

**IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

**CHATHAM AREA TRANSIT
AUTHORITY,**

Plaintiff,

vs.

**BOARD OF COMMISSIONERS OF
CHATHAM COUNTY,**

Defendant.

Case No.: SPCV25-01210-WA

ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION

This case came before the Court for a hearing on October 7, 2025, on Plaintiff Chatham Area Transit Authority's (the "Authority's") Motion for Preliminary Injunction (the "Motion"), filed on September 5, 2025. After considering the Authority's Motion, Verified Complaint, applicable law, and all evidence and testimony presented at the hearing, along with all other matters of record, the Court hereby **ORDERS** that the Authority's Motion for Preliminary Injunction is **GRANTED** and enters the following Findings of Facts and Conclusions of Law.

PROCEDURAL HISTORY

The Authority seeks to enjoin Defendant Board of Commissioners of Chatham County (the "Commission") from amending Local Act 323, adopted by the Georgia General Assembly as House Bill 756 ("H.B. 756"), under the County Home Rule Provision, Article IX, Section II, Paragraph I of the Georgia Constitution. This matter initially came before the Court for a hearing on September 12, 2025, on the Authority's request for emergency relief. At the conclusion of that hearing, the Court entered a temporary order restraining the Commission from taking any action on Ordinance 7753 to amend H.B. 756, or from taking any other action to reconstitute the Authority board until such time as determined by this Court following a hearing on the Authority's petition for preliminary injunction, which took place on October 7, 2025.

BACKGROUND FACTS

The Authority was created in 1986, when the Chatham Area Transit Authority Act was adopted via House Bill 1699 (1986 Ga. Laws p. 5082) (the “1986 Act”). [Motion at 3]. Under this enabling legislation, the Authority board was to include: (1) a Savannah resident appointed by the mayor and aldermen; (2) a resident of unincorporated Chatham County appointed by the Commission; and (3) one member appointed by resolution adopted by the municipality governing each special service district for transit services (other than Savannah). 1986 Act §§ 2.2(1)-(3).

Since 1986, the General Assembly has occasionally modified the Authority’s board composition, including in a 2012 amendment (Ga. L. 2012, p. 5296 (House Bill 1275)) (“H.B. 1275”). [Motion at 3–4]. H.B. 1275 expanded the Authority board’s membership from three to nine members, including: (1) three members of the Commission; (2) one resident of unincorporated Chatham County appointed by the Commission; (3) one resident of Chatham County who is a person with a disability, also appointed by the Commission; (4) one resident of Chatham County at large, also appointed by the Commission; (5) a member of the City of Savannah’s Board of Aldermen; (6) one Savannah resident appointed by the Mayor and Aldermen; and (7) one resident of a Chatham County special service district for transit services other than Savannah, who would be appointed by a majority of the governing authorities of special service district for transit municipalities. See H.B. 1275 §§ 2.2(a)(1)-(7).

On May 14, 2025, the General Assembly enacted House Bill 756 (“H.B. 756”), which again amended the Chatham Area Transit Authority Act to vacate and reconstitute the membership of the board of directors of the Authority, effective July 1, 2025. H.B. 756 establishes a new board up to 11 members, including ten mandatory members: (1) two members of the Commission appointed by the Commission; (2) a member of the City of Savannah’s Board of Aldermen appointed by that board; (3) one member of the Garden City Council appointed by that council; (4) one member appointed by the Savannah-Georgia Convention Center Authority; (5) one member appointed by the Commission who

is a person with a disability; (6) one Savannah resident appointed by the Board of Aldermen of Savannah; (7) one member or employee of a business advocacy organization appointed by the Chatham County legislative delegation; (8) one member of a tourism advocacy organization appointed by the Chatham County legislative delegation; and (9) one resident of Chatham County appointed by the Chatham County legislative delegation. H.B. 756 §§ (2)(A)–(B), (D)–(J). If Port Wentworth chooses to participate, its City Council may appoint one of its members. *Id.* § 2(C).

On September 5, 2025, the Commission adopted Ordinance 7753, which purports to amend the membership of the Authority board to its prior form under the County Home Rule Provision, Article IX, Section II, Paragraph I of the Georgia Constitution. The Authority challenges the Commission’s authority to amend H.B. 756 under the County Home Rule Provision and asks that the Court preliminarily enjoin the Commission from furthering any attempt to re-seat the Authority board, citing as irreparable harm confusion and instability regarding its corporate governance which might interfere with the Authority’s operations and ability to enter into necessary contracts.

CITATION OF AUTHORITY

The purpose for granting a temporary restraining order or interlocutory injunction “is to preserve the status quo, as well as balance the conveniences of the parties, pending a final adjudication of the case.” Grossi Consulting, LLC v. Sterling Currency Grp., LLC, 290 Ga. 386, 388, 722 S.E.2d 44 (2012) (quoting Benton v. Patel, 257 Ga. 669, 672, 362 S.E.2d 217 (1987)). In determining whether to issue an injunction, the Court must consider whether:

- (1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted;
- (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined;
- (3) there is a substantial likelihood that the moving party will prevail on the merits of her claims at trial; and
- (4) granting the interlocutory injunction will not disserve the public interest.

SRB Inv. Servs., LLLP v. Branch Banking & Tr. Co., 289 Ga. 1, 5, 709 S.E.2d 267 (2011) (quotation omitted); see also Drawdy CPA Servs., P.C. v. North GA CPA Servs., P.C., 320 Ga. App. 759, 761, 740 S.E.2d 712 (2013) (“Whether to grant or deny an injunction rests in the sound discretion of the trial court judge, according to the peculiar circumstances of the particular case.” (citation and punctuation omitted)).

Although trial courts must balance these factors, the Supreme Court of Georgia has made clear “that the first factor is the most important one, given that the main purpose of an interlocutory injunction is to preserve the status quo temporarily to allow the parties and the court time to try the case in an orderly manner.” Western Sky Fin., LLC v. State ex rel. Olens, 300 Ga. 340, 354, 793 S.E.2d 357 (2016) (quotation omitted)); see also Aiera Healthcare, Inc. v. Anabaptist Healthshare, 355 Ga. App. 381, 387, 844 S.E.2d 268 (2020) (“[T]he four factor test for issuing an interlocutory injunction is a balancing test and ... it is not incumbent upon the movant to prove each factor.” (alterations in original) (quoting City of Waycross v. Pierce Cnty. Bd. of Comm'rs, 300 Ga. 109, 111, 793 S.E.2d 389 (2016))). Importantly, “[t]here must be some vital necessity for the injunction so that one of the parties will not be damaged and left without adequate remedy.” Bernocchi v. Forcucci, 279 Ga. 460, 461, 614 S.E.2d 775 (2005) (quoting Chambers v. Peach County, 268 Ga. 672, 673, 492 S.E.2d 191 (1997)); see O.C.G.A. § 9-5-8 (noting that the “power [to grant and continue injunctions] shall be prudently and cautiously exercised and, except in clear and urgent cases, should not be resorted to”).

With these legal standards in mind, the Court turns to the Authority’s Motion and whether the circumstances of this case warrant injunctive relief at this juncture of the litigation.

Upon consideration of the evidence presented at the hearing on the Authority’s request for injunctive relief, the Court finds that the Authority has demonstrated it will be irreparably harmed by the Commission’s implementation of Ordinance 7753 amending H.B. 756 under the County Home Rule Provision. It is apparent that without an interlocutory injunction, the threat of confusion and instability surrounding the Authority’s

executive power and corporate governance would jeopardize its ability to enter into critical contracts and agreements, which would negatively impact everything from its ability to negotiate and contract to day-to-day operations. Granting the injunction preserves the status quo (a board constituted under H.B. 756) and allows the Authority to continue its business operations as currently functioning.

As to the remaining factors, in determining whether to grant an interlocutory injunction, a court generally considers whether there is a substantial likelihood that the moving party will prevail on the merits of its claims at trial. However, the court is not required to find that a movant is likely to fully succeed on the merits before granting an interlocutory injunction. SRB Inv. Servs, supra; see also, Bijou Salon & Spa, LLC v. Kensington Enters., Inc., 283 Ga. App. 857, 860, 643 S.E.2d 531 (2007). In other words, the merits of a claim are but one factor considered by the court. Here, the Court has considered the merits in conjunction with the legal and procedural posture of the related matter of Bobby Lockette, et. al. v. Chatham Area Transit Authority, In the Superior Court of Chatham County, Case No.: SPCV25-00791-WA, currently on appeal¹, and finds the equities of an injunction favor the Authority.

Similarly, the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined and granting the interlocutory injunction will not disserve the public interest. As referenced above, the dismantling of the Authority's current board may result in substantial harm and undermine the Authority's ability to effectively conduct business. In ordering the injunction public transportation in the County continues without disruption. The injury to the Authority outweighs any threatened harm that the County claims an injunction may cause. It is in the public interest to have consistent and reliable transit services provided during the pendency of this lawsuit. Thus, again, the Commission will not be irreparably harmed by maintaining the status quo and that the balance of equities favors an interlocutory injunction.

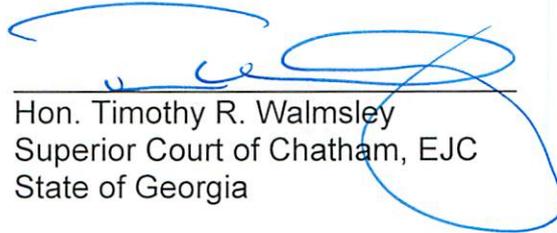
¹ The Superior Court issued an Order Granting [the Authority's] Motion to Dismiss on July 2, 2025. A Notice of Appeal was filed on July 8, 2025 and the matter was originally docketed in the Supreme Court.

CONCLUSION

Accordingly, **IT IS HEREBY ORDERED** that the Commission be enjoined from taking any action on Ordinance 7753 or any other Ordinance which purports to amend H.B. 756 under the County Home Rule Provision and is further enjoined from taking any other action to reconstitute the Authority board or amend Local Act 323, adopted by the Georgia General Assembly as H.B. 756.

This Order shall remain in effect until further order of the Court.

SO ORDERED, this 16th day of October, 2025, *nunc pro tunc to 10/7/25*



Hon. Timothy R. Walmsley
Superior Court of Chatham, EJC
State of Georgia

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