

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

**Richard Rose, et al.,**

Plaintiff-Appellees,

vs.

**Georgia Secretary of State,**

Defendant-Appellant.

Appeal No. 22-12593

**Appellees' Emergency  
Motion for an  
Administrative Stay**

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**Rose v. Georgia Secretary of State  
22-12593**

**Certificate of Interested Persons  
and  
Corporate Disclosure Statement**

I hereby certify under Eleventh Circuit Rules 26.1, 26.1-2, and 26.1-3 that these persons and entities have or may have an interest in the outcome:

Bartlit Beck LLP

Beranek, Lori

Carr, Christopher

Clarke, Kristen

Erskine, Kurt R.

Georgia Department of Law

Grimberg, Steven D.

Herren, Jr., T. Christian

Hughes, Aileen Bell

Jacoutot, Bryan F.

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**Rose v. Georgia Secretary of State  
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**Certificate of Interested Persons  
and  
Corporate Disclosure Statement  
(continued)**

Karlan, Pamela S.

LaRoss, Diane

Martinez, Nicolas

McCorkle, Brionté

McGowan, Charlene

Mellett, Timothy F.

Morrisette, Wesley

Wanda Mosley

Petrany, Stephen J.

Raffensperger, Brad

Rose, Richard

Sells, Bryan L.

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**Rose v. Georgia Secretary of State  
22-12593**

**Certificate of Interested Persons  
and  
Corporate Disclosure Statement  
(continued)**

Sitton, Janie Allison (Jaye)

Taylor English Duma LLP

The Law Office of Bryan L. Sells, LLC

Tyson, Bryan P.

U.S. Department of Justice

Webb, Bryan K.

Willard, Russell D.

Woodall, James “Major”

No publicly traded company has an interest in the outcome.

**/s/ Bryan L. Sells**

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**Appellees' Emergency Motion for an Administrative Stay**

Appellees Richard Rose, Brionté McCorkle, Wanda Mosley, and James Woodall respectfully move the Court for an administrative stay of its order, entered today, granting a stay of the district court's permanent injunction so as not to prejudice the Appellees' review of that decision in the Supreme Court.

The majority's opinion invites the Appellees to seek clarification from the Supreme Court about whether *Purcell v. Gonzalez*, 549 U.S. 1 (2006), applies in circumstances like these, which involve an unequivocal waiver below of any *Purcell* argument and the postponement of an election after a full trial on the merits. (See Order at 6 (“We believe that the principle articulated in *Republican Nat’l Committee* is broad and covers the case before us. But if we are mistaken on this point, the Supreme Court can tell us.”).)

The Appellees intend to file an application with Justice Thomas seeking to vacate this Court's stay as soon as possible—likely Monday. But without an administrative stay of today's order,

the Georgia Secretary of State has indicated that he will proceed to build ballots for the fall election using the at-large method of electing members of the Public Service Commission that the district court found to be unlawful after a five-day bench trial. That action will prejudice the Appellees' ability to obtain review by the Supreme Court because it will change the facts on the ground by allowing the Secretary to create an administrative burden where none would otherwise exist by moving forward with ballot-building.

An administrative stay would maintain the status quo without prejudicing the Secretary. Michael Barnes, Director of the Secretary's Center for Elections Systems, testified at trial that his office could make changes to the ballots until "early September." Trial Tr. 442:12-21. A delay of only a few days in adding the Public Service Commission races to the ballots would still leave the Secretary with plenty of time to update the ballots if the Supreme Court denies relief.

Accordingly, this Court should grant an administrative stay of its order of this afternoon pending Supreme Court action on the Appellee's forthcoming application to vacate the stay.

Respectfully submitted this 12th day of August, 2022.

**/s/ Bryan L. Sells**

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**Nicolas L. Martinez**

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### **Certificate of Compliance**

This response complies with the type-volume limitation of Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure because it contains 358 words. This motion also complies with the typeface and type-style requirements of Rule 32(a)(5) and (6) because it has been prepared in the 14-point Century Schoolbook typeface in roman style.

**/s/ Bryan L. Sells**

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