

03-CV-2830c

IN THE SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

LARRY H. CLARK,

Plaintiff

v.

THE CITY OF FLOWERY BRANCH,
GEORGIA, et al,

Defendants.

CIVIL ACTION FILE

CASE NO. 2009-CV-2830

2009 JUL 14 AM 11:00
DORIS J. WOODS, CLERK
SUPERIOR STATE COURT

FILED
HALL CO., GA

ORDER ON APPLICATION FOR ADMISSION

This matter is before the Court on the submission of an Application for Admission by Jennifer P. Clark, Esquire, for permission to appear *pro hac vice* in the above-styled civil action. The applicant petitioned this Court on July 9, 2006. After a review of the applicable law and in consideration of prior proceedings in this case, the Court hereby enters the following order:

Pursuant to Rule 4.4 of the Uniform Rules of Superior Courts, this Court has authority to consider the applicant's request. CSX Transp., Inc. v. McCord, 202 Ga. App. 365 (1991), cert. denied, 202 Ga. App. 905, 414 S.E.2d 508 (1991). A court may, in its discretion, deny such application if the court finds *inter alia* that such admission: a) may be detrimental to the prompt, fair and efficient administration of justice; b) may be detrimental to the legitimate interests of parties to the proceedings other than the client the applicant proposes to represent; or c) one or more of the clients the applicant proposes

to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk. See U.S.C.R. 4.4(D)(3). Furthermore, admission to appear *pro hac vice*, once granted, may be revoked for any of the reasons listed in Section (D)(3) above. See U.S.C.R. 4.4(D)(4).

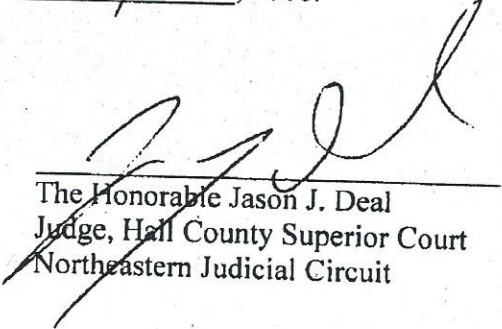
Reviewing the procedural history of the instant matter, Plaintiff filed this suit for damages on October 30, 2003. Thereafter, Ms. Clark was permitted to appear *pro hac vice* by Order of the Court dated November 12, 2003. The Court notes that since that time, the proceedings have been marked by combative behavior between the parties as well as repeated delay in the progression of discovery, scheduling of mediation and compliance with the Court's instructions. The parties have been admonished by the undersigned and Judge John E. Girardeau, to whom the case was formerly assigned, through recurring orders of contempt, protective orders and orders compelling discovery or quashing discovery motions. Moreover, the Court has on multiple occasions awarded attorney's fees against Plaintiff while represented by Ms. Clark as co-counsel, along with two different in-state attorneys.

With regard to Ms. Clark's status, this Court entered an Order dated November 14, 2005 whereby Ms. Clark and attorney William Casey were ordered to withdraw from the case by November 15, 2005, or as soon as practicable. The Court further stated that Ms. Clark and Mr. Casey were to have no further involvement in the proceedings in the above-styled case. See Civil Action File No. 2003-CV-2830-C, Consent Order, dated November 14 2005 and Order, Dated March 30, 2005, reaffirming same. At that time, attorney E. Paul Stanley was substituted as lead counsel in the case, with out-of-state attorney Braxton Blake Lowe remaining with *pro hac vice* permission.

Based on the foregoing Order unequivocally revoking Ms. Clark's *pro hac vice* status, and the Court's review of Ms. Clark's involvement in the above-styled case prior to this Court revoking her permission to appear, the Application for Admission is hereby **DENIED.**

It is the understanding of this Court that Mr. John D. Stone and Mr. Braxton Blake Lowe intend to represent the Plaintiff as in-state counsel and counsel *pro hac vice*, respectively, unless and until the Court is otherwise notified.

SO ORDERED, this 15 day of July, 2006.



The Honorable Jason J. Deal
Judge, Hall County Superior Court
Northeastern Judicial Circuit

cc: Jennifer P. Clark, Applicant
Braxton Blake Lowe, John D. Stone, Attorneys for Plaintiff
Christopher Hamilton, Attorney for Defendants
Deborah Grant, Office of the General Counsel, State Bar of Georgia