

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

ROBERT EARL COUNCIL AKA KINETIK  
JUSTICE, *et al.*,

Plaintiffs,

v.

KAY IVEY, *et al.*,

Defendants.

Case No. 2:23-cv-00712-CLM-JTA

**THE WOODS FOUNDATION'S  
JOINDER IN PLAINTIFFS MOORE,  
COLE, MCDOLE, CAMPBELL,  
PTOMEY, AND ENGLISH'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

**TO THE CLERK OF THE COURT AND DEFENDANTS KAY IVEY, STEVE  
MARSHALL, LEIGH GWATHNEY, DARRYL LITTLETON, AND GABRELLE  
SIMMONS:**

Plaintiff The Woods Foundation (“TWF”) respectfully joins in the Motion for Preliminary Injunction filed on December 21, 2023, by Plaintiffs Lee Edward Moore Jr., Jerame Aprentice Cole, Frederick Denard McDole, Michael Campbell, Arthur Charles Ptomey Jr., and Alimireo English (Doc. 23), and fully endorses the arguments presented in support of that motion.<sup>1</sup>

In addition to the irreparable injuries previously identified by the movants, TWF will suffer irreparable injuries in the absence of the requested injunction that are distinct from, but related to, the injuries suffered by the individual incarcerated Plaintiffs and putative class members. In particular, Defendants’ ongoing, unlawful acts are interfering with TWF’s ability to devote the staff and funding resources necessary to serve its institutional goals—including to investigate wrongful convictions and to advocate for changes to Alabama’s capital punishment

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<sup>1</sup> In advance of filing, Plaintiffs’ counsel sought the position of Defendants Ivey, Marshall, Gwathney, Littleton, and Simmons (“Defendants”) on TWF’s joinder and were informed that Defendants oppose joinder. Decl. of Lauren Faraino ISO Joinder (“Faraino Decl.”) ¶6.

laws—because TWF is being forced to divert its limited organizational resources to addressing Defendants’ unlawful administration of the parole system, a harm to its institutional interests that cannot be remedied with retrospective or damages relief. *See* Faraino Decl. ¶¶2-5; *In re Georgia Senate Bill 202*, No. 1:21-CV-01259-JPB, 2023 WL 5334582, at \*11 (N.D. Ga. Aug. 18, 2023) (“Plaintiffs’ continued diversion of resources shows an irreparable harm.”); *Georgia Coal. for People’s Agenda, Inc. v. Kemp*, 347 F.Supp.3d 1251, 1268 (N.D. Ga. 2018); *D.C. v. U.S. Dep’t of Agric.*, 444 F.Supp.3d 1, 41-42 (D.D.C. 2020); *see also Ga. Ass’n of Latino Elected Offs., Inc. v. Gwinnett Cnty. Bd. of Registration & Elections*, 36 F.4th 1100, 1114-15 (11th Cir. 2022).

For these reasons and those previously provided in support of the pending motion, the Court should grant the requested preliminary injunctive relief as to TWF.

Dated: January 4, 2024

Respectfully submitted,

s/ Barbara J. Chisholm

MICHAEL RUBIN (CA SBN 80618)\*  
 BARBARA J. CHISHOLM (CA SBN 224656)\*  
 CONNIE K. CHAN (CA SBN 284230)\*  
 AMANDA C. LYNCH (CA SBN 318022)\*  
 ALTSHULER BERZON LLP  
 177 Post St., Suite 300  
 San Francisco, CA 94108  
 Telephone: (415) 421-7151  
 Email: mrubin@altber.com;  
 bchisholm@altber.com;  
 cchan@altber.com; alynch@altber.com

JANET HEROLD (CA SBN 186419)\*  
 JUSTICE CATALYST LAW  
 40 Rector Street, 9th Floor  
 New York, NY 10008  
 Telephone: (518) 732-6703  
 Email: jherold@justicecatalyst.org

*Counsel for All Plaintiffs and the Proposed Classes  
 and Subclasses*

*\* Appearing pro hac vice*

LAUREN FARAINO

FARAINO, LLC  
2647 Rocky Ridge Ln.  
Vestavia Hills, AL 35216  
Telephone: (205) 737-3171  
Email: lauren@farainollc.com

*Counsel for The Woods Foundation, Individual  
Plaintiffs, and the Proposed Classes and Subclasses*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel who have appeared in the case, including counsel for Defendants Ivey, Marshall, Gwathney, Littleton, and Simmons.

Dated: January 4, 2024

Respectfully submitted,

s/ Barbara J. Chisholm

BARBARA J. CHISHOLM (CA SBN 224656)\*  
ALTSHULER BERZON LLP  
177 Post St., Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151  
Email: bchisholm@altber.com

*\*appearing pro hac vice*