

NO. 20-14418-RR

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

L. LIN WOOD, JR.,

Plaintiff/Appellant,

v.

BRAD RAFFENSPERGER, in his official
capacity as Secretary of State of the State of Georgia,
REBECCA N. SULLIVAN, in her official capacity as
Vice Chair of the Georgia State Election Board,
DAVID J. WORLEY, in his official capacity as a
Member of the Georgia State Election Board,
MATTHEW MASHBURN, in his official capacity as
a Member of the Georgia State Election Board,
and **ANH LE**, in her official capacity as
a Member of the Georgia State Election Board,

Defendants/Appellees.

On Appeal from the United States District Court
For the Northern District of Georgia
L.T. No.: 1:20-cv-04651-SDG

APPELLANT'S EMERGENCY MOTION FOR EXPEDITED REVIEW

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

Appellant, L. LIN WOOD, JR., pursuant to Fed.Ed. R. Civ. P. 26.1, and 11th Cir. R. 26.1-3, hereby submit this Certificate of Interested Persons and Corporate Disclosure Statement, as follows:

Beane, Amanda J. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Blumenfeld, Jeremy P. - Counsel for Proposed Intervenors Woodhall, et al.

Brailey, Emily R. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Callais, Amanda R. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Carr, Christopher – Counsel for Appellee

Clarke, Kristen- Counsel for Proposed Intervenors Woodhall, et al.

Coppedge, Susan P. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Elias, Marc E. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Greenbaum, Jon M. - Counsel for Proposed Intervenors Woodhall, et al.

Grimberg, Steven D. – United States Northern District Court Judge

Hamilton, Kevin J. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Houk, Julie M. - Counsel for Proposed Intervenors Woodhall, et al.

Hounfodji, Catherine North- Appellee

Knapp, Jr., Halsey G. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Krevolin and Horst, LLC- Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Kuhlmann, Gillian C. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Law Office of Bryan L. Sells, LLC - Counsel for Proposed Intervenors Woodhall, et al.

Lawyers' Committee for Civil Rights Under Law- Counsel for Proposed Intervenors Woodhall, et al.

Le, Anh - Appellee

Lewis, Joyce Gist- Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Manning, Susan Baker- Counsel for Proposed Intervenors Woodhall, et al.

Mashburn, Matthew- Appellee

McGowan, Charlene S. - Counsel for Appellee

Mertens, Matthew J. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Morgan, Lewis & Bockius LLP - Counsel for Proposed Intervenors Woodhall, et al.

Office of Attorney General of Georgia- Counsel for Appellee

Perkins Coie LLP - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Powers, John- Counsel for Proposed Intervenors Woodhall, et al.

Raffensperger, Brad - Appellant

Rosenberg, Ezra D. - Counsel for Proposed Intervenors Woodhall, et al.

Sells, Bryan L. - Counsel for Proposed Intervenors Woodhall, et al.

Smith, III, Ray - Counsel for Appellant

Sparks , Adam M. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Sullivan, Rebecca N. – Appellant

Velez, Alexi M. - Counsel for Intervenor-Defendants, Democratic Party of Georgia, et al.

Webb, Bryan K. - Counsel for Appellee

Willard, Russell D. - Counsel for Appellee

Wood, Jr., L. Lin. – Appellant

Worley, David J. - Appellee

EMERGENCY MOTION FOR EXPEDITED REVIEW

COMES NOW the Appellant, L. LIN WOOD, by and through undersigned counsel, pursuant to 11th Cir. R. 27-3 and moves for expedited review of this appeal, and in support of this request states the following:

1. On November 13, 2020, Appellant filed an action in the District Court for the Northern District of Georgia, asserting three claims against Appellees/Defendants, in their official capacities, based on numerous constitutional violations.

2. On November 16, 2020, Appellant filed an Amended Complaint, and on November 17, 2020, Appellant filed an emergency motion for a temporary restraining order (“TRO”).

