

**IN THE SUPERIOR COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

IN RE: CASE MANAGEMENT  
PROCEDURES FOR ALL  
NON-DOMESTIC CIVIL CASES  
ASSIGNED TO DIVISION 9

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**STANDING CASE MANAGEMENT ORDER FOR NON-DOMESTIC  
CIVIL CASES IN DIVISION 9 (JUDGE LAKE)**

The following terms govern the Parties and their practice for civil cases in this Division.

**I. CONTACTING THE COURT**

For scheduling matters, including requests for hearings or conferences and time announcements for the same, please contact the Court's Civil Litigation Manager, Gene Little, at [gelittle@dekalbcountyga.gov](mailto:gelittle@dekalbcountyga.gov). For other matters, including the submission of courtesy copies of Motions and proposed orders, Parties should contact the Court's Senior Staff Attorney, Denise Warner, at [dmwarner@dekalbcountyga.gov](mailto:dmwarner@dekalbcountyga.gov).

While electronic communication is encouraged for scheduling and other administrative matters, the Court will not accept or consider legal arguments raised via email. All requests for relief must be made pursuant to Motion and properly filed with the Clerk's office. When communicating with the Court, Parties are reminded to ensure that the opposing Party/Parties or counsel, as appropriate, are copied on all communications.

**Please note that neither Ms. Warner nor the Court can provide you with legal assistance or advice regarding your case.** If you require assistance, you should contact an attorney or legal services organization such as the following:

- Atlanta Bar Association, <https://atlantabar.org>
- DeKalb Bar Association, <https://www.dekalbbar.org>
- DeKalb Pro Bono, <https://dekalbprobono.org>
- Atlanta Legal Aid, <https://atlantalegalaid.org/home>
- Atlanta Volunteer Lawyers Foundation, <https://avlf.org>

Documents emailed for the Court's review (Motions and other pleadings) should be sent in .PDF format. Documents emailed for Judge Lake's signature (proposed orders, etc.) should be sent in Microsoft Word format.

## II. E-FILING

E-filing is now mandatory for civil cases filed in DeKalb County Superior Court. This means that electronic service of pleadings, other than the initial complaint and summons, is now legally sufficient. Every attorney of record and every *pro se* litigant must register with the Court's e-filing system. Please visit <https://www.dksuperiorclerk.com/civil/> for more information.

E-filing does not provide automatic notice to the Court of filings. While e-filing ensures that your pleadings and other documents are made part of the official record, it does not necessarily result in that pleading or document reaching the desk of either the Senior Staff Attorney or the Judge. If there is a filing that you want to be sure is brought to the attention of the Court, you should e-mail a courtesy copy of same to Ms. Warner.

## III. CASE MANAGEMENT

### 1. Service

The Plaintiff/Petitioner must file proof of service of the initial Complaint/Petition and related filings within 90 days of filing the case or the case shall stand **DISMISSED**, absent proof of diligence in attempting service and leave of Court.<sup>1</sup>

In order to seek an order for service by publication, the Plaintiff/Petitioner must file proof of attempted service on Defendant/Respondent at Defendant/Respondent's last known address, together with a Motion for Service by Publication and an Affidavit of Diligent Search, within 90 days of filing the case or the case shall stand **DISMISSED**. If an Order for Service by Publication is granted by the Court, Petitioner must publish Notice in The Champion Newspaper within 30 days of entry of the Order for Service by Publication and must file with the clerk's office an Affidavit of Publication from The Champion Newspaper within 60 days of entry of the Order or the case shall stand **DISMISSED**.

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<sup>1</sup> Pursuant to O.C.G.A. § 9-11-41 (b), the Court is authorized to exercise its inherent power to enter an order of involuntary dismissal *sua sponte*. *Swartzel v. Garner*, 193 Ga. App. 267, 267 (1989); *Krasner v. Verner Auto Supply*, 130 Ga. App. 892 (1974).

## 2. Scheduling and Deadlines

Unless otherwise ordered by the Court, the discovery period in all civil cases shall be six months to begin on the date of the filing of the Defendant or Respondent's Answer or, if no Answer is filed, 30 days after service. *See* U.S.C.R. § 5.1 Unless otherwise ordered by the Court, the following deadlines shall apply:

<u>Task</u>	<u>Deadline</u>
Plaintiff/Petitioner Expert Disclosures	60 days before the close of discovery
Defendant/Respondent Expert Disclosures	30 days before the close of discovery
Rebuttal Expert Disclosures	15 days before the close of discovery
End of Discovery	6 months from the date of the Answer
Dispositive & <i>Daubert</i> Motions	30 days after the close of discovery
Consolidated Pre-Trial Order	45 days after the close of discovery or 15 days after the Court's ruling on any Dispositive Motions, whichever is later

## 3. Extensions of time

Parties seeking an extension should explain with specificity the unanticipated or unforeseen circumstances necessitating the extension and should set forth a timetable for the completion of the task(s) for which the extension is sought. The Court shall be notified immediately of any problem or dispute (e.g., discovery issues, witness unavailability, illness, or the late addition of parties or claims) that could delay the case or cause a Party to miss a deadline.

