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Order on Various Motions (Global Aerospace,  
Inc.)

Elizabeth E. Long

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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



GLOBAL AEROSPACE, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LIMA DELTA COMPANY, TRIDENTAS, )  
 SOKICAT, TRIDENT AVIATION )  
 SERVICES, LLC, TRIDENT AVIATION )  
 SERVICES LLC, TRIDENT AVIATION )  
 SERVICES, INC., SOCIKAT, SOKICAT – CN )  
 AVIATION, SOCIKAT – CN AVIATION, and )  
 CN AVIATION, )  
 Defendants. )

Civil Action File No.  
2012CV214772

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ORDER

On April 24, 2014, counsel appeared by telephonic conference before the Court to present oral argument on the following motions:

1. Plaintiff’s Motion for Leave to Take Depositions Of Defendants Pending Appeal Pursuant to O.C.G.A. § 9-11-27(b), or Alternatively, to Compel Depositions Pursuant to O.C.G.A. § 9-11-37(d);
2. Defendants’ Motion for Protective Order to Quash Plaintiff’s Unilaterally Noticed Depositions; and
3. Defendants’ Motion to Stay Proceedings.

Upon consideration of the argument of counsel, the briefs submitted on the motions, and the record of the case, this Court finds as follows:

In May 2007, Global Aerospace, Inc., (“Global”) filed this lawsuit against Lima Delta Company, Trident AS, and Socikat. Defendants filed a motion to dismiss for lack personal jurisdiction. The trial court denied this motion and certified its order for immediate review. The

Georgia Court of Appeals affirmed the trial court's decision. Defendants filed a writ of certiorari to the Georgia Supreme Court which was denied. Finally, Defendants asked the Court of Appeals to stay issuance of the Remittitur which was denied. The Remittitur dated March 28, 2014, was filed with this Court on April 17, 2014.

**A. Defendants' Motion to Stay Proceedings.**

Defendants argue that the case should be stayed because (1) they have noticed their intent to file a petition for writ of certiorari with the United States Supreme Court on the issue of jurisdiction; (2) there are two cases in Delaware filed in February 2014 involving similar facts and parties that would cause duplicative discovery and inconsistent results; and (3) Plaintiff won the race to the courthouse through trickery and deceit.

The Court finds little merit in these arguments. This Court is not required to stay proceedings pending a petition to the United States Supreme Court for a writ of certiorari or resolution of later filed cases in another state. And, while the Court may stay discovery in its discretion, Defendants have not provided a good reason to do so. The case has been remitted from the Georgia Court of Appeals and this Court finds no reason to delay the case any further;

**B. Plaintiff's Motion for Leave to Take Depositions and Defendants' Motion for Protective Order to Quash Plaintiff's Unilaterally Noticed Depositions**

Plaintiff has noticed five (5) depositions including three 30(b)(6) corporate representative depositions for Defendants Lima Delta, Trident, and Socikat and two (2) depositions of non-party Wells Fargo employees. The Court hereby orders that the depositions go forward with the following parameters:

- Defendants are to propose new deposition dates by May 2, 2014, on or before 5:00 p.m.;

- Plaintiff shall re-issue deposition notices for the agreed upon dates;
- All five (5) depositions will be completed by July 1, 2014;
- The 30(b)(6) depositions will not be limited by time by agreement of the parties. The parties will evenly split time for the Wells Fargo employee depositions;

As to other pending discovery motions that were stayed pending remittitur from the Court of Appeals, parties must resubmit issues not yet resolved in the form of a new motion. After responses have been filed, a hearing will be set to discuss these issues as well as to enter a Case Management Order.

Accordingly, Defendants' Motion to Stay Proceedings and Defendants' Motion for Protective Order to Quash Plaintiff's Unilaterally Noticed Depositions are **DENIED**. Plaintiff's Motion for Leave to Take Depositions Of Defendants Pending Appeal Pursuant to O.C.G.A. § 9-11-27(b), or Alternatively, to Compel Depositions Pursuant to O.C.G.A. § 9-11-37(d) is **GRANTED to the extent stated herein**.

SO ORDERED this 25<sup>th</sup> day of April, 2014.



ELIZABETH E. LONG, SENIOR JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

**Copies to:**

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