



Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

GEORGIA NONPUBLIC
POSTSECONDARY EDUCATION
COMMISSION (GNPEC),

Plaintiff,

v.

TERRY UNIVERSITY, INC.,
VINCENT TERRY, Individually and
d/b/a TERRYUNIVERSITY, INC., and
MICHAEL TERRY a/k/a MICHAEL
ANTHONY PERRY, Individually and
d/b/a TERRY UNIVERSITY, INC.,

Defendants.

Civil Action File No.: 20106502

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

This matter is before the Court on Plaintiff's Motion for Entry of Default Judgment filed on April 15, 2021. After considering Plaintiff's motion, the Court hereby enters the following Order.

Service having been perfected on October 22, 2020, and having failed to have counsel appear or to file defensive pleadings, Defendant Terry University, Inc. is in default, and judgment is hereby entered against Defendant Terry University, Inc., pursuant to O.C.G.A. § 9-11-55. "In default judgment cases in which equitable relief is sought, 'a determination must be first made that, admitting every allegation in the petition as true, the plaintiff is entitled to the [equitable] relief sought. This presents a question of law for the court.'" *Taylor, Bean, & Whitaker Mortg. Corp. v. Brown*, 276 Ga. 848, 851-52 (2003).

Plaintiff regulates nonpublic post-secondary education in Georgia. O.C.G.A. §§ 20-3-250.1 through 20-3-250.27. The unrefuted facts show that Defendant Terry University,

Inc. sought from and was granted by Plaintiff the authorization to operate nonpublic postsecondary education programs in the State of Georgia from July 1, 2013, to June 30, 2018. Compl. ¶¶ 13-14. Defendant Terry University, Inc. was required by law to surrender its student records after closing. O.C.G.A. § 20-3-250.17. Defendant Terry University, Inc. also agreed to comply with the terms of a Records Agreement that required Defendant Terry University, Inc. to surrender student records to Plaintiff if Defendant Terry University, Inc. ceased to operate, which occurred when Plaintiff revoked Defendant Terry University, Inc.'s authorization. O.C.G.A. §§ 20-3-250.8(g), 20-3-250.17, Compl. ¶¶ 8-17. Plaintiff notified Defendant Terry University, Inc. that its authorization was revoked and that the institution was closed by GNPEC on September 4, 2018, and reminded Defendant Terry University, Inc. of its obligations to produce student records to GNPEC on numerous occasions thereafter. Compl. ¶¶ 17-22. Defendant Terry University, Inc. failed to provide the records to GNPEC. Compl. ¶¶ 23.

IT IS HEREBY ORDERED AND ADJUDGED that:

(1) Plaintiff Georgia Nonpublic Postsecondary Education Commission's ("GNPEC") Complaint for Injunctive Relief is **GRANTED** as to Defendant Terry University, Inc. Defendant Terry University, Inc. is hereby **PERMANENTLY ENJOINED and RESTRAINED** from further and continuing violations of O.C.G.A. § 20-3-250.17 and the Records Agreement it submitted to Plaintiff;

(2) Defendant Terry University, Inc. is hereby **ORDERED** to immediately comply with O.C.G.A. § 20-3-250.17 and the Records Agreement it submitted to Plaintiff by surrendering to Plaintiff's Executive Director all student records for students who were enrolled in GNPEC-authorized certificate programs within 10 days following entry of this Order; and

(3) Defendant Terry University, Inc. is **ORDERED** to pay Plaintiff a fine of \$100.00 and an additional \$100.00 for each day past the 10th day of the entry of this Order that it remains in violation of O.C.G.A. § 20-3-250.17 and the Records Agreement.

The Court notes that no costs were assessed to the State in filing this action against Defendant Terry University, Inc.


IT IS SO ORDERED. This 16 day of April, 2021.


HONORABLE ROBERT E. FLOURNOY, III
Cobb County Superior Court

Prepared and submitted by:

/s/ Kristen L. Settlemire
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Certificate of Service


This is to certify that the foregoing document was filed with the Clerk of Superior Court, and copies of the filed document were placed into the Court's mail system to be mailed via United States mail or Interdepartmental Mail or Electronic Mail to:

Terry University, Inc.
3350 Riverwood Pkwy, Suite 1900
Atlanta, GA 30339

Vincent Terry – Business Address, as Registered Agent
Individually and DBA Terry University, Inc.
3350 Riverwood Pkwy., Suite 1900
Atlanta, GA 30339

Michael Terry a/k/a Michael Anthony Parry
Individually and DBA Terry University, Inc.
Dunwoody, GA 30338


This is to certify that on the date the foregoing document was e-filed with the Clerk of Superior Court, all parties, or the specified parties below, were served with a copy via PeachCourt electronic service

KSettle mire@law.ga.gov



Christa Flint
Judicial Administrative Assistant to
Judge Robert E. Flournoy, III