



evidence”); O.C.G.A. § 9-11-30(c)(1) (providing that at depositions, “[e]xamination and cross-examination of witnesses may proceed as permitted at the trial . . .”).<sup>1</sup>

Generally, each party to a lawsuit filed in Georgia is required to bear his or her own attorney’s fees and expenses of litigation. Hewett v. Raytheon Aircraft Co., 273 Ga. App. 242 (2005). A party or his attorney may, however, be required to pay the opposing party’s reasonable and necessary attorney’s fees and expenses of litigation where the court finds “that an attorney or party brought or defended an action, or any part thereof, that lacked substantial justification or that the action, or any part thereof, was interposed for delay or harassment, *or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct . . .*” O.C.G.A. § 9-15-14(b) (emphasis added).

In the present case, the Court finds that the conduct of Defendant’s counsel in the February 23, 2011 deposition was improper for the above-stated reasons; further, that conduct unnecessarily expanded these proceedings. As a result, it hereby is **ORDERED** that Defendant Narconon of Georgia, Inc. shall pay Plaintiff’s costs, in an amount to be determined at a hearing, incurred in the February 23, 2011 deposition of Mary Rieser. It further is **ORDERED** that Plaintiff shall be allowed an additional one-day deposition of Mary Rieser consisting of seven hours of testimony. If Plaintiff does not use the entire seven hours, the remaining time will be divided equally among the defendants for questioning if they so desire. The Court is unaware of any rule of Georgia law that would prohibit the defendants from noticing their own deposition or depositions of Ms. Rieser in the event they are unable to complete their questioning of

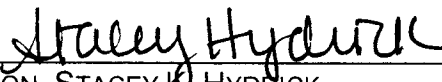
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<sup>1</sup> Plaintiff’s allegations regarding conduct of defense counsel in an unrelated case in another court more than a decade ago are **NOT** a factor in this Court’s decision in this case.


Ms. Rieser during the deposition noticed by Plaintiff. The Court hereby **DENIES** Defendant's August 8<sup>th</sup> request to reconsider.

The Court has entered a separate order detailing the conduct that is expected of parties and their counsel in future depositions in this case.

**IT IS SO ORDERED, ADJUDGED, AND DECREED**, this 2<sup>nd</sup> day of September, 2011.

  
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HON. STACEY K. HYDRICK  
STATE COURT OF DEKALB COUNTY

cc: All counsel of record  
Clerk's File

FILED IN THIS OFFICE  
THIS 6<sup>th</sup> DAY OF Sept 2011  
  
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Clerk, State Court, DeKalb County