

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

CHURCH OF SCIENTOLOGY OF GEORGIA, )  
INC., a Georgia Corporation, )

Plaintiff, )

v. )

CIVIL ACTION  
FILE NO.: 1:10-cv-0082--CAP

CITY OF SANDY SPRINGS, GEORGIA )  
a Municipal Corporation of the )  
State of Georgia; the CITY COUNCIL )  
of the CITY OF SANDY SPRINGS, )  
GEORGIA, EVA GALAMBOS, in her Official )  
Capacity as Mayor of the City of Sandy Springs, )  
Georgia; and JOHN PAULSON, DIANNE )  
FRIES, WILLIAM COPPEDGE COLLINS, JR, )  
ASHLEY JENKINS, TIBERIO DeJULIO )  
and KAREN MEINZEN McENERNY, )  
Individually in Their Official )  
Capacities as Members of the CITY )  
COUNCIL of the CITY OF SANDY )  
SPRINGS, GEORGIA )

Defendants. )

**DEFENDANTS' ANSWER AND DEFENSES TO VERIFIED COMPLAINT**

COME NOW the City of Sandy Springs, Georgia, a municipal corporation of the State of Georgia; the City Council of the City of Sandy Springs, Georgia; Eva Galambos, in her official capacity as Mayor of the City of Sandy Springs, Georgia; and John Paulson, Dianne Fries, William Coppedge Collins, Jr., Ashley Jenkins, Tiberio DeJulio, and Karen Meinzen McEnerny, individually in their

Official Capacities as Members of the City Council of the City of Sandy Springs, Georgia, Defendants in the above-styled action and respond to the allegations of the Verified Complaint and First Amended Complaint as follows.

**First Defense**

Plaintiff's official capacity claims against elected officials are redundant as the City is a named party and are thus subject to dismissal.

**Second Defense**

The Defendants sued in their official capacities are entitled to sovereign immunity.

**Third Defense**

To the extent Plaintiff is seeking relief against any Defendants in an individual capacity, Defendants are entitled to qualified and/or official immunity.

**Fourth Defense**

Plaintiff cannot demonstrate the existence of an unlawful policy, custom, or practice necessary to support its constitutional claims pursued under 42 U.S.C. § 1983.

### **Fifth Defense**

Plaintiff cannot demonstrate that it was deprived of some right, privilege, or immunity protected by the Constitution or laws of the United States as required under 42 U.S.C. § 1983.

### **Sixth Defense**

Plaintiff has not been deprived of the substantial value of its property nor has it otherwise suffered a significant detriment.

### **Seventh Defense**

The zoning attached to Plaintiff's property is consistent with the overall development pattern of the surrounding area and in compliance with all legal requirements.

### **Eighth Defense**

Defendants have at all times acted in accordance with and in good faith compliance with applicable law. They have neither intentionally nor willfully violated Plaintiff's rights in any manner or acted maliciously or negligently with respect to Plaintiff and at no time have Defendants acted with any intent to injure Plaintiff or with any malice or reckless indifference to Plaintiff or any rights it may possess.

**Ninth Defense**

The City's decision in no way interferes with Plaintiff's members' abilities to practice their religious faith.

**Tenth Defense**

The power to plan and zone has been delegated by the people of Georgia through the Constitution directly to municipalities, including the City of Sandy Springs. The actions the City has taken in its legislative capacity in connection with the property at issue are proper in all respects, form an appropriate legislative determination as to the appropriate use of the property at issue, and are entitled to deference by this Court.

**Eleventh Defense**

To the extent Plaintiff has failed to seek just compensation by means of available state procedure, Plaintiff's inverse condemnation claim is not ripe.

**Twelfth Defense**

Plaintiff lacks a clear legal right to issuance of mandamus.

**Thirteenth Defense**

Without waiving any of the foregoing defenses, Defendants respond to the specifically numbered allegations of the Complaint as follows:

## **PARTIES**

1.

Defendants admit that Plaintiff is a church of the Scientology religion and has a location at 4480 North Shallowford Road, Dunwoody, Georgia. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 1 of the Complaint.

2.

The allegations of Paragraph 2 are admitted.

3.

The allegations of Paragraph 3 are admitted.

4.

