

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

JOSE MORALES, on behalf of)
himself and those similarly situated,)
)
Plaintiff,)
)
vs.)
)
KAREN HANDEL, in her official)
capacity as Georgia Secretary of State,)
)
Defendant.)

CIVIL ACTION
FILE NO. 1:08-CV-3172-JTC

**PLAINTIFF’S SECOND MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR CLASS CERTIFICATION**

Plaintiff Morales Moves the Court for an extension of time within which to file his Motion for Class Certification. For the reasons set forth below, submission of a Motion for Class Certification may become unnecessary if the Court grants the Plaintiff’s Motion for Leave to Amend the Complaint which is being filed concurrently herewith.

This action was commenced with the filing of Plaintiff’s Complaint on October 9, 2008. D.E. 1.

By his Complaint, Plaintiff properly alleged that he sought to serve and could properly serve as a representative of a class of persons affected by the changes in election procedure undertaken by the Defendant Handel. D.E. 1, ¶¶ 23-29. Plaintiff was the sole proffered class representative.

Between the filing of the original Complaint and the submission of this Motion, Plaintiff has been joined by certain organizations whose voter registration and “get out the vote” activities - which are core components of these organizations’ missions - were affected by Defendant’s implementation of new voter registration procedures. Those organizations, and their respective interests in the issues presented by this litigation, are described in the Plaintiff’s Motion for Leave to Amend the Complaint.

The Local Rules of the Northern District of Georgia provide deadlines for the filing of Class Certification Motions in cases in which class certification is sought. On December 24, 2008, this Court granted Plaintiff’s unopposed Motion for Extension of Time to File Plaintiff’s Motion for Class Certification, providing that the time within which to file said Motion was extended up to and including February 6, 2009. See, Minute Order, D.E. 45. This Motion is made prior to the expiration of that time.

Plaintiff's Complaint seeks declaratory, not monetary, relief. D.E. 1, p. 21. No "individualized" determination of damages is or will be required in this litigation. Addition of the proposed organizational Plaintiffs set out in the Motion filed concurrently herewith may mean that it will not be necessary to call upon the Court to consider certification of a class. Grant of this Motion to extend time and the Motion to Add Parties will facilitate the submission of the Plaintiff's claims to the Court, and will serve the interests of judicial economy.

Wherefore, Plaintiff prays that the Court enter an Order providing that the period of time within which the Plaintiff shall be required to file, if at all, its Motion for Class Certification, shall be extended up to and including 20 days following the Court's disposition of the Plaintiff's Motion for Leave to Amend the Complaint.

Submitted on this the 5th day of February, 2009.

S/ G. BRIAN SPEARS

Bar No. 670112

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2009, I electronically filed the attached 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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