

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

JEA and CITY OF JACKSONVILLE,

Plaintiffs,

v.

MUNICIPAL ELECTRIC AUTHORITY  
OF GEORGIA,

Defendant.

Case No. 1:19-cv-3234-MHC

**DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendant Municipal Electric Authority of Georgia (“MEAG”) hereby moves for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). Based on the pleadings, documents incorporated into the pleadings, and judicially noticeable documents, including those filed as exhibits to the contemporaneously filed declaration of Alvin Lee, this Court can resolve the parties’ competing claims for a declaratory judgment on the core issue in this case: whether the Power Purchase Agreement between JEA and MEAG is valid and enforceable. As explained in the accompanying memorandum of law in support of this motion, the Plaintiffs’ claim for declaratory judgment is precluded under Georgia law because it is a collateral attack on a final judgment that held the PPA valid and enforceable. This Court should thus declare that the PPA is valid and enforceable, grant MEAG judgment on the

pleadings on its claim for declaratory judgment, and grant MEAG judgment on the pleadings on JEA and the City's claim for declaratory judgment.

Respectfully submitted this 27th day of December, 2019.

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### **CERTIFICATE OF COMPLIANCE**

Undersigned counsel certifies the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14-point) approved by the Court in local rule 5.1(C) and 7.1(D).

By: /s/ Alvin Lee  
Alvin Lee  
(admitted *pro hac vice*)

*Counsel for Defendant Municipal  
Electric Authority of Georgia*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS has been filed with the Clerk of Court using the CM/ECF system and will send notification to all counsel of record.

This 27th day of December, 2019.

By: /s/ Alvin Lee  
Alvin Lee  
(admitted *pro hac vice*)

*Counsel for Defendant Municipal  
Electric Authority of Georgia*