

Rebecca G. Crowe
Rebecca Crowe, Clerk
Bryan County, Georgia

IN THE SUPERIOR COURT OF BRYAN COUNTY
STATE OF GEORGIA

HOME BUILDERS ASSOCIATION OF)
SAVANNAH, INC. d/b/a HOME)
BUILDERS ASSOCIATION OF)
GREATER SAVANNAH,)

Plaintiff,)

Civil Action File No.: SUV2019000044)

v.)

BRYAN COUNTY, GEORGIA, a political)
subdivision of the State of Georgia; and)
CARTER INFINGER, NOAH)
COVINGTON, WADE PRICE, STEVE)
MYERS, BRAD BROOKSHIRE, and)
GENE WALLACE, in their official)
capacities as current Bryan County)
Commissioners, and constituting the Board)
of Commissioners of Bryan County,)
Georgia,)

Defendants.)

ORDER ON PENDING MOTIONS

This matter comes before the Court on multiple motions: 1) Plaintiff's request for an interlocutory injunction enjoining enforcement of Bryan County, Georgia's Interim Development Ordinance (the "IDO") and Bryan County, Georgia's Development Impact Fee Ordinance (the "DIFO"); and 2) Defendants' Motion to Dismiss.

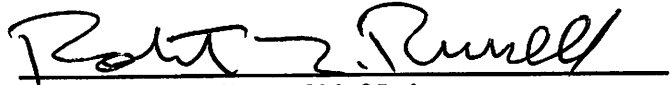
Upon consideration of the pending motions, pleadings, evidence presented on May 10, 2019 and May 24, 2019, the credibility of the witnesses, arguments of counsel, the controlling law, and all other matters of record, the Court hereby **ORDERS** as follows:

Plaintiff's allegations in the complaint, as twice amended, taken as true, sufficiently state a claim. Accordingly, Defendants' Motion to Dismiss is **DENIED**.

Plaintiff failed to satisfy its burden to obtain an interlocutory injunction. Accordingly, Plaintiff's request for an interlocutory injunction is also **DENIED**.

The Court further **ORDERS** counsel for Plaintiff and Defendants to confer on an appropriate scheduling order in this case, including periods for discovery, amendment(s) to pleadings, dispositive motions, and trial. Upon counsel's agreement, a consent scheduling order shall be submitted to the Court for consideration.

SO ORDERED, this 31 day of July, 2019.


Robert L. Russell, III, Chief Judge
Superior Court of Bryan County, Georgia

ORDER PREPARED BY

/s/ Frank E. Jenkins, III*

*Signed with express permission by Aaron M. Kappler

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