

IN THE SUPERIOR COURT OF DECATUR COUNTY
STATE OF GEORGIA

Cecilia Willis
Cecilia Willis, Clerk
Decatur County, Georgia

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

Plaintiffs,)

v.)

CIVIL ACTION
NO.: 24CV00046

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

Defendants.)

ANSWER

COMES NOW, Decatur County, Georgia, Defendant herein, and, after taking every appropriate and necessary action before Plaintiffs filed their Complaint to remedy the violation of Decatur County of the Open Meetings Act, makes this it's Answer to the Verified Complaint for Relief, as follows:

RESPONSIVE PLEADINGS

-1-

Defendant Decatur County admits the allegations contained in numbered paragraph one of the Complaint.

-2-

Defendant Decatur County admits the allegations contained in numbered paragraph two of the Complaint.

-3-

Defendant Decatur County admits the allegations contained in numbered paragraph three of the Complaint.

-4-

Defendant Decatur County admits the allegations contained in numbered paragraph four of the Complaint.

-5-

Defendant Decatur County admits the allegations contained in numbered paragraph five of the Complaint.

-6-

Defendant Decatur County admits the allegations contained in numbered paragraph six of the Complaint.

-7-

Defendant Decatur County admits the allegations contained in numbered paragraph seven of the Complaint.

-8-

Defendant Decatur County admits the allegations contained in numbered paragraph eight of the Complaint.

-9-

Defendant Decatur County admits the allegations contained in numbered paragraph nine of the Complaint.

-10-

With respect to the allegations set out in numbered paragraph 10 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-11-

As to the allegations contained in numbered paragraph 11 of the Complaint, Defendant Decatur County admits that venue is proper. With respect to the remaining allegations set out in paragraph number 11 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-12-

With respect to the allegations set out in numbered paragraph 12 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-13-

As to the allegations contained in numbered paragraph 13 of the Complaint, Defendant Decatur County admits that a purpose of Project Liberty is to breed and house up to 30,000 primates in a facility situated among residential properties located in near proximity to the Flint River in Bainbridge, Georgia and then to sell the primates. With respect to the remaining allegations set out in numbered paragraph 13 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-14-

Defendant Decatur County admits the allegations contained in numbered paragraph 14 of the Complaint.

-15-

With respect to the allegations set out in numbered paragraph 15 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-16-

With respect to the allegations set out in numbered paragraph 16 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-17-

Defendant Decatur County admits the allegations contained in numbered paragraph 17 of the Complaint.

-18-

With respect to the allegations contained in the first sentence of numbered paragraph 18 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. Defendant Decatur County admits the allegations contained in the second sentence in numbered paragraph 18 of the Complaint.

-19-

Defendant Decatur County admits the allegations contained in numbered paragraph 19 of the Complaint.

-20-

Defendant Decatur County admits the allegations contained in numbered paragraph 20 of the Complaint.

-21-

Defendant Decatur County admits the allegations contained in numbered paragraph 21 of the Complaint.

-22-

With respect to the allegations set out in numbered paragraph 22 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-23-

Defendant Decatur County admits the allegations contained in numbered paragraph 23 of the Complaint.

-24-

Defendant Decatur County admits the allegations contained in numbered paragraph 24 of the Complaint.

-25-

Defendant Decatur County admits the allegations contained in numbered paragraph 25 of the Complaint.

-26-

Defendant Decatur County admits the allegations contained in numbered paragraph 26 of the Complaint.

-27-

Defendant Decatur County admits the allegations contained in numbered paragraph 27 of the Complaint.

-28-

Defendant Decatur County admits the allegations contained in numbered paragraph 28 of the Complaint.

-29-

Defendant Decatur County admits the allegations contained in numbered paragraph 29 of the Complaint.

-30-

Defendant Decatur County admits the allegations contained in numbered paragraph 30 of the Complaint.

-31-

Defendant Decatur County admits the allegations contained in numbered paragraph 31 of the Complaint.

-32-

Defendant Decatur County admits the allegations contained in numbered paragraph 32 of the Complaint.

-33-

With respect to the allegations set out in numbered paragraph 33 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-34-

As to the allegations contained in numbered paragraph 34 of the Complaint, Defendant Decatur County admits Decatur County and BOTA did not publish a notice for the Special Called Meeting. With respect to the remaining allegations set out in numbered paragraph 34 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

With respect to the allegations contained in numbered paragraph 35 of the Complaint, Defendant Decatur County admits that it did not publish a proper agenda for the Special Called Meeting, admits that Defendant BOTA did not publish a proper agenda for the Special Called Meeting, admits that the agenda for the December 11, 2023 Special Called Meeting was only given to Defendant Decatur County and to Defendant BOTA during the one hour period preceding the Special Called Meeting, admits that the agenda that was ultimately circulated by Mr. Hobby stated that the City, the County, the BOE, and the BOTA would each consider the Project Agreement and the Pilot Agreement for Project Liberty, but did not state the agencies would vote on the contracts and admits a true and accurate copy of the December 11, 2023 agenda is attached to the Complaint as Exhibit "D". With respect to the remaining allegations set out in numbered paragraph 35 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

With respect to the allegations set out in numbered paragraph 36 of the Complaint, Defendant Decatur County admits that there was no sign-in sheet to reflect who was present at the meeting, admits that Decatur County recorded the presence or absence of its members in the meeting minutes and admits that Exhibit "A" and Exhibit "F" are both attached to the Complaint. With respect to the remaining allegations set out in numbered paragraph 36 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-37-

Assuming that the City Meeting Minutes that are attached to the Complaint are true and accurate, Defendant Decatur County admits the allegations contained in numbered paragraph 37 of the Complaint.

-38-

Assuming that the City Meeting Minutes that are attached to the Complaint are true and accurate, Defendant Decatur County admits the allegations contained in numbered paragraph 38 of the Complaint.

-39-

Because Defendant Decatur County cannot speculate as to the information, belief and/or the knowledge of Plaintiffs, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations set out in numbered paragraph 39 of the Complaint. However, Defendant Decatur County believes the allegations made by Plaintiffs in said numbered paragraph to be accurate.

-40-

With respect to the allegations set out in numbered paragraph 40 of the Complaint, Defendant Decatur County admits that, as to it and to the BOTA, the requirements of the Act were not satisfied, admits the Industrial Authority, the BOE on behalf of the School District, the BOTA, the County, and the City each executed the Project Agreement and admits a true and exact copy of the Project Agreement is attached to the Complaint as Exhibit "G". With respect to the remaining allegations set out in numbered paragraph 40 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes the allegations made by Plaintiffs in said numbered paragraph to be accurate.

-41-

Defendant Decatur County admits the allegations contained in numbered paragraph 41 of the Complaint.

-42-

Defendant Decatur County admits the allegations contained in numbered paragraph 42 of the Complaint.

-43-

With respect to the allegations set out in numbered paragraph 43 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-44-

With respect to the allegations set out in numbered paragraph 44 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-45-

Except the allegation “Unbeknownst to Plaintiffs”, Defendant Decatur County admits the allegations contained in numbered paragraph 45 of the Complaint. As to the truth of the allegation “Unbeknownst to Plaintiffs”, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of said allegation.

-46-

Defendant Decatur County admits the allegations contained in numbered paragraph 46 of the Complaint.

-47-

Defendant Decatur County admits the allegations contained in numbered paragraph 47 of the Complaint.

-48-

Defendant Decatur County admits the allegations contained in numbered paragraph 48 of the Complaint.

-49-

Defendant Decatur County admits the allegations contained in numbered paragraph 49 of the Complaint.

-50-

With respect to the allegations set out in numbered paragraph 50 of the Complaint, Defendant Decatur County admits that neither it nor the BOTA complied with the Act at the Special Called Meeting and admits that Defendant Decatur County and Defendant BOTA signed the Project and Pilot Agreements without the required authorities and approvals. With respect to the remaining allegations set out in numbered paragraph 50 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of said allegations.

-51-

Defendant Decatur County admits the allegation contained in numbered paragraph 51 of the Complaint that Plaintiffs incorporate by reference paragraphs 1 through 50 of the Complaint.

-52-

Defendant Decatur County admits the allegations contained in numbered paragraph 52 of the Complaint.

-53-

Defendant Decatur County admits the allegations contained in numbered paragraph 53 of the Complaint.

-54-

Defendant Decatur County admits the allegations contained in numbered paragraph 54 of the Complaint. Defendant Decatur County notes, however, that the attempt of SHM to enforce both contracts against the County is limited to the relief requested by SHM in a lawsuit that it has filed against the Decatur County-Bainbridge Industrial Development Authority in the United States District Court, Middle District of Georgia. Decatur County, Georgia is not a party to that litigation.

-55-

Defendant Decatur County admits the allegations contained in numbered paragraph 55 of the Complaint.

-56-

Defendant Decatur County admits the allegations contained in numbered paragraph 56 of the Complaint that Plaintiffs incorporate by reference paragraphs 1 through 50 of the Complaint.

-57-

With respect to the allegations set out in numbered paragraph 57 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-58-

With respect to the allegations set out in numbered paragraph 58 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to

the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-59-

With respect to the allegations set out in numbered paragraph 59 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-60-

With respect to the allegations set out in numbered paragraph 60 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. . However, Defendant Decatur County believes said allegations to be true.

-61-

With respect to the allegations set out in numbered paragraph 61 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-62-

Defendant Decatur County admits the allegations contained in numbered paragraph 62 of the Complaint that Plaintiffs incorporate by reference paragraphs 1 through 50 of the Complaint.

