

Judge tosses challenges to Atlanta workers' pensions

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By: Greg Land

A Fulton County judge has thrown out a challenge to a series of increases in retirement benefits of Atlanta's firefighters, police and other employees that was filed in 2010 by the Fulton County Taxpayers Association.

The association and its president, John Sherman, along with ten co-plaintiffs, had sought class status in their efforts to reverse eight city ordinances between 2001 and 2005 that increased pension benefits. They argued that their property taxes had been raised to fund the increases.

Mary Carole Cooney was retained by police, firefighter and employee organizations and pension funds to fight the suit as a third-party intervenor.

In her March 13 order, which Cooney said she drafted, Fulton County Superior Court Judge Kimberly M. Esmond Adams denied the request for class certification and ruled that the plaintiffs provided no evidence their property taxes were raised to fund the increases.

Further, said the order, legislation signed into law last year by Mayor Kasim Reed revising the city's pension laws rendered the bulk of the plaintiffs' claims moot.

Cooney said she didn't think the ruling left any grounds for appeal. The plaintiffs plainly could not satisfy the legal requirements for class certification, she said, and "because of the city's comprehensive revision of its pension system, those challenges are now academic."

Deputy City Attorney Eric Richardson praised the order. "Shortly after the lawsuit was filed a motion for summary judgment seeking dismissal of the lawsuit based on the plaintiffs' lack of standing," he said. "Judge Adams' decision validates the city's arguments from very early in this case that the lawsuit lacked legal merit."

The foundation's attorneys, Robert D. Feagin and John F. Woodham, did not respond to requests for comment.

The case is Fulton County Taxpayers Association v. Atlanta, No. 2010CV182203.