

ALABAMA RULES OF PROCEDURE FOR EXPEDITED CIVIL ACTIONS

Rule A. Scope of Rules.

These Rules shall be known and cited as the "Alabama Rules of Procedure for Expedited Civil Actions." These rules apply to civil cases in circuit court where the plaintiff(s) elects assignment of the case to an expedited track, pursuant to the Alabama Rules of Procedure for Expedited Civil Actions, and limits any damage recovery to a total of \$50,000, inclusive of interest, costs, and attorney fees whether provided by contract or statute. These rules shall not apply to workers' compensation cases or to cases wherein no money damages are claimed. The rules are intended to secure the just and efficient determination of every case. The deadlines in the Expedited Scheduling and Discovery Order (Form 1) shall apply in every case unless amended by the circuit court for good cause shown. Under the Expedited Scheduling and Discovery Order, each defendant shall have until 45 days after filing an answer to request permission from the court to opt out of the expedited track. The court shall grant such permission upon good cause shown. Parties may jointly agree to opt into or out of the expedited process at any time. If a party chooses to opt out of the expedited track, the recovery of plaintiff(s) shall not be limited to \$50,000 as outlined above.

Rule B. Beginning the Case.

A plaintiff seeking the application of these Rules of Procedure for Expedited Civil Actions shall conspicuously state on the face of the complaint a declaration whereby the plaintiff(s) elects assignment of the case to an expedited track pursuant to the Alabama Rules of Procedure for Expedited Civil Actions and limits the recovery of any damages claimed to an aggregate limit of \$50,000.

Rule C. Amendments and Additional Parties.

Under the Expedited Scheduling and Discovery Order, plaintiff(s) shall file any amendments to the complaint or add any additional parties at least 90 days before the close of discovery. If an additional party or claim is added by plaintiff(s), plaintiff(s) may opt the case out of the expedited track. If any defendant files a cross-claim, counterclaim or third party claim in which the amount in controversy exceeds \$50,000, then that defendant or the party against whom the claim is alleged may opt the case or claims in excess of \$50,000 out of the expedited track.

Rule D. Discovery.

Under the Expedited Scheduling and Discovery Order, all discovery shall be commenced so as to be completed within 120 days following the filing of the defendant's answer to the complaint. If there are multiple defendants, the 120 days shall begin to run upon the filing of the last answer due after all defendants have been served. If service is not perfected upon one or more defendants, the plaintiff may dismiss any unserved defendant(s) and certify that all defendants have been served and have answered, in which case the 120 days begin to run upon such certification.

A party shall not propound 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. Upon motion, and for good cause shown, the court may increase the number of written discovery requests that a party may serve upon another party. 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 firm. There is no limitation to the number of subpoenas that a party may issue to non-parties 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.

Each party shall be allowed to take one fact witness deposition, in addition to the depositions of the parties to the litigation. For purposes of this limitation, the word "party" includes all parties represented by the same lawyer or firm. Upon motion, and for good cause shown, the court may increase the number of fact witness depositions that a party may take. This limitation shall not apply to expert witnesses, including retained experts and treating physicians.

Rule E. Experts.

Under the Expedited Scheduling and Discovery Order, plaintiff(s) shall provide expert information pursuant to Alabama Rule of Civil Procedure 26 at least 60 days before the conclusion of discovery. Defendant(s) shall provide Rule 26 expert information at least 30 days before the conclusion of discovery. Expert testimony, including testimony by treating physicians, shall be admissible at trial through live testimony, deposition, affidavit, report, or letter; 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 that party plans to offer along with a curriculum vitae of the expert on or before the respective expert disclosure deadline. Under this Rule, a party may prove the reasonableness and necessity of claimed medical expenses at trial through admission of an expert affidavit, report, or letter, provided that a copy of the expert writing is produced in accordance with the expert disclosure deadlines outlined above. If requested, experts shall be made available for deposition, although any reasonable expert fees and expenses for the time spent in preparing for the deposition and in attending the actual deposition shall be borne by the party requesting the deposition.

Rule F. Dispositive Motions.

Under the Expedited Scheduling and Discovery Order, all dispositive motions shall be filed no later than 14 days after the close of discovery.

Rule G. Trial.

When practical, the trial should be scheduled within 90 days following the completion of discovery. The court shall place a reasonable limit on voir dire. Each party may have up to three hours to present evidence, opening statement, and closing argument, which may be expanded by the court for good cause shown. For purposes of this limitation, the word "party" includes all parties represented by the same lawyer or firm. The amount of time allotted for each party includes the time that the party spends on cross-examination.

Notwithstanding the Alabama Rules of Evidence, documents and other exhibits, such as photographs, shall be deemed authentic without predicate unless the opposing party objects to authenticity in writing to the court no later than 14 days before the trial setting and the court determines there is a genuine question about authenticity.

If the case is a jury trial, the parties have the right to a jury panel of 12 competent jurors with the requirement of a unanimous verdict. The parties, however, are encouraged to stipulate to a jury of less than 12 in accordance with Rule 48 of the Alabama Rules of Civil Procedure.

Unless otherwise agreed by all parties, no plaintiff shall recover a judgment in excess of \$50,000, including interest, costs and attorney fees. The jury may neither be instructed nor informed of the \$50,000 limitation.

Rule H. Applicability of ARCP and ARE.

The Alabama Rules of Civil Procedure and the Alabama Rules of Evidence shall apply to all matters not specifically addressed in these rules.