

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

GEORGIA CARRY.ORG, INC.,)
TAI TOSON, EDWARD WARREN,)
JEFREY HUONG, JOHN LYNCH,)
MICHAEL NYDEN, and JAMES CHRENCIK,)

Plaintiffs,)

v.)

FULTON COUNTY, GEORGIA, CITY OF)
ATLANTA, GEORGIA, CITY OF EAST)
POINT, GEORGIA, CITY OF MILTON,)
GEORGIA, CITY OF ROSWELL, GEORGIA,)
CITY OF SANDY SPRINGS, GEORGIA and)
CITY OF UNION CITY, GEORGIA,)

Defendants.)

CIVIL ACTION FILE

NO. 2007-CV-138552

Judge Doris L. Downs

ANSWER OF DEFENDANT FULTON COUNTY, GEORGIA

COMES NOW, Defendant FULTON COUNTY, GEORGIA and files this DEFENDANT FULTON COUNTY, GEORGIA'S ANSWER TO PLAINTIFF'S COMPLAINT showing the Court as follows;

FIRST DEFENSE

Plaintiff's claims are barred, in whole or in part, due to their failure to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, due to their failure to properly verify their complaint.

THIRD DEFENSE

Plaintiff's claims are barred because the Plaintiffs lack standing to assert their claims.

FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, due to the doctrine of sovereign immunity.

Defendant hereby responds to the individually-numbered paragraphs of the Plaintiff's Complaint as follows:

1.

Defendant admits that Plaintiffs' complain appears to seek declaratory and injunctive relief. The remaining averments in paragraph 1 are denied.

2.

Admitted.

3.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3 of the complaint.

4.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of the complaint.

5.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 5 of the complaint.

6.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 6 of the complaint.

7.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 7 of the complaint.

8.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 8 of the complaint.

9.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

10.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

11.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

12.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

13.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

14.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

15.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

16.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

17.

Admitted.

18.

Admitted.

19.

Admitted.

20.

Admitted.

21.

Admitted.

22.

Admitted.

23.

Admitted.

24.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

25.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

26.

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27.

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28.

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29.

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30.

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without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

31.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required and this averment is directed at Defendant Fulton County, Fulton County admits that it has not amended code section 50-38.

32.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

33.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

34.

Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

35.

Admitted.

36.

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37.

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38.

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39.

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40.

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41.

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without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

42.

Admitted.

43.

Admitted.

44.

Admitted.

45.

This averment makes no factual allegations, no response is required. To the extent a response is required, Defendant asserts that Article IX, Section II, Paragraph I(a) of the Georgia Constitution speaks for itself and denies any statement inconsistent therewith.

46.

Denied.

47.

Denied.

48.

This averment makes no factual allegations, no response is required. To the extent a response is required, Defendant asserts that O.C.G.A. § 36-35-3(a) speaks for itself and denies any statement inconsistent therewith.

49.

Denied.

50.

Denied.

51.

Denied.

52.

Denied.

53.

Denied.

54.

This averment does not appear to be directed to Defendant Fulton County and therefore no response is required. To the extent a response is required, Defendant Fulton County is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

Prayer for Relief

Defendant denies the remaining averments in paragraphs 55 through 62 and denies that Plaintiffs are entitled to any relief.

FIFTH DEFENSE

Defendant denies each and every allegation contained in the Complaint that has not heretofore been admitted, denied, or as to which Defendant was without sufficient knowledge or information to form a belief as to the truth of said allegations.

WHEREFORE, Defendant Fulton County, Georgia respectfully prays as follows:

(A) That the Court dismiss the present action;

(B) That all costs of Court be case upon Plaintiff; and

(C) That Defendant be granted such other and further relief as the Court deems necessary and proper.

This 21st day of September, 2007

OFFICE OF THE COUNTY ATTORNEY



Steven E. Rosenberg
Georgia Bar No. 614560

141 Pryor Street, N.W.
Suite 4038
Atlanta, Georgia 30303
(404) 612-0246
(404) 730-6324 (fax)

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CERTIFICATE OF SERVICE

This is to certify that I have, this 21st day of September 2007, served counsel for all parties with a copy of this **ANSWER OF DEFENDANT FULTON COUNTY, GEORGIA** by depositing same in the United States Mail, first class postage prepaid, addressed as follows:

John R. Monroe
9640 Coleman Road
Roswell, Georgia 30075

Elizabeth Chandler, Esquire
City Attorney
City of Atlanta
68 Mitchell Street, Suite 4100
Atlanta, Georgia 30303

Nina Hickson, Esquire, City Attorney
City of East Point
2777 East Point Street
East Point, Georgia 30344

Mark E. Scott, Esquire
(City of Milton)
Jarrad & Davis, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040

Dennis A. Davenport, Esquire
(City of Union City)
McNally, Fox & Grant, P.C.
100 Habersham Drive
Fayetteville, Georgia 30214



Steven E. Rosenberg
Georgia Bar No. 614560

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Atlanta, Georgia 30303

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(404) 730-6324 (facsimile)