26-EX-000220

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CHE ALEXANDER
Clerk of Superior Court
Fulton County, Georgia

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION 2

CASE MANAGEMENT ORDER

The following rules and procedures will govern Family Division 2 cases before Judge Kelly Lee Ellerbe. Absent express permission from the Court or further Court Order, no exceptions or waivers to the requirements set forth herein are allowed.

Self-represented parties ("*Pro-se* Parties") as well as represented parties and their counsel (hereinafter "Parties") are reminded that they are also required to comply with the Automatic Domestic Standing Order for the Family Division of the Superior Court of Fulton County and Uniform Superior Court Rules ("USCR") including USCR 24.

1. CONTACTING THE COURT

When communicating with the Court, **Parties are required to ensure that the opposing party or counsel, as appropriate, is copied on all communications**. To aid the Court in also observing this practice, all filings by Parties are required to include the email addresses of counsel or *Pro-se* Parties on the matter.

Parties are cautioned that Chambers staff each handle specific aspects of the case procedure; therefore, they should contact **ONLY** the appropriate staff member. **Emails copying multiple staff members, instead of the one appropriate staff member designated below, will not be returned. Parties should NOT attempt to contact various Chambers staff with the hopes of receiving a different answer to a question or request with the exception of emailing Conflict Letters as specifically stated in Section 4 below.**

All communications with the Court must contain the case number in the subject line.

APPROPRIATE CONTACTS

Matters Pending Before Judge Ellerbe:	**Matters Pending Before Judicial Officer Scott Kaye:**
* Requests for Temporary Hearings * Notices regarding 120 Day Status Conference * Notices regarding Final Trial * Consolidated Pretrial Orders * Courtesy copies of efiled motions * Motions * Responses to motions and proposed orders Contact Senior Staff Attorney Daniela Britton at: **Daniela.Britton@fultoncountyga.gov**	* Joint Compliance Certificates * Motions for Judgment on the Pleadings * Final Consent Orders * Requests for Temporary Hearings * 30 or 60 Day Status Conferences * Motions and Responses to motions and proposed orders * Notices of Discovery Disputes * Motions to Compel Discovery * Post-Judgment Petitions to Modify or for Contempt * Courtesy copies of efiled motions listed above Contact Litigation Manager Rhapsody Little at: **Rhapsody.Little@fultoncountyga.gov**

Communication with the Court should be conducted via email. All Parties MUST be copied on emails to the Court. Modification of any deadline, status conference, or hearing date requires approval of the Court, even if all Parties consent to the change. Requests that the Court extend or change a deadline, status conference, or hearing date should be made as early as the need becomes apparent.

2. MANDATORY E-FILING

2.1 eFileGA

Electronic filing (e-filing) is **mandatory** in Fulton County Superior Court as of October 5, 2015, including the Family Division. All Parties should have created an account with eFileGA and add a service contact to your case to ensure consistent service of orders and other notices from the Court. Please visit **http://www.eFilega.com** for account registration, information, and training. Filing

fees will apply for all e-filing transactions. **Parties are still required to send courtesy copies to the Court, and email is the preferred means of submission.**

2.2 Exhibits E-Filing

Additionally, for any exhibits to be filed in the record Parties are now required to provide their exhibits in digital form. Please visit **http://www.fultoncourt.org/efile/** for more information and to see the Order Implementing Electronic Filing in Civil Cases. Note, the Court may also require copies of exhibits to be delivered to chambers by separate Court Order.

2.3 Peach Court

All Parties filing through PeachCourt (peachcourt.com) must also register with http://www.eFilega.com in addition to PeachCourt in order to ensure service of all filings.

3. LEAVES OF ABSENCE APPLICATIONS

Leaves of Absence Applications are **DENIED** if the time requested exceeds thirty days total or the Parties have received prior notice either orally or in writing that this case is scheduled to appear on the Court's calendar during the period of the requested leave. See USCR 16.2.

If the requested leave complies with the requirements of USCR 16.1, does not exceed thirty days, the Parties have not been given oral or written notice that this matter will be scheduled on the Court's calendar during the requested leave period, opposing counsel does not file a written objection within ten (10) days with copies to the Court and all counsel of record, and the Court does not respond within ten (10) days denying, the request for leave is **GRANTED**. A leave of absence does not relieve a Party of the obligation to comply with filing or response deadlines for discovery, motions, briefs or pleadings which may arise during the period of the leave.

