

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CINDY IDOM

PLAINTIFF

VS.

CIVIL ACTION NO: 5:14-cv-38-DCB-MTP

NATCHEZ-ADAMS SCHOOL DISTRICT, et al.

DEFENDANTS

ORDER DENYING MOTION IN LIMINE AND MOTION TO CONTINUE

This matter is before the Court on Defendants', Frederick Hill, Natchez-Adams School District, and Tanisha W. Smith, Motion in limine [**docket entry no. 81**] and Motion to Continue Trial [**docket entry no. 83**].

To address these motions, the Courts finds it desirable to set forth a timeline of this case's calendar settings.

1. The trial of this case was originally set for August 3, 2015, at the request of the defendants, to accommodate the beginning of the academic year for the school district and the potential witnesses.
2. The Court held a pretrial conference on July 16, 2015, at which the parties discussed settlement. The Court also set a separate jury instruction conference for a later date but several days prior to trial.

3. The first jury instruction conference was set for July 28, 2015. Defense counsel called the Court prior to this conference to inform the Court that a settlement was imminent and to suggest a cancellation of the jury instruction conference in light of that fact. The Court obliged.
4. The school board met on July 29, 2015, and rejected a settlement.
5. The Court reset the jury instruction conference for August 4, 2015, and reset the trial for August 10, 2015.
6. A lengthy jury instruction conference was held on August 4th, and the following day the defendants filed the pending motion in limine to "exclude evidence of Plaintiff's alleged attempts to mitigate her damages." Mot. limine 5, ECF No. 81.
7. On August 5th, the Court held a telephonic conference with the parties to discuss the pending motion in limine. The Court determined with the advice of the parties that the best course of action was to continue the case to allow the parties time to conduct limited discovery. The Court ultimately offered the parties only the date of August 24, 2015, because of the already laden

calendar for the next several weeks and the need to try this case with the assistance of one of its clerks whose term will end September 30, 2015. No objection was raised at that time.

8. The next morning, the Court formally reset the date of the trial, moving a previously scheduled trial in order to do so.
9. Shortly thereafter, a request was made by the defendants for an alternate date because of Defendant Tanisha W. Smith's previously scheduled vacation to Barcelona, Spain on August 23-30. In an effort to further accommodate the parties, the Court offered to move a previously scheduled criminal trial on September 14, 2015. But this alternative was rejected because of conflicts on both sides. The Court declined to reset the trial at that time.
10. On August 12, 2015, the defendants filed the pending motion to continue the trial. The defendants offered no alternative trial setting and failed to mention in their timeline of the trial setting the originally scheduled date that was cancelled due to their failure to settle. Further, the defendants informed the Court of conflicts on

both September 21st and September 28th. The defendants offered no additional justification for their request except that "[i]f Defendants must go forward and try this case without Defendant Smith, Defendants will be prejudiced, as Defendant Smith is not only a Defendant in the case but a witness that will testify during the trial." Mot. Continue ¶8, ECF No. 83.

The Court has made every effort to reschedule this trial and accommodate the parties. The trial of this matter will begin on August 24, 2015, at 9:00am in the United States Courthouse in Natchez, Mississippi. If the presence of Defendant Smith cannot be secured, the parties may examine her before trial on film to be played to the jury in her absence.

IT IS HEREBY ORDERED THAT the Motion in limine is DENIED.
FURTHER ORDERED that the Motion to Continue Trial is DENIED.

SO ORDERED this the 13th day of August 2015.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE