

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

RAJA MUHAMMAD-HAQQ,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action Number:
	)	20C-7921-4
	)	
DEKARIUS NELSON, TIMBERHOUSE	)	
DELIVERY, LLC, INC. d/b/a AMAZON,	)	
AMAZON LOGISTICS, INC. and	)	
OLD REPUBLIC INSURANCE COMPANY,	)	
	)	
Defendants.	)	

ORDER DENYING NON-PARTY’S MOTION TO QUASH SUBPOENA AND MOTION FOR PROTECTIVE ORDER AND ORDER RE: REASONABLENESS OF WITNESS FEES

Non-Parties Envision Orthopaedics and Spine LLC f/k/a Orthopaedic & Spine Surgery of Atlanta, LLC d/b/a Spine Center Atlanta and James L. Chappius, M.D. (“Chappius”) filed a Motion to Quash Non-Party Subpoena and Motion for Protective Order. Defendants Dekarius Nelson, Timberhouse Delivery, LLC, and Old Republic Insurance Company filed a Motion to Determine Reasonableness of Witness Fees. After consideration of both motions,, all matters of record and the applicable and controlling law, this Court finds as follows:

This is a personal injury negligence action in which Plaintiff Raja Muhammad-Haqq (“Plaintiff”) alleges that she sustained injuries in a car accident on December 13, 2019. Plaintiff alleges that she is entitled to past and future medical expenses. Plaintiff treated with Chappius and surgery was performed by him on Plaintiff. Defendants requested that Chappius appear for his deposition and was advised by Chappius’ office that his first available date was January 31, 2022 and that his deposition fee is \$2,500 for the first hour and an additional \$700 for every fifteen minutes thereafter. Defendants asserted that the fee was unreasonable and offered to pay \$1,000 per hour.

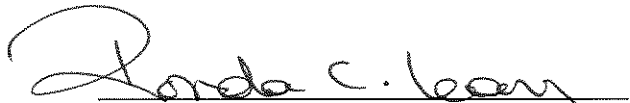
Subsequently, Chappius filed his Motion to Quash and Motion for Protective Order and Defendants filed their Motion to Determine Reasonableness of the Witness Fee. The central question of

the parties' motions is the reasonableness of the witness fee to be paid to Chappius.

This Court recognizes that Chappius is a medical doctor and as such he will be required to forego seeing patients during the time period spent in a deposition. In addition, Chappius has been licensed to practice medicine in Georgia for approximately 35 years and has published materials in medical journals, as well as being on staff of local universities. However, the Court also notes that Chappius is a treating physician of Plaintiff, that he will be questioned as a fact witness, the extent of the questions will primarily, if not entirely, be based on his own records regarding Plaintiff and the deposition is not expected to be particularly lengthy. As such, Chappius' proposed deposition fee is unreasonable and his Motions to Quash Subpoena and for Protective Order are DENIED.

This Court finds that \$1,000 is a reasonable witness fee for Chappius. Defendants shall pre-pay the first hour and remit any additional payment owed thereafter.

SO ORDERED this 25<sup>th</sup> day of Jan, ~~2020~~ 2022

  
Ronda Colvin Leary, Judge  
State Court of Gwinnett County

copies to:

Plaintiff's attorney  
Defendants' attorneys  
Non-party's attorney