

IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA

JEFFREY DAY )

Plaintiff, )

v. )

APL LOGISTICS WAREHOUSE )  
MANAGEMENT SERVICES, INC. )  
and APL LOGISTICS AMERICAS, )  
LTD., )

Defendants. )

CIVIL ACTION FILE  
NO. 12A44740-3

**CONSOLIDATED PRE-TRIAL ORDER**

The following constitutes the parties submission of the Consolidated Pre-Trial  
Order to be entered in the above-styled case:

1.

The names, addresses, and phone number of the attorneys who will conduct  
trial are as follows:

Plaintiff: Chadwick R. Walker  
Orlando P. Ojeda Jr.  
Walker Ojeda, LLC  
800 Johnson Ferry Road NE  
Atlanta, GA 30342  
P: (404) 719-5900

Defendants: Matthew P. Stone  
Shawn N. Kalfus  
Stone Kalfus LLP  
1718 Peachtree Street NW  
Suite 550  
Atlanta, GA 30309  
404-736-2600 (telephone)  
404-736-2601 (facsimile)

2.

The estimated time required for trial is: 4 days.

3.

There are no motions or other matters pending for consideration by the Court except as follows:

Plaintiff: Plaintiff will file his Motions in Limine, pretrial motions or other motions pertaining to evidentiary issues prior to trial. On 5-9-17, Defendant APL moved for partial summary judgment regarding multiple of its entities and Plaintiff's claim for attorney fees under O.C.G.A. § 13-6-11. Oral arguments were heard in which Plaintiff agreed to drop the attorney fee claim by amendment of the complaint (which he will do prior to entry of the pre-trial order). Plaintiff also agreed to drop certain named defendants, which it did by submission of a motion and proposed order dropping said defendants. This Court signed that order. Plaintiff opposed

summary judgment concerning one of the entities in APL Defendants brief, APL Logistics Americas, Ltd. and submitted written and oral argument and evidence that summary judgment would be improper, and that the trial should proceed against APL Logistics Warehouse Management Services, Inc. and APL Logistics Americas, Ltd. This court has not ruled on that outstanding issue.

Defendants: Defendants' motion for summary judgment is still pending as to whether APL Logistics Americas, Ltd. should be dismissed as a party-defendant. Before trial, defendants anticipate filing motions in limine and a motion to bifurcate the liability and damages phases.

4[MS1].

The jury will be qualified as to relationship with the following:

1. Matthew P. Stone, Esq.;
2. Shawn Kalfus, Esq.;
3. Stone Kalfus, LLP;
4. Chadwick R. Walker, Esq.;
5. Orlando P. Ojeda, Esq.;
6. Walker Ojeda, LLC; and
7. Whether or not any potential jurors are officers, employees and/or stockholders of APL Logistics Warehouse Management Services, Inc., APL Logistics Americas, Ltd., Stein Mart, Inc., and Schneider National Carriers, Inc, or relatives of officers, employees and/or stockholders of APL Logistics

Warehouse Management Services, Inc., APL Logistics Americas, Ltd., Stein Mart, Inc., and Schneider National Carriers, Inc.

8. Jeffrey Day

The parties shall be permitted to propound additional questions to the jury panels for purposes of determining peremptory challenges.

5.

(a) All discovery has been completed, unless otherwise noted, and the Court will not consider any further motions to compel discovery except for good cause shown. The parties, however, shall be permitted to take depositions of any person(s) for the preservation of evidence for use at trial.

Plaintiff and the APL Defendants are working to resolve one of Plaintiff's outstanding request for production of documents that remains outstanding, otherwise discovery has been completed.

The parties shall have the right to take the discovery depositions(s) of any expert(s) who will testify at trial. Each party shall notify the opposing party of the intent to introduce "live" expert testimony at trial within a reasonable time prior to trial, so that the opposing party will have ample time to secure the discovery deposition of that expert and to retain his/her own rebuttal expert(s). In addition, the

parties reserve the right to file motions to compel non-parties to produce documents which were requested pursuant to O.C.G.A. § 9-11-34.

The matter of whether discovery depositions of the plaintiff's treating doctors after the close of discovery and at this late stage of the litigation was addressed and argued with the Court in the pretrial hearing. This Court ruled verbally that these depositions would not be allowed. Plaintiff agrees that Defendants should be able to take an updated deposition of the Plaintiff limited solely to his medical treatment and damages that occurred after his first deposition.

