

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ARICK WHITSON, GEORGIA]
CHAMPIONSHIP BARBEQUE]
COMPANY, INC. d/b/a]
BBQ Masters,]

Plaintiffs]

vs.]

Civil Action No.]

_____]
Jury Trial Demanded]

CITY OF STOCKBRIDGE]
GEORGIA, and ELTON ALEXANDER,]
In His Individual and Official]
Capacity,]

Defendants]

_____]

COMPLAINT

COME NOW, Plaintiffs Arick Whitson and Georgia Championship
Barbecue Company, Inc. d/b/a BBQ Masters and respectfully show the Court
as follows:

INTRODUCTION

This is a civil action under 42 U.S.C § 1983 seeking damages and
injunctive relief against Defendants for committing acts, under color of law,
with the intent and for the purpose of depriving Plaintiffs of rights secured

under the Constitution and laws of the United States; retaliating against Plaintiff Arick Whitson for his exercise of constitutionally protected speech; for depriving Plaintiffs equal protection under the law; for damaging Plaintiffs' reputations through an unfounded campaign of public disparagement accompanied by the deprivation of Plaintiffs' property rights as secured by the Fourteenth Amendment to the United States Constitution. Plaintiffs also assert a State law defamation claim against Defendant Elton Alexander. Plaintiffs seek declaratory and injunctive relief, compensatory damages, attorneys' fees and costs for Defendants' unlawful actions. Plaintiffs also seek punitive damages against Defendant Alexander, in his individual capacity.

JURISDICTION AND VENUE

1. Plaintiffs' claims arise under the First and Fourteenth Amendments to the United States Constitution, as made actionable by 42 U.S.C. § 1983. Plaintiffs' claims present federal questions over which this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343 (a).

2. Plaintiffs also assert defamation and invasion of privacy claims arising under Georgia law, O.C.G.A. § 51-5-1, et seq. This Court has supplemental jurisdiction of these state law claims pursuant to 28 U.S.C. § 1367.

3. This Court is a proper venue for Plaintiffs' claims under 28 U.S.C. § 1391(b), because the parties are domiciled in the Northern District of Georgia and because the unlawful conduct giving rise to Plaintiffs' claims occurred in this District.

THE PARTIES

4. Plaintiff, Arick Whitson, is a citizen of the United States, a resident of the Northern District of Georgia and subject to this Court's jurisdiction.

5. Plaintiff, Georgia Championship Barbeque Company, Inc., d/b/a BBQ Masters is a domestic, for profit corporation organized and doing business under the laws of Georgia and subject to this Court's jurisdiction.

6. Defendant City of Stockbridge, Georgia ("the City") is a municipal corporation organized under the laws of the State of Georgia and is, therefore, subject to this Court's jurisdiction. The City may be served with process by serving its Mayor, Judy Neal at 440 N. Henry Boulevard, Stockbridge, Georgia 30281.

7. Defendant Elton Alexander is a resident of Stockbridge, Georgia and subject to this Court's jurisdiction. Defendant Alexander may be served with process at 440 N. Henry Boulevard, Stockbridge, Georgia 30281.

8. The City is a local governmental entity subject to suit under 42

U.S.C. § 1983.

FACTUAL ALLEGATIONS

9. Plaintiff, Arick Whitson (also referenced as "Mr. Whitson" or "Plaintiff Whitson" in this Complaint), is a long-term resident of Stockbridge, Georgia, and restaurateur who has successfully operated a restaurant in the City for more than a decade.

10. Plaintiff Whitson's restaurant currently exists under the corporate name Georgia Championship Barbecue Company, Inc. d/b/a BBQ Masters (also referenced as "BBQ Masters" in this Complaint), and is a named Plaintiff in this action.

11. Defendant Elton Alexander serves as an elected member of City Council for the City of Stockbridge. As specified herein, Defendant Alexander is being sued in his individual and official capacity.

