



IN THE STATE COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

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

This case has been assigned to Judge Derek J. White. The purpose of this Order is to inform the parties and their counsel of the Court's policies, practice and procedure. It is issued to promote the just and efficient determination of the case. This Order, in combination with this Court's Local Rules and the Georgia Civil Practice Act shall govern this case.

**CASE ADMINISTRATION**

**1. Contacting Chambers**

Pat McCoy, our Civil Case Manager, is your principal point of contact on matters relating to this case. Where possible, communication with Ms. McCoy should be by telephone (912-652-7565) or by e-mail ([pmccoy@chathamcounty.org](mailto:pmccoy@chathamcounty.org)). Mailed, couriered, and hand delivered communications should be addressed as follows:

Ms. Pat McCoy  
Civil Case Manager  
133 Montgomery Street  
Suite 430  
Savannah, GA 31401

Any documents required to be filed in this case should be addresses and delivered to the Clerk of State Court rather than Ms. McCoy.

The Court's staff attorney is Alison Kennickell. She can be reached by telephone (912-652-7496) or e-mail ([askennickell@chathamcounty.org](mailto:askennickell@chathamcounty.org)). Neither the parties nor their counsel should discuss the merits of the case with Ms. McCoy or Mrs. Kennickell.

## **2. Courtesy Copies**

Parties are not required to forward courtesy copies of motions and other filings directly to chambers. However, in large cases, courtesy copies of substantive motions are appreciated via email to Mrs. Kennickell.

## **CASE MANAGEMENT**

### **1. Extension of Time**

The Court, along with counsel for the parties, is responsible for processing cases toward prompt and just resolutions. To that end, the Court seeks to set reasonable but firm deadlines. Motions for extensions, whether opposed, unopposed or by consent, will be granted only upon a showing of good cause. In the event the parties need an extension of the discovery period past their second request, the Court requires that a proposed Consent Scheduling Order be file alongside the motion addressing all significant remaining deadlines.

### **2. Conferences**

Scheduling, 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 when counsel believes that a conference will be helpful and counsel has specific goals and an agenda for the conference.

### **3. Candor in Responsive Pleadings**

In accordance with O.C.G.A. § 9-11-8 (b), a party's responsive pleading must admit or deny the averments of the adverse party's pleading. A party may not deny, in his responsive pleading, an averment in his opponent's pleading on the grounds that the averment raises a matter of law rather than fact.

#### **4. Discovery Responses - Boilerplate and General Objections**

Boilerplate objections in response to discovery requests are strongly discouraged. Parties should not carelessly invoke the usual litany of rote objections, i.e., attorney-client privilege, work-product immunity from discovery, overly broad/unduly burdensome, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, unless the responding party has a valid basis for these objections.

Moreover, general objections are disfavored, i.e., a party should avoid including in his response to a discovery request a “Preamble” or a “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., the attorney-client privilege, the work product immunity from discovery, the requirement that discovery requests be reasonably calculated to lead to the discovery of admissible evidence, and the prohibition against discovery requests that are vague, ambiguous, overly broad, or unduly burdensome. Instead, each individual discovery request should be met with every specific objection 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 may be disregarded by the Court.

Finally, a party who objects to a discovery request but then responds to the request must indicate whether the response is complete. For example, in response to an interrogatory, a party is not permitted to raise objections and then state, “Subject to these objections and without waiving them, the response is as follows” unless the party expressly indicates whether additional

information would have been included in the response but for the objection(s).

Evidence introduced at trial which was requested but not disclosed during the discovery period will not be admitted.

## **5. Conduct During Depositions**

(a) At the beginning of the deposition, deposing counsel shall instruct the witness to ask deposing counsel, rather than the witness's own counsel, for clarifications, definitions or explanations of any words, questions or documents presented during the course of the deposition. The witness shall abide by these instructions.

(b) All objections except those that would be waived if not made at the deposition under O.C.G.A. § 9-11-32 (d) (3) (B) and those necessary to assert a privilege or to present a motion pursuant to O.C.G.A. § 9-11-30 (d), shall be preserved. Therefore, those objections need not be made during the course of depositions. If counsel defending a deposition feels compelled to make objections during depositions, he or she should limit the objections to only "objection to form." Defending counsel should only elaborate on his/her objection upon the request of deposing counsel. Defending counsel should avoid speaking objections except in extraordinary circumstances.

(c) Counsel SHALL NOT instruct a witness not to answer a question unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court. The objection needs to be well supported.

(d) Counsel shall not make objections or statements that might suggest an answer to a witness. Counsel's statements when making objections should be succinct and verbally economical, stating the basis of the objection and nothing more.

(e) Counsel and their witness-clients should not engage in private off-the-record conferences during depositions or during breaks regarding any of counsel's questions or the witness's answers, except for the purpose of deciding whether to assert a privilege or to clarify a previous answer. Any conferences that occur pursuant to, or in violation of, this rule are a proper subject for inquiry by deposing counsel to ascertain whether there has been any witness-coaching and, if so, what. Any conferences that occur pursuant to, or in violation of, this rule shall be noted on the record by the counsel who participated in the conference. The purpose and outcome of the conference shall also be noted on the record.

(f) Deposing counsel shall provide to the witness's counsel a copy of all documents shown to the witness during the deposition. The copies shall be provided in discovery or, at the latest, before the deposition begins. The witness and the witness's counsel do not have the right to discuss documents privately before the witness answers questions about them.