Defendants shall be permitted to take an updated deposition of plaintiff Jeffrey Day and a discovery deposition of plaintiff's expert economist Francis Rushing.

(b) Unless otherwise noted, the names of the parties as shown in the caption to this Order are correct and complete and there is no question by any party as to the misjoinder or nonjoinder of any parties.

Yes, unless the Court grants defendants' motion for summary judgment as to APL Logistics Americas, Ltd.

6.

The following is the Plaintiff's brief and succinct outline of the case and contentions:

NOTE – Plaintiff’s outline of the case is being written for the benefit of the Court. Plaintiff objects to this outline of the case and contentions being read to the jury, as facts other than contained herein may become important during the trial of the case, depending upon the defense presented, etc. Should the Court wish to read an outline of the case to the jury, Plaintiff would like the opportunity to draft a more thorough outline for the jury that is tailored to the evidence presented at trial.

At the time of the incident, Stein Mart, Inc. operated a network of retail stores in the southeast. Stein Mart hired APL Logistics Americas, LTD and APL Logistic Warehouse Management Services, Inc. (APL defendants) to operate a distribution center fulfilling shipping requests from Stein Mart’s individual stores. Pursuant to shipping requests, APL defendants loaded merchandise in box trailers and sealed the trailers to be shipped to the individual stores by a trucking company. APL defendants typically loaded the trailers with orders for multiple stores which were divided per store within the trailer and then the trailer would be sealed.

Stein Mart hired a trucking company, Schneider, to pick up the loaded and sealed trailers, drive them to the stores and unload them. The Schneider driver would go to each respective store where a Stein Mart employee would unseal the trailer. The driver would unload the trailer for that store, and then the Stein Mart employee

would seal the trailer again. The same process would occur for the remaining stops until the truck was empty. Evidence shows that APL defendants routinely loaded the trailers in a negligent manner where shipments were packed in such a way that they fell on the drivers as the driver attempted to unload them.

On November 5, 2010, APL loaded a trailer with shipments for 3 Stein Mart stores in Tennessee. Jeffrey Scott Day was a driver for Schneider. He was dispatched on November 8, 2010, to pick up the trailer and to deliver the shipments to the appropriate stores. He delivered and unloaded the first load to the first store. After unloading the first load, the Stein Mart employee sealed the trailer then he drove to the second stop. He had unloaded the majority of the second stop and towards the end of that load. After he had unloaded approximately 1/3rd down of the last rows of boxes, he picked up a box and turned towards the rear of the trailer. When he turned, the contents of the third stop pushed the plywood separators forward and collapsed onto him. During this collapse, at least 2 boxes fell striking him in his neck and back causing him bodily injuries.

While loading the trailer, APL defendants owed a duty to exercise reasonable care to Mr. Day. Their duty included stacking the boxes in a reasonable manner and height to prevent the loads from shifting and falling onto the person unloading the

shipment. APL defendants failed to exercise ordinary care and were negligent when loading the trailer that Mr. Day unloaded. They breached their duty by not properly supervising, managing, training, directing the unitizing and loading, securing, and assembling the freight to be transported by Mr. Day in a manner that he would not become injured or anyone else would become injured as a result of unloading the same freight. At the time of his injury, Mr. Day acted within the performance standard of any well-trained, qualified, experienced, reasonable, prudent truck driver would do at the time that he was injured.

APL defendants' negligence and failure to exercise ordinary care proximately caused Mr. Day to suffer serious injuries and damages. Plaintiff Jeffrey Day seeks a sum of damages to compensate him for his injuries and damages, including, but not limited to special damages, medical expenses, all general damages allowed under Georgia law, pain, suffering, and permanent impairment. Mr. Day has suffered past medical expenses of in excess of \$359,004.87, and total economic loss and lost wages (including past and future) in excess of \$797,496.00.

Defendants object to plaintiff's outline on the grounds that it is neither brief nor succinct and that it is argumentative.

7.

The following is Defendants' brief and succinct outline of the case and contentions:

On November 5, 2010, employees of APL Logistics Warehouse Management Services, Inc. ("APL Warehouse") loaded a 53-foot trailer with over 1,000 boxes of merchandise to be delivered to three Stein Mart stores in Tennessee. They loaded the trailer in compliance with Stein Mart's directives and industry standards.

