

ETHICS AND COLLEGIALLY IN COMMUNICATIONS

or How Email Has Made Us Less Effective

Presented by:

B. Emory Potter and Walter J. Lockhart

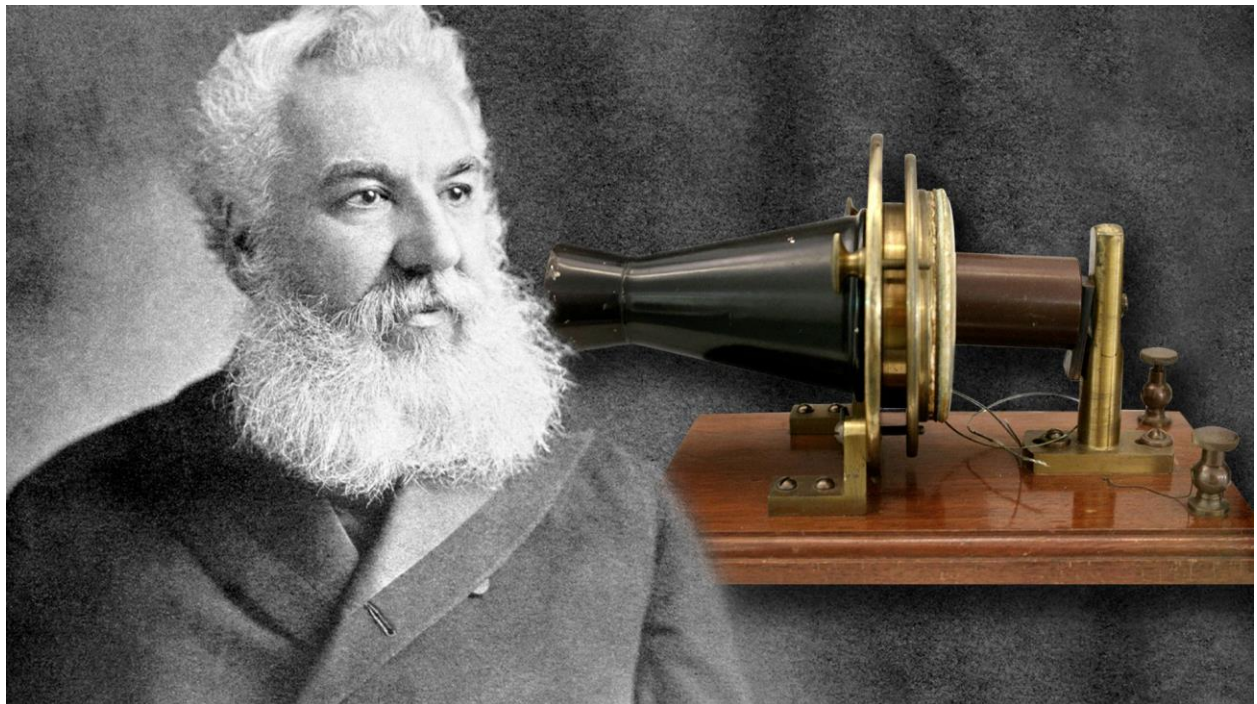
November 5, 2025

OVERVIEW

This program is a combination of a primer on communication in the modern age and a opportunity to complain about the various things that drive us all crazy in trying to do our jobs.

The purpose of this presentation is not only to educate and (hopefully) entertain, but to encourage mindfulness in how we present ourselves as professionals. How others perceive our professions and our ethics is reflected by and based upon how we communicate with the world

Telephones have existed for over 150 years.



Early telephones required human operators and had “party lines” where everyone was on the same line all talking (and many just listening) at the same time. This was essentially the Beta version of social media.

Email did not exist when Mr. Potter started practicing law in 1991. At that time the fax machine was all the rage and the immediacy of facsimiles over mail was a shiny thing dangling before our eyes.



Email has become the primary method of communication in both the practice of law and conducting business in general. Like all forms of communication, it has its advantages and disadvantages. We will address some of these herein.

WHAT IS MINDFULNESS?

According to Google:

Mindfulness is a state of present-moment awareness that involves paying attention to one's thoughts, feelings, and bodily sensations without judgment. It is a skill that can be cultivated through practice, and it has its roots in ancient meditation traditions.

