

**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

NO. 1:17-CV-2989-AT

**STATE DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
ON COALITION PLAINTIFFS' CLAIMS**

Defendants Brad Raffensperger, in his official capacity as Secretary of State of the State of Georgia; and William S. Duffey, Jr., Sara Tindall Ghazal, Janice Johnston, Edward Lindsey, and Matthew Mashburn, in their official capacities as members of the Georgia State Election Board, (Raffensperger, Duffey, Ghazal, Johnston, Lindsey, and Mashburn collectively are the “State Defendants”) by and through counsel, and respectfully file this Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 on all of the remaining claims presented in the Third Amended Complaint [Doc. 226] (“TAC”) and the First Supplemental Complaint [Doc. 628] (“FSC”) filed by

Plaintiffs the Coalition for Good Governance, Laura Digges, William Digges III, Ricardo Davis, and Megan Missett (collectively, the “Coalition Plaintiffs”).

State Defendants submit that there are no genuine issues of material fact and State Defendants are entitled to judgment as a matter of law on each of Coalition Plaintiffs’ claims contained in Counts I – II of the TAC and Counts I – II of the FSC.¹ Specifically, Coalition Plaintiffs lack standing, their claims about DREs are moot, and they have failed to identify evidence sufficient to show that a reasonable jury could conclude State Defendants violated any of Coalition Plaintiffs’ rights under the Constitution’s Due Process Clause (Count I of the TAC and FSC) and Equal Protection Clause (Count II of the TAC and FSC).

In support of this Motion, State Defendants rely upon the pleadings and other matters of record, as well as the Statement of Undisputed Material Facts, the exhibits attached thereto, and their Brief in Support of this Motion for Summary Judgment.

¹ The Court previously dismissed the FSC’s Count III. [Doc. 751, p. 50].

WHEREFORE, State Defendants respectfully request that the Court grant this Motion for Summary Judgment on all of Coalition Plaintiffs' remaining claims and dismiss Coalition Plaintiffs' claims with prejudice.

Respectfully submitted this 9th day of January, 2023.

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON COALITION PLAINTIFFS' CLAIMS** has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
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