

IN THE COURT OF APPEALS  
STATE OF GEORGIA

MATTHEW CHAN,

APPELLANT,

Docket No.: A14A0014

vs.

LINDA ELLIS,

APPELLEE.

---

MOTION TO TRANSFER APPEAL  
TO SUPREME COURT OF GEORGIA

PLEASE TAKE NOTICE that Oscar Michelen, the undersigned attorney, will petition this court for a transfer of this appeal to the Supreme Court of Georgia

An affidavit in support sworn to by Oscar Michelen accompanies this motion.

Dated: September, 2013

Respectfully Submitted,



OSCAR MICHELEN  
CUOMO LLC

N.Y. State Bar No.: 2058477  
9 East 38<sup>th</sup> Street  
New York NY 10016  
(212) 448-9933

To: Clerk of the Court  
47 Trinity Avenue S.W., Suite 501  
Atlanta, GA 30334

Page, Scrantom, Sprouse, Tucker & Ford  
1111 Bay Avenue Third Floor  
Post Office Box 1199  
Columbus, Georgia 31902

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AFFIDAVIT IN SUPPORT OF  
MOTION TO TRANSFER APPEAL

OSCAR MICHELEN, being first duly sworn, deposes and says:

1. I am a member of the firm of Cuomo LLC with offices at 9 East 38<sup>th</sup> Street, New York, NY 10016. My motion for courtesy admission was granted by this court on August 27, 2013.

2. I make this affidavit in support of my application for a transfer of this appeal to the Supreme Court of Georgia.

3. This matter was docketed by this court on August 19, 2013, making Appellant's brief due on September 8, 2013. Since that is a Sunday, by operation of Rule 3 of the Rules of the Court of Appeals of Georgia, the time would be extended to the next business day, Monday September 9, 2013. On September 4, 2013, this court granted my motion for an extension of time to file the brief and enumeration of errors to September 30, 2013.

4. As I was preparing the Appellant's Brief in this matter, it became clear to me that one of the issues to be raised by this appeal is whether the order being appealed improperly restricted and violated the Appellant's rights under the First Amendment of the United States Constitution.

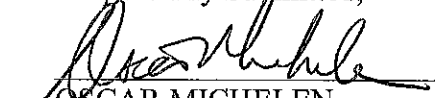
5. While Appellant raised this issue in the court below, where he appeared pro se, when he filed his notice of appeal (also pro se) he did not realize that the Supreme Court of the State of Georgia has exclusive jurisdiction over Constitutional issues raised in appeals under Article VI, Section VI, Paragraphs II and III of the Constitution of the State Georgia.

6. I therefore ask this court to transfer the appeal to the Supreme Court of the State of Georgia. This will not delay the matter on Appellant's end as Appellant still intends to submit his brief and enumeration of errors on or before the extended due date of September 30, 2013.

7. I thank the court in advance for its time and consideration.

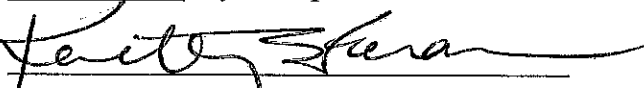
Dated: September 18, 2013

Respectfully Submitted,

  
OSCAR MICHELEN  
CUOMO LLC  
N.Y. State Bar No.: 2058477  
9 East 38<sup>th</sup> Street  
New York NY 10016  
(212) 448-9933

Sworn to and subscribed before me this

18<sup>th</sup> day of September 2013

  
NOTARY PUBLIC

KENNETH S. FERARU  
Notary Public, State of New York  
No. 02FE5038959  
Qualified in Nassau County  
Commission Expires February 6, 20 15