

IN THE STATE COURT OF COBB COUNTY  
STATE OF GEORGIA  
DIVISION 1, POST 4

COBB COUNTY, GA  
FILED IN OFFICE

2019 JAN 30 PM 3: 37

ANGIE T. JAVIS  
STATE COURT CLERK-07

**STANDING ORDER FOR ALL CIVIL CASES**  
**INSTRUCTIONS TO PARTIES AND COUNSEL**

This case has been assigned to Judge Jane P. Manning. The purpose of this Order is to inform the parties and their counsel of the Court's policies, practices and procedures. This Order is issued to promote the just and efficient administration of this case. This Order, in conjunction with the Georgia Uniform State Court Rules and the Georgia Civil Practice Act, will govern this case.

**I. Contacting Chambers**

Any pleadings or other documents required to be filed in your case must be addressed and delivered to the Clerk of State Court as follows:

Clerk of State Court  
State Court Building  
12 East Park Square  
Marietta, GA 30090

The Judge's staff are:

Judicial Assistant

Ms. Leisa Williams (770) 528-1701 [leisa.williams@cobbcounty.org](mailto:leisa.williams@cobbcounty.org)

Staff Attorney

Mr. Carlos Vilela (770) 528-1704 [carlos.vilela@cobbcounty.org](mailto:carlos.vilela@cobbcounty.org)

Neither the parties, nor their counsel, should discuss the merits of the case with any member of the Judge's staff.

**II. Courtesy Copies**

Parties are not required to forward courtesy copies of routine motions. However, in complex cases, a courtesy copy of a substantive or dispositive motion would be appreciated. If you intend to send a courtesy copy to the Court, please send it to Mr. Vilela at least five (5) business days prior to any hearing on the matter to ensure that the Court has sufficient time to review the submission. Courtesy copies of E-filed motions are to be sent to the following email address: [Janemanning.peachcourt@cobbcounty.org](mailto:Janemanning.peachcourt@cobbcounty.org)

### III. Extensions of Time

The Court is responsible for the efficient processing of cases towards prompt and just resolutions. Only *reasonable* motions for extension will be granted upon a showing of good cause or by consent of all parties. The Court's deadlines are firm.

### IV. Conferences

Conferences for scheduling, discovery, pre-trial and settlement motions promote the efficient and just resolution of cases. Accordingly, the Court encourages the parties to request a conference when they believe they have a specific goal and agenda for the conference. Requests for a conference are to be sent to Ms. Williams for scheduling. The request must include a proposed agenda.

### V. Candor in Responsive Pleadings

Pursuant to O.C.G.A. § 9-11-8 (b), responsive pleadings must admit or deny the averments of the adverse party's pleading.

### VI. Consent Motions

All Consent Motions must include a proposed Order to be considered. Please forward a courtesy copy of the Consent Motion and any proposed Order to Mr. Vilela in Microsoft Word format via electronic mail.

### VII. Discovery

#### *A. Motions to Compel Discovery*

The Court encourages the parties to confer with each other in good faith to resolve discovery disputes. In the event that the filing of a motion to compel is considered, the movant should contact Mr. Vilela, via electronic mail copied to all parties, and notify him of the discovery dispute. Mr. Vilela will schedule a conference call or a meeting in which the Court will attempt to resolve the matter without the necessity of a formal motion. Post-Judgment discovery will not be subject to this order.

#### *B. Service of Discovery prior to the conclusion of the discovery period*

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

### *C. Extensions of Discovery Period*

Motions requesting an extension of the discovery period must be made 15 days prior to the conclusion of the discovery period.

### **VIII. Motions for Summary Judgment and Daubert Motions**

All Motions for Summary Judgment and Daubert Motions should be filed within 30 days of the close of discovery.

### **VIII. Alternate Dispute Resolution**

Parties will be asked as to the likelihood of settlement throughout the course of the case. Parties may be required to participate in alternate dispute resolution upon the Court's order at any time prior to the issuance of a Pre-Trial Order. Should the Court issue an order for the parties, counsel and their client, to attend. If the client is an entity, then an officer of the entity with authority to bind the entity will be ordered to attend.

### **IX. Pre-Trial Orders**

All parties will submit a consolidated Pre-Trial Order. The statement of contentions in the Pre-Trial Order governs the issues to be tried. The plaintiff should make certain that all theories of liability are explicitly stated as well as the type and amount of each type of damage sought. The specific actionable conduct should be set out, and, in a multi-defendant case, the actionable conduct of each defendant should be identified. The defendant should explicitly set out any affirmative defenses upon which it intends to rely at trial. Counterclaims are subject to the same requirements stated above.

