

No. 20-12184-GG

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

PEOPLE FIRST OF ALABAMA, et al.,
Plaintiffs-Appellees,

v.

JOHN H. MERRILL,
in his official capacity as the Secretary of the State of Alabama, et al.,
Defendants-Appellants.

On Appeal from the United States District Court
for the Northern District of Alabama
Case No. 2:20-cv-00619-AKK

MOTION TO VOLUNTARILY DISMISS APPEAL

STATE OF ALABAMA
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July 16, 2020

*Counsel for Secretary of State John H.
Merrill and the State of Alabama*

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1(a)(3) and 26.1-2(b), the undersigned counsel certifies that the following listed persons and parties may have an interest in the outcome of this case:

1. Abudu, Nancy G. – Counsel for Plaintiffs;
2. Alabama Disabilities Advocacy Program – Counsel for Plaintiffs;
3. Alabama State Conference of the NAACP – Appellee;
4. Anderson-Smith, Jacqueline – Defendant, Circuit Clerk of Jefferson County, Alabama;
5. Barnett, Alleen – Defendant, Absentee Election Manager of Mobile County, Alabama;
6. Brom, Steven M – Counsel for Amicus Honest Elections Project;
7. Burks, Karen Dunn – Defendant, Deputy Circuit Clerk of the Bessemer Division of Jefferson County, Alabama;
8. Bowdre, Alexander Barrett – Counsel for Appellants;
9. Carroll, Donald McKinley – Counsel for Defendants Jacqueline Anderson-Smith and Karen Dunn Burks;
10. Clopton, Robert – Appellee;
11. Davis, Elliott M. – Counsel for United States of America;
12. Davis, James W. – Counsel for Appellants;
13. Dellheim, Richard A. – Counsel for United States of America;

14. Dreiband, Eric S. – U.S. Assistant Attorney General, Civil Rights Division, Counsel for United States of America;
15. Dungan, Aubrey Patrick – Counsel for Defendant Alleen Barnett;
16. Dyar, Robert F. – Counsel for Defendant Alleen Barnett;
17. Engelhardt, Todd D. – Counsel for Defendant Alleen Barnett;
18. Essig, Brandon Keith – Counsel for Defendant Mary B. Roberson;
19. Freeman, Daniel J. – Counsel for United States of America;
20. Greater Birmingham Ministries – Appellee;
21. Green, Tyler R. – Counsel for Amicus Honest Elections Project
22. Herren, T. Christian – Counsel for United States of America;
23. Honest Elections Project – Amicus;
24. Ifill, Sherrilyn – Counsel for Plaintiffs;
25. Kallon, Hon. Abdul K. – Judge for the Northern District of Alabama;
26. LaCour Jr., Edmund G. – Counsel for Appellants;
27. Lance, Steven – Counsel for Plaintiffs;
28. Lawson, Theodore A. - Counsel for Defendants Jacqueline Anderson-Smith and Karen Dunn Burks;
29. Marshall, Hon. Steve –Alabama Attorney General;
30. Merle, Natasha C. – Counsel for Plaintiffs;
31. Merrill, Hon. John H. – Alabama Secretary of State, Appellant;
32. Messick, Misty S. Fairbanks – Counsel for Appellants;

33. NAACP Legal Defense & Educational Fund – Counsel for Plaintiffs;
34. Nelson, Janai – Counsel for Plaintiffs;
35. Norris, Cameron Thomas – Counsel for Amicus Honest Elections Project;
36. People First of Alabama – Appellee;
37. Reed, Mahogane D. – Counsel for Plaintiffs;
38. Roberson, Mary B. – Defendant; Circuit Clerk of Lee County, Alabama;
39. Ross, Deuel – Counsel for Plaintiffs;
40. Ross, Jay M. – Counsel for Defendant Alleen Barnett;
41. Ryan, Jenny – Counsel for Plaintiffs;
42. Sewell, Robert Jackson – Counsel for Defendant Mary B. Roberson;
43. Short, Caren E. – Counsel for Plaintiffs;
44. Sinclair, Winfield J. – Counsel for Appellants;
45. Smith, Brenton Merrill – Counsel for Appellants;
46. Southern Poverty Law Center – Counsel for Plaintiffs;
47. State of Alabama – Appellant;
48. Town, Jay E. – United States Attorney for the Northern District of Alabama, Counsel for United States of America;
49. United States of America;
50. Van Der Pol, William – Counsel for Plaintiffs;

51. Zampierin, Sara – Former Counsel for Plaintiffs;
52. Zaragoza, Liliana – Counsel for Plaintiffs

Respectfully submitted this 16th day of July, 2020.

/s/ A. Barrett Bowdre

A. Barrett Bowdre

Counsel for Defendants-Appellants

MOTION TO VOLUNTARILY DISMISS APPEAL

The Appellants seek to voluntarily dismiss this appeal. Rule 42(b) governs that procedure:

The circuit clerk may dismiss a docketed appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due. But no mandate or other process may issue without a court order. An appeal may be dismissed on the appellant’s motion on terms agreed to by the parties or fixed by the court.

Fed. R. App. P. 42(b).

The Appellees do not object to this dismissal. The parties agree that each party will bear its own attorney’s fees and costs for this appeal. The Appellants thus move this Court to enter an order dismissing this appeal without prejudice.

Respectfully submitted,

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Alabama Attorney General

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*Counsel for Appellants Secretary of
State John Merrill and the State of
Alabama*

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. I certify that this motion complies with the type-volume limitations set forth in Fed. R. App. P. 27(d)(2)(A). This motion contains 126 words, including all headings, footnotes, and quotations, and excluding the parts of the motion exempted under Fed. R. App. P. 32(f).

2. In addition, this brief complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

/s/ A. Barrett Bowdre

A. Barrett Bowdre

*Counsel for Appellants Secretary of State
John Merrill and the State of Alabama*

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2020, I filed the foregoing petition using the Court's CM/ECF system, which will serve all counsel of record.

/s/ A. Barrett Bowdre
A. Barrett Bowdre

*Counsel for Appellants Secretary of State
John Merrill and the State of Alabama*