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IN THE SUPERIOR COURT OF CATOOSA COUNTY
STATE OF GEORGIA

STEVEN M. HENRY, LARRY C. BLACK, JEFFREY K. LONG, and VANITA HULLANDER, *Petitioners* v. CATOOSA COUNTY REPUBLICAN PARTY, *et al.*, *Respondents.*	Civil Action File No: SUCV2024000211
JAMES COLES, *et al.*, *Plaintiffs* v. CATOOSA COUNTY BOARD OF ELECTIONS, *et al.*, *Defendants*	Civil Action File No: SUCV2024000323

ORDER ON ALL PENDING MOTIONS

Every case has a theme. The theme of this case is that the members of the Catoosa County Republican Party Committee do not trust their fellow citizens. Instead, they crafted a mysterious Star Chamber-like process to select candidates for the May 2024 Republican Primary. They failed to follow Judge Don Thompson's specific directives, and they are in willful contempt of court for their failure.

This is a shame. An unnecessary shame. The General Assembly of the State of Georgia crafted a twelve-word loyalty oath for all prospective candidates to sign as part of the qualifying

process. The Catoosa Republican Party took that requirement and blew it up with a vengeance never intended by Georgia statutory or case law.[1]

This Court convened on October 10, 2025 to consider all pending motions in the above-captioned cases. The parties were provided with the opportunity to file post-hearing briefs and proposed orders. Following the hearing, the Court provided all parties with time to provide proposed orders and post-hearing briefs. Counsel for all parties did so. This was not a case in which the Court reached its decision and called upon counsel to draft the Court's order. The Court may incorporate (as is proper) various recitations of the facts and legal analysis from multiple parties' briefs and proposed orders. This is especially necessary in this case, as the hectic events of the week of qualifying for election in March 2024 were prior to the undersigned Senior Judge being appointed to these cases.

INTRODUCTION

Elections must be conducted according to law because the integrity of the election system matters. The integrity of the legal system matters, as well. The four judges of the Lookout Mountain Judicial Circuit recused themselves after Judge Don Thompson ruled on a series of emergency matters during Qualifying Week in March 2024.[2]

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[1] O.C.G.A. §21-2-153(b)(4): *"I do hereby swear or affirm my allegiance to the Republican Party"* is the only oath or test of adherence to Party principles permitted by Georgia law. If it had been the intent of the General Assembly to require a more elaborate oath of allegiance to a Party platform, they could and would have done so.

[2] A review of the record shows that Judge Don Thompson had to lay aside half a week's planned activities to address the relief sought by the four aggrieved candidates for the Republican primary for Catoosa County Commission.

In this case, the Catoosa Republican Party[3] and its officials refused to qualify Petitioners as candidates for county commission races because the Catoosa Republican Party did not issue "Qualifying Affidavits" to Petitioners. But nothing in Georgia law allowed the Catoosa Republican Party to impose additional substantive requirements beyond those allowed in O.C.G.A. § 21-2-153. Petitioners were forced to seek help from this Court, but even after multiple court orders, the Catoosa GOP still refused to qualify them. After multiple hearings and just hours before the close of qualifying, Judge Thompson entered an injunction, authorizing Petitioners to qualify with county election officials for the May 2024 primary.

FACTUAL BACKGROUND

Petitioners are four candidates who sought to run for the Republican nomination for various Catoosa County Commission positions in the May 2024 general primary election.[4] In early 2024, the Catoosa Republican Party adopted new rules requiring candidates to obtain a "Qualifying Affidavit" prior to qualifying through a majority vote of the county executive committee.[5] The approval process and issuance of Qualifying Affidavits was a new addition to the rules of the Catoosa County Republican Party. Those rules did not provide any specific procedural grounds for the approval process or specific requirements to obtain a Qualifying Affidavit—and the vote

[3] For ease of reference, in this order, "the Catoosa Republican Party" refers to the Respondents in case 2024000211 and the Plaintiffs in case 2024000323.

[4] Petitioner Steven Henry was not an incumbent, but the remaining Petitioners were then serving in elected county office as Republicans, duly elected in the General Election of 2020. Petitioner Black's, Hullander's, and Long's positions on the issues that confront County Commissioners had been well known to potential primary voters, for better or worse, for several years.

[5] The transcript of the October 10, 2025 hearing is not yet available.

taken on whether to grant a Qualifying Affidavit was subjective in the minds of the sixteen individuals who conducted the interviews, as Party Chair Joanna Hildreth testified. Prior to attempting to qualify as Republicans for the May 2024 general primary election, Petitioners met with the Catoosa Republican Party for an interview, as they were instructed to do. None of the Petitioners received a Qualifying Affidavit. On March 4, 2024, Petitioners each attempted to qualify for various Catoosa County Commission positions, providing their oath to the Party, their certified funds, and the requisite paperwork.

The Catoosa Republican Party refused to qualify Petitioners because they did not have a "Qualifying Affidavit" issued by…the Catoosa Republican Party. The affidavit was only granted following the interviews to certain individuals that were "approved" by the Catoosa Republican Party. After being refused to allow to qualify on March 4, Petitioners filed for a Temporary Restraining Order (TRO) and Interlocutory Injunction in four separate civil actions (that were later consolidated) and Judge Thompson held a hearing on March 5, 2024, granting the TRO. The TRO required that the Catoosa Republican Party was "enjoined and restrained from prohibiting the qualification" of Petitioners. Despite this order, the Catoosa Republican Party continued to prohibit Petitioners from qualifying for office on March 5, 2024, and March 6, 2024.

