

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA
2211 UNITED STATES COURTHOUSE
75 TED TURNER DRIVE, SW
ATLANTA, GEORGIA 30303-3361

JAMES N. HATTEN
DISTRICT COURT EXECUTIVE
AND CLERK OF COURT

DOCKETING SECTION
404-215-1655

October 5, 2020

Clerk of Court
U.S. Court of Appeals, Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

U.S.D.C. No.: 1:17-cv-2989-AT

U.S.C.A. No.: 00-00000-00

In re: Donna Curling et al v. Brad Raffensperger et al

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

Certified Notice of Appeal, Docket Sheet, Judgment and/or Order appealed enclosed.

This is not the first notice of appeal. Other notices were filed on: 9/18/18; USCA Case No. 18-13951-DD.

There is no transcript.

The court reporter is Shannon Welch.

There is sealed material as described below: .

Other: .

Fee paid electronically on 10/2/20. (Receipt# AGANDC-10221062)

Appellant has been leave to appeal *in forma pauperis*.

This is a bankruptcy appeal. The Bankruptcy Judge is .

The Magistrate Judge is .

The District Judge is Amy Totenberg.

This is a **DEATH PENALTY** appeal.

Sincerely,

James N. Hatten
District Court Executive
and Clerk of Court

By: /s/P. McClam
Deputy Clerk

Enclosures

4months,APPEAL,ATLC1,NeedJgm,PROTO,REOPEN,SUBMDJ

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:17-cv-02989-AT

Curling et al v. Raffensperger et al
Assigned to: Judge Amy Totenberg
Case in other court: USCA- 11th Circuit, 18-13951-DD
Superior Court of Fulton County,
2017cv292233

Date Filed: 08/08/2017
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 28:1443(1)Removal from State Court – Civil Rights

Plaintiff

Donna Curling
an individual

represented by **David D. Cross**
Morrison & Foerster, LLP-DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202-887-1500
Email: dcross@mofo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eileen M. Brogan
Morrison & Foerster, LLP-DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202-887-1500
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John P. Carlin
Morrison & Foerster, LLP-DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202-887-1500
Email: JCarlin@mofo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lyle F. Hedgecock
Morrison & Foerster, LLP-DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202-887-1500
Fax: 202-887-0763
Email: lhedgecock@mofo.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary G. Kaiser

Morrison & Foerster, LLP–DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202–887–1500
Email: mkaiser@mofo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert W. Manoso

Morrison & Foerster, LLP–DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202–887–1500
Email: RManoso@mofo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Alexander McGuire , III

Robert McGuire Law Firm
113 Cherry Street #86685
Seattle, WA 98104–2205
253–267–8530
Fax: 253–267–8530
Email: ram@lawram.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Veronica Ascarrunz

Morrison & Foerster, LLP–DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202–887–1500
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Aaron Wright

Holcombe and Ward, LLP
Suite 400
3399 Peachtree Road, NE
Atlanta, GA 30326
404–601–2803
Email: aaron@holcombward.com
TERMINATED: 12/21/2017

Adam Martin Sparks

Krevolin & Horst, LLC
One Atlantic Center
1201 West Peachtree Street
Suite 3250

Atlanta, GA 30309
404-888-9700
Email: sparks@khlawfirm.com
ATTORNEY TO BE NOTICED

Bruce P. Brown

Bruce P. Brown Law
Suite 6
1123 Zonolite Road, NE
Atlanta, GA 30306
404-881-0700
Fax: .
Email: bbrown@brucepbrownlaw.com
ATTORNEY TO BE NOTICED

Bryan Myerson Ward

Holcomb + Ward, LLP
Suite 400
3399 Peachtree Rd., N.E.
Atlanta, GA 30326
404-892-5695
Fax: 404-393-1554
Email: bryan.ward@holcombward.com
TERMINATED: 02/05/2018

Cameron A. Tepfer

Morrison & Foerster, LLP-DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202-887-1594
Email: ctepfer@mofocom
TERMINATED: 09/03/2019

Cary Ichter

Ichter Davis, LLC
One Tower Place, Suite 1530
3340 Peachtree Rd., NE
Atlanta, GA 30326-1084
404-869-7600
Fax: 404-869-7610
Email: cichter@ichterdavis.com
ATTORNEY TO BE NOTICED

Catherine L. Chapple

Morrison & Foerster, LLP-DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202-887-1500
Email: CChapple@mofocom
TERMINATED: 08/28/2020

Edward Bruce Schwartz

Steptoe & Johnson–DC
1330 Connecticut Avenue, N.W.
Washington, DC 20036–1795
202–429–6220
Email: eschwartz@steptoe.com
TERMINATED: 01/18/2018

Halsey G. Knapp , Jr
Krevolin & Horst, LLC
One Atlantic Center, Ste 3250
1201 West Peachtree St., NW
Atlanta, GA 30309
404–888–9700
Fax: 404–888–9577
Email: hknapp@khlawfirm.com
ATTORNEY TO BE NOTICED

Jane P. Bentrott
Morrison & Foerster, LLP–DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202–887–1500
Email: jbentrott@mofa.com
TERMINATED: 08/28/2020

Joe Robert Caldwell , Jr.
Steptoe & Johnson–DC
1330 Connecticut Avenue, N.W.
Washington, DC 20036–1795
202–429–6455
Fax: .
Email: jcaldwell@Steptoe.com
TERMINATED: 01/18/2018

Marcie Brimer
Morrison & Foerster, LLP–DC
2000 Pennsylvania Avenue, NW
Washington, DC 20006
202–887–1500
TERMINATED: 08/28/2020
PRO HAC VICE

Marvin Lim
3455 Peachtree Road, NE
Suite 500
Atlanta, GA 30326
404–601–2803
Email: marvin@holcombward.com
TERMINATED: 12/21/2017

William Brent Ney
Ney Hoffecker Peacock & Hayle, LLC

265 South Culver St.
Lawrenceville, GA 30046
404-842-7232
Fax: 770-637-5057
Email: william@neyrhein.com
ATTORNEY TO BE NOTICED

Plaintiff

Coalition for Good Governance
*a non-profit corporation organized and
existing under Colorado Law*

represented by **David R. Brody**
Lawyers' Committee for Civil Rights
Under Law
Suite 900
1500 K. Street NW
Washington, DC 20005
202-662-8320
Email: dbrody@lawyerscommittee.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Ezra David Rosenberg
Lawyers' Committee for Civil Rights
Under Law
Suite 900
1500 K. Street NW
Washington, DC 20005
202-662-8345
Email: erosenberg@lawyerscommittee.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jacob Paul Conarck
Lawyers' Committee for Civil Rights
Under Law
Suite 900
1500 K. Street NW
Washington, DC 20005
202-650-1736
Email: jconarck@lawyerscommittee.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Michael Powers
Lawyers' Committee for Civil Rights
Under Law
Suite 900
1500 K. Street NW
Washington, DC 20005
202-662-8389
Fax: .
Email: jpowers@lawyerscommittee.org

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Alexander McGuire , III
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Aaron Wright
(See above for address)
TERMINATED: 12/21/2017

Bruce P. Brown
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Myerson Ward
(See above for address)
TERMINATED: 02/05/2018

Cary Ichter
(See above for address)
ATTORNEY TO BE NOTICED

Edward Bruce Schwartz
(See above for address)
TERMINATED: 11/29/2017

Joe Robert Caldwell , Jr.
(See above for address)
TERMINATED: 11/29/2017

Marvin Lim
(See above for address)
TERMINATED: 12/21/2017

William Brent Ney
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Donna Price
an Individual

represented by **David D. Cross**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eileen M. Brogan
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John P. Carlin

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lyle F. Hedgecock

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Mary G. Kaiser

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert W. Manoso

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert Alexander McGuire , III

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Veronica Ascarrunz

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Aaron Wright

(See above for address)

TERMINATED: 12/21/2017

Adam Martin Sparks

(See above for address)

ATTORNEY TO BE NOTICED

Bruce P. Brown

(See above for address)

ATTORNEY TO BE NOTICED

Bryan Myerson Ward

(See above for address)

TERMINATED: 02/05/2018

Cameron A. Tepfer

(See above for address)

TERMINATED: 09/03/2019

Cary Ichter
(See above for address)
ATTORNEY TO BE NOTICED

Catherine L. Chapple
(See above for address)
TERMINATED: 08/28/2020

Edward Bruce Schwartz
(See above for address)
TERMINATED: 01/18/2018

Halsey G. Knapp , Jr
(See above for address)
ATTORNEY TO BE NOTICED

Jane P. Bentrutt
(See above for address)
TERMINATED: 08/28/2020

Joe Robert Caldwell , Jr.
(See above for address)
TERMINATED: 01/18/2018

Marcie Brimer
(See above for address)
TERMINATED: 08/28/2020
PRO HAC VICE

Marvin Lim
(See above for address)
TERMINATED: 12/21/2017

William Brent Ney
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jeffrey Schoenberg
an individual

represented by **David D. Cross**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eileen M. Brogan
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John P. Carlin
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lyle F. Hedgecock
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary G. Kaiser
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert W. Manoso
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Alexander McGuire , III
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Veronica Ascarrunz
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Aaron Wright
(See above for address)
TERMINATED: 12/21/2017

Adam Martin Sparks
(See above for address)
ATTORNEY TO BE NOTICED

Bruce P. Brown
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Myerson Ward
(See above for address)
TERMINATED: 02/05/2018

Cameron A. Tepfer
(See above for address)
TERMINATED: 09/03/2019

Cary Ichter
(See above for address)

ATTORNEY TO BE NOTICED

Catherine L. Chapple
(See above for address)
TERMINATED: 08/28/2020

Edward Bruce Schwartz
(See above for address)
TERMINATED: 01/18/2018

Halsey G. Knapp , Jr
(See above for address)
ATTORNEY TO BE NOTICED

Jane P. Bentrrott
(See above for address)
TERMINATED: 08/28/2020

Joe Robert Caldwell , Jr.
(See above for address)
TERMINATED: 01/18/2018

Marcie Brimer
(See above for address)
TERMINATED: 08/28/2020
PRO HAC VICE

Marvin Lim
(See above for address)
TERMINATED: 12/21/2017

William Brent Ney
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Laura Digges
an individual

represented by **Robert Alexander McGuire , III**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Aaron Wright
(See above for address)
TERMINATED: 12/21/2017

Bruce P. Brown
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Myerson Ward
(See above for address)

TERMINATED: 02/05/2018

Cary Ichter

(See above for address)

ATTORNEY TO BE NOTICED

Edward Bruce Schwartz

(See above for address)

TERMINATED: 01/18/2018

Joe Robert Caldwell , Jr.

(See above for address)

TERMINATED: 01/18/2018

John Michael Powers

(See above for address)

ATTORNEY TO BE NOTICED

Marvin Lim

(See above for address)

TERMINATED: 12/21/2017

William Brent Ney

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

William Digges, III
an Individual

represented by **Robert Alexander McGuire , III**

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Aaron Wright

(See above for address)

TERMINATED: 12/21/2017

Bruce P. Brown

(See above for address)

ATTORNEY TO BE NOTICED

Bryan Myerson Ward

(See above for address)

TERMINATED: 02/05/2018

Cary Ichter

(See above for address)

ATTORNEY TO BE NOTICED

Edward Bruce Schwartz

(See above for address)

TERMINATED: 01/18/2018

Joe Robert Caldwell , Jr.
(See above for address)
TERMINATED: 01/18/2018

John Michael Powers
(See above for address)
ATTORNEY TO BE NOTICED

Marvin Lim
(See above for address)
TERMINATED: 12/21/2017

William Brent Ney
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Ricardo Davis
an individual

represented by **Robert Alexander McGuire , III**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Aaron Wright
(See above for address)
TERMINATED: 12/21/2017

Bruce P. Brown
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Myerson Ward
(See above for address)
TERMINATED: 02/05/2018

Cary Ichter
(See above for address)
ATTORNEY TO BE NOTICED

Edward Bruce Schwartz
(See above for address)
TERMINATED: 01/18/2018

Joe Robert Caldwell , Jr.
(See above for address)
TERMINATED: 01/18/2018

John Michael Powers
(See above for address)
ATTORNEY TO BE NOTICED

Marvin Lim

(See above for address)

TERMINATED: 12/21/2017

William Brent Ney

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Edward Curtis Terry

TERMINATED: 03/20/2018

represented by **Edward Curtis Terry**

PRO SE

Robert Alexander McGuire , III

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Bruce P. Brown

(See above for address)

ATTORNEY TO BE NOTICED

Bryan Myerson Ward

Holcombe and Ward, LLP

Suite 400

3399 Peachtree Road, NE

Atlanta, GA 30326

404-892-5695

Fax: 404-393-1554

Email: bryan.ward@holcombward.com

TERMINATED: 02/05/2018

Cary Ichter

(See above for address)

ATTORNEY TO BE NOTICED

Marvin Lim

(See above for address)

TERMINATED: 12/21/2017

William Brent Ney

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Megan Missett

represented by **Robert Alexander McGuire , III**

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Bruce P. Brown

(See above for address)

ATTORNEY TO BE NOTICED

Cary Ichter

(See above for address)

ATTORNEY TO BE NOTICED

John Michael Powers

(See above for address)

ATTORNEY TO BE NOTICED

William Brent Ney

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

Brian P. Kemp

in his individual capacity and his official capacity as Secretary of State of Georgia and Chair of the State Election Board

TERMINATED: 04/09/2019

represented by **Alexander Fraser Denton**

Robbins Ross Alloy Belinfante Littlefield LLC

500 14th Street, N.W.

Atlanta, GA 30318

678-701-9381

Fax: 404-856-3250

Email: adenton@robbinsfirm.com

ATTORNEY TO BE NOTICED

Brian Edward Lake

Robbins Ross Alloy Belinfante Littlefield, LLC -Atl

500 Fourteenth St., N.W.

Atlanta, GA 30318

678-701-9381

Fax: 404-856-3250

Email: blake@robbinsfirm.com

ATTORNEY TO BE NOTICED

Bryan P. Tyson

Taylor English Duma LLP

Suite 200

1600 Parkwood Circle

Atlanta, GA 30339

770-434-6868

Fax: 770-434-7376

Email: btyson@taylorenghish.com

ATTORNEY TO BE NOTICED

Carey Allen Miller

Robbins Ross Alloy Belinfante Littlefield,

LLC –Atl
500 Fourteenth St., N.W.
Atlanta, GA 30318
404–651–7715
Email: cmiller@robbsfirm.com
ATTORNEY TO BE NOTICED

Cristina Correia
Georgia Department of Law
Department of Law
40 Capitol Square SW
Atlanta, GA 30334
404–458–3535
Fax: 404–463–8864
Email: ccorreia@law.ga.gov
TERMINATED: 11/03/2017

Elizabeth Ahern Monyak
Cobb County Attorney's Office
Suite 350
100 Cherokee Street
Marietta, GA 30090
770–528–4000
Fax: 770–528–4010
Email: Elizabeth.Monyak@cobbcounty.org
TERMINATED: 11/03/2017

John Frank Salter , Jr.
The Barnes Law Group, LLC
31 Atlanta Street
Marietta, GA 30060
770–419–8505
Fax: 770–590–8958
Email: john@barneslawgroup.com
TERMINATED: 02/15/2019

Joshua Barrett Belinfante
Robbins Ross Alloy Belinfante Littlefield
LLC
500 14th Street, N.W.
Atlanta, GA 30318
678–701–9381
Fax: 404–856–3250
Email: jbelinfante@robbsfirm.com
ATTORNEY TO BE NOTICED

Josiah Benjamin Heidt
Georgia Department of Law
Office of the Attorney General
40 Capitol Square, S.W.
Atlanta, GA 30334–1300
404–656–3389

Email: jheidt@law.ga.gov
TERMINATED: 11/03/2017

Roy E. Barnes
The Barnes Law Group, LLC
31 Atlanta Street
Marietta, GA 30060
770-227-6375
Fax: 770-590-8958
Email: Roy@barneslawgroup.com
TERMINATED: 02/15/2019

Vincent Robert Russo , Jr.
Robbins Ross Alloy Belinfante Littlefield,
LLC -Atl
500 Fourteenth St., N.W.
Atlanta, GA 30318
404-856-3260
Fax: 404-856-3250
Email: vrusso@robbinsfirm.com
ATTORNEY TO BE NOTICED

Defendant

David J. Worley

represented by **Alexander Fraser Denton**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Edward Lake
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Francis Jacoutot
Taylor English Duma LLP
Suite 200
1600 Parkwood Circle
Atlanta, GA 30339
770-434-6868
Fax: 770-434-7376
Email: bjacoutot@taylorenghish.com
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Carey Allen Miller
(See above for address)
ATTORNEY TO BE NOTICED

Cristina Correia
(See above for address)
TERMINATED: 11/03/2017

Diane Festin LaRoss

Taylor English Duma LLP
Suite 200
1600 Parkwood Circle
Atlanta, GA 30339
678-336-7169
Email: dlaross@taylorenghish.com
ATTORNEY TO BE NOTICED

Elizabeth Ahern Monyak

(See above for address)
TERMINATED: 11/03/2017

James A. Balli

Taylor English Duma LLP
Suite 200
1600 Parkwood Circle
Atlanta, GA 30339
770-434-6868
Email: jballi@taylorenghish.com
ATTORNEY TO BE NOTICED

John Frank Salter , Jr.

(See above for address)
TERMINATED: 02/15/2019

Jonathan Dean Crumly , Sr.

Taylor English Duma LLP
Suite 200
1600 Parkwood Circle
Atlanta, GA 30339
678-426-4659
Fax: 770-434-7376.
Email: jcrumly@taylorenghish.com
ATTORNEY TO BE NOTICED

Joshua Barrett Belinfante

(See above for address)
ATTORNEY TO BE NOTICED

Josiah Benjamin Heidt

(See above for address)
TERMINATED: 11/03/2017

Kimberly K. Anderson

Robbins Ross Alloy Belinfante Littlefield
LLC
500 14th Street, N.W.
Atlanta, GA 30318
678-701-9381
Fax: 404-856-3250

Email: kanderson@robbinsfirm.com
TERMINATED: 12/06/2019
ATTORNEY TO BE NOTICED

Loree Anne Paradise
Taylor English Duma LLP
Suite 200
1600 Parkwood Circle
Atlanta, GA 30339
770-434-6868
Fax: 770-434-7376
Email: lparadise@taylorenghish.com
ATTORNEY TO BE NOTICED

Roy E. Barnes
(See above for address)
TERMINATED: 02/15/2019

Vincent Robert Russo , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Rebecca N. Sullivan

represented by **Alexander Fraser Denton**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Edward Lake
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Francis Jacoutot
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Carey Allen Miller
(See above for address)
ATTORNEY TO BE NOTICED

Cristina Correia
(See above for address)
TERMINATED: 11/03/2017

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Ahern Monyak

(See above for address)
TERMINATED: 11/03/2017

James A. Balli
(See above for address)
ATTORNEY TO BE NOTICED

John Frank Salter , Jr.
(See above for address)
TERMINATED: 02/15/2019

Jonathan Dean Crumly , Sr.
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Barrett Belinfante
(See above for address)
ATTORNEY TO BE NOTICED

Josiah Benjamin Heidt
(See above for address)
TERMINATED: 11/03/2017

Kimberly K. Anderson
(See above for address)
TERMINATED: 12/06/2019
ATTORNEY TO BE NOTICED

Loree Anne Paradise
(See above for address)
ATTORNEY TO BE NOTICED

Roy E. Barnes
(See above for address)
TERMINATED: 02/15/2019

Vincent Robert Russo , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Ralph F. (Rusty) Simpson

represented by **Bryan P. Tyson**
(See above for address)
ATTORNEY TO BE NOTICED

Cristina Correia
(See above for address)
TERMINATED: 11/03/2017

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Ahern Monyak
(See above for address)
TERMINATED: 11/03/2017

James A. Balli
(See above for address)
ATTORNEY TO BE NOTICED

John Frank Salter , Jr.
(See above for address)
TERMINATED: 02/15/2019

Jonathan Dean Crumly , Sr.
(See above for address)
ATTORNEY TO BE NOTICED

Josiah Benjamin Heidt
(See above for address)
TERMINATED: 11/03/2017

Loree Anne Paradise
(See above for address)
ATTORNEY TO BE NOTICED

Roy E. Barnes
(See above for address)
TERMINATED: 02/15/2019

Vincent Robert Russo , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Seth Harp
*in their individual capacities and their
official capacities as members of the
State Election Board*

represented by **Alexander Fraser Denton**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Edward Lake
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Francis Jacoutot
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Carey Allen Miller
(See above for address)

ATTORNEY TO BE NOTICED

Cristina Correia

(See above for address)

TERMINATED: 11/03/2017

Diane Festin LaRoss

(See above for address)

ATTORNEY TO BE NOTICED

Elizabeth Ahern Monyak

(See above for address)

TERMINATED: 11/03/2017

James A. Balli

(See above for address)

ATTORNEY TO BE NOTICED

John Frank Salter , Jr.

(See above for address)

TERMINATED: 02/15/2019

Jonathan Dean Crumly , Sr.

(See above for address)

ATTORNEY TO BE NOTICED

Joshua Barrett Belinfante

(See above for address)

ATTORNEY TO BE NOTICED

Josiah Benjamin Heidt

(See above for address)

TERMINATED: 11/03/2017

Kimberly K. Anderson

(See above for address)

TERMINATED: 12/06/2019

ATTORNEY TO BE NOTICED

Loree Anne Paradise

(See above for address)

ATTORNEY TO BE NOTICED

Roy E. Barnes

(See above for address)

TERMINATED: 02/15/2019

Vincent Robert Russo , Jr.

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

The State Election Board

represented by **Alexander Fraser Denton**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Edward Lake
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Carey Allen Miller
(See above for address)
ATTORNEY TO BE NOTICED

Cristina Correia
(See above for address)
TERMINATED: 11/03/2017

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Ahern Monyak
(See above for address)
TERMINATED: 11/03/2017

James A. Balli
(See above for address)
ATTORNEY TO BE NOTICED

John Frank Salter , Jr.
(See above for address)
TERMINATED: 02/15/2019

Jonathan Dean Crumly , Sr.
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Barrett Belinfante
(See above for address)
ATTORNEY TO BE NOTICED

Josiah Benjamin Heidt
(See above for address)
TERMINATED: 11/03/2017

Kimberly K. Anderson
(See above for address)
TERMINATED: 12/06/2019
ATTORNEY TO BE NOTICED

Loree Anne Paradise
(See above for address)
ATTORNEY TO BE NOTICED

Roy E. Barnes
(See above for address)
TERMINATED: 02/15/2019

Vincent Robert Russo , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Richard Barron
*in his individual capacity and his official
capacity as Director of the Fulton
County Board of Registration and
Elections*

represented by **Cheryl Ringer**
Office of Fulton County Attorney
Fulton County Government Center
141 Pryor Street, S.W.
Suite 4038
Atlanta, GA 30303
404-612-0263
Email: cheryl.ringer@fultoncountyga.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David R. Lowman
Fulton County Attorney's Office
141 Pryor Street, SW
Suite 4038
Atlanta, GA 30303
404-612-0246
Email: david.lowman@fultoncountyga.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kaye Woodard Burwell
Office of the Fulton County Attorney
Suite 4038
141 Pryor Street, S.W.
Atlanta, GA 30303
404-612-0251
Fax: 404-730-6324
Email: kaye.burwell@fultoncountyga.gov
ATTORNEY TO BE NOTICED

Defendant

Mary Carole Cooney

represented by **Cheryl Ringer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David R. Lowman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kaye Woodard Burwell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Vernetta Nuriddin

represented by **Cheryl Ringer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David R. Lowman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kaye Woodard Burwell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

David J. Burge

represented by **Cheryl Ringer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David R. Lowman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kaye Woodard Burwell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Stan Matarazzo
TERMINATED: 09/15/2017

represented by **Cheryl Ringer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David R. Lowman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kaye Woodard Burwell

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Aaron Johnson
*in their individual capacities and official
capacities as members of the Fulton
County Board of Registration and
Elections*

represented by **Cheryl Ringer**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

David R. Lowman
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Kaye Woodard Burwell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**The Fulton County Board of
Registration and Elections**

represented by **Cheryl Ringer**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

David R. Lowman
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Kaye Woodard Burwell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Maxine Daniels
*in her individual capacity and her official
capacity as Director of Voter
Registrations and Elections for Dekalb
County
TERMINATED: 06/13/2018*

represented by **Daniel Walter White**
Haynie, Litchfield & White, PC
222 Washington Ave NE
Marietta, GA 30060-1959
770-422-8901
Fax: 770-424-8900
Email: dwhite@hlw-law.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Bennett Davis Bryan
DeKalb County Law Department
5th Floor
1300 Commerce Dr.
Decatur, GA 30030
404-371-3011
Fax: 404-371-3024

Email: bdbryan@dekalbcountyga.gov
TERMINATED: 06/28/2018

Terry G. Phillips
Office of DeKalb County Attorney
DeKalb County Administration Building
1300 Commerce Drive
Fifth Floor
Decatur, GA 30030
404-371-3011
Email: tgphili@dekalbcountyga.gov
TERMINATED: 06/28/2018

Defendant

Michael P. Coveny
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bennett Davis Bryan
(See above for address)
TERMINATED: 06/28/2018

Terry G. Phillips
(See above for address)
TERMINATED: 06/28/2018

Defendant

Anthony Lewis
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bennett Davis Bryan
(See above for address)
TERMINATED: 06/28/2018

Terry G. Phillips
(See above for address)
TERMINATED: 06/28/2018

Defendant

Leona Perry
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bennett Davis Bryan
(See above for address)
TERMINATED: 06/28/2018

Terry G. Phillips
(See above for address)
TERMINATED: 06/28/2018

Defendant

Samuel E. Tillman
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bennett Davis Bryan
(See above for address)
TERMINATED: 06/28/2018

Terry G. Phillips
(See above for address)
TERMINATED: 06/28/2018

Defendant

Baoky N. Vu
in their individual capacities and official capacities as memebes of the Dekalb County Board of Registrations and Elections
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bennett Davis Bryan
(See above for address)
TERMINATED: 06/28/2018

Terry G. Phillips
(See above for address)
TERMINATED: 06/28/2018

Defendant

The Dekalb County Board of Registrations and Elections
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bennett Davis Bryan
(See above for address)
TERMINATED: 06/28/2018

Laura K. Johnson
Dekalb County Law Department
1300 Commerce Drive
5th Floor
Decatur, GA 30030
404-371-3011
Fax: 404-371-3024
Email: lkjohnson@dekalbcountyga.gov
TERMINATED: 06/28/2018

Terry G. Phillips
(See above for address)
TERMINATED: 06/28/2018

Defendant

Janine Eveler
*in her individual capacity and her official
capacity as Director of the Cobb County
Board of Elections and Registration
TERMINATED: 06/13/2018*

represented by **Daniel Walter White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Phil Daniell
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Fred Aiken
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Joe Pettit
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jessica Brooks
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Darryl O. Wilson
*in their individual capacities and official
capacities as members of the Cobb
County Board of Elections and
Registration
TERMINATED: 06/13/2018*

represented by **Daniel Walter White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**The Cobb County Board of Elections
and Registration**
TERMINATED: 06/13/2018

represented by **Daniel Walter White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Merle King
in his individual capacity and his official

represented by **Grant Edward Schnell**
Holland & Knight LLP –Atl

*capacity as Executive Director of the
Center for Election Systems at Kennasaw
State University
TERMINATED: 06/13/2018*

One Regions Plaza, Suite 1800
1180 West Peachtree St., N.W.
Atlanta, GA 30309-3407
404-817-8560
Email: grant.schnell@hklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert S. Highsmith
Holland & Knight LLP -Atl
One Regions Plaza, Suite 1800
1180 West Peachtree St., N.W.
Atlanta, GA 30309-3407
404-817-8500
Fax: 404-881-0470
Email: robert.highsmith@hklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cristina Correia
(See above for address)
TERMINATED: 11/03/2017

Josiah Benjamin Heidt
(See above for address)
TERMINATED: 11/03/2017

Defendant

**The Center for Election Systems at
Kennasaw State University**
TERMINATED: 09/15/2017

represented by **Cristina Correia**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Josiah Benjamin Heidt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mark Wingate
TERMINATED: 06/13/2018

represented by **David R. Lowman**
(See above for address)
ATTORNEY TO BE NOTICED

Kaye Woodard Burwell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Karen C. Handel
TERMINATED: 09/28/2017

represented by **Anne Ware Lewis**
Strickland Brockington Lewis, LLP
1170 Peachtree Street, NE

Suite 2200, Midtown Proscium
Atlanta, GA 30309-7200
678-347-2200
Fax: 678-347-2210
Email: awl@sblaw.net
ATTORNEY TO BE NOTICED

Barclay Hendrix
Krevolin & Horst, LLC
One Atlantic Center, Ste 3250
1201 West Peachtree St., NW
Atlanta, GA 30309
404-835-9395
Email: hendrix@khlawfirm.com

Frank B. Strickland
Taylor English Duma LLP
Suite 200
1600 Parkwood Circle
Atlanta, GA 30339
770-434-6868
Email: fstrickland@taylorenghish.com
ATTORNEY TO BE NOTICED

Vincent Robert Russo , Jr.
Robbins Ross Alloy Belinfante Littlefield,
LLC -Atl
Suite 1120
999 Peachtree Street, N.E.
Atlanta, GA 30309
404-856-3260
Fax: 404-856-3250
Email: vrusso@robbinsfirm.com
ATTORNEY TO BE NOTICED

Defendant

State of Election Board
TERMINATED: 06/13/2018

represented by **Bryan Francis Jacoutot**
(See above for address)
ATTORNEY TO BE NOTICED

Cristina Correia
(See above for address)
TERMINATED: 11/03/2017

John Frank Salter , Jr.
(See above for address)
TERMINATED: 02/15/2019

Josiah Benjamin Heidt
(See above for address)
TERMINATED: 11/03/2017

Roy E. Barnes
(See above for address)
TERMINATED: 02/15/2019

Defendant

Brad Raffensperger
*in his individual capacity and his official
capacity as Secretary of State of Georgia
and Chair of the State Election Board*

represented by **Alexander Fraser Denton**
(See above for address)
ATTORNEY TO BE NOTICED

Brian Edward Lake
(See above for address)
ATTORNEY TO BE NOTICED

Bryan Francis Jacoutot
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Carey Allen Miller
(See above for address)
ATTORNEY TO BE NOTICED

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

James A. Balli
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan Dean Crumly , Sr.
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Barrett Belinfante
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly K. Anderson
(See above for address)
TERMINATED: 12/06/2019
ATTORNEY TO BE NOTICED

Loree Anne Paradise
(See above for address)
ATTORNEY TO BE NOTICED

Vincent Robert Russo , Jr.
(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Mark Wingate

represented by **Cheryl Ringer**
Office of Fulton County Attorney
Fulton County Government Center
Suite 4038
141 Pryor Street, S.W.
Atlanta, GA 30303
404-612-0263
Email: cheryl.ringer@fultoncountyga.gov
ATTORNEY TO BE NOTICED

Defendant

Kathleen D Ruth

represented by **Cheryl Ringer**
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Common Cause

represented by **Matthew John Murray**
Altshuler Berzon, LLP
Suite 300
177 Post Street
San Francisco, CA 94108
415-421-7151
Email: mmurray@altber.com
TERMINATED: 10/01/2020
LEAD ATTORNEY
PRO HAC VICE

Stacey M. Leyton
Altshuler Berzon, LLP
Suite 300
177 Post Street
San Francisco, CA 94108
415-421-7151
Email: sleyton@altber.com
TERMINATED: 10/01/2020
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen P. Berzon
Altshuler Berzon, LLP
Suite 300
177 Post Street
San Francisco, CA 94108
415-421-7151
Email: sberzon@altber.com
TERMINATED: 10/01/2020
LEAD ATTORNEY

PRO HAC VICE
ATTORNEY TO BE NOTICED

F. Skip Sugarman
Sugarman Law LLP
Suite 190
154 Krog St.
Atlanta, GA 30307
404-495-4811
Fax: 404-577-7715
Email: skip@sugarman-law.com
ATTORNEY TO BE NOTICED

Jonathan Lee Schwartz
Jon L. Schwartz, Attorney at Law, P.C.
Suite 1200
1170 Peachtree Street
Atlanta, GA 30309
404-667-3047
Email: jonlschwartz@mac.com
TERMINATED: 10/01/2020
ATTORNEY TO BE NOTICED

Amicus

National Election Defense Coalition

represented by **Jonathan Lee Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Protect Democracy

represented by **Stephen P. Berzon**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jonathan Lee Schwartz
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Electronic Privacy Information Center

represented by **Alan Jay Butler**
Alan Butler
1519 New Hampshire Avenue NW
Washington, DC 20036
202-483-1140
Fax: 202-483-1248
Email: butler@epic.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Russell T. Abney

Ferrer Poirot & Wansbrough—GA
Suite 1025
2100 RiverEdge Parkway
Atlanta, GA 30328
800—521—4492
Fax: 866—513—0115
Email: rabney@lawyerworks.com
ATTORNEY TO BE NOTICED

Movant

**Hancock County Board of Elections
and Registration**

represented by **Pierce Groover Blitch , IV**
Fleming & Nelson, LLP
P.O. Box 2208
Suite 201
631 Ronald Regan Drive
Evans, GA 30809
706—434—8770
Fax: 470—201—1212
Email: pblitch@flemingnelson.com
ATTORNEY TO BE NOTICED

Objector

Joseph Kirk

represented by **James Jayson Phillips**
Talley Richardson & Cable, P.A.
P.O. Box 197
367 West Memorial Drive
Dallas, GA 30132
770—445—4438
Email: jphillips@trc-lawfirm.com
LEAD ATTORNEY

Objector

Care In Action, Inc.

represented by **Dara Lindenbaum**
Sandler Reiff Lamb Rosenstein &
Birkenstock, P.C.
Suite 750
1090 Vermont Avenue, NW
Washington, DC 20005
202—479—1111
Email: lindenbaum@sandlerreiff.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt G. Kastorf
1387 Iverson Street NE
Suite 100
Atlanta, GA 30307
202—999—6303
Email: kurt.kastorf@gmail.com
ATTORNEY TO BE NOTICED

Objector

**Ebenezer Baptist Church of Atlanta,
Georgia, Inc.**

represented by **Dara Lindenbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt G. Kastorf
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Fair Fight Action. Inc.

represented by **Dara Lindenbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt G. Kastorf
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Sixth Episcopal District, Inc.

represented by **Dara Lindenbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt G. Kastorf
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Virginia–Highland Church, Inc.

represented by **Dara Lindenbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt G. Kastorf
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Abrams for Governor

represented by **Dara Lindenbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt G. Kastorf
(See above for address)
ATTORNEY TO BE NOTICED

Objector

**Baconton Missionary Baptist Church,
Inc.**

represented by **Dara Lindenbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt G. Kastorf
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Janine Eveler

represented by **Elizabeth Ahern Monyak**
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Kristi L. Royston
*in her capacity as the Gwinnett County
Elections Supervisor*

represented by **Melanie Felicia Wilson**
Gwinnett County Department of Law
75 Langley Dr.
Lawrenceville, GA 30046-6935
770-822-8200
Email: Melanie.wilson@gwinnettcounty.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Objector

Deidre Holden
Paulding County Elections Supervisor

represented by **James Jayson Phillips**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Objector

Ameika Pitts
*in her official capacity as Director of
Henry County Elections and Registration
Department*

represented by **Kenneth Paul Robin**
Jarrard & Davis, LLP
222 Webb St.
Cumming, GA 30040
678-455-7150
Fax: 678-455-7149
Email: krobin@jarrard-davis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Objector

Robert Brady

unknown

Thomas Jonathan Ossoff
TERMINATED: 09/28/2017

represented by **Russell Dunn Waldon**
Waldon Adelman Castilla Hiestand &

Prout
 900 Circle 75 Parkway, N.W.
 Suite 1040
 Atlanta, GA 30339-3084
 770-933-7022
 Email: rwaldon@wachp.com
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
08/08/2017	<u>1</u>		NOTICE OF REMOVAL with COMPLAINT filed by The Center for Election Systems at Kennasaw State University, Rebecca N. Sullivan, Ralph F. (Rusty) Simpson, The State Election Board, David J. Worley, Seth Harp, Brian P. Kemp, Merle King. (Filing fee \$ 400.00 receipt number 113E-7313843) (Attachments: # <u>1</u> Ex - 1 - State Court Docket Sheet, # <u>2</u> Ex -2 - Original Petition, # <u>3</u> Ex -3 - Case Initiation Form, # <u>4</u> Ex -4 - Summons, # <u>5</u> Ex -5- Notice of Related Case, # <u>6</u> Ex -6 - Special Process Summons, # <u>7</u> Ex -7 - Certificate of Service, # <u>8</u> Ex -8 - Certificate of Service -2, # <u>9</u> Ex -9 - Motion for Leave to Amend Complaint, # <u>10</u> Ex -10 - Motion for Leave to Serve, # <u>11</u> Ex -11 - Affidavits of Service, # <u>12</u> Ex -12 - Proposed Order, # <u>13</u> Ex -13 - Sheriff's Entry of Service, # <u>14</u> Civil Cover Sheet)(eop) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 08/11/2017)
08/08/2017	<u>2</u>		MOTION for Leave to File Amended Complaint, by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price and Jeffrey Schoenberg. (Filed in State Court and included w/in Notice of Removal) (eop) (Entered: 08/11/2017)
08/08/2017	<u>3</u>		MOTION for Leave to Serve Election Contest Defendants and Candidates by Certified Process Server by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price and Jeffrey Schoenberg. (Filed in State Court and contained w/in Notice of Removal) (eop) (Entered: 08/11/2017)
08/12/2017	<u>4</u>		MOTION for Limited Early and Expedited Discovery with Brief In Support by Donna Curling. (Attachments: # <u>1</u> Exhibit Ex A Discovery Request to Kemp, # <u>2</u> Exhibit B Discovery Request to State Election Board, # <u>3</u> Exhibit C Discovery Request to King, # <u>4</u> Exhibit D Discovery Request to Cobb, # <u>5</u> Exhibit E Discovery Request to DeKalb, # <u>6</u> Exhibit F Discovery Request to Fulton, # <u>7</u> Text of Proposed Order)(Holcomb, Michael) (Entered: 08/12/2017)
08/14/2017	<u>5</u>		ORDER re: <u>4</u> Plaintiffs' Expedited Motion for Limited Early and Expedited Discovery. Plaintiffs do not specify in their motion whether they have conferred with Defendants about their request for early and expedited discovery. The Court DIRECTS the parties to confer on this matter and to notify the Court if they can agree on a schedule for early and expedited discovery. The parties shall notify the Court via the electronic docket whether or not they are able to reach such an agreement no later than 12:00 P.M. on Thursday, August 17, 2017, and they shall attach the agreement if one is reached at that time. If the parties are unable to reach such an agreement,

		Defendants shall file a response to Plaintiffs' motion no later than 5:00 P.M. on Monday, August 21, 2017. The Court may schedule a prompt hearing based on the responses filed. Signed by Judge Amy Totenberg on 8/14/2017. (See order for more specifics) (jtj) (Entered: 08/14/2017)
08/14/2017	<u>6</u>	MOTION for Leave to File Excess Pages by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Monyak, Elizabeth) (Entered: 08/14/2017)
08/15/2017	<u>7</u>	Memorandum in Support of <u>2</u> MOTION for Leave to File to File Amended Complaint, with Brief In Support by Donna Curling. (Attachments: # <u>1</u> Text of Proposed Order)(Holcomb, Michael) Modified on 8/15/2017 to reflect e-filed document. (jtj) (Entered: 08/15/2017)
08/15/2017	<u>8</u>	MOTION to Dismiss <i>For Lack of Jurisdiction and</i> , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM with Brief In Support by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit Declaration of Chris Harvey, # <u>3</u> Exhibit Exh 1 to Harvey Decl., # <u>4</u> Exhibit Exh 2 to Harvey Decl., # <u>5</u> Exhibit Exh 3 to Harvey Decl., # <u>6</u> Exhibit Exh 4 to Harvey Decl., # <u>7</u> Exhibit Exh 5 to Harvey Decl, # <u>8</u> Exhibit Exh 6 to Harvey Decl)(Correia, Cristina) (Entered: 08/15/2017)
08/16/2017	<u>9</u>	Return of Service Executed by Coalition for Good Governance. The Dekalb County Board of Registrations and Elections served on 8/9/2017, answer due 8/30/2017. (Holcomb, Michael) (Entered: 08/16/2017)
08/17/2017	<u>10</u>	JOINT NOTICE in Response to <u>5</u> Order, by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The Center for Election Systems at Kennasaw State University, The State Election Board, David J. Worley. (Heidt, Josiah) (Entered: 08/17/2017)
08/17/2017	<u>11</u>	Standing Order: Guidelines to Parties and Counsel Proceeding Before the Honorable Amy Totenberg. You are required to sign and file a Certificate of Compliance in a format consistent with the Certificate of Compliance attached hereto.To request to file material under seal, the Parties should follow the mechanism described in Section II(J) of Appendix H to the Court's Local Civil Rules. Signed by Judge Amy Totenberg on 8/17/2017. (jtj) (Entered: 08/17/2017)
08/17/2017	<u>12</u>	NOTICE of Appearance by Daniel Walter White on behalf of Fred Aiken, Jessica Brooks, Phil Daniell, Janine Eveler, Joe Pettit, The Cobb County Board of Elections and Registration, Darryl O. Wilson (White, Daniel) (Entered: 08/17/2017)
08/17/2017	<u>13</u>	NOTICE of Appearance by Bennett Davis Bryan on behalf of Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, Samuel E. Tillman, Baoky N. Vu (Bryan, Bennett) (Entered: 08/17/2017)
08/18/2017	<u>14</u>	ORDER DENYING AS MOOT <u>8</u> Motion to Dismiss. The Amended Complaint is deemed filed as of the date of this Order. Plaintiffs also filed a Notice of Related Case in the previous state court proceedings. (See Doc. 1-5.) They cite to the related case of Donna Curling et al. v. Brian Kemp, in his official capacity as Secretary of State of Georgia, et al., Case No.

		2017cv290630, pending before the Honorable Kimberly M. Esmond Adams. The Court DIRECTS counsel for Plaintiffs to send all of the orders in the related case, as well as their own electronic filings, as attachments via email to AT_Chambers@gand.uscourts.gov no later than 5:00 P.M. on August 18, 2017. Likewise, the Court DIRECTS counsel in the State Attorney Generals Office to send all of their own electronic filings in the related case as attachments via email to the AT_Chambers@gand.uscourts.gov no later than 5:00 P.M. on August 18, 2017. The Court ORDERS counsel for Plaintiffs and counsel in the State Attorney General's Office to each separately file on the electronic docket a summary of the status of the related case, not to exceed one page in length, no later than 5:00 P.M. on August 18, 2017. Signed by Judge Amy Totenberg on 8/18/2017. (jtj) (Entered: 08/18/2017)
08/18/2017	<u>15</u>	AMENDED COMPLAINT with Jury Demand filed by plaintiffs against Defendants.(jtj) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Additional attachment(s) added on 8/18/2017: # <u>1</u> Exhibits A – E, # <u>2</u> Exhibits F and G, # <u>3</u> Exhibits H – N, # <u>4</u> Verifications) (jtj). (Entered: 08/18/2017)
08/18/2017	<u>16</u>	NOTICE in Response to <u>14</u> Order by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Heidt, Josiah) (Entered: 08/18/2017)
08/18/2017	<u>17</u>	NOTICE in Response to <u>14</u> Order by Donna Curling. (Holcomb, Michael) (Entered: 08/18/2017)
08/18/2017	<u>18</u>	NOTICE of Appearance by Kaye Woodard Burwell on behalf of Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, The Fulton County Board of Registration and Elections (Burwell, Kaye) (Entered: 08/18/2017)
08/18/2017	<u>19</u>	Return of Service Executed by Coalition for Good Governance. The Cobb County Board of Elections and Registration served on 8/10/2017, answer due 8/31/2017. (Holcomb, Michael) (Entered: 08/18/2017)
08/18/2017	<u>20</u>	NOTICE of Appearance by DAVID R. LOWMAN on behalf of Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin (Burwell, Kaye) Modified on 8/21/2017 to edit attorney. (jtj) (Entered: 08/18/2017)
08/18/2017	<u>21</u>	NOTICE of Appearance by CHERYL M. RINGER on behalf of Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin. (Burwell, Kaye) Modified on 8/21/2017 to edit attorney. (jtj) (Entered: 08/18/2017)
08/21/2017	<u>22</u>	NOTICE of Appearance by Kaye Woodard Burwell on behalf of Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin (Burwell, Kaye) (Entered: 08/21/2017)
08/21/2017	<u>23</u>	Return of Service Executed for Complaint. Defendants served Fulton County Board of Registration & Elections – 8/15/2017, Maxine Daniels – 8/5/2017, DeKalb County Board of Registrations & Elections – 8/5/2017, Phil Daniel – 8/4/2017, Darryl O. Wilson – 8/4/2017, Aaron Johnson – 7/15/2017, Fred

		Aiken – 8/4/2017, and Joe Pettit – 8/7/2017. (Holcomb, Michael) Modified on 8/21/2017 to add dates. (jtj) (Entered: 08/21/2017)
08/21/2017	<u>24</u>	Return of Service Executed for Complaint. David Worley served on 8/11/2017. (Holcomb, Michael) Modified on 8/21/2017 to edit docket text. (jtj) (Entered: 08/21/2017)
08/21/2017	<u>25</u>	NOTICE of Appearance by Aaron Wright on behalf of Donna Curling, Coalition for Good Governance, Donna Price, Jeffrey Schoenberg, Laura Digges, William Digges III, and Ricardo Davis (Wright, Aaron) Modified on 8/21/2017 to add parties. (jtj) (Entered: 08/21/2017)
08/21/2017	<u>26</u>	ACKNOWLEDGMENT OF SERVICE Executed filed by Coalition for Good Governance. Jessica Brooks served on 8/21/2017. (Holcomb, Michael) (Entered: 08/21/2017)
08/21/2017	<u>27</u>	Request for Leave of Absence for the following date(s): September 7–11, September 14–15, September 25–29, October 6, 2017, by Daniel Walter White. (White, Daniel) (Entered: 08/21/2017)
08/21/2017	<u>28</u>	RESPONSE re <u>4</u> MOTION for Limited Early and Expedited Discovery filed by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Correia, Cristina) (Entered: 08/21/2017)
08/21/2017	<u>29</u>	RESPONSE re <u>4</u> MOTION for Limited Early and Expedited Discovery filed by Stan Matarazzo. (Attachments: # <u>1</u> Affidavit Dwight Brower)(Lowman, David) (Entered: 08/21/2017)
08/22/2017	<u>30</u>	REFILED AT <u>33</u> AMENDED Affidavit of Dwight Brower in Support of <u>29</u> RESPONSE to <u>4</u> MOTION for Limited Early and Expedited Discovery, filed by Mark Wingate. (Lowman, David) Modified on 8/22/2017 to reflect e–filed document. (jtj) (Entered: 08/22/2017)
08/22/2017	<u>31</u>	NOTICE of Appearance by Marvin Lim on behalf of Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg (Lim, Marvin) (Entered: 08/22/2017)
08/22/2017	<u>32</u>	RESPONSE in Opposition re <u>4</u> MOTION for Limited Early and Expedited Discovery filed by Fred Aiken, Jessica Brooks, Phil Daniell, Janine Eveler, Joe Pettit, The Cobb County Board of Elections and Registration, Darryl O. Wilson. (White, Daniel) (Entered: 08/22/2017)
08/22/2017	<u>33</u>	AMENDED Affidavit of Dwight Brower in Support of <u>29</u> RESPONSE to <u>4</u> MOTION for Limited Early and Expedited Discovery filed by Mark Wingate. (Lowman, David) Modified on 8/22/2017 to reflect e–filed document. (jtj) (Entered: 08/22/2017)
08/22/2017	<u>34</u>	ACKNOWLEDGMENT OF SERVICE Executed filed by Coalition for Good Governance. Mark Wingate served on 8/21/2017, answer due 9/12/2017. (Holcomb, Michael) (Entered: 08/22/2017)
08/22/2017	<u>35</u>	RESPONSE in Opposition re <u>4</u> MOTION for Limited Early and Expedited Discovery filed by Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, Samuel E. Tillman, Baoky N. Vu. (Bryan, Bennett) (Entered: 08/22/2017)

08/22/2017	<u>36</u>		AFFIDAVIT of Service for Summons & Verified Complaint , as to The Center for Election Systems at Kennesaw State University, Merle King, The Cobb County Board of Elections and Registration, and Janine Eveler. (Holcomb, Michael) (Entered: 08/22/2017)
08/22/2017	<u>41</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 8/22/2017. The parties updated the Court as to the status of service on Defendants. See minutes for deadlines. (Court Reporter Shannon Welch)(jpa) (Entered: 08/24/2017)
08/23/2017	<u>37</u>		APPLICATION for Admission of Edward Bruce Schwartz Pro Hac Vice (Application fee \$ 150, receipt number 113E-7343099)by Coalition for Good Governance. (Holcomb, Michael) (Entered: 08/23/2017)
08/23/2017	<u>38</u>		ANSWER to <u>1</u> Notice of Removal, <u>15</u> Amended Complaint (Discovery ends on 1/20/2018), by Thomas Jonathan Ossoff. (Waldon, Russell) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 08/23/2017)
08/23/2017	<u>39</u>		NOTICE of Appearance by Russell Dunn Waldon on behalf of Thomas Jonathan Ossoff (Waldon, Russell) (Entered: 08/23/2017)
08/23/2017	<u>40</u>		ORDER – The Court encourages Plaintiffs' counsel to seriously review the information filed by Defendants this Friday regarding the time schedule for election preparation as well as Defendants' new motions to dismiss due by August 29, 2017. If, upon review of these materials, Plaintiffs decide to proceed by seeking injunctive relief in connection with the 2018 election cycle instead of the upcoming November 2017 election, Plaintiffs are DIRECTED to notify the Court as soon as possible but no later than 5:00 P.M. on September 1, 2017. If Plaintiffs determine they wish to proceed with the current established schedule and plan, they are advised to focus their motion for preliminary injunctive relief realistically on the limited set of issues and claims they deem essential to be resolved in this current 2017 election cycle. Additional issues, as warranted, will then be addressed in later discovery, briefs, and hearings. Signed by Judge Amy Totenberg on 8/23/2017. (jtj) (Entered: 08/23/2017)
08/24/2017	<u>42</u>		TRANSCRIPT of Telephone Conference Proceedings held on 8/22/2017, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/14/2017. Redacted Transcript Deadline set for 9/25/2017. Release of Transcript Restriction set for 11/22/2017. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 08/24/2017)
08/24/2017	<u>43</u>		Notice for Leave of Absence for the following date(s): 9/14/2017, 9/15/2017, 9/18/2017, by Kaye Woodard Burwell. (Burwell, Kaye) (Entered: 08/24/2017)
08/24/2017	<u>44</u>		APPLICATION for Admission of Joe Robert Caldwell, Jr. Pro Hac Vice (Application fee \$ 150, receipt number 113E-7346046)by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg. (Holcomb, Michael) (Entered: 08/24/2017)

08/24/2017	<u>45</u>	Notice for Leave of Absence for the following date(s): September 14, 2017, September 15, 2017, by David R. Lowman. (Lowman, David) (Entered: 08/24/2017)
08/25/2017	<u>46</u>	NOTICE of Election Deadlines by Mark Wingate. (Lowman, David) (Entered: 08/25/2017)
08/29/2017	<u>47</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM with Brief In Support by Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, Samuel E. Tillman, Baoky N. Vu. (Bryan, Bennett) (Entered: 08/29/2017)
08/29/2017	<u>48</u>	MOTION to Dismiss by Fulton County Board of Registration and Elections, Director Richard Barron, members of the FCBRE Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Stan Matarazzo, Aaron Johnson, and Mark Wingate. (Attachments: # <u>1</u> Brief in Support of Motion to Dismiss)(Lowman, David) Modified on 8/30/2017 to add filers. (jtj) (Entered: 08/29/2017)
08/29/2017	<u>49</u>	MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction</i> , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM with Brief In Support by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit Chris Harvey Declaration, # <u>3</u> Exhibit Marilyn Marks Cross Examination, # <u>4</u> Exhibit Electors' Initial Request for Reexamination, # <u>5</u> Exhibit Electors' Supplemental Request for Reexamination, # <u>6</u> Exhibit Secretary of State's Second Response to Reexamination)(Heidt, Josiah) (Entered: 08/29/2017)
08/29/2017	<u>50</u>	MOTION to Dismiss <i>FOR LACK OF SUBJECT MATTER JURISDICTION</i> , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM with Brief In Support by Fred Aiken, Jessica Brooks, Phil Daniell, Janine Eveler, Joe Pettit, The Cobb County Board of Elections and Registration, Darryl O. Wilson. (White, Daniel) (Entered: 08/29/2017)
08/30/2017	<u>51</u>	MOTION for Extension of Time to File a Motion for Preliminary Injunction , MOTION for Leave to File Excess Pages by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Holcomb, Michael) (Entered: 08/30/2017)
08/31/2017		RETURN of <u>37</u> APPLICATION for Admission of Edward Bruce Schwartz Pro Hac Vice (Application fee \$ 150, receipt number 113E-7343099) to attorney for correction re: NY bar. (cdg) (Entered: 08/31/2017)
08/31/2017		RETURN of <u>44</u> APPLICATION for Admission of Joe Robert Caldwell, Jr. Pro Hac Vice (Application fee \$ 150, receipt number 113E-7346046) to attorney for correction re: Court(NJ). (cdg) (Entered: 08/31/2017)
08/31/2017	<u>52</u>	NOTICE Of Filing Transcript of June 7, 2017 Hearing by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit Transcript Exhibits)(Correia, Cristina) (Entered: 08/31/2017)
08/31/2017	<u>53</u>	ORDER GRANTING <u>51</u> Motion for Extension of Time contingent on the motion and brief being filed no later than 6:00 PM on September 1, 2017. The

		briefing schedule is set forth in this order. No extensions shall be granted. The Court will set a potential hearing date for a preliminary injunction hearing for a date to be determined during the week of September 18, 2017. However, the Court will determine whether such a hearing is appropriate and necessary based on its assessment of the motions and briefs. Signed by Judge Amy Totenberg on 9/01/2017. (jtj) (Entered: 09/01/2017)
08/31/2017	<u>54</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 8/31/2017. The Court granted attorneys Edward Schwartz and Joe Caldwell special dispensation to participate in the conference and deal with the issues in their <u>37</u> and <u>44</u> Applications for Admission Pro Hac Vice after the hearing. Plaintiffs informed the Court of the type of relief they intend to seek in the motion for preliminary injunction. Plaintiffs indicated they can file the motion for preliminary injunction by 6:00 PM on Friday, September 1, 2017. Counsel for the Defendants voiced their opposition. The Court directed Plaintiffs to file a motion seeking leave to amend the complaint to add the additional claim they seek to pursue by noon on Friday, September 1, 2017. The Court directed Plaintiffs to email the Courtroom Deputy Clerk (and copy defense counsel) the constitutional and statutory provisions they are relying on for this new claim. The Court directed defense counsel to file the transcript of the state court hearing. Discussion was had regarding deadlines. The Court took the parties' positions under advisement. Plaintiffs indicated they no longer seek an enlargement of the page limits for their motion for preliminary injunction. <u>51</u> Motion for Leave to File Excess Pages is withdrawn. (Court Reporter Shannon Welch)(jtj) (Entered: 09/01/2017)
09/01/2017	<u>55</u>	MOTION to Stay <i>Discovery and Discovery Related Activities</i> with Brief In Support by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Correia, Cristina) (Entered: 09/01/2017)
09/01/2017	<u>57</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 9/5/2017. The Court FINDS AS MOOT, <u>47</u> , <u>48</u> , <u>49</u> and <u>50</u> Motions to Dismiss. The Court granted attorneys Edward Schwartz, Joe Caldwell, and Anne Lewis special dispensation to participate in the conference. Discussion was had regarding scheduling. The Court authorized Plaintiffs to file an amended complaint. The amended complaint is to be filed by September 15, 2017. Defendants' responses are due by September 29, 2017; no extensions will be granted. Plaintiffs' reply brief is due 14 days thereafter, but the Court encouraged Plaintiffs to file it sooner; no extensions will be granted. If Plaintiffs do not file the amended complaint as represented, Defendants have leave to reassert the motions to dismiss that were deemed moot by the Court. The parties are to meet and confer next week on the issue of the litigation hold. (Court Reporter Shannon Welch)(jtj) (Entered: 09/05/2017)
09/05/2017	<u>56</u>	ORDER GRANTING <u>55</u> Motion to Stay All Discovery. Signed by Judge Amy Totenberg on 9/05/2017. (jtj) (Entered: 09/05/2017)
09/07/2017	<u>58</u>	MOTION to Remand to State Court by Mark Wingate. (Burwell, Kaye) (Entered: 09/07/2017)
09/08/2017	<u>59</u>	TRANSCRIPT of Telephone Conference Proceedings held on 8/31/2017, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch,

		RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/29/2017. Redacted Transcript Deadline set for 10/10/2017. Release of Transcript Restriction set for 12/7/2017. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 09/08/2017)
09/08/2017	<u>60</u>	TRANSCRIPT of Telephone Conference Proceedings held on 9/1/2017, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/29/2017. Redacted Transcript Deadline set for 10/10/2017. Release of Transcript Restriction set for 12/7/2017. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 09/08/2017)
09/08/2017	<u>61</u>	APPLICATION for Admission of Edward Bruce Schwartz Pro Hac Vice by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg. (Holcomb, Michael) (Entered: 09/08/2017)
09/08/2017	<u>62</u>	APPLICATION for Admission of Joe Robert Caldwell, Jr. Pro Hac Vice by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg. (Holcomb, Michael) (Entered: 09/08/2017)
09/11/2017	<u>63</u>	NOTICE of Appearance by Vincent Robert Russo, Jr on behalf of Karen C. Handel (Russo, Vincent) (Entered: 09/11/2017)
09/11/2017	<u>64</u>	NOTICE by Karen C. Handel of <i>Special Appearance</i> (Russo, Vincent) (Entered: 09/11/2017)
09/11/2017	<u>65</u>	NOTICE of Appearance by Anne Ware Lewis on behalf of Karen C. Handel (Lewis, Anne) (Entered: 09/11/2017)
09/11/2017	<u>66</u>	NOTICE of Appearance by Frank B. Strickland on behalf of Karen C. Handel (Strickland, Frank) (Entered: 09/11/2017)
09/11/2017	<u>67</u>	NOTICE of Appearance by Barclay Hendrix on behalf of Karen C. Handel (Hendrix, Barclay) (Entered: 09/11/2017)
09/13/2017		Submission of <u>3</u> MOTION for Leave to Serve Election Contest Defendants and Candidates by Certified Process Server, <u>4</u> MOTION for Limited Early and Expedited Discovery, <u>6</u> MOTION for Leave to File Excess Pages , submitted to District Judge Amy Totenberg. (jtj) (Entered: 09/13/2017)
09/15/2017		APPROVAL by Clerks Office re: <u>61</u> APPLICATION for Admission of Edward Bruce Schwartz Pro Hac Vice. Attorney Edward Bruce Schwartz added appearing on behalf of Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg (pmb). Modified on 9/15/2017 to update plaintiffs (pmb). (Entered: 09/15/2017)
09/15/2017		

		APPROVAL by Clerks Office re: <u>62</u> APPLICATION for Admission of Joe Robert Caldwell, Jr. Pro Hac Vice. Attorney Joe Robert Caldwell, Jr added appearing on behalf of Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg (pmb) Modified on 9/15/2017 to update plaintiffs (pmb) (Entered: 09/15/2017)
09/15/2017	<u>68</u>	ORDER DIRECTING counsel to notify the Court no later than 9/18/2017 if Representative Handel (or counsel on her behalf) will accept service. If the Court is notified by 9/18/2017 that the service issue has been resolved, the Court will grant Handel's extension of time through 10/2/2017 to respond to the amended complaint. Signed by Judge Amy Totenberg on 9/15/2017. (sap) (Entered: 09/15/2017)
09/15/2017	<u>69</u>	DUPLICATE ENTRY ORDER re Karen C. Handel's request in her <u>64</u> Special Appearance for an extension of time to file a responsive pleading to Plaintiffs' amended complaint. Assuming that Representative Handel maintains that she still has not been served, her counsel is DIRECTED to notify the Court no later than September 18, 2017, if she (or counsel on her behalf) will accept service. If Representative Handel's counsel notifies the Court on September 18 that this service issue has been resolved, the Court will grant Representative Handel an extension to respond to the amended complaint no later than October 2, 2017. Signed by Judge Amy Totenberg on 9/15/2017. (acm) Text Modified on 9/18/2017 (sap). (Entered: 09/15/2017)
09/15/2017	<u>70</u>	Second AMENDED COMPLAINT against All Defendants with Jury Demand, filed by Ricardo Davis, Coalition for Good Governance, Donna Curling, William Digges, III, Donna Price, Jeffrey Schoenberg, Laura Digges.(Holcomb, Michael) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 09/15/2017)
09/18/2017	<u>71</u>	ORDER GRANTING <u>62</u> Application of Joe Robert Caldwell, Jr. for Admission Pro Hac Vice. Signed by Judge Amy Totenberg on 9/18/2017. (jtj) (Entered: 09/18/2017)
09/18/2017	<u>72</u>	ORDER GRANTING <u>61</u> Application of Edward Bruce Schwartz for Admission Pro Hac Vice. Signed by Judge Amy Totenberg on 9/18/2017. (jtj) (Entered: 09/18/2017)
09/18/2017	<u>73</u>	RESPONSE to <u>68</u> Court's September 15, 2017 Order, filed by Representative Karen C. Handel. (Russo, Vincent) (Entered: 09/18/2017)
09/18/2017	<u>74</u>	ACKNOWLEDGMENT OF SERVICE Executed filed by Karen C. Handel. (Russo, Vincent) (Entered: 09/18/2017)
09/20/2017	<u>76</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 9/20/2017. Plaintiffs stated that they did drop the contest claim in the recently filed amended complaint and that there were no remaining claims against Karen Handel. Counsel for Handel contended that she should thus be dismissed as a party. By Tuesday, September 26, 2017, the Plaintiffs are to provide Handel's attorney, and notify the Court, as to Plaintiffs' position re the claims against Handel. Discussion was had regarding Defendant Wingate's motion to remand. Plaintiffs will file opposition to the

		<p>motion to remand. Discussion was had regarding the litigation hold on voting equipment. Plaintiffs will inform Defendants by Friday, September 22, 2017, re what equipment, if any, it believes need to remain subject to the litigation hold. (Court Reporter Shannon Welch) (jtj) (Entered: 09/22/2017)</p>
09/21/2017	<u>75</u>	<p>RESPONSE in Opposition re <u>58</u> MOTION to Remand to State Court by <i>Mark Wingate</i> filed by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg, Edward Curtis Terry. (Holcomb, Michael) (Entered: 09/21/2017)</p>
09/22/2017	<u>77</u>	<p>ORDER DENYING AS MOOT <u>3</u> Plaintiffs' Motion for Leave to Serve Election Contest Defendants and Candidates by Certified Process Server; <u>4</u> Plaintiffs' Expedited Motion for Limited Early and Expedited Discovery; and <u>6</u> State Defendants' Motion for Leave to File Excess Pages. Signed by Judge Amy Totenberg on 9/22/2017. (jtj) (Entered: 09/22/2017)</p>
09/22/2017	<u>78</u>	<p>MOTION for Leave to File Excess Pages by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Correia, Cristina) (Entered: 09/22/2017)</p>
09/22/2017	<u>79</u>	<p>First MOTION to Dismiss with Brief In Support by Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, Samuel E. Tillman, Baoky N. Vu. (Bryan, Bennett) (Entered: 09/22/2017)</p>
09/26/2017	<u>80</u>	<p>TRANSCRIPT of Telephone Conference Proceedings held on 9/20/2017, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/17/2017. Redacted Transcript Deadline set for 10/27/2017. Release of Transcript Restriction set for 12/26/2017. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 09/26/2017)</p>
09/28/2017	<u>81</u>	<p>ORDER – Ms. Handel is no longer a party to this case as of the Second Amended Complaint. She is not required to file any response to the Second Amended Complaint, let alone participate in this case going forward. There is nothing to dismiss. And therefore there is no basis for Mr. Russo's motion. The Clerk of Court is DIRECTED to immediately terminate Ms. Handel as a party in this case, so that the docket reflects that the Second Amended Complaint brought no claims against Ms. Handel and did not name her as a party defendant. Signed by Judge Amy Totenberg on 9/28/2017. (jtj) (Entered: 09/28/2017)</p>
09/29/2017	<u>82</u>	<p>MOTION to Dismiss by David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Attachments: # <u>1</u> Brief)(Lowman, David) (Entered: 09/29/2017)</p>
09/29/2017	<u>83</u>	<p>MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction</i>, MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Second Amended Complaint</i> with Brief In Support by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Brief)(Heidt, Josiah)</p>

		(Entered: 09/29/2017)
09/29/2017	<u>84</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM with Brief In Support by Fred Aiken, Jessica Brooks, Phil Daniell, Janine Eveler, Joe Pettit, The Cobb County Board of Elections and Registration, Darryl O. Wilson. (White, Daniel) (Entered: 09/29/2017)
10/02/2017	<u>85</u>	UNOPPOSED MOTION to Consolidate Deadlines for Plaintiff's Responses to Defendants' Motions to Dismiss with Brief In Support, by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg, Edward Curtis Terry. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Holcomb, Michael) (Entered: 10/02/2017)
10/03/2017		Submission of <u>85</u> UNOPPOSED MOTION to Consolidate Deadlines for Plaintiff's Responses to Defendants' Motions to Dismiss, submitted to District Judge Amy Totenberg. (jtj) (Entered: 10/03/2017)
10/03/2017	<u>86</u>	ORDER GRANTING <u>85</u> Motion to Consolidate Deadlines. The Plaintiffs' response brief to the Defendants' motions to dismiss (Dkt. Nos. 79, 82, 83, and 84) is due by October 13, 2017. Signed by Judge Amy Totenberg on 10/03/2017. (jtj) (Entered: 10/03/2017)
10/05/2017	<u>87</u>	REPLY to <u>58</u> MOTION to Remand to State Court with Brief In Support, by Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, The Fulton County Board of Registration and Elections, Mark Wingate. (Burwell, Kaye) Modified on 10/5/2017 to reflect e-filed document. (jtj) (Entered: 10/05/2017)
10/06/2017		Submission of <u>58</u> MOTION to Remand to State Court , submitted to District Judge Amy Totenberg. (jtj) (Entered: 10/06/2017)
10/09/2017	<u>88</u>	REPLY BRIEF re <u>58</u> MOTION to Remand to State Court filed by Mark Wingate. (Burwell, Kaye) (Entered: 10/09/2017)
10/10/2017		Submission of <u>78</u> MOTION for Leave to File Excess Pages , submitted to District Judge Amy Totenberg. (jtj) (Entered: 10/10/2017)
10/10/2017	<u>89</u>	ORDER GRANTING <u>78</u> Motion for Leave to File Excess Pages. Signed by Judge Amy Totenberg on 10/10/2017. (jtj) (Entered: 10/10/2017)
10/13/2017	<u>90</u>	MOTION for Leave to File Excess Pages with Brief In Support by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief in Support of a Motion to File Brief in Excess of Twenty-Five Pages, # <u>2</u> Text of Proposed Order)(Schwartz, Edward) (Entered: 10/13/2017)
10/13/2017	<u>91</u>	RESPONSE re <u>83</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Second Amended Complaint</i> , <u>82</u> MOTION to Dismiss , <u>79</u> First MOTION to Dismiss , <u>84</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg. (Schwartz, Edward) (Entered: 10/13/2017)
10/18/2017	<u>92</u>	ORDER granting in part the <u>90</u> Motion for Leave to File Excess Pages. Plaintiffs shall file their 75-page response brief no later than October 20, 2017

		at 4:30 P.M. The Court expects the response brief to be a condensed version of the currently filed brief, not a revised version with new or additional arguments. Defendants time to file their reply brief(s) is extended to October 30, 2017. Signed by Judge Amy Totenberg on 10/18/17. (aaq) (Entered: 10/18/2017)
10/20/2017	<u>93</u>	RESPONSE re <u>83</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Second Amended Complaint</i> , <u>82</u> MOTION to Dismiss , <u>79</u> First MOTION to Dismiss , <u>84</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AS AMENDED</i> filed by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg, Edward Curtis Terry. (Schwartz, Edward) (Entered: 10/20/2017)
10/24/2017	<u>94</u>	REPLY BRIEF in Support of <u>79</u> First MOTION to Dismiss filed by Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, The Fulton County Board of Registration and Elections, Samuel E. Tillman, Baoky N. Vu. (Bryan, Bennett) (Entered: 10/24/2017)
10/27/2017	<u>95</u>	MOTION for Leave to File Excess Pages by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Correia, Cristina) (Entered: 10/27/2017)
10/30/2017	<u>96</u>	ORDER GRANTING IN PART <u>95</u> Motion for Leave to File Excess Pages. The State Defendants may file a reply brief no longer than 20 pages in length. Signed by Judge Amy Totenberg on 10/30/2017. (jtj) (Entered: 10/30/2017)
10/30/2017	<u>97</u>	REPLY to Response to Motion re <u>83</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Second Amended Complaint</i> filed by Seth Harp, Brian P. Kemp, Merle King, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, David J. Worley. (Correia, Cristina) (Entered: 10/30/2017)
10/30/2017	<u>98</u>	REPLY BRIEF re <u>84</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Fred Aiken, Jessica Brooks, Phil Daniell, Janine Eveler, Joe Pettit, The Cobb County Board of Elections and Registration, Darryl O. Wilson. (White, Daniel) (Entered: 10/30/2017)
10/31/2017	<u>99</u>	ORDER DENYING as MOOT <u>58</u> Motion to Remand to State Court. Signed by Judge Amy Totenberg on 10/31/17. (bnw) (Entered: 10/31/2017)
10/31/2017	<u>100</u>	REPLY to Response to Motion re <u>83</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Second Amended Complaint</i> filed by Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Lowman, David) (Entered: 10/31/2017)
11/02/2017		Submission of <u>79</u> First MOTION to Dismiss, <u>83</u> MOTION to Dismiss, <u>84</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <u>82</u> MOTION to Dismiss, submitted to District Judge Amy Totenberg. (jtj) (Entered: 11/02/2017)
11/03/2017	<u>101</u>	

		Certificate of Consent to Withdraw and Substitution of Counsel by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Correia, Cristina) (Entered: 11/03/2017)
11/03/2017	<u>102</u>	Certificate of Consent to Withdraw as Counsel and Substitution of Counsel, by Merle King. (Correia, Cristina) (Entered: 11/03/2017)
11/03/2017	<u>103</u>	Certification of Consent to Substitution of Counsel. Roy E. Barnes and John Frank Salter, Jr substituted for Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, and for David J. Worley. Barnes and salter replacing attorneys Elizabeth Ahern Monyak, Cristina Correia and Josiah Benjamin Heidt. (jtj) (Entered: 11/03/2017)
11/03/2017	<u>104</u>	MOTION to Withdraw Edward Bruce Schwartz as Attorney with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Schwartz, Edward) (Entered: 11/03/2017)
11/07/2017	<u>105</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 11/7/2017. The Court indicated that the Plaintiffs must file a motion regarding spoliation if they want to pursue that issue. The Court inquired as to what the Defendants had done regarding the wiping of the Kennesaw State University server. The Court encouraged the parties to confer about preservation of evidence. Plaintiffs will circulate a draft order to Defendants and submit a proposed order to the Court by close of business on Monday, November 13, 2017. Counsel for the State Defendants requested oral argument on the pending motions to dismiss. The Court inquired as to whether the parties can stipulate to any items, including facts. The parties are to provide the Court with a joint report not exceeding 4 pages in length summarizing their conversations by close of business on Monday, November 13, 2017. (Court Reporter Shannon Welch)(jtj) (Entered: 11/07/2017)
11/07/2017	<u>106</u>	NOTICE of Appearance by Grant Edward Schnell on behalf of Merle King (Schnell, Grant) (Entered: 11/07/2017)
11/08/2017	<u>107</u>	TRANSCRIPT of Telephone Conference Proceedings held on 11/7/2017, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/29/2017. Redacted Transcript Deadline set for 12/11/2017. Release of Transcript Restriction set for 2/6/2018. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 11/08/2017)
11/13/2017	<u>108</u>	JOINT STATUS REPORT by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg, Edward Curtis Terry. (Attachments: # <u>1</u> Exhibit A Draft Preservation Order, # <u>2</u> Exhibit B Defendants' Draft Preservation Order)(Schwartz, Edward) (Entered: 11/13/2017)
11/15/2017	<u>109</u>	MOTION for Hearing re <u>104</u> MOTION to Withdraw, by Coalition for Good Governance. (jtj) (Entered: 11/15/2017)
11/15/2017	<u>110</u>	

		ORDER GRANTING <u>109</u> Plaintiff Coalition for Good Governance's Request for a Hearing and for Leave to Be Heard insofar as CGG may have additional time to file a response to Steptoe & Johnson's withdrawal motion. CGG may file a response no later than November 27, 2017. The Clerk is DIRECTED to file CGG's response ex parte with the Court. The Clerk is FURTHER DIRECTED to mail a copy of this Order to CGG at 7035 Marching Duck Dr. E504, Charlotte, NC 28210, and to also email a copy of this Order to CGG at Marilyn@USCGG.org. Signed by Judge Amy Totenberg on 11/15/2017. (jtj) (Entered: 11/16/2017)
11/16/2017		The Clerk emailed the <u>110</u> Order as directed in the order. (jtj) (Entered: 11/16/2017)
11/16/2017		Clerk's Certificate of Mailing as to Coalition for Good Governance re <u>110</u> Order. Notice of street name change for the Atlanta courthouse included. (jtj) (Entered: 11/16/2017)
11/27/2017	<u>111</u>	Request for Leave of Absence for the following date(s): February 1, 2018 through February 5, 2018, May 3, 2018 through May 15, 2018 and June 29, 2018 through July 9, 2018, by Bennett Davis Bryan. (Bryan, Bennett) (Entered: 11/27/2017)
11/27/2017	<u>112</u>	NOTICE of Appearance by William Brent Ney on behalf of Coalition for Good Governance (Ney, William) (Entered: 11/27/2017)
11/27/2017	<u>113</u>	MOTION for Extension of Time to File Ex Parte Response to <u>104</u> Steptoe & Johnson LLP's Motion to Withdraw Edward Bruce Schwartz as Attorney, by Coalition for Good Governance. (Attachments: # <u>1</u> Text of Proposed Order)(Ney, William) (Entered: 11/27/2017)
11/28/2017	<u>114</u>	ORDER GRANTING <u>113</u> Motion for Extension of Time to File Ex Parte Response to Steptoe & Johnson, LLPs Motion to Withdraw. The Court extends the deadline for CGG to file its response to 5:00 P.M. on November 29, 2017. CGG additionally stated in its Motion that Steptoe & Johnson, LLP represented that it would voluntarily seek permission from the Court to withdraw from all representation in this matter. Steptoe & Johnson, LLP has not yet filed such a motion. The Court notes that it has discretion to grant or deny a withdrawal of counsel motion; it is not required to grant withdrawal. The Court further notes that it is difficult and perhaps impossible to move forward with this case in an efficient manner in light of the continuing shifts in Plaintiffs counsel. Signed by Judge Amy Totenberg on 11/28/2017. (jtj) (Entered: 11/28/2017)
11/28/2017	<u>115</u>	MOTION to Stay with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Brief in Support of Motion to Stay, # <u>2</u> Text of Proposed Order)(Ney, William) (Entered: 11/28/2017)
11/28/2017	<u>118</u>	COURT ACCESS ONLY PER <u>117</u> ORDER RESPONSE to <u>104</u> MOTION to Withdraw, filed by Coalition for Good Governance. (jtj) (Additional attachment(s) added on 11/30/2017: # <u>1</u> Exhibits A – D) (jtj). (Entered: 11/30/2017)
11/29/2017	<u>116</u>	ORDER GRANTING <u>104</u> Motion to Withdraw Edward Bruce Schwartz and Joe R. Caldwell, Jr. as Attorneys for CGG alone. The Court also GRANTS CGGs motion to stay for purposes of CGG obtaining new counsel. CGG is an

		artificial entity that must have counsel to proceed. CGG shall retain counsel licensed to practice in this district, and new counsel must file a notice of appearance with the Court no later than January 2, 2018. The case shall be STAYED and ADMINISTRATIVELY CLOSED during this time, though CGG may move to re-open the case earlier if it retains counsel before January 2, 2018. Failure to comply with this Order may result in an entry of default against CGG. The Court notes that it makes no finding as to the alleged conflict of interest in Steptoes representation of CGG and the other Plaintiffs. Signed by Judge Amy Totenberg on 11/29/2017. (jtj) (Entered: 11/29/2017)
11/29/2017		Civil Case Administratively Closed. (jtj) (Entered: 11/29/2017)
11/30/2017	<u>117</u>	AMENDED <u>116</u> ORDER ADMINISTRATIVELY CLOSING this civil action through January 2, 2018. The Clerk of Court shall seal CGG's filing so that only the Court is able to view the contents of the filing. Signed by Judge Amy Totenberg on 11/30/2017. (jtj) (Entered: 11/30/2017)
12/11/2017	<u>119</u>	ORDER instructing counsel to confer no later than Wednesday, December 13, 2017 at 12:00 P.M. If there are any unresolved issues after counsel confer, counsel shall file a joint statement in which each side represents its position no later than Thursday, December 14, 2017 at 12:00 P.M. If the parties reach an agreement that is supplemental to the data transfer email (Exhibit A), they shall file it no later than Thursday, December 14, 2017 at 12:00 P.M. Signed by Judge Amy Totenberg on 12/11/17. (jpa) (Entered: 12/12/2017)
12/13/2017	<u>120</u>	APPLICATION for Admission of Robert Alexander McGuire, III Pro Hac Vice (Application fee \$ 150, receipt number 113E-7563092)by Coalition for Good Governance. (Attachments: # <u>1</u> Text of Proposed Order)(Ney, William) (Entered: 12/13/2017)
12/14/2017	<u>121</u>	NOTICE of Joint Statement of the Parties' Positions Concerning Preservation of Evidence During Transfer by Coalition for Good Governance re <u>119</u> Order (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order, # <u>3</u> Text of Proposed Order)(Ney, William) (Entered: 12/14/2017)
12/15/2017	<u>122</u>	ORDER re preservation of all evidence relevant to the claims and defenses in this litigation. The Court expects the parties to work cooperatively and in good faith to preserve evidence. If there should be any dispute or confusion about compliance with this Order, the Parties should first confer, and if the issues cannot be resolved, the Parties should notify the Court and request a phone conference, as appropriate. Signed by Judge Amy Totenberg on 12/15/2017. (acm) (Entered: 12/15/2017)
12/15/2017	<u>123</u>	ORDER re <u>121</u> Joint Statement of the Parties' Positions Concerning Preservation of Evidence During Transfer. It is ORDERED that any potential evidence related to the claims and defenses in this case, which will be physically transferred from Center for Election Systems and Kennesaw State University to the Georgia Secretary of State, shall be preserved without destruction or alteration in accordance with the parties' obligations to preserve evidence. The parties shall continue to honor their obligations in connection with their respective preservation obligations. Signed by Judge Amy Totenberg on 12/15/2017. (acm) (Entered: 12/15/2017)
12/21/2017		APPROVAL by Clerks Office re: <u>120</u> APPLICATION for Admission of Robert Alexander McGuire, III Pro Hac Vice (Application fee \$ 150, receipt

