

# **EXHIBIT B**

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**From:** Bryan Tyson <btyson@taylorenghish.com>  
**Sent:** Tuesday, June 2, 2020 12:42 PM  
**To:** Cross, David D.; Kaiser, Mary; Bruce Brown  
**Cc:** Robert McGuire; Cary Ichter; Carlin, John P.; Alexander Denton; Bryan Jacoutot; Brian Lake; cheryl.ringer@fultoncountyga.gov; Carey Miller; david.lowman@fultoncountyga.gov; dbrody@lawyerscommittee.org; erosenberg@lawyerscommittee.org; hknapp@khlawfirm.com; Josh Belinfante; jpowers@lawyerscommittee.org; kaye.burwell@fultoncountyga.gov; sparks@khlawfirm.com; vrusso@robbinsfirm.com; Cate Berenato; Loree Anne Paradise; Melanie Johnson  
**Subject:** RE: Curling v. Raffensperger - correspondence regarding preservation of DREs

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David,

The answers to your questions are in our original letter and the document we filed yesterday:

1. If Plaintiffs assume the costs of preserving the DREs, we do not agree that you can take possession of some or all of the DREs and do with them as you choose. Letter, pp. 3-4; [Doc. 735, p. 10. n.3].
2. The breakdown of the costs is: \$36,000 per month from the vendor to store the equipment. Letter, p. 3; [Doc. 735, p. 9].
3. The samples are unacceptable because they require additional manual review to locate the relevant serial numbers. Letter, pp. 1-3; [Doc. 735, pp. 2-4, 8].
4. The cost to store the machines is \$432,000 per year - \$36,000 per month times twelve. Letter, p. 3; [Doc. 735, p. 9].

We will not engage in an extended email conversation on this topic. We will respond to your responsive pleading when you file it with the Court.

Bryan



**Bryan P. Tyson**

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**From:** Cross, David D. <DCross@mofo.com>

**Sent:** Monday, June 1, 2020 5:56 PM

**To:** Bryan Tyson <btyson@taylorenghish.com>; Kaiser, Mary <MKaiser@mofo.com>; Bruce Brown <bbrown@brucebrownlaw.com>

**Cc:** Robert McGuire <ram@lawram.com>; Cary Ichter <CIchter@IchterDavis.com>; Carlin, John P. <JCarlin@mofo.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; Bryan Jacoutot <bjacoutot@taylorenghish.com>; Brian Lake

<Brian.Lake@robbinsfirm.com>; cheryl.ringer@fultoncountyga.gov; Carey Miller <carey.miller@robbinsfirm.com>; david.lowman@fultoncountyga.gov; dbrody@lawyerscommittee.org; erosenberg@lawyerscommittee.org; hknapp@khlawfirm.com; Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; jpowers@lawyerscommittee.org; kaye.burwell@fultoncountyga.gov; sparks@khlawfirm.com; vrusso@robbinsfirm.com; Cate Berenato <Cate.Berenato@robbinsfirm.com>; Loree Anne Paradise <lparadise@taylorenghish.com>; Melanie Johnson <melanie.johnson@robbinsfirm.com>; Bryan Tyson <btyson@taylorenghish.com>

**Subject:** RE: Curling v. Raffensperger - correspondence regarding preservation of DREs

Bryan -

Your filing today represents to the court: "Aside from an initial email response from Curling Plaintiffs asking questions that were either already answered by the letter or had been the subject of prior communications...." Please direct me to the answers to my questions below in your letter or prior communications. I note that I never received any response to my email below, which you didn't tell the court from my review of the filing. I also don't see my email included with your filing.

Thanks.

DC

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**From:** Cross, David D. <[DCross@mofocom.com](mailto:DCross@mofocom.com)>

**Date:** Saturday, May 09, 2020, 5:53 PM

**To:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Kaiser, Mary <[MKaiser@mofocom.com](mailto:MKaiser@mofocom.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>

**Cc:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>, Carlin, John P. <[JCarlin@mofocom.com](mailto:JCarlin@mofocom.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Brian Lake <[Brian.Lake@robbinsfirm.com](mailto:Brian.Lake@robbinsfirm.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, [dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org) <[dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org)>, [erosenberg@lawyerscommittee.org](mailto:erosenberg@lawyerscommittee.org) <[erosenberg@lawyerscommittee.org](mailto:erosenberg@lawyerscommittee.org)>, [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, [jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org) <[jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com) <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Cate Berenato <[Cate.Berenato@robbinsfirm.com](mailto:Cate.Berenato@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Melanie Johnson <[melanie.johnson@robbinsfirm.com](mailto:melanie.johnson@robbinsfirm.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>

**Subject:** RE: Curling v. Raffensperger - correspondence regarding preservation of DREs

Bryan -

There's much in this lengthy letter we'll need to carefully review and address, but some clarity regarding your position is necessary to do that.

If we were to assume the cost of preserving DREs for the litigation, I assume we could take possession of some or all of them and would be free to do with them as we choose. Is that correct?

If we're to consider assuming any costs, we need a specific breakdown of those costs. Can you please provide them?

Why are the samples that plaintiffs identified a while ago unacceptable? You complain about cost but acknowledge that we offered to release at least two thirds or so of the DREs a while ago. I don't recall any response to plaintiffs' proposals (if I'm forgetting a response, please resend). So to say that we're requiring

preservation of all DREs at a cost of about \$500,000 per year looks to me to be inaccurate. Can you please explain?

Thanks.  
DC

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**From:** Bryan Tyson <[bytyson@taylorenghish.com](mailto:bytyson@taylorenghish.com)>  
**Date:** Saturday, May 09, 2020, 5:17 PM  
**To:** Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>  
**Cc:** Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Carlin, John P. <[JCarlin@mofo.com](mailto:JCarlin@mofo.com)>, Alexander Denton <[Alexander.Denton@robbsfirm.com](mailto:Alexander.Denton@robbsfirm.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Brian Lake <[Brian.Lake@robbsfirm.com](mailto:Brian.Lake@robbsfirm.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, Carey Miller <[carey.miller@robbsfirm.com](mailto:carey.miller@robbsfirm.com)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, [dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org) <[dbrody@lawyerscommittee.org](mailto:dbrody@lawyerscommittee.org)>, [erosenberg@lawyerscommittee.org](mailto:erosenberg@lawyerscommittee.org) <[erosenberg@lawyerscommittee.org](mailto:erosenberg@lawyerscommittee.org)>, [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbsfirm.com](mailto:Josh.Belinfante@robbsfirm.com)>, [jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org) <[jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, [vrusso@robbsfirm.com](mailto:vrusso@robbsfirm.com) <[vrusso@robbsfirm.com](mailto:vrusso@robbsfirm.com)>, Cate Berenato <[Cate.Berenato@robbsfirm.com](mailto:Cate.Berenato@robbsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Melanie Johnson <[melanie.johnson@robbsfirm.com](mailto:melanie.johnson@robbsfirm.com)>, Bryan Tyson <[bytyson@taylorenghish.com](mailto:bytyson@taylorenghish.com)>  
**Subject:** Curling v. Raffensperger - correspondence regarding preservation of DREs

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All:

Please see the attached letter regarding continued preservation of the DREs.

Thanks,

Bryan



**Bryan P. Tyson**

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