FILED
SEP 23 2023
JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

ERIC A. GARLAND Plaintiff,	)	
v.	)	Case No. 23SL-AC24106
DR. AAMINA AKHTAR, M.D.	)	
VIJOY UMMER	)	
SETH REEDER	)	
WEST END MANAGEMENT, Defendants	)	

AFFIDAVIT IN SUPPORT OF
VERIFIED AMENDED EMERGENCY MOTION TO DISQUALIFY ALL JUDGES OF THE TWENTY-FIRST JUDICIAL CIRCUIT

The undersigned, Plaintiff Eric A. Garland, having first been sworn upon his oath, hereby affirms that the following testimony is true:

1. On November 20, 2015, Plaintiff filed his Petition for Dissolution of Marriage in the 21st Circuit Court of St. Louis County. The case was styled *Garland v. Garland*, 16SL-DR06612. Said case was assigned to the Hon. Mary Patricia Bruntrager Schroeder.

2. On or about July 24, 2016, the Schroeder Court entered its Order and Judgment in *Garland v. Garland* 16SL-DR06612.

3. On or about June 11, 2019, a Motion to Modify was filed, 16SL-DR06612-01.

4. On or about July 14, 2019 a temporary order was entered in 16SL-DR06612-01.

5. On or about November 20, 2020, Judge Schroeder emailed Plaintiff to set a trial for November 24, 2020.

6. On or about November 24, 2020, the parties appeared for trial. Judge Schroeder did not call the court to order. At the end of the day, Judge Schroeder entered a Final Order and Judgment declaring that the parties did not appear and made final the temporary order entered on July 14, 2019 without any hearing held nor evidence adduced.

7. On or about December 15, 2020, The Hon. Mary B. Schroeder retired from the bench.

8. On or about December 31, 2020, *Garland v. Garland* was transferred to the the Hon. John R. Lasater in Division 38.

9. On or about June 24, 2021, a trial was called in the case of *Garland v. Garland.*

10. On or about December 21, 2021, Judge Lasater entered his Order and Judgment in the case of *Garland v. Garland.*

11. On or about January 19, 2023, Plaintiff filed a case styled *Garland v. Schroeder et al.* in the Federal District Court of the Eastern District of Missouri. The case is a civil rights action pursuant to 42 U.S. Code § 1983. Judge Schroeder, Judge Lasater,

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and Clerk of the Court of the 21st Circuit Joan Gilmer are defendants. Said case is still pending.

12. On or about August 30, 2023, Plaintiff filed the instant case in St. Louis County Circuit Court at the courthouse in Clayton, Missouri.

13. Because he is proceeding *pro se*, Plaintiff is required to file a civil complaint on paper at the courthouse in person with the Clerk of the Court.

14. On or about August 30, 2023 at approximately 10:30am, Plaintiff filed his Complaint, Motion to establish an account *in custodia legis*, his first Motion to Disqualify, and elected private process service of with a process server already identified to the Circuit Court.

15. Based on information and belief, Plaintiff spoke with Circuit Court employees "Phoebe" and "Sharonda."

16. The summonses provided to Plaintiff by Circuit Court employees were incorrect and unable to be served upon the parties. Instead of serving the complaint, the Circuit Court arranged for the Defendants to be served with Plaintiff's Affidavit in support of his Complaint.

17. Circuit Court employees selected a date of initial appearance fewer than 30 days from the filing of the Complaint.

18. Plaintiff informed the Circuit Court employees that the documents provided to the process server were incorrect. Circuit Court employees claimed not to know the difference between a Complaint and an Affidavit.

19. Plaintiff asked for a date of initial appearance more than thirty days from the date of filing of the Complaint to afford Defendants enough time to formulate an answer. Circuit Court employees gave Plaintiff unwanted, incorrect legal advice that no answer was required from Defendants. Only after Plaintiff's insistence did Circuit Court employees agree to move the court date to October 18, 2023.

20. On September 4, 2023, William Stage, a licensed process server, completed service of process on all Defendants. He subsequently gave Plaintiff affidavits to be provided to the Court showing process had been served.

21. On or about September 4, 2023 at approximately 8:28am, Plaintiff sent, in accordance with Local St. Louis County Court Rule 3.4, the documentation showing service of process directly to Division 44 at the fax machine number provided on the St. Louis County Circuit Court's website. The transmission was successful.

22. On or about September 6, 2023 at approximately 11:04am, Plaintiff sent the documentation showing service of process directly to the Clerk of the Court's main office at the fax machine number provided on the St. Louis County Circuit Court's website. The transmission was successful.

23. On or about September 12, 2023 at approximately 9:11am, Plaintiff went personally with original paper copies of said affidavits of process service directly to Division 44 of St. Louis County Court at the courthouse in Clayton, Missouri. However, Division 44 was closed; no clerk was present; no bailiff was present.

24. On or about September 12, 2023 at approximately 9:20am, Plaintiff presented said documentation to the Civil desk of the Clerk of the Court. However, multiple Circuit Court employees claimed they did not know what summonses were, nor how to file same.

25. On or about September 19, 2023, Amy Raimondo, Esq. and Michael J. Payne, Esq. entered appearance for Defendants Akhtar and Ummer.

26. On or about September, 20, 2023 at approximately 9:15am, Plaintiff filed his Supplemental Memorandum of Law in support of his initial Motion to Disqualify directly to the Clerk of the Court's main office at the fax machine number provided on the St. Louis County Circuit Court's website. The transmission was successful. However, this Supplement Memorandum of Law is not reflected in the docket.

27. On or about September, 22, 2023 at approximately 3:17am, Plaintiff filed the exhibits in support of his Supplemental Memorandum of Law directly to the Clerk of the Court's main office at the fax machine number provided on the St. Louis County Circuit Court's website. The transmission was successful. However, these exhibits are not reflected in the docket.

28. Because Division 44 does not schedule hearings using the Acuity system similar to other divisions of the 21st Circuit, Plaintiff also placed multiple calls to Division 44 clerk Mary Balles to set an emergency hearing. However, no hearing was scheduled.

29. On or about September 21, 2023 at approximately 9:53am, Division 44 clerk Mary Balles stated to Plaintiff that the division will not set an emergency hearing date until he files documents only at the Clerk of the Court's office in person with the same staff unable to identify process service documents.

FURTHER AFFIANT SAYETH NOT.

Eric A. Garland

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 2023.

JAMILA A LAWSHE
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: January 02, 2024
Commission Number: 20151322

Notary Public

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