

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

**Mathis Kearse Wright Jr.,**

Plaintiff-Appellee,

vs.

**Sumter County Board of  
Elections and Registration,**

Defendant-Appellant.

Appeal Nos.

18-11510, 18-13510, and  
20-10394

**Appellee's Response to  
the Appellant's Time-  
Sensitive Renewed and  
Amended Motion to  
Consolidate and for  
Other Relief**

**Wright v. Sumter County Bd. of Elections and Registration  
18-11510, 18-13510, and 20-10394**

**Certificate of Interested Persons  
and  
Corporate Disclosure Statement**

Pursuant to Eleventh Circuit Rule 26.1, 26.1-2, and 26.1-3,  
counsel for the plaintiff-appellee certifies that the following persons and  
entities have or may have an interest in the outcome of this case:

ACLU Foundation, Inc.

ACLU Foundation of Georgia, Inc.

Baker & Hostetler, LLP

Braden, E. Mark

Brady, Robert

Ho, Dale

Khondoker, Aklima

Lawson and Reid, LLC

McDonald, M. Laughlin

McKnight, Katherine L.

Raile, Richard R.

Reid, Kimberly

**Wright v. Sumter County Bd. of Elections and Registration  
18-11510, 18-13510, and 20-10394**

**Certificate of Interested Persons  
and  
Corporate Disclosure Statement  
(continued)**

Sands, W. Louis

Sells, Bryan L.

Stanley, Trevor

Sumter County Board of Elections and Registration

The Law Office of Bryan L. Sells, LLC

There is no nongovernmental corporate party to this proceeding.

**/s/ Bryan L. Sells**

Bryan L. Sells

Attorney for Mathis Kearse Wright, Jr.,

Plaintiff-Appellee

Dated: April 17, 2020

**Appellee's Response to the Appellants'  
Motion for Consolidation and Other Relief**

Sumter County has again moved for three forms of relief: (1) for consolidation of the three appeals identified in the caption above; (2) for an order expediting these appeals; and (3) for an order exempting the parties from further briefing.

Wright does not oppose consolidation.

Wright does not oppose an order expediting these appeals, but he questions the usefulness of doing so at this time. The County's motion suggests that the County hopes to get a decision in these three appeals before the election scheduled for November 3, 2020. But the candidate-qualifying deadline for that election will pass on July 14 (O.C.G.A. § 21-2-132), and the ballot-printing deadline will follow shortly after that. It seems unlikely that the Court would resolve these appeals, even on an expedited schedule, before the 2020 election cycle is well underway. Given the voluminous record in this case, it could be a mistake for this Court to give itself less time that it might need to consider this case on its merits, particularly when the County has not opted to seek a stay of the district court's judgment pending the appeal.

Wright does, however, oppose the County's proposed briefing schedule. The County proposes that the *appellee* should file the opening brief, limited to 4,000 words, within a week of the Court's ruling on this motion. Such a schedule is neither warranted nor appropriate. The County is free, of course, to stand on its prior briefing in the earlier appeals, but it should file a brief saying so. There is no reason to limit the appellee's brief to 4,000 words, and it would be patently unfair to give Wright only seven days to file a merits brief in a case stretching back more than 6 years and with more than 300 entries on its docket. Wright asks for the full allotment of time to prepare his brief.

Wright does not object to the County's request that the Court resolve this case without oral argument. As noted in the appellee's brief in the earlier appeals, the district court's rulings have ample support in the record and stay well within the lines of firmly established caselaw, so no oral argument is necessary for this Court to affirm. The County's civil appeal statement claims, however, that this is both a case of first impression and a case involving a split between the Eleventh Circuit and the Fourth and Fifth Circuits. If that were an accurate description

of this case, then a lengthy oral argument would not only be warranted but almost unavoidable.

Wright also opposes the County's request (reiterated from its February 5 motion) to dispense with all briefing in this appeal. The County argued in its opening brief in 18-11510 that this Court should reverse the district court on liability because no remedy was possible. (Appellant's Br. 39-52.) Now that the district court has adopted a robust remedy, the record of the district court's remedial proceedings undermines the County's argument. That record is not yet before this Court. Additional briefing and appendices would therefore be appropriate in this case. The County is free, of course, to rest on its prior briefs. But Wright is not willing to waive his opportunity to file a brief at this stage in the case.

Dated: April 17, 2020

**/s/ Bryan L. Sells**

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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 542 words. This document complies with the typeface and type-style requirements of Local Rule 27-1(a)(10) because this document has been prepared in a proportionally spaced typeface using version 16.35 of Microsoft Word for Mac in 14-point Century Schoolbook font.

**/s/ Bryan L. Sells**

Bryan L. Sells

Attorney for Mathis Kearse Wright, Jr.,

Plaintiff-Appellee

Dated: April 17, 2020



### Certificate of Service

I hereby certify that on February 17, 2020, I electronically filed the foregoing **Appellee's Response to the Appellant's Motion for Consolidation and Other Relief** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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Dated: February 17, 2020