While we are not likely to be sitting at our desks going “Ommmm” or contemplating what a chakra (or a Chakra Khan) is, becoming mindful of how we communicate is essential in our success in our profession and presenting ourselves to the public. When we practice mindfulness, we help to bolster how the world sees us and how we will, as a result, be treated.

TELEPHONE ETIQUETTE

While definitely not modern, the telephone may be the most advanced of the “big three” here. It allows for discussion, give and take, intonation and exchanges of pleasantries that are not really available in written form. It leaves no written record. It is woefully underused.

As our agency members understand all too well, recording of telephone conversations raises a myriad of different issues.

In California, Connecticut, Delaware, Florida, Illinois, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, Pennsylvania, and Washington, all parties must consent to an audio recording.

That is sometimes the beauty of a telephone call. What can you accomplish via telephone that you cannot in a written communication?

- Setting a tone for discussion

We all have dealt with a person at the court clerk’s office, judge’s office, agency office or opposing counsel who focus in life falls under one of these categories: “It’s not my fault” “I did not make a mistake” or “No, it’s your fault.” Contacting that person in writing and getting anything done, much less a response at all is hard to do in writing.

By using the phone, you can use various tactics to, hopefully, diffuse a situation before it can immediately turn South. A few examples:

- “Hello, this is _____. I am calling to give you a heads up on the letter I am sending today. All I really want to accomplish is _____, but my client is pushing me for aggressive action. I am certain the reason that _____ is not bad faith, but I have to send a written request. I am hoping we can work this out at a minimum of cost to ourselves and our clients”
- “Hello, I noticed that the filings regarding _____ in this case do not include _____. I am just calling to make sure I understand what is going here and to provide any assistance I can in getting _____ accomplished.”
- “Mr. Potter has become ill and I want to ensure that I get correct information to the correct parties regarding the matter scheduled before the Court this week.”

All of these allow for the give-and-take that can give the people at the entity you are dealing with an opportunity to see you as a person and a professional. In the industry in which we operate, most people would be much happier if they never had to speak to us in the first place. When I ask, how are you today? And they respond with “fine,” it can be helpful to add “As best as you can when having to talk to a lawyer, at least?”

In the collection of debts and communicating with debtors, we often need to take stock in the fact that they are people, not just debtors. This is true in communication with the debtor and with others. We get used to using the term debtor as a term of art in our industry. Others see it as an insult.

Other terms are helpful in communicating about a collection matter without coming off like Snidely Whiplash.



Try using their status or name.

- In workers compensation cases, they are “the insured”
- In transportation “the carrier” or the “consignee”
- In litigation they are the “defendant”
- In construction matters go with “subcontractor”, “contractor”, etc.

Doing so makes us sound less predatory to people and we never really know the story of their life. This can avoid us being labeled based on one word, casually uttered.

The telephone is faster and better for emergencies. How many times have you had to ask a staff member:

“Did the court/client/debtor get back with you on the issue coming up Monday?”

“I emailed them and there has been no response.”

“Did you call?”

“No, should I?”

The answer is almost always yes. Why? We move now to email . . .

EMAIL, A BLESSING AND A SCOURGE

Email. It is fast, it is in writing, you can copy whoever you want with the email and you can cover your a\$\$ in writing. Many of the above rules for telephone conversations apply to email also. But, it being the written word, it creates a host of possible pitfalls.

Letter writing used to require a typewriter, paper, envelopes and a stamp. Before one went through all the steps to send a letter, there were numerous opportunities to edit, re-edit, consider and re-consider what one wrote. The “send” button has obliterated this. We will be going through several examples of emails that demonstrate issues that can arise in electronic communication. But first a few thoughts.

Email makes it easy to do many things one does not intend:

- Angering your adversary unnecessarily or unintentionally
- Reacting emotionally, without mindfulness
- Sharing information with the wrong party
- Overpromising what one can do
- Feigning expertise
- Looking like an idiot

Sadly, the last one is all too common.

When giving presentations on various topics to clients, I always include a note to those in attendance:

“When you send an email or text for work, write it like it will be displayed on the wall at your office, the CEO has been copied and HR has been notified of the contents.”

As professionals, we should already be emulating this.

