

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

BLACK VOTERS MATTER FUND,
MEGAN GORDON, PENELOPE
REID, and ANDY KIM, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of Georgia; DEKALB COUNTY
BOARD OF REGISTRATION &
ELECTIONS; ANTHONY LEWIS,
SUSAN MOTTER, DELE LOWMAN
SMITH, SAMUEL E. TILLMAN, and
BAOKY N. VU, in their official
capacities as Members of the DeKalb
County Board of Registration &
Elections; and ERICA HAMILTON,
in her official capacity as Director of
Voter Registration and Elections, and
all others similarly situated,

Defendants.

CIVIL ACTION

FILE NO. 1:20-cv-01489-AT

**SECRETARY OF STATE BRAD RAFFENSPERGER'S
MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

Defendant Secretary of State Brad Raffensperger (the "Secretary"),
pursuant to Federal Rule of Civil Procedure 12, respectfully moves this Court

for an order dismissing the claims asserted against the Secretary as stated in Plaintiffs' Amended Complaint [Doc. 88].

The Secretary files this Motion to Dismiss based on a conference with the Court and opposing counsel. Plaintiffs' counsel has represented that the Amended Complaint advances no new legal theories and raises no new substantive arguments. The Secretary further notes that the new individual plaintiffs are similarly situated to the existing individual Plaintiff, Ms. Gordon. Each has postage stamps; they simply choose not to use them.

In support of this Motion, the Secretary incorporates his prior Brief in Support of his Motion to Dismiss (Doc. 67-1), and his Reply Brief in Support of his Motion to Dismiss (Doc. 87). The Secretary expressly reserves the right to respond to Plaintiffs' potential response to the Motion to Dismiss and shall file any response in a time that is consistent with the Court's instructions at the May 12, 2020 conference.

WHEREFORE, the Secretary respectfully requests that this Court enter an order dismissing Plaintiffs' Complaint with prejudice.

This 12th day of May, 2020.

/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 13-pt Century Schoolbook 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 **SECRETARY OF STATE BRAD RAFFENSPERGER'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system, which automatically sent counsel of record e-mail notification of such filing.

This 12th day of May, 2020.

/s/ Josh Belinfante
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Georgia Bar No. 047399