

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

W.S., a minor, by his mother and next best friend, Caryn Sonderman; B.G. and C.G., minors, by their father and next best friend, Matt Gill; A.M. and E.M., minors by their father and next best friend, Andrei Marcu; Q.C. Brocard, a minor, by his mother and next best friend, Gretchen Brocard; C.H., K.H., S.H., and L.H., minors, by their father and next best friend, John Hanson; E.W., a minor, by her mother and next best friend, Erin White,

Plaintiffs,

v.

CHRIS RAGSDALE, Superintendent of Cobb County Schools; RANDY SCAMIHORN, Cobb School Board member; DAVID CHASTAIN, Cobb School Board member; DAVID BANKS, Cobb School Board member; BRAD WHEELER, Cobb School Board member; CHARISSE DAVIS, Cobb School Board member; JAHIA HOWARD, Cobb School Board member; and LEROY TRE' HUTCHINS, Cobb School Board member,

Defendants.

Civil Action No. 21-1-02783

**DEFENDANTS' NOTICE OF FILING  
OF NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT**

To: Clerk of Court  
Superior Court of Cobb County  
70 Haynes Street, Suite 1021  
Marietta, GA 30090

PLEASE TAKE NOTICE that Defendants Chris Ragsdale, Randy Scamihorn, David Chastain, David Banks, Brad Wheeler, Charisse Davis, Jaha Howard, and Leroy Tre' Hutchins have on this date filed a Notice of Removal, a copy of which is attached as Exhibit 1, in the

Office of the Clerk of the United States District Court for the Northern District of Georgia, Atlanta Division. This Notice of Filing satisfies the requirements of 28 U.S.C. § 1446 and all other applicable provisions of the Federal Rules of Civil Procedure.

The filing of Defendants' Notice of Removal, coupled with this notice, immediately divests this Court of subject-matter jurisdiction over this matter. *Quixtar, Inc. v. Campbell*, 298 Ga. App. 617, 617–18, 680 S.E.2d 661, 662 (2009). Under 28 U.S.C. § 1446(d), this Court “shall effect the removal and the State court shall proceed no further unless and until the case is remanded.”

Respectfully submitted this 19th day of April 2021.

/s/ BRANDON O. MOULARD

Brandon O. Moulard

Georgia Bar No. 940450

Sherry Culves

Georgia Bar No. 319306

*Counsel for Defendants Chris Ragsdale, Randy Scamihorn, David Chastain, David Banks, Brad Wheeler, Charisse Davis, Jaha Howard, and Leroy Tre' Hutchins*

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

W.S., a minor, by his mother and next best friend, Caryn Sonderman; B.G. and C.G., minors, by their father and next best friend, Matt Gill; A.M. and E.M., minors by their father and next best friend, Andrei Marcu; Q.C. Brocard, a minor, by his mother and next best friend, Gretchen Brocard; C.H., K.H., S.H., and L.H., minors, by their father and next best friend, John Hanson; E.W., a minor, by her mother and next best friend, Erin White,

Plaintiffs,

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CHRIS RAGSDALE, Superintendent of Cobb County Schools; RANDY SCAMIHORN, Cobb School Board member; DAVID CHASTAIN, Cobb School Board member; DAVID BANKS, Cobb School Board member; BRAD WHEELER, Cobb School Board member; CHARISSE DAVIS, Cobb School Board member; JAHA HOWARD, Cobb School Board member; and LEROY TRE' HUTCHINS, Cobb School Board member,

Defendants.

Civil Action No. \_\_\_\_\_

## **NOTICE OF REMOVAL**

Under 28 U.S.C. §§ 1441(a) and 1446, Defendants Chris Ragsdale, Randy Scamihorn, David Chastain, David Banks, Brad Wheeler, Charisse Davis, Jaha Howard, and Leroy Tre' Hutchins respectfully file this Notice of Removal and show this Court the following:

1.

On April 9, Plaintiffs filed suit in the Superior Court of Cobb County, Georgia. Cobb County is within the Atlanta Division of this Court. That suit is styled as above and numbered Civil Action File Number 21-1-02783.

2.

True and correct copies of all pleadings filed in this action are attached to this notice as Exhibit 1. All orders or actions by the superior court are attached to this notice as Exhibit 2.

3.

Plaintiffs have not served this lawsuit on any defendant. Instead, Defendants first learned about the suit on April 15, 2021, via an Atlanta Journal-Constitution article.<sup>1</sup> Thereupon, they discovered the superior court had issued a Show Cause

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<sup>1</sup> <https://www.ajc.com/education/get-schooled-blog/cobb-parents-ask-courts-to-overturn-school-mask-mandate/3SPKZCTHI5C43HSOGF5RSXFERU/>

and Rule Nisi Order. (Ex. 2.) In accordance with 42 U.S.C. § 1446(b), Defendants file this notice within thirty (30) days of receipt of Plaintiffs' complaint.

4.

Plaintiffs' complaint seeks injunctive and declaratory relief under two federal laws. First, Plaintiffs allege that Defendants have violated their rights under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d-1, *et seq.* ("HIPAA"), by implementing "contact tracing" protocols to monitor its students' on-campus exposure to COVID-19. (*See* Ex. 1 ¶¶ 55-59). Second, Plaintiffs allege that the Cobb County School District's rule requiring its student to wear masks while at school violates Plaintiffs' equal protection rights under the Fourteenth Amendment to the United States Constitution. (*Id.* ¶¶ 62-64.) Plaintiffs contend that the mask mandate has created "[s]eparate education facilities" analogous to the race-based segregation of schools at issue in *Brown v. Board of Education*, 347 U.S. 483 (1954). 28 U.S.C. § 1331 grants this Court original jurisdiction over Plaintiffs' claims under HIPAA and the Fourteenth Amendment, which arise, respectively, under the laws of the United States and the United States Constitution. In addition, 28 U.S.C. § 1367(a) grants this Court supplemental jurisdiction over Plaintiffs' state-law claims under the Georgia Constitution, which are part of the same case or controversy that gives rise to

Plaintiffs' claims under federal law. (Ex. 1 ¶¶ 60-61.) Thus, Defendants may remove this case under 28 U.S.C. §§ 1441(a) and (c).

5.

The undersigned counsel represents Defendants, who consent to this removal.

6.

At the same time Defendants file this notice, they will file a written notice of this removal with the clerk of the Superior Court of Cobb County, a copy of which is attached as Exhibit 3. Defendants will also serve written notice of the removal to Plaintiffs' counsel via email and U.S. mail.

7.

The undersigned has read this Notice of Removal and, to the best of their knowledge, information, and belief, formed after a reasonable inquiry, it is well grounded in fact, warranted by existing law or an extension or modification of existing law, and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

8.

For these reasons, Defendant respectfully requests that this Court assume full jurisdiction of the controversy now pending between Plaintiffs and Defendants in the above-styled matter.

Respectfully submitted this 19th day of April 2021.

/s/ BRANDON O. MOULARD

Brandon O. Moulard

Georgia Bar No. 940450

Sherry Culves

Georgia Bar No. 319306

*Counsel for Defendants Chris Ragsdale,  
Randy Scamihorn, David Chastain, David  
Banks, Brad Wheeler, Charisse Davis, Jaha  
Howard, and Leroy Tre' Hutchins*

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## **CERTIFICATE OF COMPLIANCE AND SERVICE**

I hereby certify that the foregoing document was prepared in Times New Roman, 14-point font, in compliance with Local Rule 5.1(B). In addition, I certify that on this day I served the foregoing **NOTICE OF REMOVAL** by email and by depositing a true copy of the same in the U.S. mail in a properly addressed envelope with adequate postage affixed thereto to ensure delivery to the following:

Mitch J. Skandalakis  
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Robert A. Madayag  
Lee & Hayes  
75 14<sup>th</sup> Street, NE  
Atlanta, GA 30309  
[robm@leehayes.com](mailto:robm@leehayes.com)

This 19<sup>th</sup> day of April 2021.

/s/ BRANDON O. MOULARD

Brandon O. Moulard  
Georgia Bar No. 940450  
Sherry Culves  
Georgia Bar No. 319306  
*Counsel for Defendants Chris Ragsdale,  
Randy Scamihorn, David Chastain, David  
Banks, Brad Wheeler, Charisse Davis, Jaha  
Howard, and Leroy Tre' Hutchins*

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IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

WS, a minor, by his mother and next best \*  
friend, Caryn Sonderman, BG and CG, \*  
minors, by their Father and next best friend, \*  
Matt Gill, AM, EM, minors, by their \*  
father and next best friend, Andrei Marcu, \*  
QC Brocard, a minor, by his mother \*  
and next best friend, Gretchen Brocard, \*  
CH, KH, SH and LH, minors by their father \*  
and next best friend John Hanson, EW, a \*  
minor, by her Mother and next best friend, \*  
Erin White, \*

Plaintiffs, \*

CIVIL ACTION FILE No.

vs. \*

Chris Ragsdale, Superintendent of Cobb \*  
County Schools, Randy Scamihorn, Cobb \*  
School Board Member, David Chastian. \*  
Cobb School Board Member, David Banks, \*  
Cobb School Board Member, Brad Wheeler, \*  
Cobb School Board Member, Charisse \*  
Davis, Cobb School Board Member, Jaha \*  
Howard, Cobb School Board Member, and \*  
Leroy Tre' Hutchins, Cobb School Board \*  
Member, \*

Defendants. \*

**CONSOLIDATED VERIFIED PLAINTIFFS' EMERGENCY COMPLAINT FOR**  
**DECLARATORY RELIEF AND INJUNCTIVE RELIEF**  
**WITH INCORPORATED MOTION FOR TEMPORARY RESTRAINING ORDER**  
**AND MEMORANDUM OF LAW**

COMES NOW PLAINTIFFS in the above-styled action, and submit this Complaint  
against Defendants, showing the Court the following:

**EXHIBIT**

**1**

1. Jurisdiction and venue are proper in the Superior Court of Cobb County, as all parties are residents of Cobb County, Georgia, and all acts complained of taken by the Cobb County Board of Education took place in Cobb County, Georgia.

2. All Defendants may be served with process at their place of employment located at 514 Glover St., SE, Marietta, Georgia 30060.

3. The Plaintiffs above, by and through their parents as next best friends are students in various Cobb County Schools, who have been mandated by Defendants to wear masks or attend school virtually.

### **I. PRELIMINARY STATEMENT**

4. The education of Cobb County school-age children is one of the most vital and important functions that can be provided by Cobb County through the Cobb County School District ("School District"). Education is so important that the drafters of the Georgia Constitution required that education shall be freely provided to the citizens of Georgia up to the college or postsecondary level. *Georgia Constitution Article III, Section 1, Paragraph 1*. So important is the mandate for education that the U.S. Supreme Court has held that students be educated equally and together. The United States Supreme Court ruled that "in the field of public education the doctrine of 'separate but equal' has no place." *Brown v. Board of Education*, 347 U.S. 483 (1954). The Court in *Brown* stated in unequivocal language, "segregated schools are 'inherently unequal,'" and that the Plaintiffs were being "deprived of the equal protection of the laws guaranteed by the 14th Amendment." *Id.*

5. The State of Georgia Governor's Executive Order dated on or about August 15, 2020 (renewed as of the date of this complaint), states that "governmental agencies located in counties that have reached the Threshold Requirement are hereby permitted to impose a Local Option Face Covering Requirement." *Georgia Governor Executive Order dated 15 August 2020* ("Executive Order"). The Executive Order does not require state and local government agencies to issue mask mandates, but rather, leaves the option to the state and local government agencies. As of the date of this Complaint, the Cobb County Board of Commissioners has not required any Cobb County agency to invoke a mask mandate.

6. Without any required mandate under the Governor or Cobb County, the School District has arbitrarily and capriciously segregated the student population into students that wear masks and students that do not or cannot wear masks. Thus, the School District's decision to

require the use of masks  
(<https://sbcobbstor.blob.core.windows.net/media/WWWCobb/medialib/mask-guidance.be081736861.pdf>) (“Mask Mandate”) is completely voluntary (assuming that a mandate under Cobb County would be binding on the School District).

7. Without any required mandate under the Governor or Cobb County, the School District has imposed onerous and scientifically baseless contact tracing procedures, whereby the rights of students to a free education are trampled upon by the actions of other students.

8. Dr. Fauci has no idea why Covid-19 cases in Texas dropped after the mask mandate was lifted, calling it “confusing.” <https://lidblog.com/fauci-texas-results-confusing/>.

9. The same phenomenon of reduced cases with no mask mandates is not isolated to Texas (as described hereinbelow).

10. Before we violate the U.S. and Georgia Constitutional rights of students and parents/guardians, shouldn’t we require a little more scientific certainty than “confusing?”

## **II. STUDIES SHOW SCHOOL AGE CHILDREN ARE HARMED BY AN ABUSE AND OVERUSE OF SCREEN TIME**

11. Study after study shows that forcing children to either wear masks or “go virtual” harms children both physically and physiologically. A recent Centers for Disease Control and Prevention (“CDC”) study, the same governmental agency the School District references in its Mask Mandate, reports, “Parents of children receiving virtual instruction were more likely than were parents of children receiving in-person instruction to report that their children experienced decreased physical activity (62.9% versus 30.3%), time spent outside (58.0% versus 27.4%), in-person time with friends (86.2% versus 69.5%), virtual time with friends (24.3% versus 12.6%), and worsened mental or emotional health (24.9% versus 15.9%).” [https://www.cdc.gov/mmwr/volumes/70/wr/mm7011a1.htm?s\\_cid=mm7011a1\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7011a1.htm?s_cid=mm7011a1_w).

12. The same study goes on to report, “Among the eight examined indicators of parental well-being, six differed significantly by mode of instruction received by the children. Parents of children receiving virtual instruction more frequently reported their own emotional distress, difficulty sleeping, loss of work, concern about job stability, childcare challenges, and conflict between working and providing childcare than did parents whose children were receiving in-person instruction.” *Id.*

13. Parents of children receiving combined instruction also reported conflict between working and providing child-care and loss of work more often than did parents of children receiving in-person instruction. *Id.*

14. Chronic stress can negatively affect physical and mental health of both children and parents, especially without social and economic supports, and could contribute to widening of educational and health disparities. *Id.*

15. Early data from a landmark National Institutes of Health (NIH) study that began in 2018 indicates that children who spent more than two hours a day on screen-time activities scored lower on language and thinking tests, and some children with more than seven hours a day of screen time experienced thinning of the brain's cortex, the area of the brain related to critical thinking and reasoning.

16. This is exactly what the School District is proposing to do to students who refuse to comply with the Mask Mandate. According to the CDC, such screen time is not only unhealthy and bad for a child's eye's, brain development, but also has a deleterious effect on a child's mental and physical growth.

17. This is exacerbated by the fact that Black, Hispanic, and non-Hispanic other or multiracial parents were more likely than White parents to report children receiving virtual instruction. *Id.*

18. A study appearing in the journal of the American Academy of Ophthalmology entitled, "Outdoor recess time can reduce the risk of nearsightedness in children," offers further evidence that at least part of the worldwide increase in nearsightedness has to do with near work activities; not just screens but also traditional books. And, that spending time outdoors---especially in early childhood-can slow the progression of nearsightedness. <https://www.sciencedaily.com/releases/2013/05/130501101258.htm>.

19. A study from Cincinnati Children's Hospital Medical Center published in JAMA Pediatrics entitled, "Associations Between Screen-Based Media Use and Brain White Matter Integrity in Preschool-Aged Children," showed concerning evidence that brain structure may be altered in kids with more screen use. <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2754101>.

20. Researchers looked at brain MRIs in preschoolers and found that screen time over the AAP's recommendations was associated with differences in brain structure in areas related to language and literacy development. *Id.*

21. According to David Anderson, Ph.D., a clinical psychologist and senior director of National Programs and Outreach at the Child Mind Institute, in an article entitled, "Screen time and kids: New findings parents need to know," it's especially important "to be very cautious when using screens with young kids, as this study highlights, as young kids are in a critical developmental period." At this stage, children "require face-to-face interaction," said Anderson to reach developmental milestones including building language and social skills. During this time, they also develop empathy, the ability to understand emotion, and "build stamina to navigate personal situations." <https://childmind.org/news/screen-time-and-kids-new-findings-parents-need-to-know/>

22. Dr. Jennifer F. Cross, attending pediatrician and a developmental and behavioral pediatrics expert at New York Presbyterian Komansky Children's Hospital stated "If young children spend most of their time engaging with an iPad, smartphone, or the television, all of which are highly entertaining, it can be hard to get them engaged in non-electronic activities, such as playing with toys to foster imagination and creativity, exploring outdoors, and playing with other children to develop appropriate social skills. Interacting almost exclusively with screens would be like working out only your arm muscles and nothing else. You would have really strong arm muscles, but at the expense of overall fitness." "What Does Too Much Screen Time Do to Children's Brains?" <https://healthmatters.nyp.org/what-does-too-much-screen-time-do-to-childrens-brains/>.

**III. AS AN ALTERNATIVE TO THE KNOWN HARM OF ELEVATED LEVELS OF  
SCREEN TIME, IN ORDER TO ATTEND SCHOOL, THE SCHOOL DISTRICT  
FORCES CHILDREN TO WEAR MASKS, A SCIENTIFICALLY BASELESS  
"SOLUTION" THAT IS PURE POLITICAL THEATER AND HARMS CHILDREN IN  
ITS OWN WAY – MASK MANDATES DO NOT WORK**

23. Mask Mandates simply do not work.

24. "Importantly, the evidence just is and was not there to support mask use for asymptomatic people to stop viral spread during a pandemic. While the evidence may seem

conflicted, the evidence (including the peer-reviewed evidence) actually does not support its use and leans heavily toward masks having no significant impact in stopping spread of the Covid virus.” <https://www.aier.org/article/masking-a-careful-review-of-the-evidence/>

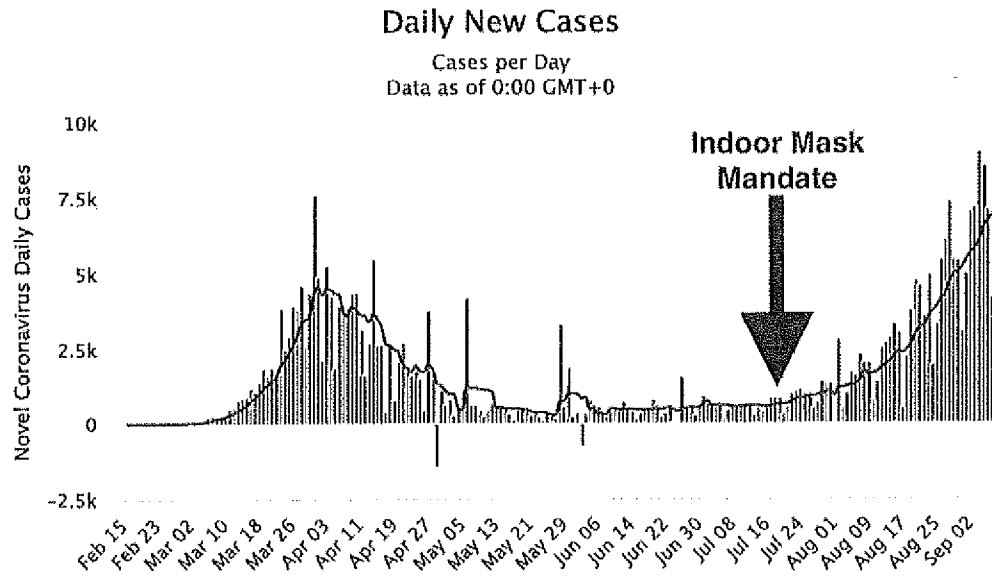
25. “Just look at the data from Jonas F. Ludvigsson that is emerging from Sweden in children 16 years old and under when preschools and schools were kept open and there were no face masks though social distancing was fostered. The result was zero (0) deaths from COVID-19 in 1.95 million Swedish children across the study period.” <https://www.aier.org/article/the-cdcs-mask-mandate-study-debunked/>

26. Study after study has shown that mask mandates have no benefit. Some additional studies include, but are not limited to: <https://www.aier.org/article/masking-children-tragic-unscientific-and-damaging/>, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7680614/>, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7306735/>, <https://www.bmj.com/content/369/bmj.m1435/rr-47>, <https://www.bmj.com/content/370/bmj.m3021/rr-6>, [https://pdmj.org/papers/masks\\_are\\_neither\\_effective\\_nor\\_safe/index.html](https://pdmj.org/papers/masks_are_neither_effective_nor_safe/index.html), [https://pdmj.org/papers/masks\\_false\\_safety\\_and\\_real\\_dangers\\_part1/](https://pdmj.org/papers/masks_false_safety_and_real_dangers_part1/), [https://pdmj.org/papers/masks\\_false\\_safety\\_and\\_real\\_dangers\\_part2/](https://pdmj.org/papers/masks_false_safety_and_real_dangers_part2/), [https://pdmj.org/papers/masks\\_false\\_safety\\_and\\_real\\_dangers\\_part3/](https://pdmj.org/papers/masks_false_safety_and_real_dangers_part3/), [https://pdmj.org/papers/masks\\_false\\_safety\\_and\\_real\\_dangers\\_part4/](https://pdmj.org/papers/masks_false_safety_and_real_dangers_part4/), [https://pdmj.org/papers/vermont\\_mask\\_survey/index.html](https://pdmj.org/papers/vermont_mask_survey/index.html), <https://www.meehanmd.com/blog/post/173679/an-evidence-based-scientific-analysis-of-why-masks-are-ineffective-unnecessary-and-harmful>, <https://aapsonline.org/mask-facts/>, <https://assets.researchsquare.com/files/rs-124394/v3/41ef4b1d-4baa-4497-ac36-f65804cd492c.pdf>, <https://justtheinserts.com/masks>, <https://followthemaskscience.com/research-summary>, <https://thehill.com/opinion/education/514742-masks-for-all-children-arent-needed-or-ethical>, <https://off-guardian.org/2020/06/27/covid19-pcr-tests-are-scientifically-meaningless/>, [https://www.cdc.gov/mmwr/volumes/70/wr/mm7011a1.htm?s\\_cid=mm7011a1\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7011a1.htm?s_cid=mm7011a1_w), <https://principia-scientific.com/surgeon-destroys-myth-if-masks-dont-work-why-do-surgeons-wear-them/>, [https://arxiv.org/ftp/arxiv/papers/2005/2005.10720.pdf?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7\\_nY3L9OIm](https://arxiv.org/ftp/arxiv/papers/2005/2005.10720.pdf?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7_nY3L9OIm),

