No. 20-565

IN THE SUPREME COURT OF THE UNITED STATES

George Matthews and Nina Matthews,

Petitioners,

v.

Andrew J. Becker and David J. Merbaum,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

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RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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RESPONDENTS

QUESTION PRESENTED

I. Whether the Eleventh Circuit properly affirmed the District Court's denial of the Petitioners' Motion for Contempt Against Attorneys David Merbaum and Andrew Becker (together, "Respondents") where the motion is based on the alleged violation of an order that merely required an attempt at reconciliation, which actually occurred, and where the order did not adjudicate any disputes between the Petitioners and their former counsel concerning amounts due and owing to their former counsel, Respondents.[1]

[1] Petitioners have not raised the denial of their Motion to Recuse District Court Judge Steve C. Jones in their Petition for Writ of Certiorari and, accordingly, appear to have waived that argument on this appeal.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Sup. Ct. R. 29.6, Respondents certify that there are no parent corporations involved in this appeal and no publicly held corporation owns 10% or more of the Respondents' law firm, Merbaum & Becker, P.C. f/k/a Merbaum Law Group, P.C.

Respectfully Submitted,

David J. Merbaum
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Respondents

TABLE OF CONTENTS

TABLE OF AUTHORITIES

OPINION AND ORDER BELOW

1. The June 2, 2020 unpublished opinion of the United States Court of Appeals for the Eleventh Circuit is set forth in the Appendix to the Petition for a Writ of Certiorari. *See* App. 6.

2. The November 12, 2019 Order of the Honorable Steve C. Jones of the United States District Court for the Northern District of Georgia is set forth in the Appendix to the Petition for Writ of Certiorari. *See* App. 24.

CONSTITUTIONAL AND STATUTORY PROVISIONS AT ISSUE

Contrary to the Petitioners' assertions, there are no constitutional, statutory, or regulatory provisions implicated by the Petition for Writ of Certiorari which seeks review of the Eleventh Circuit's opinion affirming the denial of Petitioner's Motion for Contempt against Respondents.

STATEMENT OF THE CASE

This appeal arises from the denial of Plaintiff's Motion to Recuse Judge Steven C. Jones ("Motion to Recuse") and Plaintiffs Motion for Contempt Against Attorneys David Merbaum and Andrew Becker ("Motion for Contempt") which motions were filed over six years after judgment was entered in the matter of *George Matthews and Nina Matthews v. State Farm Fire and Casualty Company*, in the United States District Court for the Northern District of Georgia bearing civil action file number 1:10-CV-1641-WBH (hereinafter, the "District Court Action"). There is no question of constitutional or statutory interpretation, or even a dispute as to what the law is. The Petition for Writ of Certiorari ("Petition") demands review of a factual finding made by Judge Jones in the District Court Action which was affirmed by the Eleventh Circuit. There is simply no reason for this Court to distract itself with a simple fee dispute that has already been exhaustively reviewed and affirmed time and again by no less than 23 judges over the course of four appeals before the Court of Appeals of Georgia, a petition for writ of certiorari filed with the Supreme Court of Georgia, the Motion for Contempt filed in the District Court Action and the appellate panel of the Eleventh Circuit (all of which rely on the same document). The Petitioners' pervasive abuse of the judicial system is nothing more than a vain attempt to prevent collection of the judgment entered against them for attorney's fees.

Course of Proceedings and Disposition Below

The District Court Action began with the removal of the case from the Superior Court of Cobb County on May 27, 2010. Upon State Farm Fire and Casualty Company's ("State Farm") motion for summary judgment, an order and judgment

were entered in favor of State Farm and against George and Nina Matthews ("Matthewses" or "Petitioners") on February 13, 2012. Upon appeal of the order granting State Farm's motion for summary judgment, the Eleventh Circuit affirmed in the case bearing docket number 12-11125-BB on December 6, 2012.

Over six years after the Eleventh Circuit affirmed the judgment against the Matthewses, the Matthewses filed their Motion for Contempt on July 2, 2019 against David Merbaum and Andrew Becker (altogether, the "Respondents" or "M&B Attorneys") followed by a Motion to Recuse[2] on July 15, 2019. The M&B Attorneys filed "Respondent David J. Merbaum and Andrew J. Becker's Joint Response to Plaintiffs' Motion for Contempt Against Attorneys David Merbaum and Andrew Becker" ("Response to Motion for Contempt") on July 17, 2019. Both the Motion for Contempt and Motion to Recuse were denied by written Order on November 12, 2019. App. 24.

