

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

JUDICIAL WATCH, INC.,

Plaintiff,

v.

FULTON COUNTY, GEORGIA,

Defendant.

CIVIL ACTION FILE NO. _____

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant Fulton County, Georgia to compel compliance with the Georgia Open Records Act, § 50-18-70 *et seq.* As grounds therefor, Plaintiff alleges as follows:

JURISDICTION

1. This Court has jurisdiction over the person and subject matter of this action pursuant to O.C.G.A. § 50-18-73(a).

VENUE

2. Venue is proper in this Court pursuant to O.C.G.A. § 9-10-30 because Defendant's principal office is located at 141 Pryor St. SW, Atlanta, Georgia 30303 in Fulton County.

PARTIES

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in

government and fidelity to the rule of law. As part of its mission, Judicial Watch regularly requests records under federal and state “open records” laws, analyzes the responses and any records it receives, and disseminates its findings and the records to the public to inform them about their government.

4. Defendant Fulton County is a County, organized and existing under the laws of the State of Georgia. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On January 11, 2024, Plaintiff submitted a Georgia Open Records Act request to Defendant seeking access to the following:

All County public records, as defined in O.C.G.A. § 50-18-70(b)(2), related to the hiring/appointment/procurement of the professional services of Nathan Wade (or his law firm) as Fulton County Special Prosecutor. This includes any request for services/proposals, contracts, invoices, or correspondence (physical or electronic) related to his hiring/appointment/procurement.

Any applicable procurement policies and procedures related to Mr. Wade’s hiring or appointment.

6. The timeframe for this request was any responsive public record from January 1, 2021 until January 11, 2024.

7. The request was submitted via the online Fulton County Public Records Center that Defendant has designated for receiving Open Records Act requests. See <https://bit.ly/4bcrsDC>. This request was submitted to the County as a whole, including especially the Department of Purchasing & Contract Compliance for Fulton County; Office of District Attorney for Fulton County; and the Board of Commissioners for Fulton County.

8. Defendant acknowledged receipt of Plaintiff’s January 11, 2024 request, assigning it reference number R000412-011124.

9. On January 18, 2024 at 3:41 PM EST, Plaintiff received an email from the Fulton Public Records Center directing it to “Please log into the portal to see letter.” See Exhibit 1.

10. Plaintiff promptly logged onto the portal, but no letter existed.

11. That same day, Plaintiff responded via email at 4:33 PM EST, advising Fulton County Records Center that no letter was available on the Portal and requesting a copy of the purported letter.

12. After not receiving any response, Plaintiff called Fulton County Records Center on January 23, 2024 to request information about its January 11, 2024 request. Plaintiff left a message identifying itself and requesting to speak to someone about its request.

13. To date, Defendant has not received any determination or any further communication from Defendant about the request.

14. To date, Defendant has failed to make any determination on Plaintiff’s January 11, 2024 request or otherwise communicate with Plaintiff about the request, except as noted above.

COUNT I
(Violation of the Georgia Open Records Act – O.C.G.A. § 50-18-70, et seq.)

15. Plaintiff realleges the preceding paragraphs as if fully stated herein.

16. Defendant is in violation of the Georgia Open Records Act.

17. Defendant was required to make the requested records available to Plaintiff or notify Plaintiff of any determination not to make the records, or any part thereof, available to Plaintiff within three (3) business days of receipt of the request. O.C.G.A. § 50-18-71(b)(1)(a).

18. Plaintiff is being irreparably harmed by Defendant’s violation of the Georgia Open Records Act, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

19. Plaintiff has a clear legal right to the records requested and Defendant has a duty to provide them.

20. Defendant is not substantially justified in not responding to the request or providing the requested records.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for all public records responsive to Plaintiff's Open Records Act request without further delay; (2) enjoin Defendant from continuing to withhold all non-exempt public records responsive to Plaintiff's Open Records Act request; (3) grant Plaintiff an award of attorney's fees and other costs reasonably incurred in this action pursuant to O.C.G.A. § 50-18-73(b); (4) issue a writ of mandamus, ordering Defendant to provide the requested records; and (5) grant Plaintiff any other relief as the Court deems just and proper.

Dated January 29, 2024

Respectfully submitted,

/s/ John R. Monroe
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