

**STATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

**STANDING CASE MANAGEMENT ORDER
FOR ALL CASES PENDING BEFORE
THE HONORABLE FRED C. EADY
DIVISION Y**

It is hereby **ORDERED** that as to all cases pending before the Honorable Fred C. Eady in Division Y, counsel shall jointly execute **within 10 days of the filing of this Order, OR within 10 days of the filing of the last Defendants' Answer (whichever is later)**, the attached Consent Case Management Order ("CMO"). *Parties seeking to extend discovery may obtain the same only by a timely execution of a Consent CMO.* Once executed, Plaintiff's counsel shall efile the Consent CMO for approval by the Court.

Failure to timely execute a Consent CMO will result in the parties having **six (6) month** discovery period. The deadline for filing any motion relating to discovery disputes shall be **thirty (30) days** from the due date of the response or event (e.g. deposition) that is the subject matter of the motion, *and in no event later than the discovery deadline.* Dispositive motions, such as motions for summary judgment, as well as *Daubert* motions and all other challenges to expert witnesses, shall be filed no later than **thirty (30) days** after the discovery deadline.

Counsel may contact the Staff Attorney Ritu Bahri by email at Ritu.Bahri@fultoncountyga.gov for further information.



**HONORABLE FRED C. EADY, JUDGE
STATE COURT OF FULTON COUNTY**

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

_____	*	
	*	
Plaintiff(s)	*	
	*	CIVIL ACTION
v.	*	FILE NO _____
	*	
_____	*	
	*	
Defendant(s)	*	

CONSENT CASE MANAGEMENT ORDER

Counsel having conferred and agreed upon the following Scheduling Order and the Court having reviewed the same, the Court **HEREBY ORDERS** as follows:

A. **DISCOVERY**

1. Factual and expert discovery shall expire on _____. No extensions of discovery will be permitted except by Order of this Court and only upon a showing of good cause. Any motions for an extension of discovery shall be efiled along with a proposed amended case management order.
2. The amendment of any pleading to add, create, or expand additional counts, claims, parties, or means of liability, or to expand the means of recovery or of damages, must be made no later than ten (10) 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. EXPERTS:

Plaintiffs shall disclose their expert witnesses, if any, along with three (3) proposed dates for the deposition of each such expert witness no later than _____.

Plaintiffs shall make their expert witnesses available for deposition no later than

_____.

Defendants shall disclose their expert witnesses, if any, along with three (3) proposed dates for the deposition of each such expert witness no later than

_____.

Defendants' shall make their expert witnesses available for deposition no later than

_____.

In the event that Plaintiffs wish to identify a rebuttal expert witness, Plaintiffs' counsel shall notify Defendants' counsel no later than 10 days following the last deposition of Defendants' experts. Plaintiffs shall make such rebuttal expert witness available for deposition within 30 days thereof. If Plaintiffs do identify a rebuttal expert witness, then the remaining deadlines in this Order shall be extended by 30 days. If Plaintiffs do not identify a rebuttal expert witness, then the remaining deadlines in this Order shall remain effective.

4. WITNESSES: the parties shall supplement the identification of witnesses (except for purposes of impeachment), in response to any applicable discovery request, no later than fifteen (15) days after the close of discovery. Failure to do so, absent extraordinary circumstances, will result in the exclusion of the unidentified or late-identified witness.
5. ORIGINAL DEPOSITION TRANSCRIPTS – the parties shall e-file scanned copies in lieu of original deposition transcripts and retain original deposition transcripts until trial.

B. **MEDIATION**

Mediation through the Office of Alternative Dispute Resolution (ADR) of the Fulton County Courts (404.612.4549) or private mediator mutually agreed upon by the parties, **shall** be completed

NO LATER THAN 20 DAYS AFTER THE CLOSE OF DISCOVERY. Alternatively, the parties may request a referral to a Judicially-Hosted Settlement Conference. Such request shall be directed to the Court's Staff Attorney no later than thirty (30) days prior to the mediation deadline set forth herein and shall set forth the reasons for the request.

Each party has an obligation to exercise good faith in scheduling and completing mediation in accordance with this Order. Failure by any party to complete mediation within this time frame, unless extended in writing by this Court prior to the expiration of the mediation deadline, shall result in sanctions. Any costs of mediation shall be borne equally by both parties, unless otherwise ordered by the Court. 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.

Plaintiff's counsel shall notify the Court of any agreement or lack of agreement entered into within five (5) days of the mediation. The case will remain assigned to this Court for all motions, hearings and trial calendars already scheduled and for future motions, hearings and calendars.

C. **MOTIONS**

1. **DISCOVERY**: all motions regarding discovery shall be filed within 30 days from the date of the response or event (e.g. deposition) that is the subject of the motion, and in no event later than _____. **In addition to the obligations set forth by USCR 6.4(B), the parties shall meet and confer in person or by telephone in a good faith effort to resolve any discovery disputes and, in the event the parties are unable to resolve the disputes, contact the Court's Staff Attorney to request a telephonic hearing with the Court, prior to filing any**

discovery motion. The Court will schedule a telephonic hearing, if appropriate, or instruct the parties to brief the matter.

2. All dispositive motions, such as motions for summary judgment, as well as *Daubert* motions and all other challenges to expert witnesses shall be filed no later than _____ . **Prior to filing any *Daubert* motion, the parties shall meet and confer in person or by telephone in a good faith effort to resolve the evidentiary issue(s).**

3. Motions in Limine, objections to depositions, and all other evidentiary motions shall be filed no later than _____. Responses to said motions shall be filed no later than **10 days** thereof. **Prior to filing any motions related to evidentiary matters, the parties shall meet and confer in person or by telephone in a good faith effort to resolve the evidentiary issue(s).**

D. **TRIAL**

The case shall appear on a trial calendar in _____. (*Trial shall be set no earlier than 5 months after the filing deadline for dispositive and Daubert motions*). Once the case appears on the Court's calendar, there will be no resets or continuances given except for legal cause.

There shall be no extensions of these deadlines by agreement of the parties. Any extension of time to file a motion or a response must be 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 will not be considered. A courtesy copy of all efiled motions and responses thereto MUST be sent directly to this Court's chambers.

Failure to comply with this Order may result in sanctions, including striking of pleadings, imposition of attorneys' fees, and exclusion of witnesses and evidence.

IT IS SO ORDERED this _____ day of _____, 2018.

**FRED C. EADY, JUDGE
STATE COURT OF FULTON COUNTY**

(All counsel shall sign below verifying consent to the instant order.)