

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PEOPLE FIRST OF ALABAMA,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action Number 2:20-cv-619-AKK
)	
JOHN MERRILL, et al.)	
)	
Defendants.)	

**MOTION FOR SUMMARY JUDGMENT BY BILL ENGLISH AND JAMES
MAJORS; JOHNNIE MAE KING, LASHANDRA MYRICK, AND RUBY
THOMAS; AND CAROLYN DAVIS-POSEY AND BRITNEY JONES-
ALEXANDER, ALL IN THEIR OFFICIAL CAPACITIES**

COME NOW Defendants Lee County Probate Judge Bill English and Absentee Election Manager James Majors; Lowndes County Absentee Election Manager Johnnie Mae King, Probate Judge LaShandra Myrick, and Circuit Clerk Ruby Thomas; and Wilcox County Circuit Clerk Carolyn Davis-Posey and Probate Judge Britney Jones-Alexander, all in their respective official capacities, and hereby respectfully submit this Brief in Support of their Motion for Summary Judgment. These Defendants are entitled to summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, as follows:

1. As an initial matter, it is not the intention of these Defendants to waive any of the arguments made in their Objection to Scheduling Order, or, in the alternative, Motion for Extension of Time by submitting this Motion and Brief. As stated in that Objection, the scope and pace of this litigation is such that it has deprived these Defendants of their due process rights in this case. They have not been afforded enough discovery at this point to fully understand the nature of the claims against them, much less a sufficient opportunity to prepare their defense, particularly as to the substance of the claims.

2. As discussed in the State Defendants' Brief, the discovery that has been done so far establishes that the current named Plaintiffs do not have standing to bring these claims because they cannot put forth substantial evidence of an injury in fact. These Defendants hereby adopt and incorporate by reference as if fully stated herein Section IV(A) and (D) of the State Defendants' Brief as to the Plaintiffs' lack of standing.

3. Plaintiffs cannot put forth substantial evidence to support their allegations of either redressability or traceability as to these defendants. *See, e.g., Socialist Workers Party v. Leahy*, 145 F.3d 1240 (11th Cir. 1998).

4. In the alternative, if these local officials were proper parties in this case, then this case would be due to be dismissed for failure to join necessary parties, i.e.,

the appropriate local officials from the all other Alabama counties. *See* Fed. R. Civ. Pro. 19.

5. These Defendants also adopt and incorporate by reference the filings made by Defendant JoJo Schwarzauer and Defendants Barger and Kizer (Docs. 163-164-13; 165) to the extent that they are not incompatible with these Defendants' Motion and Brief.

WHEREFORE, THESE PREMISES CONSIDERED, Defendants Lee County Probate Judge Bill English and Absentee Election Manager James Majors; Lowndes County Absentee Election Manager Johnnie Mae King, Probate Judge LaShandra Myrick, and Circuit Clerk Ruby Thomas; and Wilcox County Circuit Clerk Carolyn Davis-Posey and Probate Judge Britney Jones-Alexander, all in their respective official capacities, hereby respectfully request that their Motion for Summary Judgment be granted.

Respectfully submitted this the 17th day of August, 2020.

s/JAMIE HELEN KIDD

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CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of August 2020, I electronically filed the foregoing Motion for Summary Judgment with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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