

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

INTERNATIONAL ALLIANCE OF
THEATER STAGE EMPLOYEES
LOCAL 927,

Plaintiff,

v.

MATTHEW MASHBURN, in his
official capacity as member of the
Georgia State Election Board, *et al.*,

Defendants.

Civil Action No.:
1:23-CV-04929-AT

STATE DEFENDANTS' NOTICE OF RELATED CASES

State Defendants file this notice to inform the Court that this case is related to several other cases pending before a different Court in this District. In this District, civil cases are related if they involve the “same issue of fact or arise[] out of the same event or transaction included in an earlier numbered pending suit.” Civil Cover Sheet at 2 [Doc. 1-1]. As set forth below, this case satisfies that requirement, and it should be designated as related to several other cases pending before Judge J.P. Boulee, which he has been actively supervising since April 2021, and this case should be transferred to him.

On March 25, 2021, Georgia enacted Senate Bill 202 (“SB 202”). Since then, there have been at least ten lawsuits filed challenging various provisions

of SB 202.¹ Each of those cases was deemed related and proceeded before the same Court in this District. In fact, Plaintiffs’ counsel in this case is also counsel in one of the earlier-filed cases that challenges another portion of SB 202—the requirement to sign an absentee-ballot application with pen and ink. *See* Compl. ¶ 2, *Vote.org*, No. 1:22-cv-01734-JPB (N.D. Ga. May 2, 2022) [Doc. 1]. As counsel acknowledged when filing that case, it was related to other SB 202 litigation because it involved the “same issue of fact or arises out of the same event[.]” Civil Cover Sheet at 2, *Vote.org*, No. 1:22-cv-01734-JPB (N.D. Ga. May 2, 2022) [Doc.1-1].

So too here. Plaintiffs claim that SB 202’s deadline for submitting absentee-ballot applications violates the Voting Rights Act. *See* Compl. ¶ 23. Although Plaintiffs’ claim relies on a different part of the Voting Rights Act, this claim is substantially similar to claims in the other pending cases claiming that this same provision of SB 202 violates the Voting Rights Act. *See, e.g.,*

¹ *Asian Ams. Advancing Just.-Atlanta v. Raffensperger*, No. 1:21-cv-01333-JPB (N.D. Ga.); *Sixth Dist. African Methodist Episcopal Church v. Kemp*, No. 1:21-cv-01284-JPB (N.D. Ga.); *Concerned Black Clergy of Metro. Atlanta, Inc. v. Raffensperger*, No. 1:21-cv-01728-JPB (N.D. Ga.); *United States v. Georgia*, No. 1:21-cv-02575-JPB (N.D. Ga.); *Georgia State Conf. of the NAACP v. Raffensperger*, No. 1:21-cv-01259-JPB (N.D. Ga.); *New Ga. Project v. Raffensperger*, No. 1:21-cv-01229-JPB (N.D. Ga.); *VoteAmerica v. Raffensperger*, No. 1:21-cv-01390-JPB (N.D. Ga.); *Coalition for Good Governance v. Raffensperger*, No. 1:21-cv-02070-JPB (N.D. Ga.); *Whiteside v. Raffensperger*, No. 1:21-cv-03618-JPB (N.D. Ga.); *Vote.org v. Ga. State Election Bd.*, No. 1:22-cv-01734-JPB (N.D. Ga.).

Compl. ¶¶ 112, 120, *Concerned Black Clergy of Metro. Atlanta, Inc.*, No. 1:21-cv-01728-JPB (N.D. Ga. Apr. 27, 2021) [Doc. 1]; Am. Compl. ¶¶ 147, 179, *Georgia State Conf. of the NAACP*, No. 1:21-cv-01259-JPB (N.D. Ga. May 28, 2021) [Doc. 35].

Thus, this case involves the same facts (passage of SB 202), the same law (the Voting Rights Act), and the same Defendants (members of Georgia's State Election Board) as several other cases pending before a different Court in this District. Accordingly, State Defendants maintain that this case should be designated as related to those pending cases, and it would be more efficient for this case to be transferred to Judge Boulee, who over the past two-and-a-half years has already developed a substantial familiarity with the relevant facts and law.

Respectfully submitted this 11th day of December 2023.

Christopher M. Carr
Attorney General
Georgia Bar No. 112505
Bryan K. Webb
Deputy Attorney General
Georgia Bar No. 743580
Russell D. Willard
Senior Assistant Attorney General
Georgia Bar No. 760280
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334

Gene C. Schaerr*
Special Assistant Attorney General
Brian J. Field*
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
(202) 787-1060
gschaerr@schaerr-jaffe.com
**Applications for pro hac vice filed*

/s/ Bryan P. Tyson
Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
Diane Festin LaRoss
Georgia Bar No. 430830
dlaross@taylorenghish.com
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339
(678) 336-7249

Counsel for State Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing brief was prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/Bryan P. Tyson
Bryan P. Tyson

RETRIEVED FROM DEMOCRACYDOCKET.COM