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Global Aerospace, Inc. Order on Defendants' Emergency Second Motion for Orders Compelling Discovery

Elizabeth E. Long
Superior Court of Fulton County

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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 DEFENDANTS’ EMERGENCY SECOND MOTION FOR ORDER
COMPELLING DISCOVERY AGAINST PLAINTIFF GLOBAL AEROSPACE, INC.**

This Court, having considered Defendants’ Emergency Second Motion for Order Compelling Discovery Against Plaintiff Global Aerospace, Inc. including Memorandum of Law and Global Aerospace’s Response thereto, finds as follows:

Defendants’ Motion lists several items that were allegedly identified by witnesses in depositions that have not been produced, including manuals; rating guidelines; notes, information, and printouts from Plaintiff’s NEXUS system; and a “Quote System.” Based on Plaintiff’s representations, however, it appears that the bulk of these documents either have been produced, do not exist, or are not yet due to be produced as they were just requested in discovery requests dated August 19, 2014. As to the documents falling in these categories, the Motion is moot.

Plaintiff further asserts that the ratings guidelines and the quote system contain highly proprietary business information. Under Georgia law, the proper way to protect trade secrets or other confidential research, development, or commercial information that are potentially relevant to the claims is to seek a protective order. *See* O.C.G.A. §9-11-26(c)(7). The Court instructs the parties to meet and confer before the filing of any such motion for protective order, but will not order Plaintiff to produce rating guidelines without an understanding of both the potential relevance and sensitive nature of these documents. Therefore, the Court reserves judgment on this issue.

Defendants complain that Plaintiff has not produced notes from Mr. Methven, Ms. Sharpell, Mr. Bruno, and Ms. Adams. Again, Plaintiff asserts that the documents have either been produced, do not exist, or were only recently requested. As to these items, the motion is moot.

Defendants complain that Plaintiff has not produced International Sanctions Lists, a form commonly known in the industry as LSW 617. Plaintiff responds that this document was not made a part of the policy at issue, and that Defendants themselves have produced a version of LSW 617.

Defendants seek to compel the production of administrative documents, including quote templates, form letters, policy forms, and certificates of insurance. Plaintiff represents that these documents have either not been requested or are not relevant and not likely to lead to the discovery of admissible evidence. Given the very broad description of these documents, it is impossible to tell what exactly is being requested or under which request for production applies. Again, the Court directs the parties to meet and confer on this issue.

Finally, Defendants complain that Mr. Jaco van der Merwe did not produce his working file. Mr. van der Merwe is an employee of Airclaims and not an employee of Global nor a party to this litigation. As such, Defendants should have issued a third party subpoena in advance of his deposition if they wanted access to his working file. Regardless, Plaintiff represents that the Air Claims file has been collected and produced, so this issue is now moot.

It is clear that the parties disagree regarding the types of documents that are relevant to this rescission and declaratory judgment action, and given this fundamental disagreement, the parties will no doubt learn of new documents which have not been produced over the course of the upcoming depositions. Going forward, the Court would remind the parties of their obligation under Uniform Sup. Ct. R. 6.4 to (1) meet and confer in good faith to resolve discovery issues and (2) file a statement that this requirement has been met before the filing of a motion to compel.

In this Order, the Court has taken the representations made in the Plaintiff's Response as true and accurate. If evidence to the contrary is presented, the Court will revisit its rulings.

SO ORDERED this 11th day of September, 2014.



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

Copies to:

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