We can all relate to this feeling upon receipt of an email:



This where mindfulness is important. Do we really need to send that email, drafted in that tone? When you feel like her above, write the response. The one you WANT to send. The one with symbols like &@?^%\$! to show how you really feel. Share it with a colleague, read it to your pet. Then delete it. Then write a response using a mindful approach. Assume mistake or error over malice (even if you are sure it is). Being professional in your emails is paramount.

Email a scourge? Why?

Court calendars are sent via email. Sometimes, just to you. You open the email and then get asked an urgent question on another matter. You do not calendar first and forget to mark as unread. You come back from putting out whatever fire you had and immediately click on a long awaited and newly arrived email. You just missed a calendar.

You send to email to the wrong person.

You click on the wrong attachment.

You copy the wring person.

An email somehow is never sent/received, though the sender thinks it was.

Mixed in with all the important information are 50% unsolicited crap.

You filter your emails, and accidentally filter out

Attached hereto are a series of redacted emails to act as examples for discussing how email is being used, and misused, in our profession. We will go over each in turn. And discuss:

- Use of reply all
- Setting a tone
- Dealing with automated emails
- Merely reacting to situations, and
- Respect for others time
- Rambling on and on



Outlook

Re: Decatur County Civil Court Superior Calendar Notice Due August 25, 2025

From

[REDACTED]

Date Tue 7/29/2025 9:05 AM

To Brenda Owens <judgeheardjaa@gmail.com>; R. Michael Thompson <mthompson@tokn.com>; Bruce Warren <bwarren@wbwk.com>; Meghan E. Olson <meg.olson@qpwbaw.com>; Douglas R. McMillan <doug@shinglermcmillan.com>; David A. Kendrick <dkendrick@kendricklawfirm.net>; Joshua Bell <josh@bellpayne.com>; Christopher Rodd <chris@roddfirm.com>; Lisa Richardson <lrichardson@deflaw.com>; Lisa Richardson <RichardsonL@deflaw.com>; W. Brent Hyde <whyde@hallboothsmith.com>; Christopher Quinn <cquinn@pacga.org>; Natalie Woodward <natalie@warlawgroup.com>; Maurice Luther King, Jr. <mauricek6@aol.com>; Robert R. McLendon, IV <rob@themclendonlawfirm.com>; Megan Lane <mlanelaw1@gmail.com>; Megan Lane <mlane@altmanlane.com>; Joseph K. Mulholland <joekmulholland@yahoo.com>; Christopher Anulewicz <canulewicz@bradley.com>; Jonathan DeLuca <jdeluca@bradley.com>

Email Received. Thank you.

Thanks,

[REDACTED]

Legal Assistant to [REDACTED]

[REDACTED]

VISIT OUR WEBSITE!

From: Brenda Owens <judgeheardjaa@gmail.com>**Sent:** Monday, July 28, 2025 4:25 PM

To: R. Michael Thompson <mthompson@tokn.com>; Bruce Warren <bwarren@wbwk.com>; Meghan E. Olson <meg.olson@qpwbaw.com>; Douglas R. McMillan <doug@shinglermcmillan.com>; David A. Kendrick <dkendrick@kendricklawfirm.net>; Joshua Bell <josh@bellpayne.com>; Christopher Rodd <chris@roddfirm.com>; Lisa Richardson <lrichardson@deflaw.com>; Lisa Richardson <RichardsonL@deflaw.com>; W. Brent Hyde <whyde@hallboothsmith.com>; Christopher Quinn <cquinn@pacga.org>; Natalie Woodward <natalie@warlawgroup.com>; Maurice Luther King, Jr. <mauricek6@aol.com>; Robert R. McLendon, IV <rob@themclendonlawfirm.com>; Megan Lane <mlanelaw1@gmail.com>; Megan Lane <mlane@altmanlane.com>; Joseph K. Mulholland <joekmulholland@yahoo.com>; Christopher Anulewicz <canulewicz@bradley.com>; Jonathan DeLuca <jdeluca@bradley.com>; Nelson O. Tyrone <nelson@tyronelaw.com>; Daniel J. Conner, Jr. <dan@tyronelaw.com>; Joseph P. Durham, Jr. <joe@joedurhampc.com>; Gregory T. Talley <greg.talley@colemantalley.com>; David Forehand, Jr. <david@dforehandlaw.com>; Douglas Dean <douglas.dean@lawsonreidlaw.com>; Bruce Kirbo, Jr. <bkirbo@kirbolawyers.com>; David Brown <davidahbrown77@gmail.com>; Michael Shiffman