4. CONFLICT LETTERS

Any conflicts must be substantiated with a timely conflict letter in full compliance with USCR 17.1 which letter is filed with the Clerk's office and received by the Court at least seven days prior to the date of conflict pursuant to USCR

17.1(B). All conflict letters must be copied to opposing parties. Parties are not excused from the calendar unless or until they have received confirmation from the Court. In the event any matter listed in the conflict letter is disposed of prior to the end of the calendar, counsel shall immediately notify all Parties and the Court and proceed with the remaining cases absent good cause shown pursuant to USCR 17.1(C). Conflict letters are **DENIED** if they fail to comply with USCR 17.1.

Conflict Letters for hearings before Judicial Officer Kaye are to be filed in each case and emailed to Rhapsody.Little@fultoncountyga.gov and Kristen.Rogers@fultoncountyga.gov with the following subject line: JUDICIAL OFFICER KAYE – CONFLICT LETTER – CASE NAME – CASE NUMBER.

Conflict Letters for hearings before Judge Ellerbe are to be filed in each case and emailed to Daniela.Britton@fultoncountyga.gov and Kristen.Rogers@fultoncountyga.gov with the following subject line: JUDGE ELLERBE – CONFLICT LETTER – CASE NAME – CASE NUMBER.

5. REQUESTS FOR CONTINUANCE

Requests for continuances must be in writing, and will be granted for legal excuses only. Continuances are not granted and Parties are not excused from a calendar unless they receive written confirmation from the Court which may be by email.

6. SERVICE

Petitioner must file proof of service of the initial Petition and related filings within 90 days of filing the case or the case shall stand **DISMISSED**, absent proof of diligence in attempting service and leave of Court. Petitioner must serve this order on the opposing party if no answer has been filed at the time this order is entered.

In order to seek an order for service by publication, the Petitioner must file proof of attempted service on Respondent at Respondent's last known address, together with a Motion for Service by Publication and an Affidavit of Diligent Search, within 60 days of filing the case or the case shall stand **DISMISSED**. If an Order for Service by Publication is granted by the Court, Petitioner must publish Notice in the Fulton County Daily Report within 30 days of entry of the Order for Service by Publication and must file with the clerk's office an Affidavit of

Publication from the Fulton County Daily Report within 60 days of entry of the Order or the case shall stand **DISMISSED**.

7. DISCOVERY

7.1 Mandatory Discovery

Pursuant to Fulton County Superior Court Family Division ("FCSCFD") Rule 4000-6.3.2, each Party must submit by the 30-Day Status Conference his or her Financial Affidavit, Child Support Worksheet and Schedules, Answers to Interrogatories, and documents in response to Required Documents to be Produced, and serve same upon the opposing party as specified in that Rule. The Court warns that willfully and intentionally failing to timely produce discovery may result in dismissal of the case or the entry of final disposition. See Bagwell v. Bagwell, 290 Ga. 378 (2012).

7.2 Additional Discovery Deadline

The Parties may seek additional discovery as provided by the Civil Practice Act and FCSCFD Rule 4000-6.3.2. The period within which the Parties can compel discovery shall end **six months from the date a Response to the Petition** was filed or is due whichever occurs first. 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.

The Parties may not stipulate to an extension of the compellable discovery period described above absent further order of the Court.

7.3 Expert Discovery

The disclosures shall include the names, subject matters, substance of facts and opinions, and a summary of the grounds for each opinion which any expert is expected to testify at trial on issues which the disclosing party bears the burden of proof. Disclosures shall be made **30 days prior to the end of discovery**.

7.4 Discovery Disputes

To facilitate the movement of the case through the discovery period without the need for an extension, in the event of an unresolvable dispute, rather than file a formal motion the parties should first file a Notice of Discovery Dispute pursuant to FCSCFD Rule 4000-6.1.2 and email a courtesy copy to the Litigation Manager. The

Court or its designee may then handle the dispute via phone conference within twenty (20) days thereafter. Alternatively, the Court may require the attorneys and/or parties to attend an in-person conference or may request a formal motion. The Court's resolution of discovery disputes in this manner in no way obviates each party's obligations under Uniform Superior Court Rule 6.4(B). All discovery disputes shall be submitted to and decided by Judicial Officer Kaye pursuant to FCSCFD Rules 1000-4.1(c), 1000-4.6, 4000-3.2.1, and 4000-3.2.2.

