



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 ACTION FILE NO.
) 18-1-04259-53
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AFFIDAVIT OF REBECCA W. MCLAWS

COMES NOW, Rebecca W. McLaws, after having been duly sworn, does declare, as follows:

1.

My name is Rebecca W. McLaws. I am an attorney in good standing with the State Bar of Georgia. I represent the Defendants in the above-styled matter.

2.

I have personal knowledge of the facts and circumstances contained in this Affidavit. I am also familiar with the record in this matter. I am filing this Affidavit in Support of the Motion to Recuse pursuant to Uniform Superior Court Rule 25.2.

3.

I am the Custodian of Records for McLaws Law Group, LLC. The email correspondence attached to this Affidavit is true and correct, maintained in the ordinary course of business, and has not been altered in any way.

4.

Mr. Spencer caused a Notice to Produce to be served on Ms. Brown requiring her to produce an audio recording she made of an altercation between Ms. Brown, Mrs. Wendy Spencer, and Mr. Spencer's Mother. Ms. Brown objected to turning over the audio recording. It is unclear for what purpose Senior Judge J. Stephen Schuster required Ms. Brown to turn over the audio recording. The modification litigation was finalized through the Final Order and on appeal.

5.

I questioned Judge Schuster about the purpose of requiring the audio recording to be turned over on the record. Judge Schuster responded and indicated that “evidence has gone missing” in the case. I reviewed the transcripts and record after Judge Schuster’s comment. I could find no allegations that evidence had “gone missing” or any kind of spoliation accusations.

6.

Judge Schuster entered an Order in which Judge Robert Leonard will “hold” the audio recording until further hearing.

7.

On September 23, 2022, the parties appeared before Senior Judge Stephen Schuster (“Senior Judge Schuster”) for a hearing on outstanding Motions. The transcript reflects that Plaintiff did not testify about his income. The record and transcript reflect that Plaintiff did not file or serve his Domestic Relations Financial Affidavit, as required by Uni. Sup. Ct. R. 24.2. Plaintiff did not file or serve his Child Support Worksheets, as required by Uni. Sup. Ct. R. 24.2. Plaintiff did not present any evidence at hearing on August 24, 2022 relating to his income.

8.

Despite not having any evidence about Plaintiff’s income or notice to Defendant that child support would be an issue, Senior Judge Schuster issued the Temporary Order on September 29, 2022. Senior Judge Schuster imputed income to Plaintiff without any testimony or evidence relating to his income.

9.

Plaintiff filed his Motion for Citation for Contempt with this Court on October 19, 2022. One Senior Judge Schuster conducted a hearing on Plaintiff’s Motion for Contempt on December 19, 2022. I raised the issue again that the Court entered an Order without notice to Ms. Brown, without any evidence whatsoever, and based on nothing more than speculation.

10.

Following the hearing, Senior Judge Schuster entered the Order adjudging Ms. Brown in willful contempt for failing to pay child support on December 21, 2022. This Order compels Ms. Brown to turn over an audio recording to Judge Robert Leonard’s office. This Order also provides for Ms. Brown’s incarceration if she failed to pay the outstanding arrearage amount of approximately \$3,100.00.

11.

Mr. Spencer filed his Motion for Supersedes Bond on February 7, 2023. Senior Judge Schuster granted the Motion and set supersedes in the amount of \$35,000.00.

12.

Mr. Spencer's attorneys contacted Judge Leonard's office and requested a hearing. I was copied on the electronic mail communication. The Court issued a "Show Cause and Rule Nisi" setting "Plaintiff's Motion for Contempt" for a hearing to be held on April 18, 2023. (Order, April 4, 2023).

13.

The Show Cause and Rule Nisi made no sense to me because the court had already conducted a hearing on Plaintiff's Motion for Contempt. Mr. Spencer has not filed any other Motions for contempt since October, 2022.

14.

On April 18, 2023, I appeared for hearing on "Plaintiff's Motion for Contempt." Mr. Spencer's attorney, Brad MacDonald, informed the Court that the matter was set for a "compliance hearing" and that Ms. Brown has not paid any child support. Mr. MacDonald advised the Court that Mr. Spencer was seeking a total arrearage amount of \$7,364.00. Mr. MacDonald requested that the court enter judgment in the amount of \$7,364.00 against Ms. Brown.

15.

The Court did not receive evidence and no one testified. Judge Schuster then asked me about my client's position. I pointed out to the Court that the Show Cause and Rule Nisi did not set the matter for a "compliance hearing," but, rather, it was set for a hearing on Plaintiff's Motion for Contempt. I pointed out to the Court that Plaintiff's Motion for Contempt was ruled on already and no other Motions had been filed relating to child support arrearage. I advised the Court that my client had no notice of any additional arrearage, no notice that Mr. Spencer was seeking a judgment, and no notice of any issues beyond what was set in the Show Cause and Rule Nisi.

16.

During the hearing, Senior Judge Schuster inquired into where is the Defendant's "entourage." I understood Senior Judge Schuster to be referring to Matthew McMaster, a friend

of Ms. Brown who ran in opposition to Judge Robert Leonard, II, during the election of 2022. I responded to the question with “I don’t know.” I was momentarily confused by the question because I did not understand what Mr. McMaster’s presence, or lack thereof, had anything to do with the reason the hearing was set. Senior Judge Schuster went on to state that Senior Judge Adele Grubbs had “tangled it up with Mr. McMaster” in Fulton County. Based on the words Judge Schuster used and his tone, I got the impression that Judge Schuster intended the comment to be a negative reflection of Mr. McMaster.

17.


On April 19, 2023, Mr. McDonald submitted proposed Orders to Judge Robert Leonard’s staff attorney, Mimi Scaljon at 1:43 p.m. (Exh. A). One minute later, Ms. Scaljon responded, “Thank you! I will make sure that they get entered.” The Court entered the proposed Orders less than three (3) hours later without allowing my client or me the opportunity to respond or object.

18.

Person appeared before me the undersigned Affiant who on oath states that the facts set forth in the foregoing affidavit are true and correct based on her personal knowledge.

Further, Affiant sayth naught.

This the 25th day of April, 2023.


Rebecca W. McLaws

Sworn and subscribed before me
This 25 day of April, 2023.


Notary Public

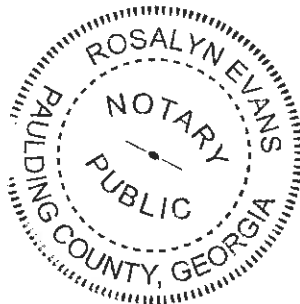


EXHIBIT "A"

From: "Scaljon, Mimi" <Mimi.Scaljon@cobbcounty.org>
Subject: RE: Spencer v. Brown, CAFN 18-1-04259-53
Date: Wed, April 19, 2023 1:44 pm
To: "Brad Macdonald" <brad@hillmac.com>
Cc: "rebecca@mclawslawgroup.com" <rebecca@mclawslawgroup.com>, "Justin Wyatt" <justin@wyattlawgroup.net>, "nancy@syropinglelaw.com" <nancy@syropinglelaw.com>

Thank you! I will make sure that they get entered.

Mimi Anna Scaljon
Staff Attorney to Judge Robert D. Leonard II
Superior Court of Cobb County
70 Haynes Street
Marietta, Georgia 30090
Telephone: (770) 528-1839 (Direct)
Fax: (770) 528-1842

mimi.scaljon@cobbcounty.org

To Schedule a Civil Hearing, Please reach out to our Judicial Case Manager, Camille Grout at Camille.grout@cobbcounty.org / (770) 528-1453.

- *** Please Copy Opposing Counsel/Parties on All Correspondence
- *** Please Attach Courtesy Copies of Any Motions Filed with the Court
- *** Please Submit Proposed Order in Word Format

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From: Brad Macdonald <brad@hillmac.com>
Sent: Wednesday, April 19, 2023 1:43 PM
To: Scaljon, Mimi <Mimi.Scaljon@cobbcounty.org>
Cc: rebecca@mclawslawgroup.com; Justin Wyatt <justin@wyattlawgroup.net>; nancy@syropinglelaw.com
Subject: Spencer v. Brown, CAFN 18-1-04259-53

Mimi,

Attached, please find proposed Orders in the above-referenced action for Judge Schuster's consideration. I have included MS Word versions in the event that he desires to make any edits. Please note that I have copied all counsel with this correspondence and thank you for your assistance!

Sincerely,

Brad E. Macdonald
Attorney at Law

Hill/Macdonald, LLC
329 Lawrence Street
Marietta, Georgia 30060
770.293.0940 (Office)
770.293.0947 (Facsimile)
www.hillmac.com

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Attachments:

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