IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

GREGORY D. COUNTRYMAN, SR., individually and as Elected Marshal of Muscogee County, Georgia and, VIVIAN BISHOP, individually and as Elected Clerk of the Municipal Court of Columbus, Georgia,

Plaintiffs,

v.

COLUMBUS, GEORGIA, TERESA P. TOMLINSON, individually and as Mayor, JERRY "POPS" BARNES, individually and as District 1 Councilor, GLENN DAVIS, individually and as District 2 Councilor, BRUCE HUFF, individually and as District 3 Councilor, EVELYN TURNER PUGH, individually and as District 4 Councilor, MIKE BAKER, individually and as District 5 Councilor, GARY ALLEN, individually and as District 6 Councilor, EVELYN "MIMI" WOODSON, individually and as District 7 Councilor, JUDY THOMAS, individually and as District 9 Councilor, and BERRY "SKIP"' HENDERSON, individually and as District 10 Councilor, ISAIAH HUGLEY, individually and as City Manager, PAMELA HODGE, individually and as Finance Director, and CLIFTON C. FAY, individually and as City Attorney,

Defendants.

CIVIL ACTION FILE NO. SU14CV3468-94

DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS

COME NOW, Defendants COLUMBUS, GEORGIA, TERESA P. TOMLINSON, individually and as Mayor, JERRY "POPS" BARNES, individually and as District 1 Councilor, GLENN DAVIS, individually and as District 2 Councilor, BRUCE HUFF, individually and as District 3 Councilor, EVELYN TURNER PUGH, individually and as District 4 Councilor, MIKE BAKER, individually and as District 5 Councilor, GARY ALLEN, individually and as District 6 Councilor, EVELYN "MIMI" WOODSON, individually and as District 7 Councilor, JUDY THOMAS, individually and as District 9 Councilor, and BERRY "SKIP"' HENDERSON, individually and as District 10 Councilor, ISAIAH HUGLEY, individually and as City Manager, PAMELA HODGE, individually and as Finance Director, and CLIFTON C. FAY, individually and as City Attorney (collectively, "Defendants") and files this their Reply in support of Motion to Dismiss. Plaintiffs' Complaint[1] should be dismissed in its entirety pursuant to O.C.G.A. §9-11-12(b)(6), as it is legally insufficient and must fail as a matter of law.

I. INTRODUCTION

Plaintiffs' Amended Complaint and Response to Defendants' Motion to Dismiss are nothing more than budget negotiation tactics employed in an effort to re-appropriate monies, taking from the other departments and offices of the Columbus Consolidated Government ("CCG") in order to increase their own budgets. Nothing significantly differed in the budgeting process this year when compared to the budgeting process in prior years and Plaintiffs have failed to plead facts to demonstrate that any relief is warranted. Plaintiffs have not and cannot show that there was a defect in the budgetary process and have insufficiently alleged such in

[1] As Plaintiffs filed their Amended Complaint after Defendants filed their Motion to Dismiss, Defendants have not been afforded an opportunity to answer Plaintiffs' Amended Complaint and this Court is not required to consider the allegations contained there within in deciding this Motion to Dismiss. Nonetheless, reserving the right to respond to any and all new allegations and reserving all defenses, Defendants aver that Plaintiffs' Amended Complaint still has not alleged sufficient facts to state a claim and should be dismissed.

their pleadings. As established herein, Plaintiffs have failed to state a claim upon which relief can be granted.

As an initial matter, Plaintiffs' claims should be dismissed on immunity grounds. This is evidently clear not only to Defendants, but to Plaintiffs as well, who acknowledge such in their Response. Plaintiffs have attempted to amend their Complaint in a last-ditch attempt to circumvent the immunity defenses raised in this pending Motion. However, the Court should not accept inferences or legal conclusions drawn by Plaintiffs on the facts in their Complaint. See Chisolm v. Tippens, 289 Ga. App. 757 (2008).

