

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

DONNA CURLING, *et al.*

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**UNOPPOSED MOTION FOR EXPEDITED BRIEFING AND EXCESS  
PAGES REGARDING STATE DEFENDANTS' MOTION TO STAY  
PRELIMINARY INJUNCTION PENDING APPEAL**

Defendants Raffensperger, in his official capacity as Secretary of State and the Chair of the Georgia State Election Board (the "Secretary"), and State Election Board ("SEB") Members Sullivan, Worley, Le, and Mashburn (collectively, the "State Defendants"), hereby move the Court to enter an order for expedited briefing on State Defendants' Motion to Stay Preliminary Injunction ("Motion to Stay"), and for permission for the parties to submit briefing on the Motion for Stay that exceeds the page limit allowed under the Local Rules.

As stated in State Defendants' forthcoming Motion to Stay, there exists good cause for treating it as an emergency motion and waiving the time

requirements of Local Rule 7.1. Absentee voting for the General Election began on September 15, 2020, and early in-person voting begins on October 12, 2020. *See* O.C.G.A. § 21-2-384(a)(2). Moreover, Eleventh Circuit Rules state that the State Defendants may only move the Appellate Court to stay the injunction pending appeal upon a showing of (a) impracticability or (b) that a stay was sought, and denied, in the District Court. 11th Cir. R.

8(a)(2)(A)(i-ii). Based on current deadlines and the needs associated with implementing the Court's injunction as ordered, State Defendants believe a ruling on their Motion to Stay is needed as soon as possible so the Appellate Court can timely review this Court's Order on Coalition Plaintiffs Motion for Preliminary Injunction on Paper Pollbook Backups, if necessary.

To allow the Court sufficient time to consider and rule on State Defendants' Motion to Stay, and timely appellate review if necessary, State Defendants respectfully request that Coalition Plaintiffs' response, if any, be due no later than **Friday, October 9, 2020**. In the interest of efficiency, State Defendants will also forego filing a reply brief. Additionally, State Defendants respectfully request that the Court allow State Defendants and Coalition Plaintiffs to file brief on the Motion for Stay that do not exceed thirty (30) pages.

State Defendants have consulted with counsel for the Coalition Plaintiffs who have indicated they do not oppose this Motion. A proposed Order is attached hereto for the Court's convenience.

Respectfully submitted, this 5th day of October, 2020.

Vincent R. Russo  
Georgia Bar No. 242628  
vrusso@robbinsfirm.com  
Josh Belinfante  
Georgia Bar No. 047399  
jbelinfante@robbinsfirm.com  
Carey A. Miller  
Georgia Bar No. 976240  
cmiller@robbinsfirm.com  
Alexander Denton  
Georgia Bar No. 660632  
adenton@robbinsfirm.com  
Robbins Ross Alloy Belinfante Littlefield LLC  
500 14th Street, N.W.  
Atlanta, Georgia 30318  
Telephone: (678) 701-9381  
Facsimile: (404) 856-3250

/s/ Bryan P. Tyson

Bryan P. Tyson  
Georgia Bar No. 515411  
btyson@taylorenghish.com  
Jonathan D. Crumly  
Georgia Bar No. 199466  
jcrumly@taylorenghish.com  
James A. Balli  
Georgia Bar No. 035828  
jballi@taylorenghish.com  
Diane F. LaRoss  
Georgia Bar No. 430830  
dlaross@taylorenghish.com

Bryan F. Jacoutot  
Georgia Bar No. 668272  
bjacoutot@taylorenghish.com  
Loree Anne Paradise  
Georgia Bar No. 382202  
lparadise@taylorenghish.com  
TAYLOR ENGLISH DUMA LLP  
1600 Parkwood Circle, Suite 200  
Atlanta, GA 30339  
Telephone: 678-336-7249

*Counsel for State Defendants*

**L.R. 7.1(D) CERTIFICATION**

I certify that this Motion and Brief in Support has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Motion has been prepared using 13-pt Century Schoolbook font.

/s/ Bryan P. Tyson  
Bryan P. Tyson

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

_____	)	
DONNA CURLING, et al.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION FILE
	)	
BRAD RAFFENSPERGER, et	)	NO. 1:17-cv-2989-AT
al.,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**[PROPOSED]**  
**ORDER GRANTING UNOPPOSED MOTION FOR EXPEDITED**  
**BRIEFING AND EXCESS PAGES REGARDING STATE**  
**DEFENDANTS’ MOTION TO STAY PRELIMINARY**  
**INJUNCTION PENDING APPEAL**

Presently before the Court is Defendants Brad Raffensperger, in his official capacity as Secretary of State and the Chair of the Georgia State Election Board and State Election Board Members Rebecca N. Sullivan, David J. Worley, Anh Le, and Matthew Mashburn’s Unopposed Motion For Expedited Briefing And Excess Pages Regarding State Defendants’ Motion To Stay Preliminary Injunction Pending Appeal. In their motion, State Defendants request that Coalition Plaintiffs’ Response to State Defendants’ Motion to Stay be due no later than Friday, October 9, 2020 and agree to forego a reply brief in the interest of time. State Defendants contend that this briefing schedule is necessary to allow sufficient time for the Court to rule on State Defendants’

motion and timely seek appellate review of the preliminary injunction. Additionally, State Defendants request permission for the parties to file briefs on the Motion to Stay that do not exceed thirty (30) pages.

For good cause shown, and noting no opposition, the Court GRANTS State Defendants' motion. The parties have permission to file briefs on State Defendants' Motion for Stay that do not exceed thirty (30) pages, and Coalition Plaintiffs' response to State Defendants' Motion to Stay is due on or before Friday, October 9, 2020.

SO ORDERED, THIS \_\_\_\_ day of October, 2020.

---

The Hon. Amy Totenberg  
United States District Judge