

JAN 20 2021

Rebecca G. Crowe
Clerk of Courts
Bryan County, Georgia

IN THE STATE COURT OF BRYAN COUNTY
STATE OF GEORGIA

STANDING ORDER FOR ALL CIVIL CASES
INSTRUCTIONS FOR PARTIES AND COUNSEL

This case has been assigned to Judge Billy E. Tomlinson. The purpose of this Order is to inform the parties and their counsel of the Court's policies, practices, and procedures. It is issued to promote the just and efficient determination of the case. This Order, in combination with the Georgia Uniform State Court Rules and the Georgia Civil Practice Act, shall govern this case.

FAILURE TO COMPLY WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING STRIKING OF PLEADINGS, ASSESSMENT OF ATTORNEYS' FEES, DENIAL OF MOTIONS AND/OR EXCLUSION OF WITNESSES OR EVIDENCE.

1. Contacting Chambers

Your principal point of contact for all matters relating to this case is our Civil Case Manager, Ms. Amber Merriam. She may be reached by phone or email at:

Ms. Amber Merriam (912) 653-4500 amerriam@bryan-county.org

Mailed communications should be addressed as follows:

Ms. Amber Merriam
Civil Case Manager to the Honorable Billy E. Tomlinson
Bryan County Courthouse
P.O. Box 787
Pembroke, GA 31321

Any pleadings or other documents required to be filed in the case must be addressed and delivered to the Clerk of State Court or e-filed rather than delivered to Ms. Merriam.

2. Courtesy Copies

Parties are not required to forward courtesy copies of routine motions and other filings directly to chambers. In complex cases, however, emailed courtesy copies of substantive motions

are welcomed and appreciated. If you intend to submit a courtesy copy for the Court, please send it via email to Ms. Merriam at least forty-eight (48) hours prior to any hearing on the matter to ensure the court has sufficient time to review the submission.

3. Extensions of Time

The Court, along with counsel for the parties, is responsible for processing cases towards prompt and just resolutions. To that end, the Court seeks to set reasonable but firm deadlines. Reasonable motions for extension will be granted only upon a showing of good cause or by consent of all parties.

4. Conferences

Scheduling, discovery, pre-trial, and settlement conferences promote the speedy, just, and efficient resolution of cases. The Court therefore encourages the parties to request a conference when they believe a conference will be helpful and when they have specific goals and an agenda for the conference.

5. Candor in Responsive Pleadings

In accordance with O.C.G.A § 9-11-8(b), a party's responsive pleading must admit or deny the averments of the adverse party's pleading.

6. Discovery Responses

Boilerplate objections in response to discovery requests are strongly discouraged. Parties should not invoke the usual litany of rote objections unless the responding party has a valid basis for these objections.

Moreover, general objections are disfavored, i.e., a party should avoid including in his/her response to a discovery request a "Preamble" or a "General Objections" section stating that the party objects to the discovery request "to the extent that" it violates some rule pertaining to discovery (such as attorney-client privilege, work product immunity from discovery, the requirement that discovery requests be reasonably calculated to lead to the discovery of admissible evidence, or the prohibition against discovery requests that are vague, ambiguous,

overly broad, or unduly burdensome). Instead, each individual discovery request should be met with every specific objection thereto, but only those objections that actually apply to that particular request. Otherwise, it becomes impossible for the Court or the party upon whom the discovery response is served to know what objections have been asserted to each individual request. Such general objections may be disregarded by the Court.

A party who objects to a discovery request but then responds to the request must indicate whether the response is complete. For example, in response to an interrogatory, a party is not permitted to raise objections and then state, "Subject to these objections and without waiving them, the response is as follows" unless the party expressly indicates whether additional information would have been including in the response but for the objection(s).

Evidence presented at trial which was requested but not disclosed during the discovery period may be excluded.

Finally, if any documents are withheld from production during discovery pursuant to a privilege, a privilege log must be produced at the time the discovery response is due, identifying the document(s) withheld and the privilege asserted.

7. Conduct During Depositions

(a) At the beginning of the deposition, deposing counsel shall instruct the witness to ask deposing counsel, rather than the witness's own counsel, for clarifications, definitions or explanations of any words, questions, or documents presented during the course of the deposition. The witness shall abide by these instructions.

(b) All objections, except those that would be waived if not made at the deposition under O.C.G.A § 9-11-32(d)(3)(B) and those necessary to assert a privilege or to present a motion pursuant to O.C.G.A § 9-11-30(d), shall be preserved. Other objections therefore need not be made during the course of depositions. If counsel defending a deposition feels compelled to make an objection, he or she shall state the basis of the objection (such as "objection to form") and nothing more. Defending counsel shall elaborate on his/her objection only upon the request

of deposing counsel. Counsel shall not make objections or statements that might suggest an answer to a witness and shall avoid speaking objections except in extraordinary circumstances.

(c) Counsel SHALL NOT instruct a witness not to answer a question unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court.

