

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

In re Subpoena to Non-Party Lindsey
O. Graham in his official capacity as
United States Senator,

Case No. 1:22-cv-03027-LMM

in the matter of:

Special Purpose Grand Jury, Fulton
County Superior Court Case No.
2022-EX-000024.

**SENATOR LINDSEY O. GRAHAM'S EMERGENCY MOTION TO STAY
ORDER AND ENJOIN SELECT GRAND JURY PROCEEDINGS
PENDING APPEAL**

In accordance with Federal Rule of Appellate Procedure 8(a) and Local Rule 7.2(B), United States Senator Lindsey Graham respectfully moves for a stay of this Court's remand order (Doc. 27) and for an order enjoining the Special Purpose Grand Jury from acting on its Subpoena pending the outcome of Senator Graham's forthcoming appeal. As set forth in the accompanying Memorandum of Law in Support of this motion, Senator Graham asserts constitutional immunity from questioning and will therefore be irreparably harmed if forced to appear before the Special Purpose Grand Jury as a witness on August 23, as currently scheduled, or any time before disposition of his appeal from this Court's order denying his

Expedited Motion to Quash and ordering remand. Accordingly, Senator Graham respectfully requests that the Court grant this motion and provide any further relief the Court deems just and proper.

Date: August 17, 2022

Respectfully submitted,

DONALD F. MCGAHN II
Admitted pro hac vice
ROBERT LUTHER III
Admitted pro hac vice
JONES DAY
51 Louisiana Ave., NW
Washington, DC 20001
(202) 879-3939
dmcgahn@jonesday.com
rluther@jonesday.com

/s/ Brian C. Lea

BRIAN C. LEA
Georgia Bar No. 213529
JONES DAY
1221 Peachtree Street, N.E.,
Suite 400
Atlanta, Georgia 30361
(404) 521-3939
blea@jonesday.com

E. BART DANIEL
Admitted pro hac vice
MARSHALL T. AUSTIN
*Application for admission
pro hac vice pending*
NELSON MULLINS RILEY &
SCARBOROUGH LLP
151 Meeting Street,
Suite 600
Charleston, SC 29401
(843) 853-5200
bart.daniel@nelsonmullins.com
matt.austin@nelsonmullins.com

Counsel for United States Senator Lindsey Graham

CERTIFICATE OF COMPLIANCE WITH LR 5.1(B)

I hereby certify that this brief has been prepared with one of the font, point, and style selections approved by the Court in LR 5.1(B)—namely, double-spaced in 14-point Times New Roman font.

Date: August 17, 2022

/s/ Brian C. Lea

BRIAN C. LEA
Georgia Bar No. 213529
JONES DAY
1221 Peachtree Street, N.E.,
Suite 400
Atlanta, Georgia 30361
(404) 521-3939
blea@jonesday.com

*Counsel for United States Senator Lindsey
Graham*

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all attorneys of record by operation of the Court's electronic filing system.

Date: August 17, 2022

/s/ Brian C. Lea

BRIAN C. LEA
Georgia Bar No. 213529
JONES DAY
1221 Peachtree Street, N.E.,
Suite 400
Atlanta, Georgia 30361
(404) 521-3939
blea@jonesday.com

*Counsel for United States Senator Lindsey
Graham*