

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:16-cv-101-GCM**

**CARL BENNETT PRIMUS, JR.,**  
**Plaintiff,**

**v.**

**FNU PAYNE,**  
**Defendant.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT ON ITS OWN MOTION.** This case is set for trial on **Monday, August 27, 2018, at 10:00 a.m.** The parties are hereby directed as follows:

1. **By July 30, 2018, at 4:00 P.M. the parties are required:**
  - (a) To discuss the possibility of settlement.
  - (b) To exchange exhibits, number and become acquainted with all exhibits, and agree to the extent possible on the authenticity of exhibits.
  - (c) To agree upon the issues for the jury. If counsel cannot agree, each party should submit its own proposed issues.
  - (d) To file a trial brief, a joint statement of the issues remaining for trial, request for voir dire and proposed jury instructions.
  - (e) To file proposed findings of fact and conclusions of law in all non-jury matters.
2. You will be expected to comply with the provisions of the pretrial order regarding trial preparation. **COUNSEL ARE NOTIFIED THAT FAILURE TO COMPLY WITH DEADLINES WILL RESULT IN SANCTIONS.**
3. All cases are subject to call for trial when reached, regardless of their position on the calendar. **The jury will be selected on August 27, 2018.**
4. Issue any needed subpoenas immediately upon receipt of this calendar.
5. When presenting judgments or orders for the trial judge's signature, you are required to submit them in .RTF (Rich Text Format) or MicrosoftWord format via CyberClerk.
6. Exhibits: Parties are expected to use presentation technology available in the courtroom to display evidence to the jury. Training on the equipment should be arranged well in

advance of trial with the courtroom deputy. See “Courtroom Technology” link on the district website at [www.ncwd.uscourts.gov](http://www.ncwd.uscourts.gov). Counsel shall provide in electronic format any exhibits of documents, photographs, videos, and any other evidence that may be reduced to an electronic file, for the use of Court personnel and the Court’s Jury Evidence Recording System (JERS) during trial. Documents and photographs shall be in .pdf, .jpg, .bmp, .tif, or .gif format; video and audio recordings shall be in .avi, .wmv, .mpg, .mp3, .wma, or .wav format. Each electronic exhibit shall be saved as a separate, independent file, and provided to the Court on a storage device, such as cd, dvd, or flash drive. Exhibit files shall be named consistent with their order and name on the exhibit list. For example:

Exhibit 1 - photograph of....

Exhibit 2(a) - contract

Exhibit 2(b) - video deposition of....

7. If you have or discover a serious objection to trial which you think ought to result in a postponement, please file your motion to continue electronically.

**IT IS SO ORDERED.**

Signed: June 14, 2018



Graham C. Mullen  
United States District Judge