The Matthewses appealed the denial of the Motion for Contempt and Motion to Recuse to the Eleventh Circuit. The Eleventh Circuit affirmed the denial of the Motion for Contempt and Motion to Recuse in an unpublished opinion. The Eleventh Circuit held that Judge Jones did not abuse his discretion in the District Court Action when he held that the M&B Attorneys were not in violation of any order issued in the District Court Action and that the record did not support the Matthewses'

[2] The Matthewses have not challenged the Eleventh Circuit's holding which affirmed the denial of the Matthewses' frivolous Motion to Recuse Judge Jones.

interpretation of the order in the District Court Action for the Matthewses and the M&B Attorneys to attempt reconciliation.

Statement of Facts

On March 30, 2010, Merbaum Law Group, P.C. ("Merbaum Law") and the M&B Attorneys were retained to represent the Matthewses related to their claim against State Farm for damages sustained to their residence which was the product of an alleged covered loss under their insurance policy. After becoming disenchanted with the Matthewses due to (1) the Matthewses' abrasive treatment of the M&B Attorneys and (2) the Matthewses failure to pay their attorneys' fees, the M&B Attorneys filed their first motions to withdraw from the representation. Supp. App.[3] at 4-25. The Honorable Willis B. Hunt, who presided over the case prior to Judge Jones, set an *ex parte* hearing on the first motions to withdraw for October 25, 2010 ("Hearing"). Supp. App. at 26. The Matthewses and the M&B Attorneys appeared at the motions hearing on October 25, 2010, the hearing was transcribed by Court Reporter Lori Burgess, and a transcript was prepared[4].

At the hearing on October 25, 2010, the M&B Attorneys advised Judge Hunt that they sent a letter to the Matthewses stating that the M&B Attorneys were willing to settle all amounts owed up to that point if the Matthewses would consent to their withdrawal[5]. After hearing arguments, Judge Hunt instructed the

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[3] The Matthewses discuss the merits of the appeal at length, so Respondents have submitted a Supplemental Appendix so they may refer the Court to material relevant to refute the Matthewses arguments in their Petition.

[4] Judge Jones quoted the entire relevant passage of the Hearing transcript in his order denying the Motion for Contempt. App. at 29-31.

[5] The Matthewses did not consent to the Respondents' motions to withdraw.

Matthewses and the M&B Attorneys to confer with each other to see if they could work out a resolution by the end of the week. App. at 29-31. Judge Hunt then stated that if the Matthewses and the M&B Attorneys could not work out a resolution, Judge Hunt would grant the first motion to withdraw on the conditions stated in the M&B Attorneys letter. Id. The Minute Sheet entered into the record confirms Judge Hunt's order to make another attempt to reconcile their differences. App. at 9, fn. 2.

The Matthewses and the M&B Attorneys worked out a resolution pursuant to Judge Hunt's instruction that they attempt reconciliation one last time by the week's end. On October 28, 2010 (three days after the Hearing), the Matthewses executed the Amendment to Attorney Client Agreement ("Amendment") which amended the terms of the AC Agreement and provided for a resolution for the outstanding indebtedness by the Matthewses to the M&B Attorneys. Supp. App. at 27. Specifically, the Amendment states that the Matthewses agree to pay the sum of $7,500.00 to cover the work performed through October 27, 2010, that further work will be billed at the rate of $225.00 per hour, and that the $1,500.00 retainer has been applied to the prior bill and will not be used to pay the outstanding balance or future bills. Id. The Matthewses admit that they signed the Amendment. Petition at 10. On November 5, 2010, the Respondents withdrew their first motions to withdraw as attorneys for the Plaintiffs based on their reconciliation with the Matthewses. Supp. App. at 28.

The Plaintiffs failed to honor the Amendment and AC Agreement by failing to pay the invoices when due. Accordingly, the Respondents filed another motion to

withdraw as counsel for the Plaintiffs ("Final Motion to Withdraw"). On January 5, 2011, the Court entered an Order granting the Final Motion to Withdraw and staying discovery while the Plaintiffs sought new counsel. App. at 89.

