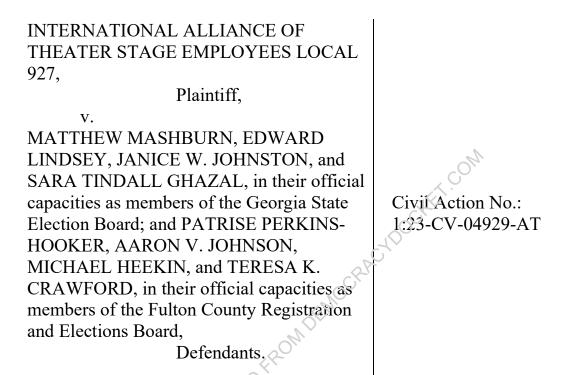
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION



PLAINTIFF'S NOTICE OF OPPOSITION TO MOTION TO DISMISS AND INTENT TO FILE AN AMENDED COMPLAINT

Plaintiff International Alliance of Theater Stage Employees Local 927 ("IATSE"), by and through its undersigned counsel, hereby files this Notice of Opposition to Motion to Dismiss and Intent to File an Amended Complaint as of right. *See* Fed. R. Civ. P. 15. Under Rule 15, Plaintiff is entitled to amend its complaint as of right within 21 days of a motion under Rule 12(b). Defendants Matthew Mashburn, Edward Lindsey, Janice W. Johnston, and Sara Tindall Ghazal,

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in their official capacities as members of the Georgia State Election Board (collectively, the "State Defendants") filed a Rule 12(b) motion on January 8, 2024—establishing a deadline of January 29 for an amended complaint under Rule 15(a)(1). *See* Doc. 46. Accordingly, Plaintiff will amend its complaint as a matter of course on or prior to January 29, 2024.

Plaintiff opposes State Defendants' pending motion because Plaintiff properly alleged standing to challenge Georgia's absentee ballot request deadline based on harm to its members. Further, Plaintiff has a private right of action to pursue its claim under Section 202(d) of the Voting Rights Act. However, Plaintiff also intends to amend its complaint on or prior to January 29, 2024. Since an "amended complaint supersedes the original complaint, and thus renders moot a motion to dismiss the original complaint," Plaintiff's forthcoming amended complaint would moot State Defendants' motion. *S. Pilot ins. Co. v. CECS, Inc.*, 15 F. Supp. 3d 1284, 1287 n.1 (N.D. Ga.), *order clarified*, 15 F. Supp. 3d 1329 (N.D. Ga. 2013) (Totenberg, J.). Subsequent to that filing, Plaintiff intends to confer with State Defendants consistent with the Court's Standing Order. *See* Standing Order in Cases Proceeding Before the Honorable Amy Totenberg at 27.

Therefore, Plaintiff files this Notice to declare its opposition to State Defendants' motion and its intention to file an amended complaint.

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Dated: January 22, 2024

Adam M. Sparks Georgia Bar No. 341578 Anré D. Washington Georgia Bar No. 351623 **KREVOLIN & HORST, LLC** 1201 W. Peachtree St., NW 3250 One Atlantic Center Atlanta, GA 30309 Tel: (404) 888-9700 Fax: (404) 888-9577 Email: sparks@khlawfirm.com Email: washington@khlawfirm.com Respectfully submitted,

/s/ Uzoma Nkwonta

Uzoma N. Nkwonta* Justin Baxenberg* William K. Hancock* Marcos Mocine-McQueen* **ELIAS LAW GROUP LLP** 250 Massachusetts Ave NW, Ste 400 Washington, D.C. 20001 Telephone: (202) 968-4490 Facsimile: (202) 968-4498 unkwonta@elias.law jbaxenberg@elias.law whancock@elias.law mincqueen@elias.law

Counsel for Plaintiff International Alliance of Theater Stage Employees Local 927

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<u>CERTIFICATE OF COMPLIANCE</u>

I hereby certify that this document complies with Local Rule 5.1(C) because

it is prepared in Times New Roman font at size 14.

/s/ Uzoma Nkwonta Uzoma N. Nkwonta

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