

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

NEW GEORGIA PROJECT, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Georgia Secretary of
State, *et al.*,

CIVIL ACTION NO.:
1:24-cv-03412-SDG

**DOUGHERTY COUNTY DEFENDANTS' REPLY IN SUPPORT OF
THEIR SUPPLEMENTAL MOTION TO DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT AS TO THEM & MEMORANDUM IN SUPPORT**

COME NOW Dougherty County Board of Elections and Frederick Williams, Benny Hand, Annabelle Stubbs, Price Corr, and Jacob Clawson, in their official capacities as members of the Dougherty County Board of Elections (hereinafter "Dougherty County Defendants"), and, pursuant to the directives set forth in the Court's April 30, 2025 Order (Doc. 275), hereby file this Reply in Support of their Supplemental Motion to Dismiss Plaintiffs' Second Amended Complaint (Doc. 276) as to the Dougherty County Defendants, respectfully showing the Court the following:

The Dougherty County Defendants adopt the briefing of their fellow "Seventeen County Board Member Defendants" and the State Defendants to the extent any address the issues addressed in the arguments made by the other

Seventeen County Board Member Defendants previously adopted and incorporated in the Dougherty County Defendants' initial Supplemental Motion and Brief (Doc. 281). The instant Reply will focus on Plaintiffs' lack of standing as well as their related and continuing failure to state a claim against the Dougherty County Defendants upon which relief can be granted.

Plaintiffs' persistent failure to adequately state a claim against the Dougherty County Defendants upon which relief can be granted goes hand-in-hand with the fact that Plaintiffs cannot show any injury-in-fact whatsoever that is fairly (or at all) traceable to the challenged conduct of the Dougherty County Defendants. Despite their Response, Plaintiffs still fail to demonstrate a claim *specific to the Dougherty County Defendants* upon which relief can be granted. That failure—which pretermits preliminary matters like whether the NVRA even authorizes private rights of action, which the Dougherty County Defendants contend does not—is not ameliorated by Plaintiffs' incorporation of the arguments set forth in the Consolidated Opposition (Doc. 304) as to whether Plaintiffs adequately state a claim *against the Dougherty County Defendants* upon which relief can be granted.

Vague characterizations of “*various* cities and counties who are subject to harm in the near and definite future as a result of SB 189” (Doc. 304 at 32), “*several* County Defendants and members of the defendant class of county election boards” (Doc. 304 at 46), “*several* Georgia counties” (Doc. 304 at 49), and “disjointed

approaches *various* counties are taking” (Doc. 304 at 86) are not sufficient to establish standing against the Dougherty County Defendants or to sufficiently state a claim against the Dougherty County Defendants. The fact that Plaintiffs arguably allege claims against other specific defendants¹ but not the Dougherty County Defendants underscores Plaintiffs’ failure to state a claim and related failure to show standing as to these Defendants.

As pointed out by the Lowndes County Defendants, the Supreme Court has ruled defendants may not be treated as “a monolith.” *Murthy v. Missouri*, 603 U.S. 43, 69 (2024). Standing is not “dispensed in gross.” *Id.* at 61. Instead, a plaintiff must demonstrate standing for each claim “against each defendant.” *Id.* This requires a showing that “a particular defendant” engaged in challenged action. *Id.*

It follows then that, without any claim sufficiently stated against the Dougherty County Defendants, Plaintiffs cannot show standing because they cannot show an injury-in-fact (either actual or imminent), traceability of the same to the Dougherty County Defendants, or redressability of the same. “The party invoking

¹ “The Second Amended Complaint alleges several Georgia counties removed voters based on an alleged change of address or struck them from the list of eligible voters for an election pursuant to O.C.G.A. §§ 21-2-229 and 21-2-230. *See id.* ¶¶ 174 (Spalding), 177–78 (Chatham), 179 (Gwinnett), 180 (Forsyth); *id.* at Count III.” Doc. 304 at 49. *See also* Doc. 276 at ¶¶ 270 (specifically alleging and detailing that Macon-Bibb County Defendants have violated Section 8(b) of the NVRA) and 271 (specifically alleging and detailing how Fulton County Defendants have violated Section 8(b) of the NVRA).

federal jurisdiction bears the burden of establishing these elements.” *Lujan v. Defs. Of Wildlife*, 504 U.S. 555, 561 (1992). Plaintiffs have failed to meet their burden as to the Dougherty County Defendants.

CONCLUSION

For the foregoing reasons set forth above, in their initial Brief, and in the arguments made by the other members of the Seventeen County Board Member Defendants as well as those set forth in Sections I(A), (B), and (C), II(B), (C), and (D) of the State Defendants’ Brief in Support of Motion to Dismiss (Doc. 305) which were previously adopted and incorporated as if fully set forth therein, the Dougherty County Defendants respectfully move this Court to dismiss the claims against them pursuant to Fed. R. Civ. P. 12(b)(1) and (5).

WHEREFORE, the Dougherty County Defendants respectfully request their Motion be GRANTED.

This 28th day of May, 2025.

/s/ Denzel L. Batore

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/s/ Frances L. Clay

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1 AND
CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.

This 28th day of May, 2025.

/s/ Denzel L. Batore

Denzel L. Batore

CERTIFICATE OF SERVICE

I hereby certify that on May 28th, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will automatically notify all counsel of record.

This 28th day of May, 2025.

/s/ Denzel L. Batore

Denzel L. Batore