

SHARON ARAWAY, INDIVIDUALLY AND AS
TUTRIX OF HER MINOR CHILDREN ANDREW
ARWAY, JR., TERRA NICOLE ARAWAY, AND
JOSHUA ARAWAY

DOCKET NO. 519, 214, DIV. 8

19TH JUDICIAL DISTRICT COURT STATE

VERSUS

JUL - 5 2016

BY JP
DEPUTY CLERK OF COURT

TROOPER PHILLIP TAGLIARINO, THE LOUISIANA PARISH OF EAST BATON ROUGE
OFFICE OF STATE POLICE AND THE STATE OF
LOUISIANA STATE OF LOUISIANA

**PRE-TRIAL ORDER OF PLAINTIFFS, SHARON ARAWAY, ET AL AND
DEFENDANTS, TROOPER PHILLIP TAGLIARINO, AND THE STATE OF
LOUISIANA THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS, LOUISIANA STATE POLICE**

A Pre-trial Conference is scheduled on the 22nd day of July, 2016 at 9:30 a.m.

Darleen M. Jacobs, Esq.
Jacobs, Sarrat, Lovelace & Harris
823 St. Louis Street
New Orleans, Louisiana 70112
(504) 522-0155
Counsel for Plaintiffs,
Sharon Arway, et al

Andrew Blanchfield, Esq.
Keogh, Cox & Wilson, Ltd.
701 Main Street
Baton Rouge, Louisiana 70802
(225) 383-3796
Counsel for Defendants,
Trooper Phillip Tagliarino, et al

ESTABLISHED FACTS:

Plaintiffs, Sharon Arway, individually and as tutrix of her minor children, Andrew Arway, Jr., Terra Nicole Arway, and Joshua Arway, maintain that on or about March 24, 2004, at approximately 4:30 a.m., Defendant, Trooper Phillip Tagliarino, fatally shot Andrew Arway, husband of Sharon Arway and father of Andrew Arway, Jr., Terra Nicole Arway, and Joshua Arway, in Avoyelles Parish after Trooper Tagliarino pulled Andrew Arway over to the side of the road for a traffic violation. The Louisiana Office of State Police and the State of Louisiana are also Defendants. *Civil Code Article 2315 et seq.* The referee in bankruptcy, Honorable Lowell T. Cage has been substituted for Plaintiffs as Mrs. Sharon Arway had to file bankruptcy shortly after her husband's death. Plaintiffs maintain that Andrew Arway was killed without provocation and that Trooper Phillip Tagliarino used excessive force.

CLAIMS OF OTHER PARTIES:

Following this shooting incident, Sharon Arway declared bankruptcy in the United States District Court for the Southern District of Texas, Houston Division. The Honorable Lowell T. Cage, Chapter 7 Trustee was appointed as Trustee of Sharon Arway's case and joins with her in bringing this cause of action for and on behalf of the debtor of the bankruptcy case.

EBR3671462

RECEIVED

DIVISION O
JUDGE FIELDS

REC'D C.P.

JUL 08 2016

KW

PLAINTIFFS' CONTENTIONS:

Trooper Phillip Tagliarino was negligent when he shot un-armed Andrew Arway. Trooper Phillip Tagliarino used excessive force. Trooper Phillip Tagliarino failed to follow proper police procedure and protocol during the Arway DUI stop. Trooper Phillip Tagliarino failed to timely call for back-up.

DEFENDANTS' CONTENTIONS:

1. Defendants, State of Louisiana, through the Department of Public Safety and corrections, deny any liability to the plaintiffs in connection with the incident in question and purported damages.
2. At all relevant times, Trooper Tagliarino followed all applicable police policies and regulations.
3. The alleged incident and purported damages made the subject of this proceeding were caused by Andrew P. Arway.
4. In the alternative, and only in the event that the triers of fact determine that these defendants are in any manner responsible for the alleged incident and purported damages made the subject of this proceeding, which is specifically denied, then any recovery had by the plaintiffs should be reduced in proportion to the degree or percentage of comparative negligence, contributory negligence and/or fault attributable to Andrew Arway.
5. Defendants contest the nature, cause, extent and effects of the alleged injuries of plaintiffs

STIPULATIONS:

That at all times hereto, Trooper Phillip Tagliarino was employed by the Louisiana Office of State Police as a state trooper and was within the course and scope of his employment.

On or about March 24, 2004, at approximately 4:30 a.m., Mr. Andrew Arway was stopped by Louisiana State Trooper, Phillip Tagliarino on Louisiana Highway 1 near Marksville, Louisiana, for suspicion of Driving While Intoxicated. During the suspected DWI stop, Trooper Tagliarino shot and killed Mr. Arway, who was not armed.

