

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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<sup>1</sup> 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**

**Supp. App. 001**

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.



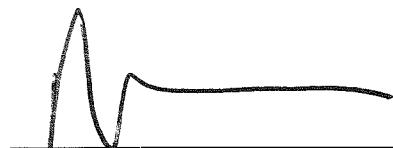
3/30/10

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, )  
v. ) CIVIL ACTION  
STATE FARM FIRE AND )  
CASUALTY COMPANY, ) FILE NO. 1:10-cv-01641-WBH  
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**

Supp. App. 004

Case 1:10-cv-01641-WBH Document 25 Filed 10/06/10 Page 2 of 11

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.

Case 1:10-cv-01641-WBH Document 25 Filed 10/06/10 Page 3 of 11

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 6<sup>th</sup> 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

Case 1:10-cv-01641-WBH Document 25 Filed 10/06/10 Page 4 of 11

**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 6<sup>th</sup> 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

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

GEORGE MATTHEWS AND )  
NINA MATTHEWS, )  
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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 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

Case 1:10-cv-01641-WBH Document 25 Filed 10/06/10 Page 6 of 11

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 6<sup>th</sup> 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**  
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**IN THE UNITED STATES DISTRICT COURT  
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NINA MATTHEWS, )  
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v. ) FILE NO. 1:10-cv-01641-WBH  
 )  
STATE FARM FIRE AND )  
CASUALTY COMPANY, )  
 )  
Defendant. )  
 )

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.

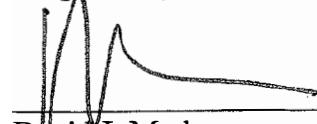
2. The name of the judge assigned to your case is Willis B. Hunt, Jr., and said judge's law clerk is Eric Kimbrough. Mr. Kimbrough can be reached by telephone at (404) 215-1450 and has a mailing address of 1756 Richard B. Russell Federal Building and United States Courthouse, 75 Spring Street, SW, Atlanta, 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  
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STATE FARM FIRE AND )  
CASUALTY COMPANY, )  
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Defendant. )  
-----)

**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;



Case 1:10-cv-01641-WBH Document 25 Filed 10/06/10 Page 11 of 11

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  
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**IN THE UNITED STATES DISTRICT COURT  
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**EXHIBIT 3**

Supp. App. 015

Case 1:10-cv-01641-WBH Document 26 Filed 10/06/10 Page 2 of 11

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.

Case 1:10-cv-01641-WBH Document 26 Filed 10/06/10 Page 3 of 11

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".

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email: dmerbaum@bellsouth.net  
Georgia Bar No. 006700  
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Georgia Bar No. 142595

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Case 1:10-cv-01641-WBH Document 26 Filed 10/06/10 Page 4 of 11

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Case 1:10-cv-01641-WBH Document 26 Filed 10/06/10 Page 6 of 11

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TO: George and Nina Matthews  
6038 Katie Emma Drive  
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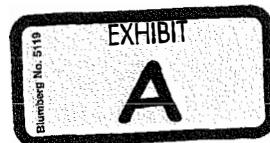
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A. We wish to withdraw as your attorney of record.

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-



Case 1:10-cv-01641-WBH Document 26 Filed 10/06/10 Page 8 of 11

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).
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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.
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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  
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**ORDER GRANTING MOTION  
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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;



Case 1:10-cv-01641-WBH Document 26 Filed 10/06/10 Page 11 of 11

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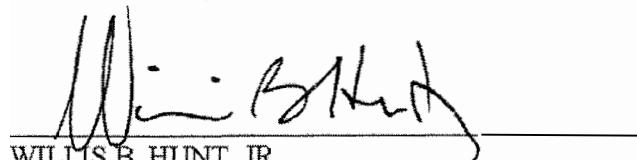
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GEORGE MATTHEWS, et al., :  
Plaintiffs, :  
: :  
v. : CIVIL ACTION NO.  
: 1:10-CV-1641-WBH  
STATE FARM FIRE AND :  
CASUALTY COMPANY, :  
Defendant. :  
:

**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 20<sup>th</sup> 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 28<sup>th</sup> 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**

Supp. App. 027

**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**

Supp. App. 028

Case 1:10-cv-01641-WBH Document 34 Filed 11/05/10 Page 2 of 5

Respectfully submitted, this 5<sup>th</sup> 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

**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 5<sup>th</sup> 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

**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

Case 1:10-cv-01641-WBH Document 34 Filed 11/05/10 Page 5 of 5

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 5<sup>th</sup> 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

<b>Civil Case Number:</b> 15103498 <b>MERBAUM LAW GROUP PC v MATTHEWS GEORGE</b> <b>Judge:</b> GREEN				<b>Case Type:</b> COMPLAINT <b>Filing Date:</b> 05/07/2015 <b>Case Status:</b> OPEN <b>Disposition Date:</b>				
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

 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

**EXHIBIT 13**

**Supp. App. 036**

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

## 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

[BACK TO SEARCH PAGE](#)

### 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**

**Supp. App. 038**

# 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

**EXHIBIT 15**

**Supp. App. 039**

**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] a party is not entitled to a second appeal from a single order.” (citation and punctuation omitted)).

**EXHIBIT 16**

**Supp. App. 041**

“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.*