Sovereign immunity bars Plaintiffs' claims against Defendant CCG, as well as its officers and employees sued in their official capacities. This is clear and has been acknowledged by Plaintiffs. (Pls.' Resp. Br. at 6). Furthermore, Plaintiffs' claims against Defendants in their individual capacities are barred under the application of official or legislative immunity. The actions contemplated in Plaintiffs' Complaint are discretionary in nature, and as such Plaintiffs must demonstrate malice or intent to harm to waive Defendants' immunity. While Plaintiffs have attempted to plead around Defendants' immunity defenses, Plaintiffs can make only cursory, conclusory allegations against Defendants as a collective unit, pleading with no specificity. Plaintiffs have not and cannot plead actual malice or intent to harm that would waive Defendants' immunity. All of Plaintiffs' claims fail as Defendants' actions during the budgetary process are protected on immunity grounds alone.

However, assuming *arguendo*, that Plaintiffs could plead around the immunity defenses, Plaintiffs' claims must still be dismissed for failure to state a claim upon which relief can be granted. Plaintiffs continue to attempt to persuade this Court to allow them to circumvent both

the legislative process for modifying a budget and their contractual obligations under their Purchasing Card User Agreements. Plaintiffs are asking this Court to do something for which it has no jurisdiction; there is no jurisdiction for this Court to order any budgeted funds to Plaintiffs from "other" funds. See Lowe v. State, 267 Ga. 754 (1997). Plaintiffs are asking this Court to act in a legislative function.

Furthermore, injunctive relief is improper in this case under Georgia law, as there are no allegations justifying such an extraordinary remedy, and an adequate legislative remedy exists. Plaintiffs have an adequate remedy available to them through the legislative processes of the CCG Council and can show no irreparable injury on the face of their complaint. See O.C.G.A. § 23-1-4 ("Equity will not take cognizance of a plain legal right where an adequate and complete remedy is provided by law"). Additionally, Plaintiffs have not shown any grave danger that would necessitate injunction, and the law does not support or recognize such relief. Likewise, Plaintiffs' request for declaratory judgment fails as Plaintiffs have not and cannot plead any current or future uncertainty in the budget process necessitating judicial declaration. Plaintiffs cannot go running to the judiciary when they did not get what they asked for in the approved deliberative legislative budgetary process. Finally, as all of Plaintiffs' allegations fail to state a claim upon which relief can be granted, Plaintiffs are not entitled to attorney's fees.

II. ARGUMENT AND CITATION OF AUTHORITY

1. Plaintiffs' Complaint should be dismissed as the Defendants' actions complained of are protected by the doctrines of sovereign, official and legislative immunity.

(A) **Setting the budget for the Columbus Consolidated Government is a discretionary task, and as such sovereign immunity bars these injunctive allegations against all Defendants in their official capacity.**

As Plaintiffs have acknowledged in their response brief, Defendant Columbus, Georgia, as well as all other Defendants in their official capacity are immune from claim in Plaintiffs' Complaint based on the doctrine of sovereign immunity. (Pls.' Resp. Br. at 6). As all of Plaintiffs' claims arise in equity, sovereign immunity protects the acts of the Defendants in their official capacity and is fatal to Plaintiffs' claims. See Gilbert v. Richardson, 264 Ga. 744 (1994); Saleem v. Snow, 217 Ga. App. 883,886 (1995) ("Individuals acting in a legislative capacity are absolutely immune from suit"). While Plaintiffs can attempt to circumvent immunity by amending their pleadings to allege ministerial and malicious actions, Plaintiffs cannot get around the doctrine of immunity in the context of a legislative body determining the allocation of budget funds as it is clearly a discretionary process.

