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LINCOLN COUNTY, GEORGIA
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Lincoln County, Georgia

IN THE SUPERIOR COURT OF LINCOLN COUNTY
STATE OF GEORGIA

ALLEY CAT ALLIES INCORPORATED	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: _____
	)	
	)	
THE CITY OF LINCOLNTON, GEORGIA, and MIKE McCOMBS, in his official capacity as Mayor of the City of Lincolnton, Georgia	)	
	)	
	)	
	)	
Defendants.	)	
_____	)	

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Plaintiff, Alley Cat Allies Incorporated ("ACA"), by and through its attorneys, Natalie Mark and Offit Kurman, P.A., and Eduardo S. Garcia and Stein Sperling Bennett De Jong Driscoll PC, files this Complaint for Declaratory Judgment and Injunctive Relief against Defendants The City of Lincolnton, Georgia (the "City of Lincolnton") and Mike McCombs, in his official capacity as Mayor of the City of Lincolnton, Georgia ("Mayor McCombs") (collectively, the "Defendants"), stating as follows:

INTRODUCTION

1. ACA brings this action for declaratory and injunctive relief against the City of Lincolnton and Mayor McCombs, in his official capacity, to prevent the continued ultra vires exercise, authorization, and/or delegation of governmental animal control authority to private individuals who are not legally authorized under Georgia law to exercise such authority.

2. This action arises from the City of Lincolnton's and Mayor McCombs' unlawful use of municipal authority to facilitate the exercise of governmental animal control functions by

Mayor McCombs' wife, Lizzy Long ("Long"), a private citizen who was not appointed, designated, authorized, or otherwise empowered under Georgia law or the City of Lincolnton Code of Ordinances to perform such governmental functions. On April 17, 2026, after a police offer twice refused the Mayor's instruction to shoot a domestic cat named Piper, Mayor McCombs arrived at Lincolnton residence with Long, who was carrying a shotgun, and announced, "Lizzy's right there. She can shoot it." Although Piper was hiding behind a garage and posed no threat to anyone, Long shot her, leaving Piper screaming and rolling on the ground in extreme distress before she died. This conduct was further facilitated and acquiesced in by the City of Lincolnton through its Police Department, specifically Lincolnton Police Officer Jason Shelton ("Officer Shelton"), who stood by and permitted Long to perform governmental animal control functions despite her lack of lawful authority to do so. By permitting, authorizing, facilitating, and/or acquiescing in Long's exercise of governmental animal control authority, the City of Lincolnton and Mayor McCombs acted beyond the authority granted to them by law and engaged in an ultra vires exercise of municipal power.

PARTIES

3. Plaintiff, ACA, is a nonprofit organization incorporated under the laws of the State of Delaware, with its principal place of business at 7920 Norfolk Avenue, Suite 600, Bethesda, Maryland 20814. ACA, founded in 1990, is a leading advocacy organization dedicated to protecting and improving the lives of all cats and kittens with over 1.8 million supporters worldwide. ACA works around the world to develop humane, evidence-based policies for cats and takes strong action, including in court, against cruelty to cats. ACA has been registered to do business and has been doing business in the State of Georgia since 2016. ACA owns real property

located within the City of Lincolnton, Lincoln County, Georgia, and is a taxpayer of the City of Lincolnton. ACA also has supporters and donors who reside in the State of Georgia.

4. Defendant City of Lincolnton is a municipal corporation organized and existing under the laws of the State of Georgia, located in Lincoln County, Georgia. Defendant City of Lincolnton may be served with process at Lincolnton City Hall, located at 125 North Peachtree Street, Lincolnton, Georgia 30817. The City of Lincolnton is a proper and necessary party to this action because Plaintiff seeks declaratory and injunctive relief concerning the City of Lincolnton's authority to exercise, authorize, and/or delegate governmental animal control functions.