On November 8, 2010, plaintiff Jeffrey Day, an employee of Schneider National Carriers, Inc., picked-up the trailer and drove to Tennessee to deliver the boxes. At the first stop, plaintiff unloaded hundreds of boxes without incident. He then drove to the second stop. After unloading hundreds more boxes, plaintiff claims two boxes fell and injured him. Plaintiff finished unloading at the second stop, without incident, and then drove to the third stop where he unloaded hundreds more boxes, without incident, until the trailer was empty.

Defendants deny they were negligent and contend plaintiff's claimed injuries and damages were not caused by the alleged incident or are not as extensive as plaintiff claims.

8.

The issues for determination by the jury are as follows:

Plaintiff: Liability, Proximate Cause, and Damages for Plaintiff's personal injury claims against Defendant.

Defendants: Duty, breach, causation, damages; and apportionment of fault among the parties and non-parties designated in defendants' statutory notice of fault of non-parties.

9.

Specifications of negligence including applicable code sections are as follows:

Plaintiff: Plaintiff contends that Defendants are liable for breaching their duties owed to Plaintiff by failing to exercise ordinary care in loading, maintaining and securing Stein Mart's loads in the trailer in a safe condition in violation of O.C.G.A. § 51-1-2. Defendant's negligence included, but is not limited to, violating O.C.G.A. § 51-1-2 by failing to use ordinary care to load, maintain and secure Stein Mart's loads in the trailer in a safe condition, and O.C.G.A. §§ 51-1-1, 51-1-6, 51-1-8 and 51-1-9, as well as for violation of industry standards and safe practices, and its own policies, requiring the safe loading, maintaining and securing of Stein Mart's loads in the trailer, failing to properly train and supervise its employees in the safe loading, maintaining and securing of Stein Mart's loads in the trailer, and any other acts of negligence that may be proven at trial.

At all times relevant, Defendants admit that they alone were responsible for the loading, maintaining and securing of Stein Mart's loads in the trailer that Plaintiff was injured. Defendants' failure to exercise ordinary care in loading, maintaining and securing Stein Mart's loads in the trailer in a safe condition, as outlined above, evidences negligence for violating Georgia laws O.C.G.A. §§ 51-1-1, 51-1-2, 51-1-6, 51-1-8 and 51-1-9, as well as relevant safety regulations having the force and effect of law, including industry standards and safe loading/securing practices.

Although Defendants knew, or in their exercise of reasonable diligence should have known, that their negligent loading of the trailer created a hazardous condition which caused the foreseeable risks of injuries to persons unloading the trailer, Defendants negligently failed to take reasonable precautions to guard against creating this hazardous condition(s) and failed to protect persons unloading the trailer, including Plaintiff Jeffrey Scott Day, from the risk of this known hazard. Through the principles of respondeat superior, actual agency, and/or apparent agency, Defendants are vicariously liable for the negligent actions and omissions of its agents and employees, which directly and proximately caused of Plaintiff's injuries and damages.

Defendants: None.

10.

If the case is based on contract, either oral or written, the terms of the contract are as follows: Not applicable.

11.

The types of damages and the applicable measure of those damages are stated as follows:

Plaintiff:

- (a) All special damages allowed by law, including: past medical care, treatment and therapy pursuant to O.C.G.A. § 51-12-7, other consequential damages; the measure of these damages is the actual amounts as proven at trial. Plaintiff seeks compensation for his past medical expenses which are in excess of \$359,004.87, and total economic loss and lost wages (including past and future) in excess of \$797,496.00, the exact amount to be proven at trial;
- (b) All general damages allowed by law including without limitation all past, pain and suffering; loss of enjoyment of life; disability; loss of ability to work; anxiety, humiliation, diminished capacity to earn and labor for money, etc. – the measure of these damages is the enlightened conscience of the jury after hearing the evidence presented at trial;

- (c) All reasonable consequential damages available under Georgia law;
- (d) Interest on the judgment be awarded at the legal rate from the date of judgment;
- (e) All costs of this action be taxed against Defendant; and
- (f) All other damages allowed by law and proved by the evidence at the trial of this case.

Defendants: None.

12.

If the case involves divorce, each party shall present to the Court at the pre-trial conference the affidavits required by Rule 24.2: Not applicable.

13.

The following facts are stipulated: None.

14.

