

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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CLERK *B. West*
SO. DIST. OF GA.

ELIZABETH E. CAIN;)
DAVID KAMINSKY and)
LARRY GIBSON,)

Plaintiffs,)

v.)

U.S. ARMY CORPS OF ENGINEERS;)
GEORGIA STATE DEPARTMENT OF)
NATURAL RESOURCES, COASTAL)
RESOURCES DIVISION; SUSAN)
SHIPMAN; MARK A. DANA and)
FRANCES M. DANA,)

Defendants.)

Case No. CV 407-006

COMPLAINT

COME NOW, Elizabeth Cain, David Kaminsky and Larry Gibson (“Plaintiffs”) and hereby submit this Complaint¹ for Injunctive Relief, Civil Penalties, and Costs of Litigation, respectfully showing the Court as follows:

JURISDICTION AND VENUE

1.

This action seeks declaratory and injunctive relief for violations of federal law by the U.S. Army Corps of Engineers (the “Corps”) and the State of Georgia Department of Natural Resources Coastal Resources Division in issuing a permit to construct a massive recreational dock complex over and on State and federally protected marsh lands in Chatham County, Georgia. The Corps and DNR violated their mandatory duties under the Rivers and Harbors Act

¹ The Certificate of Interested Persons as required by LR 3.2 is hereby incorporated into this Complaint as Exhibit A.

of March 3, 1899, 33 U.S.C. §403 et seq. and the State of Georgia Programmatic General Permit No. PG00083, 960009050 to properly and fully analyze the impacts of the proposed dock complex to prevent obstruction of navigable waters of the United States and to minimized environmental destruction of State-owned marsh.

2.

The Corps and DNR further failed to follow the clear language of the above Acts and the Coastal Marshlands Protection Act, (O.C.G.A. 12-5-280, et seq.), which does not exempt the activities proposed here for coverage under that Act.

3.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1361, 28 U.S.C. § 2201 and 2202 (declaratory judgment), and the Administrative Procedures Act (“APA”), 5 U.S.C. § 701-706, and §10 of the Rivers and Harbors Act of March 3, 1899, 33 U.S.C. §403 et seq.

4.

The violations of law alleged herein have occurred within the Southern District of Georgia. Venue is proper in this Court and in the Savannah Division of the Court pursuant to 28 U.S.C. § 1391, 5 U.S.C. § 703 and S.D. Ga. L. R. 2.1.

5.

There are no pending actions which defeat this Court’s subject matter jurisdiction.

PARTIES AND STANDING

Plaintiffs

6.

Plaintiff Elizabeth E. Cain (“Cain”) is a resident of Savannah, Georgia whose address is 1021 Welch Street, Savannah, GA 31410. Plaintiff Cain resides in the immediate vicinity of the area in question. She has been and will continue to be affected by the Defendants’ activities. Plaintiff Cain’s use and enjoyment of her property and the adjacent marsh and upland areas is and will continue to be directly and irreparably injured by the degradation of those areas improperly authorized by the Defendants’ activities.

7.

Plaintiff David Kaminsky (“Kaminsky”) is a resident of Savannah, Georgia whose address is 1021 Welch Street, Savannah, GA 31410. Kaminsky resides in the immediate vicinity of the area in question. He has been, and will continue to be affected by the Defendants’ activities. Plaintiff Kaminsky’s use and enjoyment of his property and the adjacent marsh and upland areas is and will continue to be directly and irreparably injured by the degradation of those areas improperly authorized by the Defendants’ activities.

8.

Plaintiff Larry Gibson (“Gibson”) is a resident of Savannah, Georgia whose address is 1406 Walthour Road, Savannah, GA 31410. Gibson resides in the immediate vicinity of the area in question. He has been, and will continue to be affected by the Defendants’ activities. Plaintiff Gibson’s use and enjoyment of his property and the adjacent marsh and upland areas is and will

continue to be directly and irreparably injured by the degradation of those areas improperly authorized by the Defendants' activities.

9.

Plaintiffs Cain, Kaminsky and Gibson have an interest in seeing the dictates and procedures of the Administrative Procedures Act and the Rivers and Harbors Act of March 3, 1899 upheld and strictly enforced so as to ensure the continued navigability of the creeks in the area and further to protect the natural resources, biological and hydrological integrity of the marsh ecosystem. Additionally, they have an interest in requiring federal and state decision-making be conducted to comply with established statutory requirements.