5. Defendant Mayor McCombs is the Mayor of the City of Lincolnton, Georgia, and is being sued in his official capacity. Mayor McCombs resides in and holds office in Lincoln County, Georgia, and may be served with process at 125 North Peachtree Street, Lincolnton, Georgia 30817.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to the Georgia Declaratory Judgment Action, O.C.G.A. § 9-4-2, and Georgia law governing equitable and injunctive relief.

7. Venue is proper in this Court as the conduct giving rise to this action occurred in Lincoln County, Georgia, and the City of Lincolnton is located in Lincoln County, Georgia, and Defendant Mayor McCombs, in his official capacity as Mayor of the City of Lincolnton, performs his official duties within Lincoln County, Georgia.

FACTUAL ALLEGATIONS

Mayor McCombs and Animal Control in Lincolnton County

8. At all times relevant to this Complaint, Mayor McCombs served as Mayor of the City of Lincolnton, Georgia.

9. At all times relevant to this Complaint, Lizzy Long was the spouse of Mayor McCombs and resided in Lincolnton, Georgia.

10. O.C.G.A. § 4-11-2 (1.1) defines an "animal control officer" as an individual authorized by local law or by the governing authority of a county or municipality to carry out animal control duties.

11. At all times relevant to the Complaint, neither the City of Lincolnton nor Lincoln County had designated any individual as an "animal control officer" within the meaning of O.C.G.A. § 4-11-2 (1.1).

12. The Lincolnton County Municipal Code provides that: "City Police and other city officers authorized to enforce this chapter are, for those purposes, also designated as 'animal control officers[.]'" *See* Sec. 6-3(a).

13. The Lincolnton County Municipal Code further confirms that it is "unlawful for any person …[to] kill or abuse any animal" and states that "[a]nimal control officers shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect as may be necessary to prevent further suffering." *See* Sec. 6-32 & 6-33; *see also* O.C.G.A. § 16-12-4 (defining the offense of cruelty to animals as "caus[ing] physical pain, suffering, or death to any animal by any unjustifiable act or omission" and defining "aggravated cruelty to animals" as "maliciously caus[ing] the death of an animal.").

14. Lastly, the Lincolnton County Municipal Code provides that "[i]t shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any animal control officer in the official performance of his duties as provided in this chapter." *See* Sec. 6-4.

15. At all times relevant to the Complaint, Long had not been designated, appointed, or otherwise authorized by the City of Lincolnton or Lincoln County to serve as an animal control officer or to perform governmental animal control functions.

The April 2026 Ultra Vires Actions

16. On or about April 17, 2026, Mayor McCombs instructed Officer Shelton—who was serving as an animal control officer—to respond to the residence of Tommy Lee, located at 106 Florence Street, Lincolnton, Georgia 30817 (the "Premises"), regarding a domestic cat named Piper that purportedly attacked Lee, its owner

17. Specifically, Mayor McCombs instructed Officer Shelton to go to the Premises and shoot Piper to death with Officer Shelton's department-issued firearm. Officer Shelton lawfully refused this unlawful instruction, explaining that he could not shoot Piper unless the cat was actively attacking a person in his presence.

18. Mayor McCombs then instructed Officer Shelton to provide his department-issued firearm to Tommy Lee so that Mr. Lee could shoot and kill Piper. Officer Shelton again refused, citing the substantial liability that could result to the City of Lincolnton if he followed Mayor McCombs' instruction.

19. Mayor McCombs then demanded that Officer Shelton visit the Premises and discuss the matter with Mr. Lee, Officer Shelton subsequently appeared at the Premises to speak with Mr. Lee regarding Piper. Officer Shelton offered to assist in placing Piper in a crate and transport the cat to a veterinarian to be euthanized.

20. Thereafter, Mayor McCombs arrived at the Premises with his wife, Long, who was carrying a shotgun.

21. Officer Shelton knew or should have known that Lincolnton County City Ordinance Sec. 30-5 provides that "it shall be unlawful for any person to discharge a firearm…within the city, except by law enforcement officers in the line of duty."