The following is a list of all documentary and physical evidence that will be tendered at the trial by the Plaintiff or Defendant. Unless noted, the parties have stipulated as to the authenticity of the documents listed and the exhibits listed may be admitted without further proof of authenticity. All exhibits shall be marked by counsel prior to trial so as not to delay the trial before the jury:

**Plaintiff:**

Plaintiff may introduce into evidence the following documents.

1. Jeffrey Scott Day's Medical records and bills from:
  - a. Caduceus Occupational Medicine
  - b. Hapeville Diagnostic Imaging
  - c. Peachtree Orthopaedic Clinic
  - d. Perimeter Surgery Center
  - e. Piedmont Henry Hospital
  - f. Onsite Functional Testing
  - g. Pinnacle Orthopaedics
  - h. Craig Chebuhar, MD
  - i. Northside Radiology Assoc.
  - j. NS Cherokee Cardiology
  - k. Northside Hospital-Cherokee
  - l. Northside Anesthesiology
  - m. IOM Services
  - n. Intra-Op Monitoring Services, LLC
  - o. Georgia Neurophysiological

- p. Spinal Orthofix Bone Stimulator
- q. Benchmark Physical Therapy
- r. Northside Hospital Radiology
- s. Northside Hospital
- t. Clinical Neurodiagnostic
- u. Northside Cherokee Anesthesiology
- v. Care Medical
- w. Peachtree Spine Physicians
- x. DJO, LLC
- y. MRI & Imaging of Georgia- Hapeville
- z. Select Interventional Pain
- aa. Piedmont Physicians Group
- bb. Big D's Discount Drugs
- cc. Ingles Pharmacy
- dd. Moyes Pharmacy
- ee. Wal-Mart Pharmacy
- 2. Any other medical records and bills relevant to this case;
- 3. Summary of medical bills;

4. Summary of medical treatments;
5. Pharmacy records and bills;
6. Radiology films from Jeffrey Scott Day's providers;
7. Videos and/or photographs and/or animations of Jeffrey Scott Day's medical procedures and injuries;
8. Enlargements of Jeffrey Scott Day's Radiology films and/or photographs and/or animations of Jeffrey Scott Day's medical procedures and injuries;
9. Videos and/or photographs and/or renderings of the scene of the injury;
10. Pictures and/or animations of the scene and/or mechanism of the injury;
11. Videos and/or photographs from the scene of the injury;
12. Aerial/Satellite Photographs of the scene of the incident;
13. Any documents listed by Defendant;
14. Any document or record produced during discovery or deposition by any party;
15. Any pleading;
16. Any discovery request by Plaintiff to Defendant;
17. Any discovery responses of Defendant;

18. Any discovery request by Defendant to Plaintiff;
19. Any discovery responses of Jeffrey Scott Day;
20. Medical illustrations, models, diagrams, videos, animations, tables, charts, etc. as demonstrative evidence;
21. Non-medical illustrations, models, diagrams, videos, animations, tables, charts, etc. as demonstrative evidence;
22. All policies and procedures and personnel records of Defendant produced in Discovery;
23. Medical Narratives of Jeffrey Scott Day's treating doctors;
24. Any article or text referred to by any witness in sworn testimony;
25. Any exhibit or document attached to any deposition taken in this action;
26. Blow-ups and other demonstrative evidence of medical records and other documents;
27. Blow-ups, animations, reconstructions, video and other demonstrative evidence of testimony and other evidence; and
28. Any document or thing for the purpose of cross examination, impeachment and/or rebuttal.

Plaintiff objects to the use of any documentary and/or physical evidence not produced during discovery. Plaintiff further objects to any documentary and/or physical evidence being shown to the jury until counsel has had the opportunity to examine same. Plaintiff may file motions in limine to preclude inappropriate evidence prior to trial, or in such a way as to not delay the trial of this case.

Defendants:

Defendants object to plaintiff's use of evidence that was not produced during discovery and reserve the right to object to plaintiff's evidence at the time of trial on any basis. Defendants further object to plaintiff's document no. 23 on the ground that plaintiff failed to serve medical narratives as required under the Georgia Evidence Code. O.C.G.A. § 24-8-826 and former O.C.G.A. § 24-3-18.

Defendants may introduce the following evidence:

1. Warehousing Agreement between Stein Mart, Inc. and APL Logistics Americas, Ltd., including all attachments and schedules, APL01273-1337
2. Bill of Lading, APL0001-0004
3. Stein Mart Seal Control Log, APL0005
4. Pallet List, APL0006

5. Stein Mart excel spreadsheet with data for contents of the subject load
6. Stein Mart list, SM1588-1661
7. Plantation Travel Tin Candle (Stein Mart item no. 25-12759775)
8. Plantation Jar Candle (Stein Mart item no. 25-12759825)
9. Fleur Diffuser (Stein Mart item no. 25-16404899)
10. Schneider National and Stein Mart, Inc. Dedicated Letter of Intent, SM000071-073
11. Transportation Services Agreement between Stein Mart, Inc. and Carrier, including all attachments and schedules, SM000074-097
12. Documents prepared by Michael Connelly
13. Documents prepared by Brian Boggess, including APL008385-8401, APL8404-8406
14. Plaintiff's healthcare records from:
  - a. Caduceus Occupational Medicine (Dr. Stephen Dawkins)
  - b. Peachtree Orthopedics (Dr. Wing Chang)
  - c. Pinnacle Orthopedics (Dr. Craig Chebuhar)
  - d. Hapeville Diagnostic Imaging

- e. Perimeter Surgery Center
- f. Piedmont Henry Hospital
- g. Onsite Functional Testing
- h. Northside Radiology Associates
- i. Northside Cherokee Cardiology
- j. Northside Hospital – Cherokee
- k. Northside Anesthesiology
- l. IOM Services
- m. Georgia Neurophysiological
- n. ML Healthcare
- o. Benchmark PT
- p. Clinical Neurodiagnostic
- q. Ingles Pharmacy
- r. Big D's Discount Drugs
- s. Care Medical
- t. Peachtree Spine Physicians
- u. Spinal Orthofix Bone Stimulator (separate provider?)
- v. DJO, LLC

- w. Select Interventional Pain
  - x. Northside Hospital (Lumbar MRI)
  - y. One Call Medical
  - z. Southern Regional Medical Center
  - aa. Locust Grove Family Practice
  - bb. Moye's Pharmacy
  - cc. Intra-Op Monitoring Services
  - dd. Benchmark Physical Therapy
  - ee. Northside Hospital radiology
  - ff. Clinical Neurodiagnostic
  - gg. Northside Cherokee Anesthesiology
  - hh. MRI & Imaging of Georgia
  - ii. Piedmont Physicians Group
  - jj. Wal-Mart Pharmacy
15. Plaintiff's employment records from:
- a. Schneider National Carriers, Inc.
  - b. Southway Crane and Rigging
  - c. Swift Transportation

- d. JB Hunt
  - e. Simon Transportation
  - f. Salson Logistics
  - g. Bellamy Brothers
16. Plaintiff's records from the United States Army
  17. All of plaintiff's medical records from any provider
  18. All documents produced by any party in discovery
  19. All documents used at depositions taken in this action
  20. All documents produced by any non-parties
  21. Any documents plaintiff lists in his portion of the pre-trial order or which are otherwise permitted to be introduced at trial

Documents which may be used for purposes of rebuttal or impeachment need not be listed.

The parties may amend these lists before trial upon sufficient notice to opposing counsel.

15.

Special authorities relied upon by Plaintiff relating to peculiar evidentiary or other legal questions are as follows: Plaintiff does not anticipate any peculiar or

unusual evidentiary or legal issues to arise in this case, but respectfully reserves the right to file Trial Briefs as he deems necessary. Also, Plaintiff will rely on authorities cited in Plaintiff's Motions in Limine and Plaintiff's Requests to Charge, which will be filed before trial.

16.

Special authorities relied upon by Defendants relating to peculiar evidentiary or other legal questions are as follows: Defendants are not presently aware of any peculiar evidentiary or legal questions but, should any arise, defendants will supply the Court with all legal authorities necessary to resolve the question(s).

17.

All requests to charge anticipated at the time of trial will be filed in accordance with Rule 10.3.

18.

The testimony of the following persons may be introduced by depositions:

Plaintiff: Any witness or party whose deposition has been taken in this action or any other person necessary for the preservation of evidence or use at trial. Plaintiff reserves the right to object to the use of any deposition which Defendant

may seek to introduce if the deponent is subject to the subpoena power of this Court, and without a proper showing by Defendant to use such a deposition.

Defendants: Defendants object to plaintiff's statement above as it relates to "any witness" without first making a proper showing that the witness is unavailable to testify at trial, as set forth in the Georgia Evidence Code.

Any witness who may be unavailable to testify at trial, as set forth in the Georgia Evidence Code.

