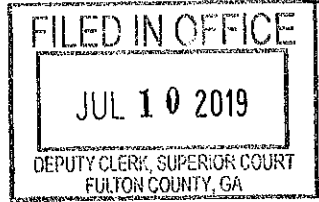


2019-EX-001063

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



IN RE: PROCEDURE FOR ALL  
CIVIL CASES ASSIGNED TO  
JUDGE KRAUSE'S DIVISION

JUDGE RACHEL R. KRAUSE

**STANDING CASE MANAGEMENT ORDER FOR CIVIL CASES IN JUDGE  
RACHEL R. KRAUSE'S DIVISION**

This Order will be provided to Plaintiff at the inception of the case. Plaintiff(s) shall be responsible for providing a copy of this Case Management Order to any and all parties joined in this action following entry of this Order.

The following policies and procedures shall govern the conduct of this case and inform the parties and/or their attorneys of the Court's expectations:

**I. Electronic Filing/Odyssey**

Electronic filing (e-filing) is mandatory. All parties shall create an account with eFileGA and add themselves as a service contact to this case to ensure consistent service of orders and other notices from the Court. Please visit <http://www.odysseyfilega.com> for account registration, information, and training. Please visit <http://www.fultoncourt.org/efile/> to review the Court's Standing Order Regarding Electronic Filing for Civil Cases.

**II. Communication with the Court.**

The Court welcomes communication by email, whenever possible, for the sake of efficiency and economy. Please include your email address on all Court submissions. All email communication with the Court should be directed to [Mitchell.Freehauf@fultoncountyga.gov](mailto:Mitchell.Freehauf@fultoncountyga.gov) and copied to all counsel in the case.

### III. Scheduling and Extensions

#### A. Mandatory Scheduling Order

Within 30 days of service of the answer, the parties shall submit to the Court an agreed proposed Scheduling Order, in the form attached to this Order as Exhibit

A. (A word version of Scheduling Order form is available at <https://www.fultoncourt.org/judges/viewjudge.php?id=78>). The deadlines in the Order shall be calculated as follows:

<b><u>Task</u></b>	<b><u>Deadline</u></b>
Plaintiff Expert Disclosures	90 days before the close of discovery
Defendant Expert Disclosures	60 days before the close of discovery
Rebuttal Expert Disclosures	45 days before close of discovery
End of Discovery	Typically 6 months from the date of the answer, but the parties can agree on a reasonable period, longer or shorter, as necessary for the case
Dispositive & Daubert Motions	30 days after the close of discovery
Deadline to Mediate	Typically 90 days after the after close of discovery, but the parties may agree on a reasonable period, longer or shorter, as necessary for the case
Consolidated Pre-trial Order Due	7 days before the Pre-Trial Conference
Pre-trial Conference	7 -14 days before the first day of the trial week on which the case first appears
Trial	Typically, the first available civil trial week occurring 120 days after the close of discovery, but the parties can agree on a reasonable period

(The parties are encouraged to consult a calendar when setting deadlines and choose dates that fall on a business day, rather than a weekend.) Once entered, the parties may not stipulate to a change in the deadlines.

## **B. Extensions/Amendments to the Scheduling Order**

Extensions of the deadlines in the Scheduling Order are disfavored and will generally not be granted, except in extraordinary circumstances and only upon a motion filed, before the expiration of the applicable deadline, showing good cause as to why an extension is necessary. A motion, entitled Motion for Amended Scheduling Order, seeking an extension of the deadlines shall include the following:

1. all current deadlines and all requested extended deadline dates, including all affected deadlines;
2. a list of discovery tasks accomplished as of the filing of the motion and a schedule of additional tasks to be completed during the requested extension; and
3. a proposed amended scheduling order with all proposed new deadlines.

Motions seeking to extend discovery deadlines that do not include these items will be denied.

## **IV. Discovery**

### **A. Discovery Disputes**

No party may file a motion to compel until the moving party has first discussed the matter with the Court's staff attorney to allow the Court to determine if the dispute may be resolved through a conference call with the court and the parties. Motions filed without first consulting the Court's staff attorney will be denied. The parties must comply with Uniform Superior Court Rule 6.4 and

attempt, in good faith, to resolve the issue before contacting the Court.

## **B. Discovery Motions**

1. Certification of Conferral - When a motion to compel is filed, it shall conform to the requirements of Uniform Superior Court Rule 6.4. Motions filed without a certification that the parties conferred as to the discovery issues in the motion will be denied.

2. Length - A motion to compel with supporting brief shall not exceed 10 pages, double-spaced, excluding the certificate of service page. A response to a motion to compel shall be filed within 10 days of service of the discovery motion and shall not exceed 10 pages, double-spaced.

