

IN THE SUPERIOR COURT OF DECATUR COUNTY  
STATE OF GEORGIA

  
Cecilia Willis, Clerk  
Decatur County, Georgia

JUNE FAIRCLOTH, CHAD DOLLAR, )  
KRISTINA MARTIN, and )  
LISA DASILVA, )

Plaintiffs, )

v. )

CITY OF BAINBRIDGE; DECATUR )  
COUNTY; DECATUR COUNTY )  
SCHOOL DISTRICT; DECATUR )  
BOARD OF EDUCATION; and )  
DECATUR COUNTY BOARD OF )  
TAX ASSESSORS, )

Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION FILE NO.: 24CV00046

**VERIFIED ANSWER  
OF  
CITY OF BAINBRIDGE TO VERIFIED COMPLAINT**

Defendant, City of Bainbridge (“Defendant”), by its undersigned attorneys, in answer to the Summons and Verified Complaint of June Faircloth, Chad Dollar, Kristina Martin, and Lisa Dasilva (“Plaintiffs”) would respectfully show unto this Court the following:

**FOR A FIRST DEFENSE**

1. This Defendant, with other local governments, has previously expressed the desire for Project Liberty not to locate the project within this Defendant’s jurisdictional limits. That expressed desire has not changed. However, because of pending litigation, this Defendant has remained silent regarding the project. Whether this Defendant stands in practical or political alignment with Plaintiffs, litigants in other pending legal proceedings, members of the general public, or other people or entities related to this Defendant or to the project is no longer a sufficient response. Why? Because, Plaintiffs took the extraordinary step of

suing this Defendant alleging violations of the “Open Meetings Law.” The political process---often the more informal and more practical process---through which differences may have been resolved has, unfortunately, been forced aside by Plaintiffs in favor of Plaintiffs’ electing the legal process with litigation rules and courtroom formalities. Thus, regardless of this Defendant’s political or practical intentions, this Defendant is now bound to provide a litigious response to Plaintiffs in the manner required by law with all the “thees,” “thous,” “denials,” “provided, however,” and “craved references.” Before reading the remainder of this Defendant’s response, understand this: Plaintiffs’ allegations and their legal import are, in common parlance, wrong. This Defendant understands its actions to have been factually and legally correct under the law. As such, each and every allegation (or portion thereof) in Plaintiff’s Verified Complaint not expressly and specifically admitted or modified in this Verified Answer is denied.

**FOR A SECOND DEFENSE**

2. This Defendant is immune from suit under as a result of Plaintiffs’ failure to comply with applicable constitutional and statutory provisions related to sovereign immunity.

**FOR A THIRD DEFENSE**

3. This Court lacks jurisdiction because the matters alleged fail to raise a live, justiciable controversy among these parties.

**FOR A FOURTH DEFENSE**

4. This action constitutes an impermissible collateral attack on a duly issued bond validation order of the Superior Court of Decatur County.

**FOR A FIFTH DEFENSE**

5. This Court lacks jurisdiction as a result of the appeal pending before the Georgia Court of

Appeals as “State of Georgia v. Bainbridge Dev. Ath., et. al.,” case number A24A1078.

**FOR A SIXTH DEFENSE**

6. Plaintiffs fail to state a claim on which this Court may grant relief.

**FOR A SEVENTH DEFENSE**

7. Res judicata bars this action.

**FOR AN EIGHTH DEFENSE**

8. Laches bars this action.

**FOR A NINTH DEFENSE**

9. Plaintiffs fail to show they are entitled to injunctive relief.

**FOR A TENTH DEFENSE**

10. The agreements which form the basis of this action are the result of a bond validation order of the Superior Court of Decatur County.

**FOR AN ELEVENTH DEFENSE**

11. This action fails to name one or more proper, necessary, or indispensable parties.

**FOR A TWELFTH DEFENSE**

12. This action fails to name one or more proper, necessary, or indispensable parties.

**FOR A THIRTEENTH DEFENSE**

13. The allegations contain scandalous, impertinent, or irrelevant material and as such should be stricken or dismissed in all or part.

**FOR A FOURTEENTH DEFENSE**

14. This Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 1-4; therefore, same are denied.
15. This Defendant admits only so much of Paragraph 5 as alleges this Defendant is a

municipal corporation located in Decatur County, Georgia, and is generally subject to the jurisdiction of this Court, provided, however, the remaining allegations of Paragraph 5 are legal conclusions to which this Defendant is not required to answer; therefore, same are denied.

