IN THE SUPREME COURT OF GEORGIA

S21C1147

GENERAL MOTORS LLC,
Petitioner,

v.

ROBERT RANDALL BUCHANAN,
individually and as Administrator of the
ESTATE of GLENDA MARIE BUCHANAN
Respondent.

AMICI CURIAE BRIEF OF THE NATIONAL ASSOCIATION OF MANUFACTURERS, AMERICAN TORT REFORM ASSOCIATION AND THE GEORGIA ASSOCIATION OF MANUFACTURERS IN SUPPORT OF PETITIONER

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STATEMENT OF INTEREST

This case is of importance to *amici* and their members because it raises the core issue of whether Georgia courts can be relied upon to fairly administer Georgia's rules of discovery when high-level executives are targeted. Allowing the deposition of a CEO or other high-ranking corporate executive is unduly burdensome when, as here, the executive does not have direct, unique knowledge of the facts at issue in the case. If allowed to proceed in this and other such cases, depositions of high-level executives will become part of a regular pre-trial discovery arsenal in a way that would undermine, not advance justice. This Petition provides the Court with the opportunity to instruct lower courts about the proper evaluation of the factual underpinnings to be considered before permitting wholesale depositions of high-level executives.

The National Association of Manufacturers ("NAM") is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs more than 12 million men and women, contributes $2.25 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for more than three-quarters of all private-sector research and development in the nation. The NAM is the voice of the manufacturing community

and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.[1]

The American Tort Reform Association (ATRA) is a broad-based coalition of businesses, municipalities, associations, and professional firms that have pooled their resources to promote fairness, balance, and predictability in civil litigation. Over the past thirty years, ATRA has repeatedly expressed concern with discovery abuse, particularly as here, where there is no basis for a discovery demand. ATRA also has a long history of filing *amicus* briefs with the Court on important litigation issues and supports efforts in Georgia to adhere to traditional liability principles.

The Georgia Association of Manufacturers ("GAM") is the statewide trade association that represents Georgia's manufacturing businesses in legislative, regulatory and public relations matters. Its members collectively employ more than half of Georgia's 400,000-plus manufacturing workforce. Founded in 1900, GAM advocates for Georgia manufacturers on a wide range of public policy issues, including but not limited to legal climate, taxation, utility rates and energy,

[1] *Amici* state that no counsel for any party authored this brief in whole or in part and no entity or person, aside from *amici curiae*, their members, and their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

workforce development, environmental quality, human resources, safety and health, labor and employment and general business matters.

STATEMENT OF THE CASE

Amici adopts Petitioner's Statement of the Case to the extent necessary for the arguments stated herein.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The Court should grant this Petition to ensure the integrity of discovery in Georgia's civil justice system. The goal of discovery, as the Court has recognized, is to facilitate "the fair resolution of legal disputes." *Int'l Harvester Co. v. Cunningham*, 245 Ga. App. 736, 738 (2000). However, there are times, as here, when discovery can be leveraged improperly to *distort* and *impede*, rather than *advance* justice. The practice of subpoenaing a corporate executive with no unique or superior knowledge of a matter, as Respondent has done in the trial court below, is often intended to generate an unwarranted litigation advantage, unconnected to the substantive merits of a case. Granting this Petition, therefore, is critical for promoting responsible discovery and limiting discovery abuses.

Review and guidance by this Court is particularly warranted in the present case because a fair, consistent application of Georgia's existing Rules of Civil Procedure requires further elaboration on the elements to be considered by trial

courts evaluating what constitutes "good cause shown" under O.C.G.A. § 9-11-26(c) for depositions of high-ranking corporate executives. Although discovery rules are intentionally broad to facilitate the search for truth, they also have limits: litigants must be protected "from annoyance, embarrassment, oppression, or under burden of expense." O.C.G.A. § 9-11-26(c). As courts in Georgia and other states have found, seeking to depose a high-level executive during discovery "creates a tremendous potential for abuse or harassment." *Apple Inc. v. Samsung Elecs. Co.*, 282 F.R.D. 259, 263 (N.D. Cal. 2012); *Tankersley v. Security Nat'l Corp.*, 122 Ga. App. 129, 176 S.E.2d 274 (1970) (striking such a demand). Respondent has made no showing here that the deposition of the executive in question is needed for this case to be properly heard. To the contrary, the corporate executive has attested she has no unique, specialized or superior knowledge of any of the issues in this case.

