

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

PHILLIP SAMUEL DUNN,

Plaintiff,

v.

RON SECORD, DAN ULRICH and
NATHAN POKE,

Defendants.

FINAL PRETRIAL CONFERENCE
ORDER

15-cv-430-bbc

A final pretrial conference was held by telephone in this case on December 1, 2016, before United States District Judge Barbara B. Crabb. Plaintiff participated on his own behalf; defendants Ron Secord, Dan Ulrich and Nathan Poke were represented by Timothy Johnson.

The trial should take no more than two days to try. Jury selection will begin at 9:00 on Monday, December 5, 2016. Once the jury has been selected, the court will give the jurors the introductory instructions on the way in which the trial will proceed and their responsibilities during the trial. After that, both sides will have an opportunity to give opening statements, explaining to the jury what they expect the evidence will show. (This is not the time for either side to make arguments. The time for doing that is after all the evidence has been produced at trial.) After the opening statements, plaintiff will put on his

case. When he finishes, defendants will put on their case. Trial days will begin at 9:00 and will run until 5:30, with at least an hour for lunch, a short break in the morning and another in the afternoon.

Defendants' counsel has agreed to produce defendants at trial for examination by plaintiff. If plaintiff arrives by 8:30 a.m. on Monday, the deputy clerk will show him how to work the court's visual presentation system.

Plaintiff and counsel for defendants are to use the microphones at all times and address the bench with all objections. If they need to consult with one another, they should ask for permission to do so. Only the person questioning a particular witness may raise objections to questions put to the witness by the opposing party and argue the objection at any bench conference.

Defendants' counsel is to provide copies of documentary evidence to the court before the start of the first day of trial. Plaintiff should do the same, if he has any documentary evidence different from the evidence defendants will be presenting.

Plaintiff and defendants' counsel agreed to the voir dire questions in the form distributed to them at the conference. The jury will consist of eight jurors to be selected from a qualified panel of fourteen. Each side will exercise three peremptory challenges against the panel.

The parties discussed the form of the verdict and the instructions on liability. Neither side had any objection to either the verdict or the liability instructions. Final decisions on the instructions and form of verdict will be made at the instruction conference. This

conference will be held once the parties have produced all the evidence on liability and before the closing statements.

Defendants' counsel asked for a ruling precluding plaintiff from bringing up other lawsuits against city officials. That request is granted. Plaintiff is not to try to introduce any evidence about lawsuits initiated after the incidents in this case.

Finally, defendants' counsel brought up a new issue, suggesting that defendants may argue that Mr. Addis told them that he was the only tenant listed on the apartment lease and did not object to their breaking into the bedroom in which plaintiff was sleeping, which gave defendants a reasonable belief that he had the apparent authority to allow them to do so. We will take up this issue either before jury selection or during a break in the trial.

Entered this 2d day of December, 2016.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge