

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JORDAN QUEEN,

Plaintiff,

**Case No. 14-cv-519-DRH-SCW
CJRA Track C**

vs.

W.I.C., Inc.,

Defendant.

FINAL PRETRIAL ORDER

This matter comes before the Court for Final Pretrial Conference held pursuant to Federal Rule of Civil Procedure 16.

I. COUNSEL OF RECORD

Plaintiff's Counsel:

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Defendant's Counsel:

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II. NATURE OF THE CASE

This is a case Plaintiff Jordan Queen filed against Defendant WW Industrial Corp. for personal injuries he experienced when he stepped off and fell from a Sniper STLS41 “Scout” ladder stand he was climbing as it bent. The ladder stand was manufactured for and distributed by Defendant WW Industrial Corp. The only issue for you, the jury, to decide is what damages Plaintiff Queen sustained as a result of the fall.

III. JURISDICTION

- A. This is an action for damages.
- B. The Court’s jurisdiction is not disputed. Jurisdiction is based upon diversity of citizenship pursuant to 28 U.S.C. § 1332 in that it involves citizens of different states and the amount in controversy exceeds \$75,000.

IV. UNCONTROVERTED FACTS

The following facts are not disputed or have been agreed to or stipulated to by the parties:

1. On October 12, 2013, Plaintiff Jordan Queen was erecting for the first time a Sniper “Scout” STLS41 ladder stand near Orchardville, Illinois. The STLS41 was manufactured for and distributed by Defendant WW Industrial Corp. The STLS41 is 18 feet tall, weighs 65 pounds, and is comprised of a seat platform, a foot platform, and three ladder sections that connect to one another with components called safety sleeves and snap pins. The ladder stand’s purpose is to provide an elevated platform from which users are able to shoot when hunting.
2. Plaintiff Queen as a result of the accident experienced a bimalleolar fracture to his right tibia and fibula and a pilon fracture of the right distal tibia that required two surgeries, placement of an external fixator on October 13, 2013, and an open reduction and internal fixation surgery on November 4, 2013.
3. Plaintiff Queen returned to full-time employment with the Centralia City Schools on December 9, 2013, after 37 missed working days.

The parties propose to convey these facts to the jury in the following

fashion:

The parties agree the Court will convey these facts to the jury.

V. ISSUES

1. Issues for the Jury to decide:

- a. The amount of compensatory damages to which Plaintiff Queen is entitled.

VI. WITNESSES

A. List of witnesses the plaintiff expects to call, including experts.

1. Expert witnesses.

- a. Treating Orthopedic Surgeon (video deposition):
Michael J. Gardner, M.D.
- b. Treating Orthopedic Surgeon: Anna M. Miller, M.D.

2. Non-expert witnesses.

- a. Brittany Queen
- b. Plaintiff Jordan Queen

B. List of witnesses defendant expects to call, including experts:

1. Expert witnesses.

- a. Michael J. Gardner, M.D. (video deposition)
- b. Anna N. Miller, M.D. (video deposition)

2. Non-expert witnesses.

- a. Nathan Stieren (may be at trial but is not expected to testify)
- b. Jordan Queen

c. Brittany Queen

C. Rebuttal Witnesses. The plaintiff may call rebuttal witnesses and the defendant may call sur-rebuttal witnesses as may be necessary, without prior notice thereof to the other party.

VII. EXHIBITS

The parties shall prepare a an Exhibit Stipulation, which shall be on a separate schedule and delivered to the Court on the first day of trial

VIII. DAMAGES

Plaintiff asserts damages consisting of pain and suffering, lost wages, and medical bills.

Plaintiff claims past lost wages in the amount of \$5,000 based on 37 days of missed work between October 12, 2013, and December 9, 2013.

Plaintiff claims past medical bills for reasonable value of services rendered in the amount of \$89,988.39. WW Industrial disputes the amount of plaintiff's past medical bills and contends those medical bills are limited to \$45,342.61, representing the paid amount of plaintiff's bills.

Plaintiff claims the present value of future medical bills to be approximately \$435,000.

IX. BIFURCATED TRIAL

The parties do not desire a bifurcated trial.

X. TRIAL BRIEFS

The Parties will tender trial briefs, if any, fourteen (14) days prior to the trial date set by the Court.

XI. LIMITATIONS, RESERVATIONS AND OTHER MATTERS

A. Trial Date. Trial is set for the week of October 2, 2017.

Such modification may be made either on motion of counsel or *sua sponte* by the Court.

DATED: September 5, 2017

 Digitally signed by Judge
David R. Herndon
Date: 2017.09.05 13:21:56
-05'00'



United States District Court Judge

APPROVED AS TO FORM AND SUBSTANCE:

/s/ W. Wylie Blair
ATTORNEY FOR PLAINTIFF(S)

/s/ John S. Sandberg
ATTORNEY FOR DEFENDANT(S)

/s/ Andrew D. Ryan
ATTORNEY FOR DEFENDANT(S)