CONTESTED ISSUES OF FACT:

All issues of fact are contested at this time including:

1. The negligence of Trooper Phillip Tagliarino in shooting Andrew Arway who was unarmed;

2. Whether or not Trooper Tagliarino used excessive force when dealing with Andrew Arway;
3. Whether or not Trooper Tagliarino should have called for backup before shooting Andrew Arway;
4. Whether Trooper Tagliarino followed proper procedure and protocol during the Arway DUI stop;
5. All facts surrounding the incident, liability, causation, and damages;
6. Any and all facts which are pertinent for a determination of negligence and liability, as well as, damages;
7. The negligence of Andrew Arway in resisting Trooper Phillip Tagliarino;
8. Whether or not Andrew Arway caused Trooper Phillip Tagliarino to believe Andrew Arway was armed and dangerous;
9. Whether or not Trooper Phillip Tagliarino feared for his life and safety at the time of the traffic stop and shooting, reasonably believing, Arway was reaching for a concealed weapon;
10. Whether or not Andrew Arway was intoxicated at the time of the traffic stop and shooting.
11. Whether or not Andrew Arway intentionally provoked Trooper Tagliarino to take action.

CONTESTED ISSUES OF LAW:

All issues of law are contested at this time including:

1. The negligence of Trooper Tagliarino;
2. The use of excessive force by Trooper Tagliarino;
3. Any and all issues inherent in the various pleadings filed by or on behalf of all parties to this proceeding, depositions taken in this matter, and all discovery conducted prior to trial, and evidence which may be presented at the trial of this matter;
4. Any and all issues of law encompassing the acts of persons while legally intoxicated;
5. Any and all issues of law encompassing the comparative negligence of Andrew P. Arway, deceased;
6. Any and all issues of law inherent in resisting the authority of a police officer in the course and scope of his duty;

7. Any and all issues of law which encompass a policeman's use of deadly force;
8. Any and all issues of law which encompass the doctrine and/or defense of Discretionary Immunity pursuant to LSA - R.S. 9:2798.1;
9. Any and all issues of law which encompass the doctrine and/or defense of Qualified Immunity for acts of police officers as established by statutes and jurisprudence, State and Federal;
10. Any and all issues of law which are listed by other parties made defendants herein;
11. All other issues pertinent to the determination of legal fault.

PLAINTIFFS' EXHIBITS:

1. Funeral and burial expenses for Andrew Arway;
2. Andrew Arway's payroll and employment records from RGIS Inventory Specialist;
 - 2.(a). U.S. Actuarial Tables on life and work expectancy;
3. Andrew Arway 's and Sharon Arway's Income Tax Records;
4. Recorded Statements Written Statement, Administrative Rights Form Trooper Tagliarino;
5. Written Statement Bobbie Rousseau;
6. Written Statement of Tony Pierite;
7. Written Statement of Gloria Ducote;
8. Copy of in-car videotape from Trooper Tagliarino's unit;
9. Recorded Statement Chris Coyne;
10. Recorded Statement Edward Vallian;
11. Interview Sheet Terri Davidson;
12. Interview Sheet William Scott Smith;
13. Interview Sheet Trooper Mark Phillips;
14. Sgt. Ronnie Dowden's Report;
15. Scale Diagrams of Crime Scene;
16. Recorded Statement Gail Tassin;
17. Firearms Training Records of Trooper Tagliarino;
18. LSP Crime Lab Submittal/Analysis Reports;
19. Copy of Autopsy Report - Andrew Phillip Arway;
20. Photos and videos of crime scene;
21. Offense Report of Avoyelles Parish Sheriff's Office;

22. Two (2) .45 cal. Cartridge cases recovered from scene;
23. One (1) bullet recovered from Andrew Arway during autopsy;
24. Blood and urine samples from Trooper Tagliarino;
25. The Louisiana State Police Bureau of Investigative Case Report, Case # NDD002704;
26. Information on drug Effexor XR;
27. Copy of evidence property receipt for the release of the Arway vehicle;
28. Copy of affidavit authorizing the release of vehicle to Chris Coyne;
29. Photograph of Andrew Arway's vehicle registration, driver's license printout and criminal history;
30. Troop E radio log; Troop E desk log and radio transmission;
31. DPS&C Use of Force Report prepared by TFC Phillip Tagliarino;
32. LSP Procedural Orders:
 - a) 01-03: Use of Force
 - b) 01-04: Firearms
 - c) 04-03:19: Mobile Video/Audio Recording Equipment
 - d) 04-03:21: MVR Operator
33. Evidence Tracking Forms for original in-car camera videotape removed from TFC Tagliarino's unit;
34. Tunica Biloxi Financial Services Information Sheet on Andrew "Andy" Arway;
35. Copy of TFC Phillip Tagliarino personnel file with Louisiana State Police from date of hire through present;
36. Louisiana State Police *Procedural Order*, Number 01-03, effective date 07/01/2003,
Subject: Use of Force; Chapter: Law Enforcement Role and Authority;
37. Policy of Insurance for State of Louisiana;
38. Depositions of
 - Trooper Philip Tagliarino
 - Tony Pierite
 - Terra Arway
 - Sharon Arway
 - Joshua Arway
 - Andrew Arway, Jr.