		number 113E-7563092). Attorney William Brent Ney added appearing on behalf of Coalition for Good Governance (jkm) (Entered: 12/21/2017)
12/21/2017	<u>124</u>	Certificate of Consent for Bryan Ward, Marvin Lim, Aaron Wright, and Holcomb + Ward, LLP to Withdraw as Counsel for all Plaintiffs, by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg, Edward Curtis Terry. (Holcomb, Michael) . (Entered: 12/21/2017)
12/21/2017	<u>125</u>	ORDER granting <u>120</u> Application for Admission Pro Hac Vice of Robert Alexander McGuire, III. Signed by Judge Amy Totenberg on 12/21/17. (jpa) (Entered: 12/22/2017)
12/22/2017		Clerks Certificate of Mailing re <u>125</u> Order on Application for Admission PHV of Robert Alexander McGuire, III. Notice of street name change for the Atlanta courthouse included. (jpa) (Entered: 12/22/2017)
01/04/2018	<u>126</u>	ORDER – The Court seeks clarity on whether or not Steptoe continues to represent the individual Plaintiffs in this matter. The Court DIRECTS Steptoe to file a notice stating whether it intends to file a motion to withdraw (or otherwise a Certificate of Consent to withdraw) pursuant to Local Rule 83.1(E) and if so, when it plans to file such a motion or certificate no later than January 10, 2018. The Court also DIRECTS Mr. Ney and Mr. McGuire to file a notice stating whether they serve as counsel for the Coalition for Good Governance in all matters of this case going forward no later than January 10, 2018. Signed by Judge Amy Totenberg on 1/04/2018. (See order for more details)(jtj) (Entered: 01/05/2018)
01/08/2018	<u>127</u>	NOTICE by Coalition for Good Governance <i>Regarding Representation of Coalition for Good Governance by William Brent Ney</i> (Ney, William) (Entered: 01/08/2018)
01/08/2018	<u>128</u>	STATUS REPORT <i>SUBMISSION OF STEPTOE & JOHNSON LLP RE <u>126</u> ORDER</i> by Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg, Edward Curtis Terry. (Attachments: # <u>1</u> Notice (REDACTED))(Schwartz, Edward) (Entered: 01/08/2018)
01/09/2018	<u>129</u>	NOTICE of Appearance by Robert Alexander McGuire, III on behalf of Coalition for Good Governance (McGuire, Robert) (Entered: 01/09/2018)
01/10/2018	<u>130</u>	ORDER DIRECTING the Clerk of Court to file any such objection on a sealed, ex parte basis with the Court, as any such objection may contain privileged information or information that is detrimental to other parties in this matter. The Court FURTHER DIRECTS Steptoe, if it files a motion to withdraw, to provide each of the individual Plaintiffs it represents with a copy of this Order, a copy of its motion to withdraw, and the address and contact information for the Clerk of Court. Signed by Judge Amy Totenberg on 1/10/18. (jpa) (Entered: 01/11/2018)
01/12/2018	<u>131</u>	MOTION to Withdraw Edward Bruce Schwartz as Attorney with Brief In Support by Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> [Proposed] Order, # <u>2</u> Notice of Withdrawal (Redacted))(Schwartz, Edward) (Entered: 01/12/2018)
01/12/2018	<u>132</u>	

		RESPONSE to <u>131</u> MOTION to Withdraw, filed by Donna Curling. (jtj) (Entered: 01/16/2018)
01/16/2018	<u>133</u>	Request for Leave of Absence for the following date(s): February 20–23, April 16–20, by Robert Alexander McGuire, III. (McGuire, Robert) (Entered: 01/16/2018)
01/16/2018	<u>134</u>	Compliance with Court's Standing Order, by Robert Alexander McGuire, III on behalf of Coalition for Good Governance. (McGuire, Robert) (Entered: 01/16/2018)
01/18/2018	<u>135</u>	ORDER GRANTING <u>131</u> Motion to Withdraw Steptoe as Attorneys. The Court DIRECTS each of the individual plaintiffs to file a notice with the Court no later than February 22, 2018 indicating whether they intend to proceed pro se, to proceed with new counsel, or to seek to dismiss their claims against Defendants altogether. Additionally, the Court DIRECTS each of the individual plaintiffs to file with the Clerk of the Court a notice or letter with his or her contact information, including each individual plaintiffs mailing address, no later than February 5, 2018. The Court ORDERS Steptoe to mail a copy of this Order to the individual Plaintiffs. This case shall continue to be ADMINISTRATIVELY CLOSED pending resolution of the representation issues regarding the individual plaintiffs. Signed by Judge Amy Totenberg on 1/18/2018. (jtj) (Entered: 01/18/2018)
01/25/2018	<u>136</u>	Consent MOTION to Withdraw Bryan Myerson Ward as Attorneyby Coalition for Good Governance. (Ward, Bryan) (Entered: 01/25/2018)
02/05/2018	<u>137</u>	RESPONSE to <u>135</u> Order, filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (jtj) (Entered: 02/06/2018)
02/05/2018	<u>138</u>	RESPONSE to <u>135</u> Order, filed by Laura Digges, William Digges, III. (jtj) (Entered: 02/06/2018)
02/08/2018	<u>139</u>	RESPONSE to <u>135</u> Order, filed by Ricardo Davis. (jtj) (Entered: 02/09/2018)
02/16/2018	<u>140</u>	Request for Leave of Absence for the following date(s): 2/26/18–2/27/18,4/2/18–4/6/18,7/6/18–7/23/18, by John Frank Salter, Jr. (Salter, John) (Entered: 02/16/2018)
02/22/2018	<u>141</u>	RESPONSE to <u>135</u> Order, filed by Laura Digges, William Digges, III. (jtj) (Entered: 02/23/2018)
02/22/2018	<u>142</u>	RESPONSE to <u>135</u> Order filed by Ricardo Davis. (jtj) (Entered: 02/23/2018)
02/22/2018	<u>143</u>	RESPONSE to <u>135</u> Order, filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (jtj) (Entered: 02/23/2018)
02/27/2018	<u>144</u>	ORDER DIRECTING the individual plaintiffs to file a notice no later than March 30, 2018 indicating whether they intend to proceed pro se or with new counsel, and if they intend to proceed with counsel, they shall name the new counsel in the notice. Any new counsel for the individual plaintiffs shall file a notice of appearance no later than April 2, 2018. This case shall remain administratively closed during this time. If Mr. Terry intends to proceed in this case, he must comply with this Order. Signed by Judge Amy Totenberg on 2/27/18. (jpa) (Entered: 02/27/2018)

02/27/2018			Clerks Certificate of Mailing as to Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg re <u>144</u> Order. Notice of street name change for the Atlanta courthouse included. (jpa) (Entered: 02/27/2018)
02/27/2018	<u>145</u>		ORDER DIRECTING the Clerk to email a copy of this Order, <u>135</u> Order, and <u>144</u> Order to Plaintiff Edward Curtis Terry. The Court FURTHER DIRECTS Mr. Terry to file with the Clerk a notice that provides his mailing address no later than March 9, 2018. Mr. Terry is ADVISED that all filings must contain this case number, 1:17-cv-2989-AT, to ensure that they are filed in the proper case. Mr. Terry is FURTHER ADVISED that, as indicated by Standing Order No. 16-01, emails to the Clerk do not constitute official filings in a case. If Mr. Terry obtains new counsel who files a notice of appearance prior to March 9, 2018, he may forgo this requirement. The Clerk is DIRECTED to resubmit this matter to the undersigned on March 12, 2018 if Mr. Terry has not complied as directed. Signed by Judge Amy Totenberg on 2/27/2018. (sap) (Entered: 02/28/2018)
02/28/2018			Clerks Certificate of Mailing as to Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, and Jeffrey Schoenberg re <u>145</u> Order. Notice of street name change for the Atlanta courthouse included. (sap) (Entered: 02/28/2018)
02/28/2018			Clerks Certificate of Emailing as to Edward Curtis Terry re <u>145</u> Order. (sap) (Entered: 02/28/2018)
03/13/2018			Submission of <u>145</u> Order to District Judge Amy Totenberg. (sap) (Entered: 03/13/2018)
03/14/2018	<u>146</u>		ORDER DIRECTING the Clerk to email a copy of this Order to Plaintiff Edward Curtis Terry. The Court FURTHER DIRECTS Mr. Terry to file with the Clerk a notice that provides his mailing address no later than March 20, 2018. Mr. Terry is ADVISED that all filings must contain this case number, 1:17-cv-2989-AT, to ensure that they are filed in the proper case. Mr. Terry is FURTHER ADVISED that, as indicated by Standing Order No. 16-01, emails to the Clerk do not constitute official filings in a case. The Court advises Mr. Terry that failure to comply with the instant Order may result in dismissal of his claims in this case. Signed by Judge Amy Totenberg on 3/14/2018. (sap) (Entered: 03/14/2018)
03/14/2018			Clerks Certificate of Mailing as to Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, and Jeffrey Schoenberg re <u>146</u> Order. Notice of street name change for the Atlanta courthouse included. (sap) (Entered: 03/14/2018)
03/14/2018			Clerks Certificate of Emailing as to Edward Curtis Terry re <u>146</u> Order. (sap) (Entered: 03/14/2018)
03/20/2018	<u>147</u>		Order DISMISSING Mr. Terry's claims in this case pursuant to Local Rule 41.3A(2), for his refusal to obey a lawful order of the Court. Signed by Judge Amy Totenberg on 3/20/18. (jpa) (Entered: 03/21/2018)
03/21/2018	<u>148</u>		(JUDGMENT ENTERED IN ERROR) CLERK'S JUDGMENT. (jpa)--Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- Text Modified on 3/22/2018 (sap). (Entered: 03/22/2018)

		03/21/2018)
03/21/2018		Clerks Certificate of Mailing as to Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, Jeffrey Schoenberg re <u>147</u> Order to Dismiss, <u>148</u> Clerk's Judgment. Notice of street name change for the Atlanta courthouse included. (jpa) (Entered: 03/21/2018)
03/21/2018		Clerks Certificate of Emailing as to Edward Curtis Terry re <u>147</u> Order and <u>148</u> Clerk's Judgment. (sap) (Entered: 03/21/2018)
03/22/2018		Notification of Docket Correction re <u>148</u> Clerk's Judgment: Judgment Entered in Error. (sap) (Entered: 03/22/2018)
03/22/2018		Clerks Certificate of Emailing as to Edward Curtis Terry re the Notification of Docket Correction for <u>148</u> Clerk's Judgment. (sap) (Entered: 03/22/2018)
03/23/2018		Clerks Certificate of Mailing as to Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Donna Price, and Jeffrey Schoenberg re the Notification of Docket Correction for <u>148</u> Clerk's Judgment. Notice of street name change for the Atlanta courthouse included. (sap) (Entered: 03/23/2018)
03/30/2018	<u>149</u>	NOTICE of Appearance by William Brent Ney on behalf of Ricardo Davis, Laura Digges, William Digges, III (Ney, William) (Entered: 03/30/2018)
03/30/2018	<u>150</u>	NOTICE re <u>144</u> Order by Donna Curling, Donna Price, Jeffrey Schoenberg (Knapp, Halsey) (Entered: 03/30/2018)
03/30/2018	<u>151</u>	NOTICE of Appearance by Halsey G. Knapp, Jr on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (Knapp, Halsey) (Entered: 03/30/2018)
03/30/2018	<u>152</u>	NOTICE of Appearance by Adam Martin Sparks on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (Sparks, Adam) (Entered: 03/30/2018)
03/30/2018	<u>153</u>	APPLICATION for Admission of David D. Cross Pro Hac Vice (Application fee \$ 150, receipt number 113E-7785544)by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 03/30/2018)
03/30/2018	<u>154</u>	APPLICATION for Admission of Jane P. Bentrott Pro Hac Vice (Application fee \$ 150, receipt number 113E-7785552) by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 03/30/2018)
04/02/2018	<u>155</u>	NOTICE of Appearance by Cary Ichter on behalf of Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III (Ichter, Cary) (Entered: 04/02/2018)
04/02/2018	<u>156</u>	NOTICE re <u>144</u> Order of pending pro hac vice application for David D. Cross by Donna Curling, Donna Price, Jeffrey Schoenberg (Knapp, Halsey) (Entered: 04/02/2018)
04/02/2018	<u>157</u>	NOTICE re <u>144</u> Order of pending pro hac vice application for Jane P. Bentrott by Donna Curling, Donna Price, Jeffrey Schoenberg (Knapp, Halsey) (Entered: 04/02/2018)
04/03/2018	<u>158</u>	NOTICE of Appearance by Bruce P. Brown on behalf of Coalition for Good Governance (Brown, Bruce) (Entered: 04/03/2018)
04/03/2018	<u>159</u>	

		NOTICE of Filing <i>Certificate of Complaine with Court's Standing Order</i> by Bruce P. Brown on behalf of Coalition for Good Governance. (Brown, Bruce) (Entered: 04/03/2018)
04/04/2018		APPROVAL by Clerks Office re: <u>154</u> APPLICATION for Admission of Jane P. Bentrott Pro Hac Vice (per rb) (Application fee \$ 150, receipt number 113E-7785552). Attorney Jane P. Bentrott added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (pmb) (Entered: 04/04/2018)
04/04/2018		APPROVAL by Clerks Office re: <u>153</u> APPLICATION for Admission of David D. Cross Pro Hac Vice (per rb) (Application fee \$ 150, receipt number 113E-7785544). Attorney David D. Cross added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (pmb) (Entered: 04/04/2018)
04/04/2018	<u>160</u>	MOTION to Amend <i>Complaint</i> by Coalition for Good Governance. (Attachments: # <u>1</u> Exhibit A – Proposed Third Amended Complaint, # <u>2</u> Exhibit B – Proposed Order)(Brown, Bruce) (Entered: 04/04/2018)
04/05/2018	<u>161</u>	MOTION for Hearing <i>Request for Status Conference</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 04/05/2018)
04/06/2018	<u>162</u>	NOTICE of Change of Address for Robert Alexander McGuire, III, counsel for Coalition for Good Governance (McGuire, Robert) (Entered: 04/06/2018)
04/06/2018	<u>163</u>	Request for Leave of Absence for the following date(s): April 16–20 (previously noticed), May 14–15 (new), by Robert Alexander McGuire, III. (McGuire, Robert) (Entered: 04/06/2018)
04/06/2018	<u>164</u>	ORDER GRANTING <u>153</u> Application for Admission of David D. Cross Pro Hac Vice. Signed by Judge Amy Totenberg on 4/6/2018. (sap) (Entered: 04/06/2018)
04/06/2018	<u>165</u>	ORDER GRANTING <u>154</u> Application for Admission of Jane P. Bentrott Pro Hac Vice. Signed by Judge Amy Totenberg on 4/6/2018. (sap) (Entered: 04/06/2018)
04/09/2018	<u>166</u>	RESPONSE re <u>160</u> MOTION to Amend <i>Complaint</i> filed by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Salter, John) (Entered: 04/09/2018)
04/09/2018	<u>167</u>	Notice for Leave of Absence for the following date(s): June 7–8, 2018, July 2–6, 2018, August 24–31, 2018, November 19–23, 2018, December 20–31, 2018, by Halsey G. Knapp, Jr. (Knapp, Halsey) (Entered: 04/09/2018)
04/11/2018	<u>168</u>	Request for Leave of Absence for the following date(s): July 18, 2018 – July 20, 2018, by Bennett Davis Bryan. (Bryan, Bennett) (Entered: 04/11/2018)
04/11/2018	<u>169</u>	RESPONSE in Support re <u>161</u> MOTION for Hearing <i>Request for Status Conference</i> filed by Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, The Fulton County Board of Registration and Elections, Mark Wingate. (Lowman, David) (Entered: 04/11/2018)
04/13/2018	<u>170</u>	MOTION for Extension of Time to Respond to <u>160</u> MOTION to Amend <i>Complaint</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments:

