

5/19/20

20802

SUPERIOR COURT OF GWINNETT COUNTY  
DIVISION 3 JUDGE

**2-WEEK CIVIL / DOMESTIC  
BENCH TRIAL CALENDAR**

Dates: JUNE 1, 2020 thru JUNE 5, 2020  
JUNE 8, 2020 thru JUNE 12, 2020

DEBRA K. TURNER, SR. JUDGE, by designation  
DEBRA K. TURNER, SR. JUDGE, by designation

**SEE LIST OF CASES HERETO ATTACHED AND INCORPORATED BY REFERENCE HEREIN.**

A 2-WEEK non-jury term of Div. 3, Gwinnett Superior Court, will begin Monday, June 1, 2020, at which time the cases appearing on the attached calendar will be called for trial. NOTE: Please do not appear on June 1, 2020, unless you were specifically notified by the Court after the below "Report Date" that your case is actually being called in on June 1, 2020. June 1, 2020 IS NOT a Calendar Call date in which an appearance is required by the parties and/or counsel. Cases may be tried out of order to facilitate completing more short time duration cases with narrow issues.

In order to comply with Chief Justice's Declaration of Statewide Judicial Emergency and CDC Guidelines regarding social distancing, cases may be tried in person in the courtroom or they may be conducted via video as authorized by USCR 9.1 and 9.2. Cases shall report as directed and may be tried out of order as the Court's schedule allows. The Court will utilize WebEx or Zoom for video hearings and instructions shall be provided upon request. The Court shall make the final decision on how to conduct the proceedings.

If the case becomes settled, counsel may either appear at a designated time, or file a MOTION FOR JUDGMENT ON THE PLEADINGS ONE WEEK PRIOR to this court date. Pursuant to SB 132, amending O.C.G.A. §9-11-58, all proposed final orders MUST be accompanied by a completed civil case disposition form, a copy of which is attached to this calendar, in order for the Clerk to enter Final Judgment.

NOTE ► **MANDATORY REPORTING PROCEDURES:** ALL ATTORNEYS AND PRO SE PARTIES ON THE CALENDAR MUST E-MAIL JUDICIAL ASSISTANT, BARBARA OBERMEYER ([barbara.obermeyer@gwinnettcourt.com](mailto:barbara.obermeyer@gwinnettcourt.com)) BEFORE WEDNESDAY, MAY 27, 2020 AT NOON (the "Report Date") AND GIVE THE COURT THE INFORMATION REQUESTED ON THE ATTACHED MANDATORY REPORTING FORM.

**AFTER 4:00 PM ON FRIDAY, MAY 29, 2020, YOU MAY ACCESS [WWW.GWINNETTCOURTS.COM](http://WWW.GWINNETTCOURTS.COM), THEN**

- 1. CLICK ON TYLER ODYSSEY PORTAL;**
- 2. CLICK ON SMART SEARCH;**
- 3. ENTER YOUR CASE NUMBER (no hyphens) OR YOUR FULL NAME;**
- 4. CLICK ON YOUR CASE NUMBER; AND**
- 5. LOOK UNDER EVENTS AND HEARINGS FOR REPORTING INFORMATION AS TO THE DATE, TIME AND COURTROOM IN WHICH YOUR CASE WILL BE CALLED IN FOR TRIAL.**

Failure to comply with this Order and report on your case on the date and time specified above will cause your case to be considered abandoned and dismissed for want of prosecution.

INTERPRETERS: Should any party require the assistance of an interpreter, please advise the Court at least five (5) days in advance of the hearing date specifying the language you are requesting. SI EL DEMANDANTE O EL ACUSADO NECESITA

UN TRADUCTOR, FAVOR AVISAR A LA OFICINA DE LA JUEZ O DEL JUEZ, POR LOS MENOS CINCO DIAS ANTES DE LA FECHA DE LA AUDIENCIA.

CONTINUANCES & IMMEDIATE TRIAL CALENDAR RESET DATES: Pursuant to 8.5 URSC, continuances WILL NOT BE GRANTED MERELY BY AGREEMENT OF COUNSEL. If the case has not previously been continued by this Division, then mutual consent requests may be made via email to [barbara.obermeyer@gwinnettcourt.com](mailto:barbara.obermeyer@gwinnettcourt.com). A reset date shall be scheduled.

DISMISSALS AND SETTLEMENTS: Any dismissal or settlement agreement shall be submitted to the Clerk and a copy forwarded to Barbara Obermeyer at [barbara.obermeyer@gwinnettcourt.com](mailto:barbara.obermeyer@gwinnettcourt.com) at least three (3) days prior to the call of the calendar.

JURY DEMANDS: WRITTEN DEMAND FOR A JURY TRIAL may be filed BEFORE the call of the case for trial. Jury demand cases remain on this calendar for immediate trial, which includes the civil back-up calendar dates listed above. A demand for jury trial may not be withdrawn unless a settlement agreement is filed as part of the record in said case.

COURT REPORTER: The court will have a court reporter present. Failure to have a court reporter take down testimony may have an adverse effect on your ability to appeal the ruling of the court. Unless the parties agree to share the costs of having the case reported, the requesting party will be required to pay the entire amount of the court reporter's fees immediately upon the conclusion of the case. If you would like your case taken down by the Court Reporter, the cost to do so is \$44.00 per hour (or \$22.00 per hour if cost is shared between the parties). Counsel should advise clients to be prepared to make immediate payment at the time 'take down' is completed.

UNIFORM SUPERIOR COURT RULE 24.2, FINANCIAL DATA REQUIRED: Except as noted below, at least five (5) days before any temporary or final hearing in any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorneys fees, each party shall file with the Clerk of Court and serve upon the opposing party a Child Support Worksheet and a Domestic Relations Financial Affidavit specifying his or her financial circumstances in the form set forth herein.

#### Mandatory Requirements for Cases Involving Minor Children

1. All cases appearing on the attached calendar involving minor children and requests for child support and/or custody shall file the child support worksheet with schedules, child support addendum, and parenting plan as required by O.C.G.A. §19-6-15, O.C.G.A. §19-9-1, and the "standing order: child support and permanent parenting plans" no less than 5 days prior to the final hearing. Failure to timely file said worksheets, child support addendum, and/or parenting plan may result in a continuance of the final hearing and/or being held in contempt.

2. Navigating Family Change: A Parenting Seminar: For all cases case involving minor children, both parties MUST attend a *Navigating Family Change* seminar prior to final trial. Please contact the Admin Office of Courts @ 770-822-8195. Website, [www.gwinnettcourts.com](http://www.gwinnettcourts.com) > parenting plans, [http://www.gwinnettcourts.com/#courtprograms\\_parentingseminar/](http://www.gwinnettcourts.com/#courtprograms_parentingseminar/). Out-of-state parents can complete the Online Parenting Class at [www.onlineparentclass.com](http://www.onlineparentclass.com).

If you have any questions about conflicts or the status of the cases, please contact Barbara Obermeyer, Judicial Assistant, @ [barbara.obermeyer@gwinnettcourt.com](mailto:barbara.obermeyer@gwinnettcourt.com) with notice to all other counsel.

THIS CALENDAR APPROVED AND ORDERED PUBLISHED this 12TH day of MAY 2020.

  
Senior Judge

Presiding by designation:  
DEBRA K. TURNER, SR. JUDGE  
PRESIDING BY DESIGNATION  
Gwinnett Superior Court, Div. 3  
75 Langley Drive, Lawrenceville GA 30046-6935  
770.822.8617, Judicial Assistant, Barbara Obermeyer

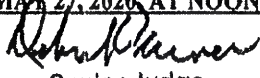
Copy to ADR

IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

**ORDER TO CONFER AND CONSIDER ALTERNATIVE DISPUTE RESOLUTION PROCESSES**

All parties on the foregoing calendar are hereby ordered to confer with their clients and opposing counsel regarding the appropriateness of an Alternative Dispute Resolution (ADR) process as a beneficial alternative to trial. If you are not represented by counsel, you shall confer with the opposing counsel or party. All parties are required to return this form to the Judge's office by email to [barbara.obermeyer@gwinnettcourt.com](mailto:barbara.obermeyer@gwinnettcourt.com) by **WEDNESDAY, MAY 27, 2020, AT NOON.**

SO ORDERED this 12TH day of MAY, 2020.

  
Senior Judge  
Presiding by designation

DEBRA K. TURNER, SR. JUDGE  
PRESIDING BY DESIGNATION  
GWINNETT SUPERIOR COURT, DIV. 3

I have conferred with my client in civil action number \_\_\_\_\_.

We wish to utilize an ADR process.

- Mediation                                       Non-binding Arbitration  
 Case Evaluation                                       Binding Arbitration

We do not wish to utilize an ADR process.

