

IN THE STATE COURT OF ATHENS-CLARKE COUNTY  
STATE OF GEORGIA

2024 OCT 11 PM 1:44

**Scheduling Order Setting Pre-trial Conferences for December 17, 2024 at 2:30 pms  
and Jury Trials for the Week of Tuesday, January 21, 2025**

For the cases pending trial listed on Exhibit A, the following shall apply: \_\_\_\_\_ DOCKET INITIALS

**Discovery**

Unless noted otherwise, this Order contemplates that all discovery has been completed, any expert witnesses have been properly disclosed during discovery, and the discovery period is closed.

**November 8, 2024**

**Extension of discovery** – If either party is seeking additional time for discovery, an appropriate motion should be filed by this date.

**Dispositive motions** shall be filed by this date.

**Motions to challenge to an expert's qualification under O.C.G.A. § 24-7-702** shall be filed by this date.

**November 20, 2024**

**Defendant's portion of pre-trial order** shall be submitted by Defendant to Plaintiff by this date.

**Any uninsured or underinsured motorist carrier** shall file by this date a notice of whether the UMC elects to proceed at trial in its own name or in the name of Defendant as allowed under O.C.G.A. § 33-7-11. The UMC shall include the election in §1 of the pre-trial order. If no election is filed, the UMC will waive the ability to proceed in its own name, and the Court will find the UMC has elected to proceed in the name of Defendant.

**Compliance with O.C.G.A. § 9-11-26 (e)** – Parties shall comply with O.C.G.A. § 9-11-26 (e) and supplement all discovery responses by this date.

**December 6, 2024**

**Consolidated Pre-trial Order** shall be submitted to the State Court Staff Attorney by email this date to [lesley.weise@accgov.com](mailto:lesley.weise@accgov.com). Plaintiff shall be responsible for consolidating the pre-trial order. (*See further instructions below.*)

**Motions in limine** shall be filed by this date. The Court requests that the attorneys refrain from filing boilerplate motions and motions seeking the Court to enter rulings on general topics of well-established of law, evidence, or

procedure that are not tailored to the particular legal or evidentiary issues in the case.

**Notices of intent to introduce records pursuant to O.C.G.A. § 24-9-902 (11) or (12)** shall be filed by this date or may be included in §14 of the pre-trial order if the notice complies with the requirements of O.C.G.A. § 24-9-902 (11) or (12).

**Trial depositions** - For any depositions to be used at trial, the parties shall file any deposition designations or requests for rulings on deposition objections by this date. ***For any trial depositions taken after this date, any designations or requests for rulings on objections shall be filed within 48 hours of a party's receipt of the transcript.***

**December 17, 2024**

**Pre-trial Conference** shall be held at **2:30 p.m.** in Hearing Room 415, Fourth Floor of the Athens-Clarke County Courthouse, 325 E. Washington Street, Athens, Georgia 30601. ***(See further instructions below.)***

**Mediation** shall be completed by this date. If counsel has not received an order scheduling mediation, please contact the Tenth District ADR Program at (706) 613-3210 to be scheduled for mediation. All cases must attend mediation prior to the pre-trial conference.

**All motions in limine and deposition designations** shall be heard by the Court on this date.

**The Pre-trial Conference will have a WebEx remote attendance option.** Please notify the Staff Attorney at [lesley.weise@accgov.com](mailto:lesley.weise@accgov.com) at least two days in advance if you wish to appear remotely.

**Attorneys who have a previously scheduled leave of absence for this date** shall contact the State Court Staff Attorney no later than May 17, 2024 to request an alternative date for a pre-trial conference.

**January 21, 2025**

**Jury Trials** shall begin at 8:30 a.m. in the State Court Courtroom. If a case is not reached, it will be placed on the next jury trial calendar.

**Instructions for Pre-trial Order:**

§1 Name, Address, and Phone Number of Attorneys: If the uninsured or underinsured motorist carrier is a party, the pre-trial order shall include whether the UMC will elect to proceed at trial in its own name or in the name of Defendant as allowed under O.C.G.A. § 33-7-11.

§14 Notices of intent to introduce records: Each party may include notices of intent to introduce pursuant to O.C.G.A. § 24-9-902 (11) or (12) if made in compliance with the statute.

§17 Proposed Jury Charges: the parties should word §17 as: "Pursuant to Uniform State Court Rule 10.3, all requests to charge, other than additional requests to cover unanticipated points which arise at trial, shall be filed with the Clerk of State Court and a copy submitted to the Court by email to [lesley.weise@accgov.com](mailto:lesley.weise@accgov.com) in Word document form at the time of jury selection."

