

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

SUPPLEMENTAL APPENDIX

David J. Merbaum
Georgia Bar Number: 006700
dmerbaum@mbpclaw.com
Andrew J. Becker
Georgia Bar Number: 142595
abecker@mbpclaw.com
Merbaum & Becker, P.C.
5755 North Point Parkway, Suite 284
Alpharetta, Georgia 30022
P: 678 393 8232
RESPONDENTS

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¹ Page Numbers are formatted as “Supp. App. ###”.

ATTORNEY-CLIENT CONTRACT

This Agreement dated this 30th day of March, 2010 and is by and between Merbaum Law Group P.C. ("Attorney") and Nina and George Matthews ("Client"). The purpose of this Agreement is to set down in writing the terms and conditions of the attorney-client relationship so that there is no misunderstanding as to what the Attorney or the Client has agreed to do.

1. Client has retained Attorney relating to claim against State Farm ("Legal Matter"). Attorney agrees to use his knowledge, experience and skill in connection with the Legal Matter.
2. Client agrees to pay Attorney for the services rendered and for the out of pocket expenses advanced by Attorney. Client agrees to pay Attorney an hourly fee of \$275.00 for all work performed by Attorney in connection with the Legal Matter. Attorney will send an invoice to the Client every month detailing the work that was performed the preceding month. Payment is due upon receipt of the invoice. Invoices not paid in a timely manner are subject to interest at the rate of 1.5% per month as well as a late fee of \$25.00. In addition to the hourly charge, Client is responsible for all out of pocket expenses incurred by Attorney as follows:

Copies	.25 per copy
Postage	Actual
Overnight	Actual
Mileage	.585 mile or current IRS allowance
Parking	Actual
Filing Fees	Actual
Facsimile	.30 per page
In house courier	Mileage and \$30 per hour

3. The hourly rate charged herein relates to the Legal Matter only. If Client retains attorney for additional legal matters after this initial legal matters the prevailing hourly rate then charged by attorney will be the hourly rate. If Attorney and Client agree to handle a subsequent matter on a different fee arrangement, said fee arrangement will apply to that particular matter only. Attorney does agree to discuss with Client alternative fee structures in this matter at a later date depending on the progress of the case in order to arrive at a fee arrangement that is better suited for the attorney and the client.
4. Certain tasks are performed by office staff in lieu of Attorney, at the discretion of Attorney. These tasks may include calls to the court, calls to schedule depositions, preparation of documents to facilitate filing or forwarding material

EXHIBIT 1


or information to opposing counsel or preparation of paperwork relating to financial matters. Office staff time is charged at \$100 per hour.

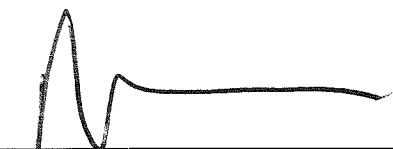
5. Merbaum Law Group, P.C. consists of several attorneys all of whom may perform work on behalf of Client.
6. Client has provided Attorney with a retainer of \$1,500. Said retainer will be placed in Attorney's Trust Account at SunTrust Bank. The retainer will remain in the account until the conclusion of the Legal Matter. **The retainer is not used to pay periodic invoices.** Upon the conclusion of the Legal Matter, the retainer will be applied against the final invoice, and any excess retainer will be returned to Client. If the retainer is not sufficient to pay the final invoice in full, the Client will remit final payment within 10 days from the receipt of the final invoice. In the event a monthly invoice is not paid when due, Attorney may withdraw monies from the retainer in the trust account to pay the outstanding invoice. The Client will then have 10 days to supplement the retainer so that it is restored to the sum above. If the retainer is not replenished, Attorney can refuse to do any further work until such time as the retainer is replenished to the above level. The amount of the retainer does not reflect the total fees that may be charged in connection with legal matter. Failure to pay an invoice when due may result in Attorney filing a Motion to Withdraw. Any costs and expenses incurred in filing such a Motion are part of the fees due to Attorney from Client.
7. In the event Client fails or refuses to pay an invoice when due and Attorney initiates a suit to collect his fees, Client agrees to pay Attorney all costs and expenses incurred in connection with said collection effort including attorney fees. Client will be responsible for all attorney fees even if Attorney chooses to pursue collection as his own attorney.
8. An attorney can only proceed on a matter based on facts that he develops and facts that are presented to him by his client. Toward those ends, the Attorney must know that the Clients are being truthful with him at all times. The Client hereby acknowledges that Attorney will use the information provided to him in connection with the Legal Matter and will assert positions and make filings based upon information provided to him by the Client. Client agrees to be truthful with Attorney. Client hereby warrants that any information that he, she or it provides to Attorney is true and correct.
9. Time is billed in unit bases. Most phone calls are billed at a minimum of 10 minutes and most letters are billed at a minimum of 20 minutes. Time that is not reflected on the billing statement that goes into these minimum charges includes retrieval and review of the file and post and pre phone call notes and memos to

the file. Several calls to the same party within a short time or even over the course of the day are usually not billed as separate charges except if each call actually took 10 minutes each time. All other work except for calls and letters are billed at actual time spent.

10. Client understands and acknowledges that Attorney cannot guarantee any results in any litigation. This is especially true in connection with claims for injunctions or other equitable relief.
11. Client understands that proper preparation of Legal Work takes time and effort and that certain matters have specific deadlines, which if not met, can prejudice Client's rights. There are times when Client must provide information or documentation to Attorney such that Attorney can meet these deadlines. Client understands that if Client fails to cooperate with Attorney it could result in the loss of rights and or claims.
12. This Agreement shall be construed according to the laws of the State of Georgia. If there is a matter that is discussed between Attorney and Client regarding this Agreement and it is not contained in this Agreement, it is of no force and effect. Any changes or additions to this Agreement must be in writing, signed by Attorney and Clients and attached to this Agreement.
13. Client has read and fully understands that this is a legal contract. By signing this Agreement, Client represents and warrants that they have had a full and complete opportunity to read this Agreement, and to ask any questions about this Agreement. By signing this Agreement, Client acknowledges that they understand that only what is written in this Agreement constitutes the Agreement of the Attorney and Client and that Client had an opportunity to discuss any changes with Attorney and to make said changes a part of this Agreement.

 3/30/10
Nina Matthews

 3/30/10
George Matthews


Merbaum Law Group, P.C.
By: David Merbaum
Title: President

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGE MATTHEWS AND)	
NINA MATTHEWS,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	FILE NO. 1:10-cv-01641-WBH
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	
_____)	

**MOTION OF MERBAUM LAW GROUP, P.C. AND ITS ATTORNEYS TO
WITHDRAW AS COUNSEL**

COME NOW, attorneys David J. Merbaum and Andrew J. Becker of the Merbaum Law Group, P.C. and the Merbaum Law Group, P.C. (collectively “Merbaum Law Group”) and hereby move the Court to permit Merbaum Law Group to withdraw as Counsel for George Matthews and Nina Matthews (“Plaintiffs”) in the above-captioned action. Merbaum Law Group has complied with the Court’s Local Rules regarding attorney withdrawal as follows:

EXHIBIT 2

1.

Merbaum Law Group files this Motion requesting permission to withdraw from their representation of the Plaintiffs in accordance with the Georgia Rules of Professional Conduct.

2.

No trial in this matter is currently scheduled, nor will Merbaum Law Group's withdrawal delay the trial of this case, should such trial be scheduled.

3.

Merbaum Law Group states that the notification requirements set forth in Local Rule 83.1(E) have been met. A copy of the required notice (the "Notice") is attached to this Motion as Exhibit "A". The Notice was provided to Plaintiffs in writing by certified mail and by electronic mail and sent to Plaintiffs at their last known address. Plaintiffs did not claim the certified mail.

4.

Plaintiffs have notified Merbaum Law Group that they object to its withdrawal.

5.

If an order permitting withdrawal is entered, Plaintiffs shall be notified by Merbaum Law Group of the effective date of Merbaum Law Group's withdrawal.

After that date, all notices or other documents may be served upon Plaintiffs directly at their law known address or until new counsel enters an appearance. The last known address of Plaintiffs is 6038 Katie Emma Drive, Powder Springs, Georgia 30127.

WHEREFORE, and for all the foregoing reasons, Merbaum Law Group moves the Court to permit its withdrawal from the representation of Plaintiffs herein. A proposed Order is attached to this Motion as Exhibit "B".

Respectfully submitted, this 6th day of October, 2010.

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

/s/ David J. Merbaum

David Merbaum
email: dmerbaum@bellsouth.net
Georgia Bar No. 006700
Andrew J. Becker
email: abecker@merbaumlawgroup.com
Georgia Bar No. 142595

CERTIFICATE OF COMPLIANCE

As required by Local Rule 7.1D, N.D. Ga., I hereby certify that this pleading has been prepared in Times New Roman 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1B, N.D. Ga.

Respectfully submitted, this 6th day of October, 2010.

/s/ David J. Merbaum

David Merbaum

email: dmerbaum@bellsouth.net

Georgia Bar No. 006700

Andrew J. Becker

email: abecker@merbaumlawgroup.com

Georgia Bar No. 142595

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

In addition, I further certify that pursuant to Local Rule 83.1(E)(2)(c) and subsequent to the filing of the Motion, a copy of the Motion will be served upon Defendants by US Mail, electronic mail, and Federal Express at the following address:

George Matthews and Nina Matthews
6038 Katie Emma Drive
Powder Springs, Georgia 30127.

Respectfully submitted, this 6th day of October, 2010.

/s/ David J. Merbaum

David Merbaum
email: dmerbaum@bellsouth.net
Georgia Bar No. 006700
Andrew J. Becker
email: abecker@merbaumlawgroup.com
Georgia Bar No. 142595

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

cv-01641-WBH, and in the United States District Court for the Northern District of Georgia, Atlanta Division.

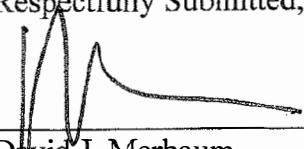
2. The name of the judge assigned to your case is Willis B. Hunt, Jr., and said judge's law clerk is Eric Kimbrough. Mr. Kimbrough can be reached by telephone at (404) 215-1450 and has a mailing address of 1756 Richard B. Russell Federal Building and United States Courthouse, 75 Spring Street, SW, Atlanta, GA 30303 (Chambers 1756).
3. The Clerk of the Court is James N. Hatten. Mr. Hatten can be reached by telephone at (404) 215-1660 and has a mailing address of Richard B. Russell Federal Building and Courthouse, 75 Spring Street, SW, Atlanta, GA 30303.
4. Opposing counsel is Mark T. Dietrichs and Kathleen Quirk. Mr. Dietrichs and Ms. Quirk can be reached at telephone number 404.874.8800, and their mailing address is Swift Currie, McGhee & Hires, Suite 300, the Peachtree, 1355 Peachtree Street, N.E., Atlanta, Georgia 30309.

C. The United States District Court for the Northern District of Georgia, Atlanta Division will retain jurisdiction of your case.

- D. You will have the burden of keeping the Court informed respecting where notices, pleadings or other papers may be served.
- E. You have the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set.
- F. If you fail or refuse to meet these burdens, you may suffer adverse consequences.
- G. There are no scheduled proceedings at this time.
- H. Service of notices may be made upon you at your last known address, 6038 Katie Emma Drive, Powder Springs, Georgia 30127
- I. You have the right to object within fourteen (14) days of the date of this notice.

This 21 day of September, 2010.

Respectfully Submitted,



David J. Merbaum
Georgia Bar Number: 006700
Andrew J. Becker
Georgia Bar Number: 142595
Attorneys for Plaintiffs

Merbaum Law Group, P.C.
5755 North Point Pkwy., Suite 284
Alpharetta, Georgia 30022
678-393-8232

IT IS HEREBY ORDERED that the Motion be GRANTED and that Merbaum Law Group be permitted to withdraw instanter from the representation of Plaintiffs George Matthews and Nina Matthews in this action. Merbaum Law Group shall notify Plaintiffs George Matthews and Nina Matthews of this Order by serving a copy of this Order at the Plaintiffs' last known address.

SO ORDERED, this _____ day of _____, 2010.

Honorable Willis B. Hunt, Jr.
United States District Court
Northern District of Georgia

Order Prepared and Submitted by:

Merbaum Law Group, P.C.

By:

/s/ David J. Merbaum

David Merbaum

email: dmerbaum@bellsouth.net

Georgia Bar No. 006700

5755 North Point Parkway

Suite 284

Alpharetta, Georgia 30022

Telephone: (678) 393-8232

Facsimile: (678) 393-0410

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGE MATTHEWS AND)	
NINA MATTHEWS,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	FILE NO. 1:10-cv-01641-WBH
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	
_____)	

**MOTION OF MERBAUM LAW GROUP, P.C. AND ITS ATTORNEYS TO
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COME NOW, attorneys David J. Merbaum and Andrew J. Becker of the Merbaum Law Group, P.C. and the Merbaum Law Group, P.C. (collectively “Merbaum Law Group”) and hereby move the Court to permit Merbaum Law Group to withdraw as Counsel for George Matthews and Nina Matthews (“Plaintiffs”) in the above-captioned action. Merbaum Law Group has complied with the Court’s Local Rules regarding attorney withdrawal as follows:

1.

Merbaum Law Group files this Motion requesting permission to withdraw from their representation of the Plaintiffs in accordance with the Georgia Rules of Professional Conduct.

2.

No trial in this matter is currently scheduled, nor will Merbaum Law Group's withdrawal delay the trial of this case, should such trial be scheduled.

3.

Merbaum Law Group states that the notification requirements set forth in Local Rule 83.1(E) have been met. A copy of the required notice (the "Notice") is attached to this Motion as Exhibit "A". The Notice was provided to Plaintiffs in writing by certified mail and by electronic mail and sent to Plaintiffs at their last known address. Plaintiffs did not claim the certified mail.

4.

Plaintiffs have notified Merbaum Law Group that they object to its withdrawal.

5.

If an order permitting withdrawal is entered, Plaintiffs shall be notified by Merbaum Law Group of the effective date of Merbaum Law Group's withdrawal.

After that date, all notices or other documents may be served upon Plaintiffs directly at their law known address or until new counsel enters an appearance. The last known address of Plaintiffs is 6038 Katie Emma Drive, Powder Springs, Georgia 30127.

WHEREFORE, and for all the foregoing reasons, Merbaum Law Group moves the Court to permit its withdrawal from the representation of Plaintiffs herein. A proposed Order is attached to this Motion as Exhibit "B".

Respectfully submitted, this 6th day of October, 2010.

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

/s/ David J. Merbaum

David Merbaum
email: dmerbaum@bellsouth.net
Georgia Bar No. 006700
Andrew J. Becker
email: abecker@merbaumlawgroup.com
Georgia Bar No. 142595

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As required by Local Rule 7.1D, N.D. Ga., I hereby certify that this pleading has been prepared in Times New Roman 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1B, N.D. Ga.

Respectfully submitted, this 6th day of October, 2010.

/s/ David J. Merbaum

David Merbaum

email: dmerbaum@bellsouth.net

Georgia Bar No. 006700

Andrew J. Becker

email: abecker@merbaumlawgroup.com

Georgia Bar No. 142595

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

In addition, I further certify that pursuant to Local Rule 83.1(E)(2)(c) and subsequent to the filing of the Motion, a copy of the Motion will be served upon Defendants by US Mail, electronic mail, and Federal Express at the following address:

George Matthews and Nina Matthews
6038 Katie Emma Drive
Powder Springs, Georgia 30127.

Respectfully submitted, this 6th day of October, 2010.

/s/ David J. Merbaum

David Merbaum
email: dmerbaum@bellsouth.net
Georgia Bar No. 006700
Andrew J. Becker
email: abecker@merbaumlawgroup.com
Georgia Bar No. 142595

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGE MATTHEWS AND
NINA MATTHEWS,

Plaintiffs,

v.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

CIVIL ACTION

FILE NO. 1:10-cv-01641-WBH

TO: George and Nina Matthews
6038 Katie Emma Drive
Powder Springs, Georgia 30127

DATE OF NOTICE: September 21, 2010

Pursuant to LR 83.1(E), you are hereby notified of our intention to withdraw as your attorney of record in the above-styled case. You are hereby further notified of the following:

A. We wish to withdraw as your attorney of record.

B.

1. The style of the case is: *George Matthews and Nina Matthews v. State Farm Fire and Casualty Company*, having Civil Action File No. 1:10-



cv-01641-WBH, and in the United States District Court for the Northern District of Georgia, Atlanta Division.

2. The name of the judge assigned to your case is Willis B. Hunt, Jr., and said judge's law clerk is Eric Kimbrough. Mr. Kimbrough can be reached by telephone at (404) 215-1450 and has a mailing address of 1756 Richard B. Russell Federal Building and United States Courthouse, 75 Spring Street, SW, Atlanta, GA 30303 (Chambers 1756).
3. The Clerk of the Court is James N. Hatten. Mr. Hatten can be reached by telephone at (404) 215-1660 and has a mailing address of Richard B. Russell Federal Building and Courthouse, 75 Spring Street, SW, Atlanta, GA 30303.
4. Opposing counsel is Mark T. Dietrichs and Kathleen Quirk. Mr. Dietrichs and Ms. Quirk can be reached at telephone number 404.874.8800, and their mailing address is Swift Currie, McGhee & Hires, Suite 300, the Peachtree, 1355 Peachtree Street, N.E., Atlanta, Georgia 30309.

C. The United States District Court for the Northern District of Georgia, Atlanta Division will retain jurisdiction of your case.

- D. You will have the burden of keeping the Court informed respecting where notices, pleadings or other papers may be served.
- E. You have the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set.
- F. If you fail or refuse to meet these burdens, you may suffer adverse consequences.
- G. There are no scheduled proceedings at this time.
- H. Service of notices may be made upon you at your last known address, 6038 Katie Emma Drive, Powder Springs, Georgia 30127
- I. You have the right to object within fourteen (14) days of the date of this notice.

