

## **JUDGE EDLEIN'S STANDING ORDER IN E-FILE CASES**

Having found that the interests of the parties and the orderly management of the Court's business would be served by setting a schedule for this litigation and by stating the practices and procedures of this Court,

**IT IS HEREBY ORDERED** that, unless specifically exempted, counsel for all parties confer, in person or by telephone, in an effort to settle the case, discuss discovery, limit issues, and discuss other matters addressed by the Case Management Order ("CMO"). This early planning conference shall be held *no later than thirty (30) days after the appearance of a defendant by answer*. Counsel for the plaintiff(s) shall ensure that this early planning conference is timely scheduled and completed.

**IT IS FURTHER ORDERED** that, unless specifically exempted or unless the case is successfully resolved during the early planning conference, the parties are required to complete and e-file a proposed CMO for the Court's review *no later than forty-five (45) days after the appearance of a defendant by answer*. The proposed CMO shall be consolidated and e-filed by counsel for the plaintiff(s); a Microsoft Word version of the CMO may be obtained at <http://fultonstate.org/judge-susan-e-edlein-division-d/> or requested from the Court's Staff Attorney, Lisa Liang, via email to [Lisa.Liang@fultoncountyga.gov](mailto:Lisa.Liang@fultoncountyga.gov). The consolidated CMO must be e-filed with the Court. Information about e-filing and the State Court E-File Standing Order can be found at <http://fultonstate.org/>

If a party fails or refuses to participate in the early planning conference and/or completion of the proposed CMO, counsel for the plaintiff(s) shall so indicate when e-filing the proposed CMO. If the parties fail to reach agreement on portions of the proposed CMO, each party's

proposal shall be included in the proposed CMO with a notation in **bold** that the parties failed to reach agreement on that particular portion.

**A party's failure to comply with the terms of this Standing Order may result in sanctions, including but not limited to dismissal of the complaint or striking of the answer, as appropriate.**

**SO ORDERED** this 15<sup>th</sup> day of January, 2019.

/s/ Susan E. Edlein  
Susan E. Edlein  
Judge, State Court of Fulton County



**IT IS HEREBY ORDERED** that:

- **DISCOVERY** (including, but not limited to, written discovery, depositions, and any expert discovery) commenced on \_\_\_\_\_ pursuant to USCR 5.1 and shall close on \_\_\_\_\_. [Guideline: Personal Injury – 6 months; Complex Personal Injury (including Wrongful Death) – 12 months; Medical Malpractice – 12 months; Complex Medical Malpractice (including Wrongful Death) – 18 months; Contract – 6 months; Complex Contract – 12 months; Other – 6 months (12 months if Complex)] Basis for any departure from the \_\_\_\_\_ guideline \_\_\_\_\_ or \_\_\_\_\_ for \_\_\_\_\_ “complex” designation.<sup>2</sup>

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- **EXPERT DISCOVERY** (if applicable): **All expert discovery must be completed by the above discovery deadline.** The plaintiff(s) shall identify experts that are expected to testify at trial no later than \_\_\_\_\_. Discovery depositions of all experts identified by the plaintiff(s) shall be completed no later than \_\_\_\_\_. The defendant(s) shall identify experts that are expected to testify at trial no later than \_\_\_\_\_. Discovery depositions of all experts identified by the defendant(s) shall be completed no later than \_\_\_\_\_. The parties shall disclose any rebuttal experts within 45 days of the conclusion of the deposition of the expert to be rebutted, but no later than \_\_\_\_\_, and shall make any rebuttal experts available for deposition no later than \_\_\_\_\_.
- **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 15 days after the close of discovery, \_\_\_\_\_.<sup>3</sup> All parties are to participate in this mediation and make a good faith effort to resolve the issues involved in this case. In the event that the named parties and counsel do not have full settlement authority, those entities who do have authority **shall** attend the mediation along with parties and counsel.

---

<sup>2</sup> Complex cases involve large number of parties, large number of claims and defenses, highly technical and exceptionally complex issues and proof, multiple experts, greater than normal amount of documents and evidence (including electronically-stored information), problems locating and preserving documents and evidence (including electronically-stored information), and extensive discovery outside the State of Georgia.

<sup>3</sup> 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 ninety (90) days prior to the mediation deadline set by the CMO and shall set forth the reasons for the request.

- **DISPOSITIVE** and/or **RULE 702 MOTIONS** shall be filed no later than thirty (30) days after the close of discovery. Prior to filing any Rule 702 motion, the parties shall meet and confer in a good faith effort to resolve the evidentiary issue(s).
- **TRIAL BY JURY** shall be set by placement on the Court's Civil Jury Trial calendar approximately sixty (60) days after the close of discovery (if no motions pending) or on the next civil trial calendar after the Court's order on any dispositive and/or Rule 702 motions. To request a special setting, the parties **shall** contact the Court's Staff Attorney and state the basis for the request no later than the close of discovery.

**IT IS FURTHER ORDERED** that the following PRACTICES and PROCEDURES govern this litigation:

- **DISCOVERY DISPUTES** – 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.
- **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.
- **COMMUNICATION WITH THE COURT** – the parties may contact the Court's Staff Attorney, Lisa Liang, at [Lisa.Liang@fultoncountyga.gov](mailto:Lisa.Liang@fultoncountyga.gov), to inquire regarding any procedural issue (scheduling, case status, Court requirements, etc.) and/or to arrange a status conference or hearing. Email correspondence, ensuring all parties are copied to the email, is highly preferred. Unless instructed by the Court, the parties shall not submit letter briefs (including substantive emails addressing the merits) or “carbon copy” the Court on correspondence between the parties and addressing the merits.
- **PROPOSED ORDERS and COURTESY COPIES** – the parties shall e-file proposed orders and any courtesy copies of proposed orders (if requested) shall be emailed to the Court's Staff Attorney in Word format. The parties are discouraged from submitting courtesy copies of briefs to the Court, unless specifically requested. The parties, however, may contact the Court's Staff Attorney regarding any consent/joint filings or other filings necessitating prompt action by the Court.

- **ORIGINAL DEPOSITION TRANSCRIPTS** – the parties shall e-file scanned copies in lieu of original deposition transcripts and retain original deposition transcripts until specifically requested by the Court or trial.

**\*\*Failure to comply with this CMO may result in sanctions, including striking of pleadings, imposition of attorneys’ fees, and exclusion of witnesses and evidence. Except for good cause shown and by Order of this Court, the deadlines set forth by this CMO shall not be amended.**

This \_\_\_\_ day of \_\_\_\_\_, 2019.

---

Susan E. Edlein  
Judge, State Court of Fulton County

Submitted by: