

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

TATI ABU KING *and* TONI HEATH JOHNSON,

Plaintiffs,

v.

JOHN O'BANNON, *in his official capacity as Chairman of the State Board of Elections for the Commonwealth of Virginia*; ROSALYN R. DANCE, *in her official capacity as Vice Chair of the State Board of Elections for the Commonwealth of Virginia*; GEORGIA ALVIS-LONG, *in her official capacity as Secretary of the State Board of Elections for the Commonwealth of Virginia*; DONALD W. MERRICKS, *in his official capacity as a member of the State Board of Elections for the Commonwealth of Virginia*; MATTHEW WEINSTEIN, *in his official capacity as a member of the State Board of Elections for the Commonwealth of Virginia*; SUSAN BEALS, *in her official capacity as Commissioner of the Department of Elections for the Commonwealth of Virginia*; ERIC SPICER, *in his official capacity as the General Registrar of Fairfax County, Virginia*; and SANDY C. ELSWICK, *in her official capacity as the General Registrar of Smyth County, Virginia,*

Defendants.

Case No. 3:23-cv-00408 (JAG)

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs Tati Abu King and Toni Heath Johnson (“Plaintiffs”) respectfully move this Court for certification of the following class pursuant to Fed. R. Civ. P. 23(a) and 23(b)(2), or, in the alternative, 23(b)(1)(A):

All citizens of the Commonwealth of Virginia who are currently, or in the future will be, disqualified from voting under Article II, Section 1 of the Virginia Constitution because they were convicted of a crime that was not a felony at common law in 1870.

Plaintiffs also respectfully move the Court to appoint (1) Plaintiffs as class representatives and (2) the undersigned counsel as class counsel, pursuant to Fed. R. Civ. P. 23(c)(1)(B) and 23(g).

In support of this motion, Plaintiffs submit (1) a memorandum of law in support; (2) declarations of proposed class representatives, Plaintiffs King and Johnson; (3) declarations of Robert Kingsley Smith, Eden Heilman, and Jared Davidson on behalf of proposed class counsel Wilmer Cutler Pickering Hale and Dorr LLP, American Civil Liberties Union Foundation of Virginia, and Protect Democracy Project; (4) the declaration of Nicholas Werle introducing exhibits supporting the motion and memorandum of law; and (5) a proposed order.

Dated: July 18, 2025

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Counsel for Plaintiffs

**admitted pro hac vice*

***pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on July 18, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically e-mail notification of such filing to all counsel of record.

/s/ Brittany Blueitt Amadi

Brittany Blueitt Amadi (VSB No. 80078)

Counsel for Plaintiff