

JAN 25 2008

*Angela Daniels*  
CLERK SUPERIOR COURT

In the Superior Court  
of Forsyth County  
State of Georgia

Michael D. Peck on Behalf of     )  
Himself and All Homeowners     )     Civil Action  
Adjacent to Lanier Golf Club     )     File Number 07CV-2147  
f/k/a Canongate on Lanier     )  
Golf Club,     )  
    Plaintiffs,     )  
v.     )  
Lanier Golf Club, Inc.,     )  
    Defendant.     )

Consent Scheduling Order Relative  
to the Proposed Class Certification

In accordance with the requirements of O.C.G.A. § 9-11-23 (f)(1), it is hereby Ordered and Adjudged that the following will be the schedule of discovery germane to the issue of whether the requested class should or should not be certified. A hearing on the issue of class certification will be held at the Jury Assembly Room, 2nd Floor, Forsyth County Courthouse at 9:00 A. M. on Thursday, April 17, 2008.

In accordance with O.C.G.A. § 9-11-23 (f)(2), all discovery directed solely to the merits of the claims or defenses is stayed until the court has issued its written decision regarding certification of the class. Prior to the hearing on class certification required above, discovery in this case will be limited to the issue of class certification. If evidence is

presented to the court by affidavit, the parties shall have an opportunity to cross-examine said affiant as to such testimony offered by affidavit.

Discovery on class certification shall include whether the plaintiff(s) have met the requirements of O.C.G.A. § 9-11-23 (a), which are:

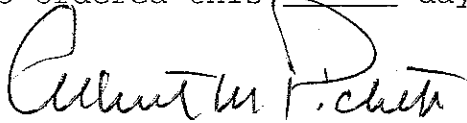
- 1) numerosity - that the class is so numerous as to make it impracticable to bring all members before the court;
- (2) commonality - that there are questions of law and fact common to the class members which predominate over any individual questions;
- (3) typicality - that the claim of the named plaintiff is typical of the claims of the class members;
- (4) adequacy of representation - that the named plaintiff will adequately represent the interest of the class; and
- (5) superiority - that a class action is superior to other methods of fairly and efficiently adjudicating the controversy.

Plaintiff and Defendant shall be entitled to discovery by any means allowed under the Georgia Civil Practice Act as to the basis for the claim of right and chain of title for each alleged class member and evidence relating to the representations made to each alleged class member, as well as the manner in which that evidence fits into the legal framework governing the claims pled in Plaintiff's complaint. See Tanner v. Brasher, 254 Ga. 41 (1985); Nelson v. United States Steel Corp., 709 F.2d 675, 679 (11th Cir. 1983).

On or before February 15, 2008, Plaintiff's counsel shall submit to Defendant's counsel the proposed affidavit of any witnesses

Plaintiff intends to offer on the issue of class certification and shall make said witnesses available for deposition upon written notice, pursuant to O.C.G.A. § 9-11-30. On or before February 15, 2008, Defendant's counsel shall submit to Plaintiff's counsel the proposed affidavit of any witnesses Defendant intends to offer to oppose the issue of class certification and shall make said witnesses available for deposition upon written notice, pursuant to O.C.G.A. § 9-11-30. Discovery on class certification shall be completed on or before March 28, 2008.

So Ordered this 20<sup>th</sup> day of January, 2008.



Honorable Albert M. Pickett  
Superior Court of Forsyth County

Prepared by and Consented to:



Robert P. McFarland, Sr.  
State Bar Number: 491250  
(770) 889-2522  
Attorney for the Plaintiff

McFarland & McFarland, P. C.  
309 Pirkle Ferry Road, Ste B-400  
Cumming, Georgia 30040

Consented to:



Andrea Cantrell Jones  
State Bar Number: 398440  
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Atlanta, Georgia 30326

FORSYTH COUNTY GEORGIA  
FILED IN THIS OFFICE

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*Douglas Dillard*  
CLERK SUPERIOR COURT

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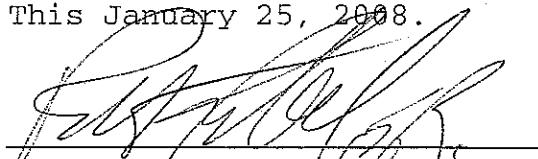
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f/k/a Canongate on Lanier )  
Golf Club, )  
Plaintiffs, )  
v. )  
Lanier Golf Club, Inc., )  
Defendant. )

Certificate of Service

This is to certify that I have this day duly served opposing counsel with a copy of the Consent Scheduling Order Relative to the Proposed Class Certification in a manner prescribed by law by depositing same in the United States Mail, postage prepaid, addressed as follows:

G. Douglas Dillard  
Andrea Cantrell Jones  
Lauren M. Hansford  
Dillard and Galloway, LLC  
3500 Lenox Road, N.E., Suite 760  
Atlanta, Georgia 30326  
(404) 965-3680

This January 25, 2008.

  
Robert P. McFarland, Sr.