

26233

11/9/22

STATE COURT OF GWINNETT COUNTY
JUDGE RONDA COLVIN LEARY - DIVISION IV - COURTROOM 2F
JURY TRIAL CALENDAR FOR THE WEEKS OF NOVEMBER 28, 2022 - DECEMBER 9, 2022

The above term of Gwinnett State Court will convene Monday, November 28, 2022, for two weeks with one courtroom, for disposition of Civil Cases hereinafter listed. The cases will be called and tried in the order listed.

A consolidated Pre-Trial is required on all cases and must be submitted 5 days prior to the case being called out for trial.

ALL ATTORNEYS WITH CASES ON THIS CALENDAR ARE REQUIRED TO MAKE AN E-MAIL ANNOUNCEMENT TO KELSEA GIBSON at kelsea.gibson@gwinnettcourt.com ON OR BEFORE 12:00 P.M. ON NOVEMBER 18, 2022.

E-mail announcements should include the following: 1. Case No. and Position No. 2. Plaintiff/Defendant reporting. 3. Estimated length of trial. 4. If court reporter is needed. 5. Name and telephone number of attorney trying the case. 6. If an interpreter is needed. 7. If Allstate or State Farm is involved. We do not take not ready announcements. If you are not ready, you must file a motion for continuance.

CONTINUANCES.

Pursuant to Rule 8.5 of the Uniform State Court Rules, continuances **WILL NOT BE GRANTED MERELY BY AGREEMENT OF COUNSEL OR BY TELEPHONE.** This Court requires that all requests for continuance must be submitted, in pleading form, and must be received by the Court at least five (5) days prior to the call of the calendar. If mailed, send to address listed below. Requests shall contain at least the following information: reason for requesting the continuance; length of time to be continued (i.e. 30, 60, 90 days); if opposing counsel or party agrees to continuance, if continuances have previously been granted, to which party and for what reason, and, an Order for Judge Colvin Leary's signature in the event the request is granted. It is the responsibility of the requesting party to ascertain if a continuance has been granted and to notify all parties. **Motions for Continuance, whether opposed, unopposed or by consent, will be granted only upon a showing of good cause. Continued cases will lose calendar position.**

NO CONTINUANCES WILL BE CONSIDERED UNTIL AFTER THE CALENDAR ANNOUNCEMENTS ARE DUE. IN ADDITION, NO CONTINUANCES WILL BE CONSIDERED IF NOT RECEIVED BY THE TIME ANNOUNCEMENTS ARE DUE.

APPEARANCE OF COUNSEL.

Counsel and/or Pro Se litigants are directed to call 770/822-8669 after 5:00 p.m. on Friday before the week of jury trials for a list of the cases that should appear on the following Monday. Each attorney/party shall call 770/822-8669 daily after 5:00 p.m., for the duration of the calendar, for an update of which cases are to appear for trial the following day. Pursuant to Rule 8.4 of the Uniform State Court Rules, parties and counsel in the cases that have been placed on the announcement line shall appear ready for trial on the date and time indicated. Parties in all other actions on the calendar are expected to be ready for trial and will be subject to **TWO HOUR NOTICE.** Counsel and parties must be able to respond and appear in Court within two (2) hours from the call.

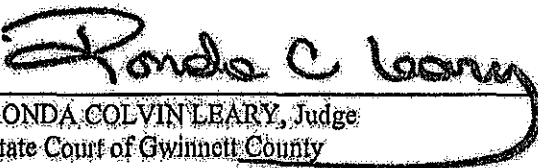
DISMISSALS AND SETTLEMENTS:

It is required by this Court that any dismissal or settlement announcement will be submitted to the clerk and a copy forwarded to Kelsea Gibson at the address listed below, in writing, or the terms of such agreement shall be dictated to the court reporter and made a part of the record or the case may be **DISMISSED FOR WANT OF PROSECUTION.**

COURT REPORTER:

Our official court reporter ("CR") will be present and you may retain her. Failure to share in "take down" costs may impair your ability to procure a transcript. The attorney or pro se litigant retaining the CR shall pay all fees immediately upon the conclusion of the hearing/trial. If you would like your case taken down by the CR, the cost to do so is \$43.31 per hour (or half if cost is shared). There will be an additional cost for any transcript that is ordered. Counsel or pro se litigant should be prepared to make immediate payment at the time "take down" is completed.

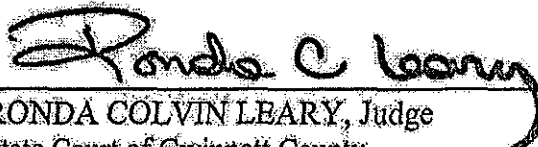
This calendar approved and ordered published this 8 day of November, 2022.


RONDA COLVIN LEARY, Judge
State Court of Gwinnett County

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

All parties on the November 28, 2022, jury trial 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 party. All parties are required to return this form to the judge's office by mail, fax (770-822-8513) or email to kelsea.gibson@gwinnettcourt.com by November 18, 2022 if you wish to utilize ADR.

SO ORDERED this 8 day of November, 2022.


RONDA COLVIN LEARY, Judge
State Court of Gwinnett County

I have conferred with my client in civil action no. _____ ; position no. _____

We wish to utilize an ADR process.

Mediation

Non-binding Arbitration

Case Evaluation

Binding Arbitration

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. 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. You may also contact a Dispute Resolution Coordinator at 770/822-8587. 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 years 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.

★ Summary Jury Trial

A summary jury trial is a unique style of presenting a civil case. It is an abbreviated trial before a judge and a jury. All evidence shall be presented through the attorneys for the parties and no witnesses will be called to testify. The attorneys may summarize and comment on the evidence and may summarize and quote directly from depositions, interrogatories, requests for admissions, documentary evidence and sworn statements of potential witnesses. After counsels' presentations the jury will be given an abbreviated charge on the applicable law. The content of the charge will be reviewed with counsel prior to the summary jury trial.

Neither the arguments of counsel nor the jury verdict is binding on the parties unless counsel stipulate that a verdict by the jury will be deemed a final determination on the merits and that judgment, be entered thereon by the court. Counsel may stipulate to any other use of the verdict that will aid in the resolution of the case.

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.