Cameron Snider, MD

Christopher Coyne

Dr. G. Randolph Rice, PhD

Kenneth Smith, Chief of Police

Brian Bordelon

Burton Bordelon

Gayle Tassin

39. Dr. G. Randolph Rice's report dated October 21, 2008;
40. Any and all training manuals in effect for the Louisiana State Police on or before March 24, 2004;
41. Any and all training videos in effect for the Louisiana State Police on or before March 24, 2004;
42. Any training protocols, procedures, rules, regulations, manuals, or videos stating the policy of the Louisiana State Police in effect on or before March 24, 2004 regarding the investigation and arrest of persons suspected of driving while intoxicated;
43. Transcripts of any radio transmissions made by Trooper Tagliarino on March 24, 2004 regarding the stopping of Andrew Arway's vehicle;
44. Any documentary or demonstrative evidence that is discovered prior to the trial of this matter or is introduced by any other party;
45. Any applicable policy of insurance;
46. Any deposition taken in this matter;
47. Any photographs/diagrams;
48. Any anatomical charts and models;
49. Any exhibit listed by any other party;
50. Any exhibit necessary for rebuttal, impeachment, or authentication of any document, and any exhibit discovered prior to the trial of this matter; and
51. Photographs of Andrew Arway after he was killed and photographs of Andrew Arway before he was killed including photos of him with his family.

DEFENDANTS' EXHIBITS

Defendants, Trooper Tagliarino and the Louisiana State Police **may introduce** the following exhibits:

1. Any and all Investigative Reports compiled by the LSP in reference to LSP case number NDD 002704, including, but not limited to the following:
 - a. Investigative Case Report; dated 4/28/04, consisting of 16 pages;
 - b. Statement of Rights;
 - c. Evidence/Property Receipt;
 - d. Crime lab submission;
 - e. Statement or interview sheets;
 - f. Statement of Rights form of TFC Phillip Tagliarino, dated 3/24/04;
 - g. Administrative Interview/Advice of Rights from dated 3/30/04;
 - h. Voluntary Statement of TFC Phillip S. Tagliarino, dated 3/26/04;
 - i. Interview of Trooper Tagliarino by Lt. Dusty Gates, interviewed 3/29/04;
 - j. 16 page Recorded/written interview of Trooper Tagliarino, 032404, taken on 3/24/04 by Detective Kenneth Smith, Avoyelles Parish Sheriff's Office, and Master Trooper Richard Ortego and Lt. Dusty Gates, LSP ;
 - k. Paragon Casino Resort Voluntary Statement of Bobbie Rousseau, dated 3/24/04;
 - l. Voluntary Statement (Not Under Arrest) of Bobbie Rousseau, dated 3/24/04;
 - m. Paragon Casino Resort Surveillance Department Incident Report # 04-114, dated 3/24/04, 08:05hrs., by Tony Pierite, Surveillance Agent;
 - n. Quick Notes on Andy Arway Review 3/23/04 by Vice President of Surveillance, Tony Pierite;
 - o. Voluntary Statement (Not Under Arrest) of Gloria Ducote, dated 3/25/04;
 - p. LSP Copy of In-Car video Tape from TFC Tagliarino's Unit; showing traffic stop of Andrew Arway by Trooper Tagliarino and ensuing incident on 3/24/04;
 - q. Recorded Statement of Chris Coyne on 3/25/04 @ 9:52 A.M., interviewed by Richard Ortego, LSP, and Kenneth Smith, APSO, consisting of 8 pages;
 - r. Recorded Statement of Edward Vallian on 3/26/04 interviewed by Richard Ortego, La. State Police, and Kenneth Smith, APSO, consisting of 7 pages;
 - s. Interview of Terri Davidson, RGIS Inventory Specialist, taken on 3/25/04 by phone by Lt. Dusty Gates;
 - t. Interview of William Scott Smith, RGIS Inventory Specialist, taken on 3/26/04 by phone by Lt. Dusty Gates;
 - u. Interview of Trooper Mark Phillips, Texas Department of Public Safety, Houston, Texas, dated 3/26/04 by phone by Lt. Dusty Gates;
 - v. LSP Sgt. Ronnie Dowden, Firearms Training Unit, Report dated 3/24/04 on firearms serial number #G347077 and ammunition used in shooting by Trooper Tagliarino;
 - w. LSP generated Scale diagrams of incident scene consisting of 10 diagrams;
 - x. Recorded Statement of Gail Tassin taken on March 30, 2004, by LSP Richard Ortego and APSO, Kenneth Smith;
 - y. LSP Firearms Training Records of TFC Phillip Tagliarino dated 12/15/03;
 - z. LSP Crime Lab Scientific Analysis Report, Lab Case # SP-002856-04, Agency Case # 04-0324-01, Analysis requested Toxicology Drug Screen, exam completed on 4/7/04, results of urine of Phillip Tagliarino;
 - aa. LSP Crime Lab Scientific Analysis Report, Lab Case # SP-002856-04, Agency, Analysis requested, Blood Alcohol Analysis, exam completed on 3/30/04, results of blood alcohol of Phillip Tagliarino;
 - bb. LSP Crime Lab Scientific Analysis Report, Lab Case # SP-002856-04, Agency Case # 04-0324-01, Analysis requested: Firearms, exam completed on 4/27/04, results of photographs and video tape, two Winchester .45 Auto cases, and pistol trigger weight pull;
 - cc. LSP Request for Scientific Analysis, dated 4/1/04;
 - dd. LSP Request for Scientific Analysis, dated 3/24/04;
 - ee. LSP Crime Lab Scientific Analysis, dated 3/24/04;
 - ff. LSP Request for Scientific Analysis Report, dated 3/24/04, exam completed 4/27/04;
 - gg. LSP Request for Scientific Analysis, dated 4/1/04;
 - hh. LSP Request for Scientific Analysis, dated 3/24/04;
 - ii. Report of the Regional Medical Examiner, Lafayette Parish Forensic Center, 1006 Bertrand Dr., Lafayette, LA 70506, completed April 16, 2004,