<l.bonner@rotstein-shiffman.com>; Michael Shiffman <michaelshiffman@hotmail.com>; Michael Shiffman <m.otto@rotstein-shiffman.com>; B. Emory Potter <emory@hpmllawatl.com>; Wesley Baldwin <baldwinattorneyatlaw@outlook.com>; Meghan Heckman <meghan@kirbolawyers.com>; Kendall M. Gale <micaelah@shinglermcmillan.com>; Chad A. Shultz <cshultz@grsm.com>; Tom Lehman <tom@tlehman.com>; Daniel B. Snipes <dsnipes@statesborolawgroup.com>; Leslie Kennerly <lesliekennerly@youngthagard.com>; Clifford M. Kirbo <cliff@kirbolawfirm.com>; Thomas L. Kirbo, III <tomkirbo@kirbolawfirm.com>; Bobby L. Reynolds <breyolds8@hotmail.com>; Bobby L. Reynolds <breyolds@dmslawfirm.com>; Maggie Smith <maggie.smith@congersmith.com>; Maggie Smith <maggiesmith@congersmith.com>; Patrick R. Frank (null) <lawatf@aol.com>; Elizabeth Smith <LSMITH@law.ga.gov>; Robert Howell <robert.howell@southgalaw.com>; James Sorenson <creservice@svllaw.com>; James Butler <jim@butlerprather.com>; Ramsey Prather <ramsey@butlerprather.com>; Jeff Bagnell <jeff@bagnell-law.com>; Billy Mathis <mathislaw@att.net>; W. Justin Purvis <justinpurvis@youngthagard.com>; Andrew Horowitz <HorowitzA@deflaw.com>; Eric L. Gay <egay@sowegalaw.com>; Angelo Vasilescu <avasilescu@raslg.com>; Angelo Vasilescu <avasilescu@rascrane.com>; Byron Wright, III <twright@brunerwright.com>; Michael Strickland <michael.strickland@mtcslaw.com>; Jason D. Wyman <jason.wyman@wbd-us.com>; Malia Phillips-Lee <malia@phillipsleelaw.com>; Katherine P. Stoff <kstoff@law.ga.gov>; J. D. Sears <jdsears@alexandervann.com>; M. Clay Sewell, Jr. <csewell@alexandervann.com>; Olivia Harmon <filings@legalactionsupport.com>; badeleye@hhlpl.com <badeleye@hhlpl.com>; Carter W. Scott <cws@searcylaw.com>; Robert M. Scott <rscott@scottandwallacelaw.com>; Alycen Moss <amoss@cozen.com>; Mark Edwards <mark.edwards@mgclaw.com>; Brandon Howard <brandon.howard@swiftcurrie.com>; Roy D. Reagin, Jr. <chpr@raganlawga.com>; Ryan Purvis <rpurvis@plgse.com>; David Orlowski <orlowskid@deflaw.com>; Valerie Chinn <VCHINN@plgse.com>; Tabitha Payne <tabitha@bellpayne.com>; Rebecca Davis <rebecca.davis@agg.com>; Archer, Joshua <jarcher@balch.com>; Michael Kozlarek <michael@kingkozlarek.com>; clancaster@pkknlaw.com <clancaster@pkknlaw.com>; James Kirtlink <mkirtlink@attorneykennugent.com>; N. Matt Monroe <mmonroe@gwdlawfirm.com>; Mark Maholick <MMAHOLICK@hallboothsmith.com>; Laura Leigh Fox <laura.leigh.fox@congersmith.com>; Wheat Kirbo <wheatkirbo@kirbolawyers.com>; Charles Ferenchick <cferenchick@ferenchicklaw.com>; Henry Shaw <tshaw@alexandervann.com>; Deena Plaire <DEENA.PLAIRE@gwpwlaw.com>; dneedham@nceminentdomain.com <dneedham@nceminentdomain.com>; Brittany B. Shiver <shiverlawoffice@gmail.com>; Mathew Schuh <MATT@schuhpc.com>; Margaret Puccini <MPUCCINI@bouhan.com>; Todd Hunter <thunter@scottandwallacelaw.com>; Pamela Hallford <pshallford@carrallison.com>; Eric Milles <eric@injuryrightslaw.com>; Richard Fields <rfields@perrywalters.com>; jgreifer@bellcarrington.com <jgreifer@bellcarrington.com>; Bernard Snell <bernard.snell@usdoj.gov>; David J. Kendrick <jkendrick@kendricklawfirm.net>; Christopher Foreman <cforeman@watsonspence.com>; Michael Robl <michael@roblgroup.com>; legalga@manassaslawfirm.com <legalga@manassaslawfirm.com>; Tim Henshaw <thenshaw@asilpc.com>; G. Mason White <gmw@bhrlegal.com>; Andy Owens <andy.owens@farmersinsurance.com>; Christina D. Crow <christy.crow@jinkscrow.com>; M. Todd Wheelles <todd@wheellesgarmonattorneys.com>; Steven A. Vickery <svickery@sgrlaw.com>; John F. Weeks, IV <jweeks@sgrlaw.com>; Nicholas Deeb <ndeeb@mmtllaw.com>; Charles Hoeffcker <chad@hhpatlanta.com>; BC Smith <bc.smith@congersmith.com>; Sarah@manassaslawfirm.com <Sarah@manassaslawfirm.com>; Richard Maner <rmaner@rbmlegal.com>; Zachary Procter <zprocter@law.ga.gov>; Virginia Hall <vhall@hallboothsmith.com>; Jeremy McCullough <jmccullough@jtm-law.com>; Robert M. Margeson, III <robert@margesonlaw.com>; Patrick Flynn <pflynn@fpplaw.com>; Patrick Flynn <pflynn@patrickflynnlaw.com>; kevan.dorsey@swiftcurrie.com <kevan.dorsey@swiftcurrie.com>; Bree O. Sullivan-Howell <bree@sullivan-firm.com>; William Blackburn <whblackburn@gmail.com>; Pete Emmons <emmonsroselaw@gmail.com>; Joseph Weathers <jody@weatherslaw.net>; William Shingler <billy@shinglermcmillan.com>; Billy Shingler <shinglerlaw23@gmail.com>; Kelley Boswell <kboswell@watsonspence.com>; Aurora Kirbo <aurora@kirbolawfirm.com>; Kari Anne Bowden <KABowden@shplaw.com>; Christopher Flowers <chris@smithandflowerslaw.com>; valerie brownwilliamsllaw.com <valerie@brownwilliamsllaw.com>; Valerie

