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CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

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

ZACHARY D. LUCAS,)
)
Plaintiff,)
)
v.) CASE NO.: CV-2017-900127 DEB
)
MICHAEL B. CANNON, <i>et al.</i>,)
)
Defendants.)

PLAINTIFF'S WITNESS LIST, EXHIBIT LIST AND DAMAGES LIST

COMES NOW the Plaintiff, Zachary D. Lucas, in accordance with Exhibit A to this Court's February 24, 2017 Scheduling Order and Trial Setting, submits the following list of witnesses that may be called to testify at trial, as well as the following list of exhibits that may be used during trial. Finally, Plaintiff submits the following Itemization of Damages:

WITNESSES

1. Plaintiff, Zach Lucas;
2. Defendant, Michael B. Cannon;
3. Dr. Jack Denver, Plaintiff's Life Care Planning Expert, 1500 Southlake Park, Suite 150, Hoover, Alabama 35244;
4. Allen K Powers, P.E., Plaintiff's Accident Reconstruction Expert, 3 Axis Engineering, LLC, 5929 Knight Avenue Tuscaloosa, Alabama 35405;
5. Dr. Barton Guthrie, Plaintiff's Treating Neurosurgeon, Birmingham Neurological Surgeons, UAB FOT 1038, 510 20th Street South, Suite 1001, Birmingham, Alabama 35233 (by video deposition);
6. Sharon Holmes, Plaintiff's mother;
7. Cody Lucas, Plaintiff's brother;
8. Investigating Officer Jason Crocker, Jefferson County Sheriff's Department;

9. Any and all representatives and/or custodians of record for Regional Paramedic Services, Inc., including, but not limited to, Joseph Garrison and/or Laura Bouchard;
10. Any and all representatives and/or custodians of record for Graysville Fire & Rescue;
11. Any and all of the Plaintiff's treating physicians or other medical providers and/or their representatives. This includes, but is not limited to, the following facilities/providers:
 - a. UAB Hospital;
 - b. VA Medical Center- Birmingham;
 - c. VA Medical Center- Tuscaloosa;
 - d. University of Alabama Health Services Foundation;
12. Any and all custodians of records for medical providers whose testimony is necessary to lay the proper predicate for the admissibility of materials received during the course of discovery, pursuant to subpoena or otherwise. This includes, but is not limited to, representatives and/or custodians of records from the facilities/providers identified in the preceding Witness Listing;
13. Any and all representatives and/or custodians of record for UAB Hospital, Patient Financial Services, including but not limited to, Thomas Elmes, Esq.;
14. Any and all billing representatives and/or custodians of record for United States Department of Veteran's Affairs' ("VA Hospital"), including but not limited to, Megan Boswell and/or Robbie Kingkay;
15. Any and all custodians of records whose testimony is necessary to lay the proper predicate for the admissibility of materials received during the course of discovery, pursuant to subpoena or otherwise;
16. Any and all witnesses identified by the Defendant;
17. Any and all witnesses whose testimony is necessary for rebuttal;
18. Any and all witnesses whose testimony is necessary for impeachment;
19. Dr. Cloyd Andrew Robinson, Jr., (789 Arabian Road, Columbiana, Alabama 35051), has been deposed in connection with Plaintiff's Motion *in Limine* relating to UAB's toxicological testing. Plaintiff reserves the right to call Dr. Robinson to testify at trial depending on the Court's *in limine* ruling;
20. Plaintiff reserves the right to supplement or amend this Witness List in accordance with the timing requirements set forth in Exhibit A to this Court's Scheduling Order and Trial Setting.

EXHIBITS

1. All interrogatories propounded by any party, as well as the answers submitted thereto;
2. The deposition transcript and/or video recording of any party or witness as well as any and all exhibits attached thereto, including, but not limited to, the transcripts and exhibits of the following deponents:
 - a. Plaintiff, Zach Lucas;
 - b. Defendant, Michael B. Cannon;
 - c. Deputy Jason Crocker;
 - d. Dr. Jack Denver;
 - e. Dr. Barton Guthrie;
 - f. Dr. Cloyd Andrew Robinson, Jr.;
 - g. Allen Powers;
3. Any and all photographs, video footage, diagrams or other visual depictions of the accident scene;
4. All photographs of the gouge marks located on the shoulder of I-22 taken by a representative of the Defendant and/or his insurer, Progressive Insurance Company and produced during discovery;
5. Any and all photographs, video footage, diagrams or other visual depictions of the motorcycle being pushed by Plaintiff;
6. Any and all photographs, video footage, diagrams or other visual depictions of the vehicle driven by the Defendant;
7. The repair estimate and/or repair invoice pertaining to the motorcycle being pushed by Plaintiff;
8. The repair estimate and/or repair invoice pertaining to the vehicle driven by the Defendant;
9. Any and all medical treatment and billing records, whether obtained through the course of discovery or pursuant to a subpoena or other means, detailing all medical treatment sought by or provided to the Plaintiff before and/or after the accident at issue. Such materials, include, but not are not limited to, those that were generated by the following:
 - a. Regional Paramedical Services, Inc.;
 - b. UAB Hospital;
 - c. VA Medical Center- Birmingham;
 - d. VA Medical Center- Tuscaloosa;
 - e. University of Alabama Health Services Foundation;

