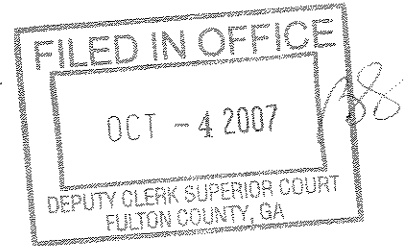


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



CHESLEY MORTON and :
JENNIFER ROBINSON, : CIVIL ACTION FILE
Petitioners, : NO. 2007CV130839
:
v. :
:
STATE OF GEORGIA DEPARTMENT :
OF AGRICULTURE and TOMMY :
IRVIN, in His Official Capacity as :
Commissioner, :
Respondents. :

ORDER ON MOTION FOR CONTEMPT

The above matter is before the Court for consideration of Plaintiff's Motion for Contempt. The Court, having considered the entire record, including the evidence and argument adduced at the hearing of this matter on July 19, 2007, enters this order.

On March 26, 2007 this Court issued an interlocutory injunction "enjoining and restraining the Commissioner of the Department of Agriculture, the Department of Agriculture and employees of the Department of Agriculture from advocating and sanctioning violation of O.C.G.A. 4-11-5.1 by state-licensed animal shelters."¹ Plaintiffs assert Defendants have intentionally violated the Court's order by approving a Cobb County shelter's use of an illegal gas chamber. Plaintiffs seek an order compelling Defendants to undertake enforcement activities with respect to the gassing at the Cobb County shelter. Plaintiffs also seek an award of fees for filing the motion for contempt.


The Court finds that the Cobb County shelter's operation of a carbon monoxide chamber first purchased in 1995 is a violation of O.C.G.A. 4-11-5.1. The Court finds that the Department inspected the Cobb County shelter up to and including May 25,

¹ The interlocutory order was entered by Judge Cynthia Wright.

2007. The Court finds that the carbon monoxide chamber was in operation on the dates of the inspection. The Court finds that the Department issued an inspection report on May 25, 2007 that indicates the Cobb County shelter passes euthanasia requirements. The Court finds that inspection by the Department of Agriculture is a pre-requisite for the shelter's renewal of its license to operate. The Court finds that Defendant was aware at the time of the inspection on May 25, 2007 that the carbon monoxide gas chamber was installed in 1995.

Based upon the foregoing, the Court concludes that by inspecting the Cobb County shelter and giving it a passing response for euthanasia, the Defendants have sanctioned a violation of O.C.G.A. 4-11-5.1. Accordingly, the Court finds that Defendants are in contempt of this Court's interlocutory order. Defendants may purge themselves of the contempt by withdrawing the favorable inspection report issued on May 25, 2007 and issuing an inspection report which accurately reflects that the Cobb County shelter does not meet the requirements for euthanasia.

SO ORDERED this 3RD day of October, 2007.



Tom Campbell, Judge
Superior Court of Fulton County, A.J.C.