

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

THE NEW GEORGIA PROJECT,  
BLACK VOTERS MATTER FUND, and  
RISE, INC., ELBERT SOLOMON,  
FANNIE MARIE JACKSON GIBBS, and  
JAUAN DURBIN,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; REBECCA SULLIVAN, in her official capacity as the Vice Chair of the Georgia State Election Board; DAVID 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; ANH LE, in her official capacity as a member of the Georgia State Election Board; MARGARET BENTLEY, in her official capacity as Chairman of the SPALDING County Board of Elections and Voter Registration; GLENDA HENLEY, in her official capacity as Secretary of the SPALDING County Board of Elections and Voter Registration; BETTY BRYANT, VERA MCINTOSH, and ROY MCCLAIN, in their official capacities as Members of the SPALDING County Board of Elections and Voter Registration; CHARLES DAVE, in his official capacity as BROOKS County Elections Superintendent; ZURICH

Civil Action No. 1:21-cv-01229-  
JPB

**PLAINTIFFS' RESPONSE  
IN OPPOSITION TO  
DEFENDANTS' MOTION  
TO DISMISS**

DESHAZIOR, DON DISTEFANO, and KAREN MURRAY in their official capacities as members of the BROOKS County Board of Elections; ALEX WAN, in his official capacity as Chairman of the FULTON County Registration and Elections Board; MARK WINGATE, KATHLEEN RUTH, VERNETTA KEITH NURIDDIN, and AARON JOHNSON, in their official capacities as Members of the FULTON County Registration and Elections Board; KEITH GAMMAGE, in his official capacity as the Solicitor General of FULTON County; and GREGORY W. EDWARDS, in his official capacity as the District Attorney for DOUGHERTY County,

Defendants.

**PLAINTIFFS' RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS**

Plaintiffs THE NEW GEORGIA PROJECT, BLACK VOTERS MATTER FUND, RISE, INC., ELBERT SOLOMON, FANNIE MARIE JACKSON GIBBS, and JAUAN DURBIN have filed an Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). ECF No. 39. "An amended complaint supersedes and replaces the original complaint" and renders any pending motion to dismiss moot. *See Reynolds v. Behrman Capital IV L.P.*, 988 F.3d 1314, 1319 (11th Cir. 2021); *see also Pineda v. Construction United Servs., LLC*, 1:19-CV-02072-JPB, ECF No. 8 (N.D. Ga. July 1, 2019) (denying as moot defendant's motion to dismiss

in light of plaintiff filing amended complaint). Because Defendants' Motion to Dismiss was directed toward the original Complaint, which is no longer operative, Defendants' Motion is now moot. *See also Southern Pilot Ins. Co. v. CECS, Inc.*, 15 F. Supp. 3d 1284, 1287 n.1 (N.D. Ga. 2013) ("An amended complaint supersedes the original complaint, and thus renders moot a motion to dismiss the original complaint."). Plaintiffs, out of an abundance of caution, file this response to notify the Court of their Amended Complaint and respectfully request that this Court deny Defendants' Motion as moot.

Respectfully submitted, this 17th day of May, 2021.

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*/s/ Uzoma N. Nkwonta*

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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: May 17, 2021

*/s/ Uzoma N. Nkwonta*

Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2021, 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: May 17, 2021

/s/ Uzoma N. Nkwonta

Counsel for Plaintiffs