The importance of this Petition is underscored by the decades-long concern courts in Georgia and around the country have expressed over the ability of parties to abuse discovery rules. *See, e.g., Borenstein v. Blumenfeld*, 151 Ga. App. 420, 421, 260 S.E.2d 377 (1979) (observing that without weighing competing interests between broad discovery and privacy rights, "the discovery process would become a device for the unscrupulous litigant to squeeze concessions from the opposing side in cases where such concessions were totally unwarranted. This sort of abuse

simply cannot be tolerated in an ordered system of justice"). The fair and efficient functioning of the civil justice system is a critical element of American global competitiveness. Too often, though, the costs and imperfections of discovery interfere with achieving justice. In some lawsuits, "[d]iscovery has now become the main event—the end game—in pretrial litigation proceedings," as litigants try to use discovery requests like the one herein to pressure a party to settle, rather than litigate, the merits of the case. Hon. Patrick Higginbotham, *The Disappearing Trial and Why We Should Care*, RAND REVIEW (Summer 2004).

Finding the right balance over discovery requests has proven to be an ongoing battle requiring this Court's oversight, just as it has at the federal level. The Federal Rules Advisory Committee has long observed that the spirit of discovery "is violated when advocates attempt to use discovery tools as tactical weapons rather than expose the facts and illuminate the issues." Fed. R. Civ. P. 26 Advisory Committee Notes (1983).

The Court should grant the Petition to ensure the deposition of a high-level executive is truly needed for the pursuit of justice, rather than an unjust attempt to gain an unwarranted litigation advantage irrespective of the facts. If the trial court's approval of this discovery demand is upheld, it will incentivize abusive

discovery, erode confidence in judicial discovery process, and undermine fundamental fairness and justice for all litigants.

ARGUMENT

The trial court allowed Respondent's demand to depose Ms. Barra, the CEO of Petitioner General Motors, LLC, in this personal injury case based on general statements Ms. Barra made, publicly and in congressional testimony, as well as broad changes she directed be put in place in her effort to advance her company's culture of safety. As the trial court noted, Ms. Barra, who became CEO in January 2014, implemented several such *general* initiatives, including efforts to investigate and eliminate safety issues and the "Speak Up for Safety" program to emphasize safety reporting.

Her leadership on these important institutional changes has *no* direct connection with the incident giving rise to this case. Here, Respondent alleges his wife was involved in an accident while driving a 2007 Chevrolet Trailblazer. He alleges the Electronic Stability Control System and a component steering wheel angle sensor were defective and failed to prevent the accident. In 2018, as part of Petitioner GM's Speak Up for Safety program, the company investigated these systems in the 2007 Trailblazer and other models. Accordingly, Petitioner provided Respondent with information, materials and depositions of technical witnesses

regarding this investigation as part of traditional discovery. As Petitioner has stated, Ms. Barra was not involved in the design or investigation of these systems and has no unique, specialized or superior knowledge of issues related to this case.

Yet, the trial court would allow this deposition to proceed, asserting "there is no express or implied law in Georgia for the 'apex doctrine' or other framework" that would protect against deposition demands of high-level executives. Rather, the trial court maintains it cannot limit such discovery without a showing of "*substantial evidence* that *bad faith or harassment motivates the* discoveror's *action*." (italics in original, underline added). Georgia's discovery rules and relevant case law, however, require no such showing of the discoveror's intent. It states that a protective order should be entered "for good cause shown" whenever "justice requires" that a person be protected "from annoyance, embarrassment, oppression, or undue burden or expense." O.C.G.A. § 9-11-26(c). Georgia's rule, therefore, looks at the *effect*, not the *motivation*, of a discovery demand. This Court should grant the Petition to ensure Georgia's lower courts are properly applying Rule 26(c) and protecting parties from discovery abuse.

I. THIS COURT SHOULD GRANT THE PETITION TO CLARIFY THAT GEORGIA LAW PROVIDES COURTS WITH THE ABILITY AND MANDATE TO PROTECT AGAINST THIS TYPE OF DISCOVERY DEMAND

The Court should grant the Petition to make it clear that Georgia law provides courts with the tools needed to issue the protective order sought here. Courts in this state have long embraced the importance of preventing depositions that are "oppressive, unreasonable, unduly burdensome or expensive, harassing, harsh, insulting, annoying, embarrassing, incriminating or directed to wholly irrelevant and immaterial or privileged matters, or as to matter concerning which full information is already at hand." *Hampton Island Founders v. Liberty Capital*, 283 Ga. 289, 296, 658 S.E.2d 619 (2008) (quoting *Young v. Jones*, 149 Ga. App. 819, 824-825, 256 S.E.2d 58 (1979)); *Sechler Family P'ship v. Prime Grp., Inc.*, 255 Ga. App. 854, 857, 567 S.E.2d 24 (2002).

Decades ago, Georgia courts ruled in *Tankersley* that Georgia law provides trial courts with the authority to quash deposition notices improperly directed to high-level executives of a company. *See* 122 Ga. App. at 129. The court explained the deposition demand should be quashed because the information "sought was already admitted or had already been secured by the use of interrogatories, and if any further information was needed it could be secured by further interrogatories." *Id*. at 130. More recently, the Court of Appeals in *Wheeling-Culligan v. Allen*

upheld a ruling quashing a deposition subpoena on a former Delta Airlines CEO, as the trial court determined the CEO had "adequately responded to the interrogatories and that Wheeling-Culligan had alternate sources with more direct, specific or unique knowledge of the matters of which she sought to depose [CEO]." 243 Ga. App. 776, 776-777, 533 S.E.2d 797 (2000).

These rulings are consistent with how federal courts have applied comparable provisions in the Federal Rules of Civil Procedure, which the Court has instructed may aid "in determining the purpose and meaning of the Georgia rule." *Chappuis v. Ortho Sport & Spine Physicians Savannah, LLC*, 305 Ga. 401, 404, 825 S.E.2d 206 (2019) (internal punctuation and citations omitted). Consistent with the Georgia cases cited above, federal courts have also looked to whether the deposition would be oppressive, inconvenient, harassing, or burdensome given the information available from other sources. Accordingly, using the same reasoning *amici* urge this Court to use now, federal courts have routinely declined to permit depositions of high-ranking corporate executives under Federal Rule of Civil Procedure 26(c) when those executives lack personal or specialized knowledge about the facts at issue in the pending litigation. *See, e.g., Jiminez-Carillo v. Autopart Int'l, Inc.*, 285 F.R.D. 668, 670 (S.D. Fla. 2012) (explaining depositions of corporate executives "who lack personal knowledge of the particular facts" are

unwarranted); *Degenhart v. Arthur State Bank*, No. CV411-041, 2011 U.S. Dist. LEXIS 92295, at *7 (S.D. Ga. Aug. 8, 2011) (requiring deposing party to show the witness has "unique or superior knowledge of discoverable information that cannot be obtained by other means"); *see also Givens v. Newsome*, No. 2:20-cv-0852-JAM-CKD, 2021 U.S. Dist. LEXIS 3135, at *11 (E.D. Cal. Jan. 7, 2021) (explaining apex depositions of government officials "are generally not permitted absent 'extraordinary circumstances' because 'high ranking government officials have greater duties and time constraints than other witnesses and…, without appropriate limitations, such officials will spend an inordinate amount of time tending to litigation").

As these courts have explained, the actions of high-level executives in setting corporate policy, speaking for the company on important safety issues, and advancing corporate culture are not sufficient bases for permitting such depositions. *See, e.g.*, *Guest v. Carnival Corp.*, 917 F. Supp. 2d 1242, 1243 (S.D. Fla. 2012) (quashing a subpoena for these reasons); *Naylor Farms, Inc. v. Anadarko OGC Co.*, No. 11-cv-01528-REB-KLM, 2011 U.S. Dist. LEXIS 68940, at *14-15 (D. Colo. June 27, 2011) (holding the involvement of an executive in a PowerPoint presentation was insufficient to permit the deposition of the executive).

These sorts of activities—typical for many high-level corporate executives—do not give these individuals the necessary personal involvement or knowledge to be truly useful in a specific lawsuit. *See Simon v. Pronational Ins. Co.*, No. 07-60757-CIV-COHN/SELTZER, 2007 U.S. Dist. LEXIS 96320, at *3-*5 (S.D. Fla. Dec. 13, 2007); *accord Voelker v. BSNF Ry. Co.*, No. CV 18-172-M-DLC, 2019 U.S. Dist. 219462, at *6 (D. Mont. Dec. 19, 2019) (granting motion for protective order in an employment case in which the only evidence of witness's knowledge were allegations in the complaint referencing the plaintiff's "interaction with [the witness] at an undesignated place and time, during which [the witness] made a 'sour face' and unspecified 'disparaging remarks,' allegedly in response to a letter [the plaintiff] had written to a different executive", as compared to witness's sworn testimony he had never met the plaintiff); *Carnival Corp. v. Rolls-Royce, PLC*, No. 08-23318-CIV-SEITZ/O'SULLIVAN, 2010 U.S. Dist. LEXIS 143607, at *8 (S.D. Fla. Apr. 22, 2010) (denying motion to compel deposition because executive's "knowledge regarding the underlying facts . . . are at best speculative"); *Celerity, Inc. v. Ultra Clean Holding, Inc.*, No. C 05-4374 MMC (JL), 2007 U.S. Dist. LEXIS 8295, at *8 (N.D. Cal. Jan. 25, 2007) ("Where a high-level decision maker 'removed from the daily subjects of the litigation' has no unique personal knowledge of the facts at issue, a deposition of the official is

improper"). Thus, granting broad, unfettered access to corporate executives in depositions does nothing more than "create a tool for harassment." *Treppel v. Biovail Corp.*, No. 03 Civ. 3002 (PKL) (JCF), 2006 U.S. Dist. LEXIS 7836, at *4 (S.D.N.Y. Feb. 28, 2006).

Amici do not intend to suggest that under no circumstances may a high-level executive be deposed. Such a deposition may be appropriate and necessary to the pursuit of justice when a person, in fact, has direct, unique personal knowledge not obtainable elsewhere. *See, e.g.*, *Bose Corp. v. Able Planet, Inc.*, No. 11-cv-01435-MSK-MJW, 2012 U.S. Dist. LEXIS 155383, at *3 (D. Colo. Oct. 30, 2012) (granting motion to compel because witness had "unique personal knowledge as to the critical aspects of the claimed technology that is at the centerpiece of this litigation" and it did not appear "that such critical information [could] not be obtained from other sources or from other witnesses"); *Apple, Inc. v. Samsung Elecs. Co.*, 282 F.R.D. 259, 265, (N.D. Cal. 2012) (granting motion to compel deposition because court was persuaded that witness "may have engaged in 'the type of hands-on action which demonstrates the unique personal knowledge required to compel a deposition of a CEO'"); *Resort Props. Of Am. v. El-Ad Props. NY, LLC*, No. 02:07-CV-00964-LRH-RJJ, 2008 U.S. Dist. LEXIS 117003, at *7-*8 (D. Nev. July 10, 2008) (permitting deposition of high-ranking executive when

witness was "personally responsible for initiating [the defendant company's] disputed purchase" and attended meetings, the details of which were unable to be ascertained from any other witnesses).

Respondent has not demonstrated that any such circumstances exist for Ms. Barra's deposition in the litigation below. This Court should grant the Petition to reinforce the authority of Georgia courts to protect against this type of abusive discovery. *See, e.g., Bombardier Rec. Prods. v. Arctic Cat, Inc.*, No. 12-cv2706 (MJD/LIB), 2014 U.S. Dist. LEXIS 157957, at *8-*9 (D. Minn. Sept. 24, 2014) (granting a protective order when any evidence of a witness's "unique knowledge [was] *de minimus* and conclusory at best…[and where there was no] evidence or suggestion that [the witness], as a result of a generic statement on a brochure, his presence at meetings, and his name cc'd on documents, somehow possesses unique knowledge relevant to the present case").

II. THIS COURT SHOULD GRANT THE PETITION TO KEEP GEORGIA COURTS WITHIN MAINSTREAM AMERICAN JURISPRUDENCE REGARDING DISCOVERY PRACTICES

Courts in other jurisdictions with rules similar to Georgia's standard for protective orders under O.C.G.A. § 9-11-26(c) have similarly precluded depositions of high-ranking corporate executives when those persons lack unique or specialized knowledge. These jurisdictions include those which have not

adopted the "apex doctrine," as well as those which have. Formal adoption of the "apex doctrine" is not needed for Georgia courts to properly protect executives from abusive litigation demands. The nomenclature of the "apex doctrine" is simply an explication of existing principles identifying under what circumstances executives can be deposed. *See, e.g.*, *Givens*, 2021 U.S. Dist. LEXIS 3135, at *11-*12 (observing the apex doctrine was developed as "a framework for determining whether 'good cause' exists to forbid the deposition under Rule 26(c)").

For example, the Missouri Supreme Court declined to adopt the apex doctrine *per se*, but nonetheless granted a motion for a protective order of a high-level executive. *See State ex rel. Ford Motor Co. v. Messina*, 71 S.W.3d 602, 609 (Mo. 2002). The court explained that in determining whether to allow "top-level employee depositions, the court should consider: whether other methods of discovery have been pursued; the proponent's need for discovery by top-level deposition; and the burden, expense, annoyance, and oppression to the organization and the proposed deponent." *Id.* at 607. The Oklahoma Supreme Court has also declined to adopt the "apex doctrine," but has applied the same standard under existing state case law. *See Crest Infiniti II, LP v. Swinton*, 174 P.3d 966, 1004-1005 (Okla. 2007) (allowing for a protective order when the executive deposition "would inflict annoyance, harassment, embarrassment, oppression or undue delay,

burden or expense" or where an "appropriate corporate official" may "provide the information sought").

Georgia Attorney General Chris Carr, along with other state attorneys general, have similarly observed that "[e]ven states that have not adopted [the apex doctrine] have recognized the importance of limiting the ability of litigants to force high-ranking officials to sit for depositions." Amici Curiae Brief of 15 State Attorneys General, *U.S. Dep't of Commerce v. U.S. Dist. Court for the Southern Dist. of New York*, Case No. 18-557 (U.S. Dec. 21, 2018), at 33 (joined by Georgia Attorney General Carr).[2] "[F]ailing to require litigants to exhaust other means of obtaining relevant information will only increase the risk of high-level officials facing harassing depositions." *Id*. at 4. Carr and the other attorneys general were concerned that similar tactics could be used against state officials.

In addition, this Court may find rulings adopting the "apex doctrine" useful in setting forth factors lower courts should consider when a party seeks to depose a high-ranking executive. *See Netscout Sys., Inc. v. Gartner, Inc.*, 63 Conn. L. Rptr.

[2] *See also Cheney v. U.S. Dist. Court*, 542 U.S. 367, 386 (2004) (stating depositions of high-ranking state officials can "disrupt the functioning of the Executive Branch"); *Lederman v. N.Y. City Dep't of Parks & Recreation*, 731 F.3d 199, 203 (2d Cir. 2013) ("If courts did not limit these depositions, such officials would spend an inordinate amount of time tending to pending litigation.") (internal quotation omitted).

2, 2016 Conn. Super. LEXIS 2266, at *18-*19 (Conn. Super. Ct. Aug. 22, 2016) (observing "many of the principles applied in the apex witness cases fit comfortably within Connecticut's analysis of the good cause necessarily shown to justify a protective order precluding a CEO's deposition"); *Lawson v. Spirit Aerosystems*, Case No. 18-1100-EFM-ADM, 2020 U.S. Dist. LEXIS 66892, at *13 (D. Kan. Apr. 16, 2020) (finding it unnecessary to decide whether the apex doctrine should apply, as "the principles discussed by courts analyzing the apex doctrine are useful to determining whether a protective order is appropriate").

In Texas, for example, the state Supreme Court requires a showing the executive has some "unique or superior *personal* knowledge of discoverable information." *See Crown Central Petroleum Corp. v. Garcia*, 904 S.W.2d 125, 128 (Tex. 1995) (emphasis added). As courts there held, actions more connected to the incident giving rise to litigation than those alleged here—namely, briefing the media and families about an accident, mobilizing an investigation to learn the cause of the accident, and sending personal letters to affected passengers—did not constitute sufficient personal involvement to warrant a deposition. *See In re Continental Airlines*, 305 S.W.3d 849, 853-858 (Tex. Ct. App. 2010).

