IN THE STATE COURT OF BRYAN COUNTY

STATE OF GEORGIA

RE: STANDING ORDER NO. 2023-1 FOR ALL CIVIL CASES INSTRUCTIONS TO THE PARTIES

AS OF JANUARY 15, 2024, PLEASE NOTE THAT EMAIL ADDRESSES HAVE CHANGED AS FOLLOWS:

1. THE EMAIL ADDRESS TO CONTACT AMBER MERRIAM IS NOW AMERRIAM@BRYANCOUNTYGA.GOV.

2. THE EMAIL ADDRESS TO CONTACT HECTOR DELGADO IS NOW HDELGADO@BRYANCOUNTYGA.GOV.

IN THE STATE COURT OF BRYAN COUNTY

STATE OF GEORGIA

STANDING ORDER NO. 2023-1 FOR ALL CIVIL CASES
INSTRUCTIONS TO THE PARTIES

The purpose of this Order is to inform the parties and their counsel of the Court's policies, practice and procedure. It is issued to promote the just and efficient determination of the Court's caseload. This Order, in combination with this Court's Standing Orders and the Georgia Civil Practice Act shall govern this case.

CASE ADMINISTRATION

1. Contacting Chambers

Amber Merriam, our Court Administrator, is your principal point of contact on matters relating to this case. Ms. Merriam may be reached by telephone (912-653-4500) or by e-mail (amerriam@bryan-county.org). Mailed, couriered, and hand delivered communications should be addressed as follows:

Ms. Amber Merriam
Court Administrator
151 College St.
Post Office Box 787
Pembroke, Georgia 31321

Any documents required to be filed in this case should be addressed and delivered to the Clerk of State Court rather than Ms. Merriam.

The Court's staff attorney is Hector M. Delgado. He can be reached by telephone (912-910-9703) or e-mail (hdelgado@bryan-county.org). Neither the parties nor their counsel should discuss the merits of the case with Ms. Merriam or Mr. Delgado.

While the Court encourages counsel to communicate with Chambers, such communication shall be in writing and delivered in hard copy or e-mailed to Ms. Merriam with copies of such communications also provided to all counsel of record, unless otherwise allowed by law.

As a general point of reference, counsel and the parties are also discouraged from reaching the Court regarding questions on Court preferences. The Court does not practice through emails or telephone calls and does not respond to these types of questions. The proper method to place a matter before the Court is through the filing of an appropriate motion and/or otherwise following the applicable legal procedure pursuant to Georgia law. That is in essence, the preference of the Court.

Legal professionals other than attorneys are discouraged from engaging in direct contact with the Court, given the potential violation of these guidelines by a person that is not an officer of the Court, as well as to eliminate the potential for the unauthorized practice of law.

The Court, via Ms. Merriam, communicates with counsel via email, if necessary. To avoid inappropriate ex parte communications, submit all questions, explanations, or discussions concerning your case by email, with a copy to opposing counsel. To prevent miscommunications and inappropriate ex parte communications, avoid telephoning Chambers except in exceptional circumstances.

In no instance, should counsel directly email the Judge or copy the judge or correspondence.

2. Courtesy Copies

Parties are reminded of their obligations under Uniform Superior Court Rule 6.1. When an attorney or party e-files a motion or any response, the attorney or party shall

notify the opposing counsel/parties and the assigned judge or the judge's designee by e-mail of the motion or response contemporaneously but no later than 24 hours after e-filing. Failure to provide copies of filings as required may result in the imposition of sanctions, specially if the failure to provide copies results in the case being continued or delayed.

CASE MANAGEMENT

1. Extension 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 and firm deadlines. Motions for extensions, whether opposed, unopposed, or by consent, will be granted only upon a showing of good cause. Such motions must provide a detailed, fact-based explanation of the need for the extension including the amount of the actual time needed to provide outstanding discovery, along with a proposed order for the Court's consideration. 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 file contemporaneously with the motion. The motion should address all significant deadlines to be extended.

2. 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 counsel has specific goals and an agenda for the conference.

3. 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 its responsive pleading, an averment in its opponent's pleading on the grounds that the averment raises a matter of law rather than fact.

4. Discovery Responses - Boilerplate and General Objections

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

Moreover, general objections are disfavored, i.e., a party should avoid including in its 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, e.g., the attorney-client privilege, the work product immunity from discovery, the requirement that discovery requests be reasonably calculated to lead to the discovery of admissible evidence, and the prohibition against discovery requests that are vague, ambiguous, overly broad, or unduly burdensome. Instead, each individual discovery request should be met with every specific objection thereto - but only those objections that actually apply to that particular request. Otherwise, it is impossible for the Court or the party upon whom the discovery response is served to know exactly what objections have been asserted to each individual request. All such general objections will be disregarded by the Court.

Finally, a party who objects to a discovery request, yet responds to the request, must indicate whether the response is complete. For example, 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 objection(s). Evidence attempted to be introduced at trial which was requested and not disclosed during the discovery period **shall not** be admitted.

The parties are expected to observe the limitations regarding the number and scope of interrogatories as stated in O.C.G.A. § 9-11-33(a)(1). Counsel's or a pro se litigant's signature on the interrogatories constitutes a certification of compliance with those limitations. Interrogatories should be brief, straightforward, neutral, particularized and capable of being understood by jurors when read in conjunction with the answer. Ordinarily, they should be limited to requesting objective facts, such as the identification of persons or documents, dates, places, transactions and amounts. Argumentative interrogatories, attempts to cross-examine and multiple repetitive interrogatories are objectionable.

Requests for Admissions are limited to 25 per party, including subparts, absent leave of Court. If a party submits more than 25 RFA's without the Court's permission, the served party must respond only to the first 25 and may disregard the remainder. 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.

5. 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 objections during depositions, he or she should limit the objections to only "objection to form." Defending counsel should only elaborate on his/her objection upon the request of deposing counsel. Defending counsel should 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 needs to be well supported.

d. Counsel shall not make objections or statements that might suggest an answer to a witness. Counsel's statements when making objections should be succinct and verbally economical, stating the basis of the objection and nothing more.

e. Counsel and their witness-clients should 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 or to clarify a previous answer. 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 also be noted on the record.

f. 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 in discovery or, at the latest, before the deposition begins. The witness and the witness's counsel do not have the right to discuss documents privately before the witness answers questions about them.

g. Depositions are limited to no more than seven hours of time on the record. Breaks do not count when calculating the duration of the deposition.

6. Serving Discovery Prior to Expiration of the Discovery Period

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

7. 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 in cases where good cause is shown, as long as such requests comply with the

requirements set forth herein. However, the scheduling of experts will not be deemed as good cause.

8. Motions in General

a. All Motions shall be accompanied by a proposed Order (long orders are required in more extensive motions such as Motions for Summary Judgment) in Word format emailed to Ms. Merriam. Do not attempt to file a Proposed Order with the Clerk's office.

All Motions *in Limine* shall be emailed to Ms. Merriam in Word format contemporaneously with the filing with the Clerk.

The length of any motions shall not exceed twenty-five (25) pages. If counsel believes a motion requires more than twenty-five (25) pages, permission from the Court must be sought first. Any motion filed with twenty-five (25) pages or more without first obtaining the permission of the Court will be **denied** as a non-conforming brief.

b. For the following Motions: Motion to Dismiss, Motion for Summary Judgment, Motion to Compel, Motion to Exclude, or any Motion where the Court specifically requests it, Exhibit "A" or "1" shall be the filing attorney's hours expended in drafting and researching the motion or response and the corresponding hourly rate and costs. The Court may award attorney's fees for the Motion or Response if either is found to be frivolous. There is no limit to the number of other exhibits attached.

9. Motions to Compel Discovery and Objections to Discovery

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 - **shall** contact

Ms. Merriam via email and notify her that the movant seeks relief with respect to a discovery matter. Copy all other parties with the email. Parties are directed to meaningfully confer in good faith in person or on the phone prior to contacting the Court to request assistance with discovery disputes.

Ordinarily, Ms. Merriam will then schedule a conference 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.

If any dispute is not resolved through these methods or a formal motion and the parties continue to have ongoing discovery disputes, the Court will appoint a discovery Special Master to handle the discovery disputes, with costs to be paid by the attorneys - not the parties unless the disputes are the result of a party's instructions to its respective counsel.

10. Motions for Summary Judgment and Daubert Motions

All Motions for Summary Judgment and Daubert Motions shall be filed within 30 days of the close of discovery, except in extraordinary circumstances and with permission by the Court.

11. Mediations

In all contested cases, the parties shall, within sixty (60) days of the close of discovery, either attempt mediation or obtain an exemption from the Court from this requirement. In order to ensure that a case has been submitted to mediation prior to pre-trial conference or trial, or has been exempted therefrom, no party should request a pre-trial conference or trial without first complying with this Order.

Upon the party's completion of mediation, counsel shall file an attestation of that fact with the Clerk of Court with an indication of the result of mediation. A copy must be submitted to the Court by emailing the same to Ms. Merriam.

12. Pretrial Orders

The statement of contentions in the Pretrial Order governs the issues to be tried. The plaintiff should make certain that all theories of liability are explicitly stated, together with the type and amount of each type of damage sought. The specific actionable conduct should be set out, and, in a multi-defendant case, the actionable conduct of each defendant should 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.

The exhibits and witnesses intended to be introduced at trial shall be specifically identified. It is not sufficient to include boiler plate 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 expert witnesses, by name in the consolidated pretrial order shall result in the exclusion of the undisclosed witness' testimony at trial.** In listing witnesses or exhibits, a party shall not reserve the right to supplement his list.

Witnesses and exhibits not identified in the Pretrial Order shall be excluded, unless it is necessary to allow them to be introduced to prevent a manifest injustice. However, impeachment witnesses and documents are not required to be listed.

In preparing 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 impeachment. 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.**

Exhibit A to the Consolidated Pre-Trial Order shall consist of Plaintiff's Exhibit List which shall be a table in the following example format:

NO.	Description of Exh.	Witness Identifying	Offered	Admitted w/or wo/obj	Not admitted
1.	Accident Report				
2.	Picture of Scene				
3.	Picture of vehicle				

Exhibit B shall be Defendant's Exhibit List in the same format.

13. Pretrial Conference, Motions *in Limine*, and Pretrial Matters

Generally, the Court will conduct a pretrial conference. The parties are required to file a Consolidated Pretrial Order at least one week before the scheduled conference. The purpose of the conference is to simplify the issues to be tried, to assist in settlement negotiations where appropriate, and to give the parties a specially set date for trial. Lead counsel is required to appear at the pretrial conference, unless leave of the court has been obtained.

The parties will be required at the pretrial conference to identify the specific witnesses they will call in their case in chief at trial.

Motions *in Limine* and, if possible, responses thereto shall be filed before the pretrial conference. The parties are directed to discuss any filed Motions *in Limine* before the pretrial conference, so that they may inform the Court at the conference which, if any, will need to be addressed by the Court. Motions *in Limine* regarding case specific evidentiary issues should be brought to the attention of the Court at the pretrial hearing as a special hearing may need to be scheduled prior to trial.

Prior to trial, counsel shall make a good faith effort to resolve any objections in depositions to be presented at trial. All unresolved objections, together with the transcript, argument, and citations, shall be filed, with an electronic copy to the Court, no later than two months prior to trial.

14. Trial

Requests to charge and proposed verdict forms are required to be submitted to the Court, via email to Ms. Merriam, in Word format, thirty (30) business days before the first day of trial. The original request to charge shall be e-filed with the Clerk of Court. The Court has a standard charge in civil cases covering subjects such as the standard of proof, experts, and witness credibility. Pattern charges should be requested by number and title and may all be listed on one page. All non-pattern charges shall be numbered consecutively on separate pages as provided for in Uniform State Court Rule 10.3. Non-pattern charges must contain citations to the legal authorities supporting the charge requested.

The goal of this Court is to ensure there are no filings at least two weeks prior to trial. If either party files a motion and/or response during the week immediately prior to trial, the Court shall remove the case from the trial docket. However, if the Court

determines such filing was a delay tactic, the filing party or counsel will be held in contempt and a hearing scheduled.

15. Technology

If you intend to use any electronic devices in presenting your trial, be advised that the Court's A/V equipment, at present, is very limited.

Please contact Ms. Merriam via e-mail to discuss compatibility. You must contact her at least two weeks prior to trial to schedule a date/time to test any A/V material you intend to use during the course of the trial. In addition, if either or both parties wish to set up their equipment prior to the first day of trial, please submit this request several days in advance. If possible, in light of regular courtroom use, your request may be honored with some restrictions and/or limitations.

16. Applicability

The provisions of this Order shall govern in all civil cases. All prior standing orders shall remain in place. To the extent that a conflict exists between this Order and a prior standing order, the provisions of this Order shall govern.

SO ORDERED, this 30th day of October, 2023.

HON. BILLY E. TOMLINSON
Judge, State Court of Bryan County
State of Georgia