Brown-Williams <kcbrownwilliams@law.com>; Andrew Pope <andrewwpopelaw@gmail.com>; Leslie Akridge <lakridge@wbwk.com>; Krista Shiver <kshiver@wbwk.com>; Madeline Hembree <mhembree@kirbolawyers.com>; Marsica Massarelli-Duran <mduran@phillipsleelaw.com>; Ericca Mitchell <ericca@weatherslaw.net>; Abigail Poole <shiverlawoffice3@gmail.com>; Secretary <secretary@tlehman.com>; EGL Office <secretary@sowegalaw.com>; Samantha Freeman <sffreeman@wbwk.com>; Cenita Dobson <DobsonC@deflaw.com>; Dan Philyaw <dan@butlerprather.com>; Caroline Schley <caroline@butlerprather.com>; Sarah Andrews <sarah@butlerprather.com>; Melissa West <melissa@bellpayne.com>; Ashley Young <miss.ashleyyoung94@gmail.com>; Shannon Cobb <WORLD.COLE@icloud.com>; Shannon Cobb <sharonscott9117@gmail.com>; Bryan Doss <andydoss27@yahoo.com>; oakcityautosales@gmail.com <oakcityautosales@gmail.com>; Aaron Brown <aaronbrown147@gmail.com>; keri.robbs777@gmail.com <keri.robbs777@gmail.com>; leewill2004@gmail.com <leewill2004@gmail.com>; cloudkristen3@gmail.com <cloudkristen3@gmail.com>; necolemadison6@gmail.com <necolemadison6@gmail.com>; areoliya.madison@gmail.com <areoliya.madison@gmail.com>


Subject: Decatur County Civil Court Superior Calendar Notice Due August 25, 2025


Good Afternoon,

Please find attached the Decatur County Superior Court Civil Calendar Notice to be answered by August 25, 2025.

