

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

I-KIEM SMITH,

Plaintiff,

v.

NICK WILSON,

Defendant.

Civil Action No. 3:13-CV-771

(Judge Kosik)

FILED  
SCRANTON

SEP 15 2014

PER   
DEPUTY CLERK

ORDER

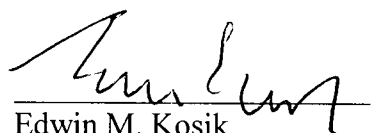
AND NOW, THIS <sup>15</sup>15 DAY OF SEPTEMBER, 2014, IT IS HEREBY ORDERED  
THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated June 26, 2014 (Doc. 52), is adopted in part and declined in part;

[2] Plaintiff's Motion for Summary Judgment (Doc. 27) is **DENIED**;

[3] Defendant's Cross Motion for Summary Judgment (Doc. 32) is **DENIED**; and

[4] Pretrial statements shall be filed within 30 days, in accordance with attached Appendix A, after which we will determine if a pretrial conference is necessary.

  
Edwin M. Kosik  
United States District Judge

APPENDIX A

PRETRIAL MEMORANDUM FORMAT

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

v.

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CIVIL ACTION NO.

PRETRIAL MEMORANDUM

- A. A summary statement of facts and contentions as to liability.
- B. A brief description of damages, including, where applicable:
  - (1) Principal injuries sustained:
  - (2) Hospitalization and convalescence:
  - (3) Present disability:
  - (4) Special monetary damages, loss of past earnings, medical expenses, property damages, etc.:
  - (5) Estimated value of pain and suffering, etc.:
  - (6) Special damage claims:
- C. Names and addresses of witnesses.
- D. Summary of testimony of each witness.
- E. Specialities and qualifications of experts to be called.
- F. Stipulations desired.
- G. Estimated number of trial days.
- H. Any other matter pertinent to the case to be tried.

I. Pursuant to Local Rule 16.3, append to this Memorandum a prenumbered schedule of exhibits, with brief identification of each, on the clerk's Exhibit Form.

J. In all trials without a jury, requests for findings of both fact and law shall be submitted with this Memorandum as required under Local Rule 48.2.