- consisting of 5 pages, and attachments, of Andrew Phillip Arway; by Prosecutor, Cameron F. Snider, MD.;
 - jj. LSP generated Copy of Photos, CD and/or Video of incident scene;
 - kk. Offense Report from Avoyelles Parish Sheriff's Office, consisting of 2 pages, dated 3/24/04;
 - ll. Information sheet on Effexor XR, consisting of 20 pages;
 - mm. Autopsy Report on Andrew Arway;
 - nn. LSP Scientific Analysis Report, exam completed 4/7/04, results of urine of Phillip Tagliarino;
 - oo. LSP Evidence/Property Receipt, signed by Chris Coyne;
 - pp. Authorization signed by Sharon Arway permitting Chris Coyne to take possession of Arway vehicle;
 - qq. LSP Vehicle Storage record, dated 3/24/04;
 - rr. Photograph of Mr. Arway;
 - ss. Arway Vehicle Registration;
 - tt. Mr. Arway's Driver's License Printout;
 - uu. Mr. Andrew Arway's Criminal History printout;
 - vv. LSP, Troop E Desk Log # 040323D, Tuesday 3/23/2004;
 - ww. LSP, Troop E Radio Log, dated March 24, 2004;
 - xx. LSP, Troop E Station Log, dated 3/24/04;
 - yy. LSP Use of Force Report, dated 3/24/04, completed 3/26/04;
 - zz. LSP Procedural Order #01-03, effective 7/1/03, Subject: Use of Force, consisting of 6 pages;
 - aaa. LSP Procedural Order #01-04, effective 7/1/03, Subject: Firearms, consisting of 5 pages;
 - bbb. LSP, Procedural Order # 04-03.19: Mobile Video/Audio Recording Equipment;
 - ccc. LSP Procedural Order #04-03.20, MVR Tape Custodian;
 - ddd. LSP Procedural Order #04-03.21, MVR Tape Operator;
 - eee. LSP Procedural Order #04-03.22, MVR Tape Identification;
 - fff. LSP Evidence Tracking forms for Original In-Car Camera Video Tape Removed from TFC Tagliarino's unit, Log number NDA192;
 - ggg. Tunica Biloxi Financial Information Sheet, on "Andy" Arway;
2. Video Surveillance Tapes/CDs, taken on 3/23/04 and 3/23/04 at Paragon Casino, Marksville, LA.
 3. Video Surveillance Tapes/CDs, taken on 3/23/04 and 3/24/04 at Wal-Mart Stores, Marksville, LA.
 4. Any and all Medical records obtained from any health care provider who treated, examined, or provided consultation of Andrew P. Arway, including, but not limited to, the following:
 - a. Doan Nguyen, M.D.;
 - b. Vikram Jayanty, M.D.;
 - c. Ivor Foox, M.D.;
 - d. Carlos Guerra, M.D.;
 - e. Carmen F. Snider, M.D.;
 - f. Keith Talamo, Lafayette Parish Coroner's Office;
 - g. James Soileau, Acadian Ambulance Service;
 - h. Hyman O'Neal, Acadian Ambulance Service;
 - i. R. N. Kevin Bordelon, Avoyelles Parish Hospital;
 - j. Herman Memorial Hospital, Houston, TX;
 - k. Cypress Fairbanks Medical Center, Houston, TX
 5. Any and all employment records of Andrew Arway;

6. Any and all State or Federal tax returns of Andrew Arway and Sharon Arway;
7. Trooper Tagliarino's personnel file with LSP;
8. Blood and urine samples of Andrew Arway taken by Lafayette Parish Coroner's Office, or Avoyelles Parish Coroners office, or any other Medical examiner or Coroner;
9. Journal of Forensic Science, March 2009 article re Suicide by Cop Among Officer-Involved Shooting Cases;
10. Excerpts from the book, "Suicide by Cop" by Mark Lindsay and David Lester;
11. All expert reports;
12. All pleadings filed in this matter;
13. All discovery and answers to discovery in this matter;
14. All depositions taken or to be taken in this matter;
15. Any Affidavit(s) prepared by any individual(s), whether filed into the suit record or not, relating to this matter;
16. Any exhibit listed or used by any other party;
17. Any exhibit discovered before trial;
18. Any exhibit necessary for rebuttal, impeachment;
19. Any exhibit listed on any subsequent exhibit list and/or pre-trial order;
20. Certified records received from the Avoyelles Parish Coroner's Office;
21. Certified records received from the Coroner of Lafayette Parish; and
22. Certified records received from the St. Louis University Forensic Toxicology Lab and/or Christopher Long, PhD., DABFT;

EXHIBIT AUTHNTICITY: None at this time.

