

IN THE STATE COURT OF FAYETTE COUNTY

STATE OF GEORGIA

MICHELLE WITMER HUMES, INC.,	)	
d/b/a MICHELLE HUMES GROUP,	)	
Plaintiff,	)	CIVIL ACTION FILE NO.:
	)	
vs.	)	2023SV-0457
	)	
STEPHEN SAWTELLE,	)	
Defendant/Counter-Claim Plaintiff,	)	
	)	
vs.	)	
	)	
MICHELLE WITMER HUMES	)	
Counterclaim Defendant.	)	

**SCHEDULING ORDER AND INSTRUCTIONS**

In order to maintain a trial calendar and encourage resolution, the Court enters this schedule order.

**THE FOLLOWING DEADLINES, INSTRUCTIONS, AND PROCEDURES ARE  
HEREBY ORDERED:**

**1. GENERAL INFORMATION**

- a. The parties must immediately notify this Court via e-mail any problem or dispute (disagreements about discovery, scheduling difficulties, unavailability of witnesses, illness, late addition of parties or claims, etc.) that could delay the deadlines or hearing dates set forth herein. Questions may be directed to Broxton L. Harvey, Staff Attorney at [bharvey@co.henry.ga.us](mailto:bharvey@co.henry.ga.us). Should Plaintiff or Defendant desire a court reporter at any proceeding during the course of this action, then said request should be made to Kim Hopkins at [khopkins@co.henry.ga.us](mailto:khopkins@co.henry.ga.us). **However, Parties are expected to bring their own Court Reporter for the Trial.**
- b. Modification of any deadline or hearing date contained within this scheduling order requires approval of the Court—even if all parties consent to the change. Requests that the Court extend a deadline or hearing date should be made as soon as the need to do so becomes apparent. Parties must file a continuance request. A list of proposed, specific deadline dates (including month, date, and year) shall be included in the motion. Parties are reminded to review all deadline dates to ensure the continuance motion addresses all deadlines or hearing dates affected by the extension of another deadline. For example, the continuance of a pretrial conference will affect the date of trial, and both matters must be addressed in the proposed motion.

## **2. MOTION FORMAT, COURTESY COPIES, HEARING REQUESTS, AND PROPOSED ORDERS**

- a. Except where prohibited by law, the Court shall rule on unopposed\* motions based upon the pleadings without a hearing. Every unopposed motion shall be accompanied by a proposed order. The parties shall e-file proposed orders through Peach Court, and any courtesy copies of proposed orders (if requested) shall be emailed to the Court's Staff Attorney in Word format. The parties may contact the Court's Staff Attorney regarding any consent/joint filings or other filings necessitating prompt action by the Court.
- b. Opposed motions are typically scheduled for a hearing unless the Court finds oral argument to be unnecessary based upon the facts of the case, briefs, and case law. Absent prior permission of the Court, no party shall file any reply brief, which are generally disfavored. Hearing requests may be submitted to the Court in the form of an email to Mr. Harvey with all parties "cc'd." Boiler plate requests and statements that the party stands ready for oral argument "if the Court so desires" are discouraged. Furthermore, all inquiries regarding the status of motion rulings and scheduling motion hearings shall be directed to Mr. Harvey.
- c. After the motion's hearing and unless the Court directs otherwise, all orders, including findings of fact and conclusions of law orally announced in court shall be prepared in writing by the attorney for the prevailing party and thereafter submitted to the Court within ten (10) days after sending a courtesy copy to the opposing party to obtain possible consent to the form.
- d. For smaller motion filings (under one hundred pages including exhibits), the Court does not require courtesy copies to be sent to the Judge's chambers. For larger motion filings (more than one hundred pages including exhibits), parties shall send courtesy copies in .pdf form to Mr. Harvey via one email with each separate document (including exhibits) attached as separate .pdfs. **Parties shall not submit letter briefs (including substantive emails addressing the merits) or "carbon copy" the Court on correspondence between the parties addressing the merits.**

## **3. DISCOVERY**

- a. Discovery (including but not limited to, written discovery and depositions except any expert discovery as outlined below) shall close on: **CLOSED**
- b. Except for good cause shown, no extension of time for discovery shall be granted, unless a motion for an extension of time is filed prior to the expiration of such discovery period. In the event an extension of time is requested, the moving party shall submit a proposed, revised Scheduling Order, in Word format to Mr. Harvey via email. The proposed order must name dates certain. Generic "all deadlines extended ninety days" is strongly discouraged. Finally, the Court reminds the parties that, under the Civil Practice Act, they have a duty to fully cooperate in discovery and that the failure to fulfill this obligation may result in sanctions.
- c. The amendment of any pleading to add, create, or expand additional counts, claims, or means of liability, or to expand the means of recovery or of damages, must be made no later than ten (10) days after the close of discovery. Following this time period, no further amendments shall

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\* "Unopposed" for the purposes of this order means consent motions as well as any motion to which no response has been filed within thirty days after the motion's filing date.

be permitted, and any pleading which is amended after this deadline, without prior leave of Court, shall be stricken if an objection is raised by opposing party.

#### **4. MEDIATION**

- a. All parties are required to participate in mediation in good faith and with an effort to resolve the issues involved in this case. All mediations shall be scheduled through the Office of Dispute Resolution for the 6<sup>th</sup> Judicial District (<http://adr6th.org/>). It is the responsibility of the parties/attorneys to complete the entire General Civil Initiation Form, which can be found at <http://adr6th.org/> and submit it to the 6<sup>th</sup> Judicial District ADR Program. In the event the parties/attorneys choose to privately mediate this case, the mediator must be registered with the Georgia Office of Dispute Resolution. **Parties/attorneys must submit to the ADR Office a completed General Civil Initiation Form along with a copy of the Mediator's Certification with the mediation results and all parties' signatures no later than five (5) business days after the mediation date as set forth below.** For ADR mediations, the program director shall set attendance format. All parties must have a representative present at the mediation with full negotiation and settlement authority. There shall be no extensions of these deadlines by agreement of the parties.

- b. All parties are required to mediate by: **WAIVED**

#### **5. CONSOLIDATED PRE-TRIAL ORDER**

- a. Those documents and witnesses that a party intends to rely upon affirmatively to meet the burden of proving his or her case must be disclosed in the pretrial order. Failure to disclose documents or witnesses in the pre-trial order, or listing in the pretrial order witnesses or documents not previously disclosed during discovery shall result in the Court imposing sanctions, including **DISMISSAL**, striking pleadings, assessment of attorney's fees, exclusion of evidence or witnesses at trial, or other sanctions this Court deems warranted under the facts and circumstances. Witnesses unnamed by either party in the pre-trial order, and listed only by description, shall only be used to authenticate documents or exhibits.
- b. The parties are required to exchange all documents and exhibits they wish listed in the proposed consolidated pre-trial order no later than **two weeks before the pre-trial conference**. All documents and exhibits exchanged shall be redacted, marked, numbered, and scanned. At least one week prior to the pre-trial conference, parties shall confer with each other in good faith to resolve any objections to any motions in limine, records, documents, depositions, or exhibits to be presented at trial.
- c. **The proposed Consolidated Pre-trial order, all known motions in limine and objections to said motions, pre-marked exhibit lists, prospective jury charges and voir dire questions, and depositions<sup>†</sup> shall be filed at least one (1) week before the pretrial conference by :**  
**July 11, 2025**
- d. Failure to file these documents timely will result in **the imposition of sanctions, other remedies, or DISMISSAL.**

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<sup>†</sup> If deposition is too voluminous, Parties can file the first page to identify the deposition.

**6. PRETRIAL CONFERENCE**

- a. Pre-trial conference to be held on: **July 17, 2025, at 1:30 p.m. at the Henry County State Court.** (Counsels' in-person attendance at pretrial conference shall be mandatory, unless excused.)
- b. Any opposed motions in limine and objections to exhibits shall be heard at the pretrial conference. We ask Parties to narrow the motions at issue.

