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October 27, 2008

BY CERTIFIED MAIL AND HAND DELIVERY

Emmet J. Bondurant, Esq.
Bondurant, Mixson & Elmore, LLP
3900 One Atlantic Center
1201 W. Peachtree Street
Atlanta, GA 30309

Re: *Democratic Party of Georgia, Inc. v. Sonny Perdue, et al.*, Superior Court of
Fulton County, Civil Action No. 2008-CV-151081

Dear Mr. Bondurant:

This letter is sent to you and your client to provide you with an opportunity to voluntarily withdraw, abandon, discontinue, or dismiss the Complaint for Declaratory and Injunctive Relief filed in the above-captioned case against Sonny Perdue, Karen Handel, and the State Election Board (“the State Defendants”). The action against these parties lacks substantial justification in that it is substantially frivolous and substantially vexatious, and is interposed for delay and harassment.

As you are aware, this is the fourth such action that has been filed by you and/or your co-counsel in federal and state courts seeking to declare the 2006 Photo ID Act unconstitutional and permanently enjoin its enforcement. All other actions have been dismissed either due to lack of standing or on the merits. Following the decision of the Supreme Court of Georgia in Perdue v. Lake, 282 Ga. 348 (2007), and the decision of the United States District Court for the Northern District of Georgia in Common Cause/Ga. v. Billups, 504 F. Supp. 2d 1333 (N.D. Ga. 2007), neither you, your co-counsel, nor the current Plaintiff, the Democratic Party of Georgia, Inc., filed an action to enjoin the enforcement of the 2006 Photo ID Act for any of the elections in which the Act was implemented prior to the 2008 general primary. The current Complaint does not articulate any legal justification for declaring the 2006 Photo ID Act unconstitutional; moreover, the current effort to enjoin the statute is being interposed in order to delay and frustrate the regular election process, to harass the State Defendants, and for the sake of frivolity.

Emmet J. Bondurant, Esq.

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In addition to the foregoing, Plaintiff has now had the additional opportunity to present the same arguments and evidence previously presented in the Common Cause/Georgia case to the superior court in July 2008 and October 2008, and those arguments were again rejected by the superior court. Finally, the Supreme Court of Georgia has now denied Plaintiff's effort to enjoin the operation of the 2006 Photo ID Act for the November 4, 2008 general election.

Accordingly, notice is hereby given to you and your client that unless the Complaint for Declaratory and Injunctive Relief against the State Defendants is dismissed within thirty (30) days from the date of receipt of this letter, it is the intention of the State Defendants to pursue such remedies as may be available to them under the provisions of O.C.G.A. §§ 9-15-14 and 51-7-80, *et seq.* to recover State Defendants' expenses of litigation, including attorneys' fees, together with such other costs and expenses as may be incurred as a result of the lawsuit.

Sincerely,



Mark H. Cohen

cc: Honorable Sonny Perdue
Honorable Karen Handel
Members of the State Election Board
Dennis R. Dunn, Esq.
Anne W. Lewis, Esq.
Edward Hine, Jr., Esq.
Roy E. Barnes, Esq.
Jennifer Auer Jordan, Esq.
Miles J. Alexander, Esq.
Ralph I. Knowles, Esq.
Michael K. Jablonski, Esq.