

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JASON PITTMAN, )  
 )  
 Plaintiff, )  
 v. ) Case No. 12-2010-JPO  
 )  
 UNIFIED GOVERNMENT OF WYANDOTTE )  
 COUNTY/KANSAS CITY, KANSAS, et al., )  
 )  
 Defendants. )

**ORDER**

On June 30, 2016, the undersigned U.S. Magistrate Judge, James P. O'Hara, convened a status and limine conference in this action. Plaintiff Jason Pittman appeared through counsel Brian F. McCallister, Arthur A. Benson, II, and Andrew D. Ferrel. Defendants appeared through counsel F. Charles Dunlay, IV, Ryan B. Denk,<sup>1</sup> and Teresa Mata. This order memorializes the court's rulings made on the record.

1. As agreed by the parties, all claims against defendants Kevin Steele and Curtis Nicholson are dismissed with prejudice. Steele and Nicholson are terminated from this case.

2. As agreed by the parties, this case will be submitted to the jury on a bifurcated basis. The jury first will be instructed and asked to render a verdict on plaintiff's state-law claims. If the jury does not return a verdict for plaintiff on any state-law claim, the case ends and the jury is dismissed. Alternately, if the jury returns a verdict for plaintiff on any state-

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<sup>1</sup>Mr. Denk appeared by telephone.

law claim, the jury then will be instructed and asked to render a verdict on plaintiff's claims under 42 U.S.C. § 1983. If the jury fails to reach a verdict on the § 1983 claims, the parties agree that there will be no retrial of the state-law claims.

3. The deadline for submission of joint stipulations regarding the remaining claims and/or parties is July 8, 2016.

4. The deadline for submission of joint stipulations regarding the pre-admission of exhibits is July 8, 2016.

5. The parties' objections to deposition designations are overruled. Specifically, plaintiff's objection to the designated deposition testimony of Agent Bryan Witt (ECF doc. 193) is overruled as moot if Mr. Witt is called as a live witness, and is otherwise overruled under the reasoning set forth in the Order in Limine (ECF doc. 220). Defendants' objection to the designated deposition testimony of Rick Armstrong (ECF doc. 194) is overruled, but plaintiff only will be permitted to introduce such testimony for the purpose of attempted impeachment and for the reading of specific, brief admissions.

6. Any motion asking the court to take judicial notice of a fact shall be filed by July 6, 2016, at noon. Any response shall be filed by July 7, 2016, at 10:00 a.m. Any reply shall be filed by July 7, 2016, at 3:00 p.m. The principal briefs shall be limited to four pages; the reply brief shall be limited to two pages.

Dated June 30, 2016, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge