

**SUPERIOR COURT OF DECATUR COUNTY
STATE OF GEORGIA**


Cecilia Willis, Clerk
Decatur County, Georgia

JUNE FAIRCLOTH, CHAD DOLLAR)
KRISTINA MARTIN, and LISA DASILVA)
)
Plaintiffs,)
)
vs.)
)
CITY OF BAINBRIDGE; DECATUR)
COUNTY; DECATUR COUNTY SCHOOL)
DISTRICT; DECATUR BOARD OF)
EDUCATION; and DECATUR COUNTY)
BOARD OF TAX ASSESSORS)
)
Defendants.)

Civil Action No.:24CV00046

**ANSWER AND RESPONSIVE PLEADING TO PLAINTIFFS' COMPLAINT ON
BEHALF OF DECATUR COUNTY SCHOOL DISTRICT AND
DECATUR COUNTY BOARD OF EDUCATION**

Defendants Decatur County School District and Decatur Board of Education¹ (hereinafter “these Defendants”), by and through their undersigned counsel, respond to Plaintiffs’ Complaint as follows:

FIRST DEFENSE

Plaintiffs’ Complaint fails to state a claim upon which relief can be granted, and therefore, should be dismissed.

SECOND DEFENSE

The Decatur Board of Education or Decatur County Board of Education is not a proper party capable of being sued.

¹ The Decatur Board of Education is not a proper party capable of being sued. The proper party is the Decatur County School District.

THIRD DEFENSE

These Defendants assert all affirmative defenses that may be asserted pursuant to O.C.G.A. § 9-11-8(c) and O.C.G.A. § 9-11-12. These Defendants reserve the right to assert any additional defenses allowed by law if any evidence discovered in pursuit of this litigation renders such defenses applicable.

FOURTH DEFENSE

In responding to the separately numbered paragraphs of Plaintiffs' Complaint, these Defendants state:

PARTIES AND JURISDICTION

1.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 1 of Plaintiffs' Complaint.

2.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 2 of Plaintiffs' Complaint.

3.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 3 of Plaintiffs' Complaint.

4.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 4 of Plaintiffs' Complaint.

5.

These Defendants are without sufficient knowledge or information to admit or deny the

allegations of paragraph 5 of Plaintiffs' Complaint.

6.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 6 of Plaintiffs' Complaint.

7.

These Defendants admit the allegations of paragraph 7 of Plaintiffs' Complaint.

8.

These Defendants deny the allegations of paragraph 8 of Plaintiffs' Complaint.

9.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 9 of Plaintiffs' Complaint.

10.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 10 of Plaintiffs' Complaint.

11.

These Defendants admit that venue is proper, but are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 11 of Plaintiffs' Complaint.

STATEMENT OF RELEVANT FACTS

Project Liberty

12.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 12 of Plaintiffs' Complaint.

13.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 13 of Plaintiffs' Complaint.

14.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 14 of Plaintiffs' Complaint.

15.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 15 of Plaintiffs' Complaint.

16.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 16 of Plaintiffs' Complaint.

17.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 17 of Plaintiffs' Complaint.

18.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 18 of Plaintiffs' Complaint.

19.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 19 of Plaintiffs' Complaint.

20.

These Defendants are without sufficient knowledge or information to admit or deny the

allegations of paragraph 20 of Plaintiffs' Complaint.

21.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 21 of Plaintiffs' Complaint.

22.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 22 of Plaintiffs' Complaint.

23.

These Defendants admit as to the School District and Board of Education, but are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 23 of Plaintiffs' Complaint.

The Open Meetings Act

24.

These Defendants admit the allegations as to these Defendants, but are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 24 of Plaintiffs' Complaint.

25.

The allegations contained in this paragraph are statements of law, to which a response is not required. To the extent a response is required, these Defendants deny that they violated this statute or any other statute.

26.

The allegations contained in this paragraph are statements of law, to which a response is not required. To the extent a response is required, these Defendants deny that they violated this

statute or any other statute.

27.

The allegations contained in this paragraph are statements of law, to which a response is not required. To the extent a response is required, these Defendants deny that they violated this statute or any other statute.

28.

These Defendants admit the allegations of paragraph 28 of Plaintiffs' Complaint.

29.

The allegations contained in this paragraph are statements of law, to which a response is not required. To the extent a response is required, these Defendants deny that they violated this statute or any other statute.

30.

The allegations contained in this paragraph are statements of law, to which a response is not required. To the extent a response is required, these Defendants deny that they violated this statute or any other statute.

31.

The allegations contained in this paragraph are statements of law, to which a response is not required. To the extent a response is required, these Defendants deny that they violated this statute or any other statute.

32.

The allegations contained in this paragraph are statements of law, to which a response is not required. To the extent a response is required, these Defendants deny that they violated this statute or any other statute.

The Defendants Failed to Comply with Open Meetings Act

33.

These Defendants admit the allegations of paragraph 33 of Plaintiffs' Complaint.

34.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 34 of Plaintiffs' Complaint.

35.

These Defendants deny the first sentence as to School District and Board of Education, but are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 35 of Plaintiffs' Complaint.

36.

These Defendants admit that the meeting occurred and deny that their meeting minutes failed to identify which Board Members were present and are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 36 of Plaintiffs' Complaint.

37.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 37 of Plaintiffs' Complaint.

38.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 38 of Plaintiffs' Complaint.

39.

These Defendants deny the allegations as to them, but are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 39 of Plaintiffs' Complaint.

