

## Judge Smith's Standing Order in E-File Cases

The interests of the parties and the orderly management of the Court's business is best served by setting a schedule for electronically filed civil litigation and by stating the practices and procedures of this Court.

**IT IS ORDERED** that, unless specifically exempted, counsel for all parties must confer, in person or by telephone, in an effort to settle the case, discuss discovery, limit issues, and discuss the matters addressed by the Case Management Order ("CMO"). This planning conference shall be held **no later than 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.<sup>1</sup>

**IT IS 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 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 requested from the Court's Calendar Coordinator, Veronica Sharifi, via email to [veronica.sharifi@gwinnettcourts.com](mailto:veronica.sharifi@gwinnettcourts.com). 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 <https://www.gwinnettcourts.com/state-court/Standing-Orders>.

If a party fails or refuses to participate in the early planning conference or completion of the proposed CMO, counsel for the plaintiff(s) shall so indicate when e-

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<sup>1</sup> Foreclosure cases, dispossessory cases, and magistrate court appeals are exempt from completing the CMO unless instructed by the Court.

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 portion. The parties are encouraged to reach agreement where possible.

**IT IS ORDERED** that the following practices and procedures govern this litigation and communication with the Court:


- **COMMUNICATION WITH THE COURT:** The parties may contact Veronica Sharifi ([veronica.sharifi@gwinnettcountry.com](mailto:veronica.sharifi@gwinnettcountry.com) or 770-822-7737) to inquire regarding any procedural issue (scheduling, case status, Court requirements, etc.) or to arrange a status conference or hearing. 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.
- **DISCOVERY DISPUTES:** Any motions regarding discovery disputes (including motions to compel) shall be filed no later than 30 days from the date of the response or event triggering the motion. In addition to the obligations contained in Uniform Superior Court Rule 6.4(B), the parties shall meet and confer in person or by telephone in a good faith effort to resolve any discovery disputes. If the parties are unable to resolve the disputes, the parties must contact Veronica Sharifi ([veronica.sharifi@gwinnettcountry.com](mailto:veronica.sharifi@gwinnettcountry.com) or 770-822-7737) to request a telephonic hearing with the Court **before** filing any discovery motion. The Court will schedule a telephonic hearing, if appropriate, or instruct the parties to brief the matter.
- **EXTENSIONS AND MOTIONS.** **Once a proposed CMO has been signed and filed by this Court, there shall be no extensions of the CMO deadlines by agreement of the parties.** Any extension of time to file a motion must be made by Order of this Court. Any motion filed after these deadlines and without this Court's prior written approval by Order, will be untimely and may not be considered.
- **LENGTH OF MOTIONS, RESPONSES, AND REPLIES.** All briefs and response briefs are limited to no more than 7500 words, unless otherwise permitted by the Court in writing. A party may file a reply brief without leave of the Court no later than 10 days after a responsive brief is filed.

Reply briefs are limited to no more than 3500 words, unless otherwise permitted by the Court. No reply brief may otherwise be filed without leave of the Court. Certificates of service and any attachments or exhibits are excluded from the word count.

- **PROPOSED ORDERS and CONSENT OR JOINT FILINGS:** The parties shall e-file proposed orders through eFileGA, and any courtesy copies of proposed orders should be emailed to Veronica Sharifi ([veronica.sharifi@gwinnettcounty.com](mailto:veronica.sharifi@gwinnettcounty.com) or 770-822-7737) Word format. The parties may contact Veronica Sharifi regarding any consent or joint filings or other filings requesting 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 until needed at trial.
- **LEAVE OF ABSENCES (LOAs).** For scheduling purposes, the Court will recognize filed and approved leaves for lead counsel designated in the eFileGA system. Changes in lead counsel designation must be made through the Gwinnett County Clerk of Court's e-filing system and communicated to the Court in writing with counsel for all parties copied on the communication.
- **CONFLICTS.** Counsel is reminded that the procedures concerning conflicts found in Uniform Superior Court Rule 17.1 apply in State Court. Counsel must give prompt written notice of conflicts to opposing counsel, the Clerk, and the Court. Counsel's proposed resolution of conflicts must comply with the priorities established by Rule 17.1(B). Counsel is reminded that Rule 17.1(C) requires counsel to "immediately notify all affected parties, including the court" when a conflict is resolved and that "absent good cause shown to the court," counsel shall "proceed with the remaining case or cases in which the conflict was resolved[.]"
- **WITHDRAWAL OR SUBSTITUTION OF COUNSEL.** Counsel is reminded that the procedures concerning the withdrawal or substitution of counsel found in Uniform Superior Court Rule 4.3 apply in State Court. Orders for the withdrawal or substitution of counsel will not be signed absent compliance with all requirements of Rule 4.3.

