

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

ROBERT DONALD GARRETT, SR., SARAH  
V. GARRETT, WILLIAM BLAINE SMITH,  
HELEN DIANE SMITH, MARVIN SMITH,  
JR., PATRICIA SMITH, JOEL BRADFORD  
REED, KATHY LYNN REED, LEO JOHN  
BRIGGS, GEORGIA ANN BRIGGS, SALLY  
G. WELLS, DONNA N. GARRETT, VERNE  
G. HOLLIS, HERUS ELLISON GARRETT,  
and THOMAS AHMAD LEE, NO RAILROAD  
IN OUR COMMUNITY COALITION,

*Petitioners,*

v.

SANDERSVILLE RAILROAD COMPANY,

*Respondent.*

Civil Action File No. 24CV012125

On Appeal from the Georgia Public  
Service Commission, Docket No. 45045

(Consolidated with 24CV012568)

**PETITIONERS' NOTICE OF APPEAL**

NOW COME Petitioners R. Donald Garrett, Sr. and Sally Garrett; Leo and Georgia Briggs; Marvin Smith, Jr. and Patricia Smith; William Blaine Smith and Helen Diane Smith; Verne Kennedy Hollis, Donna N. Garrett, Herus Ellison Garrett, and Sally G. Wells; Joel and Kathy Reed; and Thomas Ahmad Lee (together, the "Property Owners"), and file this Notice of Appeal, providing notice that they hereby appeal to the Supreme Court of Georgia from this Court's Final Order entered in this action on February 4, 2025 (the "Final Order").

The Clerk shall include the entire record and the transcripts of evidence of all hearings in the record on appeal, and the Clerk shall omit nothing from the record on appeal.

The Supreme Court of Georgia has exclusive jurisdiction over “[a]ll cases involving the construction . . . of the Constitution of the State of Georgia or of the United States.” Ga. Const. art. VI, § 6, ¶ II(1). This provision applies in this case because this Court affirmed the Georgia Public Service Commission’s decision allowing a private railroad to take the Property Owners’ land by eminent domain as a public use or public purpose under U.S. Const., Amend. V and Ga. Const. art. I, § II, ¶ I. Final Order at 17-18.

Additionally, the Final Order disposes of all claims and all parties and is therefore final and directly appealable under O.C.G.A. §§ 50-13-20, 5-3-18(c), and 5-6-34(a)(1). Therefore, Petitioners appeal this order directly to the Supreme Court of Georgia.

DATE: February 27, 2025

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Petitioners' Notice of Appeal* was served via the electronic filing system and email, addressed to the following:

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This 27th day of February, 2025.

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