



Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

MADISON COOK, TESSA PARKER,)
MARGARET WOLFE, and)
LINDA WALTON, on behalf of themselves and)
all others similarly situated, and COBB)
COUNTY DEMOCRACY CENTER,)

Plaintiffs)

vs.)

COBB COUNTY BOARD OF)
ELECTIONS & REGISTRATION,)
JANINE EVELER,)
in her official capacity as Cobb County)
Director of Elections & Registration,)
TORI SILAS, JESSICA M. BROOKS,)
PAT GARTLAND, JENNIFER MOSBACHER,)
and STEVEN F. BRUNING, in their official)
capacities as members of the Cobb County Board)
of Elections & Registration; BRAD)
RAFFENSPERGER, Secretary of State)
of Georgia, in his official capacity, GEORGIA)
STATE ELECTION BOARD, WILLIAM S.)
DUFFEY, JR., MATTHEW MASHBURN,)
SARA TINDALL GHAZAL, EDWARD)
LINDSEY, and JANICE W. JOHNSTON,)
Members of the Georgia State Election Board,)
in their official capacities,)

Defendants.)

Civil Action No.:

**EMERGENCY RELIEF
REQUESTED**

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Madison Cook, Tessa Parker, Margaret Wolfe, and Linda Walton, on behalf of themselves and all others similarly situated, and Cobb County Democracy Center, by and through the undersigned attorneys, file this Complaint for declaratory and injunctive relief.

NATURE OF THE CASE

1. Hundreds of Cobb County voters are on the brink of disenfranchisement due to the failure of the Cobb County Board of Elections & Registration (the “Cobb Board”) to issue absentee ballots in accordance with the law. These voters, as well as a non-profit organization committed to ensuring that eligible voters are able to participate in our democracy, have been harmed by the failure of Defendants to meet their obligations to protect the fundamental right to vote.

2. Absent relief, these voters will likely not be able to participate in the November 8, 2022 general election despite properly registering to vote, requesting their absentee ballot by the absentee ballot request deadline, and often contacting the Cobb Board multiple times on their own to find out about the status of their absentee ballot request.

3. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). As the U.S. Supreme Court recognized in *Wesberry*, the right to vote and to have that vote counted is a fundamental constitutional right for all United States citizens.

4. Article II, Section 1, Paragraph II of the Georgia Constitution protects the right of Georgians to vote by providing that “[e]very person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law *shall be entitled to vote* at any election by the people.” Ga. Const. art. II, § 1, ¶ II (emphasis added). Indeed, the Georgia Supreme Court has recognized that “[t]he right to vote is fundamental, forming the

bedrock of our democracy.” *Favorito v. Handel*, 285 Ga. 795, 796 (2009) (quoting *Wexler v. Anderson*, 452 F.3d 1226, 1232 (11th Cir. 2006)).

5. Georgia law provides for a Board of Elections & Registration to operate in each county and to fulfill the duty of ensuring that elections are “honestly, efficiently, and uniformly conducted.” O.C.G.A. § 21-2-270. Relevant here, the Board Elections & Registration must mail absentee ballots to voters whose absentee ballot applications it has accepted. O.C.G.A. § 21-2-381(b)(2)(A). During the early voting period, the Board of Elections & Registration “must mail or issue” absentee ballots, provisional absentee ballots, or notices of rejection of absentee ballot applications “within 3 business days after receiving the absentee ballot applications.” GA Regs. 183-1-14-.11.

6. But the Cobb Board failed to timely send absentee ballots to all voters whose absentee ballot applications had been duly accepted. The Cobb Board failed to timely send absentee ballots, for instance, to approximately 1,036 voters whose absentee ballot applications had been marked as issued on October 13, 2022, and October 22, 2022. It is expected that ballots marked as issued on other dates were also not timely processed or mailed.

7. The Cobb Board announced its failure to properly administer elections on November 4, 2022, the last day of early voting, and just four days before election day. Although the Cobb Board announced that some subset of unmailed absentee ballots would be sent by overnight delivery to voters living outside the state, there is no guarantee that voters will receive these ballots and be able to return them before the absentee ballot receipt deadline on election day. If these voters are unable to vote in person on election day, the Cobb Board has disenfranchised them. Voters who live within the state but cannot cast a ballot in person on election day will also be disenfranchised because of the Cobb Board’s error.

8. Plaintiffs and Cobb Board agree: Cobb County “let [Plaintiffs] down” with this “critical error.” Email from Janine Eveler to Cobb County Board of Elections & Registration Members, November 4, 2022, 8:55 PM (Exhibit I). Now, only this Court can provide the relief necessary to ensure the Cobb Board’s error does not result in mass disenfranchisement.

9. Given the County Defendants’ clear violation of their statutory and constitutional duties regarding election administration and the imminence of the election, the Court should require that Defendants: (1) overnight mail absentee ballots to voters in the proposed class (defined below) to whom the County Defendants have not yet overnighted absentee ballots; (2) extend the receipt deadline for all absentee ballots sent to voters in the proposed class to the same receipt deadline for Uniformed and Overseas Voters (“UOCAVA”) ballots (November 14, 2022); (3) allow all voters in the proposed class who have not received an official ballot by noon (local time) on election day, to use the Federal Write-In Absentee Ballot (“FWAB”) to cast their ballots; and (4) provide immediate notice to all voters in the proposed class as to the extended receipt deadline, their ability to postmark their absentee ballot by election day, and their ability to use the FWAB to cast their votes if they have not received an official absentee ballot by noon on election day.

10. Absent such relief, Plaintiff voters, and all those similarly situated, will be disenfranchised—an injury that money cannot compensate. Public interest will be served by ensuring voters have the opportunity to vote and have their votes counted.

JURISDICTION AND VENUE

11. This action arises exclusively under the Constitution and laws of the State of Georgia. This Court has jurisdiction to grant both declaratory and injunctive relief under O.C.G.A. §§ 9-4-2 and 9-4-3.

12. This Court has jurisdiction to issue a writ of mandamus under O.C.G.A. § 9-6-20 *et seq.*

13. Venue in this Court is proper under O.C.G.A. § 9-10-30 because at least one of the defendants against whom substantial relief is prayed resides in Cobb County.

PARTIES

A. Plaintiffs

14. Plaintiff Madison Cook is a 19-year-old resident of Cobb County who attends college in Starkville, Mississippi.

15. Plaintiff Tessa Parker is an 18-year-old resident of Cobb County who attends college in Chicago, Illinois.

16. Plaintiff Margaret Wolfe is a 21-year-old resident of Cobb County who attends college in Durham, North Carolina.

17. Plaintiff Linda Walton is a 64-year-old resident of Cobb County who is temporarily residing in California because she is taking care of her elderly mother.

18. Plaintiff Cobb County Democracy Center (“CCDC”) is an organization that educates Cobb County voters about issues related to casting their ballot. The organization’s central mission includes a commitment to democracy, free and fair elections, and ensuring that eligible Cobb County voters are able to exercise their fundamental right to vote. CCDC assists voters in checking their voter registration status, registering to vote, arranging free rides to the polls, Get Out the Vote efforts, and ensuring that voters have the correct forms of voter identification.

B. Defendants

19. Defendant Cobb County Board of Elections & Registration is the entity charged with overseeing the conduct of Cobb County elections and implementing election laws and regulations. This includes managing the process for absentee by mail voting. O.C.G.A. § 21-2-381.

20. Defendant Janine Eveler is the Cobb County Director of Elections & Registration and is sued in her official capacity. Defendant Eveler is responsible for the day-to-day operations of running elections in Cobb County, to the extent such power does not conflict with the power of Georgia's Secretary of State.

21. Defendants Steven Bruning, Tori Silas, Jessica Brooks, Pat Gartland, and Jennifer Mosbacher are the Members of the Cobb Board who reside in Cobb County and are sued in their official capacities.

22. Defendant Brad Raffensperger is the Secretary of State of Georgia and the chief elections official of the State. O.C.G.A. § 21-2-210. Secretary of State Raffensperger is responsible for implementing elections statutes and routinely issues guidance to the county election officials of all 159 counties on various elections procedures and requirements. Secretary of State Raffensperger is named as a Defendant in his official capacity.

