

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

Petitioner, )  
)  
)  
)  
v. ) CIVIL ACTION NO.  
)  
GRANTT CULLIVER, Warden, )  
Holman Correctional Facility, )  
)  
Respondent. )  
)

**ORDER**

For good cause shown, it is hereby ORDERED that:

1. A telephone scheduling/case management conference is set for {date} before Magistrate Judge {name}. Counsel are ADVISED to be prepared to discuss at the case management conference the time required for adequate preparation in this matter including their positions on discovery and whether an evidentiary hearing will be requested. Counsel for the respondent shall initiate the call.

2. Following the scheduling/case management conference the court will conduct also by telephone a Litigation Budget conference with counsel for the petitioner, *ex parte*, to establish a budget for the case. The court will consider and make appropriate orders on an hourly rate for counsel, paralegals and other employees performing work on this case, an interim voucher submission schedule, appointment and payment of investigators or experts and permissible expenses. Counsel shall prepare and deliver a preliminary litigation budget

concerning these items to the chambers of Magistrate Judge {**name**} on or before {**date**}. A suggested format for the Litigation Budget is attached to this Order.

DONE this 9th day of September, 2008.

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UNITED STATES MAGISTRATE JUDGE

### **Format for Proposed Litigation Budget**

I. Justify an hourly rate for counsel (include brief description of counsel's experience and practice). Counsel is advised that in these habeas corpus death penalty cases the court regularly approves the maximum hourly rate of \$170.00 for lead counsel and an

hourly rate of \$125.00 for associate counsel and an hourly rate of \$50.00 for paralegals.

II. Breakdown counsel's activities as suggested below including specific notation of travel time and costs (i.e. copy charges and airplane fares) associated with each category

Counsel's Activities:

Est. Hours to spend:

1. Prepare petition
2. Prepare budget
3. Prepare for and Participate in case management conference
4. Conduct Discovery (explain the nature)
5. Prepare responsive brief on procedural default and hearing issues and initial brief on merits
6. Prepare reply brief on the merits and merit hearing issues
7. Prepare for evidentiary hearing (explain the nature)
8. Attend evidentiary hearing
9. Prepare post-trial motions

III. Other Expenses

1. Experts (describe services to be performed and include estimated hourly rate and time needed for service to be provided)
2. Investigators (describe services to be performed and include estimated hourly rate and time needed for service to be provided)
3. Paralegals (describe services to be performed and include estimated time needed for the service to be provided)
4. Other miscellaneous expenses

IV. Total Amount of Proposed Budget

Based upon the fees and expenses identified above, calculate the Total Amount of the Proposed Budget.