

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGIACARRY.ORG, INC.)	
<i>et. al.</i> , Plaintiffs)	
)	
v.)	CIVIL ACTION FILE NO.
)	1:08-CV-2171-MHS
)	
CITY OF ATLANTA, <i>et. al.</i>)	
Defendants.)	

**PLAINTIFFS/COUNTERDEFENDANTS’ ANSWER AND AFFIRMATIVE
DEFENSES TO COUNTERCLAIMS**

Affirmative Defenses

1. Defendants have failed to state a claim for which relief may be granted.
2. To the extent Defendants intend for unnamed individual members of Plaintiff GeorgiaCarry.Org, Inc. to be counterdefendants, this Court lacks personal jurisdiction over such individual members.
3. Defendants lack standing.

Answer

1. Responding to the allegations of paragraph 1, to the extent any response from Plaintiffs is required to this paragraph, Plaintiffs deny the allegations of this paragraph.

Jurisdiction and Venue

2. Plaintiffs admit the allegations of paragraph 2.
3. Plaintiffs admit the allegations of paragraph 3.

Factual Background

4. Plaintiffs state that the terms of the act cited speak for themselves and deny any characterization that is inconsistent with those terms.
5. Plaintiffs deny the allegations of paragraph 5.
6. Plaintiffs state that the terms of the act cited speak for themselves and deny any characterization that is inconsistent with those terms.
7. Plaintiffs deny the allegations of paragraph 7. Indeed, it is readily apparent with even a minimum of research into federal law that the federal government does not regulate the carry of firearms in the unsecured areas of the airports or in airport parking lots.
8. Plaintiffs deny the allegations of paragraph 8.

9. Responding to the allegations of paragraph 9, Plaintiffs admit that HB 89 was a new law passed in 2008 but deny that there are no more than 1,800 members in GCO, as, indeed, there are more than 2,300. Responding further, Plaintiffs admit that they tend to be “ardent” about the right to bear arms. Responding further, Plaintiffs deny that they "claim HB 89 permits them to carry concealed, loaded guns at the airport." HB 89 decriminalizes the carry of firearms in the unsecured areas of airports in Georgia. Responding further, Plaintiffs admit that some of GCO's members have been deterred from carrying concealed, loaded firearms at the airport. Plaintiffs deny this allegation as to other members, who have been carrying concealed, loaded firearms in the unsecured areas since July 1, 2008.

10. Responding to the allegations of paragraph 10, Plaintiffs state that the time stamp on the Complaint speaks for itself and denies any characterization that is inconsistent with that time stamp. Responding further, Plaintiffs deny the allegation that they request that "despite the pervasive system of [unspecified] federal security regulations that HB 89 permits them to bring concealed, loaded handguns into all non-sterile areas of the airport." Plaintiffs request that this Court enter an injunction that Defendants comply with the law and cease

threatening unlawful arrest of (or actually arresting) Plaintiffs when Plaintiffs are in full compliance with both state and federal law.

11. Responding to the allegations of paragraph 11, Plaintiffs deny the allegations of paragraph 11 and specifically deny that HB 89 or any other State law conflicts with federal law pertaining to firearms in airports.

Count 1

(Declaratory Relief)

12. Plaintiffs reassert their responses to paragraphs 1 through 11 as if fully set out herein.
13. Plaintiffs deny the allegations of paragraph 13 as stated. The terms of Plaintiff's pleadings speak for themselves, and Defendant's characterization of those terms is inaccurate.
14. Plaintiffs deny the allegations of paragraph 14 as stated. The terms of Plaintiff's pleadings speak for themselves, and Defendant's characterization of those terms is inaccurate.

15. Responding to the allegations of paragraph 15, Plaintiffs deny the allegations of paragraph 15 as stated. The terms of Plaintiff's pleadings speak for themselves, and Defendant's characterization of those terms is inaccurate. Responding further, Plaintiffs specifically deny that Defendants are in any way enforcing their illegal policy "in compliance with and in the aid of enforcement of the system of [unspecified] federal regulations."

