

IN THE STATE COURT OF HENRY COUNTY

STATE OF GEORGIA


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

JOHN WAYNE JONES,)	JURY DEMAND
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. STSV2018001208
vs.)	
)	
PETROLEUM TRANSPORT COMPANY,)	
INC., ANTHONY DOUGLAS TEAGUE,)	
DOE CORPORATIONS 1-5, AND)	
JOHN DOES 1-5,)	
)	
Defendants.)	

***PLAINTIFF’S MOTION FOR AN ORDER REQUIRING DEPOSITIONS
BY REMOTE ELECTRONIC MEANS,
AND FOR AN ORDER PERMITTING THE DEPOSITION OF DEFENDANT
ANTHONY DOUGLAS TEAGUE PURSUANT TO O.C.G.A. § 9-11-30(a)***

NOW COMES, Plaintiff John Wayne Jones (“Jones”), by and through his undersigned counsel of record, and files this his Motion, pursuant to O.C.G.A. § 9-11-30(b)(4), for an Order requiring depositions by remote electronic means, and also permitting the deposition of defendant Anthony Douglas Teague (“Teague”) pursuant to O.C.G.A. § 9-11-30(a). Plaintiff respectfully shows to the Court the following:

PRELIMINARY STATEMENT

The action arises out of a November 23, 2017 accident, in which Jones was seriously injured when a semi-truck owned by Petroleum Transport and operated by defendant Anthony Douglas Teague struck his car.

The instant Motion raises two issues. First, counsel for defendant Petroleum Transport Company (“Petroleum Transport”), has stated his intention to depose Doctors Ramon Sanchez and Dr. Bennett, both of whom are / were plaintiff’s treating physicians. Counsel for Jones has

no objection to the depositions of these witnesses, but has proposed that the depositions be conducted by remote electronic means because of the Covid-19 pandemic. Despite this request, and despite *any* evidence that these witnesses are willing to be deposed in person, counsel for Petroleum Transport has *insisted* that these depositions be conducted in person.

Jones also seeks leave of court to depose defendant Teague, who is currently incarcerated at the Hall County Jail in Gainesville, Georgia.

The facts relating to those requests are addressed in turn below.

a. The Need For Depositions To Be Conducted By Remote Electronic Means

Since March 2020, the Supreme Court of Georgia has issued a series of Orders relating to Covid-19's impact on the Georgia courts. Under the Fourth Order Extending Declaration of Statewide Judicial Emergency filed on July 10, 2020 and currently in effect, courts are encouraged to "use and increase the use of technology to conduct remote judicial proceedings as a safe alternative to in person proceedings. *Id.* at 5. In addition, Georgia courts "may compel the participation of litigants, lawyers, witnesses and other essential personnel in remote judicial proceedings." *Id.* at 6.

On June 30, 2020, counsel for Petroleum Transport stated their intent to depose Doctors Sanchez and Bennett on July 31, 2020 and August 18, 2020 respectively. See Ex. A, *Mail from Hall, Booth re depo Sanchez (Jun 30, 2020)*.

Counsel for Jones responded one week later, indicating that he was not available on August 18, and requested that any depositions be conducted by Zoom. See Ex. B, *Mail to Hall, Booth re Depo Sanchez (July 07, 2020)*.

Ms. Barrott responded on behalf of Hall, Booth one week later proposing an alternate date for the proposed August 18 deposition. She did not respond to the proposal regarding video depositions. *See Ex. C., Mail from Hall, Booth re depo Sanchez (Jul 14, 2020).*

On July 22, 2020, counsel for Jones emailed counsel for Petroleum Transport to discuss deposition scheduling. *See Ex. D, Mail to Cox re depo Sanchez (Jul 22, 2020).* In that email, Jones's counsel again raised the issue of conducting depositions remotely:

Given the 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 August 11, 2020. And I believe live depositions during this time present an undue risk to both the deponents and participants.

Id.

