

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

RENE ARTURO VENTURA and)
REINA GUTIERREZ,)
)
Plaintiffs,)
) Civil Action File
vs.) No. 18EV000905Y
)
MARCIA NURSE PLATT,)
)
Defendant.)

DEFENDANT'S PORTION OF THE PRE-TRIAL ORDER

The following constitutes defendant Marcia Nurse Platt's portion of the Pre-Trial Order:

1. The name, address and phone number of the attorneys who will conduct the trial are as follows:

Attorney for Plaintiffs: David T. Lashgari, Esq.
Georgia Bar No. 438517
Lashgari & Associates, P.C.
2470 Windy Hill Road
Suite 214
Marietta, GA 30067-8617
(770) 612-9400

Attorney for Defendant: Daniel C. Prout, Jr.
Georgia Bar No. 588753
Travis J. Meyer
Georgia Bar No. 309781
Waldon Adelman Castilla Hiestand & Prout
900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710

2. The estimated time required for trial is three to four (3-4) days.
3. There are no motions or other matters pending for consideration by the Court except as follows: Defendant has filed Motions in Limine which should not in any way delay

the trial of this case. In addition, defendant reserves the right to file motions to compel non-parties to produce documents which were requested pursuant to O.C.G.A. §9-11-34. Defendant requested a continuance based on an agreement to extend discovery between the parties which was subsequently rescinded by plaintiffs' counsel. Further, defendant also points out that the current Consent Case Management Order states this case will not be called to trial until January 22, 2019.

4. The jury will be qualified as to the relationship with the following: The parties, plaintiffs' counsel and his law firm. The defendant objects to qualifying the members of the jury pool as to their relationship with her attorneys as they do not have a financial stake in the outcome of this case.

5. (a) All discovery has not been completed. Plaintiff supplemented his discovery responses with additional MRI reports. Defendant has requested those images and reports from the provider directly. Defendant has not received that response to date. Further, defendant has identified an expert who will need to review the newly identified MRI images/reports. Defendant will need to obtain a new evidentiary deposition of her expert based on the newly produced MRI reports.

The parties shall be permitted to take depositions of any person(s) for the preservation of evidence for use at trial. Further, the parties shall have the right to take the discovery deposition(s) of any opposing expert(s) who will testify at trial. Each party shall notify the opposing party of his/her intent to introduce "live" expert testimony at trial within a reasonable time prior to trial, so that the opposing party will have ample time to secure the discovery deposition of that expert and to retain his/her own rebuttal expert(s). In addition, the parties reserve the right to file motions to compel non-parties to produce documents which were

requested pursuant to O.C.G.A. §9-11-34.

(b) The names of the parties as shown in the caption to this Order are correct and complete and there is no question by any party as to the misjoinder or non-joinder of any parties.

6. The following is the plaintiff's brief and succinct outline of the case and contentions: (to be supplied by plaintiff).

7. The following is the defendant's brief and succinct outline of the case and contentions: On December 8, 2012, plaintiff Rene Ventura was traveling on Northridge Road toward its intersection with Dunwoody Place. Ms. Platt was traveling directly behind plaintiff Ventura. Ms. Platt's vehicle made contact with the rear of plaintiff Ventura's vehicle. Plaintiff Reina Gutierrez was not involved in the accident.

Ms. Platt is not responsible for any pre-existing or subsequent injury or illness which is not directly related to the accident. The burden of proof is upon the plaintiffs to prove causation of their injuries and damages.

8. The issues for determination by the jury are as follows: Proximate cause and damages.

9. Specifications of negligence including applicable code sections are as follows: (to be completed by plaintiff).

10. If the case is based on a contract, either oral or written, the terms of the contract are as follow: Not applicable.

11. The types of damages and the applicable measure of those damages are stated as follows: Plaintiff Rene Ventura has provided documentation for medical expenses of \$84,638.34 and \$5,071.00 in lost wages. Plaintiff Reina Gutierrez is asserting an unspecified claim for loss

of consortium. She had failed to produce any documentary evidence to support her claim. Defendant objects to the presentation of any evidence, testimony, documentation, or argument concerning any special damages which were not disclosed during the course of discovery and specifically pled in accordance with O.C.G.A. §9-11-9(g).

12. If the case involves divorce, each party shall present to the court at the pre-trial conference the affidavits required by Rule 24.2. Not applicable.

13. The following facts are stipulated: Defendant admits fault for the accident.

14. The following is a list of all documentary and physical evidence that may be tendered at the trial by the parties. Unless noted, the parties have stipulated as to the authenticity of the documents listed and the exhibits listed may be admitted without further proof of authenticity. All exhibits shall be marked by counsel prior to trial so as not to delay the trial before the jury.

(a) By the Plaintiff: (to be supplied by plaintiff).

(b) By the Defendant:

Defendant, at the discretion of his attorneys, may tender:

- 1) Any of the plaintiff's healthcare records or bills, including, but not limited to, the records or bills of the following: Health First Chiropractic Center, Inc.; Luis Naranjo, D.C.; Altergyn, LLC; James Granger, M.D.; OMI Diagnostics; Orthopedic & Spine Specialists of Georgia; Miguel Jimenez, M.D.; Choice One Physical Therapy; Wellstar Cobb Hospital; MRI & Imaging of Georgia; Nick A. DeFilippis, PhD; Advanta Total Health; Richard Schuyler, D.C.; Thomas Federico, M.D.; Walgreens pharmacy; Northside Imaging; American Health Imaging; Adult Medicine of Marietta, P.C.; Take Care Health Georgia, P.C.;

Kaiser Permanente – West Cobb Medical Center; Kaiser Permanente – Cumberland Medical Center; Philip Batista, M.D.; and Atlanta Psychological Associates;

- 2) Any document necessary for purposes of impeachment, cross-examination or rebuttal;
- 3) Any documents identified by the plaintiff in their portion of the Pre-Trial Order;
- 4) The police accident report;
- 5) Photographs, repair estimates, or videos of the involved vehicles, persons, and accident scene;
- 6) Previous accident photographs of plaintiff's vehicle;
- 7) Any records of any of the plaintiff's employers including, but not limited to, the records of Pappadeaux Seafood Kitchen; Pappas Restaurants, Inc.;
- 7) Any records of the following insurers including but not limited to, State Farm; Kaiser Health Plan of Georgia, Inc.;
- 8) Any diagnostic studies, including, but not limited to, MRI, CT and x-ray films; EEG results;
- 9) Any medical narratives identified by the defendant in accordance with O.C.G.A. §24-3-18 and/or O.C.G.A. §24-8-826;
- 10) Any pleadings, discovery, and depositions from this case;
- 11) Any document pertaining to any prior/subsequent accidents, injuries, claims, or lawsuits;
- 12) Any of the plaintiff's cellular phone records, including but not limited to T-Mobile USA, Inc.;

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