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** on October 2, 2024.

  
Jaletta Long Smith  
Judge, State Court of Gwinnett  
County

**IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION FILE  
v. ) NO. \_\_\_\_\_  
 )  
\_\_\_\_\_, )  
 )  
Defendant. )

**CASE MANAGEMENT ORDER<sup>1</sup>**

As directed by Judge Smith’s Standing Order in E-File Cases (Civil), the parties conducted an early planning conference on \_\_\_\_\_, with the following counsel (or pro se parties) in attendance:

<u>Party</u>	<u>Counsel</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Parties not in attendance: \_\_\_\_\_

The parties have conferred concerning settlement, discovery, limiting issues, and to discuss other matters addressed by this Case Management Order (“CMO”).

\_\_\_\_\_  
<sup>1</sup> The proposed deadlines become binding once the proposed order is signed and entered.

The parties agree that the following deadlines govern discovery and pretrial matters:

- **DISCOVERY.** Under Uniform Superior Court Rule 5.1, discovery must be commenced promptly, pursued diligently and **completed without unnecessary delay and within 6 months** after the filing of the answer. If an answer is not filed within 30 days of service, or by the date set in any extension or court order, the 6-month period shall begin to run 30 days after service. Discovery (including, but not limited to, written discovery, depositions, and any expert discovery) commenced on \_\_\_\_\_ under Uniform Superior Court Rule 5.1 and will close on \_\_\_\_\_.

Parties proposing any departure from the 6 months provided by Rule 5.1 must provide an explanation below:

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

- **EXPERT DISCOVERY** (if applicable): **All expert discovery must be completed by the above discovery deadline.** The disclosure must identify all subject matters, substance of facts and opinions, and a summary of the grounds for each opinion of every testifying expert identified.
  - 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 shall be scheduled and completed within 45-days of the close of discovery** and in accordance with the Mediation Procedures attached as Exhibit A. Mediation shall be scheduled on or before \_\_\_\_\_.
- **DISPOSITIVE or 702 MOTIONS** shall be filed no later than 60 days after the close of discovery. Before filing any 702 (*Daubert*) motion, the parties shall meet and confer in a good faith effort to resolve the evidentiary issue(s). 702 motions are not to be included in Motions in Limine. Dispositive or 702 motions must be filed on or before \_\_\_\_\_.<sup>2</sup>
- **WITNESSES.** The parties shall supplement the identification of witnesses (except for purposes of impeachment), in response to any applicable discovery request, no later than 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. The last date for identifying witnesses is on or before \_\_\_\_\_.
- **CONSOLIDATED PRETRIAL ORDER.** Consolidated Pretrial Order in the form set out in Uniform Superior Court Rule 7.2 and any motions in limine shall be filed no later than \_\_\_\_\_ or 30 days after this Court rules on any substantive motions, motions for summary judgment and 702 motions, whichever date is later. Plaintiff's counsel shall consolidate the order. All other parties shall deliver their portion of the pre-trial order to Plaintiff's counsel no later than ten days prior to the due date. No party shall submit their individual portion of the pretrial order to the Court absent written certification detailing their good faith efforts to present the Court with a fully consolidated order. Extensions for submission of consolidated pre-trial orders will be granted only for good cause shown by order of this Court.
  - **All documentary and physical evidence shall be identified with reasonable particularity in the consolidated pre-trial order. All witnesses shall be identified by name or specific information to allow identification of the person or entity.** In the event a witness

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<sup>2</sup> See OCGA § 24-7-702; see also *Zarate-Martinez v. Echemendia*, 299 Ga . 301, 788 S.E.2d 405 (2016).

or document not previously disclosed during discovery is listed on the pretrial order, the Court may strike the witness or evidence.

