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Judge Rules on City's Restraining Order

Stonecrest, GA – DeKalb Superior Court Judge Mark Anthony Scott ruled on February 14th to deny a motion for a temporary restraining order against Stonecrest Councilwoman Jazzmin Cobble. Last week, city officials filed the order in conjunction with a declaratory judgment action, which asks a judge to resolve the legal uncertainty surrounding Cobble's absence from council meetings. The declaratory action could take months to finalize; therefore, city officials filed the restraining order to keep Cobble from acting as a councilmember until the city received clarity.

According to city records, Cobble missed two of six council meetings within a three-month period. The city charter states that a council member forfeits their seat if they miss one-third of the meetings within a three-month period. After the council could not come to a conclusion on the circumstances surrounding this forfeiture, city officials filed the declaratory action suit.

In her opening remarks, one of the city's attorneys, Emily Macheski-Preston said, "We are here to seek an injunction against Councilwoman Cobble for continuing to act as a councilwoman until there is a final determination from the declaratory action that tells us whether her seat is actually vacant."

The city attorney referred to Section 2.10 in the city charter which states that in order to have any measure or action taken by the city council, it must first receive a majority vote. "Right now, the city is in a state of uncertainty and unrest. We don't know whether to count the councilwoman in this vote or not," Macheski-Preston said.

Bryan Tyson, Cobble's attorney told the court that this action was a result of a political dispute and that there is no irreparable harm that would form the basis for a restraining order. He also said that the interpretation of the city charter is in conflict with state law, citing Georgia Code 45-5-1 which lists seven ways an office can be vacated

Scott didn't openly agree with either side of the arguments. In his judgment, he said that this is a due process issue. Machekei-Preston said that this means that the councilwoman is entitled to a hearing instead of this emergency injunction. "The judge decided to maintain the status quo," she said.

"In this political climate that we live in, I think it has been made clear across America that you just don't remove people from office by a vote of the body," Scott said; after which, he denied the motion. "We are pulling for you Stonecrest. I think a lot of folks in the community are. I hope you all find a way to govern peacefully and make us proud of Stonecrest," the judge added.

Cobble released a statement saying, "I'm pleased that Judge Scott agreed with us to deny the motion and keep the City Council intact. I look forward to continuing to serve the people of Stonecrest and hope we can all move past these petty political fights to the important business of the people."

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