22. Upon Mayor McCombs and Long's arrival at the Premises, Piper was outside behind a garage, hiding. Piper was not actively attacking anyone and posed no threat to any person at the Premises.

23. In body camera footage recorded on the date of the incident, Mayor McCombs stated: "Lizzy's right there. She can shoot it." At that point, Officer Shelton unlawfully abdicated his statutory duties as an animal control officer, took no action to stop Long's forthcoming unlawful discharge of a firearm and Long's unauthorized attempt to act as an animal control officer. To be clear, even if Long had been a duly appointed "animal control officer," Officer Shelton was aware that there was no authority to fatally shoot a cat that had not attacked anyone in the presence of the "animal control officer," as he had previously correctly stated to Mayor McCombs.

24. Long then proceeded toward the rear of the garage in search of Piper. Long then discharged the shotgun, striking and seriously injuring Piper.

25. Following the shooting, Piper did not die immediately. Piper remained alive and in extreme distress, screaming and rolling on the ground in pain. Piper subsequently died from her injuries. Long placed Piper's body in a box, after which Mayor McCombs, Long, and Officer Shelton left the Premises.

26. Long is a private citizen. Long is not an employee of state or local government, a sheriff, deputy sheriff, a peace officer, or an animal control officer appointed pursuant to Georgia law.

Subsequent Investigation

27. After the killing of Piper, Investigator Joshua Brown of the Georgia Department of Agriculture (the "GDA") conducted a criminal investigation of the incident, during which Long told the investigator that she tries to help wherever she can, since there isn't any animal control in the area.

28. In body camera footage recorded on the date of the incident, Long stated: "Well they all… I've done this. They've called me all the time," related to prior involvement in responding to animal incidents in Lincolnton, Georgia.

29. Long's statements indicate a pattern and practice of performing animal control duties at the direction of or with the acquiescence of Mayor McCombs and the City of Lincolnton, without any legal authority to do so, as well as a further intention to continue doing these unlawful and unauthorized acts.

30. On May 13, 2026, after the GDA conducted its investigation, a warrant for the arrest of Long for Animal Cruelty (O.C.G.A. § 16-12-4) was signed by Magistrate Judge Leighton Taylor (Warrant #26MCRO26).

31. On that same day, the warrant was subsequently recalled by Deputy Director Bruce Stanford of the GDA, advising Joshua Brown that the warrant needed to be recalled due to circumstances beyond Bruce Stanford's control.

32. As of the date of this Complaint, no criminal charges have been filed against Long or Mayor McCombs in connection with the shooting and killing of Piper on April 17, 2026. Moreover, no judicial or administrative order has been entered prohibiting Long from continuing to perform purported animal control functions within the City of Lincolnton or Lincoln County,

Georgia, and Long remains free to continue engaging in such unlawful and unauthorized conduct at the direction of, or with the authorization or acquiescence of, Defendants.

33. Further, ACA is not aware of any policy change by the Lincolnton Police Department to ensure that in the future "animal control officers" such as Officer Shelton will take the appropriate steps necessary to comply with their duties and prevent the killing of innocent animals.

COUNT I
DECLARATORY JUDGMENT (O.C.G.A. § 9-4-2)
Against All Defendants

34. ACA adopts herein by reference paragraphs 1 through 32 above as if fully set forth herein.

35. Pursuant to O.C.G.A. § 9-4-2, Plaintiff seeks a declaration of the rights, status, and legal relations of the parties concerning Defendants' authority to exercise, delegate, and/or permit the exercise of governmental animal control functions within the City of Lincolnton and Lincoln County, Georgia.

36. Georgia law defines an "animal control officer" as "an individual authorized by local law or by the governing authority of a county or municipality to carry out the duties imposed by the [Georgia Animal Protection Act] or imposed by local ordinance." O.C.G.A. § 4-11-2(1.1).