- Do not file boilerplate or generic motions in limine where the law is well-settled and same would be clearly granted (for example, invoking the rule of sequestration, collateral source and insurance, etc.). Those can be submitted as mutually agreed and entered on the record without review. Please submit disputed and novel motions in limine only where the law is unsettled, or the Court needs to provide a ruling on a substantive area of law prior to trial.
- EXHIBITS. Copies of all exhibits and a copy of the list of exhibits are to be made for each opposing counsel. **This includes copies of videos that either party intends to introduce at trial.** Exhibit copies and a proposed list of exhibits are to be exchanged **no later than 7 days prior to the first scheduled date of trial.** The parties shall confer before trial with a view toward stipulating exhibits for admission into evidence.
- DEPOSITIONS FOR USE AT TRIAL. Counsel and parties are ordered and directed to submit in writing to each other the portions of depositions they intend to use at trial, and within 14 days thereafter meet in person, by Zoom, conference call, or other agreed upon electronic meeting and discuss all objections to any written designated portions of depositions a party intends to introduce at trial in lieu of live testimony. Counsel and parties are encouraged to reach an accord on the objections if possible. If no agreement is reached, counsel and parties are then required to submit to the Court a motion, in writing, identifying by page and line numbers any objections for which agreement between the parties could not be reached for the Court's determination. **Objections must be filed by both parties in a joint motion with the Court as soon as known, but no later than 10 days prior to the first scheduled date of trial. The joint motion shall identify the objected to testimony by line and page number by each party, in addition to the specific objection by each party to the designations by another party.** The Court will not consider or rule on counter designations with supplemental objections or designations for use at trial that have no specific objections. Please simply state objections to testimony as described above.
- REQUESTS TO CHARGE. Requests to charge must be submitted to the Court when the case is called in for trial. Pattern charges shall be



requested in writing and identified by number. Each party is limited to no more than 10 non-pattern requests to charge.

The parties acknowledge that the following practices and procedures govern this litigation and communication with the Court:

- **COMMUNICATION WITH THE COURT:** The parties may contact Calendar Coordinator Veronica Sharifi ([veronica.sharifi@gwinnettcourt.com](mailto:veronica.sharifi@gwinnettcourt.com) or 770-822-7737) to arrange a status conference or hearing. Unless instructed by the Court, the parties shall not submit letter briefs or send substantive emails addressing the merits of this case. The parties will not “carbon copy” court personnel on correspondence between the parties if that correspondence addresses the merits of the case.
- **DISCOVERY DISPUTES:** Any motions regarding discovery disputes (including motions to compel) shall be filed no later than 30 days from the date of the response or event triggering the motion. In addition to the obligations contained in Uniform Superior Court Rule 6.4(B), the parties shall meet and confer in person or by telephone in a good faith effort to resolve any discovery disputes. Before filing any discovery motion, the parties may contact the Court’s Staff Attorney to request a telephonic hearing if it would expedite resolution.
- **PROPOSED ORDERS and COURTESY COPIES:** The parties shall e-file proposed orders through the Gwinnett County Clerk of Court’s e-filing system, Odyssey eFileGA.<sup>3</sup> When requested, courtesy copies of proposed orders should be emailed to Calendar Coordinator Veronica Sharifi ([veronica.sharifi@gwinnettcourt.com](mailto:veronica.sharifi@gwinnettcourt.com)) in Word format. The parties may contact Ms. Sharifi regarding any consent or joint filings or other filings requesting 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 until needed at trial.
- **LEAVE OF ABSENCES (LOAs).** For scheduling purposes, the Court will recognize filed and approved leaves for lead counsel designated in the eFileGA system. Changes in lead counsel designation must be made through the Clerk of Court’s e-filing system and communicated

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<sup>3</sup> See <https://www.gwinnettcourts.com/about/efilega>

to the Court in writing with counsel for all parties copied on the communication.

- **CONFLICTS.** All counsel are reminded that the procedures concerning conflicts found in Uniform Superior Court Rule 17.1 apply in State Court. Counsel must give prompt written notice of conflicts to opposing counsel, the Clerk, and the Court. Counsel's proposed resolution of conflicts must comply with the priorities established by Rule 17.1(B). Rule 17.1(C) requires counsel to "immediately notify all affected parties, including the court" when a conflict is resolved and that "absent good cause shown to the court," counsel shall "proceed with the remaining case or cases in which the conflict was resolved[.]"
- **WITHDRAWAL OR SUBSTITUTION OF COUNSEL.** All counsel are reminded that the procedures concerning the withdrawal or substitution of counsel found in Uniform Superior Court Rule 4.3 apply in State Court. Orders for the withdrawal or substitution of counsel will not be signed absent compliance with all requirements of Rule 4.3.

