

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

Judith R.T. O’Kelley, Charles R.T.)	
O’Kelley, St. Johns Missionary Baptist)	
Church, Rabbi Scott Saulson, Reverend)	
Timothy McDonald III, Senator David)	
Adelman, Representative Tyronne)	
Brooks,)	CASE NO.
)	
Plaintiffs,)	
)	
vs.)	
)	
Sonny Perdue, in his official capacity as)	
Governor of the State of Georgia,)	
)	
Defendant.)	

NOTICE OF RELATED CASE

Pursuant to Uniform Superior Court Rules 3.2 and 4.8, Plaintiffs Judith R.T. O’Kelley, Charles R.T. O’Kelley, St. John’s Missionary Baptist Church, Rabbi Scott Saulson, Reverend Timothy McDonald III, Senator David Adelman, and Representative Tyronne Brooks (collectively, “Plaintiffs”) hereby notify the Court of a related case, *O’Kelley, et. al. v. Cathy Cox, in her official capacity as Secretary of State of Georgia*, Civil Action File No. 91122 (“*O’Kelley I*”), assigned to Judge Constance C. Russell, that involved the same Plaintiffs and the same underlying legal issues that are raised in this case. Pursuant to Uniform Superior Court Rule 3.2, Plaintiffs submit that assignment of this action to Judge Russell would be appropriate.

In *O’Kelley I*, Plaintiffs filed suit against Cathy Cox, in her official capacity as Secretary of State of Georgia on September 16, 2004, seeking to enjoin her from placing the proposed constitutional amendment embodied in Senate Resolution 595 (hereinafter,

“Amendment One”) on the November 2, 2004 ballot. *O’Kelley I* was assigned to Judge Russell, who after hearing oral argument on the merits, entered a final order dismissing Plaintiffs’ complaint solely on the basis that the Superior Court lacked jurisdiction to rule on the constitutional issues raised therein, because no election had yet been held on Amendment One. Accordingly, the Superior Court did not address the merits of the constitutional violations raised in Plaintiffs’ Complaint.

Plaintiffs filed a Notice of Appeal on September 30, 2004, and appealed to the Supreme Court of Georgia. The Supreme Court expedited the case and heard oral argument on October 19, 2004. On October 26, 2004, the Supreme Court affirmed the Superior Court’s dismissal of Plaintiffs’ Complaint, upholding the Superior Court’s ruling that the constitutional issues raised therein could not be decided unless and until Amendment One were ratified in the general election.

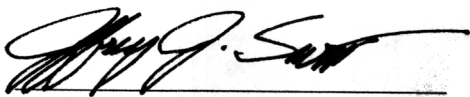
On November 2, 2004, Amendment One appeared on the general election ballot. The Georgia Secretary of State certified the results ratifying Amendment One on November 9, 2004. Consistent with the Supreme Court’s ruling in *O’Kelley I*, Plaintiffs have now refiled their case in this Court, raising the same constitutional issues that were raised by Plaintiffs in *O’Kelley I*.

Uniform Superior Court Rule 3.2 provides as follows, in relevant part:

When practical, all actions involving substantially the same parties, or substantially the same subject matter, or substantially the same factual issues, whether pending simultaneously or not, shall be assigned to the same judge. Whenever such action is refiled, or a derivative or companion action is filed or refiled . . . such action shall be assigned to the judge to whom the original action was or is assigned.

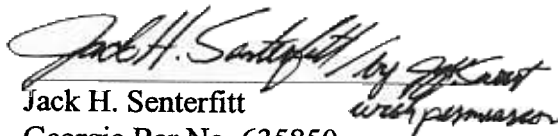
Pursuant to Rule 3.2, Plaintiffs respectfully submit that assignment of this case to Judge Russell would be appropriate.

Respectfully submitted this 9th day of November, 2004.



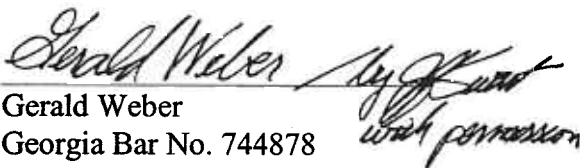
John E. Stephenson, Jr.
Georgia Bar No. 679825
Jeffrey J. Swart
Georgia Bar No. 697310
ALSTON & BIRD LLP
1201 West Peachtree Street, NE
Atlanta, Georgia 30309-3424
(404) 881-7000 (telephone)
(404) 881-7777 (facsimile)

*Attorneys for Plaintiffs Judith R.T.
O'Kelley, Charles R.T. O'Kelley, St. Johns
Missionary Baptist Church, Rabbi Scott
Saulson, Reverend Timothy McDonald III,
Senator David Adelman, and
Representative Tyrone Brooks*



Jack H. Senterfitt
Georgia Bar No. 635850
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
1447 Peachtree Street, NE, Suite 1004
Atlanta, Georgia 30309-3027
(404) 897-1880 (telephone)

*Attorneys for Plaintiffs Judith R.T.
O'Kelley, Charles R.T. O'Kelley, St. Johns
Missionary Baptist Church, Rabbi Scott
Saulson, Senator David Adelman, and
Representative Tyrone Brooks*



Gerald Weber
Georgia Bar No. 744878
Beth Littrell
Georgia Bar No. 454949
AMERICAN CIVIL LIBERTIES UNION
OF GEORGIA
70 Fairlie Street, Suite 340
Atlanta, Georgia 30303
(404) 523-6201 (telephone)

*Attorneys for Plaintiffs Judith R.T.
O'Kelley, Charles R.T. O'Kelley, St. Johns
Missionary Baptist Church, Rabbi Scott
Saulson, Reverend Timothy McDonald III,
Senator David Adelman, and
Representative Tyrone Brooks*