Counsel for Petroleum Transport ultimately responded to that proposal on July 22, 2020, stating: "We have spoken with Dr. Sanchez and we are planning on doing the depositions in person. *See Ex. E, Mail from Cox re depo Sanchez (Jul 20, 2020).* Notably, Petroleum Transport's counsel did not indicate whether Doctor Sanchez was *willing* to be deposed in person, and did not indicate that there had been any communication with Doctor Bennett. In fact, Dr. Sanchez' Office messaged the undersigned on July 27, 2020 advising that the doctor would appreciate doing the deposition via video conferencing and was prepared to sign an affidavit to that effect. *See Ex. F, Mail from Sanchez re depo (Jul 27, 2020).*

As established *infra*, depositions by remote electronic means are permitted under O.C.G.A. § 9-11-30(b)(4), and have become the preferred method for depositions in light of the ongoing Covid-19 pandemic. Accordingly, Jones seeks an Order requiring all depositions in this case to be conducted by remote electronic means until further order of the Court.

b. Jones Is Required To Obtain “Leave of Court” to Depose Teague

Jones also seeks an Order permitting Teague’s deposition pursuant to O.C.G.A. §9-11-30(a), and to have that deposition conducted by remote electronic means. Teague currently resides at the Hall County Jail in Gainesville, Georgia, and Rule 30(a) requires “leave of court” to conduct the deposition of a “person confined in a penal institution.”¹

As demonstrated in detail *infra*, requests to depose prisoners are routinely granted. Accordingly, Jones respectfully urges the Court to issue an Order permitting that deposition.

ARGUMENT AND CITATION TO AUTHORITIES

A. THE COURT SHOULD ISSUE AN ORDER REQUIRING ALL DEPOSITIONS TO BE CONDUCTED BY REMOTE ELECTRONIC MEANS

As previously demonstrated, counsel for Petroleum Transport has declined to stipulate that depositions be conducted by remote electronic means. Counsel’s insistence on in-person depositions during the Covid-19 pandemic should be rejected.

Because there is no published Georgia authority that addresses this issue, it is appropriate to look to federal caselaw.² During the Covid-19 pandemic, federal courts have acknowledged that remote depositions are the “new normal.” *Rouviere v. DePuy Orthopaedics, Inc.*, 1:18-cv-04814 (IJL) (SDA), 2020 WL 3967665, *3 (S.D.N.Y. July 11, 2020). *See also Grupo Petromex, S.A. DE C.V. v. Polymatrix AG*, Case No. 16-cv-2401 (SRN/HB), 2020 WL 4218804, *2 (D. Minn. July 23, 2020) (referencing the “new normal” for depositions); *In Re Broiler Chicken*

- 1 Counsel for Jones is informed and believes that the Hall County Jail does not have a warden, and that it is overseen by Captain Jeff Shoemaker of the Hall County Sheriff’s Office.
- 2 It is well-established that decisions construing the Federal Rules of Civil Procedure are “persuasive authority” in the Georgia courts. *E.g. Bates v. Howell*, 352 Ga. App. 733, 741 n.21 (2019) (“because Georgia’s Civil Practice Act is modeled on the Federal Rules of Civil Procedure, decisions of the federal courts interpreting the federal rules are persuasive authority”) (brackets omitted); *Avery v. Grubb*, 336 Ga. App. 452, 453 (2016) (same).

Antitrust Litig., Case No. 1:16-cv-08637, 2020 WL 3469166, *5 and n.4 (N.D. Ill. June 25, 2020) (same; collecting cases).

Moreover, and in light of the pandemic, federal courts have repeatedly ordered litigants to conduct depositions remotely even when one party objects to the remote deposition process. See e.g. *Rouviere*, 2020 WL 3967665 at *3 (ordering remote depositions over plaintiffs' objection, and noting the health risks to the witnesses and counsel if the depositions were conducted in person); *Grupo Petromex, S.A. DE C.V.*, 2020 WL 4218804 at *2 (same); *In Re Broiler Chicken Antitrust Litig.*, 2020 WL 3469166 at *8 (citing health risk to "witnesses, counsel, court reporters, videographers and other persons" associated with in-person depositions); *Reynard v. Washburn Univ. of Topeka*, Case No. 19-4012-HLT-TJJ, 2020 WL 3791876, *5-6 (July 7, 2020) (citing the health risks to the plaintiff and her husband in ordering that the plaintiff be deposed remotely despite the defendant's objections); *Joffe v. King & Spaulding LLP*, 17-CV-3392 (VEC), 2020 WL 3453452, *6 (S.D.N.Y. June 24, 2020) (ordering remote depositions over plaintiff's objections and noting that "in-person depositions pose a significantly greater risk of COVID-19 transmission than a remote deposition").³

