

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JASON CANTRELL,

*Plaintiff,*

*v.*

KANDICE GARDNER, individually  
and in her official capacity,

ANDRE PITTS, individually and in  
his official capacity,

JAMAL HUNTER, individually and  
in his official capacity, and

THE CITY OF FOREST PARK,

*Defendants.*

Civil Action No. 1:26-CV-01638

Jury Trial Demanded

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**PARTIES' JOINT NOTICE OF STIPULATION AND WITHDRAWAL OF  
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Jason Cantrell, by and through counsel, and Defendants Kandice Gardner, Andre Pitts, Jamal Hunter, and the City of Forest Park ("City") (*collectively*, "Parties"), by and through their respective undersigned counsel, hereby jointly notify the Court that the Parties have reached the following stipulation ("Stipulation") regarding the pending Motion for Preliminary Injunction, (Doc. No. 2), and the conditions attached to the subject Sound Amplifying Device Permits issued to Plaintiff by the City. The Parties respectfully request that the Court take notice of this Stipulation. See CheapTruckParts.com, LLC v. Godfather Vans, Inc., No. 1:08-CV-3602-TCB, 2009 WL 10671362, at \*7 (N.D.

Ga. Sept. 9, 2009) (“In our judicial system, stipulations fairly entered into are favored.” (internal quotation and citation omitted)). And, Plaintiff hereby withdraws the pending Motion for Preliminary Injunction. (Doc. No. 2).

Plaintiff filed the Motion for Preliminary Injunction, challenging the condition appearing on Sound Amplifying Device Permits issued by the City providing that “[i]f complaints are received about noise level, this Permit will become null and Void” (“Complaint Restriction”). (Doc. No. 2, Mot. for Inj.). Since that time, the Parties have engaged in discussions concerning the resolution of the claims and issues asserted in this matter. In the interest of avoiding unnecessary litigation of the preliminary injunction and judicial economy, the Parties have stipulated to the terms set forth herein.

The City will issue, pursuant to and consistent with the City Code of Ordinances, Plaintiff a new Sound Amplifying Device Permit for 519 Forest Parkway, Forest Park, Georgia 30297, for a term of no less than ninety (90) days from the date of execution of this Stipulation. The new permit (a) will not contain the Complaint Restriction, or any substantively equivalent provision providing that the permit may be voided, revoked, suspended, and/or modified based upon complaints; and (b) contains the same material terms as Plaintiff’s most recent permit, including the same location, authorized hours, and days of use.

The Parties agree that, for the pendency of this litigation, including any appeal or until further Order of this Court, no Sound Amplifying Device Permit issued to Plaintiff by the City shall contain the Complaint Restriction or any substantively equivalent provision.

By entering into this Stipulation, the Parties hereby assert and acknowledge:

(a) Defendants do not waive any defenses and expressly reserve any and all available defenses, rights, claims, counterclaims, and arguments, whether known or hereafter arising, in the above-captioned case; (b) nothing in this Stipulation shall be construed as an admission of any fact, fault, wrongdoing, and/or liability by the Parties, and this Stipulation is entered into solely for the purpose of avoiding unnecessary litigation – this Stipulation cannot be utilized as evidence or proof in any proceeding; and (c) nothing in this Stipulation limits, restricts, inhibits, waives, impairs, and/or otherwise prohibits the City’s ability to lawfully enforce the City Code of Ordinances.

In light of the foregoing, Plaintiff respectfully withdraws the Motion for Preliminary Injunction without prejudice. See Carey v. Hannah, Kendrix, Zachary & Assocs., LLC, No. 111CV01782SCJAJB, 2011 WL 13322458, at \*3 (N.D. Ga. Sept. 2, 2011) (sanctioning the plaintiff’s implicit withdrawal of motion to set aside default because without a default there could be no default judgment).

Respectfully submitted this 23rd Day of April, 2026.

Andrew J. Ekonomou

[REDACTED]

AMERICAN CENTER FOR LAW & JUSTICE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Liam R. Harrell\*

[REDACTED]

/s/ Nathan J. Moelker

Nathan J. Moelker\*

[REDACTED]

AMERICAN CENTER FOR LAW & JUSTICE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

\* Admitted *Pro hac vice*  
*Counsel for Plaintiff*

DENMARK ASHBY MATRICARDI LLC

DANIELLE M. MATRICARDI

[REDACTED]

CHANDARALEN PHE

[REDACTED]

/s/ T. Orlando Pearson

T. ORLANDO PEARSON

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Counsel for Defendants Kandice Gardner,  
Andre Pitts, Jamal Hunter, and The City of  
Forest Park*