

No. 18-11510

In the United States Court of Appeals
for the Eleventh Circuit

MATHIS WRIGHT, JR.,

Plaintiff-Appellee

v.

SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION,

Defendant-Appellant.

On Appeal from the United States District Court
For the Middle District of Georgia
No. 1:14-cv-00042
The Honorable W. Louis Sands

Renewed Emergency Motion To Vacate or Stay Injunction Pending Appeal And To Consolidate

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*Counsel for Appellant Sumter County
Board of Elections and Registration*

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Rule 26.1-1 of this Court, Appellant certifies that the below listed persons and entities have interests in the outcome of this case:

Trial Judge:

Sands, W. Louis

Attorneys for Plaintiff-Appellee:

Sells, Bryan L.
McDonald, M. Laughlin
Khondoker, Aklima

Attorneys for Defendant-Appellant:

Braden, E. Mark
McKnight, Katherine L.
Raile, Richard B.
Stanley, Trevor
Reid, Kimberly

Plaintiff:

Wright, Mathis Kears, Jr.

Defendant:

Sumter County Board of Elections and Registration

**Renewed Emergency Motion To Vacate or Stay Injunction Pending Appeal
And To Consolidate**

On August 17, the district court entered an injunction forbidding the Sumter County Board of Elections and Registration from conducting elections to the Sumter County School Board pending this appeal. On August 20, the district court issued an order stating its bases for that injunction. The same day, Sumter County filed a motion to vacate or stay the injunction.

On August 21, the Court responded with the following directive:

Sumter County has filed a motion to stay or vacate the district court's August 20, 2018 order—entered pursuant to a limited remand from this Court—that stayed the County's School Board elections. Does the County need a new or amended notice of appeal to seek relief from that order?

The Court asked for briefing by August 23 at 10:00am on that question.

The Defendant, however, has now mooted this question by filing a notice of appeal from the district court's injunction and all orders forming the basis of or relating to that injunction. *See* Ex. A. The Defendant therefore moves the Court as follows:

1. Defendant moves the Court to consolidate the appeal from the Court's August 17 injunction and August 20 order forming its basis with the appeal captioned *Wright v. Sumter County Board of Elections and Registration*, No. 18-11510 (11th Cir.). *See* FRAP 3(b)(2) ("When the parties have filed separate

timely notices of appeal, the appeals may be joined or consolidated by the court of appeals.”).

2. Defendant renews its emergency motion to vacate or stay its order. It incorporates its opening motion briefing on that motion, filed August 20, 2018, by reference.

3. Defendant respectfully requests that the Court schedule expedited briefing on that motion this week and attempt to resolve by next Monday, or the case will likely become moot due to ongoing election preparation, including ballot printing.

Dated: August 21, 2018

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing will be filed electronically with the Court by using the CM/ECF system on the 21st day of August, 2018. I further certify that the foregoing document will be served on all those parties or their counsel of record through the CM/ECF system.

Dated: August 20, 2018

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CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure because, excluding the cover page, tables, certificates, and signature blocks, this document contains 315 words.

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Dated: August 21, 2018

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

MATHIS KEARSE WRIGHT, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:14-cv-42 (WLS)
)	
SUMTER COUNTY BOARD OF)	
ELECTIONS AND REGISTRATION,)	
)	
Defendant.)	
_____)	

NOTICE OF APPEAL

Notice is given that the Sumter County Board of Elections and Registration, Defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the injunction issued by the Court, *see* ECF No. 237, and all orders forming the basis of or relating to that injunction.

Date: August 21, 2018

Respectfully submitted by:

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ATTORNEYS FOR DEFENDANT SUMTER
COUNTY BOARD OF ELECTIONS AND
REGISTRATION

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing 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 case.

Dated this 21st day of April, 2018.

/s/ Katherine L. McKnight
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