

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LAVONNE "PENNY" LAMAR and
WILLIAM K. KEY,

Plaintiffs,

v.

Case No: 1:14-cv-571-JDW-PWG

STATE OF ALABAMA DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court *sua sponte*. Sections 3, 4, 5, 6, and 8(c) of the Scheduling Order (Dkt. 131) are replaced with the following procedures:

FINAL PRETRIAL PROCEDURES

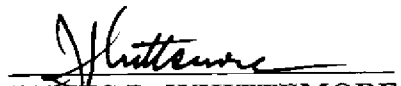
- (a) Counsel for all parties shall meet together no later than three (3) days before the date of the final pretrial conference in a good faith effort to:
- (1) discuss the possibility of settlement;
 - (2) stipulate to as many facts or issues as possible;
 - (3) examine all exhibits and other items of tangible evidence to be offered by any party at trial;
 - (4) exchange the names and addresses of all witnesses; and
 - (5) prepare a pretrial statement in accordance with subsection (b).
- (b) The pretrial statement shall be filed with the Court no later than noon on October 11, 2016, and shall contain:
- (1) the basis of federal jurisdiction;

- (2) a concise statement of the nature of the action;
 - (3) a brief, general statement of each party's case;
 - (4) a list of all exhibits to be offered at trial with notation of all objections thereto;
 - (5) a list of all witnesses who may be called at trial;
 - (6) a list of all expert witnesses including, as to each such witness, a statement of the subject matter and a summary of the substance of his or her testimony;
 - (7) in cases in which any party claims money damages, a statement of the elements of each such claim and the amount being sought with respect to each such element;
 - (8) a list of all depositions to be offered in evidence at trial (as distinguished from possible use for impeachment), including a designation of the pages and lines to be offered from each deposition;
 - (9) a concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions;
 - (10) a concise statement of applicable principles of law on which there is agreement;
 - (11) a concise statement of those issues of fact which remain to be litigated (without incorporation by reference to prior pleadings and memoranda);
 - (12) a concise statement of those issues of law which remain for determination by the Court (without incorporation by reference to prior pleadings or memoranda);
 - (13) a concise statement of any disagreement as to the application of the Federal Rules of Evidence or the Federal Rules of Civil Procedure;
 - (14) a list of all motions or other matters which require action by the Court; and
 - (15) the signatures of counsel for all parties.
- (c) All pleadings filed by any party prior to filing of the pretrial statement shall be deemed to be merged therein, or in any subsequent pretrial order entered by the Court. The pretrial statement and the pretrial order, if any, will control the course of

the trial and may not be amended except by order of the Court in the furtherance of justice. If new evidence or witnesses are discovered after filing of the pretrial statement, the party desiring to use the same shall immediately notify opposing counsel and the Court, and such use shall be permitted only by order of the Court in the furtherance of justice.

- (d) The Pretrial Conference shall be attended by all counsel who will participate in trial. Counsel shall be vested with full authority to make and solicit disclosure and agreements on all matters pertaining to trial. Counsel who do not attend the Pretrial Conference will not be permitted to participate in trial.
- (e) Following the Pretrial Conference, a trial procedures order will be entered and will include instructions regarding voir dire, proposed jury instructions and verdict forms, and motions in limine.

DONE AND ORDERED this 4th day of October, 2016.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel of Record