

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**R. ANTHONY HUTCHINSON and  
LISA HUTCHINSON,**

**Plaintiffs**

v.

**UNITED STATES OF AMERICA,**

**Defendant.**

Civil Action 7:11-CV-131 (HL)

**ORDER**

In their Complaint, Plaintiffs notified the Court of their desire to have this case tried by a jury. However, based on the applicable law, a jury trial is not appropriate. “[A]ny action against the United States under section 1346 shall be tried by the court without a jury.” 28 U.S.C. § 2402. This case is based on a claim under 28 U.S.C. § 1346, the Federal Tort Claims Act, and therefore, a jury trial is not permissible.<sup>1</sup>

This case remains on the April 2013 trial calendar, but the case shall now be tried by the Court, not by a jury.

**SO ORDERED**, this 15<sup>th</sup> day of February, 2013.

**s/ Hugh Lawson**  
HUGH LAWSON, SENIOR JUDGE

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<sup>1</sup> There is some exception for actions brought under § 1346(a)(1), but this exception, which deals with actions for the recovery of illegal assessment of taxes, is not applicable here.