



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA
FIFTEENTH JUDICIAL CIRCUIT – CIVIL DIVISION**

**OASIS FAMILY BIRTHING CENTER, LLC,
on behalf of itself, and its patients, et al.,**

Plaintiffs,

v.

**SCOTT HARRIS, in his official capacity as the
State Health Officer at the Alabama
Department of Public Health,**

Defendant.

Civil Action No.

03-CV-2023-901109.00 - GOG

**JOINT MOTION TO ENTER
SCHEDULING ORDER**

JOINT MOTION TO ENTER SCHEDULING ORDER

As discussed at the September 1, 2026 status conference, the Parties hereby submit this joint motion to respectfully request that this Court enter a scheduling order concerning discovery and further proceedings in this matter. The parties have conferred and agreed, pursuant to Rule 29 of the Alabama Rules of Civil Procedure, to jointly propose to supplement the ordinary discovery provisions of said rules with additional deadlines and agreements to ensure the orderly conduct of discovery and further proceedings in this case. Accordingly, the parties hereby move this Court to enter a scheduling order as set forth below:

1. Parties' Agreement: Pursuant to Rule 29 of the Alabama Rules of Civil Procedure, the parties have agreed to supplement the discovery provisions of said rules as detailed herein. The parties agree to abide by these discovery provisions, subject to modification by agreement or further order of the Court.

2. Discovery Period and Deadlines. Discovery may begin immediately with respect to all claims and defenses. The parties agree to conduct discovery in accordance with the

procedures contained herein and to commence discovery in time to be completed by the following deadlines, to ensure orderly discovery and avoid undue surprise.

a. **Witness Disclosures.**

- i. The parties agree that no witness that has not been disclosed by the agreed deadlines will be permitted to offer testimony in support of dispositive motions or at trial absent agreement of the parties or leave of the Court, based on a showing of compelling need. Such a showing shall include, where relevant, an inability to have discovered the individual and/or the relevance of their testimony by the deadline, despite the exercise of reasonable due diligence. If such agreement is reached or leave is granted, the opposing party will have a reasonable opportunity to conduct a deposition of the newly disclosed witness.
- ii. The parties further agree that expert witnesses will not be permitted to testify as to topics not properly disclosed by the agreed deadlines absent agreement of the parties or leave of the Court, based on a showing of compelling need. Such a showing shall include, where relevant, an inability to have discovered the relevance of the topic to their testimony by the deadline, despite the exercise of due diligence. If such agreement is reached or leave is granted, the opposing party will have a reasonable opportunity to conduct a limited deposition of the expert on the newly disclosed topic.

- b. **Fact Discovery.** The parties will conduct fact discovery prior to expert discovery.

- i. The parties shall disclose any and all lay and party witnesses they expect to call at trial by no later than 14 days after the entry of this Court's scheduling order. Each party is under a continuing duty to timely serve additional or amended disclosures of lay and party witnesses when new or additional information is discovered or revealed.
 - ii. The parties shall propound all requests pursuant to Rules 33 through 36 of the Alabama Rules of Civil Procedure by April 1, 2027.
 - iii. The final deadline to disclose any and all lay and party witnesses a party expects to call at trial shall be May 1, 2027. Witnesses disclosed after this date shall not be permitted to testify absent agreement of the parties or order of the Court, pursuant to paragraph 2.a.i.
 - iv. All fact discovery, including depositions of party and lay witnesses, shall conclude by June 1, 2027.
- c. **Expert Discovery.** The parties agree to conduct expert discovery as detailed below.
- i. Plaintiffs shall disclose all non-rebuttal expert witnesses, as well as areas of testimony for non-retained experts and expert reports for retained experts, by June 15, 2027.
 - ii. Defendant shall disclose all expert witnesses, as well as areas of testimony for non-retained experts and expert reports for retained experts, by July 15, 2027.
 - iii. Plaintiffs shall disclose all rebuttal experts, as well as areas of testimony for non-retained rebuttal experts, and expert reports for retained rebuttal

experts, by August 15, 2027.

- iv. Expert witnesses or areas of expert testimony not disclosed by these deadlines shall not be permitted absent agreement of the parties or order of the Court, pursuant to paragraphs 2.a.i–ii.
- v. All expert discovery, including depositions of expert witnesses, shall conclude by November 1, 2027.

3. Interrogatories. Maximum of 40 interrogatories, including discrete subparts, per side. Responses shall be due 30 days after service.

4. Requests for Admission. Maximum of 25 requests for admission per side. Responses due 30 days after service.

5. Requests for Production. Maximum of 25 requests for production per side. Responses due 30 days after service.

6. Depositions. Each deposition is limited to a maximum of 1 day of 7 hours.

7. Electronic Production of Documents and Electronically Stored Information. Production of documents and electronically stored information shall be handled as follows:

- a. If a document is stored in electronic form, such as Word, WordPerfect, Excel, or PDF, the producing party shall produce the document in its native format or searchable PDF, at the election of the producing party, unless the requesting party demonstrates particularized need for the information in native format by, for example, demonstrating that information can be read only in native format, such as formulas contained in Excel spreadsheets. If the requesting party demonstrates particularized need, and the producing party does not otherwise object to the request, the producing party will produce the information in native

format. The parties will take the matter to the Court if they cannot agree whether particularized need has been demonstrated.

