

**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 Secretary of State  
of the State of Georgia, *et al.*

*Defendants.*

Civil Action No. 1:24-cv-03412-SDG

**WORTH COUNTY DEFENDANTS' REPLY BRIEF  
IN SUPPORT OF ITS MOTION TO DISMISS  
PLAINTIFFS' SECOND AMENDED COMPLAINT**

In their Consolidated Brief in Opposition to the Defendants' and Intervenor's Motions to Dismiss [Doc. 304], the NAACP and GCPA Plaintiffs ("Plaintiffs"), the only plaintiffs who assert a claim against Worth County, do nothing to cure the deficiencies of their Second Amended Complaint. [Doc. 276]. Plaintiffs' claims against the Worth County Defendants should be dismissed because they fail to state a claim against the Worth County Defendants and they lack standing.

As pointed out in Worth County's Motion to Dismiss [Doc. 294], there are no factual allegations asserted against Worth County in the Complaint. There is no allegation of past conduct by the Worth County Defendants that

Plaintiffs allege harmed them. There is no allegation of imminent future conduct by the Worth County Defendants that would harm Plaintiffs.

Plaintiffs do not dispute this fact.

In their opposition to Worth County's Motion to Dismiss, Plaintiffs attempt to distinguish the recent holding in *Coalition for Good Governance v. Kemp*, 2025 WL 848462 at \*6, that found plaintiffs lacked standing due to the speculative nature of their claims because that decision occurred at summary judgment rather than a motion to dismiss. But *CGG* was decided at the summary judgment stage because, unlike here, plaintiffs in that case actually made allegations against the defendants. The *CGG* court found that those allegations were not supported by sufficient evidence to get past summary judgment. But this case is proper to decide on a motion to dismiss as to the Worth County Defendants because there are no factual allegations against the Worth County defendants. While summary judgment is the proper time to start weighing evidence, courts cannot even reach that process when there are not, as there is not here, actual allegations made against the defendant.

Rather than rehash the additional bases that show the Complaint against the Worth County Defendants should be dismissed, the Worth County Defendants adopt the arguments set forth in the Dougherty County Defendants' Reply Brief [Doc. 306], Columbia County Defendants' Reply Brief [Doc. 309], and the Lowndes County Defendants' Reply Brief [Doc. 310].

For all of these reasons, Plaintiffs' claims against the Worth County Defendants should be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) for lack of standing and 12(b)(6) failure to state a claim.

Respectfully submitted this 28th day of May, 2025.

/s/ C. Ryan Germany

C. Ryan Germany

Georgia Bar No. 500691

*rgermany@ghsmlaw.com*

Mark D. Johnson

Georgia Bar No. 395041

*mjohnson@ghsmlaw.com*

Amber M. Carter

Georgia Bar No. 631649

*acarter@ghsmlaw.com*

**Gilbert Harrell Sumerford & Martin,  
P.C.**

Post Office Box 190

Brunswick, Georgia 31521

P: (912) 265-6700

*Counsel for Worth County Defendants*

### **CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned certifies that the foregoing Brief has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ C. Ryan Germany  
C. Ryan Germany

RETRIEVED FROM DEMOCRACYDOCKET.COM

### **CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.1, I hereby certify that on this day I electronically filed the above **WORTH COUNTY DEFENDANTS' REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notifications of such filing to all attorneys of record.

Dated: May 28, 2025

/s/ C. Ryan Germany  
C. Ryan Germany

RETRIEVED FROM DEMOCRACYDOCKET.COM