

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

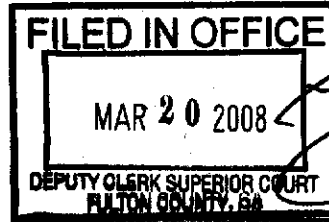
GARLAND FAVORITO, MARK SWAYER  
RICARDO DAVIS, AL HERMAN, FRIEDA  
SMITH, KATHRYN WEITZEL, ADAM  
SHAPIRO, and CATHIE CALABRO,

Plaintiffs,

v.

KAREN HANDEL, Secretary of State,  
SONNY PERDUE, Governor of the State  
of Georgia, GEORGIA STATE ELECTION  
BOARD,

Defendants.



CIVIL ACTION FILE NO.  
2006CV119719

MOTION FOR SUMMARY JUDGMENT  
BY DEFENDANTS

COME NOW KAREN HANDEL (in her official capacity as Secretary of State of Georgia), SONNY PERDUE (in his official capacity as governor of Georgia), and the STATE ELECTION BOARD of the State of Georgia, Defendants herein, and hereby move for summary judgment of each of the Plaintiffs' Counts and requests for judgment as stated in their Complaint as amended each and every time through the Fifth Amendment to that Complaint.

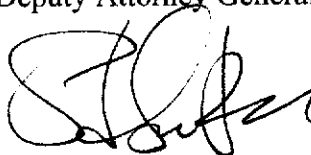
The undisputed facts supporting this motion and the grounds for this motion are set forth, respectively, in the STATEMENT OF UNDISPUTED MATERIAL FACTS BY DEFENDANTS, DEFENDANTS' THEORY OF RECOVERY, and BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, each filed herewith, and all evidentiary materials filed of record mentioned in those documents. Defendants show that these materials show there is no genuine issue of material fact and Defendants are entitled to judgment

as a matter of law pursuant to O.C.G.A. §§ 9-11-12, 9-11-56, and Uniform Superior Court Rule 6.5 on all counts asserted by Plaintiffs.

Respectfully submitted,

THURBERT BAKER            033887  
Attorney General

DENNIS R. DUNN            234098  
Deputy Attorney General



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STEFAN RITTER            606950  
Senior Assistant Attorney General

State Law Department  
40 Capitol Sq, SW  
Atlanta, GA 30334-1300  
Telephone: (404) 656-4666  
Facsimile: (404) 657-9932

**GARLAND FAVORITO, MARK SWAYER  
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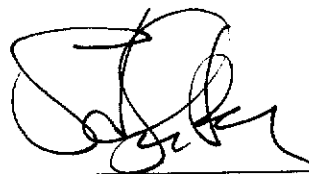
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**CERTIFICATE OF SERVICE**

This will certify that I have this day caused to be served a copy of the within and foregoing MOTION FOR SUMMARY JUDGMENT BY DEFENDANTS upon the Plaintiffs by placing the same in the United States Mail, postage prepaid, addressed to:

**WALKER CHANDLER, ESQ.**  
15 Jackson Street  
P.O. Box 7  
Zebulon, GA 30295

This 20 day of March, 2008.



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**STEFAN RITTER**  
Senior Assistant Attorney General