37. Long was not appointed, designated, or otherwise authorized by the City of Lincolnton or Lincoln County to serve as an animal control officer or to carry out governmental animal control duties under the Georgia Animal Protection Act or any local ordinance.

38. O.C.G.A § 4-11-9.2 establishes the governmental actors authorized to enforce the Georgia Animal Protection Act and to impound animals pursuant to that Act, including the Georgia

Agriculture Commissioner, his designated agent, state or local government animal control officers, sheriffs, deputy sheriffs, and other peace officers. O.C.G.A. § 4-11-9.2(b)-(c).

39. Likewise, Georgia law provides that an animal impounded pursuant to the Georgia Animal Protection Act may be disposed of by the government agency having custody of the animal, including by humane euthanasia only under the circumstances prescribed by law. O.C.G.A. § 4-11-9.6.

40. Long was not an animal control officer, sheriff, deputy sheriff, peace officer, or other governmental actor authorized under Georgia law to exercise the governmental animal control authority purportedly delegated or entrusted to her by Mayor McCombs and the City of Lincolnton.

41. Accordingly, Long's purported exercise of governmental animal control authority at the Premises, including her shooting and killing of Piper, was not an exercise of authority conferred upon her by Georgia law or by the City of Lincolnton Code of Ordinances.

42. Mayor McCombs, acting in his official capacity as Mayor of the City of Lincolnton, lacked authority to confer upon Long governmental animal control powers that she was not otherwise authorized by law or local ordinance to exercise.

43. The City of Lincolnton likewise lacks authority to delegate, authorize, or permit the exercise of governmental animal control functions by a private individual who has not been authorized by local law or by the governing authority of the City of Lincolnton or Lincoln County to serve as an animal control officer.

44. By directing, facilitating, authorizing, permitting, and/or acquiescing in Long's purported exercise of governmental animal control authority, including through the conduct of the City of Lincolnton's law enforcement personnel at the Premises, Mayor McCombs and the City of

Lincolnton acted beyond the authority conferred upon them by Georgia law and the City of Lincolnton's Code of Ordinances and thereby engaged in ultra vires conduct.

45. An actual controversy exists between ACA and Defendants concerning whether the City of Lincolnton and Mayor McCombs may lawfully authorize, delegate, facilitate, or permit a private individual who has not been designated or authorized as an animal control officer to exercise governmental animal control functions within the City of Lincolnton.

46. The controversy is ongoing because Defendants' conduct demonstrates an existing practice of permitting private individuals to perform purported governmental animal control functions without the authorization required by Georgia law. Unless this Court declares the parties' respective rights and legal relations, ACA faces continued uncertainty concerning whether Defendants may lawfully engage in such conduct in the future.

47. ACA therefore seeks a declaration that: (a) Long was not legally authorized to act as an animal control officer or otherwise exercise governmental animal control authority on behalf of the City of Lincolnton or Lincoln County; (b) Mayor McCombs may not delegate or confer governmental animal control authority upon a private individual who is not authorized under Georgia law or local ordinance to exercise such authority; and (c) the City of Lincolnton and Mayor McCombs may not authorize, delegate, facilitate, or permit private individuals to exercise governmental animal control functions unless such individuals are legally authorized to do so under applicable Georgia law and local ordinance.

COUNT II
PERMANENT INJUNCTIVE RELIEF (O.C.G.A. § 9-5-10)
Against All Defendants

48. ACA adopts herein by reference paragraphs 1 through 46 above as if fully set forth herein.

49. Pursuant to O.C.G.A. § 9-5-10, Plaintiff seeks permanent injunctive relief prohibiting Defendants from continuing to authorize, facilitate, permit, or otherwise cause unauthorized private individuals to exercise governmental animal control authority on behalf of the City of Lincolnton or Lincoln County.

50. Mayor McCombs, acting under color of his official authority as Mayor of the City of Lincolnton, and with the knowledge, acquiescence, and/or participation of the City of Lincolnton, has directed, permitted, and facilitated Lizzy Long, a private individual who was not authorized under Georgia law or local ordinance to perform governmental animal control functions, to perform such functions within the City of Lincolnton and Lincoln County, Georgia, including the seizure, impoundment, and killing of animals.

