

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

KAMELLE BALLOU,	)	
	)	
	)	CIVIL ACTION
vs.	)	
	)	FILE NO. 17EV003028
HENRY C. FELDER and	)	
TIWANA HUGGINS	)	
	)	
Defendants.	)	

**CONSOLIDATED PRE-TRIAL ORDER**

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

1.

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

Plaintiff:	Miguel A. Dominguez, Esq. Georgia Bar No. 301860 MORGAN & MORGAN ATLANTA PLLC P.O. Box 57007 Atlanta, Georgia 30343-1007 Office: (404) 965-8811 Direct: (404) 965-1665 Fax: (404) 720-3772 Email: <a href="mailto:mdominguez@forthepeople.com">mdominguez@forthepeople.com</a> URL: <a href="http://www.forthepeople.com">www.forthepeople.com</a>
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*Physical Address:*  
191 Peachtree Street NE  
Suite 4200  
Atlanta, Georgia 30303

Defendants:	Trevor G. Hiestand, Esq. Georgia Bar No. 351795 Luciana Aquino, Esq. Georgia Bar No. 114433
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WALDON, ADELMAN, CASTILLA,  
HIESTAND & PROUT  
900 Circle 75 Parkway, Suite 1040  
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Office: (770) 953 – 1710  
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State Farm Mutual Automobile  
Insurance Company:

W. Dale Ellis, Jr., Esq.  
Georgia Bar No. 244926

LYNN LEONARD & ASSOCIATES  
2400 Century Parkway, Suite 200  
Atlanta, GA 30345  
Office: (404) 728 – 5400  
Email: [dale.ellis@statefarm.com](mailto:dale.ellis@statefarm.com)

State Farm Mutual Automobile Insurance Company reserves the right to substitute counsel of record to try this case. Such substitution will not delay the trial of this case.

2.

The estimated time required for trial is 3 days.

3.

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

**By Plaintiff:**

The parties reserve the right to file motions in limine prior to and during the trial of the case. The parties further 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.

**By Defendants:**

There are no motions pending with the Court. Defendants reserve the right to file oral or written motions in limine or other pretrial motions, as necessary, the presentation and hearing of which should not delay the trial of the case, prior to the commencement of trial. Defendants also reserve the right to file all necessary trial motions as the evidence dictates and any other motions (and/or responsive pleadings to any motions) specifically reserved by any other party herein.

**By State Farm Mutual Automobile Insurance Company:**

State Farm will file a Motion to Offset Medical Payments Coverage Payments and any payments made by liability insurance carriers. State Farm also reserves the right to file any Motions in Limine before or during trial as evidentiary issues arise. State Farm also has a cross-claim pending against Defendant. State Farm requests entry of a judgment in favor of State Farm against Defendant for any amount State Farm is required to pay. See State Farm Mutual Automobile Insurance Company v. Wright, 245 Ga. App. 493, 538 S.E.2d 147 (2001).

4.

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

**For Plaintiff:**

Plaintiff

Defendant

All counsel of record

**For Defendants:**

Plaintiff, relationships by blood or marriage to plaintiff, plaintiff's current or prior counsel, and all others with a contingent interest in the outcome of this case.

**By State Farm Mutual Automobile Insurance Company:**

The jury will be qualified as to relationship with the following Trevor Hiestand, Miguel Dominguez , and members of the law firm of Waldon, Adelman, Castilla, Hiestand and Prout LLP, and Morgan & Morgan Atlanta, PLLC.

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. It is agreed that as to any expert witness, each party, through his or her attorney, will notify the opposing party through his or her attorney of that party's intention to introduce such testimony live at trial. Such notification shall be within a reasonable time prior to the trial and the opposing attorney shall have the right to take a discovery deposition from said expert witness and shall have the right to amend his or her may call witness list so as to add such expert witnesses as that party deems necessary to counter the opposing party's expert testimony. Such notice shall, likewise, be within a reasonable time prior to trial so the opposing attorney may take a discovery deposition of any counter experts.

(b) Unless otherwise noted, the names of the parties 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.

6.

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

On or about July 11, 2015, Plaintiff was driving her 2015 Nissan Armada in a prudent and careful manner eastbound on Iris Drive in Rockdale County, Georgia. At or about that same

time, Defendant Henry C. Felder was driving his 2000 Chevrolet Tahoe westbound on Iris Drive attempting to make a left turn onto Smyrna Road in when Defendant Henry C. Felder negligently, recklessly, carelessly and unlawfully operated said vehicle so as to cause it to collide with Plaintiff's vehicle. At all times material, including on July 11, 2015, Defendant Henry C. Felder owed a duty to Plaintiff and to the motoring public to exercise reasonable care in his operation of his vehicle.

The negligent acts of the Defendants caused the Plaintiff to sustain injuries, seek medical treatment, and incur special damages in the form of medical bills totaling at least \$39,356.43.

Should the award of damages from the jury exceed Defendants' liability insurance coverage limits of \$50,000, State Farm would be contractually obligated to satisfy any unpaid amounts under the underinsured motorist coverage of its policy no. 026097411L, up to its policy limits of \$250,000.

7.

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

Defendants deny that the injuries and/or damages the plaintiff is claiming in this lawsuit were the result of any alleged negligence by defendant Henry C. Felder. Defendant Tiwana Huggins denies any and all liability for plaintiff's alleged injuries and damages. Defendants deny that the acts and/or omissions required to support plaintiff's contention that defendant Huggins negligently entrusted her vehicle to defendant Felder are present in this case and defendant Huggins is, therefore, not liable on this claim.

7a.

The following is State Farm Mutual Automobile Insurance Company's brief and succinct

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