

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

CARYN D. FORBES,
Plaintiff,

CIVIL ACTION FILE NO.: 19-1-5116-53

v.

COURTNEY C. FORBES,
Defendant.

**ORDER SETTING HEARING VIA ZOOM VIDEO CONFERENCE AND
DIGITAL EXCHANGE OF EVIDENCE VIA CITRIX SHAREFILE**

**NOTICE: READ THIS ORDER CAREFULLY. IT CONTAINS SPECIFIC
INSTRUCTIONS THAT IF NOT FOLLOWED, WILL PREJUDICE YOUR
CASE.**

Due to the high rate of COVID-19 cases in our community and the Orders Declaring
Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-61 issued on March 14, 2020
(Order Declaring Statewide Judicial Emergency), April 6, 2020 (First Order Extending
Declaration of Statewide Judicial Emergency), May 11, 2020 (Second Order Extending
Declaration of Statewide Judicial Emergency), June 12, 2020 (Third Order Extending
Declaration of Statewide Judicial Emergency), and July 10, 2020 (Fourth Order
Extending Declaration of Statewide Judicial Emergency); the above-styled case is now
hereby scheduled for a Special Set FINAL Hearing via Zoom Video Conferencing (“Zoom
Hearing”) on **August 18, 2020 at 1:30 p.m. EST¹ Time announcement of 2
hours total.**

¹ The Court notes even though it is virtual, this is still a court session and all participants shall dress accordingly. The time provided by the Court is Eastern Standard Time.

The parties will be sent a Zoom invitation contemporaneously with this Order. This is a mandatory court appearance and if counsel has a legal conflict, counsel shall send a conflict letter that complies with U.S.C.R. 17.1 to the Court by emailing the Court's staff attorney, Mimi Scaljon, at mimi.scaljon@cobbcounty.org and administrative assistant, Michelle Jordan, at michelle.jordan@cobbcounty.org.

1.

If witnesses are necessary, the parties shall identify the witnesses and provide their names to the opposing party and the Court by emailing the Court's staff attorney. Failure of a party to log on will be deemed to be a waiver of their presence for the hearing. Any non-party witness will be placed in a "waiting room" and only join the Zoom Hearing when called.

2.

If counsel/parties have evidentiary or demonstrative exhibits they intend to introduce, the parties are ORDERED to contact the Courtroom Clerk, Sandy Jones (sandy.jones@cobbcounty.org) at least **three (3) business days** prior to the hearing to request a link to the Court's Citrix ShareFile evidence submission portal. The documents intended to be introduced as exhibits shall be pre-marked for ease of conducting the Zoom Hearing. **Specific instructions as to required evidence format, file naming protocol, and ShareFile Link information are included in this Order as**

“Exhibit A.” All exhibits must be uploaded and named in accordance with Exhibit A, attached hereto. **Exhibits that do not conform to this protocol will be rejected.**

3.

The parties/counsel are responsible for timely uploading their exhibits and downloading the opposing side’s exhibits. After that has occurred, but at least **one (1) business day** prior to the hearing, the parties shall email the Court’s staff attorney to inform the Court if the exhibits that were exchanged are agreeable and will be stipulated to. If so, all Exhibits will be admitted at the start of the hearing and they may be referenced without laying foundations and formal introduction of each exhibit. However, if there are going to be objections to certain exhibits, those should be identified to the Court’s staff attorney at least **one (1) business day** prior to the hearing. All objections should state the grounds for the objection and the corresponding rule number from the Georgia Rules of Evidence. The Court will handle any objections that the parties failed to resolve during the hearing.

4.

The parties and any witnesses shall familiarize themselves with Zoom and all of its capabilities, including screen sharing, prior the hearing. Counsel shall assist their respective clients with downloading and operating Zoom, prior to the hearing. The court hearing should not be their first exposure to Zoom. The Court further ORDERS all

counsel, parties, and witnesses to have any evidentiary exhibits available to them in such a format that they are able to review the exhibits during the video hearing (e.g. printed on paper, or in .pdf format on a separate monitor from the video hearing). To be of assistance to those that have not yet participated in a virtual court session, the Court has also distributed a document entitled "Preparing to Participate in a Zoom Court Session" with the Zoom invite. Please share it with your clients. This document may also be downloaded on the Court's bio page on the Superior Court website. The url is: <https://www.cobbcounty.org/courts/superior-court/judges/judge-robert-d-leonard>

5.

The Court's court reporter will also be present during the Zoom hearing to take down the hearing, if the parties want the hearing reported. The takedown fee is \$43.31 per hour, and the parties will need to make arrangements with the court reporter for payment. The parties shall email the court reporter at Louise.Thijssen@cobbcounty.org at least one (1) day prior to the hearing to let her know whether the hearing will be taken down and to make payment arrangements.

6.

The parties may email the Court's staff attorney with any issues or questions prior to the Zoom Hearing.

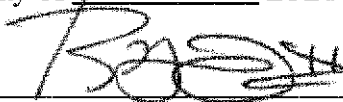
7.