On May 7, 2015, the M&B Attorneys law firm, Merbaum Law Firm, P.C. ("Merbaum Law") filed suit to recover the amount owed by the Matthewses to Merbaum Law in the Superior Court of Cobb County in the civil action styled *Merbaum Law Group, P.C. v. George Matthews and Nina Matthews* and bearing civil action file number 15-1-03498 ("Cobb Matter"). Supp. App. at 33. George Matthews received a discharge in bankruptcy and was dismissed from the Cobb Matter on January 6, 2017 (Cobb Matter docket entry 27). Supp. App. at 33. Judgment was entered against Nina Matthews ("Matthews") and in favor of Merbaum Law on August 4, 2017 ("Judgment") at docket entry 65 of the Cobb Matter. App. at 72. In lieu of going through the complete procedural history of the Cobb Matter which is discussed solely to provide background as the Judgment is not on appeal, the M&B Attorneys attached a true and accurate copy of the docket report for the Cobb Matter to their Response to Motion for Contempt to demonstrate the extensive procedural history which includes at least three attempts to appeal orders from the court in the Cobb Matter and at least three motions to recuse the Judge Reuben Green from the Cobb Matter. Supp. App. at 33-35.

On August 29, 2017, Matthews filed a notice of appeal seeking to appeal the Judgment. The appeal was docketed with the Court of Appeals of Georgia on October 18, 2017 and assigned case number A18A0545 ("First Appeal"). Supp. App. at 36.

The Court of Appeals of Georgia affirmed the Judgment against Matthews on June 19, 2018. Id. Matthews filed a notice of intent to appeal to the Supreme Court of Georgia. Id. On July 25, 2018, Matthews filed a Petition for a Writ of Certiorari to the Supreme Court of Georgia to which Merbaum Law timely responded. Supp. App. at 38. Matthews' petition to the Supreme Court of Georgia was likewise denied on March 4, 2019 and remittitur occurred on March 19, 2019. Supp. App. at 36-37.

After the Supreme Court of Georgia denied certiorari and Judge Green denied the Matthews' motion to recuse Judge Green from the Cobb Matter, Matthews filed another notice of appeal, albeit an untimely notice, again seeking review of the Judgment and also seeking review of the order denying her motion to recuse Judge Green as well as Judge Green's order which merely adopted the Order of the Court of Appeals upon remittitur. The appeal was docketed on May 15, 2019 and assigned case number A19A2081 ("Second Appeal"). Supp. App. at 39. The Second Appeal was dismissed on June 13, 2019 on the grounds of *res judicata* and lack of jurisdiction. Supp. App. at 41-42.

The M&B Attorneys have provided the docket reports for the various courts that have heard the same arguments from the Matthewses and rejected them to avoid submitting the entirety of the records in each of the courts related to the Cobb Matter, First Appeal and Second Appeal. The docket reports demonstrate the extremes to which the Matthewses are going to avoid execution of the Judgment. During the extensive procedural history of an otherwise uncomplicated matter related to the failure to pay a former attorney, Matthews has accused virtually every entity of fraud,

suppressing evidence and unethical behavior. None of her accusations have merit and all have been rejected by the Superior Court of Cobb County, Court of Appeals of Georgia, Supreme Court of Georgia, the United States District Court for the Northern District of Georgia and now the Court of Appeals for the Eleventh Circuit[6]. Indeed, although Judge Jones denied the M&B Attorneys' request for attorney's fees and the Eleventh Circuit likewise denied attorney's fees because a separate motion was not filed, Judge Jones saw fit to warn the Matthewses in his November 12, 2019 Order ("Order") "that any future filings *that are without a plausible legal basis* in the case *sub judice* (that has been closed since 2012) may be subject to monetary and other sanctions deemed appropriate by this Court and applicable rules/law."[7] App. at 33 (emphasis in original). This appeal followed.

Standard of Review

The denial of a motion to recuse is reviewed for abuse of discretion and said denial will be affirmed unless the reviewing court concludes "that the impropriety is clear and one which would be recognized by all objective, reasonable persons." *See e.g.* Kennedy v. Bell S. Telcoms., Inc., 546 F. App'x 817, 819 (11th Cir. 2013) *citing*

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[6] The Eleventh Circuit addressed the Petitioners' allegations of suppressed orders and transcript tampering in its opinion, finding no record evidence to support any such allegations, noting that the entire transcript is available on the docket of the District Court Action and there is no indication on the face of the transcript that it has been altered or changed. App. at 17.

