

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Hobart P. Drake,)	C/A No. 6:09-908-JFA-WMC
)	
Plaintiff,)	
v.)	PRETRIAL ORDER
)	
Sgt. Scott Jones; Sgt. Brian Taylor;)	
Officer Natasha Alston; Officer Harry)	
Perez; Two Officers as John Doe, et al.;)	
official and individual capacity,)	
)	
Defendants.)	
_____)	

This matter came before the court for a final pretrial conference on June 15, 2010. Prior to the conference, the court entered an order apprising the parties that it expected the parties to attend the pretrial conference prepared to fully disclose all witnesses and exhibits to be used during the trial of this case. As a result of discussions and concessions made during the pretrial conference, which was conducted in the courtroom on the record, the court hereby orders as follows:

Plaintiff's Witnesses

The plaintiff's witnesses shall consist of the following: (1) Hobart P. Drake, Jr., plaintiff; (2) Anthony Joe, Inmate #268638, Perry Correctional Institution—eyewitness to the incident in question who has given a declaration; (3) Christopher Bullard, #284386, Perry Correctional Institution—eyewitness to the event who has given a declaration; and (4) Dempsey D. Howard, R.N., Lieber Correctional Institution—nurse who treated plaintiff.

Plaintiff's Exhibits

Plaintiff's exhibits will include all documents that are relevant and admissible contained within the plaintiff's medical file at Lieber Correctional Institution.

Defendants' Witnesses

The defendants' witnesses shall include (1) Scott Jones—defendant; (2) Sgt. Bryan Taylor—defendant; (3) Natasha Alston—defendant; (4) Officer Harry Perez—defendant; (5) Sergeant Patrice Brown—eyewitness to the event; (6) Dr. Robert Stewart Eads—expert on plaintiff's injuries; and (6) any medical providers whose identities are disclosed by the plaintiff's medical file which is to be produced pursuant to a court order, to the extent that the testimony of these witnesses is relevant and admissible.

Defendants' Exhibits

The defendants' exhibits shall include (1) all documents contained within the plaintiff's medical records file from Lieber Correctional Institution, to the extent those records are relevant and admissible; and (2) a map or drawing of B-Wing of Lieber Correctional Institution to be used for illustrative purposes only.

Divisional Venue

Because the defendants declined to have this case tried in the Columbia Division, the court will try this case in the Charleston Federal Courthouse in Charleston, South Carolina, with jury selection to be conducted on Tuesday, September 21, 2010 and trial to commence immediately following jury selection. The parties estimate that it will take approximately one day to try this case.

Transportation of Plaintiff to Trial

The Court will enter an order requiring the South Carolina Department of Corrections to transport the *pro se* plaintiff and his two inmate witnesses named above to the Charleston federal courthouse for trial.

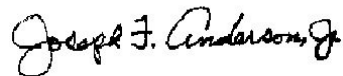
Modifications to this Pretrial Order

Given that the parties were fully apprised of their obligation to come to the pretrial conference prepared to fully discuss all aspects of this case, changes to this Pretrial Order, specifically including, but not limited to, new witnesses or new exhibits, will be allowed only upon a showing of exceptional circumstances.

This pretrial order resolves all of the motions that have been filed in this case and the Clerk is hereby authorized to mark all pending motions on the docket as “moot.”

IT IS SO ORDERED.

June 16, 2010
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge