

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

JAMES D. JOHNSON,)	
Plaintiff,)	
)	Civil Action No. 2014 CV 250660
v.)	
)	
FULTON COUNTY SCHOOLS)	
Defendant)	

AMENDED COMPLAINT

Plaintiff states the following as his Amended Complaint:

1. This is a Complaint for declaratory and injunctive relief, seeking a declaration that, effective July 1, 2014, it no longer was a crime in Georgia to carry a weapon on a school campus for a weapons carry licensee and an injunction preventing Defendant from arresting, citing, or prosecuting Plaintiff for carrying a firearm on Defendant's property.
2. Defendant is a county public school system in Fulton County, Georgia.
3. Plaintiff is a natural person who resides in Fulton County, Georgia and whose children attend school at New Prospect Elementary School ("NPES") in Alpharetta, Fulton County, Georgia.
4. NPES is owned and operated by Defendant.
5. Plaintiff possesses a validly issued Georgia Weapons Carry License ("GWL") issued to him pursuant to O.C.G.A. §16-11-129.
6. NPES is in a "school safety zone," as that term is defined by O.C.G.A. §16-11-127.1.
7. It generally is a crime to carry a firearm within a school safety zone.
8. During the legislative session of 2013-2014, the General Assembly passed House Bill 826.

9. The governor of Georgia signed HB 826 into law and it has been enrolled as Act 575.
10. Act 575 provides, *inter alia*, that GWL holders are exempt from the provisions against carrying a weapon in a school safety zone.
11. After Act 575 became effective, Defendant's representatives were quoted in a local Alpharetta media outlet saying that it remains a crime to carry a firearm in school safety zones, even for people with GWLs.
12. On or about August 12, 2014, Plaintiff contacted the author of the news article, pointing out that under Act 575 a person with a GWL could carry a firearm at a school.
13. On or about August 12, 2014, the author replied that she had conferred with the "school board attorney," who reiterated that the board continues to view it as a crime for a GWL holder to carry a firearm in a school safety zone.
14. Defendant has a policy, "KG (III)(J)(13)," that prohibits weapons "in school facilities or on school property."
15. Plaintiff visits NPES for the purpose of participating in the education of his child, on a frequent basis.
16. Plaintiff desires to carry a weapon at NPES in case of confrontation, and he would do so if it were legal for him to do so.
17. As a result of the public comments attributed to Defendant, Plaintiff is in fear of arrest and prosecution for carrying a weapon at NPES, even though it no longer is criminal for him to do so (effective July 1, 2014).

Count 1 – Violations of O.C.G.A. § 16-11-173

18. O.C.G.A. § 16-11-173 prohibits Defendant from regulating the possession or carrying of a firearm.
19. Plaintiff and Defendant have an actual controversy between them regarding the effects of Act 575 on Plaintiff.
20. Even if there were no actual controversy between Plaintiff and Defendant, Plaintiff desires to confirm his right since July 1, 2014 to carry a firearm on Defendant's property without fear of detention, prosecution, imprisonment, and fine.
21. By declaring that GWL holders may not carry firearms on Defendant property, Defendant violates O.C.G.A. § 16-11-173.

Relief Demanded

Plaintiff demands the following relief:

22. A declaration that as of July 1, 2014, GWL holders are exempt from the prohibition in O.C.G.A. 16-11-127.1 of carrying a weapon in a school safety zone.
23. An injunction prohibiting Defendant from arresting, citing, fining, or prosecuting Plaintiff for carrying a weapon in a school safety zone for as long as Plaintiff maintains a GWL.
24. An interlocutory injunction prohibiting Defendant from arresting, citing, fining, or prosecuting Plaintiff for carrying a weapon in a school safety zone during the pendency of this action, for as long as Plaintiff maintains a GWL.
25. The costs of bringing and maintaining this action, including reasonable attorney's fees.
26. A jury to try this case.
27. Any other relief the court deems proper.

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CERTIFICATE OF SERVICE

I certify that on October 7, 2014 I served a copy of the foregoing via U.S. Mail upon:

Brandon O. Moulard
Nelson Mullins Riley & Scarborough LLP
201 17th Street, NW, Suite 1700
Atlanta, GA 30363

John R. Monroe