§19 List of Witnesses: Party shall identify all potential witnesses by first and last name and list the witness's position and / or employer (if applicable). Parties shall not list witnesses by generic description. At trial, the Court will exclude any witness who has not been sufficiently identified except for the limited purpose of authenticating documents, records, or other exhibits.

Amendments: The Court will not enter pre-trial orders that contain provisions attempting to reserve the right to amend the pre-trial order or to conduct discovery. Amendments will be allowed only upon order of the Court and upon good cause shown.

**Attendance at Pre-trial Conference / Requests to be Excused:** Unless a pre-trial order has already been entered by the Court, an attorney of record must appear for each party to make an announcement in the case. If you are unable to appear, please contact **Lesley Weise, Staff Attorney**, at [lesley.weise@accgov.com](mailto:lesley.weise@accgov.com) at least 48 hours in advance to request excusal by the Court.

**Failure to Appear at Pre-trial Conference / Failure to Present Proposed Pre-trial Order:** Failure of counsel to appear at the pre-trial conference without legal excuse or failure to present a proposed pre-trial order shall authorize the Court to remove the action from the trial calendar, enter such pre-trial order as the Court deems appropriate, or impose any other appropriate sanction.

This Order and the attached Calendar shall be entered on the Minutes of the Court and a copy served on the Tenth District Alternative Dispute Resolution Program office.

SO ORDERED, this 11 day of October, 2024.



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**Charles E. Auslander, III**  
**Judge, State Court of Athens-Clarke County**

### Exhibit A

IN THE STATE COURT OF ATHENS-CLARKE COUNTY  
STATE OF GEORGIA

**Pre-trial conference on Tuesday, December 17, 2024 at 2:30 p.m.**  
**Jury trial week of Tuesday, January 21, 2025 at 8:30 a.m.**

Case No.	Case Style	Counsel for Plaintiff	Counsel for Def./*UMC
ST21CV0566	Charles Wayne Patrick, Martha Sue Davis, and Michael T. Smith as the Administrator of the Estate of Jennifer Lee Patrick versus The Rail Athens, LLC, 430 Azteca Athens, LLC d/b/a El Azteca Mexican Restaurant, Megan E. Kingston, John Does 1 – 4, and ABC Corp. 1 – 4	Ashley B. Fournet Ben C. Brodhead, III Michael A. Arndt Brodhead Law, LLC	Robert M. Gardner, Jr. Robert M. Gardner, P.C.  R. Christopher Harrison Jackson A. Griner Downey & Cleveland, LLP  Brian F. Hansen Gower Wooten & Darneille, LLC
ST21CV0686	Aaron Pierce versus Kyndyl Yvette Banks and Octavius Avery Smith	Ashley B. Fournet Ben C. Brodhead, III Michael A. Arndt Brodhead Law, LLC	Alexandra Svoboda Waldon Adelman Castilla McNamara & Prout
ST21CV0912	Cretina Sanders and Mattie Smith versus Erik Aguirre Ayala, Valerio Jesus Heredia, Heredia Fast Towing, Inc., Ethio-American Insur. Co., John Does 1 – 3, and ABC Corp. 1 – 2	Clark Karell, Jr. Karell Trial Attorneys, LLC	Blake Durham Blake Durham Law, LLC  Christopher Denison Law Office of Christopher Denison

ST22CV0272	Samantha Jordan versus Floyd Johnson, Kevin D. Cruell, and Brenda A. Pettus	Frederick V. Massey Massey & Sharry, LLP	Trenton D. Edwards Gower Wooten & Darnelle, LLC  M. Steven Heath Cowsert & Heath, LLP  Jimmy Russell David Law Office of Jim R. David  John Stell, Jr. Stell, Smith, & Mattison, P.C.  Shepard R. Smith James Bates Brannan Groover, LLP
ST22CV0632	Jamela Smith versus Xavier Gerard Downer, Alra Logistics, LLC, John Does, and John Doe Corporation	Joshua W. Branch The Law Office of Joshua W. Branch, LLC	Adam C. Joffe Jazzell Carter Goodman McGuffey, LLP  Kevin Wangerin Bullard Wangerin & Corbett, LLP  Travis J. Meyer Morgan A. McGee Waldon Adelman Castilla McNamara & Prout
ST22CV0713	Stanley Patmon and Bobby Porter versus AV Express LTD d/b/a AVX, Anthony A. Coleman, and Knightsbrook Insur. Co.	Johnquel E. Neal Adewale Odetunde Janelle Zabresky WLG Atlanta, LLC	Brian F. Williams Dontez Mars Waldon Adelman Castilla McNamara & Prout
ST23CV0094	Gayle Williams and Malenda Williams versus Ahlayia Bird	Catherine Manavi Nick Schnyder Maurice Riden, II The Nick Schnyder Law Firm  Peter Brogdon Jason Slate Ali Awad Law	Antoinette Thomas American Family Insurance