The parties may supplement this list before trial upon sufficient notice to opposing counsel.

Any objection to the depositions or questions or arguments in the depositions shall be called to the attention of the Court prior to trial.

19.

The following are lists of witnesses Plaintiff will have present at trial:

(a) Plaintiff will have present at trial: Jeffrey Scott Day

(b) Plaintiff may have present at trial:

1. Donna Day
2. Lew Grill
3. Francis W. Rushing
4. Mike Lanier
5. Jennifer Samples
6. Nick Bartlett

7. Gil Mock
8. James Haywood
9. Craig Chebuhar, MD
10. Derron Jones, MD
11. Jan W. Braunstein, PT, CFE
12. Trevor Starnes, MD
13. Derrell L. Leggett, MD
14. Charmille Hare, MD
15. All of Plaintiff's medical providers as documented within his medical records produced during discovery
16. Employees of APL Defendants
17. 30b6, Walter McGee
18. Randall Lee Janecek II
19. Kenon Smalley
20. Kiayaune Davis
21. Faustino Guterrez
22. Angel Izaguirre
23. Juan Loaiza
24. Jordan MacDonald
25. Maurice Smith
26. Brian Boggess
27. Michael Connelly
28. Employees of SteinMart, Inc.
29. 30b6, William Ross Stover
30. Robert A. Lott
31. Mary Walker
32. Laura Elizabeth Foster
33. Robert Sutton
34. Ann McKay
35. Shoni Rawlings
36. Betty Luck
37. Shelia Black
38. Richard Schart
39. Gregg Sayers
40. Employees of Schneider National, Inc.
41. Jonathan Babbs

42. Heather Stienaker
43. John Daugherty
44. William Medley
45. Employees of the following medical providers:
  - a. Caduceus Occupational Medicine
  - b. Hapeville Diagnostic Imaging
  - c. Peachtree Orthopaedic Clinic
  - d. Perimeter Surgery Center
  - e. Piedmont Henry Hospital
  - f. Onsite Functional Testing
  - g. Pinnacle Orthopaedics
  - h. Northside Radiology Assoc.
  - i. NS Cherokee Cardiology
  - j. Northside Hospital-Cherokee
  - k. Northside Anesthesiology
  - l. IOM Services
  - m. Intra-Op Monitoring Services, LLC
  - n. Georgia Neurophysiological
  - o. Spinal Orthofix Bone Stimulator
  - p. Benchmark Physical Therapy
  - q. Northside Hospital Radiology
  - r. Northside Hospital
  - s. Clinical Neurodiagnostic
  - t. Northside Cherokee Anesthesiology
  - u. Care Medical
  - v. Peachtree Spine Physicians
  - w. DJO, LLC
  - x. MRI & Imaging of Georgia- Hapeville
  - y. Select Interventional Pain
  - z. Piedmont Physicians Group
  - aa. Big D's Discount Drugs
  - bb. Ingles Pharmacy
  - cc. Moyer's Pharmacy
  - dd. Wal-Mart Pharmacy

By Defendant:

Defendants object to plaintiff's use of any witnesses listed above who were not identified during discovery.

(a) Defendants will have present at trial: None.

(b) Defendants may have present at trial:

1. Walter McGee
2. Randall Lee Janecek, II
3. Kenon Smalley
4. Kiayaune Davis
5. Faustino Guterrez
6. Angel Izaguirre
7. Juan Loaiza
8. Jordan MacDonald
9. Maurice Smith
10. Robert Lott
11. Laura Elizabeth "Buffy" Foster
12. Robert Sutton
13. William Ross Stover

14. Heather Steineker
15. Jonathan Babbs
16. Michael Connelly
17. Brian Boggess
18. Dr. Ezequiel Cassinelli
19. Records custodians from:
  - a. APL Logistics Warehouse Management Services, Inc.
  - b. Stein Mart, Inc.
  - c. Schneider National Carriers, Inc.
  - d. Plaintiff's medical providers listed in defendants' response to Paragraph 14 above
  - e. Plaintiff's former employers listed in defendants' response to Paragraph 14 above
20. Any witness identified by any party in discovery
21. Any witness listed by any party

Witnesses who may be used for purposes of rebuttal or impeachment need not be listed.

Opposing counsel may rely on representation that the designated party will have a witness present unless notice to the contrary is given in sufficient time prior to trial to allow the other party to subpoena the witness or obtain his testimony by other means.

