

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

THE NEW GEORGIA PROJECT, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State,
et al.,

Defendants.

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

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT
GREGORY EDWARDS'S MOTION TO DISMISS**

Plaintiffs oppose Defendant Gregory Edwards's motion to dismiss—which solely adopts the State Defendants' earlier motion and arguments, *see* ECF No. 53 at 1—for the reasons set forth in their response in opposition to State Defendants' motion to dismiss. *See generally* ECF No. 54.

Plaintiffs also observe that although Defendant Edwards nominally “moves this Court to dismiss Plaintiffs' First Amended Complaint [Doc. 39] in its entirety,” *see* ECF No. 53 at 1, his motion to dismiss is only partial. State Defendants made no motion or argument to support the dismissal of Count IV of the amended complaint, *see generally* ECF Nos. 45, 45-1, as Plaintiffs did not bring Count IV against State

Defendants. *See* Am. Compl. ¶¶ 185-189 (Count IV).

Count IV alleges that SB 202 violates the First Amendment by making it a misdemeanor to “give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector” standing in line to vote, SB 202 § 33; O.C.G.A. § 21-2-414(a), (f), and specifically names Edwards as a defendant. *See* Am. Compl. ¶¶ 185-189 (Count IV). As Dougherty County District Attorney, Defendant Edwards is responsible for prosecuting misdemeanors, including violations of the above-referenced section of SB 202. *See* O.C.G.A. § 15-18-66; Am. Compl. ¶ 37. By simply adopting State Defendants’ motion, Defendant Edwards fails to present any argument to support a motion to dismiss Count IV. *See* N.D. Ga. R. 7.1(A)(1) (“Every motion presented to the clerk for filing shall be accompanied by a memorandum of law which cites supporting authority.”).

For the foregoing reasons, Defendant Edwards’s Motion to Dismiss should be denied.

Respectfully submitted, this 28th day of June, 2021.

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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: June 28, 2021.

s/ Uzoma N. Nkwonta
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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2021, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Dated: June 28, 2021.

s/ Uzoma N. Nkwonta
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