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

James L. "Jimmy" Cooper, III, et al., Plaintiffs, vs. **Brad Raffensperger**, in his official capacity as Secretary of State of the State of Georgia, Defendant.	Case No. 1:20-cv-01312-ELR **Plaintiffs' Reply in Support of their Motion for a Preliminary Injunction**

On May 28, 2020—one day before the Secretary of State filed his opposition to this motion—Georgia's Governor Brian Kemp extended the public health emergency due to COVID-19 through Sunday, July 12. (Ex. 25: Exec. Order 05.28.20.01 at 2.)[1] Gatherings of more than 25 people are prohibited. (Ex. 26: Exec. Order 05.28.20.02 at 2.) Social distancing is required by law, and face masks are "strongly encouraged." (*Id.*) The

[1] The Secretary's brief erroneously asserts that the public health emergency will expire on June 12. (Def's Resp. Opp. Pls.' Mot. Prelim. Inj., ECF 17, at 8 (hereinafter "Def's Br.").)

shelter-in-place and no-visitors requirements for high-risk individuals and those over 65 remain in place. (*Id.* at 5-7.)

The Secretary, however, mentions none of this in his brief. Instead, he accuses the plaintiffs of using the pandemic as a pretext for challenging Georgia's ballot-access restrictions, and he dismisses the plaintiffs' concerns about the virus as a lack of diligence. (Def's Br. at 26.) His response puts partisan politics above the public health.

The Secretary's response also puts politics above the Constitution. The First Amendment requires the Secretary to ensure that the plaintiffs have a reasonable opportunity to qualify for the ballot without endangering their own lives and the lives of others. The Secretary's arguments to the contrary rest on several misstatements of fact and have no legal merit.

I. The Secretary of State's response relies on allegations of fact that are not true.

The Secretary's response brief does not dispute any of the facts laid out in the plaintiffs' motion. He does not dispute, for example, that it has been and remains unlawful for plaintiff Martin Cowen to petition for signatures due to Governor Kemp's shelter-in-place orders. He does

not dispute that it has been and remains unlawful for many potential signers to open their doors to petitioners because of those same orders. He does not dispute that the form needed by plaintiff Georgia Green Party was not available until March 24, well after Governor Kemp declared a public health emergency. He does not dispute that COVID-19 is likely to have an impact on signature-gathering even after the public health emergency subsides. And so on.

The Secretary's brief does, however, make several new allegations of fact that are not accurate. Most importantly, the brief alleges that the Secretary's extension of the qualifying deadline by 31 days extended the petition period from 180 to 211 days. (Def's Br. at 2, 9, 22.) It did not. The Secretary's only support for that proposition is paragraph 12 of Elections Director Chris Harvey's declaration (ECF 17-1), but that paragraph does not say anything about the petition period. Harvey's letter to plaintiff Cowen informing him of the extended deadline (ECF 11-13) also says nothing about the petition period. The 180-day petition period is a statutory requirement, *see* O.C.G.A. § 21-2-170(e), and the Secretary's limited authority under O.C.G.A. § 21-2-50.1 to extend the qualifying period for certain offices does not give him authority to extend

the statutory petition window. (*See also* Answer ¶33, ECF 14.) The Secretary's order extending the qualifying deadline thus had the effect of invalidating signatures gathered during the first 31 days of the petitioning period, and that is why the complaint asks this Court to extend the petitioning period as part of the relief requested. (Compl. at 19, ECF 1.)

Second, the Secretary's brief alleges that most other states have more burdensome petitioning rules which "often restrict voters from signing more than one petition." (Def's Br. at 6.) The Secretary cites no support for this allegation, and it is simply not true. The vast majority of states do not restrict voters from signing more than one petition, and only 12 states do. (Ex. 27: Winger decl. ¶10.) And, while it is not entirely clear whether the Secretary has other rules in mind when he says "most states' more burdensome rules" (Def's Br. at 6), there are only two states other than the 12 states that restrict voters from signing more than one petition that have petitioning rules that are even arguably more burdensome than Georgia's. (Ex. 27: Winger decl. ¶11.) Fourteen states with petitioning rules that are arguably more burdensome than Georgia's does not equal "most states."