[https://jamanetwork.com/journals/jama/fullarticle/2762694?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7\\_nY3L9](https://jamanetwork.com/journals/jama/fullarticle/2762694?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7_nY3L9),  
[https://www.acpjournals.org/doi/10.7326/M20-1342?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7\\_nY3L9OImgvLOcGM3NFPkhCCXeXpA&](https://www.acpjournals.org/doi/10.7326/M20-1342?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7_nY3L9OImgvLOcGM3NFPkhCCXeXpA&),  
[https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7\\_nY3L9OImgvLOcGM3NFPkhCCXeXpA](https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7_nY3L9OImgvLOcGM3NFPkhCCXeXpA),  
[https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7\\_nY3L9OImgvLOcGM3NFPkhCCXeXpA](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSq4Qdjg7_nY3L9OImgvLOcGM3NFPkhCCXeXpA),  
<https://www.ecotextile.com/2021040127603/dyes-chemicals-news/exclusive-chemical-cocktail-found-in-face-masks.html?fbclid=IwAR2BpHdxCHhma6P6ts3ldqKjjnQKIInaoUgeMTN2Ic0YmHEOGKXC6bjJKa7M>,  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7537728/#bib16>,  
<https://www.rcreader.com/commentary/masks-dont-work-covid-a-review-of-science-relevant-to-covide-19-social-policy>,  
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-children-and-masks-related-to-covid-19>,  
<https://www.researchsquare.com/article/rs-124394/v3>,  
<https://www.globalresearch.ca/covid-19-masks-crime-against-humanity-child-abuse/5726059>,  
<https://www.naturalnews.com/2021-03-30-blue-masks-toxic-asbestos-destroys-lungs.html#>,  
<https://www.cbc.ca/news/canada/montreal/masks-early-pulmonary-toxicity-quebec-schools-daycares-1.5966387>

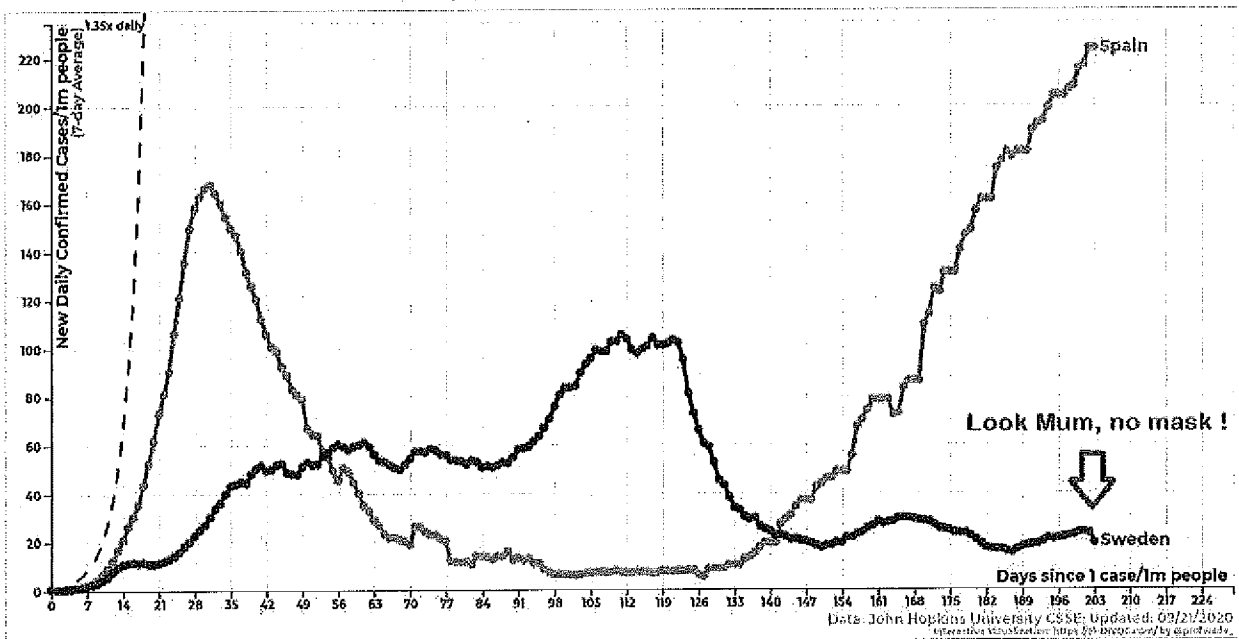
27. In an article published by the Association of American Physicians and Surgeons, Dr. Marilyn M. Singleton, M.D., J.D., writes, “The recommendation [by Dr. Fauci to wear masks] was published without a single scientific paper or other information provided to support that cloth masks actually provide any respiratory protection.” <https://aapsonline.org/mask-facts/> (Emphasis Added).

28. The data cited by Dr. Singleton is clear - Wearing masks (other than N95) will not be effective at preventing SARS-CoV-2 transmission, whether worn as source control or as PPE.” *Id.* Dr. Singleton’s article further includes several graphs showing how ineffective masks are in controlling Covid-19.



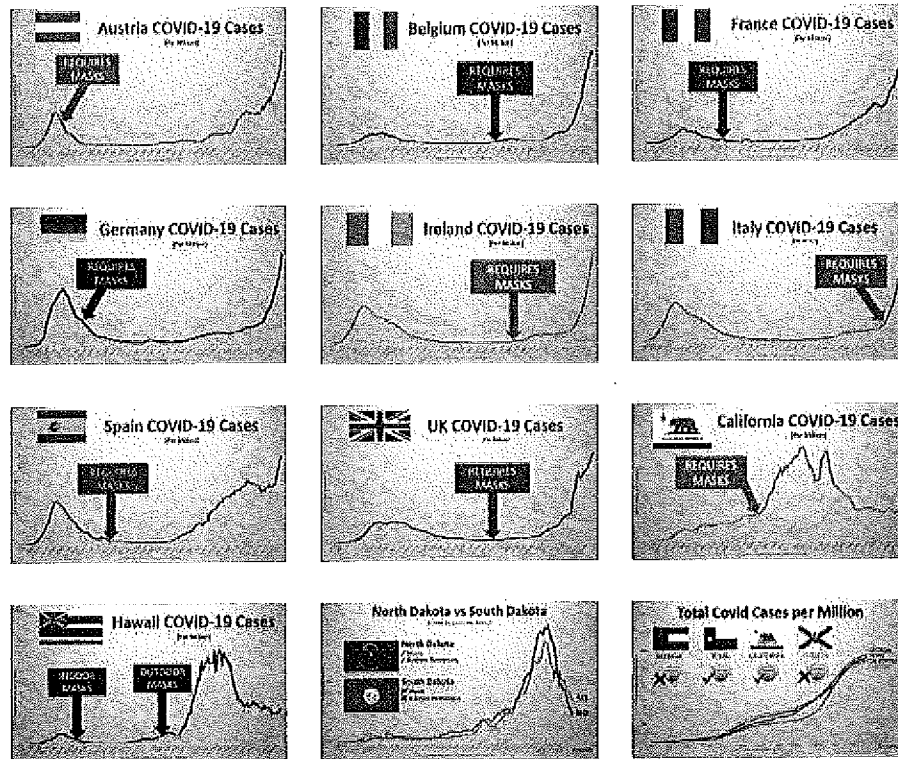
<https://swprs.org/face-masks-evidence/>

### New Confirmed COVID-19 Cases per Day, normalized by population



<https://twitter.com/Covid19Crusher/status/1308013900546428928> (showing data provided by Johns Hopkins University). The following graphs show the damaging effect of mask mandates.





Mask mandates and coronavirus infections (Source: Yinon Weiss, <https://twitter.com/yinonw/status/1321177359601393664>).

29. The increase in the number of cases when masks are mandated can be attributed to various factors, including the physics of the use of the mask itself. A recent study shows that the use of masks actually creates “side jets, back jets, a crown jet, brow jets and a downward jet that emerge from the mask in each of these directions. Unmasked individuals on the other hand are unlikely to transmit viral particles anywhere near the distance that a masked individual can unwittingly contaminate.” [https://pdmj.org/papers/masks\\_false\\_safety\\_and\\_real\\_dangers\\_part4/](https://pdmj.org/papers/masks_false_safety_and_real_dangers_part4/) (Emphasis Added).

30. The complete lack of any data to support the use of masks is significant. A May 2020 meta-study on pandemic influenza published by the CDC found that face masks had no effect, neither as personal protective equipment nor as a source control. ([https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article)).

31. The September 26, 2020 edition of the Association of American Physicians journal, citing statistical data and studies from numerous sources, stated, “COVID-19 is as politically charged as it is infectious. Early in the COVID-19 pandemic, the WHO, the CDC and NIH’S Dr. Anthony Fauci discouraged wearing masks as not useful for non-health care workers. Now they

recommend wearing cloth face coverings in public settings where other social distancing measures are hard to do...The recommendation was published without a single scientific paper or other information provided to support that cloth masks actually provide any respiratory protection.” According to the articles “Final Thoughts” section:

- “Surgical masks are loose fitting. They are designed to protect the patient from the doctors’ respiratory droplets. The wearer is not protected from others’ airborne particles...
- The designer masks and scarves offer minimal protection. They give a false sense of security to both the wearer and those around the wearer.”  
(Mask Facts - AAPS | Association of American Physicians and Surgeons (aapsonline.org))

32. A Danish randomized controlled trial with 6000 participants, published in the Annals of Internal Medicine in November 2020, found no statistically significant effect of high-quality medical face masks against SARS-CoV-2 infection in a community setting. <https://www.acpjournals.org/doi/10.7326/M20-6817>.

33. A February 2021 review by the European CDC found no significant evidence supporting the effectiveness of non-medical and medical face masks in the community. <https://www.ecdc.europa.eu/sites/default/files/documents/covid-19-face-masks-community-first-update.pdf>.