ST23CV0114	Alexander Vieillard versus Diamond T. Terrell	Saif Ahmed Ross Massey Massey Law Group, LLC	Jay Eidex Groth Makarenko Kaiser & Eidex, LLC  Jeffrey M. Hood Hood Law Firm, LLC  Kristin Yoder Jamelah Plato Cruser Mitchell Novitz Sanchez Gaston & Zimet, LLP
ST23CV0217	Michelle Pace versus Carys Yang Pfluke	Eric Jensen Joon I. Kim Jensen Law, LLC	M. Steven Heath Matthew Moseley Cowsert & Heath, LLP
ST23CV0223	Kayla Martin, Individually and as Parent and Natural Guardian of Khaleiha Martin, a Minor, and Danquarius Blackwell versus Athens-Clarke County Unified Government	Richard P. Hamilton Hamilton Firm, LLC  Danquarius Blackwell 288 W. Tate St. Elberton, GA 30635	Gregory Sowell Shepard R. Smith James Bates Brannan Groover, LLP
ST23CV0321	Huy T. Tran versus Mary E. Gibson	Johannes Ploeg Ploeg & Brown, PC	A. Bradley Rutledge, Jr. Olivia de Quesada Gower Wooten and Darneille, LLC
ST23CV0335	Jonathan D. Milan versus Wyatt S. Bewley	Edward J. Bauer Bauer Law Offices	Daniel C. Prout, Jr. Samantha Luzader Waldon Adelman Castilla Hiestand & Prout
ST23CV0364	Yelena Stashesku versus Michael Mooney and Harrison & Harrison, Inc.	John O'Briant, III Morgan & Morgan Atlanta, PLLC	Joseph Kaiser Davis Lackey Donna A. Davis Groth Makarenko Kaiser & Eidex, LLC

ST23CV0373	Enoelia Jarquin-Parada versus Willie Walton	Ross Massey Jeffrey G. James Massey Law Group, LLC	Douglas A. MacKimm Jessica Devins Groth Makarenko Kaiser & Eidex, LLC
ST23CV0381	Stephen Zeitler versus John Doe	Ross Massey Saif Ahmed Massey Law Group, LLC	Claire Sumner Jason Deere Lueder Larkin & Hunter, LLC
ST23CV0416	Judith C. Ackerson versus Ava Devereaux Frank	Joshua W. Branch Robert Russell The Law Office of Joshua W. Branch, LLC	Michael C. Davis Law Office of Andrews & Manganiello  Jason Darneille Gower Wooten and Darneille, LLC
ST23CV0432	Billy Williams, Individually and As Natural Guardian and Next Friend of Tripp Williams versus Erin Smith	Warren Kennedy Abel Christopher Breault Attorney Chris Breault, P.C.	Katherine Rouse Rakhi McNeill Waldon Adelman Castilla Hiestand & Prout  Matthew J. Ashby David M. Gram Savell & Williams, L.L.P.
ST23CV0442	Thomas Davis, Individually and Vicky Davis, as Spouse Only versus Brandon Pagan and Cynthia Bolger	Derek M. Hays Law Offices of Derek M. Hays, LLC	M. Steven Heath Matthew Moseley Cowsert Heath, LLP  Marsha Herring Law Office of Robert D. Ream
ST23CV0640	Olha Khodak versus Christina Eakin and State Farm Mutual Insurance Company	Tyler R. Watkins Gorinshteyn & Watkins, LLC	William D. Davis Ichter Davis, LLC  Leslie Claxton Fain Major Brennan Sanford & Hardee, LLC

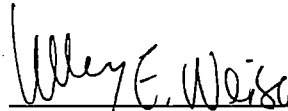
CERTIFICATE OF SERVICE

I have served the foregoing Scheduling Order Setting Pre-Trial Conference on December 17, 2025 and for a Jury Trial the week of Tuesday, January 21, 2025 and Exhibit A on all counsel as listed on said calendar electronically through PeachCourt, as well as the following by hand delivery:

Elisa Zarate, Clerk of Court

Tenth District Alternative Dispute Resolution Program Office

This 11<sup>th</sup> day of October, 2024.



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Lesley E. Weise, Staff Attorney  
State Court of Athens-Clarke County