

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

JAMES CAMP,

*

Plaintiff,

*

*

*

vs.

*

CASE NO.: 06-CV-1586

*

BETTY B. CASON, in her official
capacity as Probate Judge for
Carroll County, Georgia and

*

*

*

BILL HITCHENS in his official
capacity as the Commissioner of the
Georgia Department of Public Safety,

*

*

*

Defendants.

*

*

BRIEF IN SUPPORT OF DEFENDANT CASON’S MOTION TO JOIN
DEFENDANT HITCHENS’ MOTION TO STAY, OR IN THE ALTERNATIVE,
MOTION TO EXTEND THE TIME TO RESPOND TO PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT

COMES NOW Defendant Betty Cason, Judge of the Probate Court of
Carroll County, by and through counsel, and submits this her brief in support of
her motion to stay summary judgment proceedings, or in the alternative, extend the
time to respond to Plaintiff’s motion for summary judgment.

1. Defendant Cason joins Defendant Hitchens’ motion to stay by
incorporating each ground, finding, and argument into her motion to stay the
proceedings (Doc.-42). As additional grounds, Defendant Cason propounds the

following:

2. The judicial resources of this Court are scarce, and it is the duty of the parties to guard this Court's time from nonessential pleadings and litigation.

Defendant Cason contends that her motion to dismiss is dispositive in this action.

Until this Court chooses a course of action and rules on Defendant Cason's motion to dismiss, Plaintiff's Motion for Summary Judgment is nonessential.

3. By filing his Motion for Summary Judgment, Plaintiff Camp is seeking to advance the proceedings of this Court. Plaintiff Camp received a temporary Georgia Firearms License and submitted a renewal application for a Georgia Firearms License, (see Doc.-16, attachments; Doc.-39, second affidavit of Camp, ¶ 12). Having received a temporary licence, Plaintiff may not claim or demonstrate that he is prejudiced by Defendant Cason's motion to stay the proceedings.

4. Plaintiff Camp has not requested, nor may he demonstrate, any justifiable cause to expedite or advance these proceedings to have his Motion for Summary Judgment considered before this Court considers Defendants' motion to dismiss.. Defendants have yet to file an Answer to Plaintiff's Complaint, and to prosecute a Motion for Summary Judgment seeks to have this Court simultaneously consider motions from Defendants and Plaintiff. The simultaneous

consideration of such motions is not the most efficient use of judicial resources. Considering the resources of the Court, and the resources of the parties, the best alternative is to Stay the Proceedings until this Court decides the next course of action on Defendants' motions to dismiss.

WHEREFORE, for the above provided reasons and judicial economy, Defendant Cason requests that this Court grant her motion.

Respectfully submitted, this 6th day of September, 2006.

S/ DAVID A. BASIL
Georgia Bar No. 041034
P.O. Box 338
Carrollton, Georgia 30112
Attorney for Betty Cason
dbasil@carrollcountyga.com

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2006, I electronically filed BRIEF IN SUPPORT OF DEFENDANT CASON'S MOTION TO JOIN DEFENDANT HITCHENS' MOTION TO STAY, OR IN THE ALTERNATIVE, MOTION TO EXTEND THE TIME TO RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

J. Ben Shapiro, Esq.
One Midtown Plaza
1360 Peachtree Street, N.E.
Suite 1200
Atlanta, Georgia 30309

John R. Monroe, Esq.
9640 Coleman Road
Roswell, Georgia 30075

Eddie Snelling, Jr.
State Law Department
40 Capital Square, S.W.
Atlanta, Georgia 30334-1300

S/ DAVID A. BASIL
Georgia Bar No. 041034
P.O. Box 338
Carrollton, Georgia 30112
Attorney for Betty Cason
dbasil@carrollcountyga.com

CERTIFICATION AS TO FONT

Pursuant to N.D. Ga. Local Rule 7.1 D, I hereby certify that this document is submitted in Times New Roman 14 point type as required by N.D. Ga. Local Rule 5.1(b).

S/ DAVID A. BASIL
Georgia Bar No. 041034
P.O. Box 338
Carrollton, Georgia 30112
Attorney for Betty Cason
dbasil@carrollcountyga.com