34. A July 2020 review by the Oxford Centre for Evidence-Based Medicine found that there is no evidence for the effectiveness of cloth masks against virus infection or transmission. <https://www.cebm.net/covid-19/masking-lack-of-evidence-with-politics/>.

35. A November 2020 Cochrane review found that face masks did not reduce influenza-like illness (ILI) cases, neither in the general population nor in health care workers. [https://www.cochrane.org/CD006207/ARI\\_do-physical-measures-such-hand-washing-or-wearing-masks-stop-or-slow-down-spread-respiratory-viruses](https://www.cochrane.org/CD006207/ARI_do-physical-measures-such-hand-washing-or-wearing-masks-stop-or-slow-down-spread-respiratory-viruses).

36. An April 2020 review by two US professors in respiratory and infectious disease from the University of Illinois concluded that face masks have no effect in everyday life, neither as self-protection nor to protect third parties (so-called source control). <https://www.cidrap.umn.edu/news-perspective/2020/04/commentary-masks-all-covid-19-not-based-sound-data>.

37. An article in the New England Journal of Medicine from May 2020 came to the conclusion that cloth face masks offer little to no protection in everyday life. <https://www.nejm.org/doi/full/10.1056/NEJMp2006372>.

38. A 2015 study in the British Medical Journal BMJ Open found that cloth masks were penetrated by 97% of particles and may increase infection risk by retaining moisture or repeated use. <https://bmjopen.bmj.com/content/5/4/e006577>. An August 2020 review by a German professor in virology, epidemiology and hygiene found that there is no evidence for the effectiveness of cloth face masks and that the improper daily use of masks by the public may in fact lead to an increase in infections. <https://www.thieme-connect.com/products/ejournals/html/10.1055/a-1174-6591>.

39. Most tellingly is that an analysis by the CDC found that 85% of people infected with the new coronavirus reported wearing a mask “always” (70.6%) or “often” (14.4%). Compared to the control group of uninfected people, always wearing a mask did not reduce the risk of infection. <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6936a5-H.pdf#page=4> (Emphasis Added).

40. While the science of the effectiveness of masks is still unclear, the potential danger to children of extended use is not.

41. A recent study by top German scientists found that prolonged use of face masks create a environment near the mouth and nose with “elevated concentrations of hazardous fluorocarbons, formaldehyde and other potentially carcinogenic substances on surgical face masks.” <https://www.ecotextile.com/2021040127603/dyes-chemicals-news/exclusive-chemical-cocktail-found-in-face-masks.html?fbclid=IwAR2BpHdxCHhma6P6ts3ldqKjjnQKIInaoUgeMTN2lc0YmHEOGKXC6bjJKa7M>

42. The researchers go on to say, “that surgical masks have been designed to be worn for very specific purposes such as by clinicians or for a short period of time before being discarded. They are not designed to be crumpled up in people’s pockets where the ‘friction and damp environment promotes both fibre abrasion and encourages bacterial colonisation over time.’” *Id.*

43. The article concludes, “[b]ut as we start to emerge from this global health crisis, leading scientists are now questioning whether the real risk of exposure to potentially hazardous chemicals from long-term mask wearing is actually much higher than the risk of coming into

contact with the Sars-CoV-2 virus – especially for children and young adults who are in the low-risk category when it comes to developing severe COVID-19.” *Id.*

**IV. THE SCHOOL DISTRICT’S BASELESS MASK MANDATE CREATES TWO  
SEPARATE AND UNEQUAL CLASSES OF STUDENTS IN TWO SEPARATE  
EDUCATIONAL FACILITIES**

44. The School District, through its Mask Mandate has created two separate, segregated, and unequal classes of students.

45. The first class, hereinafter called the “In-school Class,” wears masks during their time in school and on the bus.

46. The second class, hereinafter called the “Virtual Class,” is at home and joins classes via video.

47. These two classes, the In-school Class, and the Virtual Class, are so different and unique that there can be no doubt that they are separate and unequal.

48. For example, the In-school Class student is required to:

(a) wear a mask the entire time in school, from the second they enter the school bus in the morning till the moment they exit the school bus in the afternoon, regardless of the discomfort they experience;

(b) get up early enough in the morning to dress and prepare for school;

(c) take exams while being physically watched for cheating by teachers or teachers’ aides; and

(d) maintain proper decorum and be subjected to disciplinary action at all times while on school property or being transported in a school bus to and from school.

49. The Virtual Class has no such requirements. Virtual Class students do not wear masks, are not monitored for disciplinary issues, can freely use their phones during class, often turn off their screen during class or tests to avoid monitoring by their teacher, can attend classes in whatever clothes they want to, and take exams in the comfort of their home with no monitor for cheating present.

50. Not only are In-school Class students subjected to the separate and unequal burdens noted above, but they are also subject to the constant fear of being “contact traced.” The School

District has instituted a policy whereby those students merely in the proximity of a student diagnosed with Covid-19 are to be quarantined for up to ten (10) days.

51. If “contact traced,” the In-school student is identified and isolated from all school activities, despite most likely not having Covid-19 themselves.

52. Therefore, despite taking precautions themselves, the rights of the In-school Class students are affected by those around them, despite ample evidence that school-age children have very low rates of infection, and statistically near zero rates of deaths.

53. Thus, it is clearly evident that the classes are not only separate, they are unequal as well. The experience of a masked In-school Class student is vastly different and unequal than the experience of a non-masked Virtual Class student.

54. However, it should be noted this does not mean the Virtual Class created by the School District has it “easier.” As stated in detail above, the Virtual Class students and their caregivers/parents may potentially suffer from long-lasting physical and mental harms. In a lot of these cases, students in the Virtual Class fall behind and are harmed psychologically. <https://www.usatoday.com/in-depth/news/education/2020/12/13/covid-online-school-tutoring-plan/6334907002/>. Compounding to this issue is the fact that a large portion of the Virtual Class falling behind are often minority students. [https://www.washingtonpost.com/education/students-falling-behind/2020/12/06/88d7157a-3665-11eb-8d38-6aea1adb3839\\_story.html](https://www.washingtonpost.com/education/students-falling-behind/2020/12/06/88d7157a-3665-11eb-8d38-6aea1adb3839_story.html).

## **V. CONTACT TRACING VIOLATES HIPAA AND IS A COMPLETE INVASION OF PRIVACY**

55. In a typical contact tracing scenario, the contact tracers will interview a student that is infected with Covid-19. During the trace investigation, the contact tracers notify other students that have been in proximate contact with the infected student. The contact tracers interview those students for additional students and so forth.

56. Laughably, contact tracers allege that this process does not violate HIPAA laws because they allege that the infected person’s name is not disclosed, and minimal information is conveyed.

57. The reason this is laughable is that shortly after being interviewed, the students will start to contact each other, using the information that they were contact traced to quickly and

succinctly narrow down who the infected student is. The interview process itself gives away enough information to identify the infected student.

58. As a result of the complete invasion of privacy, the infected student's name easily becomes known to students and parents, often causing consternation and embarrassment. In some instances, even if the student didn't infect others, the student ends up being a pariah and isolated after returning to school.

59. There can be no doubt that the interview process itself is a violation of privacy and HIPAA laws.

**VI. A SUMMARY OF THE REASONS FOR EMERGENCY AND EXTRAORDINARY  
RELIEF – THE MASK MANDATE NOT ONLY VIOLATES THE U.S. AND GEORGIA  
CONSTITUTIONAL RIGHTS OF STUDENTS, BUT ALSO PHYSICALLY AND  
PSYCHOLOGICALLY HARMS THE STUDENTS AND ECONOMICALLY HARMS  
PARENTS/GUARDIANS OF STUDENTS**

60. Article VIII, Section 1, paragraph I of the Georgia Constitution states, "The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation, and the General Assembly may by general law provide for the establishment of education policies for such public education. The expense of other public education shall be provided for in such manner and in such amount as may be provided by law."

61. Article I, Section 1, paragraph II of the Georgia Constitution states, "Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws."

62. Section 1 of the 14<sup>th</sup> Amendment of the U.S. Constitution states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

63. As stated by the U.S. Supreme Court, "Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment." *Brown v. Board of Education*, 347 U.S. 483 (1954).

64. For all intents and purposes, the In-school Class has a completely different school experience than the Virtual Class, resulting in two segregated and unequal classes voluntarily created by the School District.

65. Without any reliance on scientific data, the School District has *sua sponte*, without any direction or order from any higher governmental agency, decided that the requirement to wear masks trumps the U.S. and State Constitutional Rights of the students in the School District.

66. The creation of segregated and unequal classes, i.e. the In-school Class and the Virtual Class, was done capriciously, arbitrarily, and voluntarily by the School District.

67. Not only are the rights of both classes of students being violated, the Mask Mandate is harming students, as shown by the data above.

WHEREFORE, Plaintiffs' pray as follows:

- (a) That summons issue and process be served upon Defendants as provided by law;
- (b) That a hearing be held on Plaintiffs' Motion for Temporary Restraining Order, **instantly**, and that an Order be issued as sought herein;
- (c) That the Court issue a permanent injunction; and
- (d) That Plaintiffs' have such other and further relief as this Court deems just and equitable.

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND**  
**MEMORANDUM OF LAW FOR CONSIDERATIONS FOR THE ISSUANCE OF**  
**INJUNCTIVE RELIEF**

Plaintiffs', in the case captioned above, by and through their undersigned attorneys, and pursuant to O.C.G.A § 9-11-65, respectfully move this Court for the entry of a Temporary Restraining Order or, in the alternative, for a Preliminary Injunction enjoining Defendant, COBB COUNTY SCHOOL DISTRICT, GEORGIA, from compelling Students to wear

facemasks as a requirement to attend school. Attached hereto are Affidavits of Verification supporting the request for extraordinary relief articulated herein, which also incorporate the Complaint in this action as a verified basis for the relief requested.

Attached hereto is the certificate of plaintiff's attorney showing efforts to give notice and reasons why notice should not be required.

1.

As grounds for said Motion, Plaintiffs show that immediate, irreparable, and continuing damage and injury has resulted and shall continue to result to Plaintiffs' Children.

2.

As shown from the facts, studies and law contained herein, unless Defendants are immediately restrained from mandating mask requirements on the Cobb County student population, Plaintiffs' will suffer immediate and irreparable injury as more fully shown by Plaintiff's verified Complaint and the attached affidavits in this action.

3.

Plaintiffs pray that their motion be granted, and that Defendants be restrained and enjoined until further disposition of this case as specified in Plaintiffs' Complaint.

4.

In support of this Motion, Plaintiffs rely upon the verified pleadings of record, the contemporaneously filed Plaintiffs' Brief in Support of Temporary Restraining Order, as well as any evidence to be presented upon the hearing of this motion.

**PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR TEMPORARY  
RESTRAINING ORDER**

COMES NOW PLAINTIFFS in the above-styled action, and submit their Brief in Support of Motion for Temporary Restraining Order and shows the Court as follows:

Plaintiffs direct the Court's attention to the Plaintiffs' Verified Complaint which is incorporated herein.



## ARGUMENT AND CITATION OF AUTHORITY

O.C.G.A § 9-11-65 provides the Court may issue an order temporarily restraining certain acts, said order to be binding upon the parties to the action, their officers, agents, servants, employees, and attorneys and upon those persons in active concert or participation or who receives notice of the Order by personal service or otherwise.

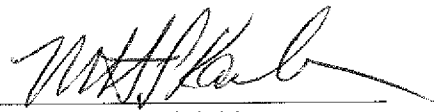
A temporary restraining order and/or an injunction is used to prevent irreparable damage to one of the parties and to maintain the status quo until a final determination can be made as to the issue at bar. *Kennedy v. W.M. Sheppard Lumber Co.*, 261 Ga. 145, 146 (1991).

“The granting and continuing of injunctions shall always rest in the sound discretion of the judge, according to the circumstances of each case.” *O.C.G.A § 9-5-8*. In interpreting the aforementioned code section, the *Kennedy* case held as follows: “The trial court’s discretion will not be disturbed...’unless a manifest abuse of that discretion is shown...or,...unless there was no evidence on which to base the ruling...In short, there must be some **vital necessity for the injunction so that one of the parties will not be damaged and left without adequate remedy.** Id. at 146. (Emphasis added).

Based upon O.C.G.A § 9-11-65, Plaintiffs’ have more than demonstrated through the cited periodicals and scientific studies that masks do not work and there is no science for mandating the wearing of masks. The obvious adverse, social and psychological/medical impact on Georgia’s children, along with an economic impact on the parents of Georgia’s children constitutes the “vital necessity” envisioned by the *Kennedy* case. If the Cobb school mask mandate is not restrained, Plaintiffs, and all Cobb students, will suffer irrevocable injury, loss and damage for decades to come.

As previously stated by Plaintiffs, Cobb’s efforts will be better served by protecting the most vulnerable, rather than penalizing all children, simply because they can.

Respectfully submitted, this \_\_\_\_\_ day of April, 2021.



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Robert A. Madayag  
Attorney for Plaintiffs  
State Bar No. 123699

*Wife of  
w/Express  
Prison*

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

WS, a minor, by his mother and next best  
friend, Caryn Sonderman, BG and CG,  
minors, by their Father and next best friend,  
Matt Gill, AM, EM, minors, by their  
father and next best friend, Andrei Marcu,  
QC Brocard, a minor, by his mother  
and next best friend, Gretchen Brocard,  
CH, KH, SH and LH, minors by their father  
and next best friend John Hanson, EW, a  
minor, by her Mother and next best friend,  
Erin White,

Plaintiffs,

vs.

Chris Ragsdale, Superintendent of Cobb  
County Schools, Randy Scamihorn, Cobb  
School Board Member, David Chastian,  
Cobb School Board Member, David Banks,  
Cobb School Board Member, Brad Wheeler,  
Cobb School Board Member, Charisse  
Davis, Cobb School Board Member, Jaha  
Howard, Cobb School Board Member, and  
Leroy Tre' Hutchins, Cobb School Board  
Member,

Defendants.

CIVIL ACTION FILE No.

STATE OF GEORGIA

COUNTY OF COBB

**VERIFICATION and AFFIDAVIT OF CARYN SONDERMAN**

Before me the undersigned officer who is duly authorized to administer oaths, personally appeared the undersigned Affiant, who first being duly sworn, deposes and states that the allegations and statements contained in the foregoing pleading are true and correct to the best of Affiant's knowledge and belief.

Caryn Sonderman, Affiant, in further support of Plaintiffs Consolidated Verified Emergency Complaint for Declaratory Relief and Injunctive Relief with Incorporated Motion for Temporary Restraining Order and Memorandum of Law, states as follows:

1.

My son, Wyatt Sonderman, is a Freshman at Walton High School in Cobb County this year.

2.

Wyatt has only been able to attend in person school a couple of weeks this entire school year due to the "mask mandate" and contact trace program. There are many health issues that the "mask mandate" has personally caused Wyatt this year as follows:

- a. Masks are a constant distraction to a child like Wyatt who already suffers from ADHD. He has a hard time focusing while wearing a mask all day.
- b. Wyatt has a 504 classification due to his medical diagnosis of ADHD and the school is required to give Wyatt additional academic support due to his medical diagnosis.
- c. None of these additional educational supports have been given to Wyatt this year due to the masks, social distancing and contact trace program.

3.

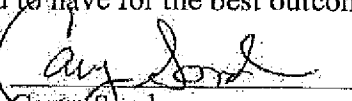
Wyatt participates on the Walton Football and Baseball teams and the contact trace program in Cobb County schools has sent at least 6 of Wyatt's teammates home for 14 days at a time this year.

4.

Cobb County is sending healthy kids home just in case they may get sick. Due to the Trace program and the masks, Wyatt and most of his teammates threw in the towel on an in-class education and had to stay home and learn virtual for the majority of the school year.

5.

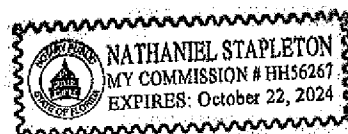
The freshman year of High School should be about making new friends and setting yourself up for success academically and establishes the foundation so you can get into the college of your choice. However, due to the "mask mandates" and contact trace program in Cobb County this school year, Wyatt was denied equal opportunity to make new friends and get any of the academic support he needed to have for the best outcome of his freshman year.

  
Caryn Sonderman  
Affiant

Sworn to and subscribed before me  
this 7 day of April, 2021.

NOTARY PUBLIC

My commission expires: 10/22/2024



IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

WS, a minor, by his mother and next best \*  
friend, Caryn Sonderman, BG and CG, \*  
minors, by their Father and next best friend, \*  
Matt Gill, AM, EM, minors, by their \*  
father and next best friend, Andrei Marcu, \*  
QC Brocard, a minor, by his mother \*  
and next best friend, Gretchen Brocard, \*  
CH, KH, SH and LH, minors by their father \*  
and next best friend John Hanson, EW, a \*  
minor, by her Mother and next best friend, \*  
Erin White, \*

Plaintiffs, \*

vs. \*

Chris Ragsdale, Superintendent of Cobb \*  
County Schools, Randy Scamihorn, Cobb \*  
School Board Member, David Chastian. \*  
Cobb School Board Member, David Banks, \*  
Cobb School Board Member, Brad Wheeler, \*  
Cobb School Board Member, Charisse \*  
Davis, Cobb School Board Member, Jaha \*  
Howard, Cobb School Board Member, and \*  
Leroy Tre' Hutchins, Cobb School Board \*  
Member, \*

Defendants. \*

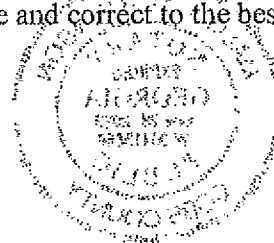
CIVIL ACTION FILE No.

STATE OF GEORGIA

COUNTY OF COBB

**VERIFICATION and AFFIDAVIT OF MATT GILL**

Before me the undersigned officer who is duly authorized to administer oaths, personally appeared the undersigned Affiant, who first being duly sworn, deposes and states that the allegations and statements contained in the foregoing pleading are true and correct to the best of Affiant's knowledge and belief.



In further support of Plaintiffs Consolidated Verified Emergency Complaint for Declaratory Relief and Injunctive Relief with Incorporated Motion for Temporary Restraining Order and Memorandum of Law, Matt Gill, Affiant, states as follows:

1.

My son, Benjamin Gill, is in kindergarten at Timber Ridge elementary this year and my daughter, Caroline Gill, is currently in preschool but will be attending Timber Ridge.

2.

This year, Benjamin has been mandated to wear a mask each day, from the time he gets onto the bus at 7:07am to the time he steps off of the bus at 2:30pm each day - with the exception of when he is eating lunch or having his snack. That is around 7 hour's total, each day.

3.

Our son complains of not being able to breath, of having a mask soaked in his own saliva (we provide extras) strapped to his face, of not being able to speak with or hear his classmates or teacher.

4.

This mask mandate is detrimental to his physical and mental wellbeing as well as to his ability to learn and participate with his classmates.

5.

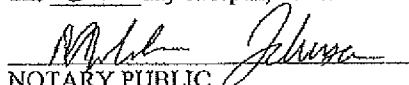
He and his entire class have been quarantined for up to a week at a time because 'someone' at the school was potentially exposed. During quarantine, the school hours were shortened, certain activities were cut from the program and children were expected to learn in front of a screen.

6.

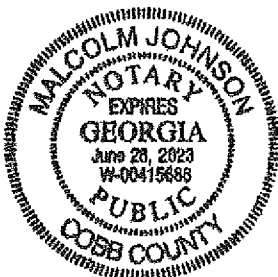
Sitting in front of a computer for hours a day is not healthy. We like to follow child health expert guidelines to limit screen time. Now, virtual learning has become an easy crutch for the school system. Shortened class length and a reduction in activities has a very real and negative impact on my child. Longer screen time, as a result of forced quarantine, is detrimental to his health and his learning.

  
Matt Gill  
Affiant

Sworn to and subscribed before me  
this 07 day of April, 2021.

  
NOTARY PUBLIC

My commission expire June 28, 2023



IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

WS, a minor, by his mother and next best  
friend, Caryn Sonderman, BG and CG,  
minors, by their father and next best friend,  
Matt Gill, AM, EM, minors, by their  
father and next best friend, Andrei Marcu,  
QC Brocard, a minor, by his mother  
and next best friend, Gretchen Brocard,  
CH, KH, SH and LAL, minors by their father  
and next best friend John Hanson, EW, a  
minor, by her Mother and next best friend,  
Erin White.

Plaintiffs,

CIVIL ACTION FILE NO.

vs.

Chris Raggsdale, Superintendent of Cobb  
County Schools, Randy Seandhorn, Cobb  
School Board Member, David Chasman,  
Cobb School Board Member, David Banks,  
Cobb School Board Member, Brad Wheeler,  
Cobb School Board Member, Charles  
Davis, Cobb School Board Member, John  
Howard, Cobb School Board Member, and  
Leroy Lee Huchins, Cobb School Board  
Member.

Defendants.

STATE OF GEORGIA

COUNTY OF COBB

VERIFICATION and AFFIDAVIT OF ANDREI MARCU

Before me the undersigned officer, who is duly authorized to administer oaths, personally  
appeared the undersigned Affiant, who first being duly sworn, deposes and states that the  
allegations and statements contained in the foregoing pleading are true and correct to the best of  
Affiant's knowledge and belief.



Andrei Marcu, Affiant, in further support of Plaintiffs Consolidated Verified Emergency Complaint for Declaratory Relief and Injunctive Relief with Incorporated Motion for Temporary Restraining Order and Memorandum of Law, states as follows:

1.

