

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

KIRCHE HALL,)
)
Plaintiff,) Civil Action
vs.) File No.: 18EV003141
)
JABORI HOLLIS, LOOMIS ARMORED US, LLC,)
AND ACE AMERICAN INSURANCE COMPANY,)
)
Defendants.)
)

AMENDED CONSOLIDATED PRE-TRIAL ORDER

The following constitutes the portion proposed Consolidated Pre-Trial Order applicable to Plaintiff, Kirche Hall (hereafter “Kirche Hall”) and Defendants Jabari Hollis (improperly named as “Jabori Hollis”), Loomis Armored US, LLC (hereafter “Loomis”), and ACE American Insurance Company (“these Defendants”):

(1)

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

By the Plaintiff:

Joseph L. Wilson
JL Wilson Trial Law, LLC
1201 W. Peachtree Street, Suite 2383
Atlanta, GA 30309
(678) 210-1546

Leonard T. Mathis, Jr.
The Law Office of Leonard T. Mathis
235 Peachtree Street, NE
Suite 400
Atlanta, GA 30303
(404) 596-7970

By the Defendants:

Heather H. Miller
Andrew Bagley
McGrew Miller Bomar & Bagley, LLC
50 Hurt Plaza
Suite 1200
Atlanta, GA 30303
(404) 410-8410

(2)

The estimated time required for trial is

By Plaintiff: 2-2.5 days, dependent upon pretrial rulings.

By Defendants: 2-2.5 days, dependent upon pretrial rulings.

(3)

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

By the Plaintiff:

Plaintiff reserves the right to file any Motions *in Limine* before or during trial as evidentiary issues arise.

By the Defendants:

Defendants' renewed Motion for Partial Summary Judgment and Motion to Bifurcate/Trifurcate is currently pending. Motions in Limine will be filed prior to trial. These Defendants also respectfully reserve the right to file additional pre-trial motions and motions during trial if unexpected and unanticipated events occur necessitating such filing/s.

(4)

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

By the Plaintiff:

Kirche Hall;

Kandyce Hall;

Leonard Mathis

Joseph Wilson JL Wilson Trial Law

Law Office of Leonard T. Mathis

Jabari Hollis;

Heather H. Miller; and

Gabriella B. Wheeler

Weathington McGrew

Loomis Armored US

Ace American Insurance Co.

By the Defendants:

Kirche Hall;

Kandyce Hall;

Leonard Mathis

Joseph Wilson

JL Wilson Trial Law

Law Office of Leonard T. Mathis

Jabari Hollis;

Heather H. Miller; and

Andrew Bagley

McGrew Miller Bomae & Bagley, LLC

Loomis Armored US

Ace American Insurance Co.

(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 if any such person becomes legally unavailable.

b. 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.

c. The parties reserve the right to engage in further discovery relating to those witnesses and documents that any party discloses in the Pre-Trial Order, if such witnesses and documents were not previously disclosed in the discovery process.

(6)

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

On December 6, 2017 Plaintiffs' were in a motor vehicle on Marietta Street, at or near the intersection of Northside Drive Avenue. Suddenly and without warning, Defendant disregarded a traffic control device while entering the roadway and his vehicle struck Plaintiff's vehicle, causing Kirche Hall to suffer permanent bodily injuries.

(7)

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

This is a negligence action arising from a motor vehicle accident occurring between Plaintiff, Kirche Hall, and Defendant, Jabari Hollis, while he was driving a commercial truck for

Loomis Armored US, LLC (“Loomis”) on December 6, 2017. Specifically, the Plaintiff claims that Mr. Hollis, while he was attempting to make a left hand turn at a stop light, failed to obey a traffic control device and collided with her vehicle. As a result of this accident, the Plaintiff claims that she is entitled to general damages for the incurred medical expenses, lost wages, pain, suffering and mental anguish.

These Defendants admit that Mr. Hollis inadvertently failed to obey a traffic control signal, causing his vehicle to strike Plaintiff’s vehicle. This Defendants further admit that, since the accident, the Plaintiff has sought treatment and is entitled to relief. These Defendants deny that the Plaintiff is entitled to extent of relief sought by Plaintiff.