A discretionary act calls for the exercise of personal deliberation and judgment, which in turn entails examining the facts, reaching reasoned conclusions, and acting on them in a way not specifically directed. Grammens v. Dollar, 287 Ga. 618, 619 (2010). Plaintiffs ignore consistent Georgia case law that clearly demonstrates the discretionary nature of the budgetary process. Defendant Councilors are not bound by budgets or budget requests submitted by officials (if they are submitted at all), but rather have the discretion to implement a budget as part of an overall deliberative process, taking into consideration the needs of the government as a whole. See, e.g., Chaffin v. Calhoun, 262 Ga. 202, 203 (1992) ("This does not mean, however, that county commissioners must approve the budget that a sheriff proposes.")

Plaintiffs attempt to define the deliberative, discretionary budget process as "ministerial" because suit against public officials in their individual capacity is barred when a public official has engaged in discretionary acts within the scope of his/her authority, and the official has not acted with actual malice. Butler v. Carlisle, 299 Ga. App. 815 (2009).[2] However, Plaintiffs' Complaint only describes official and discretionary actions taken, i.e., budget appropriation decisions, denial of outside counsel and payment thereof, and allegations of control over the funding provided to their Offices. (Examples in Complaint in ¶ 61-66, ¶ 67, and ¶72-74).

(B) Plaintiffs can establish neither specific intent to harm nor malice as a waiver of official or qualified immunity for the discretionary action of adopting a budget.

As for Plaintiffs' claims against Defendants in their individual capacity, because the actions involved are legislative and discretionary in nature, Defendants are entitled to official or qualified immunity unless Plaintiffs can show malice or an intent to harm. Saleem v. Snow, 217 Ga.App. 883, 886 (1995) (Individuals acting in a legislative capacity are immune from suit); and *see also* Village of North Atlanta v. Cook, 219 Ga. 316, 319 (1963) (Georgia Supreme Court recognizing immunity provided to members of the General Assembly from suit for actions taken in an official capacity) *and* Bogan v. Scott-Harris, 523 U.S. 44, 55 (1998) (Supreme Court recognizing immunity for a city mayor who introduced and signed a budget into law, as those actions were integral steps in the legislative budget process). Plaintiffs' claims can only survive a motion to dismiss if Plaintiffs allege malice or an intent to harm. Common Cause of Georgia v. City of Atlanta, 279 Ga. 480, 482 (2005). None of Plaintiffs' allegations in their original

[2]Immunity may not be available to an official for the negligent performance of a ministerial act, i.e. a common one that requires merely the execution of a specific duty with no discretion. Butler, *supra.* No such ministerial act or negligence allegation is at issue in Plaintiffs' Complaint.

Complaint are sufficient to waive the application of qualified immunity for these individual Defendants.

The discretionary nature of establishing the budget is clear under Georgia law, as the abuse of discretion standard is required for judicial review of board budget decisions. See, e.g., Bd. of Comm'rs of Dougherty County v. Saba, 278 Ga. 176, 177 (2004) (county commission's changes to the budget "may only be reviewed for abuse of discretion"); Griffies v. Coweta County, 272 Ga. 506, 507-08 (2000) ("changes may only be reviewed for abuse of discretion"); Lovett v. Bussell, 242 Ga. 405 (1978)(Supreme Court recognized discretion inherent in the administration of county affairs to deny raises in Sheriff's budget for extra pay, and stated no interference shall be had unless it is clear and manifest that an abuse of discretion is present). Furthermore, Plaintiffs admit that Defendants exercise discretion in the budget process:

> "The Council must consider theses budget requests submitted by the Plaintiffs and these officers and agencies, and either approve them, or modify them **in the exercise of reasonable discretion** . . . . The Council may not abuse its discretion, or act arbitrarily, in adopting an, annual budget appropriation for these offices and agencies. To the contrary, the Council must gather and evaluate sufficient facts to exercise a reasonable, educated, and informed discretion."

(Complaint ¶ 57) (emphasis added).

2. Injunctive Relief

(A) Injunctive Relief is an improper remedy in the case at bar.

