

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

AMENDED IMPLEMENTING ORDER

PURSUANT TO THE ALABAMA SUPREME COURT'S ORDER DATED MAY 5, 1992, WHEREBY RULE 5(D) OF THE ALABAMA RULES OF CIVIL PROCEDURE WAS AMENDED, THE FOLLOWING IMPLEMENTING ORDER IS HEREBY ENTERED, AMENDING THE PRIOR ORDER OF THIS COURT WHICH WAS ENTERED ON AUGUST 7, 1992.

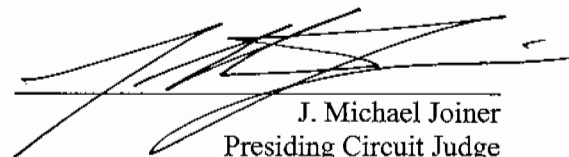
IT IS ORDERED BY THIS COURT THAT UNLESS THE COURT DIRECTS OTHERWISE THAT:

- A. INTERROGATORIES, REQUESTS FOR PRODUCTION, AND RESPONSES THERETO, AND NOTICES OF DEPOSITIONS SHALL BE SERVED IN ACCORDANCE WITH RULE 5(b) OF THE ALABAMA RULES OF CIVIL PROCEDURE. THE ORIGINAL SHALL NOT BE FILED WITH THE CLERK EXCEPT AS NOTED BELOW.
- B. THE FOLLOWING SHALL BE FILED WITH THE CLERK OF THE COURT: DOCUMENTS OBTAINED PURSUANT TO RULE 27 (DISCOVERY BEFORE ACTION OR PENDING APPEAL), RULE 35 (PHYSICAL AND MENTAL EXAMINATION OF PERSONS), AND RULE 36 (REQUESTS FOR ADMISSIONS).
- C. NO DEPOSITIONS SHALL BE FILED WITH THE CLERK, EXCEPT AS NOTED BELOW, UNLESS THE COURT DIRECTS OTHERWISE, OR UNLESS OFFERED IN SUPPORT OR IN OPPOSITION TO A MOTION, OR FOR THE USE IN TRIAL PURSUANT TO RULE 32(a)(3). COUNSEL WHO NOTICES A DEPOSITION SHALL BE THE CUSTODIAN OF THE DEPOSITION AND SHALL MAINTAIN THE ORIGINAL FOR FILING IF THE COURT SO DIRECTS.
- D. IF DISCOVERY MATERIALS ARE GERMANE TO ANY MOTION OR RESPONSE, ONLY THE RELEVANT MATERIALS SHALL BE FILED WITH THE MOTION OR RESPONSE.
- E. DURING THE PENDENCY OF ANY CASE, THE CUSTODIAN OF ANY DISCOVERY MATERIAL SHALL PROVIDE TO COUNSEL FOR ALL OTHER PARTIES REASONABLE ACCESS TO THE MATERIAL AND AN OPPORTUNITY TO DUPLICATE THE MATERIAL, AT THE EXPENSE OF THE COPYING PARTY, AND ANY OTHER PERSON MAY, WITH LEAVE OF COURT, OBTAIN A COPY OF ANY DISCOVERY MATERIAL FROM THE CUSTODIAN UPON THE PAYMENT OF THE EXPENSE OF THE COPY.

PROOF OF SERVICE OF ANY PAPER EXCEPT A REQUESTED WRITTEN CHARGE SHALL BE UPON CERTIFICATE OF THE PERSON EXECUTING THE SAME. THE CERTIFICATE OF SERVICE SHALL LIST THE NAMES AND ADDRESSES OF ALL ATTORNEYS OR PRO SE PARTIES UPON WHOM THE PAPER HAS BEEN SERVED.

IT IS FURTHER ORDERED THAT THIS ORDER BE SPREAD UPON THE MINUTES OF THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA.

DONE AND ORDERED THIS 30ST DAY OF NOVEMBER, 2005.


J. Michael Joiner
Presiding Circuit Judge