My son is five years old and enrolled in a Cobb County kindergarten school.


2.

Since he is required to wear a mask during PE, he often coughs at the end of the class due to having to keep the mask on the whole time.


3.

A lot of times as the result of his coughing, I will receive a call from the school to pick him because of COVID concerns. I then take him to the doctor to check him out and he is always fine. Moreover, once he is home, the school requires that he stay out of school for 48 hours. This greatly interferes with my work schedule and family dynamics.

Sworn to and subscribed before me  
this 09 day of April, 2021

  
NOTARY PUBLIC  
My commission expires 04/09/2024



  
Andrei Marcu  
ANDREI MARCU  
4/9/2021



April 2nd, 2021

To Whom It Concerns,

The purpose behind this letter is to share the issues my child has with wearing a face mask at school. He attends Wheeler High School and is in 10th grade.

First and foremost, he finds it very difficult to fully and comfortably breathe when he is wearing a mask at school. This is especially true during physical activity. He becomes short of breath in his mask while performing physical activities at school whereas he has been playing sports like hockey, lacrosse, and CrossFit since he was 3 with no difficulty. The mask gets stuck in his nostrils when he breathes heavily and makes breathing difficult. I find this horribly irresponsible to put him under these conditions because of the potential health risks from ineffective breathing. The trouble he has breathing on a daily basis at school, and the anxiety it creates, is fundamentally wrong and criminal.

Second, he finds the face mask an incredible distraction during class. He constantly has to adjust it in order to keep it on his face. While he is studying or taking tests, the mask can sometimes slip, and his instructors will interrupt him and ask him to adjust, which is a significant distraction from his studies.

Third, he has a lot of anxiety about being reprimanded over his mask. He worries about accidentally forgetting it in the mornings and gets nervous about getting in trouble if he doesn't wear it properly or takes it off to often to drink his water.

Lastly, he is very bright, and fully understands his chances of spreading this virus to anyone else are very low. He has done his own research on the prevalence of the virus, the chances of teachers, administration, and students spreading the virus, and on the the extraordinarily high percentage of people who will survive this virus (especially in the age ranges relative to his school) and has become very frustrated with the way his school has reacted and continues to react. He has developed cynicism at 15 years old. He is very confused by the constant shift in information and feels as though he can no longer trust a lot of the adults there at his school. He has lost a lot of faith in the teachers, administration, and principal and he has a hard time taking school seriously. He is also resourceful enough to understand that his own proper nutrition, fitness, hydration, sleep, and stress management, void of underlying comorbidity, will be the ultimate deciding factor on whether or not he suffers from the coronavirus, and that the same applies to all his peers and all staff at his school, not a face mask.

Please understand that as a parent I have both an immeasurable desire and obligation to protect my child and represent his best interest.

Respectfully,

  
Gretchen Brocard

  
4-3-2021



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

WS, a minor, by his mother and next best  
friend, Caryn Sonderman, BG and CG,  
minors, by their Father and next best friend,  
Matt Gill, AM, EM, minors, by their  
father and next best friend, Andrei Marcu,  
QC Brocard, a minor, by his mother  
and next best friend, Gretchen Brocard,  
CH, KH, SH and LH, minors by their father  
and next best friend John Hanson, EW, a  
minor, by her Mother and next best friend,  
Erin White,

Plaintiffs,

vs.

Chris Ragsdale, Superintendent of Cobb  
County Schools, Randy Scamihorn, Cobb  
School Board Member, David Chastian,  
Cobb School Board Member, David Banks,  
Cobb School Board Member, Brad Wheeler,  
Cobb School Board Member, Charisse  
Davis, Cobb School Board Member, Jaha  
Howard, Cobb School Board Member, and  
Leroy Tre' Hutchins, Cobb School Board  
Member,

Defendants.

CIVIL ACTION FILE No.

STATE OF GEORGIA

COUNTY OF COBB

**VERIFICATION and AFFIDAVIT OF JOHN HANSON**

Before me the undersigned officer who is duly authorized to administer oaths, personally appeared the undersigned Affiant, who first being duly sworn, deposes and states that the allegations and statements contained in the foregoing pleading are true and correct to the best of Affiant's knowledge and belief.

In further support of Plaintiffs Consolidated Verified Emergency Complaint for Declaratory Relief and Injunctive Relief with Incorporated Motion for Temporary Restraining Order and Memorandum of Law, John Hanson, Affiant, states as follows:

1.

My children and how the mask mandate has affected them are as follows:

1. Lillian Hanson - 6<sup>th</sup> grade, McClure Middle School
  - a. Has complained often about breathing stress due to wearing a mask constantly at school. With her allergies and the stairs, she has to go up and down between classes and lunch, the mask adds an unnecessary burden on her body. She often begged, while in tears, to stay home from school because of the added breathing stress mask wearing brings.
  - b. She has to wear a mask while in chorus class and has been advised by her teacher that if the mask falls below her nose, she will get two warnings before being sent to the principal's office for discipline. She has been told that the principal will be forced to send her home if the mask violation happens.
    - i. This creates unnecessary anxiety not only in chorus, but while she is outside of school. Whether in the car, at home, or dance practice, she often reaches for a mask that is not on her face to adjust it to fully cover her nose. The CCSD Mask mandate has been psychologically imprinted on her.
  - c. Band - When she played the saxophone in band at the beginning of this school year, she was told to cut a hole in her mask so she could play with a mask on. What is the point of a mask if it has a hole in it??
  - d. Contact traced - She has been held out of school for 10 calendar days in March due to sitting at the same table as a student who tested positive for COVID. She never got COVID from this student.
    - i. While she was at home, she spent the entire week in her bedroom. Not because we confined her to her room, she simply did not need to get up and do anything because she could sign onto CTLS from the comfort of her bed. She was typically in her bed while she "attended" school during that week.
      1. CTLS had technical difficulties while she was out that week. As a result, she missed out on learning instruction with no supplementing.
2. Sarah Hanson — 9<sup>th</sup> grade, Harrison High School
  - a. She recently acquired a bacterial infection, Impetigo, around her mouth. Presumably due to mask wearing all day at school.
    - i. She had to stay at home for a week, because she could not wear a mask at school due to the pain it caused when rubbing against the sores and the bacteria that it would further spread onto other parts of her face. Attached is the doctor's receipt and photos of her mouth, on 3/19/2021 just before medical intervention. She was forced to due remote school the following

week while the antibiotic cream and oral medication took care of the infection.

- b. Her P.E. teacher makes her run outside with a mask on. No wonder she got impetigo from the hot moist environment created under her mask, which is the perfect environment for bacterial growth. This CCSD policy and mask enforcement is in direct contradiction to GA governor's executive order

03.14.20.01 Page 7 paragraph 3

- i. "That all residents and visitors of the state of Georgia are strongly encouraged to wear face coverings as practicable while outside their homes or place of residences, except when eating, drinking, or exercising outdoors."

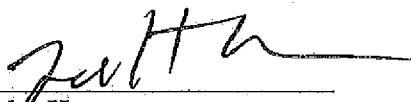
- c. She has had to wear a mask while attending her regular sized chorus class this semester and last semester. Even when they are spread out in the Fine Arts Auditorium at Harrison High School, which has a seating capacity of 750 people, they are still required to wear masks as they exert their lungs and sing. What joy is singing if you cannot fully breathe while singing?

3. Katherine Hanson -- 11<sup>th</sup> grade, Harrison High School

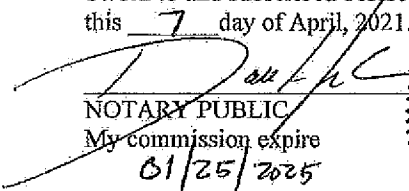
- a. Katie was contacted traced at a Cross Country Meet, which are all outdoors exercising events. The contact tracing of Katie from another girl that tested positive for COVID several days after the meet, resulted in Katie not being able to participate in the final race of the season. The final race of the season was held more than a week after the contact race occurred. Katie never experienced a single symptom of COVID yet was prohibited from participating in the final race.
- b. We had to buy Katie a computer that would function properly as the school issued computer was not meeting the needs and demands of her school STEM work load.
- c. Katie has ADHD. During the first half of the fall semester, she did not have a 504 plan in place while navigating the all-digital CTLS learning environment. The online platform caused extreme anxiety for her and our entire family as she would think that she submitted assignments and then weeks or months later find out that CTLS did not upload her assignments. This prompted numerous last second searches for assignments that had already been deleted from her phone or computer. She would then scramble to recreate and turn in assignments that had previously been submitted and subsequently deleted. Last semester, she received her only "C" grade of her entire school career as a direct result of CTLS. All of her other grades have been A's and B's.
- d. Katie feels that she cannot fully breathe in a mask. So, she pulls her mask down below her nose most of the day to allow herself to breathe a little more fully. In one class she feels that a teacher is subconsciously discriminating against her for not wearing the mask fully over her nose. This causes emotional anxiety in her as she tries not to give the teacher an excuse to discriminate against her. During this class she is constantly pulling the mask back over her nose which creates unnecessary anxiety.

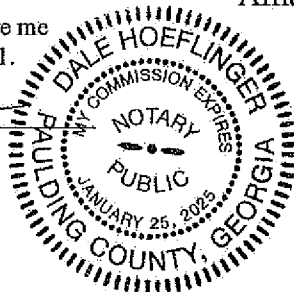
4. Clark Hanson – 12<sup>th</sup> grade, Harrison High School
  - a. Clark is pretty easy going and does not complain about the hand CCSD has dealt him at the conclusion of his high school career.
5. All four children
  - a. The school computers do not print to home printers. As a result, our two children who still use school computers have to switch to another non-school computer in order to print class needed materials.
  - b. All of my children have experienced multiple days of CTLS not working. During the first couple months of this school year, our children would often be redirected to the ZOOM platform to receive instruction from their teachers. This stop and go with the CTLS platform wasted countless hours of precious learning/instruction time.
  - c. All of my children have turned in multiple assignments multiple times during the school year through CTLS to only find out later that the assignments were not received by the teachers. This causes an undue burden on them to tract down the teacher in order to ascertain if an assignment is received and then resubmit multiple times in order to know that the completed assignment was received. Another waste of countless hours created by CCSD policies.

THIS SECTION INTENTIONALLY LEFT BLANK

  
John Hanson  
Affiant

Sworn to and subscribed before me  
this 7 day of April, 2021.

  
NOTARY PUBLIC  
My commission expire  
01/25/2025



In further support of Plaintiffs Consolidated Verified Emergency Complaint for Declaratory Relief and Injunctive Relief with Incorporated Motion for Temporary Restraining Order and Memorandum of Law, Matt Gill, Affiant, states as follows:

1.  
My daughter EW, attends school at Kennesaw Mountain Highschool.

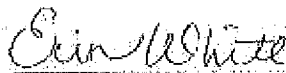
2.  
EW has experienced what many kids are experiencing this year regarding masks and contact tracing. Being required to wear a mask at school has made it difficult for her to participate in class discussions. She does not want to ask questions on a normal day, much less when she is masked up because it's hard to hear and to be heard by her teachers.