51. The circumstances surrounding the April 17, 2026, incident demonstrate that Defendants' conduct was not merely an isolated or unauthorized act by a private citizen. Long herself stated that she tries to help wherever she can since there is not any animal control in the area and that she had "done this" before and that "they call me all the time," demonstrating that she had previously performed similar animal control functions and had been contacted to do so.

52. Defendants' continued authorization, facilitation, and/or acquiescence in the performance of governmental animal control functions by private individuals who have not been legally authorized to perform such functions creates a continuing and imminent threat that animals within the City of Lincolnton and Lincoln County will again be subjected to unauthorized seizure, impoundment, use of force, and/or killing.

53. The threatened harm is irreparable because the unauthorized seizure, injury, and killing of animals cannot be adequately remedied by an award of monetary damages. Moreover, once an animal is injured or killed, the harm is permanent and cannot be undone.

54. The April 17, 2026, incident demonstrates the serious consequences of Defendants' unauthorized delegation and facilitation of governmental animal control functions. Piper was shot by a private individual who was not authorized to perform governmental animal control functions and remained alive and in extreme distress before ultimately dying from the injuries sustained.

55. ACA has no adequate remedy at law to prevent the threatened recurrence of Defendants' ultra vires conduct. Monetary damages cannot prevent Defendants from continuing to authorize, facilitate, or permit unauthorized private individuals to perform governmental animal control functions or adequately compensate for the permanent harm resulting from the injury or killing of animals.

56. The balance of equities and the public interest favor injunctive relief. Defendants have no legitimate interest in exercising or delegating governmental authority in a manner contrary to Georgia law and applicable local ordinances, while the public has a substantial interest in ensuring that governmental authority is exercised only by persons legally authorized to exercise it and that animals and members of the public are protected from the consequences of unauthorized governmental action.

57. Accordingly, ACA is entitled to permanent injunctive relief pursuant to O.C.G.A. § 9-5-10 prohibiting Defendants, and all persons acting in concert with them or at their direction, from directing, authorizing, delegating, permitting, facilitating, or otherwise causing any private individual who has not been legally authorized under Georgia law or applicable local ordinance to perform governmental animal control functions on behalf of the City of Lincolnton or Lincoln County, including the seizure, impoundment, or killing of animals.

PRAYER FOR RELIEF

WHEREFORE, ACA respectfully requests that this Court enter judgment in its favor on each and every claim for relief set forth above and enter judgment against Defendants as follows:

A. Enter a declaratory judgment pursuant to O.C.G.A. § 9-4-2 declaring that:

i. Lizzy Long has not been designated, appointed, or otherwise authorized under Georgia law or applicable local ordinance to serve as an animal control officer or to perform governmental animal control functions on behalf of the City of Lincolnton or Lincoln County;

ii. Defendants may not confer, delegate, authorize, or otherwise permit a private individual who has not been legally authorized to do so to exercise governmental animal control authority on behalf of the City of Lincolnton or Lincoln County; and

iii. Defendants' authorization, delegation, facilitation, and/or acquiescence in the performance of governmental animal control functions by a private individual who lacks the legal authority to perform such functions constitutes an ultra vires exercise of governmental authority.

B. Enter a permanent injunction pursuant to O.C.G.A. § 9-5-10 prohibiting Defendants, and all persons acting in concert with them or at their direction, from directing, authorizing, delegating, permitting, facilitating, or otherwise causing any private individual who has not been legally authorized under Georgia law or applicable local ordinance to perform governmental animal control functions on behalf of the City of Lincolnton or Lincoln County, including the seizure, impoundment, euthanasia, or killing of animals.

C. Award ACA its costs incurred in this action and any other costs recoverable under applicable law; and

D. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

OFFIT KURMAN. P.A.

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