All parties and counsel are notified that failure to comply with this CMO may result in sanctions, including striking of pleadings, denial of motions as untimely, imposition of attorneys' fees, and exclusion of witnesses and evidence. *See Davis v. Taylor*, 370 Ga. App. 837 (2024) (affirming denial of motion to compel as untimely under deadlines imposed by case management order); *Lee v. Smith*, 307 Ga. 815 (2020) (trial court in civil case has broad discretion to enter orders setting pretrial scheduling deadlines and to impose appropriate sanctions to make those orders effective); *OTS, Inc. v. Weinstock & Scavo, P.C.*, 339 Ga. App. 511 (2016) (affirming exclusion of expert witness because expert disclosure was deficient under scheduling order).

This Case Management Deadline Order supersedes all previous dates and deadlines and will control the course of the trial. Except for good cause shown and by Order of this Court, the deadlines in this CMO shall not be amended except by consent of the parties and by Order of the Court to prevent manifest injustice.

Submitted on \_\_\_\_\_, \_\_, 20\_\_\_\_.

Submitted by:

/s/ Plaintiff(s) or Plaintiff(s)' Counsel

/s/ Defendant(s) or Defendant(s)' Counsel

Rev. Oct. 2024

IN THE STATE COURT OF GWINNETT  
COUNTY STATE OF GEORGIA

_____	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE
v.	)	NO. _____
	)	
_____	)	
	)	
Defendant.	)	

**Mediation Procedures**

1. This case shall be mediated within 46 days after the close of discovery. Counsel and any pro se parties are directed to contact the Gwinnett County Office of Dispute Resolution at 770-822-8587 and schedule mediation within 45 days after the close of discovery.
2. Parties may also choose from a list of registered mediators at <https://www.gwinnettcourts.com/court-programs/adr-processes>. You may also contact the Gwinnett Office of Dispute Resolution at 770-822-8587 or Abby.Carter@gwinnettcounty.com for a list. The parties shall select their mediator, contact the mediator for a date and time, then contact the GCODR to schedule the mediation. Because of limited space, the parties shall also have an alternate date selected. If an agreement cannot be reached as to a mediator, the court will appoint one for you.
3. Should the parties decide to use a private mediation service or arbitrator, the Court and the Gwinnett Office of Dispute Resolution must each be notified, in writing, within 45 days after the close of discovery, as to whom the parties have agreed to use and the date of the mediation, verifying that the mediation is to occur within the allotted time. Nothing in this order prohibits alternate mediation with a person unaffiliated with the Gwinnett Dispute Resolution Program.
4. If any additional mediation sessions are needed, they are to be scheduled and completed within 76 days of the close of discovery.
5. Documentation of mediation shall be provided to the Gwinnett Office of Dispute Resolution. If the case is not resolved through mediation, it shall be immediately returned to the court's docket.

6. The appearance of each party and the attorney of record is mandatory. If insurance is involved, an adjustor, with authority up to the policy limits or the most recent demand, whichever is lower, shall attend for the duration of the mediation session, either in person or immediately available by phone or audio-visual means.
7. The cost of the mediator will be divided equally among the parties who shall be prepared to pay the mediator at the time of the session. The parties and the designated mediator will determine the length of the session. Sanctions may be imposed due to nonpayment and the case may not be determined closed if there are any outstanding fees due to the mediator.
8. All discussions, representations, and statements made at the mediation conference shall be privileged consistent with Georgia law.
9. The mediator has no power to compel or enforce settlement agreements and does not give legal advice. If a settlement is reached in this case, the attorneys shall reduce the agreement to writing and submit it to the Court within 10 business days of the mediation session.
10. The mediator will notify this Court of any failure of a party or parties to appear for mediation at the scheduled date and time. Should a party fail to appear, the Court may impose sanctions, including costs, upon that party.
11. If the case is settled, or in any way disposed of before mediation, the Gwinnett Office of Dispute Resolution and the Calendar Coordinator must be notified in writing immediately.
12. The case will remain assigned to this Court for all motions, hearings and trial calendars already scheduled and for future motions, hearings and calendars.

NOTE: If both parties agree that mediation will likely not be helpful or that the cost of mediation would likely outweigh the benefit, the parties may submit a Consent Order vacating this Mediation Order. The parties must submit the Consent Order within 45 days of the close of discovery. If mediation is cancelled, the case will be immediately placed on the next available trial calendar.