

THE SUPERIOR COURT OF CLAYTON COUNTY STATE OF GEORGIA

JUDGE ROBERT L. MACK, JR. - DIVISION 11

FILED  
CLAYTON COUNTY, G  
2018 OCT 12 PM 3:34  
JACQUILINE D. WILLS  
CLERK SUPERIOR COURT

STANDING CASE MANAGEMENT ORDER FOR CIVIL NON-JURY TRIAL CASES

**SECTION 1. GENERAL.**

This Case Management Order shall guide the future progress of this case and inform the parties and/or their attorneys of the Court's order, expectations and deadlines. Please read it carefully and provide it to all co-counsel and the paraprofessionals who will be assisting you in handling this case. Parties without attorneys ("Self-Represented Litigants") are responsible for understanding and following the instructions and procedures described herein without additional guidance from the Court.

This Order is being entered, setting forth important information, dates and deadlines.

The parties are hereby ordered to abide by the following:

**SECTION 2. COMMUNICATING WITH THE COURT.**

The Court has chosen to communicate by email, whenever possible, for the sake of efficiency and economy. Please include your email address on **all** Court submissions. If you do not check your emails, please arrange to have them forwarded to someone in your office who will be responsible for checking them and informing you of the messages/documents that have been sent. To *avoid ex parte* communications, submit all questions, explanations and discussions concerning this case by email, with a copy to opposing counsel, addressed to [Tangi.bush@claytoncountyga.gov](mailto:Tangi.bush@claytoncountyga.gov). For this same reason and to prevent miscommunications, please avoid telephoning except in exceptional circumstances. Furthermore, the Court cannot counsel Self-Represented Litigants on procedure or on the law.

### **SECTION 3. ALTERNATIVE DISPUTE RESOLUTION.**

The parties shall attend mediation to resolve their disputes **no later than 10 days after the close of the Discovery period.** The Discovery Period begins thirty (30) days after the defendant files their answer or an answer is due. Further, the Discovery Period shall be for four (4) months unless the parties agree in writing to extend it to six (6) months.

*Your participation in ADR will not cause the continuance of any deadline contained herein.*

### **SECTION 4. MOTIONS.**

Motions to compel must be filed no later than thirty (30) days before the close of the Discovery period. Failure to do so will constitute as a waiver of such motions. All such motions will be heard by a special master appointed by the Court within twenty (20) days of the filing date of said motions. The filing of a Motion to Compel will not cause the continuance of any deadline contained herein. Motions for Summary Judgment must be filed **no later than thirty (30) days after the close of the Discovery period.** *The filing of a Motion for Summary Judgment may cause the continuance of certain deadlines continued herein.*

### **SECTION 5. CONSOLIDATED PRE-TRIAL ORDERS.**

The parties shall submit, by email, a fully consolidated pre-trial order directly to the Judge's chambers two (2) weeks before the trial calendar, designated below, begins. Plaintiff/Petitioner shall be responsible for consolidating the pre-trial order. All other parties shall provide their portions of the consolidated pre-trial order to the Plaintiff/Petitioner no later than three (3) business days prior to the due date. No party may submit their own individual portions of the pre-trial order to the Court without written certification detailing their good-faith efforts to present the Court with a fully consolidated order. Extensions for submitting proposed pre-trial orders will be granted only for good-cause shown. "Failure of counsel to ... present a proposed

pre-trial order shall authorize the court to ... enter such pre-trial order as the court shall deem appropriate, or impose any other appropriate sanction.” Ga. Unif. Super. Ct. R. 7.1. See also Triple A Distrib. v. Carrier Reps, USA, Inc., 193 Ga. App. 348 (1989) (Plaintiff’s counsel who failed to prepare pretrial order could be required to pay attorney fees to defendant for its counsel’s time in preparing proposed order).

**SECTION 6. TRIAL AND TRIAL PREPARATION.**

This case will be placed on the **Non-Jury Trial Calendar approximately one (1) year from the date of filing of the complaint.** It is possible, due typically to the case load of the Court, that this case will be placed on a later trial calendar. The Court will not specially set a case for trial, even if the case involves professional or out of town witnesses. The Court will call the cases for trial in the order in which they appear on the calendar, except in exceptional circumstances.

The Court will notify the parties or their counsel of trial by mailing notice to the addresses for the parties or their counsel on file with the Court at least twenty (20) days before the date of the Trial Calendar. Immediately upon receipt of the Trial Calendar, the parties are ordered to contact the Staff Attorney (Tangi.bush@claytoncountyga.gov) with the status of the case, the estimated length of trial and the possibilities of settlement. All conflict letters must be submitted one week before the trial calendar begins and must follow U.S.C.R. 17.1 in proposing a resolution. Continuances will be granted only on the basis of exceptional circumstances. The Court handles a large number of civil and criminal cases each month with limited resources. Please assist the Court in efficiently and effectively managing its workload and resources by avoiding requests that do not meet this threshold.

**A. Motions in Limine and Depositions Used at Trial.**

Motions in Limine shall be made in writing, filed no later than one (1) week prior to the

beginning of the trial calendar. If the parties intend to rely on deposition testimony, attorneys are instructed to confer prior to trial and attempt to agree on the testimony to be presented. If the attorneys cannot agree on what portions of the deposition testimony should be excluded, the attorneys are instructed to jointly prepare a list of the page and line numbers at issue and provide it to the Court at the time they file their motions in limine, along with the relevant text from the deposition.

**B. Verdict Forms.**

The attorneys shall submit any proposed verdict forms to the Staff Attorney by email (Tangi.bush@claytoncountyga.gov) no later than one (1) week prior to the beginning of the trial calendar.

**C. Exhibits & Demonstrative Evidence.**

All exhibits and demonstrative evidence shall be marked with exhibit labels and exchanged among the parties prior to the beginning of the trial of the case. The parties are instructed to work together and agree, at least as to authenticity, on all such exhibits where possible. In the event that over fifty (50) exhibits are anticipated and in dispute, the parties must notify the court one week in advance of trial so that the Court can decide whether to schedule a pre-trial hearing.

**SECTION 7. COURTROOM CONDUCT.**

These instructions are designed to promote uniformity and proper decorum in the courtroom practice. Members of the Bar and parties, including Self-Represented Litigants, should adhere to these instructions to the maximum practical extent.

**A. Examination of Witnesses and Argument.**

Counsel should conduct examination of witnesses from the lectern or the counsel table. Do not approach a witness without receiving permission of the Court. If permission is granted for the

purpose of working with an exhibit, resume examination from the table or lectern when finished with the exhibit.

**B. Objections to Questions or Testimony.**

When objecting during trial, stand, and then state only that you are objecting and specify the ground(s) for the objection. Do not make objections to opposing parties or counsel and do not utilize objections for the purpose of making a speech, recapitulating testimony, or attempting to guide the witness. Typically, the grounds for objections can be stated in three words or less (calls for speculation, relevance, lack of foundation, hearsay, asked and answered). Argument upon the objection will not be heard until permission is given or argument is requested by the Court. The parties may request a sidebar discussion if there is a need to elaborate on the grounds for or response to an objection. All parties are expected to treat each other with courtesy and respect at all times. Any party found to be disrespectful to this Court or to another party shall be subject to being held in contempt, which may result in sanctions, which may include, among other things, fines or incarceration.

**C. Court Hours and Promptness.**

The Court makes every effort to begin proceedings at the time set, and thus, promptness is expected from counsel, parties and witnesses. Arrange your schedule for the case to avoid unnecessary delay. If a witness is scheduled to testify on a certain date, have the witness ready to take the stand when reached, so as not to delay trial. If you have reason to anticipate any scheduling difficulties, or that any question of law or evidence will provoke an argument, provide the Court with advance notice.

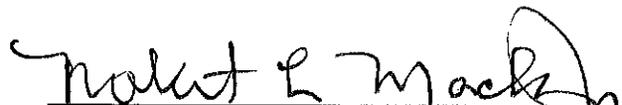
Finally, the Court reminds the parties that failure to strictly adhere to the Local Procedures, the Uniform Superior Court Rules, the Civil Practice Act, or the Court's orders in the above-captioned case may result in sanctions.

**SECTION 8. SANCTIONS.**

The parties should note that sanctions for the failure to abide by the deadlines set out in this or any other Order, or for failing to timely supplement disclosure responses as required by O.C.G.A. § 9-11-26(e) and this Order, may include, but are not necessarily limited to, the striking of pleadings, entry of default, exclusion of evidence, confinement, fines and charging of costs against the offending party. See Kohler v. Van Peteghem, 330 Ga. App. 230 (2014); Hart v. Northside Hospital, Inc., 291 Ga. App. at 210, n. 9; OTS, Inc. v. Weinstock & Scavo, P. C., 339 Ga. App. 511 (2016); Doherty v. Brown, 339 Ga. App. 567 (2016).

Lastly, the Court may choose to consider motions filed outside of the deadlines set in this Case Management Order to prevent manifest injustice. See Velasco v. Chambless, 295 Ga. App. 376 (2008).

**SO ORDERED**, this 12<sup>th</sup> day of **October**, 2018.



ROBERT L. MACK, JR., JUDGE  
SUPERIOR COURT OF CLAYTON COUNTY  
CLAYTON JUDICIAL CIRCUIT

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