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October 5, 2009

Douglas Sorrells
Clerk, Superior Court of Forsyth County
Forsyth County Courthouse
100 Courthouse Square
Room 010
Cumming, GA 30040

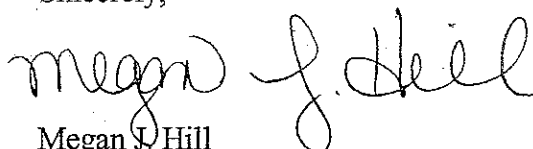
Re: Michael D. Peck, et al. vs. Lanier Golf Club, Inc.
Superior Court of Forsyth County
Civil Action File No. 07-CV-2147

Dear Mr. Sorrells:

Enclosed, please find an original and file copy of Motion to Quash in the above-referenced matter. Please file the original, stamp the copy as filed, and return same copy to this office in the enclosed self-addresses, stamped envelope.

If you have any questions, please do not hesitate to call. Thank you in advance for your assistance in this matter.

Sincerely,



Megan J. Hill
Paralegal to Marion T. Pope, Jr.

Enclosures

cc: Andrea Cantrell Jones, Esq.
Robert P. McFarland, Sr., Esq.

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

MICHAEL D. PECK on Behalf of)
Himself and All Homeowners)
Adjacent to Lanier Golf Club)
f/k/a Canongate on Lanier)
Golf Club,)
)
Plaintiff,)
)
v.)
)
LANIER GOLF CLUB, INC.,)
)
Defendant.)

CIVIL ACTION
FILE NO. 07CV-2147

MOTION TO QUASH

COMES NOW Defendant Lanier Golf Club, Inc. and hereby moves the Court to Quash the Deposition Subpoena of Jake William "Billy" Martin, which was issued by Plaintiff in violation of the Consent Scheduling Order Relative to the Proposed Class Certification entered by the court on January 25, 2008. See Subpoena, attached hereto as Exhibit "A."

The above-styled Complaint in Class Action was filed on October 8, 2007. On January 25, 2008, the court entered a Consent Scheduling Order Relative to the Proposed Class Certification, whereby "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." The parties engaged in written discovery and depositions relative to the issue of class certification. On April 16, 2008, the trial court held an evidentiary hearing on the motion for class certification. On

September 2, 2008, the court entered an order denying class certification and dismissing the lawsuit. Plaintiff appealed the order and on June 25, 2009, the Court of Appeals vacated the order of the trial court in part and remanded it for entry of a more detailed order addressing the requirements of the class action statute, O.C.G.A. § 9-11-23. The case was assigned to the Honorable Frank C. Mills, III on July 8, 2009. No order has been entered on the remanded motion for class certification.

Georgia law on class actions provides that "[e]xcept for good cause shown, the court shall stay all discovery directed solely to the merits of the claims or defenses in the action until the court has issued its written decision regarding certification of the class. O.C.G.A. § 9-11-23 (f) (2). Plaintiff agreed to the Consent Order staying discovery. Extensive discovery was conducted on the issue of certification. Plaintiff could have taken the deposition of Mr. Martin prior to the hearing, but did not. Plaintiff has not shown "good cause" why discovery should now be reopened before an order on the issue of class certification is entered by the trial court. Accordingly, Defendant respectfully requests that this Court quash the deposition subpoena of Jake William "Billy" Martin until such time as the trial court has issued its written decision regarding certification of the class.

Respectfully Submitted,

DILLARD & GALLOWAY, LLC

By: Andrea Cantrell Jones with
G. Douglas Dillard *express permission*
Andrea Cantrell Jones

3500 Lenox Road, N.E., Suite 760
Atlanta, Georgia 30326
(404) 965-3680

Respectfully Submitted,

HASTY POPE LLP

By: Marion T. Pope, Jr.
Marion T. Pope, Jr.

P.O. Box 1818
211 East Main Street
(404) 630-3295
Canton, Georgia 30114

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing Motion to Quash upon all parties to this matter by depositing a true copy of same in the U. S. Mail, proper postage prepaid, addressed to counsel of record as follows:

Robert P. McFarland, Sr., Esquire
McFARLAND & McFARLAND, P.C.
309 Pirkle Ferry Road, Suite B-400
Cumming, Georgia 30040

This 5th day of October 2009.

By: Andrea Cantrell Jones with
Andrea Cantrell Jones *express*
permissis

EXHIBIT “A”

STATE OF GEORGIA
FORSYTH COUNTY

WITNESS SUBPOENA

ACTION/CASE # 07CV-2147

TO: Jake William "Billy" Martin
6740 Polo Drive
Cumming, Georgia 30040-5725

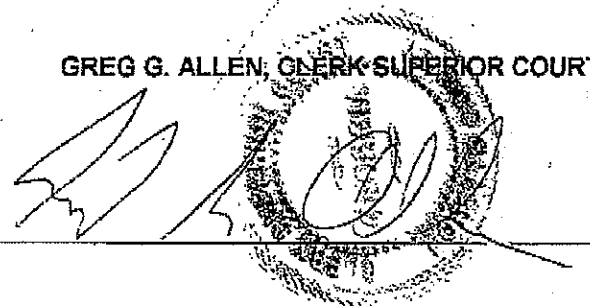
YOU ARE HEREBY COMMANDED,
that laying all other business aside
you be and appear at the Forsyth County
at the location below

~~Superior/Circuit Court, Civil/Criminal Division, before the Presiding Judge of the First Forsyth Judicial Circuit, Forsyth County Courthouse~~
At 10:00 o'clock A.M. on the 17th day of November, 20 09 to be
sworn as a witness for the Plaintiff in the case of Michael D. Peck, et al vs
Lanier Golf Club, Inc. Case No. 07CV-2147 There pending and from
term to term until discharged.

HEREIN FAIL NOT, under the penalty of law by authority of the Presiding Judge of said Court this 10th day
of September, 2009

If you have questions, contact Attorney for Plaintiff/Defendant
*Robert P. McFarland Sr.
McFarland & McFarland P.C.
309 Pirkle Ferry Rd., Suite B-400
Cumming, Georgia 30040

GREG G. ALLEN, CLERK SUPERIOR COURT



Phone: 870-889-2522

If you are subpoenaed as a witness for the State and
have any questions, call the District Attorney/Solicitor
General's Office at 770-781-2125 or 770-781-2145.