

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

GEORGIACARRY.ORG, INC., *et.al.*,)
Plaintiffs,)
v.)
CHRISTOPHER M. CARR,)
Defendant)
)
) Civil Action No. 2016 CV 283334

CONSENT ORDER OF DISMISSAL

**FINAL
ORDER**

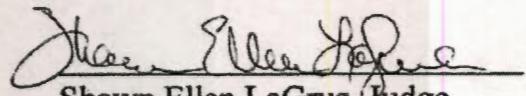
On April 5, 2017, Gov. Deal signed into law 2017 Act 15 (House Bill 406). Section 2 of such Act provides that it shall become effective upon approval by the Governor, so the Act has become law. Section 1 of the Act creates a new O.C.G.A. § 16-11-126(e)(2) that provides, “No other state shall be required to recognize and give effect to a license issued pursuant to this part that is held by a person who is younger than 21 years of age.” Section 1 of the Act also creates a new O.C.G.A. § 16-11-126(e.1) that provides, “The Attorney General shall create and maintain on the Department of Law’s website a list of those states whose laws recognize and give effect to license[s] issued pursuant to this part....”

On April 19, 2017, Defendant sent a letter to the Superintendent of the Virginia State Police, informing him that “Georgia will now recognize all Virginia weapons licenses.” Defendant also modified his web site to reflect this change and issued a press release announcing it.

Based on the foregoing, Plaintiffs have obtained the relief they sought and there is no further relief the Court can provide. This case is therefore moot and is DISMISSED, with no costs to either party.

Dated the 24 day of April, 2017.

By the Court:



Shawn Ellen LaGrua, Judge
Superior Court of Fulton County

Consented to by:

/s/ John R. Monroe
John R. Monroe
John Monroe Law, P.C.
9640 Coleman Road
Roswell, GA 30075
678 362 7650
770 552 9318 (fax)
jrm@johnmonroelaw.com
State Bar No. 516193
Attorney for Plaintiffs

/s/ Rebecca J. Dobras
Rebecca J. Dobras
Assistant Attorney General
40 Capitol Square, S.W.
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404-657-0749
rdobras@law.ga.gov
Attorney for Defendant

House Bill 406 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32nd, Jasperse of the 11th, Clark of the 14th, Lumsden of the 12th, and Collins of the 68th

A BILL TO BE ENTITLED**AN ACT**

1 To amend Code Section 16-11-126 of the Official Code of Georgia Annotated, relating to
2 having or carrying handguns, long guns, or other weapons, license requirement, exceptions
3 for homes, motor vehicles, private property, and other locations and conditions, so as to
4 revise the requirements for the reciprocity of recognizing and giving effect to licenses to
5 carry from other states; to require the Attorney General to maintain a certain public list; to
6 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
7 other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 16-11-126 of the Official Code of Georgia Annotated, relating to having or
11 carrying handguns, long guns, or other weapons, license requirement, exceptions for homes,
12 motor vehicles, private property, and other locations and conditions, is amended by revising
13 subsection (e) as follows:

14 "(e) Any person licensed to carry a handgun or weapon in any other state whose laws
15 recognize and give effect to a license issued pursuant to this part shall be authorized to
16 carry a weapon in this state, but only while the licensee is not a resident of this state;
17 provided, however, that such licensee:

18 (1) Such licensee licensed to carry a weapon in any other state shall carry the weapon in
19 compliance with the laws of this state; and

20 (2) No other state shall be required to recognize and give effect to a license issued
21 pursuant to this part that is held by a person who is younger than 21 years of age.

25

SECTION 2.

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
27 without such approval.

28

SECTION 3.

29 All laws and parts of laws in conflict with this Act are repealed.

CERTIFICATE OF SERVICE

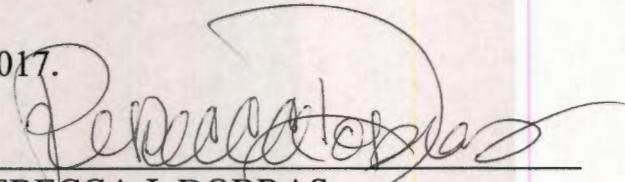
I do hereby certify that I have this day served Defendant's Consolidated Motion to Dismiss Plaintiffs' First and Second Amendments to Complaint and Defendant's Reply to Plaintiffs' Briefs in Opposition to Defendant's Motion to Dismiss, prior to filing the same, by depositing a copy thereof, postage prepaid, in the United States Mail, properly addressed upon:

John Monroe
Attorney for Plaintiff
9640 Coleman Road
Roswell, GA 30075

Courtesy Copy to:

The Honorable Shawn Ellen LaGrua
Superior Court of Fulton County
Justice Center Tower Suite T-8855
185 Central Avenue, SW
Atlanta, GA 30303

This 10 day of April, 2017.


REBECCA J. DOBRAS
Assistant Attorney General

Please direct communications to:

Rebecca J. Dobras
Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
(404) 657-0749
rdobras@law.ga.gov

Envelope Information

Envelope Id

1210687

Submitted Date

4/10/2017 4:24 PM EDT

Submitted User Name

rdobras@law.ga.gov

Case Information

Location

Fulton - Superior - EJ17

Category

Civil

Case Type

DECLARATORY JUDGMENT CIVIL

Date Filed

12/5/2016

Case #

2016CV28334

Assigned to Judge

LAGRUA, SHAWN ELLEN

Firm Name

Georgia State Law Department

Filed By

Rebecca Dobras

Filings

Filing Type

EFileAndServe

Filing Code

Motion to Dismiss

Filing Description

GACarry.org, et al v. Christopher Carr, Attorney General_Consolidated Motion to Dismiss

Filing Status

Submitting

Lead Document

File Name	Description	Security	Download
GACarry.org, et al v. Christopher Carr, AG_Consolidated Motion to Dismiss.pdf	Motion to Dismiss		

eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Joseph Drolet	Georgia State Law Department	No	Not Opened
Not Sent	Rebecca Dobras	Georgia State Law Department	No	Not Opened
Not Sent	LaShane Wilson		No	Not Opened
Not Sent	Stephanie Jackson	Georgia State Law Department	No	Not Opened
Not Sent	John R. Monroe		No	Not Opened
Not Sent	Erin McGonigle		No	Not Opened

Parties with No eService

Name
GeorgiaCarry.Org, Inc.

Address

Name
Virginia Citizens Defense League

Address

Name
Robert Sadlier

Address

Fees

Motion to Dismiss

Description	Amount
Filing Fee	\$0.00
	Filing Total: \$0.00

Total Filing Fee	\$0.00
	Envelope Total: \$0.00

Party Responsible for Fees

Christopher Carr

Payment Account

Law Dept Waiver

House Bill 406 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32nd, Jasperse of the 11th, Clark of the 147th, Lumsden of the 12th, and Collins of the 68th

A BILL TO BE ENTITLED
AN ACT

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13 subsection (e) as follows:
14 "(e) Any person licensed to carry a handgun or weapon in any other state whose laws
15 recognize and give effect to a license issued pursuant to this part shall be authorized to
16 carry a weapon in this state, but only while the licensee is not a resident of this state;
17 provided, however, that such licensee:
18 (1) Such licensee licensed to carry a weapon in any other state shall carry the weapon in
19 compliance with the laws of this state; and
20 (2) No other state shall be required to recognize and give effect to a license issued
21 pursuant to this part that is held by a person who is younger than 21 years of age.
22 (e.1) The Attorney General shall create and maintain on the Department of Law's website
23 a list of those states whose laws recognize and give effect to license issued pursuant to this
24 part as provided for in subsection (e) of this Code section."

25

SECTION 2.

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
27 without such approval.

28

SECTION 3.

29 All laws and parts of laws in conflict with this Act are repealed.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

Betty, etc.
mailed to
Judge HTY
4-10-17
LW

GEORGIACARRY.ORG, INC., :
VIRGINIA CITIZENS DEFENSE :
LEAGUE, and ROBERT SADTLER, :
Plaintiffs, : CIVIL ACTION FILE NO:
v. : 2016CV283334
CHRISTOPHER M. CARR, :
individually and in his official :
capacity as Attorney General :
of the State of Georgia, :
Defendant. :

DEFENDANT'S CONSOLIDATED MOTION TO DISMISS PLAINTIFFS'
FIRST AND SECOND AMENDMENTS TO THEIR COMPLAINT
AND
DEFENDANT'S REPLY TO PLAINTIFFS' BRIEFS IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS THE COMPLAINT

COMES NOW Defendant Christopher M. Carr, Attorney General for the State of Georgia, by and through counsel, Christopher M. Carr, Attorney General for the State of Georgia, and his designees, and makes this Consolidated Motion to Dismiss Plaintiffs' First and Second Amendments to their Complaint and Reply to Plaintiffs' Briefs in Opposition to Defendant's Motion to Dismiss by showing and stating as follows:

I. PROCEDURAL HISTORY AND STATEMENT OF FACTS

The sequence of events prior to and during this lawsuit is important for understanding Defendant's arguments:

- 1) Summer 2016: The Attorney General declined to put Virginia on his list of states believed to have weapons reciprocity with Georgia. Virginia law (as confirmed by Virginia officials) would not allow the recognition of Georgia permit holders under the age of 21, and further requires instantaneous verification of permits, which Georgia does not have.
- 2) December 5, 2016: Plaintiffs filed their original complaint, alleging that the Attorney General is in violation of O.C.G.A. § 16-11-126(e) for not putting Virginia on his list of reciprocal states and O.C.G.A. § 16-11-173 for "regulating" the possession and carrying of firearms. Plaintiffs sought a declaration that Virginia permit holders are entitled to recognition of their permits in Georgia and a mandamus compelling the Attorney General to include Virginia on his list of reciprocal states.
- 3) February 9, 2017: The Attorney General filed a motion to dismiss the complaint, noting, among other things, that mandamus was inapplicable as there was no express or implied duty upon the Attorney General to create and maintain a list of reciprocal states.

4) March 9, 2017: Plaintiffs filed an Amended Complaint, changing only one word in their original complaint – dropping the mandamus claim and inserting an injunction claim -- still seeking an order compelling Defendant “to recognize Virginia Concealed Handgun Permits and put Virginia on the list of states with which Georgia reciprocates,” just as in their original complaint.

5) April 5, 2017: Governor Nathan Deal signed House Bill 406. The law was effective when signed and rewrites O.C.G.A. § 16-11-126(e) to read as follows:

- (e) Any person licensed to carry a weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state, but only while the licensee is not a resident of this state; provided, however,
 - (1) Such licensee licensed to carry a weapon in any other state shall carry the weapon in compliance with the laws of this state; and
 - (2) No other state shall be required to recognize and give effect to a license issued pursuant to this part that is held by a person who is younger than 21 years of age.
- (e.1) The Attorney General shall create and maintain on the Department of Law's website a list of those states whose laws recognize and give effect to license issued pursuant to this part as provided for in subsection (e) of this Code section.

House Bill 406, Act 15, Ga. L. 2017, attached hereto as Exhibit 1.

6) April 6, 2017: Plaintiffs filed their second amended complaint, resurrecting their mandamus claim (now based on the amended version of O.C.G.A.

§ 16-11-126(e) that went into effect on April 5, 2017), and kept the regulation, declaratory judgment, and injunctive relief claims.

II. ARGUMENT AND CITATION OF AUTHORITY

Neither the passage of House Bill 406 nor any of Plaintiffs' arguments opposing Defendant's Motion to Dismiss creates any issue of fact or show that the Complaint should not be dismissed. For the reasons stated herein and in Defendant's first Motion to Dismiss, the Complaint should be dismissed in its entirety with or without the Court's consideration of the newly enacted House Bill 406.

A. Plaintiffs Failed to State a Claim for Mandamus

Plaintiffs have failed to state a claim for mandamus both under the previous version of O.C.G.A. § 16-11-126(e) and the new version created by House Bill 406. As discussed in Defendant's original Motion to Dismiss, prior to April 5, 2017, there was absolutely no duty, express or implied, upon the Attorney General to maintain a list of reciprocal states or to put Virginia on this list. The Attorney General acted in accordance with the law at the time and did not fail to perform any duty required of him by law; therefore a claim for mandamus does not exist.

To the extent that the Attorney General can be subject to mandamus for a law that just passed on April 5, 2017 (while all the allegations of the complaint

took place prior to April 5, 2017), Plaintiffs have still failed to state a claim for mandamus. Under House Bill 406, the Attorney General is henceforth required to “create and maintain on the Department of Law's website a list of those states whose laws recognize and give effect to license issued pursuant to this part as provided for in subsection (e) of this Code section.” *See Exhibit 1.* The Attorney General already has created a reciprocity list on his website, maintains that site, and is currently working to ensure the list is accurate and up-to-date, so as to comply with this new statute. House Bill 406 does not create any duty specifically as to Virginia and certainly does not imply that Virginia is entitled to be on that list simply by virtue of the amendment being passed.

House Bill 406 added language to O.C.G.A. § 16-11-126(e) that allows for reciprocity to be granted to states that choose not to recognize licenses held by individuals younger than 21 years of age. *See Exhibit 1.* This provision, however, still does not address what appears to be a Virginia requirement that Georgia have instantaneous verification of weapons licenses. Georgia does not have instantaneous verification. While the Attorney General’s Office is currently in communications with Virginia as to their instantaneous verification requirement, it is not yet clear whether Virginia is a state “whose laws recognize and give effect” to Georgia permits. Until it is clear that Virginia recognizes Georgia licenses, there is no duty under the new version of O.C.G.A. §

have standing on his or her own. *See Brief in Opposition*, pg. 7. Plaintiffs cite *Pres. Alliance of Savannah v. Norfolk S. Corp.*, 202 Ga. App. 116 (1991) to support their argument that only one member with standing is necessary; however, the Court of Appeals' only mention of the issue of standing was to expressly state it is *not* going to address the issue. On the other hand, in *Aldridge v. Georgia Hospitality & Travel Asso.*, 251 Ga. 234 (1983), the Supreme Court specifically evaluates whether each hotel in the association would have standing to sue in its own right such that the association thereby has standing ("*Each* member hotel ... suffers direct economic injury... and would have standing to bring an individual lawsuit challenging the fee system") (emphasis added). Plaintiffs have not cited any other authority supporting their argument.

Given this, Plaintiffs have failed to show that each member of the organizations would have standing to sue in their own right; in fact Plaintiffs expressly admit that "none of the claims ... pertain to Georgia residents." *See Brief in Opposition*, pg. 9. By Plaintiff's own admission, not every member of the two organizations would have standing to sue. Thus, the organizational Plaintiffs do not have standing and should be dismissed.

III. CONCLUSION

For all the reasons cited herein and in Defendant's Motion to Dismiss, Defendant respectfully moves this Court to dismiss Plaintiffs' Complaint in its entirety.

Respectfully submitted this the 10 of April, 2017,

CHRISTOPHER M. CARR
Attorney General

112505

BETH BURTON
Deputy Attorney General

027500

JOSEPH DROLET
Senior Assistant Attorney General

231000

REBECCA J. DOBRAS
Assistant Attorney General

940524

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40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
(404) 657-0749
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Exhibit 1

16-11-126(e) to include Virginia on the Attorney General's list of reciprocal states. Therefore, Plaintiffs have failed to state a claim for mandamus, even under the revised statute.

B. Plaintiffs' New Claim for Injunctive Relief Should be Dismissed

1. Plaintiffs Failed to State a Claim for Injunctive Relief

Plaintiffs also seek a permanent injunction from this Court, compelling Defendant to recognize Virginia as a state whose handgun permits are recognized in Georgia. Plaintiffs have failed to state a claim for a permanent injunction.

Injunctions, particularly permanent, mandatory injunctions, are to be granted cautiously and only in clear and urgent cases, where the evidence shows that plaintiff would suffer irreparable harm. O.C.G.A. § 9-5-8; *State Farm Mut. Auto. Ins. Co. v. Mabry*, 274 Ga. 498, 510 (2001); *City of Duluth v. Riverbrooke Props.*, 233 Ga. App. 46, 55 (1998) (finding that the plaintiff failed to show by the preponderance of the evidence that it was entitled to mandatory injunctive relief). Courts should not intervene to “allay mere apprehensions of injury, but only where injury is imminent.” *Strange v. Hous. Auth. of Summerville*, 268 Ga. App. 403, 407 (2004) (finding that the record contained no evidence showing that the plaintiff is entitled to injunctive relief). The moving party has the burden to establish that it has a legal right to such relief; otherwise, it is appropriate to

dismiss the claim on a motion to dismiss. *Robinson v. Landings Ass'n*, 264 Ga. 24, 25 (1994).

As explained herein and in Defendant's original Motion to Dismiss, Plaintiffs do not have a legal right to the recognition of their handgun permit in Georgia as long as there are still questions whether Virginia recognizes Georgia permits. Furthermore, Plaintiffs have failed to show even mere apprehension of injury, let alone actual and imminent injury, as required for injunctive relief. Plaintiffs can bring their weapons into Georgia without a permit. Nobody from the State of Georgia has threatened Plaintiffs with arrest or any other repercussion. And Virginia residents may choose to visit Georgia at any time, but they are under no obligation to do so. Therefore, Plaintiffs have failed to state a claim for injunctive relief.

2. Plaintiffs' Injunctive Relief Claim is Barred by Sovereign Immunity

Plaintiff's claim for injunctive relief is also barred by sovereign immunity. See *Georgia Dep't of Natural Res. v. Ctr. for a Sustainable Coast, Inc.* 294 Ga. at 596, 603 (sovereign immunity bars injunctive relief claims against the state agency); see also *SJN Props., LLC v. Fulton County Bd. of Assessors*, 296 Ga. 793, 798-799 (2015) (dismissing the injunctive relief claims on the grounds of sovereign immunity, finding that after *Sustainable Coast*, "injunctions against the State, including those against State employees in their official capacity ... may

proceed only where such actions are expressly authorized under our Constitution or by a statute evincing the legislature's express intent to permit claimants to seek injunctive relief against the State"). Plaintiffs have not cited a basis for a waiver of sovereign immunity for this claim and will be unable to point to any such waiver. Thus, Plaintiffs' claim for injunctive relief should be dismissed on the grounds of sovereign immunity.

Therefore, Defendant prays this Court grant his motion to dismiss Plaintiffs' claim for injunctive relief.

C. Plaintiffs Fail to State a Claim Under O.C.G.A. § 16-11-173

House Bill 406 eliminates Plaintiffs' regulation claim. House Bill 406 requires the Attorney General to "create and maintain on the Department of Law's website a list of those states whose laws recognize and give effect to license issued pursuant to this part as provided for in subsection (e) of this Code section." *See Exhibit 1.* As the General Assembly has now clearly provided the Attorney General with the authority to maintain a reciprocity list, there is no longer any issue as to whether the Attorney General is regulating the possession or carrying of weapons in violation of O.C.G.A. § 16-11-173 by maintaining the reciprocity list. Therefore, Plaintiffs' regulation claim no longer exists.

Despite House Bill 406 expressly giving the Attorney General the authority to create and maintain the reciprocity list, Plaintiffs appear to believe

that the Attorney General is nonetheless still regulating weapons in violation of O.C.G.A. § 16-11-173 by *not* including Virginia on his list of reciprocal states.¹ The argument is completely illogical because the statute reads “create and ***maintain.***” The General Assembly would not have given the Attorney General the power to add states to the reciprocity list without the power to remove a state or keep a state off the list if that state does not meet the requirements for reciprocity as established in O.C.G.A. § 16-11-126(e). Without the authority to keep states off the list or the power to remove states, the list would not likely remain accurate and would defeat the entire purpose of having a weapons reciprocity list for public viewing.

Plaintiffs concede in their opposition brief that “voluntarily posting ***factual*** information does not constitute ‘regulating’ carrying firearms by Defendant” (Plaintiffs’ emphasis). *See Brief in Opposition, pg. 4-5.* Yet that is exactly what the Attorney General does; he posts factual information on his website. Plaintiffs simply do not agree with the Attorney General’s opinions. Despite Plaintiffs’ concession, they inconsistently claim that “***only*** when Defendant undertakes to

¹ Plaintiffs made this same argument in his opposition brief even prior to the enactment of House Bill 406. It does not appear that Plaintiffs changed their position on their regulation claim based upon the enactment of House Bill 406. Thus, Defendant also relies on his Motion to Dismiss for this portion.

tell Virginians that they cannot carry weapons in Georgia ... is he regulating" (emphasis added). *See Brief in Opposition*, pg. 4-5. The Attorney General has not told Virginians they cannot carry weapons in Georgia or that they will be prosecuted for doing so. He has simply not added Virginia to his list of reciprocal states because Virginia does not yet meet the requirements of O.C.G.A. § 16-11-126(e) for reciprocity. By Plaintiffs own statement, the Attorney General is not regulating. Thus, Plaintiffs have failed to show that the Attorney General is regulating weapons in violation of O.C.G.A. § 16-11-173 by not putting Virginia on his reciprocity list. For the reasons stated above, as well as those set forth in Defendant's Motion to Dismiss, this claim should be dismissed.

D. Plaintiffs Claim for Declaratory Relief Should Be Dismissed

To the extent that Plaintiff's declaratory judgment claim can exist outside of the regulation claim, which has now been eliminated by the amendment to O.C.G.A. § 16-11-126, Plaintiffs have nonetheless failed to state a claim for declaratory relief. Plaintiffs argue that there are two alternative ways to obtain a declaratory judgment. *See Brief in Opposition*, pg. 6. Plaintiffs are correct – one must either show an actual controversy or a justiciable controversy. See O.C.G.A. § 9-4-2 (a) and (b). However, the Georgia Supreme Court has held that in *either* event, "a declaration will be refused where no party to the proceeding

has interest in the controversy adverse to that of the petitioner” and that “the failure to name an adverse party or parties with an antagonistic interest is *fatal* to justiciability in an action for declaratory relief.” *Pilgrim v. First Nat'l Bank*, 235 Ga. 172, 174 (1975) (emphasis added). *See also Bd. of Natural Res. Of Ga. v. Monroe County*, 252 Ga. App. 555, 557 (2001) (finding that there can be no justiciable controversy “unless there are interested parties asserting adverse claims upon a state of facts which have accrued” and that a declaratory judgment “will not be rendered based [upon] a possible or probably future contingency”). As explained in Defendant’s Motion to Dismiss, Plaintiffs have failed to show an accrued set of facts and circumstances that their rights are *actually* being threatened or that Defendant is an adverse party with antagonistic interests. Therefore, Plaintiffs have failed to state a claim for declaratory judgment.

Furthermore, without the regulation claim, any remaining declaratory judgment claim is barred by sovereign immunity pursuant to *Olvera v. Univ. Sys. of Georgia's Bd. of Regents*, 298 Ga. 425 (2015) and as discussed in Defendant’s Motion to Dismiss. Thus, Plaintiffs’ declaratory judgment claim should be dismissed.

E. The Organizational Plaintiffs Do Not Have Standing

In their opposition brief, Plaintiffs disagree with Defendant’s position that in order for an organization to have associational standing, *each* member must

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

Becky
efiled,
mailed
to Counsel
Judge
2/9/17 JF

GEORGIACARRY.ORG, INC., :
VIRGINIA CITIZENS DEFENSE :
LEAGUE, and ROBERT SADTLER, :
Plaintiffs, : CIVIL ACTION FILE NO:
v. : 2016CV283334
CHRISTOPHER M. CARR, :
individually and in his official :
capacity as Attorney General :
of the State of Georgia, :
Defendant. :

DEFENDANT'S ANSWER AND DEFENSES OF LAW

COMES NOW Defendant Christopher M. Carr, Attorney General for the State of Georgia, by and through counsel, the Attorney General for the State of Georgia and his designees, and makes this his Answer and Defenses of Law to the Complaint by showing and stating as follows:

FIRST DEFENSE

Plaintiffs have failed to state a claim for mandamus.

SECOND DEFENSE

Plaintiffs failed to establish a clear legal right to the relief demanded.

THIRD DEFENSE

Plaintiffs failed to establish Defendant did not comply with a duty required of him by law.

FOURTH DEFENSE

Plaintiffs have failed to state a claim for a violation of O.C.G.A. § 16-11-173.

FIFTH DEFENSE

The declaratory judgment claim is barred by sovereign immunity.

SIXTH DEFENSE

Plaintiffs have failed to state a claim for declaratory relief.

SEVENTH DEFENSE

Plaintiffs have failed to state a justiciable controversy.

EIGHTH DEFENSE

Defendant is not the proper party to this declaratory judgment action.

NINTH DEFENSE

Plaintiffs have failed to state a claim against Defendant in his individual capacity.

TENTH DEFENSE

Plaintiffs GeorgiaCarry.org and Virginia Citizens Defense League lack standing to sue.

ELEVENTH DEFENSE

Responding to the specific allegations in the Complaint, Defendant answers as follows:

1.

Paragraph 1 states prayers for relief. To the extent that Paragraph 1 contains prayers for relief, Defendant states that no response is necessary. Defendant denies any remaining allegations contained in this paragraph.

2.

Defendant admits the allegations contained in Paragraph 2.

3.

Defendant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 3, and therefore denies all such allegations.

4.

Defendant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 4, and therefore denies all such allegations.

5.

Defendant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 5, and therefore denies all such allegations.

6.

Defendant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 6, and therefore denies all such allegations.

7.

Defendant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 7, and therefore denies all such allegations.

8.

Defendant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 8, and therefore denies all such allegations.

9.

Defendant states that the Attorney General's office, as a service to the public, maintains a list of states that recognize the Georgia Weapons Carry License. Defendant denies any remaining allegations contained in Paragraph 9.

10.

In response to Paragraph 10, Defendant is without sufficient information to form a belief as to the truth as to which law enforcement officials throughout the State rely on the list on the Attorney General's website, because the list is simply maintained as a service for the public. Defendant denies any remaining allegations contained in Paragraph 10.

11.

Defendant admits the allegations contained in Paragraph 11.

12.

In response to Paragraph 12, Defendant states that the subject of the emails concerned weapons carry licenses issued by the two states and the states' statutes relating to reciprocity. Defendant denies any remaining allegations contained in Paragraph 12.

13.

In response to Paragraph 13, Defendants states that Sgt. Lambert, apparently unaware that Georgia does not have an "instantaneous verification system," explained that Virginia would recognize only some of Georgia's lawfully issued weapons licenses pursuant to Virginia's new statute. Defendant denies any remaining allegations contained in Paragraph 13.

14.

Paragraph 14 states legal conclusions. To the extent that Paragraph 14 contains legal conclusions, Defendant states that no response is necessary. Defendant denies all remaining allegations contained in this paragraph.

15.

Defendant denies the allegations contained in Paragraph 15.

16.

In response to Paragraph 16, Defendant states that Plaintiff GCO sent an email disagreeing with the Attorney General's position regarding reciprocity with Virginia. Defendant denies any remaining allegations contained in this paragraph.

17.

In response to Paragraph 17, Defendant admits that his office informed Plaintiff GCO that Virginia will not be included on the Attorney General's website list of states that recognize the Georgia Weapons Carry license unless and until Virginia recognizes all Georgia licenses.

18.

In response to Paragraph 18, Defendant admits that Plaintiff GCO contacted former Attorney General Sam Olens on his position on Virginia being included on the Attorney General's list and was referred to Ms. Dobras.

19.

In response to Paragraph 19, Defendant admits that Plaintiff GCO inquired via email whether there were any changes to the Attorney General's position about Virginia being included on the Attorney General's list upon Defendant taking office.

20.

Defendant admits that his office informed Plaintiff GCO that no change in position occurred.

21.

Defendant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 21, and therefore denies all such allegations.

22.

Defendant states that O.C.G.A. § 16-11-129 (a) speaks for itself and no response is necessary. Defendant is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 22, and therefore denies all such remaining allegations.

23.

Defendant states that O.C.G.A. § 16-11-126 speaks for itself. To the extent that the allegations in Paragraph 23 differ from the statute, Defendant denies such allegations. Defendant denies all remaining allegations contained in Paragraph 23.

24.

Defendant denies that Plaintiff Sadtler is unable to travel to Georgia or that he is unable to bring a gun into Georgia. Defendant is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 24, and therefore denies all such remaining allegations.

25.

Defendant denies that Plaintiff Sadtler is unable to travel to Georgia, that he is unable to bring a gun into Georgia, or that he is being threatened with arrest or prosecution by Defendant. Defendant further states that O.C.G.A. § 16-11-126 speaks for itself. To the extent that the allegations in Paragraph 25 differ from the statute, Defendant denies such allegations. And Defendant is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 25, and therefore denies all such remaining allegations.

26.

Defendant denies that Plaintiff Sadtler is unable to travel to Georgia or that he is unable to bring a gun into Georgia. Defendant is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 26, and therefore denies all such remaining allegations.

27.

Defendant states that O.C.G.A. § 16-11-126 (e) speaks for itself. To the extent that the allegations in Paragraph 27 differ from the statute, Defendant denies such allegations.

28.

Paragraph 28 states legal conclusions. To the extent that Paragraph 28 contains legal conclusions, Defendant states that no response is necessary. Defendant denies all remaining allegations contained in this paragraph.

29.

Paragraph 29 states legal conclusions. To the extent that Paragraph 29 contains legal conclusions, Defendant states that no response is necessary. Defendant denies all remaining allegations contained in this paragraph.

30.

Paragraph 30 states legal conclusions. To the extent that Paragraph 30 contains legal conclusions, Defendant states that no response is necessary. Defendant further states that O.C.G.A. § 16-11-173 speaks for itself. To the extent that the allegations in Paragraph 27 differ from the statute, Defendant denies such allegations. Defendant denies all remaining allegations contained in this paragraph.

31.

Defendant denies that VCHP holders are unable to travel to Georgia, that they are unable to bring guns into Georgia, or that they have been threatened with arrest or prosecution by Defendant. Defendant is without sufficient information to

form a belief as to the truth of the remaining allegations contained in Paragraph 31, and therefore denies all such remaining allegations.

32.

Paragraph 32 states legal conclusions. To the extent that Paragraph 32 contains legal conclusions, Defendant states that no response is necessary. Defendant denies all remaining allegations contained in this paragraph.

33.

Paragraph 33 states prayers for relief. To the extent that Paragraph 33 contains prayers for relief, Defendant states that no response is necessary. Defendant denies any remaining allegations contained in this paragraph.

34.

Paragraph 34 states legal conclusions. To the extent that Paragraph 34 contains legal conclusions, Defendant states that no response is necessary. Defendant denies all remaining allegations contained in this paragraph.

35.

Paragraph 35 states prayers for relief. To the extent that Paragraph 35 contains prayers for relief, Defendant states that no response is necessary. Defendant denies all remaining allegations contained in this paragraph.

CONCLUSION

WHEREFORE, having filed this Answer and Defenses of Law, Defendant prays that the Complaint for Mandamus and Declaratory Relief be dismissed without requiring further response, that Plaintiffs be assessed and that Defendant be awarded all costs incurred, including attorney's fees, and all costs of this action be taxed against Plaintiffs.

Respectfully submitted this the 9 day of February, 2017,

CHRISTOPHER M. CARR 112505
Attorney General

BETH BURTON 027500
Deputy Attorney General

JOSEPH DROLET 231000
Senior Assistant Attorney General

REBECCA J. DOBRAS 940524
Assistant Attorney General

Please direct communications to:

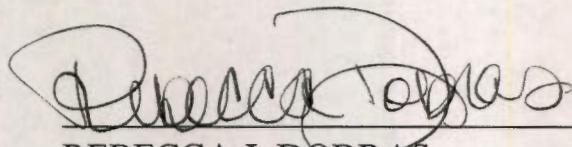
REBECCA J. DOBRAS
Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
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rdobras@law.ga.gov

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served this Answer and Defenses of Law, prior to filing the same, by depositing a copy thereof, postage prepaid, in the United States Mail, properly addressed upon:

John Monroe
Attorney for Plaintiff
9640 Coleman Road
Roswell, GA 30075

This 9 day of February, 2017.



REBECCA J. DOBRAS
Assistant Attorney General

Please direct communications to:
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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

GEORGIACARRY.ORG, INC.,	:	
VIRGINIA CITIZENS DEFENSE	:	
LEAGUE, and ROBERT SADTLER,	:	
Plaintiffs,	:	CIVIL ACTION FILE NO:
	:	2016CV283334
v.	:	
CHRISTOPHER M. CARR,	:	
individually and in his official	:	
capacity as Attorney General	:	
of the State of Georgia,	:	
Defendant.	:	

DEFENDANT'S MOTION TO DISMISS COMPLAINT

COMES NOW Defendant Christopher M. Carr, Attorney General of the State of Georgia, by and through counsel, the Attorney General of the State of Georgia and his designees, and makes this Motion to Dismiss Plaintiff's Complaint by showing and stating as follows:

I. STATEMENT OF FACTS

Plaintiffs have filed this Complaint for mandamus and declaratory relief related to weapons license reciprocity between Georgia and Virginia; they want Defendant, the Attorney General of Georgia, to recognize Virginia on its website as a state that has weapons license reciprocity with Georgia. They also allege

that Defendant, in posting information about weapons license reciprocity on its website, is in violation of O.C.G.A. § 16-11-173 for “regulating” firearms.

The State of Georgia issues *one* weapons carry license. Georgia grants weapons carry licenses (“GWCL”) to individuals as young as 18 years old that meet the requirements set forth in O.C.G.A. § 16-11-129.¹ The GWCLs for individuals under the age of 21 are no different than the ones issued to those over the age of 21; there are no notations on the license that the individual is not 21 or that he or she is serving in the Armed Forces. All licenses are the same.

Georgia recognizes firearm licenses of *any* state that will likewise recognize the Georgia weapons carry license. O.C.G.A. § 16-11-126 (e) (“Any person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state, but only while the licensee is not a resident of this state”). To have this “reciprocity” with Georgia, the other state must simply acknowledge that it will recognize the license that Georgia issues. Thirty-one states recognize the Georgia weapons carry license even though Georgia’s requirements for obtaining a firearm license may be different than are those states’ requirements.

¹ Individuals aged 18 to 21 can get a GWCL if they are serving, or have served, in the Armed Forces. O.C.G.A. § 16-11-129 (b) (2).

On its website, the Attorney General’s Office maintains, as a public service, a list of states that honor the Georgia license.² The Attorney General is not required by any law or regulation to maintain such a list; the list is provided as a courtesy for the public. The Attorney General also does not have enforcement power related to the reciprocity statute or possessing a weapon in Georgia without a valid license.

In July 2016, the State of Virginia enacted a law which states that a valid weapons permit “issued by another state shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day if available.” Va. Code Ann. § 18.2-308.014. After enacting the law, a sergeant with the Virginia State Police asked if the Attorney General’s office would recognize Virginia concealed handgun permits (“VCHPs”). The Attorney General’s office declined to include Virginia on its list of reciprocal states, noting that Virginia limited its recognition of Georgia licenses to only certain license holders. For example, a Georgia resident with a valid GWCL could be subject to arrest for carrying a weapon in Virginia---simply because he or she was 20 years old or younger.

² <http://law.ga.gov/firearm-permit-reciprocity>

In addition, it appears that reciprocity with Virginia is not possible inasmuch as Georgia does not have “instantaneous verification” of “all permits” issued in Georgia as required by Virginia law. *See* Va. Code Ann. § 18.2-308.014. In fact, Georgia law *prohibits* the creation or maintenance of a “multijurisdictional data base of information regarding persons issued weapons carry licenses.” O.C.G.A. § 16-11-129 (k). Georgia weapons carry licenses are issued by individual probate judges in each of Georgia’s 159 counties and the verification of validity of such licenses from each such county court is available only by subpoena or court order or, in the case of requests by law enforcement or other probate judges, through requests made as an exception under the Georgia Open Records Act. O.C.G.A. § 16-11-129 (l).

For the reasons that follow, Defendant moves this Court to dismiss the Complaint.

II. ARGUMENT AND CITATION OF AUTHORITY

This Complaint should be dismissed because Plaintiffs fail to state a claim for mandamus, since the Attorney General has no duty under O.C.G.A. § 16-11-126; their declaratory judgment claim fails to state a claim and is also barred by sovereign immunity; Plaintiffs also fail to state a claim under O.C.G.A. § 16-11-173; in addition, the complaint fails to state a claim against the Attorney

General in his individual capacity; and neither GeorgiaCarry.org (“GCO”) nor the Virginia Citizens Defense League (“VCDL”) have standing to sue.

A. Standards for Granting a Motion to Dismiss

A motion to dismiss for failure to state a claim under O.C.G.A. § 9-11-12 (b)(6) should be granted if (1) the allegations of the complaint disclose with certainty that the claimant would not be entitled to relief under any state of provable facts asserted in support thereof; and (2) the movant establishes that the claimant could not possibly introduce evidence within the framework of the complaint sufficient to warrant a grant of the relief sought. *Liberty County Sch. Dist. v. Halliburton*, 328 Ga. App. 422, 423 (2014). In deciding a motion to dismiss, all pleadings are to be construed most favorably to the party who filed them, and all doubts regarding such pleadings must be resolved in the filing party's favor. *Id.* For the reasons that follow, Defendant moves this Court to Dismiss the Complaint.

B. The Claims under “Count 1” Fail to State A Claim

In “Count 1,” Plaintiffs allege that the Attorney General is violating O.C.G.A. § 16-11-126 (e) by not putting Virginia on its list of reciprocal states, and Plaintiffs seek a mandamus ordering the Attorney General to recognize the Virginia handgun permits. The Attorney General, however, has no duty in

relation to O.C.G.A. § 16-11-126 (e), and therefore Plaintiffs have no right to mandamus or other relief.

The right to the extraordinary writ of mandamus exists only if the applicant has demonstrated a clear legal right to the relief sought. *Tyner v. Zant*, 255 Ga. 405 (1986). To demonstrate a legal right to relief, and thus to compel a public official to act, there "must be a duty arising by law, either expressly or by necessary implication, and the law must not only authorize the act be done, but must require its performance." *Gilmer County v. City of E. Ellijay*, 272 Ga. 774, 776 (2000). The mere authorization to act is insufficient for mandamus relief unless the law **requires** the performance of the duty. *Forsyth County v. White*, 272 Ga. 619, 620 (2000). Where the duty is not "plainly prescribed but depends upon a statute or statutes the construction or application of which is not free from doubt, it is regarded as involving the character of judgment or discretion which cannot be controlled by mandamus." *Smith & Wesson Corp. v. City of Atlanta*, 273 Ga. 431, 433 (2001).

Here, there is absolutely no duty, either express or implied, that the Attorney General is **required** to make any determination which states have firearm reciprocity with Georgia. There is no statute that expressly discusses or references the Attorney General's role in making reciprocity decisions. There is also nothing in Georgia law that implies that the Attorney General has to or

should make reciprocity determinations. The Attorney General cannot be violating a statute with which he has no duty to comply. Therefore, because there is no “plainly prescribed duty” upon the Attorney General related to Georgia’s firearm reciprocity, the claim for mandamus must fail.

C. The claims under “Count 2” Fail to State a Claim and are Barred by Sovereign Immunity

In Count 2, Plaintiffs: 1) argue that by declining to “recognize and give effect to” Virginia concealed handgun permits, the Attorney General is “regulating” the possession or carrying of firearms in violation of O.C.G.A. § 16-11-173; and 2) seek a declaration that Virginia weapon permit holders are entitled to recognition of their permits by Georgia pursuant to O.C.G.A. § 16-11-126 (e). Both claims fail.

1. The Complaint Fails to State a Claim for a Violation of O.C.G.A. § 16-11-173

Plaintiffs claim that the Attorney General is “regulating the possession, carrying and transportation of firearms” in violation of O.C.G.A. § 16-11-173.³

The Attorney General is the legal advisor to the governor and the executive branch. Ga. Const. Art V, § III, Para. IV; O.C.G.A. § 45-15-3. Part of this job may include advising executive agencies as to the interpretation of statutes so

³ O.C.G.A. § 16-11-173 prohibits, in part, any agency, board or department, other than the General Assembly, from regulating the possession, transport, carrying, or licensing of firearms in any manner.

that the agencies can competently perform their official duties. The Attorney General, therefore, is authorized by law to provide legal advice to the agencies on Georgia's reciprocity statute and may choose to include the advice on the office's public website. The reciprocity list maintained on the Attorney General's website is an aid for Georgia citizens and a guide for law enforcement.

Furthermore, the Attorney General is not charged by law with enforcing the reciprocity statute. That is left up to law enforcement and prosecuting officials, and the Attorney General cannot tell local officials what to do or how to enforce the law. Thus, simply providing advice to the executive agencies, as authorized by law and the Georgia Constitution, and posting such advice on its website is not "regulating" weapons as contemplated by O.C.G.A. § 16-11-173. Therefore, Plaintiffs have failed to state a claim under O.C.G.A. § 16-11-173.

2. Even a Determination that the Attorney General is "Regulating" Does Not Mean that Plaintiffs are Entitled to Recognition of their Handgun Permits in Georgia

Even if this Court were to determine that the Attorney General's online reciprocity guide is somehow "regulating" the possessing, carrying, and transporting of firearms in violation of O.C.G.A. § 16-11-173, Plaintiffs would still not be entitled to recognition of Virginia weapons licenses by Georgia. If the Attorney General is found to be regulating by *declining to include* Virginia on its list of reciprocal states, then he would also be regulating by *including* Virginia

on the list. It would not make sense to say that the Attorney General is regulating only if he does not place Virginia on the reciprocity list, but not the other way around. In addition, if this is “regulating,” then the Attorney General could not take public positions on reciprocity at all; he would have to remove the reciprocity list from the Office’s website and would have to remain silent as to *either position*. Therefore, a determination by this Court that the Attorney General is regulating in violation of O.C.G.A. § 16-11-173 does not get Plaintiffs the relief they seek – that Virginia weapons permits are entitled to recognition by Georgia – but would simply require that the Attorney General cease making any determinations as to reciprocity and provide no advice or guidance whatsoever to executive agencies, the Governor, or the public.

3. Plaintiff’s Claim for Declaratory Relief is Barred by the Doctrine of Sovereign Immunity.

What Plaintiffs really want is a declaration as to the meaning of the reciprocity statute. *See* Complaint, para 1. This claim, however, is barred by sovereign immunity and should be dismissed.

The Georgia Constitution provides that the State of Georgia and its officers are immune from suit except as waived by the Constitution or by an act of the General Assembly expressly providing that sovereign immunity has been waived. Ga. Const. Art. I, Sec. II, Paragraph IX; *Georgia Dep’t of Natural Res. v. Ctr. for a Sustainable Coast, Inc.*, 294 Ga. 593, 596 (2014). Sovereign immunity is a

threshold issue that this Court must determine before considering the merits of any suit against the State, as sovereign immunity is a bar from suit, rather than simply a defense to liability, and divests the court of subject matter jurisdiction. *Bd. of Regents of the Univ. Sys. of Georgia v. Canas*, 295 Ga. App. 505, 507 (2009); *Murray v. Dep't of Trans.*, 240 Ga. App. 285, 285 (1999). Plaintiff has the burden to establish that the State has waived its sovereign immunity. *See e.g.* *Georgia Dep't of Labor v. RTT Associates, Inc.*, 299 Ga. 78, 81 (2016); *Bd. of Regents of the Univ. Sys. of Ga. v. Barnes*, 322 Ga. App. 47 (2013).

The Georgia Supreme Court recently held that the doctrine of sovereign immunity bars declaratory relief against the State. *Olvera v. Univ. Sys. of Georgia's Bd. of Regents*, 298 Ga. 425 (2015) (recognizing the broad sweep of the Constitution's sovereign immunity provisions and barring the declaratory judgment actions against the state agency on the grounds of sovereign immunity). Plaintiffs have not cited a basis for a waiver of sovereign immunity in this case and will be unable to point to any such waiver. Therefore, the declaratory judgment claim should be dismissed on the grounds of sovereign immunity.

4. Plaintiffs Have Failed to State A Claim for Declaratory Relief

Even if this claim was not barred by the doctrine of sovereign immunity, it would still fail. The Declaratory Judgment Act gives courts the power to declare rights and legal relations in cases of actual and justiciable controversies.

O.C.G.A. § 9-4-2. For a justiciable controversy to exist, the petitioner must demonstrate an accrued set of facts and circumstances showing that rights being claimed by one party are actually being threatened; the question cannot merely go to the abstract meaning or validity of a statute, nor can the challenge be speculative, hypothetical, or anticipatory, as this would result in the court entering an erroneous advisory opinion. *See e.g., Pilgrim v. First Nat'l Bank*, 235 Ga. 172, 174 (1975); *Zitrin v. Ga. Composite State Bd. of Med. Examiners*, 288 Ga. App. 295, 298 (2007); *Bd. of Natural Res. of Ga. v. Monroe County*, 252 Ga. App. 555, 557-558 (2001); *Patterson v. State*, 242 Ga. App. 131, 132-133 (2000). Additionally, the rights must be threatened by an adverse party with an actual antagonistic interest. *See e.g., Leitch v. Fleming*, 291 Ga. 669, 670 (2012); *Pilgrim*, 235 Ga. at 174; *W. v. Judicial Council of Ga.*, 184 Ga. App. 894, 895 (1987).

These conditions do not exist here, and therefore, Plaintiffs fail to state a claim for declaratory judgment. First, Plaintiffs have not demonstrated any accrued set of facts and circumstances showing that their rights are *actually* being threatened. Plaintiff Sadtler simply states that, based on the Attorney General declining to put Virginia on his Office's reciprocity list, Plaintiff Sadtler *chooses* not to come to Georgia because he is unclear if he can carry his weapon in the state. *See* Complaint, para. 24-25. This does not demonstrate an actual

threat to Plaintiff Sadtler or the other plaintiffs. Plaintiffs can come to Georgia any time they want. They may bring their guns to Georgia; they may transport them in a carrying case, and they may have them in their automobiles.⁴ Guns are not unwelcome in Georgia. Plaintiffs have not been threatened upon entry into the state, and there has been no showing that Plaintiffs were actually threatened with arrest or prosecution by law enforcement officials for carrying their weapons in Georgia. Plaintiff Sadtler's statement does not demonstrate any uncertainty except as to the mere *possibility of future events*, which is insufficient for declaratory judgment. *See, e.g., Zitrin*, 288 Ga. App. at 298-299 (affirming the motion to dismiss the declaratory judgment because the plaintiff made no showing that an alleged right was actually being threatened, and therefore, he was simply seeking an advisory opinion); *Monroe County*, 252 Ga. at 557-558 (finding that the petitioners did not have standing for a declaratory judgment because their alleged rights were not impaired by actual threatened application of the rules, but were only based on hypothetical future events); *Patterson*, 242 Ga. App. at 132-133 (2000) (dismissing the claim for declaratory judgment because the plaintiff failed to show that there was any threat of actual enforcement or prosecution of a challenged statute).

⁴ Non-license holders, including Virginia residents, may carry and possess their weapons in Georgia pursuant to O.C.G.A. § 16-11-126 (a)-(d).

Second, the Attorney General is not an adverse party to Plaintiffs; he in no way has threatened enforcement of the reciprocity statute against Plaintiffs. In fact, the Attorney General cannot enforce the reciprocity statute against Plaintiffs; only law enforcement and county prosecuting officials have the power to do that. Simply because the Attorney General maintains a list on his website of states he considers to have reciprocity with Georgia and has declined to put Virginia on that list does not mean that he is antagonistic party who is actually threatening Plaintiffs' rights. *See, e.g., Leitch*, 291 Ga. at 670 (finding that declaratory relief was not an appropriate remedy against a judge in a criminal case, whose interests were not antagonistic to the state or defendant, but who rather served in the role of the neutral decision maker); *Judicial Council*, 184 Ga. App. at 895 (finding that a justiciable controversy does not exist where there is simply a difference in opinion as to the interpretation of the rule and where the council had applied their interpretation to plaintiff's particular case). Thus, the prerequisites for a declaratory judgment do not exist here, and the claim should be dismissed.

Finally, a declaration that "Georgia law does not require another state to recognize **all** GWCLs issued pursuant to O.C.G.A. § 16-11-129 in order for Georgia to recognize **any** licenses issued by such other state," as requested by Plaintiffs, would lead to unreasonable results not likely intended by Georgia

legislators in enacting O.C.G.A. § 16-11-126 (e). In interpreting statutes, one of the cardinal rules of statutory construction is to consider the consequences of any proposed interpretation and not construe the statute to reach an unreasonable, unintended result; the construction must square with common sense and sound reasoning. *Haugen v. Henry County*, 277 Ga. 743, 745 (2004).

The interpretation of O.C.G.A. § 16-11-126 (e) that Plaintiffs appear to be seeking from this Court is essentially that if Virginia recognizes even ***one individual*** Georgia weapons carry license, then Georgia is required by law to recognize ***every single*** Virginia license. Under this interpretation, in practice, all other states would only have to recognize ***one person's*** Georgia license in order to mandate that Georgia recognize every single permit issued by other states. The resulting effect would be illogical and only works to disadvantage Georgia citizens, who would completely lose the benefit of reciprocity. It is not likely that the Legislature intended O.C.G.A. § 16-11-126 (e) to benefit all other states at the expense of Georgia citizens, who could face arrest and prosecution in states such as Virginia under this interpretation. Rather, the more reasonable interpretation is that if the other state recognizes Georgia's licenses – again, there is only one permit issued to Georgia citizens, there is only one to recognize – then Georgia will recognize the other state's licenses.

Therefore, Plaintiffs have failed to state a claim for declaratory relief, and this claim should be dismissed. And in sum, Count 2 should be dismissed in its entirety.

D. The Complaint Fails to State a Claim for Relief Against Defendant in his Individual Capacity.

When a suit is brought against an officer of the State in his individual capacity, but the case relates to some matter in which the officer represents the state, such that a judgment against the officer will operate to control the action of the state, the suit is in effect one against the state. *Evans v. Just Open Government*, 242 Ga. 834 (1979). In such cases, it is immaterial that the party is named in his or her individual capacity; sovereign immunity will bar the lawsuit. *Id.* Here, Plaintiffs' Complaint only complains of actions taken by the Attorney General in his official capacity, and Plaintiffs seek relief that only the Attorney General in his official capacity can provide. The Attorney General has not taken and cannot take any action concerning weapons reciprocity that is unrelated to his capacity as the Attorney General for the State of Georgia. Mandamus relief or a declaratory judgment will operate to control the operations of the Attorney General as the Attorney General. Thus, this complaint is in effect one against the State; this cannot be one against Defendant Carr in his individual capacity. Therefore, the claim against Defendant Carr in his individual capacity should be dismissed.

E. Plaintiffs GeorgiaCarry.Org and Virginia Citizens Defense League Do Not Have Standing to Sue.

An association has standing to sue on behalf of its members only when 1) **each** member would otherwise have standing to sue in his or her own right; 2) the interests the association seeks to protect are germane to its purpose; and 3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. *Aldridge v. Georgia Hospitality & Travel Assoc.*, 251 Ga. 234, 236 (1983); *Pres. Alliance of Savannah v. Norfolk S. Corp.*, 202 Ga. App. 116, 118 (1991).

Here, neither GeorgiaCarry.Org nor the Virginia Citizens Defense League has standing. Residents of Georgia are denied nothing by the position of the Attorney General; their rights are being protected, not infringed. Furthermore, Virginia officials have told the Attorney General's office that Georgia license holders over 21 years of age are given recognition of their licenses in Virginia with or without any recognition in Georgia.⁵ Thus, the only members of either organization that may be affected by Georgia and Virginia not having reciprocity are **Virginia** license holders that intend to travel to Georgia and insist upon

⁵ However, the Attorney General doubts that Virginia can recognize Georgia licenses at all given that Georgia does not have the instantaneous verification as required by Virginia's statute.

openly carrying a weapon.⁶ This certainly does not include any Georgia citizen who is a member of GeorgiaCarry.Org and is not likely to include more than a few other members, if any, outside of Plaintiff Sadtler. Similarly, this is not likely to include every member of VDCL. Only Plaintiff Sadtler has any potential standing; Plaintiffs GCO and VCDL lack standing to bring these claims and their claims should be dismissed.

⁶ O.C.G.A. § 16-11-126 (a)-(d).

III. CONCLUSION

For all the reasons cited herein, Defendant respectfully moves this Court to dismiss Plaintiffs' Complaint.

Respectfully submitted this the 9 of February, 2017,

CHRISTOPHER M. CARR 112505
Attorney General

BETH BURTON 027500
Deputy Attorney General

JOSEPH DROLET 231000
Senior Assistant Attorney General

REBECCA J. DOBRAS 940524
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CERTIFICATE OF SERVICE

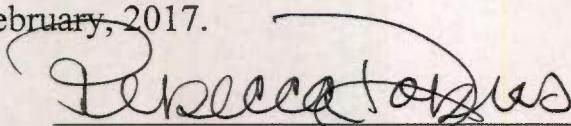
I do hereby certify that I have this day served this Motion to Dismiss, prior to filing the same, by depositing a copy thereof, postage prepaid, in the United States Mail, properly addressed upon:

John Monroe
Attorney for Plaintiff
9640 Coleman Road
Roswell, GA 30075

Courtesy Copy to:

The Honorable Shawn Ellen LaGrua
Superior Court of Fulton County
Justice Center Tower Suite T-8855
185 Central Avenue, SW
Atlanta, GA 30303

This 9 day of February, 2017.


REBECCA J. DOBRAS
Assistant Attorney General

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**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

GEORGIACARRY.ORG, INC.,)	
VIRGINIA CITIZENS DEFENSE)	
LEAGUE, and)	
ROBERT SADTLER,)	
Plaintiffs,)	
v.)	Civil Action No. 2016CV283334
CHRISTOPHER M. CARR, individually)	
and in his official capacity as)	
Attorney General)	
Of the State of Georgia,)	
Defendant)	

COMPLAINT

Plaintiffs state the following as their Complaint:

1. This is a Complaint for mandamus and declaratory relief, seeking a declaration that Georgia law does not require another state to recognize *all* Georgia Weapons Carry Licenses (GWLS) issued pursuant to O.C.G.A. § 16-11-129 in order for Georgia to recognize *any* licenses issued by such other state.
2. Defendant is the Attorney General of the State of Georgia.
3. Plaintiff Robert Sadler is a natural person who is a citizen of the United States and of the Commonwealth of Virginia.
4. Plaintiff GeorgiaCarry.Org, Inc. ("GCO") is a non-profit corporation organized under the laws of Georgia.
5. The mission of GCO is to foster the rights of its members to keep and bear arms.
6. Plaintiff Virginia Citizens Defense League ("VCDL") is a non-profit corporation organized under the laws of Virginia.

7. The mission of VCDL is to foster the rights of its members to keep and bear arms.
8. Sadtler is a member of GCO and VCDL.
9. Defendant's office maintains a list of states with which Georgia reciprocates for the carrying of handguns.
10. Law enforcement officers throughout the state rely upon this list to know what licenses to carry handguns issued by other states are recognized by Georgia.
11. In June of 2016, Asst. Atty. Gen. Rebecca Dobras of Defendant's Office exchanged a series of emails with Sgt. Thomas Lambert of the Virginia Department of State Police.
12. The subject of the emails was reciprocity between Georgia and Virginia for licenses to carry weapons issued by the two states.
13. Sgt. Lambert notified Ms. Dobras that effective July 1, 2016, Virginia would recognize, pursuant to Virginia law, Georgia weapons carry licenses ("GWLS") issued pursuant to O.C.G.A. § 16-11-129, but only for licensees 21 years of age or older.
14. Such recognition would have the effect of treating a GWL as a Virginia concealed handgun permit ("VCHP").
15. Ms. Dobras responded that Georgia would not recognize *any* VCHPs, on account of Virginia's refusal to recognize GWLS issued to people under the age of 21.
16. In July 2016, GCO challenged Ms. Dobras' position.
17. Ms. Dobras responded that Georgia will not recognize VCHPs unless Virginia recognizes *all* GWLS.
18. In August 2016, GCO raised the issue with Defendant's predecessor in Office, who referred GCO to his staff, ultimately Ms. Dobras.

19. After Defendant took Office on November 1, 2016, GCO asked Defendant's office if there were any change in the Office's position.
20. No change was reported.
21. Sadtler possesses a valid VCHP.
22. He is ineligible for a GWL because he is not a domiciliary of Georgia. O.C.G.A. § 16-11-129(a).
23. Georgia law generally prohibits carrying a handgun without a GWL, pursuant to O.C.G.A. § 16-11-126.
24. Sadtler has relatives in Georgia whom he would visit several times per year if, while in Georgia, he could keep and carry a handgun in case of confrontation.
25. Sadtler refrains from doing so, because he fears arrest and prosecution for doing so pursuant to O.C.G.A. § 16-11-126.
26. He would do so, however, if Defendant would include Virginia on the list of states with which Georgia has reciprocity.
27. Pursuant to O.C.G.A. § 16-11-126(e), Georgia recognizes licenses issued "in any other state whose laws recognize and give effect to a license issued" under Georgia law.
28. Virginia's laws recognize and give effect to a license issued under Georgia law.
29. Sadtler is entitled to reciprocity and recognition by Georgia of his VCHP.
30. Pursuant to O.C.G.A. § 16-11-173(b)(1)(B), Defendant is prohibited from regulating the carrying of firearms "in any manner."

31. VCDL has other members with VCHPs who would like to carry a handgun in Georgia but are in fear of arrest and prosecution on account of Defendant's position regarding reciprocity between Georgia and Virginia.

Count 1 – O.C.G.A. § 16-11-126(e)

32. By refusing to recognize VCHPs and not putting Virginia on the list of states with which Georgia reciprocates, Defendant is violating O.C.G.A. § 16-11-126(e).

33. Plaintiffs seek a writ of mandamus ordering Defendant to recognize VCHPs and to put Virginia on the list of states with which Georgia reciprocates. This relief is sought against Defendant personally.

Count 2 – O.C.G.A. § 16-11-173

34. By failing to recognize and give effect to VCHPs, Defendant is violating O.C.G.A. § 16-11-173(b)(1)(B), in that his refusal has the effect of regulating the carrying of firearms by people who are entitled to recognition by Georgia of their VCHPs.

35. Plaintiffs seek a declaration that persons who validly possess VCHPs are entitled to recognition of their VCHPs by Georgia. They also seek the expenses of this litigation and reasonable attorney's fees, pursuant to O.C.G.A. § 16-11-173(g). The relief sought in this Count is against Defendant individually and in his capacity as Attorney General of the State of Georgia.

/s/ John R. Monroe
John R. Monroe,
John Monroe Law, P.C.
Attorney for Plaintiffs

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678-362-7650
770-552-9318 (fax)
jrm@johnmonroelaw.com
State Bar No. 516193

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

GEORGIACARRY.ORG, INC.,)	
VIRGINIA CITIZENS DEFENSE)	
LEAGUE, and)	
ROBERT SADTLER,)	
Plaintiffs,)	
v.)	Civil Action No. 2016CV283334
)	
CHRISTOPHER M. CARR, individually)	
and in his official capacity as)	
Attorney General)	
Of the State of Georgia,)	
Defendant)	

*Just charged
mandamus
to injunction*

AMENDED COMPLAINT

Plaintiffs state the following as their Complaint:

1. This is a Complaint for injunctive and declaratory relief, seeking a declaration that Georgia law does not require another state to recognize *all* Georgia Weapons Carry Licenses (GWLS) issued pursuant to O.C.G.A. § 16-11-129 in order for Georgia to recognize *any* licenses issued by such other state.
2. Defendant is the Attorney General of the State of Georgia.
3. Plaintiff Robert Sadler is a natural person who is a citizen of the United States and of the Commonwealth of Virginia.
4. Plaintiff GeorgiaCarry.Org, Inc. ("GCO") is a non-profit corporation organized under the laws of Georgia.
5. The mission of GCO is to foster the rights of its members to keep and bear arms.
6. Plaintiff Virginia Citizens Defense League ("VCDL") is a non-profit corporation organized under the laws of Virginia.

7. The mission of VCDL is to foster the rights of its members to keep and bear arms.
8. Sadtler is a member of GCO and VCDL.
9. Defendant's office maintains a list of states with which Georgia reciprocates for the carrying of handguns.
10. Law enforcement officers throughout the state rely upon this list to know what licenses to carry handguns issued by other states are recognized by Georgia.
11. In June of 2016, Asst. Atty. Gen. Rebecca Dobras of Defendant's Office exchanged a series of emails with Sgt. Thomas Lambert of the Virginia Department of State Police.
12. The subject of the emails was reciprocity between Georgia and Virginia for licenses to carry weapons issued by the two states.
13. Sgt. Lambert notified Ms. Dobras that effective July 1, 2016, Virginia would recognize, pursuant to Virginia law, Georgia weapons carry licenses ("GWLs") issued pursuant to O.C.G.A. § 16-11-129, but only for licensees 21 years of age or older.
14. Such recognition would have the effect of treating a GWL as a Virginia concealed handgun permit ("VCHP").
15. Ms. Dobras responded that Georgia would not recognize *any* VCHPs, on account of Virginia's refusal to recognize GWLs issued to people under the age of 21.
16. In July 2016, GCO challenged Ms. Dobras' position.
17. Ms. Dobras responded that Georgia will not recognize VCHPs unless Virginia recognizes *all* GWLs.
18. In August 2016, GCO raised the issue with Defendant's predecessor in Office, who referred GCO to his staff, ultimately Ms. Dobras.

19. After Defendant took Office on November 1, 2016, GCO asked Defendant's office if there were any change in the Office's position.
20. No change was reported.
21. Sadtler possesses a valid VCHP.
22. He is ineligible for a GWL because he is not a domiciliary of Georgia. O.C.G.A. § 16-11-129(a).
23. Georgia law generally prohibits carrying a handgun without a GWL, pursuant to O.C.G.A. § 16-11-126.
24. Sadtler has relatives in Georgia whom he would visit several times per year if, while in Georgia, he could keep and carry a handgun in case of confrontation.
25. Sadtler refrains from doing so, because he fears arrest and prosecution for doing so pursuant to O.C.G.A. § 16-11-126.
26. He would do so, however, if Defendant would include Virginia on the list of states with which Georgia has reciprocity.
27. Pursuant to O.C.G.A. § 16-11-126(e), Georgia recognizes licenses issued "in any other state whose laws recognize and give effect to a license issued" under Georgia law.
28. Virginia's laws recognize and give effect to a license issued under Georgia law.
29. Sadtler is entitled to reciprocity and recognition by Georgia of his VCHP.
30. Pursuant to O.C.G.A. § 16-11-173(b)(1)(B), Defendant is prohibited from regulating the carrying of firearms "in any manner."

31. GCO and VCDL have other members with VCHPs who are not residents of Georgia who would like to carry a handgun in Georgia but are in fear of arrest and prosecution on account of Defendant's position regarding reciprocity between Georgia and Virginia.

Count 1 – O.C.G.A. § 16-11-126(e)

32. By refusing to recognize VCHPs and not putting Virginia on the list of states with which Georgia reciprocates, Defendant is violating O.C.G.A. § 16-11-126(e).

33. Plaintiffs seek an injunction ordering Defendant to recognize VCHPs and to put Virginia on the list of states with which Georgia reciprocates. This relief is sought against Defendant individually and in his capacity as Attorney General of the State of Georgia.

Count 2 – O.C.G.A. § 16-11-173

34. By failing to recognize and give effect to VCHPs, Defendant is violating O.C.G.A. § 16-11-173(b)(1)(B), in that his refusal has the effect of regulating the carrying of firearms by people who are entitled to recognition by Georgia of their VCHPs.

35. Plaintiffs seek a declaration that persons who validly possess VCHPs are entitled to recognition of their VCHPs by Georgia. They also seek the expenses of this litigation and reasonable attorney's fees, pursuant to O.C.G.A. § 16-11-173(g). The relief sought in this Count is against Defendant individually and in his capacity as Attorney General of the State of Georgia.

/s/ John R. Monroe

John R. Monroe,
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Attorney for Plaintiffs
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678-362-7650

770-552-9318 (fax)
jrm@johnmonroelaw.com
State Bar No. 516193

CERTIFICATE OF SERVICE

I certify that on March 9, 2017, I served a copy of the foregoing via efile upon:

Rebecca J. Dobras
rdobras@law.ga.gov

/s/ John R. Monroe
John R. Monroe

Rebecca Dobras

From: Rebecca Dobras
Sent: Thursday, December 08, 2016 4:51 PM
To: Stephanie Jackson
Subject: FW: Weapons carry license reciprocity with VA

Original email

From: Rebecca Dobras
Sent: Friday, July 15, 2016 3:09 PM
To: 'john monroe'
Subject: RE: Weapons carry license reciprocity with VA

John,
I apologize in the delay in responding to your email.

We appreciate your insight and thoughts on the reciprocity statute and our communications with the State of Virginia regarding potential reciprocity. Virginia now recognizes, under certain conditions, some, but not all, weapons carry licenses issued by Georgia. Virginia recognizes these licenses regardless of any action taken by Georgia. Accordingly, Georgia residents over the age of 21 who have Georgia weapons carry licenses may carry their weapons in Virginia.

With respect to the validity, in Georgia, of weapons carry licenses issued in Virginia, our statute recognizes only the licenses of those states that recognize our licenses. Virginia does not fall in that category because it does not recognize Georgia weapons carry licenses issued to certain veterans between the ages of 18 and 21. The list of reciprocity states on our website is meant to include only those states that recognize the weapons carry licenses of all Georgians who have been issued licenses by the probate judges of our state. Other states may not pick and choose to recognize the rights of only some of our weapons carry license holders and then expect that we will recognize all of their license holders. That is not reciprocity and is not appropriate under our law; the rights of Georgia citizens could be restricted while we would be fully honoring all the rights of citizens in other states.

While we understand that our position may not please some residents of Virginia, our duty lies with the citizens of Georgia and the protection of their interests. We will acknowledge reciprocity with Virginia on our website when Virginia recognizes the rights of all Georgia weapons carry license holders to lawfully carry their weapons in Virginia.

