

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 CURLING PLAINTIFFS' CLAIMS**

COME NOW 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 respective official capacities as members of the State of Georgia's 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 (“TAC”) of Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg (collectively, the “Curling Plaintiffs”). Doc. 627.

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 Curling Plaintiffs’ claims contained in Counts I – IV of the TAC. *Id.* at ¶¶ 91-140.¹ Specifically, Curling Plaintiffs lack standing and have failed to identify evidence sufficient to show that a reasonable jury could conclude State Defendants violated any of Curling Plaintiffs’ rights under the Constitution’s Due Process Clause (Counts I and III) and Equal Protection Clause (Counts II and IV).

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, Brief in Support of this Motion for Summary Judgment, and the declaration of Ryan Germany filed contemporaneously herewith.

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

¹ The Court previously dismissed the TAC’s Count V, which sought declaratory relief. Doc. 751 at 30 n.18.

Respectfully submitted, this 9th day of January, 2023.

/s/ Vincent R. Russo

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LOCAL RULE 7.1(D) CERTIFICATION

I certify that this State Defendants' Motion for Summary Judgment on Curling Plaintiffs' Claims has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1. Specifically, this document has been prepared using 13-pt Century Schoolbook font and type.

/s/ Vincent R. Russo

Vincent R. Russo

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