

D. GUIDELINES FOR PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW

1. Each plaintiff shall first provide the court with proposed findings and conclusions, which shall have been served on each defendant. Each defendant shall then provide the court with answering proposals, which shall have been served on each plaintiff.

2. Plaintiff(s) proposals shall include:

- (a) a narrative statement of all facts proposed to be proved and
- (b) a concise statement of plaintiff(s) legal contentions and the authorities supporting them.

(a) Plaintiff(s) narrative statement of facts shall set forth in simple declarative sentences all the facts relied upon in support of plaintiff(s) claim for relief. It shall be complete in itself and shall contain no recitation of any witness testimony or what any defendant stated or admitted in these or other proceedings, and no references to the pleadings or other documents or schedules as such. It may contain references in parentheses to the names of witnesses, depositions, pleadings, exhibits or other documents, but no party shall be required to admit or deny the accuracy of such references. It shall, so far as possible, contain no pejoratives, labels or legal conclusions. It shall be so constructed, in consecutively numbered paragraphs (though where appropriate a paragraph may contain more than one sentence), that each of the opposing parties will be able to admit or deny each separate sentence of the statement.

(b) Plaintiff(s) statement of legal contentions shall set forth all such plaintiff(s) contentions necessary to demonstrate the liability of each defendant to such plaintiff. Such contentions shall be separately, clearly and concisely stated in separately numbered paragraphs. Each paragraph shall be followed by citations of authorities in support thereof, and shall include any relevant Supreme Court, Eleventh Circuit or Northern District of Alabama authority.

3. Each defendant(s) answering proposals shall correspond to plaintiff(s) proposals:

(a) Each defendant(s) factual statement shall admit or deny each separate sentence contained in the narrative statement of fact of each plaintiff, except in instances where a portion of a sentence is admitted and a portion denied. In those instances, each defendant shall state clearly the portion admitted and the portion denied. Each separate sentence of each defendant(s) response shall bear the same number as the corresponding sentence in the plaintiff(s) narrative statement of fact. In a separate portion of each defendant(s) narrative statement of facts, such defendant shall set forth all affirmative matter of a factual nature relied upon by such defendant, constructed in the same manner as the plaintiff(s) narrative statement of facts.

(b) Each defendant's separate statement of proposed conclusions of law shall respond directly to plaintiff(s) separate legal contentions and shall contain such additional contentions of the defendant as may be necessary to demonstrate the non-liability or limited liability of the defendant. Each defendant's statement of legal contentions shall be constructed in the same manner as is provided for the similar statement of each plaintiff.