

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, *et al.*

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' MOTION FOR EXTENSION OF TIME  
AND BRIEFING SCHEDULE**

State Defendants respectfully request that this Court set a combined briefing schedule for responding to all of the motions to amend the operative complaints in this matter to challenge the State's new voting system.

Defendants' responses to Curling Plaintiffs' Motion for Leave to Amend [Doc. 581] are currently due on August 30, 2019.

Following this Court's teleconference on August 27, 2019, Coalition Plaintiffs advised the Court and the parties that they also planned to file a Motion for Leave to file a supplemental pleading to challenge the State's new voting system. *See* Email from R. McGuire, attached as Ex. A. That evening, State Defendants requested whether both groups of Plaintiffs would agree to a combined briefing schedule. Coalition Plaintiffs take no position on this

motion. Curling Plaintiffs recently notified State Defendants that they will not agree to a consolidated briefing schedule or to this motion.

As this Court recognized when it set a combined schedule for the two motions for preliminary injunction [Doc. 398], there are efficiencies that can be gained in avoiding multiple responses to similar issues. Therefore, State Defendants request that this Court set the following briefing schedule, which is based on Coalition Plaintiffs' representations to this Court about the date of their planned filing:

<b>EVENT</b>	<b>DATE</b>
Coalition Plaintiffs' Motion for Leave to File Amended Complaint	September 6, 2019
Defendants' Consolidated Responses to Motions for Leave to Amend	September 20, 2019
Plaintiffs' Replies in Support of Motions for Leave to Amend	October 4, 2019

A proposed order is attached.

Respectfully submitted this 29th day of August, 2019.

Vincent R. Russo  
 Georgia Bar No. 242628  
 vrusso@robbinsfirm.com  
 Josh Belinfante  
 Georgia Bar No. 047399  
 jbelinfante@robbinsfirm.com  
 Carey A. Miller  
 Georgia Bar No. 976240  
 cmiller@robbinsfirm.com

Kimberly Anderson  
Georgia Bar No. 602807  
kanderson@robbinsfirm.com  
Alexander Denton  
Georgia Bar No. 660632  
adenton@robbinsfirm.com  
Brian E. Lake  
Georgia Bar No. 575966  
blake@robbinsfirm.com  
Robbins Ross Alloy Belinfante Littlefield LLC  
500 14th Street, N.W.  
Atlanta, Georgia 30318  
Telephone: (678) 701-9381  
Facsimile: (404) 856-3250

/s/ Bryan P. Tyson

Bryan P. Tyson  
Georgia Bar No. 515411  
btyson@taylorenghish.com  
Bryan F. Jacoutot  
Georgia Bar No. 668272  
bjacoutot@taylorenghish.com  
TAYLOR ENGLISH DUMA LLP  
1600 Parkwood Circle, Suite 200  
Atlanta, GA 30339  
Telephone: (678)336-7249

*Counsel for State Defendants*

**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing STATE DEFENDANTS' MOTION FOR EXTENSION OF TIME AND BRIEFING SCHEDULE has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson  
Bryan P. Tyson

# **EXHIBIT A**

**From:** [Robert McGuire](#)  
**To:** [Harry Martin](#); [Cary Ichter](#); [Adrienne.Hutcherson@fultoncountyga.gov](mailto:Adrienne.Hutcherson@fultoncountyga.gov); [CChapple@mofo.com](mailto:CChapple@mofo.com); [JCarlin@mofo.com](mailto:JCarlin@mofo.com); [Jene.Gipson@fultoncountyga.gov](mailto:Jene.Gipson@fultoncountyga.gov); [RManoso@mofo.com](mailto:RManoso@mofo.com); [Tammy.walton@fultoncountyga.gov](mailto:Tammy.walton@fultoncountyga.gov); [Alyssa.Alsbrooks@adenton@robbsfirm.com](mailto:Alyssa.Alsbrooks@adenton@robbsfirm.com); [afrancisco@altshulerberzon.com](mailto:afrancisco@altshulerberzon.com); [amirivala@mofo.com](mailto:amirivala@mofo.com); [antwanna.stinson@fultoncountyga.gov](mailto:antwanna.stinson@fultoncountyga.gov); [atlanta@lawyerworks.com](mailto:atlanta@lawyerworks.com); [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); [bjacoutot@gmail.com](mailto:bjacoutot@gmail.com); [Bryan.Jacoutot](mailto:Bryan.Jacoutot); [blake@robbsfirm.com](mailto:blake@robbsfirm.com); [bryan.tyson@tysonstrategies.com](mailto:bryan.tyson@tysonstrategies.com); [Bryan.Tyson](mailto:Bryan.Tyson); [Carolyn.Adams](mailto:Carolyn.Adams); [cbradley@brucepbrownlaw.com](mailto:cbradley@brucepbrownlaw.com); [cchapple@mofo.com](mailto:cchapple@mofo.com); [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [cmiller@robbsfirm.com](mailto:cmiller@robbsfirm.com); [crystal@khlawfirm.com](mailto:crystal@khlawfirm.com); [cwoods@mofo.com](mailto:cwoods@mofo.com); [david-cross-8491@ecf.pacerpro.com](mailto:david-cross-8491@ecf.pacerpro.com); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); [dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org); [dbutler@robbsfirm.com](mailto:dbutler@robbsfirm.com); [dcross@mofo.com](mailto:dcross@mofo.com); [dmcDaniel@robbsfirm.com](mailto:dmcDaniel@robbsfirm.com); [dovie@khlawfirm.com](mailto:dovie@khlawfirm.com); [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); [jbanuelos@altber.com](mailto:jbanuelos@altber.com); [jbelinfante@robbsfirm.com](mailto:jbelinfante@robbsfirm.com); [jbentrott@mofo.com](mailto:jbentrott@mofo.com); [jconaway@mofo.com](mailto:jconaway@mofo.com); [jenglish@robbsfirm.com](mailto:jenglish@robbsfirm.com); [Janis.Lemieux](mailto:Janis.Lemieux); [jonlschwartz@mac.com](mailto:jonlschwartz@mac.com); [jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org); [kanderson@robbsfirm.com](mailto:kanderson@robbsfirm.com); [katina.patterson@fultoncountyga.gov](mailto:katina.patterson@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [kmccuiston@robbsfirm.com](mailto:kmccuiston@robbsfirm.com); [lpatino@lawyerscommittee.org](mailto:lpatino@lawyerscommittee.org); [mbrimer@mofo.com](mailto:mbrimer@mofo.com); [mmurray@altber.com](mailto:mmurray@altber.com); [nakeia.staley@fultoncountyga.gov](mailto:nakeia.staley@fultoncountyga.gov); [rabney@lawyerworks.com](mailto:rabney@lawyerworks.com); [Rashmi.Ahuja](mailto:Rashmi.Ahuja); [rmanoso@mofo.com](mailto:rmanoso@mofo.com); [rmeier@robbsfirm.com](mailto:rmeier@robbsfirm.com); [sberzon@altber.com](mailto:sberzon@altber.com); [sleyton@altber.com](mailto:sleyton@altber.com); [smorris@robbsfirm.com](mailto:smorris@robbsfirm.com); [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); [vrusso@robbsfirm.com](mailto:vrusso@robbsfirm.com); [william@nhphlaw.com](mailto:william@nhphlaw.com)  
**Cc:** [Janis Lemieux](#); [Marilyn Marks](#)  
**Subject:** RE: 17-cv-02989-AT Curling et al v. Raffensperger et al  
**Date:** Tuesday, August 27, 2019 1:06:57 PM

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Mr. Martin,

At the conclusion of today's conference, Judge Totenberg summarized the pending briefs that the Court was anticipating.

Although it did not get mentioned on the call, the Coalition Plaintiffs will be filing a motion for leave to file a supplemental complaint to challenge the constitutionality of the new BMD voting system. We anticipate this motion, with a proposed supplemental complaint attached, will be filed by the end of next week, meaning by September 6th.

