



Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

MICHAEL SPENCER,

Plaintiff,

TAMEKA BROWN,

Defendant.

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CIVIL NO.
18-1-04259-53

**NONPARTY MATTHEW D. MCMASTER’S
RULE 21 MOTION FOR COURT RECORDS**

COMES NOW Nonparty-Movant, Matthew D. McMaster (“Movant”), and files his *Nonparty Matthew D. McMaster’s Rule 21 Motion For Court Records*, showing this Court as follows:

Facts

The Court can take judicial notice of the following: A hearing was held in the above-styled action on April 18, 2023 in courtroom 4400, scheduled for 3:30 PM in accordance with a Rule Nisi on file with this Court dated April 4, 2023. One or both of the parties had the case taken down by a court reporter. Movant desires to inspect and copy the audio-recording, including metadata pertaining to any digital files thereto, made by the court reporter at the proceeding and between 3:30 PM and 4:15 PM.

Rule of Law

Uniform Superior Court Rule 21 provides that “[a]ll court records are public and are to be available by public inspection unless public access is limited by law or by the procedure set out [in Rule 21.1 et seq.]. The Supreme Court of Georgia has interpreted Georgia’s Constitutional right to access court records broadly:

Our court has breathed life into some old words that have lain dormant within our Constitution for most of their century old existence. The words are: “Public officers are the trustees and servants of the people and are at all times amenable to the.” We have established that this is no empty phrase, but an obligation that is enforceable in a court of law. Public men and women, above all others, must act in good faith. Neither facile excuse nor clever dissimulation can serve in the stead of duty faithfully performed. Because public men and women are amenable “at all times” to the people, they must conduct the public’s business out in the open.

Davis v. City of Macon, 262 Ga. 407-408, (1992) (citing GA. Const. Art. I, Sec. 2, Para. 1 (1983)).

“The right of access to court records under court rule is coextensive with the common law right of access to court proceedings.” *Merch. L. Firm, P.C. v. Emerson*, 800 S.E.2d 557, 561 (2017). The public’s ability to access court records is “an essential component of our system of justice” and “is instrumental in securing the integrity of the process.” *FTC v. AbbVie Prod. LLC*, 713 F.3d 54, 62 (11th Cir. 2013). The Georgia Court of Appeals in *AJC v. Long*, 258 Ga. 410, 411 (1988), held that “[p]ublic access protects litigants both present and future, because justice faces its gravest threat when courts dispense it secretly. Our system abhors star chamber proceedings with good reason.”

Id.

Conclusion

In light of the above, considered in conjunction with Rule 21 and Georgia Constitution, Movant is entitled to inspect and copy the audio-recording(s), including metadata pertaining to any digital files thereto, made by the court reporter at the proceeding and between 3:30 PM and 4:15 PM.

WHEREFORE Movant prays:

- (a) That this Court Grant this motion;
- (b) That this Court issue an order allowing Movant to inspect and copy the audio-recording(s), including metadata pertaining to any digital files thereto, made by the court reporter at the proceeding and between 3:30 PM and 4:15 PM; and
- (c) That this Court issue an order for any further relief that this Court deems just and proper.

This 26th day of April 2023.

/s/ Matthew D. McMaster
Matthew D. McMaster
Georgia Bar No. 218044
Nonparty-Movant

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