

**IN THE SUPERIOR COURT OF RICHMOND COUNTY
STATE OF GEORGIA**

GEORGIACARRY.ORG, INC.)	
And)	
KEVIN FOX,)	
Plaintiffs,)	
)	Civil Action No.
v.)	
)	
RICHARD ROUNDTREE,)	
In his official capacity as Sheriff of)	
Richmond County, Georgia)	
Defendant)	

VERIFIED COMPLAINT

Plaintiff states the following as his Complaint:

1. This is a Complaint for declaratory and injunctive relief, seeking a declaration that, a Richmond County ordinance is preempted by state law and cannot be enforced against dealers in used firearms or other weapons.
2. Defendant is the sheriff of Richmond County, Georgia.
3. Plaintiff Kevin Fox is a natural person who resides in Columbia County, Georgia and works and does business in Richmond County, Georgia.
4. Plaintiff GeorgiaCarry.Org, Inc. (“GCO”) is a non-profit corporation organized under the laws of Georgia.
5. The mission of GCO is to foster the rights of its members to keep and bear arms.
6. Fox is a member of GCO.
7. On or about May 7, 2013, Richmond County enacted Ordinance # 7409.
8. Ordinance # 7409 regulates certain transactions of used property.
9. Defendant is charged with enforcement of Ordinance # 7409.

10. Defendant interprets Ordinance # 7409 to apply to transactions involving firearms and other weapons.
11. Ordinance # 7409 imposes a waiting period of 10 days after a dealer obtains certain property before the dealer may transfer or sell such property.
12. On or about July 26, 2014, Fox attempted to transfer a firearm from an individual in South Carolina to an individual in Georgia, via a federal firearms licensee (i.e., gun dealer) in Augusta, Richmond County, Georgia.
13. The licensee (and several other licensees with whom Fox discussed the issue) told Fox that Defendant's enforcement of Ordinance # 7409 requires a 10-day waiting period on the transfer of used firearms.
14. O.C.G.A. § 16-11-173 prohibits counties from regulating the sale of firearms "in any manner."
15. By enforcing Ordinance # 7409 against dealers of used firearms, Defendant is violating the prohibition of O.C.G.A. § 16-11-173.
16. GCO has other members that engage in lawful transactions of firearms and other weapons involving dealers in Richmond County, Georgia
17. Such other members are harmed by Defendant's enforcement of Ordinance # 7409 in firearms and other weapons transactions.

Relief Demanded

Plaintiffs demand the following relief:

18. A declaration that Ordinance #7409 is preempted by O.C.G.A. § 16-11-173 to the extent Ordinance #7409 applies to transactions involving firearms and other weapons.

19. An injunction prohibiting Defendant from applying Ordinance #7409 to transactions involving firearms and other weapons.
20. An interlocutory injunction prohibiting Defendant from enforcing Ordinance # 7409 on transactions involving firearms and other weapons.
21. Statutory damages for violation of O.C.G.A. § 16-11-173 in the amount of \$100.
22. Reasonable attorney's fees pursuant to O.C.G.A. § 16-11-173(g).
23. The costs of bringing and maintaining this action.
24. A jury to try this case.
25. Any other relief the court deems proper.

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VERIFICATION

I verify under penalty of perjury that the facts alleged in the foregoing Complaint are true.

Kevin Fox

The above-named Kevin Fox appeared before me on August ____, 2014 in
_____ County, _____ and swore to and subscribed to this document.

Notary Public

My commission expires: