

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

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PLAINTIFF

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VS.

Case No: DR-____-_____

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DEFENDANT

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PRE-TRIAL ORDER

The following Pre-Trial Order applies to the above referenced case unless the Court specifically orders otherwise.

**READ THIS ORDER CAREFULLY.
FAILURE TO COMPLY IS CONTEMPT OF COURT.**

Attorneys of record shall inform their clients of the contents of this Pre-Trial Order.

It is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. Trial Setting. The Court will set a trial date as soon as the parties certify the case ready for trial (as described in paragraph 5 below). The Court expects all cases to be tried within 12 months after the filing of the Complaint, and the deadlines set in herein are designed to accommodate same.
2. Discovery deadline. Unless the Court sets a shorter time, all discovery shall be completed within 270 days after filing of the Complaint. Notwithstanding the foregoing, for good cause shown, the Court may permit, or parties may agree that additional discovery be undertaken any time prior to trial, so long as such discovery is completed so as not to require a continuance of the trial setting.
3. Compliance with discovery. Discovery in divorce cases is broad. The Court expects all parties to comply with discovery in a timely manner. Failure to do so will result in sanctions to include paying the other party’s attorney’s fees related to discovery and possible dismissal or default against the offending party. The Court does not expect to spend Court time resolving routine discovery requests. If a hearing is set to resolve discovery disputes, the party the Court finds to be in noncompliance should expect to pay the other party’s attorney’s fees. Counsel shall confer before a scheduled hearing on any discovery dispute and attempt to resolve or narrow the issues. The Court disfavors “boilerplate” objections.
4. Motion to Set and Certificate of Readiness. Either or both parties shall file a Motion to Set for Trial and Certificate of Readiness (preferably jointly), which shall be filed no later than 270 days after the filing of the Complaint. If such motion is not filed by the 280th day, the Court will cause the case to be marked “To Be Dismissed” and set on a disposition docket as

near as possible to the 300th day after the filing of the Complaint and send notice to all parties. If a Motion to Set and Certificate of Readiness (which complies with the following paragraph) is not received prior to the disposition date, the case will be dismissed without further notice.

5. Contents of Certificate of Readiness. The Motion to Set and Certificate of Readiness shall contain the following information:
 - a. An affirmative statement that all discovery is substantially complete or will be completed within 30 days of the Certificate of Readiness.
 - b. An affirmative statement that the movant understands the trial will not be reset due to the lack of discovery.
 - c. The expected length of the trial expressed in hours and/or days.
6. Controverting Certificate. Within 7 days after a Motion to Set and Certificate of Readiness has been filed, any other party may file a Controverting Certificate specifying the statements contained in the Certificate of Readiness to which the objection is made, and the reason(s) therefore. The Court shall thereupon set the case for a Rule 16 Conference or hearing to resolve the dispute.
7. Extraordinarily complex cases. If it becomes apparent that a case is extraordinarily complex, or some other exceptional circumstance exists that will make it impossible for the parties to comply with the discovery deadline and other time constraints set out herein, the party making that determination shall immediately file a Motion for a Rule 16 Scheduling Conference so the Court can enter a Scheduling Order that excepts the case from the time constraints set out in this Pretrial Order. No such motion filed more than 270 days after the Complaint is filed will be considered by the Court.
8. Trial setting. Seven days after a Motion to Set is filed, if a Controverting Certificate has not been filed, the case will be set for trial, which trial date shall not be reset except for good cause shown. Once a case is set for trial, all parties and counsel shall appear on the trial date unless they have received a Court Order resetting the case or a copy of an Order of this Court which disposes of the case in full (even if they have submitted a signed agreement to the Court, but the Court has not yet approved the proposed agreement).
9. Mediation. The Court strongly encourages mediation if the parties are unable to settle their case without a mediator. The parties (either jointly or individually) may file a motion requesting mediation which the Court will grant, according to Alabama Code Section 6-6-20. However, any request for mediation must be filed within 270 days of the filing of the Complaint. The Court will consider any request filed after that to be an attempt to delay the trial and same will not be granted. Any time the Court deems it appropriate to do so, the Court may order the case to mediation on its own motion.
10. Notification of Settlement. To provide other litigants prompt trial settings, all attorneys shall notify the Court when a case has settled by immediately filing the signed settlement

agreement with the Court, and notifying the Clerk's office that same has been filed so the documents may be processed and sent to the Judge for review.

FAILURE TO ABIDE BY THIS COURT ORDER MAY BE CONSIDERED CONTEMPT OF COURT AND PUNISHED ACCORDINGLY. SUCH PUNISHMENT MAY INCLUDE ALL SANCTIONS AVAILABLE TO THE COURT UNDER LAW, INCLUDING ATTORNEY'S FEES, FINES AND/OR INCARCERATION IN THE COUNTY JAIL. YOU ARE STRONGLY ENCOURAGED TO DISCUSS THE CONTENTS OF THIS ORDER WITH YOUR LEGAL COUNSEL

DATED: _____

Walter H. Honeycutt
Circuit Judge

Michael D. Sherman
Circuit Judge

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