

JUDGE EDLEIN'S STANDING ORDER IN E-FILE CASES

Having found that the interests of the parties and the orderly management of the Court's business would be served by setting a schedule for this litigation and by stating the practices and procedures of this Court,

IT IS HEREBY ORDERED that, unless specifically exempted, counsel for all parties confer, in person or by telephone, in an effort to settle the case, discuss discovery, limit issues, and discuss other matters addressed by the Case Management Order ("CMO"). This early planning conference shall be held *no later than thirty (30) days after the appearance of a defendant by answer*. Counsel for the plaintiff(s) shall ensure that this early planning conference is timely scheduled and completed.

IT IS FURTHER ORDERED that, unless specifically exempted or unless the case is successfully resolved during the early planning conference, the parties are required to complete and e-file a proposed CMO for the Court's review *no later than forty-five (45) days after the appearance of a defendant by answer*. The proposed CMO shall be consolidated and e-filed by counsel for the plaintiff(s); a Microsoft Word version of the CMO may be requested from the Court's Judicial Assistant, Kimberley Davis, via email to Kimberley.Davis@fultoncountyga.gov. The consolidated CMO must be e-filed with the Court. Information about e-filing and the State Court E-File Standing Order can be found at <http://fultonstate.org/>

If a party fails or refuses to participate in the early planning conference and/or completion of the proposed CMO, counsel for the plaintiff(s) shall so indicate when e-filing the proposed CMO. If the parties fail to reach agreement on portions of the proposed CMO, each party's proposal shall be included in the proposed CMO with a notation in **bold** that the parties failed to reach agreement on that particular portion.

A party's failure to comply with the terms of this Standing Order may result in sanctions, including but not limited to dismissal of the complaint or striking of the answer, as appropriate.

SO ORDERED this 30th day of November, 2020.

/s/ Susan E. Edlein
Susan E. Edlein
Judge, State Court of Fulton County

**IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	NO. ___EV_____D
)	
)	
)	
Defendant.)	

CASE MANAGEMENT ORDER

Pursuant to Judge Edlein’s Standing Order in E-File Cases, the parties conducted an early planning conference on _____, with the following counsel (and/or pro se parties) in attendance:¹

<u>Party</u>	<u>Counsel (name and email address)</u>

Parties not in attendance: _____

The parties having conferred in an effort to settle the case, discuss discovery, limit issues, and discuss other matters addressed by this Case Management Order (“CMO”) and pursuant to the Supreme Court of Georgia’s Orders Declaring and Extending Statewide Judicial Emergency²,

¹ Please also provide those parties (with answers on file) who failed to attend the early planning conference.

² Supreme Court of Georgia, Court Information Regarding the Coronavirus, <https://www.gasupreme.us/> (accessed October 13, 2020).

IT IS HEREBY ORDERED that:

- **DISCOVERY** (including, but not limited to, written discovery, depositions, and any expert discovery) commenced on _____ pursuant to USCR 5.1 and shall close on _____ (on or before the **below** date rebuttal experts' depositions must be completed).

The parties are directed to work together to schedule depositions virtually, if appropriate, and any in-person discovery, such as depositions and inspections.

Guideline: Personal Injury – 6 months; Complex Personal Injury (including Wrongful Death) – 12 months; Medical Malpractice – 12 months; Complex Medical Malpractice (including Wrongful Death) – 18 months; Contract – 6 months; Complex Contract – 12 months; Other – 6 months (12 months if Complex)

Basis for any departure from the guideline or for “complex” designation:³

_____.

- **EXPERT DISCOVERY** (if applicable): **All expert discovery must be completed by the above discovery deadline.** The plaintiff(s) shall identify experts that are expected to testify at trial no later than _____. Discovery depositions of all experts identified by the plaintiff(s) shall be completed no later than _____. The defendant(s) shall identify experts that are expected to testify at trial no later than _____. Discovery depositions of all experts identified by the defendant(s) shall be completed no later than _____. The parties shall disclose any rebuttal experts within 45 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 deposition no later than _____.
- **MEDIATION** shall be completed no later than _____ (15 days after the close of discovery). Mediation may be conducted: (1) virtually; (2) in-person, ensuring compliance with social distancing guidelines; or (3) a combination of in-person and virtual presence.

In all cases, all parties shall appear in such a way that everyone can be heard and seen to participate in this mediation to make a good faith effort to resolve the issues involved in this case. In the event that the named parties and counsel do not have full settlement

³ Complex cases involve large number of parties, large number of claims and defenses, highly technical and exceptionally complex issues and proof, multiple experts, greater than normal amount of documents and evidence (including electronically-stored information), problems locating and preserving documents and evidence (including electronically-stored information), and extensive discovery outside the State of Georgia.

authority, those entities who do have authority shall attend the mediation along with parties and counsel.

