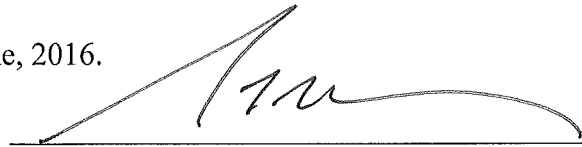


first four Petitions filed by Sheriff Darr seek mandamus relief against the Defendants to perform certain actions in a specific manner with respect to the budget and recommended budget process of the CCG from FY2015, a budget year which has now ended. A hearing on the Defendants' summary judgment motion was held on April 20, 2016. Summary judgment is appropriate to narrow the issues and limit the allegations of the case, particularly where claims may not succeed as a matter of law. O.C.G.A. §9-11-56(c) requires that the moving party demonstrate that the undisputed facts, viewed in a light most favorable to the non-movant, warrant judgment as a matter of law. Lau's Corp. v. Haskins, 261 Ga. 491 (1991). Mootness is a defense that may be the basis for summary adjudication. Daniels v. Price Communs. Wireless, 254 Ga. 559 (2002).

The fiscal year for the Defendant CCG runs from July 1 through June 30 of each respective year, pursuant to Charter §7-400. Defendants have met their burden and demonstrated that there are no genuine issues of material fact to contradict the impossibility of the budgetary or procedural relief requested by Sheriff Darr as to FY2015. The evidence before the Court demonstrates that FY2015 ended on July 1, 2015 and is, for all financial, procedural and budgetary purposes, closed. The final budget amendment incorporating all changes to the FY2015 budget was enacted by Council, executed by the Mayor, and published to the public. The final audit report for FY2015 has also been issued. Neither the FY2015 recommended budget process, nor its final enacted budget could be reopened or revised. Mandamus must be denied once the time for the discharge of the official duty sought to be compelled has passed. Hilton Constr. Co. v. Rockdale Cnty. Bd. of Ed., 245 Ga. 533 (1980). Equitable relief is likewise barred, as this Court could not grant any relief to the litigants on a fiscal year already completed. Merry v. Williams, 281 Ga. 571 (2007).

This Court has examined the applicable law, the relief requested, the filings made, as well as the evidence of record. Under O.C.G.A. §9-11-56(c), partial summary judgment is hereby **granted** in favor of the Defendants as requested in their Motion for Partial Summary Judgment, filed on January 27, 2016.

So ENTERED this 21 day of June, 2016.

A handwritten signature in black ink, appearing to read 'P. Raymond, III', written over a horizontal line.

The Honorable Philip T. Raymond, III
Superior Court of Bibb County, on assignment to
the Superior Court of Muscogee County