12. In or around May, 2016, Defendant Alexander visited the BBQ Masters restaurant, which was then located at 5627 North Henry Boulevard, Stockbridge, Georgia.

13. Upon arrival, Defendant Alexander noted that he was a city councilman and asked Plaintiff Whitson if he was interested in doing "business with the City", to which Whitson replied "yes." Defendant Alexander then proceeded to order more than \$60 worth of food items.

14. When it was time for Defendant Alexander to pay for the ordered food items, he told Mr. Whitson, "I thought you wanted to do business with the City."

15. Taken aback, Mr. Whitson refused Defendant Alexander's quid pro quo offer of giving Alexander free food in exchange for Mr. Whitson gaining City business, Alexander abruptly left the restaurant without paying for the food items. Mr. Whitson was shocked and dismayed by Alexander's actions.

16. Following Mr. Whitson's refusal to being extorted by Defendant Alexander, Alexander and the City embarked upon an unprecedented series of retaliatory actions against Mr. Whitson and BBQ Masters.

17. As a member of City Council, Defendant Alexander had authority to issue directives to City Code Enforcement officials.

18. Code Enforcement officials were possessed with the legal authority to issue criminal citations to persons and entities accused of being in violation of City ordinances.

19. Following Mr. Whitson's refusal to being subjected to extortion by Defendant Alexander, Alexander declared BBQ Masters a "problem" in the City that Code Enforcement needed to address.

20. On or about May 27, 2016, a City Code Enforcement officer was

dispatched to BBQ Masters by the City and Defendant Alexander. The City Code Enforcement officer issued a criminal warning citation to the restaurant regarding a barbecue trailer located in the parking lot. This trailer has served as an outdoor kitchen for BBQ Masters since 2013. The trailer is licensed and inspected by the Henry County Health Department.

21. Prior to May 27, 2016, City Code Enforcement had never issued any criminal citation regarding this trailer. It was not until after Mr. Whitson refused to be extorted by Defendant Alexander, that a criminal warning was issued. On information and belief, Defendant Alexander and/or the City directed Code Enforcement to issue the criminal warning to BBQ Masters.

22. Between June, 2016 and September, 2016, at the behest of Defendant Alexander and the City, City Code Enforcement officials repeatedly harassed Mr. Whitson by performing warrantless inspections at BBQ Masters, issuing criminal warning notices and summoning Mr. Whitson to meetings to discuss manufactured "problems" at BBQ Masters. These "problems" only arose as a result of Mr. Whitson's refusal to be extorted by Defendant Alexander.

23. In late 2016, BBQ Masters moved to its new location of 72 Highway 138 West, Stockbridge, Georgia. As the new building was being readied for opening, Defendant Alexander came to the site in his official

capacity as a city councilman to inquire into the yet to be revealed business. Upon discovering that the owner of the "new business" was Mr. Whitson, Defendant Alexander began harassing and interrogating Mr. Whitson about his operations.

24. Mr. Whitson took the opportunity to complain about the retaliation he had experienced from the City and Alexander at the restaurant's former location. Alexander did not deny that he initiated the Code Enforcement actions against BBQ Masters, proclaiming that he was "not going to apologize" for what he had done to Mr. Whitson and his business.

25. Soon after this encounter with Defendant Alexander, a City Code Enforcement officer was dispatched to the new restaurant site and the harassment resumed. On information and belief, Defendant Alexander and the City directed the Code Enforcement officer to use the legal authority of Code Enforcement as a means to harass and intimidate Mr. Whitson.

26. On December 20, 2016, Defendant Alexander contacted the Henry County Building Department requesting an investigation into whether Mr. Whitson had the proper building permits at the new location. Mr. Whitson was shocked upon learning that he was being targeted in this manner.

27. In early 2017, Mr. Whitson's building plans were denied by the

City allegedly due to insufficient parking at the building even though the building's prior occupant operated a restaurant of similar or greater capacity as BBQ Masters. This rejection caused a delay in the opening at the new location.