PLAINTIFFS' WITNESSES:

Plaintiffs may call the following witnesses at the trial of this matter:

1. Sharon Z. Arway - fact witness; will testify regarding relationship with Mr. Arway, her husband;

2. Andrew Arway - fact witness; may testify regarding relationship with Mr. Arway, his father;
3. Terra Arway - fact witness; may testify regarding relationship with Mr. Arway, her father;
4. Joshua Arway - fact witness; may testify regarding relationship with Mr. Arway, his father;
5. Trooper Phillip Tagliarino, Louisiana State Police, Troop E, Badge Number 1718 - fact witness; defendant under cross examination;
6. Kenneth Smith, Avoyelles Parish Sheriff's Office - fact witness; may testify regarding investigation of accident;
7. Dr. Cameron F. Snider, MD, Lafayette Parish Coroner's Office- medical/expert witness; may testify regarding autopsy performed on Mr. Andrew Arway;
8. Tony Pierite, Vice President of Surveillance, Paragon Casino - fact witness; may testify regarding Mr. Andrew Arway's activities before his death;
9. Chris Coyne, RGIS Inventory Specialist -fact witness; may testify regarding his employment relationship with Mr. Andrew Arway;
10. Dr. Randolph Rice - economist/expert witness; may testify regarding economic loss;
11. Burton Bordelon - fact witness; may testify to regarding the accident and his living in close proximity to the accident scene;
12. Brian Bordelon - fact witness; may testify to regarding the accident and his living in close proximity to the accident scene;
13. Gail Tassin - fact witness; may testify to regarding the accident and her living in close proximity to the accident scene;
14. Lt. Dusty Gates, Louisiana State Police, DOI, Detective -fact witness; may testify regarding investigation of accident;
15. M/T Richard Ortego, Louisiana State Police, BOI, Detective - fact witness; may testify regarding investigation of the accident;
16. TFC Jeff Covington, Louisiana State Police, BOI, Detective - fact witness; may testify regarding investigation of the accident;
17. Lt. Young Kilpatrick, Louisiana State Police, - fact witness; may testify regarding investigation of the accident;

18. Trooper Owen Riemer, Louisiana State Police, - fact witness; may testify regarding investigation of the accident;
19. Sgt. Ronnie Dowden, Louisiana State Police, - fact witness; may testify regarding investigation of the accident;
20. TFC Joel Speir, Louisiana State Police, - fact witness; may testify regarding investigation of the accident;
21. TFC Fred Stevens, Louisiana State Police, - fact witness; may testify regarding investigation of the accident;
22. TFC Kenneth Hawthorne, Louisiana State Police, Troop E - fact witness; may testify regarding investigation of the accident;
23. Sgt. Todd Woods, Louisiana State Police, Firearms Unit - fact witness; may testify regarding investigation of the accident;
24. Pat Lane, Louisiana State Police, Crime Lab - fact witness; may testify regarding investigation of the accident;
25. Shannon Harrison, Louisiana State Police, Crime Lab - fact witness; may testify regarding investigation of the accident;
26. Sgt. Brandon Horton, Avoyelles Parish Sheriff's Office- fact witness; may testify regarding investigation of the accident;
27. Lt. Dan Shaub, Avoyelles Parish Sheriff's Office- fact witness; may testify regarding investigation of the accident;
28. Deputy Russell Moulard, Avoyelles Parish Sheriff's Office- fact witness; may testify regarding investigation of the accident;
29. Patrolman Mike Ryan, Marksville Police Department - fact witness; may testify regarding investigation of the accident;
30. Officer Scott Smith, Tribal Police, Paragon Casino - fact witness; may testify regarding investigation of the accident;
31. Keith Talamo, Lafayette Parish Coroner's Office - fact witness; may testify regarding autopsy report;
32. James Soileau, Acadian Ambulance Service - medical/expert witness; may testify regarding Mr. Arway's transport to Coroner's Office;

33. Hyman O'Neal, Acadian Ambulance Service - medical/expert witness; may testify regarding Mr. Arway's transport to Coroner's Office;
34. R.N. Kevin Bordelon, Avoyelles Parish Hospital - medical/expert witness; may testify regarding blood sample taken from Trooper Phillip Tagliarino;
35. Dale Lambert, Hixson Brother's Funeral Home - fact witness; may testify regarding his removal of Andrew Arway from accident scene;
36. Joel Laborde, Hixson Brother's Funeral Home - fact witness; may testify regarding his removal of Andrew Arway from accident scene;
37. Steve Parker, Louisiana State Police, Region III, Garage/tow truck driver - fact witness; may testify regarding removal of vehicle from scene of accident;
38. Bobbie Joe Rousseau, Paragon Casino employee - fact witness; may testify regarding Andrew Arway's activities before his death;
39. Gloria Ducote, Paragon Casino employee - fact witness; may testify regarding Andrew Arway's activities before his death;
40. Edward Vallian, RGIS Inventory Specialist - fact witness; may testify regarding his employment relationship with Andrew Arway;
41. Terri Davison, Office of Risk Management, RGIS Inventory Specialist - fact witness; may testify regarding employment relationship with Andrew Arway;
42. William Scott Smith, District Manager, RGIS Inventory Specialist - fact witness; may testify regarding his employment relationship with Andrew Arway;
43. Payroll Supervisor, RGIS Inventory Specialist - fact witness; may testify regarding Andrew Arway's wages;
44. Eldon Sayes, Assistant Coroner - fact witness; may testify regarding examination that was done on Andrew Arway at the scene of the accident;
45. Any witness discovered prior to trial of this matter;
46. Any witness listed and/or called by any other party;
47. Any witness necessary for rebuttal, impeachment, and/or authentication of any document;
48. Any witness listed on and previous or subsequent witness list and/or pre-trial order;

