

PRESS RELEASE

Arnall Golden Gregory Brief Supports Atlanta Botanical Garden's Winning Argument for Gun Ban

ATLANTA – The Georgia Court of Appeals has affirmed the right of private companies to exclude weapons from property they lease from the government in *GeorgiaCarry.org, Inc. v. Atlanta Botanical Garden, Inc.* AGG attorneys Henry Chalmers and Drew Stevens submitted an amicus curie brief on behalf of AGG's client, the Development Authority of Fulton County, in support of the Botanical Garden's winning position.

The court's decision on March 14, 2018, which was National Walk Out Day for students protesting gun violence, marks the first time an appellate court has interpreted the effect of Georgia's recently enacted "Safe Carry Protection Act" on private property owners.

The underlying case began when the Atlanta Botanical Garden told a patron he could not come into the garden openly carrying a handgun in a holster on his waistband. The patron and GeorgiaCarry.org sued, arguing that the recently enacted law, O.C.G.A. § 16-11-127(c), prohibited private companies, like the Botanical Garden, from banning weapons on property they lease from the government. The Botanical Garden operates its garden on property leased from the City of Atlanta.

AGG and the Botanical Garden argued that Georgia Supreme Court precedent treats public property as private property when it is leased to a private entity. And because the new law does not restrict private property owners, they are free to exclude weapons on their leased premises. The Court of Appeals agreed with AGG and the Botanical Garden, confirming that "the leasehold estate 'is severed from the fee' and classified as private property."

The Court of Appeals stated in its opinion: "The plain and unambiguous language of O.C.G.A. § 16-11-127(c) grants persons in legal control of private property through a lease the right to exclude individuals carrying weapons, and well-established authority from the Supreme Court of Georgia designates the land leased by the Garden as private property."

Henry Chalmers, co-chair of Arnall Golden Gregory's Litigation Practice Group, works with clients to enforce their legal rights, resolve disputes, and achieve business goals through litigation, arbitration, mediation and strategic counseling. Andrew Stevens, an associate in the Litigation Practice Group and Intellectual Property Practice, focuses on complex litigation involving healthcare providers and IP disputes.

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