

IN THE STATE COURT OF HENRY COUNTY
STATE OF GEORGIA

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

JOHN WAYNE JONES,

Plaintiffs,

v.

**PETROLEUM TRANSPORT COMPANY,
INC., ANTHONY DOUGLAS TEAGUE,
DOE CORPORATIONS 1-5, AND JOHN
DOES 1-5,**

Defendants.

CIVIL ACTION FILE NO.

STSV2018001208

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR AN ORDER
REQUIRING DEPOSITIONS BY REMOTE ELECTRONIC MEANS**

COME NOW, **PETROLEUM TRANSPORT COMPANY, INC. and ANTHONY DOUGLAS TEAGUE**, Defendants in the above-referenced case (hereinafter "Defendants"), and file this Response to Plaintiff's Motion for an Order Requiring Depositions by Remote Electronic Means, showing the Court as follows:

INTRODUCTION

Plaintiff moves the Court for an Order requiring that all parties attend depositions remotely, by Zoom or another similar platform. Plaintiff's position is that all parties should have to submit to remote depositions because that is his preference. Specifically, Plaintiff takes issue with the depositions of two (2) of Plaintiff's treating physicians, Dr. Ramon Sanchez and Dr. Nelson Bennett. Both doctors are willing to do in-person depositions, and Defendants will absolutely make remote attendance available to Plaintiff's counsel. Plaintiff's motion is yet another thinly disguised attempt to limit Defendants ability to conduct a thorough and sifting examination into Plaintiff's allegations.

Plaintiff has had no prior issues with in-person attendance until now, which is evidenced by the fact that he attended Defendant Teague's sentencing hearing in person during the COVID-19 pandemic. (*See* Plaintiff's counsel's June 18, 2020 email to the Court, attached hereto as Exhibit "A"). Under the guise of fear of the pandemic, Plaintiff requests that the Court issue an Order requiring that Defendants depose Plaintiff's key treating physicians remotely. Plaintiff's argument in support of his position, however, is fundamentally flawed and his Motion should be denied.

PROCEDURAL HISTORY

On June 30, 2020, Defense counsel emailed Plaintiff's counsel requesting all parties' availability for the depositions of Dr. Sanchez and Dr. Bennett on July 31, 2020 and August 18, 2020. (*See* Defense counsel's June 30, 2020 email, attached hereto as Exhibit "B"). On July 7, 2020, Plaintiff's counsel responded and said he was unavailable on August 18, 2020. (*See* Plaintiff's counsel's July 7, 2020 email, attached hereto as Exhibit "C"). On July 14, 2020, Defense counsel emailed Plaintiff's counsel again and asked if Plaintiff was available on August 21, 2020 for Dr. Sanchez's deposition. (*See* Defense counsel's July 14, 2020 email, attached hereto as Exhibit "D"). Plaintiff's counsel responded the next day by saying that he had a leave of absence filed and was unavailable on August 21, 2020. (*See* Plaintiff's counsel's July 15, 2020 email, attached hereto as Exhibit "E").

On July 20, 2020, Plaintiff's counsel emailed Defense counsel stating he was no longer available on July 31, 2020 for Dr. Bennett's deposition and requesting that the depositions take place via Zoom. (*See* Plaintiff's counsel's July 20, 2020 email, attached hereto as Exhibit "F"). Defense counsel responded that day and requested that Plaintiff's counsel provide the dates he was available in July and August so the depositions of Dr. Sanchez and Dr. Bennett could be scheduled. (*See* Defense counsel's July 20, 2020 email, attached hereto as Exhibit "G"). Defense counsel also

informed Plaintiff's counsel that they had spoken with Dr. Sanchez and were planning to do the depositions in person, but would provide Plaintiff's counsel with virtual access to the deposition if he felt uncomfortable appearing in person. (Id.).

Dr. Sanchez had already confirmed that he was willing to do an in-person deposition. In fact, Dr. Sanchez identified the location for the in-person deposition.

On July 22, 2020, Plaintiff's counsel emailed Defense counsel and proposed that the parties enter into a consent order for all future depositions to take place virtually. (*See* Plaintiff's counsel's July 22, 2020 email, attached hereto as Exhibit "H"). Plaintiff's counsel also stated he would not be available for depositions until September 2, 2020. (Id.). That day, Defense counsel emailed Plaintiff's counsel and requested dates after September 2, 2020 for the depositions of Dr. Bennett and Dr. Sanchez. (*See* Defense counsel's July 22, 2020 email, attached hereto as Exhibit "I"). Without responding, Plaintiff filed this Motion.

This motion should seem familiar to the Court. Defendants attempt basic discovery and Plaintiff files every motion to limit or preclude discovery. This Motion is no different. For these reasons and the reasons set forth herein, Plaintiff's Motion should be denied.

ARGUMENT AND CITATION OF AUTHORITY

1. The Depositions of Dr. Sanchez and Dr. Bennett Should be Taken in Person.

Plaintiff's counsel has unfettered access to Plaintiff's treating physicians. He can have any many *ex parte* conversations, in person or by phone as he likes. Defense counsel has one opportunity to depose these physicians, who Plaintiff has repeatedly described as critical to his case. Defendants are entitled to thorough and sifting examination of Plaintiff's allegations, and a remote deposition versus an in person deposition is simply not comparable. Just by filing this motion, Plaintiff tacitly exists as much.

Defendants are not asking for an *ex parte* meeting with Dr. Sanchez or Dr. Bennett. Defendants are not seeking to preclude Plaintiff's counsel from the deposition – they will make video conference available for Plaintiff's counsel if he chooses that option. Defendants are not seeking to limit Plaintiff's counsel's ability to take his own later depositions of Dr. Sanchez or Dr. Bennett live or remotely for use at trial. Defendants gain no advantage – Plaintiff can talk to or depose either physician whenever he wants. The only conceivable purpose for Plaintiff's motion is to limit the effectiveness of Defendants' depositions.

Counsel for both parties, Dr. Sanchez, and Dr. Bennett are all present in the metro-Atlanta area. No travel is involved. Dr. Sanchez has already agreed to an in person deposition and identified his preferred location. If Plaintiff's counsel's concern truly is attending in person, Defendants will provide video conference access to Plaintiff's counsel. Any limitations in the State of Georgia has been lifted by the Governor. If Plaintiff's counsel believes a delay in holding those depositions is warranted, then so be it, Defense counsel would agree to a reasonable delay. However, there is no valid reason to limit Defendants' right to an in person deposition of critical witnesses.

None of the cases cited in Plaintiff's motion support his position. On the contrary, the critical fact in those cases – the need for out-of-state travel – reveals the weakness in Plaintiff's motion. The first case cited by Plaintiff, *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 3967665 (S.D.N.Y 2020), is a case from the Southern District of New York involving counsel from Florida, Idaho, Indiana, and New York. As the Court is aware, New York has been one of the states hit the hardest by the COVID-19 pandemic. Additionally, the motion at issue in that case involved the 30(b)(6) deposition of a corporate witness of an Indiana corporation. *Id.* Of course, New York

courts will handle requests for in-person depositions differently where counsel are based in different states and seek to depose an out-of-state witness.

The remaining cases cited by Plaintiff follow a similar pattern. The case of *Grupo Petromex, S.A. DE C.V. v. Polymatrix AG*, 2020 WL 4218804 is a Minnesota district court case involving counsel from Virginia, California, and Minnesota. The motion in that case dealt with the 30(b)(6) depositions of several corporate witnesses who were located in Switzerland. *In Re Broiler Chicken Antitrust Litig.*, 2020 WL 3469166 (N.D.Ill. 2020) is a class action suit in the Northern District of Illinois. As the Court in *Broiler Chicken* recognized, "[t]he Court also agrees that it needs to enter a protocol for taking remote depositions **in a case like this with three putative class, over 100 opt-out DAPs and more than 20 Defendants, dozens of lawyers and the United States Department of Justice.**" *Id.* (emphasis added). *Reynard v. Washburn Univ. of Topeka*, 2020 WL 3791876 (D. Kan. 2020) dealt with deponents who were elderly, one of which was suffering from stage 4 cancer.

None of the cases cited by Plaintiff are applicable here. The deponents, Dr. Sanchez and Dr. Bennett, are both located in Atlanta, Georgia, as are all counsel for the parties. There will be no out of state travel. Additionally, Georgia has dealt with the COVID-19 pandemic much differently than the states in cases cited by Plaintiff. Attorneys in Georgia, as well as court reporters and videographers, are continuing to have in-person depositions. In fact, courts in this state, **and in this county**, are continuing to hold in-person judicial proceedings. (*See* Civil Domestic Non Jury Calendar Notice issued by Henry County Superior Court, attached hereto as Exhibit "J"). Plaintiff's counsel himself appears to have no issue appearing in person when he wishes to attend a proceeding.

Dr. Sanchez and Dr. Bennett are key witnesses in this case as they have treated Plaintiff for his alleged head injury, which has become a central issue. Plaintiff has the opportunity to speak with these physicians whenever he chooses – they are his treating physicians. Defendants, however, only have one chance to speak with these physicians and examine them on their treatment of Plaintiff's purported head injury. Dr. Sanchez, in particular, has opined that Plaintiff has Chronic Traumatic Encephalopathy ("CTE"). Defendants are entitled to a thorough and sifting cross-examination of Dr. Sanchez on this issue, and other issues, which will include voluminous documents and medical records. Forcing Defendants to take these depositions virtually would substantively deprive them of the only chance they get to cross-examine these doctors before trial.

Additionally, Defendants have no issue with Plaintiff attending the deposition by Zoom or other electronic means, and have offered to provide a Zoom link to Plaintiff for that reason. Defendants' counsel has no issue attending the deposition in person, nor do the doctors being deposed. In fact, Defendants contacted Dr. Sanchez's office, who stated he had no issue attending the deposition in person.

Despite Plaintiff's contention, Dr. Sanchez does not prefer to attend the depositions electronically, and the email attached by Plaintiff as Exhibit F shows nothing more than Plaintiff's counsel's attempt to get Dr. Sanchez to agree with his position. Five (5) days after Plaintiff's counsel's last contact with Defense counsel on this issue, Plaintiff's counsel emailed Dr. Sanchez's office, said he was filing this Motion, and asked whether Dr. Sanchez would be willing to sign an affidavit drafted by Plaintiff's counsel. (*See* Plaintiff's Motion, Exhibit F). In Plaintiff's counsel's words, "[t]his would be helpful to carry the motion." (*Id.*). It is apparent that Plaintiff's counsel had never discussed this issue with Dr. Sanchez, despite representing to Defense counsel that it was the physicians' preference, and not Plaintiff's counsel's, that the depositions be conducted

virtually. Dr. Sanchez's office requested the affidavit from Plaintiff's counsel, but, interestingly, no affidavit was attached to Plaintiff's Motion. (Id.).

Dr. Bennett and Dr. Sanchez are medical professionals who treated Plaintiff following the accident. Plaintiff does not have a right to demand that every party be forced to attend the deposition electronically. Accordingly, his Motion should be denied and Defendants given the opportunity to depose Dr. Sanchez and Dr. Bennett in person. Plaintiff's counsel may attend however he desires.

CONCLUSION

For the reasons discussed herein, Plaintiff's Motion for an Order Requiring Depositions by Remote Electronic Means should be denied in its entirety.

Respectfully submitted this 21st day of August, 2020.

HALL BOOTH SMITH, P.C.

/s/ Daniell R. Fink

SCOTT H. MOULTON

Georgia State Bar No. 974237

SEAN B. COX

Georgia State Bar No. 664108

DANIELL R. FINK

Georgia State Bar No. 540374

Attorneys for Defendants

191 Peachtree Street, N.E., Suite 2900

Atlanta, Georgia 30303-1775

Phone: (404) 954-5000

Fax: (404) 954-5020

smoulton@hallboothsmith.com

scox@hallboothsmith.com

dfink@hallboothsmith.com

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Defendants.

CIVIL ACTION FILE NO.

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CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the within and foregoing **DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR AN ORDER REQUIRING DEPOSITIONS BY REMOTE ELECTRONIC MEANS** by electronic notification through the PeachCourt electronic filing system which will automatically send to the following:

Frederick D. Burkey, Esq.
The Burkey Law Firm, P.C.
44 Peachtree Place, NE, Unit 734
Atlanta, Georgia 30309
fburkey@burkeylawfirm.com

This 21st day of August, 2020.

HALL BOOTH SMITH, P.C.

/s/ Daniell R. Fink

SCOTT H. MOULTON

Georgia State Bar No. 974237

SEAN B. COX

Georgia State Bar No. 664108

DANIELL R. FINK

Georgia State Bar No. 540374

Attorneys for Defendants

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Atlanta, Georgia 30303-1775

Phone: (404) 954-5000

Fax: (404) 954-5020

smoulton@hallboothsmith.com

scox@hallboothsmith.com

dfink@hallboothsmith.com

EXHIBIT A

Lakeishia Guthery

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Thursday, June 18, 2020 9:50 AM
To: Robert A. Hawk
Cc: Daniell Fink; David Olson; Sean Cox; Scott Moulton
Subject: Re: Wayne // P's Reply to Vacate // CAFN STSV2018001208

Follow Up Flag: Flag for follow up
Flag Status: Completed

THE BURKEY LAW FIRM

A Professional Corporation

Robert,

My client attended the hearing and reports that the Defendant did take the plea on June 16, 2020. I am sure Mr. Fink can provide further details.

Best,
Fred

Sincerely yours,
THE BURKEY LAW FIRM, P.C.
Frederick D. Burkey
Senior Attorney

770.587.5529
www.BurkeyLawFirm.com

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On Jun 18, 2020, at 9:46 AM, Robert A. Hawk <rhawk@co.henry.ga.us> wrote:

Fred,

Thank you for the courtesy copy of your pleading. I have not had the opportunity to review the brief yet, but if I remember correctly, Mr. Teague was to plea on June 16th. Does anyone know if he did so?

Best Wishes,
Robert A. Hawk
Staff Attorney to Judge David B. Brown
One Judicial Center, Suite 320
McDonough, GA 30253
770-288-8465

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Thursday, June 18, 2020 9:20 AM
To: Robert A. Hawk <rhawk@co.henry.ga.us>
Cc: Staff (TBLF) <staff@burkeylawfirm.com>; Daniell Fink <DFINK@HALLBOOTHSMITH.COM>; David Olson <DOLSON@FAINMAJOR.COM>; Sean Cox <scox@hallboothsmith.com>; Scott Moulton <SMoulton@hallboothsmith.com>
Subject: Wayne // P's Reply to Vacate // CAFN STSV2018001208

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

THE BURKEY LAW FIRM

A Professional Corporation

Good Morning Robert,

Please find attached to this message a courtesy copy of Plaintiff's Reply in Support of Motion to Vacate, which was filed this morning. I would appreciate if you could get this before Judge prior to his ruling on the motion.

Best,
Fred

Sincerely yours,
THE BURKEY LAW FIRM, P.C.
Frederick D. Burkey
Senior Attorney

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www.BurkeyLawFirm.com

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EXHIBIT B

Lakeishia Guthery

From: Hana Barrott
Sent: Tuesday, June 30, 2020 1:29 PM
To: FREDERICK D BURKEY; paralegal@burkeylawfirm.com; Staff (TBLF); David Olson
Cc: Sean Cox; Daniell Fink; Scott Moulton; 8055_0103 _ Teague_ Anthony and Petroleum Transport Company E_Mail
Subject: John Wayne Jones [IWOV-imanage.FID667026]

Good afternoon,

We would like to schedule the deposition of Dr. Sanchez and Dr. Bennett. Please let us know if everyone is available on July 31st at 11:00 AM and August 18th at 10:00 AM.

Thank you,

Hana Barrott
Paralegal

Hall Booth Smith, P.C.
191 Peachtree Street, NE, Suite 2900
Atlanta, GA 30303-1775
D: 404.954.5024
T: 404.954.5000
F: 678.539.1628
hbarrott@hallboothsmith.com www.hallboothsmith.com

EXHIBIT C

Lakeishia Guthery

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Tuesday, July 7, 2020 10:49 AM
To: Hana Barrott
Cc: Staff (TBLF); David Olson; Sean Cox; Daniell Fink; Scott Moulton
Subject: Re: John Wayne Jones [IWOV-imanage.FID667026]

THE BURKEY LAW FIRM

A Professional Corporation

Hello Hana,

I am unavailable on August 18, 2020. I would also request that any deposition be taken via Zoom. I am hearing word that the Supreme Court may likely be issuing an extension of the emergency order through August 11, 2020. I would also expect that Dr. Sanchez is within the high risk category.

Best,
Fred

Sincerely yours,
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On Jun 30, 2020, at 1:28 PM, Hana Barrott <HBarrott@hallboothsmith.com> wrote:

Good afternoon,

We would like to schedule the deposition of Dr. Sanchez and Dr. Bennett. Please let us know if everyone is available on July 31st at 11:00 AM and August 18th at 10:00 AM.

Thank you,

Hana Barrott

Paralegal

Hall Booth Smith, P.C.

191 Peachtree Street, NE, Suite 2900

Atlanta, GA 30303-1775

D: 404.954.5024

T: 404.954.5000

F: 678.539.1628

hbarrott@hallboothsmith.com www.hallboothsmith.com

Until further notice, many attorneys and support staff in our office will be working remotely. To help us with this process, please refrain from sending written correspondence via mail when possible and instead direct all communications to us via email. If something requires shipment to our office, please notify us via email so that it can be promptly addressed.