-63-

With respect to the allegations set out in numbered paragraph 63 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to

the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-64-

With respect to the allegations set out in numbered paragraph 64 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-65-

With respect to the allegations set out in numbered paragraph 65 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-66-

With respect to the allegations set out in numbered paragraph 66 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-67-

With respect to the allegations set out in numbered paragraph 67 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-68-

With respect to the allegations set out in numbered paragraph 68 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. . However, Defendant Decatur County believes said allegations to be true.

-69-

Defendant Decatur County admits the allegations contained in numbered paragraph 69 of the Complaint that Plaintiffs incorporate by reference paragraphs 1 through 50 of the Complaint.

-70-

Defendant Decatur County admits the allegations contained in numbered paragraph 70 of the Complaint.

-71-

Defendant Decatur County admits the allegations contained in numbered paragraph 71 of the Complaint.

-72-

Defendant Decatur County admits the allegations contained in numbered paragraph 72 of the Complaint.

-73-

With respect to the allegations set out in numbered paragraph 73 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-74-

With respect to the allegations set out in numbered paragraph 74 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations. However, Defendant Decatur County believes said allegations to be true.

-75-

Defendant Decatur County admits the allegations contained in numbered paragraph 75 of the Complaint that Plaintiffs incorporate by reference paragraphs 1 through 74 of the Complaint.

-76-

Defendant Decatur County admits the allegations contained in numbered paragraph 76 of the Complaint.

-77-

Defendant Decatur County denies the allegations as to Decatur County and BOTA contained in numbered paragraph 77 of the Complaint, but with respect to the remaining allegations set out in numbered paragraph 77 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

-78-

Defendant Decatur County admits the allegations contained in numbered paragraph 78 of the Complaint.

-79-

Defendant Decatur County admits the allegation contained in numbered paragraph 51 of the Complaint that Plaintiffs incorporate by reference paragraphs 1 through 50 of the Complaint.

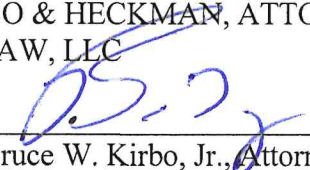
Defendant Decatur County denies the allegations as to the County and BOTA contained in numbered paragraph 80 of the Complaint, but with respect to the remaining allegations set out in numbered paragraph 80 of the Complaint, Defendant Decatur County is without knowledge or information sufficient to form a belief as to the truth of the allegations.

WHEREFORE, Defendant Decatur County, having fully answered each and every allegation contained in the Verified Complaint for Relief prays that:

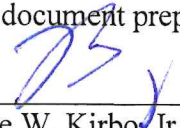
1. The Court grant all relief requested by Plaintiff with respect to Decatur County except the imposition of attorney fees and costs of litigation;
2. That the Court declare that the Project Agreement and the PILOT Agreement signed by the Defendants was, and remains, an invalid and unauthorized agreement of no legal effect;
3. That Decatur County, after the grant of all relief requested by Plaintiff with respect to Decatur County except the imposition of attorney fees and costs of litigation, be hence discharged; and
4. That Decatur County have such other relief as the Court deems just and proper.

This 29th day of February, 2024.

KIRBO & HECKMAN, ATTORNEYS
AT LAW, LLC

By: 
Bruce W. Kirbo, Jr., Attorney for
Defendant Decatur County, GA

This document prepared by:



Bruce W. Kirbo, Jr.
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DISTRICT; DECATUR BOARD OF)
EDUCATION; and DECATUR COUNTY)
BOARD OF TAX ASSESSORS)

Defendants.)

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing Entry of Appearance by depositing in the United States Mail a copy of the same in a properly addressed envelope with adequate postage affixed thereon to assure delivery to:

Rebecca A. Davis, Esq.
ARNALL GOLDEN GREGORY, LLP
171 17th Street, N.W., Suite 2100
Atlanta, Georgia 30363
Attorney for Plaintiffs

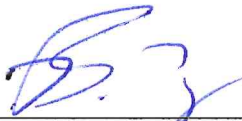
Michael E. Kozlarek, Esq.
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Bainbridge, GA 39817
Attorney for City of Bainbridge

Decatur County School District
c/o Boyd English
1417 Dothan Road
Bainbridge, GA 39817

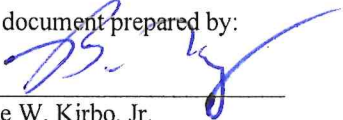
Decatur County Board of Education
c/o Keith Lyle
1417 Dothan Road
Bainbridge, GA 39817

Decatur County Board of Tax Assessors
c/o Larry Carroll
112 West Water Street
Bainbridge, GA 39817

This 29th day of February, 2024



Bruce W. Kirbo, Jr., Attorney for
Defendant Decatur County, Georgia

This document prepared by:


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