**7. TRIAL**

- a.   X   This case shall be placed on the Fayette County State Court's **July 21-25, 2025, at 8:30 a.m.** civil jury trial calendar.
- b. **The trial will be held at Courtroom 2(b), 1 Center Drive, Fayetteville, Georgia, 30214.**
- c. **Parties are responsible for bringing their own Court Reporter.**

**8. SETTLEMENTS**

- a. If this case reaches settlement (including a notice of intent) prior to the trial date, then the parties must file **a dismissal and a civil disposition form** with the Clerk of Court by **Friday night prior to the start of the trial calendar.**
- b. If the matter is not promptly dismissed prior to the week of trial, then Parties are expected to appear and litigate.

**9. JURY CHARGES**

- a. All requests to charge shall be submitted in Word format to the Court via e-mail to Broxton L. Harvey, Staff Attorney at [bharvey@co.henry.ga.us](mailto:bharvey@co.henry.ga.us). The original request to charge shall be filed with the Clerk of Court.
- b. Pattern charges may be requested by number and title and shall be listed on separate pages. All non-pattern charges shall be numbered consecutively on separate pages as provided by Uniform State Court Rule 10.3. Non-pattern charges that cover the same issues as pattern charges are strongly discouraged. Non-pattern charges must contain pinpoint citations of authority supporting the requested charge.
- c. The parties are directed to file any proposed request to charge at the pretrial conference.

#### **10. OTHER INSTRUCTIONS:**

IT IS FURTHER ORDERED that the following PRACTICES and PROCEDURES govern this litigation:

- IT/AV/ELECTRONICS – Parties can contact the Fayette County State Court to preview the Courtroom and electronics.
- DISCOVERY DISPUTES – in addition to the obligations set forth by USCR 6.4(B), the parties shall meet and confer *in person or by telephone* in a good faith effort to resolve any discovery disputes.
- WITNESSES – the parties shall supplement the identification of witnesses (except for purposes of impeachment), in response to any applicable discovery request, no later than fifteen (15) days after the close of discovery. Failure to do so, absent extraordinary circumstances, will result in the exclusion of the unidentified or late-identified witness.
- COMMUNICATION WITH THE COURT – regarding miscellaneous matters, the parties may contact Broxton L. Harvey, Staff Attorney at [bharvey@co.henry.ga.us](mailto:bharvey@co.henry.ga.us), with all other parties cc'd to the email.
- ORIGINAL DEPOSITION TRANSCRIPTS – the parties shall e-file scanned copies in lieu of original deposition transcripts and retain original deposition transcripts until specifically requested by the Court or trial.
- Parties are instructed to contact Broxton L. Harvey, Staff Attorney at [bharvey@co.henry.ga.us](mailto:bharvey@co.henry.ga.us) regarding any scheduling issues, or to advise the Court of any settlement, and to request a telephone conference with the Court for any discovery disputes or for other matters.

#### **11. FAILURE TO COMPLY WITH INSTRUCTIONS:**

Failure to comply with any portion of this Scheduling Order and Instructions may result in sanctions, including **DISMISSAL**, striking of pleadings, imposition of attorneys' fees, denial of motions, and exclusion of witnesses and evidence. Except for good cause shown and by Order of this Court, the deadlines set forth herein shall not be amended.

SO ORDERED this 18<sup>th</sup> day of June, 2025.



Honorable Stephen N. Knights, Jr.  
Judge, Henry County State Court  
McDonough, Georgia  
Flint Judicial Circuit

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**STATE OF GEORGIA**

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Plaintiff,	)	CIVIL ACTION FILE NO.:
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STEPHEN SAWTELLE,	)	
Defendant/Counter-Claim Plaintiff,	)	
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vs.	)	
	)	
MICHELLE WITMER HUMES	)	
Counterclaim Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that I have sent a true and correct copy of the foregoing **Scheduling Order and Instructions** filed June 18, 2025, in the Fayette County State Court by statutory electronic service through Peach Court addressed to all Parties listed below:

Plaintiff's	W. Thomas Lacy Jr.
Attorney	Lindsey & Lacy, P.C.
	200 Westpark Drive, Suite 280
	(770)-486-8445
	tlacy@llptc.com.
Defendant's	James Johnson
Attorney	Johnson Trial Law, LLC
	125 Clairemont Avenue, Suite 170
	(470)-851-9149
	philip@johnsontrial.com.