7.5 Discovery Dispute Deadlines

Any Notice of Discovery Dispute or Motion to Compel Discovery pursuant to FCSCFD Rules 4000-6.1.1 or 4000-6.1.2 and/or the Civil Practice Act must meet the requirements of USCR Rule 6.4(A) and (B) and must be filed **no later than sixty (60) days from the due date of the response or event** (e.g. deposition) that is the subject of the notice or motion, and in no event later than the close of the compellable discovery period.

7.6 Supplementing Discovery

All available supplemental production to discovery requests must be made **within 15 days after learning of the new information** provided, however, that if either party has any supplemental production to discovery requests available prior to the close of discovery, those supplements must be made prior to the close of discovery.

7.7 Discovery Extensions

Any request for an extension of the compellable discovery period must be made **prior to the expiration of the discovery period** absent good cause shown. The request for a discovery extension, for which a formal motion is not required, *shall* include the current deadlines, including the new proposed deadlines for mediation, and readinesss for trial, a list of discovery conducted thus far, the requested deadline extension date, and a schedule of outstanding discovery to be completed during the requested extension. Without this detail, requests for discovery extensions will not be considered.

8. MOTIONS

8.1 Courtesy Copies

The parties are ordered to send courtesy copies of all motions and responses to motions to the Court via the "Appropriate Contact" identified in Section 1 above. Failure to comply with this directive may result in denial of the requested relief. For all motions, briefs, responses or other related filings that exceed 35 pages in length (including exhibits), the Parties are directed to deliver physical courtesy copies of same to Court chambers in lieu of emailing same. The Parties must still separately and timely serve and file the motion, response, or other related filing with the Clerk's office as required to record same.

8.2 Replies

No replies or sur-replies will be considered absent prior express permission of Court.

8.3 Daubert Motions

For any *Daubert* motion, such motion must be filed no later than forty-five (45) days in advance of trial.

8.4 Motion to Enforce Settlement Agreements

For any motion to enforce settlement agreements, the Parties are directed to file such motion as soon as the need becomes apparent and in no event later than the due date set by the Court for any proposed final orders. The Court will decide any such motion without a hearing absent further order of Court. The Parties are directed to file contemporaneously with such motion or the response thereto, *authenticated and admissible evidence*. Specifically and by way of example only, even signed settlement agreements, and email between counsel, as well as most other documents, require affidavits authenticating the documents for the Court to consider them as evidence. See e.g. Eastview Healthcare, LLC v. Synertx, Inc., 296 Ga. App. 393, 397-98 (2009); Greater Georgia Life Ins. Co., Inc. v. Eason, 292 Ga. App. 682, 688-89 (2008) (computer print-out summary and email correspondence were unauthenticated and therefore were inadmissible hearsay that could not be considered as evidence in support of motion).

8.5 Use of Artificial Intelligence

Any attorney or *Pro-se* Party who uses AI in any capacity to prepare, draft, or review a filing shall disclose such use in the document with the following certification:

> *This document was generated with the assistance of [identify AI tool(s) used, e.g., Chat GPT, Perplexity, Claude, etc.].*
>
> *I hereby certify under penalty of perjury that, despite reliance on an AI tool, I have independently reviewed this document to confirm accuracy, legitimacy, and use of good and applicable law.*
>
> *I hereby certify under penalty of perjury that every citation to law, case, statute, or the record in this document has been verified as accurate and that it exists as cited and for the proposition cited.*

The above certification must appear at the end of the document, before the signature block.

Failure to comply with this Order may result in the Court taking appropriate action, including without limitation striking the filing, imposing sanctions, or disciplinary referral.

Mistake, lack of technical expertise, or time constraints will not be accepted as good faith excuses for noncompliance.

The use of AI does not relieve any attorney or *Pro-se* Party of their ethical obligations and/or professional obligations (such as Georgia Rules of Professional Conduct 1.1 and 3.1).