In the meantime, the Catoosa Republican Party filed a Motion to Lift the TRO and Dismiss the Petition and this Court held a hearing on that Motion on March 7, 2024. At that hearing, Ms. Hildreth testified that she would not obey the TRO issued by the trial court, but would instead seek to appeal it—testimony she reiterated at the October 10, 2025 hearing. After the hearing, this Court denied the Motion to Lift the TRO, renewed its prior TRO, and imposed specific penalties for noncompliance. Petitioners then went with court-ordered Sheriff Deputies to qualify on March 7, only to be denied again.

In accordance with the provisions of the March 7 TRO, this Court held a compliance hearing on the morning of March 8, 2024. Qualifying was set to close at noon on March 8, and at the hearing, the Catoosa Republican Party agreed they were continuing to prohibit Petitioners from qualifying. This Court then entered an interlocutory injunction, finding that the Catoosa Republican Party had prohibited Petitioners from qualifying, that the rules which they were seeking to follow were void due to improper certification and lack of consistency with state party rules, and that Petitioners were likely to suffer immense harm due to the Catoosa Republican Party prohibiting them from qualifying as candidates in the Republican primary. Therefore, this Court authorized Petitioners to qualify with the Catoosa County Election Supervisor[6] as candidates for the May 2024 Republican primary.

Each Petitioner qualified with the Board of Elections by noon on March 8, 2024. In the primary election on May 21, 2024, each of Petitioners was either successfully nominated or advanced to a runoff election.

The Catoosa Republican Party appealed the entry of the injunction, but the Supreme Court of Georgia refused to consider the merits of their arguments. Because the Catoosa Republican Party "chose delay" instead of moving with dispatch to have its challenges to the preliminary injunction heard, the Supreme Court dismissed their appeal. *Catoosa Cnty. Republican Party v. Henry*, 319 Ga. 794, 800 (2024). That decision also specifically noted that the motion for contempt would be considered later. *Id.* at 797 n.2.

[6] The Election Supervisor is a non-partisan employee of Catoosa County, Georgia.

ANALYSIS

I. Motion for Contempt.

There is no defense for the Catoosa Republican Party's conduct and they willfully admitted violating this Court's orders. They plan to do it again, according to the Chair of the local committee, as will be discussed below. The record shows in detail the timeline of the almost continuous involvement of Judge Thompson and many lawyers due to the refusal of the local party to obey a lawful order of the Court.

Georgia law provides multiple ways candidates can be placed on the ballot. They can (among other methods) (1) be nominated in a political party primary, (2) submit a nomination petition from a political body, (3) be nominated by a political body convention. O.C.G.A. § 21-2-130. The only method of a candidate reaching a ballot relevant to this case is the process for a candidate seeking the nomination in a political party primary. To be placed on a political party's primary ballot, a candidate must (1) pay a qualifying fee or submit a pauper's affidavit (O.C.G.A. § 21-2-153(a)), (2) follow the procedural rules[7] of the party (O.C.G.A. § 21-2-153(b)); (3) meet

[7] "Procedural law" refers to the "rules that prescribe the steps for having a right or duty judicially enforced, as opposed to the law that defines the specific rights or duties themselves." Black's Law Dictionary, 7th ed. 1999. Likewise, "procedure" refers to a "specific method or course of action." *Id.* That is in contrast to "substantive law," which is the "part of the law that creates, defines, and regulates the rights, duties, and powers of parties." *Id.* In *McConville v. Cotton States Mut. Ins. Co.*, 315 Ga. App. 11, 13 (2012), the Court of Appeals explained the distinction between substantive and procedural law in a way that matches these definitions.

In context, the "procedural rules of their party" clearly references the *process* for qualifying—where and when to show up, who to provide documents and payment to, and what forms to fill out. O.C.G.A. § 21-2-153(b). The statute also limits the party-loyalty components to a simple oath. *Id.* Thus, adding a requirement of pre-approval by a group of party insiders to the process for qualifying adds a substantive requirement that the statute cannot support. And "no person shall be prohibited from qualifying for such office," O.C.G.A. § 21-2- 153(b), is the default position under the statute, which is logical when abundant post-qualification remedies are provided for candidates that are not otherwise eligible.

the requirements of the procedural rules (O.C.G.A. § 21-2-153(b)(1)); (4) be eligible for the office (O.C.G.A. § 21-2-153(b)(2)); (5) not be a subversive individual, a felon, or owe back taxes (O.C.G.A. § 21-2-153(b)(3)); (6) provide an oath if party rules require it (O.C.G.A. § 21-2-153(b)(4)). If a candidate follows these requirements, he or she cannot "be prohibited" from qualifying with a political party. O.C.G.A. § 21-2-153(b).

If there is a question about the qualifications of a candidate, Georgia law also outlines the proper response. Any voter eligible to vote for the candidate can file a qualification challenge within two weeks after the close of qualifying.[8] O.C.G.A. § 21- 2-6(b). The election superintendent (in this case, the Catoosa County Board of Elections) can also challenge candidate qualifications at any time. *Id.*

A challenge to a candidate's qualifications is not limited to eligibility to hold the office, but also the "prerequisites to appearing on the ballot are included in the challengeable qualifications." *Camp v. Williams*, 314 Ga. 699, 701 (2022). Thus, a challenge includes "both the legally specified prerequisites for holding office and the procedural requirements necessary to seek office." *Id.* at 706. Instead of following these procedures—qualifying the candidates and then filing post-qualification challenges—the Catoosa Republican Party refused to qualify the candidates for office at all.

None of the Catoosa Republican Party's constitutional defenses are persuasive to this Court. One defense relies on a case that addressed a California statute that required ballots for primaries to include all candidates, regardless of political party, on the same ballot—so

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[8] The Catoosa Republican Party also used this method, resulting in this Court's consideration of the issues in Case 2024SUCV000323.

