IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA
DIVISION 2

STANDING ORDER FOR ALL CIVIL CASES
INSTRUCTIONS TO PARTIES AND COUNSEL

This case has been assigned to Judge Kimberly K. Anderson. The purpose of this Order is to inform the parties and their counsel of the Court's policies, practices and procedures. It is issued to promote the just and efficient determination of the case. This Order, in combination with this Court's Local Rules, the Georgia Uniform State Court Rules and the Georgia Civil Practice Act, shall govern this case.

FAILURE TO COMPLY WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING STRIKING OF PLEADINGS, ASSESSMENT OF ATTORNEYS' FEES, DENIAL OF MOTIONS, AND/OR EXCLUSION OF WITNESSES OR EVIDENCE.

1. Contacting Chambers

Wendy Videki, our Civil Case Manager, is your principal point of contact relating to this case. Where possible, communication with Ms. Videki should be email (wvideki@dekalbcountyga.gov) with all parties copied. If necessary, Ms. Videki may also be reached by phone (404-371-7025). Mailed, couriered, and hand delivered communications should be addressed as follows:

Ms. Wendy Videki
Civil Case Manager
556 N. McDonough St., Suite 2210
DeKalb County Courthouse
Decatur, GA 30030

Any pleadings or other documents required to be filed in the case must be addressed and delivered to the Clerk of State Court[1] rather than Ms. Videki.

The Court's staff attorney is Carol Dees. She can be reached by email (cmdees@dekalbcountyga.gov) or, if necessary, by telephone (404-371-2240). Neither the parties nor their counsel should discuss the merits of the case with Ms. Videki or Ms. Dees.

Other members of the Judge's staff are:

Judicial Assistant
Ms. Ersula Butler (404) 371-2350 elbutler@dekalbcountyga.gov

Court Reporter
Ms. Keisha Crump

2. Courtesy Copies

Parties are not required to forward courtesy copies of routine motions and other filings directly to chambers. In complex cases, however, **e-mailed** courtesy copies of substantive motions to Ms. Dees are welcomed and appreciated. In e-filed cases, you may send a courtesy copy when submitting a filing through the Odyssey system using the "Courtesy Copies" field on the "Filings" screen.

3. Extensions of Time

The Court, along with counsel for the parties, is responsible for processing cases toward prompt and just resolutions. To that end, the Court seeks to set reasonable but firm deadlines. Motions for extensions, whether opposed, unopposed, or by consent,

[1] Or e-filed, in cases using the Court's electronic filing system.

will be granted only upon a showing of good cause. In the event the parties need an extension of the discovery period past their second request, the Court requires that a proposed Consent Scheduling Order be filed alongside the motion addressing all significant remaining deadlines.

4. Conferences

Scheduling, discovery, pre-trial and settlement conferences promote the speedy, just and efficient resolution of cases. Therefore, the Court encourages the parties to request a conference when counsel believes a conference will be helpful and when they have specific goals and an agenda for the conference. The proposed agenda should be submitted to the Court along with the request for such conference.

5. Candor in Responsive Pleadings

In accordance with O.C.G.A. § 9-11-8(b), a party's responsive pleading must admit or deny the averments of the adverse party's pleading. A party may not deny, in his responsive pleading, an averment in his opponent's pleading on the grounds that the averment raises a matter of law rather than fact.

6. Discovery Responses

Boilerplate objections in response to discovery requests are strongly discouraged. Parties should not invoke the usual litany of rote objections—i.e., attorney-client privilege, work-product immunity from discovery, overly broad/unduly burdensome, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence—unless there is a valid basis for these objections.

Moreover, general objections are disfavored, i.e., a party should avoid including in

his response to a discovery request a "Preamble" or a "General Objections" section stating that the party objects to the discovery request "to the extent that" it violates some rule pertaining to discovery (such as attorney-client privilege, work product immunity from discovery, the requirement that discovery requests be reasonably calculated to lead to the discovery of admissible evidence, or the prohibition against discovery requests that are vague, ambiguous, overly broad, or unduly burdensome). **Instead, a responding party should only include those objections that actually apply to the particular request at issue.** Otherwise, it is impossible to know what objections have been asserted to each individual request. **Such general objections may be disregarded by the Court.**

A party who objects to a discovery request but then responds to the request must indicate whether the response is complete. For example, in response to an interrogatory, a party is not permitted to raise objections and then state, "Subject to these objections and without waiving them, the response is as follows" unless the party expressly indicates whether additional information would have been included in the response but for the objections(s).

Evidence presented at trial which was requested but not disclosed during the discovery period will not be admitted.

Finally, if any documents are withheld from production during discovery pursuant to a privilege, **a privilege log must be produced at the time the discovery response is due, identifying the document(s) withheld and the privilege asserted.**

7. Conduct During Depositions

(a) At the beginning of the deposition, deposing counsel shall instruct the witness to ask deposing counsel, rather than the witness's own counsel, for clarifications, definitions or explanations of any words, questions or documents presented during the course of the deposition. The witness shall abide by these instructions.

(b) All objections, except those that would be waived if not made at the deposition under O.C.G.A. § 9-11-32(d)(3)(B) and those necessary to assert a privilege or to present a motion pursuant to O.C.G.A. § 9-11-30(d), shall be preserved. Therefore, those objections need not be made during the course of depositions. If counsel defending a deposition feels compelled to make an objection, he or she should limit the objection to only "objection to form." Defending counsel shall elaborate on his/her objection only upon the request of deposing counsel.

Counsel shall not make objections or statements that might suggest an answer to a witness and shall avoid speaking objections except in extraordinary circumstances.

(c) Counsel SHALL NOT instruct a witness not to answer a question unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court. The objection had better be good.

(d) Counsel and their witness-clients SHALL NOT engage in private off-the-record conferences during depositions or during breaks regarding any of counsel's questions or the witness's answers except for the purpose of deciding whether to assert a privilege. **Any conferences that occur pursuant to or in violation of this rule are a**

proper subject for inquiry by deposing counsel to ascertain whether there has been any witness-coaching and, if so, what. Any conferences that occur pursuant to or in violation of this rule shall be noted on the record by the counsel who participated in the conference. The purpose and outcome of the conference shall be noted on the record.

(e) Deposing counsel shall provide to the witness's counsel a copy of all documents shown to the witness during the deposition. The copies shall be provided either before the deposition begins or contemporaneously with the showing of each document to the witness. The witness and the witness's counsel do not have the right to discuss documents privately before the witness answers questions about them. *See* subsection (d) above.

(f) Depositions are limited to no more than seven hours of time on the record. Breaks are not included when calculating the duration of the deposition.

8. Serving Discovery Prior to Expiration of the Discovery Period

All discovery requests must be served early enough that responses thereto are due on or before the last day of the discovery period.

9. Extensions of the Discovery Period

Motions requesting an extension of the discovery period must be made prior to the expiration of the existing discovery period, and such motions ordinarily will be granted only in cases where good cause is shown.

Any party seeking to re-open and extend discovery pursuant to Uniform State Court Rule 5.1 must provide a summary of the discovery that remains to be completed,

why such discovery was not completed during the discovery period, and how many discovery extensions were granted prior to the close of the discovery. A motion to re-open and extend discovery, even if upon consent, will only be granted for good cause shown.

10. Discovery Disputes

Prior to filing a motion to compel discovery, the movant—after conferring with the respondent in a good faith effort to resolve the dispute by agreement—should contact Ms. Dees via email and with copies to all parties and notify her that the movant seeks relief with respect to a discovery matter. **Parties are directed to meaningfully confer in good faith in person or by phone prior to contacting the Court to request assistance with discovery disputes.** Ordinarily, Ms. Dees will then schedule a conference call or meeting in which the Court will attempt to resolve the matter without the necessity of a formal motion.

This process shall not apply to post-judgment discovery.

Motions to Compel filed without following the above procedure will be denied.

11. Hearings on Motions.

In the event a case is placed on this Court's Civil Motions Calendar, the parties should be prepared to discuss **all** pending motions if said motions are fully briefed.

12. Mediation

All parties are required to mediate unless excused from so doing by the Court. The parties may use the DeKalb Dispute Resolution Center, (404) 370-8194, or may select a mutually-agreed-upon private mediator. If the parties wish to use the

DeKalb Dispute Resolution Center, they must submit a consent order for Judge Anderson's signature ordering them to mediate at the DeKalb DRC. All parties are required to mediate in good faith and with an effort to resolve ALL issues in the case. **If an insurance carrier is involved, a representative *with full settlement authority* must attend the mediation in person unless prior approval is obtained from the Court.**

13. Scheduling Conferences

Normally, the Court will conduct a scheduling conference after discovery has closed. The lead counsel is required to appear at the scheduling conference, unless excused by the Court prior to the hearing. The purpose of the scheduling conference is to establish specific deadlines for any outstanding discovery, motions for summary judgment, Daubert motions, mediation, submission of a consolidated pretrial order, and a trial date.

A sample of the Scheduling Order to be entered by the Court is available on the Court's website (www.dekalbstatecourt.net). The Court encourages the parties to discuss the deadlines contained in the Scheduling Order prior to the Scheduling Conference. The parties are NOT required to submit a Scheduling Order prior to the Scheduling Conference.

Failure to appear at the scheduling conference may result in the dismissal of the case for want of prosecution or the striking of pleadings. At a minimum, the Court will set the deadlines provided in the Scheduling Order without input from the absent party. The Court will not entertain requests

to appear by phone, except in extreme circumstances.

14. Pretrial Orders

Pretrial Orders must be submitted by the deadline set at the scheduling conference. When the pretrial order is submitted, the case shall be ready for trial. The statement of contentions in the Pretrial Order will govern the issues to be tried. The plaintiff shall make certain all theories of liability are explicitly stated, together with the type and amount of each type of damages sought. The specific actionable conduct should be set out. In a multi-defendant case, the actionable conduct of each defendant shall be identified. The defendant shall explicitly set out any affirmative defenses upon which it intends to rely at trial as well as satisfy the above requirements with respect to any counterclaims.

All exhibits and witnesses intended to be introduced at trial shall be identified specifically in the pretrial order. It is not sufficient to include boilerplate language covering groups of potential witnesses, such as "all individuals identified during discovery." Instead, witnesses to be called at trial must be identified **by name**. Failure to identify a witness, including an expert witness, by name in the consolidated pretrial order may result in the exclusion of the undisclosed witness's testimony from trial. In listing witnesses or exhibits, a party may not reserve the right to supplement his list, nor should a party adopt another party's list by reference.

Witnesses and exhibits not identified in the Pretrial Order may not be used during trial unless good cause is shown and except to prevent a manifest injustice.

In the Pretrial Order, each party shall identify to opposing counsel each deposition,

interrogatory or request to admit response, or portion thereof, which the party expects to or may introduce at trial, except for responses used for impeachment purposes. All exhibits, depositions, and interrogatory and request to admit responses shall be admitted at trial when offered unless the opposing party indicates an objection to it in the Pretrial Order. The Pretrial Order will be strictly adhered to during the trial. Any witness, evidence or claim not contained therein shall be excluded.

15. Motions *in Limine* and Objections to Deposition Testimony

Deadlines to file motions *in limine* and objections to deposition testimony will be established at the scheduling conference. The parties are required to discuss in good faith any general motions *in limine* as well as objections to deposition testimony to see if any motions or objections can be resolved **prior to** filing a formal motion. The Court reserves the right to reserve ruling on any motion that is filed prior to following the process outlined above.

For any general motions *in limine* or objections to deposition testimony that cannot be resolved, the parties are to file the unresolved motions or objections along with any transcripts, arguments and citations no later than five (5) business days before trial.

Motions *in limine* regarding case specific evidentiary issues should be brought to the Court's attention at least ten (10) business days before trial in case a special hearing is needed. **In such a case, the Court will schedule a hearing on a date prior to trial so that all known evidentiary issues are resolved before the trial begins.** Motions *in limine* filed the day of trial may be reserved.

16. Proposed Orders

If the parties intend to submit a proposed order along with any motion, a Word version of the proposed order must be submitted Ms. Videki.

17. Jury Charges

All requests to charge shall be submitted to the Court in Microsoft Word format *via* e-mail to Ms. Dees. The original requests to charge must be filed with the Clerk of Court. Pattern charges should be requested by number and title only and may all be listed on one page. All non-pattern charges shall be numbered consecutively on separate pages as provided by Uniform State Court Rule 10.3. Non-pattern charges must contain citations of authority supporting the requested charge.

18. Technology

Our courtroom has some electronic equipment for use by counsel at trial. For more information about the equipment, please contact Ms. Videki. It is the parties' responsibility to make sure they know how to use the equipment available, to have the cords necessary to hook up to the equipment and to ensure that the parties' equipment interfaces with the Court's technology.

If a party intends to use the courtroom's technology at a hearing or trial, said party must contact Ms. Videki three (3) business days prior to the hearing or trial and schedule a time to test the equipment to ensure there is no delay due to technology issues.

SO ORDERED, this 15th day of January, 2020.

The Honorable Kimberly K. Anderson

Judge, State Court of DeKalb County