16. The allegations of Paragraphs 6-9 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 6-9; therefore, same are denied.
17. The allegations of Paragraphs 10-11 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied.
18. The allegations of Paragraphs 12-14 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 12-14; therefore, same are denied.
19. This Defendant admits only so much of Paragraph 15 as alleges the City Manager has communicated with each of the Development Authority of Bainbridge and Decatur County (“Authority”) and Savills Inc. (“Savills”) and craves reference to any such communication as the best evidence of the true and accurate substance of such communication and denies the remainder of Paragraph 15.
20. This Defendant admits only so much of Paragraph 16 as alleges this Defendant acted within the bounds of applicable law in any, if any, interactions with any other person(s) and entity(ies) and denies the remainder of Paragraph 16.
21. The allegations of Paragraphs 17-19 are not directed to this Defendant and, as such, this

Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 17-19; therefore, same are denied.

22. The allegations of Paragraph 20 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 20 as the best evidence of the true and accurate substance of such document(s).
23. The allegations of Paragraph 21 are not directed to this Defendant and, as such, this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 21 as the best evidence of the true and accurate substance of such document(s).
24. The allegations of Paragraph 23 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 23; therefore, same are denied.
25. The allegations of Paragraphs 24-32 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraphs 24-32 as the best evidence of the true and accurate substance of such document(s).
26. This Defendant admits only so much of Paragraph 33 as alleges this Defendant acted within the bounds of applicable law and craves reference to any such document(s) as the best evidence of the true and accurate substance of such document(s) and denies the remainder of Paragraph 33.

27. The allegations of Paragraph 34 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 34; therefore, same are denied.
28. The allegations of Paragraph 35 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 35 as the best evidence of the true and accurate substance of such document(s).
29. The allegations of Paragraph 36 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 36; therefore, same are denied; provided, however, to the extent the allegations of Paragraph 36 are related to this Defendant, the allegations of Paragraph 36 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 36 as the best evidence of the true and accurate substance of such document(s).
30. The allegations of Paragraph 37 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 37 as the best evidence of the true and accurate substance of such document(s).
31. The allegations of Paragraph 38 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required,

this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 38; therefore, same are denied; provided, however, to the extent the allegations of Paragraph 38 are related to this Defendant, the allegations of Paragraph 38 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 38 as the best evidence of the true and accurate substance of such document(s).

32. The allegations of Paragraph 39 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 39; therefore, same are denied.

33. The allegations of Paragraphs 40-41 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 40-41; therefore, same are denied; provided, however, to the extent the allegations of Paragraphs 40-41 are related to this Defendant, the allegations of Paragraphs 40-41 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraphs 40-41 as the best evidence of the true and accurate substance of such document(s).

34. The allegations of Paragraphs 42-45 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of

Paragraphs 42-45; therefore, same are denied; provided, however, to the extent the allegations of Paragraphs 42-45 are related to this Defendant, Defendant craves reference to any document(s) referenced in Paragraphs 42-45 as the best evidence of the true and accurate substance of such document(s).

35. The allegations of Paragraph 46 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 46; therefore, same are denied; provided, however, to the extent the allegations of Paragraph 46 are related to this Defendant, the allegations of Paragraphs 46 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 46 as the best evidence of the true and accurate substance of such document(s); and answering further, City admits only so much of Paragraph 46 as alleges the City had proper legal notice of the validation proceeding as required by applicable law and, as such, could have sought (as could have any resident of Decatur County, including, to the extent their residency is established, Plaintiffs) to intervene in the validation proceeding but did not seek to intervene in the validation proceeding.

36. The allegations of Paragraphs 47-49 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 47-49; therefore, same are denied; provided, however, to the extent the allegations of Paragraphs 47-49 are related to this Defendant, Defendant craves reference to any document(s) referenced in Paragraphs 47-49 as the best evidence of the true and



accurate substance of such document(s).

37. The allegations of Paragraph 50 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 50; therefore, same are denied; provided, however, to the extent the allegations of Paragraph 50 are related to this Defendant, the allegations of Paragraphs 50 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraphs 50 as the best evidence of the true and accurate substance of such document(s).

38. Answering the allegations contained in Paragraph 51, each and every response to the foregoing paragraphs are incorporated and included as fully as if repeated verbatim in response to Paragraph 51.

39. The allegations of Paragraphs 52-55 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 51-55; therefore, same are denied.

40. Answering the allegations contained in Paragraph 56, each and every response to the foregoing paragraphs are incorporated and included as fully as if repeated verbatim in response to Paragraph 56.

41. This Defendant admits only so much of Paragraphs 57-59 as alleges this Defendant acted within the bounds of applicable law in any, and denies the remainder of Paragraphs 57-59; provided, however, to the extent the allegations of Paragraphs 57-59 are related to this

Defendant, the allegations of Paragraphs 57-59 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraphs 57-59 as the best evidence of the true and accurate substance of such document(s).

