

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

NEW GENERATION CHRISTIAN)	
CHURCH,)	
)	
Plaintiff,)	CIVIL ACTION NO.:
)	1:12-CV-2138-JEC
v.)	
)	
ROCKDALE COUNTY, GEORGIA,)	
)	
Defendant.)	
_____)	

CONSENT PRELIMINARY INJUNCTION ORDER

WHEREAS, plaintiff New Generation Christian Church filed this action against defendant Rockdale County, Georgia on June 21, 2012, seeking to enjoin and restrain defendant from enforcing certain provisions of its zoning ordinance against plaintiff, including in particular the provisions of that ordinance restricting churches from meeting on property of less than three acres in Rockdale County, Georgia (Art. III § 218-13 (ccc)) and requiring churches to obtain conditional use permits in order to locate in the Mixed-Use Development (“MxD) zoning district in Rockdale County, Georgia (Art. I § 218-1, Table of Permitted Uses); and

WHEREAS, Plaintiff also filed a motion for preliminary injunction [Doc. 3] on June 21, 2012, seeking a preliminary injunction against defendant enforcing

certain provisions of its zoning ordinance, including the two above-referenced provisions of the ordinance; and

WHEREAS, the Court imposed a deadline of July 24, 2012 for defendant to file a response to plaintiff's motion for preliminary injunction; and

WHEREAS, the parties seek to avoid burdening the Court with further filing of briefs or a hearing at this juncture in the proceedings and to resolve plaintiff's motion for preliminary injunction through their mutual agreement to the entry of this Consent Preliminary Injunction Order.

NOW THEREFORE, based upon the parties' stipulation and agreement hereto, it is hereby ORDERED that:

1. Defendant Rockdale County, Georgia is hereby preliminarily enjoined from enforcing the two above-referenced provisions of its zoning ordinance against plaintiff during the pendency of this litigation, which will allow plaintiff, subject to the County's compliance inspection process which is required of all nonresidential occupancy of structures, to meet and worship in the property located at 3020 NW Edwards Drive, Conyers, Georgia ("Edwards Property") or similar properties while this matter is ongoing;

2. The parties will seek a consent stay of this matter to allow them to attempt to resolve all issues between the parties.

SO ORDERED this 20th day of July, 2012.

/s/ Julie E. Carnes

JULIE E. CARNES, CHIEF JUDGE
United States District Court
Northern District of Georgia

Submitted by:

Dana K. Maine

dmaine@fmglaw.com

William J. Linkous, III

blinkous@fmglaw.com

Freeman Mathis & Gary, LLP

100 Galleria Parkway, Suite 1600

Atlanta, Georgia 30339-5948

Attorneys for Defendant

Erik W. Stanley, Esq.

Alliance Defense Fund

151 Rosewood Street

Leawood, Kansas 66224

estanley@telladf.org

David Cortman, Esq.

Alliance Defense Fund

1000 Hurricane Shoals Road, N.E., Suite D-600

Lawrenceville, Ga. 30043

dcortman@telladf.org

Craig Bertschi, Esq.

Kilpatrick, Townsend & Stockton, LLP

1100 Peachtree Street, Suite 2800

Atlanta, Ga. 30309

cbertschi@kilpatricktownsend.com

Attorneys for Plaintiff