

NOV 20, 2023 05:23 PM

Mandy Harrison
Mandy Harrison, Clerk
McIntosh County, Georgia

IN THE SUPERIOR COURT OF MCINTOSH COUNTY
STATE OF GEORGIA

GEORGETTE “SHARRON” GROVNER,)
MARVIN “KEN” GROVNER SR., LULA B.)
WALKER, FRANCINE BAILEY, MARY)
BAILEY, MERDEN HALL, FLORENCE) CIVIL ACTION FILE NO.:
HALL, YVONNE GROVNER, IRE GENE) SUCV2023000144
GROVNER SR.,)
)
Plaintiffs,)
)
v.)
)
MCINTOSH COUNTY, MCINTOSH)
COUNTY BOARD OF COMMISSIONERS)
KATE PONTELLO KARWACKI, DAVID)
STEVENS, DAVIS POOLE, WILLIAM E.)
HARRELL, AND ROGER LOTSON IN)
THEIR OFFICIAL CAPACITIES,)

Defendants.

DEFENDANTS’ MOTION TO DISMISS

COMES NOW Defendants McIntosh County, Georgia (the “County”) and Kate Pontello Karwacki (“Karwacki”), David Stevens (“Stevens”), Davis Poole (“Poole”), William E. Harrell (“Harrell”) and Roger Lotson (“Lotson”) in their official capacities, and hereby file the instant Motion to Dismiss under O.C.G.A. § 9-11-12(b)(1), (b)(2) and (b)(6). This Motion seeks dismissal of Plaintiffs’ entire Complaint for Writ of Mandamus, Declaratory Judgment, Injunctive Relief, and Equitable Relief because Plaintiffs have not demonstrated that sovereign immunity has been waived such that this Court does not have subject matter jurisdiction over Plaintiffs’ claims; Plaintiffs have not complied with the limitations and requirements of the sovereign immunity waiver contained in Ga. Const. art. I, § 2, ¶ V(b)(2); Plaintiffs’ have not properly verified their Complaint; and for all other reasons and arguments set forth in the accompanying and

contemporaneously filed Brief in Support of Defendants' Motion to Dismiss. In support of this Motion, Defendants rely on the contemporaneously filed Brief in Support of Defendants' Motion to Dismiss and all other matters and pleadings of record.

WHEREFORE, Defendants respectfully request that their Motion to Dismiss be granted, and that all Plaintiffs' claims and counts set forth in this action be dismissed with prejudice.

Respectfully submitted this 20th day of November, 2023.

JARRARD & DAVIS, LLP

/s/ Paul B. Frickey _____

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served Plaintiff's counsel with a copy of the attached **DEFENDANTS' BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS** with the Court via Peachcourt electronic filing system which will make automatic electronic delivery to all parties receiving such service. Additionally, a true and correct copy of the same has been delivered to the following counsel of record:

Miriam Gutman
Anjana Joshi*
Crystal McElrath
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This 20th day of November, 2023.

JARRARD & DAVIS, LLP

/s/ Paul B. Frickey

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