

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

ALABAMA LEGISLATIVE	)	
BLACK CAUCUS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	CASE NO. 2:12-CV-691
v.	)	(Three-Judge Court)
	)	
THE STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	
	)	
DEMETRIUS NEWTON, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	CASE NO. 2:12-CV-1081
v.	)	(Three-Judge Court)
	)	
THE STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER LIFTING STAY AND DIRECTING PARTIES**  
**TO HOLD A RULE 26(f) CONFERENCE**

On December 27, 2012, the court granted the motion for a stay of the parties' Rule 26 obligations (Doc. # 41), filed by Defendants in Alabama Legislative Black Caucus v. Alabama, no. 2:12-cv-691 ("ALBC"). The court indicated that the stay would remain in effect during the pendency of the deadlines for the ALBC Plaintiffs to file an Amended Complaint and the ALBC Defendants to answer or otherwise

respond to it. The purpose of the stay was to align the ALBC action procedurally with the Newton v. Alabama action, no. 2:12-cv-1084 (“Newton”). On January 15, 2013, the ALBC Plaintiffs filed an Amended Complaint, and on January 25, the ALBC Defendants filed an Answer. Also, on January 9, the Newton Defendants filed an Answer to the Newton Complaint. With the ALBC and Newton actions now in the same procedural posture, the purpose of the stay has been accomplished. It is ORDERED, therefore, that the stay imposed on December 27, 2012, is LIFTED.

Accordingly, the parties are reminded of the obligation, imposed by Rule 26(f) of the Federal Rules of Civil Procedure, to confer and to develop a proposed discovery plan. **The trial of the case will be scheduled the week of August 12, 2013.** It is ORDERED that the Rule 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than **February 20, 2013**. The Rule 26(f) report should comply with Form 52 of the Appendix of Forms to the Federal Rules of Civil Procedure.

During the Rule 26(f) discovery conference, the parties should attempt in good faith to resolve the issues raised in Defendants’ Motion for Class Certification Scheduling Conference. (Doc. # 62.) Furthermore, the Rule 26(f) discovery conference shall take place prior to the date set for the scheduling conference with

Magistrate Judge Capel. (*See* Order Granting Motion for Class Certification Scheduling Conference (Doc. # 64).)

The court anticipates much uncontested and/or stipulated evidence in a case of this nature. The parties should endeavor to conduct discovery in a fashion that ensures a substantial volume of the evidence is captured in a form admissible at trial without the requirement of witnesses.

DONE this 29th day of January, 2013.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE  
FOR THE COURT