



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

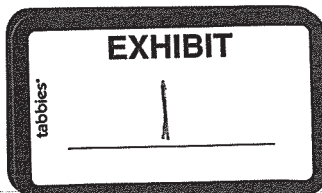
NEWSOME BURT W,)	
NEWSOME LAW LLC,)	
Plaintiffs,)	
)	
V.)	Case No.: CV-2015-900190.00
)	
COOPER CLARK ANDREW,)	
BALCH & BINGHAM LLP,)	
SEIER CLAIBORNE P,)	
BULLOCK JOHN FRANKLIN JR.,)	
ET AL,)	
Defendants.)	

ORDER

Balch and Cooper filed an Objection and Motion to Strike the Affidavits of Robert Serrett and John Manning. Based on the briefs submitted and the oral arguments heard, the Court hereby grants the Motion to Strike, and strikes the affidavits of Robert Serrett and John Manning because they were submitted after the deadline for discovery set forth in the Court’s Scheduling Order and under Alabama Rules of Civil Procedure 26(d) for supplementation of discovery responses, and the evidence shows that Serrett is not competent to testify to the current status of the 205-410-1494 phone number which is undisputedly owned by Verizon Wireless.

DONE this 15th day of June, 2018.

/s/ CAROLE C. SMITHERMAN
CIRCUIT JUDGE





**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

NEWSOME BURT W,)
NEWSOME LAW LLC,)
Plaintiffs,)

V.)

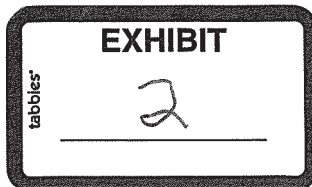
Case No.: CV-2015-900190.00

COOPER CLARK ANDREW,)
BALCH & BINGHAM LLP,)
SEIER CLAIBORNE P,)
BULLOCK JOHN FRANKLIN JR.)
ET AL,)
Defendants.)

ORDER

The Court held a hearing in this case on October 5, 2017 related to Defendant John Bullock’s Motion to Set Aside the Scheduling Order. Based on the arguments presented, the Court hereby enters the following amended scheduling order agreed to by the parties (date or time changes from the September 27, 2017 order indicated in **bold**):

1. All responses to any motions for summary judgment and/or any motions to dismiss are due October 10, 2017.
2. Plaintiffs’ response to Defendant Balch and Cooper’s Objection and Motion to Strike Plaintiffs’ Expert Veronica Root is due October 10, 2017.
3. All replies to any responses for motions for summary judgment, motions to



dismiss, or motions to strike are due October 13, 2017.

4. The hearing on all motions for summary judgment, motions to dismiss (Don Gottier's and Balch/Cooper's), and the Objection and Motion to Strike Plaintiffs' Expert Veronica Root is now set for October 18, 2017 at 9:00 a.m.
5. **The trial of this matter is now set for December 4, 2017.**
6. The Parties shall exchange witness and exhibit lists at least 14 days prior to trial. Any witness or exhibit that is not identified shall not be allowed into evidence absent leave of the Court for good cause shown. Any objections to the witness and exhibit lists must be filed no later than 7 days prior to trial.
7. Any pre-trial motions shall be filed by November 10, 2017. Any responses to said motions shall be filed by November 17, 2017. .
8. All pre-trial motions, including the motions in limine already filed, are set for a hearing on **November 20, 2017 at 9:00 a.m.** (the hearing on the two previously filed motions in limine was previously set for Oct. 12, 2017).
9. **Any proposed jury charges shall be submitted prior to trial in Word format to lisa.copeland@alacourt.gov.**
10. **If a court reporter is desired, arrangements shall be made prior to beginning of trial.**
DONE this 11th day of October, 2017.

/s/ CAROLE C. SMITHERMAN
CIRCUIT JUDGE

STATE OF TEXAS
HARRIS COUNTY

)
)
)

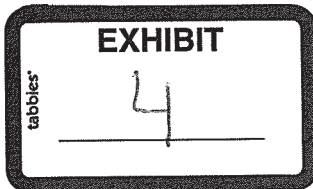
AFFIDAVIT

BEFORE ME, the undersigned authority and Notary Public for the State of Texas, at large, personally appeared Robert Serrett, who being known to me and being first duly sworn and under oath, deposes and says as follows:

1. "My name is Robert Serrett and I am over 19 years of age and a resident of Houston, Texas. I have personal knowledge of the facts stated herein. I was Vice-President of Sales at Ciera Networking Systems, Inc. which was a division of CCC Globalcom, Inc. (or "Ciera") I am currently an independent telecom contractor and have been in the telecommunications industry for over 30 years. Ciera sold prepaid phones and prepaid phone cards at various retail outlets. The phone services were bought from other providers (such as Verizon) on a wholesale basis and then resold by Ciera. Our prepaid phones and phone cards were private labeled to carry the CCC Globalcom name and logo.

2. The calls from 205-410-1494 on the attached phone records represent calls made by using a prepaid phone of Ciera Network Systems, Inc. and its successors and assigns with the assigned number 205-410-1494. The calls from the prepaid phone with the number 205-410-1494 would go out over the Ciera Network Interexchange and be terminated by Verizon. 205-410-1494 is a Verizon Wireless number that was assigned to Verizon by NANPA. The number was purchased from Verizon by Ciera and then resold via a prepaid phone.

3. 205-410-1494 is not a routing number. Each call on the phone records from the phone

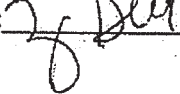


number 205-410-1494 has the CIC code 9. This is the CIC code for Ciera Networking Systems, Inc. and its successors and assigns (and has been from 1991 to the present) which issue and sell prepaid phones and prepaid phone cards. The calls would not have the CIC code 9 if the phone number was a routing number.

All of the above statements are true and correct and stated as facts."


ROBERT SERRETT

SWORN TO AND SUBSCRIBED before me on this the 10th day of October, 2017.

NOTARY PUBLIC:  My commission expires: August 30, 2020

(SEAL)

