

IN THE SUPERIOR COURT OF CLARKE COUNTY

2008 FEB 18 PM 4:53

STATE OF GEORGIA

BEVERLY LOGAN, CLERK
CLARKE COUNTY, GEORGIA

ROBERT MANLOVE and WILLIAM
HOFFMAN

Plaintiffs

versus

UNIFIED GOVERNMENT OF ATHENS-
CLARKE COUNTY, GEORGIA

Defendant

) CIVIL ACTION

) FILE NO. SU08CV0227-SW

) EXPEDITED HEARING REQUESTED

DOCKET INITIALS

REQUEST FOR VOLUNTARY RECUSAL AND ALTERNATIVE MOTION TO RECUSE

This case presents a state Constitutional challenge to an Athens-Clarke County ordinance. This case has been assigned to The Honorable Judge David R. Sweat, whose wife, The Honorable Judge Kay A. Giese, is an officer of the Defendant. Judge Giese is the Athens-Clarke County Municipal Court Judge, who adjudicates – among other things – alleged violations of the ordinance under challenge here.

Based upon these facts, Plaintiffs respectfully request that Judge Sweat voluntarily recuse himself from this case and order the Clerk to assign the case to another Superior Court Judge. If Judge Sweat declines this request for voluntary recusal, Plaintiffs respectfully move for his recusal under Canon 3E(1)(c) of the Code of Judicial Conduct, and submit the attached Affidavit in support thereof, on the 18th day of February, 2008.

Charles A. Jones, Jr.

THE LAW OFFICES OF CHARLES A. JONES, JR., LLC
ATTORNEY FOR PLAINTIFFS
By Charles A. Jones, Jr. (Bar No. 280102)

FILED IN
CLERK'S OFFICE
SUPERIOR/STATE COURT
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CLARKE COUNTY, GEORGIA

IN THE SUPERIOR COURT OF CLARKE COUNTY
STATE OF GEORGIA

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|---|---|-----------------------------|
| ROBERT MANLOVE and WILLIAM HOFFMAN |) | CIVIL ACTION |
| |) | |
| |) | FILE NO. SU08CV0227-SW |
| Plaintiffs |) | |
| |) | |
| versus |) | |
| |) | |
| UNIFIED GOVERNMENT OF ATHENS- CLARKE COUNTY, GEORGIA |) | |
| |) | EXPEDITED HEARING REQUESTED |
| Defendant |) | |

DOCKET INITIALS

REQUEST FOR EXPEDITED CONSIDERATION OF
REQUEST FOR VOLUNTARY RECUSAL AND ALTERNATIVE MOTION TO RECUSE

In short order, Plaintiffs will file a Motion for Interlocutory Injunction. Plaintiffs will argue that, since each day that the noise ordinance remains in place is an abridgement of their Constitutional rights, and because the loss of free speech rights for even minimal amounts of time is an irreparable injury, injunctive relief is justified. An interlocutory injunction is essential to preserve the Plaintiffs' rights during the pendency of this action.

Therefore, Plaintiffs respectfully request expedited consideration of the foregoing recusal matter in order to permit the Motion for Interlocutory Injunction to be taken up as soon as possible.

Respectfully submitted on the 18th day of February, 2008, by:

Charles A. Jones Jr.
THE LAW OFFICES OF CHARLES A. JONES, JR., LLC
ATTORNEY FOR PLAINTIFFS
By Charles A. Jones, Jr. (Bar No. 280102)

1720 Epps Bridge Parkway, Suite 108-319 Athens, GA 30606

IN THE Superior COURT OF Clarke COUNTY

STATE OF Georgia

Robert Manlove and William Hoffman)

Plaintiffs)

versus)

Unified Government of Athens-Clarke County, Georgia)

Defendant)

Civil ACTION

FILE NO. SU08CV0227-SW

CERTIFICATE OF SERVICE

The undersigned Attorney certifies that he has served the following documents upon

The Honorable Bill Berryman, Attorney for Plaintiff Defendant _____, by:

First Class Mail, postage prepaid, addressed to: _____

Hand-delivery to his/her office at 155 East Washington Street Athens, Georgia

_____, and leaving a copy with the person in charge of said office

The documents so served are: 1) Request for Voluntary Recusal and Alternative Motion to Recuse;

2) Request for Expedited Consideration of Request for Voluntary Recusal and Alternative Motion

to Recuse; 3) Plaintiffs' Brief Supporting Request For Voluntary Recusal and Alternative

Motion to Recuse; 4) Exhibit A: Affidavit In Support Of Request For Voluntary Recusal and

Alternative Motion to Recuse; 5) Athens-Clarke County Organizational Chart (Exhibit B);

6) Review of Athens-Clarke County Municipal Court Operations (Exhibit C)

On this 18th day of February, 2008:

Printed Name: Charles A. Jones, Jr

Charles A. Jones Jr
Attorney for Plaintiffs