

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

THE NEW GEORGIA PROJECT,	)	CIVIL ACTION FILE NO.
BLACK VOTERS MATTER FUND, and	)	1:21-CV-1229-JPB
RISE, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
BRAD RAFFENSPERGER, in his official	)	
capacity as the Georgia Secretary of State;	)	
REBECCA SULLIVAN, in her official	)	
capacity as the Vice Chair of the Georgia	)	
State Election Board; DAVID WORLEY,	)	
in his official capacity as a member of the	)	
Georgia State Election Board; MATTHEW	)	
MASHBURN, in his official capacity as a	)	
member of the Georgia State Election	)	
Board; ANH LE, in her official capacity as	)	
a member of the Georgia State Election	)	
Board; MARGARET BENTLEY, in her	)	
official capacity as Chairman of the	)	
SPALDING County Board of Elections	)	
and Voter Registration; GLENDA	)	
HENLEY, in her official capacity as	)	
Secretary of the SPALDING County Board	)	
of Elections and Voter Registration;	)	
BETTY BRYANT, VERA MCINTOSH,	)	
and ROY MCCLAIN, in their official	)	
capacities as Members of the SPALDING	)	
County Board of Elections and Voter	)	
Registration; CHARLES DAVE, in his	)	
official capacity as BROOKS County	)	
Elections Superintendent; ZURICH	)	
DESHAZIOR, DON DISTEFANO, and	)	

KAREN MURRAY, in their official)
 capacities as members of the BROOKS)
 County Board of Elections; ALEX WAN,)
 in his official capacity as Chairman of the)
 FULTON County Registration and)
 Elections Board; MARK WINGATE,)
 KATHLEEN RUTH, VERNETTA KEITH)
 NURIDDIN, and AARON JOHNSON, in)
 their official capacities as Members of the)
 FULTON County Registration and)
 Elections Board; KEITH GAMMAGE, in)
 his official capacity as the Solicitor General)
 of FULTON County; and GREGORY W.)
 EDWARDS, in his official capacity as the)
 District Attorney for DOUGHERTY)
 County,)
)
 Defendants.)
 _____)

FULTON COUNTY DEFENDANTS’ MOTION TO DISMISS
PLAINTIFFS’ FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF

COME NOW Defendants Alex Wan, Mark Wingate, Aaron Johnson, Kathleen Ruth, and Vernetta Keith Nurridin, all in their official capacities as members of the Fulton County Board of Registration and Elections (hereafter “Fulton County Defendants”) through counsel, and hereby move to dismiss all claims against the Fulton County Defendants in the Plaintiff’s Amended Complaint for Declaratory and Injunctive Relief. The Fulton County Defendants move for dismissal of all claims pursuant to Fed. R. Civ. Proc. 12(b)(1) and 12(b)(6).

The bases for the motion are more fully set forth in the accompanying Brief in Support of the Fulton County Defendants' Motion to Dismiss.

Respectfully submitted this 24th day of June, 2021.

**OFFICE OF THE COUNTY
ATTORNEY**

/s/ David R. Lowman

Kaye Burwell

Georgia Bar Number: 775060

kaye.burwell@fultoncountyga.gov

Cheryl Ringer

Georgia Bar Number: 557420

cheryl.ringer@fultoncountyga.gov

David Lowman

Georgia Bar Number: 460298

david.lowman@fultoncountyga.gov

ATTORNEYS FOR DEFENDANT
FULTON COUNTY, GEORGIA

OFFICE OF THE COUNTY ATTORNEY

141 Pryor Street, S.W.

Suite 4038

Atlanta, Georgia 30303

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

THE NEW GEORGIA PROJECT,	)	CIVIL ACTION FILE NO.
BLACK VOTERS MATTER FUND, and	)	1:21-CV-1229-JPB
RISE, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
BRAD RAFFENSPERGER, in his official	)	
capacity as the Georgia Secretary of State;	)	
REBECCA SULLIVAN, in her official	)	
capacity as the Vice Chair of the Georgia	)	
State Election Board; DAVID WORLEY,	)	
in his official capacity as a member of the	)	
Georgia State Election Board; MATTHEW	)	
MASHBURN, in his official capacity as a	)	
member of the Georgia State Election	)	
Board; ANH LE, in her official capacity as	)	
a member of the Georgia State Election	)	
Board; MARGARET BENTLEY, in her	)	
official capacity as Chairman of the	)	
SPALDING County Board of Elections	)	
and Voter Registration; GLENDA	)	
HENLEY, in her official capacity as	)	
Secretary of the SPALDING County Board	)	
of Elections and Voter Registration;	)	
BETTY BRYANT, VERA MCINTOSH,	)	
and ROY MCCLAIN, in their official	)	
capacities as Members of the SPALDING	)	
County Board of Elections and Voter	)	
Registration; CHARLES DAVE, in his	)	
official capacity as BROOKS County	)	
Elections Superintendent; ZURICH	)	
DESHAZIOR, DON DISTEFANO, and	)	

KAREN MURRAY, in their official)
capacities as members of the BROOKS)
County Board of Elections; ALEX WAN,)
in his official capacity as Chairman of the)
FULTON County Registration and)
Elections Board; MARK WINGATE,)
KATHLEEN RUTH, VERNETTA KEITH)
NURIDDIN, and AARON JOHNSON, in)
their official capacities as Members of the)
FULTON County Registration and)
Elections Board; KEITH GAMMAGE, in)
his official capacity as the Solicitor General)
of FULTON County; and GREGORY W.)
EDWARDS, in his official capacity as the)
District Attorney for DOUGHERTY)
County,)
Defendants.)
_____)

CERTIFICATE OF SERVICE

I hereby certify that on this date I have electronically filed the foregoing
**FULTON COUNTY DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF** with the Clerk of Court using the CM/ECF system,
with the Clerk of Court using the CM/ECF system, which will send email
notification of such filing to all attorneys of record.

/s/ David R. Lowman
Georgia Bar Number: 460298
david.lowman@fultoncountyga.gov