

IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

BRYAN A. DOWNS,)
in his official capacity as City Attorney)
of the City of Decatur, Georgia,)
))
Plaintiff,)
))
v.)
))
DEKALB COUNTY,)
))
Defendant.)
_____)

CIVIL ACTION

FILE NO. 20CV4505-3

ORDER GRANTING EMERGENCY MOTION FOR INTERLOCUTORY
ABATEMENT OF A PUBLIC NUISANCE

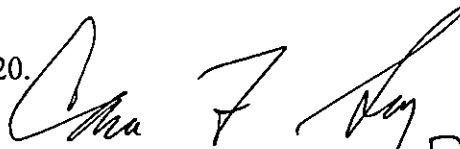
On June 10, 2020, Plaintiff Bryan A. Downs, in his official capacity as City Attorney of the City of Decatur, Georgia, filed a verified Complaint to Abate a Public Nuisance (“Verified Complaint”), as well as an Emergency Motion for Interlocutory Abatement of Nuisance (“Motion”). Defendant DeKalb County has accepted service of the Complaint and consented to an emergency hearing on the Motion via Zoom, which hearing was conducted on June 12, 2020. Plaintiff and Defendant appeared at said hearing and the Court received evidence and heard argument of counsel.

Based on the Verified Complaint and the evidence and legal argument presented at the hearing, the Court finds that the Confederate obelisk located on real property owned by DeKalb County on the Decatur Square has become a public nuisance, as that term is defined in Title 41 of the Official Code of Georgia, and must be abated immediately. In short, the Confederate obelisk has become an increasingly frequent target of graffiti and vandalism, a figurative

lightning rod for friction among citizens, and a potential catastrophe that could happen at any time if individuals attempt to forcibly remove or destroy it.

WHEREFORE, in order to abate what has become a public nuisance, to protect life and safety, and to protect the Obelisk, I hereby ORDER DeKalb County to immediately¹ relocate the Obelisk to a secure location for storage until further Order of the Court. Though the Obelisk will be stored out of public view, abatement as required by this Order is not for the purpose of preventing public display of the Obelisk, but instead is an appropriate measure to abate a public nuisance and protect the Obelisk. Be it further ORDERED that the Sheriff of DeKalb County and the DeKalb County Police Department are directed to provide support to the Decatur Police Department as needed in order to preserve public safety on the Decatur Square until the Obelisk is removed.

SO ORDERED this 12th day of June, 2020.



CLARENCE F. SEELIGER, Judge
Stone Mountain Judicial Circuit

Prepared and presented by:

WILSON, MORTON & DOWNS, LLC

/Bryan A. Downs

Bryan A. Downs

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¹ For purposes of this Order, “immediately” means the earliest date and time the County can make arrangements to remove the Obelisk under reasonably safe conditions and store it in a secure location, but in no event later than 11:59 p.m. on June 26, 2020.

Copy to:

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