

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**1:17-cv-02989-AT
Curling et al v. Kemp et al
Honorable Amy Totenberg**

Minute Sheet for proceedings held In Courtroom on 9/12/2018.

TIME COURT COMMENCED: 10:18 A.M.

TIME COURT CONCLUDED: 6:25 P.M.

COURT REPORTER: Shannon Welch

TIME IN COURT: 7:21

DEPUTY CLERK: Amy McConochie

OFFICE LOCATION: Atlanta

ATTORNEY(S) PRESENT: Roy Barnes representing State of Election Board
Roy Barnes representing The State Election Board
Roy Barnes representing Brian P. Kemp
Roy Barnes representing David J. Worley
Roy Barnes representing Ralph F. (Rusty) Simpson
Roy Barnes representing Rebecca N. Sullivan
Roy Barnes representing Seth Harp
Jane Bentrrott representing Donna Curling
Jane Bentrrott representing Donna Price
Jane Bentrrott representing Jeffrey Schoenberg
Bruce Brown representing Coalition for Good Governance
Kaye Burwell representing The Fulton County Board of
Registration and Elections
Kaye Burwell representing Aaron Johnson
Kaye Burwell representing David J. Burge
Kaye Burwell representing Mark Wingate
Kaye Burwell representing Mary Carole Cooney
Kaye Burwell representing Richard Barron
Kaye Burwell representing Stan Matarazzo
Kaye Burwell representing Vernetta Nuriddin
Catherine Chapple representing Donna Curling
Catherine Chapple representing Donna Price
Catherine Chapple representing Jeffrey Schoenberg
David Cross representing Donna Curling
David Cross representing Donna Price
David Cross representing Jeffrey Schoenberg
Robert Highsmith representing Merle King
Cary Ichter representing Coalition for Good Governance
Cary Ichter representing Laura Digges

Cary Ichter representing Ricardo Davis
Cary Ichter representing William Digges
Halsey Knapp representing Donna Curling
Halsey Knapp representing Donna Price
Halsey Knapp representing Jeffrey Schoenberg
Robert McGuire representing Coalition for Good Governance
David Lowman representing The Fulton County Board of
Registration and Elections
David Lowman representing Aaron Johnson
David Lowman representing David J. Burge
David Lowman representing Mark Wingate
David Lowman representing Mary Carole Cooney
David Lowman representing Richard Barron
David Lowman representing Stan Matarazzo
David Lowman representing Vernetta Nuriddin
Robert Manoso representing Donna Curling
Robert Manoso representing Donna Price
Robert Manoso representing Jeffrey Schoenberg
Robert Highsmith representing Merle King
Cheryl Ringer representing The Fulton County Board of
Registration and Elections
Cheryl Ringer representing David J. Burge
Cheryl Ringer representing Mary Carole Cooney
Cheryl Ringer representing Richard Barron
Cheryl Ringer representing Stan Matarazzo
Cheryl Ringer representing Vernetta Nuriddin
John Salter representing State of Election Board
John Salter representing Brian P. Kemp
John Salter representing David J. Worley
John Salter representing Ralph F. (Rusty) Simpson
John Salter representing Rebecca N. Sullivan
John Salter representing Seth Harp
Daniel White representing The Cobb County Board of Elections
and Registration
Daniel White representing Darryl O. Wilson
Daniel White representing Fred Aiken
Daniel White representing Janine Eveler
Daniel White representing Jessica Brooks
Daniel White representing Joe Pettit
Daniel White representing Phil Daniell

OTHER(S) PRESENT: Marilyn Marks of the Coalition for Good Governance, Ryan Germany
PROCEEDING CATEGORY: Motion Hearing (PI or TRO Hearing - Evidentiary)

MINUTE TEXT: The Court heard argument from the parties on the issues of immunity, standing, res judicata, and collateral estoppel. The Court deferred ruling on the issues of res judicata and collateral estoppel. A written order on these issues will be forthcoming at the end of this week or beginning of next week. The Court ruled that the parties had standing and that Plaintiffs' federal claims were not barred by the 11th Amendment. The Court heard opening arguments on Plaintiffs' motions for preliminary injunction. The Curling Plaintiffs called Alex Halderman to the stand. The witness was sworn and testified with cross-exam by the State and Fulton County Defendants. The Court accepted Halderman as an expert computer science engineer with a background in voting technology. A lunch recess was had. Court resumed. The Coalition Plaintiffs called Richard DeMillo to the stand. The witness was sworn and testified with cross-exam from the State Defendants, redirect by Plaintiffs, and questioning from the Court. The Curling Plaintiffs called Chris Harvey to the stand. The witness was sworn and testified with cross-exam by the State Defendants, redirect by Plaintiffs, and questioning from the Court. State Defendants called Michael Barnes to the stand. The witness was sworn and testified with cross-exam from Plaintiffs, and redirect from State Defendants. The Fulton County Defendants called Cecilia Houston-Torrence to the stand. The witness was sworn and testified with cross-exam by the Coalition Plaintiffs. The Fulton County Defendants called Richard Barron to the stand. The witness was sworn and testified with cross-exam by Plaintiffs and redirect by the Fulton County Defendants. State Defendants call Cathy Cox to the stand. The witness was sworn and testified with cross-exam by Plaintiffs. By 1:00 PM on Thursday, September 13, 2018, the State Defendants are to file an affidavit from Rebecca Sullivan; the Plaintiffs may file a response by 5:00 PM on Thursday, September 13, 2018. The parties may file a 1 page closing statement. Plaintiffs' Exhibits 1-6, 9, 10 admitted. The Court reserved ruling on the admission of Plaintiffs' Exhibit 7 pending further submission re authenticity from the State Defendants. State Defendants' Exhibits 1-2 admitted.