

Plaintiffs' Complaint fails to state a claim against Defendant THOMAS C. BORDEAUX, JR., Individually, upon which relief can be granted.

THIRD DEFENSE

The action against THOMAS C. BORDEAUX, JR., a Defendant herein, is barred by the doctrine of official immunity. The action against THOMAS C. BORDEAUX, JR., to the extent asserted against him in his official capacity, is barred by the doctrine of sovereign immunity.

FOURTH DEFENSE

The action against THOMAS C. BORDEAUX, JR., Defendant herein, is barred by the doctrine of judicial immunity.

FIFTH DEFENSE

THOMAS C. BORDEAUX, JR., Defendant herein, has not committed any wrongful act against the Plaintiffs, or any of them, and has not breached any duty owed to the Plaintiffs, or any of them, and, therefore, the action as to Defendant should be dismissed.

SIXTH DEFENSE

GEORGIACARRY.ORG, INC., a Plaintiff herein, lacks standing.

SEVENTH DEFENSE

Plaintiffs' Complaint should be dismissed because the claims are moot.

EIGHTH DEFENSE

Defendant THOMAS C. BORDEAUX, JR., in his capacity as Judge of the Probate Court of Chatham County, has both a legal duty and a moral responsibility to follow the law

applicable to him and the cases before him. In many instances, his ability to do so is dependant upon the Court personnel and space available to him and the Court. However, Defendant Bordeaux, in his capacity as Judge, is dependent upon the Board of Commissioners of Chatham County to fund fully and properly the operation of this Court.

Defendant Bordeaux, in his capacity as Judge, is a Constitutional Officer, and, as such, the Board of Commissioners of Chatham County is legally obligated to fund fully and properly the operation of this Court. The Board of Commissioners of Chatham County, however, has failed and refused to do so.

To whatever extent, if any, Defendant Bordeaux, in his capacity herein as Judge, has failed to process Georgia Weapons Carry License applications in a manner consistent with applicable law as alleged in the Complaint, his failure to do so is the result of the failure and refusal of the Board of Commissioners of Chatham County to provide full and properly funding, including for both personnel and space, for the operation of the Court.

For these and other reasons, the causes of action raised by Plaintiffs' Complaint are barred by O.C.G.A. §9-6-22.

NINTH DEFENSE

Defendant THOMAS C. BORDEAUX, JR., Individually, has no authority, right, or power to accept an application for a Georgia Weapons Carry License, to examine through the Georgia Crime Information Center or otherwise a Georgia Weapons Carry License applicant's criminal history, or to grant, deny, or otherwise act upon an application for a Georgia Weapons Carry License.

Plaintiffs herein have asserted against Thomas C. Bordeaux, Jr., in his individual capacity, a defendant herein, a claim or other position with respect to which there exists such a complete absence of any justiciable issue of law or fact that it could not be reasonably believed that a court would accept the asserted claim.

Further, Plaintiffs herein and their attorney have brought against Thomas C. Bordeaux, Jr., in his individual capacity, a defendant herein, this action, or any part thereof, which lacks substantial justification.

To the extent this suit is brought against THOMAS C. BORDEAUX, JR., Individually, as a defendant, this suit is frivolous. Litigation costs and attorney's fees are to be assessed against Plaintiffs and their attorney for frivolous action pursuant to O.C.G.A. §9-15-14 and other provisions of Georgia law.

TENTH DEFENSE

Each and every allegation contained in Plaintiffs' Complaint which is not specifically responded to herein is DENIED, and Defendant demands that Plaintiffs be required to prove strictly the same.

ELEVENTH DEFENSE

Defendant shows that his responses contained in this Answer are based upon all information currently available to Defendant and are interposed in a good faith attempt to address and respond to all allegations in Plaintiffs' Complaint. Accordingly, Defendant reserves all rights to amend, supplement, and explain the responses given herein as this case progresses and further information becomes available.

TWELFTH DEFENSE

Defendant now responds to the numbered paragraphs of Plaintiffs' Complaint as follows:

1. Defendant admits the allegations contained in paragraph 1 of Plaintiffs' Complaint.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of Plaintiffs' Complaint.

3. Defendant admits the allegations contained in paragraph 3 of Plaintiffs' Complaint.

4. Defendant admits the allegations contained in paragraph 4 of Plaintiffs' Complaint.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of Plaintiffs' Complaint. To the extent to which a further response is required, Defendant denies the allegations contained in paragraph 5 of Plaintiffs' Complaint.

6. Responding to paragraph 6 of Plaintiffs' Complaint, Defendant admits that Thomas C. Bordeaux, Jr., is the judge of the Probate Court of Chatham County. To the extent Plaintiffs have sued Thomas C. Bordeaux, Jr., Individually, as a separate and distinct entity from Thomas C. Bordeaux, Jr., Judge of the Probate Court of Chatham County, Defendant denies that this separately sued entity, Thomas C. Bordeaux, Jr., Individually, is the judge of the Probate Court of Chatham County. Any allegation of

paragraph 6 of Plaintiffs' Complaint not otherwise responded to herein is denied.

