

IN THE 32ND JUDICIAL CIRCUIT STATE OF ALABAMA

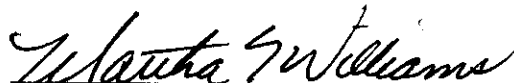
STANDING PRE-TRIAL SCHEDULING ORDER FOR CIVIL JURY CASES

The undersigned circuit judges of the 32nd Judicial Circuit of the State of Alabama having determined that it would promote the interest of justice and provide greater efficiency in the trial or settlement of all civil jury cases filed in the Circuit Court of Cullman County, Alabama, it is hereby ORDERED that the following Standing Pre-Trial Scheduling Order that is attached hereto is adopted and shall apply in all civil jury cases filed in this judicial circuit unless a different scheduling order is entered by the Court in an individual case.

Done this the 23 day of July, 2013.



Gregory A. Nicholas
Circuit Judge
32nd Judicial Circuit
State of Alabama



Martha E. Williams
Circuit Judge
32nd Judicial Circuit
State of Alabama

FILED IN OFFICE

JUL 30 2013

LISA McSWAIN
CIRCUIT CLERK
CULLMAN COUNTY

STANDING PRETRIAL ORDER FOR CIVIL JURY CASES

DISCOVERY SCHEDULE.

1. All discovery, including depositions, shall be initiated in time to be completed no later than 30 days prior to *the initially set* trial date **unless** additional time has been requested by a party prior to that deadline and additional time granted by the Court. Additional time will be granted for good cause shown.

DISCOVERY DISPUTES

2. Prior to filing a motion to compel discovery, the party seeking discovery shall first make a good faith effort to communicate with the counsel for the party from whom discovery is sought and all counsel shall attempt to amicably resolve the discovery issue. Any motion filed by an attorney requesting the Court to resolve any discovery dispute shall certify in the motion to compel all efforts made to resolve the discovery dispute with counsel representing the party from whom discovery is being sought.

EXPERT WITNESSES

3. Considering that the identity of expert witnesses is usually a question included in discovery requests, the parties are reminded of the duty imposed by Rule 26(e)(1)(B) to seasonably and fully supplement responses. In any event, all parties must make initial disclosures of experts no later than 60 days prior to trial. Responsive experts must be disclosed no later than 30 days prior to trial.

“Disclosure” includes a statement of the subject matter on which each expert is expected to testify, as well as a summary of the facts and opinions to which each expert is expected to testify and the grounds for each. Unless otherwise agreed upon by the parties or subject to a

Motion and ruling by this Court, the parties are precluded from offering any expert witnesses not so identified.

MEDIATION.

4. The Court encourages the parties to engage in voluntary mediation. However, any motion for court ordered mediation must be filed at least 60 days prior to the trial date and mediation shall be completed at least 14 days prior to the trial date.

DISPOSITIVE MOTIONS.

5. Motions for Summary Judgment or other dispositive motions shall be filed electronically no later than 60 days before the scheduled trial date. The parties shall provide the Court with a written courtesy copy of all motions, supporting documents and legal authority at least ten (10) days prior to the scheduled hearing date. Each party may also electronically submit a proposed order with the motion. Any proposed order submitted shall be filed in a Word document format that permits text editing.

TRIAL SETTING.

6. The Circuit Court Clerk shall set all civil jury cases for trial on the first available jury docket 270 days after the filing of the answer or other responsive pleading unless a party has filed a motion to continue the trial setting and the Court has granted that motion. If discovery has not been completed by that date or other good cause exists, a motion to continue may be filed requesting a different trial setting. Any motion to continue shall comply with the requirements set out in paragraph seven of this order.

CONTINUANCES

7. To allow parties, witnesses and opposing counsel an opportunity to receive notice of any continuance, every motion to continue a trial or hearing date shall be filed at least fourteen

(14) days prior to the scheduled trial or hearing date unless a bona fide emergency exists that would preclude an earlier filing. The motion shall state with specificity the reason(s) for the requested continuance. Further, prior to filing any motion to continue, counsel for the moving party shall first attempt to communicate with counsel for all other parties (or directly with a party if they are unrepresented litigants) and attempt to obtain an agreement regarding the continuance of the case. A case is not continued merely by the filing of a motion to continue and the case will be deemed continued only after the Court has entered a written order continuing the case.

MOTIONS IN LIMINE

8. All motions in limine must be filed at least seven (7) days prior to trial.

JURY INSTRUCTIONS, EXHIBITS, WITNESS LISTS.

9. At least ten (10) days prior to trial the parties shall:

(a) Exchange lists itemizing all damages claimed, showing the amount and, when applicable, the method of computation of such items.

(b) Exchange lists stating the names and addresses of all witnesses whom they expect to call as a trial witnesses. Any witness not so listed will be precluded from testifying at trial without leave of Court, which will be granted only for good cause shown or as justice may require, or the agreement of all parties. The listing of a witness does not require that witness to testify. Witnesses called by a party for impeachment or for rebuttal purposes only are not required to be listed.

(c) Exchange lists describing all exhibits which they may use at trial. When the lists are exchanged, each party shall make such exhibits available for inspection and copying by the other party.

Unless written objection to a listed exhibit is filed with the Circuit Court Clerk at least seven (7) days prior to the trial date, each party shall be deemed to have agreed for the purposes of this litigation:

- (i) that such documents and exhibits are authentic and genuine;
- (ii) that any photograph fairly and accurately represents the scene therein depicted;
- (iii) that all bills for services or material are reasonable.
- (iv) that the exhibits were kept in the ordinary course of business.
- (v) that copies of the listed exhibits may be used at trial to the same extent as originals.

In the event an objection to an exhibit or jury instruction is timely made, the party making the objection shall state with specificity the basis for the objection and shall provide the Court with legal authority for the objection no later than the seven (7) days prior to the trial date.

Requested jury instructions shall be submitted to the Court not later than the close of the plaintiff's case in chief, subject to the right of any party to supplement the requested instruction based upon matters which could not be reasonably anticipated.

MARKING EXHIBITS

10. Prior to jury selection, counsel for each party shall mark and number each exhibit and provide the official court reporter with a list of exhibits expected to be offered.

REQUESTED STATUS CONFERENCE

11. A Status Conference or Settlement Conference will be set if requested by any party. If a Settlement or Status Conference is scheduled all lawyers, parties and any other individuals having settlement authority shall be present or otherwise available.

DEVIATIONS FROM STANDING PRETRIAL ORDER

12. Nothing in this standing order shall preclude the parties from mutually agreeing to a different pretrial order. In the event all parties agree to a change in this standing pretrial order, a proposed pretrial order shall be submitted to the Circuit Court Clerk in the appropriate electronic format along with a joint motion duly signed by counsel of record for all parties and all self-represented litigants requesting that the Court adopt the proposed pretrial order of the parties.

FILED IN OFFICE

JUL 30 2013

LISA McSWAIN
CIRCUIT CLERK
CULLMAN COUNTY