While the Court's analysis of this Motion to Dismiss should end at this point because Plaintiffs' claims fail on the basis of Defendants' sovereign and official immunity, Plaintiffs' claims also fail for the separate and independent reason that injunctive relief is an improper remedy in the current case. Plaintiffs' seek injunctive relief for three separate reasons:

1. Injunction to restrain Defendants from threatening civil or criminal action for the misuse of the purchasing cards;
2. Injunction to restrain Defendants from making any motion, action or vote that interferes with their Council-allocated budgets; and
3. Injunction to restrain Defendants from violating the budget process and requesting adequate funding.

(Complaint at ¶¶ 86, 90 & 91). As shown herein, all three equitable remedies requested are inappropriate because adequate remedies at law exist, namely, the legislative budgetary process. Additionally, Plaintiff claims for injunction should be dismissed for failure to state a claim as the law clearly disfavors permanent injunctions in the absence of *grave* danger of impending injury. Thomas v. Mayor of Savannah, 209 Ga. 866 (1953).

(B) Plaintiffs' request for injunction cannot properly be granted because an adequate remedy is available.

Plaintiffs' claim of equitable relief seeks to enjoin Defendants from allegedly violating the budgetary process and requesting additional funding. As a preliminary matter, requesting additional funding is not an equitable remedy and thus fails to state a claim upon which relief could be granted. Georgia and local law clearly set forth the budgetary process and Plaintiffs' remedy is through this legislative process. *See* O.C.G.A. §36-5-22.1(a) and Charter §§ 7-400, 7-401, 7-402, and 8-105. Plaintiffs have sought to improperly involve this Court, asking the Court to act in a legislative function, simply because Plaintiffs are upset they were not appropriated as much money as they would like to have. The process is legislative, and under the circumstances of this litigation, that legislative process is Plaintiffs' remedy.

Plaintiffs' claim for injunctive relief is also barred by sovereign immunity. The Georgia Supreme Court recently held that "sovereign immunity bars injunctive relief against the State at common law." Georgia Dep't of Natural Resources v. Center for a Sustainable Coast, Inc., 294 Ga. 593, 597-602 (2014). The Georgia Supreme Court held that because sovereign immunity is now a product of constitutional law, as opposed to common law, only the General Assembly, and no court at common law, can grant a waiver. *See also* Id. at 602 ("[n]ot only does sovereign immunity bar the [plaintiff's] claim for injunctive relief against the State at common law, but it also bars the [plaintiff's] injunctive relief pursuant to [statutory law]").

As for the request to enjoin Defendants from violating the budgetary process, this cannot be sufficiently alleged. Describing the scope of their authority and offices, Plaintiffs themselves admitted "[i]t's not constitutional, I will concede that point. They are not constitutional offices." (Transcript at p. 19:13-14). In other words, there is no constitutional or state statutory minimum budgetary requirement for these offices. The local law that creates these offices provides for limited, specified functions, and the Council is the absolute arbiter of what that adequate amount is to be. See Ga. Laws 1983, p. 4443. Plaintiffs' offices are provided appropriations, which are deliberated upon and decided solely by the local legislative arm of the Defendant CCG during its annual budget process. This Court should not attempt the the untenable job of intervening in the discretionary legislative budgeting process of the CCG Council regarding a local municipal court and marshal's office. Plaintiffs' equitable relief requests are such that granting them would allow Plaintiffs unfettered access to Defendant CCG's funds and budgeting process with no basis in law, to the detriment of the other offices and departments of the CCG.

(C) This Court cannot enjoin criminal prosecution where no criminal prosecution has been initiated and where Plaintiffs have no property right in their CCG issued Purchasing Cards.

Plaintiffs' attempts to define any potential criminal prosecution against them as subject to injunction are misguided. Most importantly, no criminal prosecution relating to any of the issues of this litigation is currently pending. Defendants have agreed, in writing, not to initiate any criminal proceedings (if at all) until the disposition of the civil matters in this case. Furthermore, any potential criminal prosecution would be related solely to Plaintiffs' misuse of their Purchasing Cards, violating their Purchasing Card User Agreement. Because no criminal prosecution is imminent, extraordinary injunctive relief would be improper and inappropriate.