Also, the Plaintiff contends that Loomis was negligent in its hiring, training, and supervision of Mr. Hollis. These Defendants contend that the record is devoid of any evidence to support such claims. Defendants state that as a matter of law, Plaintiff’s pending claims for negligent hiring/training/supervision must be dismissed. (Please see renewed Motion for Partial Summary Judgment).

Finally, the Plaintiff’s request to recover attorney’s fees and expenses of litigation as a result of the Defendants being stubbornly litigious fails, as the Plaintiff failed to offer evidence of willful and wanton actions on behalf of the Defendants. Moreover, these Defendants have admitted liability for the subject motor vehicle collision. There is simply a bona fide dispute as to damages owed to Plaintiff. (Please see renewed Motion for Partial Summary Judgment).

(8)

The issues for determination by the jury are as follows:

By the Plaintiff:

- (a) Causation;

(b) Damages; and

(c) Liability as to Negligent Hiring, Training, Entrustment, and Supervision. As well as to Plaintiff's O.C.G.A. §13-6-11 claim.

By the Defendants:

By a preponderance of evidence, the Plaintiff must prove: Ms. Hall's damages, if any, to be awarded as a result of the subject collision

(9)

Specifications of negligence including applicable code sections are as follows:

By the Plaintiff:

_____ O.C.G.A. § 40-6-20; O.C.G.A §13-6-11

By the Defendants:

None.

(10)

If the case is based on a contract, either oral or written, the terms of the contract are as follows (or, the contract is attached as an Exhibit to this order):

This case is not based on a Contract.

(11)

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

By the Plaintiff:

- (1) Past Medical Expenses: \$99,161.27. As Plaintiff is still treating, she reserves the right to amend her medical expenses if this case is not tried during the forthcoming trial calendar.
- (2) Past, Present and Future Lost Wages in an amount to be determined at trial, the measure of which is the value thereof;

(3) Past and future pain and suffering in an amount to be determined by the enlightened conscience of the jury.

By the Defendants:

The Defendants object to Plaintiff presenting any evidence of damages that were not specifically identified during discovery.

(12)

If the case involves divorce, each party shall present to the court at the pretrial conference the affidavits required by Rule 24.2. **This case does not involve divorce.**

(13)

The following facts are stipulated:

By the Plaintiff: Defendants have admitted 100 percent responsibility for causing the subject accident. Defendants have admitted that their negligence is the proximate cause of all of Plaintiff's injuries.

By Defendants:

Defendant Jabari Hollis was an employee of Loomis Armored US and acting in the course and scope of his employment at the time of the accident at issue. Defendants admit that Mr. Hollis caused the accident and injury to Plaintiff. It is not stipulated that "all" of Plaintiff's injuries were caused by these Defendants. No other facts are stipulated at this time.

(14)

The following is a list of all documentary and physical evidence that will be tendered at the trial by the Plaintiff or Defendants. 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.

Note: The parties have not stipulated the authenticity or admissibility of all documents/exhibits listed by the other side, and the parties currently reserve all objections available under Georgia law as to said documents/exhibits. The parties' counsel, however, will work together prior to trial to attempt to reach stipulations regarding the authenticity and/or admissibility of the listed documents/exhibits

(a) By the Plaintiff:

- December 6, 2017 Motor Vehicle Report;
- Plaintiff's Medical Bills;
- Plaintiff's Medical Records;
- Google Maps and Photographs of the Scene;
- Photographs of the Subject Vehicles;
- Photographs of the Plaintiff's injuries;
- Photographs of the Plaintiff Pre-Accident;
- Any document produced or identified in discovery;
- Any document identified by another party;
- MRI or X-Ray Films;
- Annuity Mortality Table;
- National Vital Statistics Table
- Medical Diagrams;
- Demonstrative Evidence;
- Any document used for impeachment purposes;
- IRS Certified Documents and Wage Forms;
- Jabori Hollis Ticket Disposition.

