

IN THE SUPREME COURT OF ALABAMA
April 16, 2010

ORDER

IT IS ORDERED that Rule 27(a)(2), Alabama Rules of Civil Procedure, be amended to read in accordance with the appendix attached to this order;

IT IS FURTHER ORDERED that this amendment shall be effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 27:

"Note from the reporter of decisions: The order amending Rule 27(a)(2), Alabama Rules of Civil Procedure, effective April 16, 2010, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

APPENDIX

Rule 27(a)(2), Alabama Rules of Civil Procedure.

(2) Notice and Service. The petitioner shall thereafter serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will apply to the court, at a time and place named therein, for the order described in the petition. At least thirty (30) days before the date of hearing the notice shall be served in the manner provided in Rule 4(c) for service of summons, but if such service cannot with due diligence be made upon any expected adverse party named in the petition, the court may make such order as is just for service by publication or otherwise, and shall appoint, for persons not served in the manner provided in Rule 4(c), an attorney who shall represent them, and, in case they are not otherwise represented, shall cross-examine the deponent. If any expected adverse party is a minor or incompetent the provisions of Rule 17(c) apply.