

IN THE STATE COURT OF HENRY COUNTY

STATE OF GEORGIA


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

JOHN WAYNE JONES,)
)
Plaintiff,)
)
vs.) CIVIL ACTION FILE NO.:
)
) 18-SV-1208-DBB
PETROLEUM TRANSPORT CO., INC.)
)
et al.)
)
Defendants.)

ORDER DENYING PLAINTIFF'S MOTION FOR AN ORDER REQUIRING DEPOSITIONS BY REMOTE ELECTRONIC MEANS AND GRANTING PLAINTIFF'S MOTION FOR AN ORDER PERMITTING THE DEPOSITION OF DEFENDANT ANTHONY DOUGLAS TEAGUE


Pending before this Court is Plaintiff's Motion for an Order Requiring Depositions by Remote Electronic Means and Motion for an Order Permitting the Deposition of Defendant Anthony Douglas Teague By Electronic Means. As the latter motion is unopposed, it is granted to the extent the Defendant Teague may be deposed remotely and within the other statutory limits of O.C.G.A. §9-11-30.

As to the first motion to require all depositions be conducted remotely by electronic means, the Court denies said motion. While remote depositions are permitted, the Court is also mindful that it must ensure the discovery process is not "oppressive, unreasonable, unduly burdensome or expensive[.]" Sechler Family Partnership v. Prime Group, 255 Ga. App. 854, 857 (2002). Here, Defendant has successfully argued that a blanket requirement that all depositions be conducted remotely is unduly burdensome since the depositions of experts and treating physicians (in particular) will require the presentation of bulky records, treatises, and other documents to the witnesses during their deposition examinations. As such, in-person depositions can be the more

reasonable method if (and only if) parties also take suitable precautions against the current corona virus pandemic including but not limited to facemasks, smaller number of attendees, and social distancing.

Of course, the Court also reminds parties that, while it has denied a motion to require *all* depositions to be conducted remotely, this denial is not a prohibition of *any* remote depositions particularly where special facts or circumstances may cause a particular in-person deposition to be unreasonable. Furthermore, the Court does not imply in this order that attorneys themselves must attend in-person depositions. They may be permitted to attend the deposition remotely if they do not wish to travel and remain temporarily in the location of an in-person deposition.

SO ORDERED this 25 day of September, 2020.



DAVID B. BROWN, Judge
State Court of Henry County