

SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

JAYDEN L. WILLIAMS, in his official)
 capacity as Mayor of the City of)
 Stockbridge, Georgia,)

Plaintiff,)

v.)

Civil Action File No.

CITY OF STOCKBRIDGE, GEORGIA;)
 LAKEISHA GANTT, in her official)
 capacity as District 1 Councilmember;)
 ANTWAN CLOUD, in his official)
 capacity as District 2 Councilmember;)
 KYLE D. BERRY, in his official)
 capacity as District 3 Councilmember;)
 YOLANDA BARBER, in her official)
 capacity as District 4 Councilmember;)
 ELTON ALEXANDER, in his official)
 capacity as Mayor Pro Tem and)
 District 5 Councilmember; SHAWNTEZ)
 EDMONDSON, in his official capacity as)
 City Manager; and QUINTON G.)
 WASHINGTON, in his official capacity)
 as City Attorney,)

Defendants.)

PLAINTIFF'S EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER
AND INTERLOCUTORY INJUNCTION

COMES NOW Plaintiff Jayden L. Williams ("Mayor Williams"), in his official capacity
 as Mayor of the City of Stockbridge, Georgia, and files this Emergency Motion for Temporary
 Restraining Order and Interlocutory Injunction, respectfully showing the Court the following:

INTRODUCTION

This emergency motion seeks to stop the continued enforcement of a July 17, 2026
 Resolution that, although labeled "temporary" and "administrative," functionally disables the

elected Office of Mayor. The Resolution suspends all initiatives of the Office of the Mayor, restricts Mayor Williams's access to non-public City areas, requires return of keys, access cards, fobs, payment cards, vehicles, and other City property, restricts communications with City employees, and makes the Mayor's ability to perform official functions subject to the discretion of the City Manager or future action by Council.

The issue is not whether Council may investigate alleged misuse of City resources. It may. The issue is whether Council may, before the investigation is complete and before the hearing required by the Stockbridge Charter, impose restrictions that operate as a constructive suspension of the Mayor's office. It may not.

Mayor Williams does not seek to enjoin a completed vote. He seeks prospective relief against the ongoing enforcement of the Resolution. The Resolution expressly remains in effect until Council adopts a later resolution rescinding or modifying it. Each day of enforcement continues to impair the Mayor's ability to perform the duties assigned to him by the Charter.

RELEVANT FACTS

Mayor Williams is the duly elected Mayor of the City of Stockbridge. The Stockbridge Charter provides that "[t]he mayor shall be the chief executive of this city" and that the Mayor possesses the executive and administrative powers granted to the City, except as otherwise specifically provided by the Charter. Charter § 3.22 further authorizes the Mayor to recommend measures concerning City affairs, require departments or agencies to submit written reports, approve or disapprove ordinances, sign written contracts and instruments, and perform other duties required by law, the Charter, or ordinance.

The Charter gives Council investigatory authority under § 3.12. Council may make inquiries and investigations, subpoena witnesses, administer oaths, take testimony, and require

production of evidence. But that provision authorizes investigation; it does not authorize Council to suspend the Mayor's office, suspend all mayoral initiatives, restrict the Mayor's access to City facilities, require return of access devices, or place the Mayor's charter functions under the City Manager's discretion.

The Charter separately provides a process for removal of elected officers. Under § 2.17, removal by Council action requires written notice specifying the grounds for removal and a public hearing held not less than ten days after service of notice. The City's own Notice of Preliminary Allegations recognizes that, if removal proceedings are pursued, Mayor Williams has the right to counsel, to present evidence, to cross-examine witnesses, and to receive a decision confined to the hearing record. The Notice also states that the allegations are preliminary, not final findings, and that the independent investigation is expected to last 30 to 45 days.

Despite those protections, Council adopted the Resolution immediately. The Resolution suspends all initiatives of the Office of the Mayor, restricts the Mayor's access to non-public areas, requires the return of access devices and City property, restricts communications with City employees, and conditions restoration of core functions on the City Manager or future Council action. The Resolution therefore does not merely preserve records or regulate a discrete transaction. It functionally disables the office pending an investigation that has not been completed.

LEGAL STANDARD

Georgia courts consider whether there is a substantial threat of irreparable injury, whether the threatened injury outweighs the harm to the party being enjoined, whether the movant has a substantial likelihood of success on the merits, and whether the injunction will serve the public

interest. *Lue v. Eady*, 297 Ga. 321, 773 S.E.2d 679 (2015). Injunctive relief is appropriate here because the Resolution is being enforced now and continues to alter the Charter's allocation of authority.

ARGUMENT AND CITATIONS

Mayor Williams is substantially likely to succeed because the Resolution is ultra vires and contrary to the Stockbridge Charter. The most direct authority is *City of Stockbridge v. Stuart*, 329 Ga. App. 323, 765 S.E.2d 16 (2014). In *Stuart*, the then-Mayor of Stockbridge challenged Council action concerning the City Administrator. The City Administrator position involved a delegation of mayoral authority under the Stockbridge Charter. Council attempted to extend the City Administrator's contract without the Mayor's approval. The Mayor filed suit for declaratory and injunctive relief, arguing that Council's action was ultra vires. The trial court granted relief, and the Court of Appeals affirmed.