The allegations of Paragraph 4 are admitted.

5.

The allegations of Paragraph 5 are admitted.

## **JURISDICTION AND VENUE**

6.

The allegations of Paragraph 6 are admitted.

7.

Defendants admit the Court has federal question jurisdiction.

8.

Defendants admit that the Court has supplemental jurisdiction over state law claims. Defendants deny, however, that the exercise of such jurisdiction is appropriate in this instance as Plaintiff has filed a parallel state law action on the state law land use issues.

9.

The allegations of Paragraph 9 of the Complaint provide no facts for admission or denial, but are simply a statement of relief which Plaintiff seeks.

10.

The allegations of Paragraph 10 of the Complaint provide no facts for admission or denial, but are simply a statement of relief which Plaintiff seeks. Defendants deny, however, that Plaintiff is entitled to injunctive relief.

11.

The allegations of Paragraph 11 of the Complaint provide no facts for admission or denial, but are simply a statement of relief which Plaintiff seeks. Defendants deny, however, that Plaintiff is entitled to any award of attorneys' fees and costs under the facts of this case.

12.

The allegations of Paragraph 12 of the Complaint provide no facts for

admission or denial, but are simply a statement of relief which Plaintiff seeks.

13.

The allegations of Paragraph 13 are admitted.

**NATURE OF THE ACTION**

14.

The allegations of Paragraph 14 set out no facts for admission or denial, but are a description of Plaintiff's claim. To the extent that further response is required, Defendants deny that Plaintiff is entitled to relief sought.

15.

In response to the allegations of Paragraph 15 of the Complaint, Defendants admit that it has implemented a land use regulation. The rest and remainder of the allegations of Paragraph 15 of the Complaint are denied.

16.

In response to the allegations of Paragraph 16 of the Complaint, Defendants admit that it approved a rezoning request by Plaintiff for use of an existing office building at 5395 Roswell Road, Sandy Springs, Georgia as a church. Defendants further admit that the building consists of 32,053 square feet of improved space, deny that the building holds 43,916 square feet of improved space, admit that it refused to allow expansion of the building to convert an underground parking deck

into additional improved space, deny that the City's decision was contrary to staff's findings and recommendation, deny that staff had any authority to negotiate a final resolution of a zoning matter, deny that the City's action was contrary to findings of parking studies submitted by the Plaintiff, deny that Plaintiff met its burden as to parking necessary for the site, deny that the City singled out Plaintiff for discriminatory treatment or that it has applied a different standard to Plaintiff than to other churches, given the nature of their uses. Defendants deny that the City's acts are unconstitutional, discriminatory, have substantially burdened Plaintiff's religious exercise, expression, and association or caused a significant detriment to the Plaintiff. Any allegation not specifically responded to is denied.

### **FACTS**

17.

Defendants admit that the Church of Scientology serves a local congregation which is in fellowship of the Scientology religion. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 17 of the Complaint.

18.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 18 of the Complaint.

19.

Defendants admit that the Church currently operates a church in Dunwoody, Georgia and intends to relocate to the Sandy Springs property. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 19.

20.

Defendants admit that the Church acquired the property in 2005. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 20 of the Complaint.

21.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 21 of the Complaint.

22.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 22 of the Complaint.

23.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 23 of the Complaint.

24.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 24 of the Complaint.

25.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 25 of the Complaint.

26.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 26 of the Complaint.

27.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 27 of the Complaint.

28.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 28 of the Complaint.

29.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 29 of the Complaint.

30.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 30 of the Complaint.

31.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 31 of the Complaint.

32.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 32 of the Complaint.

33.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 33 of the Complaint.

34.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 34 of the Complaint.

35.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 35 of the Complaint.

36.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 36 of the Complaint.

37.

Defendants admit that in 2005 the Church purchased the Property and that the Property comprises 1.78 acres of real property located approximately in the northeast quadrant of the intersection of Glenridge Drive and Roswell Road, in Land Lots 91 and 92 of the 17<sup>th</sup> District of the City of Sandy Springs, Georgia. Defendants admit the existence of the easement as alleged in Paragraph 37 of the Complaint.

38.

