

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

---

Georgia Business Court Opinions

---

7-12-2010

Order (RONALD W. PEEVY)

Alice D. Bonner  
*Superior Court of Fulton County*

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

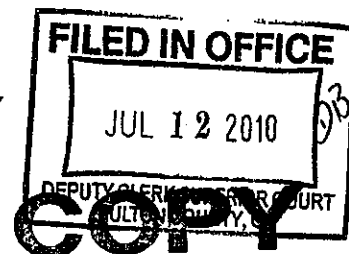
---

**Institutional Repository Citation**

Bonner, Alice D., "Order (RONALD W. PEEVY)" (2010). *Georgia Business Court Opinions*. Paper 90.  
<http://readingroom.law.gsu.edu/businesscourt/90>

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 [jgermann@gsu.edu](mailto:jgermann@gsu.edu).

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



RONALD W. PEEVY, individually )  
and on behalf of all others similarly )  
situated. )

Plaintiff, )

v. )

Civil Action No. 2010-CV-180583

STEWART BROWN, DANIEL ELLIS, )  
ALEX LIEBLONG, MARK OEI, )  
W. BLAIR ALLEN, PAUL GARITY, )  
MICHAEL GRONDAHL, )  
JOHN ALLISON, LODGIAN, INC., )  
LSREF LODGING INVEST., LLC and )  
LSREF LODGING MERGER CO., INC. )

Defendants. )

ORDER

This case is a putative class action brought on behalf of the shareholders of Lodgian, Inc. Before the Court is current non-party and putative class member United Capital Corp.'s Motion to Intervene to Take Limited and Focused Discovery. After hearing the arguments made by counsel and reviewing the briefs submitted on the motion, the Court finds that United Capital's motion is premature. However, the Court also finds that the discovery requested by United Capital may be permissible pursuant to O.C.G.A. 9-11-23 and invites United Capital to renew its motion once Plaintiffs file for approval of class action settlement as they have announced they plan to do.

SO ORDERED this 12<sup>th</sup> day of July 2010.

*Alice D. Bonner*

ALICE D. BONNER, SENIOR JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

Copies via email to:

**Attorneys for Plaintiffs**

David A. Bain, Esq.  
LAW OFFICES OF DAVID A. BAIN, LLC  
1050 Promenade II  
1230 Peachtree Street NE  
Atlanta, GA 30309  
(404) 724-9990

Eduard Korsinsky, Esq.  
Juan E. Monteverde, Esq.  
Shannon L. Hopkins, Esq.  
LEVI & KORSINSKY, LLP  
30 Broad Street, 15<sup>th</sup> Floor  
New York, New York 10004  
(212) 363-7500

**Attorneys for Lodgian, Inc., Stewart Brown, Daniel Ellis, Alex Lieblong, Mark Oei,  
W. Blair Allen, Paul Garity, Michael Grondahl, and John Allison**

Pat Brumbaugh, Esq.  
Michael R. Smith, Esq.  
Michael J. Cates, Esq.  
Chesley S. McLeod, Esq.  
KING & SPALDING, LLP  
1180 Peachtree Street  
Atlanta, GA 30309  
(404) 572-4600

**Attorneys for LSREF Lodging Investment, LLC and LSREF Lodging Merger Co.,  
Inc.**

J. David Hopkins, Esq.  
LOCKE LORD BISSELL & LIDDELL, LLP  
Suite 1900, The Proscenium  
1170 Peachtree Street  
Atlanta, GA 30309  
(404) 870-4677

David L. Swanson, Esq.  
J. Sanders, Esq.  
LOCKE LORD BISSELL & LIDDELL, LLP  
2200 Ross Avenue  
Suite 2200  
Dallas, TX 75201  
Jsanders@lockelord.com

dswanson@lockelord.com

**Attorneys for United Capital as Movants to Intervene**

Michael I. Fistel, Jr.  
Marshall P. Dees  
HOLZER HOLZER & FISTEL LLC  
200 Ashford Center North  
Suite 300  
Atlanta, GA 30338  
770-392-0090  
[mfistel@holzerlaw.com](mailto:mfistel@holzerlaw.com)  
[mdees@holzerlaw.com](mailto:mdees@holzerlaw.com)

Chet B. Waldman  
James Kelly-Kowlowitz (no Pro Hac Vice currently)  
WOLF POPPER LLP  
845 Third Ave.  
New York, NY 10022  
212-759-4600  
[cwaldman@wolfpopper.com](mailto:cwaldman@wolfpopper.com)  
[jkelly@wolfpopper.com](mailto:jkelly@wolfpopper.com)