## 4. Conferences

Discovery, pre-trial, and settlement conferences promote the speedy, just, and efficient resolution of cases. Therefore, the Court encourages the Parties to request a conference whenever they believe that such will be helpful and they have specific goals for the conference.

Discovery conferences with the Court may be requested unilaterally and prior to filing a Motion to Compel, but not before the required conference with the opposing party pursuant to U.S.C.R. 6.4(B). Pre-trial and/or settlement conferences with the Court may be held only upon agreement by both Parties.

The Court will accommodate the Parties by meeting in chambers, in court, or over the phone, consistent with the Parties' schedules and preferences.

5. Alternative Dispute Resolution (ADR)

The Court encourages ADR and will support any good faith request to direct the matter to mediation, arbitration, or a judicially hosted settlement conference. The Court also reserves the right to mandate some form of ADR when necessary. If the Parties participate in ADR, they shall do so in a manner that does not delay discovery, Motions or trial.

**IV. DISCOVERY**

1. Deadlines

In the event an extension to the discovery deadline(s) established in this Order is requested, the moving Party shall submit a proposed Revised Scheduling Order, which must include all proposed deadline extensions as well as a statement indicating whether the Court has previously granted extension requests. All requests for discovery extensions shall include a basic description of discovery conducted thus far, the requested deadline extension, a specific schedule of outstanding discovery to be completed during the requested extension, and an explanation as to why the original deadline was insufficient.

The Court typically will not enforce private agreements between the Parties to conduct discovery beyond the end of the discovery period, nor will the Court ordinarily compel responses to discovery requests that were not timely served and diligently pursued during the discovery period. U.S.C.R. 6.4; *see also Toles v. G & K Servs., Inc.*, 230 Ga. App. 452, 453 (1998). Similarly, the Court typically will not mandate depositions for the preservation of testimony after the close of discovery if an objection is raised by the opposing party.

2. Requests and Responses

Boilerplate objections in response to proper discovery requests are prohibited. Parties should not invoke a litany of rote objections, *e.g.*, attorney-client privilege, work-product immunity, overly broad/unduly burdensome, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, etc. unless they can articulate a good faith basis for such objection(s). Unsupported objections will be disregarded and

Parties raising the same may be sanctioned by the Court for delaying the discovery process.

General objections are also prohibited, *i.e.*, a Party shall not include in its response to a discovery request a “Preamble” or “General Objections” section stating that the Party objects to the discovery request “to the extent that” it violates some rule pertaining to discovery, *e.g.*, attorney-client privilege; work product immunity; the prohibition against discovery requests that are vague, ambiguous, overly broad, or unduly burdensome; etc. Instead, each individual discovery request must be met with *specific* objections thereto - but only those objections that *actually* apply to that particular request. Otherwise, it is impossible for the Court or the party upon whom the discovery response is served to know exactly what objections have been asserted to each individual request. All such general objections shall be disregarded by the Court.

Similarly, Parties should not serve “kitchen sink” and other forms of confusing, catch-all requests. Indiscriminate demands for “any and all” documents or information that “regards, reflects, relates to, affects, pertains to, etc.” a litany of general topics without discernable parameters will not be enforced by the Court. Further, a Party will not be deemed to have waived any objections to a request that is not reasonably articulated to put the Party on notice of the information or document(s) being sought.

### 3. Disputes

Direct, informal communication is encouraged between the Parties to address discovery requests and objections before they become actual discovery disputes. No Party may file a Motion to Compel or a Motion for a Protective Order without first having discussed the issue(s) with the opposing Party. U.S.C.R. 6.4(B). This stricture applies to disputes with non-Parties as well.

Motions to Compel that do not comply with Rule 6.4 will be denied without a hearing. The Court will not hesitate to sanction a Party and/or counsel found to have abused the discovery process or to have flouted the rules and laws governing it, including those stated in this Order.

### 4. Depositions

Absent extraordinary circumstances, opposing counsel (or *pro se* litigants) should be consulted before a deposition is noticed. Objections lodged during depositions should

be noted but questions should be answered over those objections. If a serious, legitimate dispute arises during a deposition, the Parties are encouraged to contact the Court to seek an on-the-spot resolution so that the deposition may continue.

## **V. MOTIONS**

### **1. Deadlines**

Unless otherwise ordered by the Court, dispositive Motions must be filed within 30 days after the close of discovery. To ensure timely resolution of Motions, Movants must provide courtesy copies of all Motions and related filings to the Court. *See* U.S.C.R. 6.1 Electronic copies of pleadings are preferred.

Failure to respond to a Motion within the time afforded by the Uniform Superior Court Rules (or as extended by Court order) will not prevent the Court from ruling once a Motion is ripe for adjudication. If no response is filed in a timely manner and no request for oral argument is made, the Motion may be treated as unopposed. U.S.C.R. 6.2; *see also Vincent v. Bunch*, 227 Ga. App. 480, 480 (1997).