Since this forthcoming filing was not noted on the call, we wanted to make sure that the Court and all parties are aware it is coming.

Thank you.

Best,  
Robert McGuire

ROBERT A. MCGUIRE, III \*\*\* NOTE NEW CONTACT DETAILS BELOW \*\*\*  
SHAREHOLDER | THE ROBERT MCGUIRE LAW FIRM  
1624 MARKET ST STE 226 #86685, DENVER, CO 80202-2523 | 113 CHERRY ST #86685, SEATTLE, WA 98104-2205  
E: [ram@lawram.com](mailto:ram@lawram.com) | T/F: 720.420.1395 | T/F: 253.267.8530 | [www.lawram.com](http://www.lawram.com)

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---

**From:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>  
**Sent:** Tuesday, August 27, 2019 7:37 AM  
**To:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Cary Ichter <[Clichter@IchterDavis.com](mailto:Clichter@IchterDavis.com)>; [Adrienne.Hutcherson@fultoncountyga.gov](mailto:Adrienne.Hutcherson@fultoncountyga.gov); [CChapple@mofo.com](mailto:CChapple@mofo.com); [JCarlin@mofo.com](mailto:JCarlin@mofo.com); [Jene.Gipson@fultoncountyga.gov](mailto:Jene.Gipson@fultoncountyga.gov); [RManoso@mofo.com](mailto:RManoso@mofo.com); [Tammy.walton@fultoncountyga.gov](mailto:Tammy.walton@fultoncountyga.gov);

Alyssa Alsbrooks <aalsbrooks@IchterDavis.com>; adenton@robbinsfirm.com;  
afrancisco@altshulerberzon.com; amiriyala@mofo.com; antwanna.stinson@fultoncountyga.gov;  
atlanta@lawyerworks.com; bbrown@brucepbrownlaw.com; bjacoutot@gmail.com;  
bjacoutot@taylorenghish.com; blake@robbinsfirm.com; bryan.tyson@tysonstrategies.com;  
btyson@taylorenghish.com; cadams@taylorenghish.com; cbradley@brucepbrownlaw.com;  
cchapple@mofo.com; cheryl.ringer@fultoncountyga.gov; cmiller@robbinsfirm.com;  
crystal@khlawfirm.com; cwoods@mofo.com; david-cross-8491@ecf.pacerpro.com;  
david.lowman@fultoncountyga.gov; dbrody@lawyerscommittee.org; dbutler@robbinsfirm.com;  
dcross@mofo.com; dmcdaniel@robbinsfirm.com; dovie@khlawfirm.com; hknapp@khlawfirm.com;  
jbanuelos@altber.com; jbelinfante@robbinsfirm.com; jbentrott@mofo.com; jconaway@mofo.com;  
jenglish@robbinsfirm.com; Janis Lemieux <JLemieux@IchterDavis.com>; jonlschwartz@mac.com;  
jpowers@lawyerscommittee.org; kanderson@robbinsfirm.com;  
katina.patterson@fultoncountyga.gov; kaye.burwell@fultoncountyga.gov;  
kmccuiston@robbinsfirm.com; lpatino@lawyerscommittee.org; mbrimer@mofo.com;  
mmurray@altber.com; nakeia.staley@fultoncountyga.gov; rabney@lawyerworks.com;  
rahuja@taylorenghish.com; rmanoso@mofo.com; rmeier@robbinsfirm.com; sberzon\_altber.com  
<sberzon@altber.com>; sleyton\_altber.com <sleyton@altber.com>; smorris@robbinsfirm.com;  
sparks@khlawfirm.com; vrusso@robbinsfirm.com; william@nhphlaw.com

**Cc:** Janis Lemieux <JLemieux@IchterDavis.com>; Marilyn Marks <marilyn@aspensoffice.com>

**Subject:** RE: 17-cv-02989-AT Curling et al v. Raffensperger et al

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3232#

Harry F. Martin  
Courtroom Deputy Clerk  
to the Honorable Amy Totenberg  
2388 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, Georgia 30303-3309  
(404) 215-1437

---

**From:** Robert McGuire <ram@lawram.com>

**Sent:** Tuesday, August 27, 2019 10:31 AM

**To:** Harry Martin <Harry\_Martin@gand.uscourts.gov>; Cary Ichter <CIchter@IchterDavis.com>;  
Adrienne.Hutcherson@fultoncountyga.gov; CChapple@mofo.com; JCarlin@mofo.com;  
Jene.Gipson@fultoncountyga.gov; RManoso@mofo.com; Tammy.walton@fultoncountyga.gov;  
Alyssa Alsbrooks <aalsbrooks@IchterDavis.com>; adenton@robbinsfirm.com;  
afrancisco@altshulerberzon.com; amiriyala@mofo.com; antwanna.stinson@fultoncountyga.gov;  
atlanta@lawyerworks.com; bbrown@brucepbrownlaw.com; bjacoutot@gmail.com;  
bjacoutot@taylorenghish.com; blake@robbinsfirm.com; bryan.tyson@tysonstrategies.com;  
btyson@taylorenghish.com; cadams@taylorenghish.com; cbradley@brucepbrownlaw.com;  
cchapple@mofo.com; cheryl.ringer@fultoncountyga.gov; cmiller@robbinsfirm.com;  
crystal@khlawfirm.com; cwoods@mofo.com; david-cross-8491@ecf.pacerpro.com;  
david.lowman@fultoncountyga.gov; dbrody@lawyerscommittee.org; dbutler@robbinsfirm.com;

dcross@mofo.com; dmcdaniel@robbinsfirm.com; dovie@khlawfirm.com; hknapp@khlawfirm.com; jbanuelos@altber.com; jbelinfante@robbinsfirm.com; jbentrott@mofo.com; jconaway@mofo.com; jenglish@robbinsfirm.com; Janis Lemieux <JLemieux@IchterDavis.com>; jonlschwartz@mac.com; jpowers@lawyerscommittee.org; kanderson@robbinsfirm.com; katina.patterson@fultoncountyga.gov; kaye.burwell@fultoncountyga.gov; kmccuiston@robbinsfirm.com; lpatino@lawyerscommittee.org; mbrimer@mofo.com; mmurray@altber.com; nakeia.staley@fultoncountyga.gov; rabney@lawyerworks.com; rahuja@taylorenghish.com; rmanoso@mofo.com; rmeier@robbinsfirm.com; sberzon\_altber.com <sberzon@altber.com>; sleyton\_altber.com <sleyton@altber.com>; smorris@robbinsfirm.com; sparks@khlawfirm.com; vrusso@robbinsfirm.com; william@nhphlaw.com

**Cc:** Janis Lemieux <JLemieux@IchterDavis.com>; Marilyn Marks <marilyn@aspensoffice.com>

**Subject:** RE: 17-cv-02989-AT Curling et al v. Raffensperger et al

Mr. Martin,

Access code 7007576, security code 3232 are not working to join the call. Are these correct codes?

Thank you.

Best,  
Robert McGuire

ROBERT A. MCGUIRE, III

SHAREHOLDER | THE ROBERT MCGUIRE LAW FIRM

1624 MARKET ST STE 226 #86685, DENVER, CO 80202-2523 | 113 CHERRY ST #86685, SEATTLE, WA 98104-2205

E: [ram@lawram.com](mailto:ram@lawram.com) | T/F: 720.420.1395 | T/F: 253.267.8530 | [www.lawram.com](http://www.lawram.com)

\*\*\* NOTE NEW CONTACT DETAILS BELOW \*\*\*

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---

**From:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>

**Sent:** Monday, August 26, 2019 7:53 AM

**To:** Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>; [Adrienne.Hutcherson@fultoncountyga.gov](mailto:Adrienne.Hutcherson@fultoncountyga.gov); [CChapple@mofo.com](mailto:CChapple@mofo.com); [JCarlin@mofo.com](mailto:JCarlin@mofo.com); [Jene.Gipson@fultoncountyga.gov](mailto:Jene.Gipson@fultoncountyga.gov); [RManoso@mofo.com](mailto:RManoso@mofo.com); [Tammy.walton@fultoncountyga.gov](mailto:Tammy.walton@fultoncountyga.gov); Alyssa Alsbrooks <[aalsbrooks@IchterDavis.com](mailto:aalsbrooks@IchterDavis.com)>; [adenton@robbinsfirm.com](mailto:adenton@robbinsfirm.com); [afrancisco@altshulerberzon.com](mailto:afrancisco@altshulerberzon.com); [amiriyala@mofo.com](mailto:amiriyala@mofo.com); [antwanna.stinson@fultoncountyga.gov](mailto:antwanna.stinson@fultoncountyga.gov); [atlanta@lawyerworks.com](mailto:atlanta@lawyerworks.com); [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); [bjacoutot@gmail.com](mailto:bjacoutot@gmail.com); [bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com); [blake@robbinsfirm.com](mailto:blake@robbinsfirm.com); [bryan.tyson@tysonstrategies.com](mailto:bryan.tyson@tysonstrategies.com); [btyson@taylorenghish.com](mailto:btyson@taylorenghish.com); [cadams@taylorenghish.com](mailto:cadams@taylorenghish.com); [cbradley@brucepbrownlaw.com](mailto:cbradley@brucepbrownlaw.com); [cchapple@mofo.com](mailto:cchapple@mofo.com); [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [cmiller@robbinsfirm.com](mailto:cmiller@robbinsfirm.com); [crystal@khlawfirm.com](mailto:crystal@khlawfirm.com); [cwoods@mofo.com](mailto:cwoods@mofo.com); [david-cross-8491@ecf.pacerpro.com](mailto:david-cross-8491@ecf.pacerpro.com); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); [dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org); [dbutler@robbinsfirm.com](mailto:dbutler@robbinsfirm.com); [dcross@mofo.com](mailto:dcross@mofo.com); [dmcdaniel@robbinsfirm.com](mailto:dmcdaniel@robbinsfirm.com); [dovie@khlawfirm.com](mailto:dovie@khlawfirm.com); [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); [jbanuelos@altber.com](mailto:jbanuelos@altber.com); [jbelinfante@robbinsfirm.com](mailto:jbelinfante@robbinsfirm.com); [jbentrott@mofo.com](mailto:jbentrott@mofo.com); [jconaway@mofo.com](mailto:jconaway@mofo.com);



[jenglish@robbinsfirm.com](mailto:jenglish@robbinsfirm.com); Janis Lemieux <[JLemieux@IchterDavis.com](mailto:JLemieux@IchterDavis.com)>; [jonlschwartz@mac.com](mailto:jonlschwartz@mac.com);  
[jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org); [kanderson@robbinsfirm.com](mailto:kanderson@robbinsfirm.com);  
[katina.patterson@fultoncountyga.gov](mailto:katina.patterson@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov);  
[kmccuiston@robbinsfirm.com](mailto:kmccuiston@robbinsfirm.com); [lpatino@lawyerscommittee.org](mailto:lpatino@lawyerscommittee.org); [mbrimer@mofo.com](mailto:mbrimer@mofo.com);  
[mmurray@altber.com](mailto:mmurray@altber.com); [nakeia.staley@fultoncountyga.gov](mailto:nakeia.staley@fultoncountyga.gov); [rabney@lawyerworks.com](mailto:rabney@lawyerworks.com);  
[rahuja@taylorenghish.com](mailto:rahuja@taylorenghish.com); Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; [rmanoso@mofo.com](mailto:rmanoso@mofo.com);  
[rmeier@robbinsfirm.com](mailto:rmeier@robbinsfirm.com); sberzon\_altber.com <[sberzon@altber.com](mailto:sberzon@altber.com)>; sleyton\_altber.com  
<[sleyton@altber.com](mailto:sleyton@altber.com)>; [smorris@robbinsfirm.com](mailto:smorris@robbinsfirm.com); [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com);  
[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com); [william@nhphlaw.com](mailto:william@nhphlaw.com)

**Cc:** Janis Lemieux <[JLemieux@IchterDavis.com](mailto:JLemieux@IchterDavis.com)>

**Subject:** RE: 17-cv-02989-AT Curling et al v. Raffensperger et al

Thank you Mr. Ichter.

Harry F. Martin  
Courtroom Deputy Clerk  
to the Honorable Amy Totenberg  
2388 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, Georgia 30303-3309  
(404) 215-1437

---

**From:** Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>

**Sent:** Monday, August 26, 2019 10:50 AM

**To:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>; [Adrienne.Hutcherson@fultoncountyga.gov](mailto:Adrienne.Hutcherson@fultoncountyga.gov);  
[CChapple@mofo.com](mailto:CChapple@mofo.com); [JCarlin@mofo.com](mailto:JCarlin@mofo.com); [Jene.Gipson@fultoncountyga.gov](mailto:Jene.Gipson@fultoncountyga.gov); [RManoso@mofo.com](mailto:RManoso@mofo.com);  
[Tammy.walton@fultoncountyga.gov](mailto:Tammy.walton@fultoncountyga.gov); Alyssa Alsbrooks <[aalsbrooks@IchterDavis.com](mailto:aalsbrooks@IchterDavis.com)>;  
[adenton@robbinsfirm.com](mailto:adenton@robbinsfirm.com); [afrancisco@altshulerberzon.com](mailto:afrancisco@altshulerberzon.com); [amiriyala@mofo.com](mailto:amiriyala@mofo.com);  
[antwanna.stinson@fultoncountyga.gov](mailto:antwanna.stinson@fultoncountyga.gov); [atlanta@lawyerworks.com](mailto:atlanta@lawyerworks.com);  
[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); [bjacoutot@gmail.com](mailto:bjacoutot@gmail.com); [bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com);  
[blake@robbinsfirm.com](mailto:blake@robbinsfirm.com); [bryan.tyson@tysonstrategies.com](mailto:bryan.tyson@tysonstrategies.com); [btyson@taylorenghish.com](mailto:btyson@taylorenghish.com);  
[cadams@taylorenghish.com](mailto:cadams@taylorenghish.com); [cbradley@brucepbrownlaw.com](mailto:cbradley@brucepbrownlaw.com); [cchapple@mofo.com](mailto:cchapple@mofo.com);  
[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [cmiller@robbinsfirm.com](mailto:cmiller@robbinsfirm.com); [crystal@khlawfirm.com](mailto:crystal@khlawfirm.com);  
[cwoods@mofo.com](mailto:cwoods@mofo.com); [david-cross-8491@ecf.pacerpro.com](mailto:david-cross-8491@ecf.pacerpro.com); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov);  
[dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org); [dbutler@robbinsfirm.com](mailto:dbutler@robbinsfirm.com); [dcross@mofo.com](mailto:dcross@mofo.com);  
[dmcdaniel@robbinsfirm.com](mailto:dmcdaniel@robbinsfirm.com); [dovie@khlawfirm.com](mailto:dovie@khlawfirm.com); [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com);  
[jbanuelos@altber.com](mailto:jbanuelos@altber.com); [jbelinfante@robbinsfirm.com](mailto:jbelinfante@robbinsfirm.com); [jbentrott@mofo.com](mailto:jbentrott@mofo.com); [jconaway@mofo.com](mailto:jconaway@mofo.com);  
[jenglish@robbinsfirm.com](mailto:jenglish@robbinsfirm.com); Janis Lemieux <[JLemieux@IchterDavis.com](mailto:JLemieux@IchterDavis.com)>; [jonlschwartz@mac.com](mailto:jonlschwartz@mac.com);  
[jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org); [kanderson@robbinsfirm.com](mailto:kanderson@robbinsfirm.com);  
[katina.patterson@fultoncountyga.gov](mailto:katina.patterson@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov);  
[kmccuiston@robbinsfirm.com](mailto:kmccuiston@robbinsfirm.com); [lpatino@lawyerscommittee.org](mailto:lpatino@lawyerscommittee.org); [mbrimer@mofo.com](mailto:mbrimer@mofo.com);  
[mmurray@altber.com](mailto:mmurray@altber.com); [nakeia.staley@fultoncountyga.gov](mailto:nakeia.staley@fultoncountyga.gov); [rabney@lawyerworks.com](mailto:rabney@lawyerworks.com);  
[rahuja@taylorenghish.com](mailto:rahuja@taylorenghish.com); [ram@lawram.com](mailto:ram@lawram.com); [rmanoso@mofo.com](mailto:rmanoso@mofo.com); [rmeier@robbinsfirm.com](mailto:rmeier@robbinsfirm.com);  
sberzon\_altber.com <[sberzon@altber.com](mailto:sberzon@altber.com)>; sleyton\_altber.com <[sleyton@altber.com](mailto:sleyton@altber.com)>;  
[smorris@robbinsfirm.com](mailto:smorris@robbinsfirm.com); [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com);

[william@nhphlaw.com](mailto:william@nhphlaw.com)

**Cc:** Janis Lemieux <[JLemieux@IchterDavis.com](mailto:JLemieux@IchterDavis.com)>

**Subject:** RE: 17-cv-02989-AT Curling et al v. Raffensperger et al

Mr. Martin: I am sending this message as a “heads-up” regarding tomorrow’s conference call with the Court. A discovery issue has come up between Plaintiffs and the State Defendants regarding the production of the image of the KSU CES server made by the FBI in 2017. The parties are working on a Joint Statement regarding the issue that we expect to get to the Court before the end of the day. From my communications with Mr. Belinfante, it appears that all parties would like to get direction from the Court regarding the issue during the call tomorrow, if possible. We will get the Joint Statement to the Court as soon as we can. Thanks Cary Ichter

Cary Ichter, Partner  
Ichter Davis, LLC  
Ste 1530  
3340 Peachtree Road, NE  
Atlanta, GA 30326-1084  
(404) 869-7600  
(404) 869-5243/DID  
(404) 869-7610/Fax  
(404) 769-1353/Cell  
[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)  
[www.ichterdavis.com](http://www.ichterdavis.com)

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**From:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>

**Sent:** Monday, June 24, 2019 2:22 PM

**To:** [Adrienne.Hutcherson@fultoncountyga.gov](mailto:Adrienne.Hutcherson@fultoncountyga.gov); [CChapple@mofo.com](mailto:CChapple@mofo.com); [JCarlin@mofo.com](mailto:JCarlin@mofo.com); [Jene.Gipson@fultoncountyga.gov](mailto:Jene.Gipson@fultoncountyga.gov); [RManoso@mofo.com](mailto:RManoso@mofo.com); [Tammy.walton@fultoncountyga.gov](mailto:Tammy.walton@fultoncountyga.gov); Alyssa Alsbrooks <[aalsbrooks@IchterDavis.com](mailto:aalsbrooks@IchterDavis.com)>; [adenton@robbinsfirm.com](mailto:adenton@robbinsfirm.com); [afrancisco@altshulerberzon.com](mailto:afrancisco@altshulerberzon.com); [amiriyala@mofo.com](mailto:amiriyala@mofo.com); [antwanna.stinson@fultoncountyga.gov](mailto:antwanna.stinson@fultoncountyga.gov); [atlanta@lawyerworks.com](mailto:atlanta@lawyerworks.com); [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); [bjacoutot@gmail.com](mailto:bjacoutot@gmail.com); [bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com); [blake@robbinsfirm.com](mailto:blake@robbinsfirm.com); [bryan.tyson@tysonstrategies.com](mailto:bryan.tyson@tysonstrategies.com); [btyson@taylorenghish.com](mailto:btyson@taylorenghish.com); [cadams@taylorenghish.com](mailto:cadams@taylorenghish.com); [cbradley@brucepbrownlaw.com](mailto:cbradley@brucepbrownlaw.com); [cchapple@mofo.com](mailto:cchapple@mofo.com); [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>; [cmiller@robbinsfirm.com](mailto:cmiller@robbinsfirm.com); [crystal@khlawfirm.com](mailto:crystal@khlawfirm.com); [cwoods@mofo.com](mailto:cwoods@mofo.com); [david-cross-8491@ecf.pacerpro.com](mailto:david-cross-8491@ecf.pacerpro.com); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); [dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org); [dbutler@robbinsfirm.com](mailto:dbutler@robbinsfirm.com); [dcross@mofo.com](mailto:dcross@mofo.com); [dmcdaniel@robbinsfirm.com](mailto:dmcdaniel@robbinsfirm.com); [dovie@khlawfirm.com](mailto:dovie@khlawfirm.com); [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); [jbanuelos@altber.com](mailto:jbanuelos@altber.com); [jbelinfante@robbinsfirm.com](mailto:jbelinfante@robbinsfirm.com); [jbentrott@mofo.com](mailto:jbentrott@mofo.com); [jconaway@mofo.com](mailto:jconaway@mofo.com); [jenglish@robbinsfirm.com](mailto:jenglish@robbinsfirm.com); Janis Lemieux <[JLemieux@IchterDavis.com](mailto:JLemieux@IchterDavis.com)>; [jonlschwartz@mac.com](mailto:jonlschwartz@mac.com); [jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org); [kanderson@robbinsfirm.com](mailto:kanderson@robbinsfirm.com); [katina.patterson@fultoncountyga.gov](mailto:katina.patterson@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [kmccuiston@robbinsfirm.com](mailto:kmccuiston@robbinsfirm.com); [lpatino@lawyerscommittee.org](mailto:lpatino@lawyerscommittee.org); [mbrimer@mofo.com](mailto:mbrimer@mofo.com);

[mmurray@altber.com](mailto:mmurray@altber.com); [nakeia.staley@fultoncountyga.gov](mailto:nakeia.staley@fultoncountyga.gov); [rabney@lawyerworks.com](mailto:rabney@lawyerworks.com);  
[rahuja@taylorenchinese.com](mailto:rahuja@taylorenchinese.com); [ram@lawram.com](mailto:ram@lawram.com); [rmanosom@mofo.com](mailto:rmanosom@mofo.com); [rmeier@robbinsfirm.com](mailto:rmeier@robbinsfirm.com);  
sberzon\_altber.com <[sberzon@altber.com](mailto:sberzon@altber.com)>; sleyton\_altber.com <[sleyton@altber.com](mailto:sleyton@altber.com)>;  
[smorris@robbinsfirm.com](mailto:smorris@robbinsfirm.com); [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com);  
[william@nhphlaw.com](mailto:william@nhphlaw.com)

**Subject:** 17-cv-02989-AT Curling et al v. Raffensperger et al

Good afternoon Counsel,

The Court would like to hold a teleconference on Friday, June 28, 2019, at 2:00pm. Please advise only if a party is not able to have representation available to participate on the call.

Call: 1-888-684-8852

Access: 7001576#

Security: 3232#

Harry F. Martin  
Courtroom Deputy Clerk  
to the Honorable Amy Totenberg  
2388 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, Georgia 30303-3309  
(404) 215-1437

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, *et al.*

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**[PROPOSED]  
ORDER GRANTING STATE DEFENDANTS' MOTION FOR  
EXTENSION OF TIME AND BRIEFING SCHEDULE**

The Court sets the following briefing schedule for Plaintiffs' motions for leave to amend:

<b>EVENT</b>	<b>DATE</b>
Coalition Plaintiffs' Motion for Leave to File Amended Complaint	September 6, 2019
Defendants' Consolidated Responses to Motions for Leave to Amend	September 20, 2019
Plaintiffs' Replies in Support of Motions for Leave to Amend	October 4, 2019

**IT IS SO ORDERED** this \_\_\_\_ day of August, 2019.

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Amy Totenberg  
United States District Judge