

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

INTERNATIONAL ALLIANCE OF
THEATER STAGE EMPLOYEES
LOCAL 927,

Plaintiff,

v.

CATHY WOOLARD, AARON V.
JOHNSON, MICHAEL HEEKIN, and
TERESA K. CRAWFORD in their
official capacities as members of the
Fulton County Registration and Elections
Board,

Defendants.

Case No. 1:23-cv-04929-JPB

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL
DECLARATIONS**

Plaintiff respectfully moves this Court to for leave to file the declarations attached as Exhibits 1 and 2 as a supplement to Plaintiff's Motion for Preliminary Injunction and accompanying Memorandum of Law. ECF Nos. 83-00, 83-01. During the pendency of the preliminary injunction motion, this Court dismissed claims against members of the Georgia State Election Board, leaving the Fulton County Board of Election Members as the only remaining subjects of the requested

relief.¹ ECF No. 97. As a result, Plaintiff requests permission to file two supplemental declarations with additional information regarding the location and activities of its members in Fulton County, providing further support for allegations set forth in Plaintiff’s Amended Complaint. *See* ECF No. 62 at ¶ 12.

These supplemental declarations, moreover, will not prejudice any of the remaining parties to this case. Fulton County Defendants did not oppose Plaintiff’s Motion for Preliminary Injunction. Intervenors’ opposition does not contest any of Plaintiff’s evidence or factual allegations—instead Intervenors object to Plaintiff’s requested relief on *Purcell* grounds and challenge the constitutionality of Section 202 of the Voting Rights Act. *See* ECF No. 96.

Plaintiff informed Fulton County Defendants and Intervenors of its intent to seek the requested relief, but they have not taken a position as of the time of filing.

¹ Ms. Patrice Perkins-Hooker, previously the chair of the board, has resigned and been replaced in her role by Ms. Cathy Woolard. The case caption has been updated to reflect this change because when a public officer named in their official capacity resigns, “[t]he officer’s successor is automatically substituted as a party.” Fed. R. Civ. P. 25(d).

Dated: June 21, 2024

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this document complies with Local Rule 5.1(C) because it is prepared in Times New Roman font at size 14.

Dated: June 21, 2024

/s/ Uzoma N. Nkwonta
Counsel for Plaintiff

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Exhibit 1

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SUPPLEMENT TO THE DECLARATION OF ALLAN HERMAN

I, Allan Herman, declare as follows:

1. I am over the age of 18, and I have personal knowledge of the facts below and can competently testify to their truth.
2. My name is Al Herman. I am the Political Director of the International Alliance of Theatrical Stage Employees Local 927 (“IATSE Local 927”).
3. The largest share of IATSE Local 927’s 181 members, approximately 55, reside in Fulton County. Because we use our regular newsletter and in-person

meetings to express the importance of electing supportive public officials, the vast majority of our members, including those in Fulton County, are registered voters.

4. In any given year most of our members, including those from Fulton County, travel away from home to perform a job, and in most cases will have fewer than two weeks, and at times only days, notice. Summer concert season is just picking up pace and holiday touring shows such as the Nutcracker and A Christmas Carol will start in November which means we will soon enter the busiest time of the year for traveling. On virtually any day some of our members are traveling either within Georgia or throughout the nation or the world, and that is virtually certain to be the case on election day which is a standard working weekday for us.

5. One such member from Fulton County is Brian Nunnally, our newly elected business agent and also a long-time working member of the local, who has toured the nation as a “rigger” on musical productions and more recently in his capacity as the IATSE Local 927’s business agent. He is a lifelong Georgia voter, he resides and votes in Fulton County, and he has been forced to travel during election day at least once before, in 2016.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on: 6/21/2024

Allan Herman

ALLAN HERMAN

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Exhibit 2

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DECLARATION OF BRIAN NUNNALLY

I, Brian Nunnally, declare as follows:

1. I am over the age of 18, have personal knowledge of the facts below, and can competently testify to their truth.

2. My name is Brian Nunnally. I am a member of the International Alliance of Theatrical Stage Employees Local 927. I am a flyman and in that role I attach lighting, set pieces, and other equipment to the suspension systems that hang above and behind stages for live music, theater, and television events. I am also the

newly elected business agent for IATSE Local 927, which means that I help connect productions seeking professionals with our members.

3. I was born and raised in Georgia and spent much of my childhood and adulthood living in Atlanta, where I reside today. I am a Fulton County voter and have been a Georgia voter since I first registered to vote.

4. As part of my work, I have traveled throughout the United States on various theatrical and musical tours ranging from Waylon Jennings to Jay-Z to U2. I have also worked on some of the largest public performances in the nation such as Woodstock '99, which took place in New Jersey, and the 2002 Salt Lake City Olympics. While I have traveled for shows less often in recent years, I still do occasionally, and in my new role as business agent, I travel on union business both within Georgia and elsewhere in the country on short notice.

5. My role as business agent is to serve our members whenever and wherever needed and that frequently means handling spur-of-the-moment requests, including, for instance, to help a fellow local member to cover shows during an unplanned absence, to mediate disputes between members and employers, to attend last minute trainings, or to confer with other unions or IATSE officials. I may have only a few days or a week of notice before these trips and may not know their duration. And I have already been required to travel through election day at least once before, in 2016.

6. Applying to vote absentee can be difficult. When I travel with a show, I often work long hours starting early in the morning and stretching well into the evening. I do not have ready access to a printer during these stretches and am often unfamiliar with the city or town. When I travel on behalf of the local, the challenges are similar because I build my schedule around that of my members. That can mean doing general union work during the day and convening in-person with members at night.

7. Because my roles as a working rigger and the business agent of IATSE Local 927 involve a very irregular schedule I am unlikely to know my election day schedule until a week or two prior to the election. Having additional days on which to apply for a ballot, especially days which include the weekend, would be extremely valuable in allowing me to cast my vote.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: 6/21/2024



BRIAN NUNNALLY