## **IV. Motions and Briefs.**

### **A. General Requirements**

1. Length - Motions/Briefs, other than discovery motions, shall not exceed twenty-five (25) pages, excluding the certificate of service and exhibits. Ministerial motions (e.g., motion to extend, exceed page limits, withdrawal) shall include a proposed order and submitted to [Mitchell.Freehauf@fultoncountyga.gov](mailto:Mitchell.Freehauf@fultoncountyga.gov), the Court's staff attorney. Parties should provide courtesy copies of motions and exhibits to the Court at the time of filing. Courtesy copies may be hand-delivered or mailed to Chambers.

2. Replies/Sur-replies - No party may file briefing other than the initial and response briefs without leave of court, which may be requested by email explaining why additional briefing is necessary.

3. Failure to Respond - Failure to timely respond to any motion will indicate that there is no opposition to the motion.

### **B. Motions for Summary Judgment**

When a motion for summary judgment is filed, it shall conform to the requirements of O.C.G.A. § 9-11-56 and Uniform Superior Court Rule 6.5. Each party must support its 6.5 statements of fact with citations to record evidence (i.e., including depositions, documents, affidavits, stipulations, admissions, interrogatory responses, etc.).

## **V. Pre-Trial Procedures**

### **A. Consolidated Pre-Trial Orders**

No later than the dates set in the parties' operative scheduling order, the parties shall submit, by email, a fully consolidated pre-trial order directly to the Judge's chambers. The pre-trial order shall be presented in the form prescribed by Rule 7.2 of the Uniform Rules of the Superior Court. (A word version of the Proposed Consolidated Pre-Trial Order form is available at <https://www.fultoncourt.org/judges/viewjudge.php?id=78>).

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 two 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. “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).

#### **B. Trial Dates and Notice**

The Court will generally have at least one civil trial week at the end of each month. The Court will notify the parties and their counsel of trial by publication in the Fulton County Daily Report at least twenty-one days before the call of the first case listed. Immediately upon publication of the trial calendar, the parties are ordered to contact the Staff Attorney ([Mitchell.Freehauf@fultoncountyga.gov](mailto:Mitchell.Freehauf@fultoncountyga.gov)), with the status of the case, the estimated length of trial, and the possibilities for settlement during the trial calendar.

#### **C. Conflicts**

Conflict letters must be submitted one week before the trial calendar begins and shall comply fully with Rule 17.1 of the Uniform Superior Court Rules.

#### **D. Voir Dire**

The Court will generally conduct initial voir dire as to legal excuses and preliminary matters and then allow the parties to conduct their own voir dire as to the case.

#### **E. Jury Charges**

In addition to filing jury charge requests with the Clerk, the parties shall also email a copy in Word format to the Court's Staff Attorney ([Mitchell.Freehauf@fultoncountyga.gov](mailto:Mitchell.Freehauf@fultoncountyga.gov)).

1. Pattern Charges - Each party shall provide a list identifying the title and number of each proposed pattern charge requested by the party, using the current pattern charges published by the Council of Superior Court Judges, (the pattern charges are updated January and July of each year). The parties need not recite the text of pattern charges.

2. Non-Pattern Charges - Parties may request non-pattern charges *only* where there is no pattern charge applicable to the specific issue. Parties requesting non-pattern charges shall provide citation to applicable statutory or case authority.

#### **F. Exhibits**

All exhibits must be pre-marked and numbered for introduction at trial. Additionally, no later than three (3) days before trial, all exhibits shall be scanned individually into .pdf format and emailed to the court reporter - [Ionie.Taylor@fultoncountyga.gov](mailto:Ionie.Taylor@fultoncountyga.gov) - with cc's to all counsel.

### **V. Trial Procedures**

#### **A. Courtroom Technology**

The Court encourages the parties to utilize available courtroom technology for the presentation of their cases. Parties who wish to do so should contacting Court Technology Services at (404) 612-2770 at least one week before trial to ensure

you have the correct training and necessary associated technology, like media players, drivers, etc.

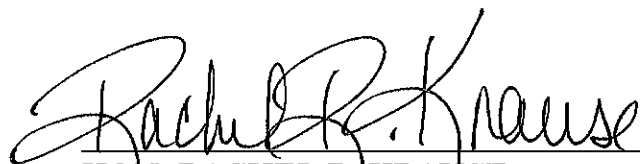
**B. Objections to Questions or Testimony**

When objecting during trial, state only that you are objecting and specify the ground(s) for the objection, which can typically be accomplished in a few words. Further argument or discussion of an objection will not be heard unless requested by the Court or 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.

**C. Court Hours and Promptness**

The Court makes every effort to begin proceedings at the appointed time and expects promptness from counsel, parties and witnesses.

**SO ORDERED**, this 10<sup>th</sup> day July, 2019.

  
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HON. RACHEL R. KRAUSE  
Superior Court of Fulton County  
Atlanta Judicial Circuit