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CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

NORA CLOWER, Plaintiff, v. CVS CAREMARK CORPORATION, Defendant.)))))))))))))))) 01-CV-2013-904687
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ORDER

Upon obtaining additional information regarding the legislative schedule in Alabama, and in light of some of the public remarks regarding this Court's most recent Order of May 8, 2017, the Court ex mero motu amends that Order and clarifies it as follows:

1. This Court's Order of May 8, 2017, expressed that this Court had in no respect implemented its finding that the two statutes from the Alabama Workers' Compensation Act – and thus the entire Act – were unconstitutional; to the contrary, in order to avoid implementing any such finding, this Court entered a complete stay for a period of 120 days. This Court is also very aware of the substantial interest and concerns that have arisen as a result of that Order as it relates to the practical impact of that Order on the administration and handling of pending workers' compensation claims in the state; indeed, the interests were fairly predicted.
2. The Order of May 8, 2017, given the legislative schedule for the current session, is hereby stayed pending further order of this Court rather than for the 120 days stated in the May 8, 2017, Order.
3. While not altering any of the findings therein, it is the express intention of the Court, through this Amended Order, to allow the legislature sufficient time to remedy the Constitutional insufficiencies in the Act addressed by the prior Order. No one argues the

point that the legislature is equipped to make, answer, and provide a comprehensive solution which fairly protects current and future workers' compensation claimants and their employers and insurers.

4. In the interim, the Court will continue to administer pending workers' compensation claims within its jurisdiction in accordance with the current Act.

5. Upon the motion of any party, upon action of the legislature, or upon this Court's own determination that the legislature is either unwilling or unable to take legislative action on these issues, the Court will make any further order deemed necessary to implement -- in full -- the terms of the prior Order regarding the constitutional invalidity of the Alabama Workers' Compensation Act. Any further orders regarding the effective date of this Court's ruling on the constitutional issues will be entered at least 30 days prior to the new effective date.

DONE this 17th day of May, 2017.

/s/ PAT BALLARD
CIRCUIT JUDGE