

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

Johnathan Hill, Johntavis Williams, and)
Moses Washington,)
)
Petitioners/Plaintiffs,)
)
v.)
)
Robert C. Davidson, Jr.,)
Chairman of the Morehouse College)
Board of Trustees,)
)
Respondent/Defendant.)
)

CIVIL ACTION

FILE NO. 2017CV284794

PROPOSED PRELIMINARY INJUNCTION

The Petitioners/Plaintiff's Motion for Preliminary Injunction is now before the Court.

The Court finds that notice has been given to the Defendants of the time and place of presentation of the Petitioners/Plaintiff's Motion.

Based upon the evidence submitted by the parties and based upon a review of the pleadings, the Court finds that Plaintiff is likely to prevail on the merits; that greater harm will occur to the Petitioners/Plaintiffs and the public if the preliminary injunction is not granted than would occur to the Respondent/Petitioner if the preliminary injunction were granted; and that Petitioners/Plaintiffs face imminent and irreparable harm if Defendants are not enjoined as provided herein.

The Court therefore finds that Petitioners/Plaintiffs are entitled to a preliminary injunction against Respondent/Defendant.

Now, therefore, it is ORDERED and ADJUDGED that:

- 1) Respondent/Defendant is required to rescind all actions taken by the Morehouse College Board of Trustees on January 13, 2017 while the three student trustees were excused from its meeting on said date;
- 2) Respondent/Defendant is required to reschedule and provide due notice of a substitute meeting of the full Morehouse College Board of Trustees so that the matters taken up during the January 13, 2017 meeting may be taken up anew as if never addressed (“substitute meeting”);
- 3) Respondent/Defendant is required to permit the student trustees to attend and participate in the substitute meeting and exercise the full powers and duties of the Morehouse College Board of Trustees as set forth in Article I of the Morehouse College [Board of Trustees] Amended and Restated By-laws (“By-laws”);
- 4) Respondent/Defendant is required to permit the student trustees to attend and participate fully in the substitute meeting, including relating to the matter involving the renewal of the President’s employment agreement;
- 5) Respondent/Defendant is required to cease and desist from enforcing the provision in the Morehouse College [Board of Trustees] Amended and Restated By-laws Section 2.5 giving to the Chairman of the Board the power to excuse student trustees from any meeting;
- 6) Respondent/Defendant is required to cease and desist from enforcing the provision in the Morehouse College [Board of Trustees] Amended and Restated By-laws Section 2.5 giving to the President the power to excuse student trustees from any meeting;
- 7) This Order shall remain in force and effect until further order of the Court; and

8) This Order shall be binding upon the parties, their officers, agents, servants, employees, and attorneys, and upon all those person acting in concert with them who receive notice of this Order by service or otherwise.

This _____ day of _____, 2017.

Robert McBurney
Judge, Superior Court of Fulton County

Prepared by:

/s/Harold W. Spence
Harold W. Spence
hspence@davisbozemanlaw.com
Georgia Bar No. 671150