Additionally, if there are any pending motions to be addressed by the Court, please advise of such motions in your respective case announcements. This will assist the Court with efficient management of the Court Calendar.

Thank you.


Judicial Assistant to


Judge of Superior Courts for the
South Georgia Judicial Circuit

Beginning September 1, 2025, the Court will no longer have a designated court reporter for the circuit's monthly civil hearing dates. If either party desires for the matter to be reported, such party will be responsible for procuring a court reporter.

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.



From Emory Potter <Emory@Hayspotter.com>

Date Wed 8/27/2025 1:34 PM

To

Cc

Thank you for the draft complaint.

Email is a type of communication that does not allow nuance and tone of voice. Please understand that I am being brief here and want to communicate the issues I see concisely, without seeming brusque.

I cannot sign my name to the Complaint as to the civil RICO allegations. This is not a RICO case.

I will not take a declaratory judgment case on a contingency basis, so it would have to be hourly. I am \$400/hour.

If this is acceptable, we can get moving on this. Otherwise, I cannot give you any recommendation as to who would take this on a contingency.

Thank you for the opportunity to review this matter.

B. Emory Potter

Hays & Potter, LLP

3945 Holcomb Bridge Rd.

Suite 300

Peachtree Corners, Georgia 30092

(770) 934-8858

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Outlook

From Emory Potter <Emory@Hayspotter.com>

Date Fri 8/1/2025 11:59 AM

To

Not yet.

Once a hearing is scheduled, we will tell you. As we are in Fulton County it could be weeks, it could be months, and we have no control over how soon the Court sets a hearing.

No need to prompt until you hear from us.

Thanks.

B. Emory Potter

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From:

Sent: Friday, August 1, 2025 9:57 AM

To:

Cc:

Sub

Good morning,

I am following up on judgment for this matter. Has just been obtained to date?



In reference:

Our client: [REDACTED]

Ref: [REDACTED]

Principal balance: [REDACTED]

Our file number: [REDACTED]

No Answer has been filed by Debtor in this case. We have filed a Motion for Default Judgment. Please see attached.

Georgia law requires that there be a hearing on damages before the Court can enter final judgment; additionally, most courts in Georgia are requiring personal appearance by counsel at such hearings. There is not anything we can do speed up the time or to avoid incurring the expenses for appearance.

We are requesting that the Court place the matter on the next hearing calendar. However, nothing will be happening between now and that hearing date. We are hopeful that we will be able to report judgment entered shortly thereafter.

List of documents attached:

[REDACTED]

Sincerely,

Shalonda Barnes

Legal Assistant

Please reply to: shalonda@hayspotter.com

HAYS & POTTER, LLP

3945 HOLCOMB BRIDGE ROAD

SUITE 300

PEACHTREE CORNERS, GA 30092

(770) 934-8858 - FAX (770) 934-8932

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RE: IS TUESDAY BETTER--Mon hearing on mtns and Wed trial-

To: Emory Potter <Emory@Hayspotter.com>;

Pls le me know if Tuesday for hearing would be better for the parties given affidavits and flight issues. I can ask Judge if we can do it Tuesday at 10am in person in the courtroom –if the parties agree and are available.

From: Emory Potter <Emory@Hayspotter.com>

Sent: Sunday, July 21, 2024 2:26 PM

Subject: RE: Monday hearing on mtns and Wed trial-

Thanks, see you at 11:00.

B. Emory Potter

Hays & Potter, LLP

3945 Holcomb Bridge Rd.

Suite 300

Peachtree Corners, Georgia 30092

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From:

Sent: Sunday, July 21, 2024 2:19 PM

To:

<N

Cc:

Sub

So to be transparent, the Court will hear oral arguments and may decide that she is not going to entertain SJ based on the fact that it was filed after Trial Notice and any representations/objections that Def makes.

Defendant [REDACTED] can Zoom in if need be for Monday's arguments. The Court assumes and hopes that Def will be able to get a flight by Wed for voir dire and the start of the trial.

From: Emory Potter <Emory@Hayspotter.com>

Sent: Sunday, July 21, 2024 1:13 PM

To: [REDACTED]

<[Ne](#)

Sub [REDACTED]

Defendant will have no Motions in Limine.

I am trying to get affidavits at signed for filing tomorrow.