Republicans, Democrats, Libertarians, and Peace and Freedom Party members were all listed on the same primary ballot, with the top two candidates advancing regardless of party. *Cal. Democratic Party v. Jones*, 530 U.S. 567, 570 (2000). But even in that case, the Supreme Court "recognized, of course, that States have a major role to play in structuring and monitoring the election process, including primaries." *Id.* at 572. The case did not address how candidates become listed as candidates within a particular primary, because it addressed the process for choosing a general-election nominee as part of the structural electoral process, not the process of qualifying for primaries.

In sharp contrast to the attempted California system, Georgia law provides that voters can only vote in one party primary or the other. O.C.G.A. § 21-2-152. In other words, each voter must choose a Republican ballot or a Democratic ballot at the time they seek to vote in a primary. There is no blanket primary in Georgia like the challenged California system and nominees cannot qualify as candidates in more than one political party—in fact, if a candidate qualifies to succeed himself or herself and then attempts to withdraw his or her qualification prior to the closing of the period, then there is a re-opening of qualifying. O.C.G.A. § 21-2-153(c)(1)(D).

Georgia law allows voters, not a small group of party insiders, to determine who is the nominee. That is the mechanism in Georgia to decide "who becomes the party's ambassador to the general electorate." *Cal. Democratic Party*, 530 U.S. at 575. Thus, the county party only "associates" with a candidate once that candidate has been selected as the nominee by the voters, not when the candidate qualifies. That is not a system that infringes on any associational rights. Respondents' "association" analysis is misplaced here.

Respondents rely heavily on the case of *Democratic Party of U.S. ex rel. La Follette*, 450 U.S. 107 (1981). The Supreme Court "recognized that the inclusion of persons unaffiliated with

a political party may seriously distort its collective decisions—thus impairing the party's essential functions—and that political parties may accordingly protect themselves from intrusion by those with adverse political principles." *La Follette* at 122.

The facts here (at least those in the record) could not be further from the principles of *La Follette:*

(1) There was absolutely **no attempt** by persons unaffiliated with the local Republican Party to run for County Commission. Three of the four Petitioners were incumbent commissioners.[9] Two of those incumbents won the Republican nomination for their chosen post without a runoff. The other incumbent lost in a runoff to the remaining Petitioner. The three Petitioners who were on the General Election ballot in November all won. Commissioner Jeffrey Long won a *fourth* four-year term. These were not strangers in the night, mysteriously showing up for an interview.

(2) There is no evidence in the record that any of the Petitioners had any intent to cause "intrusion by...adverse political principles." The Court has searched the record for any testimony, a single document—anything-- that indicated that these candidates had decided to form a coalition to paint the Courthouse in rainbow colors, or sell the County Recreation Department ballfields, or give county employees an extra month of Paid Time Off. Once again, all four Petitioners were either incumbents and/or won handily in the General Election of 2024. Jeffrey Long testified he won 63 percent of 12,000 votes. These do not sound like people guilty

[9] They had survived the cauldron of the primary process, the general election, and years of budget meetings, fire truck breakdowns, ballfield maintenance requests, midnight calls from frustrated constituents, and were still willing to have their names on the ballot.

of intruding with adverse political principles. Rather, they sound like people who had ticked off at least nine of their neighbors on the all-powerful Party Committee.

In summary, *La Follette* is inapplicable on its facts and its analysis.

In Catoosa County, the local Republican party apparently did not trust the voters to decide with whom they "associated" either on the ballot or in person at county commission meetings. It was a conscious decision to say "The voters elected (or even re-elected) those three commissioners, and they raised our taxes.[10] They restricted our property rights, so we aren't even going to give these folks the chance to get back on the ballot."

The Court is convinced that there were no answers that these candidates could have possibly given the County Committee that would have resulted in a (secret) vote to allow them on the ballot. The candidates may as well have been handed a copy of the Seven Bridges of Konigsberg mathematical problem at the door and told they must solve it to get on the ballot.[11]

The Court inquired during the October 10, 2025 hearing about the mechanics of the interview process, since there is nothing in writing (at least not presented to the Court) as to exactly how this procedure works. Joanna Hildreth, who had been the Chairman of the Catoosa Republican Party since 2021, testified that in the case of Jeffrey K. Long, for example, she voted against him based upon tax hikes, and property rights. She also admitted that there was no State Republican Party rule that allowed or even described this procedure. Most important to the Candidates' claim for a Permanent Injunction was Chairwoman Hildreth's testimony *that the same rules are still in place for the 2026 qualifying period.*

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[10] The voters have the right to vote for—or against—those public officials who raise their cost of living. See the results of the November 4, 2025 Georgia Public Service Commission election.

[11] See "Solutio problematis ad geometriam situs pertinentis," by Euler, Leonhard (1741).

Mrs. Hildreth testified that the deliberations of the Catoosa County Republican Committee were (1) in a secret meeting, (2) without the candidates present, and (3) voting on the candidates was by secret ballot. No committee member had to give a reason, whether based in fact or fancy, as to their (secret) vote. A member could vote against a candidate because of a playground fight forty years ago at Ringgold Elementary School. A member could vote against a candidate because that committee member wanted her brother-in-law to qualify instead of one of those pesky incumbents who had raised taxes and voted against backyard chickens. A member could vote against a candidate because the candidate had voted against changing the color of the carpet at the last deacon's meeting (a popular reason for church-splits in rural Georgia). Neither rhyme nor reason was necessary for nine people (a majority of the sixteen-member committee) to destroy a candidate's political aspirations. There are no safeguards for arbitrary, capricious, or vengeful votes against any potential candidate.

Respondents continue to argue that all Petitioners had an adequate remedy once they were told by the Catoosa County Republican Party Executive Committee that they would not get a "qualifying affidavit." Page 2 of Respondents' post-hearing brief asserts that anyone rejected by the majority vote of the local committee were disqualified from running as a Republican, "although it in no way prevented the individual from running as an independent or a democrat (sic), provided he or she met the applicable criteria."