Third, the Secretary's brief alleges that Georgia has "one of the longest signature gathering periods (if not the longest) in the nation." (Def's Br. at 21.) Again, the Secretary cites no support for the allegation, and it is simply not true. Most states give candidates an unlimited amount of time to gather signatures. (Ex. 27: Winger decl. ¶15.) A few states have longer petition periods, and fewer than 10 states have shorter petition periods. (*Id.*) But among those states with shorter petition periods, no state requires a candidate to gather nearly as many signatures as Georgia does. (*Id.*)

Why are these factual inaccuracies important? Because they are the main facts the Secretary relies on to support his argument that the burdens imposed by Georgia's ballot-access scheme are not severe and therefore do not warrant strict scrutiny. And they are all wrong.

II. The Secretary of State's reliance on the district court's order in *Cowen v. Raffensperger* is misplaced.

The Secretary first argues that previous cases which have upheld Georgia's petition requirements, including *Jenness v. Fortson,* 403 U.S. 431 (1971); *McCrary v. Poythress*, 638 F.2d 1308 (5th Cir. 1981); *Cartwright v. Barnes*, 304 F.3d 1138 (11th Cir. 2002); and *Coffield v.*

Handel, 599 F.3d 1276 (11th Cir. 2010), mean that Georgia's petition requirements are necessarily constitutional now. (Def's Br. at 12-14.) The argument relies on the district court's ruling in *Cowen v. Raffensperger*, No. 1:17-cv-04660-LMM (N.D. Ga. Sept. 23, 2019) (ECF 11-18), which held that those cases were binding and controlled the outcome of the case challenging Georgia's petition requirements for political-body candidates for U.S. Representative. But the Secretary's reliance on those cases is misplaced for at least two reasons.

First, none of those cases took place in the context of a global pandemic caused by a highly communicable infectious disease. The fact of COVID-19 constitutes a material difference between this case and all of those, and it means that those cases are not binding in this context. *See United States v. Johnson,* 921 F.3d 991, 1003 (11th Cir. 2019) (en banc) ("As binding authority, a judicial decision is inherently limited to the facts of the case then before the court and the questions presented to the court in the light of those facts.") (cleaned up).

Second, the Eleventh Circuit has reversed the *Cowen* decision in a unanimous, published opinion issued just seven workdays after oral argument. *See Cowen v. Ga. Sec'y of State*, ___ F.3d ___, 2020 WL

2896354 (11th Cir. June 3, 2020). The opinion makes clear that those cases did not control the outcome of that case and that the district court committed reversible error when it determined that they did. *Id.* at *4. The opinion also holds that district courts facing ballot-access challenges like this one must apply the multi-factorial balancing test set out in *Anderson v.* Celebrezze, 460 U.S. 780 (1983), based on the full record. *Id.* at *5.

So the Secretary's search for a shortcut around the *Anderson* test based on *Cowen* and the earlier cases must fail.

III. The Secretary of State's reliance on the district court's order in *Coalition for Good Governance* is also misplaced.

The Secretary next argues, based on the district court's recent order in *Coalition for Good Governance v. Raffensperger*, No. 1:20-cv-01677-TCB (N.D. Ga. May 14, 2020) (ECF 17-2), that the plaintiffs in this case have not identified any state action necessary to sustain a claim under 42 U.S.C. § 1983. (Def's Br. at 16-17.) But this argument is easily dismissed.

The plaintiffs' complaint alleges that "Georgia's ballot-access restrictions unconstitutionally burden their rights under the First and

Fourteenth Amendments." (Compl. ¶2, ECF 1.) The plaintiffs specifically identify the signature requirements of O.C.G.A. § 21-2-170(b) and the petition period set forth in O.C.G.A. § 21-2-170(d)(3) as the laws they seek to enjoin. (*Id.* at 19.) They allege that the Secretary of State enforces those laws and that he does so under the color of state law. (*Id.* ¶10.)[2] Section 1983 requires nothing more.

In addition, the *Coalition for Good Governance* opinion on which the Secretary relies does not hold that the plaintiffs there failed to allege state action, as the Secretary suggests. The order holds that the plaintiffs' complaint presented a nonjusticiable political question, and the footnote quoted in the Secretary's brief adds justification for that conclusion. But there is no serious argument here that ballot-access challenges like this one present non-justiciable political questions. That issue was addressed and resolved by the Supreme Court in *Williams v. Rhodes*, 393 U.S. 23, 28 (1968).

