

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOHN F. KNIGHT, JR., ET AL.,

Plaintiffs and
Plaintiff Intervenors,

UNITED STATES OF AMERICA

Plaintiff,

CIVIL ACTION NUMBER:
CV-83-M-1676-S

v.

THE STATE OF ALABAMA, ET AL.,

Defendants.

ORDER

This matter is before the Court on the Knight Plaintiffs' request to set a discovery schedule in advance of a hearing on the termination of the Remedial Decrees. The Court will permit a sixty (60) day period for written discovery limited in the following fashion:

1. Before propounding discovery to any party, counsel for the party wishing to conduct the discovery must talk by phone or in person with counsel for the party to whom discovery is to be directed. The purpose of this call is so that counsel can discuss the best and most efficient means of streamlining the discovery requests. This communication should take place within

the next ten (10) days. At the end of this ten-day period, the 60-day period of discovery will commence.

2. In responding to discovery, if an answer to an interrogatory or a requested document can be found within the existing record, it is appropriate to designate where in the record the information can be found, without the need to reproduce the information.
3. Discovery shall be conducted pursuant to, and limited by, the requirements of the Federal Rules of Civil Procedure except that the requirements for initial disclosures (Federal Rule of Civil Procedure 26(a)(1)) shall not apply.
4. Objections, if any, to specific discovery will be heard by the Court upon appropriate motion directed to the specific request(s).

The Court will not look favorably upon discovery that is overly broad or duplicative of information available in the record. Those counsel propounding discovery should streamline their discovery requests focusing on the issues that are relevant to the matters that must ultimately be decided by the Court.

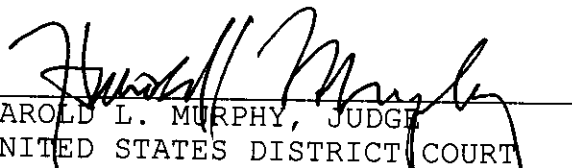
Within the next few weeks, the Court will set a hearing date on the Plaintiffs' motions to extend certain provisions of the Consent Decree. There are also some procedural matters related to the burden of proof at the hearing that the Court will need to explore with the parties prior to the start of the expected hearing.

ACCORDINGLY, an initial sixty (60) day period of discovery is established. Discovery shall be conducted consistent with the Federal Rules of Civil Procedure and this Order. Discovery shall commence ten (10) days after the entry of this Order.

All pending objections of The University of Alabama System to the Knight Plaintiffs' request to conduct discovery are **DENIED WITHOUT PREJUDICE**, so that counsel for the Knight Plaintiffs and counsel for The University of Alabama can discuss any proposed discovery under the limitations and schedule set forth above.

Objections, if any, to discovery requests must be filed in a timely fashion.

IT IS SO ORDERED this 19 day of March, 2006.


HAROLD L. MURPHY, JUDGE
UNITED STATES DISTRICT COURT