

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

◆

PEOPLE FIRST OF ALABAMA, et al.,
Plaintiffs-Appellees,

v.

JOHN H. MERRILL,
in his official capacity as the Secretary of State of the State of Alabama, et al.,
Defendants-Appellants.

◆

On Appeal from the United States District Court
for the Northern District of Alabama
Case No. 2:20-cv-00619-AKK

MOTION TO VOLUNTARILY DISMISS APPEAL

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CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1(a)(3) and 26.1-2(b), the undersigned counsel certifies that the following listed persons and parties may have an interest in the outcome of this case:

1. AARP – Amicus Curiae;
2. AARP Foundation – Amicus Curiae;
3. Abudu, Nancy G. – Counsel for Plaintiffs;
4. Adams & Reese, LLP – Counsel for Appellant JoJo Schwarzauser;
5. Agricola, Algert S. (Jr.) – Counsel for proposed Amicus Curiae Alabama Probate Judges Association (terminated);
6. Agricola, Barbara H. – Counsel for proposed Amicus Curiae Alabama Probate Judges Association (terminated);
7. Alabama Disabilities Advocacy Program – Counsel for Plaintiffs;
8. Alabama Probate Judges Association – Proposed Amicus Curiae (terminated);
9. Alabama State Conference of the NAACP – Plaintiff;
10. American Association of University Women – Amicus Curiae;
11. American Civil Liberties Union – Counsel for Plaintiffs;
12. American Civil Liberties Union of Alabama Foundation, Inc. – Counsel for Plaintiffs;
13. American Diabetes Association – Amicus Curiae;

14. Anderson-Smith, Jacqueline – Defendant, Circuit Clerk of Jefferson County, Alabama;
15. Bachus & Brom LLC – Counsel for Amicus Curiae Honest Elections Project;
16. Barger, Frank – Defendant (terminated);
17. Barnett, Alleen – Defendant, Absentee Election Coordinator of Mobile County, Alabama (terminated);
18. Bell, Christopher H. – Counsel for Amici AAUW and the League of Women Voters of Alabama;
19. Bentley, Gregory – Plaintiff (terminated);
20. Bettis, Teresa – Plaintiff;
21. Black Voters Matters Capacity Building Institute – Plaintiff;
22. Borek, John A. – Counsel for Amici AAUW and the League of Women Voters of Alabama;
23. Bowdre, A. Barrett – Counsel for Appellants;
24. Brannon, Sarah – Counsel for Plaintiffs;
25. Brody, Stephen D. – Counsel for Plaintiffs;
26. Brom, Steven M – Counsel for Amicus Curiae Honest Elections Project;
27. Burks, Karen Dunn – Defendant, Deputy Circuit Clerk of the Bessemer Division of Jefferson County, Alabama;

28. Cameron, Hon. Daniel – Kentucky Attorney General;
29. Canupp, David J. – Counsel for Defendants Debra Kizer and Frank Barger;
30. Carr, Hon. Chris – Georgia Attorney General;
31. Carroll, Donald McKinley – Counsel for Defendants Jacqueline Anderson-Smith and Karen Dunn Burks;
32. Clements, Fred Lee (Jr.) – Counsel for Defendants Ruby Jones Thomas, Johnnie Mae King, Lashandra Myrick, James Majors, Carolyn Davis-Posey, Bill English, and Britney Jones-Alexander;
33. Cleveland, Bryan - Counsel for Amici States of Oklahoma, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, South Carolina, South Dakota, Tennessee, and Texas;
34. Clopton, Robert – Plaintiff (terminated);
35. Consovoy McCarthy PLLC – Counsel for Amicus Curiae Honest Elections Project;
36. Cowell, John Mark – Counsel for Defendants Ruby Jones Thomas, Johnnie Mae King, Lashandra Myrick, James Majors, Carolyn Davis-Posey, Bill English, and Britney Jones-Alexander;
37. Czechowski, Ashley A. – Counsel for Amici AAUW and the League of Women Voters of Alabama;

38. Davis, Don – Appellant;
39. Davis-Posey, Carolyn – Defendant (terminated);
40. Davis, James W. – Counsel for Appellants John Merrill and the State of Alabama;
41. Dungan, Aubrey Patrick – Counsel for Defendant Alleen Barnett and Appellant JoJo Schwarzauber;
42. Dyar, Robert F. – Counsel for Defendant Alleen Barnett and Appellant JoJo Schwarzauber;
43. Engelhardt, Todd D. – Counsel for Defendant Alleen Barnett and Appellant JoJo Schwarzauber;
44. English, Bill – Defendant (terminated);
45. Essig, Brandon Keith – Counsel for Defendant Mary B. Roberson;
46. Faulks, Latisha Gotell – Counsel for Appellees
47. Fech-Baughman, Sarah, Counsel for Amicus Curiae American Diabetes Association;
48. Fitch, Hon. Lynn – Mississippi Attorney General;
49. Fleischman, Maia – Counsel for Plaintiffs;
50. Friday, Sherri – Defendant;
51. Fried, Frank, Harris, Shriver & Jacobson LLP – Counsel for Amici AAUW and the League of Women Voters of Alabama;
52. Friedman, Peter – Counsel for Plaintiffs;

