

IN THE SUPERIOR COURT OF FAYETTE COUNTY  
STATE OF GEORGIA

IN RE: CALENDARING CIVIL CASES ASSIGNED TO THE  
HON. SCOTT L. BALLARD

The below-signed hereby enacts the following Order for all civil cases assigned to the Honorable Scott L. Ballard, now and in the future, effective August 10, 2022, which shall immediately be filed and recorded by the Clerk of Superior Court of Fayette County (hereinafter, the "Clerk").

The Clerk, when publishing calendars for civil hearings or trial assigned to the Honorable Scott L. Ballard, shall adhere to the following procedures:

**I. Notice of Stipulation and Request for Final Hearing**

Except as set forth herein, any plaintiff/petitioner, defendant/respondent (where a counterclaim is filed), or party prosecuting a motion who is requesting a final hearing shall complete and file with the Clerk a Notice of Stipulation and Request for Final Hearing (hereinafter, the "Notice") that substantially complies with the form attached hereto as "Exhibit A." The requesting party shall file the Notice with the Clerk and serve the same on counsel for the opposing party(ies), if represented, or directly upon the opposing party(ies) if acting *pro se*. The Clerk shall provide a copy of the Notice to the Court upon filing the same.

If both parties are requesting a final hearing, then the parties may file a Joint Notice signed by both parties (or their counsel) and the Court will review the docket to determine whether the matter is ripe for hearing.

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CLERK OF SUPERIOR COURT  
FAYETTE COUNTY, GEORGIA  
2022 AUG 10 PM 1:35  
SHEILA C. HODGSON, CLERK

If a Notice is not filed with the consent of the opposing party, then the opposing party shall have ten (10) days from the date of filing to file (1) a jury demand; or (2) an objection to the Notice, if any. Where the Notice requests a non-jury trial, the failure of the opposing party(ies) to file an objection shall be deemed a waiver of the right to trial by jury by all parties. Any objection to the matter being scheduled for a final hearing shall specify, with particularity, which of the requirements set forth in the Notice have not been satisfied by the moving party.

If the Court receives an objection to the Notice, the Court review the same and either (1) overrule the objection and schedule the matter for a final hearing; or (2) schedule a hearing or phone conference with the parties regarding the merits of the objection.

If the Court receives no objection to the Notice and finds, from a review of the docket, that the matter is ripe for a hearing, then the Court will file with the Clerk a Notice of Hearing executed by the Court, or a member of the Judge's staff, scheduling the matter during the Court's previously promulgated civil non-jury hearing dates.

Except as set forth herein, the assigned judge has the sole responsibility for setting hearings in all actions assigned to that judge and for the scheduling of all trials in such actions. The Clerk shall be responsible for publication of all necessary calendars in advance of hearing dates. In scheduling actions, the assigned judge shall give consideration to the nature of the action, its complexity, and the reasonable time requirements of the action for trial. It is



intended that no matter be allowed to languish, and the assigned judge is responsible for the orderly movement and disposition of all assigned matters.

For each non-jury hearing date, the Clerk shall prepare a non-jury hearing calendar comprised of (1) actions noticed by the Court; (2) Magistrate Court appeals noticed by the Clerk; (3) protective orders noticed by the Magistrate or Superior Court; and (4) child support actions noticed by the Georgia Department of Human Services. The calendar shall state the place of trial and the date and time during which the actions shall be tried. The trial calendar shall be distributed or published a sufficient period of time, but not less than 10 days, prior to the date at which the actions listed thereon are to be tried.

## II. Domestic Relations Hearings

In accordance with Uniform Superior Court Rule (U.S.C.R.) 24.2, final and/or temporary hearings will only be scheduled in cases involving temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony, or requests for attorney's fees if the requesting party has filed a Domestic Relations Financial Affidavit and/or Child Support Worksheet, where applicable. This provision applies to both jury and non-jury hearings.

### A. Temporary Hearings

Any party requesting temporary relief in domestic relations actions shall file a motion setting forth the necessity of temporary relief. Upon a review of the same, as well as the parties' compliance with the requirements set forth herein for filing a Notice, the Court will review the request and either (1) deny the request for

temporary relief; (2) schedule a temporary hearing; or (3) schedule a final hearing. The Clerk shall provide a copy of any Motion to the Court upon filing the same.

#### **B. Motions Filed During Pendency of Domestic Cases**

Motions filed during the pendency of a domestic relations action, including, but not limited to, motions to intervene, motions to compel, and motions for contempt, shall be scheduled by the Court upon filing of a responsive pleading or the expiration of the time by which a response is due, whichever occurs first, without the necessity of filing a Notice. The Clerk shall provide a copy of any Motion to the Court upon filing the same.

#### **C. Adoptions**

Upon filing of an adoption, the Clerk shall immediately forward a copy to the Judge's office for review. The Court will schedule adoption hearings as soon as possible without the necessity of filing a Notice of Stipulation to Ready List.

