

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

J'MARI BETHEA, individually, and
WickFORCE, as an organization,

Plaintiffs,

v.

NATHAN DEAL, in his official capacity as
Governor of the State of Georgia, and BRIAN P.
KEMP, in his official capacity as Secretary of State
of the State of Georgia,

Defendants.

CASE NO. 2:16-cv-140

**PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

NOW COMES Plaintiffs J'MARI BETHEA and WickFORCE, by and through its attorneys, and moves the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a temporary restraining order and order to show cause as to why a temporary restraining order should not issue against Nathan Deal, in his official capacity as Governor of Georgia, and Brian P. Kemp, in his official capacity as Secretary of State of Georgia. In support thereof, Plaintiffs state as follows:

1. On October 17, 2016, Plaintiffs filed their Complaint for Injunctive and Declaratory Relief, alleging that Plaintiffs are entitled to relief from this Court for violations of their rights as well as the rights of thousands of eligible Georgia voters under Section 2 of the Voting Rights Act and the Fourteenth Amendment to the U.S. Constitution, pursuant to 42 U.S.C. §§ 1983 and 1988.

2. Plaintiffs seek a temporary restraining order requiring Defendants, their officers, employees, and agents, all persons acting in active concert or participation with Defendants, or under Defendants' supervision, direction, or control, and all other persons within the scope of Federal Rule of Civil Procedure 65, to accept delivery of voter registration applications and allow for online voter registration.

3. Federal Rule of Civil Procedure 65 provides for the issuance of a temporary restraining order under circumstances such as those that exist in the present case.

4. In support of this motion, Plaintiff submits a Memorandum of Law, addressing all necessary elements for the entry of a temporary restraining order and preliminary injunction and an order to show cause.

5. Plaintiff seeks leave to present 30 minutes of oral argument (telephonically or in person) in support of this motion pursuant to Local Civil Rule 7.2.

6. Plaintiff files this motion as an emergency motion pursuant to Local Rule 7.7 because the voter registration deadline was scheduled for October 11, 2016, and early voting commences on October 17, 2016. It is essential that this Court resolve the motion on an emergency basis so that voters are able to register to vote in the November 2016 election.

WHEREFORE, for the foregoing reasons, and for those set forth in Plaintiffs'

supporting Memorandum of Law, Plaintiffs respectfully move that the Court enter a temporary restraining order requiring Defendants, their officers, employees, and agents, all persons acting in active concert or participation with Defendants, or under Defendants' supervision, direction, or control, and all other persons within the scope of Federal Rule of Civil Procedure 65, to accept delivery of voter registration applications for six days after the date of the order on this motion.

Dated: October 17, 2016

/s/ James A. Yancey, Jr.

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**Motion for Admission pro hac vice
forthcoming*

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2016, an electronic copy was sent to Cristina Correia,
Assistant Attorney General at ccorreia@law.ga.gov