

IN THE STATE COURT OF HENRY COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

vs.

MICHELLE LAKLY,
Defendant.

CASE NO.

STSR2023003550; STSR2023003569;
STSR2023003518


Lynne M. Policaro, Clerk of State Court
Henry County, Georgia

MOTION TO CONTINUE CALENDAR CALL

Comes now Defendant, by and through counsel, and hereby files this Motion to Continue Calendar Call, and, in support thereof, shows this Court:

1.

This matter is scheduled for calendar call February 13, 2024.

2.

On February 1, 2024, the Defendant's counsel was served discovery containing more than 300 pages.

3.

Defendant's counsel will be present in Fulton County Superior Court February 5th, 6th and 7th for a civil jury trial.¹

4.

In addition, Defendant's counsel is really unable to get fully prepared for this matter due to preparing for her jury trial.

5.

WHEREFORE, Defendant requests a one-time continuance to allow Defendant's Counsel time to properly prepare for the upcoming calendar call.

¹ See attached Amended Jury Trial Notice and Scheduling Order as Exhibit "A"

- a) Inquire into the facts and circumstances of this Motion,
- b) Continue the calendar call; and,
- c) Grant such other and further relief as this Court deems just and proper under the facts and circumstances of this action.

Respectfully submitted this 2nd day of February 2024.



Melinda Johnson
Attorney for Defendant
Georgia Bar No. 468923

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

ANNA MOSES,

Petitioner,
v.

ALPHONSO MOSES,

Respondent.

CIVIL ACTION FILE NO.:
2022CV359001

AMENDED JURY TRIAL NOTICE AND SCHEDULING ORDER

The parties were scheduled to begin a jury trial on November 1, 2023, but the case was continued due to a leave of Petitioner's counsel. After an email request by the Court, the parties acknowledged their availability for trial February 5, 2024 beginning at 9:30 a.m. The parties are **ORDERED** to file leaves of absences in all of their cases for February 5, 2024 through February 7, 2024 by November 7, 2023.

All issues will be resolved at trial.

The Court hereby specially sets the above-styled action for JURY trial on **February 5, 2024 starting at 9:30 a.m.**, before the Honorable Kelly Lee Ellerbe or a Senior Judge. This trial will last **THREE DAYS**, with each side allotted half that time for the presentation of both witnesses and argument. The parties shall notify all witnesses and experts to prepare for trial on the set day and time. By separate order the Court will direct a late case evaluation. However, should the selected late case evaluator be unable to complete the evaluation in advance of the trial date the

parties are ordered to schedule mediation with a private mediator so as not to delay trial.

1. This will be a jury trial.
2. The trial will be conducted IN PERSON IN COURTROOM 8B, 185 Central Avenue, SW, Atlanta, Georgia 30303. **ALL PARTIES AND WITNESSES ARE TO APPEAR IN PERSON.** The parties will be updated on the location of the hearing if it is to be heard by a Senior Judge.
3. A Consolidated Pre Trial Order was entered on June 23, 2023 (the "CPTO").
4. Any conflicts must be substantiated with a timely conflict letter in full compliance with Uniform Superior Court Rule 17.1 or they stand denied. Requests for continuance must be in writing and will be granted for legal excuses only. All conflict letters, leaves of absences, and requests for continuance must be copied to opposing parties. Parties are not excused from the calendar unless and until they have received confirmation from the Court.
5. If the case involves minor children, the parties SHALL exchange an updated Domestic Relations Financial Affidavit, a proposed Child Support Worksheet, proposed Child Support Addendum, and proposed Parenting Plan five (5) days prior to trial, pursuant to Uniform Superior Court Rule 24.2. Copies of all such documents shall be filed in the record at least two (2) business days

prior to trial, and all supporting documentation for the above shall be available for review at trial.

6. Minor children will be excluded from the courtroom during the trial even where ordered to be in the courthouse.
7. The 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).
8. 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 Jennifer.walker@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.

9. The Court reminds the parties that failure to strictly adhere to the Uniform Superior Court Rules, the Civil Practice Act, the Fulton County Family Division 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. § 9-11-26(e) and this Order; or failing to maintain confidentiality as required by this or any other Order may include, but are not limited to, the striking of pleadings, exclusion of evidence, exclusion of witnesses, and charging of fines, attorney's fees, and/or costs against the offending party.

See Kohler v. Peteghem, 330 Ga. App. 230 (2014); Hart v. Northside Hosp., Inc., 291 Ga. App. 208, 210 n. 9 (2008). Further, the Court may choose to consider motions filed outside of any deadlines set out in this Order to prevent manifest injustice. See Valasco v. Chambliss, 295 Ga. App. 376, 277 (2008).

10. Motions in Limine have been submitted to the Court.
11. The Court will prepare and read general voir dire questions to the jury. Attorneys have submitted special voir dire questions for the Court's

consideration. Attorneys will be allowed to conduct their own individual voir dire, based on the questions they submit for the Court's consideration.

12. The attorneys have submitted proposed verdict forms to the Court.
13. Each attorney has submitted applicable pattern charges to the Court.
14. Parties shall have physical copies of trial exhibits with an index delivered to Chambers at least **24 HOURS** before trial. Petitioner does not have to resubmit exhibits previously provided to the Court.
15. Parties shall exchange exhibits **24 HOURS** in advance of the hearing and the Court will request the parties stipulate to all exhibits where no good faith objection to admission exists.
16. The Superior Court of Fulton County uses Zoom for displaying evidentiary materials. Please prepare for trial by contacting Court Technology Services - www.fultoncourt.org/court-technology - to fill out a request form at least one week before trial to make certain the evidence viewing equipment has the associated media player, drivers and accessories necessary for you to make an effective presentation and that you are trained on use of the equipment before day one of trial. *The Court and Court staff are not available for training on how to work the courtroom technology.*

SO ORDERED, this 31st October day of November, 2023. (KBE)

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

Service via eFileGA.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Entry of Appearance has been served upon the following by filing through PeachCourt.

This 2nd day of February 2024.



MELINDA JOHNSON