

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

WELINGTON OLIVEIRA,

Plaintiff,

vs.

JAMES QUIROZ,

Defendant.

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CIVIL ACTION

FILE NO.: 20EV000820

CONSENT CASE MANAGEMENT ORDER "B"
(NONSPECIFIC/GENERAL CASES)

After consideration of the record in this case, and pursuant to this Court's inherent authority to control discovery and the disposition of the cases on its docket, this Court **HEREBY ORDERS** as set out below:

1.

ALL discovery shall be completed NO LATER THAN SEPTEMBER 19, 2020 including, but not limited to, identification of, written discovery from and depositions of, both fact and expert witnesses.

EXPERT WITNESS, if any, must be disclosed NO LATER THAN SEPTEMBER 1, 2020 and deposed NO LATER THAN SEPTEMBER 19, 2020.

2.

The amendment of **any pleading** to add a party, or to add, create, or expand additional counts, claims, or means of liability, or to expand the means of recovery or of damages, must be made no later than **30 days PRIOR TO the close of discovery**. Following this time period, no further amendments shall be permitted, and any pleading which is amended after this deadline, without prior leave of Court shall be immediately stricken.

3.

(a) All PRELIMINARY MOTIONS, including, but not limited to, motions to dismiss for lack of venue, jurisdiction or service; motions to dismiss on account of the expiration of the various statutes of limitation; or motions to add parties, shall be filed NO LATER THAN **JULY 17, 2020**, which date precedes the close of discovery absent Court Order.

(b) All SUBSTANTIVE MOTIONS, including motions for summary judgment and *Daubert* motions, shall be filed NO LATER THAN **OCTOBER 19, 2020**.

(c) All motions/briefs are LIMITED to no more than **15 pages, 12-point font, double spaced, exclusive of attachments**, unless otherwise permitted by the Court in writing. **Absent prior permission by the Court, no party shall file any reply briefs, which are generally disfavored.**

(d) 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*, USCR36.4.

(e) 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.**

4.

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.

5.

MEDIATION shall be scheduled and completed NO LATER THAN DECEMBER 19, 2020 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.

6.

Parties shall stipulate to this Court's trial calendar NO LATER THAN 90 days after the close of discovery. A CONSOLIDATED PRETRIAL ORDER and any motions *in limine* shall be efiled ONE WEEK prior to the trial calendar. Those documents and witnesses upon which a litigant intends to rely affirmatively to meet his or her burden must be disclosed in the pretrial order. See *Ballard v. Meyers*, 275 Ga. 819 (2002). In the event a witness or document not previously disclosed during discovery is listed on the pretrial order, the Court may impose sanctions pursuant to paragraph six below.

7.

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 the 18th day of June, 20 19.



JUDGE DIANE E. BESSEN
State Court of Fulton County

Submitted this 16th day of June, 2020.

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