

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

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

Plaintiffs,

v.

STATE OF GEORGIA, et al.,)

Defendants.

COMMON CAUSE, et al.,)

Plaintiffs,

v.

BRAD RAFFENSPERGER,)

Defendant.

) Case No. 1:21-CV-5338-ELB-
) SCJ-SDG

) Case No. 1:22-CV-00090-ELB-
) SCJ-SDG

**UNOPPOSED MOTION TO ENFORCE THE SUBPOENA ISSUED TO
REP. DAVID RALSTON AND TO COMPEL PRODUCTION OF
DOCUMENTS**

Pursuant to Federal Rules of Civil Procedure 45 and 37, and all other applicable law, Plaintiffs Common Cause, League of Women Voters of Georgia, Dr. Cheryl Graves, Dr. Ursula Thomas, Dr. H. Benjamin Williams, Jasmine Bowles, and Brianne Perkins, along with the Georgia State Conference of the NAACP, Georgia Coalition for the People’s Agenda, Inc., and Galeo Latino Community Development

Fund, Inc. (collectively, “Plaintiffs”), through their attorneys, hereby move this Court to enforce a Fed. R. Civ. P. 45 subpoena issued to the office of non-party Rep. David Ralston and to compel the Georgia General Assembly’s Information Technology Office to collect and produce documents responsive to the subpoena.

This Motion is unopposed by the Defendants, the Georgia General Assembly’s Information Technology Office, and counsel for Rep. David Ralston¹.

In support of this Unopposed Motion, Plaintiffs incorporate below a Memorandum of Law containing arguments and citation of authorities.

Respectfully submitted, this 16th day of December, 2022.

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¹ Rep. David Ralston passed away on November 16, 2022.

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CERTIFICATE OF CONFERENCE

Pursuant to L.R. 37(a)(2)(A)-(B), I hereby certify that, beginning on November 11, 2022, and continuing through the date of filing, counsel for Plaintiffs conferred with counsel for Rep. David Ralston in a good faith effort to resolve the issues raised by this motion.

/s/ Nathan T. Jamieson
Nathan T. Jamieson

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**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION TO
ENFORCE THE SUBPOENA ISSUED TO REP. DAVID RALSTON AND
TO COMPEL PRODUCTION OF DOCUMENTS**

Plaintiffs Common Cause, League of Women Voters of Georgia, Dr. Cheryl Graves, Dr. Ursula Thomas, Dr. H. Benjamin Williams, Jasmine Bowles, and Brianne Perkins (collectively, “Common Cause Plaintiffs”), along with the Georgia State Conference of the NAACP, Georgia Coalition for the People’s Agenda, Inc.,

and Galeo Latino Community Development Fund, Inc. (together with Common Cause Plaintiffs, “Plaintiffs”), hereby move this Court to enforce a Fed. R. Civ. P. 45 subpoena (“Subpoena”) issued to the office of non-party Rep. David Ralston and to compel the Georgia General Assembly’s Information Technology Office (“IT”) to collect and produce documents responsive to the Subpoena in the manner outlined below.

On November 1, 2022, counsel for Rep. David Ralston accepted electronic service of a subpoena emailed to counsel on October 23, 2022. The subpoena sought production of certain records related to SB 1EX and HB 1EX (the “Subpoena”). On November 16, 2022, and prior to the identification and collection of records potentially responsive to the Subpoena, Rep. Ralston passed away.

Fed. R. Civ. P. 45 (“Rule 45”) “is the method to obtain documents from a non-party,” such as Rep. Ralston here. *See cf. SE Prop. Holdings, LLC v. Unified Recovery Grp., LLC*, No. MC 14-0008-KD-MU, 2018 WL 1896422, at *1 (S.D. Ala. Jan. 4, 2018), *report and recommendation adopted*, No. MC 14-0008-KD-MU, 2018 WL 1046815 (S.D. Ala. Feb. 26, 2018). However, because Rep. Ralston passed away, Rep. Ralston is unable to authorize IT to disseminate the documents.

Accordingly, under these circumstances, and in order to facilitate the production of records responsive to the Subpoena, Plaintiffs, IT, and counsel for

Rep. Ralston believe (and Defendants do not oppose) that IT shall collect and produce documents responsive to the Subpoena pursuant to the terms of the November 1, 2022 Order, ECF No. 96 (“Nov. 1 Order”). Specifically, IT shall identify and collect all documents that are potentially responsive to the Subpoena within **two weeks** from the date the Court grants this Motion; IT shall produce all responsive, nonprivileged documents within **three weeks** thereafter; and IT shall provide to the Court, the Plaintiffs, and the Defendants a privilege log identifying documents, if any, subject to legislative privilege (or any other privilege) within **one week** of production of non-privileged, responsive documents.

Neither Defendants, IT, nor counsel for Rep. Ralston oppose this Motion.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their Unopposed Motion to the Enforce the Subpoena Issued to Rep. David Ralston and Compel Production of Documents.

Dated: December 16, 2022

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), I hereby certify that the forgoing motion has been prepared in font Times New Roman and size 14 point, a font and type selection approved by the Court in L.R. 5.1(C).

/s/ Nathan T. Jamieson
Nathan T. Jamieson*

CERTIFICATE OF SERVICE

I, the undersigned Attorney, hereby certify that I have served a copy of the foregoing Motion to Enforce the Subpoena Issued to Rep. Ralston and to Compel Production of Documents and Memorandum in Support upon counsel to all parties by PACER and served copies by mail and email counsel to counsel for the office of Rep. Ralston and the Georgia General Assembly's Office of Information Technology, on this 16th day of December, 2022.

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**[PROPOSED] ORDER GRANTING PLAINTIFFS’ UNOPPOSED MOTION
TO ENFORCE THE SUBPOENA ISSUED TO REP. DAVID RALSTON
AND TO COMPEL PRODUCTION OF DOCUMENTS**

For good cause shown, the Court hereby grants Plaintiffs’ Unopposed Motion to Enforce the Subpoena Issued to Rep. David Ralston and Compel Production of Documents. Accordingly, the Court directs the office of Rep. Ralston and Georgia General Assembly’s Information Technology Office (“IT”) to collect and produce

documents responsive to the Subpoena as follows, consistent with the Court's Nov. 1 Order, see ECF No. 96:

IT **SHALL** identify and collect all documents that are potentially responsive to the Subpoena within **two weeks** from the date the Court grants this Motion;

IT **SHALL** produce all responsive, nonprivileged documents identified within said collection within **three weeks** thereafter; and,

IT **SHALL** provide to the Court, the Plaintiffs, and the Defendants a privilege log identifying documents, if any, subject to legislative privilege (or any other privilege) within **one week** after production of non-privileged documents.

SO ORDERED this ___ day of December, 2022

Hon. Steven D. Grimberg
United States District Court Judge