

FILED IN OFFICE

2018 JUL 27 PM 1:31

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

DEP. CLK SUPERIOR CT.
CHATHAM COUNTY GA

GeorgiaCarry.Org, Inc., Shane Montgomery, and)
William Theodore Moore, III,)

Plaintiffs,)

v.)

Civil Action No. SPCV18-00523-BA

Thomas C. Bordeaux, Jr., Individually and as)
Judge of the Chatham County Probate Court,)

Defendant.)

THE HONORABLE THOMAS C. BORDEAUX'S MOTION TO AWARD OF COST
AGAINST DEFENDANT GEORGIACARRY.ORG, INC.

Comes now, Thomas Bordeaux, in both his official and individual capacity, and moves this Court to award cost, including attorney's fees pursuant to O.C.G.A. Section 9-4-9. In support thereof, Defendant Bordeaux shows the following:

This action filed on April 27, 2018 and while styled a "Verified Complaint"¹, counsel for the Plaintiff Corporation prayed for the relief of both a writ of mandamus and a declaration of rights. Counsel has stated that this pleading is intended to be a declaratory action in addition to a Petition for a Writ of Mandamus. As such, the provisions of O.C.G.A. Section 9-4-9 apply to the Plaintiff corporation.

In light of the holdings in GeorgiaCarry.Org, Inc. v. James, GeorgiaCarry.Org, Inc v. Code Revision Commission, and Lathrop v. Deal, this action lacks all merit, is futile, has no value as it is clearly barred by the doctrine of sovereign immunity to the extent it seeks a

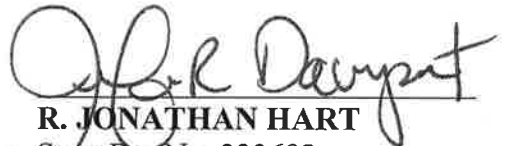
¹ Though the title of the action proclaims it to be verified, no person with a corporate title verified the complaint on behalf of the corporation. Instead the two individual person plaintiffs verified the petition as to each individuals own portion of the complaint.

declaration of rights. Thus, the action meets the statutory requirements for this Court to award cost.

Therefore, the Defendant herein prays that this Court will award him the cost for defending this action. While an award of attorney's fees will be sought in a separate motion and is not proper under this Code Section, the time of the staff of the Probate Court and other resources expended that went into defending this action are appropriate cost and should be granted to the Defendant.

Therefore, Defendant herein prays that this Court shall award him cost in this action and hold a hearing to determine that amount to be awarded.

This 26th day of July, 2018.


R. JONATHAN HART
State Bar No. 333692
JENNIFER R. DAVENPORT
State Bar No. 330328
ATTORNEYS FOR DEFENDANT

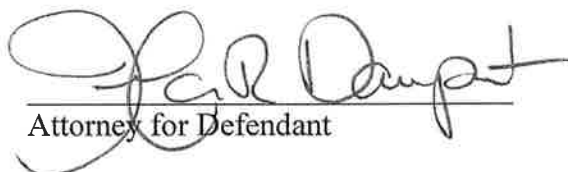
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CERTIFICATE OF SERVICE

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 20th day of July 2018.



Attorney for Defendant

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