[7] The Court of Appeals of Georgia also advised Matthews that she is not entitled to file multiple appeals seeking review of the Judgment, stating "it is axiomatic that the same issue cannot be relitigated *ad infinitum*. Our determination in the earlier appeal is res judicata; the instant appeal is therefore barred...." Supp. App. at 41-42. The Motion for Contempt is nothing more than an attempt to collaterally attack the Judgment by suggesting that the Respondents violated a court order by obtaining a Judgment in favor of their law firm.

to United States v. Bailey, 175 F.3d 966, 968 (11th Cir. 1999) (per curiam). An order on a motion for contempt is similarly reviewed for an abuse of discretion. Blanco GmbH † Co. KG v. Laera, 620 F. App'x 718, 723 (11th Cir. 2015).

SUMMARY OF THE ARGUMENT

Judge Jones properly denied the Motion for Contempt because there is no evidence in the record supporting an inference or otherwise that the M&B Attorneys violated any order in the District Court Action, which the Eleventh Circuit properly affirmed. Indeed, the evidence shows that the Matthewses and the M&B Attorneys were ordered to attempt reconciliation. They reconciled, signed the Amendment to the AC Agreement and withdrew the motions to withdraw that were pending at the time of the Hearing. The Matthewses' arguments are based solely on misrepresentations about Judge Hunt's instructions at the Hearing and the subsequent activities which led to the M&B Attorneys withdrawal and the entry of the Judgment against Matthews. The approximately 23 judges who have previously reviewed this basic legal issue where a former client is simply attempting to prevent execution of the Judgment entered against her. There is simply no legal or factual issue that merits this Honorable Court's issuing a writ of certiorari.

ARGUMENT AND CITATIONS OF AUTHORITY

I. The Petition meets none of the considerations for granting a petition for writ of certiorari and the Petition makes no attempt to explain why a writ of certiorari should be granted, instead arguing the merits of the case.

"Review on a writ of certiorari is not a matter of right, but of judicial discretion." Sup. Ct. R. 10. "A petition for a writ of certiorari will be granted only for compelling reasons." Id. The following markers, although not completely setting forth the Court's discretion, are considered upon a petition for a writ of certiorari: (1) inconsistent decisions between circuit courts of appeal on an important federal questions; (2) inconsistent decisions between a circuit court of appeals and a court of last resort for one of the several states on an important federal questions; (3) a decision by a circuit court of appeals that so far departed the usual course of judicial proceedings, or sanctioned such a departure by a lower court, such that this Court should exercise its supervisory capacity; (4) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or a circuit court of appeals; (5) a state court or circuit court of appeals has decided an important question of federal law that has not, but should be, decided by this Court or decides such a question that conflicts with relevant decisions of this Court.

There are no compelling considerations for this Court to accept the Petition to issue a writ of certiorari to the Eleventh Circuit Court of Appeals. This is a simple contract dispute between Matthews and the Respondents, which dispute is governed by basic and established principles of Georgia law. After multiple failed appeals over

the course of several years, the Matthewses have now pivoted to the federal courts to now waste federal resources on a frivolous appeal. There is no constitutional provision at issue. There is no factual or legal dispute that is so significant that it requires this Court's intervention. There is no dispute between circuits, or between circuits and state courts of last resort, governing a court's authority to enforce its lawful orders. There is simply no reason to grant the Petition. Even in the section of the Petition entitled "Reasons for Granting the Writ", the Petitioners fail to identify any compelling reason to issue the writ, again primarily arguing the merits of the case and asserting that this Court must take "bold action and hold those in contempt when [federal court's] orders are violated." Petition at 16. Yet, the Petitioners consistently misrepresent what transpired at the Hearing. The next section will address the merits to refute the claims and arguments made by the Petitioners.

II. The Eleventh Circuit properly affirmed the denial of the Petitioners' Motion for Contempt because there is no evidence in the record showing that the Respondents violated any order of the court in the District Court Action.

"Courts have inherent power to enforce compliance with their lawful orders through civil contempt" which refers to a willful disregard of the authority of the court. Shillitani v. United States, 384 U.S. 364, 370 (1966); Ga. Power Co. v. NLRB, 484 F.3d 1288, 1291 (11th Cir. 2007). "Upon appellate review, a civil contempt order may be upheld only if the proof of the [party's] contempt is clear and convincing. This clear and convincing proof must also demonstrate that 1) the allegedly violated order was valid and lawful; 2) the order was clear, definite and unambiguous; and 3) the

alleged violator had the ability to comply with the order." McGregor v. Chierico, 206 F.3d 1378, 1383 (11th Cir. 2000).

The entirety of the 11-page Motion for Contempt (excluding exhibits), 36-page Brief of Appellant before the Eleventh Circuit and the Petition for Writ of Certiorari is based on a false premise – that there is an order adjudicating the amounts owed to Merbaum Law from Matthews that was entered prior to the Judgment[8]. The M&B Attorneys are not in contempt of any court order because there is no order that they violated. Judge Hunt stated at the Hearing that he was requiring the Plaintiffs and Respondents to attempt to reconcile their differences and "that is where I am going to leave it." App. at 28-31. The evidence presented as part of the Motion for Contempt and the entire record reflects that the only order issued at the Hearing in the District Court Action was for the Matthewses and M&B Attorneys to attempt reconciliation. Id. The evidence further showed that the Matthewses and M&B Attorneys reconciled, executed the Amendment, and the M&B Attorneys withdrew the motions to withdraw that were pending at the time of the Hearing. Supp. App. at 27-28. The Motion for Contempt filed by the Matthewses is just another attempt in a long line of attempts to avoid execution of the Judgment against Matthews.

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[8] Although the Matthewses make numerous arguments about the validity or enforceability of the Judgment, the validity and enforceability of the Judgment is not a question presented by this appeal or a question that is properly before this Court. Indeed, this Court lacks jurisdiction to review and overturn the Judgment entered in a civil action before the Superior Court of Cobb County, State of Georgia. Regardless, the Judgment has already been reviewed by the Court of Appeals of Georgia and affirmed.

The underlying attorney-client relationship arose out of the AC Agreement between Merbaum Law and the Matthewses. Merbaum Law withdrew from the representation of Plaintiffs and eventually filed suit against the Matthewses and obtained the Judgment in the Cobb Matter.[9] The Judgment was affirmed in Matthews' First Appeal, her Motion for Reconsideration in the Court of Appeals of Georgia was denied, and the Supreme Court of Georgia denied certiorari in the First Appeal. Supp. App. at 36-38. Despite these rulings, Matthews continues to not only file more appeals, but has repeatedly moved to have Judge Reuben Green in the Cobb Matter removed from the case based on frivolous allegations and has repeatedly accused Merbaum Law, Judge Reuben Green and even the Clerk of the Superior Court of Cobb County of improper behavior with no evidence to support the claims. Matthews has filed complaints against the M&B Attorneys with the State Bar of Georgia, all of which have been dismissed. The Matthewses even filed a complaint with the State Bar of Georgia against the M&B Attorneys' new associate attorney whose sole activities were related to responding to Matthews' frivolous actions and serving post-judgment discovery requests. The State Bar of Georgia summarily dismissed the complaint prior to even seeking a response from the M&B Attorneys' associate. All efforts taken by the Matthewses, and Matthews specifically, have been to avoid paying a legitimate debt that is owed, which debt has been memorialized in the valid Judgment affirmed by the Court of Appeals of Georgia.

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[9] The M&B Attorneys note that George Matthews was dismissed from the Cobb Matter due to his discharge in bankruptcy.

Matthews latest attempt to avoid paying her debt is an appeal of the Matthewses' baseless, spurious and frivolous Motion for Contempt, the genesis of which is a misrepresentation about the nature of Judge Hunt's instructions at the Hearing. Matthews has repeatedly and wrongfully maintained that Judge Hunt entered an order in the District Court Action which somehow adjudicated the amounts owed by the Matthewses to Merbaum Law, a non-party in the District Court Action. Not only is her argument incorrect, the Matthewses vain attempts to convince other courts of this erroneous and frivolous argument have repeatedly failed.

Moreover, the Matthewses arguments in their brief do not support their contentions. Indeed, the Matthewses' arguments in their brief to the Eleventh Circuit confirm the basis for the Judgment: the Amendment was executed in October 2010 and "Plaintiffs[] made no payments to Attorneys David Merbaum or Andrew Becker or their law firm for the amended agreement." Brief of Appellant, 11. By failing to pay pursuant to the AC Agreement and Amendment, the Matthewses breached their contractual obligations and Merbaum Law was entitled to seek entry of the Judgment for said failure. The Matthewses argue that Judge Hunt issued two orders at the Hearing: (1) an order allowing the M&B Attorneys' withdrawal prior to their reconciliation; and (2) an order requiring that any reconciliation may only be based on a contingency fee. Petition at 9-10. There are no such orders and the Matthewses are blatantly misrepresenting the circumstances to this Court, as they have to approximately 23 prior judges (and with the Petition, now 32 judges or justices).

The Matthewses also argued before the Eleventh Circuit without a valid basis that the order was "suppressed from the court records" and "[t]here is a direct relationship with the suppression of the court order and the attorneys' failure to adhere to the court order." Brief of Appellant, 15. It is completely ridiculous to suggest that the M&B Attorneys could have prevented the transcript of the Hearing from being completed, filed and considered. No attorney has the unilateral power to demand a court reporter employed or otherwise assigned to the U.S. District Court suppress said transcript and to prevent the court from considering it.[10] The Matthewses arguments further fail upon a review of the timing of relevant events. The transcript of the Hearing was entered before the Matthewses filed for bankruptcy protection, before the Judgment was entered, before the various appeals were filed, before the Motion to Recuse was filed, and before the Motion for Contempt was filed. Thus, the Matthewses have had access to the transcript, which they claim was suppressed, throughout the entirety of the dispute between the Matthewses and the M&B Attorneys.

The Matthewses also engage in a lengthy soliloquy on the alleged mail fraud related to their court cases, and accuse Judge Green in the Cobb Matter of "pursuing them" and engaging in ex party communications. Petition, 14-15. The fraud related

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[10] The Matthewses dedicate over a page in their brief to the circumstances surrounding their purchase of the transcript and filing it into the record. None of those alleged facts or arguments are relevant to the questions before the Court – namely, whether Judge Jones properly denied the Motion to Recuse and Motion for Contempt. Importantly, the Matthewses presented no citations to the record to support those allegations.

to the certified mail is simply the Clerk of the Superior Court's submission of the appeals costs to the Matthewses based on their notice of appeal. And the allegation of ex parte communications is even more ludicrous – the "communication" was the Judge's office sending a copy of orders entered in the Cobb Matter to all parties, as it is required to do by law.

Critically, the Matthewses acknowledge the fundamental condition of Judge Hunt's order to attempt reconciliation that defeats their argument (although they ignore the effect where, as here, the condition was not satisfied) which is that the Respondents "would receive no additional money from the Plaintiffs' George and Nina Matthews ***if the parties did not reconcile*** and attorneys were relieved from the case." Brief of Appellant, 16 (emphasis added); *see also*, Petition, 9. The record shows that the Parties did reconcile because: (1) the Matthewses and M&B Attorneys entered into the Amendment after the Hearing; and (2) the M&B Attorneys withdrew their first motion to withdraw. Supp. App. at 27-28. The Matthewses admitted in their Brief of Appellant before the Eleventh Circuit that they breached the Amendment by making "no payments to Attorneys David Merbaum or Andrew Becker or their law firm for the amended agreement". Moreover, the Minute Sheet for the Hearing and the transcript of the Hearing (quoted extensively in Judge Jones' Order) reflects that Judge Hunt ordered the Matthewses and the M&B Attorneys to attempt reconciliation, which actually occurred. Accordingly, there is no basis to conclude that the M&B Attorneys violated a court order by obtaining a judgment for

outstanding attorney's fees or by filing a proof of claim or by filing a statutorily permitted attorney's lien.

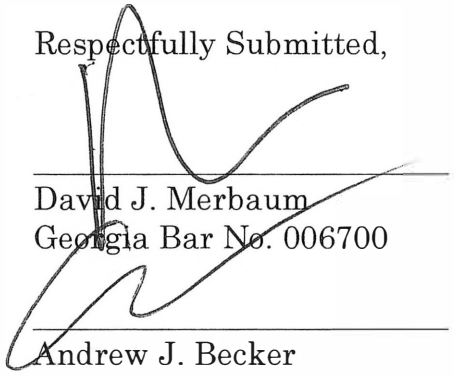
This appeal is just another attempt by the Petitioners to further delay execution of the Judgment by wasting a sixth court's judicial resources on another frivolous action in a long line of spurious actions by the Matthewses (and Matthews individually).

CONCLUSION

For the foregoing reasons, the M&B Attorneys requests that this Court deny the Petition for Writ of Certiorari.

This 30th day of November, 2020.

Respectfully Submitted,



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CERTIFICATE OF COMPLIANCE

The undersigned certifies that this document complies with the word or page limit of Sup. Ct. R. 33 because this document contains 5,382 words.

This 30th day of November, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing **Respondents' Brief in Opposition to Petition for Writ of Certiorari** upon the opposing party by placing a copy of the same in the U.S. First Class Mail, with adequate postage affixed thereto and properly addressed to:

George and Nina Matthews
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This 30th day of November, 2020.

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