3.  
The mask has removed her ability to casually interact with other students and teachers (walking down the hall and smiling at them), leaving her feeling isolated even while others are around.

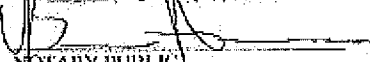
4.  
Her experience with contact tracing in January sent her home for two weeks – with zero symptoms – unable to participate in her baseball managing duties with the baseball team, which is her only social outlet with her friends furthering her isolation.

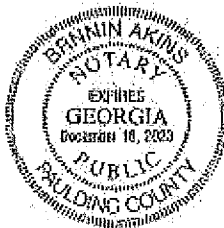
5.  
While home from being contact traced, she experienced many technical issues with trying to get logged into class properly, including without limitation, turning in assignments in the proper format and in the proper location, and finding where assignments were posted – all of which added to her stress and anxiety.

6.  
Her situation is becoming so severe that she is now seeing a counselor to try and manage her stress and to figure out how to cope with it. Her primary care physician tried to get us to medicate her, but we did not want to go that route as she is still so young.

  
Erin White  
Affiant

Sworn to and subscribed before me  
the 7 day of April, 2021.

  
NOTARY PUBLIC  
My commission expires Dec 18, 2023



On Apr 6, 2021, at 5:54 PM, MITCH SKANDALAKIS <mitch@skandalakislawgroup.com> wrote:

Corrected affidavit for your signature.  
<Affidavit.docx>

DISCLOSURE STATEMENT  
CLERK OF SUPERIOR COURT

CASE NUMBER 21102783

Sonderman, Caryn; Gill, Matt; Marcu, Andrei; Brocard, Gretchen; Hanson, John; White, Erin  
Plaintiff

Vs.

Ragsdale, Chris; Scamihorn, Randy; Chastain, David; Banks, David; Wheeler, Brad; Davis, Charisse; Ho  
Defendant

TYPE OF ACTION

- |   |                                   |
|---|-----------------------------------|
| <input type="radio"/> Divorce without Agreement Attached                                    | <input type="radio"/> URESA       |
| <input type="radio"/> Divorce with Agreement Attached                                       | <input type="radio"/> Name Change |
| <input type="radio"/> Domestic Relations  | <input type="radio"/> Other       |
| <input type="radio"/> Damages Arising out of Contract                                       | <input type="radio"/> Recusal     |
| <input type="radio"/> Damages Arising out of Tort   | <input type="radio"/> Adoption    |
| <input type="radio"/> Condemnation  |                                   |
| <input checked="" type="radio"/> Equity   |                                   |
| <input type="radio"/> Zoning – County Ordinance Violations (i.e., Injunctive Relief-Zoning) |                                   |
| <input type="radio"/> Zoning Appeals (denovo)   |                                   |
| <input type="radio"/> Appeal, Including denovo appeal – excluding Zoning                    |                                   |

PREVIOUS RELATED CASES

Does this case involve substantially the same parties, or substantially the same subject matter, or substantially the same factual issues, as any other case filed in this court (Whether pending simultaneously or not)?

- ☒ NO
- ☐ YES – If yes, please fill out the following:
1. Case # \_\_\_\_\_
  2. Parties \_\_\_\_\_
  3. Assigned Judge \_\_\_\_\_
  4. Is this case still pending? ☐ Yes ☐ No
  5. Brief description of similarities:

/S/ Skandalakis, Demetrios (aka "Mitch")

Attorney or Party Filing Suit

# General Civil and Domestic Relations Case Filing Information Form

ID# 2021-0045868-CV  
 EFILED IN OFFICE  
 CLERK OF SUPERIOR COURT  
 COBB COUNTY, GEORGIA  
**21102783**  
 C. LaTain Kell Sr. - 49  
 APR 09, 2021 11:03 AM

☒ Superior or ☐ State Court of Cobb County

## For Clerk Use Only

Date Filed 04-09-2021  
 MM-DD-YYYY

Case Number 21102783

Connie Taylor, Clerk of Superior Court  
 Cobb County, Georgia

### Plaintiff(s)

Sonderman, Caryn

Last	First	Middle I.	Suffix	Prefix
Gill, Matt				
Marcu, Andrei				
Brocard, Gretchen				

### Defendant(s)

Ragsdale, Chris

Last	First	Middle I.	Suffix	Prefix
Scamihorn, Randy				
Chastain, David				
Banks, David				

Plaintiff's Attorney Skandalakis, Demetrios (aka "Mitch") Bar Number 649620

Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

### General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☒ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

### Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
  - ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
  - ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.



IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

WS, a minor, by his mother and next best  
friend, Caryn Sonderman, et. al.,  
Plaintiffs,

\* CIVIL ACTION FILE NUMBER

\* 21-1-02783

VS.

\*

\*

Chris Ragsdale, Superintendent of Cobb  
County Schools, et. al.,  
Defendants.

\*

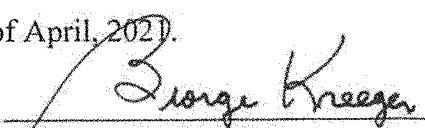
\*

**SHOW CAUSE AND RULE NISI ORDER**

It is hereby ordered that each of the parties be and appear before Presiding Senior Judge James G. Bodiford of the Superior Court of Cobb County on the **20<sup>th</sup> day of April 2021 at 11:00 a.m. in Courtroom 4400**, Cobb Superior Court, to show cause, if any, why the prayers within the Plaintiff's Consolidated Verified Emergency Complaint For Declaratory Relief And Injunctive Relief With Incorporated Motion For Temporary Restraining Order And Memorandum Of Law should not be granted. The hearing will be held via Zoom in Courtroom 4400. All interested parties shall email [presidingjudge@cobbcounty.org](mailto:presidingjudge@cobbcounty.org) to request a link to the Zoom hearing.

The question of whether or not an emergency exists is reserved for the Judge that Presides over this Rule Nisi hearing.

SO ORDERED this 14<sup>th</sup> day of April, 2021.

  
GEORGE KREEGER  
SENIOR JUDGE, STATE OF GEORGIA  
PRESIDING IN COBB SUPERIOR COURT  
COBB JUDICIAL CIRCUIT

**EXHIBIT**

**2**

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045864-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

CIVIL ACTION NUMBER 21102783

\$214.00 COST PAID

Sonderman, Caryn  
Gill, Matt  
Marcu, Andrei  
Brocard, Gretchen  
Hanson, John  
White, Erin

---

**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

---

**DEFENDANTS**

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: WHEELER, BRAD

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A handwritten signature in black ink, appearing to be "CTaylor", written over a horizontal line.

Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045865-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

CIVIL ACTION NUMBER 21102783

\$214.00 COST PAID

Sonderman, Caryn  
Gill, Matt  
Marcu, Andrei  
Brocard, Gretchen  
Hanson, John  
White, Erin

---

**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

---

**DEFENDANTS**

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: DAVIS, CHARISSE

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A handwritten signature in black ink, appearing to be "CT" or "Connie Taylor", written over a horizontal line.

Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045860-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

CIVIL ACTION NUMBER 21102783

\$214.00 COST PAID

Sonderman, Caryn  
Gill, Matt  
Marcu, Andrei  
Brocard, Gretchen  
Hanson, John  
White, Erin

---

**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

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**DEFENDANTS**

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: RAGSDALE, CHRIS

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A handwritten signature in black ink, appearing to be "CT" or "Connie Taylor", written over a horizontal line.

Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045863-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

CIVIL ACTION NUMBER 21102783

\$214.00 COST PAID

Sonderman, Caryn  
Gill, Matt  
Marcu, Andrei  
Brocard, Gretchen  
Hanson, John  
White, Erin

---

**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

---

**DEFENDANTS**



**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: BANKS, DAVID

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A stylized, handwritten signature in black ink, appearing to be "CT" or similar initials.

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Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045862-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

CIVIL ACTION NUMBER 21102783

\$214.00 COST PAID

Sonderman, Caryn  
Gill, Matt  
Marcu, Andrei  
Brocard, Gretchen  
Hanson, John  
White, Erin

---

**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

---

**DEFENDANTS**

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: CHASTAIN, DAVID

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A stylized, handwritten signature in black ink, appearing to be "CT" or similar initials.

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Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045866-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

CIVIL ACTION NUMBER 21102783

\$214.00 COST PAID

Sonderman, Caryn  
Gill, Matt  
Marcu, Andrei  
Brocard, Gretchen  
Hanson, John  
White, Erin

---

**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

---

**DEFENDANTS**

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: HOWARD, JAHA

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A stylized, handwritten signature in black ink, appearing to read "CT" or "Connie Taylor".

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Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045867-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

CIVIL ACTION NUMBER 21102783

\$214.00 COST PAID

Sonderman, Caryn  
Gill, Matt  
Marcu, Andrei  
Brocard, Gretchen  
Hanson, John  
White, Erin

---

**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

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**DEFENDANTS**

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: HUTCHINS, LEROY TRE

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A handwritten signature in black ink, appearing to be "CT" or "Connie Taylor", written over a horizontal line.

Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

ID# 2021-0045861-CV  
FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
COBB COUNTY, GEORGIA  
**21102783**  
C. LaTain Kell Sr. - 49  
APR 09, 2021 11:03 AM



Connie Taylor, Clerk of Superior Court  
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**PLAINTIFF**

**VS.**

Ragsdale, Chris  
Scamihorn, Randy  
Chastain, David  
Banks, David  
Wheeler, Brad  
Davis, Charisse  
Howard, Jaha  
Hutchins, Leroy Tre

---

**DEFENDANTS**



**SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA**

**SUMMONS**

TO: SCAMIHORN, RANDY

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Demetrios (aka "Mitch") Skandalakis  
Skandalakis Law Group, LLC  
3049 Marietta Hwy. Suite 120  
Suite 120  
Canton, Georgia 30114**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 9th day of April, 2021.**

Clerk of Superior Court



A handwritten signature in black ink, appearing to be "CTaylor", written over a horizontal line.

\_\_\_\_\_  
Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

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

W.S., a minor, by his mother and next best friend, Caryn Sonderman; B.G. and C.G., minors, by their father and next best friend, Matt Gill; A.M. and E.M., minors by their father and next best friend, Andrei Marcu; Q.C. Brocard, a minor, by his mother and next best friend, Gretchen Brocard; C.H., K.H., S.H., and L.H., minors, by their father and next best friend, John Hanson; E.W., a minor, by her mother and next best friend, Erin White,

Plaintiffs,

v.