42. The allegations of Paragraph 60 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraph 60; therefore, same are denied; provided, however, to the extent the allegations of Paragraph 60 are related to this Defendant, the allegations of Paragraph 60 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 60 as the best evidence of the true and accurate substance of such document(s).

43. This Defendant admits only so much of Paragraph 61 as alleges this Defendant acted within the bounds of applicable law in any, and denies the remainder of Paragraph 61; provided, however, to the extent the allegations of Paragraph 61 are related to this Defendant, the allegations of Paragraph 61 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied, provided, however, this Defendant craves reference to any document(s) referenced in Paragraph 61 as the best evidence of the true and accurate substance of such document(s).

44. Answering the allegations contained in Paragraph 62, each and every response to the foregoing paragraphs are incorporated and included as fully as if repeated verbatim in response to Paragraph 62.

45. The allegations of Paragraphs 63-68 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 63-68; therefore, same are denied.
46. Answering the allegations contained in Paragraph 69, each and every response to the foregoing paragraphs are incorporated and included as fully as if repeated verbatim in response to Paragraph 69.
47. The allegations of Paragraphs 70-74 are not directed to this Defendant and, as such, this Defendant is not required to answer, provided, however, to the extent an answer is required, this Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 70-74; therefore, same are denied.
48. Answering the allegations contained in Paragraph 75, each and every response to the foregoing paragraphs are incorporated and included as fully as if repeated verbatim in response to Paragraph 75.
49. The allegations of Paragraphs 76-78 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied.
50. Answering the allegations contained in Paragraph 79, each and every response to the foregoing paragraphs are incorporated and included as fully as if repeated verbatim in response to Paragraph 79.
51. The allegations of Paragraph 80 contain one or more legal conclusions to which this Defendant is not required to answer; therefore, same are denied.
52. Defendant denies the allegations contained in the “WHEREFORE” Paragraph and denies that Plaintiffs are entitled to any relief from this Defendant whatsoever.

**FOR A FIFTEENTH DEFENSE**

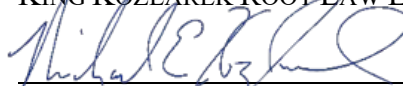
53. This Defendant reserves the right to assert any and all other defenses, both factual and legal, as may be justified in accordance with applicable law, procedure, and practice.

**WHEREFORE**, having fully answered, or otherwise responsively plead to, the Verified Complaint, this Defendant respectfully requests as follows:

- a) That Plaintiffs have and recover nothing and receive no relief from this Defendant;
- b) That the Court dismiss, and/or adjudicate, the Verified Complaint against this Defendant with prejudice;
- c) That the Court tax all costs and fees, including all attorneys' fees against Plaintiffs; and
- d) That the Court grant this Defendant all such further relief as this Court deems just, equitable, and proper.

Respectfully submitted,

KING KOZLAREK ROOT LAW LLC



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*Counsel for City of Bainbridge, Georgia*

March 21, 2024

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STATE OF GEORGIA

JUNE FAIRCLOTH, CHAD DOLLAR, )  
KRISTINA MARTIN, and )  
LISA DASILVA, )

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BOARD OF EDUCATION; and )  
DECATUR COUNTY BOARD OF )  
TAX ASSESSORS, )


Defendants. )

**VERIFICATION OF ANSWER BY  
THE CITY OF BAINBRIDGE**

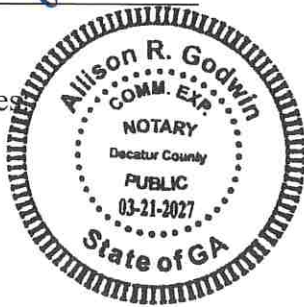
Personally appeared before the undersigned officer duly authorized to administer oaths in and for Decatur County, Georgia, the undersigned officer/official of the City of Bainbridge, who on oath deposes and says that he/she is the duly appointed City Manager, and that he/she has read the above and foregoing Answer, and that, to the best of his knowledge, the same is true and correct.

Sworn to and subscribed before me this  
21<sup>st</sup> day of March 2024.

  
\_\_\_\_\_  
Notary Public

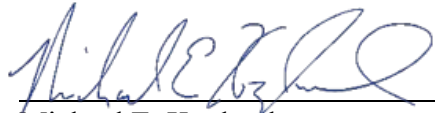
  
\_\_\_\_\_  
Chris Hobby  
City Manager

My Commission expires  
[NOTARIAL SEAL]



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 21, 2024, the foregoing was caused to be electronically filed with the Clerk of the Superior Court of Decatur County using the PeachCourt eFileGA e-filing system, which will automatically send an e-mail notification of such filing to all attorneys of record.

A handwritten signature in blue ink, appearing to read "Michael E. Kozlarek", is written over a horizontal line.

Michael E. Kozlarek  
Georgia Bar No.: 141591