

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

IN RE GEORGIA SENATE BILL 202

Master Case No.:  
1:21-MI-55555-JPB

UNITED STATES OF AMERICA,

*Plaintiff,*

Civil Action No.:  
1:21-CV-02575-JPB

v.

THE STATE OF GEORGIA, *et al.*,

*Defendants,*

REPUBLICAN NATIONAL  
COMMITTEE, *et al.*,

*Intervenor-Defendants.*

**STATE DEFENDANTS' MOTION FOR JUDGMENT ON THE  
PLEADINGS BASED ON INTERVENING CIRCUIT AUTHORITY**

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, State Defendants hereby move for judgment on the pleadings with respect to the complaint filed by the U.S. Department of Justice (“DOJ”), *United States v. State of Georgia*, No. 1:21-cv-02575-JPB [Doc. 1], based on intervening Eleventh Circuit authority, *League of Women Voters of Fla. Inc. v. Fla. Sec’y of State*, No. 22-11143, 2023 WL 3108161 (11th Cir. Apr. 27, 2023). As the

Eleventh Circuit confirmed in that decision, a claim under Section 2 of the Voting Rights Act requires the plaintiff to plead and prove discriminatory *results*; an allegation or showing of discriminatory *purpose* (or intent) does not suffice. Because DOJ's complaint asserts only a discriminatory purpose claim, judgment should be entered for State Defendants on DOJ's Section 2 claim.

Respectfully submitted,

Christopher M. Carr  
Attorney General  
Georgia Bar No. 112505  
Bryan K. Webb  
Deputy Attorney General  
Georgia Bar No. 743580  
Russell D. Willard  
Senior Assistant Attorney General  
Georgia Bar No. 760280  
Elizabeth Vaughan  
Assistant Attorney General  
Georgia Bar No. 7627156  
**State Law Department**  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334

/s/ Gene C. Schaerr

Gene C. Schaerr\*  
Special Assistant Attorney General  
Erik Jaffe\*  
H. Christopher Bartolomucci\*  
Donald M. Falk\*  
Brian J. Field\*  
Cristina Martinez Squiers\*  
Edward H. Trent\*  
Nicholas P. Miller\*  
Joshua J. Prince\*  
Annika Boone Barkdull\*  
**SCHAERR | JAFFE LLP**  
1717 K Street NW, Suite 900  
Washington, DC 20006  
(202) 787-1060  
gschaerr@schaerr-jaffe.com  
*\*Admitted pro hac vice*

Bryan P. Tyson  
Special Assistant Attorney General  
Georgia Bar No. 515411  
btyson@taylorenghish.com  
Bryan F. Jacoutot  
Georgia Bar No. 668272  
bjacoutot@taylorenghish.com  
Diane Festin LaRoss  
Georgia Bar No. 430830  
dlaross@taylorenghish.com  
**Taylor English Duma LLP**  
1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7249  
*Counsel for State Defendants*

Dated: May 18, 2023

**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing motion was prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Gene C. Schaerr  
Gene C. Schaerr