CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA
ADMINISTRATIVE ORDER NO. 2009-23
COMMERCIAL LITIGATION DOCKET

By the authority vested in me by Act No. 1205, *Acts of Alabama*, Regular Session 1975, Alabama Rules of Judicial Administration adopted by the Supreme Court of the State of Alabama on the 14th day of October 1976, it is Ordered as follows:

Circuit Judge Robert Vance is hereby assigned to the docket in the Birmingham Division, which will be known as the "Commercial Litigation Docket" (CLD). Circuit Judge Joseph Boohaker is hereby assigned to said docket to handle those cases on which Judge Vance cannot serve. Until the number of cases assigned to said docket can be determined, both judges will continue to draw new CV cases in the random assignment process from the Circuit Clerk. This arrangement will be reconsidered by the Court from time-to-time in order to make the new case assignments equitable among all the Circuit Judge in the Civil Division of the Court.

The cases placed on the CLD will be identified under the Judges Identification (JID) as "CLD."

The following cases will be assigned to the CLD Docket:

1. Claims arising from allegations of breach of commercial contract or of fiduciary duty, fraud, business tort (such as unfair competition) or other statutory violation arising out of business dealings (e.g., sales of assets or securities, corporate structuring, partnership, shareholder, joint venture and other business agreements, trade secrets and restrictive covenants), and all other litigation arising under Ala. Code (1975) § 10-1- 1 *et seq.*

2. Actions relating to securities, such as claims arising under Ala. Code (1975) § 8-6-1, *et seq.*

3. Actions arising from trade secrets or intellectual property disputes.

4. Business torts, such as antitrust claims under Ala. Code (1975) § 8-10-1, *et seq.*, claims of unfair competition, interference with contractual or business relations.

5. Claims pertaining to trademarks, names, marks, devises and labels, under Ala. Code (1975) § 8-12-1, *et seq.*

6. Transactions involving the development of commercial real property or complex commercial construction disputes.

7. Commercial class actions and consumer class actions not based on personal injury or product liability claims.

8. Malpractice claims involving a business entity and attorneys, accountants, architects or other professionals in connection with services rendered to that business.

9. Environmental claims and environmental insurance coverage litigation arising out of the acquisition or sale of a business.

10. Transactions governed by the Uniform Commercial Code, Ala. Code (1975) § 7-1-1 *et seq.*, provided the amount in controversy, exclusive of interest, attorneys' fees and litigation expenses, exceeds $50,000.00.

11. Any other case in which the Presiding Judge determines that any of the following apply:

a. that the case may have implications for business and industry beyond the decision in

the particular case;

b.   that the case may result in a significant interpretation of a statute within the scope of the docket, or

c.   that there exist other reasons for the proper inclusion in the CLD.

The CLD Docket will **not** include the following types of litigation:

1. Disputes regarding sales or construction of residences.

2. Professional malpractice cases arising outside the context of a commercial dispute.

3. Cases seeking declaratory judgment as to insurance coverage for personal injury or property damages.

4. Individual consumer claims including product liability, other personal injury or wrongful death cases.

5. Individual employment-related claims.

When a new case is filed with the Circuit Clerk, plaintiff's counsel may file a "Request for Assignment to the Commercial Litigation Docket," along with the other required forms. This form is available in the Office of the Circuit Clerk. The Request is for the case to be assigned to the CLD docket and shall be served with the Summons and Complaint. A defendant may file a Request along with the responsive pleadings. The Clerk will forward such requests to the Presiding Judge, who will determine whether to assign the case to the CLD and enter an order of assignment. Alternatively, if a case is assigned to another Circuit Judge in random case assignment, that Judge may refer the matter to the Presiding Judge for consideration of re-assignment to the CLD. Judge Vance or Judge Boohaker may return a case assigned to the CLD docket to the Presiding Judge for removal from the

CLD and for reassignment, if it develops that the case is not suitable for that docket. Such rulings may be made upon Motion of either party or *sua sponte*. If a case is removed from the CLD docket it will be randomly reassigned by the Clerk to another Circuit Judge in the Civil Division.

Done and ordered, this the 18th day of December, 2009.

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J. SCOTT VOWELL, PRESIDING JUDGE