10.

Defendants' actions have caused Plaintiffs ongoing and threatened injury to concrete, particularized interests and the relief requested of this Court would redress that injury. Further, this controversy is ripe for adjudication and Plaintiffs' injuries fall within the zones of interest protected by the Administrative Procedures Act and §10 of the Rivers and Harbors Act of March 3, 1899, 33 U.S.C. §403 et seq.

11.

Defendant United States Army Corps of Engineers ("the Corps") is an agency of the federal government that has the duty of evaluating applications for Department of the Army permits under the Rivers and Harbors Act of March 3, 1899. The Corps, acting in concert with the State DNR, has the legal obligation to ensure that the requirements of the Act are fulfilled in connection with all evaluation and decision-making concerning such permits.

12.

Defendant DNR is an agency of the State government that has the duty of evaluating applications for Coastal Resources Division permits, as delegated to it consistent with the Rivers and Harbors Act of March 3, 1899. DNR, acting in concert with the Corps, has the legal obligation to ensure that the requirements of the Act are fulfilled in connection with all evaluation and decision-making concerning such permits.

13.

Defendant Susan Shipman is the Director of Coastal Resources Division, Georgia Department of Natural Resources and is sued in her official capacity. She supervises and manages all Coastal Resources Division decisions and actions. In her official capacity, she authorized the construction of the massive dock complex here at issue.

14.

Defendants Frances M. and Mark A. Dana are individuals who are, or were, at all times relevant to this Complaint, owners or operators of the property on which the massive dock complex is proposed to be built, and are responsible for the activities on those properties which have resulted in violations of the Administrative Procedures Act and §10 of the Rivers and Harbors Act of March 3, 1899, 33 U.S.C. §403 et seq. Service may be perfected via personal service pursuant to F.R.C.P. 4(e) at 1414 Walthour Road, Savannah, GA 31410.

15.

Defendants Dana are joined in this action as defendants pursuant to Rules 19(a) and 20(a) of the Federal Rules of Civil Procedure, as a parties whose joinder will not deprive the Court of

jurisdiction, and as parties that claim an interest in the challenged permit and who are situated such that disposition of the action in their absence may impair or impede their ability to protect their interests.

FEDERAL REGULATORY AND STATUTORY BACKGROUND

16.

The Rivers and Harbors Act of 1899, 33 U.S.C. 403 et seq. provides that the creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is prohibited. Under this Act, it is unlawful to build or commence the building of any structure in any port, harbor, canal, navigable river or other water of the U.S. without a permit properly issued by the Chief of the Corps of Engineers, acting on behalf of the Secretary of the Army.

17.

As noted by the Corps itself, that while “[u]ntil the 1960's, the primary purpose of the [Corps'] regulatory program was to protect navigation, [s]ince then, as a result of laws and court decisions, the program has been broadened so that it now considers the full public interest for both the protection and utilization of water resources.”

<http://www.sas.usace.army.mil/wetlndap.htm>.

18.

The Administrative Procedures Act, 5 U.S.C. § 701-06, provides that “[a] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency

action within the meaning of a relevant statute, is entitled to judicial review thereof.” 5 U.S.C. § 702.

19.

The Corps is a federal agency subject to the APA.

20.

16 U.S.C. §1457 et seq. and other relevant statutes provide for the protection and preservation of coastal zones, including the marsh and tidal areas within the State of Georgia through the integrated and coordinated action of various federal and State agencies, including the Corps, U.S. E.P.A. and the State of Georgia Coastal Resources Division of the Department of Natural Resources (DNR).

21.

The DNR is a State agency subject, in this case, to the APA, by virtue of its role in reviewing applications and issuing permits pursuant to the delegation from the Corps to the DNR dated July 23, 2001.

22.

O.C.G.A. 12-5-280 et seq., the Coastal Marshlands Protection Act of 1970 (“CMPA”), provides a statutory and regulatory mechanism by which activities that will, or may have, the potential to affect marshes and tidal areas, are to be evaluated.

23.

Pursuant to that statute, dock structures are to be evaluated and permitted by the Coastal Marsh Protection Committee after a full review of the potential impacts and an opportunity for public notice, comment and a hearing on said application.

24.

While the CMPA does provide an exception for private docks, such exception is narrowly tailored and is to be strictly construed.

25.

O.C.G.A. 12-5-282 (7) defines "Private dock" as...

a structure built onto or over the marsh and submerged lands which is used for recreational fishing and other recreational activities, is not available to the public, does not have enclosures, and does not create a navigation hazard; provided, however, that a private dock may be covered and screened with wainscoting not higher than three feet and may be equipped with a hoist.

26.

O.C.G.A. 12-5-288 restricts the granting of a permit for activities or construction affecting marshlands, and specifically provides for activities and structures normally considered to be contrary to the public interest.

27.

O.C.G.A. 12-5-288 (7) restricts the granting of a permit for dock structures "considered contrary to public interest" as follows:

(7) Construction of structures which constitute an obstruction of view to adjoining riparian landowners, including signs and enclosures;...

28.

While O.C.G.A. 12-5-95 provides a list of exceptions to the permitted recreational interests, that Section is inapplicable here because, as is clear on the face of the application itself and all relevant documentation in support thereof, the dock complex sought to be constructed here included both a covered deck and an enclosed boathouse, both structures of which cause this application to be ineligible for the permitting exemption.

29.

The APA provides that a court shall set aside agency “findings, conclusions, and actions” that are “arbitrary, capricious, or an abuse of discretion of otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

30.

The reviewing court must carefully “consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error in judgment.” *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402 (1971).

31.

The issuance of approval for construction of this dock complex pursuant to the Rivers and Harbors Act of March 3, 1899, and the State of Georgia Programmatic General Permit No. PG00083, 960009050 and in contravention of the CMPA is arbitrary and capricious.

STATEMENT OF FACTS

32.

Defendants Dana are, upon information and belief, the co-owners of property referred to as 1414 Walthour Road, Savannah, GA, 31410.

33.

Defendants Dana propose to add an additional 770 feet to an existing 210 foot dock, hereinafter referred to as the "Dock Site."

34.

The letter granting the dock permit allows for:

additional 770' x 4' portion to your existing 210' x 4' walkway, removing the existing floating dock and adding a 16' x 24' fixed deck with 4 16' x 16' cover, two (2) 26' x 2.5' catwalks to 26' x 11' covered boat hoist, and a 3' x 12' ramp to 6' x 20' floating dock.

35.

The construction of the dock complex will lead to severe damage of fragile marsh ecosystem, including the flora and fauna, will lead to creation of mudflats, destruction of existing oyster beds and mussel habitat, decrease water quality, interfere with navigation and negatively impacts the views from nearby properties.

36.

The dock complex will be out of character with other existing docks within visual proximity of the proposed dock in direct violation of condition J of the State Programmatic General Permit No. PG00083, 96 0009050.

37.

Of additional concern is that the plans for the dock include construction of a dock house, which when completed will be at least 25 feet above mean high water line.

38.

The plans submitted and approved call for the construction of an area of covered dock.

39.

The plans submitted and approved call for construction of an enclosed boathouse.

40.

The ecology of the Dock Site consists of the interface of upland marsh, tidal areas and typical marsh flora and fauna, including Spartina alterniflora, shrimp, crab, oysters, clams and mussels, including the increasingly rare Salt Marsh Ribbed Mussel (*Neugensia demissa*) . Oyster catchers, raccoons and other predators feed on the oysters, mussels and clams.

41.

Wading birds such as egrets, herons and clapper rails eat the snails, worms, fiddler crabs and other components of the food chain.

42.

The marsh area in question is frequented by scavengers and birds of prey, including ospreys, hawks and bald eagles. Marine mammals, such as the Atlantic Bottlenose Dolphin, frequent the marsh, particularly on rising and falling tides, where they traverse the innumerable smaller channels to feed on small fish and crustaceans being swept along by the tidal changes.

43.

The area around the site includes many small creeks and other navigable waterways of the U.S.

44.

On information and belief, in early June, 2006, Defendants sought authorization for the proposed Dock complex by applying to the United States Army Corps of Engineers ("the Corps") for issuance of a Revocable License under Programmatic General Permit PGP0083 (96009050).

45.

Pursuant to § 10 of the Rivers and Harbors Act of March 3, 1899, the Savannah District of the Corps has jurisdiction over the proposed Dock Complex insofar as the site includes navigable waters of the United States.

46.

That agency has delegated authority to the State of Georgia to administer this State PGP, based upon the delegation which occurred on July 23, 2001.

47.

The application as submitted consisted solely of a standard application form with general schematic drawings of the proposed dock complex.

48.

