

IN THE SUPERIOR COURT OF COWETA COUNTY
STATE OF GEORGIA

CLERK OF
SUPERIOR COURT
COWETA COUNTY, GA

2007 FEB 26 PM 1:09

LINDY E. BROWN, CLERK
COWETA COUNTY, GA

GEORGIACARRY.ORG, INC. and :
EDWARD A. STONE, :

Plaintiffs, :

vs. :

CIVIL ACTION FILE NO. 07-V-215

COWETA COUNTY, GEORGIA, :

Defendant. :

ANSWER

COMES NOW Coweta County, Georgia, Defendant in the above-styled civil action (“Coweta County”), and file this its Answer to Plaintiffs Georgiacarry.org and Edward A. Stone’s (“Plaintiffs”) Complaint, respectfully showing the Court as follows:

FIRST DEFENSE

Plaintiffs have failed to state a claim against Coweta County upon which relief can be granted.

SECOND DEFENSE

To the extent Plaintiffs are seeking any damages from Coweta County, Coweta County raises the defense that Plaintiffs’ claims are or may be barred in whole or in part by the doctrines of sovereign, governmental, qualified and official immunity.

THIRD DEFENSE

Coweta County raises the defenses of insufficiency of process and service of process.

Responding to the numbered paragraphs of Plaintiffs’ Complaint, Coweta County respectfully shows the Court the following:

1.

Coweta County admits the allegations contained in Paragraph 1 of Plaintiffs' Complaint, however, Coweta County specifically denies that its ordinance is preempted by state law, the Georgia Constitution and is ultra vires.

2.

Coweta County is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of Plaintiffs' Complaint.

3.

Coweta County is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of Plaintiffs' Complaint.

4.

Coweta County admits the allegations contained in Paragraph 4 of Plaintiffs' Complaint.

5.

Coweta County admits the allegations contained in Paragraph 5 of Plaintiffs' Complaint, however, Coweta County denies the ordinance is preempted.

6.

Coweta County admits the allegations contained in Paragraph 6 of Plaintiffs' Complaint.

7.

Coweta County admits the allegations contained in Paragraph 7 of Plaintiffs' Complaint.

8.

Coweta County admits the allegations contained in Paragraph 8 of Plaintiffs' Complaint.

9.

Coweta County admits the allegations contained in Paragraph 9 of Plaintiffs' Complaint.

10.

Coweta County admits the allegations contained in Paragraph 10 of Plaintiffs' Complaint.

11.

Coweta County admits the allegations contained in Paragraph 11 of Plaintiffs' Complaint.

12.

Coweta County is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 of Plaintiffs' Complaint.

13.

Coweta County admits the allegations contained in Paragraph 13 of Plaintiffs' Complaint.

14.

Coweta County admits the allegations contained in Paragraph 14 of Plaintiffs' Complaint, however, Coweta County is without knowledge or information sufficient to form a belief as to which date that call was made.

15.

Coweta County admits the allegations contained in Paragraph 15 of Plaintiffs' Complaint.

16.

Coweta County is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 of Plaintiffs' Complaint.

17.

Coweta County is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17 of Plaintiffs' Complaint.

18.

Coweta County denies the allegations contained in Paragraph 18 of Plaintiffs' Complaint.

19.

Coweta County is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 19 of Plaintiffs' Complaint.

20.

Responding to Paragraph 20 of Plaintiffs' Complaint, Coweta County states that the ordinance speaks for itself.

21.

Responding to Paragraph 21 of Plaintiffs' Complaint, Coweta County states that the statute speaks for itself. Coweta County specifically denies that its ordinance in question is preempted by state law, the Georgia Constitution or is ultra vires.

22.

Responding to Paragraph 22 of Plaintiffs' Complaint, Coweta County states that the statute speaks for itself. Coweta County specifically denies that its ordinance in question is preempted by state law, the Georgia Constitution or is ultra vires.

23.

Responding to Paragraph 23 of Plaintiffs' Complaint, Coweta County states that the Georgia Constitution speaks for itself. Coweta County specifically denies that its ordinance in question is preempted by state law, the Georgia Constitution or is ultra vires.

24.

Responding to Paragraph 24 of Plaintiffs' Complaint, Coweta County states that the Georgia Constitution speaks for itself. Coweta County specifically denies that its ordinance in question is preempted by state law, the Georgia Constitution or is ultra vires.

25.

Responding to Paragraph 25 of Plaintiffs' Complaint, Coweta County states that the Georgia Constitution speaks for itself. Coweta County specifically denies that its ordinance in question is preempted by state law, the Georgia Constitution or is ultra vires.

26.

Responding to Paragraph 26 of Plaintiffs' Complaint, Coweta County states that the statutes speak for themselves. Coweta County specifically denies that its ordinance in question is preempted by state law, the Georgia Constitution or is ultra vires.

27.

Responding to Paragraph 27 of Plaintiffs' Complaint, Coweta County states that the statutes speak for themselves. Coweta County specifically denies that its ordinance in question is preempted by state law, the Georgia Constitution or is ultra vires.

Count I – The Ordinance is Preempted

28.

Coweta County denies the allegations contained in Paragraph 28 of Plaintiffs' Complaint.

29.

Coweta County denies the allegations contained in Paragraph 29 of Plaintiffs' Complaint.

30.

Coweta County denies the allegations contained in Paragraph 30 of Plaintiffs' Complaint.

Count II – The Ordinance is Ultra Vires

31.

Coweta County denies the allegations contained in Paragraph 31 of Plaintiffs' Complaint.

Count III – The Ordinance is Void

32.

Coweta County denies the allegations contained in Paragraph 32 of Plaintiffs' Complaint.

Any and all allegations contained in Plaintiff's Complaint not specifically responded to herein are denied.

With respect to Paragraphs 33 through 39 contained in the Prayer for Relief, Coweta County admits that Plaintiffs are seeking said relief, however, deny that they are entitled to the relief sought.

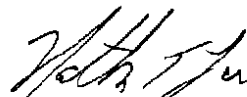
WHEREFORE, having fully answered Plaintiffs' Complaint, Coweta County respectfully prays:

- a. that this case be dismissed;
- b. that all costs of court be cast upon the Plaintiffs; and
- c. that Coweta County have such other and further relief as this Court may deem just and proper.

This 26th day of February, 2007.

GLOVER & DAVIS, P.A.

10 Brown Street
P. O. Box 1038
Newnan, Georgia 30264
(770) 683-6000 phone
(770) 683-6010 fax

BY: 
Nathan T. Lee
Georgia State Bar No. 443770

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CLYDE S. CROWN, CLERK
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CERTIFICATE OF SERVICE

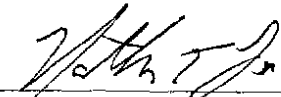
This is to certify that I have this day served the foregoing "ANSWER " by depositing a copy of same in the United States mail in an envelope with sufficient postage attached thereto and addressed to:

John R. Monroe, Esq.
Attorney at Law
9640 Coleman Road
Roswell, Georgia 30075

This 26th day of February, 2007.

GLOVER & DAVIS, P.A.

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BY: 
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