This 21 day of September, 2010.

Respectfully Submitted,



David J. Merbaum
Georgia Bar Number: 006700
Andrew J. Becker
Georgia Bar Number: 142595
Attorneys for Plaintiffs

Merbaum Law Group, P.C.
5755 North Point Pkwy., Suite 284
Alpharetta, Georgia 30022
678-393-8232

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGE MATTHEWS AND
NINA MATTHEWS,

Plaintiffs,

v.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

CIVIL ACTION

FILE NO. 1:10-cv-01641-WBH

**ORDER GRANTING MOTION
TO WITHDRAW AS COUNSEL**

The law firm of Merbaum Law Group, P.C., and its attorneys David J. Merbaum and Andrew J. Becker (collectively “Merbaum Law Group”), having submitted a Motion to Withdraw as Counsel (the “Motion”) and requesting therein that the Court grant Merbaum Law Group permission to withdraw from the representation of Plaintiffs George Matthews and Nina Matthews; and

It appearing to the Court upon consideration of the record that the procedures of in Local Rule 83.1(E) for withdrawal have been met, and for other good cause;



IT IS HEREBY ORDERED that the Motion be GRANTED and that Merbaum Law Group be permitted to withdraw instanter from the representation of Plaintiffs George Matthews and Nina Matthews in this action. Merbaum Law Group shall notify Plaintiffs George Matthews and Nina Matthews of this Order by serving a copy of this Order at the Plaintiffs' last known address.

SO ORDERED, this _____ day of _____, 2010.

Honorable Willis B. Hunt, Jr.
United States District Court
Northern District of Georgia

Order Prepared and Submitted by:

Merbaum Law Group, P.C.

By:

/s/ David J. Merbaum

David Merbaum

email: dmerbaum@bellsouth.net

Georgia Bar No. 006700

5755 North Point Parkway

Suite 284

Alpharetta, Georgia 30022

Telephone: (678) 393-8232

Facsimile: (678) 393-0410

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGE MATTHEWS, et al.,
Plaintiffs,

v.

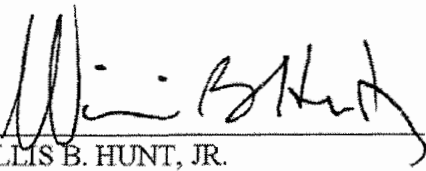
STATE FARM FIRE AND
CASUALTY COMPANY,
Defendant.

:
:
:
: CIVIL ACTION NO.
: 1:10-CV-1641-WBH
:
:
:

ORDER

In light of Plaintiffs' attorneys' motions to withdraw, [Docs. 25 and 26], and Plaintiffs' objection and request to be heard, this Court will hold an *ex parte* hearing on the motion on Monday, October 25, 2010, at 10:00 AM in Courtroom 1707 at which Plaintiffs and their attorneys are **DIRECTED** to appear. So as to avoid prejudice to Plaintiffs, the schedule in this matter (including discovery and all filing deadlines) is **SUSPENDED** retroactive to October 6, 2010, and until further order of this Court.

IT IS SO ORDERED, this 20th day of October, 2010.



WILLIS B. HUNT, JR.
SENIOR UNITED STATES DISTRICT JUDGE

AMENDMENT TO ATTORNEY CLIENT AGREEMENT

BETWEEN MERBAUM LAW GROUP AND

GEORGE AND NINA MATTHEWS

This Amendment is dated this 28th day of October 2010 and only amends the following terms of the original agreement dated March 30, 2010.

1. Client will pay to Attorney the sum of \$7,500 for all work performed up to October 27, 2010. This amount is in addition to any sums that have been paid so far. This amount does not include any costs and expenses for which Attorney has incurred but has not as of yet been billed or paid. The \$7,500 will be paid in \$500 monthly payments beginning November 10, 2010.
2. All work performed after October 27 2010 will be bill at the hourly rate of \$225.
3. The \$1,500 retainer has already been applied to prior billings by Attorney. It is not available to apply against the \$7,500 or any future billing.

 10/28/10
George Matthews

Nina Matthews
 10/28/10
Merbaum Law Group PC
By: David Merbaum
Title : Owner

EXHIBIT 6

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGE MATTHEWS AND)	
NINA MATTHEWS,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	FILE NO. 1:10-cv-01641-WBH
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	
_____)	

**WITHDRAWAL OF MOTION OF MERBAUM LAW GROUP, P.C. AND
ITS ATTORNEYS TO WITHDRAW AS COUNSEL**

COME NOW, attorneys David J. Merbaum and Andrew J. Becker of the Merbaum Law Group, P.C. and the Merbaum Law Group, P.C. (collectively “Merbaum Law Group”) and hereby file this Withdrawal of their Motion to Withdraw as Counsel and state as follows:

Merbaum Law Group gives notice to this Court and all parties that it hereby withdraws its’ motion to withdraw as counsel for Plaintiffs George Matthews and Nina Matthews, which was filed on October 6, 2010 in the above styled matter.

EXHIBIT 7

Respectfully submitted, this 5th day of November, 2010.

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

/s/Andrew J. Becker

David Merbaum
email: dmerbaum@bellsouth.net
Georgia Bar No. 006700
Andrew J. Becker
email: abecker@merbaumlawgroup.com
Georgia Bar No. 142595

CERTIFICATE OF COMPLIANCE

As required by Local Rule 7.1D, N.D. Ga., I hereby certify that this pleading has been prepared in Times New Roman 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1B, N.D. Ga.

Respectfully submitted, this 5th day of November, 2010.

/s/Andrew J. Becker

David Merbaum

email: dmerbaum@bellsouth.net

Georgia Bar No. 006700

Andrew J. Becker

email: abecker@merbaumlawgroup.com

Georgia Bar No. 142595

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGE MATTHEWS AND)	
NINA MATTHEWS,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	FILE NO. 1:10-cv-01641-WBH
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing WITHDRAWAL OF MOTION OF MERBAUM LAW GROUP, P.C. AND ITS ATTORNEYS TO WITHDRAW AS COUNSEL was electronically filed using the Court's ECF system and that the below-listed counsel are ECF users and will be served via the ECF System:

Mark T. Dietrichs, Esq.
Kathleen A. Quirk, Esq.
Swift, Currie, McGhee, & Hiers, LLP
The Peachtree – Suite 300
1355 Peachtree Street, N.E.
Atlanta, GA 30309

In addition, I further certify that subsequent to the filing of this Withdrawal, a copy of the same will be served upon George Matthews and Nina Matthews by US Mail at the following address:

George Matthews and Nina Matthews
6038 Katie Emma Drive
Powder Springs, Georgia 30127.

Respectfully submitted, this 5th day of November, 2010.

/s/Andrew J. Becker

David Merbaum

email: dmerbaum@bellsouth.net

Georgia Bar No. 006700

Andrew J. Becker

email: abecker@merbaumlawgroup.com

Georgia Bar No. 142595

Merbaum Law Group, PC
5755 North Point Parkway
Suite 284
Alpharetta, Georgia 30022
Telephone: (678) 393-8232
Facsimile: (678) 393-0410

Civil Case Number: 15103498

MERBAUM LAW GROUP PC v MATTHEWS GEORGE

Judge: GREEN

Case Type: COMPLAINT

Filing Date: 05/07/2015

Case Status: OPEN













Disposition Date:

Parties		Pleadings	Hearings	Attorneys	Service	Appeals	Costs	Disposition
View	Pleading #	File Date	Add Date	Filing Party	Type	CCFN		
	1	05/07/2015	05/14/2015	1	COMPLAINT	20150064918		
	2	05/07/2015	05/14/2015	1	GEN CV FILING INFO FORM	20150064919		
	3	05/07/2015	05/14/2015	1	SUMMONS	20150064920		
	4	05/19/2015	05/29/2015	3	SERVICE ENTRY	20150070827		
	5	05/19/2015	05/29/2015	2	SERVICE ENTRY	20150070828		
	6	06/15/2015	06/18/2015	2	ANSWER	20150084281		
	6	06/15/2015	06/18/2015	3	ANSWER	20150084281		
	7	06/25/2015	06/30/2015	1	NOTICE BANKRUPTCY	20150091174		
	8	07/02/2015	07/08/2015	2	NOTICE BANKRUPTCY	20150094365		
	8	07/02/2015	07/08/2015	3	NOTICE BANKRUPTCY	20150094365		
	9	11/17/2015	11/20/2015	1	NOTICE	20150168372		
	10	12/09/2015	12/10/2015	2	NOTICE OF APPEAL	20150178852		
	10	12/09/2015	12/10/2015	3	NOTICE OF APPEAL	20150178852		
	11	12/09/2015	12/10/2015	2	NOTICE OF APPEAL	20150178855		
	11	12/09/2015	12/10/2015	3	NOTICE OF APPEAL	20150178855		
	12	12/11/2015	12/15/2015	COURT	RECEIVED DOCUMENT	20150179989		
	13	01/04/2016	01/06/2016	2	ANSWER	20160000460		
	14	02/09/2016	02/11/2016	COURT	RECEIVED DOCUMENT	20160018498		
	15	12/16/2016	12/21/2016	2	MOTION TO DISMISS	20160176781		
	15	12/16/2016	12/21/2016	3	MOTION TO DISMISS	20160176781		
	16	12/19/2016	12/28/2016	2	AMENDMENT	20160177435		
	16	12/19/2016	12/28/2016	3	AMENDMENT	20160177435		
	17	12/19/2016	12/28/2016	2	RESPONSE	20160177436		
	17	12/19/2016	12/28/2016	3	RESPONSE	20160177436		
	18	12/22/2016	12/28/2016	1	RESPONSE	20160179315		
	19	12/22/2016	12/28/2016	1	RESPONSE	20160179316		
	20	12/29/2016	01/05/2017	2	RESPONSE	20160181341		
	20	12/29/2016	01/05/2017	3	RESPONSE	20160181341		
	21	12/29/2016	01/05/2017	2	RESPONSE	20160181343		
	21	12/29/2016	01/05/2017	3	RESPONSE	20160181343		
	22	12/29/2016	01/05/2017	2	NOTICE	20160181344		
	22	12/29/2016	01/05/2017	3	NOTICE	20160181344		
	23	12/29/2016	01/05/2017	2	RESPONSE	20160181345		
	23	12/29/2016	01/05/2017	3	RESPONSE	20160181345		
	24	12/29/2016	01/05/2017	2	MOTION TO DISMISS	20160181346		
	24	12/29/2016	01/05/2017	3	MOTION TO DISMISS	20160181346		
	25	12/29/2016	01/05/2017	2	RESPONSE	20160181349		
	25	12/29/2016	01/05/2017	3	RESPONSE	20160181349		
	26	01/04/2017	01/09/2017	1	RECEIVED DOCUMENT	20170001072		
	27	01/06/2017	01/11/2017	1	ORDER DISMISSAL	20170002402		
	27	01/06/2017	01/11/2017	1	ORDER EXT TIME	20170002402		
	28	01/24/2017	01/24/2017	1	NOTICE RULE DISCOVER	20170010348		
	29	01/24/2017	01/24/2017	1	NOTICE RULE DISCOVER	20170010349		
	30	01/24/2017	01/24/2017	1	NOTICE RULE DISCOVER	20170010350		
	31	01/23/2017	01/26/2017	1	RESPONSE	20170009598		
	32	01/23/2017	01/26/2017	1	RECEIVED DOCUMENT	20170009599		
	33	01/23/2017	01/26/2017	2	RESPONSE	20170009806		
	33	01/23/2017	01/26/2017	3	RESPONSE	20170009806		
	34	02/01/2017	02/06/2017	3	MOTION TO STAY	20170014449		
	35	02/15/2017	02/20/2017	1	ORDER RULE NISI	20170022287		
	36	02/15/2017	02/20/2017	1	RECEIVED DOCUMENT	20170022288		
	37	03/15/2017	03/17/2017	3	RESPONSE	20170036124		
	38	03/15/2017	03/17/2017	3	RECEIVED DOCUMENT	20170036125		
	39	03/24/2017	03/27/2017	1	NOTICE OF FILING	20170041750		
	40	03/23/2017	03/28/2017	COURT	ORDER DENYING MOTION	20170041017		
	41	03/30/2017	03/30/2017	1	AMENDMENT	20170044443		
	42	03/29/2017	04/04/2017	3	RESPONSE	20170043749		
	43	03/29/2017	04/04/2017	3	RESPONSE	20170043750		
	44	04/13/2017	04/18/2017	COURT	TRANSCRIPT	20170051940		
	45	04/27/2017	04/28/2017	1	MOTION SUMM JUDG	20170058558		
	46	04/27/2017	04/28/2017	1	BRIEF	20170058559		