Stuart is not identical factually because it involved a City Administrator contract, not a resolution restricting mayoral access. But the controlling reasoning is the same. Where the Stockbridge Charter assigns authority to the Mayor, Council cannot unilaterally defeat or bypass that authority. In *Stuart*, Council could not extend administrative authority in a way that displaced the Mayor's Charter role. Here, Council likewise cannot suspend all mayoral initiatives, restrict access to the tools of the office, and subordinate mayoral functions to City Manager approval when the Charter does not authorize that remedy.

Ivey v. McCorkle, 343 Ga. App. 147, 806 S.E.2d 231 (2017), confirms the same rule. In *Ivey*, a mayor sued councilmembers after Council enacted ordinances and personnel policies that usurped mayoral powers granted by the city charter. The Court of Appeals held that municipal enactments inconsistent with a charter are void and that council may not use ordinances or

policies to divest a mayor of charter powers. Although *Ivey* involved ordinances and policies rather than a resolution, that distinction favors Mayor Williams. If Council cannot use ordinances to divest a mayor of charter powers, it cannot use a resolution to do so. The Resolution here changes the practical allocation of municipal authority by restricting the Mayor's access, communications, initiatives, and operational ability.

The City may argue that the Resolution does not remove Mayor Williams because he still holds the title of Mayor and may attend public meetings. That argument elevates form over substance. The Charter does not reduce the Mayor's office to a title, a chair on the dais, and veto authority. The Charter gives the Mayor executive and administrative powers and specific duties requiring access to information, records, communications, and official channels. A resolution suspending all mayoral initiatives and conditioning official activity on the City Manager's permission is a constructive suspension even if the word "removal" is avoided.

City of Macon v. Anderson, 155 Ga. 607, 117 S.E. 753 (1923), supports this due-process point. There, a municipal officer faced removal proceedings based on alleged misconduct. The Georgia Supreme Court recognized that when a city council tries charges for removal, it exercises judicial or quasi-judicial powers and must provide notice and an opportunity to be heard. *Anderson* involved a formal removal proceeding, while this case involves a resolution labeled "administrative." But that distinction is precisely why relief is needed. Council cannot avoid the Charter's quasi-judicial process by imposing removal-like consequences before the hearing occurs.

The same principle appears in *City Council of Augusta v. Sanders*, 164 Ga. 235, 138 S.E. 234 (1927). In *Sanders*, the City attempted to revoke a business license based on alleged unlawful conduct. The Supreme Court held that the City could not arbitrarily revoke the license

by ex parte action without notice and an opportunity to be heard, and that equity could enjoin the resulting municipal interference. *Sanders* involved a business license, not an elected office, but the reasoning applies with greater force here. Allegations of misconduct may justify investigation. They do not justify unilateral deprivation of an important legal status or office function without lawful process.

Resolution also constitutes continuing interference with an incumbent public officer's performance of duties. In *Sutton v. Adams*, 180 Ga. 48, 178 S.E. 365 (1934), the State Veterinarian alleged that other officials were interfering with his office, sending another person to take over his work, directing employees not to follow him, and stultifying his official duties. The Supreme Court held that an incumbent public officer may seek injunctive relief to prevent interference with the possession and performance of office. *Sutton* is closely analogous. Mayor Williams is not asking this Court to decide who is Mayor. He is the Mayor. He asks the Court to stop ongoing interference with his ability to perform the office.

Talmadge v. Sutton, 175 Ga. 811, 166 S.E. 240 (1932), reinforces that point. There, the State Veterinarian alleged that the Commissioner of Agriculture interfered with employees, attempted to take over administration, diverted mail, and hindered his work. The Supreme Court recognized that arbitrary interference with a public officer's duties can support injunctive relief, even though the court must consider the scope of any lawful supervisory authority. That reasoning fits this case. The City Manager has administrative authority, and Council has investigatory authority, but neither authority permits arbitrary or ultra vires interference with the Mayor's Charter functions.

The City may rely on *Bailey v. Dobbs*, 227 Ga. 838, 183 S.E.2d 461 (1971), to argue that injunctive relief is unavailable because the Resolution has already been adopted. Bailey is

distinguishable. There, the challenged discharge had already occurred, so an injunction aimed at preventing that completed discharge was moot. Mayor Williams seeks different relief. He seeks to stop ongoing enforcement of restrictions that remain operative every day. The Resolution itself confirms that the restrictions continue until later Council action. This is prospective relief against continuing enforcement, not an attempt to prevent a completed vote.

The City may also argue that mandamus, not injunction, is the proper remedy. *Atlanta Title & Trust Co. v. Tidwell*, 173 Ga. 499, 160 S.E. 620 (1931), explains the distinction: mandamus compels action, while injunction prevents action. The immediate emergency here is preventive. Defendants are continuing to enforce restrictions that Mayor Williams contends are ultra vires. Injunction is therefore the proper emergency remedy. To the extent restoration of access requires affirmative relief, that may be addressed through the Court's equitable power or mandamus pleaded in the alternative in the verified complaint.

The remaining injunction factors also favor relief. Mayor Williams and the public will suffer irreparable harm if the elected Office of Mayor remains disabled. Money damages cannot compensate the loss of lawful municipal governance. The balance of equities favors Mayor Williams because the requested order would not stop Council's investigation, prevent preservation of evidence, or prevent lawful removal proceedings under Charter § 2.17. It would simply prevent enforcement of a broad, pre-hearing functional suspension. The public interest favors adherence to the Charter, preservation of elected offices, and due process before removal-like sanctions are imposed.

REQUESTED RELIEF

Plaintiff respectfully requests that the Court enter a temporary restraining order and interlocutory injunction restraining Defendants, their officers, agents, employees, attorneys, and

persons acting in concert with them from enforcing or implementing Resolution No. R26 to restrict, suspend, condition, or impair Mayor Williams's Charter powers or duties.

Plaintiff further requests that Defendants be ordered to restore Mayor Williams's access to the Mayor's office, official City email, official City devices or systems, access credentials, records, calendars, and communications reasonably necessary to perform the duties of Mayor; that Defendants be restrained from suspending all initiatives of the Office of the Mayor; that Defendants be restrained from requiring Mayor Williams to obtain City Manager approval to perform duties assigned to the Mayor by the Charter; and that Defendants be restrained from preventing Mayor Williams from speaking with City employees or requesting information in furtherance of his service as an elected official, subject to the Charter's prohibition against giving orders to employees subject to the City Manager's direction and supervision except as allowed by law.

Plaintiff further requests that the Court clarify that nothing in its order prevents Defendants from conducting a lawful investigation under Charter § 3.12, preserving records and evidence, enforcing neutral written policies of general applicability, pursuing removal proceedings under Charter § 2.17, or seeking further order of this Court.

CONCLUSION

Council may investigate. Council may preserve evidence. Council may enforce neutral policies. Council may pursue removal proceedings if it follows the Charter. But Council may not, by resolution and before a hearing, functionally suspend the elected Mayor, strip the Office of the Mayor of its initiatives, restrict the Mayor from the tools and places necessary to perform his duties, and subordinate the Mayor's Charter authority to City Manager approval.

For these reasons, Plaintiff respectfully requests that this Court grant his Emergency Motion for Temporary Restraining Order and Interlocutory Injunction and award such other and further relief as the Court deems just and proper.

Respectfully submitted this 20th day of July, 2026.

/s/ Robert Kenner, Jr.

Robert Kenner, Jr.

Georgia Bar No. 415028

Attorney for Plaintiff

LAW OFFICES OF ROBERT KENNER, JR.

5593 Riverdale Road, Suite B

Atlanta, Georgia 30349-7314

(404) 292-9997 Telephone

(404) 292-9998 Facsimile

robert@robertkennerjrlaw.com

/s/ Wayne B. Kendall

Wayne B. Kendall

Georgia Bar No. 414076

Attorney for Plaintiff

WAYNE B. KENDALL, PC

155 Bradford Square, Suite B

Fayetteville, GA 30215

Telephone: (770) 778-8810

Facsimile: (770) 716-2439

wbkendall2@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing this
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
INTERLOCUTORY INJUNCTION upon counsel of record by electronic mail and/or by
depositing a copy in the United States Mail with adequate postage addressed as follows:

CITY OF STOCKBRIDGE, GEORGIA;
LAKEISHA GANTT, in her official
capacity as District 1 Councilmember;
ANTWAN CLOUD, in his official
capacity as District 2 Councilmember;
KYLE D. BERRY, in his official
capacity as District 3 Councilmember;
YOLANDA BARBER, in her official
capacity as District 4 Councilmember;
ELTON ALEXANDER, in his official
capacity as Mayor Pro Tem and
District 5 Councilmember; SHAWNTEZ
EDMONDSON, in his official capacity as
City Manager; and QUINTON G.
WASHINGTON, in his official capacity as City Attorney

This 20th day of July, 2026.

/s/ Robert Kenner, Jr. _____
Robert Kenner, Jr.
Georgia Bar No. 415028
Attorney for Plaintiff

LAW OFFICES OF ROBERT KENNER, JR.
5593 Riverdale Road, Suite B
Atlanta, Georgia 30349-7314
(404) 292-9997 Telephone
(404) 292-9998 Facsimile
robert@robertkennerjrllaw.com

WAYNE B. KENDALL, PC
155 Bradford Square, Suite B
Fayetteville, GA 30215
Telephone: (770) 778-8810
Facsimile: (770) 716-2439
wbkendall2@yahoo.com

/s/ Wayne B. Kendall
Wayne B. Kendall
Georgia Bar No. 414076
Attorney for Plaintiff