

**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, EDWARD
LINDSEY, JANICE W. JOHNSTON, and
SARA TINDALL GHAZAL, in their official
capacities as members of the Georgia State
Election Board; and PATRISE PERKINS-
HOOKER, AARON V. JOHNSON,
MICHAEL HEEKIN, and TERESA K.
CRAWFORD, in their official capacities as
members of the Fulton County Registration
and Elections Board,

Defendants.

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

**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,

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.

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
mncqueen@elias.law

*Counsel for Plaintiff International
Alliance of Theater Stage Employees
Local 927*

*Admitted *Pro Hac Vice*

CERTIFICATE OF COMPLIANCE

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

RETRIEVED FROM DEMOCRACYDOCKET.COM