This self-help remedy proposed by Respondents for unsuccessful applicants is incredulous, and at the very least, disingenuous. Consider this---surely if the Respondents believe the Republican Party had/have the right to have a questionnaire/interview session with all potential candidates, screened by the entire 16-member County Committee, then it surely would be proper for the local Democratic Party to have the same procedure.

Assume a prospective candidate—Alex Hamilton—showed up on the *Democratic* Party's interview night and failed to give the right answers to convince the Democratic Committee that he was possessed of sufficient principles to qualify as a Democrat. Would he then be able to qualify as a Republican, as suggested by Respondents? The answer is most likely a resounding "No." Why? Because Hamilton would have likely missed the gathering prior to qualifying week to answer questions propounded by the Republican Committee. The Respondents' own elaborate procedure is sufficient to prevent any potential candidate from being denied by one party and then being welcomed by the other.

Left untouched by this analysis is the suggestion of Respondents for a candidate denied by the vetting process to then qualify as an Independent. Even if that is still an available remedy, it is not remedy sufficient to help Respondents here. Regardless, it just does not pass the "smell" test. Jeffrey Long testified that "I am a Republican. I'm not an Independent or a Democrat." Petitioners' Exhibit 1 at the October 10, 2025 hearing was a letter from Chair Hildreth to Jeffrey Long. The letter told Mr. Long that "You are not part of the Republican Party."

These candidates were not fringe candidates, or "test case" prospective candidates rounded up at an Abbie Hoffman Society meeting. Three of these four candidates were elected despite what was probably a lot of publicity in this small county in the spring of 2024. Jeffrey Long testified that he defeated his Democratic opponent 63/37 (percent) in the November 2024 general election.

The Catoosa Republican Party points to an Eleventh Circuit decision, *Duke v. Massey*, 87 F.3d 1226 (11th Cir. 1996). In that case, David Duke[12], the candidate who was denied was

[12] David Duke was a controversial former Grand Wizard of the Knights of the Ku Klux Klan.

attempting to gain access to the *presidential preference primary* ballot, not the *general primary* ballot. Candidates do not qualify under the procedures of Georgia law at issue here to gain access to the presidential preference primary ballot. Instead, the "state executive committee of each party" submits names to the Secretary of State. O.C.G.A. § 21-2-193; *Duke*, 87 F.3d at 1229. In that context, the statute committed the selection process to the party executive committee—which is a completely different process than the one at issue here.

The process on the local party level, however may be described as a "grassroots process." Local qualifying may be at a party official's place of business. The Court remarked at the hearing (as dicta, as it is not evidence) that in Gordon County one of the local funeral homes was used for qualifying for one of the parties many years ago.

The Catoosa Republican Party reads too much into *Duke* when it claims that a right to select nominees for county and state offices rests with the political party. It cannot support that weight because the procedures are completely different. Further, presidential preference primaries allocate *party delegates*, not ballot access for a general election. *See Duke v. Cleland*, 783 F. Supp. 600, 604 n.5 (N.D. Ga. 1992). These candidates were not trying to run for President—they just wanted to pay their paltry qualifying fee and knock on doors and ask people to vote for them. The decision-makers here are ordinary citizens who cast a vote on their way to work down at the carpet mill, rather than those who have earned a position on a state or national party committee.

Under the Catoosa GOP's theory, the county party could, through their secretive vetting procedure, select a single candidate prior to each primary and then that individual must be the sole nominee of the party in the general election. But that is directly contrary to Georgia law, because "[a] political party shall nominate its candidates for public office *in a primary*." O.C.G.A. § 21-2-151(a) (emphasis added). And it contravenes Georgia law that "no person shall be prohibited from

qualifying for such office" if he or she follows the requirements in the statute. O.C.G.A. § 21-2-153(b). Thus, there is no right under Georgia law that grants political parties the exclusive right to determine if candidates are sufficiently loyal. Instead, the voters participating in each party's primary make that choice.

Realistically, if the Catoosa Republican Party had its way, it would not be selecting the party nominees for county offices—it would be selecting those who would be elected. (Remember that even the multiple-term veteran Jeffrey Long was elected 63/37 even after the publicity of this case.)

The Catoosa Republican Party never raised any constitutional challenges to the requirements of O.C.G.A. § 21-2-153. As a result, it cannot now complain that those requirements infringe on any of its First Amendment rights.

The Georgia General Assembly's legislative intent must be given great weight and presumption. O.C.G.A. § 21-2-153(b)(4) anticipates the need that local party officials (of any party) want like-minded individuals to run in a primary under that party's banner. To that end, a loyalty oath may be required under that Code section. It is very simple: "I do hereby swear or affirm my allegiance to the (name of party) Party." If the General Assembly had intended it to be proper to include an entire Party Platform, it would have done so.

Because there is no defense to the Catoosa Republican Party's actions, this Court ordered specific consequences for their failure to comply with the law, and the Catoosa Republican Party agreed it did not follow this Court's orders, this Court GRANTS the motion for contempt.

The issues of Contempt and the Motion for Permament Injunction are interwoven by fact and law, so the analysis for one applies to the other.

Fines and attorney fees will be addressed later in this order.

II. Motion for Permanent Injunction.

The Catoosa Republican Party continues to argue that it will engage in the same conduct in the future and this Court should make clear that they must follow the law. Chairwoman Joanna Hildreth was adamant during the qualifying week of 2024 and was (politely) adamant during the recent hearing that the Republican Party intends to continue the same secretive vetting procedure during qualifying just a few months hence (March 2026). This shows an intent to double down even before the deck is shuffled.

