

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-00197-RJC-DSC

BRUCE RHYNE and JANICE RHYNE,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES STEEL)
CORPORATION, SAFETY-KLEEN)
SYSTEMS, INC., and THE SAVOGRAN)
COMPANY,)
)
Defendants.)

ORDER

THIS MATTER comes before the Court on Plaintiffs' motion for reconsideration. (Doc. No. 252.)

On July 24, 2020, the Court held a status conference to discuss setting the trial of this matter. Plaintiffs sought the earliest possible trial date, and Defendants sought to continue the trial until at least early 2021 due to the COVID-19 global pandemic. The Court ultimately agreed with Plaintiffs that given the age of this case and Plaintiff Bruce Rhyne's current status in remission, the trial would proceed in September. The Court raised the possibility of holding the trial in the Statesville courthouse to accommodate and mitigate the various complications and additional procedures inherent in holding a multi-defendant jury trial during the pandemic. The Court noted its preference for the Statesville courthouse due to the size and configuration of the Statesville courtroom which offered better options to make those various accommodations. The Court instructed the parties to consider whether they

preferred the Charlotte or Statesville courthouse.

The Court held another status conferences on August 7, 2020. During that conference, Plaintiffs expressed their preference for the Charlotte courthouse based on access to the airport, city amenities, and prior communications with hotels. Defendants expressed their preferences for the Statesville courthouse. After hearing from the parties, the Court selected the Statesville courthouse for the trial based on a number of reasons, including better COVID-19 statistics in the county in which the Statesville courthouse is located and the ability of the larger courtroom to accommodate the jury, multiple parties and attorneys, and courtroom personnel while maintaining social distancing.


On August 10, 2020, Plaintiffs' counsel met with courtroom personnel at the Statesville courthouse for technology training. That same day, Plaintiffs filed the instant motion seeking reconsideration of the Court's decision to hold the trial in the Statesville courthouse. The sole basis for Plaintiffs' motion is that there is no working elevator to the second floor courtroom in the courthouse. Plaintiffs argue that the Court should reconsider its decision and instead hold the trial in Charlotte because the courtroom is on the second floor and Mr. Rhyne has trouble walking up and down stairs.

While the Court is sympathetic to Mr. Rhyne's difficulty with stairs, for all the reasons articulated during the prior status conferences, and because one flight of stairs though inconvenient is not prohibitive, the Court believes that the Statesville courthouse is the safer and more feasible venue for conducting this trial during the

COVID-19 pandemic.

IT IS THEREFORE ORDERED that Plaintiffs' motion for reconsideration, (Doc. No. 252), is **DENIED**.

Signed: August 18, 2020

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line. The signature is positioned to the left of a small, circular official seal.

Robert J. Conrad, Jr.
United States District Judge