23. Defendant Georgia State Election Board (the "State Election Board") is responsible for "formulat[ing], adopt[ing], and promulgat[ing] such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections; and, upon the adoption of each rule and regulation, the board shall promptly file certified copies thereof with the Secretary of State and each superintendent." O.C.G.A. § 21-2-31(2).

24. Defendants William S. Duffey, Jr., Sara Tindall Ghazal, Matthew Mashburn, Edward Lindsey, and Janice W. Johnston are members of the State Election Board and are named as Defendants in their official capacities. The members of the State Election Board are responsible for “promulgat[ing] rules and regulations so as to obtain uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers, and other officials, as well as the legality and purity in all primaries and elections.” O.C.G.A. § 21-2-31(1).

FACTUAL ALLEGATIONS

25. Georgia voters are eligible to request absentee ballots between 78 and 11 days before an election, without providing a reason to vote absentee. O.C.G.A. § 21-2-381(a)(1)(A).

26. In the 2022 midterm elections, approximately 279,000 Georgia voters requested absentee ballots, and about 76% of those were returned by November 5, 2022. Mark Niesse, *Over 1,000 absentee ballots never mailed to Cobb County voters*, The Atlanta Journal-Constitution (Nov. 5, 2022), <https://www.ajc.com/politics/georgia-election-2022-over-1k-absentee-ballots-never-sent-in-cobb/6C5SQEUUJ5FIPLLDKIOGMEB6QY/> (Exhibit F).

27. In the 2022 midterm elections, approximately 30,000 Cobb County voters requested absentee ballots, with about 69% returned as of November 5, 2022. *Id.*

28. Among the voters who requested an absentee ballot were Plaintiff Cook, who requested an absentee ballot on October 10, 2022; Plaintiff Parker who requested an absentee ballot on October 19, 2022 (after initially requesting a ballot on August 30, 2022, which was not reflected in her online voter portal); Plaintiff Wolfe who requested an absentee ballot on October 12, 2022; Plaintiff Walton who requested an absentee ballot on October 13, 2022; and Affiant Jane Doe who requested a ballot on October 20, 2022.

29. When these voters did not receive absentee ballots, many of them, including Plaintiffs Parker, Cook, and Walton, and Affiant Doe contacted the Cobb County Elections Office to inquire about the status of their absentee ballot. Plaintiffs Parker, Cook, and Walton and Affiant Doe were each told that their absentee ballots had likely been sent out, and to await delivery of their ballots in the mail.

30. On November 3, 2022, a journalist for The Atlanta Journal-Constitution reported on Twitter that some Cobb County absentee ballots mailed on October 13, 2022 were “lost in the mail.” Mark Niese (@markniese), Twitter (Nov. 3, 2022, 9:20 AM), <https://twitter.com/markniese/status/1588159294528266240> (Exhibit G).

31. Also on November 3, 2022, Defendant Eveler said that comments she had made earlier to Atlanta media outlets referring to voters who had complained about not receiving absentee ballots had been misinterpreted and that reports of issues with the October 13, 2022 ballots were “completely anecdotal.” Hunter Riggall, *Cobb elections chief quells concerns about mailed absentee ballots*, Marietta Daily Journal (Nov. 3, 2022) (Exhibit H).

32. On the evening of November 4, 2022, the last day of early voting, Defendant Eveler admitted in an email to the Cobb County Board of Elections that approximately 1,036 absentee ballots marked as issued on October 13, 2022, and October 22, 2022, had never been mailed due to staff error. Ex. I (Eveler email).

33. Specifically, Defendant Eveler stated that of the 194 marked as issued on October 22, 2022, none were mailed. *Id.*

34. Defendant Eveler also stated that of the 1,227 ballots marked as issued on October 13, 2022, 842 were believed to be unmailed as of November 4, 2022, and that the daily files for

both October 13, 2022, and October 22, 2022, were not uploaded to the mailing machine, preventing those ballots from ever being created. *Id.*

35. In her November 4, 2022 email, Defendant Eveler stated that she and her staff had chosen to prepare the identified ballots for out-of-state voters and send those ballots to their listed out-of-state address on the morning of November 5, 2022. *Id.*

36. According to Defendant Eveler, there are hundreds of Cobb County voters for whom the County's only response is that they will "hopefully be able to vote on election day." *Id.*

37. In her email, Defendant Eveler stated that she was "so sorry that this office let these voters down," and that "there is no excuse for such a critical error" from her office. *Id.*

38. Plaintiffs Parker, Cook, Walton, and Wolfe and Affiant Doe learned on November 5, 2022, after early voting had already ended, that their absentee ballots may never have been sent out.