### **2. Format and Page Limits**

All Motions, proposed orders, and other submissions to the Court shall be printed or typed with not less than double-spacing between the lines, except in block quotations or footnotes. Margins shall be no less than one inch at the top, bottom and sides. The type size shall not be smaller than 12 points in a standard font (Times New Roman, Courier, Georgia, etc.).

Absent advance permission, no Party may file a Motion exceeding **20 pages**, excluding any table of contents, affidavits, deposition extracts, and other relevant exhibits. Motions should include all arguments and citations to authority in a single document; there is no need for a “cover Motion” and separate “brief in support.” Response briefs similarly may not exceed 20 pages, excluding any table of contents, affidavits, deposition extracts, and other relevant exhibits.

Briefs beyond the original Motion and Response are generally discouraged. Parties seeking to file replies, sur-replies, or supplemental briefs of any kind must seek prior authorization by the Court, which may be requested by e-mail. Unless good cause is shown and prior authorization given, such briefs may not exceed **10 pages**.

Documents filed not in compliance with these instructions, or exceeding the above page limits without permission from the Court, may be stricken from the record.

### 3. Hearings

As a general practice, Motions will be decided upon the written submissions of the Parties; however, the Court may order oral argument *sua sponte* or allow it upon good cause shown or as otherwise prescribed in the Civil Practice Act and Uniform Superior Court Rules.

Parties seeking oral argument on a Motion for Summary Judgment must file a request as provided in U.S.C.R. 6.3 and send a courtesy copy to the Court's Civil Litigation Manager, Mr. Little. Parties seeking a hearing on any other Motion(s) need not file a Request for Hearing but must contact Mr. Little via email and make such request once a Motion is ripe for adjudication. Parties must provide a time announcement for their anticipated oral argument when making any request for a hearing.

Unless otherwise ordered by the Court, all hearings are conducted in person at the DeKalb County Courthouse, Courtroom 7A, 556 North McDonough Street, Decatur GA 30030. Under compelling circumstances, the Court may authorize counsel and/or the parties to appear by Zoom or otherwise, but only upon specific request and prior authorization by the Court.

### 4. Court Reporters

The Court does not provide court reporting services or transcripts for civil matters. Parties seeking to have any trial or hearing reported must supply their own court reporter. Attorneys have an affirmative duty to notify their clients that failure to have a proceeding reported may have an adverse effect on any appeal.

### 5. Proposed Orders

Once a dispositive Motion is ripe for adjudication, the Parties are invited to submit proposed orders for the Court's review. If a hearing is held and an order is made from the bench, the prevailing Party shall submit a proposed written order in accordance with the Court's ruling. If a hearing is held and the Motion is taken under advisement, the Court may order the Parties to submit competing proposed orders.

For all non-dispositive Motions, including discovery Motions and ministerial Motions, the moving party must submit a proposed order for the Court's review. The

opposing party may, but is not required to, submit a proposed order for the Court's review.

As stated above, all proposed orders should be submitted electronically via email directly to Ms. Warner in Microsoft Word format. Proposed orders on Motions for Summary Judgment should include detailed findings of facts and conclusions of law which the Court may adapt as appropriate.

## **VI. PRETRIAL ORDERS**

Unless otherwise ordered by the Court, no later than 45 days after the close of discovery or 15 days after the Court's ruling on any dispositive Motions, whichever is later, the Parties shall both e-file and submit, by email, a fully consolidated pre-trial order ("CPTO") to Ms. Warner at the email address stated above. The CPTO shall be presented in the form prescribed by Rule 7.2 of the Uniform Rules of the Superior Court.

Plaintiff/Petitioner shall be responsible for compiling and submitting the CPTO. All other Parties shall provide their portions of the CPTO to the Plaintiff/Petitioner no later than two days prior to the due date. No Party may submit their own individual portions of the pre-trial order to the Court without written certification detailing their good-faith efforts to present the Court with a fully consolidated order. Extensions for submitting a proposed CPTO will be granted only for good cause.

**No contested case shall be scheduled for a final hearing or trial without the submission of a CPTO.** Following submission of the CPTO, the Parties may contact Mr. Little to address scheduling.

## **VII. SANCTIONS**

The Court reminds the parties that failure to strictly adhere to the Uniform Superior Court Rules, the Civil Practice Act, or the Court's Orders may result in sanctions. Sanctions for failure to abide by the terms of this Order or of any of the Court's other Orders, including, without limitation, the deadlines set out in this or any other Order; failing to timely supplement discovery responses as required by O.C.G.A. § 9-11-26(e) and this Order; or failing to maintain confidentiality as required by this or any other Order may include, but are not necessarily limited to, the striking of pleadings, exclusion of evidence, exclusion of witnesses, and charging of fines, attorney's fees, and/or costs against the offending party. *See Hart v. Northside Hosp., Inc.*, 291 Ga. App. 208 (2008).

SO ORDERED, this 6th day of January, 2025. — — — — —



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**Hon. SHODEANA C. MORRIS**  
**Chief and Administrative Judge of the Fourth**  
**Judicial Administrative District**  
**Superior Court of DeKalb County**  
**DeKalb Judicial Circuit**