

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

ADLWANA RAWLS, INDIVIDUALLY )  
AS NEXT OF KIN OF BENJAMIN )  
DONALD MOORE, DECEASED. )

Plaintiff, )

v. )

CIVIL ACTION FILE NO.  
19EV003615

CC OTV, LLC d/b/a OAK TREE )  
VILLAS APARTMENTS; )  
KENSINGTON STATION, LLC; )  
KENSINGTON APARTMENTS (GFI), )  
LLC; RFI ASSOCIATES, LLC; )  
ALEXANDER PROPERTIES GROUP, )  
INC.; BRIDGE PROPERTY )  
MANAGEMENT, L.C.; ABC CORPS 1- )  
5; and JOHN DOES 1-5 )

Defendants. )

**CONSENT CASE MANAGEMENT ORDER A - WRONGFUL DEATH CASE**

The parties are referred to the Court's Supplemental Standing Case Management Order, (19EX000121, June 29, 2019 (<http://fultonstate.org/chief-judge-diane-e-bessen-division-j/>) for further information concerning the Court's procedures.

1.

PLAINTIFF'S EXPERT(S) shall be disclosed NO LATER THAN **March 11, 2020**.

2.

DEFENSE EXPERT(S) shall be disclosed No LATER THAN **March 11, 2020**.

3.

PLAINTIFF and DEFENSE EXPERTS shall be deposed NO LATER THAN **May 13, 2020**. REBUTTAL EXPERT(S) shall be disclosed NO LATER THAN **July 1, 2020**.

4.

ALL REBUTTAL EXPERTS shall be deposed NO LATER THAN **August 8, 2020**.

5.

ALL WITNESSES shall be deposed NO LATER THAN **August 8, 2020**.

6.

DISCOVERY shall close NO LATER THAN **12 MONTHS** after the last answer is filed, which date is **August 8, 2020**. (This includes, but is not limited to, written discovery and depositions).

There shall be no amendments to the pleadings to add claims, counts, or methods of recovery after **July 8, 2020**.

7.

(a) All PRELIMINARY MOTIONS, including, but not limited to, motions to dismiss, motions regarding venue, service, statute of limitations, or motions to add parties, shall be filed NO LATER THAN **30 days after the entry of this Order**, absent Court Order. (This date may be no later than 30 days after the entry of this Order).

(b) All other SUBSTANTIVE MOTIONS, including motions for summary judgment, and DAUBERT MOTIONS shall be filed NO LATER THAN **September 8, 2020**. (This date may be no later than 30 days after the close of discovery).

(c) There shall be no extensions of these deadlines by agreement of the parties. Any extension of time to file a motion must be made by Order of this Court. **If any motion is filed after these deadlines and without this Court's prior written approval by Order, then the motion will be untimely and may not be considered.**

(d) All motions/briefs are LIMITED to no more than **fifteen (15) pages**, double spaced, exclusive of attachments, unless otherwise permitted by the Court in writing.

(e) The parties are reminded that email addresses must be included in their signature lines, and that where a signature is set forth on a separate page from the contents of the document, the signature page must identify the parties, the case number, and the document. See, USCR 36.4.

8.

In the event of a discovery dispute, counsel and parties SHALL contact the Court's Staff Attorney at 404-613-7761 to set up a telephone conference within 90 days from the date of the response or event (e.g. deposition) that is the subject of the dispute, and in no event later than the close of discovery, absent Court Order. This must happen PRIOR TO filing any motion concerning a discovery dispute between the parties.

9.

MEDIATION shall be held NO LATER THAN **November 6, 2020**. (This date may be no later than 90 days after the close of discovery). Counsel and all parties, or their representatives, are to appear and participate in good faith in this mediation. Attendance by an attorney or other representative who has **full authority to settle all issues** in the action is **required**. If the client has not given such authorization to counsel, the client must also appear.

The parties are **ORDERED** to notify the Court of the date mediation was actually conducted and whether an agreement was reached.

10.

Parties shall stipulate to this Courts' trial calendar no later than 90 days after discovery closes, i.e. by **November 6, 2020**. Parties desiring a special setting should contact Staff Attorney

Amy Abrames, 404-613- 7761 or [AmyAbrames@fultoncountyga.gov](mailto:AmyAbrames@fultoncountyga.gov), to make such a request. The parties should notify Ms. Abrames as soon as they anticipate the likelihood of a special setting, understanding that a specially set trial date may not be available for approximately 6 months.

11.

A CONSOLIDATED PRETRIAL ORDER shall be E-filed NO LATER THAN one (1) week prior to the trial calendar.

12.

**The failure to comply with the deadlines and other provisions set forth in this Case Management Order may result in the imposition of sanctions, including the striking of pleadings, the disregard of motions (particularly late-filed motions), the assessment of attorney's fees, the exclusion of evidence or witnesses at trial, and/or other sanctions this Court deems warranted under the facts and circumstances.** See, *Doherty v. Brown*, 339 Ga. App. 567,576 (2016); *OTS, Inc. v. Weinstock & Scavo, PC*, 339 Ga. App. 511,517 (2016); *Hart v. Northside Hospital, Inc.*, 291 Ga. App. 208 (2008). Further, the Court may choose to consider motions filed outside of the deadlines set in this Order to prevent manifest injustice. See *Velasco v. Chambliss*, 295 Ga. App.377 (2008).

This 28<sup>th</sup> day of October 2019.

JONAP & ASSOCIATES, PC.

*/s/ Jeffrey S. Jonap*

Jeffrey S. Jonap, Esq.

Georgia State Bar No. 749051

P.O. Box 49466

Atlanta, Georgia 30359

*Counsel for Plaintiff*

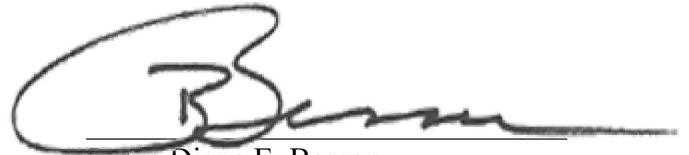
(404) 320-6000 (ph)  
(404) 633-3300 (fax)  
[jeff@jonaplaw.com](mailto:jeff@jonaplaw.com)

**SWIFT, CURRIE, McGHEE & HIERS, LLP**

*/s/ Jennifer L. Nichols* \_\_\_\_\_

Maren R. Cave  
Georgia State Bar No. 278448  
Jennifer L. Nichols  
Georgia Bar No. 001294  
*Counsel for Defendants*

Suite 300, The Peachtree  
1355 Peachtree Street, N.E.  
Atlanta, GA 30309  
404-874-8800 (ph)  
404-888-6199 (fax)  
[maren.cave@swiftcurrie.com](mailto:maren.cave@swiftcurrie.com)  
[jennifer.nichols@swiftcurrie.com](mailto:jennifer.nichols@swiftcurrie.com)



Judge Diane E. Bessen  
State Court of Fulton County