Moreover, Petroleum Transport has not offered *any* evidence that these physicians are *willing* to appear for in-person depositions during the pandemic.⁴

- 3 In fact, numerous federal courts are now taking sworn *trial* testimony remotely pursuant to Fed. R. Civ. P. 43(a) despite parties' objections. E.g. *Argonaut Ins. Co. v. Manetta Enters., Inc.*, 19-CV-00482 (PKC) (RLM), 2020 WL 3104033, *1-3 (S.D.N.Y. June 11, 2020) (rejecting defendant's arguments and ordering that the trial proceed by videoconference); *Rescap Liquidating Trust v. Primary Residential Mortgage, Inc.*, ___ F. Supp. 3d ___, ___, Case No. 0:13-cv-3451, 2020 WL 1280931, *2-4 (SRN/HB) (D. Minn. Mar. 13, 2020) (rejecting plaintiff's request that the trial proceed in person and ordering that remaining portion of trial be conducted by videoconference).
- 4 Any concerns about the Rule 30(b)(4)'s requirement that the deposition be conducted "before" an officer can be easily addressed. See *Rouviere*, 2020 WL 3967665 at *2 (deposition deemed to be "before" an officer so long as the officer attends the deposition

For all of these reasons, Jones respectfully requests that the Court issue an Order requiring that all depositions be conducted by remote electronic means until further order of the Court.⁵

B. THE COURT SHOULD GRANT JONES LEAVE TO TAKE TEAGUE'S DEPOSITION AND ORDER THAT IT SHOULD BE TAKEN BY REMOTE ELECTRONIC MEANS

Teague was driving the semi-truck that caused the accident which led to Jones's injuries. Accordingly, the need for Teague's deposition testimony is obvious.

However, Rule 30(a) requires that Jones obtain "leave of court" before he can depose Teague. Again, there appears to be no published Georgia caselaw that construes this provision. And again, caselaw construing the virtually identical federal rule provides substantial guidance.

Two decisions from the Middle District of Georgia recognize litigants' rights to take the deposition of incarcerated parties. *See Barber v. Krepp*, Case No. 1:15-CV-83 (WLS), 2018 WL 9491218, *11 (M.D. Ga. Apr. 30, 2018) (overruling objections to Magistrate Judge's Order allowing the deposition of a prisoner); *Hughes v. Polar Corp. (MA)*, No. 5:16-CV-72 (CAR), 2017 WL 10605201, *2 (M.D. Ga. Nov. 14, 2017) (granting leave of court to depose incarcerated plaintiff).

To the extent that either Teague or Petroleum Transport oppose Teague's deposition, it is they who have the burden to establish why Jones should not be granted leave to conduct that deposition. *Aviation Concepts, Inc. v. Starr Indem. & Liab. Co.*, Case No. 19-60513-CIV-

remotely); *SAPS, LLC v. EZCare Clinic, Inc.*, Civ. Action No. 19-11229, 2020 WL 1923146, *2 (E.D. La. Apr. 21, 2020) (same).

⁵ Alternatively, and at an absolute minimum, each doctor should be provided with the *option* to appear by video. *See Planned Parenthood of the Great Northwest and the Hawaiian Islands v. Wasden*, Case No. 1:18-CV-00555-BLW, 2020 WL 1976641, *4 (D. Idaho Apr. 24, 2020) ("the Court will require counsel to arrange for deposition by video if requested by any physician deponent").

RUIZ/SELTZER, 2019 WL 7708456, *1 (S.D. Fla. Nov. 27, 2019) (“The Court . . . should permit the deposition of an incarcerated individual unless an objecting party can show why the deposition is impermissible under these rules”).

As established *supra*, courts strongly favor remote depositions during the current pandemic. But even before the pandemic, courts often favored deposing prisoners by remote electronic means, while at the same time instructing litigants to coordinate the logistics of the deposition with prison authorities. . See e.g. *Settle v. Paris*, Case No. 3:19-cv-32, 2020 WL 3105410, *1 (E.D. Tenn. June 11, 2020) (granting defendant’s motion to for leave to depose incarcerated plaintiff “in person or by teleconference, at a time and date convenient to the prison authorities”); *Aviation Concepts, Inc.*, 2019 WL 7708456 at *1 (granting motion for leave to conduct video deposition of prisoner); *White v. Wireman*, Civil No. 1:16-CV-675, 2018 WL 4915818, *3 (M.D. Pa. Oct. 10, 2018) (granting motion for leave to depose inmate plaintiff, ordering the Warden to produce the plaintiff “at a date and in a manner convenient to the Warden,” and authorizing the parties to “arrange a mutually convenient process for completing this deposition through use of telephonic and video communications”); *Stockwell v. Hamilton*, Civil Action No. 15-11609, 2018 WL 10279116, *3 (E.D. Mich. May 3, 2018) (granting motion for leave to depose prisoner “as coordinated with the appropriate corrections officials in New York”); *Griffin v. Johnson*, Case No. 1:13-CV-01599-LJO-BAM (PC), 2016 WL 4764670, *2 (E.D. Cal. Sept. 12, 2016) (granting motion for leave to depose plaintiff “by video-conferencing or telephone”); *Universitas Educ., LLC v. Nova Group, Inc.*, 11 Civ. 1590 (LTS)(HBP), 2016 WL 1178773, *5 (S.D.N.Y. Mar. 23, 2016) (granting motion for leave to depose prisoner by video); *Lowe v. Vadlamudi*, Civil Action No. 08-CV-10269, 2009 WL 4018531, *1 (E. D. Mich.

Nov. 19, 2009) (granting defendant’s motion for leave to depose incarcerated plaintiff “at a date and time convenient to the correctional facility in which Plaintiff is incarcerated”).

Accordingly, Jones should be granted leave to depose Teague by remote electronic means, subject only to the requirement that counsel coordinate that deposition with Captain Jeff Shoemaker or other designated personnel at the Hall County Sheriff’s Office.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant his Motion for an Order requiring all depositions to be conducted by remote electronic means until further Order of the Court, and permitting the remote deposition of defendant Teague. Plaintiff respectfully requests such other relief that this Court deems just and appropriate.

CERTIFICATION PURSUANT TO GA. UNIF. CT. R. 6.4

Pursuant to Ga. Unif. Ct. R. 6.4, the undersigned certifies that he conferred with opposing counsel in a good faith effort to resolve this dispute, and that this effort was not successful.

Signature on following page

This 28 July 2020.

Respectfully submitted,

THE BURKEY LAW FIRM, P.C.

/s/ Frederick D. Burkey
Frederick D. Burkey
Georgia Bar No. 095737

Attorney for the Plaintiff

44 Peachtree Place, NE
Unit 734
770-587-5529
fburkey@burkeylawfirm.com

IN THE STATE COURT OF HENRY COUNTY

STATE OF GEORGIA

JOHN WAYNE JONES,)	JURY DEMAND
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Plaintiff,)	CIVIL ACTION FILE
)	NO. STSV2018001208
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PETROLEUM TRANSPORT COMPANY,)	
INC., ANTHONY DOUGLAS TEAGUE,)	
DOE CORPORATIONS 1-5, AND)	
JOHN DOES 1-5,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing Plaintiff's Motion, pursuant to O.C.G.A. § 9-11-30(b)(4), for an Order requiring depositions by remote electronic means, and also permitting the deposition of defendant Anthony Douglas Teague upon:

Scott H. Moulton, Esq.
Sean B. Cox, Esq.
Daniell R. Fink, Esq.
Hall Booth Smith, P.C.
191 Peachtree Street, NE, Suite 2900
Atlanta, GA 30303-1775

David A. Olson, Esq.
Fain, Major & Brennan, P.C.
One Premier Plaza
5605 Glenridge Drive, Suite 900
Atlanta, Georgia 30342

by statutory electronic service via the PeachCourt eFileGA system on the date indicated.

