

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF GEORGIA  
ATHENS DIVISION**

**DERRICK WILLIAMSON**, an individual,  
and **THE WAY DYNAMIC ANIMAL  
THERAPY ENCOUNTERS, INC.**,  
a Georgia Domestic Profit Corporation;  
and **PARAMOUNT WILDLIFE INC.**,  
a Georgia Domestic Nonprofit Corporation,

Case No. \_\_\_\_\_

Plaintiffs,

v.

**Motion for Preliminary Injunction  
& Memorandum of Law in Support**

**MORGAN COUNTY, GEORGIA**,  
a political subdivision of the State of Georgia;  
**CONNIE HOLT**, individually and in her  
official capacity as Chief Magistrate  
Judge of Morgan County;  
**STEPHEN A. BRADLEY**, individually  
and in his official capacity as a Judge of the  
Superior Court of Morgan County;  
**JULIE RUARK**, individually and in her  
official capacity as Magistrate Court  
Clerk of Morgan County;  
**RICKY BROWN**, individually and in his  
official capacity as a Deputy of the Morgan  
County Sheriff's Office;  
**CHRISTOPHER LASH**, individually and  
in his official capacity as a Sergeant of  
the Morgan County Sheriff's Office;  
**TIFFANY ALLISTON**, individually and  
in her official capacity as a Sergeant of  
the Morgan County Sheriff's Office;  
**CHASE YOUNG**, individually and in  
his official capacity as an Investigator of  
the Morgan County Sheriff's Office;  
**CAMERON PATAK**, individually and

in his official capacity as an Investigator of the Morgan County Sheriff's Office; **NICOLE KANOY**, individually; **WILDLIFE CRITTERS CIRCLE OF LIFE REHABILITATION CENTER, INC.**; **ANIMALS ON SET, INC.**; and **JOHN** and **JANE DOES 1-20**, being unknown individuals, public officials, and deputies of Morgan County,

Defendants.

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**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

**MOTION FOR PRELIMINARY INJUNCTION**

COMES NOW Plaintiffs Derrick Williamson and The Way Dynamic Animal Therapy Encounters, Inc. ("The Ark"), and Paramount Wildlife Incorporated ("Paramount Wildlife"), by and through their undersigned counsel, and respectfully move this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a Preliminary Injunction against Defendants Morgan County, Georgia, Connie Holt, Stephen A. Bradley, Nicole Kanoy, Wildlife Critters Circle of Life Rehabilitation Center, Inc., and Animals On Set, Inc. (collectively, the "Enjoined Defendants").

Plaintiffs seek an order: (1) immediately restoring their lawful possession and use of the real property located at 1280 Broughton Trail, Newborn, Morgan County, Georgia 30056 (the "Property"); (2) enjoining Defendants from enforcing any unconstitutional orders or Temporary Protective Orders (TPOs) that bar Mr. Williamson from his own property or restrict his protected First Amendment speech; and (3) enjoining Defendants Kanoy, Wildlife Critters Circle of Life

Rehabilitation Center, Inc., and Animals On Set, Inc. from further selling, transferring, destroying, or disposing of any animals belonging to Plaintiffs, and requiring an accounting of all animals removed from the Property.

This Motion is based upon the accompanying Memorandum of Law, the verified Complaint filed contemporaneously herewith, the exhibits attached thereto, and such other evidence and argument as may be presented at a hearing on this matter.

## **MEMORANDUM OF LAW IN SUPPORT**

### **I. INTRODUCTION**

This case presents an egregious and ongoing violation of fundamental constitutional rights. For over four years, Plaintiffs have been unlawfully dispossessed of their \$3.2 million farm by Morgan County officials acting without jurisdiction and in defiance of a binding Superior Court order. Plaintiff The Ark is the sole deeded owner of property located at 1280 Broughton Trail, Newborn Georgia (the “Property”). Yet Defendant Chief Magistrate Judge Connie Holt, acting entirely outside her statutory authority in a good behavior bond proceeding, ordered Plaintiff Williamson removed from his own land and handed possession to third parties with no ownership interest. Plaintiff Paramount Wildlife, a nonprofit wildlife, rehabilitation organization operating on the same property, has been equally devastated because its specialized infrastructure was stolen and its ability to complete state permitting has been destroyed.

This physical dispossession constitutes an ongoing, uncompensated taking of private property in violation of the Fifth Amendment, as well as a deprivation of property without due process under the Fourteenth Amendment. The consequences have been devastating: The Ark’s

faith-based animal therapy ministry and USDA-pending animal therapy exhibition business was destroyed. Paramount Wildlife's native animal sanctuary was rendered inoperable, numerous animals were stolen, sold or slaughtered by Defendant Nicole Kanoy and her corporate entities; and Mr. Williamson continues to be responsible to pay a \$2,404 monthly mortgage on a property he cannot access. Furthermore, when Mr. Williamson spoke out about this corruption, Defendants retaliated by issuing a stalking Temporary Protective Order (TPO) to silence his First Amendment speech and arresting him on his own property.

Plaintiffs now seek a preliminary injunction to halt this ongoing constitutional deprivation. Because Plaintiffs have a substantial likelihood of success on the merits, are suffering continuing irreparable harm, and the balance of equities and public interest weigh heavily in their favor, this Court should grant the requested relief.

## **II. FACTUAL BACKGROUND**

The factual background is fully set forth in the verified Complaint, which is incorporated herein by reference. In summary:

1. **Ownership:** The Ark is the sole legal owner of the Property, having purchased it in June 2021. Mr. Williamson is the sole officer and shareholder of The Ark.
2. **The Unlawful Seizure:** On April 7, 2022, Defendant Judge Holt, presiding over a good behavior bond hearing (O.C.G.A. § 17-6-90), unilaterally ordered Mr. Williamson removed from the Property. A good behavior bond provides no statutory authority to adjudicate property rights or issue evictions.

3. **The Superior Court Victory:** On November 9, 2022, the Rockdale County Superior Court ruled entirely in Plaintiffs' favor, denying all motions by the adverse third parties (the Hardees) to set aside the deed. This confirmed The Ark's undisputed ownership.
4. **The Defiance:** Despite the Superior Court ruling, Defendant Holt refused to enforce it and continued to ban Mr. Williamson from the Property.
5. **The Retaliation:** When Mr. Williamson criticized Judge Holt on social media, she filed a personal stalking TPO against him. Defendant Judge Bradley granted the TPO, explicitly ordering Mr. Williamson to remove social media posts critical of a public official.
6. **The Favorable Termination:** On June 12, 2024, the State of Georgia entered a *Nolle Prosequi* dismissing the retaliatory criminal obstruction charge against Mr. Williamson due to "insufficient evidence," confirming the absence of probable cause.

### III. LEGAL STANDARD

To obtain a preliminary injunction in the Eleventh Circuit, a movant must establish four elements: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered unless the injunction issues; (3) that the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) that if issued, the injunction would not be adverse to the public interest. *Winter v. Nat. Res. Def. Council, Inc.* 555 U.S. 7, 20 (2008); *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc).

## IV. ARGUMENT

### A. Plaintiffs Have a Substantial Likelihood of Success on the Merits

#### **1. Deprivation of Property Without Due Process (Count I-Fourteenth Amendment)**

The Fourteenth Amendment prohibits the deprivation of property without due process of law. It is undisputed that The Ark holds the sole deed to the Property. It is equally clear under Georgia law that a magistrate judge presiding over a good behavior bond hearing (O.C.G.A. § 17-6-90) lacks the jurisdiction to adjudicate title to real estate or issue eviction orders. *See* Ga. Const. Art. VI, § IV, Para. I (Superior Courts have exclusive jurisdiction over cases respecting title to land). Defendant Holt's order removing Mr. Williamson from his own property was issued entirely without jurisdiction, rendering it void *ab initio*. The ongoing enforcement of this void order by Morgan County constitutes a continuing deprivation of property without procedural or substantive due process. *See Zinermon v. Burch*, 494 U.S. 113, 125 (1990).

#### **2. Uncompensated Taking of Private Property (Count II-Fifth Amendment)**

The Fifth Amendment, applied to the States through the Fourteenth Amendment, prohibits the taking of private property without just compensation. The Supreme Court has held that a property owner has an actionable Fifth Amendment takings claim under 42 U.S.C. § 1983 at the moment the government takes the property without paying for it, without any requirement to first exhaust state court remedies. *Knick v. Township of Scott*, 588 U.S. 180, 185 (2019). Here, Morgan County effectuated a physical, *per se* taking of Plaintiffs' \$1.4 million property by forcibly removing Mr. Williamson and allowing third parties to occupy it. *See Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 426 (1982) (a permanent physical occupation authorized by the government is a taking). The County has paid zero compensation. This is a clear, ongoing violation of the Takings Clause.

**3. First Amendment Retaliation (Count V)** To state a First Amendment retaliation claim, a plaintiff must establish that: (1) his speech was constitutionally protected; (2) the defendant's retaliatory conduct adversely affected the protected speech; and (3) there is a causal connection between the retaliatory actions and the adverse effect on speech. *Bennett v. Hendrix*, 423 F.3d 1247, 1250 (11th Cir. 2005). Mr. Williamson's social media posts criticizing a public official (Judge Holt) are at the core of First Amendment protection. *See New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). The issuance of a TPO specifically demanding the removal of those posts, and the subsequent criminal investigations for sharing a TikTok video, are textbook examples of unconstitutional retaliation that would chill a person of ordinary firmness.