#### **D. Agency Child Support Cases**

The Georgia Department of Human Services, Child Support Division, shall be permitted to file notices of hearing with the Clerk for any matter ripe for hearing. Such matters shall be heard on the first (1<sup>st</sup>) day of the Court's scheduled civil non-jury hearing calendars without the necessity of filing a Notice.

#### **E. Temporary Protective Orders**

Judges of the Magistrate Court shall be permitted to add hearings on petitions for temporary protective orders. Such matters shall be heard on the first (1<sup>st</sup>) day of

the Court's scheduled civil non-jury hearing calendars without the necessity of filing a Notice.

### III. Non-Domestic Civil Cases

No final hearing shall be conducted in any case until the parties have complied with provisions set forth in Section I, *supra*.

Motions filed during the pendency of a non-domestic civil action, including, but not limited to, motions to intervene, motions to compel, and motions for summary judgment, shall be scheduled by the Court upon filing of a responsive pleading or the expiration of the time by which a response is due, whichever occurs first, without the necessity of filing a Notice. The Clerk shall provide a copy of any Motion to the Court upon filing the same.

### IV. Jury Trials

The Clerk shall be responsible for publication of all necessary calendars in advance of trial dates. All actions ready for jury trial in accordance with O.C.G.A. § 9-11-40 shall be placed upon a list of actions ready for final jury trial to be maintained as a "ready list" by the Clerk. Actions may be placed on the ready list only by entry of a pre-trial order.

Except for cause, actions shall be placed on the ready list in chronological order in accordance with filing dates, except that actions previously on the ready list shall retain their superior position; however, actions entitled thereto by statute shall be given precedence.



When ordered by the Court, the Clerk shall prepare a trial calendar from the actions appearing on the ready list, in the order appearing on such list. The calendar shall state the place of trial and the date and time during which the actions shall be tried. The trial calendar shall be distributed or published a sufficient period of time, but not less than 20 days, prior to the date at which the actions listed thereon are to be tried.

V. Miscellaneous Provisions

Contemporaneously with the filing of this Order, the Court shall e-mail a copy of this Order to the members of the Circuit bar. Also, the Court shall distribute this Order by e-mail to the Chief Magistrate, County Attorney, Clerk, Sheriff, and District Court Administrator.

To the extent that any provision of this Order conflicts with previously entered orders for the scheduling of cases assigned to Judge Scott L. Ballard, this Order supersedes any provision of said orders in conflict with this Order, including Paragraph 10 of the Civil Case Assignment Standing Order Required by Uniform Superior Court Rule 3.1 Effective January 1, 2021 (Standing Order No. 2020-06) requiring that the Clerk add civil cases to the Court's calendars seven (7) months after the answer has been filed.

SO ORDERED this 10 day of August, 2022.



SCOTT L. BALLARD, Judge  
Superior Court of Fayette County  
Griffin Judicial Circuit

IN THE SUPERIOR COURT OF FAYETTE COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,  
Plaintiff(s),

Case No. \_\_\_\_\_

VS

\_\_\_\_\_,  
Defendant(s).

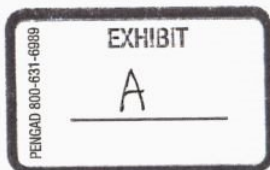
**NOTICE OF STIPULATION and REQUEST FOR FINAL HEARING**

JURY _____ NON-JURY _____	Interpreter Needed? YES ___ NO ___
Court Reporter Requested? YES ___ NO ___	Language: _____
Anticipated Time Required for Hearing: _____	

Notice is hereby given that the undersigned herewith certifies:

1. That all dispositive motions and other preliminary matters have been disposed of.
2. That all known witnesses who may be called in the trial of the case have been interviewed and that any drawings, documents, physical evidence and other exhibits intended to be offered into evidence are prepared and ready, or will be ready by trial date.
3. That such examinations and use of the rules of discovery as counsel feels necessary for the trial of this cause has been completed, and that the case is at issue.
4. That, for all domestic relations cases, except those exempted by the Domestic Relations Action O.C.G.A. § 19-1-1 Standing Order, the parties have submitted the case to the Sixth Judicial Alternative Dispute Resolution Program for mediation. A Release for Hearing was filed by ADR on \_\_\_\_\_.
5. That counsel (or pro se litigant) has approached counsel (or pro se litigant) for the opposition and made reasonable offer of settlement, but that the same was refused, or no offer of settlement was made because not applicable.
6. Counsel (or pro se litigant) is ready for trial and requests that this case be placed on the Ready List.
7. Objection to Notice of Stipulation and Request for Final Hearing must be made within ten (10) days.
8. **That if the party is requesting a non-jury hearing, the requesting party hereby waives trial by jury and the opposing party also waives trial by jury if no objection is made to this notice within ten (10) days.**
9. I hereby certify that I have served the opposing party (or his counsel, if represented) with a copy of this notice by serving the same as follows: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



\_\_\_\_\_  
Signature of Counsel (or Pro Se Litigant)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_