

No. 20-14480

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In the  
**United States Court of Appeals**  
**for the Eleventh Circuit**

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CORECO PEARSON, *et al.*  
*Appellants,*

v.

GOVERNOR OF THE STATE OF GEORGIA, *et al.*,  
*Appellees.*

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On Appeal from the United States District Court for the  
Northern District of Georgia, Atlanta Division.  
No. 1:20-cv-4809-TCB — Timothy C. Batten, Sr., *Judge*

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**APPELLEES' EMERGENCY MOTION TO EXPEDITE  
CROSS-APPEAL AND CONSOLIDATE BRIEFING**

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**CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT**

I hereby certify that the following persons and entities may  
have an interest in the outcome of this case:

Batten, Sr., Hon. Timothy C., U.S. District Court Judge,

Beane, Amanda J., Counsel for Proposed Intervenors Democratic

Party of Georgia, *et al.*,

Caldwell, Propst & DeLoach, LLP, Counsel for Plaintiffs-

Appellants,

Callais, Amanda R., Counsel for Proposed Intervenors Democratic

Party of Georgia, *et al.*,

Carr, Christopher M., Attorney General, Counsel for Defendants-

Appellees,

Carroll, James K., Plaintiff-Appellant,

Consiglio, Vikki T., Plaintiff-Appellant,

Democratic Party of Georgia, Inc., Proposed Intervenor,

DCCC, Proposed Intervenor,

DSCC, Proposed Intervenor,

Elias, Marc E., Counsel for Proposed Intervenors Democratic

Party of Georgia, *et al.*,

Fisher, Carolyn H., Plaintiff-Appellant,

Godwin, Gloria K., Plaintiff-Appellant,

Haller, Julia Z., Counsel for Plaintiffs-Appellants,

Hamilton, Kevin J., Counsel for Proposed Intervenors Democratic

Party of Georgia, *et al.*,

Kemp, Brian P., Governor of Georgia, Defendant-Appellee,

Kleinhendler, Howard, Counsel for Plaintiffs-Appellants,

Krevolin and Horst, LLC, Counsel for Proposed Intervenors

Democratic Party of Georgia, *et al.*,

Latham, Cathleen A., Plaintiff-Appellant,

Le, Ahn, Matthew, State Election Board member, Defendant-

Appellee,

MacDougald, Harry W., Counsel for Plaintiffs-Appellants,

Mashburn, Matthew, State Election Board member, Defendant-

Appellee,

McGowan, Charlene S., Assistant Attorney General, Counsel for

Defendants-Appellees,

Mertens, Matthew J., Counsel for Proposed Intervenors

Democratic Party of Georgia, *et al.*,

Pearson, Coreco J., Plaintiff-Appellant,

Perkins Coie LLP, Counsel for Proposed Intervenors Democratic

Party of Georgia, *et al.*,

Powell, Sidney, Counsel for Plaintiffs-Appellants,

Raffensperger, Brad, Georgia Secretary of State, Defendant-

Appellee,

Reeves, John M., Counsel for Appellants-Plaintiffs,

Sparks, Adam M., Counsel for Proposed Intervenors Democratic

Party of Georgia, *et al.*,

Sullivan, Rebecca N., Vice Chair of the State Election Board,

Defendant-Appellee,

Van Gundy, Brian J., Plaintiff-Appellant,

Webb, Bryan K., Deputy Attorney General, Counsel for

Defendants-Appellees,

Willard, Russell D., Senior Assistant Attorney General, Counsel

for Defendants-Appellees,

Wood, Jr., L. Lin, Counsel for Plaintiffs-Appellants,

Worley, David J., State Election Board member,

Defendant/Appellee.

The undersigned counsel certifies that no publicly traded company or corporation has an interest in the outcome of this case or appeal.

*/s/ Charlene S. McGowan*

CHARLENE S. MCGOWAN 697316

Assistant Attorney General

## **APPELLEES' EMERGENCY MOTION TO EXPEDITE CROSS-APPEAL AND CONSOLIDATE BRIEFING**

Defendants-Appellees Governor of Georgia, Georgia Secretary of State, and State Election Board members Rebecca Sullivan, David Worley, Matthew Mashburn, and Ahn Le respectfully move for expedited review and a consolidated briefing schedule of their cross-appeal of the district court's Order of November 29, 2020, granting in part Plaintiffs-Appellants' request for an emergency temporary restraining order ("TRO Order").

On December 1, 2020, Plaintiffs-Appellants filed a notice of appeal of the TRO Order. The next day, Plaintiffs-Appellants filed an emergency motion for expedited review and briefing schedule. The Court granted that motion and set a briefing schedule as follows: Plaintiffs-Appellants were to file their brief by midnight on December 2, 2020; Defendants-Appellees are to file their brief by midnight on December 4, 2020; and Plaintiffs-Appellants are to file their reply brief, if any, by midnight on December 6, 2020. The Court also issued a Jurisdictional Question, which the parties are to respond to by December 3, 2020.

Defendants-Appellees filed a notice of protective cross-appeal of the district court's TRO Order on December 3, 2020. It is the position of Defendants-Appellees that this Court lacks jurisdiction to review the

TRO Order under 28 U.S.C. 1292(a). However, if the Court determines that it has jurisdiction over the appeal, Defendants-Appellees respectfully request that the Court consider their cross-appeal at the same time, which will ask the Court to reverse and vacate the TRO Order. Both the appeal and cross-appeal challenge the district court's TRO Order and involve the same issues of law and fact.

In order to expedite the Court's consideration of the cross-appeal and avoid delay in its consideration of the appeal, Defendants-Appellees ask that the Court order that the parties' briefing for the cross-appeal be consolidated with the existing briefing schedule for the appeal, as follows: Defendants-Appellees' consolidated brief in support of their cross-appeal and in response to the appeal is to be filed by midnight on December 4, 2020; Plaintiffs-Appellants' consolidated brief in response to the cross-appeal and reply in support of their appeal is to be filed by midnight on December 6, 2020. Defendants-Appellees agree to waive the filing of a reply brief in support of their cross-appeal.

Respectfully submitted, this 3rd day of December, 2020.

/s/ Charlene S. McGowan

Christopher M. Carr  
*Attorney General of Georgia*

Bryan K. Webb  
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## CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limitation of Rule 32(a)(7)(B) of the Federal Rules of Appellate Procedure because it contains 1,003 words as counted by the word-processing system used to prepare the document. This brief also complies with the typeface and type-style requirements of Rule 32(a)(5) and (6) because it has been prepared in 14-point Century Schoolbook font.

/s/ Charlene S. McGowan  
Charlene S. McGowan  
Assistant Attorney General

## CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2020, I served this Emergency Motion to Expedite Cross-Appeal and Consolidate Briefing by electronically filing it with this Court's ECF system, which constitutes service on all attorneys who have appeared in this case and are registered to use the ECF system.

/s/ Charlene S. McGowan  
Charlene S. McGowan  
Assistant Attorney General