Under O.C.G.A. §§ 9-5-1 and 9-11-65, this Court may issue injunctions to restrain parties who act "contrary to equity and good conscience." Further, "the allegations as to past trespasses and a reasonable fear of future acts which of necessity would be continuous in nature furnish a further basis for equitable relief." *Ellis v. Georgia Kraft Co.*, 219 Ga. 335 (1963). *Jacobs v. Chatham County*, 295 Ga. App. 74, 77 (2008) paraphrased that Court's holding in a non-trespass setting as follows: "past infractions and a reasonable fear of future infractions justify a permanent injunction."

Regardless of the wording, that standard is more than met here. There is no "reasonable fear." To the contrary, it is an absolute (sworn) declaration that it will continue. As outlined above and in the hearing, the Catoosa Republican Party plans to continue its process for evaluating candidates and blocking unapproved candidates from the primary ballot. Without a permanent injunction, future candidates will be back at this Court yet again, having to obtain emergency relief because of the Catoosa Republican Party's refusal to follow the law.

Unlike an injunction on use of real property, for example, a permanent injunction here does not bring a cloud upon title, or affect the value of a parcel of land. Here, if the Catoosa Republican Party obeys the injunction, qualifying should go smoothly, just as intended by Georgia law.

The need for a permanent injunction is even clearer when reviewing the entire record in this case and this Court's prior orders. This Court directed specific fines and penalties be imposed and the Catoosa Republican Party continued to refuse to comply with the directives of this Court. The rule of law is critically important and the Catoosa Republican Party undermined the rule of law. Specifically, this Court, through Judge Thompson, ordered Catoosa County Sheriff Deputies to escort Petitioners to the qualifying location in Ringgold, Georgia on March 7, 2024, and to videotape and record their qualifying as commissioner candidates. In the temporary restraining order, Judge Thompson ordered that "should Respondents prohibit the qualification of Petitioners as Republican candidates for the primary election scheduled for May 21, 2024, seeking election to various offices of the Catoosa County Commission, a $1,000.00 fine shall be hereby enforced per Respondent per Petitioner for each hour that Respondents prohibit the qualification of Petitioners." (Order, March 7, 2024, p.4). The deputies escorted Petitioners, and at approximately 3:00 p.m., Petitioners were refused the ability to qualify due to not having an affidavit from the Catoosa Republican Party stating that they were allowed to qualify as Republican. Several times prior to this date and since the granting of the initial temporary restraining order, Petitioners tried to qualify with the Catoosa Republican Party and were refused. Petitioners finally were allowed to qualify with the Catoosa County Election Supervisor at approximately 10:30 a.m. on March 8, 2024. The actions of the Catoosa Republican Party are in willful violation of the temporary restraining order entered on March 7, 2024, and therefore, the Catoosa Republican Party is in willful contempt of court.

Further, the case is not moot even though the election at issue has passed. The Catoosa Republican Party is not voluntarily ceasing the activities Petitioners challenged in the litigation. *WMW, Inc. v. American Honda Motor Co.*, 291 Ga. 683, 685 (2012). The Catoosa Republican Party cannot demonstrate it will not return to its wrongful behavior in the future—in fact, it promised that it would by testimony of Ms. Hildreth in the hearing. *See Zibtluda, LLC v. City of Peachtree Corners*, No. A25A1063, 2025 WL 2658232, at *2 (Ga. Ct. App. Sept. 17, 2025). There are sufficient grounds to issue a permanent injunction to protect future elections in Catoosa County and ensure that the Catoosa Republican Party follows Georgia law.

III. Motions for Attorney Fees.

The Court must consider whether to grant attorney fees in both actions under O.C.G.A §§ 9-15-14(b), 51-7-84, and its inherent powers. At the hearing, counsel for Petitioners provided this Court with information about their "litigation experience, the amount of fees incurred in the case, and the reasonableness of the fees." *See Hill v. Frew*, Case No. A24A1606 (Ga. Ct. App. Feb. 19, 2025) (unreported), slip op. at 2–3 (attached as Exhibit A to Petitioners' Post-Hearing Brief). Each counsel also stood for cross-examination by counsel for the Catoosa Republican Party and answered all questions about their fees. Further, given the emergency nature of the litigation, each counsel explained that, while they had to file separate cases, once the cases were consolidated, they did not duplicate effort but instead divided the work to accomplish what was needed.

The issues in this case required urgent litigation to uphold Georgia law, and, as outlined above, there was no legal basis for the behavior of the Catoosa Republican Party. This Court should not reward the Party for its arrogance and intransigence but rather make clear that entities with responsibilities in elections must follow the law rather than make their own law.

The Catoosa Republican Party chose to willfully violate Georgia law without a basis for doing so. In spite of multiple court orders, it refused to obey the directives of this Court. This Court will grant the pending motions and make clear the importance of the rule of law in elections:

(Intentional Page Break)

ORDER ON CONTEMPT AND ATTORNEYS FEES
IN CASE SUCV2024000211

The above and foregoing matter came before this Court upon both a motion for contempt and motion for attorney's fees filed by Petitioners alleging a violation of the temporary restraining order of March 7, 2024, and the interlocutory injunction previously granted by this Court on March 8, 2024. After hearing evidence in the matter on October 10, 2025, and a review of the record, this court enters the following findings of fact and conclusions of law and subsequent order on contempt and attorney's fees.

FINDINGS OF FACT

This court finds as a fact a temporary restraining order was granted on March 7, 2024 and an interlocutory injunction was granted on March 8, 2024, each prohibiting Respondents from interfering with Petitioners' qualification with the Catoosa County Republican Party as a candidate for various seats on the Catoosa County Board of Commissioners. The qualifying period ran from March 4th through March 8th at 12:00 noon and Petitioners attempted to qualify several times during said period to no avail. Respondents refused to qualify Petitioners without an affidavit which Respondents required but which is not required by state law.