In response to the allegations of Paragraph 38, Defendants admit that the Property is currently developed with an office building, but deny the size and number of stories alleged. Defendants admit that a three-story building at the Property location contains an underground parking deck.

39.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 39 of the Complaint.

40.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 40 of the Complaint as to Plaintiff's actions and beliefs, but deny the zoning determination alleged.

41.

The allegations of Paragraph 41 are admitted.

42.

Defendants admit that Plaintiff developed plans to redesign the existing building on the Property and to convert the underground parking deck to improved space, which included a proposed chapel. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 42 of the Complaint.

43.

The allegations of Paragraph 43 are admitted.

44.

Defendants admit that the proposed layout on the interior includes numerous rooms of varying sizes. Defendants are without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 44 of the Complaint.

45.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 45 of the Complaint.

46.

The allegations contained in Paragraph 46 of the Complaint are denied as stated. Defendants admit that Plaintiff's application was accepted as a completed application, meeting all the requirements for submissions for rezoning. The rest and remainder of the allegations of Paragraph 46 are denied.

47.

The allegations of Paragraph 47 are admitted.

48.

In response to the allegations of Paragraph 48 of the Complaint, Defendants state that the Zoning Ordinance, taken in its entirety, speaks for itself, and deny any interpretation inconsistent therewith. Defendants deny Plaintiff's interpretation of the required number of parking spaces on the Property, deny that the Property currently has fifty one (51) on-site spaces, admits that Plaintiff holds

an easement for an additional thirty (30) spaces on adjacent property. Any allegation not specifically responded to is denied.

49.

In response to the allegations of Paragraph 49 of the Complaint, Defendants deny that any Planning Staff Report was issued May 14, 2009. Defendants admit that the initial Planning Staff Report recommended approval of the Application to permit the Property to operate as a church, but recommended denial of the request to remove the underground parking space. Defendants state the Staff Report speaks for itself and denies any interpretation inconsistent therewith. Defendants specifically deny that Staff determined it would not utilize the formula set forth in the Zoning Ordinance to apply to Plaintiff's Property. The last sentence of Paragraph 49 of the Complaint is admitted. The rest and remainder of the allegations of Paragraph 49 are denied.

50.

The allegations of Paragraph 50 of the Complaint are denied.

51.

In response to the allegations of Paragraph 51, Defendants state that the Staff Report taken in its entirety speaks for itself and deny any interpretation inconsistent therewith.

52.

In response to the allegations of Paragraph 52 of the Complaint, Defendants admit that Plaintiff met with Staff and subsequently submitted a parking study dated June 26, 2009 that was prepared by Kimley-Horn and Associates. Defendants admit that the Parking Study discussed Scientology locations in Nashville, Tennessee and Dunwoody, Georgia as well as the proposed Sandy Springs site. The rest and remainder of the allegations of Paragraph 52 of the Complaint are denied.

53.

Defendants deny that Staff issued a second Staff Report on July 8, 2009, but admit that a second Staff Report was prepared and issued. Defendants deny that the Staff Report ignored or arbitrarily mischaracterized the facts or findings found by the Parking Study. Defendants state that the Staff Report speaks for itself and deny any interpretation inconsistent therewith.

54.

Defendants admit that Kimley-Horn supplemented the Parking Study on July 15, 2009 with information from a Scientology location in Buffalo, New York. Defendants deny the interpretation of that Parking Study as provided in Paragraph 54 of the Complaint and deny that Staff ignored the supplemental information in formulating its opinions.

55.

Defendants admit the allegations contained in Paragraph 55 of the Complaint.

56.

The allegations of Paragraph 56 of the Complaint are admitted to the extent that they reference meetings and address a document entitled Alternative Conditions that were a proposed compromise recommendation. Defendants deny an alternative conditional framework could have been negotiated by the parties involved in that meeting or had any final or legal effect.

57.

Defendants admit the allegations contained in Paragraph 57 of the Complaint.

58.

Defendants admit the allegations contained in Paragraph 58 of the Complaint.

59.

Defendants admit that on September 17, 2009, the Planning Commission voted 3-2 to recommend denial of Plaintiff's application. Defendants further admit that the Planning Commission was concerned with the adequacy of the parking spaces.

60.

Defendants admit the allegations contained in Paragraph 60 of the Complaint.

61.

Defendants admit that the Planning Staff issued an additional Staff Report. Defendants state that the Staff Report taken in its entirety speaks for itself and deny any interpretation inconsistent therewith. Defendants further deny that the Staff Report referenced in Paragraph 61 of the Complaint contradicted any earlier staff reports. Defendants admit that Staff recommended approval, in the alternative, based upon varying conditions.

62.

Defendants admit the allegations contained in Paragraph 62 of the Complaint.

63.

In response to the allegations of Paragraph 63 of the Complaint, Defendants admit that on November 19, 2009 the Planning Commission recommended approval of the Application pursuant to the recommended conditions. Defendants state that the Planning Commission recommendation and Staff recommendation speak for themselves and deny any interpretation inconsistent therewith. The rest and remainder of the allegations of Paragraph 63 are denied.

64.

Defendants admit that on December 15, 2009, the City Council approved the application for use of the building as a church, limiting the size of the building to 33,053 square feet. Defendants deny that the City Council's action was contrary to Staff recommendation and deny any interpretation alleged in Paragraph 64 that is inconsistent therewith.

65.

In response to the allegations in Paragraph 65 of the Complaint, Defendants are without knowledge or information sufficient to form a belief as to the viability

of a large assembly area on any floor other than the basement. The rest and remainder of the allegations of Paragraph 65 of the Complaint are denied.

66.

Defendants admit that Plaintiff has exhausted its administrative remedies. The rest and remainder of the allegations of Paragraph 66 of the Complaint are denied.

67.

Defendants deny the allegations contained in Paragraph 67 of the Complaint.

68.

Defendants deny the allegations contained in Paragraph 68 of the Complaint.

### **COUNT I**

#### **VIOLATION OF RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (Religious Exercise)**

69.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-68 of the Complaint as fully as though set out at length.

70.

Defendants deny the allegations contained in Paragraph 70 of the Complaint.

71.

Defendants deny the allegations contained in Paragraph 71 of the Complaint.

72.

Defendants deny the allegations contained in Paragraph 72 of the Complaint.

73.

Defendants deny the allegations contained in Paragraph 73 of the Complaint.

74.

Defendants deny the allegations contained in Paragraph 74 of the Complaint.

75.

Defendants deny the allegations contained in Paragraph 75 of the Complaint.

76.

Defendants deny the allegations contained in Paragraph 76 of the Complaint.

## **COUNT II**

### **VIOLATION OF RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (Discrimination on the basis of religion)**

77.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-76 of the Complaint as fully as though set out at length.

78.

Defendants deny the allegations contained in Paragraph 78 of the Complaint.

79.

Defendants deny the allegations contained in Paragraph 79 of the Complaint.

80.

Defendants deny the allegations contained in Paragraph 80 of the Complaint.

81.

Defendants deny the allegations contained in Paragraph 81 of the Complaint.

82.

Defendants deny the allegations contained in Paragraph 82 of the Complaint.

83.

Defendants deny the allegations contained in Paragraph 83 of the Complaint.

**COUNT III**

**VIOLATION OF RELIGIOUS LAND USE AND**  
**INSTITUTIONALIZED PERSONS ACT**  
**(Limitations and Exclusions)**

84.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-83 of the Complaint as fully as though set out at length.

85.

Defendants deny the allegations contained in Paragraph 85 of the Complaint.

86.

The first sentence of Paragraph 86 is admitted. The rest and remainder of the allegations of Paragraph 86 are denied.

87.

Defendants deny the allegations contained in Paragraph 87 of the Complaint.

88.

Defendants deny the allegations contained in Paragraph 88 of the Complaint.

89.

The allegations of Paragraph 89 are denied as stated. Defendants deny that it has unreasonably limited religious assemblies in the City or that it has acted in an arbitrary and capricious manner with no rational basis.

90.

Defendants deny the allegations contained in Paragraph 90 of the Complaint.

91.

Defendants deny the allegations contained in Paragraph 91 of the Complaint.

**COUNT IV**

**COSTS OF LITIGATION**

92.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-91 of the Complaint as fully as though set out at length.

93.

Defendants deny the allegations contained in Paragraph 93 of the Complaint.

