

No. 23-13360

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

**DAVID J. SHAFER,
Appellant,**

v.

**STATE OF GEORGIA,
Appellee.**

**On Appeal from the United States District Court
For the Northern District of Georgia
No. 1:23-cv-03720-SCJ
Hon. Steve C. Jones**

UNOPPOSED MOTION TO CONSOLIDATE APPEALS

<p>Craig A. Gillen Georgia Bar No. 294838 Anthony C. Lake Georgia Bar No. 431149 GILLEN & LAKE LLC 400 Galleria Parkway, Suite 1920 Atlanta, Georgia 30339 (404) 842-9700 cgilen@gwllawfirm.com</p>	<p>Holly A. Pierson Georgia Bar No. 579655 PIERSON LAW LLC 2951 Piedmont Road NE, Suite 200 Atlanta, GA 30305 404-353-2316 hpiercion@piersonlawllc.com</p>
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Counsel for Appellant David J. Shafer

**UNITED STATES COURT OF APPEALS
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STATE OF GEORGIA,

Case No: 23-13360-B

v.

DAVID SHAFER

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

David Shafer, Appellant, files this Certificate of Interested Persons and Corporate Disclosure Statement, listing all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party, as follows:

Alex M. Bernick, Counsel for Appellee

Thomas Bever, Counsel for Appellant Shawn Still

Bondurant Mixson & Elmore LLP, Counsel for Appellee

William "Bill" Cromwell, Counsel for Appellant Cathleen Latham

Anna G. Cross, Counsel for Appellee

Cross Kincaid, Counsel for Appellee

John E. Floyd, Counsel for Appellee

Craig A. Gillen, Counsel for Appellant David J. Shafer

Gillen & Lake LLC, Counsel for Appellant David J. Shafer

The Honorable Steve C. Jones, United States District Judge

Anthony C. Lake, Counsel for Appellant David J. Shafer

Cathleen Latham, Appellant

Cole McFerren, Counsel for Appellant Shawn Still

Adam S. Ney, Counsel for Appellee

Holly A. Pierson, Counsel for Appellant David J. Shafer

Grant H. Rood, Counsel for Appellee

David J. Shafer, Appellant

Shawn Still, Appellant

State of Georgia, Appellee

Nathan J. Wade, Counsel for Appellee

Wade & Campbell Firm, Counsel for Appellee

Francis M. Wakeford, IV, Counsel for Appellee

Fani T. Willis, Counsel for Appellee

John W. Wooten, Counsel for Appellee

Daysha D. Young, Counsel for Appellee

Respectfully submitted, this 17th day of October, 2023.

/s/ Craig A. Gillen
Craig A. Gillen
Georgia Bar No. 294838
Anthony C. Lake
Georgia Bar No. 431149
GILLEN & LAKE LLC
400 Galleria Parkway,
Suite 1920
Atlanta, Georgia 30339
(404) 842-9700
cgillen@gwllawfirm.com

/s/ Holly A. Pierson
Holly A. Pierson
Georgia Bar No. 579655
PIERSON LAW LLC
2851 Piedmont Road NE,
Suite 200
Atlanta, GA 30305
(404) 353-2316
hpierson@piersonlawllc.com

Counsel for David J. Shafer

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NOW COMES Appellant David J. Shafer pursuant to Fed R. App. P. 3 and 11th Cir. R. 27-1(c)(4) and moves this Court to consolidate this appeal with the appeals of Shawn Still, Case No. 23-13361, and Cathleen Latham, Case No. 23-13362, showing this Court as follows:

1. Appellant Shafer's counsel has conferred with counsel for Appellee, the State of Georgia, and Appellee does not oppose the proposed consolidation of the appeals.
2. On August 14, 2023, a grand jury empaneled in the Superior Court of Fulton County, Georgia, returned an indictment against Mr. Shafer and 18 other defendants, including Ms. Cathleen Latham and Mr. Shawn Still (collectively "Appellants"), Georgia Case No. 23SC188947 (Fulton County Superior Court) (the "State Case").

3. Each of Appellants' appeals arise from the United States District Court for the Northern District of Georgia's denial of each Appellant's attempt to remove the State Case to federal court.

4. The hearing in the District Court on the removal notices for each of the Appellants was consolidated into a single hearing, so there is a single transcript for that hearing that is necessary to all three of the currently pending appeals.

5. Federal Rule of Appellate Procedure 3 permits the Court to join or consolidate appeals where parties have filed separate appeals. *See* FRAP 3(b)(2). The Clerk of Court is authorized to act for the Court to consolidate appeals from the same district court on an unopposed procedural motion. *See* 11th Cir. R. 27-1(c)(4).

6. The legal issues that will be raised on appeal by the Appellants are the same, and Appellants' factual and legal positions on these issues are aligned.¹

7. Consolidating these three cases on appeal will serve judicial economy and be more economical and efficient for Appellants and Appellee.

¹ In addition to the identical issues that Appellants will raise regarding removal to federal court under 28 U.S.C. § 1442. Mr. Shafer also sought federal court jurisdiction through a writ of habeas and injunctive relief.

CONCLUSION

For these reasons, Mr. Shafer respectfully request that this Court consolidate these three cases for purposes of appeal.²

Respectfully submitted, this 17th day of October, 2023.

/s/ Craig A. Gillen
Craig A. Gillen
Georgia Bar No. 294838
Anthony C. Lake
Georgia Bar No. 431149
GILLEN & LAKE LLC
400 Galleria Parkway,
Suite 1920
Atlanta, Georgia 30339
(404) 842-9700
cgillen@gwllawfirm.com

/s/ Holly A. Pierson
Holly A. Pierson
Georgia Bar No. 579655
PIERSON LAW LLC
2851 Piedmont Road NE,
Suite 200
Atlanta, GA 30305
(404) 353-2316
hpierson@piersonlawllc.com

Counsel for David J. Shafer

² Each Appellant has filed an appropriate version of this Unopposed Motion to Consolidate with this Court in their pending appeal.

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing Motion to Consolidate Appeals complies with the Federal Rules of Appellate Procedure and this Court's Rules, including 11th Cir. R 27-1.

This the 17th day of October, 2023.

/s/ Holly A. Pierson

Holly A. Pierson

Georgia Bar No. 579655

PIERSON LAW LLC

2851 Piedmont Road NE, Suite 200

Atlanta, GA 30305

(404) 353-2316

hpierson@piersonlawllc.com

Counsel for David J. Shafer

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date set forth below, a true and accurate copy of the foregoing Motion to Consolidate Appeals was filed electronically with the U.S. Court of Appeals for the Eleventh Circuit through the Court's ECF system, which will send notice of this filing to all counsel of record.

This the 17th day of October, 2023.

/s/ Holly A. Pierson
Holly A. Pierson
Georgia Bar No. 579655
PIERSON LAW LLC
2851 Piedmont Road NE, Suite 200
Atlanta, GA 30305
(404) 353-2316
hpierson@piersonlawllc.com

Counsel for David J. Shafer