**4. Free Exercise of Religion (Count VI)** The Free Exercise Clause prohibits government officials from substantially burdening a person's sincere religious practice unless the burden is neutral, generally applicable, and serves a compelling interest. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993). The Ark is not merely a commercial enterprise; it is a faith-based animal therapy ministry. Its very nature reflects its religious calling: "The Way" references Jesus Christ's declaration, "I am the way, the truth, and the life" (John 14:6), and the earliest Christians known as followers of "The Way" (Acts 9:2, 24:14). "The Ark" references God's command to Noah to preserve animal life (Genesis 6-9). The property was gifted specifically to Mr. Williamson's ministry, and the deed was placed in the ministry's name. Defendants' actions of seizing the ministry's property, stealing its animals, and barring its founder from the premises, destroyed the physical manifestation of this religious calling. These actions were not neutral or generally applicable; they were targeted specifically at Mr. Williamson and driven by racial animus.

### B. Plaintiffs Are Suffering Continuing Irreparable Harm

The Eleventh Circuit has repeatedly held that the ongoing deprivation of constitutional rights constitutes irreparable harm. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Cate v. Oldham*, 707 F.2d 1176, 1189 (11th Cir. 1983) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). The same principle applies with equal force to the Free Exercise Clause; every day that Mr. Williamson is barred from his ministry’s property and denied access to the animals through which he practices his faith constitutes an ongoing, irreparable burden on his religious exercise.

Furthermore, the ongoing deprivation of real property is inherently irreparable. Every day that Plaintiffs are barred from their \$1.4 million farm, the property is subject to waste, deterioration, and unauthorized use by third parties. Mr. Williamson continues to suffer the unrecoverable financial injury of paying a \$2,404 monthly mortgage for a property he cannot access. The destruction of his animal therapy business and the loss of numerous animals which upon information and belief were stolen by Defendant Kanoy, acting through her corporate entities Wildlife Critters Circle of Life Rehabilitation Center, Inc. and Animals On Set, Inc., were sold or slaughtered with the complicity of Morgan County officials. Such actions demonstrate the catastrophic and irreparable nature of Defendants’ ongoing conduct. The criminal obstruction charge used to intimidate Mr. Williamson has since been dismissed for “insufficient evidence,” confirming the retaliatory nature of the prosecution.

### C. The Balance of Equities Tips Heavily in Plaintiffs’ Favor

The threatened injury to Plaintiffs along with the continued loss of their home, business, and constitutional rights, vastly outweighs any potential harm to Defendants. An injunction would merely require Defendants to cease enforcing void, unconstitutional orders and to

recognize the valid Rockdale County Superior Court ruling confirming Plaintiffs' ownership. The government "cannot suffer harm from an injunction that merely ends an unlawful practice." *Open Our City v. City of Los Angeles*, 2020 WL 13403981, at \*4 (C.D. Cal. 2020).

#### D. An Injunction Serves the Public Interest

It is always in the public interest to prevent the violation of a party's constitutional rights. *See KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006). The public has a profound interest in ensuring that judicial officers do not act outside their jurisdiction to seize private property and that the government does not take property without just compensation. Additionally, to ensure that citizens are not punished for exercising their First Amendment right to criticize public officials and that faith-based ministries are not destroyed by government actors motivated by racial animus rather than any legitimate governmental interest.

#### E. The FCIA Does Not Bar Injunctive Relief Here

While 42 U.S.C. § 1983, as amended by the Federal Courts Improvement Act (FCIA), limits injunctive relief against "a judicial officer for an act or omission taken in such officer's judicial capacity," this limitation does not bar the relief sought here. First, Plaintiffs seek an injunction against Morgan County (a *Monell* defendant) to cease enforcing the unlawful dispossession, to which the FCIA does not apply. Second, Defendant Holt's act of filing a personal stalking TPO as a private citizen was a non-judicial act. Third, to the extent the FCIA applies, Plaintiffs seek a declaratory decree simultaneously herewith; because the ongoing deprivation causes continuing irreparable harm, declaratory relief alone is "unavailable" to halt the immediate injury, satisfying the statutory exception. *See Ray v. Judicial Corr. Servs., Inc.*, 2013 WL 5428360 at \*15 (N.D. Ala. 2013).

## V. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their Motion for Preliminary Injunction and enter an Order:

1. Immediately restoring possession of the Property to Plaintiffs;
2. Enjoining Defendants from enforcing any orders that unconstitutionally bar Mr. Williamson from the Property or restrict his protected speech;
3. Enjoining Defendants Kanoy, Wildlife Critters Circle of Life Rehabilitation Center, Inc., and Animals On Set, Inc. from further selling, transferring, destroying, or disposing of any animals belonging to Plaintiffs;
4. Requiring Defendants Kanoy, Wildlife Critters Circle of Life Rehabilitation Center, Inc., and Animals On Set, Inc. to provide a full accounting of all animals removed from the Property, including their current location, disposition, and any proceeds received from their sale; and
5. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted this **8th** day of **May**, 2026.

*/s/ Walter A. Bernard, Esquire*

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