

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

COMMON CAUSE, *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER,

*Defendant.*

CIVIL ACTION

FILE NO. 1:22-CV-00090-ELB-  
SCJ-SDG

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GEORGIA STATE CONFERENCE  
OF THE NAACP, *et al.*,

*Plaintiffs,*

v.

STATE OF GEORGIA, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:21-CV-5338-ELB-  
SCJ-SDG

**DEFENDANT’S NOTICE OF DECISION NOT TO SEEK STAY**

Defendants in the above-styled cases previously notified the Court of the final orders in the cases *Alpha Phi Alpha v. Raffensperger*, *Grant v. Raffensperger*, and *Pendergrass v. Raffensperger* (collectively, the “Section 2 cases”) on October 26, 2023, enjoining the use of the same redistricting plans challenged in these cases. [CC Doc. 135]; [Ga. NAACP Doc. 198]. During the pretrial conference on October 31, 2023, the Court required Defendants to notify the Court by Friday, November 3, 2023, whether Defendants in the

Section 2 cases were planning to seek a stay of the rulings enjoining the plans pending appeal.

Defendant Secretary of State Brad Raffensperger<sup>1</sup> hereby notifies the Court that, although he plans to appeal the rulings in the Section 2 cases on the merits, he will not seek a stay of the orders enjoining the use of the 2021 redistricting plans (*Alpha Phi Alpha* Doc. 333, *Grant* Doc. 294, *Pendergrass* Doc. 286) while any appeals of those orders are pending.

Respectfully submitted this 1st day of November, 2023.

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<sup>1</sup> The final orders in the Section 2 cases dismissed claims against members of the State Election Board, so the Secretary is the only remaining Defendant in those cases. The remaining Defendants in the *Ga. NAACP* case are not part of the Section 2 cases.

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**CERTIFICATE OF COMPLIANCE**

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

/s/Bryan P. Tyson  
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