Even if criminal prosecution were imminent, a court cannot enjoin criminal prosecution. See O.C.G.A. §9-5-3, ("Equity will take no part in the administration of the criminal law."); See also Thomas v. Mayor of Savannah, 209 Ga. 866, 866 (1953) (Equity "will neither aid criminal courts in the exercise of their jurisdiction, nor will it restrain or obstruct them."). Plaintiffs' assertion that a property right would permit an injunction is incorrect. Neither Plaintiffs nor any other holder of a CCG issued Purchasing Card have a property right in the use of that card. The use of such cards is a privilege, not a right, and full access to the legislatively appropriated funds of an office can be accomplished without the use of a CCG issued purchasing card. All cardholders sign a binding contract before their cards are issued which explicitly prohibits the use of the card for *any* professional service and specifically states that a violation of the Purchasing Card User Agreement may subject the cardholder to criminal prosecution. The Purchasing Card User Agreements were signed by Plaintiffs well before the improper

expenditures in question, and Plaintiffs were aware of the restrictions on the use of those cards prior to those expenditures.

Plaintiffs' reliance on Sarrio v. Gwinnett County is misplaced. 273 Ga. 404 (2001). Sarrio deals with the right to conduct an annual turkey shoot, not property rights in a discretionary purchasing card. Id. Plaintiffs do not and cannot cite any law to suggest that they have a property right in the use of a purchasing card extended to them as a privilege. Furthermore, the Georgia Supreme Court has made clear it is generally inappropriate for courts to enjoin criminal prosecutions. The Court noted a limited exception where "it is shown that [criminal] prosecutions were for the *sole purpose* of unlawfully taking property . . ." noting that "[a]n injunction should *never* be granted except where there is grave danger of impending injury to person or property rights, and a mere threat or bare fear of such injury is not sufficient." Id. at 405 (emphasis added). Furthermore, the Sarrio court found that Sarrio himself was not entitled to the property right exception because "Sarrio's participation in the turkey shoots did not involve 'any property right inuring to him personally.'" Id. The same is true in the instant case. Plaintiffs have no property right in their city issued purchasing cards, therefore injunction is improper to enjoin future alleged criminal prosecution. Id.

3. Declaratory Relief

As noted in the initial Motion to Dismiss, in order for Plaintiffs to properly bring a claim for declaratory relief based on grounds of the alleged unconstitutionality of a county ordinance, Plaintiffs must show "a position of uncertainty or insecurity because of a dispute and of having to take some future action which is properly incident to its alleged right, and which future action without discretion from the court might reasonably jeopardize its interest." J.M. Huber Corp. v.

Georgia Marble Co., 239 Ga. App. 271, 2273 (1999) (citations omitted). Plaintiffs have not and cannot plead facts which would show uncertainty or insecurity, which is required by law. Plaintiffs request judicial determination that Defendants' actions were unlawful. Indeed, O.C.G.A. §36-81-3(d) expressly provides:

> (d) Nothing contained in this Code section shall preclude a local government from amending its budget so as to adapt to changing governmental needs during the budget period. Amendments shall be made as follows, **unless otherwise provided by charter or local law:**
>
> (1) Any increase in appropriation at the legal level of control of the local government, whether accomplished through a change in anticipated revenues in any fund or through a transfer of appropriations among departments, shall require the approval of the governing authority. Such amendment shall be adopted by ordinance or resolution;
>
> (2) Transfers of appropriations within any fund below the local government's legal level of control shall require only the approval of the budget officer; and
>
> (3) The governing authority of a local government may amend the legal level of control to establish a more detailed level of budgetary control at any time during the budget period. Said amendment shall be adopted by ordinance or resolution.