39. None of the Individual Plaintiffs can feasibly travel to Cobb County to cast their ballot on election day. To make the journey to Cobb County, Plaintiff Cook would have to travel over 500 miles roundtrip; Plaintiff Parker would have to travel over 1,300 miles roundtrip; Plaintiff Walton would have to travel over 4,200 miles roundtrip; Plaintiff Wolfe would have to travel over 800 miles roundtrip.

40. Absent the relief sought here, none of the Individual Plaintiffs will likely be able to participate in the 2022 general election because they have not received their absentee ballot as of November 5, 2022.

41. Plaintiff CCDC is an organization that assists voters in checking their voter registration, helps to arrange free rides to the polls, holds Get Out the Vote initiatives, and leads voter education efforts. Affidavit of Plaintiff CCDC (Exhibit E) ¶ 1.

42. On November 4, 2022, the last day of early voting, CCDC learned that the Cobb County Board of Elections failed to mail absentee ballots to voters who had successfully applied for absentee ballots. *Id.* ¶ 3.

43. Based on this information, CCDC had to divert time and money to address this issue. *Id.* ¶ 4.

44. CCDC had to change its script for canvassers who were knocking on doors and stay abreast of developments related to this issue. *Id.* ¶¶ 4-5. CCDC also called and sent text messages to voters to find out who has been affected by this issue. *Id.* ¶ 6. CCDC is also fielding questions from Cobb County voters who have not received their absentee ballots yet. *Id.* ¶ 7. CCDC had to redirect resources from other organizational priorities to address these issues, all on the last weekend before election day. *Id.* ¶¶ 4, 10.

45. CCDC will have to continue to stay apprised of any developments related to this issue, will continue to field questions from voters about this issue through election day, and will need to dedicate and divert resources to answering voters' questions about this issue. *Id.* ¶¶ 4-9.

CLASS ACTION ALLEGATIONS

46. Individual Plaintiffs seek class certification under O.C.G.A. § 9-11-23.

47. The proposed class is defined as eligible Cobb County voters who requested absentee ballots for the November 8, 2022 election, and who should have been but were not mailed an absentee ballot within 3 business days, and whose vote has not yet been recorded as of this filing.

48. The proposed class satisfies the requirements of O.C.G.A. § 9-11-23(a). The proposed class is sufficiently numerous because it contains at least 750 Georgia voters, upon information and belief based on various media reporting the statements of Cobb County elections officials, including certain Defendants. The allegations of the proposed class have common questions of law or fact. Individual Plaintiffs' claims are typical of the claims of the proposed class. They will fairly and adequately protect the interests of the proposed class.

49. The proposed class also satisfies the requirements of O.C.G.A. § 9-11-23(b)(1)-(3). The prosecution of separate actions by individual members of the proposed class would create a risk of inconsistent adjudications with respect to individual members of the proposed class. County Defendants have acted or refused to act on grounds generally applicable to the class by not mailing absentee ballots to all Georgia voters who requested them and did not receive them in a timely manner, which justifies class-wide injunctive relief. There is also a predominance of legal or factual questions common to the members of the proposed class such that a class action is the superior mechanism for the fair and efficient adjudication of their claims.

CAUSES OF ACTION

Count I

Declaratory and Injunctive Relief Under O.C.G.A. § 9-4-1 et seq. for Violation of O.C.G.A. § 21-2-381

50. Plaintiffs reallege and incorporate by reference the allegations contained in the preceding paragraphs.

51. The Georgia Declaratory Judgment Act, O.C.G.A. § 9-4-1 et seq., provides for relief by declaratory judgment to settle legal rights and remove uncertainty and insecurity from legal relationships without awaiting a violation of the rights. O.C.G.A. § 9-4-2(a) provides: "In cases of actual controversy, the respective superior courts of this state . . . shall have the power,

upon petition or other appropriate pleading, to declare rights and other legal relations of any interested party petitioning for such declaration.”