[2] *See* O.C.G.A. §§ 21-2-132 (d) & (e) (political body candidates for federal offices must file nomination petitions with the Secretary of State); O.C.G.A. §§ 21-2-171 (the Secretary of State is responsible for validating nomination petitions filed with his office). The Secretary *denies* the allegation that he enforces Georgia's ballot-access laws (Answer ¶10, ECF 14), but that denial is at odds with his admission of an identical paragraph in the *Cowen* complaint. The denial here is probably a mistake by the Secretary's attorney, but it would otherwise plainly violate Rule 11.

So the Secretary's search for a shortcut around the *Anderson* test based on *Coalition for Good Governance* must also fail.

IV. The Secretary of State's analysis of the burdens is lacking.

Turning to the *Anderson* test, the Secretary first argues that the burdens imposed by Georgia's ballot-access requirements under current circumstances are not severe and therefore do not warrant strict scrutiny. (Def's Br. at 17-22.) His analysis of the burdens relies primarily on *Jenness*, which is discussed in Part II above, and on other cases that have upheld petition requirements in other contexts. He also relies on assertions of fact about Georgia's ballot-access laws which, as discussed in Part I above, simply are not true. Although he concedes that the signature requirements as applied in a pandemic "may be more burdensome" than usual (Def's Br. at 22), his contention that they are nonetheless not severe does not square with the record.

The Secretary's reliance on *Jenness* and other cases to measure the burdens here is at odds with the Eleventh Circuit's recent decision in *Cowen*, which explained that "the *Anderson* test emphasizes the relevance of context and specific circumstances to each challenge to ballot access requirements." 2020 WL 2896354 at *6, "In other words, a

determination that a 1 percent petition requirement by one state's election law in one context is constitutional, *vel non*, does not guarantee the same determination of a similar law in a different context." *Id.* at *3. Thus, the Secretary's suggestion that the burdens here are not severe simply because other courts, in other contexts, have upheld five-percent requirements turns that requirement into the kind of "litmus-paper" test that both the Supreme Court and the Eleventh Circuit have rejected.

The Secretary also points to a number of factors which, he contends, cast doubt on the severity of the burdens here. For example, he notes that two months of the original petitioning window passed before Governor Kemp took any action related to COVID-19. (Def's Br. at 22.) That much is true, but one month of the 180-day window was extinguished when the Secretary extended the deadline. Neither plaintiff Cowen nor plaintiff Cooper won his nomination until after the petition window had opened, and the form necessary for the Green Party to petition was unavailable until March 24.[3] Candidates also should not be penalized for failing to foresee a global pandemic or for reasonably

[3] *See* Ex. 21: Cooper decl. ¶5, ECF 11-21; Ex.22: Cowen decl. ¶7, ECF 11-22; Ex. 23: Esco decl. ¶7, ECF 11-23. Even after he won his party's nomination in late February, Cooper focused his early campaign on raising the money necessary to pay the qualifying fee in March. Ex. 21: Cooper decl. ¶7, ECF 11-21.

planning to focus their petition drives on later points in the petitioning window.[4] *See, e.g., Garbett v. Herbert,* Civ. No. 2:20-cv-245-RJS, 2020 WL 2064101 at *24 n. 101 (D. Utah May 1, 2020); *Esshaki v. Whitmer*, Civ. No. 2:20-cv-10831, 2020 WL 1910154 at *4 (E.D. Mich. April 20, 2020), *aff'd in part and reversed in part*, No. 20-136, 2020 WL 2185553 at *1 (6th Cir. May 5, 2020); *Jones v. McGuffage*, 921 F. Supp. 2d 888, 897 (N.D. Ill. 2013).

The Secretary also points to the fact that the Governor lifted the shelter-in-place order for some people in May. (Def's Br. at 22.) Again, that much is true, but it's also true that plaintiff Cowen and more than a million other Georgians remain subject to a shelter-in-place and no-visitors order, thus substantially reducing the pool of potential petition circulators and signers.[5] Social-distancing is still the law. Gatherings of any substantial size, including public events like festivals and fairs where petitioning traditionally takes places, remain prohibited.

