

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

LESLI LEBERMAN,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	
	)	FILE NO. 18EV003897
1230 PEACHTREE ASSOCIATES, LLC,	)	
COUSINS PROPERTIES INCORPORATED,	)	
SCHINDLER ELEVATOR CORPORATION,	)	
ABC CORP., CPI SERVICES, LLC, GHI	)	
CORP., JOHN DOE I and DEBORAH	)	
LEIGHTON,	)	
	)	
Defendants.	)	
	)	

JOINT MOTION TO AMEND SCHEDULING ORDER

COME NOW Plaintiff and Defendants and jointly move the Court to amend the Scheduling Order entered by the Court on October 18, 2018 to extend the discovery period by ninety days through December 16, 2019. In support of the joint motion, the parties state as follows:

1.

Plaintiff filed the instant action against Defendants Schindler Elevator Corporation (“Schindler”), 1230 Peachtree Associates, LLC (“1230”), Cousins Properties Incorporated (“Cousins”), ABD Corp., DEF Corp., GHI Corp., John Doe I and John Doe II on August 14, 2018. Schindler and Cousins answered the Complaint on September 17 and 19, 2018 respectively.

2.

Defendant 1230 did not answer, and Plaintiff filed a Motion for Entry of Default Judgment Against 1230 Peachtree Associates, LLC on October 17, 2018. On October 25, 2018, 1230 filed a Motion to Open Default seeking to open the default in the case.

3.

Plaintiff took the deposition of Melissa DeGazia related to the request to open default and filed its opposition to the Motion to Open Default on December 21, 2018. On December 28, 2018, the Court granted the Motion to Open Default.

4.

On November 15, 2018, Plaintiff filed her First Amended Complaint adding CPI Services, LLC (“CPI”) and Deborah Leighton as defendants to the action in place of DEF Corp. and John Doe II.

5.

The Scheduling Order was entered by the Court on October 18, 2018, before the default was set aside as to 1230 and before the two additional parties were added. The parties did not begin taking depositions until after the additional parties had been added and the Court had ruled on the Motion to Set Aside Default.

6.

The parties have been diligently taking discovery and cooperating fully to schedule the depositions. To date, the parties have exchanged written discovery and produced documents, Defendants have requested documents from third party medical providers and Plaintiff’s employers, have deposed the Plaintiff, two Schindler employees and Defendant Deborah Leighton and have identified experts in the case. Defendants are scheduled to depose Plaintiff’s elevator

expert on August 20, 2019 and a treating physician on August 28, 2019. Plaintiff recently identified medical experts who are expected to testify in the case and Defendants expect to identify response medical experts in the next few weeks.

7.

The Scheduling Order requires all discovery, including expert discovery, to be completed by September 17, 2019. The parties are not able to complete the expert and medical depositions in that time frame. Counsel for Schindler Elevator Corporation has a specially set jury trial starting on September 9, 2019. Counsel for Cousins, 1230, CPI and Deborah Leighton also has a specially set jury trial starting on September 2, 2019 and is on a two week trial calendar starting September 9, 2019.

8.

This is the first request to amend the Scheduling Order and to extend the discovery period.

9.

The parties request that the Court amend the Scheduling Order to extend the time for the parties to complete discovery, including expert discovery, through December 16, 2019.

WHEREFORE, Plaintiff and Defendants request that the Court grant the motion to amend the Scheduling Order as requested herein. A proposed Order granting the motion is attached hereto as Exhibit "A"

This 7th day of August, 2019.

/s/ J. Carole Thompson Hord  
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EXHIBIT "A"  
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 LEIGHTON, )  
 )  
 Defendants. )  
 )

ORDER GRANTING JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiff and Defendants having jointly move the Court to amend the Scheduling Order entered by the Court on October 18, 2018 to extend the discovery period by ninety days through December 16, 2019 and for good cause shown in the motion, it is hereby

ORDERED that the Scheduling Order entered on October 18, 2018 is amended to extend the period to complete discovery, including expert discovery, through December 16, 2019.

SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
WESLEY B. TAILOR, JUDGE  
STATE COURT OF FULTON COUNTY

Submitted by:  
J. Carole Thompson Hord  
SCHREEDER, WHEELER & FLINT, LLP

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