53. Gallion, Thomas T. (III) – Counsel for Defendants Gina Jobe Ishman and J. C. Love;
54. Greater Birmingham Ministries – Plaintiff;
55. Green, Tyler R. – Counsel for Amicus Curiae Honest Elections Project;
56. Hale, Lee Louis – Counsel for Appellant Don Davis;
57. Harris, A. Reid – Counsel for Appellants John Merrill and the State of Alabama;
58. Hill, Hon. Curtis T. – Indiana Attorney General;
59. Holifield, Jennifer – Counsel for Appellant Don Davis;
60. Holwell Shuster & Goldberg LLP – Counsel for Amici American Diabetes Association, AARP, and AARP Foundation;
61. Honest Elections Project – Amicus Curiae;
62. Hoppin, Margaret B. – Counsel for Amici American Diabetes Association, AARP, and AARP Foundation;
63. Hunter, Hon. Mike – Oklahoma Attorney General, Counsel for Amici States of Oklahoma, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, South Carolina, South Dakota, Tennessee, and Texas;
64. Ishman, Gina Jobe – Defendant;
65. Ivey, Hon. Kay – Governor of Alabama, Defendant (terminated);

66. Jones-Alexander, Britney – Defendant (terminated);
67. Kallon, Hon. Abdul K. – Judge for the Northern District of Alabama;
68. Keats, Michael C. – Counsel for Amici AAUW and the League of Women Voters of Alabama;
69. Kidd, Jamie Helen – Counsel for Defendants Ruby Jones Thomas, Johnnie Mae King, Lashandra Myrick, James Majors, Carolyn Davis-Posey, Bill English, and Britney Jones-Alexander;
70. King, Johnnie Mae – Defendant (terminated);
71. Kizer, Debra – Defendant (terminated);
72. Kohrman, Daniel B., Counsel for Amici AARP and AARP Foundation;
73. LaCour, Edmund G. – Counsel for Appellants John Merrill and the State of Alabama;
74. Lance, Steven – Counsel for Plaintiffs;
75. Landry, Hon. Jeff – Louisiana Attorney General;
76. Lawson, Theodore A. – Counsel for Defendants Jacqueline Anderson-Smith and Karen Dunn Burks;
77. League of Women Voters of Alabama – Amicus Curiae;
78. Love, J. C. (III) – Defendant;
79. Majors, James – Defendant (terminated);

80. Mansinghani, Mathun – Counsel for Amici States of Oklahoma, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, South Carolina, South Dakota, Tennessee, and Texas;
81. Marshall, Randall – Counsel for Plaintiffs;
82. Marshall, Hon. Steve –Alabama Attorney General;
83. Means, Tyrone Carlton – Counsel for Defendants Gina Jobe Ishman and J. C. Love;
84. Merle, Natasha C. – Counsel for Plaintiffs;
85. Merrill, Hon. John H. – Alabama Secretary of State, Appellant;
86. Messick, Misty S. Fairbanks – Counsel for Appellants John Merrill and the State of Alabama;
87. Myrick, LaShandra – Defendant (terminated);
88. NAACP Legal Defense & Educational Fund, Inc. – Counsel for Plaintiffs;
89. Naftel, James – Defendant;
90. Norris, Cameron Thomas – Counsel for Amicus Curiae Honest Elections Project;
91. Office of the Attorney General of the State of Alabama – Counsel for Appellants John Merrill and the State of Alabama;
92. O’Melveny & Myers, LLP – Counsel for Plaintiffs;

93. Ordway, Demian A., Counsel for Amici American Diabetes Association, AARP, and AARP Foundation;
94. Paxton, Hon. Ken – Texas Attorney General;
95. Peebles, Eric – Plaintiff;
96. People First of Alabama – Plaintiff;
97. Peterson, Hon. Douglas J. – Nebraska Attorney General;
98. Porter, Howard (Jr.) – Plaintiff;
99. Ravensborg, Hon. Jason R. – South Dakota Attorney General;
100. Reed, Mahogane D. – Counsel for Plaintiffs;
101. Rich, J. Jeffery – Counsel for Defendants Debra Kizer and Frank Barger;
102. River, William Alvarado – Counsel for Amici AARP and AARP Foundation;
103. Roberson, Mary B. – Defendant, Circuit Clerk of Lee County, Alabama (terminated);
104. Robson, Katrina – Counsel for Plaintiffs;
105. Rosborough, Davin – Counsel for Plaintiffs;
106. Ross, Deuel – Counsel for Plaintiffs;
107. Ross, Jay M. – Counsel for Defendant Alleen Barnett and Appellant JoJo Schwarzauser;
108. Rutledge, Hon. Leslie – Arkansas Attorney General;