10. Any and all of Plaintiff's treating physicians who may be called to rebut Defendant's allegation that Plaintiff had a relevant preexisting condition;
11. Notice of Hospital Lien filed by UAB Hospital in the amount of \$373,988.34;
12. Jefferson County 911 phone call audio recordings and/or call logs;
13. Any and all materials to be relied upon by Dr. Jack Denver, Plaintiff's Life Care Planning Expert, including but not limited to:
 - a. *Curriculum Vitae*;
 - b. Handwritten Notes;
 - c. Life Care Plan;
 - d. Present Value Assessment;
 - e. Materials attached as exhibits to Dr. Denver's deposition, although Plaintiff reserves the right to object to the admissibility of all such materials;
17. Any and all materials to be relied upon by Allen K Powers, P.E., Plaintiff's Accident Reconstruction Expert, including but not limited to:
 - a. *Curriculum Vitae*;
 - b. Photographs of the Incident Scene;
 - c. Measurement of the Incident Scene;
 - d. Materials attached as exhibits to Mr. Powers's deposition, although Plaintiff reserves the right to object to the admissibility of all such materials;
18. Any and all materials attached by Plaintiff to the deposition of Dr. Barton Guthrie, Plaintiff's treating neurosurgeon, including but not limited to:
 - a. Plaintiff's "Past Medical Bills" Binder, which includes:
 - i. Billing from Regional Paramedical Services, Inc. in the amount of \$1,078 (Tab 1);
 - ii. Billing from UAB Hospital in the amount of \$373,988.34 (Tab 2);
 - iii. Billing from UAHSF in the amount of \$40,099.19 (Tab 3);
 - iv. Billing from Birmingham VA in the amount of \$974,765.63 (Tab 4);
 - v. Billing from Tuscaloosa VA in the amount of \$22,299.78 (Tab 5);
 - b. Plaintiff's "Post-Wreck Medical Records" Binder, which includes:
 - i. Dr. Guthrie's *Curriculum Vitae* (Tab 1);
 - ii. Plaintiff's Medical Records from Regional Paramedical Services (Tab 2);
 - iii. Plaintiff's Medical Records from UAB Hospital (Tab 3, subject to redaction in accordance with the Court's *in limine* ruling);
 - iv. Plaintiff's 11/17/2015 Operative Report from UAB Hospital (Tab 4);
 - v. Plaintiff's 12/23/2015 Operative Report from UAB Hospital (Tab 5);
 - vi. Plaintiff's 05/31/2016 Discharge Summaries/Operative Report from VA Hospital (Tab 6);
 - vii. Plaintiff's 11/01/2016 Discharge Summaries/Operative Report from VA Hospital (Tab 7);
 - viii. Four (4) Photos of Plaintiff (Tab 8);

- c. Plaintiff's "Pre-Wreck Medical Records" Binder containing VA Hospital Records, depending on the Court's *in limine* ruling;
- d. Demonstratives depicting Plaintiff's Brain Injury;
- e. Any and all other materials attached as exhibits to Dr. Guthrie's deposition, although Plaintiff reserves the right to object to the admissibility of all such materials;

19. Plaintiff's executed Social Security Administration Authorization;

20. Plaintiff's executed Veteran's Administration Authorization;

21. Plaintiff's Social Security Administration Disability File (depending on Court's *in limine* ruling);

22. Any and all exhibits listed by Defendant to be used at trial;

23. Any and all materials upon which any expert will rely at the trial of this matter;

24. Any and all materials exchanged by the parties during the course of discovery;

25. Any and all pleadings;

26. Any and all exhibits necessary for rebuttal;

27. Any and all exhibits necessary for impeachment;

28. Any and all materials received in response to non-party subpoenas;

29. Enlargements of any and all of the Court's approved jury instructions;

30. Enlargements of any exhibits referenced in this Exhibit List;

31. Plaintiff reserves the right to supplement or amend this Exhibit List in accordance with the timing requirements set forth in Exhibit A to this Court's Scheduling Order and Trial Setting.

ITEMIZATION OF DAMAGES

Plaintiff hereby provides all parties with notice that he is claiming the following compensatory damages:

1. **Personal Injury Medical Expenses (past):** Plaintiff's past medical expenses are itemized as follows:

Provider	Description	Amount
Regional Paramedical Svcs.	Ambulance transport	\$1,078.00
UAB Hospital	Surgeries, ER visits, clinic visits	\$373,988.34
UAHSF	Physicians' fees, radiology fees	\$40,099.19
Birmingham VA	Surgeries, IV antibiotic therapy, office visits	\$974,765.63
Tuscaloosa VA	Neuropsychology, office visits	\$22,299.78
TOTAL:		\$1,412,230.94

At trial, Plaintiff will claim “personal injury medical expenses” as that term is defined by Alabama Pattern Jury Instructions, § 11.15 (revised).

2. **Personal Injury Medical Expenses (future):** Plaintiff’s future medical expenses will be outlined by Dr. Jack Denver, Plaintiff’s Life Care Planning Expert. Dr. Denver has provided the parties with a Life Care Plan and Present Value Assessment, which itemizes \$7,421,050 worth of future medical care costs. At trial, Plaintiff will offer evidence of the future value of Plaintiff’s future medical care costs, as well as the reduced, present value of all such costs (\$3,068,199).
3. Finally, Plaintiff claims the following, unquantifiable damages:
 - a. Pain and Suffering;
 - b. Mental Anguish;
 - c. Permanent Injury;
 - d. Permanent Disfigurement.

Respectfully Submitted,



Brandon T. Bishop (BIS014)
Attorney for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and forgoing pleading upon all counsel of record, via the Alabama electronic filing system, electronic mail, and/or U.S. Mail, first class postage prepaid and properly addressed, on this the 8th day of October, 2018.

Paul A. Miller, Esq.
Garrett C. Miller, Esq.
Miller, Christie & Kinney, P.C.
2090 Columbiana Road, Suite 3400
Birmingham, Alabama 35216



OF COUNSEL