- b. If a document is kept only on paper, the producing party shall produce a searchable PDF document.
- c. If a document or information is stored in a database that is not Excel, electronic form other than Word, WordPerfect, Excel, or PDF, the producing party shall contact opposing counsel before production to arrange the appropriate form of production.

8. Electronic Service. The parties agree to the following procedures for service of discovery and disclosure documents:

- a. All discovery responses requiring signature will be served by email as a PDF document (with or without signature) as well as by a copy bearing the original signature of the party or party representative served by mail;
- b. Any discovery papers not requiring a signature may be served by email as a PDF document.

9. “Clawback” Agreement. The parties have agreed, as follows, to an order regarding post-production claims of privilege or of protection as trial-preparation material:

- a. A disclosure of communications, documents, things and electronically stored information covered by the attorney-client privilege, work product privilege, or governmental privileges does not operate as a waiver in this proceeding if:
 - i. The disclosure is inadvertent and is made in connection with this litigation; and
 - ii. The holder of the privilege or protection took reasonable precautions to

prevent disclosure and took reasonably prompt measures, once the holder knew or should have known of the disclosure, to rectify the error.

- b. If information produced in discovery is subject to a claim of privilege or protection, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party that received the information must make prompt and reasonable efforts to return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take prompt and reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

10. Documents Created by, and Exchanged Solely Between and Among, Counsel for the Respective Parties. For purposes of this litigation, the parties need not preserve, produce, or create a privilege log for any document that was created by, or exchanged solely among either side's attorneys or the attorneys' staff.

11. Costs of Production. Each party shall bear the costs of producing its own documents, things and electronically stored information.

12. Other Items:

- a. **Settlement.** The parties have conferred and agree that settlement is not likely at this time. The parties know of no alternative dispute resolution procedure that may enhance settlement prospects.
- b. **Dispositive Motions.** All potentially dispositive motions shall be filed by

December 15, 2027; responses to these motions shall be filed by January 14, 2028; and replies shall be filed by February 14, 2028.

- c. **Pretrial Motions.** All pretrial motions (not including a pretrial memorandum, if requested) shall be filed by no later than 45 days after oral argument on dispositive motions, or, if the Court elects not to hold oral argument, by March 30, 2028. Responses shall be filed within 10 days of the filing of the motion, and any replies shall be filed within 5 days of the filing of the response.
- d. **Exchange of Witness and Exhibit Lists.** The parties shall exchange initial witness and exhibit lists and designate portions of depositions for use at trial 7 days after the filing of pretrial motions. The parties will have a single opportunity to amend witness and exhibit lists and deposition designations within 7 days after the initial exchange. The parties will have 14 days after the initial exchange of witness and exhibits to issue any objections, and to identify those exhibits to which there are no objection.
- e. **Pretrial Conference.** The parties request a pretrial conference 30 days after the filing of pretrial motions.
- f. **Trial Date.** This non-jury action should be ready for trial 14 days after the pre-trial conference.

13. Summary of Proposed Schedule: The full set of deadlines proposed by the parties is set forth below:

Deadline for initial disclosure of party and lay witnesses	14 days after entry of scheduling order
Deadline to propound requests pursuant to Rules 33–36	April 1, 2027

Final deadline to disclose party and lay witnesses	May 1, 2027
Close of fact discovery, including conclusion of depositions of all party and lay witnesses	June 1, 2027
Plaintiffs' deadline to disclose non-rebuttal expert witnesses, areas of testimony, and expert reports for retained experts	June 15, 2027
Defendant's deadline to disclose expert witnesses, areas of testimony, and expert reports for retained experts	July 15, 2027
Plaintiffs' deadline to disclose rebuttal expert witnesses, areas of testimony, and expert reports for retained experts	August 15, 2027
Close of expert discovery, including conclusion of depositions of all expert witnesses	November 1, 2027
Deadline for any potentially dispositive motions	December 15, 2027
Deadline for responses to any potentially dispositive motions	January 15, 2028
Deadline for replies to any potentially dispositive motions	February 14, 2028
Deadline for any pre-trial motions	45 days after oral argument on potentially dispositive motions, or March 30, 2028, whichever is later; responses shall be filed within 10 days, and any replies within 5 days of responses
Initial exchange of exhibit and witness lists and deposition designations	7 days after deadline for pre-trial motions
Deadline to amend exhibit and witness lists and deposition designations	7 days after initial exchange of exhibit and witness lists

Deadline for objections to exhibit and witness lists and deposition designations

14 days after initial exchange of exhibit and witness lists

Pre-trial conference

30 days after deadline for pre-trial motions

Trial commences

14 days after pre-trial conference

The parties hereby respectfully request the Court to enter a scheduling order consistent with the agreements and deadlines proposed herein.

All parties consent to the filing of this motion.

DATE: September 2, 2026

Respectfully submitted,

/s/ Benjamin H. Albritton

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CERTIFICATE OF SERVICE

I hereby certify that, on the 2nd day of September 2026, a copy of the foregoing has been served upon all counsel of record by electronic filing with the Clerk of this Court through AlaFile.

/s/ Robert D. Segall

Of Counsel