

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

FAIR FIGHT ACTION, *et al.*,

Plaintiffs,

v.

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

Defendants.

Civil Action File

No. 1:18-cv-05391-SCJ

**SUPPLEMENT TO DEFENDANTS' MOTION TO POSTPONE AND
ORDER BRIEFING [Doc. 58]**

COME NOW DEFENDANTS Brad Raffensperger, in his official capacity as Secretary of State of the State of Georgia and Chairman of the State Election Board of Georgia (“Secretary Raffensperger”), Rebecca N. Sullivan, David J. Worley, Anh Lee, and Seth Harp, in their official capacities as members of the State Election Board (collectively, “State Election Board Members”), and the State Election Board by and through their undersigned counsel, and supplement Defendants’ Motion to Postpone and Order Briefing [Doc. 58], stating as follows:

1. Defendants filed a Motion to Postpone and Order Briefing [Doc. 58] requesting the Court postpone the scheduled April 29, 2019 Hearing on

Defendants' Renewed Motion to Dismiss Plaintiffs' Amended Complaint and order briefing on the limited issue of House Bill 316's effect on Plaintiffs' claims.

2. In its Motion to Postpone and Order Briefing, Defendants stated that Plaintiffs had not responded to correspondence sent to Plaintiffs' counsel. *Id.* at ¶5. This was an inadvertent error. It has come to Defendants' attention that Plaintiffs did, in fact, respond via electronic mail and U.S. Mail on April 17, 2019 and that Plaintiffs oppose Defendants' Motion. Defendants thus submit this supplement to correct that representation and attach to this supplement Plaintiffs' correspondence as Exhibit 1.

3. For the reasons stated in Defendants' Motion [Doc. 58], Defendants continue to believe that an expedited briefing schedule will assist the Court and the parties in efficiently addressing the issues raised by House Bill 316 and avoiding confusion at the Hearing on Defendants' Renewed Motion to Dismiss Plaintiffs' Amended Complaint. Defendants do not believe such briefing would unduly delay the disposition of this case and, as a show of good faith and noted in Defendants' Motion, do not currently plan to file a new motion to dismiss for mootness nor a supplemental motion to dismiss for lack of standing in light of House Bill 316 though such a motion would be appropriate under the Federal Rules of Civil Procedure. *See Id.* at 4 n.2.

WHEREFORE, Defendants respectfully move to supplement their Motion to Postpone and Order Briefing to amend an error of fact. Defendants continue to believe their Motion is appropriate and renew their request that the Court grant the relief contained therein: (1) delaying the April 29, 2019 hearing on Defendants' Renewed Motion to Dismiss Plaintiffs' Amended Complaint; and (2) ordering briefing by the parties on the limited issue of House Bill 316 and its effect on Plaintiffs' claims.

This 22nd day of April, 2019.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing
**SUPPLEMENT TO DEFENDANTS' MOTION TO POSTPONE AND
ORDER BRIEFING [Doc. 58]** with the Clerk of the Court using the CM/ECF
system which will automatically send email notification of such filing to the
attorneys of record listed on the case.

This 22nd day of April, 2019.

/s/ Josh B. Belinfante

Josh B. Belinfante

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