\_\_\_\_\_  
Plaintiff or Attorney for Plaintiff

\_\_\_\_\_  
Defendant or Attorney for Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

A copy of Gwinnett's *Alternative Dispute Resolution Program Standing Order* regarding Alternative Dispute Resolution (ADR) may be obtained at [www.gwinnettcourts.com/#courtprograms\\_alternativedisputeresolution](http://www.gwinnettcourts.com/#courtprograms_alternativedisputeresolution). Mediation, arbitration, and case evaluation are alternatives that may be requested through the judge's office. If you choose an alternative process, a list of neutrals with their background experience and rates is available at [www.gwinnettcourts.com/home.asp#courtprograms\\_adrprocesses](http://www.gwinnettcourts.com/home.asp#courtprograms_adrprocesses). You may also contact a Dispute Resolution Coordinator at 770-822-8501. The parties are responsible for agreeing on a neutral, covering the cost of the neutral, and coordinating with the neutral to set a date for the ADR session. Sessions may be held at the Gwinnett Justice and Administration Center at 9:00 a.m. or 1:00 p.m. weekdays. If the parties cannot agree on a neutral, the court will appoint one.

## DEFINITIONS

### ◆ Mediation

A consensual process in which a neutral third party (the mediator) assists parties in a dispute in reaching their own resolution. Cases with underlying disputes, personal relationships, and emotional issues are good candidates for mediation. The mediator has no authority to make a decision or impose settlement. There is no formal evaluation by the mediator. The mediator helps facilitate communication, promote understanding, focus the parties on their interests, and seek creative problem solving to enable the parties to reach their own agreement. The mediator may offer suggestions and help parties develop options; however, the parties retain the ultimate decision-making power.

### ◆ Arbitration

The primary goals of arbitration is to speed up the resolution of cases, reduce litigation costs to the parties and to the court, and provide attention to cases that otherwise would settle with little or no involvement of the court. Attorneys, or pro se litigants, present documentary evidence, testimony, and legal arguments in a hearing, before a neutral, third party fact-finder. The arbitration may be conducted with one fact-finder in which case the arbitrator must be an attorney with at least five-year's experience or a panel of arbitrators may be used from different areas of expertise (with the lead arbitrator being an attorney). In non-binding arbitration, the arbitrator(s) renders a decision which becomes the order of the court unless appealed within a specified number of days, in which case a trial *de novo* is granted. The parties may stipulate in advance to binding arbitration, in which case the award is immediately converted to a judgment.

### ◆ Case Evaluation

Case evaluation provides the parties with a **confidential**, non-binding evaluation of their case by an impartial, experienced attorney. The neutral reviews the case with the litigants and their attorneys and gives advice on the strengths and weaknesses of their case and the likely outcome at trial. The case evaluator may help parties convey additional information to each other, develop a discovery plan, and narrow the issues in dispute. Often the neutral assists in facilitating the resolution of the case or in developing a settlement plan.

Mediation and Case Evaluation sessions and related materials are confidential. No information will be provided to the Court, other than the fact that a case has settled or a follow up session is needed.

**MANDATORY REPORTING**

THIS FORM SHALL BE COMPLETED AND RETURNED TO THE JUDGE'S OFFICE VIA FAX OR EMAIL  
**NO LATER THAN WEDNESDAY, MAY 27, 2020, AT 12:00 NOON.**

FAX NUMBER: 770/822-8642

EMAIL: [barbara.obermeyer@gwinnettcountry.com](mailto:barbara.obermeyer@gwinnettcountry.com)

CASE NUMBER: \_\_\_\_\_

STYLE: \_\_\_\_\_ VS. \_\_\_\_\_

POSITION NO. \_\_\_\_\_

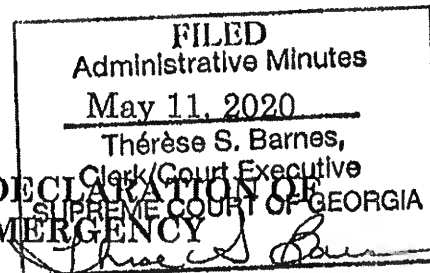
SUBMITTED BY: (NAME) \_\_\_\_\_

Attorney for Plaintiff    Attorney for Defendant    Pro se Plaintiff    Pro se Defendant

LENGTH OF TRIAL (FOR BOTH SIDES)	____ HOUR(S) ____ DAY(S)
Would you like the case reported?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Any known conflicts pursuant to Uniform Superior Court Rule 17.1? Conflict letters should be faxed to 770-822-8642 <u>OR</u> emailed to <a href="mailto:barbara.obermeyer@gwinnettcountry.com">barbara.obermeyer@gwinnettcountry.com</a> .	
Does your case require a foreign language interpreter?	<input type="checkbox"/> YES <input type="checkbox"/> NO Language: _____
Outstanding Motions?	Motion: _____ Date(s) filed: _____ _____
Chances of settlement?	<input type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR
Special requirements of the case or anything else the court needs to know about your case?	