7. Responding to paragraph 7 of Plaintiffs' Complaint, Defendant admits that Defendant Thomas C. Bordeaux, Jr., as judge of the Probate Court of Chatham County, is responsible for the issuance of Georgia Weapons Carry licenses pursuant to O.C.G.A. §16-11-129. To the extent that Plaintiffs have sued Thomas C. Bordeaux, Jr., Individually, as a separate and distinct entity from Thomas C. Bordeaux, Jr., Judge of the Probate Court of Chatham County, Defendant denies that this separately sued entity, Thomas C. Bordeaux, Jr., Individually, is responsible for the issuance of Georgia Weapons Carry licenses pursuant to O.C.G.A. §16-11-129. Any allegation of paragraph 7 of Plaintiffs' Complaint not otherwise responded to herein is denied.

8. Responding to paragraph 8 of Plaintiffs' Complaint, Defendant admits that on or about October 13, 2017, Montgomery applied for a Georgia Weapons Carry license with Defendant Thomas C. Bordeaux, Jr., as judge of the Probate Court of Chatham County. To the extent that Plaintiffs have sued Thomas C. Bordeaux, Jr., Individually, as a separate and distinct entity from Thomas C. Bordeaux, Jr., Judge of the Probate Court of Chatham County, Defendant denies that on or about October 13, 2017, Montgomery applied for a Georgia Weapons Carry license with Defendant Thomas C. Bordeaux, Jr., Individually. Any allegation of paragraph 8 of Plaintiffs' Complaint not otherwise responded to herein is denied.

9. Upon information and belief, Defendant admits the allegations contained in paragraph 9 of Plaintiffs' Complaint as they apply to Defendant Bordeaux as Judge of the

Probate Court of Chatham County. Defendant denies the allegations contained in paragraph 9 of Plaintiffs' Complaint as they apply to Defendant Bordeaux, Individually.

10. Responding to paragraph 10 of Plaintiffs' Complaint, Defendant admits that at the time Defendant, as Judge of the Probate Court of Chatham County, issued Montgomery a Georgia Weapons Carry License, Montgomery was eligible to obtain it pursuant to the requirements of O.C.G.A. §16-11-129. Further answering, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations that Montgomery is currently eligible to obtain a Georgia Weapons Carry License pursuant to the requirements of O.C.G.A. §16-11-129. Any allegation of paragraph 10 of Plaintiffs' Complaint not otherwise responded to herein is denied.

11. Responding to paragraph 11 of Plaintiffs' Complaint, Defendant admits that on or about February 2, 2018, Moore applied for a Georgia Weapons Carry license with Defendant Thomas C. Bordeaux, Jr., as judge of the Probate Court of Chatham County. To the extent that Plaintiffs have sued Thomas C. Bordeaux, Jr., Individually, as a separate and distinct entity from Thomas C. Bordeaux, Jr., Judge of the Probate Court of Chatham County, Defendant denies that on or about February 2, 2018, Moore applied for a Georgia Weapons Carry license with Defendant Thomas C. Bordeaux, Jr., Individually. Any allegation of paragraph 11 of Plaintiffs' Complaint not otherwise responded to herein is denied.

12. Upon information and belief, Defendant admits the allegations contained in paragraph 12 of Plaintiffs' Complaint as they apply to Defendant Bordeaux as Judge of the

Probate Court of Chatham County. Defendant denies the allegations contained in paragraph 12 of Plaintiffs' Complaint as they apply to Defendant Bordeaux, Individually.

13. Responding to paragraph 13 of Plaintiffs' Complaint, Defendant admits that at the time Defendant, as Judge of the Probate Court of Chatham County, issued Moore a Georgia Weapons Carry License, Moore was eligible to obtain it pursuant to the requirements of O.C.G.A. §16-11-129. Further answering, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations that Moore is currently eligible to obtain a Georgia Weapons Carry License pursuant to the requirements of O.C.G.A. §16-11-129. Any allegation of paragraph 13 of Plaintiffs' Complaint not otherwise responded to herein is denied.

14. Defendant denies the allegations contained in paragraph 14 of Plaintiffs' Complaint.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of Plaintiffs' Complaint. To the extent to which a further response is required, Defendant denies the allegations contained in paragraph 15 of Plaintiffs' Complaint.

16. Defendant denies the allegations contained in paragraph 16 of Plaintiffs' Complaint as they apply to Defendant Bordeaux, Individually. Defendant denies as pled the allegations contained in paragraph 16 of Plaintiffs' Complaint as they apply to Defendant Bordeaux as Judge of the Probate Court of Chatham County.

