

This document constitutes a ruling of the court and should be treated as such.

**Judge:** John R Mather

**Current Date:** Jul 07, 2008

**Case Number:** 2003VS052788G

**Case Name:** Burnette, William E et al vs Dennis Welding Supply et al

/s/ **Judge John R Mather**



# GRANTED

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

WILLIAM E. BURNETTE, et al.	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION FILE
	)	
	)	NO. 03 VS 052788
DENNIS WELDING SUPPLY, et al.,	)	
Defendants.	)	
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LARRY G. GARNER, et al.,	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION FILE
	)	
DENNIS WELDING SUPPLY, et al.,	)	NO. 03 VS 52780
Defendants,	)	
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JOE HUGHES, et al.,	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION FILE
	)	
DENNIS WELDING SUPPLY, et al.,	)	NO. 03 VS 052793
Defendants,	)	
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NORMAN JOINER,	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION FILE
	)	
DENNIS WELDING SUPPLY, et al.,	)	03 VS 052782
Defendants,	)	
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LARRY MISKIMEN, et al.,	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION FILE
	)	
DENNIS WELDING SUPPLY, et al.,	)	03 VS 052779
Defendants,	)	

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KEN PARKER, et al.,	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION FILE
	)	
DENNIS WELDING SUPPLY, et al.,	)	03 VS 052781
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JOHN SHIPP, et al.,	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION FILE
	)	
DENNIS WELDING SUPPLY, et al.,	)	03 VS 052791
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GAITHER, et al.,	)	
	)	
	)	
v.	)	CIVIL ACTION FILE
	)	
	)	03 VS 052830
LINCOLN ELECTRIC CO., et al.	)	
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LONG, et al.,	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION FILE
	)	
LINCOLN ELECTRIC CO., et al.,	)	03 VS 052829
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MICHAEL A SLAUGHTER, et al.,	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION FILE
	)	
LINCOLN ELECTRIC CO., et al.,	)	03 VS 052831

**ORDER**

The above styled actions came regularly before the Court on Defendants’ *Consolidated Motion To Implement The Decision Of The Georgia Court Of Appeals*. All parties were represented by counsel. After consideration of the applicable record, the Court hereby issues the

following Order:

In Lincoln Electric Co., v. Gaither, 286 Ga. App. 558 (2007), the Court of Appeals held that O.C.G.A. § 9-11-20 does not authorize, even for purposes of discovery, the joinder of plaintiffs whose claims did not arise from the same occurrence or series of occurrences within each of the above styled ten actions. The Defendants have now moved to implement this decision by requesting that all but the first named plaintiff in each action be dropped pursuant to O.C.G.A. § 9-11-21. Plaintiffs have opposed this suggestion as “draconian” and have asked that all of the 340 plaintiffs be severed and assigned new case numbers.

While there are administrative advantages and disadvantages to either implementation of *Gaither*, the Court will adopt the position offered by the Defendants and will hereby drop from the above styled ten actions all those plaintiffs save the first named plaintiff. The plaintiffs hereby dropped may re-file their actions in accordance with applicable law regarding renewal actions.

**SO ORDERED** this the 7<sup>th</sup> day of July 2008

John R. Mather  
The Honorable John R. Mather  
Judge State Court of Fulton County