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

THE NEW GEORGIA PROJECT,	:	
BLACK VOTERS MATTER FUND	:	
and RISE, INC.	:	CIVIL ACTION FILE NO.:
	:	
Plaintiffs,	:	1:21-cv-01229-JPB
VS.	:	
	:	
BRAD RAFFENSPERGER in his official	:	
capacity as the Georgia Secretary of State,	:	
et al.,	:	
	:	
Defendants.	:	
	•	

### COUNTY DEFENDANTS' MOTION TO DISMISS <u>PLAINTIFFS' FIRST AMENDED COMPLAINT</u>

Come now CHARLES DAVE, in his official capacity as the Director of the Brooks County Elections Department; ZURICH DESHAZIOR, DON ISTEFANO, and KAREN MURRAY, in their official capacities as members of the BROOKS COUNTY BOARD OF ELECTIONS (collectively, the "Brooks County Defendants"), and move the Court to dismiss Plaintiffs' First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (6), showing the Court that Plaintiffs' lack standing to bring their claims against the County Defendants. In support of the motion, County Defendants rely on their Brief in Support of Motion to Dismiss Plaintiffs' First Amended Complaint, filed concurrently with this motion. Respectfully submitted this 13<sup>th</sup> day of July, 2021.

### HAYNIE, LITCHFIELD & WHITE, PC

<u>/s/ Daniel W. White</u> DANIEL W. WHITE Georgia Bar No. 153033 Haynie, Litchfield & White, PC 222 Washington Avenue Marietta, GA 30060 (770) 422-8900 <u>dwhite@hlw-law.com</u> Attorneys for Brooks County Defendants

# **<u>CERTIFICATE OF COMPLAINCE WITH LOCAL RULE 7.1</u>**

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.

> <u>/s/ Daniel W. White</u> DANIEL W. WHITE Georgia Bar No. 153033 Attorney for Brooks County Defendants

HAYNIE, LITCHFIELD & WHITE, PC 222 Washington Avenue Marietta, GA 30060 (770) 422-8900 dwhite@hlw-law.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2021, I electronically filed the foregoing BROOKS COUNTY DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

> <u>/s/ Daniel W. White</u> DANIEL W. WHITE Georgia Bar No. 153033 Attorney for Brooks County Defendants

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