9. SCHEDULING

9.1 Status Conferences

All assigned cases will have mandatory 30-, 60-, and 120-Day Status Conferences scheduled with the Court. The presence of the Parties themselves is mandatory unless excused. Status conferences will be conducted via Zoom unless otherwise directed. The time assigned is subject to change and notice of any time

change will be included in the Video Conference Order with Zoom link which will be filed the week prior to the scheduled Status Conference.

The 30-Day and 60-Day Status Conferences will be heard by Judicial Officer Kaye. Parties may jointly-comply out of hearings/conferences only if there are no motions outstanding and the Parties fully comply with FCSCFD Rule 4000-3.2.5. Joint-compliance certificates will be considered by the Court if they are e-filed no less than three (3) days before the related hearing and emailed to Litigation Manager Rhapsody Little at Rhapsody.Little@fultoncountyga.gov. Joint-compliance certificates filed inside the three (3) day period will be considered only in the discretion of the Court.

As stated above in Section 7.1, Parties are required to exchange mandatory discovery responses at or before the 30-Day Status Conference. **Parties are required to submit proposed Child Support Worksheets, Child Support Addendum, and Parenting Plans at the 30-Day Status Conference.**

120-Day Status Conferences will generally be conducted by Judge Ellerbe, but they may be conducted by Judicial Officer Kaye under certain circumstances. **Parties cannot joint-comply out of 120-Day Status Conferences. Additionally, Parties are REQUIRED to have mediated the case prior to scheduling the 120-Day Status Conference.**

9.2 Mediation

The Court orders the Parties to participate in mediation by **no later than 120 days after service of the Petition**. The parties should contact the Fulton County Alternative Dispute Resolution Program to schedule mediation or a Judicially Hosted Settlement Conference at 404-612-4549. Alternatively, the Parties may arrange for mediation with a private mediator of their choice.

9.3 Temporary Hearings

Requests for Temporary Hearings must be made at or before the next scheduled status conference. The request must set out the specific issue(s) to be determined at the Temporary Hearing, time needed, as well as the date(s) of any other already scheduled hearing and/or status conference.

Pursuant to USCR 24.2, Parties are to exchange updated financial affidavits and/or child support worksheets five (5) days prior to any Temporary Hearing. Pursuant to USCR 24.5, any affidavit in lieu of testimony is to be served on the opposing party at least 24 hours prior to a hearing. **Copies of any such documents should also be provided to the Court at the same time they are provided to the opposing party via email to Staff Attorney Daniela Britton for hearings before Judge Ellerbe, or Litigation Manager Rhapsody Little for hearings before Judicial Officer Kaye.**

Parties are hereby given notice that evidence presented at any Temporary Hearing may be considered by the Court, at its discretion, in making any final custody determination, if applicable. See Pace v. Pace, 287 Ga. 899 (2010).

9.4 Final Trials

Final Trials will be specially set, with date(s) determined at the 120-Day Status Conference. Final Trials are specially set based upon the time announcement of the Parties. Therefore, **the 120-Day Status Conference is the last day on which you may request a jury trial on any issues so triable. If you do not request a jury trial prior to the special setting of your Final Trial, your right to a jury trial will be waived.**

If Parties reach a settlement agreement or otherwise resolve the case prior to the Final Trial, email notice should be provided as soon as practicable to Senior Staff Attorney Daniela Britton for trials set before Judge Ellerbe, or Litigation Manager Rhapsody Little for trials set before Judicial Officer Kaye.

Consolidated Pretrial Orders are required and are due to Chambers one week prior to trial by email to Senior Staff Attorney Daniela Britton for those set before Judge Ellerbe, or Litigation Manager Rhapsody Little for trials set before Judicial Officer Kaye. The Parties are required to itemize each individual exhibit in the Consolidated Pretrial Order and **avoid** listing general categories of documents (e.g. "all discovery produced in this case," "email," or "photographs").

If the case involves minor children, the Parties SHALL exchange and file with the Court an updated Domestic Relations Financial Affidavit, a proposed Child Support Worksheet, proposed Child Support Addendum and proposed Parenting

Plan **one week prior to trial**, pursuant to USCR 24.2. All supporting documentation for the above shall be available for review at trial.

Parties are to meet and confer on exhibits to be presented at trial and stipulate to admissibility absent a good faith basis to object. Parties are to deliver physical copies of trial exhibits to the Court **twenty-four (24) hours prior to trial unless directed otherwise by the Court**.