(g) Depositions are limited to no more than seven hours of time on the record. Breaks do not count when calculating the duration of the deposition.

## **6. Serving Discovery Prior to Expiration of the Discovery Period**

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

## **7. Extensions of the Discovery Period**

Motions requesting an extension of the discovery period must be made prior to the expiration of the existing discovery period, and such motions ordinarily will be granted only in cases where good cause is shown. However, the scheduling of experts will not be deemed as good cause.

## 8. Motions in General

All Motions shall be accompanied by a proposed Order (long orders are required in more extensive motions such as Motions for Summary Judgment) in Word format emailed to Mrs. Kennickell.

Briefs shall not exceed thirty (30) pages in length for argument without prior permission by the Court.

## 9. Motions to Compel Discovery and Objections to Discovery

Prior to filing a motion to compel discovery, the movant - after conferring with the respondent in a good faith effort to resolve the dispute by agreement - should contact Mrs. Kennickell via email and with copies to all parties and notify her that the movant seeks relief with respect to a discovery matter. Parties are directed to meaningfully confer in good faith in person or on the phone prior to contacting the Court to request assistance with discovery disputes. ***PARTIES SHALL NOT COPY MS. KENNICKELL WITH THEIR EMAILS WHEN ATTEMPTING TO RESOLVE DISCOVERY ISSUES AMONGST THEMSELVES. MS. KENNICKELL SHALL ONLY BE CONTACTED WHEN A CONFERENCE IS NEEDED.*** Ordinarily, Mrs. Kennickell will then schedule a conference call or meeting in which the Court will attempt to resolve the matter without the necessity of a formal motion. This process shall not apply to post-judgment discovery.

If any dispute is not resolved through these methods and/or a formal motion, or if the parties continue to have ongoing discovery disputes, the Court will appoint a discovery Special Master to handle the discovery disputes, with costs to be paid by the attorneys.

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

All Motions for Summary Judgment and Daubert Motions shall be filed within 30 days of the close of discovery, except in extraordinary circumstances and with permission by the Court.

## **11. Pretrial Orders**

The statement of contentions in the Pretrial Order governs the issues to be tried. The plaintiff should make certain that all theories of liability are explicitly stated, together with 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 shall explicitly set out any affirmative defenses upon which it intends to rely at trial, as well as satisfy the above requirements with respect to any counterclaims.

The exhibits and witnesses intended to be introduced at trial shall be specifically identified. 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 shall result in the exclusion of the undisclosed witness’ testimony from trial. In listing witnesses or exhibits, a party shall not reserve the right to supplement his list.

Witnesses and exhibits not identified in the Pretrial Order shall be excluded, unless it is necessary to allow them to be introduced to prevent a manifest injustice.

In preparing the Pretrial Order, each party shall identify to opposing counsel each deposition, interrogatory or request to admit response, or portion thereof, which the party expects to or may introduce at trial, except for impeachment. All exhibits, depositions, and interrogatory and request to admit responses shall be admitted at trial when offered unless the opposing party

indicates an objection to it in the Pretrial Order. The Pretrial Order will be strictly adhered to during the trial. Any witness, evidence or claim not contained therein shall be excluded.

## **12. Pretrial Conference, Motions *in Limine*, and Pretrial Matters**

Generally, the Court will conduct a pretrial conference. The purpose of the conference is to simplify the issues to be tried, to assist in settlement negotiations where appropriate, and to give the parties a specially set date for trial. Lead counsel is required to appear at the pretrial conference, unless leave of the court has been obtained.

The parties will be required at the pretrial conference to identify the specific witnesses they will call in their case in chief at trial.

Motions *in Limine* and, if possible, responses thereto shall be filed before the pretrial conference. The parties are directed to discuss any filed Motions *in Limine* before the pretrial conference, so that they may inform the Court at the conference which, if any, will need to be addressed by the Court. Motions *in Limine* regarding case specific evidentiary issues should be brought to the attention of the Court at the pretrial hearing as a special hearing may need to be scheduled prior to trial.

Prior to trial, counsel shall make a good faith effort to resolve any objections in depositions to be presented at trial. All unresolved objections, together with the transcript, argument, and citations, shall be filed, with an electronic copy to the Court, no later than two weeks prior to trial.

## **13. Trial**

Requests to charge and proposed verdict forms are required to be submitted to the Court, via email to Mrs. Kennickell, in Word format, five (5) business days before the first day of trial. The original request to charge shall be e-filed with the Clerk of Court. The Court has a standard

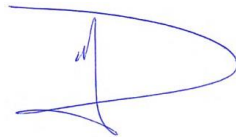


charge in civil cases covering subjects such as the standard of proof, experts, and witness credibility. Pattern charges should be requested by number and title and may all be listed on one page. All non-pattern charges shall be numbered consecutively on separate pages as provided for in Uniform State Court Rule 10.3. Non-pattern charges must contain citations to the legal authorities supporting the charge requested.

**13. Technology**

Our courtroom has various electronic equipment for use by counsel at trial. For more information about the equipment, please contact Mr. Larry Perkins at (912) 652-7239. It is the parties' responsibility to make sure they know how to use the equipment available, to have the cords necessary to hook up to the equipment, and for ensuring that the parties' equipment interfaces with the Court's technology.

SO ORDERED, this 14<sup>th</sup> day of January, 2021.



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Derek J. White, Judge  
State Court of Chatham County