

**Alabama Rules for Expedited Civil Actions  
Form 1**

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, ALABAMA

[NAME],	)	
	)	
Plaintiff(s)	)	
	)	
v.	)	CIVIL ACTION NO.) CV _____
[NAME],	)	
	)	
Defendant(s).	)	

**EXPEDITED SCHEDULING AND DISCOVERY ORDER**

This case has been assigned to the expedited trial track; thus any recovery by the plaintiff or plaintiffs shall be limited to \$50,000, inclusive of interest, costs, and attorney fees, as long as this case remains on the expedited track. The following deadlines and discovery requirements shall apply in this case unless good cause is shown by a party for amendment to these requirements:

1. All discovery shall be commenced so as to be completed within 120 days following the filing of defendant's answer to the complaint. If there are multiple defendants, the 120 days shall begin to run upon the filing of the last timely answer.
2. Each defendant shall indicate in the answer to the complaint whether the defendant opts out of the expedited trial track.
3. A party may propound no more than 50 written discovery requests (inclusive of all interrogatories, requests for production, and requests for admissions) to any other party without leave of court. For purposes of this limitation, (1) any subpart or separable question (whether or not separately numbered, lettered, or paragraphed) shall be considered a separate discovery request, and (2) the word "party" includes all parties

represented by the same lawyer or law firm. There is no limitation to the number of subpoenas a party may issue to nonparties for the production or inspection of designated books, documents, electronically stored information, or tangible things under Rule 45 of the Alabama Rules of Civil Procedure.

4. Each party shall be allowed to depose one fact witness, in addition to the parties to this litigation. For purposes of this limitation, the word "party" includes all parties represented by the same lawyer or law firm. This limitation shall not apply to expert witnesses, including retained experts and treating physicians.

5. Plaintiff(s) shall provide information on expert witnesses required by Rule 26 of the Alabama Rules of Civil Procedure at least 60 days before the conclusion of discovery. Defendant(s) shall also provide information on expert witnesses required by Rule 26 at least 30 days before the conclusion of discovery. Expert testimony, including testimony by treating physicians, may be admissible at trial through live testimony, deposition, or other means agreed upon in writing by the parties; however, if a party plans to offer expert opinions through an affidavit, report, or letter, the party shall provide a copy of the expert writing and any curriculum vitae of the expert that party plans to offer on or before the respective expert-disclosure deadline. A party may offer evidence regarding the reasonableness and necessity of claimed expenses for medical care, treatment, and services at trial through the admission of an affidavit, report, or letter of the expert witness, provided that a copy of the writing is produced in accordance with these deadlines for expert testimony. If requested, experts shall be made available for deposition, although any reasonable fees and expenses for the time spent by an expert witness in preparing

for the deposition and in attending the actual deposition shall be borne by the party requesting the deposition.

6. All dispositive motions shall be filed no later than 14 days after the close of discovery. Other motions, including motions in limine, shall be filed no later than seven calendar days before the trial setting.

7. No later than 30 days before the trial setting, the parties shall exchange (a) a list (including names and addresses) of all witnesses they intend to call at trial, (b) the names and addresses of those witnesses whose testimony the party expects to present by deposition, (c) the names and addresses of any expert witnesses whose testimony or opinions the party plans to present through an affidavit, report, or letter, and (d) a list of all exhibits they intend to offer into evidence at trial. At trial, the parties may use excerpts from depositions, including video depositions, regardless of where the deponent lives or whether the deponent is available to testify. Objections to any exhibits, witnesses, or deposition testimony shall be filed and served no later than 14 days before the trial setting.

8. The parties will make available for inspection and copying, at a designated location within Alabama no later than 30 days before the trial setting, all photographs, bills, statements, or other exhibits they intend to introduce into evidence, whether in possession of counsel, client, or witness, and those photographs, bills, statements, or other exhibits will be deemed authentic without predicate unless the opposing party objects in writing to the court no later than 14 days before the trial setting and the court determines that there exists a genuine question as to authenticity. Objections, including objections to authenticity, should be made only if there is a genuine issue.

9. This case is scheduled for trial on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m. The court will place a reasonable limit on voir dire and allow each party up to five hours for opening statement, the presentation of evidence, and closing argument, which may be altered by the court for good cause shown. For purposes of this limitation, the word "party" includes all parties represented by the same lawyer or law firm. The amount of time allotted for each party includes the time the party spends on cross-examination. The parties are encouraged to stipulate to as many factual and evidentiary matters as possible and are encouraged to streamline the trial process by limiting the number of live witnesses.

10. If this case is tried by a jury, any verdict must be unanimous, and the parties have the right to a jury panel of 12 competent jurors, in accordance with Rule 47 of the Alabama Rules of Civil Procedure. The parties, however, are encouraged to stipulate to a jury of less than 12 jurors, in accordance with Rule 48 of the Alabama Rules of Civil Procedure, and the court suggests that the parties stipulate to a jury of 6 regular jurors selected from a list containing the names of at least 12 competent jurors. The court may also direct that alternate jurors be called and empaneled, and, if alternate jurors are called, the parties shall be entitled to strike from a list containing the names of 3 competent jurors for each alternate juror required, in addition to at least 12 competent jurors required for a panel of 6 regular jurors, unless the parties agree otherwise.

DONE AND ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Circuit Court Judge

[Effective 1-1-2017.]

**Note from the reporter of decisions:** The order adopting the Alabama Rules for Expedited Civil Actions effective January 1, 2017, including Justice Murdock's and Justice Shaw's special writings dissenting to that order, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_\_\_ So. 3d.