

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

MARTIN COWEN, ALLEN	*	
BUCKLEY, AARON GILMER, JOHN	*	
MONDS, and the LIBERTARIAN	*	
PARTY OF GEORGIA, INC., a	*	
Georgia nonprofit corporation,	*	CASE NO.: 1:17cv04660-LMM
	*	
Plaintiffs,	*	
	*	
v.	*	
	*	
BRAD RAFFENSPERGER, Georgia	*	
Secretary of State,	*	
	*	
Defendant.	*	

**MOTION FOR EXPEDITED BRIEFING ON DEFENDANT’S
EMERGENCY MOTION TO STAY PERMANENT INJUNCTION
PENDING APPEAL**

Defendant Brad Raffensperger, Georgia Secretary of State (the “Secretary”), moves pursuant to Local Rule 7.1 for expedited briefing of his Emergency Motion to Stay Permanent Injunction.

As stated in the Secretary’s motion to stay, there exists good cause for treating it as an emergency motion and waiving the time requirements of Local Rule 7.1. The permanent injunction requires substantial changes to the State’s ballot-access requirements and elections processes. The signature-gathering period for third-party candidates is set by statute to begin in January 2022. It is in the best interest of the

parties, as well as third-party candidates and state and local elections officials, to have the appeal and cross appeal resolved in the Eleventh Circuit by then.

Moreover, Eleventh Circuit Rules state that the State Defendants may only move the Appellate Court to stay the injunction pending appeal upon a showing of (a) impracticability or (b) that a stay was sought, and denied, in the District Court. 11th Cir. R. 8(a)(2)(A)(i-ii). Accordingly, to allow the Court sufficient time to consider and rule on the Secretary's Motion to Stay, and timely appellate review if necessary, the Secretary respectfully request that Plaintiffs' response, if any, be due no later than Friday, October 8, 2021, and that the Court rule on the motion expeditiously thereafter. In the interest of efficiency, the Secretary will also forego filing a reply brief. Counsel for the Secretary has consulted with counsel for Plaintiffs, who indicated they oppose this Motion.

The Secretary respectfully requests that the Court grant this motion. A proposed Order is attached for the Court's convenience.

Respectfully submitted, this 1st day of October, 2021.

Christopher M. Carr 112505
Attorney General

Bryan K. Webb 743580
Deputy Attorney General

Russell D. Willard 760280
Senior Assistant Attorney General

/s/Charlene S. McGowan
Charlene S. McGowan 697316
Assistant Attorney General

40 Capitol Square SW
Atlanta, GA 30334
cmcgowan@law.ga.gov
404-458-3658

Attorneys for Defendant

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing has been formatted using Times New Roman font in 14-point type in compliance with Local Rule 7.1(D).

/s/Charlene S. McGowan
Charlene S. McGowan
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2021, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record in this case.

/s/Charlene S. McGowan
Charlene S. McGowan
Assistant Attorney General