

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JOSHUA DUNN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:14cv601-MHT
)	(WO)
JEFFERSON S. DUNN, in his)	
official capacity as)	
Commissioner of the)	
Alabama Department of)	
Corrections, et al.,)	
)	
Defendants.)	

SUPPLEMENTAL SCHEDULING ORDER

Based on the representations made on the record on May 18, 2015, it is ORDERED as follows:

(1) The plaintiffs' unopposed motion for extension of deadlines relating to class certification (doc. no. 162) is granted.

(2) The scheduling order (doc. no. 72) is further amended as follows:

(A) The schedule for class-certification proceedings, including the hearing set for August 26,

2015, set forth in the amendment to the scheduling order (doc. no. 102) is canceled.

(B) The schedule for class-certification proceedings should instead be in two phases as follows:

(i) Phase one:

(a) The defendants are to file a Class Certification Notice of Discovery Compliance with the court when they believe they have completed the production of documents ordered produced in response to the motion to compel documents relating to non-plaintiffs (doc. no 109) and the previously noticed Rule 30(b)(6) depositions.

(b) Within 14 days of the filing of the defendants' Notice of Discovery Compliance, the plaintiffs are to file either a Class Certification Notice of Agreement with Discovery Compliance or a Class Certification Notice of Disagreement with Discovery Compliance.

(c) If the plaintiffs file a Notice of Disagreement, the plaintiffs are to identify in the

notice the areas they do not believe to be complete, and all parties are immediately to engage in good-faith efforts to resolve the dispute over whether the defendants' class-certification discovery, as contended in subpart (a), is completed. If the parties cannot resolve their dispute over whether the defendants' discovery is complete, then, within 14 days of the filing of a Notice of Disagreement, the plaintiffs are to file an appropriate motion (accompanied by a Rule 37(a)(1) certification) with the magistrate judge for resolution of the dispute. After the court has resolved the dispute (finding either that the defendants were initially in compliance or finding that the defendants were not initially in compliance and ordering additional discovery), the parties are to file a Joint Class Certification Notice of Discovery Compliance once they believe that there has been such compliance in accordance with the court order or orders. If the parties cannot agree on whether there has now been complete compliance, the parties, either

jointly or separately, are to file a motion asking for a status conference with the district judge to discuss how to proceed further.

(ii) Phase two: Within 14 days of the filing of the plaintiffs' Notice of Agreement or within 14 days of the filing of a Joint Class Certification Notice of Discovery Compliance, the parties are to submit to the court a proposed Class Certification Schedule for the remaining class-certification proceedings (including but not limited to deadlines for expert disclosures, expert depositions, the filing of a class-certification motion, and the filing of briefs). The proposed Class Certification Schedule shall be accompanied by a joint motion for the court to adopt the schedule and to set the to-be-filed class-certification motion for hearing.

(C) The following other deadlines in the amendment to the scheduling order (doc. no. 102) are to remain the same:

Mediation report deadline	July 6, 2015
Expert disclosures on merits	November 2, 2015
Expert rebuttals	November 23, 2015
Dispositive motions & Daubert motions	December 21, 2015
Discovery cut-off	January 11, 2016

DONE, this the 19th day of May, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE