

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

v.

JEFFREY B. CLARK, ET AL.,

Defendants

Case No.

23SC188947

**MOTION TO REQUIRE THE STATE TO FILE WRITTEN
RESPONSES TO MOTIONS (INCLUDING THE SPECIAL
PLEA AS TO PERSONAL JURISDICTION) AND TO
PERMIT SUFFICIENT TIME FOR A REPLY**

Comes Now Jeffrey Bossert Clark, Defendant in the above-entitled matter, and respectfully moves the Court to require the State to file a written response by November 15, 2023 to Mr. Clark's Special Plea as to Personal Jurisdiction, filed on October 31, 2023, and to permit Mr. Clark to file a reply brief in support of that specific motion by November 20, 2023. Additionally, as a general matter, Mr. Clark seeks a ruling from the Court that as to any future motions he files the State be required to file a written response within two weeks, followed by a reply brief from Mr. Clark within one week.

In the motion practice carried out by other defendants, we have already seen the State's preference to not file any written response to complex substantive legal arguments, but to instead just show up at hearings with their legal arguments set forth in a PowerPoint presentation, effectively surprising defendant-movants with substantive

case law and the like seen for the first time at the hearing. At the request of other defendants in this case, the Court has required the State to file written briefs in response to defense motions. Mr. Clark accordingly asks the Court to do the same with respect to his motions, and to do so in on a schedule that allows Mr. Clark seven days in which to file a reply brief in support of his motions and special pleas, even as he remains confident that the Special Plea as to Personal Jurisdiction should be granted, which would obviate the need for any further motions practice by Mr. Clark.

Full and proper briefing of the momentous legal issues in this case will give the parties a fair opportunity to prepare and present their arguments and will help the Court to make the best decisions possible based on a funneling of the points in reasonable dispute by the time oral argument during a hearing occurs. This would be far more orderly and helpful to the Court than the State's argument by ambush as seen earlier in this case.

CONCLUSION

Mr. Clark therefore respectfully prays (1) as to the Special Plea as to Personal Jurisdiction, the State be ordered to file a written response on or before November 15, 2023, to be followed by a reply brief in support of the special plea on or before November 20, 2023; and (2) as a general matter, the Court require the State to file written responses to Mr. Clark's motions and special pleas within two weeks and to permit him one week in which to file replies in support of his motions and special pleas.

Respectfully submitted, this 8th day of November 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November 2023, I electronically lodged the within and foregoing *Motion to Require the State to File Written Responses to Motions (Including the Special Plea as to Personal Jurisdiction) and to Permit Sufficient Time for A Reply* with the Clerk of Court using the PeachCourt eFile/GA system which will provide automatic notification to counsel of record for the State of Georgia:

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