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47	04/27/2017	04/28/2017	1	AFFIDAVIT	20170058560
48	04/27/2017	04/28/2017	1	BRIEF	20170058561
49	04/27/2017	04/28/2017	1	MOTION STRIKE	20170058562
50	05/04/2017	05/08/2017	3	BRIEF	20170061859
51	05/04/2017	05/09/2017	3	AFFIDAVIT	20170061858
51	05/04/2017	05/09/2017	3	CERTIFICATE	20170061858
52	05/18/2017	05/22/2017	1	RESPONSE	20170069104
53	05/25/2017	05/31/2017	3	RESPONSE	20170072354
54	05/25/2017	05/31/2017	3	RESPONSE	20170072408
55	05/25/2017	06/05/2017	3	RESPONSE	20170072322
56	06/02/2017	06/12/2017	1	REQ ORAL ARGUMENT	20170076576
57	06/19/2017	06/23/2017	COURT	ORDER RULE NISI	20170084697
58	07/17/2017	07/24/2017	COURT	NOTICE OF HEARING	20170097341
59	07/17/2017	07/28/2017	COURT	ORDER DENYING MOTION	20170097525
60	07/18/2017	07/28/2017	3	RESPONSE	20170097975
61	07/18/2017	08/08/2017	3	EVIDENCE LIST	20170098165
62	07/18/2017	08/08/2017	1	EVIDENCE LIST	20170098166
63	08/04/2017	08/25/2017	COURT	ORDER DENYING MOTION	20170107497
64	08/04/2017	08/25/2017	COURT	ORDER DENYING MOTION	20170107498
65	08/04/2017	08/25/2017	COURT	ORDER FINAL	20170107499
66	08/16/2017	09/14/2017	COURT	TRANSCRIPT	20170112931
67	08/16/2017	09/14/2017	COURT	TRANSCRIPT	20170112932
68	08/25/2017	09/14/2017	1	NOTICE RULE DISCOVER	20170117765
69	08/29/2017	09/29/2017	3	NOTICE OF APPEAL	20170118841
70	09/01/2017	09/29/2017	1	MOTION SUPERSED BOND	20170121298
71	09/01/2017	09/29/2017	1	REQ FI FA	20170121608
71	09/01/2017	09/29/2017	1	FI FA ISSUED	20170121608
72	09/01/2017	09/29/2017	1	RECEIVED DOCUMENT	20170121609
73	09/13/2017	09/29/2017	3	RESPONSE	20170124948
74	09/14/2017	10/10/2017	COURT	RECEIVED DOCUMENT	20170125373
75	09/26/2017	10/10/2017	COURT	RECEIVED DOCUMENT	20170132211
76	09/27/2017	10/10/2017	COURT	NOTICE	20170132976
77	10/03/2017	10/23/2017	COURT	ORDER	20170135667
78	10/13/2017	11/01/2017	1	NOTICE RULE DISCOVER	20170141073
79	10/18/2017	11/01/2017	COURT	NOTICE	20170143248
80	11/20/2017	12/06/2017	1	NOTICE RULE DISCOVER	20170161071
81	12/04/2017	12/20/2017	3	RESPONSE	20170166319
82	12/04/2017	12/20/2017	3	RESPONSE	20170166320
83	01/05/2018	01/22/2018	1	MOTION COMPEL DISCOV	20180002369
84	01/09/2018	02/05/2018	3	AFFIDAVIT	20180004254
84	01/09/2018	02/05/2018	3	CERTIFICATE	20180004254
85	01/09/2018	02/05/2018	3	BRIEF	20180004255
86	01/09/2018	02/05/2018	3	RESPONSE	20180004268
87	01/11/2018	02/05/2018	3	AFFIDAVIT	20180005545
87	01/11/2018	02/05/2018	3	CERTIFICATE	20180005545
88	04/13/2018	04/19/2018	COURT	ORDER DENYING MOTION	20180052404
89	04/16/2018	04/24/2018	3	RESPONSE	20180053159
89	04/16/2018	04/24/2018	3	MOTION SANCTIONS	20180053159
90	03/06/2018	04/26/2018	1	ORDER RULE NISI	20180032267
91	04/23/2018	04/27/2018	3	MOTION	20180057294
92	04/26/2018	05/02/2018	COURT	ORDER DENYING MOTION	20180059280
93	04/26/2018	05/02/2018	COURT	CASE FILE NOTES	20180059281
94	05/01/2018	05/07/2018	COURT	ORDER GRANT MOTION	20180061788
95	05/01/2018	05/07/2018	COURT	ORDER AMENDMENT	20180061789
96	05/01/2018	05/07/2018	COURT	ORDER DENYING MOTION	20180061790
97	05/07/2018	05/10/2018	COURT	TRANSCRIPT	20180064736
98	05/08/2018	05/15/2018	3	MOTION TEMP RELIEF	20180065987
99	05/08/2018	05/15/2018	1	RESPONSE	20180065988
100	05/09/2018	05/15/2018	1	ORDER RULE NISI	20180066518
101	05/10/2018	05/15/2018	COURT	ORDER DENYING MOTION	20180067134
102	08/27/2018	08/30/2018	3	RESPONSE	20180120671
103	08/27/2018	08/30/2018	4	RESPONSE	20180120672
104	09/12/2018	09/18/2018	3	AFFIDAVIT	20180128797
104	09/12/2018	09/18/2018	3	CERTIFICATE	20180128797
105	09/12/2018	09/18/2018	3	BRIEF	20180128798
106	09/17/2018	09/25/2018	4	RESPONSE	20180131378
107	09/28/2018	10/02/2018	1	MOTION COMPEL DISCOV	20180137572
108	09/28/2018	10/02/2018	1	CERTIFICATE	20180137573
109	09/28/2018	10/02/2018	1	CERT SERVICE	20180137574
110	09/28/2018	10/02/2018	1	RESPONSE	20180137575