28. On or about January 27, 2017, the City denied Mr. Whitson's sign permit application allegedly due to there being excessive signage on the windows of the building. However, there are countless other existing restaurants and business with window signage of similar proportions to BBQ Masters, yet the City granted sign permits to those businesses. Although Mr. Whitson provided the City with photographs of businesses with signage similar to or greater than the proposed signage for BBQ Masters, as of this date, the City has refused to issue the sign permit to which he is entitled.

29. The City's denial of BBQ Masers' sign permit is intentional, is meant to harass, and is in violation of the constitutional requisite standard or scrutiny for such denial of Mr. Whitson's sign permit application.

30. The aforementioned retaliatory, harassing denials delayed the opening of BBQ Masters thereby causing financial harm to Mr. Whitson and BBQ Masters.

First Amendment Exercise of Free Speech

31. Fed up with the discriminatory and retaliatory treatment, Mr.

Whitson exercised his constitutional and statutory rights and filed an Ethics Complaint against Defendant Councilman Alexander on January 30, 2017.

32. The City has enacted a Code of Ethics applicable to elected officials such as Defendant Alexander. *See* City Ordinance 2.40.010, et seq.

33. Among the conduct prohibited by the Code of Ethics is "[a] public official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any benefit to such official...." *City Ordinance No. 2.40.040 (M)*.

34. Pursuant to the City's Ethics Code, a citizen who is aware of or subject to unlawful conduct committed by an elected official can file a complaint with the City Clerk whereupon such complaint becomes a matter of public record. *City Ordinance No. 2.40.070 (A)*.

35. Mr. Whitson's Ethics Complaint filed on January 30, 2017, outlined the retaliatory actions he had been experiencing from the City since refusing Defendant Alexander's extortion attempt and partly reads as follows:

"It is unlawful that an elected official use its powers to influence, bribe or [that I] be placed in fear of harassment for not providing free meals. I have always known that public officials entrusted with public resources do not abuse same and the influence accruing from their office [not be used], for personal gain. My aim is to enforce public accountability and to render the issue of corruption, politically expensive for any government official."

36. In February, 2017, news outlet WSB-TV, ran a news story

about the Ethics Complaint. Mr. Whitson was interviewed for this news story.

37. Almost immediately upon the public exposure of Defendants' unlawful conduct, the Defendants engaged in even more aggressive and retaliatory actions against Mr. Whitson and BBQ Masters.

38. On February 1, 2017, Defendant Alexander sent several public emails via the City email system, making disparaging remarks about BBQ Masters and Mr. Whitson. Alexander called BBQ Masters it a "dump". Later, the same day, Defendant Alexander falsely reported that Mr. Whitson was illegally remodeling his new site without proper permits.

39. On February 4, 2017, Defendant Alexander sent a public email falsely stating that Mr. Whitson was a convicted domestic violence offender. Mr. Whitson has no such conviction.

40. On February 16, 2017, after claiming that he discovered information regarding a 2010 "bad check" allegation against Mr. Whitson, Defendant Alexander forwarded this aged information to the entire City Council as well as the local newspaper, the Henry Herald, in yet another step to retaliate against Plaintiff Whitson.

41. The so called "bad check" allegation asserted by Defendant Alexander against Mr. Whitson was false. In actuality, Mr. Whitson stopped

payment on a check paid to a vendor who had sold spoiled food to Mr. Whitson. The incident occurred in 2010 and in another State.

42. On February 17, 2017, Defendant Alexander sent a public email to the Henry County District Attorney falsely reporting that Mr. Whitson had "*sexually assaulted a woman.*" In so doing, Defendant Alexander referenced the WSB-TV news report featuring Mr. Whitson's Ethics Complaint thereby exposing Alexander's true motivation for contacting the District Attorney with these false and malicious claims. Defendant Alexander sent a second public email to the District Attorney this same day stating "*this guy [Whitson] might be crazy*" and accusing Mr. Whitson of engaging in "*Revenge Porn.*" Mr. Whitson is not crazy and has never engaged in "*Revenge Porn.*"

43. Defendant Alexander also falsely reported to the District Attorney in a public email that Mr. Whitson legally changed his name "*due to his long rap sheet.*" Mr. Alexander does not have a "*long rap sheet.*" Further, Mr. Whitson did legally change his surname; however, he did so to adopt the name of his biological father.

