

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.

**REPLY BRIEF IN SUPPORT OF MOTION TO  
SEVER CLAIMS AND TRANSFER VENUE**

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”) submit this Reply in Support of their Motion for an order severing all claims asserted against them and transferring those claims to the Columbus Division of the Middle District of Georgia, respectfully showing the Court the following.

**-- REPLY --**

On December 30, 2020, this Court entered an order denying Plaintiffs’ request for preliminary injunctive relief against Ben Hill County, stating that “as to the Ben Hill County Defendants, Plaintiffs have failed to demonstrate a likelihood of success on the merits of their claims.” [See ECF No. 27, Order, at p.1] Plaintiffs’ entire argument against transfer is based on their claim that “the Muscogee County Defendants have cited only immaterial factual distinctions.” [See ECF No. 29, Pltfs’ Resp. Br., at p.2] The Court, in fact, found that the factual distinctions between Plaintiffs claims were significant, as it has granted injunctive relief against one defendant while denying it as to the other. There is now no basis at all for venue in Albany,

and none of the cases cited by Plaintiffs in their response brief address this scenario.<sup>1</sup> Rather, Local Rule 3.4 would dictate the Columbus Division as the proper forum as it is the division in which the Muscogee County Defendants reside and where Plaintiffs' claims against them arose. *See* M.D. Ga. L.R. 3.4 (stating that venue in civil cases is proper "in the division in which...the defendant resides or the claim arose.") And Local Rule 3.4 directs the Clerk of Court to "transfer to the appropriate division any civil case that is filed in a division in which neither the plaintiff or defendant resides nor the claim arose." M.D. Ga. L.R. 3.4. Accordingly, this Court should direct the Clerk transfer the claims against the Muscogee County Defendants to the Columbus Division.

Respectfully submitted this 1st day of January, 2021.

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<sup>1</sup> The Muscogee County Defendants previously set forth all of the reasons and legal authorities supporting their arguments that the claims against them should be severed and transferred to the Columbus Division of the Middle District in their initial brief [ECF No. 11]. The Muscogee County Defendants incorporate those arguments herein by reference.

**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 1st day of January, 2021.

/s/ James C. Clark, Jr.  
Counsel for Defendants