20.

The form of the verdicts to be considered by the jury are as follows:

Plaintiff: The parties will attempt to submit an agreed upon verdict form prior to trial.

Defendants: Defendants will submit a proposed form of verdict before trial.

21.

(a) The possibilities of settling the case are: Poor.

(b) The parties do want the case reported in its entirety.

(c) The cost of take-down will be paid by:

One-half by plaintiff and one-half by defendants

(d) Other matters:

Plaintiff: None

Defendants: None.

Submitted by,

WALKER OJEDA, LLC

800 Johnson Ferry Road NE  
Atlanta, GA 30342  
(404) 719-5900 Phone  
(404) 745-8245 Fax  
*Attorneys for Plaintiff*

/s/Chadwick R. Walker  
Chadwick R. Walker  
Georgia Bar No. 731277  
Orlando P. Ojeda Jr.  
Georgia Bar No. 152392

STONE KALFUS LLP

/s/Matthew P. Stone  
Matthew P. Stone  
Georgia Bar No. 684513  
Shawn N. Kalfus  
Georgia Bar No. 406227  
Peter A. Brogdon II  
Georgia Bar No. 399961  
Attorneys for Defendants

1718 Peachtree Street NW  
Suite 550  
Atlanta, GA 30309  
404-736-2600 (telephone)  
404-736-2601 (facsimile)

\* \* \*

It is hereby ordered that the foregoing, including the attachments thereto,  
constitutes the PRE-TRIAL ORDER in the above case and supersedes the pleadings

which may not be further amended except by order of the Court to prevent manifest injustice.

This 12 day of July, 2018.

Wayne M Purdom

Wayne M. Purdom, Judge  
State Court of DeKalb County

FILED IN THIS OFFICE  
THIS 12 DAY OF Jul 20 18  
A Hubert  
Clerk, State Court of DeKalb County

STATE COURT OF  
DEKALB COUNTY, GA.  
7/6/2018 2:47 PM  
E-FILED  
BY: Luctricia White

STATE COURT OF  
DEKALB COUNTY, GA.  
7/12/2018 2:11 PM  
E-FILED  
BY: Luctricia White

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing CONSOLIDATED PRE-TRIAL ORDER by electronic mail service to counsel of record as follows:

Matthew P. Stone, Esq. STONE KALFUS LLP 1718 Peachtree Street NW, Ste 550 Atlanta, GA 30309 <a href="mailto:matt.stone@stonekalfus.com">matt.stone@stonekalfus.com</a>	R. Scott Masterson, Esq. Brantley C. Rowlen, Esq. Lewis Brisbois Bisgaard & Smith LLP 1180 Peachtree Street, Suite 2900 Atlanta, GA 30309 <a href="mailto:scott.masterson@lewisbrisbois.com">scott.masterson@lewisbrisbois.com</a> <a href="mailto:brantley.rowlen@lewisbrisbois.com">brantley.rowlen@lewisbrisbois.com</a>
--	--

This 6<sup>th</sup> day of July, 2018.

WALKER OJEDA, LLC

800 Johnson Ferry Road NE  
Atlanta, GA 30342  
(404) 719-5900 Phone  
(404) 745-8245 Fax  
*Attorneys for Plaintiff*

/s/Chadwick R. Walker  
Chadwick R. Walker  
Georgia Bar No. 731277  
Orlando P. Ojeda Jr.  
Georgia Bar No. 152392

IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA

CIVIL ACTION FILE NO. 12A44740E3

WITNESS ADDENDUM TO PRETRIAL ORDER

In the absence of counsel obtaining a subsequent modification of this Order, the following provisions shall govern the provisions of the Pretrial Order, notwithstanding any language in the Consolidated Pretrial Order submitted by the parties:

(1) Modification of the pretrial order, including the witness list, shall be governed by O.C.G.A. §9-11-16 (b);

(2) Witnesses unnamed by either party, and listed only by description, may only be used to authenticate documents or other exhibits.

SO ORDERED, this 12 day of July, 2018.

*Wayne M Purdom*

WAYNE M. PURDOM, JUDGE  
STATE COURT OF DEKALB COUNTY

Copy to: All Parties

FILED IN THIS OFFICE  
THIS 12 DAY OF Jul 2018  
*A Hunt*  
State Court of DeKalb County

WMP/gh  
03/10/2015