Mr. [REDACTED] was turned away from the gate and told to return this afternoon by the airline due to the Microsoft blackout. Would oral testimony make them subject to cross, as there is never any cross of an affidavit in an MSJ?

B. Emory Potter

Hays & Potter, LLP

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From: [REDACTED]

Sent: Sunday, July 21, 2024 11:41 AM

To: [REDACTED]

<[Ne](#)

Cc: [REDACTED]

Subject: RE: Monday hearing on mtns and Wed trial-[REDACTED]

I will wait to hear from Defense Counsel re Mtns in Limine, Pre Trial Motions and Mtn for Summary Judgment Response issues/concerns/readiness.

From: [REDACTED]
Sent: Sunday, July 21, 2024 11:26 AM
To: [REDACTED]
Kin: [REDACTED]
Sub: [REDACTED]

Good morning Ms. [REDACTED]

Plaintiff has no motions in limine. I will be present in person on Monday for the hearing on Plaintiff's motion for summary judgment. My client will be present via zoom primarily to observe.

From: Edwards, Ottrell <Ottrell.Edwards@fultoncountyga.gov>
Sent: Sunday, July 21, 2024 10:55 AM
To: Emory Potter <Emory@Hayspotter.com>; [REDACTED]
[REDACTED]

Importance: High

GM,

A) Just checking in. Do the parties have Motions in Limine that need to be argued Monday July 22nd?

B) Also, the Court will hear arguments about The Motion for Summary Judgment and whether the Court should hear it? The Court will rule and then

If the Court rules that it will hear the Summary Judgment Arguments with Def presenting an oral response then we can either proceed with Summary Judgment on Monday as I had previously scheduled or another date/time should the Court rule otherwise.

C) Final thing—**this hearing is scheduled for in-person Monday** for oral arguments on In Limine, Pre Trial Matters and Summary Judgment. We do, hear Motions via Zoom.....

So as a convenience for the the parties, if both sides agree, we CAN hear all arguments on Monday via Zoom and also hear witness testimony via Zoom (if the Court determines that SJ will proceed on Monday).

Pls let me know how you would like to proceed.

[REDACTED]
Sent: Friday, July 19, 2024 11:11 PM
To: Emory Potter <Emory@Hayspotter.com>; [REDACTED]
[REDACTED]

Does having the opportunity to have a witness or witnesses testify via Zoom alleviate any issues and concerns of Defendant and Defendant's ability to orally respond to the Mtn for Summary Judgment?

[REDACTED]
Sent: Friday, July 19, 2024 4:14 PM

To: Emory Potter <Emory@Hayspotter.com>; V [REDACTED]
[REDACTED]

Subject: RE: Monday hearing on mtns and Wed trial-[REDACTED]

The witness opportunity was really for Defendant since Defendant gets to orally respond.

Listen, the Court can hear that argument and objection Monday.

Everyone come prepared to argue in Limine, pre trial matters and Mtn for SJ wand response with defendant responding orally and not being required to respond in writing and as part of Def responding orally, Def may call witnesses by Zoom.

Should Plaintiff decide to call a witness or two by Zoom, Def can object and we can hear argument on that.

From: Emory Potter <Emory@Hayspotter.com>

Sent: Friday, July 19, 2024 3:54 PM

To: [REDACTED]

[eji@](#)

Sub [REDACTED]

I would object to any live testimony on behalf of Plaintiff in a hearing for a Motion Summary Judgment. They have made their case, chosen their evidence and filed their Motion for Summary Judgment. To allow additional evidence on the Motion for Summary Judgment to be presented by the Plaintiff at the hearing would be improper and is not permitted under Georgia Law. See Pierce v. Gaskins, 168 Ga. App. 309 (1983)

The Pierce Court also notes that "Movant's supporting material must be "on file" at least 30 days before the hearing unless the trial judge extends the filing time. See Porter Coatings v. Stein Steel &c. Co., 247 Ga. 631, 632 (278 SE2d 377); Benton Bros. Ford Co. v. Cotton States Mut. Ins. Co., 157 Ga. App. 448, 449 (278 SE2d 40)."

B. Emory Potter

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Sent: Friday, July 19, 2024 3:03 PM

Subject: RE: Monday hearing on mtns and Wed trial-

Pls see the Zoom information below. Any witnesses can testify via Zoom so along with an oral response, the Court can hear live testimony from witnesses during the hearing.