Nowhere in the application packet is there any evaluation or indication of site suitability of the proposed dock's consistency with other area existing docks within visual proximity as required by State Programmatic General Permit No. PG00083, 96 0009050, Condition J.

49.

There is no indication of the existence or extent of creeks and other waterways in the area, including any analysis of their navigability and impacts the proposed complex would have on that navigability as required by State Programmatic General Permit No. PG00083, 96 0009050, Condition I.

50.

Unbeknownst to Plaintiffs, the Coastal Resources Division of the Georgia Department of Natural Resources on August 30, 2006 granted a Revocable License in response to the Defendants' application.

51.

The dock itself is the length of approximately three and a half football fields, or nearly one thousand feet. Together with the floating dock, covered deck, boat hoist and enclosed boathouse, the complex is far and away the largest structure in or around the marsh for thousands of feet in either direction.

52.

The proposed dock complex will interfere with navigation and negatively impact the view from nearby properties. The proposed dock complex is not consistent with other docks within visual proximity, and in fact is many times longer and higher than any other dock in the Tom's Creek basin.

53.

Without conducting a proper field reconnaissance that would have revealed the above deficiencies, the plans were approved. Proper evaluation of the site would have shown that the site does not meet the conditions of the so-called "Fast-Track" Programmatic General Process (hereinafter "PG P") but should have been evaluated under the Individual Permit Process because Conditions I and J were not met:

Walkways crossing tidal tributaries navigable by watercraft must be bridged so that navigation is not impeded." State Programmatic General Permit No. PG00083, 96 0009050, Condition I.

...the dock structure shall...be structurally adequate and not out of character with other existing docks within visual proximity of the proposed docks. State Programmatic General Permit No. PG00083, 96 0009050, Condition J.

54.

On or about the second week of December, 2006, a barge appeared at the proposed dock site.

55.

Plaintiff Cain immediately contacted DNR via e-mail to obtain information from that agency about what was proposed to occur.

56.

Upon learning the magnitude of the project, she immediately expressed her concerns that the proposed dock site would impede boat traffic on the navigable creek, obstruct her view and impact marsh ecology.

57.

On December 11, 2006, Plaintiff Cain wrote to the DNR on behalf of herself and other nearby property owners, again expressing their concerns regarding construction of the massive dock complex.

58.

On or about December 19, 2006, Plaintiff Cain spoke with a DNR representative who informed her that the site plan would need to be revised to include a bridge to allow for passage of boats on one of the formerly navigable creeks that flow under the proposed dock extension.

59.

Since being made aware of the proposed dock complex, Plaintiffs have collected additional information supporting their contention that the proposed dock site will interfere with navigation, negatively impact sight lines and view from their properties, and adversely affect the fragile marsh environment.

60.

On December 20, Plaintiff Cain spoke with Defendants Dana in an effort to request a meeting regarding stopping work on the dock until the site could be properly evaluated. Defendant Dana said he would meet with Cain after the holidays. Work continued on the dock.

61.

On December 29, 2006, Plaintiff Cain delivered a letter to Defendants Dana, again expressing her concerns and requesting a meeting with them. No response was provided by Defendants Dana.

62.

On January 1, 2007, Plaintiff Cain delivered a letter to Defendants Dana yet again expressing the concerns of the Plaintiffs and other nearby property owners. No response was provided by Defendants.

63.

On or about January 2, 2007, Plaintiff Cain left a message for Defendants Dana asking that they immediately contact with Plaintiffs to further discuss the situation.

64.

As of January 8, 2007, Plaintiffs have not heard from Defendants Dana.

65.

In late December, 2006, Plaintiff Gibson participated in a conference call with Defendant Shipman and other government officials, who stated that DNR officials planned to discuss the matter with Corps officials.

66.

On information and belief, either the Corps or DNR have recently instructed Defendants Dana to modify the approved site plans for the Dock Complex, by requiring an elevated bridge/walkway to traverse the navigable creek. This modification occurred, again, without any meaningful site evaluation or analysis as to impact of the modification on navigation, viewshed, sightlines, and the fragile marsh ecosystem. These modifications were conducted with no engineering analysis or submittal of revised plans or public notice, and afforded Plaintiffs no opportunity for public notice and comment.

67.

The action of the federal Defendants in requiring this modification is an admission of inapplicability of the PGP to this proposed site.

68.

The requirement to construct an elevated bridge and walkway is an admission that the plans, as originally approved, either would have or could have a detrimental impact upon navigability, further demonstrating inapplicability of the PGP to this site.

69.

The decision on the part of the Corps and DNR to permit the proposed dock site under the PGP was arbitrary and capricious and/or an abuse of discretion or otherwise contrary to law.

70.

To modify or approve modifications to the site plan was arbitrary and capricious and/or an abuse of discretion and/or an abuse of discretion or otherwise contrary to law

CLAIMS FOR RELIEF

Count 1

71.

Paragraphs 1 through 70 above are herein incorporated by reference as if rewritten in their entirety.

72.

Defendants failed to properly evaluate the impacts of the proposed dock complex on navigability of waterways of the United States, in violation of the Rivers and Harbors Act of March 3, 1899.

73.

Issuance of approval of the dock complex was arbitrary, capricious, an abuse of discretion and otherwise not in accordance with the law.

Count 2

74.

Paragraphs 1 through 72 above are herein incorporated by reference as if rewritten in their entirety.

75.

Defendants failed to ensure that the proposed dock complex would not be out of character with other existing docks within visual proximity, in violation of State of Georgia Programmatic General Permit No. PG00083, 960009050.

76.

Issuance of approval of the dock complex was arbitrary, capricious and otherwise not in accordance with the law.

Count 3.

77.

Paragraphs 1 through 76 above are herein incorporated by reference as if rewritten in their entirety.

78.

Defendants failed to apply the requirements of O.C.G.A. §12-5-280, et seq., the CMPA, to the proposed application, inasmuch as, on the face of the application itself, such project was not exempt from the requirements of that Act.

79.

Issuance of approval of the dock complex was arbitrary, capricious, an abuse of discretion and otherwise not in accordance with the law.

Count 4.

80.

Paragraphs 1 through 79 above are herein incorporated by reference as if rewritten in their entirety.

81.

Defendants' authorization of a revision in late December, 2006 to the dock complex approved on August 30, 2006 pursuant to the Revocable License issued on that date was done so in direct contravention of the express language of that License.

82.

The Revocable License issued on August 30, 2006 states on its face in underlined, bold letters that "**this dock facility must be constructed precisely to the approved location, dimensions, and configuration as depicted in the drawings provided.**"

83.

Defendants' approval of a revision to the approved plans demonstrates the inapplicability of the State Programmatic General Permit.

Defendants' approval of a revision to the approved plans with no opportunity for notice and public comment is of itself arbitrary, capricious, an abuse of discretion and otherwise not in accordance with law.

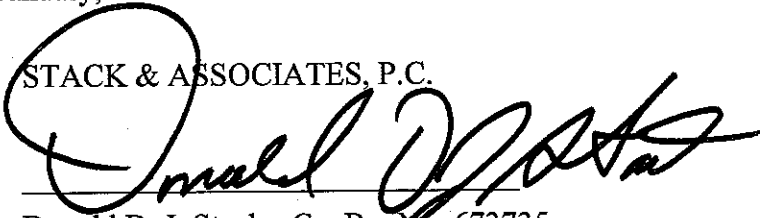
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that:

- (A) Service of process issue as authorized by law;
- (B) This Court temporarily and permanently enjoin Defendants from committing any further violations of the APA or other applicable laws;
- (C) This Court order Defendants to immediately halt construction the Project Site so as to cease any violations of the APA and all applicable State laws;
- (D) This Court order all Defendants to restore the biological and ecological integrity of the property affected by the illegal activities complained of herein;
- (E) This Court remand this matter to the Army Corps of Engineers and State of Georgia Department of Natural Resources to properly evaluate any application in accordance with the provisions for both an Individual Permit and a Coastal Marsh Protection Act Permit.
- (F) That Plaintiffs have such other and further relief as this court deems just and equitable.

Respectfully submitted this 8th day of January, 2007.

STACK & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read "Donald D. J. Stack", written over a horizontal line.

Donald D. J. Stack - Ga. Bar No. 673735
Attorney for Plaintiffs

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Savannah, GA 31401
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(fax) 912-232-0450
Email: dstack@stack-envirolaw.com

THE UNITED STATES DISTRICT COURT
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SHIPMAN; MARK A. DANA and)
FRANCES M. DANA,)

Defendants.)