Signature on following page

This 28 July 2020.

THE BURKEY LAW FIRM, P.C.

/s/ Frederick D. Burkey
Frederick D. Burkey
Georgia Bar No. 095737

Attorney for the Plaintiff

44 Peachtree Place, NE
Unit 734
770-587-5529
fburkey@burkeylawfirm.com

EXHIBIT A

From: Hana Barrott HBarrott@hallboothsmith.com
Subject: John Wayne Jones [IWOV-imanage.FID667026]
Date: June 30, 2020 at 1:28 PM



To: FREDERICK D BURKEY fburkey@burkeylawfirm.com, paralegal@burkeylawfirm.com, Staff (TBLF) staff@burkeylawfirm.com, David Olson dolson@fainmajor.com
Cc: Sean Cox SCox@hallboothsmith.com, Daniell Fink DFink@hallboothsmith.com, Scott Moulton SMoulton@hallboothsmith.com, 8055_0103 _ Teague_ Anthony and Petroleum Transport Company E_Mail {F667026}.imanage@hbswcs02.hbss.net

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 B

From: **FREDERICK D BURKEY** fburkey@burkeylawfirm.com

Subject: Re: John Wayne Jones [IWOV-imanage.FID667026]

Date: July 7, 2020 at 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

FB

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

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Hana Barrott
Paralegal

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401 South Street, Suite 2000

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hbarrott@hallboothsmith.com www.hallboothsmith.com

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EXHIBIT C

From: Hana Barrott HBarrott@hallboothsmith.com
Subject: RE: John Wayne Jones [IWOV-imanage.FID667026]
Date: July 14, 2020 at 11:31 AM

HB

To: FREDERICK D BURKEY fburkey@burkeylawfirm.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, Holli Bryant hbryant@fainmajor.com, Melissa Miller mmiller@fainmajor.com, 8055_0103 _ Teague_ Anthony and Petroleum Transport Company E-Mail {F667026}.imanage@hbswcs02.hbss.net

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
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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]

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Hana Barrott
Paralegal

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EXHIBIT D

From: **FREDERICK D BURKEY** fburkey@burkeylawfirm.com

Subject: Wayne //

Date: July 22, 2020 at 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

FB

THE BURKEY LAW FIRM

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
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EXHIBIT E

From: Sean Cox SCox@hallboothsmith.com
Subject: RE: Wayne // Depo Bennett & Sanchez [IWOV-imanage.FID667026]
Date: July 20, 2020 at 3:54 PM
To: FREDERICK D BURKEY fburkey@burkeylawfirm.com, Daniell Fink DFink@hallboothsmith.com
Cc: Staff (TBLF) staff@burkeylawfirm.com, Scott Moulton SMoulton@hallboothsmith.com, David Olson DOLSON@FAINMAJOR.COM, Hana Barrott HBarrott@hallboothsmith.com



Fred – Give us all the days you are available for the end of July and August, so that we can get these depositions 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.

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Atlanta, GA 30303-1775

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D: 404-954-6922

scox@hallboothsmith.com

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

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

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

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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 F

From: office computer office@pna-pc.com
Subject: RE: Wayne //
Date: July 27, 2020 at 7:03 PM
To: FREDERICK D BURKEY fburkey@burkeylawfirm.com
Cc: Staff (TBLF) staff@burkeylawfirm.com



Due to COVID 19, Dr. Sanchez would appreciate doing the deposition via video conferencing. Please send the affidavit.

Thank you,

S Sanchez for Peachtree Neurology Associates, P.C.

