

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

NEW GEORGIA PROJECT, <i>et. al.</i> ,	:	
	:	
Plaintiffs,	:	Civil Action No.
	:	1:24-cv-03412-SDG
vs.	:	
	:	
BRAD RAFFENSPERGER, in his	:	
official capacity as Secretary of State	:	
of the State of Georgia, <i>et. al.</i> ,	:	
	:	
Defendants.	:	
	:	

---

**WHITFIELD COUNTY BOARD OF ELECTIONS AND  
REGISTRATION’S, STEPHEN KELEHEAR, ROB COWAN, AND CAROL  
BYERS’ MOTION TO DISMISS PLAINTIFFS’ COMPLAINT**

Defendants Whitfield County Board of Elections and Registration, Stephen Kelehear, Rob Cowan, and Carol Byers (hereinafter collectively referred to as “Whitfield BOE”) herewith move the Court to dismiss Plaintiffs’ *Consolidated First Amended Complaint for Injunctive and Declaratory Relief* (“Complaint”) [Doc. 155] as to Whitfield BOE pursuant to *Fed. R. Civ. P. 12(b)(1)* based upon a lack of standing to sue them and *Fed. R. Civ. P. 12(b)(6)* for the failure to state a claim upon which relief can be granted them.

This motion is supported by Whitfield BOE’s Brief in Support filed contemporaneously herewith.

Respectfully submitted this 21<sup>st</sup> day of March 2025,

/s/Robert H. Smalley, III  
Robert H. Smalley, III  
Georgia Bar No. 653405  
[rsmalley@mccamylaw.com](mailto:rsmalley@mccamylaw.com)  
Meg Deitz Parker  
Georgia Bar No. 759651  
[mparker@mccamylaw.com](mailto:mparker@mccamylaw.com)  
*Attorneys for Whitfield County Board of  
Elections and Registration, Stephen  
Kelehear, Rob Cowan, and Carol Byers*  
Post Office Box 1105  
Dalton, Georgia 30722-1105  
Telephone: (706) 278-4499  
Facsimile: (706) 278-5002

Certificate of Compliance

Pursuant to L.R. 7.1(D), I certify that the foregoing has been prepared in Times New Roman 14, a font and type selection approved by the Court in L.R. 5.1(C).

/s/Robert H. Smalley, III  
Robert H. Smalley, III  
Georgia Bar No. 653405

Certificate of Service

I hereby certify that on March 21, 2025, I electronically filed the foregoing *Whitfield County Board of Elections and Registration's, Stephen Kelehear, Rob Cowan, and Carol Byers Motion to Dismiss Plaintiffs' Consolidated First Amended Complaint* with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record in this matter.

/s/Robert H. Smalley, III \_\_\_\_\_

Robert H. Smalley, III  
Georgia Bar No. 653405

RETRIEVED FROM DEMOCRACYDOCS.COM