9.5 Take Down

Unless the Party is a *Pro-se* Party and previously determined by the Court to be indigent, all Parties seeking to have any hearing reported are required to retain and bring their own court reporter to the hearing. For *Pro-se* Parties who have been determined to be indigent by the Court, they are required to email Daniela.Britton@fultoncountyga.gov for hearings before Judge Ellerbe and Rhapsody.Little@fultoncountyga.gov for hearings before Judicial Office Kaye **no later than one week in advance of the hearing** to request a Court provided court reporter. All exhibits admitted during trial must be submitted to the court reporter during trial via PDF copies by email, or via flash drive, Dropbox or CD-ROM, as arranged with the court reporter. Failure to secure a court reporter will not be grounds for a continuance. **The Parties are cautioned that the failure to secure a court reporter will prevent take down of the hearing which may affect the Parties' rights, including certain challenges on appeal.**

10. GUARDIANS AD LITEM

10.1 Appointment

Requests for appointment of a Guardian ad Litem ("GAL") must be made sufficiently early in the proceeding such that the best interests of the children are protected and delay is avoided and **in no case later than 60 days after service of the Petition** absent good cause shown.

10.2 GAL Report

If a GAL has been appointed, and the parties wish for the GAL to prepare a written GAL Report and Recommendation ("Report"), they must notify the GAL of the same **no later than 45 days prior to the affected hearing date or Final Trial Date**. If one or both of the Parties request a Report, the fees shall be split (50/50),

including the retainer to prepare the Report. If a Report is requested, the GAL shall submit the same to the Parties and the Court **no later than one week prior to trial**. Should the Court direct preparation of a Report by separate Order, the GAL fees shall be split (50/50) unless the Court orders otherwise.

11. POST-JUDGMENT MATTERS

All Post-Judgment Matters including Petitions/Notices for Contempt will be handled by Judicial Officer Kaye. Post Judgment and Contempt matters will be scheduled on Judicial Officer Kaye's 30-Day Calendar. Courtesy copies of all post judgment matters should be sent to Rhapsody Little at Rhapsody.Little@fultoncountyga.gov

12. PETITIONS TO WITHDRAW AS COUNSEL

Any Petition to Withdraw as Counsel must be in full compliance with USCR 4.3. The Petition shall state that the attorney has given written notice to the client and that ten days have expired since notice, that there has been no objection, or that withdrawal is with the client's consent. Any granted Petition to Withdraw will not be effective until the attorney registers his/her client for eFileGA with a service contact added. Petitions to Withdraw are **DENIED** if they fail to comply with USCR 4.3.

13. ATTORNEY FEE REQUESTS

Parties seeking attorney's fees shall cite to the statute or other provision of law authorizing same, provide the requisite factors and considerations the Court must assess, including any findings and conclusions the law requires from the Court in order to award the requested fees. Absent such detail, attorney fee requests are **DENIED**.

14. SANCTIONS

The Court reminds the Parties that failure to strictly adhere to the USCR, the Civil Practice Act, the FCSCFD Rules, or the Court's Orders may result in sanctions. Sanctions for the failure to abide by the terms of this Order or of any of the Court's other Orders, including, without limitation, the deadlines set out in this or any other Order; failing to timely supplement discovery responses as required by O.C.G.A. § 9-ll-26(e) and this Order; or failing to maintain confidentiality as required by this or

any other Order may include, but are not necessarily limited to, the striking of pleadings, entry of final disposition, exclusion of evidence, exclusion of witnesses, and charging of fines, attorney's fees, and/or costs against the offending party. See Lee v. Smith, 307 Ga. 815 (2020); Doherty v. Brown, 339 Ga. App. 567, 575-76 (2016), *rev'd sub nom.* Southeast Pain Specialists, P.C. v. Brown, 303 Ga. 265 (2018), and *vacated on other grounds*, 347 Ga. App. 187 (2018); FCSCFD Rule 4000-3.2.4.

Further, the Court may choose to consider motions filed outside of any deadlines set in this Order to prevent manifest injustice. See Valasco v. Chambless, 295 Ga. App. 376, 377 (2008).

SO ORDERED, this 9th day of February, 2026.

Kelly Lee Ellerbe

Kelly Lee Ellerbe, Judge
Fulton County Superior Court
Atlanta Judicial Circuit