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EXHIBIT D

Lakeishia Guthery

From: Hana Barrott
Sent: Tuesday, July 14, 2020 11:32 AM
To: FREDERICK D BURKEY
Cc: Staff (TBLF); David Olson; Sean Cox; Daniell Fink; Scott Moulton; Holli Bryant; Melissa Miller; 8055_0103 _ Teague_ Anthony and Petroleum Transport Company E-Mail
Subject: RE: John Wayne Jones [IWOV-imanage.FID667026]

Fred,

Please let me know if you are available on August 21st for Dr. Sanchez's deposition.

Thank you,

Hana Barrott
Paralegal

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Atlanta, GA 30303-1775
D: 404.954.5024
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F: 678.539.1628
hbarrott@hallboothsmith.com www.hallboothsmith.com

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Tuesday, July 7, 2020 10:49 AM
To: Hana Barrott <HBarrott@hallboothsmith.com>
Cc: Staff (TBLF) <staff@burkeylawfirm.com>; David Olson <dolson@fainmajor.com>; Sean Cox <SCox@hallboothsmith.com>; Daniell Fink <DFink@hallboothsmith.com>; Scott Moulton <SMoulton@hallboothsmith.com>
Subject: Re: John Wayne Jones [IWOV-imanage.FID667026]

THE BURKEY LAW FIRM
A Professional Corporation

Hello Hana,

I am unavailable on August 18, 2020. I would also request that any deposition be taken via Zoom. I am hearing word that the Supreme Court may likely be issuing an extension of the emergency order through August 11, 2020. I would also expect that Dr. Sanchez is within the high risk category.

Best,
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Thank you,

Hana Barrott
Paralegal

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Until further notice, many attorneys and support staff in our office will be working remotely. To help us with this process, please refrain from sending written correspondence via mail when possible and instead direct all communications to us via email. If something requires shipment to our office, please notify us via email so that it can be promptly addressed.

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EXHIBIT E

Lakeishia Guthery

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Wednesday, July 15, 2020 4:52 PM
To: Hana Barrott
Cc: David Olson; Sean Cox; Daniell Fink; Scott Moulton; Holli Bryant; Melissa Miller; Staff (TBLF)
Subject: Re: John Wayne Jones [IWOV-imanage.FID667026]

THE BURKEY LAW FIRM

A Professional Corporation

Hello Hana,

I have a leave of absence filed during that period and am not available on August 21, 2020.

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On Jul 14, 2020, at 11:31 AM, Hana Barrott <HBarrott@hallboothsmith.com> wrote:

Fred,

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Thank you,

Hana Barrott
Paralegal

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F: 678.539.1628
hbarrott@hallboothsmith.com www.hallboothsmith.com

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Tuesday, July 7, 2020 10:49 AM
To: Hana Barrott <HBarrott@hallboothsmith.com>
Cc: Staff (TBLF) <staff@burkeylawfirm.com>; David Olson <dolson@fainmajor.com>; Sean Cox <SCox@hallboothsmith.com>; Daniell Fink <DFink@hallboothsmith.com>; Scott Moulton <SMoulton@hallboothsmith.com>
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EXHIBIT F

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Monday, July 20, 2020 3:48 PM
To: Daniell Fink <DFink@hallboothsmith.com>
Cc: Staff (TBLF) <staff@burkeylawfirm.com>; Scott Moulton <SMoulton@hallboothsmith.com>; David Olson <DOLSON@FAINMAJOR.COM>; Sean Cox <SCox@hallboothsmith.com>; Hana Barrott <HBarrott@hallboothsmith.com>
Subject: Wayne // Depo Bennett & Sanchez

THE BURKEY LAW FIRM

A Professional Corporation

Good afternoon Daniell,

This message will follow your paralegal's message dated Jun 30, 2020 and my messages dated Jul 07, 2020 and Jul 15, 2020.

I am no longer available for the deposition date of Jul 31, 2020. On Jun 30, 2020, Hana Barrot from your office requested deposition date of Jul 31, 2020 for Dr. Bennett. I responded on Jul 7 and Jul 15, 2020. As of this date, I have not heard from you in response to my messages and have not received a notice of deposition. I am attaching my messages for your ready reference.