**COUNT V**

**VIOLATION OF FIRST AND FOURTEENTH AMENDMENT  
TO UNITED STATES CONSTITUTION  
(Free Exercise of Religion)**

94.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-93 of the Complaint as fully as though set out at length.

95.

Paragraph 95 of the Complaint sets out no fact for admission or denial, but simply recites language from the First Amendment to the United States Constitution. That language is admitted.

96.

Defendants deny the allegations contained in Paragraph 96 of the Complaint.

97.

Defendants deny the allegations contained in Paragraph 97 of the Complaint.

98.

Defendants deny the allegations contained in Paragraph 98 of the Complaint.

99.

Defendants deny the allegations contained in Paragraph 99 of the Complaint.

100.

Defendants deny the allegations contained in Paragraph 100 of the Complaint.

101.

Defendants deny the allegations contained in Paragraph 101 of the Complaint.

## **COUNT VI**

### **VIOLATION OF FIRST AND FOURTEENTH AMENDMENT TO UNITED STATES CONSTITUTION (Establishment Clause)**

102.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-101 of the Complaint as fully as though set out at length.

103.

Defendants deny the allegations contained in Paragraph 103 of the Complaint.

104.

Defendants deny the allegations contained in Paragraph 104 of the Complaint.

105.

Defendants deny the allegations contained in Paragraph 105 of the Complaint.

106.

Defendants deny the allegations contained in Paragraph 106 of the Complaint.

107.

Defendants deny the allegations contained in Paragraph 107 of the Complaint.

**COUNT VII**

**VIOLATION OF FIRST AND FOURTEENTH AMENDMENT**  
**TO UNITED STATES CONSTITUTION**  
**(Freedom of Speech)**

108.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-107 of the Complaint as fully as though set out at length.

109.

Defendants deny the allegations contained in Paragraph 109 of the Complaint.

110.

Defendants deny the allegations contained in Paragraph 110 of the Complaint.

111.

Defendants deny the allegations contained in Paragraph 111 of the Complaint.

112.

Defendants deny the allegations contained in Paragraph 112 of the Complaint.

113.

Defendants deny the allegations contained in Paragraph 113 of the Complaint.

**COUNT VIII**

**VIOLATION OF FIRST AND FOURTEENTH AMENDMENT  
TO UNITED STATES CONSTITUTION  
(Freedom of Assembly)**

114.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-113 of the Complaint as fully as though set out at length.

115.

Defendants deny the allegations contained in Paragraph 115 of the Complaint.

116.

Defendants deny the allegations contained in Paragraph 116 of the Complaint.

117.

Defendants deny the allegations contained in Paragraph 117 of the Complaint.

118.

Defendants deny the allegations contained in Paragraph 118 of the Complaint.

119.

Defendants deny the allegations contained in Paragraph 119 of the Complaint.

**COUNT IX**

**VIOLATION OF FOURTEENTH AMENDMENT**  
**TO UNITED STATES CONSTITUTION**  
**(Equal Protection)**

120.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-119 of the Complaint as fully as though set out at length.

121.

Defendants deny the allegations contained in Paragraph 121 of the Complaint.

122.

Defendants deny the allegations contained in Paragraph 122 of the Complaint.

123.

Defendants deny the allegations contained in Paragraph 123 of the Complaint.

124.

Defendants deny the allegations contained in Paragraph 124 of the Complaint.

**COUNT X**

**VIOLATION OF FIFTH AMENDMENT  
TO UNITED STATES CONSTITUTION**

125.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-124 of the Complaint as fully as though set out at length.

126.

Defendants deny the allegations contained in Paragraph 126 of the Complaint.

127.

Defendants deny the allegations contained in Paragraph 127 of the Complaint.

128.

Defendants deny the allegations contained in Paragraph 128 of the Complaint.

**COUNT XI**

**STATE LAW CLAIMS**

129.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-128 of the Complaint as fully as though set out at length.

130.

Defendants deny the allegations contained in Paragraph 130 of the Complaint.

131.

Defendants deny the allegations contained in Paragraph 131 of the Complaint.

132.

Defendants deny the allegations contained in Paragraph 132 of the Complaint.

133.

Defendants deny the allegations contained in Paragraph 133 of the Complaint.

134.

