

**IN THE SUPREME COURT
STATE OF GEORGIA**

**GARLAND FAVORITO et al.,
APPELLANTS,**

v.

CASE NO.: S22C1285

**ALEX WAN et al.,
APPELLEES.**

**APPELLANTS' REPLY TO RESPONDENTS' RESPONSE TO
THE PETITIONERS' REQUEST FOR EXPEDITED CONSIDERATION
OF PETITION FOR WRIT OF CERTIORARI**

COME NOW, THE APPELLANTS, by and through their attorneys of record, who file their reply to Respondents' Response to the Petitioners' Request for Expedited Consideration of Petition for Writ of Certiorari, pursuant to Supreme Court of Georgia Rule 26. The Appellants show the Court the following:

1.

The Appellees attempt to mislead the Court by asserting that the Appellants were not denied their right to vote, as the Appellants "had their vote counted in the 2020 election", and as if being able to cast their vote is all that matters. First, the Appellants have averred that one of the Appellants voted for Don Blankenship, and Fulton County shows no record of such a vote cast; therefore, this Appellant's vote has NOT been counted. Secondly, cases such as Baker v. Carr, 369 U.S. 186 (1962) and Reynolds v. Sims, 377 U.S. 533 (1964) show that the dilution or debasement of one's vote is as egregious as the outright denial of the right to vote.

2.

The Appellees next assert that standing should not be granted these Appellants, because some of the Appellants do not reside in Fulton County. The suspected counterfeit ballots cast in Fulton County are part of a statewide election, which if found to be true, dilute the legitimate votes cast by all Appellants.

3.

The insertion of counterfeit ballots creates two classes of ballots: the value of class of ballots are strengthened, while the value of the other class of ballots are diluted. Such dilution of the Appellants' votes is a violation of the Appellants' state due process and state equal protection rights. A violation of a person's state due process and state equal protection rights are certainly cognizable injuries capable of being redressed by this Court.

4.

The rule for standing in Georgia has been established by this Court as "a plaintiff must have a cognizable injury that can be dressed by a judicial decision." Sons of Confederate Veterans v. Henry County Board of Commissioners, WL14147669 (October 25, 2022) (hereinafter "SCV").

5.

Further misdirection from the Appellees is their allegation that the "voter cases" described in SCV "provide no support to [Appellants]", stating that "[t]hose

cases involve local governments that had either refused to conduct an election... or had adopted some procedure (implemented for future elections) that allegedly violated the law.” Stuffing the ballot box with counterfeit ballots is certainly a procedure that violates the law.

6.

Next, the Appellees argue that allowing standing to voters would cause an influx of litigation, is both speculative and a red herring to offer confusion.

7.

The Appellees provide further confusion, by alleging that Appellants are asking the Court to supervise future elections or to fire certain employees of Fulton County, which are complete fabrications. These Appellants have made no such claims.

8.

Lastly, the Appellees’ claim that this Court cannot provide any relief to the Appellants is erroneous, because the prayed for declaratory judgment is itself relief, and a remedy at law. Georgia law states that the Court can

declare rights and other legal relations of any interested party petitioning for the declaration, whether or not further relief is or could be prayed, in any civil case in which it appears to the court that the ends of justice require that the declaration should be made; and the declaration shall have the force and effect of a final judgment or decree and be reviewable as such.

O.C.G.A § 9-4-2 (b). Furthermore, this Court has stated that “[e]ven if the plaintiff alleged only that his or her private rights were violated, the plaintiff had standing to sue, because damages (even if only nominal ones) flowed from the violation of one’s rights.” Sons of Confederate Veterans v. Henry County Board of Commissioners, WL14147669 (October 25, 2022).

9.

This Court can provide the relief the Appellants desire by applying the rule regarding standing from SCV to this case, and send this action back to the trial court.

10.

Such relief is needed immediately, because if the subject ballots are destroyed prior to this Court granting said relief, Appellants will never know the true value of their vote.

WHEREFORE, THE APPELLANTS PRAY:

- a) That the Court **GRANTS** the Appellants’ Motion to Expedite Petition for Writ of Certiorari; and
- b) For any other relief this Court **DEEMS** just and proper.

This submission complies with the rules imposed by Rule 26.

Respectfully submitted this the 22th day of November, 2022.

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CERTIFICATE OF SERVICE

This is to certify that I have this day served the Parties via their counsels of record, a true and correct copy of the **APPELLANTS' REPLY TO RESPONDENTS' RESPONSE TO THE PETITIONERS' REQUEST FOR EXPEDITED CONSIDERATION OF PETITION FOR WRIT OF CERTIORARI** via U.S. Mail, to the following addresses:

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Respectfully submitted this the 22th day of November, 2022.

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