This court, through Judge Thompson, ordered Catoosa County Sheriff Deputies to escort Petitioners to the qualifying location in Ringgold, Georgia on March 7, 2024, and to videotape and record their qualifying as commissioner candidates. In said temporary restraining order, Judge Thompson ordered that "should Respondents prohibit the qualification of Petitioners as Republican candidates for the primary election scheduled for May 21, 2024, seeking election to various offices of the Catoosa County Commission, a $1,000.00 fine shall be hereby enforced per Respondent per Petitioner for each hour that Respondents prohibit the qualification of Petitioners."

(Order, March 7, 2024, p.4). The deputies escorted Petitioners, and at approximately 3:00 p.m., Petitioners were refused the ability to qualify due to not having an affidavit from the Catoosa County Republican Party stating that they were allowed to qualify as Republicans. Several times prior to this date and since the granting of the initial temporary restraining order, Petitioners attempted to qualify with Respondents and were refused. Petitioners finally were allowed to qualify with the Catoosa County Election Supervisor at approximately 10:30 a.m. on March 8, 2024 pursuant to the terms of the interlocutory injunction. This Court hereby finds that these actions are in violation of the temporary restraining order entered on March 7, 2024, and therefore, the Respondents are in willful contempt of court.

Additionally, this court finds that the Respondents have expanded the litigation, been stubborn and litigious and continued to require further court appearances by their inaction and all requirements have been met to award attorney's fees pursuant to O.C.G.A. § 9-15-14(b). This is underscored by testimony in court that Respondents would refuse to obey further court orders. The Court finds that at said hearing on October 10, 2025, counsel for Petitioners, being Archibald A. Farrar, Jr., Catherine Farrar Jackson, Bryan Tyson, and Larry Stagg presented evidence of their history as counsel in order to prove the reasonableness of their fees. All counsel have practiced in the area of government law for multiple years.

This Court further finds that counsel for Jeffery Long submitted a time chart and bill specific to this civil action for which their client is entitled to attorney fees. Said bill is for 39.70 hours at $200 per hour for Catherine Farrar Jackson and 65.00 hours at $400 per hour for Archibald A. Farrar, Jr. and 5.00 hours at $400.00 per hour for their partner, Christopher L. Corbin. Counsel also incurred expenses of $1,312.45.

This Court further finds that counsel for Steven Henry submitted a time chart and bill specific to this civil action for which his client is entitled to attorney fees. Said bill is for 32.30 hours at $650 per hour for counsel and 2.3 hours at $150 per hour for his paralegal for a total claim of $21,340.00. Counsel also incurred expenses of $784.18.

This Court further finds that counsel for Larry Black submitted in his place that he charges $450.00 per hour and that he has performed 20 hours of work in this matter.

This Court further finds that counsel for Vanita Hullender submitted in her place that she has incurred attorney fees totaling $4,827.50 in this matter.

This Court further finds that counsel for Petitioners had the opportunity to cross-examine Petitioners' counsel as to the contents of the bills submitted by Petitioners, and sufficient specificity was given.

This Court finds that evidence was presented that all attorney's fees requested by Petitioners were properly proven by testimony from counsel. Each testified that work was not duplicated once the cases were consolidated.

CONCLUSIONS OF LAW

This court has reviewed the conclusions previously entered in prior Orders of this Court and hereby incorporates the findings and conclusions into this action for contempt.

This Court further concludes that prior to an award of attorney fees pursuant to O.C.G.A. §§ 51-7-84 and 9-15-14(b), an opposing party is entitled to an examination of both the "issues of reasonableness and value of the attorney fees or on the allocation of the attorney's time and expenses among the various claims." *Southern Cellular Telecom v. Banks*, 209 Ga. App. 401, 433 (1993).

This Court further concludes that specificity is required in allocating attorney fees to each claim, and that an evidentiary hearing, which allows an opposing party to confront and challenge the value and need for legal services claimed is a sufficient method of determining such specificity. *Bankston v. Warbington*, 319 Ga. App. 821 (2013). The Respondents had ample opportunity to challenge the attorney fees claimed by Petitioners in this claim.

This Court finds and concludes that the hourly rate charged by counsel for Petitioners and the number of hours expended by them in this matter in proving the Petitioners claims against the Respondent were reasonable and necessary, especially given the emergency nature of the litigation and the refusal of the Respondents to heed court orders.

The hourly rate charged by Petitioners' counsel at their various fees is reasonable when not representing a public entity and is reasonable and proper in the private market for attorneys with their various levels of experience in the Lookout Mountain Judicial Circuit. The amount of work expended by Petitioners' attorneys was reasonable and necessary in securing Petitioners' position. This Court further finds and concludes that the hours expended by Petitioners' counsel in this matter was sufficient and reasonable based upon the need to seek multiple hearings regarding the compliance of Respondents and that the expenses incurred were reasonable and necessary.

JUDGMENT

NOW THEREFORE, this court finds that the Respondents Catoosa County Republican Party, Beth Cass, Ruth Fant, Sherre Bales, Joanna Hildreth, Marie Moore, Debbie Morrison, Jack Byars, Mary Bugea and Regina Gray (Byers, Bugea and Gray as previously unnamed Jane Doe and John Doe members of the Catoosa County Republican Party), are hereby held in willful

contempt of court pursuant to O.C.G.A. §15-6-8 for failure to comply with this court's order dated March 7, 2024, and are hereby ordered to pay the following fines and penalties as follows:

1. Catoosa County Republican Party - $500.00;
2. Beth Cass - $500.00;
3. Ruth Fant - $500.00;
4. Sherre Bales - $500.00;
5. Joanna Hildreth - $500.00;
6. Marie Moore - $500.00;
7. Debbie Morrison - $500.00;
8. Jack Byars - $500.00;
9. Mary Bugea - $500.00; and
10. Regina Gray - $500.00.

This court further finds that attorney fees have been proven by Petitioners Jeffrey K. Long, Black, Steven M. Henry, Vanita Hullender and Larry Black. Adequate proof of attorney's fees for both contempt and pursuant to O.C.G.A. § 9-15-14(b) and this court.