		# <u>1</u> Text of Proposed Order)(Sparks, Adam) (Entered: 04/13/2018)
04/16/2018	<u>171</u>	RESPONSE re <u>170</u> MOTION for Extension of Time to Respond to <u>160</u> MOTION to Amend <i>Complaint</i> filed by Coalition for Good Governance. (Ney, William) (Entered: 04/16/2018)
04/16/2018	<u>172</u>	NOTICE of Joinder <u>166</u> Response to Motion by Merle King (Schnell, Grant) (Entered: 04/16/2018)
04/17/2018	<u>173</u>	REPLY to Response to Motion re <u>170</u> MOTION for Extension of Time to Respond to <u>160</u> MOTION to Amend <i>Complaint</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Sparks, Adam) (Entered: 04/17/2018)
04/18/2018		Submission of <u>170</u> MOTION for Extension of Time to Respond to <u>160</u> MOTION to Amend <i>Complaint</i> to District Judge Amy Totenberg. (sap) (Entered: 04/18/2018)
04/18/2018	<u>174</u>	RESPONSE re <u>160</u> MOTION to Amend <i>Complaint</i> filed by Fred Aiken, Jessica Brooks, Phil Daniell, Janine Eveler, Joe Pettit, The Cobb County Board of Elections and Registration, Darryl O. Wilson. (White, Daniel) (Entered: 04/18/2018)
04/18/2018	<u>175</u>	RESPONSE in Opposition re <u>160</u> MOTION to Amend <i>Complaint</i> filed by The Fulton County Board of Registration and Elections, Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Lowman, David) Filers Modified on 4/18/2018 (sap). (Entered: 04/18/2018)
04/18/2018	<u>176</u>	RESPONSE re <u>160</u> MOTION to Amend <i>Complaint</i> filed by Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, Samuel Tillman, and Baoky Vu. (Bryan, Bennett) Filers Modified on 4/18/2018 (sap). (Entered: 04/18/2018)
04/18/2018	<u>177</u>	ORDER GRANTING Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenbergs <u>170</u> Motion for Extension of Time to Respond to <u>160</u> MOTION to Amend <i>Complaint</i> . Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg may file their Response no later than 5:00pm on April 26, 2018. Signed by Judge Amy Totenberg on 4/18/2018. (sap) (Entered: 04/18/2018)
04/24/2018	<u>178</u>	Request for Leave of Absence for the following date(s): April 30, 2018, May 2–3, 2018, May 7–9, 2018, May 14–18, 2018, May 21–25, 2018, by David D. Cross. (Cross, David) (Entered: 04/24/2018)
04/25/2018		MINUTE GRANTING the <u>161</u> Request for Status Conference. The Court will hold an in–person status conference on 5/1/2018 at 10:30 AM in ATLA Courtroom 2308. Entered by Judge Amy Totenberg on 4/25/2018. (acm) (Entered: 04/25/2018)
04/26/2018	<u>179</u>	RESPONSE in Opposition re <u>160</u> MOTION to Amend <i>Complaint</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 04/26/2018)
04/30/2018	<u>180</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom for <i>Status Conference</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Sparks, Adam) (Entered: 04/30/2018)

04/30/2018	<u>181</u>		Consolidated REPLY to Response to Motion re <u>160</u> MOTION to Amend <i>Complaint</i> filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III. (McGuire, Robert) (Entered: 04/30/2018)
04/30/2018	<u>182</u>		Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom during the May 1, 2018 Conference by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III. (Attachments: # <u>1</u> Text of Proposed Order)(Ney, William) (Entered: 04/30/2018)
04/30/2018	<u>183</u>		DUPLICATE ENTRY Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Coalition for Good Governance. (Attachments: # <u>1</u> Text of Proposed Order)(Ney, William) Modified on 4/30/2018 (jkl). (Entered: 04/30/2018)
04/30/2018	<u>184</u>		ORDER granting <u>180</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on May 1, 2018 at 10:30 A.M. Signed by Judge Amy Totenberg on 4/30/2018. (jkl) (Entered: 04/30/2018)
04/30/2018	<u>185</u>		ORDER GRANTING <u>182</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on May 1, 2018 at 10:30 A.M. Signed by Judge Amy Totenberg on 4/30/18. (jkl) (Entered: 04/30/2018)
05/01/2018	<u>189</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Status Conference held on 5/1/2018. The Court confirmed that the firm of Holcomb and Ward, LLP has been relieved of its duties and responsibilities in this case. Discussion was had regarding the positions of the various Plaintiffs and possible severance. Discussion was had regarding the Plaintiffs' proposed 3rd Amended Complaint. By next week, Plaintiffs are to file a notice identifying the paragraphs they believe include material modifications. By Thursday, May 3, the parties are to have a phone conference to discuss sampling of the voting machines, and by Tuesday, May 9, they are to come up with a proposal on how to accomplish that. Plaintiffs are to relay their Rule 34 request re observing the May 22 election in more specificity. By Friday, May 4, Defendants are to identify in writing their concerns related to this request. The Court will hold a follow-up telephone conference on May 9 at 4 PM. By 1:00 PM on Tuesday, May 9, The State Defendants and Fulton County are to notify Plaintiffs and the Court re their positions on the posture of the defendants and sovereign immunity. (Court Reporter Shannon Welch) (sap) (Entered: 05/03/2018)
05/03/2018	<u>186</u>		TRANSCRIPT of Status Conference Proceedings held on 5/1/2018, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/24/2018. Redacted Transcript Deadline set for 6/4/2018. Release of Transcript Restriction set for 8/1/2018. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 05/03/2018)
05/03/2018	<u>187</u>		APPLICATION for Admission of John P. Carlin Pro Hac Vice (Application fee \$ 150, receipt number 113E-7856478)by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 05/03/2018)
05/03/2018	<u>188</u>		

		NOTICE of Appearance by John P. Carlin on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (Knapp, Halsey) Modified on 5/4/2018 to edit text. (cmd) (Entered: 05/03/2018)
05/06/2018	<u>190</u>	NOTICE <i>identifying Paragraphs of Proposed Third Amended Complaint with Material Allegations</i> by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III (McGuire, Robert) (Entered: 05/06/2018)
05/08/2018	<u>191</u>	NOTICE <i>Regarding Immunity</i> by Brian P. Kemp, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, David J. Worley, and Seth Harp. (Attachments: # <u>1</u> Exhibit 1: Examination Report)(Salter, John) (Entered: 05/08/2018)
05/08/2018	<u>192</u>	NOTICE of Appearance by Terry G. Phillips on behalf of Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, Samuel E. Tillman, Baoky N. Vu, and The Dekalb County Board of Registrations and Elections. (Phillips, Terry) (Entered: 05/08/2018)
05/08/2018	<u>193</u>	APPLICATION for Admission of Catherine L. Chapple Pro Hac Vice (Application fee \$ 150, receipt number 113E-7865709)by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 05/08/2018)
05/08/2018	<u>194</u>	Application for Refund of Fees paid online through Pay.gov for receipt number 113E-7865525. (Knapp, Halsey) (Entered: 05/08/2018)
05/09/2018	<u>195</u>	NOTICE of Appearance by Laura K. Johnson on behalf of The Dekalb County Board of Registrations and Elections (Johnson, Laura) (Entered: 05/09/2018)
05/09/2018	<u>196</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>for Conference</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Proposed Order)(Sparks, Adam) (Entered: 05/09/2018)
05/09/2018		Clerks Approval re <u>194</u> Application for Refund of Fees paid online. (mmc) (Entered: 05/10/2018)
05/09/2018	<u>202</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 5/9/2018. The Court heard from the parties on the status of the voting machines and the need to preserve evidence. A recess was had. The hearing resumed. The Court heard further from the parties, then indicated it would reserve a room at the courthouse for 3:30 PM on Tuesday, May 10 for the parties to meet. Defendant Merle King was excused from this meeting. The Court will then hold a hearing at 5:00 PM, if needed. Counsel for the state defendants was directed to send the Court the state law they referenced during the conference. (Court Reporter Shannon Welch)(jpa) (Entered: 05/11/2018)
05/10/2018	<u>197</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom (<i>For May 10, 2018 Conference</i>) by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Salter, John) (Entered: 05/10/2018)
05/10/2018	<u>198</u>	ORDER REOPENING CASE Signed by Judge Amy Totenberg on 5/10/2018. (sap) (Entered: 05/10/2018)
05/10/2018	<u>199</u>	ORDER GRANTING the Plaintiffs' <u>196</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on May 10, 2018.

		Signed by Judge Amy Totenberg on 5/10/2018. (sap) (Entered: 05/10/2018)
05/10/2018	<u>200</u>	ORDER GRANTING the Defendants' <u>197</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on May 10, 2018. Signed by Judge Amy Totenberg on 5/10/2018. (sap) (Entered: 05/10/2018)
05/10/2018	<u>201</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Coalition for Good Governance. (Attachments: # <u>1</u> Text of Proposed Order)(Ichter, Cary) (Entered: 05/10/2018)
05/10/2018	<u>203</u>	ORDER granting <u>201</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on 5/10/18. Signed by Judge Amy Totenberg on 5/10/18. (jpa) (Entered: 05/11/2018)
05/10/2018	<u>205</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Status Conference held on 5/10/2018. The voting machines that are subject to the current litigation holdwill stay on hold and will not be used in the May 22 election. ByTuesday, May 15, the Coalition Plaintiffs shall respond toDefendants inquiry as to why the litigation hold include opticalscanning machines that are not DRE machines. By Thursday,May 17, the parties are to submit a joint proposed schedule to theCourt.Exhibits retained to be forwarded to the Clerks Office. (Court Reporter Shannon Welch)(adg) (Entered: 05/11/2018)
05/11/2018	<u>204</u>	TRANSCRIPT of Status Conference Proceedings held on 5/10/2018, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/1/2018. Redacted Transcript Deadline set for 6/11/2018. Release of Transcript Restriction set for 8/9/2018. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 05/11/2018)
05/11/2018	<u>206</u>	Coalition Plaintiffs' EXHIBITS admitted and retained at the <u>205</u> Status Conference, have been received from Courtroom Deputy and placed in the custody of the Records Clerks.. (Attachments: # <u>1</u> Exhibit 1)(adg) (Entered: 05/11/2018)
05/14/2018		Refund in the amount of \$150.00 has been processed, effective 5/14/2018 in response to Clerks Action on Application for Refund of Fees paid online. (kns) (Entered: 05/14/2018)
05/14/2018	<u>207</u>	(DOCUMENT FILED IN ERROR- ATTORNEY TO RE-FILE USING CORRECT EVENT) NOTICE of Appearance by Halsey G. Knapp, Jr on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (Knapp, Halsey) Modified on 5/14/2018 (adg). (Entered: 05/14/2018)
05/14/2018	<u>208</u>	APPLICATION for Admission of Robert W. Manoso Pro Hac Vice (Application fee \$ 150, receipt number 113E-7876698)by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 05/14/2018)
05/14/2018		APPROVAL by Clerks Office re: <u>187</u> APPLICATION for Admission of John P. Carlin Pro Hac Vice (Application fee \$ 150, receipt number 113E-7856478). Attorney John P. Carlin added appearing on behalf of Donna

		Curling, Donna Price, Jeffrey Schoenberg (pmb) (Entered: 05/14/2018)
05/17/2018	<u>209</u>	NOTICE of Compliance with <u>205</u> Minute Entry to Respond to Defendants by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III (Attachments: # <u>1</u> Exhibit)(McGuire, Robert) (Entered: 05/17/2018)
05/17/2018	<u>210</u>	STATUS REPORT and Proposed Schedule for Determination of DRE Machine Preservation by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit)(Sparks, Adam) (Entered: 05/17/2018)
05/17/2018	<u>211</u>	ORDER granting <u>187</u> Application for Admission Pro Hac Vice of John P Carlin. Signed by Judge Amy Totenberg on 5/17/18. (jpa) (Entered: 05/18/2018)
05/18/2018		Clerk's Certificate of Mailing as to John P. Carlin re <u>211</u> Order on Application for Admission PHV. Notice of street name change for the Atlanta courthouse included. (jpa) (Entered: 05/18/2018)
05/18/2018	<u>212</u>	TRANSCRIPT of Telephone Conference Proceedings held on 5/9/2018, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/8/2018. Redacted Transcript Deadline set for 6/18/2018. Release of Transcript Restriction set for 8/16/2018. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 05/18/2018)
05/18/2018	<u>213</u>	NOTICE by Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, Samuel E. Tillman, Baoky N. Vu re <u>210</u> Status Report <i>Consent to Joint Status Report</i> (Bryan, Bennett) (Entered: 05/18/2018)
05/18/2018	<u>214</u>	NOTICE TO COUNSEL OF RECORD for Coalition for Good Governance regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>206</u> Exhibits. (adg) (Entered: 05/18/2018)
05/21/2018		APPROVAL by Clerks Office re: <u>193</u> APPLICATION for Admission of Catherine L. Chapple Pro Hac Vice (Application fee \$ 150, receipt number 113E-7865709). Attorney Catherine L. Chapple added appearing on behalf of Donna Curling, Donna Price and Jeffrey Schoenberg (pmb) (Entered: 05/21/2018)
05/25/2018	<u>215</u>	ORDER DIRECTING the Curling Plaintiffs to confer with the other parties as to how they plan to proceed with their claims re the proposed amendment in their <u>160</u> Motion to Amend Complaint. By June 1, 2018, the parties shall file a joint notice with the information as directed in the Order. Signed by Judge Amy Totenberg on 5/25/2018. (acm) (Entered: 05/25/2018)
05/30/2018	<u>216</u>	ORDER GRANTING <u>193</u> Application for Admission of Catherine L. Chapple Pro Hac Vice. Signed by Judge Amy Totenberg on 5/30/2018. (sap) (Entered: 05/31/2018)
05/31/2018		

		APPROVAL by Clerks Office re: <u>208</u> APPLICATION for Admission of Robert W. Manoso Pro Hac Vice (per sb) (Application fee \$ 150, receipt number 113E-7876698). Attorney Robert W. Manoso added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (pmb) (Entered: 05/31/2018)
05/31/2018	<u>217</u>	NOTICE of Appearance by Catherine L. Chapple on behalf of Donna Curling, Donna Price, and Jeffrey Schoenberg (Knapp, Halsey) Event Modified on 6/1/2018 (sap). (Entered: 05/31/2018)
06/01/2018	<u>218</u>	(INVALID PER THE 220 ORDER) STIPULATION of Dismissal <i>Without Prejudice</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Sparks, Adam) Text Modified on 6/5/2018 (sap). (Entered: 06/01/2018)
06/01/2018	<u>219</u>	NOTICE <i>Regarding Curling Plaintiffs' Stipulated Dismissal</i> by Donna Curling, Donna Price, Jeffrey Schoenberg (Sparks, Adam) (Entered: 06/01/2018)
06/05/2018	<u>220</u>	ORDER: The Court must find the Stipulation of Dismissal in this case to be INVALID. The Court therefore DIRECTS the Curling Plaintiffs to file a motion for leave to amend the Second Amended Complaint and to attach a proposed Third Amended Complaint no later than June 11, 2018. The Court is inclined to grant this motion, as well as the Coalition Plaintiffs <u>160</u> Motion to Amend, soon after the Curling Plaintiffs have filed their motion unless a serious objection is raised. At that time, the Court will also order the parties to confer and submit a proposed briefing schedule within seven days after the date of the order. Signed by Judge Amy Totenberg on 6/5/2018. (sap) (Entered: 06/05/2018)
06/08/2018	<u>221</u>	ORDER GRANTING <u>208</u> Application for Admission of Robert W. Manoso Pro Hac Vice. Signed by Judge Amy Totenberg on 6/8/2018. (sap) (Entered: 06/08/2018)
06/11/2018	<u>222</u>	NOTICE re <u>220</u> Order <i>and re Second Amended Complaint</i> by Donna Curling, Donna Price, Jeffrey Schoenberg (Knapp, Halsey) (Entered: 06/11/2018)
06/11/2018	<u>223</u>	STIPULATION of Dismissal <i>re Certain Defendants</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 06/11/2018)
06/13/2018	<u>224</u>	NOTICE by Donna Curling, Donna Price, Jeffrey Schoenberg <i>Notice of Appearance of Robert W. Manoso</i> (Knapp, Halsey) (Entered: 06/13/2018)
06/13/2018	<u>225</u>	ORDER GRANTING <u>160</u> Motion to Amend Complaint. The Third Amended Complaint is deemed filed as of the date of this Order. The Court ORDERS the Curling Plaintiffs and Defendants to confer and submit a proposed schedule regarding Defendants' responses to the Third Amended Complaint and any subsequent briefing no later than June 20, 2018. The Clerk is DIRECTED to dismiss, without prejudice, Defendants Maxine Daniels, Michael P. Coveny, Anthony Lewis, Leona Perry, Samuel E. Tillman, Baoky N. Vu, DeKalb County Board of Registrations and Elections, Janine Eveler, Phil Daniell, Fred Aiken, Joe Pettit, Jessica Brooks, Darryl O. Wilson, Cobb County Board of Elections and Registration and Merle King. Signed by Judge Amy Totenberg on 6/13/18. (jkl) (Entered: 06/13/2018)
06/13/2018	<u>226</u>	

