

Court of Appeals of the State of Georgia

ATLANTA, NOV - 4 2003

The Court of Appeals hereby passes the following order:

A03A2356. BANK WEST, INC. et al. v. OXENDINE.

On November 22, 2002, the trial court in this case granted appellants' motion for a protective order restricting the use and disclosure of certain documents and confidential information relating to this litigation. On August 6, 2003, this Court issued an order extending the protective order for purposes of the present appeal.

Subsequently, this Court granted appellants' request for oral argument. Following this grant, however, appellants, pointing to the protective order, have requested limitations on the oral presentation before this Court which would radically restrict the arguments and evidence available to the appellee.

Oral arguments are granted for the benefit of this Court when it appears, from the request of the parties, that a presentation before this Court may be conducive to a more complete understanding of unique issues involved in a particular case. Oral argument is not a right of the parties, but a privilege that this Court extends under the aforementioned circumstances.

To preserve the efficacy of the oral argument process, it is imperative that the parties be given an equivalent platform before this tribunal. Imposition of the stringent requests of appellants on the appellee in this case in the name of the protective order would upset this precarious balance, and, as such, the goals of oral argument would not be satisfied here.

As such, we hereby determine that our previous grant of oral argument was improvidently granted, and it is hereby withdrawn. In its stead, we will allow appellants to present those issues they intended to raise in oral argument in a written supplemental brief filed with this Court within ten days from November 4, 2003. This

supplemental brief shall contain no more than fifteen pages and may only raise arguments and points of law not considered in any briefs already filed by appellants with this Court. The appellants may choose to reserve pages from their supplemental brief to respond to appellee's answer, but in no case shall the supplemental filings by appellants in this matter exceed fifteen pages in total.

Within ten days from the filing of appellants' supplemental brief, appellee may file a supplemental answer which shall be no more than fifteen pages. This answer must address only those arguments raised in appellants' supplemental brief.

If appellants reserve any pages to file a rebuttal to appellee's answer, appellants shall file such rebuttal within five days from the filing of appellee's supplemental answer.

In their supplemental filings, the parties are free to refer to all evidence, including sealed documents, as these supplemental filings will themselves remain sealed pursuant to the protective orders of both the trial court and this Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 2003

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

C. Will. L. Martin, Jr.
....., Clerk.