Defendants deny the allegations contained in Paragraph 134 of the Complaint.

135.

Defendants deny the allegations contained in Paragraph 135 of the Complaint.

136.

Defendants deny the allegations contained in Paragraph 136 of the Complaint.

137.

Defendants deny the allegations contained in Paragraph 137 of the Complaint.

**COUNT XII**

**INVERSE CONDEMNATION**

138.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-137 of the Complaint as fully as though set out at length.

139.

Defendants deny the allegations contained in Paragraph 139 of the Complaint.

**COUNT XIII**

**MANDAMUS**

140.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-139 of the Complaint as if fully set forth herein.

141.

Defendants deny the allegations contained in Paragraph 141 of the Complaint.

142.

Defendants deny the allegations contained in Paragraph 142 of the Complaint.

143.

Defendants deny the allegations contained in Paragraph 143 of the Complaint.

**COUNT XIV**

**INJUNCTION**

144.

Defendants hereby incorporate by reference their responses to the allegations of paragraphs 1-143 of the Complaint as fully as though set out at length.

145.

Defendants deny the allegations contained in Paragraph 145 of the Complaint.

**RELIEF**

146.

Defendants deny the allegations contained in Paragraph 146 of the Complaint.

147.

Any allegation of the Complaint not specifically responded to is denied.

WHEREFORE, having fully answered, Defendants respectfully pray:

(1)that the Complaint be dismissed;

(2) that all costs be cast upon the Plaintiff; and

(3) for such other and further relief as the Court deems just.

Respectfully submitted this 4th day of March, 2010.

/s/ Laurel E. Henderson  
Laurel E. Henderson, Esq.  
State Bar No. 346051

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**UNITED STATES DISTRICT COURT  
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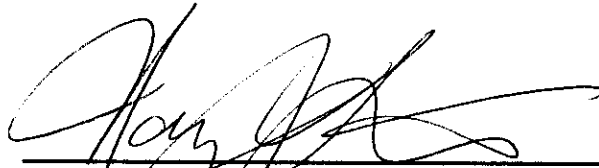
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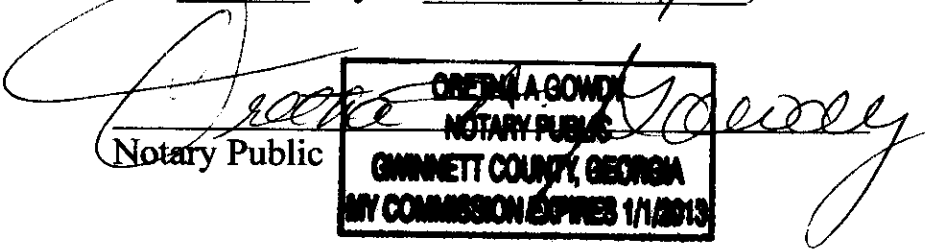
**VERIFICATION**

PERSONALLY appeared before the undersigned attesting officer duly authorized to administer oaths, Nancy Leathers, Director of Community Development of the City of Sandy Springs, who after first being duly sworn, deposes, and states on oath that the facts contained in the within and foregoing **DEFENDANTS' ANSWER AND DEFENSES TO VERIFIED COMPLAINT** are true and correct.



NANCY LEATHERS, DIRECTOR  
COMMUNITY DEVELOPMENT  
CITY OF SANDY SPRINGS

Sworn and Subscribed before me  
this 26th day of FEBRUARY, 2010.



Notary Public

ORRELLA GOWDY  
NOTARY PUBLIC  
GWINNETT COUNTY, GEORGIA  
MY COMMISSION EXPIRES 1/1/2013

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SPRINGS, GEORGIA )

Defendants. )

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4<sup>th</sup> , 2010 I electronically filed the foregoing  
**DEFENDANTS' ANSWER AND DEFENSES TO VERIFIED COMPLAINT**  
with the Clerk of Court using the CM/ECF system which will automatically send  
email notification of such filing to the following attorneys of record:

G. Douglas Dillard, Esq.  
Andrea Cantrell Jones, Esq.

Lauren M. Hansford, Esq.

/s/ Laurel E. Henderson  
Laurel E. Henderson, Esq.  
State Bar No. 346051

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