

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

FILED IN OFFICE  
ATHENS-CLARKE COUNTY  
STATE OF GEORGIA

2023 OCT 19 PM 2:59

**Scheduling Order Setting Pre-trial Conferences for January 9, 2024 at 2:30 p.m.  
and Jury Trials for the Week of January 29, 2024**

CLERK OF COURTS  
SUPERIOR/STATE

For the cases pending trial listed on Exhibit A, the following shall apply:<sup>1</sup>

DOCKET INITIALS

**Discovery**

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 10, 2023**

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

**December 1, 2023**

**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.

**December 15, 2023**

**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.

**January 4, 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.**)

<sup>1</sup> For cases where the Court has already entered a pre-trial order, a note has been made on Exhibit "A". The parties in these cases are excused from attending the pre-trial conference and from complying with the other requirements of this scheduling order.

**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.*

**January 9, 2024**

**Pre-trial Conference** shall be held at **2:30 p.m.** in the State Court Courtroom, Fifth 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 State Court 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 November 20, 2023 to request an alternative date for a pre-trial conference.

**January 29, 2024**

**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.

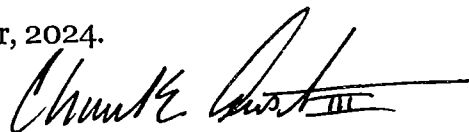
Amendments: The Court will not enter pre-trial orders that contain provisions attempting to reserve the right to amend the pre-trial order or to conduct discovery. Amendments will be allowed only upon order of the Court and upon good cause shown.

**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 19 day of October, 2024.



**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, January 9, 2024 at 2:30 p.m.  
Jury trial week of Monday, January 29, 2024 at 8:30 a.m.**

ST21CV0646 <i>CPTO entered</i>	El Rahman McKoy versus Isaac Jamal Hulin and Merry Smith Hulin	Donald T. Wells, Jr. Wells and McElwee, P.C. PO Box 1232 Athens, GA 30603	Trey Moody Andrew Bryce Moody Allison Gylfe Law Office of SE 'Trey' Moody, III, PC PO Box 220 Perry, GA 31069
ST21CV0174	Mary G. Jones versus Alexandra H. Zachowski	Donald T. Wells, Jr. Wells and McElwee, P.C. PO Box 1232 Athens, GA 30603	Trent Edwards Worsham Corsi Dobur & Berss PO Box 674027 Marietta, GA 30006-0068
ST22CV0159	Terri Willingham versus Power Family Partnership, LLP d/b/a Power Properties	Andrew J. Brandt Rice McGowan 3715 Northside Parkway Bldg. 200, Suite 850 Atlanta, GA 30327	Sean L. Hynes Downey & Cleveland, LLP 288 Washington Avenue Marietta, GA 30060  Adam M. Cain Law Offices of Adam M. Cain, LLC 297 Prince Avenue, Suite 24 Athens, GA 30601
ST22CV0174	Aminah Austin versus The Estate of Janie L. Lumpkin and Kimberly Lumpkin	Eric L. Jensen Allen Hoffman, Jr. Jensen Law, LLC 6111 Peachtree Dunwoody Road, Suite G201 Atlanta, GA 30328	Jessica Sanford Fain Major & Brennan, PC One Premier Plaza 5605 Glenridge Dr., Ste. 900 Atlanta, GA 30342

ST22CV0379	Lenna Applebee and Chuck Applebee versus Board of Regents of the University System of Georgia	Seth Eisenberg The Eisenberg Firm 114 E. Ponce De Leon Ave. Atlanta, GA 30030  Makenzie McAllister Bross McAllister & Williams LLC 5400 Laurel Springs Pkwy., Building 100, Suite 102 Suwanee, GA 30024	Kimberly Schwartz Anthony Chirgott Georgia Department of Law 40 Capitol Square SW Atlanta, GA 30334  Matthew Ashby Savell & Williams, LLP 303 Peachtree Street NE, Suite 5100 Atlanta, GA 30308
ST22CV0435	Spence Dalton versus Quentin Hall	H. Michael Ruppensburg Blasingame Burch Garrard Ashley, PC PO Box 832 Athens, GA 30603	Alan Gibson Worsham Corsi Dobur & Berss PO Box 674027 Marietta, GA 30006-0068  William Horkan James Bates Brannan Groover, LLP PO Box 4283 Macon, GA 31208-4283  Shepard Smith James Bates Brannan Groover LLP 1 Press Place, Suite 200 Athens, GA 30601
ST22CV0531	Ebonique Carter and Quantavious Carter versus Sara Rose Agualo	Danny L. Durham Melissa Bray Durham Bray Law Firm, PC 2560 Trade Center Drive Evans, GA 30809	Ashley Pruitt Worsham Corsi Dobur & Berss PO Box 674027 Marietta, GA 30006
ST22CV0669	Travis Padgett versus Bobby Lee Campbell	Matthew T. Wilson Princenthal May & Wilson, LLC 750 Hammond Drive Building 12, Suite 200 Atlanta, GA 30328	Scott D. Huray Shivam Kumar Lewis Brisbois Bisgaard & Smith, LLP 600 Peachtree Street NE, Suite 4700 Atlanta, GA 30308

ST22CV0722

Tessa Newsom  
versus  
Lisko Family Midway  
Amusements  
and  
Lawrence Carr  
d/b/a Carr Expositions  
a/k/a Carr Expositions  
a/k/a Carr Carnival

Timothy A. Raimey, Jr.  
The Raimey Law Firm, LLC  
6440 Old Hillandale Dr.,  
Suite 106  
Stonecrest, GA 30058

Brian R. Neary  
Webb Zschunke Neary &  
Dikeman, LLP  
One Securities Centre  
3490 Piedmont Road NE,  
Suite 1210  
Atlanta, GA 30305

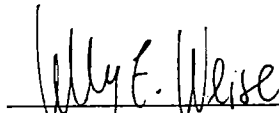
CERTIFICATE OF SERVICE

I have served the foregoing Scheduling Order Setting Pre-Trial Conference on January 9, 2024 and for a Jury Trial the week of January 29, 2024 and Exhibit A on all counsel as listed on said calendar by email and U.S. Mail with sufficient postage thereon at the addresses given, as well as the following by hand delivery:

Elisa Zarate, Clerk of Court

Tenth District Alternative Dispute Resolution Program Office

This 19<sup>th</sup> day of October, 2023.



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