

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

S.P.S. *ex rel.* SHORT, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State and the Chair of the Georgia Board of Elections, *et al.*,

Defendants.

CIVIL ACTION NO.
1:19-CV-04960-AT

**CONSENT MOTION TO STAY CASE AND TO EXTEND TIME TO
RESPOND TO DEFENDANTS' RENEWED MOTION TO DISMISS**

Plaintiffs, for good cause and with Defendants' consent, respectfully request a stay and extension in this case. In support thereof, Plaintiffs state as follows.

1.

On August 13, 2020, this Court issued an Order denying Plaintiffs' motion for preliminary injunction, denying Defendants' motion to dismiss, and granting Plaintiffs leave to amend their Complaint, citing among other case law *Jacobson v. Fla. Sec'y of State*, 957 F.3d 1193 (11th Cir. 2020), *opinion vacated and superseded*, No. 19-14552, 2020 WL 5289377 (11th Cir. Sept. 3, 2020). ECF No. 68.

2.

On August 27, 2020, Defendants filed a renewed motion to dismiss. ECF No. 69.

3.

On September 3, 2020, the Eleventh Circuit vacated its earlier panel opinion in *Jacobson v. Fla. Sec'y of State* and issued a new opinion, which Defendants filed with this Court the following day as an exhibit to a notice of supplemental authority. *See* ECF No. 71-1.

4.

The parties expect that plaintiff-appellees in *Jacobson v. Fla. Sec'y of State* will timely file a petition for rehearing *en banc*.

5.

Accordingly, Plaintiffs requested and Defendants consented to request a stay of this case through the **later** of (1) the Secretary of State's certification of the 2020 General Election results; or (2) the Eleventh Circuit's decision to deny *en banc* review or, should it grant *en banc* review, the Eleventh Circuit's resolution of that review.

6.

Plaintiffs also requested and Defendants also consented to extend the time within which Plaintiffs must respond to Defendants' pending renewed motion to dismiss (ECF No. 69) through and including seven days after the expiration of any stay imposed by the Court.

7.

Should the Court deny this consent motion to stay the case, Plaintiffs respectfully request a brief seven-day extension to respond to Defendants' motion to dismiss, or through and including September 17, 2020.

* * *

For the reasons stated herein, Plaintiffs respectfully request that the Court grant this Consent Motion and the relief requested herein. A proposed order is attached for the convenience of the Court.

Respectfully submitted, this 9th day of September 2020.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of L.R. 5.1, using font type of Times New Roman and a point size of 14.

Dated: September 9, 2020

Adam M. Sparks
Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 9, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated: September 9, 2020

Adam M. Sparks
Counsel for Plaintiffs