

FILED IN CHAMBERS

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

JUN 21 2005
Andrea Schulz
U.S. MAGISTRATE JUDGE
N.D. GEORGIA

WANDA SPANN,

PLAINTIFF

vs.

COBB COUNTY GOVERNMENT,
COBB COUNTY SUPERIOR COURT
JUDGES COUNCIL,
COBB COUNTY PRETRIAL COURT
SERVICES AGENCY,
FRANK COX, in his OFFICIAL
CAPACITY as HONORABLE CHIEF JUDGE
OF THE COBB COUNTY MAGISTRATE
COURT & in his INDIVIDUAL CAPACITY

Defendants

CIVIL ACTION NO. 1:04-CV-1951 (MHS)

PLAINTIFF MOTION TO DEPOSE JUDGE MARY STALEY

Now comes Plaintiff Wanda Spann requesting to depose Judge Mary Staley of the Cobb County Superior. This request is in light of new and conflicting testimony received during the deposition of Howard "Skip" Cheshire.

1.

Howard Cheshire did appear for deposition on June 20, 2005. While under oath, Cheshire said that the "Affidavit of Howard Cheshire" sworn to and subscribed on November 10, 2004 and signed under his signature on the

same date, was prepared by Judge Mary Staley. This claim was made after he was unable to answer questions relating to the affidavit. The Plaintiff and the Court were misled in their belief that Cheshire had written the affidavit that he swore to under oath; and that the information provided was prepared under his direction. The court relied on much of the information provided by the Cheshire affidavit that Plaintiff believes to be false and misleading. Cheshire was questioned about many areas of the affidavit that he had no answer to due to lack of memory or knowledge.

2.

Plaintiff wishes to depose Judge Mary Staley the true author of the document, as claimed under oath by Cheshire, to learn how the information was obtained, and under what conditions. Plaintiff believes that Judge Staley can provide such information.

3.

Plaintiff also believes that Judge Mary Staley should be allowed to contest or challenge Cheshire's accusation under oath.