See O.C.G.A. §36-81-3(d)(emphasis added).

Accordingly, Plaintiffs' request to declare Ordinance 13-39 unconstitutional cannot be made as Georgia law rests authority of the budget in the hands of the governing authority. (See O.C.G.A. §36-5-22.1(a)), and, further, rests the procedures through which any budget is amended in the hands of the governing authority (See O.C.G.A. § 36-81-3(d)). There is no uncertainty and Defendants have acted lawfully.

This case merely stems from a request for additional funding from city officials. The fact that a party is unhappy with the outcome of a budgetary decision does not give rise to an equitable cause of action. Plaintiffs are not constitutional officers, and, therefore, their budgets are solely within the discretion of the Columbus Council; their offices are a mere creation of

local legislation. See Ga. Laws. 1915, p. 63 and Ga. Laws 1983, p. 4443. Absent a lack of clarity that the Court needs to address, Plaintiffs' claims for declaratory relief fail to state a claim upon which relief could be granted.

4. Plaintiffs have improperly plead the unconstitutionality of Ordinance 13-39

In their Amended Complaint, Plaintiffs challenge local budget ordinance 13-39 by claiming it unconstitutionally seeks greater control than allowed by state law. (Amended Complaint ¶ 100-04). Plaintiffs fail to meet their burden that there is an actual conflict between the ordinances and any facet of law.

> Any plausible or arguable reason that supports an ordinance will satisfy substantive due process. So long as an ordinance realistically serves a legitimate public purpose, and it employs means that are reasonably necessary to achieve that purpose... the ordinance must survive a due process challenge. The rational basis standard is the least rigorous test of constitutional scrutiny. It does not require that an ordinance adopt the best, or even the least intrusive, means available to achieve its objective. To the contrary, the means adopted by an ordinance need only be reasonable in relation to the goal they seek to achieve. Only if the means adopted, or the resultant classifications are irrelevant to the City's reasonable objective, or altogether arbitrary, does the ordinance offend due process.

Advanced Disposal Servs. Middle Ga., L.L.C. v. Deep S. Sanitation, L.L.C. 296 Ga. 103, 105-106 (2014)(injunctive relief inappropriate because of legitimate public purpose served in waste management ordinance and fact that the means provided within were reasonably related to such purpose).

Plaintiffs' Amended Complaint does not allege that the ordinance is "in conflict with" the Georgia Constitution; indeed, it is wholly consistent with Georgia statutory law as set forth *supra*. Plaintiffs allege that Ordinance 13-39, which requires that the Plaintiffs seek approval

from Council for any expenditures which are made which exceed their appropriated budgetary funds, "seeks and attempts to set greater control than allowed by state law." (Amended Complaint ¶ 102). To the contrary, Ordinance 13-39 is precisely in accord, harmonized, and consistent with O.C.G.A. § 36-81-3(d). In fact, O.C.G.A. § 36-81-3(d) contemplates that local governments will set up a process in order to address budget amendments as needed. O.C.G.A. § 36-81-3(d) (statute expressly allows local government budget amendments, providing: "Nothing contained in this Code section shall preclude a local government from amending its budget so as to adapt to changing governmental needs during the budget period."); See also Charter § 7-404 ("The Council may make appropriations in addition to those contained in the current operating budget or capital budget, at any regular or special meeting called for such purpose."). As Plaintiffs have not and cannot show an inherent conflict with any right established by the Plaintiffs under the Constitution, the motion to dismiss is due to be granted, as no valid constitutional challenge exists. Advanced Disposal, 296 Ga. 103 (2014). State law and the Charter blanket Ordinance 13-39 with constitutional protection.

