either party has requested trial by jury. Accordingly, the February 11, 2009, Order Setting Trial is hereby **AMENDED** to reflect that this case is set for **Bench Trial** on Thursday, March 26, 2009, commencing at 9:00, A.M. All other parts of the February 11, 2009, Order remain in full force and effect.

**ORDERED** on this 18th day of February, 2009.

s/L. A. Collier  
Lacey A. Collier  
Senior United States District Judge