DEFENDANTS' WITNESSES:

Defendant, Trooper Tagliarino and the State of Louisiana, LSP, **may call** the following witness -- **lay and expert:**

1. Andrew P. Arway, Jr., 16950 Cairntosh Street, Houston, TX 77084; on cross;
2. Terra Nicole Arway, 16950 Cairntosh Street, Houston, TX 77084; on cross;
3. Joshua Ryan Arway, 16950 Cairntosh Street, Houston, TX 77084; on cross;
4. Sharon Arway, 16950 Cairntosh Street, Houston, TX 77084; on cross;
5. Any and all health care providers and/or facilities who have provided treatment or have consulted with health care providers pertaining to treatment to plaintiff; including, but not limited to the following:
6. Doan Nguyen, M.D.; medical expert;
7. Vikram Jayanty, M.D.; medical expert;
8. Ivor Foox, M.D.; medical expert;
9. Carlos Guerra, M.D.; medical expert;
10. Cameron F. Snider, M.D.; medical expert;
11. Keith Talamo, Lafayette Parish Coroner's Office; medical expert;
12. James Soileau, Acadian Ambulance Service; medical fact witness
13. Hyman O'Neal, Acadian Ambulance Service; medical fact witness;
14. R. N. Kevin Bordelon, Avoyelles Parish Hospital; medical fact witness;
15. Trooper Phillip Tagliarino, Louisiana State Police, Troop E, 1710 Odom Street Alexandria, Louisiana 71301; fact witness;
16. Lt. Dusty Gates, Louisiana State Police, BOI, Detectives, Troop E, 1710 Odom Street Alexandria, Louisiana 71301; fact witness;
17. M/T Richard Ortego, Louisiana State Police, Troop E, 1710 Odom Street Alexandria, Louisiana 71301; fact witness;
18. TFC Jeff Covington, Louisiana State Police, Troop E, 1710 Odom Street Alexandria, Louisiana 71301; fact witness;
19. Lt. Young Kilpatrick, Louisiana State Police, Troop E, 1710 Odom Street Alexandria, Louisiana 71301; fact witness;
20. Tpr Owen Riemer, Louisiana State Police, Troop E, 1710 Odom Street Alexandria, Louisiana 71301; fact witness;
21. Sgt. Ronnie Dowden, Louisiana State Police, Troop E, 1710 Odom Street, Alexandria, Louisiana 71301; fact witness;

22. TFC Fred Stevens, Louisiana State Police, Troop E, 1710 Odom Street,
Alexandria,
Louisiana 71301; fact witness;
23. TFC Joel Spier, Louisiana State Police, Troop E, 1710 Odom Street, Alexandria,
Louisiana 71301; fact witness;
24. TFC Kenneth Hawthorne, Louisiana State Police, Troop E, 1710 Odom Street,
Alexandria, Louisiana 71301; fact witness;
25. Sergeant Todd Woods, Louisiana State Police, Firearms Unit, 7919 Independence
Blvd., Baton Rouge, Louisiana 70806; fact witness;
26. Pat Lane, Louisiana State Police, Crime Lab, 376 E. Airport Drive, Baton Rouge,
Louisiana 70806; fact witness;
27. Shannon Harrison, Louisiana State Police, Crime Lab, 376 E. Airport Drive,
Baton Rouge, Louisiana 70806; fact witness;
28. Steve Parker, Louisiana State Police, Region III - Garage, 1710 Odom Street,
Alexandria, Louisiana 71301; fact witness;
29. Rosalyn R. Glaze, Forensic Scientist, LSP State Crime Lab, 376 E. Airport Dr.,
Baton Rouge LA 70806; fact witness, Forensic Scientist;
30. Kenneth Smith, Avoyelles Parish Sheriff's Office, Marksville, Louisiana 71351;
fact witness;
31. Sgt. Brandon Horton, Avoyelles Parish Sheriff's Office, 675 Government Street,
Marksville, Louisiana 71351; fact witness;
32. Lt. Dan Schaub, Avoyelles Parish Sheriff's Office, 675 Government Street,
Marksville, Louisiana 71351; fact witness;
33. Dy. Russell Moulard, Avoyelles Parish Sheriff's Office, 675 Government Street,
Marksville, Louisiana 71351; fact witness;
34. Patrolman, Mike Ryan, Marksville Police Department, 422 N. Main Street,
Marksville, Louisiana 71351; fact witness;
35. Officer Scott Smith, Tribal Police – Paragon Casino, 711 Paragon Place,
Marksville, Louisiana 71351; fact witness;
36. Tpr. Mark Phillips, Texas Department of Public Safety, 4545 Docomo, Houston,
TX 77092-8613; fact witness;

