

**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.	:	
	:	

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**LEE COUNTY DEFENDANTS’ REPLY BRIEF IN SUPPORT OF  
MOTION TO DISMISS PLAINTIFFS’ SECOND AMENDED COMPLAINT**

Plaintiffs’ Response to the Lee County Defendants’ Motion to Dismiss the Second Amended Complaint ignores the facts and the law regarding Plaintiffs’ failure to establish traceability and provide pre-suit notice of Count I. This Court must grant the Lee County Defendants’ Motion to Dismiss.

First, Plaintiffs fail to plead a past injury that can be traced to the Lee County Defendants, instead relying on the speculative possibility of future harm. Pursuant to *Murthy v. Missouri*, 603 U.S. 43, 70 (2024), speculative future harm is insufficient to confer standing. This Court must dismiss the Lee County Defendants.

Second, Plaintiffs’ tortured interpretation of its own Notice Letter and the law regarding notice cannot make up for the Notice Letter’s failure to notice Count I.

Plaintiffs’ assertion that it was not required to “outline how and why each section violates the NVRA” contradicts and ignores the caselaw which states that “notice as to one potential NVRA violation is not the equivalent of notice as to all potential NVRA violations . . .” *Bellitto v. Snipes*, 268 F. Supp. 3d 1328, 1334 (S.D. Fla., 2017). [Doc. 304, p. 84.] Therefore, to provide notice of Count I, the July 10 Notice Letter must have stated that SB 189 § 5 violated the NVRA § 8(d) removal process. As Plaintiffs explain, the NVRA § 8(d) removal process prohibits the removal of voters from the voter rolls based on changed residence absent either receipt of written confirmation from the voter or the passage of two federal election cycles. [Doc. 304, p. 67.] Yet neither the introduction, the body, nor the conclusion of the July 10 Notice Letter did so.

As explained in the Motion to Dismiss, the language in the introduction of the July 10 Notice Letter qualifies its notice that SB 189 §§ 4, 5 violate NVRA §§ 8(b),(d) with the language, “as detailed below.” [Doc. 155-3.] But there is no further detail in the body of the July 10 Notice Letter that SB 189 § 5 violates NVRA § 8(d); only that SB 189 § 4 violates NVRA § 8(b),(d) and SB 189 § 5 violates NVRA § 8(b).

Plaintiffs claim that the phrases “lack a fixed address” and “may be unable to receive timely notice of a challenge against them and unable to refute the finding of probable cause because they are temporarily out of state” in the body of the July 10 Notice Letter allege violations of the substance of NVRA § 8(d). [Doc. 304, p.84.]

These phrases do not describe a violation of NVRA § 8(d)'s removal process. They do not provide notice of Count I.

Finally, Plaintiffs' argument that the third bullet point in the conclusion of the July 10 Notice Letter provides notice of Count I fails to respond to the argument proffered by the Lee County Defendants' Motion to Dismiss.

To summarize that argument, the initial phrase in the conclusion, "[e]nforcement of Sections 4 and 5 of S.B. 189 constitute current and ongoing violations of Section 8 of the NVRA . . ." does not distinguish which section of SB 189 violates which section of the NVRA. [Doc. 155-3.] Likewise, the bullet points following this vague statement do not distinguish whether they refer to SB 189 §§ 4 or 5. Since the second bullet point cannot apply to SB 189 § 5, the general language at the beginning of the conclusion regarding both SB 189 §§ 4 and 5 does not automatically apply to each bullet point. The bullet points only correspond to the specific arguments in the body of the July 10 Notice Letter. Since there is no prior allegation in the July 10 Notice Letter that SB 189 § 5 violates NVRA § 8(d), the conclusion does not constitute notice of Count I.

The Plaintiffs have not traced their alleged injuries to the Lee County Defendants. They did not provide notice of Count I in their July 10 Notice Letter. The Lee County Defendants must be dismissed.

Respectfully submitted this 28<sup>th</sup> day of May, 2025.

/s/ Ann S. Brumbaugh

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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.

I further certify that I have this day electronically filed this Reply Brief in Support of Motion to Dismiss of Defendants Lee County Board of Elections and Registration; Mike Sabot; Scott Beeley; Willie Allen; Charles Johnson; and George Houston; to Plaintiffs' Consolidated Second Amended Complaint with the Clerk of Court using the CM/ECF system which will automatically send email notification to all attorneys of record.

Respectfully submitted this 28<sup>st</sup> day of May, 2025.

**/s/ Ann S. Brumbaugh**

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