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner Jeffery Long recover from James Coles, Mary Coles, Britt Fant, Ruth Fant, Joanna Hildreth, Charlie Lamar, Christine Lawson, Adrianne Kittle, Regina Gray, Sherre Bales, Mary Beth Bugea and Debbie Morrison the sum of $35,940.00 as attorney fees and expenses of $1,312.45 under O.C.G.A. § 9-15-14(b) and this Court's inherent powers.

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner Steven Henry recover from James Coles, Mary Coles, Britt Fant, Ruth Fant, Joanna Hildreth, Charlie Lamar, Christine Lawson, Adrianne Kittle, Regina Gray, Sherre Bales, Mary Beth Bugea and Debbie Morrison the

sum of $21,340.00 as attorney fees and $784.18 as expenses under O.C.G.A. § 9-15-14(b) and this Court's inherent powers.

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner Larry Black recover from James Coles, Mary Coles, Britt Fant, Ruth Fant, Joanna Hildreth, Charlie Lamar, Christine Lawson, Adrianne Kittle, Regina Gray, Sherre Bales, Mary Beth Bugea and Debbie Morrison the sum of $9,000.00 as attorney fees under O.C.G.A. § 9-15-14(b) and this Court's inherent powers.

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner Vanita Hullender recover from James Coles, Mary Coles, Britt Fant, Ruth Fant, Joanna Hildreth, Charlie Lamar, Christine Lawson, Adrianne Kittle, Regina Gray, Sherre Bales, Mary Beth Bugea and Debbie Morrison the sum of $4,827.50 as attorney fees under O.C.G.A. § 9-15-14(b) and this Court's inherent powers.

The sums hereby Ordered shall be enforced as a money judgment pursuant to the provisions of O.C.G.A. § 9-15-14(f).

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ORDER ON ATTORNEYS' FEES IN CASE SUCV2024000323

The above and foregoing matter coming before this Court upon Motion by Jeffrey Long, Steven Henry, Vanita Hullender, and Larry Black (hereinafter the "Movants") for attorney fees against the Petitioners based on O.C.G.A §§ 9-15-14 and 51-7-84, and after hearing evidence on the matter and argument being presented by counsel for all parties on October 10, 2025, and upon the consideration of this case, this Court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

This Court finds that on May 17, 2024, this Court dismissed the claims of Petitioners for failure to name the proper respondents in the time allowed by law based upon a Motion to Dismiss filed by the Movants. On May 17, 2024, Movants mailed an abusive litigation letter pursuant to O.C.G.A. §§ 51-7-84 and 9-15-14(b) to Petitioners' attorneys of record as required by law. Further, this Court finds that the actions of Petitioners were unreasonable given the prior orders of this Court directing that Movants were able to qualify with the Election Supervisor after Petitioners' refusal to follow Georgia law on candidate qualification.

At said hearing, counsel for Movant Vanita Hullender withdrew her claim for attorney's fees for Movant Vanita Hullender.

The Court finds that at said hearing on October 10, 2025, counsel for Movants, being Archibald A. Farrar, Jr., Catherine Farrar Jackson, Bryan Tyson, and Larry Stagg presented evidence of their history as counsel in order to prove the reasonableness of their fees. All counsel have practiced in the area of government law for multiple years.

This Court further finds that counsel for Jeffery Long submitted a time chart and bill specific to this civil action for which their client is entitled to attorney fees. Said bill is for 8.20 hours at $200 per hour for Catherine Farrar Jackson and 6.35 hours at $400 per hour for Archibald A. Farrar, Jr. for a total of $4,180.00. Counsel also incurred mileage of 186 miles at $0.67 per mile for a total of $124.62.

This Court further finds that counsel for Steven Henry submitted a time chart and bill specific to this civil action for which his client is entitled to attorney fees. Said bill is for 7.20 hours at $650 per hour for a total claim of $4,680.

This Court further finds that counsel for Larry Black submitted in his place that he did not have a claim for attorney fees on this matter.

This Court further finds that counsel for Petitioners had the opportunity to cross examine Movants' counsel as to the contents of the bills submitted by Movants, and sufficient specificity was given.

CONCLUSION OF LAW

This Court concludes that prior to an award of attorney fees pursuant to O.C.G.A. §§ 51-7-84 and 9-15-14(b), an opposing party is entitled to an examination of both the "issues of reasonableness and value of the attorney fees or on the allocation of the attorney's time and expenses among the various claims." *Southern Cellular Telecom v. Banks*, 209 Ga. App. 401, 433 (1993).

This Court further concludes that specificity is required in allocating attorney fees to each claim, and that an evidentiary hearing, which allows an opposing party to confront and challenge the value and need for legal services claimed is a sufficient method of determining such specificity.

Bankston v. Warbington, 319 Ga. App. 821 (2013). The Petitioners had ample opportunity to challenge the attorney fees claimed by Movants in seeking to have the Petition dismissed.

This Court finds and concludes that the hourly rate charged by counsel for Movants and the number of hours expended by them in this matter in defending the Movants against the asserted claim were reasonable and necessary for defending Movants' claims.

The hourly rate charged by Movants' counsel at their various fees is reasonable when not representing a public entity and is reasonable and proper in the private market for attorneys with their various levels of experience in the Lookout Mountain Judicial Circuit. The amount of work expended by Movants' attorneys was reasonable and necessary in defending Movants' position.

This Court further finds and concludes that the hours expended by Movants' counsel in this matter was sufficient and reasonable based upon the need to seek dismissal of Petitioners' claims and that the expenses incurred were reasonable and necessary.