109. Ryan, Jenny – Counsel for Plaintiffs;
110. Sandler, Shira – Counsel for Amici AAUW and the League of Women Voters of Alabama;
111. Schmidt, Hon. Derek – Kansas Attorney General;
112. Schmitt, Hon. Eric – Missouri Attorney General;
113. Schwarzauber, JoJo – Appellant;
114. Sewell, Robert – Counsel for Defendant Mary B. Roberson;
115. Short, Caren E. – Counsel for Plaintiffs;
116. Sinclair, Winfield J. – Counsel for Appellants John Merrill and the State of Alabama;
117. Slatery, Hon. Herbert H. (III) – Tennessee Attorney General;
118. Smith, Brenton Merrill – Counsel for Appellants John Merrill and the State of Alabama;
119. Southern Poverty Law Center – Counsel for Plaintiffs;
120. Speegle, Hoffman, Holman & Holifield, LLC, Counsel for Appellant Don Davis;
121. Speegle, Jerome E. – Counsel for Appellant Don Davis;
122. Spital, Samuel – Counsel for Appellees;
123. State of Alabama – Appellant;
124. State of Arkansas – Amicus Curiae;
125. State of Georgia – Amicus Curiae;

126. State of Idaho – Amicus Curiae;
127. State of Indiana – Amicus Curiae;
128. State of Kansas – Amicus Curiae;
129. State of Kentucky – Amicus Curiae;
130. State of Louisiana – Amicus Curiae;
131. State of Mississippi – Amicus Curiae;
132. State of Missouri – Amicus Curiae;
133. State of Nebraska – Amicus Curiae;
134. State of South Carolina – Amicus Curiae;
135. State of South Dakota – Amicus Curiae;
136. State of Tennessee – Amicus Curiae;
137. State of Texas – Amicus Curiae;
138. Thomas, Ruby Jones – Defendant (terminated);
139. Thomas-Lundborg, Alora – Counsel for Plaintiffs;
140. Thompson, Annie Carolyn – Plaintiff;
141. Thornton, Jerry L. – Counsel for Defendant Ruby Jones Thomas;
142. Threadgill-Matthews, Sheryl – Plaintiff;
143. United States of America;
144. Uppalapati, Avani – Counsel for Amici AAUW and the League of Women Voters of Alabama;
145. Van Der Pol, William – Counsel for Plaintiffs;

146. Walker, Constance C. – Counsel for Defendants Gina Jobe Ishman and J. C. Love;
147. Wasden, Hon. Lawrence – Idaho Attorney General;
148. Webb, Kendrick E. – Counsel for Defendants Ruby Jones Thomas, Johnnie Mae King, Lashandra Myrick, James Majors, Carolyn Davis-Posey, Bill English, and Britney Jones-Alexander;
149. Weber, Jeremy S. – Counsel for Defendants John Merrill and the State of Alabama;
150. Williams, Norbert H. – Counsel for Defendants Gina Jobe Ishman and J. C. Love;
151. Wilson, Hon. Alan – South Carolina Attorney General;
152. Zampierin, Sara M. – Counsel for Plaintiffs (terminated);
153. Zaragoza, Liliana – Counsel for Plaintiffs

Respectfully submitted this 12th day of November, 2020.

s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

*Counsel for Secretary of State John Merrill
and the State of Alabama*

MOTION TO VOLUNTARILY DISMISS APPEAL

The Appellants seek to voluntarily dismiss this appeal. Rule 42(b) governs that procedure:

The circuit clerk may dismiss a docketed appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due. But no mandate or other process may issue without a court order. An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the court.

Fed. R. App. P. 42(b).

The Appellees do not object to this dismissal. The parties agree that each party will bear its own attorney's fees and costs for this appeal. The Appellants thus move this Court to enter an order dismissing this appeal without prejudice.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. I certify that this motion complies with the type-volume limitations set forth in Fed. R. App. P. 27(d)(2)(A). This motion contains 126 words, including all headings, footnotes, and quotations, and excluding the parts of the motion exempted under Fed. R. App. P. 32(f).

2. In addition, this brief complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

/s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

*Counsel for Appellants Secretary of State
John Merrill and the State of Alabama*

CERTIFICATE OF SERVICE

I hereby certify that on November 12th, 2020, I filed this reply brief using the Court's CM/ECF system, which will serve all counsel of record.

/s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

*Counsel for Appellants Secretary of State
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