

House Bill 1116 (COMMITTEE SUBSTITUTE)

By: Representative Holland of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-11-16 of the Official Code of Georgia Annotated, relating to
2 pretrial procedure, formulating issues, the pretrial order, and the pretrial calendar, so as to
3 provide that after entry of an order governing a civil trial, the court in its discretion may
4 allow additional witnesses to be called; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 9-11-16 of the Official Code of Georgia Annotated, relating to pretrial
8 procedure, formulating issues, the pretrial order, and the pretrial calendar, is amended by
9 striking in its entirety subsection (b) and inserting in lieu thereof the following:

10 "(b) The court shall make an order which recites the action taken at the conference and the
11 agreements made by the parties as to any of the matters considered and which limits the
12 issues for trial to those not disposed of by admissions or agreements of counsel. The order,
13 when entered, controls the subsequent course of the action unless modified at the trial in
14 the discretion of the court to prevent manifest injustice. Such modification may include
15 the admission or exclusion of evidence or witnesses not contained in the pretrial order as
16 originally entered. The court, in its discretion, may establish by rule a pretrial calendar on
17 which actions may be placed for consideration as provided in subsection (a) of this Code
18 section and may either confine the calendar to jury actions or to nonjury actions or extend
19 it to all actions."

20 **SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.