

In the Superior Court of Fulton County

State of Georgia

Fulton County Republican Party,

Plaintiff

versus

Fulton County Board of Commissioners et al,

Defendants

Case № 25CV008083

ORDER GRANTING SUPERSEDEAS ON CONTEMPT

The court has reviewed the defendants notice that they intend to appeal the court's contempt order and the plaintiff's response. Both were emailed to the court.

O.C.G.A. § 5-6-13(a) provides:

A judge of any trial court or tribunal having the power to adjudge and punish for contempt shall grant to any person convicted of or adjudged to be in contempt of court a supersedeas upon application and compliance with the provisions of law as to appeal and certiorari, where the person also submits, within the time prescribed by law, written notice that he intends to seek review of the conviction or adjudication of contempt. It shall not be in the discretion of any trial court judge to grant or refuse a supersedeas in cases of contempt.

Blake v. Spears, 254 Ga. App. 21, 25, 561 S.E.2d 173, 177 (2002) held:

"The general rule is that a supersedeas suspends all further proceedings in the suit in which the judgment superseded is rendered, such as are based upon and relate to the carrying into effect of that judgment. Under this rule, the supersedeas, during its pendency, prevents any steps to enforce or carry into effect the judgment."

The defendants, through counsel, have notified the court that they intend to appeal from the contempt order.

In compliance with the statute, this court grants a stay of the enforcement of the contempt sanction imposed by this court in its order of August 27, 2025 only. It is always the intent of this court to comply with the laws of this state.¹

So ordered this August 28, 2025.



David Emerson
Senior Judge of Superior Courts
Presiding in Fulton Superior Court

Distribution List

Thomas L. Oliver, III, and Justin P. Gunter Counsel for the plaintiff
Don Samuel and Amanda Clark-Palmer, Counsel for the defendant
David Summerlin, Superior Court Administrator

¹ On questioning by the court during the contempt hearing, counsel for the defendants agreed that the statute does not give them veto authority over the nomination of the other political party's executive officer for that party's two representatives on the Fulton County Board of Registrations and Elections. Notwithstanding that lack of authority, some on the county commission publically stated the position in their press conference that they will do exactly that by choosing to ignore the plain language of the legislation passed by the General Assembly. This was shown in the video recording plaintiff introduced during the contempt hearing.