IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

Judge Diana Simmons, Division 1, Post 6

STANDING ORDER IN ALL CIVIL CASES TO PARTIES AND COUNSEL

The purpose of this Order is to inform the parties and counsel of the Court's policies, practice and procedure. The following procedures shall be followed in the preparation and filing of proposed Consolidated Pre-Trial Order (using the form mandated in Uniform Superior and State Court Rule 7.2) and shall supersede any provisions to the contrary proposed by the parties:

1. **Contacting Chambers**:

Jennifer Caldwell, Judge Simmons' Staff Attorney, is your primary contact on matters relating to civil matters. Where possible, communication with Mrs. Caldwell should be by email at jennifer.caldwell@cobbcounty.gov Email is preferred when contacting the Court. Mailed, couriered, and hand delivered communications should be addressed to the Staff Attorney and Judge Simmons' attention. Please ensure all parties are copied on your correspondence to the Court. Neither the parties nor their counsel should discuss the merits of the case with the Court through these communications.

2. **Courtesy Copies**:

A. Parties are not required to forward courtesy copies of motions or other filings directly to the Court or the Staff Attorney except for emergency motions filed pursuant to Uniform Court Rule 6.7.
B. For all consent motions, the filing party shall include a proposed order granting the motion. In some circumstances, the Court may request a party submit a proposed order. When submitting a proposed order, please email the Staff Attorney a Word version of any proposed order.
C. If a party files a motion or any responsive brief or pleading less than 48 hours prior to a scheduled hearing or trial, the party must provide a courtesy copy of said filing to the Staff Attorney at the time of filing.

3. **Case Management and Pre-Trial Orders**:

A. Scheduling Orders are encouraged but not required.
B. Any motions for summary judgment or *Daubert* motions relating to expert opinion testimony pursuant to O.C.G.A.§24-7-702 shall be filed no later than thirty (30) days after the close of discovery.
C. Upon notice of a Pre-Trial Hearing, Counsel shall submit a proposed Consolidated Pre-Trial Order three (3) days prior to the scheduled hearing date in substantially the same format as required by Uniform Superior Court Rule 7.2.
D. When a Consolidated Pre-Trial Order is submitted, the Court will consider the case ready for trial. All discovery has been completed, unless otherwise noted, and the Court will not consider further motions to compel discovery unless good cause is shown. The parties, however, shall be permitted to take the depositions of any person(s) for the preservation of evidence for use at trial no later than forty-five (45) days following entry of the Consolidated Pre-Trial Order.
E. **The Court will not entertain or approve a pre-trial order which contain provisions attempting to reserve the right to amend the pre-trial order, to file a motion or reserve**

the right to conduct discovery. If additional discovery is requested and the parties cannot consent to such an extension, then the party must file a motion requesting such relief with the Court.

F. Amendments to the pretrial orders will be allowed only upon order of the Court and upon good cause shown and shall not delay the trial of the case. Failure of a party to submit its portion of the proposed pretrial order for consolidation or to consolidate the pretrial order, if required, may results in sanctions pursuant to Uniform Court Rule 7.1.

G. 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 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.

H. The exhibits and witnesses intended to be introduced at trial shall be specifically identified except for records or billing custodians or those whose purpose is only authentication. It is not sufficient to include boiler plate language covering groups of potential witnesses, such as "all individuals identified during discovery." Failure to identify a witness, including expert witnesses, by name in the consolidated pretrial order may result in the exclusion of the undisclosed witness' testimony from trial. Neither party shall reserve the right to supplement its list, nor should a party adopt another party's list by reference. Witnesses and exhibits not identified in the Pretrial Order may be excluded, unless it is necessary to allow them to be introduced to prevent a manifest injustice.

I. If special damages are being alleged, they must be stated with specificity, including the identity and amount of each item of special damages in paragraph 11.

4. **Motions in Limine**:

The following shall be added to the Consolidated Pretrial Order at paragraph 3:

Motions *in Limine* and responses thereto shall be filed within thirty (30) days of the Consolidated Pre-Trial Order. The parties are directed to confer prior to trial and/or a hearing on their Motions *in Limine* so that they may inform the Court which, if any, will need to be addressed by the Court. General Motions *in Limine* will be argued and ruled upon the first day of trial. Motions *in Limine* regarding case specific evidentiary issues should be brought to the attention of the Court at the pretrial hearing or no later than ten (10) days prior to trial as a special hearing may need to be scheduled. Motions *in Limine* filed the day of trial may be reserved. The Court will note that parties should not file boilerplate motions in limine that ask the Court and opposing counsel to follow Georgia law. The Court expects the parties and counsel to familiarize themselves with the holding in Williams vs. Harvey, 311 Ga. 439 (2021).

5. **Trial Depositions**:

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 ten (10) business days prior to trial. Any objections not brought before the Court ten (10) days prior to trial shall be deemed waived.

6. **Jury Charges**: All requests to charge anticipated at the time of trial will be filed with the Court no later than five (5) days prior to trial. The original requests shall be filed with the Clerk and a

courtesy copy e-mailed to Judge Simmons' Staff Attorney in Word Format. Requests to charge from the Suggested Pattern Jury Instructions from the Council of Superior Court Judges can be submitted by number and title and can be listed on one page. All requests to charge that do not come from the Pattern Charges must contain citations of authority supporting the charge requested.

7. **Technology**:
   The Courtroom has electronic equipment available for the use of parties and counsel. For more information, please view the following video https://link.edgepilot.com/s/e75ab628/QXqvdePrmESPUqlGgccdBw?u=https://youtu.be/1dmp-wKUfpc. If you need further information, please contact the Staff Attorney. It is the parties' responsibility to ensure they know how to use the equipment available prior to any use and presentation.

SO ORDERED, this the 1 day of October 2026.

DIANA M. SIMMONS, JUDGE
COBB STATE COURT