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From: FREDERICK D BURKEY <fburkey@burkeylawfirm.com>
Sent: Monday, July 27, 2020 6:39 PM
To: office computer <office@pna-pc.com>
Cc: Staff (TBLF) <staff@burkeylawfirm.com>
Subject: Wayne //

THE BURKEY LAW FIRM

A Professional Corporation

Dr. Sanchez,

I will be filing a Motion to requesting that your deposition be conducted via Video Conferencing due to the Covid Emergency. The defense attorneys are unwilling to agree to our request. Please let me know if you support this request and whether you are willing to sign a one or two sentence affidavit in support. This would be helpful to carry the motion.

I will be filing the motion tomorrow. Please let me know tomorrow whether you are agreeable. If so, I will then supplement the motion with your affidavit.

Best,
Fred

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

770.587.5529

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PROPOSED ORDER

IN THE STATE COURT OF HENRY COUNTY
STATE OF GEORGIA

JOHN WAYNE JONES,)	JURY DEMAND
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. STSV2018001208
vs.)	
)	
PETROLEUM TRANSPORT COMPANY,)	
INC., ANTHONY DOUGLAS TEAGUE,)	
DOE CORPORATIONS 1-5, AND)	
JOHN DOES 1-5,)	
)	
Defendants.)	

[PROPOSED] ORDER ON PLAINTIFF’S MOTION FOR AN ORDER REQUIRING DEPOSITIONS BY REMOTE ELECTRONIC MEANS, AND FOR AN ORDER PERMITTING THE DEPOSITION OF DEFENDANT ANTHONY DOUGLAS TEAGUE PURSUANT TO O.C.G.A. § 9-11-30(a)

This matter having come before the Court on plaintiff’s Motion pursuant to O.C.G.A. § 9-11-30(b)(4) for an Order requiring depositions by remote electronic means, and for an Order permitting the deposition of defendant Anthony Douglas Teague pursuant to O.C.G.A. § 9-11-30(a), and after considering the motion, arguments of counsel and the record, this Court finds and rules as follows:

Plaintiff’s Motion pursuant to O.C.G.A. § 9-11-30(b)(4) for an order requiring depositions by remote electronic means is GRANTED, and all further depositions in this case shall be conducted by remote electronic means until further order of the Court; and

Plaintiff’s Motion pursuant to O.C.G.A. § 9-11-30(a) for leave to depose defendant Anthony Douglas Teague is GRANTED. Counsel for the parties are instructed to coordinate arrangements for the deposition with Captain Jeff Shoemaker or other designated personnel at the Hall County Sheriff’s Office.

SO ORDERED this ____ day of ____, 2020.

The Honorable David B. Brown
Judge, State Court of Henry County

IN THE STATE COURT OF HENRY COUNTY

STATE OF GEORGIA

JOHN WAYNE JONES,)	JURY DEMAND
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. STSV2018001208
vs.)	
)	
PETROLEUM TRANSPORT COMPANY,)	
INC., ANTHONY DOUGLAS TEAGUE,)	
DOE CORPORATIONS 1-5, AND)	
JOHN DOES 1-5,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing [Proposed] Order On Plaintiff's Motion For An Order Requiring Depositions By Remote Electronic Means, And For An Order Permitting The Deposition Of Defendant Anthony Douglas Teague Pursuant To O.C.G.A. § 9-11-30(A) upon:

Scott H. Moulton, Esq.
Sean B. Cox, Esq.
Daniell R. Fink, Esq.
Hall Booth Smith, P.C.
191 Peachtree Street, NE, Suite 2900
Atlanta, GA 30303-1775

David A. Olson, Esq.
Fain, Major & Brennan, P.C.
One Premier Plaza
5605 Glenridge Drive, Suite 900
Atlanta, Georgia 30342

by statutory electronic service via the PeachCourt eFileGA system on the date indicated.

Signature on following page

This 28 July 2020.

THE BURKEY LAW FIRM, P.C.

/s/ Frederick D. Burkey
Frederick D. Burkey
Georgia Bar No. 095737

Attorney for the Plaintiff

44 Peachtree Place, NE
Unit 734
770-587-5529
fburkey@burkeylawfirm.com