

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA



Connie Taylor
Clerk of Superior Court Cobb County

THE TRUSTEES OF THE NORTH)
GEORGIA CONFERENCE OF THE)
UNITED METHODIST CHURCH,)
INC.,)

CIVIL ACTION FILE)
NUMBER: 21-1-06801-28)

Petitioner, and Respondent)
in Counterclaim,)

JURY TRIAL DEMANDED)

vs.)

MT. BETHEL UNITED METHODIST)
CHURCH, INC. d/b/a MT. BETHEL)
UNITED METHODIST CHURCH,)

Respondent, Counterclaim)
and Third-Party Plaintiff,)

vs.)

THE TRUSTEES OF THE NORTH)
GEORGIA CONFERENCE, INC.;)
THE NORTH GEORGIA)
CONFERENCE OF THE UNITED)
METHODIST CHURCH, INC.,)
SUE HAUPERT-JOHNSON, BISHOP;))
JESSICA E. TERRELL, DISTRICT)
SUPERINTENDENT; JOHN DOE 1;)
JOHN DOE 2; JOHN DOE 3; JOHN)
DOE 4; JOHN DOE 5;)

FILED IN COURT
THIS MAR 15 2022
AT _____ AM

Counterclaim and)
Third-Party Defendants.)

CONNIE TAYLOR
SUPERIOR COURT CLERK
COBB COUNTY, GEORGIA

JOINT CONSENT WAIVER OF RIGHT TO SEEK JUDICIAL RECUSAL

WHEREAS, the Code of Judicial Conduct at Canon 3.4(4) allows judges to “with the consent of the parties, confer separately with the parties or their lawyers in an effort to mediate or settle pending proceedings;”

WHEREAS, the Hon. Mary Staley Clark, the assigned judge in this matter, has offered to assist the parties by meeting separately with the parties and their counsel in trying to find a resolution to this civil action.

WHEREAS, both parties to this lawsuit desire to avoid the costs and uncertainty of continued litigation and are amenable to such a settlement conference;

WHEREAS, neither party has now any cause to move for the recusal of Judge Staley Clark; *and*

WHEREAS neither party desires that Judge Staley Clark's participation in a conference to facilitate a settlement to be subsequently used as grounds for recusal or disqualification should the proposed settlement conference be unsuccessful,

The parties do agree as follows:

1.

Any statement by any participant of the settlement conference made during the conference shall be kept confidential between the parties and their counsel.

2.

No statement by any participant of the settlement conference during the conference will be used or referenced in any litigation if the case fails to settle.

3.

Opinions expressed by the Court during the conference shall not be used in an effort to recuse Judge Staley Clark from any civil action.

4.

The parties acknowledge that Judge Staley Clark will not consider anything said or presented at the settlement conference in deciding potential future motions.

5.

The parties will negotiate in good faith with the ultimate goal of resolving all of the litigation.

6.

No statement or conduct by Judge Staley Clark, or any other participant in the Court suggested settlement conference shall give any party or their counsel reasonable cause to question the Court's impartiality.

7.

No statement or conduct by Judge Staley Clark, or any other participant in the Court suggested settlement conference, shall be competent as evidence to show bias or prejudice on the part of Judge Staley Clark.

8.

It is not mandatory, but all parties hereby consent to and authorize the Court to engage in *ex parte* communication for the purpose of engaging in Court supervised settlement conferences. Said consent may be revoked by any party.

9.

No statement or conduct by Judge Staley Clark, or any other participant in the Court suggested settlement conference, shall be competent as evidence in any subsequent proceeding seeking Judge Staley Clark's recusal or disqualification.

10.

Judge Staley Clark shall not be called as a witness by either party, or their counsel, at any subsequent legal proceeding based upon Judge Staley Clark's participation in or statements made or heard during the confidential Court suggested settlement conference.

11.

Both the parties and their counsel would treat as incompetent and non-discoverable any statement made by or given to Judge Staley Clark during the settlement conference.

12.

Specifically, the undersigned parties and attorneys waive any right to seek the recusal or disqualification of Judge Staley Clark: (i) as a result of her offer to participate in the contemplated settlement conference in this matter, (ii) for any statement or conduct by Judge Staley Clark at that conference, or (iii) for any information that comes to the Court's attention as a result of that conference.

13.

Should the settlement conference proposed by the Court be unsuccessful, the parties shall consent to Judge Staley Clark continuing to sit as the presiding judge in this matter.

14.

Any affidavit purporting to recite grounds for the recusal or disqualification of Judge Staley Clark resulting from the proposed settlement conference shall be deemed legally insufficient pursuant to Uniform Superior Court Rule 25.2 to support a motion for recusal or disqualification.

15.

The undersigned parties and counsel agree to be bound, as stated above.

Agreed to by:

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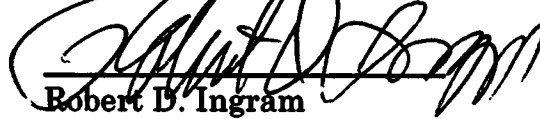
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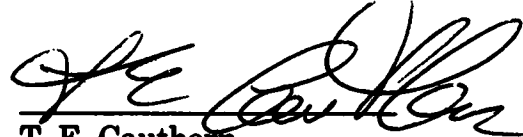
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