The Court of Appeals of Michigan issued a similar ruling in *Alberto v. Toyota Motor Corp.*, 796 N.W.2d 490 (Mich. Ct. App. 2010), a case which, like

the case at bar, involved a motor vehicle products liability lawsuit. There, the plaintiff sought to take the deposition of the defendant's chairman, CEO and COO. The plaintiffs argued the COO made public statements regarding safety and had testified before Congress regarding vehicle recalls; the CEO had testified before Congress that he would be involved in the quality-control review. *See id*. at 491-92. Nonetheless, the appellate court found it was an abuse of discretion for the trial court to deny the protective orders given, in part, the lack of any personal knowledge of the witnesses. *See id.* at 497. As this and other cases indicate, "[v]ast numbers of personal injury claims could result in the deposition of the president of a national or international company whose product was somehow involved." *Liberty Mut. Ins. Co. v. Sup. Ct.*, 10 Cal.App.4th 1282, 1287 (1992).

Speaking in public on broad issues of safety, testifying in Congress, and setting in motion important safety programs and cultural changes are critical to a company's success. These actions are not, however, sufficient personal involvement to warrant a deposition in a products liability case—in Georgia, in other states, or under the Federal Rules of Civil Procedure. This Court should grant the Petition to provide this needed guidance to the lower courts.

III. DISCOVERY TACTICS SHOULD NOT INTERFERE WITH THE VITAL ROLE OF COMPANY LEADERSHIP IN IMPROVING CORPORATE CULTURE, PARTICULARLY ON SAFETY ISSUES

It is critically important that executives be free to advance programs and policies beneficial to a company's overall culture without fear of being subjected to deposition simply because of their job title when they have no direct involvement in or superior knowledge of a given lawsuit. "The job of the president of the company is to manage the company, not to fly around the United States participating in depositions." *General Star Indem. Co. v. Atlantic Hospitality of Florida, LLC*, 57 So. 3d 238, 240 (Fla. Ct. App. 2011). Corporate leaders should not be subject to depositions based on the types of beneficial statements about safety, the implementation of safety programs, or the advancement of corporate safety cultures that are at issue here, absent some evidence of actual superior and direct involvement in or knowledge of an underlying suit.

Consumers, employees and other members of the public benefit significantly when leaders, like Ms. Barra, take a personal stake in advancing a better corporate culture, particularly on issues of product safety. Based on *amici's* experience, developing a strong culture of safety demands that high-level executives publicly and repeatedly articulate the cultural attributes they want to see in their organizations, much like Ms. Barra has done. Others in the organization are then

relied upon to implement that vision. This needed visibility on driving cultural changes, though, cannot occur if senior executives must worry about being hauled into court and taken away from running their businesses, solely for publicly discussing these important safety issues. In fact, there are other areas in addition to product safety, including safety in the workplace, where such leadership is integral to achieving important corporate cultural advances. Thus, many people benefit when executives personally invest in positive cultural change, whereas subjecting executives to frivolous depositions in every type of case in every jurisdiction only inures to the benefit of litigants engaged in discovery abuse.

In sum, this Court should grant the Petition to allow and incentivize senior corporate leadership to engage and energize their organizations and the public on such important matters as safety without fear of opening themselves and their companies to vexatious litigation tactics. Large product manufacturers, at any moment in time, can have hundreds, if not thousands, of pending cases. The executives tasked with running such a company should have to sit for depositions only when they have direct involvement and superior knowledge of the issues in the pending litigation. Indeed, as occurred here, litigants should be directed to the individuals, other than the executive, who actually have personal knowledge about

the issues relevant to the case. Seeking to depose an executive is a pressure tactic that, when misused, is corrosive to the goals of the civil justice system.

CONCLUSION

For these reasons, this Court should grant the Petition for a Writ of Certiorari, and ultimately reverse the trial court's discovery order at issue here.

Respectfully submitted,

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Dated: June 21, 2021

CERTIFICATE OF SERVICE

I certify that on the 21st day of June, 2021, I caused to be served the foregoing *AMICI CURIAE* BRIEF OF THE NATIONAL ASSOCIATION OF MANUFACTURERS, AMERICAN TORT REFORM ASSOCIATION AND THE GEORGIA ASSOCIATION OF MANUFACTURERS IN SUPPORT OF PETITIONER in a first-class postage-prepaid envelope addressed to the following:

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