17. Defendant denies the allegations contained in paragraph 17 of Plaintiffs' Complaint.

18. Defendant denies the allegations contained in paragraph 18 of Plaintiffs' Complaint.

19. Defendant denies the allegations contained in paragraph 19 of Plaintiffs' Complaint as they apply to Defendant Bordeaux, Individually. Responding to the allegations in paragraph 19 of Plaintiffs' Complaint as they apply to Defendant Bordeaux as Judge of the Probate Court of Chatham County, Defendant denies that it routinely takes longer than 35 days from the time of filing to the time of issuance to process some Georgia Weapons Carry License applications, and admits that it routinely takes longer than 35 days from the time of filing to the time of issuance to process some other Georgia Weapons Carry License applications.

20. Defendant denies the allegations contained in paragraph 20 of Plaintiffs' Complaint as they apply to Defendant Bordeaux, Individually. Defendant denies as pled the allegations contained in paragraph 20 of Plaintiffs' Complaint as they apply to Defendant Bordeaux as Judge of the Probate Court of Chatham County.

21. Defendant denies the allegations contained in paragraph 21 of Plaintiffs' Complaint as they apply to Defendant Bordeaux, Individually. Defendant denies as pled the allegations contained in paragraph 21 of Plaintiffs' Complaint as they apply to Defendant Bordeaux as Judge of the Probate Court of Chatham County.

22. Defendant denies the allegations contained in paragraph 22 of Plaintiffs' Complaint.

23. Defendant denies the allegations contained in paragraph 23 of Plaintiffs' Complaint as they apply to Defendant Bordeaux, Individually. Responding to the

allegations contained in paragraph 23, of Plaintiffs' Complaint as they apply to Defendant Bordeaux as Judge of the Probate Court of Chatham County, Defendant admits that, to whatever extent he as Judge of the Probate Court of Chatham County fails to process Georgia Weapons Carry License applications within the time allowed by O.C.G.A. §16-11-129(d)(4), he as Judge of the Probate Court of Chatham County is violating O.C.G.A. §16-11-129(d)(4). Any allegation of paragraph 23 of Plaintiffs' Complaint not otherwise responded to herein is denied.

WHEREFORE, Defendant prays that Plaintiffs' prayers for relief be denied and that said action be dismissed, all costs of this action be taxed against Plaintiffs, and Defendant be granted all relief to which he, in his Individual capacity or in his capacity as the Judge of the Probate Court of Chatham County, is entitled; and

FURTHER, Defendant Bordeaux, in his Individual Capacity prays that his litigation costs and attorney's fees be assessed against Plaintiffs and their attorney for frivolous action pursuant to O.C.G.A. §9-15-14 and other provisions of Georgia law.

Respectfully submitted, this 31st day of May, 2018.



R. JONATHAN HART
State Bar of Georgia No. 333692
JENNIFER R. DAVENPORT
State Bar of Georgia No. 330328
ATTORNEYS FOR DEFENDANTS

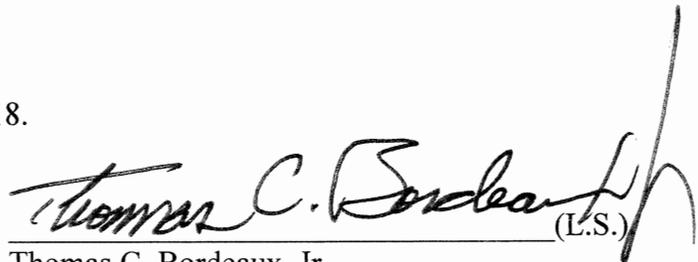
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STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

VERIFICATION

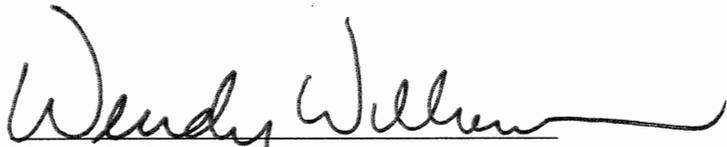
PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, Thomas C. Bordeaux, Jr., who, being first duly sworn, deposes and says that the facts alleged in the foregoing answer to Plaintiff's complaint are true and correct to the best of his knowledge and belief.

This 29th day of May, 2018.



Thomas C. Bordeaux, Jr. (L.S.)

Sworn to and subscribed before me,
this 29 day of May, 2018.



Notary Public

[SEAL]

My Commission Expires

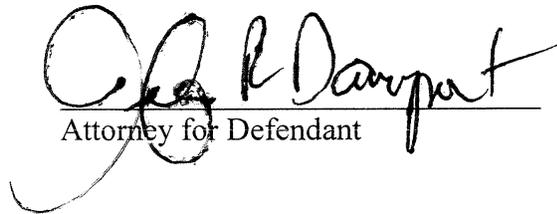


CERTIFICATE OF SERVICE

I hereby certify that I have this day served the parties in the foregoing action with a copy of this document by placing the same in the United States mail with sufficient postage affixed thereto to assure delivery and properly addressed to:

John R. Monroe, Esq.
John Monroe Law, P.C.
9640 Coleman Road
Roswell, GA 30075

This 31st day of May, 2018.


Attorney for Defendant

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