

25-EX-000636

FEB 27 2025

IN THE SUPERIOR COURT OF FULTON COUNTY,
STATE OF GEORGIA

CHÉ ALEXANDER
Clerk of Superior Court

Fulton County, Georgia

IN RE: PROCEDURE FOR ALL
CIVIL CASES ASSIGNED TO
JUDGE KRAUSE'S DIVISION

JUDGE RACHEL R. KRAUSE

**STANDING CASE MANAGEMENT ORDER FOR CIVIL CASES IN JUDGE
RACHEL R. KRAUSE'S DIVISION**

The following policies and procedures shall govern the conduct of this case and inform the parties and/or their attorneys of the Court's expectations:¹

I. Electronic Filing/Odyssey

Electronic filing (e-filing) is mandatory and all parties must comply with the administrative order titled "Standing Order Regarding Electronic Filing for Civil Cases."² Parties are reminded that each registered user must have a valid, working e-mail address that is checked regularly and that appears on every filing. Anyone seeking to file documents without using e-file must complete and file a sworn certification that the person has no email address.³ The Court assumes no responsibility for inoperable email addresses, unread e-mail, or failure to identify service contacts.

The parties must still provide the Court with a courtesy copy of filings requiring the court's attention. Copies may be emailed to the Court's Staff Attorney or mailed or hand-delivered to Chambers.

¹ Plaintiff(s) shall be responsible for providing a copy of this Standing Case Management Order to any and all parties joined in this action following entry of this Order.

² https://www.fultonsuperiorcourtga.gov/sites/default/files/efile/2018_Standing_Order_Civil_efiling.pdf

³ https://www.fultonsuperiorcourtga.gov/sites/default/files/efile/Certificate_of_No_Email_Address_5-4-17.pdf

Do NOT file proposed or consent orders. They will be rejected by the Clerk. Such Orders may be emailed to the Court's staff attorney in Microsoft WORD version. Do not submit a proposed order where the Court's signature appears alone on a separate page. See U.Sup.C.R 36.4. Where the page break cannot be avoided, the signature page must identify the parties, the case number, and the document.

II. Communication with the Court.

A. General Communication

The Court welcomes communication by email, whenever possible, for the sake of efficiency, economy, and to avoid any *ex parte* communication. Please include your email address on all Court submissions. All email communication with the Court should be directed to the Staff Attorney at Mitchell.Freehauf@fultoncountyga.gov and copied to all counsel in the case.

B. Ex Parte Communication

Any communication (written or phone) with the Court that does not include all the parties is considered *ex parte* communication (communication from one party of a lawsuit that excludes the other parties to that suit and deprives the other parties of knowledge to which those parties might otherwise want to respond). For that reason, *ex parte* communication cannot be acknowledged by a Court. This ensures the fairness of the Court to all sides. The Court is not required to inform a party that a communication has been ignored due to its *ex parte* nature, but if the Court informs a party as a courtesy, that party will need to resend its correspondence, copying all opposing parties/counsel on the submission.

III. Scheduling and Extensions

A. Mandatory Scheduling Order

Within 30 days of service of the answer (or last answer if there are multiple defendants), the parties shall submit to the Court an agreed-upon proposed Scheduling Order, using the Court's Scheduling Order form, which is available at <https://www.fultonsuperiorcourtga.gov/judge/judge-rachel-r-krause>. The deadlines in the Order shall be calculated as follows:

<u>Task</u>	<u>Deadline</u>
Plaintiff Expert Disclosures	90 days before the close of discovery
Defendant Expert Disclosures	60 days before the close of discovery
Rebuttal Expert Disclosures	45 days before close of discovery
End of Discovery	6 months from the date of the answer, but the parties can agree on a reasonable period, longer or shorter, as necessary for the case
Dispositive & Daubert Motions	30 days after the close of discovery
Deadline to Mediate	90 days after the after close of discovery, but the parties may agree on an earlier deadline
Consolidated Pre-trial Order Due	3 days before the Pre-Trial Conference
Pre-trial Conference	7-21 days before the first day of the trial week on which the case first appears
Motions in Limine	3 days before the Pre-Trial Conference
Jury Charges	First day of Trial
Trial	Typically, the first available civil trial week occurring 120 days after the close of discovery, but the parties can agree on a short period

(The parties are encouraged to consult a calendar when setting deadlines and choose dates that fall on a business day, rather than a weekend.) Once entered, the parties may not stipulate to a change in the deadlines.

If the parties fail to submit a proposed agreed-upon Scheduling Order to the Court within 30 days of service of the last answer, the Court will notice its intention and then enter a court-issued scheduling order. If the Court enters such a court-issued scheduling order, the Court reserves the right to then ignore or automatically deny any requests by a party or parties for an amended scheduling order.