[4] *See* Ex. 21: Cooper decl. ¶11, ECF 11-21; Ex. 22: Cowen decl. ¶12, ECF 11-22; Ex. 23: Esco decl. ¶7, ECF 11-23.

[5] Mark Niesse, *Rise of Young and Diverse Georgia Voters May Influence 2020 Elections*, Atlanta Journal-Constitution, Feb. 11, 2020, *available at* https://www.ajc.com/news/state--regional-govt--politics/rise-young-and-diverse-georgia-voters-may-influence-2020-elections/eyscOYUMRnDZgG2xKYAmNM/ (last visited June 11, 2020) (showing that voters over 65 represent 19.3 percent of Georgia's 7.2 million registered voters).

Petitioning—not to mention life, in general—has yet to return to normal notwithstanding the Governor's order. The burdens on the plaintiffs' associational rights are not simply due to the shelter-in-place order, as the Secretary claims, but they also result from the extra-difficulty of petitioning once the pandemic subsides. And we aren't even there yet.

The Secretary also asserts that plaintiff Cowen can still collect signatures at the polls during the primary election as he previously intended, even though the Secretary postponed the primary from its originally-scheduled date of March 24 to June 9. (Def's Br. at 22.) But no, he can't. Cowen is above the age of 65, and it would be unlawful under Governor Kemp's orders for him to do so. This "fact" therefore does not cast doubt on the severity of the burden in any way. But even if Cowen were not subject to the shelter-in-place order, collecting signatures at the polls during the primary and runoff elections in 2020 is likely to be much less effective because of on-going shelter-in-place and social-distancing requirements, long lines to vote (during which a petitioner may not solicit signatures, *see* O.C.G.A. § 21-2-414(a)(3)), and significantly greater use of voting by mail.

Finally, the Secretary asserts that Georgia's 180-day petitioning window is "long enough" to allow candidates to meet the requirements even if days or weeks are lost to the pandemic. (Def's Br. at 22.) This assertion, however, is supported by no evidence, and it is at odds with the plaintiffs' evidence that no third-party candidate for U.S. Representative or President has ever satisfied current signature requirements even with a 180-day petition window. It would thus appear that the petition window is not nearly "long enough."

The Secretary acknowledges that every court to have considered candidate-petitioning requirements during the pandemic has found the burdens to be severe. (Def's Br. at 19-21.) He tries to distinguish those cases, however, on the ground that the petition deadlines fell "during or shortly after" shelter-in-place orders were in effect. (*Id.* at 20.) But this distinction fails for at least two reasons. First, a large number of voters in Georgia, including plaintiff Cowen, remain under a shelter-in-place order of uncertain duration. This case is thus no different from the others on that point. Second, none of the cases cited by the Secretary actually relied on the petition deadlines as the basis for finding a severe burden. Those cases that applied the *Anderson* test found a severe

burden because gathering signatures during a pandemic is exceedingly difficult. And so it is here.

The burdens of Georgia's signature requirements would be heavy even in the best of times. No third-party candidate has *ever* satisfied them. But we are in the midst of a global pandemic, and the "additional burdens" that the Secretary acknowledges warrant strict scrutiny under these circumstances. (Def's Br. at 23.)

V. The justifications offered by the Secretary of State do not withstand scrutiny.

The second and third steps in the *Anderson* test require the Court to "identify the interests advanced by the State as justifications for the burdens" and then to "evaluate the legitimacy and strength of each asserted state interest and determine the extent to which those interests necessitate the burdening of the plaintiffs' rights." *Bergland v. Harris*, 767 F.2d 1551, 1553-54 (11th Cir. 1985). Here, the Secretary advances only two such interests: (1) the State's interest in not burdening the general-election ballot with frivolous candidacies; and (2) the State's generalized interest in the orderly administration of elections. (Def's Br. at 23-24.)

Neither of the asserted interests is compelling. The Supreme Court described the former as merely "important." *Jenness*, 403 U.S. at 442; *accord Lubin,* 415 U.S. at 715-18. The latter is not even that strong. Neither one, therefore, is strong enough to justify a severe burden.