Additionally, I inquired about conducting these depositions via Zoom given the current Covid Emergency. I have not yet received a response to that request. Let me know if you will consent and I can workup a proposed notice.

Please confirm receipt of this message and your confirmation that no deposition will occur on Jul 31, 2020.

Best,
Fred

Sincerely yours,
THE BURKEY LAW FIRM, P.C.
Frederick D. Burkey
Senior Attorney

770.587.5529
www.BurkeyLawFirm.com

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EXHIBIT G

Lakeishia Guthery

From: Sean Cox
Sent: Monday, July 20, 2020 3:54 PM
To: FREDERICK D BURKEY; Daniell Fink
Cc: Staff (TBLF); Scott Moulton; David Olson; Hana Barrott
Subject: RE: Wayne // Depo Bennett & Sanchez [IWOV-imanage.FID667026]

Fred – Give us all the days you are available for the end of July and August, so that we can get these depos scheduled. We have been trying for more than a month.

We have spoken with Dr. Sanchez and we are planning on doing the depositions in person. However, we will be happy to provide a zoom link if you feel uncomfortable appearing in person.

Sean-

Sean B. Cox
Hall Booth Smith, P.C.
191 Peachtree Street, NE, Suite 2900
Atlanta, GA 30303-1775
T: 404.954.5000
D: 404-954-6922
scox@hallboothsmith.com
Attorney Licensed in GA and SC, CIPP/US, CIPT

EXHIBIT H

Lakeishia Guthery

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Wednesday, July 22, 2020 11:43 AM
To: Sean Cox
Cc: Staff (TBLF); David Olson; Daniell Fink; Scott Moulton; Hana Barrott
Subject: Wayne //

Follow Up Flag: Flag for follow up
Flag Status: Completed

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A Professional Corporation

Sean,

This is my fourth response to your firm's deposition scheduling request for Dr. Sanchez and Dr. Bennet, the first having issued on Jul 07, 2020.

Given the present Covid emergency, I propose that we enter into a consent discovery order setting future depositions via Zoom or other remote process. As you know, the Covid situation is rapidly deteriorating, particularly in the Southern States including Georgia. We remain under a Georgia Supreme Court Emergency Order through Aug 11, 2020. And, I believe live depositions during this time present an undue risk to both the deponents and participants.

Additionally, we need to work on scheduling and logistics for Mr. Teague's deposition while he is incarcerated. I am working to prepare a consent agreement for the parties to review. We can then put this before Judge Brown for his signature. I hope to have this completed by Tuesday, July 28, 2020. We can then set a time to discuss the particulars.

I ask that you not unilaterally notice a deposition before we have had a chance to confer on these issues. This would necessarily force me to file an Emergency Motion for Protective Order with the Court.

In the meantime, I have a leave of absence scheduled for Aug 08, 2020 through Aug 29, 2020 and will be available beginning Wed, Sep 02, 2020.

Best,
Fred

Sincerely yours,
THE BURKEY LAW FIRM, P.C.
Frederick D. Burkey
Senior Attorney

770.587.5529
www.BurkeyLawFirm.com

Legal Excellence, Integrity & Service
Medicaid Transport, Tractor Trailer & DUI Negligence

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EXHIBIT I

Lakeishia Guthery

From: Sean Cox
Sent: Wednesday, July 22, 2020 12:52 PM
To: FREDERICK D BURKEY
Cc: Staff (TBLF); David Olson; Daniell Fink; Scott Moulton; Hana Barrott
Subject: RE: Wayne // [IWOV-imanage.FID667026]

We will get dates after September 2, 2020 for the depositions of the doctors.

As for Mr. Teague's deposition, please forward the proposed order and we will review.

Sean-

Sean B. Cox

Hall Booth Smith, P.C.

191 Peachtree Street, NE, Suite 2900

Atlanta, GA 30303-1775

T: 404.954.5000

D: 404-954-6922

scox@hallboothsmith.com

Attorney Licensed in GA and SC, CIPP/US, CIPT

From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Wednesday, July 22, 2020 11:43 AM
To: Sean Cox <SCox@hallboothsmith.com>
Cc: Staff (TBLF) <staff@burkeylawfirm.com>; David Olson <DOLSON@FAINMAJOR.COM>; Daniell Fink <DFink@hallboothsmith.com>; Scott Moulton <SMoulton@hallboothsmith.com>; Hana Barrott <HBarrott@hallboothsmith.com>
Subject: Wayne //

THE BURKEY LAW FIRM

A Professional Corporation

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EXHIBIT J