16. Responding to the allegations of paragraph 16, Plaintiffs state that the specific allegations of Plaintiffs' pleadings speak for themselves and deny any characterization that is inconsistent with those allegations. Responding further, Plaintiffs admit that some of GCO's members have been deterred from carrying concealed, loaded firearms at the airport. Plaintiffs deny this allegation as to other members, who have been carrying concealed, loaded firearms in the unsecured areas since July 1, 2008.

17. Plaintiffs deny the allegations of paragraph 17.

18. Plaintiffs admit the allegations of paragraph 18 as to the justiciability of their own claims but deny the allegations of paragraph 18 as to the claims contained in Defendants' Counterclaim.

19. Plaintiffs deny the allegations of paragraph 19.

Count II

(Injunctive Relief)

20. Plaintiffs reassert their responses to paragraphs 1 through 19 as if fully set forth herein.

21. Responding to the allegations of paragraph 21, Plaintiffs state that the specific allegations of Plaintiffs' pleadings speak for themselves and deny any characterization that is inconsistent with those allegations. Responding further, Plaintiffs specifically deny that anything they have sought is "contrary to federal and state law," as Defendants frivolously allege.

22. Responding to the allegations of paragraph 22, Plaintiffs state that the specific allegations of Plaintiffs' pleadings speak for themselves and deny any characterization that is inconsistent with those allegations.

23. Responding to the allegations of paragraph 23, Plaintiffs state that Plaintiff Bearden's comments speak for themselves and deny any characterization that is

inconsistent with his comments. Plaintiffs specifically deny Defendants' ominous allegation that Plaintiff Bearden "threatened" anything.

24. Responding to the allegations of paragraph 24, Plaintiffs state that the specific allegations of Plaintiffs' pleadings speak for themselves and deny any characterization that is inconsistent with those allegations. Responding further, Plaintiffs admit that some of GCO's members have been deterred from carrying concealed, loaded firearms at the airport. Plaintiffs deny this allegation as to other members, who have been carrying concealed, loaded firearms in the unsecured areas since July 1, 2008

25. Responding to the allegations of paragraph 25, Plaintiffs do not possess sufficient information to admit them either to admit or deny any allegation pertaining to Defendants' subjective "apprehension[s]." Responding further, Plaintiffs admit that some or all of its more than 2,300 members already carry firearms in the airport parking lots, at the curbside, and inside the buildings in the nonsterile areas of the airport terminal where such carry has been legal since July 1, 2008.

26. Plaintiffs admit the allegations of paragraph 26 as to the justiciability of their own claims but deny the allegations of paragraph 26 as to the claims contained in Defendants' Counterclaim.
27. Responding to the allegations of paragraph 27, Plaintiffs deny that Defendants would suffer any harm, much less an irreparable harm, and Plaintiffs deny that Defendants have been suffering any harm since July 1, 2008.
28. Plaintiffs deny the allegations of paragraph 28.

Prayer for Relief

29. Responding to paragraph 29 and subparagraphs (a) through (d) thereof, Plaintiffs deny that Defendants are entitled to any relief whatsoever on their Counterclaim.

JOHN R. MONROE,

/s/ John R. Monroe
John R. Monroe
Attorney at Law
9640 Coleman Road
Roswell, GA 30075
Telephone: (678) 362-7650
Facsimile: (770) 552-9318
john.monroe1@earthlink.net

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing Answer and Affirmative Defenses to Counterclaims on August 21, 2008 using the CM/ECF system which automatically will send email notification of such filing on the following:

Christopher Riley, Esq.
Chris.riley@alston.com

Michael P. Kenny, Esq.
Mike.kenny@alston.com

Alston & Bird, LLP
1201 West Peachtree Street
Atlanta, GA 30309-3424

Yonette Buchanan, Esq.
yonettebuchanan@asheafuse.com

Joshua Jewkes, Esq.
joshuajewkes@asheafuse.com

Ashe, Rafuse & Hill, LLP
1355 Peachtree Street, NE, Suite 500
Atlanta, GA 30309

 /s/ John R. Monroe
John R. Monroe