

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

JOHN DAVIS,

Plaintiff,

v.

MARY CAROLE COONEY, et al.,

Defendants.

CIVIL ACTION FILE

NO. 1:16-cv-03844-ELR

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

Movants, Robert Ammons, Emelyn Mays and Evangeline Watkins
(collectively, the “Movants”), hereby seek leave to file the attached brief as *amicus curiae* in opposition of Plaintiff’s Motion for Temporary Restraining Order.
(Dkt. No. 2.)

It is within the sound discretion of this Court to allow the participation of *amicus curiae*. Ga. Aquarium, Inc. v. Pritzker, 135 F. Supp. 3d 1280, 1288 (N.D. Ga. 2015) (citing In re Bayshore Ford Trucks Sales, Inc., 471 F.3d 1233, 1249 n. 34 (11th Cir. 2006)). “Courts typically grant amicus status where the parties contribute to the court’s understanding of the matter in question.” Id. (internal quotations and citations omitted). For the reasons stated in the attached brief, the November 8, 2016 referendum regarding the incorporation of the City of

South Fulton challenged by Plaintiff is of significant concern to the Movants. The Movants are Plaintiffs in the “Cascade Annexation Litigation” and they successfully challenged the City of Atlanta’s attempt to annex the areas in which they reside. They have as strong of an interest in voting for or against the proposed City of South Fulton (and determining their own municipal status) as the Plaintiff. Movants have notified all of the parties of their intent to file this *amicus* brief.

Given the importance of this issue to voters and residents of unincorporated areas of south Fulton County, the Movants respectfully request leave to file the attached *amicus* brief, which supplements, rather than duplicates, Defendants’ brief. A Proposed Order is attached for the Court’s convenience.

Respectfully submitted, this 26th day of October 2016.

/s/Josh Belinfante

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L.R. 7.1(D) CERTIFICATION

I certify that this brief has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this brief has been prepared using 14-pt Times New Roman Font.

/s/ Josh Belinfante

Josh Belinfante

Georgia Bar No. 047399

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the within and foregoing **MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE** with the Clerk of Court using the CM/ECF system, which automatically sent counsel of record e-mail notification of such filing.

This 26th day of October 2016.

/s/ Josh Belinfante

Josh Belinfante