

The Senate Judiciary Committee offered the following substitute to HB 1116:

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 expert witnesses to be called to testify; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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:
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11 "(b) The court shall make an order which recites the action taken at the conference and the
12 agreements made by the parties as to any of the matters considered and which limits the
13 issues for trial to those not disposed of by admissions or agreements of counsel. The order,
14 when entered, controls the subsequent course of the action unless modified at the trial to
15 prevent manifest injustice. After entry of the pretrial order, it shall be within the discretion
16 of the court to permit or disallow the presentation of testimony from any expert witness
17 whose name is not contained in the pretrial order; provided, however, that if the additional
18 expert witness is permitted to testify, any opposing party shall be permitted reasonable time
19 to take the deposition of the additional expert witness. The court, in its discretion, may
20 establish by rule a pretrial calendar on which actions may be placed for consideration as
21 provided in subsection (a) of this Code section and may either confine the calendar to jury
22 actions or to nonjury actions or extend it to all actions."

SECTION 2.

23 All laws and parts of laws in conflict with this Act are repealed.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