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# Order on Nov. 14, 2013 Hearing (United Community Bank)

John J. Goger

*Fulton County Superior Court, Judge*

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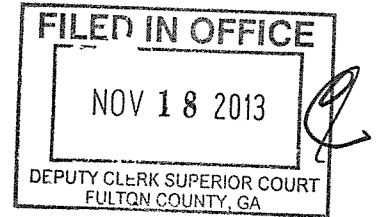
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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**UNITED COMMUNITY BANK,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **MCDIAPERS, INC., RICHARD J. WIELER,** )  
 **GAEL COAKLEY, JR., and COLLIN** )  
 **BROWN, III,** )  
 )  
 **Defendants.** )

**Civil Action File No.  
2011CV207946**



**ORDER ON NOVEMBER 14, 2013 HEARING**

On November 14, 2013, counsel participated in a telephonic hearing on McDiapers Defendants' Emergency Motion to Limit Disclosure of Confidential Settlement Terms, McDiapers Defendants' Motion to Enforce Settlement and McDiapers Defendants' Request for Extension of Time to Respond to Summary Judgment. Upon consideration of the arguments of counsel, the briefs filed on the motions and the record of this case, the Court finds as follows:

**1. MCDIAPERS DEFENDANTS' EMERGENCY MOTION TO LIMIT DISCLOSURE OF SETTLEMENT TERMS**

McDiapers Defendants seek to have the Affidavit of L. Matt Wilson filed under seal because it includes certain exhibits that disclose the terms of a confidential settlement agreement between the McDiapers Defendants and UCB that Mr. Wilson agreed to maintain as confidential.

Pursuant to Uniform Superior Court Rules 21.1 and 21.2, the court may limit access to court files, following a hearing, upon a finding that the harm otherwise resulting to the privacy of a person in interest clearly outweighs the public interest.

Following the presentation of the parties, the Court is satisfied that the harm to McDiapers and UCB, due to the potential impact of the disclosure of the parties' settlement amount on efforts to negotiate an obligation to a third-party, clearly outweighs any interest to the public in maintaining access to such settlement terms. Accordingly, the McDiapers Defendants' motion is **GRANTED**, in part. The Clerk is directed to **SEAL** exhibits 1, 2, 4 and 5 to the Affidavit of L. Matt Wilson filed on October 28, 2013, until further order of this Court.

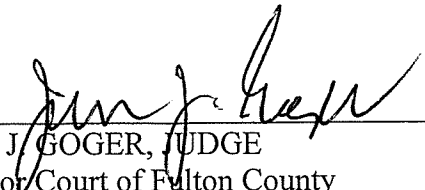
**2. REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION FOR SUMMARY JUDGMENT**

The McDiapers Defendants request an extension of time to file responses to the summary judgment pleadings filed in March 2013, prior to Defendant Collin Brown's bankruptcy filing, until 20 days following the Court's ruling on the Motion to Enforce Settlement Agreement. The Court hereby **GRANTS** this motion and extends the McDiapers Defendants' deadline to complete this filing accordingly.

**3. MOTION TO STRIKE DEFENDANTS NOVEMBER 12, 2013 AFFIDAVIT OF RICHARD J. WIELER, ALL ITS EXHIBITS AND ATTACHMENTS, THE EMERGENCY MOTION TO LIMIT DISCLOSURE OF AFFIDAVIT OF L.MATT WILSON BY McDIAPERS, INC., ET AL, AND MOTION FOR CONTEMPT AGAINST COLLIN BROWN, III FOR FALSE SWEARING**

Defendant Collin Brown asks the Court to strike from the record any pleadings or affidavits submitted only a few days before the hearing, claiming that the Motion to Enforce Settlement Agreement is subject to the rule applicable to motions for summary judgment that mandates that any affidavit filed in support of such motion be filed at least 30 days before the hearing. The Court hereby **DENIES** Defendant Brown's motion, but will refrain from considering the Motion to Enforce Settlement Agreement until after December 12, 2013, to allow Defendant Brown to submit a response to any pleadings or affidavits that filed less than 30 days before the hearing.

SO ORDERED this 14 day of November, 2013.

  
\_\_\_\_\_  
JOHN J. GOGER, JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

**Copies to:**

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