

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

MAJORITY FORWARD; and GAMALIEL
WARREN TURNER, SR.,

Plaintiffs,

v.

Case No. 1:20-cv-00266-LAG

BEN HILL COUNTY BOARD OF
ELECTIONS; CINDI DUNLAP, in her official
capacity as Ben Hill County Elections
Supervisor and Chief Registrar; THOMAS
GREEN, in his official capacity as MEMBER
of the Ben Hill County Board of Elections;
DAVID WALKER, in his official capacity as
MEMBER of the Ben Hill County Board of
Elections; DANNY YOUNG, in his official
capacity as MEMBER of the Ben Hill County
Board of Elections; GUNDRON MILLS, in his
official capacity as MEMBER of the Ben Hill
County Board of Elections; PENSON
KAMINSKY, in his official capacity as
MEMBER of the Ben Hill County Board of
Elections; MUSCOGEE COUNTY BOARD
OF ELECTIONS AND REGISTRATION;
NANCY BOREN, in her official capacity as
Muscogee County Director of Elections &
Registration; MARGARET JENKINS, in her
official capacity as MEMBER of the Muscogee
County Board of Elections and Registration;
UHLAND ROBERTS, in his official capacity
as MEMBER of the Muscogee County Board
of Elections and Registration; DIANE
SCRIMPSHIRE, in her official capacity as
MEMBER of the Muscogee County Board of
Elections and Registration; LINDA PARKER,
in her official capacity as MEMBER of the
Muscogee County Board of Elections and
Registration; and ELEANOR WHITE, in her
official capacity as MEMBER of the Muscogee
County Board of Elections and Registration,

Defendants.

MOTION TO SEVER CLAIMS AND TRANSFER VENUE

COME NOW Defendants MUSCOGEE COUNTY BOARD OF ELECTIONS AND REGISTRATION; NANCY BOREN, in her official capacity as Muscogee County Director of Elections & Registration; MARGARET JENKINS, in her official capacity as MEMBER of the Muscogee County Board of Elections and Registration; UHLAND ROBERTS, in his official capacity as MEMBER of the Muscogee County Board of Elections and Registration; DIANE SCRIMPSHIRE, in her official capacity as MEMBER of the Muscogee County Board of Elections and Registration; LINDA PARKER, in her official capacity as MEMBER of the Muscogee County Board of Elections and Registration; and ELEANOR WHITE, in her official capacity as MEMBER of the Muscogee County Board of Elections and Registration (collectively, “Muscogee County Defendants”), and, pursuant to Fed. R. Civ. P. 21, 28 U.S.C. § 1404, and Local Rule 3.4, respectfully move for an order severing all claims asserted against them and transferring this case to the Columbus Division of the Middle District of Georgia.

1.

The claims against the Muscogee County Defendants are separate and distinct and should be severed from any other claims in this case pursuant to Fed. R. Civ. P. 21.

2.

Pursuant to 28 U.S.C. § 1391 and Local Rule 3.4, the proper venue for claims against the Muscogee County Defendants would be the Middle District of Georgia, Columbus Division. Pursuant to Local Rule 3.4, the Muscogee County Defendants request that this Court order the Clerk of Court to transfer the severed claims against the Muscogee County Defendants to the Columbus Division.

3.

Alternatively, pursuant to 28 U.S.C. § 1404, the Muscogee County Defendants request that this entire case be transferred to the Columbus Division.

4.

The Muscogee County Defendants have submitted a Brief in Support of this Motion, which is incorporated herein by reference.

WHEREFORE, the Muscogee County Defendants request that the Court inquire into and **GRANT** their Motion to Sever Claims and Transfer Venue.

Respectfully submitted this 28th day of December, 2020.

PAGE, SCRANTOM, SPROUSE,
TUCKER & FORD, P.C.

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CERTIFICATE OF SERVICE

I do hereby certify that on the date indicated below, I submitted the foregoing document to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to all counsel of record, and by U.S. mail to the following:

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This 28th day of December, 2020.

/s/ Thomas F. Gristina
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