Judge [REDACTED] is inviting you to a scheduled Zoom meeting.

Topic: Judge [REDACTED] July 22nd Motions Hearing for Trial

Time: Jul 22, 2024 10:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us>

Meeting ID

Passcode

[REDACTED],*945804# US (Atlanta)

[REDACTED],*945804# US (Atlanta)

[REDACTED]nia)

[REDACTED]on DC)

[REDACTED]

[REDACTED]

[REDACTED]a)

[REDACTED]es)



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From: [REDACTED]
Sent: Monday, October 27, 2014 1:26 PM
To: Emory Potter
Subject: RE: Attached Image

Emory:

Today I'm back from a much-needed vacation and am catching up on many things. I am aware that discovery responses by [REDACTED] to [REDACTED] need to be finalized. I plan to do that as soon as possible. I agree that responses have been due for some time; I have had an extraordinary schedule for the past few weeks (I could give you the timeline since 10/6 but I'll just state that there has been no time to make progress on the discovery since then until this week).

I don't think there is a "discovery dispute." [REDACTED] and [REDACTED] are **not** arguing over the scope of discoverable material or subject matter; [REDACTED] is not taking the position that responses are not due. [REDACTED] (in this case, basically, its attorney) has simply needed more time and will respond soon. You have indicated that you did not intend to make a motion to compel discovery; I took that to be your and your client's gracious acknowledgement that I needed more time. Thus, I don't think there is anything that would justify speaking with Mr. Goss; I don't think there is anything we have to take up with the court (except for [REDACTED]'s view that discovery should be extended; as to that, I don't have your response yet, so I don't know if there's disagreement on that. I would appreciate knowing [REDACTED]'s position on that so I can assess whether [REDACTED] should ask the court for more time.)

I am going to work on the discovery responses again as soon as possible and, if I can proceed without interruption, I should get them to you very soon. That is as specific as I can be right now without having yet opened a number of emails that were sent while I was away.

As for [REDACTED] position that the discovery should have been provided by Friday, (1) your Fed Ex was sent to my old address, and I believe that delivery was attempted on [REDACTED]'s behalf well after [REDACTED], through you, was aware that I had a new business address; (2) I am not aware of any phone calls attempted to me while I was away to seek my immediate response or to alert me to the fact that you had sent a Fed Ex letter to my old address; (3) even if I had received your letter early last week, I was out of the state, on vacation, and thus did not have time to work on the last items needed to complete the discovery responses; (4) that's fine that you had Fed Ex leave the original of your letter at my old address, while I was approximately 1,000 miles away, but that accomplished nothing in the form of communication with me, for obvious reasons; (5) today is October 27, my first opportunity to address your request to finish the discovery by October 24; I trust I don't have to explain why that cannot be done.; (6) as for emails, and specifically yours of 10/22, I was in a remote area and on vacation and thus not seeing emails for more than an average of about 20 minutes per day; even if I had read it last Wednesday, while on vacation, I would not have intended to work on the responses before I got back to my office today. (BTW, the leaves in New England were spectacular last week; they certainly held my attention more than business emails that all seemed like they could wait until I returned.)

Again, what is important is that [REDACTED] is awaiting discovery responses and I need to get those finished without distraction (such as talking to Mr. Goss when there's no discovery dispute) as soon as possible. I know that's what your client wants, and I hope to get on that as soon as this afternoon. If you will give me until tomorrow, I'll either have the responses to you or a better estimate of how much longer it will take.

Rome, they say, wasn't built in a day. The cathedral of Sagrada Familia in Barcelona has been under construction for over a century and is still far from done. The earth is billions of years old. In context, the fact that Optimum may get discovery responses perhaps 21 to 25 days after the last formal extension Optimum granted does not strike me as anything of historic significance. Or, if I can add one more point to put this in context, ten years from now the additional time I needed to get you [REDACTED]'s responses will most likely not have resulted in

your life experience, or your client's, having been any worse. Perhaps this is a good time for you and your client to consider the virtues of patience, an attribute that is much more beneficial than stressing over a minute lapse of time from when discovery responses were expected but, for very good and understandable reasons, have been deferred.

I'll get back with you as soon as I can with more specifics. Take care and thanks for your understanding.

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