The Secretary also hasn't shown that enforcing the current petition requirements in a time of pandemic is remotely necessary to satisfy those interests. Indeed, he has admitted just the opposite. (Answer ¶¶ 55-56, 62, ECF 14.) So few independent and third-party candidates have qualified for the ballot (other than the petition requirements) by filing a notice of candidacy and paying the qualifying fee that there is no chance of an overcrowded ballot for any office. There is also no chance that the total number of such candidates is likely to cause any kind of disorder in the administration of elections. The Secretary has the burden of proving otherwise, and there is nothing in the record to support such a finding.

VI. The harm to the plaintiffs is neither speculative nor the plaintiffs' own fault.

The Secretary argues that the plaintiffs have not shown a substantial likelihood of irreparable harm because "it remains entirely

speculative that the Plaintiffs will not be able to meet the petition requirements with the extended deadline of August 14." (Def's Br. at 25.) Not so. The record is full of undisputed and uncontroverted evidence that the plaintiffs are not likely to meet the current petition requirements and are therefore almost certain to lose their opportunity to participate in the 2020 general election. For example, plaintiff Cooper has explained how the pandemic completely derailed his signature-gathering strategy and that, based on his experience with petitioning in the past, the virus makes it "impossible for [him] to gather the required number of signatures to appear on the general-election ballot." (ECF 11-21 ¶17.) This testimony is not mere speculation, and the Secretary simply ignores this and other evidence in the record.

The Secretary further argues that any difficulty in satisfying the petition requirements is not due to the pandemic but rather due to the plaintiffs' own lack of diligence. (Def's Br. at 26.) But, as already discussed in Part IV above, neither plaintiff Cowen nor plaintiff Cooper won his nomination until after the petition window had opened, and the form necessary for the Green Party to petition was unavailable—through no fault of the party—until March 24. And candidates should

not be penalized for failing to foresee a global pandemic or for reasonably planning to focus their petition drives on later points in the petition window. To conclude otherwise would impose an unprecedented and unreasonably high standard on third-party candidates.

VII. The balance of equities and the public interest clearly favor the plaintiffs.

The Secretary identifies no administrative or financial burdens associated with the requested injunction. (Def's Br. at 26-27.) Instead, he asserts generalized state interests in avoiding voter confusion and maintaining law and order. But he fails to explain how the requested injunction would undermine those interests.

More importantly, perhaps, the Secretary confuses the *State's* interest with the *public* interest, and it is hard to see any downside for the public that could result from the requested injunction. There is only upside: greater choice in those few elections where independent or third-party candidates have timely filed a notice of candidacy and paid the qualifying fee but where the coronavirus pandemic has made it impossible for them to satisfy the petition requirement.

VIII. The limited injunction requested by the plaintiffs is the most appropriate remedy.

This appears to be the rare case where a government defendant wants a more expansive remedy—re-writing the rules of the State's election—than the plaintiffs do. The Secretary asks the Court to reduce the signature requirement by only 30 percent. (Def's Br. at 28-29.) But the Court should decline the Secretary's invitation to do so for at least two reasons.

First, as explained in the plaintiffs' opening brief, the court's authority to re-write the state's election laws—at least without first giving the General Assembly an opportunity to do so—is questionable here at best. (ECF 11 at 33-34.) This is particularly true where, as here, it is possible for the plaintiffs to obtain complete relief without a mandatory injunction. Only a prohibitory injunction is necessary because of the unique circumstances of this case: the plaintiffs have met, or will have met, all of the qualification requirements *except* the petition.

Second, the math by which the Secretary arrives at his 30 percent figure simply does not compute. He asserts that a 30 percent reduction "would account for the approximately 60 days under which the State was under a declaration of a public health emergency" due to COVID-19.