STATE OF GEORGIA)
COUNTY OF CHATHAM)

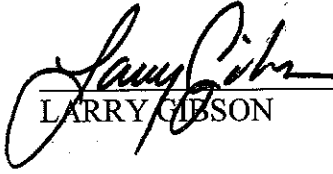
Case No. _____

VERIFICATION

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Larry Gibson, Plaintiff in the above-styled action who after first being duly sworn, states:

My name is Larry Gibson. I am over the age of 18, and competent in all respects to testify regarding the matters set forth herein. I give this Affidavit voluntarily. I have personal knowledge of the facts stated in the foregoing Complaint and know them to be true and correct..

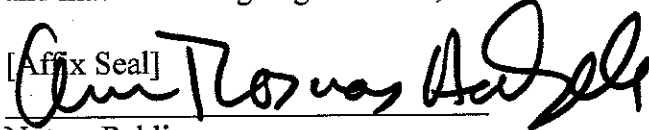
FURTHER AFFIANT SAYETH NOT


LARRY GIBSON

STATE OF GEORGIA

COUNTY OF CHATHAM

Larry Gibson appeared before me,
a Notary Public in and for the above
jurisdiction, this 8th day of January, 2007,
and made the foregoing Affidavit, under oath.

[Affix Seal] 
Notary Public
My commission expires: 2-15-97

THE UNITED STATES DISTRICT COURT
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SAVANNAH DIVISION

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STATE OF GEORGIA)

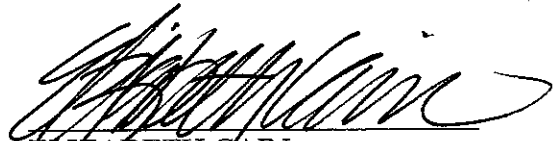
COUNTY OF CHATHAM)

VERIFICATION

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Elizabeth Cain, Plaintiff in the above-styled action who after first being duly sworn, states:

My name is Elizabeth Cain. I am over the age of 18, and competent in all respects to testify regarding the matters set forth herein. I give this Affidavit voluntarily. I have personal knowledge of the facts stated in the foregoing Complaint and know them to be true and correct.

FURTHER AFFIANT SAYETH NOT



ELIZABETH CAIN

STATE OF GEORGIA

COUNTY OF CHATHAM

Elizabeth Cain appeared before me,
a Notary Public in and for the above
jurisdiction, this _____ day of January, 2007,
and made the foregoing Affidavit, under oath.

[Affix Seal]



Notary Public

My commission expires:

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
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SHIPMAN; MARK A. DANA and)
FRANCES M. DANA,)

Defendants.)

Case No. _____

CERTIFICATE OF INTERESTED PERSONS

- (1) The undersigned Counsel of Record for Plaintiffs certifies that the following is a full and complete list of all parties in this action:

Elizabeth Cain

David Kaminsky

Larry Gibson

U.S Army Corps of Engineers

Department of Natural Resources, Coastal Resources Division

Susan Shipman

Mark A and Frances M. Dana

- (2) The undersigned further certifies that the following is a full and complete list of all other persons, firms, partnerships or corporations (including those related to a

party as a subsidiary, conglomerate, affiliate or parent corporation) having either a financial interest which could be substantially affected by the outcome of this particular case:

None

- (3) The undersigned further certifies that the following is a full and complete list of all persons serving as attorneys for the parties in this proceeding.

Attorney for Plaintiffs:

Donald D. J. Stack
Stack & Associates
7 East Congress Street, Suite 404
Savannah, Georgia 31401
(912) 232-0567
(912) 232-0450

Attorney for Defendants U.S. Army Corps of Engineers:

Daniel E. Bennett
Assistant U.S. Attorney
Southern District of Georgia
100 Bull Street
Savannah, GA 31401

Attorney for Department of Natural Resources, Coastal Resources Division

Unknown at this time

Susan Shipman

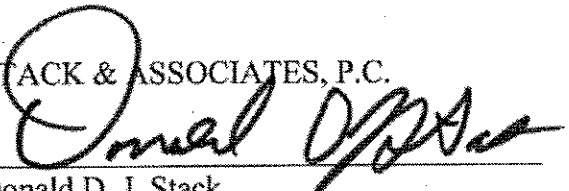
Unknown at this time

Mark A. and Frances M. Dana

Unknown at this time

Respectfully submitted, this 8th of January, 2007.

STACK & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read "Donald D. J. Stack", written over a horizontal line.

Donald D. J. Stack

Georgia Bar No. 673735