3. On November 19, 2020, Appellees and Intervenors filed separate responses in opposition to Appellant’s motion for a TRO, and the District Court held oral argument on Appellant’s motion the same day.

4. At the conclusion of oral argument, the District Court denied Appellant’s request for a TRO.

5. Appellant requests that this Court grant expedited briefing on its appeal from the District Court’s decision denying the Emergency Motion for a Temporary Restraining Order.

6. Appellant's underlying action relates to the integrity of election procedures in the 2020 Presidential General Election in the State of Georgia, particularly as those procedures were fundamentally and irredeemably flawed, from this Constitutional deviation.

7. Appellant further submits that the procedures enacted by the Secretary of State and the State Board of Elections relate to the enormous quantity of mail-in ballots cast in Georgia pursuant to the unlawful "Consent Decree," which precludes ascertainment of these ballots' compliance with the detailed requirements for demonstrating the authenticity of such votes and the eligibility of those purportedly casting such ballots to vote in Georgia. Appellant's vote was made more difficult than the votes of others who were not required to present identification or were struggling with signature verification.

8. This issue is critical because the State Board of Elections is proposing to use the same procedures in the upcoming Senatorial run-off election, and if they are invalid, then the outcome of that election could likewise be in doubt. The integrity of the election system in Georgia should not be subject to ridicule or doubt.

9. This action also concerns a Due Process and Equal Protection claim that Georgia's mail ballot scheme, as modified by the unlawful "Consent Decree," is unconstitutional, and fails to comply with the election scheme adopted by the State Legislature. Additionally, the scheme lacks any safeguards, given that there is clearly

confusion and opportunity for mischief created by the lack of signature verification wrought by the “Consent Decree/Settlement Agreement.”

10. This action is of nationwide importance because of the consequences of flawed election processes on the election for the President of the United States in the State of Georgia could turn the election in favor of either candidate.

11. It is critically important for Appellant’s claims to be heard before the December 14, 2020 “safe harbor” date under GA Code § 21-2-499 (2019) of Georgia certifying its Presidential electors, which is only 21 days away.

12. The Amended Complaint asserts claims under the First Amendment and the Equal Protection Clause of the Fourteenth Amendment; the Electors and Elections Clause of the Constitution; and the Due Process Clause of the Fourteenth Amendment because Defendants, Georgia’s Secretary of State, Brad Raffensperger, and four Georgia Election Board members, engaged in an intentional scheme to circumvent Georgia’s legislative enactments by entering into an unconstitutional Consent Decree, in an effort allow the counting of defective mail ballots.

13. Appellant seeks to exclude the defective mail ballots which may turn the result of the Election, and further seeks to prevent the use of the same constitutionally flawed procedures in the upcoming Senatorial run-off election. Appellant does not seek to exclude any legally cast votes.

14. Appellant further submits that good cause exists for expedited review, as irreparable may occur or the appeal may become moot unless a ruling is obtained within seven days.

15. Appellant contacted counsel for the Defendants and Intervenors to seek agreement to Appellant's proposed briefing schedule, namely, that Appellant's opening brief shall be due by **November 25, 2020 by 5:00 p.m.**; and that Appellees' briefs shall be due by **November 26, 2020 by 5:00 p.m.**, with oral argument to be held on November 27, 2020 if desired by the Court.

16. At the time of filing, the Appellees have not consented to the proposed briefing schedule.

WHEREFORE, Appellant respectfully request that the Court establish an expedited schedule for the disposition of the instant appeal according to the above deadlines.

Respectfully submitted,

/s/ Ray S. Smith III

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the within and foregoing complies with the requirements of FRAP 32(g).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been electronically filed with this Court via CM/ECF and was furnished to all counsel on the attached service list by e-mail on November 25th 2020:

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**Pro Hac Vice Application Pending*

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Members of the Proposed Intervenors the Georgia State Conference of the NAACP,
and the Georgia Coalition for the People's Agenda*