

**Georgia State University College of Law**  
**Reading Room**

---

Georgia Business Court Opinions


---

10-17-2014

# Southern Telecom Order on Motions for Sanctions

Melvin K. Westmoreland  
*Superior Court of Fulton County*

Follow this and additional works at: <https://readingroom.law.gsu.edu/businesscourt>

 Part of the [Business Law, Public Responsibility, and Ethics Commons](#), [Business Organizations Law Commons](#), and the [Contracts Commons](#)

---

## Institutional Repository Citation

Westmoreland, Melvin K., "Southern Telecom Order on Motions for Sanctions" (2014). *Georgia Business Court Opinions*. 318.  
<https://readingroom.law.gsu.edu/businesscourt/318>

This Court Order is brought to you for free and open access by Reading Room. It has been accepted for inclusion in Georgia Business Court Opinions by an authorized administrator of Reading Room. For more information, please contact [mbutler@gsu.edu](mailto:mbutler@gsu.edu).

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



SOUTHERN TELECOM, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 TW TELECOM INC. OF GEORGIA )  
 L.P., F/K/A TIME WARNER )  
 TELECOM OF GEORGIA, L.P. AND )  
 TW TELECOM OF ALABAMA LLC, )  
 F/K/A TIME WARNER TELECOM OF )  
 ALABAMA LLC, )  
 )  
 Defendants. )

Civil Action File No.  
2011-CV-198651

*Bus 3*

**COPY**

ORDER

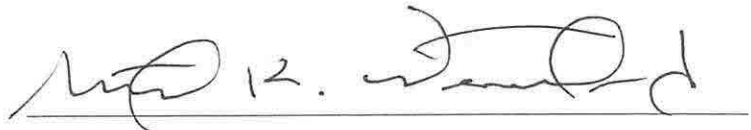
This matter is currently before the Court on Southern Telecom’s Motion for Sanctions filed August 22, 2014. Upon consideration of the parties’ briefs and the record of the case, the Motion is **DENIED**.

Southern Telecom filed a Motion to Compel Phase II Discovery Responses from Defendants on March 7, 2014. That motion was granted in part and denied in part in an Order dated May 23, 2014. Pursuant to that Order the parties were to confer regarding any particular discovery requests they believed remained unsatisfied in compliance with Uniform Superior Court Rule 6.4. Evidently, that has not occurred. As such, counsel shall meet and confer on or before October 31, 2014, in an effort to resolve their differences.

If counsel cannot resolve these issues following a good faith in-depth conference during which they have a meaningful and substantive discussion about each of the remaining discovery issues (including, but not limited to, the clarity and completeness of documents provided, the

most effective approach to produce relevant information stored on proprietary software, and the production of original documents supporting summaries produced by Defendants), they may then provide the Court with a specific list of the unresolved issues for resolution.

**SO ORDERED** this 17th day of October, 2014.

A handwritten signature in black ink, appearing to read 'Melvin K. Westmoreland', written over a horizontal line.

MELVIN K. WESTMORELAND, SENIOR JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

**Copies via email to:**

Attorneys for Plaintiffs	Attorneys for Defendants
<p>Robert P. Williams, II, Esq. Bradley M. Davis Claiborne B. Smith Troutman Sanders LLP 5200 Bank of America Plaza 600 Peachtree Street, N.E. Atlanta, Georgia 30308-2216 404-885-3000 <a href="mailto:Robert.williams@troutmansanders.com">Robert.williams@troutmansanders.com</a> <a href="mailto:Bradley.davis@troutmansanders.com">Bradley.davis@troutmansanders.com</a> <a href="mailto:Claiborne.smith@troutmansanders.com">Claiborne.smith@troutmansanders.com</a></p>	<p>T. Wade Welch, Esq. C. Sean Spivey, Esq. Calvin TerBeek (Admitted <i>pro hac vice</i>) T. Wade Welch &amp; Associates 2401 Fountainview Drive, Suite 700 Houston, TX 77057 <a href="mailto:wwelch@twlaw.com">wwelch@twlaw.com</a> <a href="mailto:cspivey@twlaw.com">cspivey@twlaw.com</a></p> <p>Anne W. Lewis Strickland Brockington Lewis LLP 1170 Peachtree Street, N.E. Suite 2200 Atlanta, Georgia 30309 678-347-2200 <a href="mailto:awl@sblaw.net">awl@sblaw.net</a></p>