

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

DONNA CURLING, et al;

Plaintiffs,

v.

BRAD RAFFENSBERGER, et al.;

Defendants.

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)	
)	CIVIL ACTION
)	FILE NO: 1:17cv02989-AT
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**FULTON COUNTY DEFENDANTS’ MOTION FOR SUMMARY
JUDGMENT**

COME NOW, the Members of the Fulton County Board of Registration and Elections, Mary Carole Cooney, Vernetta Nurridin, Kathleen D. Ruth, Mark Wingate and Aaron Johnson (“Fulton County Defendants”) in the above-styled case, by and through the undersigned counsel, and move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure and L.R. 56.1 of the United States District Court for the Northern District of Georgia for the entry of summary judgment in their favor for each of the claims presented in the Curling Plaintiffs’ Third Amended Complaint (Doc. 627) and the Coalition Plaintiffs’ First Supplemental Complaint. (Doc. 601).

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Fulton County Defendants submit there are no genuine issues of material fact and they are entitled to judgment as a matter of law on each of Curling Plaintiff's claims contained in Counts I – IV of the Third Amended Complaint. (Doc. 627, pp. 28-43).¹ Specifically, Curling Plaintiffs have failed to identify evidence sufficient to show that a reasonable jury could conclude that Fulton County Defendants violated any of Curling Plaintiffs' rights arising under (1) the Due Process Clause of the Fourteenth Amendment to the United States Constitution (Counts I and III); or (2) the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution (Counts II and IV).

Further, Fulton County Defendants submit there are no genuine issues of material fact and they are entitled to judgment as a matter of law on each of Coalition Plaintiff's claims contained in Counts I – II of the First Supplemental Complaint. (Doc. 601, pp. 62-67).² Specifically, Coalition Plaintiffs have failed to identify evidence sufficient to show that a reasonable jury could conclude that Fulton County Defendants violated any of Coalition Plaintiffs' rights arising under (1) the First and Fourteenth Amendments to the United States Constitution (Count I); or (2) the Equal

¹ Count V of the Third Amended Complaint was dismissed by the Court's Order of July 30, 2020.

² Count III of the First Supplemental Complaint was dismissed by the Court's Order of July 30, 2020.

Protection Clause of the Fourteenth Amendment to the United States Constitution (Counts II).

In support of their Motion, Fulton Defendants rely upon the pleadings and other matters of record, as well as the Brief in Support of Fulton County Defendants' Motion for Summary Judgment, the declaration of Nadine Williams, filed contemporaneously herewith.

WHEREFORE, Fulton County Defendants respectfully request that the Court grant this Motion for Summary Judgment with respect to all of Plaintiffs' claims and that this case be dismissed with prejudice.

Respectfully submitted, this 9th day of January 2023.

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/s/ David R. Lowman
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CERTIFICATE OF SERVICE

I hereby certify that on this date I have electronically filed the foregoing **FULTON COUNTY DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system, which will send email notification of such filing to all attorneys of record.

This 9th day of January 2023.

/s/ David R. Lowman
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