

No. 23-13914
(consolidated with Nos. 23-13916 & 23-13921)

In the
United States Court of Appeals
for the Eleventh Circuit

Alpha Phi Alpha Fraternity, Inc., et al.,
Plaintiff-Appellees,

v.

Secretary of State of Georgia,
Defendant-Appellant.

On Appeal from the United States District Court for the
Northern District of Georgia, Atlanta Division.
No. 1:21-cv-05337 — Steve C. Jones, *Judge*

**MOTION FOR EXTENSION OF TIME TO FILE
REPLY BRIEF AND FOR ADDITIONAL PAGES FOR
REPLY BRIEF**

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Counsel for the Secretary of State of Georgia

No. 23-13916
(consolidated with Nos. 23-13914 & 23-13921)

In the
United States Court of Appeals
for the Eleventh Circuit

Coakley Pendergrass, et al.,
Plaintiff-Appellees,

v.

Secretary of State of Georgia,
Defendant-Appellant.

On Appeal from the United States District Court for the
Northern District of Georgia, Atlanta Division.
No. 1:21-cv-05339 — Steve C. Jones, *Judge*

**MOTION FOR EXTENSION OF TIME TO FILE
REPLY BRIEF AND FOR ADDITIONAL PAGES FOR
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No. 23-13921
(consolidated with Nos. 23-13914 & 23-13916)

In the
United States Court of Appeals
for the Eleventh Circuit

Annie Lois Grant, et al.,
Plaintiff-Appellees,

v.

Secretary of State of Georgia,
Defendant-Appellant.

On Appeal from the United States District Court for the
Northern District of Georgia, Atlanta Division.
No. 1:22-cv-00122 — Steve C. Jones, *Judge*

**MOTION FOR EXTENSION OF TIME TO FILE
REPLY BRIEF AND FOR ADDITIONAL PAGES FOR
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**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

I hereby certify that the following persons and entities may
have an interest in the outcome of this case:

Adegbile, Debo, Counsel for *APA* Plaintiffs;

Albert M. Pearson LLC, Counsel for Amicus;

Allensworth, Robert M., Attempted Amicus;

Alpha Phi Alpha Fraternity, Inc., *APA* Plaintiff;

Allen, De’Erica, Counsel for *APA* Plaintiffs;

American Civil Liberties Union Foundation, Inc., Counsel for
Plaintiffs;

Anderson, Carol, Amicus;

Arbuthnot, Jacqueline Faye, *Grant* Plaintiff;

Bird, Brenna, Counsel for Amicus;

Bokat-Lindell, Noah B., Counsel for Intervenor U.S. Department
of Justice;

Bonta, Rob, Counsel for Amicus;

Boone, Robert, Counsel for *APA* Plaintiffs;

Bowles, Jasmine, Amicus;

Bowen, Brennan, Counsel for Amicus;

Boyle, Jr., Donald P., Counsel for Defendant;

Brachman, Paul D., Counsel for Amicus;

Brennan Center for Justice, Amicus;

Brown, Anthony G., Counsel for Amicus;

Brown, Phil, *APA* Plaintiff;

Brown, Theron, *Grant* Plaintiff;

Buchanan, Ryan K., Counsel for United States;

Burton, Orville Vernon, Amicus;

Bush, Jacquelyn, *Grant* Plaintiff;

Calvo-Friedman, Jennessa, Former Counsel for *APA* Plaintiffs;

Campbell, Andrea Joy, Counsel for Amicus;

Carr, Christopher M., Counsel for Defendant;

Cheung, Ming, Counsel for *APA* Plaintiffs;

Clark, Charity R., Counsel for Amicus;

Clarke, Kristen, Counsel for United States;

Common Cause, Amicus;

Commonwealth of Massachusetts, Amicus;

Conner, Mary Nell, *Grant* Plaintiff;

Constitutional Accountability Center, Amicus;

Crowell & Moring LLP, Counsel for Amicus;

Data, Sonika, Counsel for *APA* Plaintiffs;

Dauber, Michael S., Counsel for Amicus;

District of Columbia, Amicus;

Draper, Paul, Counsel for Defendant;

Georgia Department of Law, Counsel for Defendant;

Davis, Alexander S., Counsel for Amicus;

Dechert LLP, Counsel for Amicus;

DiGiuseppe, Marisa A., Counsel for *APA* Plaintiffs;

Dixit, Anuj, Counsel for *APA* Plaintiffs;

Douglas, Maura, Counsel for *APA* Plaintiffs;

Duffey, Jr., William S., Former Defendant in *Grant* and
Pendergrass;

Election Law Clinic at Harvard Law School, Amicus;

Elias Law Group LLP, Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Ellison, Keith, Counsel for Amicus;

Fair Districts GA, Amicus;

Ferguson, Robert W., Counsel for Amicus;

Fiddell, Eugene R., Counsel for Amicus;

Fitch, Lynn, Counsel for Amicus;

Flynn, Erin H., Counsel for Intervenor;

Ford, Aaron D., Counsel for Amicus;

Ford, Christina Ashley, Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Frazzette, Sean, Counsel for Amicus;

Freeman, Daniel J., Counsel for Intervenor;

Frey, Aaron M., Counsel for Amicus;

GALEO Latino Community Development Fund, Inc., Amicus;

Gans, David H., Counsel for Amicus;

Garabadu, Rahul, Former Counsel for *APA* Plaintiffs;

Geaghan-Breiner, Charlotte, Counsel for *APA* Plaintiffs;

Geiger, Soren, Counsel for Amicus;

Genberg, Jack, Counsel for Amicus;

Georgia Coalition for the People’s Agenda, Amicus;

Georgia State Conference of the NAACP, Amicus;

Ghazal, Sara Tindall, Former Defendant in *Grant* and
Pendergrass;

Glaze, Ojuan, *Pendergrass* Plaintiff;

Glenn, Katie Bailey, *APA* Plaintiff;

Gorod, Brianne J., Counsel for Amicus;

Grant, Annie Lois, *Grant* Plaintiff;

Graves, Cheryl, Amicus;

Greenbaum, Jon, Counsel for Amicus;

Greenwood, Ruth M., Counsel for Amicus;

Hamilton, Kevin J., Former Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Harrison, Keith, Counsel for Amicus;

Hawley, Jonathan Patrick, Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Heard, Bradley E., Counsel for Amicus;

Heaven, Astor H.L., Counsel for Amicus;

Hennington, Elliott, *Pendergrass* Plaintiff;

Hessel, Daniel J., Counsel for Amicus;

Hilgers, Michael T., Counsel for Amicus;

Holtzman Vogel, PLLC, Counsel for Amicus;

Houk, Julie M., Counsel for Amicus;

Howell, Quentin T., *Grant* Plaintiff;

Hughes, Aileen Bell, Counsel for United States;

Isaacson, Cory, Counsel for *APA* Plaintiffs;

Ivey, Marvis McDaniel, Amicus;

Jacoutot, Bryan F., Counsel for Defendant;

Jackson, Toni Michelle, Counsel for Amicus;

James, Letitia, Counsel for Amicus;

James, Triana Arnold, *Grant* and *Pendergrass* Plaintiff;

Jamieson, Nathan, Counsel for Amicus;

Jennings, Kathleen, Counsel for Amicus;

Jessurun, Anna K., Counsel for Amicus;

Johnston, Janice W., Former Defendant in *Grant* and
Pendergrass;

Jones, Michael Brandon, Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Jones, Steve C., Judge, U.S. District Court, Northern District of
Georgia;

Kastorf Law LLP, Counsel for Amicus;

Kastorf, Kurt, Counsel for Amicus;

Keyssar, Alexander, Counsel for Amicus;

Khanna, Abha, Counsel for *Grant* and *Pendergrass* Plaintiffs;

Kim, Eliot, Former Counsel for *APA* Plaintiffs;

Kim, Taeyoung, Counsel for *APA* Plaintiffs;

Knudsen, Austin, Counsel for Amicus;

Kobach, Kris W., Counsel for Amicus;

Kousser, J. Morgan, Amicus;

Krevolin & Horst LLC, Counsel for *Grant* and *Pendergrass*
Plaintiffs;

LaCour Jr., Edmund G., Counsel for Amicus;

Lakin, Sophia Lin, Counsel for *APA* Plaintiffs;

LaRoss, Diane F., Counsel for Defendant;

Lawyers’ Committee for Civil Rights Under Law, Counsel for
Amicus;

Le, Anh, Former Defendant in *Grant* and *Pendergrass*;

League of Women Voters of Georgia, Amicus;

Lee, Theresa J., Counsel for Amicus;

Lewis, Joyce Gist, Counsel for *Grant* and *Pendergrass* Plaintiffs;

Lindsey, Edward, Former Defendant in *Grant* and *Pendergrass*;

Lopez, Anne E., Counsel for Amicus;

Love-Olivo, Cassandra Nicole, Counsel for Amicus;

Marshall, Steve, Counsel for Amicus;

Mashburn, Matthew, Former Defendant in *Grant* and
Pendergrass;

May, Caitlyn Felt, Counsel for *APA* Plaintiffs;

Mayer Brown LLP, Counsel for Amicus;

McGowan, Charlene, Former Counsel for Defendant;

