

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

INDIA LYNCH, by her parent,)
SHAWN KING LYNCH, *et al.*,)
individually and on behalf of)
others similarly situated,)

Plaintiffs,)

vs.)

Civil Action No. 08-S-450-NE

THE STATE OF ALABAMA;)
BOB RILEY, in his official)
capacity as Governor of the State)
of Alabama; and TIM RUSSELL,)
in his official capacity as)
Commissioner of Revenue for the)
State of Alabama;)

Defendants.)

SCHEDULING ORDER

This Scheduling Order supersedes any prior orders and governs further proceedings in this action unless modified for good cause shown.

1. **Parties and Pleadings:** No additional parties may be added. The parties are allowed until March 9, 2009, to amend the pleadings.

2. **Discovery Cutoff:** All discovery must be commenced in time to be completed by June 30, 2009.

3. **Dispositive Motions:** All potentially dispositive motions, including *Daubert* motions, must be filed by July 31, 2009. **Movant must file any briefs and supporting evidence with the motion for summary judgment in order for the submission to be deemed timely.** Thereafter, the court will issue an order

establishing deadlines for submission of evidentiary materials and briefs in opposition to, and in reply. ***Nota bene:*** All potentially dispositive motions ***must*** comply with all requirements of the Appendix attached to the "Initial Order Governing All Further Proceedings" that was entered in this action.

4. **Expert Testimony:** Unless modified by court order for good cause shown, the disclosures of expert witnesses — including a complete report under Fed.R.Civ.P. 26(a)(2)(B) from any specially retained or employed expert — are due: From plaintiff(s) by April 30, 2009.

From defendant(s) by May 29, 2009.

5. **Final Lists:** Lists of trial witnesses, exhibits, and objections under Fed.R.Civ.P. 26(a)(3) must be served and filed:

Witnesses & Exhibits: from plaintiff, by August 31, 2009.

from defendant, by August 31, 2009.

The 14-day period for objections set forth in Rule 26(a)(3) shall apply.

6. **Trial:** The parties shall be ready for trial by October, 2009.

7. **Marking of Exhibits.** Each party that anticipates offering as substantive evidence as many as six (6) exhibits shall premark exhibits in advance of trial, using exhibit labels and lists available from the Clerk of Court. By the time of trial, a copy of the exhibit list shall be served and filed, with exhibits being made available for inspection by opposing counsel. Presentation of evidence at trial will not ordinarily be interrupted for opposing counsel to examine a document that has been so marked and made available for inspection.

Except as expressly modified by the above, the stipulations, limitations, deadlines and other agreements set forth in the report of the parties shall apply in this case.

ORDERED this 26th day of February, 2009.


United States District Judge