JUDGMENT

Based upon the above and foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED AND ADJUDGED that Movant Jeffery Long recover from James Coles, Mary Coles, Britt Fant, Ruth Fant, Joanna Hildreth, Charlie Lamar, Christine Lawson, Adrianne Kittle, Regina Gray, Sherre Bales, Mary Beth Bugea and Debbie Morrison the sum of $4,180.00 as attorney fees and expenses of $4,180 under O.C.G.A. §§ 51-7-84 and 9-15-14(b) and this Court's inherent powers.

IT IS HEREBY ORDERED AND ADJUDGED that Movant Steven Henry recover from James Coles, Mary Coles, Britt Fant, Ruth Fant, Joanna Hildreth, Charlie Lamar, Christine Lawson, Adrianne Kittle, Regina Gray, Sherre Bales, Mary Beth Bugea and Debbie Morrison the

sum of $4,680.00 as attorney fees under O.C.G.A. §§ 51-7-84 and 9-15-14(b) and this Court's inherent powers.

The sums hereby Ordered shall be enforced as a money judgment pursuant to the provisions of O.C.G.A. § 9-15-14(f).

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PERMANENT INJUNCTION

The above and foregoing matter came before this court upon petitions by Jeffery Long, Steven Henry, Vanita Hullander, and Larry Black (hereinafter the "Petitioners") for a permanent injunction against the Respondents. The court having previously heard evidence and reviewed the record together with evidence submitted at a hearing and argument of counsel for all parties on October 10, 2025, and upon consideration of this case, the Court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

This Court finds that the Petitioners consist of four individuals who wished to qualify as Republican candidates for various posts on the Catoosa County Board of Commissioners. Petitioners have previously filed and requested a temporary restraining order which was granted and which "enjoined and restrained [the Respondents] from prohibiting the qualification" of Petitioners.[13] On March 8, 2025, this Court subsequently entered an interlocutory injunction, finding that the Respondents had prohibited Petitioners from qualifying, that the rules which they were seeking to follow were void due to improper certification and lack of consistency with state party rules, and that Petitioners were likely to suffer immense and irreparable harm due to the Catoosa GOP prohibiting them from qualifying as candidates in the Republican primary. Therefore, this Court authorized Petitioners to qualify with the Catoosa County Election Supervisor as candidates for the May 21, 2024, Republican primary.

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[13] In briefing this matter, counsel for the Catoosa Republican Party argued that the language of Judge Don Thompson's orders was vague and confusing, in that it almost ordered a double negative: "enjoin and restrain from prohibiting the qualification." (Paraphrased). However, O.C.G.A. §21-2-153(b) itself is the source of similar awkward language: "provided, however, that no person shall be prohibited from qualifying for such office if he or she…"

This Court further finds that Respondents have added a further substantive rule for qualification which is the requirement of an "Qualifying Affidavit" allowing individuals to qualify and approving their qualification.

Respondent Catoosa County Republican Party by and through its Executive Director Joanna Hildreth testified to the court that the local party would not abide by the court's order of a TRO or Interlocutory Injunction and would instead appeal the decision. Respondents further violated the terms of the Interlocutory Injunction by refusing to qualify the Petitioners as Republican candidates for the Election as directed by this court. Additionally, this court finds that the rules of the local party Respondents are not filed with the County Board of Election in accordance with law as they are not certified pursuant to O.C.G.A § 21-2-111(c).

The Election has occurred and certain of the Petitioners have been elected and certain ones not elected. While it has been argued that the issuance of a Permanent Injunction is moot, the issue could arise again in subsequent elections and escape review given Respondents' confessed unwillingness to follow the law and directives of this Court (and actually a sworn intent by Chairwoman Joanna Hildreth to violate the Court's directives during the upcoming primary qualification period) Therefore, this Permanent Injunction is necessary.

The court finds an immense threat of irreparable harm for Petitioners in Respondents' failing to qualify them for these positions.

CONCLUSIONS OF LAW

This court concludes that pursuant to O.C.G.A. § 9-11-65 and O.C.G.A. § 9-5-1, the evidence in this case warrants the granting of a Permanent Injunction to prohibit Respondents from requiring any special affidavit or further substantive qualification for candidates to qualify as

Republicans on a general primary ballot in Catoosa County, Georgia in the future. This court concludes that the Qualifying Affidavit requirement is a substantive rule and that a local county Republican party may not add substantive rules for qualification other than those required by the State Republican Party or state statutes.

This court further concludes that the requirement of a Qualifying Affidavit from the committee of precinct chairs violates due process and is a substantive rule which is improper for a local Republican party to impose on its candidates. Pursuant to O.C.G.A. § 21-2-111(c) the local party cannot establish substantive rules different from its state political party requirements and this rule is not a part of the statewide procedure.

Any argument that the "Qualifying Affidavit" requirement is merely procedural is without merit. A secret, majority vote of sixteen committee members being sufficient to crush someone's dream of running for the (thankless) job of county commission should never be considered as merely procedural.

This court further concludes that the rules of the Catoosa County Republican Party are not filed in accordance with O.C.G.A. § 21-2-111(c) as they are not certified in accordance with law.

JUDGMENT

IT IS HEREBY ORDERED that Respondents are restrained and enjoined permanently from prohibiting the qualification of candidates pursuant to O.C.G.A. § 21-2-153 with the requirement of an affidavit of approval by the local party, so long as said candidates meet the state requirements found in said code section.

This Court finds an immediate threat of irreparable harm existed for Petitioners in Respondents' failure to qualify them during the statutory time period. The Court further finds that Respondents have an adequate remedy at law because there are multiple remedies available to Respondents if they wish to challenge candidate qualifications after qualifying takes place pursuant to O.C.G.A. § 21-2-6, § 21-2-522. Let them feel free so to do.

SO ORDERED this Seventh day of November 2025.

David K. Smith,
Senior Judge of Superior Court
Sitting by Designation in Catoosa County
Superior Court

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