(d) Counsel and their witness-clients SHALL NOT engage in private off-the-record conferences during depositions or breaks in depositions regarding any of counsel's questions or the witness's answers except for the purpose of deciding whether to assert a privilege. Any conference that occur pursuant to or in violation of this rule are a proper subject for inquiry by deposing counsel to ascertain whether there has been any witness-coaching and, if so, what the coaching included. Any conferences that occur pursuant to or in violation of this rule shall be noted on the record by the counsel who participated in the conference. The purpose and outcome of the conference shall be noted on the record.

(e) Deposing counsel shall provide to the witness's counsel a copy of all documents shown to the witness during the deposition. The copies shall be provided either before the deposition begins or contemporaneously with the showing of each document to the witness. The witness and the witness's counsel do not have the right to discuss documents privately before the witness answers questions about them. See subsection (d) above.

(f) Depositions are limited to no more than seven hours of time on the record. Breaks are not included when calculating the duration of the deposition.

8. Serving Discovery Prior to Expiration of the Discovery Period

All discovery requests must be served early enough that responses thereto are due on or before the last day of the discovery period.

9. Extensions of the Discovery Period

Motions requesting an extension of the discovery period must be made prior to the expiration of the existing discovery period. Reasonable motions for extension will be granted only upon a showing of good cause or by consent of all parties.

10. Discovery Disputes

Pursuant to USCR 6.4(B), if any discovery dispute arises during the discovery period, the parties shall meet and confer in person or over the telephone in good faith effort to resolve the dispute. If that is not successful, the parties are encouraged to contact the Court's Civil Case Manager, Ms. Merriam, to request a conference with the Court prior to filing any motions. Ms. Merriam will schedule a conference call or meeting in which the Court will attempt to resolve the matter without the necessity of a formal motion. The request for the conference should be made by email with counsel for all parties copied, and it should include a brief description of the nature of the dispute and attach any documents the Court will need to review in attempting to resolve the dispute. The request should also indicate whether the parties want the conference taken down by a court reporter.

This process shall not apply to post-judgment discovery.

11. Mediation

All parties are required to mediate unless excused from doing so by the Court. The parties may select a mutually agreed-upon private mediator. All parties are required to mediate in good faith and with an effort to resolve ALL issues in the case. If an insurance carrier is involved, a representative with full settlement authority must attend the mediation in person unless prior approval is obtained from the court.

12. Pretrial Conferences

Normally, the Court will conduct a pretrial conference. The parties may appear in person or by telephone or virtually. Information regarding virtual court is available from the clerk. The purpose of the pretrial conference is to establish a scheduling order with specific deadlines for any outstanding discovery, motions for summary judgment, Daubert motions, mediation,

submission of a consolidated pretrial order, and a trial date. The attorneys who will actually try the case are required to attend the pretrial conference unless excused by the Court. The parties are NOT required to submit a pretrial order prior to the pretrial conference.

13. Pretrial Orders

Pretrial Orders must be submitted by the deadline set at the scheduling conference. If a scheduling conference was not held, the Pretrial Order will be due at the time of the pretrial conference. This usually will be at least 30 days prior to the trial date. When the Pretrial Order is submitted, the case shall be ready for trial. The statement of contentions in the Pretrial Order will govern the issues to be tried. The plaintiff shall make certain all theories of liability are explicitly stated, together with the type and amount of each type of damages sought. The specific actionable conduct should be set out. In a multi-defendant case, the actionable conduct of each defendant shall be identified. The defendant shall explicitly set out any affirmative defenses upon which it intends to rely at trial as well as satisfy the above requirements with respect to any counterclaims.

All exhibits intended to be introduced at trial shall be identified specifically in the pretrial order. In listing witnesses or exhibits, a party may not reserve the right to supplement his list, nor should a party adopt another party's list by reference. Witnesses and exhibits not identified in the Pretrial Order may not be used during trial unless good cause is shown and except to prevent a manifest of injustice.

14. Motion in Limine and Objections to Deposition Testimony

All motions in limine and objections to deposition testimony shall be attached to the Pretrial Order as exhibits. The parties shall notify the Court at the Pretrial Conference if any motions in limine and/or objections to deposition testimony are expected to require substantial argument. In such a case, the Court will schedule a hearing on a date prior to trial so that all known evidentiary issues are resolved before the trial begins.

15. Jury Charges

All requests to charge shall be submitted to the Court in Microsoft Word format via email to Ms. Merriam. The original requests to charge must be filed with the Clerk of Court. Pattern charges should be requested by number and title only and may all be listed on one page. All non-pattern charges shall be numbered consecutively on separate pages as provided by Uniform State Court Rule 10.3. Non-pattern charges must contain citations of authority supporting the requested charge.

16. Technology

Our courtroom has some electronic equipment for use by counsel at trial. For more information about the equipment, please contact Ms. Merriam. It is the parties' responsibility to make sure they know how to use the equipment available, to have the cords necessary to hook up the equipment and to ensure that the parties' equipment interfaces with the Court's technology.

SO ORDERED, this the 20th day of January, 2021.



The Honorable Billy E. Tomlinson
State Court of Bryan County