Thanks,
Becky Dobras

Rebecca J. Dobras
Assistant Attorney General
Georgia Department of Law
40 Capitol Square, SW
Atlanta, GA 30334
Phone: 404-656-0749
Fax: 404-463-8864

From: john monroe [mailto:jrm@johnmonroelaw.com]
Sent: Thursday, July 07, 2016 4:24 PM
To: Rebecca Dobras
Subject: Weapons carry license reciprocity with VA

Becky,

I am the attorney for GeorgiaCarry.Org, Inc. I am writing you regarding your recent correspondence with Sgt. Lambert of the Virginia State Police, in which you concluded that GA would not recognize VA permits. I ask that you reconsider this matter.

The GA statute on reciprocity requires that the putative reciprocal state recognize and give effect to "a license" issued by GA. It does not require that the other state recognize and give effect to "all licenses" issued by GA. In effect, your interpretation has made the change from "a license" to "all licenses." If the legislature had intended to require the other state recognize "all licenses," it could have said so. I also point out that the number of licenses GA can issue to people under 21 is quite small. In order to qualify, a person has to have completed basic training and either be actively serving or be honorably discharged. It is very rare to be under 21 and honorably discharged, because enlistment terms are generally long enough that a person would be over 21 by the time that happens.

Moreover, people who are actively serving do not need a license in GA, because they are exempt from licensing requirements in the first place (see OCGA 16-11-130). Their only reason for obtaining a license in GA is for reciprocity with other states. It would be nonsensical for the legislature to pass a bill to allow a means for service men and women to obtain a license for reciprocity purposes, yet not grant reciprocity to other states.

I ask that you consider these thoughts, and I appreciate your consideration.

John Monroe
678 362 7650

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

GEORGIACARRY.ORG, INC.,)	
VIRGINIA CITIZENS DEFENSE)	
LEAGUE, and)	
ROBERT SADTLER,)	
Plaintiffs,)	
)	Civil Action No. 2016CV283334
v.)	
)	
CHRISTOPHER M. CARR, individually)	
and in his official capacity as)	
Attorney General)	
Of the State of Georgia,)	
Defendant)	

SECOND AMENDED COMPLAINT

Plaintiffs state the following as their Second Amended Complaint:

1. This is a Complaint for mandamus, injunctive and declaratory relief, seeking a declaration that Georgia law does not require another state to recognize *all* Georgia Weapons Carry Licenses (GWLS) issued pursuant to O.C.G.A. § 16-11-129 in order for Georgia to recognize *any* licenses issued by such other state.
2. Defendant is the Attorney General of the State of Georgia.
3. Plaintiff Robert Sadler is a natural person who is a citizen of the United States and of the Commonwealth of Virginia.
4. Plaintiff GeorgiaCarry.Org, Inc. (“GCO”) is a non-profit corporation organized under the laws of Georgia.
5. The mission of GCO is to foster the rights of its members to keep and bear arms.
6. Plaintiff Virginia Citizens Defense League (“VCDL”) is a non-profit corporation organized under the laws of Virginia.

7. The mission of VCDL is to foster the rights of its members to keep and bear arms.
8. Sadtler is a member of GCO and VCDL.
9. Defendant's office maintains a list of states with which Georgia reciprocates for the carrying of handguns.
10. Pursuant to O.C.G.A. § 16-11-126(e.1), Defendant is required to create and maintain on the Department of Law's website a list of those states whose laws recognize and give effect to GWLs.
11. Plaintiffs have a clear legal right to have Defendant create and maintain an accurate list.
12. Law enforcement officers throughout the state rely upon this list to know what licenses to carry handguns issued by other states are recognized by Georgia.
13. In June of 2016, Asst. Atty. Gen. Rebecca Dobras of Defendant's Office exchanged a series of emails with Sgt. Thomas Lambert of the Virginia Department of State Police.
14. The subject of the emails was reciprocity between Georgia and Virginia for licenses to carry weapons issued by the two states.
15. Sgt. Lambert notified Ms. Dobras that effective July 1, 2016, Virginia would recognize, pursuant to Virginia law, Georgia weapons carry licenses ("GWLs") issued pursuant to O.C.G.A. § 16-11-129, but only for licensees 21 years of age or older.
16. Such recognition would have the effect of treating a GWL as a Virginia concealed handgun permit ("VCHP").
17. Ms. Dobras responded that Georgia would not recognize *any* VCHPs, on account of Virginia's refusal to recognize GWLs issued to people under the age of 21.
18. In July 2016, GCO challenged Ms. Dobras' position.

19. Ms. Dobras responded that Georgia will not recognize VCHPs unless Virginia recognizes *all* GWLs.
20. In August 2016, GCO raised the issue with Defendant's predecessor in Office, who referred GCO to his staff, ultimately Ms. Dobras.
21. After Defendant took Office on November 1, 2016, GCO asked Defendant's office if there were any change in the Office's position.
22. No change was reported.
23. Sadtler possesses a valid VCHP.
24. He is ineligible for a GWL because he is not a domiciliary of Georgia. O.C.G.A. § 16-11-129(a).
25. Georgia law generally prohibits carrying a handgun without a GWL, pursuant to O.C.G.A. § 16-11-126.
26. Sadtler has relatives in Georgia whom he would visit several times per year if, while in Georgia, he could keep and carry a handgun in case of confrontation.
27. Sadtler refrains from doing so, because he fears arrest and prosecution for doing so pursuant to O.C.G.A. § 16-11-126.
28. He would do so, however, if Defendant would include Virginia on the list of states with which Georgia has reciprocity.
29. Pursuant to O.C.G.A. § 16-11-126(e), Georgia recognizes licenses issued "in any other state whose laws recognize and give effect to a license issued" under Georgia law.

30. Pursuant to O.C.G.A. § 16-11-126(e)(2), such recognition by Georgia cannot be based on whether the other state recognizes GWL's held by a person who is younger than 21 years of age.
31. Virginia's laws recognize and give effect to a license issued under Georgia law.
32. Sadtler is entitled to reciprocity and recognition by Georgia of his VCHP.
33. Pursuant to O.C.G.A. § 16-11-173(b)(1)(B), Defendant is prohibited from regulating the carrying of firearms "in any manner."
34. GCO and VCDL have other members with VCHPs who are not residents of Georgia who would like to carry a handgun in Georgia but are in fear of arrest and prosecution on account of Defendant's position regarding reciprocity between Georgia and Virginia.

Count 1 – O.C.G.A. § 16-11-126(e)

35. By refusing to recognize VCHPs and not putting Virginia on the list of states with which Georgia reciprocates, Defendant is violating O.C.G.A. §§ 16-11-126(e) and 16-11-126(e)(2).
36. Plaintiffs seek an injunction ordering Defendant to recognize VCHPs and to put Virginia on the list of states with which Georgia reciprocates. This relief is sought against Defendant individually and in his capacity as Attorney General of the State of Georgia.
37. Plaintiffs also seek a writ of mandamus requiring Defendant to put Virginia on the list of states with which Georgia reciprocates. This relief is sought against Defendant individually.

Count 2 – O.C.G.A. § 16-11-173

38. By failing to recognize and give effect to VCHPs, Defendant is violating O.C.G.A. § 16-11-173(b)(1)(B), in that his refusal has the effect of regulating the carrying of firearms by people who are entitled to recognition by Georgia of their VCHPs.
39. Plaintiffs seek a declaration that persons who validly possess VCHPs are entitled to recognition of their VCHPs by Georgia. They also seek the expenses of this litigation and reasonable attorney's fees, pursuant to O.C.G.A. § 16-11-173(g). The relief sought in this Count is against Defendant individually and in his capacity as Attorney General of the State of Georgia.

/s/ John R. Monroe

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State Bar No. 516193

CERTIFICATE OF SERVICE

I certify that on April 6, 2017, I served a copy of the foregoing via efile upon:

Rebecca J. Dobras
rdobras@law.ga.gov

/s/ John R. Monroe
John R. Monroe

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

GEORGIACARRY.ORG, INC., *et.al.*,)
Plaintiffs,)
v.) Civil Action No. 2016 CV 283334
CHRISTOPHER M. CARR,)
Defendant)

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

Plaintiffs hereby supplement their opposition to Defendant's Motion to Dismiss, based on a change in law that further supports Plaintiffs' claims and negates Defendant's arguments.

On April 5, 2017, Gov. Deal signed into law 2017 Act 15 (House Bill 406). Section 2 of such Act provides that it shall become effective upon approval by the Governor, so the Act has become law. Section 1 of the Act creates a new O.C.G.A. § 16-11-126(e)(2) that provides, "No other state shall be required to recognize and give effect to a license issued pursuant to this part that is held by a person who is younger than 21 years of age." Section 1 of the Act also creates a new O.C.G.A. § 16-11-126(e.1) that provides, "The Attorney General shall create and maintain on the Department of Law's website a list of those states whose laws recognize and give effect to license[s] issued pursuant to this part...."

Thus, Defendant can no longer claim, as he did in his Motion, that he has no obligation to maintain a reciprocity list. He now has that obligation, and Plaintiffs have therefore reinstated their request for a writ of mandamus to enforce Defendant's clear legal duty (see Plaintiffs' contemporaneously filed Second Amended Complaint). Act 15 also resolves all doubt that Virginia cannot be required to recognize Georgia's GWLs issued to 18-20 year-olds before Georgia recognizes Virginia licenses.

Defendant's Motion must therefore be denied.

/s/ John R. Monroe
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678 362 7650
770 552 9318 (fax)
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State Bar No. 516193

CERTIFICATE OF SERVICE

I certify that on April 6, 2017, I served a copy of the foregoing via efile upon:

Rebecca J. Dobras
rdobras@law.ga.gov

/s/ John R. Monroe
John R. Monroe