

STANDING PRETRIAL ORDER
FOR WORKERS' COMPENSATION CASES

1. DISCOVERY:

- a. Unless the parties agree otherwise, in accordance with *Alabama Code § 25-5-81 (f) et. seq.*, each party shall be allowed two (2) depositions in addition to that of each party for a total of three (3) depositions per side and no other depositions unless they request and receive leave of Court.
- b. Each side shall be allowed a total of twenty-five (25) interrogatories, with each subpart to be considered a question and no further interrogatories allowed without leave of Court.
- c. All said discovery in the form of depositions and interrogatories, request for production and request for admissions, etc. shall be completed thirty (30) days prior to trial. The Court understands the issues which arise in scheduling physician depositions. The parties should make all reasonable efforts to schedule and complete any necessary medical depositions within the deadline and should not wait until close in time to the deadline to begin scheduling such deposition(s). If events beyond the control of counsel delay a medical deposition, or discovery answers, so that such discovery is not completed 30 days prior to trial, the parties are encouraged to reach an amicable agreement to complete discovery without prejudice to either party in order to avoid needless requests for a continuance.
- d. **Medical Records** – The Court encourages the parties to conference and reach an agreement on the admissibility and authentication of medical records for trial without the need for formal sealing. Such agreement does not prohibit counsel from making other arguments at trial such as causation, etc. Each side is allowed to exchange sealed medical records pursuant to Title 25-5-81 (f)(4).

If said records are agreed upon, they shall be introduced at trial without objection and without need for further authentication, and if medical information is received after the twenty-one (21) day period stated in the law, then the parties shall be allowed to take the deposition of said physician(s) without leave of Court as is provided for by statute.

2. STATUS CONFERENCE / MEDIATION:

The Court will set a Status Conference ninety (90) days after the case is filed or after an Answer is filed (or Answers) and shall then determine how often the case shall be reviewed for status thereafter pursuant to the Court's own orders.

Mediation – Mediation shall be ordered soon after the plaintiff has reached MMI and discovery is complete with the State Ombudsman or private mediator if the parties agree on a mediator and/or the Court may appoint a mediator. If mediation is unsuccessful, a trial date will be set. If the issue of compensability is completely denied, mediation is not necessary.

3. EXHIBITS AND WITNESSES:

At least ten (10) days prior to trial, the parties will exchange lists stating the names and addresses of all witnesses and describing all documents, bills, reports, photographs and other exhibits which they expect to introduce. Copies of such exhibits will be attached to the lists. (Such lists need not include witnesses or exhibits for impeachment purposes. The listing of a witness does not commit a party to have such witness available for trial or to call a witness to testify and need not contain the medical records if addressed under No. 1.d. above). Unless otherwise specifically agreed between the parties, the parties shall be precluded from offering any witnesses or exhibits not so identified (other than purely for impeachment and/or rebuttal purposes) unless relieved by the Court for good cause shown.

Upon such list being furnished, the other party shall – except to the extent written notice to the contrary is given within five (5) days thereafter – be deemed to have agreed (for purposes of these actions only) that: the listed exhibits or their originals were kept in the ordinary course of business; copies of the listed exhibits may be used at trial to the same extent as the originals (without accounting for originals); any photographs so listed fairly and accurately portray the scene therein depicted; and any bills for services or materials are reasonable in amount for services or materials therein billed.

4. MARKING TRIAL EXHIBITS:

Each party shall mark and number each exhibit and furnish the court reporter and the Court with a list of exhibits, describing each by its corresponding number, prior to the beginning of trial or the striking of a jury in the event that the matter being tried involves any jury issues.

5. AUTHORITY FOR MEDICAL INQUIRY:

Upon an Answer being filed, the Court's Standing HIPAA Order will be issued.

6. MOTION IN LIMINE:

Motions in *Limine* must be filed at least seven (7) days prior to trial.

7. EXPERT WITNESSES:

Considering that the identity of expert witnesses is usually a question included in interrogatories, the parties are reminded of the duty imposed by Rule 26(e)(1)(B) to seasonably supplement responses. Failure to do so can result in the expert being disallowed. In any event, all parties must make initial disclosures of experts no later than sixty (60) days prior to trial. Responsive experts must be disclosed no later than thirty (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. (Such disclosure does not apply to lay persons who are expected to testify as to speed of vehicles based on observation of the vehicles while in motion). Unless otherwise specifically agreed between the parties, the parties **shall be precluded from offering any expert witnesses not so identified** (other than purely for impeachment purposes) unless allowed by the Court for good cause shown.

Notwithstanding any other time limitations to the contrary, the parties shall have a right to depose any expert identified by the other party as long as such deposition request is reasonably made following the disclosure of the expert.

8. DISPOSITIVE MOTIONS:

Dispositive Motions must be filed at least sixty (60) days prior to trial. Any submissions exceeding 25 pages must be copied and delivered to the judge’s office as soon as practicable after the submission is e-filed.

9. REQUESTED JURY CHARGES – Retaliatory Discharge Cases:

Requested Jury Charges must be emailed in MS Word Format to the Court’s judicial assistant at least seven (7) days prior to trial.

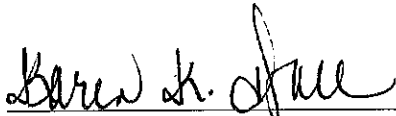
10. CONDUCT OF TRIAL:

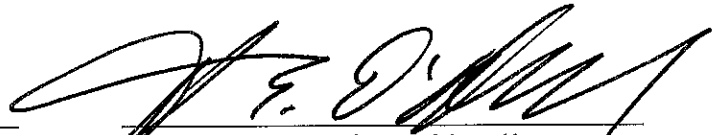
A. Voir Dire: *Voir dire* examination of jurors’ interest in stock or mutual insurance companies will be made by the Court upon request by any party.

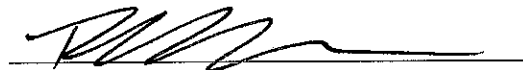
B. Witnesses: Attorneys shall arrange in advance for all witnesses to be available as needed in order to ensure that there shall be no interruptions or delays. Any

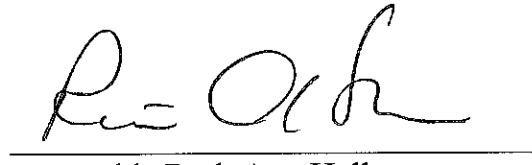
scheduling problems must be brought to the attention of the Court prior to trial if possible. Failure of a party to have a witness present when needed will NOT delay the trial.

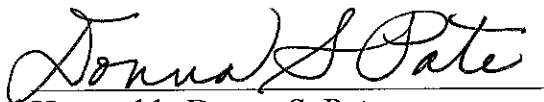
DONE this the 3rd day of ~~August~~ September, 2015.

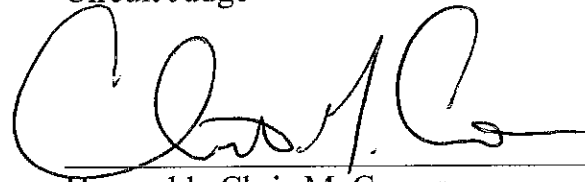

Honorable Karen K. Hall
Presiding Circuit Judge

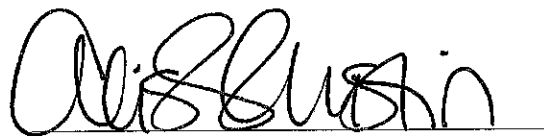

Honorable Dennis E. O'Dell
Circuit Judge



Honorable D. Alan Mann
Circuit Judge


Honorable Ruth Ann Hall
Circuit Judge


Honorable Donna S. Pate
Circuit Judge


Honorable Chris M. Comer
Circuit Judge


Honorable Alison S. Austin
Circuit Judge


Honorable Claude E. Hurdley, III
Presiding District Judge/
Special Circuit Judge