(Def's Br. at 28.) But the Governor has extended the public health emergency to July 12 (Ex. 25: Exec. Order 05.28.20.01 at 2), which will represent a total duration of 120 days from March 14 unless, *as is entirely possible,* the emergency is further extended at that point. The Secretary's calculation also ignores the fact that the entire United States has been under a public health emergency since January 31. It penalizes the plaintiffs for failing to foresee the pandemic and for planning to focus on gathering signatures at later points in the petition window. And it relies on the dubious assumption that the days after the public health emergency has ended will be 100 percent back-to-normal. The evidence in this case and common sense suggest otherwise.[6]

The Secretary also argues that anything more than a 30 percent discount on the signature requirement would be unfair to Democratic and Republican candidates "who have faced the same burdens associated with campaigning during the current public health emergency." (Def's Br. at 28.) The Secretary has failed, however, to offer any evidence of those burdens or even to describe those burdens with any detail. And it

[6] *See, e.g.,* Domenico Montanaro, *Poll: Two Thirds Expect Return to Normal Will Take 6 Months or More*, National Public Radio, May 20, 2020, *available at* https://www.npr.org/2020/05/20/859483975/poll-two-thirds-expect-return-to-normal-will-take-6-months-or-more (last visited June 10, 2020).

is hard to see how Democratic and Republican candidates have suffered the same burdens when they have been assured of ballot access without having to collect a single signature. They need only to file a notice of candidacy and pay the qualifying fee. Any claim that Democrats and Republicans would be at a disadvantage in Georgia compared to independent and third-party candidates rings hollow.

Finally, the Secretary argues that a 30 percent reduction is in line with remedies ordered in other cases. (Def's Br. at 29.) His argument, however, overlooks key distinctions between those cases and this one, and it simply ignores the case in which the court ordered a 90 percent reduction. For example, in the Virginia case, the court reduced a 10,000-signature requirement for a Republican Senate candidate to 3,500 signatures. But the candidate had already collected more than 3,600 signatures before the pandemic struck, so the order meant that he would be placed on the ballot without collecting any more signatures. (Ex. 28: Compl. ¶31, *Faulkner v. Virginia Dep't of Elections*, No.: CL 20-1456 (Va. Cir. Mar. 23, 2020).) So it was also in the Colorado and Utah cases. The court-ordered discount meant that the plaintiffs would not have to collect any post-pandemic signatures. *See Garbett v. Herbert,* ____ F.

Supp. 3d ___, 2020 WL 2064101 at *4 (D. Utah Apr. 29, 2020); *Ferrigno Warren v. Griswold*, No. 20CV31077, slip op. at 1 (Colo. Dist. Ct. Apr. 21, 2020).[7] All three cases dealt with March or April deadlines to appear on a primary ballot, so it made sense that the plaintiffs had already collected a great many of them before the pandemic shut things down.

In the Massachusetts case, the court ordered a 50% reduction. This meant a reduction from 2,000 signatures to 1,000 signatures for major-party candidates for U.S. Representative to appear on a September primary ballot. *Goldstein v. Sec'y of the Commonwealth*, 142 N.E.3d 560, 565 (Mass. 2020). But the Court also extended the deadline to June 2, giving the candidates more than a month to collect those signatures. *Id.* at 572. And, most importantly, the court ordered state election officials to accept a broad range of electronic signatures, allowing candidates to collect them online and by email. *Id.* at 574-75. That makes it a very different remedy than either the plaintiffs or the Secretary are proposing here.

[7] The Colorado decision upon which the Secretary relies was also reversed on state-law grounds not applicable here by the Colorado Supreme Court on May 1. *See Griswold v. Ferrigno Warren*, 462 P.3d 1081 (Co. 2020).

Surprisingly, the Secretary does not even mention the case that is most similar to this one. In the Illinois case, the district court ordered a 90 percent discount in signatures for independent and third-party candidates to appear on the general-election ballot. *Libertarian Party of Ill. v. Pritzker*, ___ F. Supp. 3d. ___, 2020 WL 1951687 at *4, *notice of appeal docketed sub nom Libertarian Party of Ill. v. Cadigan*, No. 20-1961 (7th Cir. June 8, 2020). For a candidate for U.S. Representative, this meant a reduction from approximately 1,500 signatures to 150 signatures. The court also extended the deadline to August 7, giving candidates more than three months to collect them. And the court ordered election officials to accept electronic signatures. *Id.* If the court has an interest in re-writing the state's election rules without first giving the General Assembly an opportunity to do so, the plaintiffs submit that the Illinois case provides the best guide to an appropriate remedy here.

Respectfully submitted this 11th day of June, 2020.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the forgoing PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION was prepared in 13-point Century Schoolbook in compliance with Local Rules 5.1(C) and 7.1(D).

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2020, I electronically filed the foregoing PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION 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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