

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

LUCILLE ANDERSON, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as the Georgia
Secretary of State and the Chair of the
Georgia State Election Board, et al.,

Defendants.

Civil Action File No.:

1:20-cv-03263-MLB

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT**

Defendants Brad Raffensperger (the “Secretary”), Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le, collectively the “Defendants,” pursuant to Federal Rule of Civil Procedure 12, respectfully move this Court for an order dismissing the claims asserted against them.

For the reasons more fully explained in the Defendants’ Brief in Support of this Motion, contemporaneously filed herewith, Plaintiffs’ Complaint should be dismissed both on jurisdictional grounds and because it fails to state a claim upon which relief can be granted.

First, as a threshold matter, the Complaint should be dismissed because Plaintiffs lack Article III standing. Plaintiffs have failed to articulate facts to show an impending harm, instead relying on an argument that is purely retrospective in nature.

Second, Plaintiffs are precluded from obtaining the relief they seek outside of the nine counties they sued. The resulting patchwork of election administration would create the very Equal Protection problem of which Plaintiffs complain in Count III of their Complaint. Put simply, Plaintiffs seek unconstitutional relief.

Third, Plaintiffs seek relief that contains no judicially manageable standards. The requested relief is far more easily implemented by other branches of state and local government.

Fourth, the Court should abstain from granting relief pursuant to the *Buford* abstention doctrine, whereby courts have deferred to state governments' administrative practices.

Lastly, each of the counts fails to state a claim upon which relief can be granted against the Defendants.

WHEREFORE, Defendants respectfully request that this Court enter an order dismissing Plaintiffs' Complaint with prejudice.

This 8th day of September, 2020.

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L.R. 7.1(D) CERTIFICATION

I certify that this Motion has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Brief has been prepared using 14-pt Times New Roman font.

/s/ Josh Belinfante

Josh Belinfante

Georgia Bar No. 047399

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the within and foregoing **DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT** with the Clerk of Court using the CM/ECF system, which automatically sent counsel of record e-mail notification of such filing.

This 8th day of September, 2020.

/s/ Josh Belinfante
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