44. On February 24, 2017, Defendant Alexander forwarded the 2010 "bad check" allegation to other Henry County law enforcement officials in an continued effort to publicly disparage Mr. Whitson.

45. On February 27, 2017, Defendant Alexander forwarded the

2010 "bad check" allegation to the Henry County Solicitor's Office via public email. In a separate, public email to the Solicitor's Office that same day, Defendant Alexander referred to Mr. Whitson as a "*serial offender*" who *needed to be "put away."* Each of these emails was sent via public emails.

46. On March 2, 2017, Defendant Alexander falsely reported via public email to the private attorney assigned to investigate Mr. Whitson's Ethics Complaint that Mr. Whitson was a registered sex offender. Mr. Whitson has never been a registered sex offender.

47. On March 8, 2017, Defendant Alexander issued a mass email to citizens indicating that Mr. Whitson was guilty of sexually offending Mr. Whitson's former girlfriend and that Mr. Whitson has "*compulsive psychopathic behavior.*" Neither of these outrageous and defamatory claims is true.

48. Defendant Alexander operates a Facebook page called "Because We Care Henry County Atlanta South" which he maintains and operates as a community forum for the exchange of ideas about local, state and national politics. This Facebook page has more than 16,000 followers, and Defendant Alexander utilizes it in both his official and individual capacity.

49. In or around April, 2017, Defendant Alexander posted the following derogatory quote about Mr. Whitson and BBQ Masters on his

Facebook page: "*Why anyone do (sic) business with BBQ Masters 72 Hwy 138 Stockbridge is beyond me. You have been warned. This dude is grimy.*"

As with the other statements and actions mentioned above and below, Defendant Alexander took these actions in his official and individual capacities with a specific intent to cause harm to the Plaintiffs and specific intent to cause financial injury and reputational injury to Plaintiffs.

50. Following the aforementioned posting, Defendant Alexander continued to post false and defamatory comments about BBQ Masters on his Facebook page. For example, Defendant Alexander posted that BBQ Masters is "*rusty*"; "*old*" and "*unsanitary*" when, in actuality, BBQ Masters has always received near perfect scores on health inspections and is always maintained in a clean and sanitary manner.

51. The City continued to retaliate against Mr. Whitson during this same period of time. In early, 2017, Mr. Whitson submitted an alcohol permit application to the City so that he could serve beer and wine at BBQ Masters. Although Mr. Whitson met the legal requirements for the issuance of the alcohol permit, the City refused to even process the application. In April, 2017, the City returned Mr. Whitson's application fee to him without explanation. The City's refusal to process and issue the alcohol permit did not meet the requisite standard or constitutional scrutiny and was improper in

motive and act. As a result of the City's unlawful actions, Mr. Whitson and BBQ Masters are being deprived of substantial income.

52. In further retaliation for Mr. Whitson filing an Ethics Complaint and speaking out on WSB-TV news about the corrupt and retaliatory actions described herein, Mr. Whitson's personal and professional reputations have been damaged and BBQ Master's business has been injured.

53. All of Defendant Alexander's actions described herein were sanctioned, condoned and authorized by the Defendant City.

54. At all times relevant hereto, the Defendants maintained a custom and practice of allowing for such violations of the law, for the deprivation of the rights of citizens including the Plaintiffs' First and Fourteenth Amendment rights, for retaliating against the Plaintiffs, and for policies that result in the violation of and retaliation for exercising the constitutional rights that the Plaintiffs exercised or were otherwise entitled thereto.

