

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

GEORGIACARRY.ORG,INC,
TOSON,
EDWARD WARREN,
JEFFREY HUONG,
JOHN LYNCH
MICHAEL NYDEN, and
JAMES CHRENCIK

CIVIL ACTION FILE NO: 2007CV138552

Judge Doris L. Downs

Plaintiffs,

v.

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

Defendants.

ORDER ON MOTION FOR SUMMARY JUDGMENT

The above styled case was before the Court on May 9, 2008 for hearing on various pending motions. This Order shall address the pending Motion For Summary Judgment filed by Plaintiffs against Defendant City of Sandy Springs, Georgia (COSS), and a Motion For Summary Judgment which was converted by direction of the Court from a pending Motion to Dismiss Complaint filed by COSS against Plaintiffs. Therefore, this order shall address the pending Motion for Summary Judgment of the Plaintiffs against Defendant COSS, and the pending Motion For Summary Judgment of COSS against Plaintiffs.

At the hearing on the Motions, COSS stipulated that the original ordinance to which Plaintiffs had objected had been sufficiently proven by admission *sub judicio*, and COSS further stipulated that Plaintiffs had standing to bring their case.

The Motions address an amendment to the ordinance of COSS identified as Chapter 8, Article 2, Section 4, Subsection (g) of the COSS Code of Ordinances (the "Ordinance"), and specifically paragraph (2) of subsection (g) in which COSS has included a notice acknowledging the existing provision of Georgia law addressing the unlawful carrying of a firearm in a public gathering. The language in the Ordinance reads

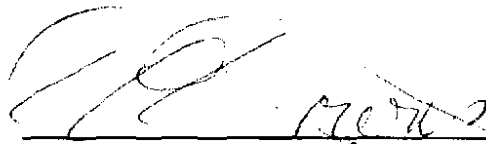
"Pursuant to O.C.G.A. Section 16-11-127, it is unlawful to carry a firearm to a public gathering, as defined in O.C.G.A. Section 16-11-127, within the city."

Upon completion of the presentation of argument of Counsel, the Court announced that the referenced language contained in the Ordinance merely cites the general statute as a notice of the provision contained in State law, and is not preempted under State law as an expansion of the powers of COSS to regulate the carrying of firearms within the city.

Therefore, it is hereby ordered Plaintiff's Motion for Summary Judgment is denied, and Motion For Summary Judgment of the City of Sandy Springs is granted.

Further, pursuant to O.C.G.A. Section 9-11-54(b), the Court hereby makes the express determination that there is no just reason for delay of entry of final judgment in favor of the City of Sandy Springs and hereby expressly directs that final judgment be entered in favor of the City of Sandy Springs.

This 19 day of May, 2008.



DORIS L. DOWNS, JUDGE
Superior Court of Fulton County, Georgia
Atlanta Judicial Circuit

Presented by:



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