

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

WILLIAM T. QUINN AND
DAVID CROSS,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as Secretary of State of Georgia,

Defendant.

C.A. No. 1:24-cv-04364-SCJ

PLAINTIFFS' REQUEST FOR ORAL ARGUMENT

Pursuant to Section III.J of the Court's Instructions, Plaintiffs respectfully request that the Court hold oral argument on Defendant's Motion to Dismiss (Dkt. No. 48). It is well-established that the Court may order oral argument when it "would be helpful or necessary" to the determination of a motion. *See Am. Signal Co. v. All Am. Semiconductor of Atlanta, Inc.*, No. 1:05-cv-2200-GET, 2006 U.S. Dist. LEXIS 99568, at *3 (N.D. Ga. Jan. 19, 2006).

Here, oral argument would help the Court in assessing Plaintiffs' standing to bring this lawsuit, which Defendant has challenged in its pending Motion to Dismiss. (*See* Dkt. No. 48-1 at 9-12; Dkt. No. 49 at 8-11). In their amended complaint, Plaintiffs explained they have standing to bring their claims, in part, because Defendant has greatly undermined Plaintiffs' trust and confidence in Georgia's

electoral process. (Dkt. No. 45 ¶¶ 1-3, 46; Dkt. No. 49 at 8-11). Unlike other Georgia citizens, Plaintiffs have undergone a unique experience that has shaken their faith in the electoral system. For example, the general public has not seen the same voter registration anomalies—and the data supporting those problems—of which Plaintiffs are uniquely aware. (*See* Dkt. No. 45 ¶¶ 39-45). Nor has the general public had the same interactions with Defendant the Plaintiffs have had. (Dkt. No. 49 at 8-11). Indeed, Plaintiffs, through their counsel, sent a letter to Defendant asking Defendant to remedy the problematic voter registrations. (Dkt. No. 45 ¶¶ 26-33). Defendant, however, ignored Plaintiffs, thereby further undermining Plaintiffs' confidence in the electoral process and leaving Plaintiffs with no choice but to file this suit. (*Id.* ¶ 35).

Importantly, oral argument would be particularly helpful to the Court here, given that this is a novel issue that is a matter of first impression in this Court. In their opposition to Defendant's motion to dismiss, Plaintiffs cited cases from other jurisdictions wherein courts have held that a plaintiff's loss of trust in the electoral process is sufficient to confer standing on that person to file suit. However, Plaintiffs are not aware of any Eleventh Circuit case that is directly on point or that has explicitly addressed this issue. Consequently, Plaintiffs respectfully submit that argument of counsel would aid the Court in assessing this basis for standing.

This Court already recognized the need for oral argument when it scheduled a hearing on Defendant's initial motion to dismiss (Dkt. No. 32) regarding Plaintiffs' original complaint. While the hearing was rendered moot after Plaintiffs filed their amended complaint, many of the same issues are still in dispute, including Plaintiffs' standing based on undermined confidence in the electoral process. As such, Plaintiffs respectfully request that the Court grant their request for oral argument on Defendant's renewed Motion to Dismiss.

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Dated: December 2, 2024

Respectfully submitted,

/s/ David Ludwig

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CERTIFICATE OF FONT AND POINT SELECTION

I hereby certify under Local Rule 7.1(D) that the foregoing Request for Oral Argument was prepared in Times New Roman, 14-point font, which is one of the font and point selections approved in Local Rule 5.1.

Dated: December 2, 2024

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served copies of this Request for Oral Argument upon counsel of record in this case by filing a copy thereof using the Court's electronic CM/EDF filing system, which will automatically cause copies of the same to be delivered to all counsel of record.

Dated: December 2, 2024

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