

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIAJUDICIAL WATCH INC.,
Plaintiff

v.

FANI WILLIS, in her official capacity as
District Attorney of the Atlanta Judicial Circuit,
Defendant

CIVIL ACTION 24CV002805

ORDER RE: CONTINUED VIABILITY OF ORA EXCEPTION

This long-running litigation was triggered by an unfulfilled request by Plaintiff made pursuant to the State's Open Records Act (ORA), O.C.G.A. § 50-18-70 *et seq.*, for records in Defendant's possession concerning her office's interactions with then-Special Counsel Jack Smith and the United States House January 6th Committee. After a default and a court order, Defendant eventually provided the Court with over 200 pages of search protocols, e-mails, text messages, and written correspondence. The Court reviewed these materials and, in an Order dated 20 August 2025, concurred with Defendant that, *at that time*, given that the criminal case related to these records was still open (if not particularly active), the records were exempt from disclosure pursuant to the "pending investigation or prosecution" exception set forth in O.C.G.A. § 50-18-72(a)(4).

Things have changed. That related criminal case -- 23SC188947 *State v. Donald Trump et al.* -- is now closed, having been dismissed at the State's request on 26 November 2025. There is no more "pending prosecution". And, in a parallel move, the judge overseeing that criminal case recently terminated the protective order he had entered that restricted the public dissemination of some of the discovery in the criminal case. That ruling is consistent with the theme that the originally protected materials are no longer sensitive; their disclosure will not compromise an ongoing case.

Given this, the Court DIRECTS both parties to notify the Court **within ten days of the entry of this Order**, whether there remains any reason to continue to withhold the requested materials from Plaintiff. If not, then the Court will provide Plaintiff with the documents Defendant submitted for *in camera* review and this matter will stand closed.

SO ORDERED this 13th day of January 2026.


Judge Robert C.I. McBurney
Superior Court of Fulton County

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