

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

COALITION FOR GOOD
GOVERNANCE, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State;
et al.,

Defendants.

CIVIL ACTION

FILE NO. 1:20-CV-01677-TCB

**DEFENDANTS' RESPONSE IN OPPOSITION
TO MOTION TO EXPEDITE**

This Court dismissed Plaintiffs' case on May 14, 2020 after a hearing where Plaintiffs had the opportunity to respond fully to Defendants' motion to dismiss. (Doc. 43). Following that ruling, early voting for the June 9 primary began on Monday, May 18, 2020. (Doc. 33-1 at ¶ 17).

Late last night—five days after this Court's ruling and two days after the start of in-person early voting—Plaintiffs moved this Court to alter its judgment under Fed. R. Civ. P. 59 (Doc. 48) and then requested that Defendants be given less than 48 hours to respond to a 25-page brief they had five days to prepare (Doc. 49). The first Defendants learned of Plaintiffs'

motion was the filing notice—Plaintiffs never contacted Defendants to indicate they would be filing the motion to alter or amend or seeking expedited briefing.

Plaintiffs have shown no reason to expedite consideration of their Rule 59 motion. The U.S. Supreme Court “has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205 (2020); *Purcell v. Gonzalez*, 549 U. S. 1, 127 S. Ct. 5 (2006). This is no longer the eve of an election—the election about which Plaintiffs complain is already underway.

If this Court grants Plaintiffs’ motion to expedite, Defendants respectfully request that their response to Plaintiffs’ motion to alter or amend be set for Friday, May 22. While this provides Defendants with less time to respond than Plaintiffs had to prepare their motion to alter or amend, it will allow this Court to consider the entirety of the arguments prior to ruling on Plaintiffs’ motion.

This 20th day of May, 2020.

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing DEFENDANTS' RESPONSE IN OPPOSITION TO MOTION TO EXPEDITE has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
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