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	111	09/28/2018	10/02/2018	1	CERT SERVICE	20180137576
	112	09/28/2018	10/10/2018	3	RESPONSE	20180137689
	113	10/08/2018	10/18/2018	3	RESPONSE	20180142003
	114	10/08/2018	10/18/2018	4	RESPONSE	20180142009
	115	10/08/2018	10/18/2018	3	RESPONSE	20180142013
	116	02/13/2019	02/19/2019	COURT	ORDER DENYING MOTION	20190020486
	117	02/22/2019	03/01/2019	3	MOTION	20190024911
	118	02/25/2019	03/12/2019	3	AMENDMENT	20190025910
	119	03/01/2019	03/12/2019	3	MOTION	20190028912
	120	03/21/2019	03/28/2019	3	MOTION	20190039722
	121	03/27/2019	04/03/2019	COURT	ORDER APPELLATE CT	20190041762
	122	03/27/2019	04/03/2019	COURT	REMITTITUR	20190041763
	123	03/27/2019	04/03/2019	COURT	RECEIVED DOCUMENT	20190041764
	124	04/01/2019	04/25/2019	3	AFFIDAVIT	20190044033
	124	04/01/2019	04/25/2019	3	CERTIFICATE	20190044033
	125	04/01/2019	04/25/2019	3	MOTION TO RECUSE	20190044034
	125	04/01/2019	04/25/2019	3	BRIEF	20190044034
	126	04/01/2019	04/25/2019	3	MOTION	20190044040
	127	04/26/2019	05/06/2019	3	NOTICE OF APPEAL	20190056510
	128	05/01/2019	05/14/2019	COURT	RECEIVED DOCUMENT	20190059197
	129	05/10/2019	05/21/2019	3	NOTICE OF APPEAL	20190063100
	130	05/10/2019	05/21/2019	3	LETTER	20190063101
	131	05/15/2019	05/31/2019	COURT	NOTICE	20190065835
	132	05/15/2019	05/31/2019	COURT	NOTICE	20190065840
	133	06/13/2019	06/19/2019	COURT	ORDER APPELLATE CT	20190080024
	134	07/02/2019	07/10/2019	COURT	RECEIVED DOCUMENT	20190088909

Docket/Case Inquiry System: Results

Monday 15th of July 2019

COURT OF APPEALS INFORMATION

Case Number: A18A0545
 Style: NINA MATTHEWS v. MERBAUM LAW GROUP, PC
 Status: Remittitur Mailed
 Docket/Notice Date: October 18, 2017
 Remittitur Date: March 22, 2019
 Term: December/Winter
 Supreme Court Transfer: None
 Calendar Date: February 2018
 COA Judgment/Ruling: AFFIRMED (*June 19, 2018*)
 Opinion/Order: Not Published

TRIAL COURT INFORMATION

Case Number: 1513498
 Clerk: Superior Court Clerk of Cobb County
 Judge: Hon. REUBEN GREEN
 County: Cobb
 Court: Superior Court
 Appealed Order: August 4, 2017
 Notice of Appeal: August 29, 2017

FILINGS, MOTIONS AND COURT ACTIONS

Motion Date: November 1, 2017
 Motion: FOR EXT TO FILE BRIEF/NT
 Court Action Date: November 2, 2017
 Court Action: EXT GRANTED (CHECK FILE)
 Motion Date: November 1, 2017
 Motion: TO SUPPLEMENT RECORD
 Court Action Date: November 7, 2017
 Court Action: TO SUPPLEMENT RECORD/DENIED
 Motion Date: November 13, 2017
 Motion: TO SUPPLEMENT RECORD
 Court Action Date: November 14, 2017
 Court Action: TO SUPPLEMENT RECORD/DENIED
 Motion Date: November 13, 2017
 Motion: MFR ON ORDER/NT
 Court Action Date: November 14, 2017
 Court Action: MOTION/S DENIED
 Filing Date: December 4, 2017
 Filing: BRIEF OF APPELLANT /NT
 Motion Date: December 11, 2017
 Motion: TO SUPPLEMENT RECORD
 Court Action Date: December 12, 2017
 Court Action: TO SUPPLEMENT RECORD/DENIED
 Filing Date: December 15, 2017
 Filing: BRIEF OF APPELLEE /EE

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EXHIBIT 13

Filing Date	January 3, 2018
Filing	REPLY BRIEF/NT
Motion Date	June 28, 2018
Motion	MFR/NT
Court Action Date	July 5, 2018
Court Action	MFR/DENIED
Filing Date	July 12, 2018
Filing	NOTICE OF INTENT TO GA SUPREME CT
Filing Date	July 16, 2018
Filing	AMENDED NOTICE OF INTENT CERTIORARI
Filing Date	July 25, 2018
Filing	NOTICE OF FILING CERT TO GA SUPREME CT

COURT INITIATED ACTIONS

None	None
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ATTORNEY INFORMATION

Appellant	Ms Nina Matthews
Appellee	Mr. David Jason Merbaum
Appellee	Mr. Andrew Jacob Becker
Appellee	Ms Brittany Anne DeDiego

SUPREME COURT INFORMATION

Notice of Intent	July 12, 2018
Application Date	July 25, 2018
Certiorari Number	S18C1591
Disposition	Denied
Disposition Date	March 4, 2019
Remittitur Date	March 19, 2019