52. O.C.G.A. § 9-4-2(c) provides: “Relief by declaratory judgment shall be available, notwithstanding the fact that the complaining party has any other adequate legal or equitable remedy or remedies.”

53. O.C.G.A. § 9-4-3(a) further provides: “Further plenary relief, legal or equitable, including but not limited to . . . injunction [or] mandamus, . . . may be sought in a petition seeking declaratory judgment.” Moreover, “[i]n all such cases, the court shall award to the petitioning party such relief as the pleadings and evidence may show him to be entitled.”

54. O.C.G.A. § 9-4-3(b) further provides: “The court, in order to . . . preserve equitable rights, may grant injunction and other interlocutory extraordinary relief.”

55. County Defendants had a legal duty to timely mail absentee ballots. O.C.G.A. § 21-2-381(b)(2)(A); Ga. Reg. 183-1-14-11.

56. County Defendants have admitted their statutorily deficient failure to timely mail ballots to voters on October 13, 2022, and October 22, 2022, despite previous misrepresentations that those voters’ ballots had been mailed to them.

57. Individual Plaintiffs are eligible voters under Georgia law who timely applied for absentee ballots and to whom County Defendants, in violation of Georgia law, failed to timely mail an absentee ballot.

58. Individual Plaintiffs are unable to vote in person.

59. Absent relief, Individual Plaintiffs—through no fault of their own—will be unable to vote in the November 2022 elections. Thus, County Defendants’ admitted statutorily deficient

failure to timely mail absentee ballots is a violation of state law and, as it is mere days away from election day, constitutes a severe burden on Individual Plaintiffs’ fundamental right to vote.

Count II

Declaratory and Injunctive Relief Under O.C.G.A. § 9-4-1 et seq. for Violation of the Fundamental Right to Vote Under Article I, Section 1, Paragraph II, and Article II, Section 1 of the Georgia Constitution

60. Plaintiffs reallege and incorporate by reference the allegations contained in the preceding paragraphs.

61. The Constitution of the State of Georgia protects the fundamental right to vote. Article II, Section 1, Paragraph II of the Georgia Constitution provides: “Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people.” Ga. Const. art. II, § 1, ¶ II.

62. Article I, Section 1, Paragraph II of the Georgia Constitution provides: “Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.” Ga. Const. art. I, § 1, ¶ II.

63. Individual Plaintiffs are eligible voters under Georgia law who each timely requested an absentee ballot, and those requests were later listed as processed by the Cobb Board. Based on County Defendants’ representations that those applications were processed, and based on County Defendants’ obligations under state law to mail absentee ballots to Individual Plaintiffs, Individual Plaintiffs reasonably relied on those representations and reasonably expected to receive their absentee ballots, as required under state law.

64. Individual Plaintiffs did not learn about County Defendants’ errors until November 5, 2022—three days before election day and the deadline to deliver absentee ballots.

65. Individual Plaintiffs are unable to vote in person, especially on such short notice.

66. Absent relief, Individual Plaintiffs—through no fault of their own—will be unable to vote in the November 2022 elections. Thus, County Defendants’ admitted failure to mail absentee ballots—in violation of state law, and mere days away from election day—constitutes a severe burden on Plaintiffs’ fundamental right to vote.

Count III

*Writ of Mandamus Against Defendants
Under O.C.G.A. § 9-6-20*

67. Plaintiffs reallege and incorporate by reference the allegations contained in the preceding paragraphs.

68. In the alternative to the requested declaratory and injunctive relief, Plaintiffs request a writ of mandamus under O.C.G.A. § 9-6-20.

69. Georgia law provides that “[a]ll official duties shall be faithfully performed, and whenever, from any cause, a defect of legal justice would ensue from a failure to perform, . . . the writ of mandamus may issue to compel a due performance” of an official duty. O.C.G.A. § 9-6-20.