5. Attorneys' Fees

Plaintiffs have conceded that their claim for attorneys' fees cannot be established unless they are successful in the case at hand. (Pls.' Resp. Br. at 12). Plaintiffs have not won any matter, and Defendants' defensive motions demonstrate that Plaintiffs will *not* win. See Stockbridge v. Stuart , 2014 WL 5334067 (Ga. Ct. App. Oct. 21, 2014) (where trial court was correct in concluding that the mayor was entitled to attorney fees after he was successful in his suit, because he was acting in his official capacity and had been required to hire outside counsel to assert a legal position the city attorney could not assert on his behalf.) Plaintiffs concede, neither CCG nor any of the Defendants are responsible for incurred attorney's fees. The

Plaintiffs in their individual, personal capacities must cover any attorney's fees until such time as they win on their claims, which they will not, and a court orders an amount of reasonable fees recovered. See Gwinnett County v. Yates, 265 Ga. 504, 508 (1995) (county official pays for "private counsel" under judicially-created method of fee assessment, unless and until official is successful in litigation and a court orders county to pay fees)

V. CONCLUSION

None of Plaintiffs' claims are able to move past the immunity protections afforded to all Defendants. On the face of their Complaint, they have failed to plead the necessities of either injunctive or declaratory relief, and the allegations made demonstrate no entitlement to the extraordinary relief requested, most of which is simply contrary to law.

WHEREFORE, Defendants respectfully request that this Court grant Defendants' Motion to Dismiss Plaintiffs' Complaint for failure to state a claim.

Respectfully submitted, this 9th day of January, 2015.

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TABLE OF AUTHORITIES

Defendants' Reply Brief in Support of Motion to Dismiss

Statutes
O.C.G.A. §9-6-20
O.C.G.A §9-6-26
O.C.G.A. §9-11-65
O.C.G.A. §36-5-22.1
O.C.G.A §36-81-3

Charter
Columbus, Ga. Charter §7-401
Columbus, Ga. Charter §8-105

Local Ordinances
Ordinance 13-39
Ordinance 14-25

Cases
Adams v. Hazelwood, 271 Ga. 414 (1999)
Advanced Disposal Servs. Middle Ga. LLC v. Deep S. Sanitation, LLC, 296 Ga. 103 (2014)
Bd. of Comm'rs of Dougherty County v. Saba, 278 Ga. 176 (2004)
Bibb County v. Monroe County, 294 Ga. 730 (2014)
Bogan v Scott-Harris, 523 U.S. 44 (1998)
Boswell v. Bramlett, 274 Ga. 50 (2001)
Building Assoc. v. Crider, 141 Ga. App. 825 (1977)
Cameron v. Lang, 274 Ga. 122 (2001)
Chaffin v. Calhoun, 262 Ga. 202 (1992)
Chisolm v. Tippens, 289 Ga.App. 757 (2008)
Common Cause / Georgia v. City of Atlanta, 279 Ga. 480 (2005)
Garnett v. Murray, 281 Ga. 506 (2007)
Georgia Dep't of Natural Res. v. Ctr. for a Sustainable Cause, 294 Ga. 593 (2014)
Griffies v. Coweta County, 272 Ga. 506 (2000)
Hilton Constr.Co. v. Rockdale County Bd. of Educ., 245 Ga. 533 (1980)
James v. Montgomery County Bd. of Educ., 283 Ga. 517 (2008)
Lawson v. Lincoln County, 292 Ga.App. 527 (2008)
Lovett v. Bussell, 242 Ga. 405 (1978)
Lowe v. State, 267 Ga. 754 (1997)
Maddox v. Threatt, 225 Ga. 730 (1969)
Mabra v. SF, Inc., 316 Ga.App. 62 (2012)
Moore v. Baldwin County, 209 Ga. 541 (1953)
Price v. Empire Land Co, 218 Ga. 80 (1962)
Randolph County v. Wilson, 260 Ga. 482 (1990)
Roswell v. Fellowship Christian School, 281 Ga. 767 (2007)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS** via electronic mail, per agreement of counsel and the Court, addressed as follows:

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This 9th day of January, 2015.

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