

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

**GEORGIA REPUBLICAN PARTY,
INC., NATIONAL REPUBLICAN
SENATORIAL COMMITTEE, PERDUE
FOR SENATE, and GEORGIANS FOR
KELLY LOEFFLER**

Plaintiffs,

v.

**BRAD RAFFENSPERGER, in his official
capacity as the Secretary of State of
Georgia, REBECCA N. SULLIVAN, in
her official capacity as the Vice Chair of
the State Election Board, DAVID J
WORLEY, MATTHEW MASHBURN,
and ANH LE, in their official capacity as
Members of the State Election Board,**

Defendants.

Civil Action No.

**PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs, by counsel, hereby file this Emergency Motion for Temporary Restraining Order and Preliminary Injunction. In support hereof, Plaintiffs state as follows:

1. As set forth in Plaintiffs' Verified Complaint [Doc. 1], the upcoming run-off elections in Georgia for both of Georgia's U.S. Senate seats is of the utmost

importance to citizens Georgia and the entire country. However, serious constitutional flaws exist in the process for verifying absentee ballot signatures.

2. Plaintiffs' filed the Verified Complaint to seek emergency and immediate relief to remedy these constitutional flaws because county clerks will start processing absentee ballots on December 21, 2020 for the runoff elections. The purpose of this Emergency Motion is to seek the Court's urgent review and determination of the injunctive relief sought in the Verified Complaint.

3. Local Rule 7.2(B) provides "the Court may waive time requirements of this rule and grant an immediate hearing on any matter requiring such expedited procedure." Further, Local Rule 65.2 specifically pertaining to injunctions and restraining orders contains a similar procedure allowing for the Court to waive the normal time requirements for such motions if a party so requests "[u]pon written motion and good cause shown."

4. There is ample good cause to support Plaintiffs' request for emergency relief and for this Court to waive the normal time requirements and grant an immediate hearing on Plaintiffs' Emergency Motion. First, this matter is of the utmost urgency and importance in that absentee ballots will begin to be processed in eleven (11) days. Without immediate review of Plaintiffs' Emergency Motion, the integrity and reliability of the process for determining validly counted ballots in this critical runoff election will be jeopardized.

5. Second, Plaintiffs are likely to prevail on the merits of their claims and the injunctive relief sought in the Verified Complaint. The constitutional issues and flaws of Georgia's absentee ballot process will irreparably harm the rights of Georgia's electors if not corrected by this Court. The changes to that process, as further detailed in the Verified Complaint and Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction and Incorporated Memorandum of Law ("Plaintiffs' Memorandum") filed contemporaneously with this Emergency Motion, are narrowly tailored to address and remedy the constitutional rights of Georgia electors and the candidates for Georgia's two U.S. Senate seats.

6. Plaintiffs, by counsel, pursuant to Local Rule 7.5(B), have provided a copy of this Emergency Motion and Plaintiff's Memorandum to Defendants contemporaneous with the filing of this motion.

WHEREFORE, Plaintiffs respectfully request the Court grant this Emergency Motion, waive the time requirements under the Local Rules, and grant an immediate hearing on Plaintiffs' request for a temporary restraining order and preliminary injunction.

Respectfully submitted this 10th day of December, 2020.

/s/ Peter N. Farley

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Plaintiffs' Emergency Motion for Temporary Restraining Order and Preliminary Injunction has been prepared in accordance with the font type and margin requirements of L.R. 5.1, NDGa, using font type of Times New Roman and a point size of 14.

Dated: December 10, 2020

Counsel for Plaintiffs

/s/ Peter N. Farley

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing in the above-captioned matter to be filed with the United States District Court for the Northern District of Georgia, Atlanta Division, via the Court's CM-ECF system. I also hereby certify that I caused the foregoing in the above-captioned matter to be served, via email on December 10, 2020 and by hand delivery on December 11, 2020, upon:

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