37. Cary D. Rostow, Ph.D., M.P., 740 Colonial Dr., Baton Rouge, LA 70806, Expert Psychologist;
38. Ken Boudreaux, 1424 Bordeaux St. New Orleans, LA 70115, Expert Economist;
39. Chris Coyne, 15307 Beechnut, Houston, TX 77083; fact witness;
40. Edward Vallain, 12903 Brant Rock Dr, Houston TX 77082-5443 and/ or 15602 Sandy Hill Dr, Houston, TX 77084-3633; fact witness;
41. Vincent L. Wilson, 39451 Lakeland Ave. Prairieville, LA 70769, Expert Toxicologist;
42. Kerry Najolia, Jefferson Parish Sheriff's Office, 1801 Westbank Expressway, Harvey, LA, Expert, Police Procedures and Excessive/Deadly Police Force;
43. George Armbruster, 105 Habersham Dr., Youngsville, LA 70592, Expert, Police Procedures and Excessive/Deadly Police Force;
44. Dale Lambert, Hixon Brothers Funeral Home, fact witness;
45. Joe Laborde, Hixon Brothers Funeral Home, fact witness;
46. Gloria Ducote, Paragon Casino employee, fact witness;
47. Tony Pierite, Vice-President of Surveillance, Paragon Casino, fact witness, activities of Arway prior to death;
48. Bobbie Jo Rousseau, P.O. Box 906, Cotton Port, Louisiana 71327; fact witness;
49. Gail Tassin, 3813 La. Hwy. 1, Marksville, LA 71351; fact witness;
50. Brian Bordelon; 3877 La. Hwy. 1, Marksville, LA 71351; fact witness;
51. Burton Bordelon; 3863 La. Hwy. 1, Marksville, LA 71351;
52. Any as yet, unnamed representative witness from Wal-Mart Stores, Marksville, Louisiana;
53. Any witness discovered before trial;
54. Any witness necessary for rebuttal, impeachment and/or authentication of any document;
55. Any witness listed on any subsequent witness list and/or pre-trial order;
56. Any witness(lay or expert) listed or called by any other party;
57. Any witness (lay or expert) necessary for the introduction of any exhibit;
58. Herbert W. LeBourgeois, III, M.D., Expert Psychiatrist, CAPITOL Clinical & Forensic Psychiatry, 240 L.S.U. Avenue, Baton Rouge, LA 70808;

59. Jerry Harrison, Crime Lab, Forensic Scientist, 376 E. Airport Drive, Baton Rouge, LA;
60. Brian Wynne, Director of Laboratory Services, Crime Lab, 376 E. Airport Drive, Baton Rouge, LA;
61. Dr. George W. Pettit, Cypress Fairbanks Medical Center, Houston, TX, medical expert;
62. Representative of Hauser Clinic, Psychiatric and Psychotherapy, Bellaire, TX, medical/psychiatric/psychotherapy expert;
63. G. Martin Rossi, MD, Houston, TX, medical expert;
64. Representative of West Oak Hospital, Houston, TX, medical expert;
65. Dr. Robert Zayas, Jr., Houston, TX, medical expert;
66. Representatives of Spring Shadows Glen Hospital, Houston, TX, medical expert;
67. Dr. Payne, Houston, TX, medical expert;
68. Dr. Ana G. Ruiz Allison, Houston, TX, medical expert;
69. Dr. Woodrow V. Dolino, Houston, TX, medical expert;
70. Eldon Sayes and/or a representative of the Avoyelles Parish Coroner's Office; and,
71. Christopher Long, Ph.D, DABFT and/or a representative of the St. Louis University Forensic Toxicology Lab.

OTHER MATTERS:

In the event there are other witnesses to be called at trial or other exhibits to be introduced at trial, the names and addresses and the general subject matter of the testimony of the witnesses and the general subject matter of the exhibits shall be reported to opposing counsel at least ten (10) days prior to trial. This restriction shall not apply to impeachment or rebuttal witnesses.

The parties reserve their rights to amend or supplement the Pre-Trial Order with notice to opposing counsel within fifteen (15) days before trial.

ESTIMATED LENGTH OF TRIAL:

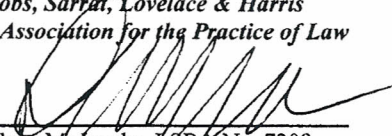
Two (2) weeks.

CERTIFICATION:

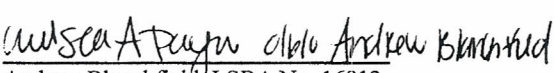
We hereby certify that on this 28th day of June, 2016 we have conferred pursuant to Rule VII of the Local Rules of the 19th Judicial District Court for the purpose of preparing this Pre-Trial Order, and, that we shall promptly attend the Court conference to be assigned in this case.