B. Extensions/Amendments to the Scheduling Order

Extensions of the deadlines in the Scheduling Order are disfavored and will generally not be granted, except in extraordinary circumstances and only upon a motion filed, before the expiration of the applicable deadline, showing good cause as to why an extension is necessary. A motion, entitled Motion for Amended Scheduling Order, seeking an extension of the deadlines shall include the following:

1. all current deadlines and all requested extended deadline dates;
2. a list of discovery tasks accomplished as of the filing of the motion and a schedule of additional tasks to be completed during the requested extension; and
3. a proposed amended scheduling order.

Motions seeking to extend discovery deadlines that do not include these items will be denied.

IV. Discovery

A. Discovery Disputes

No party may file a motion to compel until the moving party has first discussed the matter with the Court's staff attorney to allow the Court to determine if the dispute may be resolved through a conference call with the court and the parties. Motions filed without first consulting the Court's staff attorney stand automatically denied. The parties must comply with Uniform Superior Court Rule 6.4 and attempt, in good faith, to resolve the issue before contacting the Court.

B. Discovery Motions

1. Certification of Conferral - When a motion to compel is filed, it shall conform to the requirements of Uniform Superior Court Rule 6.4. Motions filed without a certification that the parties conferred as to the discovery issues in the motion will be denied.

2. Length - A motion to compel with supporting brief shall not exceed 10 pages, double-spaced, excluding the certificate of service page. A response to a motion to compel shall be filed within 10 days of service of the discovery motion and shall not exceed 10 pages, double-spaced.

V. Motions and Briefs.

A. General Requirements

1. Length - Motions/Briefs, other than discovery motions, shall not exceed twenty-five (25) pages, excluding the certificate of service and exhibits. Ministerial motions (e.g., motion to extend, exceed page limits, withdrawal) shall

include a proposed order and submitted to Mitchell.Freehauf@fultoncountyga.gov, the Court's staff attorney. Parties should provide courtesy copies of motions and exhibits to the Court at the time of filing. Courtesy copies may be hand-delivered or mailed to Chambers.

2. Replies/Sur-replies - No party may file briefing other than the initial and response briefs without leave of court, which may be requested by email to the Court's staff attorney explaining why additional briefing is necessary. Any reply or sur-reply brief is limited to ten (10) pages total. The Court will not consider reply and sur-reply briefing that does not follow this procedure.

3. Failure to Respond - Failure to timely respond to any motion will indicate that there is no opposition to the motion.

B. Motions for Summary Judgment

When a motion for summary judgment is filed, it shall conform to the requirements of O.C.G.A. § 9-11-56 and Uniform Superior Court Rule 6.5. Each party must support its 6.5 statements of fact with citations to record evidence (i.e., including depositions, documents, affidavits, stipulations, admissions, interrogatory responses, etc.).

C. Motions and Proposed Orders for Default Judgment

Any motion or proposed order asking the Court to grant default judgment must recite the particulars of the default, including facts and dates associated with service and resulting answer deadline. Motions that fail to recite such facts will be denied.

D. Motions For Withdrawal Of Counsel

Any motion by counsel seeking to withdraw from representation of a client must include a viable email address for that client by which the Court can contact the client should the motion for withdrawal be granted.

VI. Hearings and Conferences

A. Peremptory Hearings

All in-person and zoom-based hearing and conference calendars scheduled by this Court are peremptory in nature and a party's failure to appear for any such calendar shall result in sanctions by the Court, including but not limited to:

1. at the discretion of the Court, the matter being dismissed without prejudice if it is Plaintiff who fails to appear without having been excused by the Court in writing or the striking of an Answer/Default Judgment if Defendant fails to appear without having been excused by the Court in writing;

2. at the discretion of the Court, a motion/request being automatically denied if Defendant or a non-party is the movant and fails to appear without having been excused by the Court in writing;

B. Zoom-based Hearings

Per the Amendment to Uniform Superior Court Rules 9, 9.1 and 9.2 made by the Supreme Court of Georgia effective March 1, 2023, all civil hearings and conferences may be conducted via videoconference. The Court has set up video conferencing through Zoom. If using a smartphone, Zoom works best via the app. A web browser may also be used. Zoom Basic Personal Meeting is available free of

charge and can be downloaded onto your computer at <https://zoom.us/pricing> or Zoom Cloud Meeting App is available for free in the Google play store or Apple store. Parties and/or their counsel will need to use either a smart phone or laptop/desktop with a camera and microphone. Parties can test whether their phone/device has video and microphone capabilities here: zoom.us/test. Additionally, resources for using Zoom are available at: support.zoom.us.

When a party is provided with the zoom invite information, that information is not to be shared with non-parties except for testifying witnesses. If the Court has not yet joined the meeting when a party joins, that party should remain on the line until the Court appears.

When a party appears via zoom, they shall appear with their camera and microphone both on when addressing the Court. Parties will be expected to appear in appropriate venues with respectful backgrounds (e.g. no bathrooms, or actively driving a car). No party may use Artificial Intelligence or any filters to alter his/her/their appearance or voice when appearing before this Court. Parties shall keep their microphones muted at all times until called upon by the Court to speak. No one shall engage in any off-camera coaching of a witness while that witness's testimony is in progress.

Zoom-based hearings in this Court will be livestreamed on the YouTube channel for Judge Krause. The livestream can be accessed via www.fultoncourt.org/live-hearings and then clicking on the icon for Judge Rachel Krause. No one may record the YouTube livestream of any matters before this Court

and the livestream shall not be used for any reference or transcript purposes. The transcript of a court reporter will be the only recognized record of proceedings before this Court.

VII. Pre-Trial Procedures

A. Consolidated Pre-Trial Orders

No later than the deadlines set in the parties' operative scheduling order, the parties shall submit, by email, a fully consolidated pre-trial order directly to the Judge's chambers. The pre-trial order shall be presented in the form prescribed by Rule 7.2 of the Uniform Rules of the Superior Court. (A word version of the Proposed Consolidated Pre-Trial Order form is available at <https://www.fultonsuperiorcourtga.gov/judge/judge-rachel-r-krause>.)

Plaintiff/Petitioner shall be responsible for consolidating the pre-trial order. All other parties shall provide their portions of the consolidated pre-trial order 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 proposed pre-trial orders will be granted only for good cause. "Failure of counsel to ... present a proposed pre-trial order shall authorize the court to ... enter such pre-trial order as the court shall deem appropriate, or impose any other appropriate sanction." Ga. Unif. Super. Ct. R. 7.1. *See also Triple A Distrib. v. Carrier Reps, USA, Inc.*, 193 Ga. App. 348 (1989)

(plaintiff's counsel who failed to prepare pretrial order could be required to pay attorney fees to defendant for its counsel's time in preparing proposed order).

Failure to submit a pre-trial order to this Court shall act as an affirmative and irrevocable waiver of a jury trial and an affirmative election to proceed with a non-jury trial.

B. Trial Dates and Notice

The Court generally has least one civil trial week per month. The Court will notify the parties and their counsel of trial by notice filed into the record and by publication in the South Fulton Neighbor at least twenty-one days before the call of the first case listed. Immediately upon notice of or publication of the trial calendar, the parties are ordered to contact the Staff Attorney (Mitchell.Freehauf@fultoncountyga.gov), with the status of the case, the estimated length of trial, and the possibilities for settlement during the trial calendar.

C. Conflicts

Conflict letters must be submitted one week before the trial calendar begins and shall comply fully with Rule 17.1 of the Uniform Superior Court Rules.

D. Voir Dire

The Court will generally conduct initial voir dire as to legal excuses and preliminary matters and then allow the parties to conduct their own voir dire as to the case.

E. Jury Charges

In addition to filing jury charge requests with the Clerk, the parties shall also email a copy in Word format to the Court's Staff Attorney (Mitchell.Freehauf@fultoncountyga.gov).

1. Pattern Charges - Each party shall provide a list identifying the title and number of each proposed pattern charge requested by the party, using the current pattern charges published by the Council of Superior Court Judges, (the pattern charges are updated January and July of each year). The parties need not recite the text of pattern charges.

2. Non-Pattern Charges – Parties may request non-pattern charges *only* where there is no pattern charge applicable to the specific issue. Parties requesting non-pattern charges shall provide citation to applicable statutory or case authority.

F. Exhibits

All exhibits must be pre-marked and numbered for introduction at trial. Additionally, no later than three (3) days before trial, all exhibits shall be scanned individually into .pdf format and emailed to any retained court reporter with cc's to the Court and all counsel.

VIII. Trial Procedures

A. Courtroom Technology

The Court encourages the parties to utilize available courtroom technology for the presentation of their cases. Parties who wish to do so should contacting Court

Technology Services at (404) 612-2770 at least one week before trial to ensure you have the correct training and necessary associated technology, like media players, drivers, etc.

B. Objections to Questions or Testimony

When objecting during trial, state only that you are objecting and specify the ground(s) for the objection, which can typically be accomplished in a few words. Further argument or discussion of an objection will not be heard unless requested by the Court or until permission is given or argument is requested by the Court. The parties may request a sidebar discussion if there is a need to elaborate on the grounds for or response to an objection.

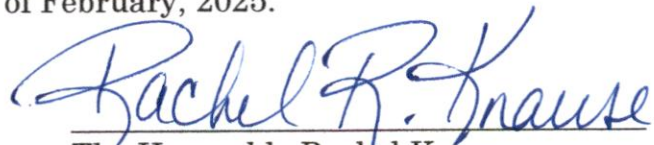
C. Court Hours and Promptness

The Court makes every effort to begin proceedings at the appointed time and expects promptness from counsel, parties and witnesses.

IX. Court Reporters

The Court does not provide a court reporter for takedown and transcription of civil hearing. Parties requiring a court reporter for civil matters before this Court are required to provide their own independent court reporter

IT IS SO ORDERED this 27th day of February, 2025.



The Honorable Rachel Krause
Fulton County Superior Court
Atlanta Judicial Circuit

Filed and served via eFileGA.