

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

BLACK VOTERS MATTER FUND, et al., Plaintiffs, vs. BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia, et al., Defendants.	} } } } } } } } } } }	Civil Action No.: 20-cv-1489-AT
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**PLAINTIFFS BLACK VOTERS MATTER FUND AND MEGAN
GORDON’S MOTION FOR A TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION AND FOR EXPEDITED
BRIEFING**

Plaintiffs Black Voters Matter Fund and Megan Gordon (hereinafter “Original Plaintiffs”) move for a temporary restraining order and/or preliminary injunction and for expedited briefing to be completed no later than noon this Thursday, May 14, 2020. The Original Plaintiffs’ instant motion incorporates by reference all prior filings and evidence submitted in connection with the Original Plaintiffs’ prior motion for preliminary injunction. *See* Docs. 2 (and attached Exhibits), 8, 12-14, 16-17, 24-39, 44-46, 48, 52-53, 57 (and attached Exhibits), 58-

60, 62-66, 74 (and attached Exhibit), 75, 77 (and attached Exhibit). Original Plaintiffs also incorporate by reference their opposition brief to the Secretary's motion to dismiss the complaint to the extent it is relevant. *See* Doc. 84.¹ The motion does not rest on any filing or any evidence submissions not listed above.

This motion is not materially different from Original Plaintiffs' prior motion for a preliminary injunction, which has been fully briefed. This motion for a preliminary injunction is filed solely on behalf of the Original Plaintiffs, Plaintiffs Black Voters Matter Fund and Megan Gordon. It is not being filed on behalf of new plaintiffs Penelope Reid or Andy Kim. It is not being filed on behalf of any plaintiff class or subclass of voters, putative or otherwise. The motion does not ask for class certification as a prerequisite to a preliminary injunction.

Original Plaintiffs further confirm that their motion for a preliminary injunction only seeks relief with respect to the Secretary. *See* Doc. 2 (requesting injunction solely with respect to the Secretary "because county election officials follow the Secretary of State's guidance."). Original Plaintiffs' motion does not seek relief from Defendant DeKalb County Board of Registration & Elections. The

¹ Original Plaintiffs do not incorporate by reference Plaintiffs' response to the Secretary's Motion to Dismiss the Amended Complaint, Doc. 91, since that only addresses the new plaintiffs.

motion also does not seek relief against any defendant class of counties, putative or otherwise, nor any member of that putative class.²

Lastly, Original Plaintiffs request that this Court require expedited briefing on this motion; specifically, that this motion be fully briefed by noon on Thursday, May 14, 2020, so as to permit for timely resolution of Original Plaintiffs' request for relief. Original Plaintiffs respectfully submit that this motion causes little prejudice, if any, to Defendants. The motion is not being brought on behalf of new plaintiffs nor against new defendants, is not relying on new evidence, is not dependent on any anticipated motion for class certification, and re-raises the same arguments that have already been fully briefed. The motion is also not based on any of the new allegations in the Amended Complaint.³ Original Plaintiffs waive their right to reply if Defendants' responses reincorporate arguments already made. If not, Original Plaintiffs ask only for 3 hours to submit a reply.

The main difference between this motion and the prior one is that Original Plaintiffs' instant motion only seeks relief for August and November, since relief

² To be sure, Original Plaintiffs "reserve the right to seek any injunction specific to Defendant DeKalb County Board of Registration & Elections or other county officials who do not follow the Secretary's guidance on this issue." Doc. 2. But those conditions have not been met, and they could not be met unless this Court granted injunctive relief as to the Secretary first.

³ Attached to this motion is a redline of the Amended Complaint.

for the June elections has been denied. Doc. 83. In addition, this motion formally asks for a temporary restraining order only because of the imminently impending Friday deadline to enter relief for August elections. “The standard for obtaining a temporary restraining order is identical to that of obtaining a preliminary injunction.” *Martin v. Kemp*, 341 F. Supp. 3d 1326, 1332 (N.D. Ga. 2018). Thus, Original Plaintiffs’ incorporated arguments remain the same.

Counsel for Plaintiffs affirm that they have spoken by telephone with Counsel for Defendants about this motion and their request for expedited briefing. In addition, Counsel for Plaintiffs regret the significant inconvenience that this has caused.

Respectfully submitted this 12th day of May, 2020.

Sean Young

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CERTIFICATE OF COMPLIANCE

Pursuant to N.D. Ga. Local Civil Rule 7.1(D), I hereby certify that the foregoing has been prepared in compliance with N.D. Ga. Local Civil Rule 5.1(C) in Times New Roman 14-point typeface.

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

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