SUPREME COURT OF GEORGIA



**SECOND ORDER EXTENDING DECLARATION OF  
STATEWIDE JUDICIAL EMERGENCY**

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61. Due to the continuing statewide emergency, on April 6, 2020, the Order was extended until May 13, 2020. While the work of the courts in Georgia has gone forward on essential and critical matters, and most courts have continued some non-essential court operations, in particular by using technology to conduct proceedings remotely, most court facilities are not prepared to comply with social distancing and other public health requirements to safeguard the health of litigants, lawyers, judges, court personnel, and the public during extensive in-court proceedings or proceedings involving a large number of people. After consulting with the Judicial Council of Georgia and other judicial partners, and recognizing that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, it is hereby determined that the statewide judicial emergency Order should be extended, with some clarifications and modifications as well as directions regarding efforts to resume court operations in a manner that protects public health.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Wednesday, May 13, 2020, at 11:59 p.m., is further extended until Friday, June 12, 2020, at 11:59 p.m. All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended, with the following clarifications, modifications, and directions. Where this order refers to "public health guidance," courts should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments.

1. Guidance on Application of the Order

Included in the Appendix to this Order are several guidance documents that clarify the application of the Order in particular contexts: tolling of filing deadlines; tolling of statutes of limitations; deadlines and time limits defined by reference to terms of court; and the continued authority of grand juries impaneled prior to the issuance of the Order. Additional guidance documents may be posted on the AOC's website at <https://georgiacourts.gov/judicial-council/aoc/>. It should be noted, however, that as discussed in Section 6 below, judges are being granted authority on a case-specific basis to reimpose certain deadlines that would otherwise be tolled by the Order or establish new deadlines or schedules.

2. Prohibition on Jury Trial Proceedings and Most Grand Jury Proceedings

Current public health guidance recommends social distancing and other measures that make it impracticable for courts to protect the health of the large groups of people who are normally assembled for jury proceedings, including jury selection. Accordingly, until further order, all courts are prohibited from summoning new trial jurors and grand jurors and from conducting criminal or civil jury trials.

Grand juries that are already impaneled or are recalled from a previous term of court may meet to attend to time-sensitive essential matters, but these grand juries should not be assembled except when necessary and only under circumstances in which social distancing and other public health guidance can be followed.

As discussed below, efforts are being pursued to allow the safe resumption of jury trials. The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed. Information about this issue will be provided to trial court clerks and court administrators.

### 3. Proceedings Conducted Remotely Using Technology

All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, both to ensure that essential court functions are continued and to conduct non-essential proceedings to limit the backlog of such matters when the judicial emergency is terminated. Courts should understand and utilize the authority provided by the emergency amendments made to court rules on videoconferences and teleconferences.

Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, including civil non-jury trials and other non-jury adjudicative proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules.

In civil, criminal, and juvenile proceedings, parties may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements. Courts must ensure the public's right of access to judicial proceedings and, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and open courtrooms.

### 4. In-Court Proceedings; Development of Guidelines

Except for jury and grand jury proceedings as discussed in Section 2 above, courts have discretion to conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.



Before conducting extensive in-person proceedings, particularly in non-essential matters, each court should develop written guidelines as to how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. Guidelines should specify who should be admitted to the courthouse and courtroom and how public health guidance will be followed regarding such matters as health screening of court personnel and visitors, social distancing (including by capping the occupancy of courthouses, interior areas, and courtrooms based on their size), availability and use of personal protective equipment (PPE) by court personnel and visitors, and sanitization practices. Guidelines should provide for accommodations for high-risk individuals. Courts should consider the use of staggered, smaller proceedings to conduct proceedings involving many cases or participants, such as calendar calls and arraignments. Guidelines should be prominently posted at courthouse entrances and on court and government websites to provide advance notice to litigants, lawyers, and the public.

Support for the development of guidelines will be provided by the Judicial COVID-19 Task Force discussed in Section 7 below, as well as by the councils for each class of court. Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their guidelines.

5. Discretion of Chief Judges to Declare More Restrictive Local Judicial Emergencies

Nothing in the Order Declaring Statewide Judicial Emergency as extended and modified limits the authority of the Chief Judge of a superior court judicial circuit under OCGA §§ 38-3-61 and 38-3-62 to add to the restrictions imposed by the statewide judicial emergency, if such additional restrictions are constitutional, necessitated by local conditions, and to the extent possible ensure that courthouses or properly designated alternative facilities remain accessible to carry out essential judicial functions. However, no court may disregard the restrictions imposed by the Order as extended and modified.

6. Discretion of Judges to Reimpose Deadlines in Specific Cases

After the date of this order, and with the exception of deadlines regarding jury trials and grand juries, judges are granted the following authority to reimpose deadlines set by statutes, rules, regulations, and court orders that have been suspended, tolled, or extended by the Order Declaring Statewide Judicial Emergency as extended and modified and to establish new deadlines and schedules. In pending or newly filed cases, a judge may reimpose or establish such deadlines on a case-by-case basis after considering the particular circumstances of the case, including any public health concerns and known individual health, economic, and other concerns regarding the litigants, lawyers, witnesses, and other persons who may be involved in the case. The judge must enter a written order in the record for the case identifying the deadlines that are being reimposed or established. Standing orders applicable to multiple cases and orders simply reimposing previous scheduling orders are not permitted. The judge should allow any party or other participant in a case to seek reconsideration of such an order for good cause shown.

Judges should in particular consider reimposing deadlines that do not require any or only insignificant in-person contact, such as deadlines for filing and responding to pleadings, motions, and briefs, written discovery in civil cases, scheduling of depositions that may be taken remotely or require few participants, and scheduling of hearings requiring only legal argument or few participants.

7. Judicial COVID-19 Task Force; Comments Solicited

A Judicial COVID-19 Task Force is hereby established to assist courts in conducting remote proceedings and in restoring more in-court proceedings, in particular jury trials and grand jury proceedings. The Task Force will include judges from the various classes of court and will obtain input from key stakeholders including the State Bar of Georgia, prosecutors and public defenders, civil plaintiff and defense attorneys, court clerks, sheriffs, and the public.

To assist in evaluating the effects of the Order Declaring Statewide Judicial Emergency as extended and modified, comments are

solicited from judges, lawyers, and the general public. Comments should be delivered in Word or PDF format by email to JCTFcomments@gasupreme.us.

#### 8. Professionalism

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism. Judges are also reminded of their obligation to dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the court to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others.

#### 9. Notice Provisions

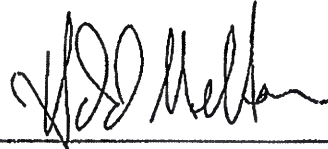
Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts are strongly encouraged to make available to the public the steps they are taking to safely increase operations while responding to the COVID-19 pandemic. Recognizing that not all courts have a social media presence or website, the Administrative Office of the Courts will continue to post court-specific information as it becomes available on the AOC website at <https://georgiacourts.gov/covid-19-preparedness/>.

Pursuant to OCGA § 38-3-63, notice and service of a copy of this order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Court of Appeals of Georgia, such service to be accomplished through means to assure expeditious receipt, which include electronic means. Notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall

constitute sufficient notice of the issuance of this order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 11<sup>th</sup> day of May, 2020.



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Chief Justice Harold D. Melton  
Supreme Court of Georgia

Appendix

Guidance on Tolling of Filing Deadlines (March 27, 2020)

Guidance on Tolling of Statutes of Limitation (April 6, 2020)

Guidance on Deadlines and Time Limits Defined by Reference to Terms  
of Court (May 4, 2020)

Guidance on Grand Juries (May 4, 2020)

Further Guidance on Grand Juries (May 11, 2020)

cc:

Governor Brian P. Kemp  
Lt. Governor Geoff Duncan  
Speaker David Ralston  
State Bar of Georgia  
Administrative Office of the Courts  
Judicial Council of Georgia  
Council of Superior Court Clerks of Georgia  
Department of Juvenile Justice  
Criminal Justice Coordinating Council  
Council of Accountability Court Judges  
Georgia Commission on Dispute Resolution  
Institute of Continuing Judicial Education of Georgia  
Georgia Council of Court Administrators  
Chief Justice's Commission on Professionalism  
Judicial Qualifications Commission  
Association County Commissioners of Georgia  
Georgia Municipal Association  
Georgia Sheriffs' Association  
Georgia Association of Chiefs of Police  
Georgia Public Defender Council  
Prosecuting Attorneys' Council of Georgia  
Department of Corrections  
Department of Community Supervision  
Georgia Court Reporters Association  
Board of Court Reporting  
State Board of Pardons and Paroles  
Constitutional Officers Association of Georgia  
Council of Magistrate Court Clerks  
Council of Municipal Court Clerks

SUPREME COURT OF THE STATE OF GEORGIA  
Clerk's Office, Atlanta

I certify that the above is a true extract from the  
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

 , Clerk