The parties shall contact the Office of Alternative Dispute Resolution (ADR) of the Fulton County Courts at (404) 612-4549, or select a mutually agreed upon private mediator, and arrange for mediation to take place prior to the deadline set forth above. Alternatively, the parties may request a referral to a Judicially-Hosted Settlement Conference. Such request shall be directed to the Court's Staff Attorney no later than ninety (90) days prior to the mediation deadline set by the CMO and shall set forth the reasons for the request.

- **DISPOSITIVE** and/or **RULE 702 MOTIONS** shall be filed no later than thirty (30) days after the close of discovery. Prior to filing any Rule 702 motion, the parties shall meet and confer in a good faith effort to resolve the evidentiary issue(s).
- **TRIAL BY JURY** shall be set by placement on the Court's Civil Jury Trial calendar approximately sixty (60) days after the close of discovery (if no motions pending) or on the next civil trial calendar after the Court's order on any dispositive and/or Rule 702 motions. To request a special setting, the parties **shall** contact the Court's Staff Attorney, Lisa Liang, via email lisa.liang@fultoncountyga.gov and state the basis for the request no later than the close of discovery.

The Supreme Court of Georgia's Fifth and Sixth Orders Extending Declaration of Statewide Judicial Emergency continued the prohibition on conducting jury trials. The Seventh Order⁴ ended the blanket suspension of grand jury and jury trials; however, it is unknown when jury trials in Fulton County will resume, particularly in civil cases such as this. The Court encourages the parties to try to resolve this matter without the need for a trial. If the parties agree, the Court is available to try this case as a bench trial.

IT IS FURTHER ORDERED that the following **PRACTICES** and **PROCEDURES** govern this litigation:

- **DISCOVERY DISPUTES** – in addition to the obligations set forth by USCR 6.4(B), the parties shall meet and confer – (1) virtually or telephonically; (2) in-person, ensuring compliance with social distancing guidelines; or (3) a combination of in-person and virtual or telephonic presence -- in a good faith effort to resolve any discovery disputes and, in the event the parties are unable to resolve the disputes, contact Ms. Liang to request a telephonic hearing with the Court, prior to filing any discovery motion. The Court will schedule a telephonic or virtual hearing, if appropriate, or instruct the parties to brief the matter.
- **WITNESSES** – the parties shall supplement the identification of witnesses (except for purposes of impeachment), in response to any applicable discovery request, no later than

⁴ https://www.gasupreme.us/wp-content/uploads/2020/10/7th-SJEO_FINAL.pdf

fifteen (15) days after the close of discovery. Failure to do so, absent extraordinary circumstances, will result in the exclusion of the unidentified or late-identified witness.

- **COMMUNICATION WITH THE COURT** – the parties may contact Ms. Liang to inquire regarding any procedural issue (scheduling, case status, Court requirements, etc.) and/or to arrange a status conference or hearing. Email correspondence, ensuring all parties are copied to the email, is highly preferred. Unless instructed by the Court, the parties shall not submit letter briefs (including substantive emails addressing the merits) or “carbon copy” the Court on correspondence between the parties and addressing the merits.
- **MOTIONS AND RESPONSES** – pursuant to 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 parties and Ms. Liang (lisa.liang@fultoncountyga.gov) by e-mail of the motion or response contemporaneously but no later than 24 hours after e-filing.
- **PROPOSED ORDERS and COURTESY COPIES** – the parties shall e-file proposed orders and any courtesy copies of proposed orders (if requested) shall be emailed to Ms. Liang in Word format. The parties are discouraged from submitting courtesy copies of briefs to the Court, unless specifically requested. The parties, however, may contact Ms. Liang regarding any consent/joint filings or other filings necessitating prompt action by the Court.
- **ORIGINAL DEPOSITION TRANSCRIPTS** – the parties shall e-file scanned copies in lieu of original deposition transcripts and retain original deposition transcripts until specifically requested by the Court or trial.
- **JUDICIAL EMERGENCY/COVID:** In the event the Statewide Judicial Emergency and/or the Atlanta Judicial Circuit’s Judicial Emergency are extended and/or COVID-19 related issues arise – including any public health concerns and known individual health, economic, or other concerns regarding the litigants, lawyers, witnesses, or other persons who may be involved in the case – that prevent the parties from complying with this Case Management Order, the parties shall contact Ms. Liang, by email, to raise any scheduling issues or request a status conference. The parties shall be prepared to submit a proposed Amended Case Management Order after consideration of all related issues.

Failure to comply with this Order or to contact Ms. Liang concerning the deadlines imposed in this Order prior to the expiration of the deadlines, may result in sanctions, including striking of pleadings, imposition of attorneys’ fees, and exclusion of witnesses and evidence. Except for good cause shown and by Order of this Court, the deadlines set forth herein shall not be amended.

Lawyers are reminded of their obligations of professionalism. The Court is sensitive to health and other concerns raised by court officials, litigant and their lawyers, witnesses, and others. We shall all offer our colleagues in the practice of law concern for one another's welfare and keep our business a profession and a calling in the spirit of public service.

This ____ day of _____, 20__.

Susan E. Edlein
Judge, State Court of Fulton County

Submitted by: