

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

GEORGIA COALITION FOR THE
PEOPLES' AGENDA, INC., as an
organization; et al.,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity as
Secretary of State for the State of
Georgia,

Defendant.

Civil Action
No. 1:18-cv-04727-ELR

**NOTICE OF SUPPLEMENTAL AUTHORITY
RELATING TO PLAINTIFFS' EMERGENCY
MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiffs, by and through their undersigned counsel, respectfully submit this Notice of Supplemental Authority related to Plaintiffs' Emergency Motion for a Preliminary Injunction (Doc. 17). On October 31, 2018, after the parties submitted their briefing on the motion, a three-judge panel of the United States Court of Appeals for the Sixth Circuit entered its decision in *A. Philip Randolph Inst. v. Husted*, No. 18-3984 (6th Cir. Oct. 31, 2018) (Exhibit 1). In *Husted*, the Sixth Circuit addresses the impact of the Supreme Court's holding in *Purcell v.*

Gonzalez, 549 U.S. 1 (2006), an issue currently before the Court in this case. The majority opinion provides:

With respect to the final consideration Defendant cites, it is true that this emergency motion was filed soon before an election. The Supreme Court has stated, “Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006). However, the Supreme Court has never outlined a categorically higher burden for Plaintiffs who move for relief soon before an election, and this Court has explicitly rejected such a notion. See *Ohio Republican Party v. Brunner*, 544 F.3d 711, 718 (6th Cir. 2008) (en banc) (“This generalization [that courts should deny relief sought soon before an election] surely does not control many election-related disputes—keeping polls open past their established times *on* election day or altering the rules for casting ballots or provisional ballots *during* election week.”), *vacated on other grounds by* 555 U.S. 5 (2008) (per curiam) (disagreeing with this Court’s analysis on the likelihood of success on the merits issue).

The considerations Defendant raises do not change the Plaintiffs’ burden in any categorical way in this case, nor do they change our standard of review.

Husted, No. 18-3984 (6th Cir. Oct. 31, 2018) at 6-7.

Dated: October 31, 2018

Respectfully submitted,

By: /s/ Bryan L. Sells
Bryan L. Sells
Georgia Bar No. 635562
The Law Office of Bryan L. Sells, LLC
Post Office Box 5493
Atlanta, Georgia 31107-0493
Telephone: (404) 480-4212
bryan@bryansellsllaw.com

Kristen Clarke, Esq. (*pro hac vice)
Jon Greenbaum, Esq. (*pro hac vice)
Ezra D. Rosenberg, Esq. (*pro hac vice)
Julie Houk, Esq. (*pro hac vice)
John Powers, Esq. (*pro hac vice)
kclarke@lawyerscommittee.org
jgreenbaum@lawyerscommittee.org
erosenberg@lawyerscommittee.org
jhouk@lawyerscommittee.org
jpowers@lawyerscommittee.org
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue NW, Suite 400
Washington, D.C. 20005
Telephone: (202) 662-8600
Facsimile: (202) 783-0857

Vilia Hayes, Esq. (*pro hac vice)
Gregory Farrell, Esq. (*pro hac vice)
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, New York 10004-1482
Telephone: (212) 837-6000
Facsimile: (212) 422-4726

Danielle Lang, Esq. (*pro hac vice)
Mark Gaber (*pro hac vice)
J. Gerald Hebert (*pro hac vice)
dlang@campaignlegalcenter.org
MGaber@campaignlegalcenter.org
GHebert@campaignlegalcenter.org
Campaign Legal Center
1411 K Street NW, Suite 1400
Washington, DC 20005
Telephone: (202) 736-2200
Facsimile: (202) 736-2222

Phi Nguyen
Georgia Bar No. 578019

Asian Americans Advancing Justice – Atlanta
5680 Oakbrook Parkway, Suite 148
Norcross, Georgia 30093
pnguyen@advancingjustice-atlanta.org
Telephone: (770) 818-6147

Counsel for Plaintiffs

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

GEORGIA COALITION FOR THE
PEOPLES' AGENDA, INC., as an
organization; et al.,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity as
Secretary of State for the State of
Georgia,

Defendant.

Civil Action
No. 1:18-cv-04727-ELR

**CERTIFICATE OF SERVICE AND
COMPLIANCE WITH LOCAL RULE 5.1(C)**

I hereby certify that on this 31st day of October, 2018, the foregoing
**NOTICE OF SUPPLEMENTAL AUTHORITY RELATING TO
PLAINTIFFS' EMERGENCY MOTION FOR A PRELIMINARY
INJUNCTION** was filed electronically with the Clerk of Court using the CM/Doc
system, which will automatically send e-mail notification of such filing to all
attorneys of record.

I further certify that the foregoing has been prepared in a Times New Roman 14 point font, which is one of the font and point selections approved by the Court in Local Rule 5.1(C).

By: /s/ John Powers
John Powers
Lawyers' Committee for Civil Rights Under Law
1500 K Street NW, Suite 900
Washington, DC 20005
Telephone: (202) 662-8389
General Fax: (202) 783-0857

General Information

Court	United States District Court for the Northern District of Georgia; United States District Court for the Northern District of Georgia
Federal Nature of Suit	Civil Rights - Voting[441]
Docket Number	1:18-cv-04727