Each party should identify exhibits and witnesses with specificity. It is not sufficient to include boiler plate language covering groups of potential witnesses, such as "all individuals identified during discovery." Instead, witnesses to be called at trial must be identified by **name**. Failure to identify a witness, including expert witnesses, by name in the consolidated pretrial order may result in the exclusion of the undisclosed witnesses' testimony from trial. 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 Pre-Trial Order may be excluded, unless it is necessary to allow them to be introduced to prevent a manifest injustice.

The following shall be added to all Consolidated Pre-Trial Order submissions at paragraph 14(c):

Medical Records introduced under O.C.G.A. §28-8-803 (6): All medical records a party intends to introduce under O.C.G.A. §28-8-803 (6) must be specifically identified as such in the Consolidated Pretrial Order. Upon notification that a party intends to introduce medical records under O.C.G.A. §28-8-803 (6), an

opposing party **shall have 30 days** to file a request for the production of such documents. Upon receipt of such request for production, the party seeking to introduce medical records under O.C.G.A. §28-8-803 (6) **shall produce such medical records within 15 days** of the receipt of a request for production.

Supplementation of Document Lists: Any party may supplement its list of physical or documentary evidence **no later than 90 days prior to trial with adequate notice to opposing counsel and leave of Court.**

## X. Motions in Limine

Parties are limited to ten (10) contested Motions in Limine per side, unless the Court agrees to a larger number. Submissions in excess of ten (10) contested Motions in Limine shall be denied and reserved as objections for trial. Should parties agree to file Consolidated Motions in Limine, there is no limit to the number of Motions filed by the parties.

### *A. Jury Trial*

All Motions in Limine shall be due no later than 10 days prior to the date the trial is scheduled to begin. Argument on contested motions shall only be upon request of both parties or at the Court's discretion. In such an event, parties will file a Rule Nisi to schedule a hearing prior to the date of trial.

### *B. Bench Trial*

All Motions in Limine shall be dispensed with at the date of trial, unless parties anticipate that substantial argument is needed. In which case, the parties shall notify the Court if any Motions in Limine are expected to require substantial argument. In such an event, parties will file a Rule Nisi to schedule a hearing prior to the date of trial.

## XI. Jury Charges

All Jury charges shall be submitted to Mr. Vilela in Microsoft Word format via email no later than ten (10) business days prior to the scheduled calendar date for the trial. The original requests must be filed with the Clerk of the Court. Pattern charges should be requested by number and title and may all be listed on one page. All non-pattern charges shall be numbered consecutively on separate pages as provided for in Uniform State Court Rule 10.3. Non-pattern charges must contain citations of authority in support of the charge.

## XII. Court Reporter

This Court does not have a dedicated Court Reporter. However, the Court is equipped with a DECA recording device. The equipment will be activated as required by law or at the request of the parties in the event that a Court Reporter is not present.

If a case is on a Civil Motions Calendar, a Civil Non-Jury Calendar, or a Peremptory Calendar the Court will attempt to provide a Court Reporter and the parties will be responsible for the costs of take down and transcription. Please call in advance to ensure a Court Reporter is available. If a hearing is specially set, the parties will be responsible for retaining the services of a Court Reporter.

In the event of a Civil Jury Trial, the parties will be responsible for retaining and the costs for the services of a Court Reporter.

Parties desiring a recording of their hearing or case for transcription must file a motion requesting a copy of the recording. Any such motion must include: the date of the hearing, the case number and the parties present. All recordings shall be delivered in CD-ROM form.

**Failure to have a Court Reporter present will not be grounds for a continuance.**

### **XIII. Appeals from Magistrate**

This Court, having the responsibility to investigate appeals from Magistrate Court under a *de novo* standard of review, and desiring to resolve the matters presented by the parties in a timely manner, shall review cases assigned to it pursuant to the following rules:

#### *A. Discovery Period*

The discovery period shall be limited to four (4) months from the date of acceptance of the case with the Clerk of State Court.

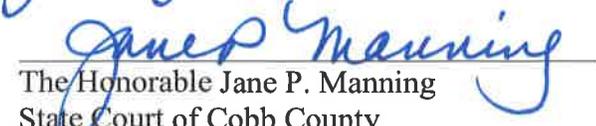
#### *B. Jurors for Trial*

Pursuant to O.C.G.A. § 15-12-122, all cases appealed from Magistrate Court that request a trial by Jury shall be limited to a 6-person jury. No jury trial shall be had with 12-person jury except by leave of court.

### **XIV. Sanctions**

Any violation of this Order may expose a party or its counsel to sanctions by this Court.

SO ORDERED, this 30<sup>th</sup> day of January, 2019.

  
The Honorable Jane P. Manning  
State Court of Cobb County