SUPREME COURT OF GEORGIA

Computerized Docketing System

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Docket Search Results

Case Number: S18C1591
Status: Remittitur
Style: Matthews v. Merbaum Law Group, PC
Description: Civil - Certiorari
Docket Date: July 25, 2018
Calendar: November 2018
Oral Argument Date: ****This date is not official until the Court Calendar is transmitted to the parties.**
County Location: Cobb
Lower Court Numbers: 1513498

Proceedings

Date	Filings & Motions	Date	Orders
July 25, 2018	CERTIORARI - Petition for Writ of Certiorari		
August 6, 2018	CERTIORARI - Response to Petition for Certiorari		

Disposition

Disposition Date: March 4, 2019 - **Certiorari - Writ denied**

Attorneys

Name	Type	Address	Phone
Nina Matthews	Appellant	6038 Katie Emma Drive Powder Springs, Georgia 30127	(678) 231-7726
David Jason Merbaum	Appellee	MERBAUM LAW GROUP P.C. 5755 North Point Parkway Suite 284 Alpharetta, Georgia 30022	(678) 393-8232
Andrew Jacob Becker	Appellee	MERBAUM & BECKER, P.C. 5755 North Point Parkway Suite 284 Alpharetta, Georgia 30022	(678) 393-8232

EXHIBIT 14

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Docket/Case Inquiry System: Results

Monday 15th of July 2019

COURT OF APPEALS INFORMATION

Case Number: A19A2081
 Style: NINA MATTHEWS v. MERBAUM LAW GROUP, PC
 Status: Notice of Intent/Application Filed
 Docket/Notice Date: May 15, 2019
 Remittitur Date: None
 Term: August
 Supreme Court Transfer: None
 Calendar Date: September 2019
 COA Judgment/Ruling: DISMISSED (*June 13, 2019*)
 Opinion/Order: [View](#)

TRIAL COURT INFORMATION

Case Number: 1513498
 Clerk: Superior Court Clerk of Cobb County
 Judge: Hon. REUBEN GREEN
 County: Cobb
 Court: Superior Court
 Appealed Order: March 27, 2019
 Notice of Appeal: April 26, 2019

FILINGS, MOTIONS AND COURT ACTIONS

Motion Date: May 24, 2019
 Motion: FOR EXT TO FILE BRIEF/NT
 Court Action Date: June 4, 2019
 Court Action: MOTION MOOT
 Motion Date: May 30, 2019
 Motion: FOR EXT TO FILE BRIEF/NT
 Court Action Date: June 4, 2019
 Court Action: EXT GRANTED (CHECK FILE)
 Filing Date: June 14, 2019
 Filing: BRIEF OF APPELLANT /NT
 Motion Date: June 19, 2019
 Motion: MFR/NT
 Court Action Date: June 26, 2019
 Court Action: MFR/DENIED
 Motion Date: June 20, 2019
 Motion: TO SUPPLEMENT RECORD
 Court Action Date: July 11, 2019
 Court Action: MOTION MOOT
 Filing Date: July 2, 2019
 Filing: NOTICE OF INTENT TO GA SUPREME CT

COURT INITIATED ACTIONS

Court Action Date: June 13, 2019
 Court Action: DISMISSED

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EXHIBIT 15

ATTORNEY INFORMATION

Appellant	Ms Nina Matthews
Appellee	Mr. David Jason Merbaum
Appellee	Ms Brittany Anne DeDiego

SUPREME COURT INFORMATION

Notice of Intent	July 2, 2019
Application Date	
Certiorari Number	
Disposition	
Disposition Date	
Remittitur Date	

Court of Appeals of the State of Georgia

ATLANTA, June 13, 2019

The Court of Appeals hereby passes the following order:

A19A2081. NINA MATTHEWS v. MERBAUM LAW GROUP, PC.

Merbaum Law Group, PC (“Merbaum”) filed an action for breach of contract against its former client Nina Matthews for unpaid legal services. Merbaum later moved for summary judgment, and the trial court granted the motion and entered a final judgment on August 4, 2017. Matthews filed a timely pro se appeal, and this Court affirmed the judgment of the trial court in an unpublished opinion. See *Matthews v. Merbaum Law Group, PC* (Case No. A18A0545, decided June 19, 2018). Following the remittitur, on March 27, 2019, the superior court ordered that the “Judgment of the Court of Appeals be made the judgment of” the superior court. Matthews then filed a timely pro se notice of appeal from the March order, again seeking review of the August 2017 final judgment affirmed by this Court in Case No. A18A0545. She also seeks review of trial court orders entered between April 2018 and February 2019, ruling on her various motions filed after the August 2017 final judgment. We dismiss Matthews’ appeal for three reasons.

First, Matthews may not appeal from the trial court’s March 27, 2019 judgment on remittitur. The superior court did not make any ruling in that judgment. It merely made the decision of this Court a part of the record below.

Second, Matthews is not entitled to file a second appeal in the same civil matter. “It is axiomatic that the same issue cannot be relitigated *ad infinitum*.” (Emphasis in original.) *Echols v. State*, 243 Ga. App. 775, 776 (534 SE2d 464) (2000); see also *Massey v. Massey*, 294 Ga. 163, 165 (2) (751 SE2d 330) (2013) (“[A] party is not entitled to a second appeal from a single order.” (citation and punctuation omitted)).

“Our determination in the earlier appeal is *res judicata*; the instant appeal is therefore barred, and we are without jurisdiction to review the same matter for a second time.” *Echols*, supra at 776. To the extent Matthews wished to challenge our decision in Case No. A18A0545, she has done so by filing of a motion for reconsideration in this Court and a petition for certiorari in the Georgia Supreme Court, both of which have been denied.

Third, Matthews’ notice of appeal is untimely as to the remaining orders from which she seeks review. The notice of appeal was filed on April 26, 2019, 72 days after entry of the most recent order - the trial court’s February 13, 2019 denial of Matthews’ motion to recuse the trial judge. A notice of appeal must be filed within 30 days of entry of the order sought to be appealed. OCGA § 5-6-38 (a). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction on this Court. *Rowland v. State*, 264 Ga. 872, 872 (1) (452 SE2d 756) (1995).

For these reasons, we lack jurisdiction to consider this appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta, 06/13/2019

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.

Stephen E. Caston

, Clerk.