CHRIS RAGSDALE, Superintendent of Cobb County Schools; RANDY SCAMIHORN, Cobb School Board member; DAVID CHASTAIN, Cobb School Board member; DAVID BANKS, Cobb School Board member; BRAD WHEELER, Cobb School Board member; CHARISSE DAVIS, Cobb School Board member; JAHA HOWARD, Cobb School Board member; and LEROY TRE' HUTCHINS, Cobb School Board member,

Defendants.

Civil Action No. 21-1-02783

**DEFENDANTS' NOTICE OF FILING  
OF NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT**

To: Clerk of Court  
Superior Court of Cobb County  
70 Haynes Street, Suite 1021  
Marietta, GA 30090

PLEASE TAKE NOTICE that Defendants Chris Ragsdale, Randy Scamihorn, David Chastain, David Banks, Brad Wheeler, Charisse Davis, Jaha Howard, and Leroy Tre' Hutchins have on this date filed a Notice of Removal, a filed-stamped copy of which is attached as Exhibit

**EXHIBIT**

**3**

1, in the Office of the Clerk of the United States District Court for the Northern District of Georgia, Atlanta Division. This Notice of Filing satisfies the requirements of 28 U.S.C. § 1446 and all other applicable provisions of the Federal Rules of Civil Procedure.

The filing of Defendants' Notice of Removal, coupled with this notice, immediately divests this Court of subject-matter jurisdiction over this matter. *Quixtar, Inc. v. Campbell*, 298 Ga. App. 617, 617–18, 680 S.E.2d 661, 662 (2009). Under 28 U.S.C. § 1446(d), this Court “shall effect the removal and the State court shall proceed no further unless and until the case is remanded.”

Respectfully submitted this 19th day of April 2021.

/s/ BRANDON O. MOULARD

Brandon O. Moulard

Georgia Bar No. 940450

Sherry Culves

Georgia Bar No. 319306

*Counsel for Defendants Chris Ragsdale, Randy Scamihorn, David Chastain, David Banks, Brad Wheeler, Charisse Davis, Jaha Howard, and Leroy Tre' Hutchins*

**NELSON MULLINS RILEY & SCARBOROUGH LLP**

Atlantic Station / Suite 1700

201 17<sup>th</sup> Street, NW

Atlanta, GA 30363

(404) 322-6000 (phone)

(404) 322-6050 (facsimile)

[brandon.moulard@nelsonmullins.com](mailto:brandon.moulard@nelsonmullins.com)

[sherry.culves@nelsonmullins.com](mailto:sherry.culves@nelsonmullins.com)

**CERTIFICATE OF SERVICE**

I certify that on this day I served the foregoing **DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT** by email and by depositing a true copy of the same in the U.S. mail in a properly addressed envelope with adequate postage affixed thereto to ensure delivery to the following:

Mitch J. Skandalakis  
Skandalakis Law Group LLC  
3049 Marietta Hwy.  
Suite 120  
Canton, GA 30114  
mitch@skandalakislawgroup.com

Robert A. Madayag  
Lee & Hayes  
75 14<sup>th</sup> Street, NE  
Atlanta, GA 30309  
robm@leehayes.com

This 19<sup>th</sup> day of April 2021.

/s/ BRANDON O. MOULARD

Brandon O. Moulard  
Georgia Bar No. 940450  
Sherry Culves  
Georgia Bar No. 319306  
*Counsel for Defendants Chris Ragsdale, Randy Scamihorn, David Chastain, David Banks, Brad Wheeler, Charisse Davis, Jaha Howard, and Leroy Tre' Hutchins*

**NELSON MULLINS RILEY & SCARBOROUGH LLP**

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(404) 322-6000 (phone)  
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brandon.moulard@nelsonmullins.com  
sherry.culves@nelsonmullins.com

## CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

**I. (a) PLAINTIFF(S)**

W.S., a minor, by his mother and next best friend, Caryn Sonderman; B.G. and C.G., minors, by their father and next best friend, Matt Gill; A.M. and E.M., minors by their father and next best friend, Andrei Marcu; Q.C. Brocard, a minor, by his mother and next best friend, Gretchen Brocard; C.H., K.H., S.H., and L.H., minors, by their father and next best friend, John Hanson; E.W., a minor, by her mother and next best friend, Erin White

**(b) COUNTY OF RESIDENCE OF FIRST LISTED**

PLAINTIFF Cobb County  
(EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANT(S)**

CHRIS RAGSDALE, Superintendent of Cobb County Schools; RANDY SCAMIHORN, Cobb School Board member; DAVID CHASTAIN, Cobb School Board member; DAVID BANKS, Cobb School Board member; BRAD WHEELER, Cobb School Board member; CHARISSE DAVIS, Cobb School Board member; JAHIA HOWARD, Cobb School Board member; and LEROY TRE' HUTCHINS, Cobb School Board member

**COUNTY OF RESIDENCE OF FIRST LISTED**

DEFENDANT Cobb County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**(c) ATTORNEYS**

(FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Mitch J. Skandalakis Robert A. Madayag  
Skandalakis Law Group, LLC Lee & Hayes  
3049 Marietta Highway, Suite 120 75 14th Street, NE  
Canton, GA Atlanta, GA 30309  
770.693.8715 404.736.1917  
mitch@skandalakislawgroup.com robm@leehayes.com

**ATTORNEYS (IF KNOWN)**

Sherry H. Culves / Brandon O. Moulard  
Nelson Mullins Riley & Scarborough LLP  
201 17th Street, Suite 1700  
Atlanta, GA 30363  
404.322.6000  
sherry.culves@nelsonmullins.com  
brandon.moulard@nelsonmullins.com

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. GOVERNMENT PLAINTIFF ☒ 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)  
☐ 2 U.S. GOVERNMENT DEFENDANT ☐ 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)  
(FOR DIVERSITY CASES ONLY)

- | PLF                                   | DEF                                   |   | PLF                        | DEF                        |   |
|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|---|
| <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | CITIZEN OF THIS STATE                   | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE     |
| <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | CITIZEN OF ANOTHER STATE                | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION  |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 ORIGINAL PROCEEDING ☒ 2 REMOVED FROM STATE COURT ☐ 3 REMANDED FROM APPELLATE COURT ☐ 4 REINSTATED OR REOPENED ☐ 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District) ☐ 6 MULTIDISTRICT LITIGATION - TRANSFER ☐ 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT ☐ 8 MULTIDISTRICT LITIGATION - DIRECT FILE

**V. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Plaintiffs assert claims under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d-1, et seq. ("HIPAA"), and the 14th Amendment to the United States Constitution, arising from the Cobb County School District's measures to slow the spread of COVID-19 in its schools.

**(IF COMPLEX, CHECK REASON BELOW)**

- |   |   |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties.            | <input type="checkbox"/> 6. Problems locating or preserving evidence                  |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex      | <input type="checkbox"/> 8. Multiple use of experts.                                  |
| <input type="checkbox"/> 4. Greater than normal volume of evidence.       | <input type="checkbox"/> 9. Need for discovery outside United States boundaries.      |
| <input type="checkbox"/> 5. Extended discovery period is needed.          | <input type="checkbox"/> 10. Existence of highly technical issues and proof.          |

CONTINUED ON REVERSE

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ MAG. JUDGE (IFP) \_\_\_\_\_  
JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_ NATURE OF SUIT \_\_\_\_\_ CAUSE OF ACTION \_\_\_\_\_  
(Referral)

## VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

### CONTRACT - "0" MONTHS DISCOVERY TRACK

- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

### CONTRACT - "4" MONTHS DISCOVERY TRACK

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 151 MEDICARE ACT
- ☐ 160 STOCKHOLDERS' SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

### REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

### TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- ☐ 365 PERSONAL INJURY - PRODUCT LIABILITY
- ☐ 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

### TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING
- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

### BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- ☐ 422 APPEAL 28 USC 158
- ☐ 423 WITHDRAWAL 28 USC 157

### CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 440 OTHER CIVIL RIGHTS
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS with DISABILITIES - Employment
- ☐ 446 AMERICANS with DISABILITIES - Other
- ☒ 448 EDUCATION

### IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

### PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- ☐ 463 HABEAS CORPUS- Alien Detainee
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 HABEAS CORPUS DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER
- ☐ 550 CIVIL RIGHTS - Filed Pro se
- ☐ 555 PRISON CONDITION(S) - Filed Pro se
- ☐ 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

### PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- ☐ 550 CIVIL RIGHTS - Filed by Counsel
- ☐ 555 PRISON CONDITION(S) - Filed by Counsel

### FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- ☐ 690 OTHER

### LABOR - "4" MONTHS DISCOVERY TRACK

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT. RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY and MEDICAL LEAVE ACT
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL. RET. INC. SECURITY ACT

### PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 820 COPYRIGHTS
- ☐ 840 TRADEMARK
- ☐ 880 DEFEND TRADE SECRETS ACT OF 2016 (DTSA)

### PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- ☐ 830 PATENT
- ☐ 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

### SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC (405(g))
- ☐ 863 DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

### FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - THIRD PARTY 26 USC 7609

### OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- ☐ 375 FALSE CLAIMS ACT
- ☐ 376 Qui Tam 31 USC 3729(a)
- ☐ 400 STATE REAPPORTIONMENT
- ☐ 430 BANKS AND BANKING
- ☐ 450 COMMERCE/ICC RATES/ETC.
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- ☐ 480 CONSUMER CREDIT
- ☐ 485 TELEPHONE CONSUMER PROTECTION ACT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT 899
- ☐ 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

### OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- ☐ 410 ANITITRUST
- ☐ 850 SECURITIES / COMMODITIES / EXCHANGE

### OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ☐ 896 ARBITRATION (Confirm / Vacate / Order / Modify)

**\* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ \_\_\_\_\_  
JURY DEMAND ☐ YES ☒ NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

## VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE \_\_\_\_\_ DOCKET NO. \_\_\_\_\_

### CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- ☐ 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- ☐ 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- ☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. \_\_\_\_\_, WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.



SIGNATURE OF ATTORNEY OF RECORD

04/19/2021

DATE

**CERTIFICATE OF SERVICE**

I certify that on this day I served the foregoing **DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT** by email and by depositing a true copy of the same in the U.S. mail in a properly addressed envelope with adequate postage affixed thereto to ensure delivery to the following:

Mitch J. Skandalakis  
Skandalakis Law Group LLC  
3049 Marietta Hwy.  
Suite 120  
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mitch@skandalakislawgroup.com

Robert A. Madayag  
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75 14<sup>th</sup> Street, NE  
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robm@leehayes.com

/s/ BRANDON O. MOULARD

Brandon O. Moulard  
Georgia Bar No. 940450  
Sherry Culves  
Georgia Bar No. 319306  
*Counsel for Defendants Chris Ragsdale, Randy Scamihorn, David Chastain, David Banks, Brad Wheeler, Charisse Davis, Jaha Howard, and Leroy Tre' Hutchins*

**NELSON MULLINS RILEY & SCARBOROUGH LLP**

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