

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

NEW GEORGIA PROJECT, *et al.*

Plaintiffs,

vs.

BRAD RAFFENSPERGER, in his
Official capacity as Secretary of State
Of the State of Georgia, *et al.*

Defendants.

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

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

In their Response Brief in Opposition to the Defendants' Motion to Dismiss [Doc. 228] Plaintiffs raise no arguments that overcome the deficiencies in the Second Amended Complaint. [Doc. 276]. Plaintiffs do not have standing to bring their claims against the County Defendants because no concrete injury has been pled that is fairly traceable to those defendants. This is particularly true as to the Cobb County Defendants who, on the face of the Complaint, are alleged to have done exactly what the Plaintiffs requested in their deficient NVRA notice letter – deny the voter challenges brought under the new language in SB 189. [Doc. 276, ¶ 238].

As noted in the other county motions and reply briefs, the Plaintiffs cannot demonstrate standing by merely claiming that they may be harmed by the speculative

future collective action of the counties. Rather, “plaintiffs must demonstrate standing for each claim that they press” against each defendant, “and for each form of relief that they seek.” *Murthy v. Missouri*, 603 U.S. 43, 61 (2024). Further, “because the plaintiffs request forward-looking relief, they must face ‘a real and immediate threat of repeated injury.’” *Id* at 58, citing *O’Shea v. Littleton*, 414 U.S. 488, 496 (1974).

On a motion to dismiss, the Court must accept as true Plaintiffs’ allegation that Cobb County denied the voter challenges brought before it in 2024. *Resnick v. AvMed, Inc.*, 693 F.3d 1317, 1321-22 (11th Cir. 2012). It would be unfair to ignore Plaintiffs’ allegation that the Cobb Defendants acted appropriately in the past in evaluating their conjectural claim that Cobb might act differently in the future. Put simply, Plaintiffs’ Second Amended Complaint does not plead facts demonstrating a real and immediate threat of repeated injury by the Cobb Defendants.

Cobb County Defendants are the only county defendants mentioned in the Second Amended Complaint that are alleged to have denied the voter challenges brought before them under the new language adopted in SB 189, putting them in a unique position compared to the county defendants who are alleged to have granted challenges or for whom no past conduct is referenced at all. However, Cobb Defendants share in many of the standing and jurisprudential concerns expressed by

the other County Defendants in their motions and reply briefs. However, rather than repeat those arguments here, Cobb County Defendants adopt by reference the arguments set forth in the briefs and reply briefs of the other counties, and specifically those arguments set forth by Cherokee County Defendants [Doc. 307], Lowndes County Defendants [Doc. 310], Worth County Defendants [Doc. 313], and DeKalb County Defendants [Doc. 317].

For all of the reasons noted in the County Defendants briefs and reply briefs, the Court should not allow this case to move forward against Cobb County Defendants and should dismiss all claims against the County Defendants in the Second Amended Complaint.

Respectfully submitted this 28th day of May, 2025.

HAYNIE, LITCHFIELD & WHITE, PC

/s/ Daniel W. White

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies 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).

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CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2025 I electronically filed the foregoing COBB COUNTY DEEFENDANTS' 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 email notification of such filing to all attorneys of record in this matter.

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