CAUSES OF ACTION

Count One

42 U.S.C. § 1983 Allegations

(First Amendment Retaliation Against all Defendants)

55. Plaintiffs incorporate each of the above factual allegations as if fully restated here.

56. The City has enacted a Code of Ethics as a means of addressing acts of public corruption and official conduct inimical to the public welfare as committed by City officials.

57. The Code of Ethics has a process by which citizens can assert their allegations directly to the City for redress.

58. Mr. Whitson availed himself of the prescribed form of redress when he filed his Ethics Complaint exposing the public corruption and unlawful conduct described hereinabove on or about January 30, 2017.

59. Mr. Whitson had an unqualified, constitutional right to exercise his First amendment right to speak on matters of public concern pursuant to the First and Fourteenth Amendments to the United States Constitution.

60. Mr. Whitson had a constitutional right to petition the City for redress with respect to the retaliatory conduct he and his business experienced at the hands of the Defendants and such rights were secured by the First and Fourteenth Amendments to the United States Constitution.

61. At all times relevant hereto, the law was clearly established that the Plaintiffs' actions were constitutionally protected conduct under the First and Fourteenth Amendments to the United States Constitution.

62. The Plaintiffs' public speech was the motivating factor in Defendants subjecting Mr. Whitson and BBQ Masters to the aforementioned

retaliatory conduct and harassment.

63. The First Amendment protects speech that is a matter of public concern. Mr. Whitson raised a matter of public concern when he informed the City that he was the subject of an extortion attempt by City Council member Defendant Alexander.

64. After rejecting Defendant Alexander's extortion attempt, Mr. Whitson was retaliated against by being subjected to unwarranted investigations by City officials, including being threatened with criminal prosecution by Code Enforcement officials.

65. When Mr. Whitson followed the prescribed method of filing an Ethics Complaint as codified by the City, the harassment and retaliation continued to the point that he suffered monetary damages.

66. The City has a custom, policy and practice of allowing Defendant Alexander to have direct influence over the official actions of Code Enforcement. Further, the City has a custom, policy and practice of allowing Defendant Alexander to serve as a governmental liaison between the City and private businesses located therein. Defendant Alexander used this authority to inflict harm upon Mr. Whitson and BBQ Masters and to deprive them of rights and privileges secured by the Constitution of the United States.

67. The Defendants, pursuant to a deliberate and illicit policy and

plan, conspired against Plaintiffs in violation of their First Amendment rights in retaliation for their exercise of First Amendment rights.

68. At all times relevant hereto, Defendant maintained a policy, pattern and practice of unlawful and retaliatory discrimination and violated Plaintiffs' right to be free from adverse action in violation of the First and Fourteenth Amendments to the United States Constitution and clearly established law.

69. Defendants had no legitimate public interest of sufficient importance to justify the infringement of Plaintiffs' right to petition the City for redress.

70. Defendants undertook all of the unlawful conduct giving rise to Plaintiffs' claims while acting under color of State and local law.

71. All of Defendants' discriminatory and retaliatory conduct described herein was accomplished pursuant to official policy and custom of the City or was committed or authorized by officials whose acts can be fairly deemed to be the actions and official policy and customs of the City.

72. The Defendants failed to properly train its officials and agents from violating the law in the manner described herein. The Defendants and their employees and officials were deliberately indifferent to the rights of the Plaintiffs.

73. Plaintiffs have been irreparably harmed by Defendants' unlawful, retaliatory actions.

74. As a direct and proximate result of the Defendants' actions, the Plaintiffs suffered damages including economic loss, emotional distress, mental anguish, inconvenience, loss of income and benefits, humiliation, and other indignities.

75. The Plaintiffs pray for compensatory damages without limits, attorneys' fees, expert fees, costs, per se damages, and pre-judgment and post-judgment interest.

76. Defendant Alexander's conduct were intentional, reckless and malicious. The Plaintiffs pray for punitive damages without limits, against Defendant Alexander in his individual capacity.