70. Here, Individual Plaintiffs and all others similarly situated have a legal right to vote by absentee ballot. *Favorito v. Handel*, 285 Ga. 795, 798, 684 S.E.2d 257 (2009) (“Under Georgia law, every eligible voter in Georgia can make a decision to vote utilizing absentee ballots.”).

71. County Defendants have a corresponding legal duty to timely mail absentee ballots. O.C.G.A. § 21-2-381(b)(2)(A) requires that where a voter has been found eligible to vote absentee, the registrar or absentee ballot clerk “shall mail the ballot” to the voter.

72. O.C.G.A. § 21-2-270 requires that County Defendants, as county superintendents of elections, “inspect systematically and thoroughly the conduct of primaries and elections in the several precincts of his or her county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted.”

73. County Defendants, however, have failed to faithfully perform their duties in their administration of Georgia’s election code and its related regulations.

74. As a result of County Defendants’ failures, Individual Plaintiffs will likely be prevented from voting in the November 2022 elections, absent judicial intervention to issue either declarative and injunctive relief or, in the alternative, a writ of mandamus.

75. If this Court does not issue declaratory and injunctive relief, Individual Plaintiffs have “no other specific legal remedy” for County Defendants’ failures to perform their public duties, other than to request that a writ of mandamus be issued. O.C.G.A. § 9-6-20.

76. Plaintiffs do not seek damages, and a damages remedy would be inadequate to remedy the harm of being disenfranchised.

77. Rather, Plaintiffs simply seek to compel Defendants to do what they are obligated to do under Georgia’s election code: timely mail and count their absentee ballots.

78. Accordingly, in the alternative to the requested declaratory and injunctive relief, Plaintiffs request that this Court issue a writ of mandamus compelling Defendants to comply with their public legal duties to mail absentee ballots.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs submit this prayer for relief and seek the following:

A. That this Court issue a judgment declaring that Defendants have violated O.C.G.A. § 21-2-381 and Article II, Section 1, Paragraph II and Article I, Section 1, Paragraph II of the Georgia State Constitution;

B. That this Court enter an injunction requiring, effective immediately:

1. County Defendants to overnight mail a replacement absentee ballot to voters in the proposed class to whom the County Defendants have not yet overnighted replacement absentee ballots;
2. Defendants to extend the ballot receipt deadline for all replacement absentee ballots sent to voters in the proposed class to the same receipt deadline for Uniformed and Overseas Voters (“UOCAVA”) ballots (November 14, 2022);
3. Defendants to allow all voters in the proposed class who have not received an official absentee ballot by noon (local time) on November 8, 2022, to use the Federal Write-In Absentee Ballot (“FWAB”) to cast their ballots; and
4. County Defendants to provide immediate notice to all voters in the proposed class as to the extended ballot receipt deadline; their ability to postmark their absentee ballot by election day, November 8, 2022; and their ability to use the FWAB to cast their votes if they have not received an official absentee ballot by noon (local time) on election day, November 8, 2022;

C. In the alternative, that this Court issue a Mandamus Nisi as soon as practicable, directing:

1. County Defendants to overnight mail a replacement absentee ballot to voters in the proposed class to whom the County Defendants have not yet overnighted replacement absentee ballots;
2. Defendants to extend the ballot receipt deadline for all replacement absentee ballots sent to voters in the proposed class to the same receipt deadline for UOCAVA ballots (November 14, 2022);
3. Defendants to allow all voters in the proposed class who have not received an official absentee ballot by noon (local time) on November 8, 2022, to use the FWAB to cast their ballots; and
4. County Defendants to provide immediate notice to all voters in the proposed class as to the extended ballot receipt deadline; their ability to postmark their absentee ballot by election day, November 8, 2022; and their ability to use the FWAB to cast their votes if they have not received an official absentee ballot by noon (local time) on election day, November 8, 2022;

E. That all costs of this action be taxed against Defendants; and

F. That the Court award any additional or alternative relief as may be deemed appropriate under the circumstances.

Dated: November 6, 2022

Respectfully submitted,

/s/ Rahul Garabadu

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**Pro hac vice applications forthcoming*

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