Miller, Alex W., Counsel for *APA* Plaintiffs;

Miller, Kelsey A., Counsel for *APA* Plaintiffs;

Miller, Laura E., Counsel for Amicus;

Mitchell, Cassandra, Counsel for *APA* Plaintiffs;

Moody, Ashley, Counsel for Amicus;

Morrisey, Patrick, Counsel for Amicus;

Murrill, Liz, Counsel for Amicus;

National Republican Redistricting Trust, Amicus;

Neronha, Peter F., Counsel for Amicus;

O’Donnell, Courtney, Counsel for Amicus;

Osher, Daniel C., Former Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Paradise, Loree Anne, Former Counsel for Defendant;

Paul, Weiss, Rifkind, Wharton & Garrison LLP, Counsel for
Amicus;

Paxton, Ken, Counsel for Amicus;

Pearson, III, Albert Matthews, Counsel for Amicus;

Pendergrass, Coakley, *Pendergrass* Plaintiff;

Perkins Coie LLP, Former Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Perkins, Brianne, Amicus;

Petrany, Stephen J., Solicitor General, Counsel for Defendant;

Phatak, Ashwin P., Counsel for Amicus;

Platkin, Matthew J., Counsel for Amicus;

Raffensperger, Brad, Defendant in his official capacity as
Secretary of State of Georgia;

Raoul, Kwame, Counsel for Amicus;

Reyes, Sean D., Counsel for Amicus;

Reynolds, Garrett, *Grant* Plaintiff;

Richards, Roberts, *Pendergrass* Plaintiff;

Rokita, Theodore E., Counsel for Amicus;

Rollins-Boyd, David, Counsel for Amicus;

Rosenberg, Ezra D., Counsel for Amicus;

Rosenblum, Ellen F., Counsel for Amicus;

Rothfeld, Charles A., Counsel for Amicus;

Rudensky, Yuriy, Counsel for Amicus;

Rueckert, Jens, *Pendergrass* Plaintiff;

Ruiz Toro, Juan M., Counsel for *APA* Plaintiffs;

Rutahindurwa, Makeba, Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Savitsky, Ari J., Counsel for *APA* Plaintiffs;

Schwalb, Brian L., Counsel for Amicus;

Shaw, Abigail, Former Counsel for *APA* Plaintiffs;

Sivaram, Anuradha, Former Counsel for *APA* Plaintiffs;

Sixth District of the African Methodist Episcopal Church, *APA*
Plaintiff;

Solomon, Elbert, *Grant* Plaintiff;

Southern Poverty Law Center, Counsel for Amicus;

Sparks, Adam M., Counsel for *Grant* and *Pendergrass* Plaintiffs;

Smith, Casey Katherine, Counsel for *APA* Plaintiffs;

State of Alabama, Amicus;

State of California, Amicus;

State of Colorado, Amicus;

State of Connecticut, Amicus;

State of Delaware, Amicus;

State of Florida, Amicus;

State of Hawaii, Amicus;

State of Illinois, Amicus;

State of Indiana, Amicus;

State of Iowa, Amicus;

State of Kansas, Amicus;

State of Louisiana, Amicus;

State of Maine, Amicus;

State of Maryland, Amicus;

State of Minnesota, Amicus;

State of Mississippi, Amicus;

State of Montana, Amicus;

State of Nebraska, Amicus;

State of Nevada, Amicus;

State of New Jersey, Amicus;

State of New York, Amicus;

State of North Carolina, Amicus;

State of North Dakota, Amicus;

State of Oregon, Amicus;

State of Rhode Island, Amicus;

State of South Carolina, Amicus;

State of Texas, Amicus;

State of Utah, Amicus;

State of Vermont, Amicus;

State of Washington, Amicus;

State of West Virginia, Amicus;

Stein, Joshua H., Counsel for Amicus;

Steiner, Neil, Counsel for Amicus;

Stewart, Janice, *APA* Plaintiff;

Stewart, Michael Elliot, Counsel for Intervenor;

Strickland, Frank B., Counsel for Defendant;

Sullivan, Rebecca N., Former Defendant in *Grant* and
Pendergrass;

Sykes, Eunice, *Grant* Plaintiff;

Taylor English Duma LLP, Counsel for Defendant;

Thomas, Ursula, Amicus;

Tolbert, Elroy, *Grant* Plaintiff;

Tong, William, Counsel for Amicus;

Torchinsky, Jason, Counsel for Amicus National Republican
Redistricting Trust;

Trento, Andrea W., Counsel for Amicus;

Tsai, Denise, Counsel for *APA* Plaintiffs;

Tulin, Leah J., Counsel for Amicus;

Tyson, Bryan P., Counsel for Defendant;

