

House Bill 414

By: Representatives Ramsey of the 72nd, Willard of the 49th, Cole of the 125th, Lindsey of the 54th, and Pruett of the 144th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 9-11-12 of the Official Code of Georgia Annotated, relating to
2 answers, defenses, and objections in civil practice, so as to provide for a stay of discovery
3 when a motion to dismiss is filed; to provide for related matters; to provide for an effective
4 date and applicability; to repeal conflicting laws, and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Code Section 9-11-12 of the Official Code of Georgia Annotated, relating to answers,
8 defenses, and objections in civil practice, is amended by adding a new subsection (j) as
9 follows:

10 "(j) Stay of discovery. If a party files a motion to dismiss pursuant to the provisions of this
11 Code section, discovery shall be stayed until the trial court rules on the motion; provided,
12 however, that the filing of a motion to dismiss against less than all counts alleged shall only
13 stay discovery related to the challenged claims. Discovery shall be extended for the
14 duration of the stay of discovery imposed by this subsection. Upon a showing of good
15 cause, a court may grant a motion for expedited discovery while the motion to dismiss is
16 pending. Good cause may include, but is not limited to, discovery needed because a
17 witness will be unavailable during the discovery period or because a party is seeking an
18 interlocutory injunction."

19 **SECTION 2.**

20 This Act shall apply with respect to motions to dismiss filed on or after the effective date of
21 this Act which shall be determined as provided in Code Section 1-3-4 of the Official Code
22 of Georgia Annotated.

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.