(b) By the Defendants:

- Plaintiff's medical records and bills including but not limited to the following providers:
 - Grady EMS;
 - Grady Memorial Hospital;
 - Emory Medical Care Foundation;

- Karsch Orthopaedics;
 - Bioventus;
 - DeKalb Medical Center;
 - Regional Medical Group;
 - GA Select Physiotherapy;
 - Marrick Medical; and
 - Randall B. Ridgon, M.D.
- All MRIs, X-Rays, and CT Scans of Plaintiff contained in medical charts;
 - Police report;
 - Photographs;
 - Ms. Hall's tax returns/tax and wage transcripts;
 - Ms. Hall's employment file from Kelly Educational Services;
 - Ms. Hall's employment file from Hapeville Charter Middle School;
 - Jabari Hollis' Loomis Employment File;
 - All discovery questions and responses filed by any party in this case;
 -
 - Trial Demonstratives; and
 - Any document listed by the Plaintiff above;
 - Any employment information for Ms.Hall received prior to trial.

(15)

Special authorities relied upon by Plaintiff relating to peculiar evidentiary or other legal questions are as follows: None.

(16)

Special authorities relied upon by Defendant relating to peculiar evidentiary or other legal questions are as follows:

See authorities cited in Defendants' Motion for Partial Summary Judgment. Defendants reserve the right to file motions in limine and trial briefs.

(17)

All requests to charge anticipated at the time of trial will be filed in accordance with Rule 10.3 and the Court's Case Management Order. The parties reserve the right to file additional requests to charge as the evidence may dictate throughout the course of trial.

(18)

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

By Plaintiff:

1. Dr. Robert E. Karsch;
2. Dr. Phillip Shane;
2. Gwendolyn Hall;
3. Coronis Hall;
4. Kandyce Hall;
5. Roberta Johnson

Any person who has been deposed and is unable to attend the trial due to a legally sufficient reason.

By Defendants:

These Defendants object to the use of deposition testimony of any witness that is available to appear and testify at trial or who is subject to being compelled to appear and testify at trial.

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 the

a. Plaintiff will have present at trial:

1. Kirche Hall;
2. Kandyce Hall

b. Plaintiff may have present at trial:

1. Gwendolyn Hall;
2. Coronis Hall;
3. Roberta Johnson;
4. Cathy Evans;
5. Dniya Lyons;
6. Maurice Evans;
7. Francesca Corbin;
8. Cynthia McClain;
9. Curtis Cisrow;
10. Francesca Corbin;
11. Jabori Hollis;
12. Drew Dowling; and
13. Officer Thomas Cosentino

Any before and after witnesses; and

Any of Plaintiff's treating physicians, therapists, or other medical profession.

a. Defendants will have present at trial:

None.

b. Defendants may have present at trial:

Jabari Hollis;

Kandyce Hall;

Kirche Hall;

Donna F. Steinhilber;

Luciano Chetan;

Drew Dowling;

Gary Martin;

Muriz Rovcanin;

Anisha Ritter;

Any witness needed to authenticate any medical record listed above;

Any nurse, physician or other healthcare provider identified in any of the medical records listed above;

Defendants reserve the right to add and call additional “may call” witnesses, providing names and addresses of same to opposing counsel prior to trial so as not to prejudice Plaintiff.

These Defendants also reserve the right to call any person listed by any other party; and

Opposing counsel may rely on representation by the designated party that they 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 or her testimony by other means.

(20)

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

To be provided at trial.

(21)

- a. The possibilities of settling the case are **poor**.
- b. The parties **do** want the case reported.
- c. The cost of take down will be paid **by the parties equally**.
- d. Other matters:

Defendants' Renewed Motion for Partial Summary judgment is pending.

Jointly Submitted by:

/s/Heather H. Miller

HEATHER H. MILLER

Georgia Bar No. 506756

ANDREW BAGLEY

Georgia Bar No. 959771 McGrew Miller Bamar & Bagley, LLC

Attorney for Defendants

JL WILSON TRIAL LAW, LLC

By: */s/ Joseph L. Wilson*

Joseph L. Wilson, Esq.

Georgia Bar No. 372083

Attorney for Plaintiff

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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.

SO ORDERED this 18th day of February, 2020.



HONORABLE ERIC RICHARDSON
State Court of Fulton County