

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAMONT D. WALKER,

Plaintiff,

v.

RYAN ARMSON and JAMES KOTTKA,

Defendants.

ORDER

10-cv-313-slc

Attached for the parties' consideration are close-to-final versions of the voir dire questions, jury instructions and verdict forms that the court intends to use at this trial. We will discuss these documents at the final pretrial conference at 8:30 a.m. on Monday morning, August 22, 2011.

Based on the motions in limine and some of the proposed jury instructions, the court offers these observations: first, because the court granted summary judgment against Walker on all of his claims related to the cell extraction, nothing that happened during the cell extraction is relevant to the sole claim remaining for trial, and even if it were relevant, the relevance would be substantially outweighed by the danger of unfair prejudice. Therefore, both sides should prepare their opening statements, closing arguments, testimony and witness questions without any reference to the cell extraction. Plaintiff should keep in mind that this means that his claim for injury from the alleged denials of his inhaler ends before the cell extraction as well. Also, Since the court does not intend to allow the jury to see any portion of the video of the cell extraction, it would be prudent for defendants to prepare a still photograph of the wire basket holding Walker's asthma inhaler and to have a witness ready to lay a foundation for the photograph. We will discuss these matters at the final pretrial conference.

Entered this 16th day of August, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge