

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

,	
Plaintiff(s),	
v.	CIVIL ACTION
,	NO.
Defendant(s).	

SCHEDULING ORDER

The parties having conferred in an effort to reach a negotiated resolution, limit and simplify issues, and the deadlines addressed in this Scheduling Order, IT IS HEREBY ORDERED as follows:

1. DISCOVERY.

(a) Discovery closes _____.

- [Personal Injury – 6 months; Complex Personal Injury – 12 months; Medical Malpractice – 12 months; Complex Medical Malpractice – 18 months; Contract – 4 months; Other – 6 months]

(b) The parties must supplement their responses to any applicable discovery request as required by OCGA § 9-11-26 (e) and as soon as possible, but **no later than 15 days after the close of discovery** and again seasonably up until trial.

(c) Any motion for an extension of time for discovery must be filed with the Court **prior to the expiration** of the existing discovery period. **Otherwise,**

the motion will be denied summarily. Likewise, extensions will only be granted if the parties promptly commenced and diligently pursued discovery.

2. EXPERT DISCOVERY must be completed by the discovery deadline set forth in Section 1 (a):

- (a) The plaintiff(s) shall identify experts who are expected to testify at trial no later than _____. Such identification shall include the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion, in accordance with OCGA § 9-11-26 (b) (4) (A) (i). Discovery depositions of all experts identified by the plaintiff(s) shall be completed no later than _____.
- (b) The defendant(s) shall identify experts who are expected to testify at trial no later than _____. Such identification shall include the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion, in accordance with OCGA § 9-11-26 (b) (4) (A) (i). Discovery depositions of all experts identified by the defendant(s) shall be completed no later than _____.
- (c) The parties shall disclose any rebuttal experts within 30 days of the conclusion of the deposition of the expert to be rebutted, but no later than _____, and shall make any rebuttal experts available for discovery deposition no later than _____. Such disclosure shall include (i) the subject matter on which the expert is expected to testify, (ii) the substance of the facts and opinions to which the expert is expected to testify, and (iii) a summary of the grounds for each opinion, all in accordance with OCGA § 9-11-26 (b) (4) (A) (i).

3. EXTENSIONS OF TIME.

The Court is responsible for the efficient processing of cases towards prompt and just resolutions. **To that end, motions for extension will not be granted as a matter of course.**

Even so, the Court knows that being a lawyer is not easy. The profession is taxing and rife with stress, even in the best of times. So, recognizing these challenges, **the Court permits any attorney to request extensions or continuances on an ex-parte basis when the attorney's wellbeing is at issue.** This includes problems with depression, alcohol/drug abuse, family problems, workplace conflicts, and other similar issues. While each situation is different, the Court will endeavor to meet the attorney's needs.

4. AMENDMENTS of pleadings (i) to add, create, or expand counts, claims, or means of liability, (ii) to expand the means of recovery or damages, (iii) to join additional parties, or (iv) to substitute parties for fictitiously named parties (*e.g.*, John Doe or XYZ Corporation) must be made no later than 60 days prior to the close of discovery.

5. DISPOSITIVE MOTIONS.¹

Motions brought under OCGA § 9-11-56, OCGA § 24-7-702, and all other dispositive motions must be filed no later than 30 days after the close of discovery. **This deadline is not flexible.**

In addition, prior to filing any motion regarding expert testimony, the parties shall meet and confer in a good-faith effort to resolve the evidentiary issue(s).

6. The parties agree to MEDIATE by _____.
7. A PROPOSED CONSOLIDATED PRE-TRIAL ORDER will be filed no later than _____, unless otherwise instructed.

As for the format, the proposed consolidated pre-trial order must mirror the example found in Uniform Superior Court Rule 7.2 and

¹ Dispositive motions are those that effectively terminate a case, claim, crossclaim, counterclaim, and so on. A motion for summary judgment, by definition, is a dispositive motion. So are motions to dismiss.

identify exhibits and witnesses with specificity. In this regard, it is improper to include boilerplate language covering groups or classes of potential witnesses, such as all ‘individuals identified during discovery.’ And **neither party may reserve the right to supplement its list nor adopt another party’s list by reference.**

- Failure to timely file a proposed consolidated pretrial order in the format described above will result in sanctions. The failure to cooperate will also result in sanctions upon the non-cooperating counsel.

Failure to comply with this Scheduling Order may result in sanctions, including striking of pleadings, imposition of attorney fees, and exclusion of witnesses and evidence. Except for good cause shown and by Order of this Court, the deadlines set forth by this Scheduling Order shall not be amended.

SO ORDERED.

DATE: _____.

Judge Jane Morrison
State Court of Fulton County

Consented to by All Parties