Count Two

42 U.S.C. § 1983 Allegations

(Denial of Equal Protection Claim against All Defendants)

77. Plaintiffs incorporate each of the above factual allegations as if fully restated here.

78. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution entitles Plaintiff to equal protection and equal treatment under the law. Defendants violated Plaintiffs' rights to equal

protection by, among other things, subjecting Plaintiff to discriminatory and disparate treatment not otherwise imposed on similarly situated persons and businesses.

79. The City subjected Mr. Whitson and BBQ Master's to disparate treatment and discriminatory rules and regulations not otherwise imposed on similarly situated individuals and business owners.

80. More particularly, the City wrongly rejected Plaintiffs' building plans associated with BBQ Masters' relocation to Highway 138. Such rejection was based on alleged deficiencies not imposed on similarly situated permit applicants and businesses.

81. The City wrongly refused to issue Plaintiffs' sign permits based on rules and regulations not imposed on similarly situated permit applicants and businesses. Such rejection resulted in the delay of BBQ Masters opening up for business, which cost Plaintiffs money.

82. The City wrongly rejected and refused to process Plaintiffs' alcohol permit application for unspecified, arbitrary and capricious reasons not imposed on similarly situated permit applicants and businesses. Such rejection resulted in a significant loss of income as a result that continues to this day.

83. Defendants had no rational basis for any of the denials and

rejections of permits to which Plaintiffs were legally entitled. Plaintiffs had legally protected property rights in and to related business permits to which he was legally entitled.

84. At all times relevant hereto, the law was clearly established that Defendants' actions violated the equal protection clause of the Fourteenth Amendment to the United States Constitution.

85. Defendants undertook all of the unlawful conduct giving rise to the Plaintiffs' claims while acting under color of State and local law.

86. All of Defendants' discriminatory and retaliatory conduct described herein were accomplished pursuant to official policy and custom of the City or was committed or authorized by officials whose acts can be fairly deemed to be the actions and official policy and customs of the City.

87. The Defendants failed to train their employees and officials from violating the law in this manner. The Defendants and their employees and officials were deliberately indifferent to the rights of the Plaintiffs.

88. Plaintiffs have been irreparably harmed by Defendants' unlawful, actions.

89. Defendants acted intentionally and with callous disregard for Plaintiffs' known statutory and constitutional rights.

90. As a direct and proximate result of Defendants' actions Plaintiffs

have been deprived of rights to which they were entitled and suffered business damage and loss of income and revenue as a result thereof.

91. Plaintiffs have been irreparably harmed by Defendants' unlawful, retaliatory and defamatory actions.

92. As a direct and proximate result of the Defendants' actions, the Plaintiffs suffered damages including financial damage, emotional distress, mental anguish, inconvenience, loss of income and benefits, humiliation, and other indignities.

93. Plaintiffs pray for compensatory attorneys' fees, expert fees, costs, per se damages, and pre-judgment and post-judgment interest.

94. Defendant Alexander's conduct were intentional, reckless and malicious. The Plaintiffs pray for punitive damages, without limits against Defendant Alexander in his individual capacity.

Count Three

42 U.S.C. § 1983 Allegations

(Reputational Injury - Stigma Plus Against All Defendants)

95. Plaintiffs incorporate each of the above factual allegations as if fully restated here.

96. Defendants embarked upon a vitriolic public campaign designed

to damage the personal and business reputations of the Plaintiffs and deprive Plaintiffs of property rights to which they are legally entitled in violation of the Fourteenth Amendment to the United States Constitution.

97. Having satisfied all of the requirements of obtaining a sign permit and alcohol permit, Plaintiffs had a legally protected property right in each such permit.

98. Defendants arbitrarily and illegally deprived Plaintiffs of their property rights and undertook all of the unlawful conduct giving rise to Plaintiffs' claims while acting under color of State and local law.

