

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

ERIC ANDRÉ and CLAYTON  
ENGLISH,

Plaintiffs,

v.

CLAYTON COUNTY, GEORGIA;  
ET AL.

Defendants.

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CIVIL ACTION NO.  
1:22-cv-04065-MHC

**CONSENT MOTION FOR AN ORDER (1) EXTENDING THE TIME  
FOR CLAYTON COUNTY, GEORGIA TO RESPOND TO PLAINTIFFS’  
COMPLAINT AND (2) DENYING DEFENDANTS’ MOTION TO DISMISS  
(DOC. 18) AND MOTION TO STAY (DOC. 19) AS MOOT**

COME NOW Plaintiffs Eric André and Clayton English (“Plaintiffs”) and Defendants Clayton County, Georgia (hereinafter the “County”), Kevin Roberts, Aimee Branham, Michael Hooks, Tony Griffin, Kayin Campbell, and Cameron Smith (collectively and together with Plaintiffs, the “parties”), by and through the undersigned counsel of record, and pursuant to Fed. R. Civ. P. 6(b), respectfully request that the Court (1) extend the time within which the County shall have to file its answer or otherwise respond to Plaintiffs’ Complaint (Doc. 1) through and including January 16, 2023; and (2) deny Defendants Kevin Roberts, Aimee Branham, Michael Hooks, Tony Griffin, Kayin Campbell, and Cameron Smith’s

(together, the “Individual Defendants”) pending Motion to Dismiss (Doc. 18) and Motion to Stay (Doc. 19) as moot.

Plaintiffs filed their Complaint in the United States District Court for the Northern District of Georgia on October 11, 2022. (Doc. 1). The County was served with the summons and complaint on November 10, 2022, through Charles E. Reed, which sets the County’s deadline to respond to the Complaint to December 1, 2022. (Doc. 17). On November 11, 2022, the Individual Defendants filed a Motion to Dismiss Plaintiffs’ Complaint based on insufficient service of process and lack of personal jurisdiction (Doc. 18) and a Motion to Stay Discovery pending resolution of the Motion to Dismiss (Doc. 19).

On November 17, 2022, counsel for Plaintiffs sent via e-mail and USPS Priority Mail a request to counsel for the Individual Defendants to waive service of process in this action under Rule 4. On November 22, 2022, counsel for the Individual Defendants returned signed waivers of service to counsel for Plaintiffs. Based on these waivers, the Individual Defendants’ deadline to respond to the complaint is now January 16, 2023. In light of the return of the signed waivers, the parties agree that the Individual Defendants’ Motion to Dismiss based on insufficient service of process and lack of personal jurisdiction (Doc. 18) and Motion to Stay Discovery (Doc. 19) are now moot.

To avoid the filing of multiple responses to Plaintiffs' Complaint, and in an effort to coordinate one response deadline for all Defendants, counsel for Defendants have requested an extension of the County's answer deadline, representing that the extension is sought in good-faith and not for delay. Counsel for Plaintiffs and Defendants have conferred and counsel for Plaintiffs consent to the extension sought herein.

WHEREFORE, the parties respectfully request that the Court grant the instant motion and extend the time within which the County shall have to file its answer or otherwise respond to Plaintiffs' Complaint through and including January 16, 2023. The parties also request that the Court deny as moot the Individual Defendants' Motion to Dismiss based on insufficient service of process and lack of personal jurisdiction (Doc. 18) and Motion to Stay Discovery (Doc. 19) in light of the Individual Defendants' waiver of service after the filing of said motions. A proposed Order is attached hereto for the Court's convenience.

**FREEMAN MATHIS & GARY, LLP**

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Attorneys for Plaintiffs

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(D), the undersigned counsel hereby certifies that the foregoing memorandum of law was prepared in Times New Roman 14-point font, in compliance with Local Rule 5.1(C).

This 23rd day of November, 2022.

**FREEMAN MATHIS & GARY, LLP**

*/s/ A. Ali Sabzevari*\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing **CONSENT MOTION FOR AN ORDER (1) EXTENDING THE TIME FOR CLAYTON COUNTY, GEORGIA TO RESPOND TO PLAINTIFFS' COMPLAINT AND (2) DENYING DEFENDANTS' MOTION TO DISMISS (DOC. 18) AND MOTION TO STAY (DOC. 19) AS MOOT** 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.

This 233rd day of November, 2022.

**FREEMAN MATHIS & GARY, LLP**

/s/ A. Ali Sabzevari

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