If this hearing is being held on a day when the courtroom cannot be opened for public access, the parties are hereby notified that the Zoom Hearing will be “livestreamed” on YouTube for public access. However, once the hearing has ended and the livestreaming is stopped, there will be no video recording of the hearing remaining on YouTube.

8.

The Clerk shall add this hearing to a published calendar.

SO ORDERED, this 30 day of July 2020.



ROBERT D. LEONARD II
Judge, Cobb County Superior Court
Cobb Judicial Circuit


CERTIFICATE OF SERVICE

This is to certify that I have this day served all interested parties in the within and foregoing matter by emailing a copy of the **Order** via PeachCourt electronic service as follows:

LORETTA SMITH, ESQ.
VIA EMAIL: loretta@lorettasmithlaw.com

CLARENCE TAYLOR, ESQ.
VIA EMAIL: clarence@gaciviljustice.com

This 30 day of July 2020.



Michelle Jordan
Judicial Administrative Specialist to
Judge Robert D. Leonard II
Cobb County Superior Court



EXHIBIT A

Judge Robert D. Leonard II
Cobb County Superior Court
Evidence Protocol
(Updated July 22, 2020)

As a result of the COVID-19 pandemic, Cobb County Superior Court has adopted a “no touch” policy for documents. This policy is designed to reduce the need to pass evidence between multiple people in the courtroom and to allow for proper social distancing during in person evidentiary hearings. The pandemic has also caused Cobb County Superior Court to routinely conduct nonjury hearings via video conferencing. In video hearings, evidence must be available to multiple participants at different physical locations. As a result, the Court now requires all exhibits and evidence to be made available in electronic format in advance of the hearing.

Please read and follow the evidence protocol below in advance of any evidentiary hearing.

ShareFile Link from Courtroom Clerk to Attorney/Party

The Clerk of Superior Court maintains custody and control of evidence admitted in cases pending in Cobb County Superior Court. Courtroom Clerks will continue with this responsibility using the Citrix ShareFile secure document storage program.

At least 3 business days prior to the hearing date, attorneys/parties should contact the Courtroom Clerk, Sandy Jones at sandy.jones@cobbcounty.org if they have evidence to present at the hearing. The Courtroom Clerk will email the attorney/party a link to access ShareFile. Create a ShareFile account using that email address.

Required Evidence Format

All evidence should be submitted as a .pdf file and **marked with an exhibit sticker or the digital equivalent**. If you are unable to submit your evidence as a .pdf file, you should contact the Courtroom Clerk ASAP for further instructions.

File Name Protocol for All Evidence

In video hearings, and as part of the evidence storage process, multiple people will view the evidence from different computers. It is very important that uploaded files are named in a consistent manner. All evidence should be submitted as a .pdf file and named as follows:

- *In criminal cases*, the file name for all evidence submitted by the state should be “S-1, S-2, S-3, etc.” The file name for all evidence submitted by a defendant should be “D-1, D-2, D-3, etc.” If there are multiple defendants, the

file name should begin with defendant's last name. For example, in State v. John Doe and Brian Smith, the defendants would name their files as "Doe-1, Doe-2, Doe-3" or "Smith-1, Smith-2, Smith-3."

- *In civil cases*, the file name for all evidence submitted by the plaintiff/petitioner should be "P-1, P-2, P-3, etc." The file name for all evidence submitted by a defendant/respondent should be "D-1, D-2, D-3, etc." If there are multiple parties, the file name should begin with the party's last name or company name. For example, in ABC Inc. & Acme Co. v. John Doe & Brian Smith, the plaintiff would name their files "ABC-1, ABC-2, ABC-3" or "Acme-1, Acme-2, Acme-3." The defendants would name their files as "Doe-1, Doe-2, Doe-3" or "Smith-1, Smith-2, Smith-3."
- For *both criminal and civil cases*, it is permissible to add a descriptive title to the file name, so long as the above-referenced file naming protocol is complied with at the beginning of the file name. For example, "P-1 - Husband's Wells Fargo Statements" is permissible and helpful.

If you do not name your files correctly, the Courtroom Clerk will notify you to resubmit.

Upload the evidence file into the appropriate folder for review by the Deputy Courtroom Clerk.

Upload Evidence

Once an account is created, click on "Shared Folders" in the left column.

Click on the folder for the case, and then click on the subfolder for the party submitting evidence. Within each case folder, there is a subfolder designated for each party.

Click on the blue "+" symbol to select a file to upload. Either drag a file to the box or select "Browse files" to select navigate to where file is saved on your computer. The selected file should appear in the box.

Click on the blue "Upload" button in the lower left corner of the screen. Once uploaded, the file will show in the folder with the creator and upload time.

Download Evidence

Each side will be able to view and download evidence uploaded by other parties. Because ShareFile is a web-based storage platform, at times the program may run slow. To prevent any delay during a hearing, attorneys should download all evidence in advance. To download, click on the box to the left of the selected file(s) and then click on the Download button at the top.

Questions?

If you have questions or are unable to upload evidence, contact the Courtroom Clerk or Judge Leonard's staff at 770-528-1837 (Michelle Jordan, Administrative Assistant, michelle.jordan@cobbcounty.org or Mimi Scaljon, Staff Attorney, mimi.scaljon@cobbcounty.org).