99. All of Defendants' defamatory actions and property deprivations were accomplished pursuant to official policy and custom of the City or were committed or authorized by officials whose acts can be fairly deemed to be the actions and official policy and customs of the City.

100. The Defendants failed to properly train its employees in a manner to prevent the violation of Plaintiffs' clearly established constitutional rights. The Defendants were deliberately indifferent to Plaintiffs' rights.

101. As a direct and proximate result of Defendants' actions, BBQ Masters has been deprived of rights to which it was entitled and suffered business damage and loss of income and revenue as a result thereof.

102. Plaintiffs have suffered damage to reputation, humiliation,

embarrassment, mental and emotional anguish and distress and violation of right to free speech as protected under the Constitution as well as other compensatory damages, in an amount to be determined by a jury and the Court.

103. Plaintiffs have been irreparably harmed by Defendants' unlawful, retaliatory and defamatory actions.

104. The Plaintiffs pray for compensatory and uncapped punitive damages, attorneys' fees, expert fees, costs, per se damages, and pre-judgment and post-judgment interest.

Count Four

(State Law Defamation Claims against Defendant Elton Alexander, In His Individual Capacity Only)

105. Plaintiffs incorporate each of the above factual allegations as if fully restated here.

106. Defendant Alexander intentionally, deliberately and maliciously, made false, defamatory and libelous statements about Mr. Whitson and BBQ Masters.

107. Defendant Alexander published each of these false, defamatory and damaging statements about Mr. Whitson and BBQ Masters.

108. The publication of these false and defamatory statements was

designed to injure Mr. Whitson in his personal reputation and professional trade. As such, these statements were damaging *per se*.

109. Plaintiffs show that the defamatory actions herein are part of a series of actions and may not reflect the entirety of the false, malicious, slanderous and libelous statements Alexander has made against the Plaintiffs.

110. To the extent Defendant Alexander verbalized these false, defamatory and damaging statements about the Plaintiffs, Defendant Alexander is liable for slandering Plaintiffs.

111. Defendant Alexander is liable for defaming Plaintiffs.

112. Defendant Alexander is liable for public casting Plaintiffs in a false and negative light.

113. Defendant Alexander is liable for committing acts of slander against Plaintiffs.

114. In 2017, Defendant Alexander was offered the opportunity to issue a retraction of the aforementioned defamatory statements about Plaintiffs; however, to date he has failed and refused to do so.

115. Defendant Alexander acted with malice and with a reckless disregard for known consequences and is therefore, subject to an assessment of punitive damages. Defendant Alexander acted with a specific intent to harm the Plaintiffs.

116. Defendant Alexander has been stubbornly litigious and is liable for attorney's fees.

117. The Plaintiffs pray for compensatory and uncapped punitive damages, attorneys' fees, expert fees, costs, per se damages, and pre-judgment and post-judgment interest.

PRAYER FOR RELIEF

Plaintiffs respectfully request the following relief:

- a. Declaratory judgment that Defendants violated Plaintiffs' rights under the federal statute(s) above cited;
- b. Injunctive relief permanently prohibiting the Defendants from engaging in such unlawful conduct in the future and directing Defendants to issue the permits to which Plaintiffs are entitled;
- c. For appropriate compensatory damages in an amount to be determined at trial;
- d. For appropriate equitable relief against all Defendants as allowed by the Civil Rights Act of 1871, 42 U.S.C. Section 1983, including the enjoining and permanent restraining of these violations, and direction to Defendants to take such affirmative action as is necessary to ensure that the effects of the unconstitutional and unlawful practices are eliminated and do not continue to affect Plaintiffs, or others;

- e. For an award of reasonable attorney's fees and costs expended pursuant to the Civil Rights Act of 1871, 42 U.S.C. Section 1988;
- f. For such other and further relief to which Plaintiffs may show themselves justly entitled;
- g. Punitive damages against Defendant Alexander in his individual capacity as to all Counts; and
- h. Such other and further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Respectfully submitted:

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