40.

These Defendants admit that the project agreement was executed but deny that these Defendants violated the act.

41.

These Defendants admit that the pilot agreement was executed but deny the remaining allegations of paragraph 41 of Plaintiffs' Complaint.

The Public Learns of Project Liberty

42.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 42 of Plaintiffs' Complaint.

43.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 43 of Plaintiffs' Complaint.

44.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 44 of Plaintiffs' Complaint.

45.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 45 of Plaintiffs' Complaint.

46.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 46 of Plaintiffs' Complaint.

47.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 47 of Plaintiffs' Complaint.

48.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 48 of Plaintiffs' Complaint.

49.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 49 of Plaintiffs' Complaint.

50.

These Defendants deny that they violated the Act and are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 50 of Plaintiffs' Complaint.

**COUNT I: DECLARATORY JUDGMENT
DEFENDANT DECATUR COUNTY**

51.

These Defendants re-allege and incorporate herein the allegations contained in paragraphs 1 through 50 above as if fully restated.

52.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 52 of Plaintiffs' Complaint.

53.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 53 of Plaintiffs' Complaint.

54.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 54 of Plaintiffs' Complaint.

55.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 55 of Plaintiffs' Complaint.

**COUNT II: DECLARATORY JUDGMENT
DEFENDANT CITY OF BAINRIDGE**

56.

These Defendants re-allege and incorporate herein the allegations contained in paragraphs 1 through 50 above as if fully restated.

57.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 57 of Plaintiffs' Complaint.

58.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 58 of Plaintiffs' Complaint.

59.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 59 of Plaintiffs' Complaint.

60.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 60 of Plaintiffs' Complaint.

61.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 61 of Plaintiffs' Complaint.

**COUNT III: DECLARATORY JUDGMENT
DEFENDANTS DECATUR BOARD OF EDUCATION AND DECATUR
COUNTY SCHOOL DISTRICTS**

62.

These Defendants re-allege and incorporate herein the allegations contained in paragraphs 1 through 50 above as if fully restated.

63.

These Defendants admit the allegations of paragraph 63 of Plaintiffs' Complaint.

64.

These Defendants deny the allegations of paragraph 64 of Plaintiffs' Complaint.

65.

These Defendants deny the allegations of paragraph 65 of Plaintiffs' Complaint.

66.

These Defendants deny the allegations of paragraph 66 of Plaintiffs' Complaint.

67.

These Defendants admit that they have not taken further action on the prior votes, deny that they violated the Act, deny that Plaintiffs are entitled to any relief as to them, but are without sufficient knowledge or information to admit or deny the remaining allegations of paragraph 67 of Plaintiffs' Complaint.

68.

These Defendants deny the allegations of paragraph 68 of Plaintiffs' Complaint.

COUNT IV: DECLARATORY JUDGMENT
DEFENDANT DECATUR COUNTY BOARD OF TAX ASSESSORS

69.

These Defendants re-allege and incorporate herein the allegations contained in paragraphs 1 through 50 above as if fully restated.

70.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 70 of Plaintiffs' Complaint.

71.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 71 of Plaintiffs' Complaint.

72.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 72 of Plaintiffs' Complaint.

73.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 73 of Plaintiffs' Complaint.

74.

These Defendants are without sufficient knowledge or information to admit or deny the allegations of paragraph 74 of Plaintiffs' Complaint.

**COUNT V
INJUNCTIVE RELIEF
ALL DEFENDANTS**

75.

These Defendants re-allege and incorporate herein the allegations contained in paragraphs 1 through 50 above as if fully restated.

76.

These Defendants deny the allegations as to them.

77.

These Defendants deny the allegations as to them.

78.

These Defendants deny the allegations as to them.

**COUNT VI
ATTORNEY'S FEES AND EXPENSES OF LITIGATION**

79.

These Defendants re-allege and incorporate herein the allegations contained in paragraphs 1 through 50 above as if fully restated.

80.

These Defendants deny the allegations of paragraph 80 of Plaintiffs' Complaint.

GENERAL DENIAL

All allegations of Plaintiffs' Complaint, which have not been admitted, denied, or otherwise responded to above, are hereby denied.

Based on the foregoing, these Defendants state that Plaintiffs are not entitled to any of the relief prayed for in the Complaint.

WHEREFORE, having fully answered, these Defendants pray for judgment in their favor

and against Plaintiffs, to be discharged without costs and to be awarded such costs, attorney's fees and relief as this Court may deem equitable and proper.

Respectfully submitted this 4th day of April, 2024.

**PEREIRA, KIRBY,
KINSINGER & NGUYEN, LLP**

s/ Hieu M. Nguyen

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ATTORNEY FOR DEFENDANTS
DECATUR COUNTY BOARD OF EDUCATION
DECATUR COUNTY SCHOOL DISTRICT

CERTIFICATE OF SERVICE

The undersigned attorney does hereby certify that he has this date electronically filed the ***ANSWER AND RESPONSIVE PLEADINGS TO PLAINTIFF'S COMPLAINT ON BEHALF OF DECATUR COUNTY SCHOOL DISTRICT AND DECATUR COUNTY BOARD OF EDUCATION*** with the Clerk of the Court using the e-filing system, which will automatically send notification of such filing to the attorney(s) of record.

This 4th day of April, 2024.

**PEREIRA, KIRBY,
KINSINGER & NGUYEN, LLP**

s/ Hieu M. Nguyen

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