Underwood, Barbara D., Counsel for Amicus;

United States Department of Justice, Intervenor;

Vale, Judith N., Counsel for Amicus;

Valerio-Esene, Amanda, Counsel for Amicus;

Van Nile, Caroline S., Counsel for Amicus;

Varghese, George P., Counsel for *APA* Plaintiffs;

Vaughan, Elizabeth Marie Wilson, Former Counsel for Defendant;

Webb, Bryan K., Counsel for Defendant;

Weigel, Daniel H., Counsel for Defendant;

Weiser, Philip J., Counsel for Amicus;

Weitzman, Samuel, Former Counsel for *APA* Plaintiffs;

White, Graham, Former Counsel for *Grant* and *Pendergrass*
Plaintiffs;

Willard, Russell D., Counsel for Defendant;

Williams, Ayana, Former Counsel for *APA* Plaintiffs;

Williams, H. Benjamin, Amicus;

Williams, Edward Henderson, Former Counsel for *APA* Plaintiffs;

Wilmer Cutler Pickering Hale and Dorr LLP, Counsel for *APA*
Plaintiffs;

Wilson, Alan, Counsel for Amicus;

Wimbish, Dexter, *Grant* Plaintiff;

Alpha Phi Alpha Fraternity v. Sec'y of State of Ga., No. 23-13914;

Pendergrass v. Sec'y of State of Ga., No. 23-13916;

Grant v. Sec'y of State of Ga., No. 23-13921

Woods, Eric T., *APA* Plaintiff;

Wydra, Elizabeth B., Counsel for Amicus;

Yale Law School Supreme Court Clinic, Counsel for Amicus;

Young, Sean Jengwei, Former Counsel for *APA* Plaintiffs;

Zabel, Joseph D., Former Counsel for *APA* Plaintiffs.

/s/ Bryan P. Tyson

Bryan P. Tyson

**MOTION FOR EXTENSION OF TIME TO FILE
REPLY BRIEF AND FOR ADDITIONAL PAGES FOR
REPLY BRIEF**

Pursuant to FRAP 26(b), 11th Cir. R. 31-2(d), and 11th Cir. R. 32-4, counsel for Appellant in the above-captioned appeals seeks (1) an extension of time of 30 additional days to file a consolidated reply brief and (2) an additional 2,500 words for a consolidated reply brief.

Good cause and extraordinary circumstances justify these requests. This appeal involves the proper application of the law to three statewide redistricting plans for the state of Georgia in three separate cases. This Court consolidated the appeals and Appellant filed a single consolidated brief in all three appeals. But when Appellees filed their response briefs, they filed a total of three separate briefs—one in *Alpha Phi Alpha*, one in *Grant* and *Pendergrass*, and one by the United States for all appeals. In addition, a number of parties have filed amicus briefs in support of Appellees.

In order to streamline the appeals for consideration by this Court, Appellant plans to file a single, consolidated reply brief that will respond to all briefs filed on behalf of Appellees. A single

reply will assist the Court and focus its consideration of these appeals after briefing is complete.

Appellant seeks an additional 30 days to prepare that consolidated reply. Appellant's reply brief is currently due on May 29, 2024. Since the first extension granted on April 9, 2024, counsel for Appellant has been required to deal with much greater-than-normal demands on time, including multiple federal trials during the month of April, multiple oral arguments in this Court and other courts, as well as numerous briefing deadlines in the U.S. Supreme Court, other U.S. Courts of Appeal, and state courts. Any delay will not prejudice Appellees because the district court's permanent injunction remains in effect while this appeal is pending.

Further, in order to fully respond, Appellant seeks an extension of an additional 2,500 words for the consolidated reply brief beyond the 6,500 word limit for a total of 9,000 words. Even this extended length is still significantly shorter than if Appellant filed individual briefs responding to the various Appellee briefs in each appeal and will assist the Court in focusing on the relevant arguments.

Counsel for Appellant has consulted with counsel for Appellees and counsel for each of the Appellees does not oppose this motion.

Appellant therefore requests that this Court (1) extend the time for his reply brief by 30 days from the existing May 29, 2024 deadline and (2) extend the page limit for the consolidated reply by 2,500 words to allow a reply brief of up to a total of 9,000 words.

Respectfully submitted.

/s/Bryan P. Tyson

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Counsel for the Secretary of State of Georgia

CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limitation of Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure because it contains 428 words as counted by the word-processing system used to prepare the document.

/s/ Bryan P. Tyson
Bryan P. Tyson

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2024, I served this brief by electronically filing it with this Court's ECF system, which constitutes service on all attorneys who have appeared in this case and are registered to use the ECF system.

/s/ Bryan P. Tyson
Bryan P. Tyson