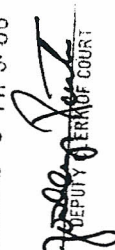
Respectfully submitted,

Jacobs, Sarrat, Lovelace & Harris
An Association for the Practice of Law


Darleen M. Jacobs, LSBA No. 7208
Hunter Harris, LSBA No. 26652
Email: dollyno@aol.com
Email: hharris@jacobssarrat.com
823 Saint Louis Street
New Orleans, LA 70112
Telephone: (504) 522-0155
Facsimile: (504) 522-3819
Counsel for Plaintiffs,
Sharon Arway, et al

JEFF LANDRY
Attorney General


Andrew Blanchfield, LSBA No. 16812
Email: ablanchfield@keoghscox.com
C. Reynolds LeBlanc, LSBA No. 33937
Brent J. Cobb (LSBA No. 34491)
Special Assistant Attorneys General
Keogh Cox
701 Main Street (&0802)
Post Office Box 1151
Baton Rouge, LA 70821
Telephone: (225) 383-3796
Facsimile: (225) 343-9612
Counsel for Defendants,
Trooper Phillip Tagliarino, et al

FILED
19th JUDICIAL DISTRICT COURT
2016 JUL -5 PM 5:05

DEPUTY CLERK OF COURT

RECEIVED

JUL 12 2016

DIVISION OF
JUDGE FIELDS

SHARON ARAWAY, INDIVIUDUALLY AND AS
TUTRIX OF HER MINOR CHILDREN ANDREW
ARWAY, JR., TERRA NICOLE ARWAY, AND
JOSHUA ARWAY

DOCKET NO. 519, 214, DIV. 8
19TH JUDICIAL DISTRICT COURT

VERSUS

TROPPER PHILLIP TAGLIARINO, THE LOUISIANA
ROUGE
OFFICE OF STATE POLICE AND THE STATE OF
LOUISIANA

PARISH OF EAST BATON
STATE OF LOUISIANA

ORDER


IT IS ORDERED that this cause be set for trial by jury on the ____ day of
_____, 2016 at _____ o'clock _m.


IT IS FURTHER ORDERED that the jury bond is fixed in the amount of
_____ DOLLARS and is to be filed no later than _____,
2016 by the requesting party or not later than _____, 2016 by the
non-requesting party, with a true or certified copy of same to be delivered to the Jury System
Coordinator on the date filed.

TRIAL BRIEFS/SPECIAL JURY CHARGES AND VERDICT FORMS are to be
submitted to the Court not later than _____, 2016.

*It is ordered that the parties follow the case
management schedule.*

Baton Rouge, Louisiana this 13 ^{July} day of 2016.


THE HONORABLE JUDGE WILSON FIELDS
19th Judicial District Court

FILED
EAST BATON ROUGE PARISH, LA
2016 JUL -5 PM 5:06

DEPUTY CLERK OF COURT

RECEIVED

JUL 12 2016

DIVISION O
JUDGE FIELDS

SHARON ARWAY, INDIVIDUALLY AND
AS TUTRIX OF HER MINOR CHILDREN,
ANDREW ARWAY, JR., TERRA NICOLE
ARWAY, AND JOSHUA AWWAY

NUMBER 519,214, SECTION: 8

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

TROOPER PHILLIP TAGLIARINO, THE
LOUISIANA OFFICE OF STATE POLICE
AND THE STATE OF LOUISIANA

STATE OF LOUISIANA

VERDICT FORM

1. Do you find from a preponderance of the evidence that Trooper Phillip Tagliarino used excessive force under the totality of the circumstances that existed at the time of the subject incident?

Yes _____
No ✓

(If your answer is "No", please date and sign the Verdict Form and give it to the Baliff. If your answer is "Yes", proceed to Question No. 2.)

2. Do you find from a preponderance of the evidence that Trooper Phillip Tagliarino was at fault in causing injury or death to Andrew Arway?

Yes _____
No _____

(If your answer to this question is "Yes", proceed to Question No. 3. If your answer to this question is "No", please date and sign the Verdict Form and give it to the Baliff. .)

3. Do you find by a preponderance of the evidence that Andrew Arway was in any way at fault in causing his own injuries and death?

Yes _____
No _____

(If your answer to this question is "Yes", proceed to Question No. 4. If your answer to this question is "No", proceed to Question No. 5.)

4. What percentage of fault do you find was proved by a preponderance of the evidence with regard to:

(a) Trooper Phillip Tagliarino _____ %
(b) Andrew Arway _____ %

(The total must add up to 100%.)

5. What sum of money, if any, do you award to the plaintiffs, Sharon Arway, Andrew Arway, Jr., Terra Arway, and Joshua Arway?

SHARON ARWAY

(a) Survival Action \$ _____
(b) Loss of Consortium \$ _____
(c) Loss of Support \$ _____
(d) Funeral/Burial Expenses \$ _____

RECD C.P.

JUN 21 2017

FILED

JUN 16 2017

V. J. J. J.
DEPUTY CLERK OF COURT



ANDREW ARWAY, JR.

Loss of Consortium \$ _____

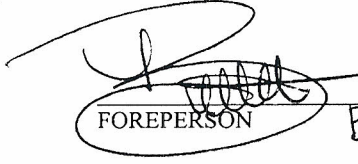
TERRA ARWAY

Loss of Consortium \$ _____

JOSHUA ARWAY

Loss of Consortium \$ _____

Baton Rouge, Louisiana, this 16 day of June, 2017.


FOREPERSON
Brandy Westmoreland