		THIRD AMENDED COMPLAINT against David J. Burge, Mary Carole Cooney, Seth Harp, Aaron Johnson, Brian P. Kemp, Stan Matarazzo, Vernetta Nuriddin, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, David J. Worley filed by Ricardo Davis, Coalition for Good Governance, William Digges, III, Laura Digges, Megan Missett. (jkl) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. Modified on 6/13/2018 to edit filers per direction of Chambers(jkl). (Entered: 06/13/2018)
06/13/2018	<u>227</u>	AMENDED ORDER re <u>225</u> Order on <u>160</u> Motion for Leave to File Third Amended Complaint. the Court GRANTS the Coalition Plaintiffs' <u>160</u> Motion. The Third Amended Complaint is deemed filed as of the date of this Order. The Court ORDERS the Coalition Plaintiffs and Defendants to confer and submit a proposed schedule regarding Defendants' responses to the Third Amended Complaint and any subsequent briefing no later than 6/20/2018. the Court DIRECTS the Clerk to terminate the Defendants in the bulleted list. Signed by Judge Amy Totenberg on 6/13/2018. (adg) (Entered: 06/14/2018)
06/19/2018	<u>228</u>	NOTICE of Filing <i>Proposed Briefing Schedule Concerning The Third Amended Complaint</i> by David J. Burge, Mary Carole Cooney, Seth Harp, Aaron Johnson, Brian P. Kemp, Stan Matarazzo, Vernetta Nuriddin, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, David J. Worley (Attachments: # <u>1</u> Exhibit A: June 13, 2018 Email, # <u>2</u> Exhibit B: Table, # <u>3</u> Exhibit C: June 18, 2018 Email)(Salter, John) (Entered: 06/19/2018)
06/20/2018	<u>229</u>	Joint NOTICE of Plaintiffs' <i>Proposing a Schedule</i> by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit 1 – Pls.' Proposed Schedule, # <u>2</u> Exhibit 2 – Demand Letter, # <u>3</u> Exhibit 3 – Gasaway case)(McGuire, Robert) (Entered: 06/20/2018)
06/20/2018	<u>230</u>	MOTION for Order to <i>Issue Subpoena</i> with Brief In Support by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Brief Memorandum in Support of Motion for Issuance of Subpoena)(Brown, Bruce) Filers Modified on 6/21/2018 (sap). (Entered: 06/20/2018)
06/28/2018	<u>231</u>	Certification of Consent to Substitution of Counsel. Daniel Walter White replacing attorney Terry G. Phillips, Bennett Davis Bryan and Laura K. Johnson for Michael P. Coveny, Anthony Lewis, Leona Perry, Samuel E. Tillman, Boaky N. Vu, Maxine Daniels, and the DeKalb County Board of Registration and Elections. (White, Daniel) (Entered: 06/28/2018)
07/03/2018	<u>232</u>	RESPONSE in Opposition re <u>230</u> MOTION for Order to <i>Issue Subpoena</i> filed by Michael P. Coveny, Maxine Daniels, Anthony Lewis, Leona Perry, The Dekalb County Board of Registrations and Elections, Samuel E. Tillman, Baoky N. Vu. (Attachments: # <u>1</u> Brief In Support of Response, # <u>2</u> Exhibit A – Declaration of Erica Hamilton, # <u>3</u> Exhibit B – Declaration of Chris Harvey)(White, Daniel) (Entered: 07/03/2018)
07/03/2018	<u>233</u>	MOTION for Leave to File Excess Pages by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J.

		Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Salter, John) (Entered: 07/03/2018)
07/03/2018	<u>234</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM with Brief In Support by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> State Defendants' Brief In Support Of Their Motion To Dismiss Coalition Plaintiffs' Third Amended Complaint)(Salter, John) (Entered: 07/03/2018)
07/16/2018	<u>235</u>	NOTICE of Requested Call With the Court by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Ichter, Cary) Filers Modified on 7/17/2018 (sap). (Entered: 07/16/2018)
07/17/2018	<u>236</u>	NOTICE of Appearance by Jonathan Lee Schwartz on behalf of Common Cause, National Election Defense Coalition, Protect Democracy (Schwartz, Jonathan) (Entered: 07/17/2018)
07/17/2018	<u>237</u>	(FILED IN ERROR; SEE <u>241</u> FOR CORRECTED ENTRY) Application for Admission Pro Hac Vice, Stephen P. Berzon. (Schwartz, Jonathan) Modified on 7/18/2018 (sap). (Entered: 07/17/2018)
07/17/2018	<u>238</u>	(FILED IN ERROR; SEE <u>242</u> FOR CORRECTED ENTRY) Application for Admission Pro Hac Vice, Stacey M. Leyton. (Schwartz, Jonathan) Modified on 7/18/2018 (sap). (Entered: 07/17/2018)
07/17/2018	<u>239</u>	(FILED IN ERROR; SEE <u>243</u> FOR CORRECTED ENTRY) Application for Admission Pro Hac Vice, Matthew J. Murray. (Schwartz, Jonathan) Modified on 7/18/2018 (sap). (Entered: 07/17/2018)
07/17/2018	<u>240</u>	(WRONG PDF ATTACHED) Amicus Curiae APPEARANCE entered by Jonathan Lee Schwartz on behalf of Common Cause. (Attachments: # <u>1</u> Brief of Amicus Curiae, # <u>2</u> Affidavit of Matthew J. Murray, # <u>3</u> Affidavit of Compliance With Standing Order)(Schwartz, Jonathan) Attorney Notified on 7/18/2018 to Refile Appearance with the Correct PDF (sap). (Entered: 07/17/2018)
07/17/2018	<u>241</u>	APPLICATION for Admission of Stephen P. Berzon Pro Hac Vice (Application fee \$ 150, receipt number 113E-8018428) by Common Cause, National Election Defense Coalition, Protect Democracy. (Schwartz, Jonathan) Filers Modified on 7/18/2018 (sap). (Entered: 07/17/2018)
07/17/2018	<u>242</u>	APPLICATION for Admission of Stacey M. Leyton Pro Hac Vice (Application fee \$ 150, receipt number 113E-8018433) by Common Cause, National Election Defense Coalition, Protect Democracy. (Schwartz, Jonathan) Filers Modified on 7/18/2018 (sap). (Entered: 07/17/2018)
07/17/2018	<u>243</u>	APPLICATION for Admission of Matthew J. Murray Pro Hac Vice (Application fee \$ 150, receipt number 113E-8018436) by Common Cause, National Election Defense Coalition, Protect Democracy. (Schwartz, Jonathan) Filers Modified on 7/18/2018 (sap). (Entered: 07/17/2018)
07/17/2018	<u>244</u>	RESPONSE in Opposition re <u>234</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (McGuire, Robert) (Entered: 07/17/2018)

07/17/2018	<u>245</u>		REPLY BRIEF re <u>230</u> MOTION for Order to <i>Issue Subpoena</i> filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Brown, Bruce) Filers Modified on 7/18/2018 (sap). (Entered: 07/17/2018)
07/17/2018	<u>246</u>		MOTION for Leave to File Brief in Opposition to Defendants' <u>234</u> Motion to Dismiss by Common Cause, National Election Defense Coalition, Protect Democracy. (Attachments: # <u>1</u> Brief of Amicus Curiae, # <u>2</u> Affidavit of Matthew J. Murray, # <u>3</u> Affidavit of Compliance With Standing Order) (sap) (Entered: 07/18/2018)
07/18/2018	<u>247</u>		Amicus Curiae APPEARANCE entered by Jonathan Lee Schwartz on behalf of Common Cause, National Election Defense Coalition, Protect Democracy. (Schwartz, Jonathan) (Entered: 07/18/2018)
07/18/2018			Submission of <u>230</u> MOTION for Order to <i>Issue Subpoena</i> to District Judge Amy Totenberg. (sap) (Entered: 07/18/2018)
07/18/2018			Plaintiff's (Coalition for Good Governance) Documentary Exhibit <u>206</u> from the Status Conference held on 5/10/18, was destroyed as directed in <u>214</u> Exhibit Return Notification (mec) (Entered: 07/18/2018)
07/19/2018			RETURN of <u>242</u> APPLICATION for Admission of Stacey M. Leyton Pro Hac Vice (Application fee \$ 150, receipt number 113E-8018433) to attorney for correction re: address. (pmb) (Entered: 07/19/2018)
07/19/2018			RETURN of <u>241</u> APPLICATION for Admission of Stephen P. Berzon Pro Hac Vice (Application fee \$ 150, receipt number 113E-8018428) to attorney for correction re: address. (pmb) (Entered: 07/19/2018)
07/19/2018			RETURN of <u>243</u> APPLICATION for Admission of Matthew J. Murray Pro Hac Vice (Application fee \$ 150, receipt number 113E-8018436) to attorney for correction re: address. (pmb) (Entered: 07/19/2018)
07/19/2018	<u>248</u>		APPLICATION for Admission of Stacey M. Leyton Pro Hac Vice by Common Cause, National Election Defense Coalition, Protect Democracy. (Schwartz, Jonathan) (Entered: 07/19/2018)
07/19/2018	<u>249</u>		APPLICATION for Admission of Matthew J. Murray Pro Hac Vice by Common Cause, National Election Defense Coalition, Protect Democracy. (Schwartz, Jonathan) (Entered: 07/19/2018)
07/23/2018			APPROVAL by Clerks Office re: <u>248</u> APPLICATION for Admission of Stacey M. Leyton Pro Hac Vice. Attorney Jonathan Lee Schwartz added appearing on behalf of Common Cause (jkm) (Entered: 07/23/2018)
07/23/2018			APPROVAL by Clerks Office re: <u>249</u> APPLICATION for Admission of Matthew J. Murray Pro Hac Vice. Attorney Jonathan Lee Schwartz added appearing on behalf of Common Cause (jkm) (Entered: 07/23/2018)
07/24/2018	<u>250</u>		APPLICATION for Admission of Stephen P. Berzon Pro Hac Vice by Common Cause, National Election Defense Coalition, Protect Democracy. (Schwartz, Jonathan) (Entered: 07/24/2018)
07/24/2018	<u>251</u>		ORDER denying <u>230</u> Motion for Issuance of Subpoena. Instead, the Court DIRECTS the DeKalb Board to continue sequestering the two DRE machines

		at issue and all related equipment in a secure location and to refrain from using the machines (or doing anything that could alter the data on the machines) until the Court rules on the pending motions to dismiss and addresses the stay on discovery. Signed by Judge Amy Totenberg on 7/24/18. (jpa) (Entered: 07/25/2018)
07/26/2018		APPROVAL by Clerks Office re: <u>250</u> APPLICATION for Admission of Stephen P. Berzon Pro Hac Vice. Attorney Jonathan Lee Schwartz added appearing on behalf of Protect Democracy (jkm) (Entered: 07/26/2018)
07/26/2018		Submission of <u>233</u> MOTION for Leave to File Excess Pages and <u>246</u> MOTION for Leave to File Brief in Opposition to Defendants' <u>234</u> Motion to Dismiss to District Judge Amy Totenberg. (sap) (Entered: 07/26/2018)
07/27/2018	<u>252</u>	ORDER GRANTING NUNC PRO TUNC the State Defendants' <u>233</u> Motion for Leave to File Excess Pages. Signed by Judge Amy Totenberg on 7/27/2018. (sap) (Entered: 07/27/2018)
07/27/2018	<u>253</u>	ORDER GRANTING the Amicus Curiae <u>246</u> Motion for Leave to File Brief in Opposition to Defendants' <u>234</u> Motion to Dismiss. The Amicus Curiae Brief (Doc. 246-1) is hereby deemed filed as of the date of this Order. Signed by Judge Amy Totenberg on 7/27/2018. (sap) (Entered: 07/27/2018)
07/31/2018	<u>254</u>	Request for Leave of Absence for the following date(s): August 29-30, 2018 and August 31-September 5, 2018 by Robert Alexander McGuire, III. (McGuire, Robert) (Entered: 07/31/2018)
07/31/2018	<u>255</u>	ORDER GRANTING <u>248</u> Application for Admission of Stacey M. Leyton Pro Hac Vice. Signed by Judge Amy Totenberg on 7/31/2018. (sap) (Entered: 07/31/2018)
07/31/2018	<u>256</u>	ORDER GRANTING <u>249</u> Application for Admission of Matthew J. Murray Pro Hac Vice. Signed by Judge Amy Totenberg on 7/31/2018. (sap) (Entered: 07/31/2018)
07/31/2018	<u>257</u>	ORDER GRANTING <u>250</u> Application for Admission of Stephen P. Berzon Pro Hac Vice. Signed by Judge Amy Totenberg on 7/31/2018. (sap) (Entered: 07/31/2018)
08/03/2018	<u>258</u>	MOTION for Preliminary Injunction with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Brief Coalition Plaintiffs' Brief in Support of Motion for Preliminary Injunction with Supporting Declarations, # <u>2</u> Text of Proposed Order Coalition Plaintiffs' Proposed Order Granting Preliminary Injunction)(Brown, Bruce) (Entered: 08/03/2018)
08/07/2018	<u>259</u>	ORDER re <u>258</u> MOTION for Preliminary Injunction and <u>234</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. The Court DIRECTS Defendants in their response brief to particularly focus on the public interest factor i.e., the practical realities surrounding implementation of the requested relief in the next one to three months. If the Coalition Plaintiffs file a reply brief, the Court DIRECTS them to focus their brief accordingly as well. Furthermore, the Court ORDERS Defendants to file their response no later than August 14, 2018, and the Court ORDERS the Coalition Plaintiffs to file their reply, if any, no later than August 20, 2018. Signed by Judge Amy Totenberg on 8/7/18. (jpa) (Entered: 08/07/2018)

08/07/2018	<u>260</u>		MOTION for Preliminary Injunction with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief, # <u>2</u> Declaration of J. Alex Halderman, # <u>3</u> Declaration of Duncan A. Buell, # <u>4</u> Declaration of Donna A. Curling, # <u>5</u> Declaration of Donna Price, # <u>6</u> Declaration of Jeffrey H. E. Schoenberg, # <u>7</u> Text of Proposed Order)(Knapp, Halsey) (Entered: 08/08/2018)
08/08/2018	<u>261</u>		Consent MOTION for Order <i>Scheduling Order</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Knapp, Halsey) (Entered: 08/08/2018)
08/10/2018	<u>262</u>		NOTICE Of Filing Declarations in Support of <u>258</u> Motion for Preliminary Injunction, by Coalition for Good Governance. (Brown, Bruce) (Entered: 08/10/2018)
08/13/2018	<u>263</u>		ORDER granting <u>261</u> Motion for Scheduling Order. The Court ORDERS that Defendants shall file their response(s) to the Curling Plaintiffs' Motion for Preliminary Injunction (Dkt. No. 260) no later than August 14, 2018, and the Curling Plaintiffs shall file any reply no later than August 20, 2018. Signed by Judge Amy Totenberg on 8/13/18. (jpa) (Entered: 08/14/2018)
08/14/2018	<u>264</u>		MOTION for Leave to File Excess Pages by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order Prop Order)(Salter, John) (Entered: 08/14/2018)
08/14/2018	<u>265</u>		RESPONSE re <u>258</u> MOTION for Preliminary Injunction , <u>260</u> MOTION for Preliminary Injunction filed by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit Declaration of Merritt Beaver, # <u>2</u> Exhibit Declaration of Chris Harvey, # <u>3</u> Exhibit Declaration of Janine Eveler, # <u>4</u> Exhibit Declaration of Lynn Ledford, # <u>5</u> Exhibit Declaration of Nancy Boren, # <u>6</u> Exhibit Declaration of Lynn Bailey)(Salter, John) (Entered: 08/14/2018)
08/14/2018	<u>266</u>		First MOTION for Leave to File Excess Pages by David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Lowman, David) (Entered: 08/14/2018)
08/14/2018	<u>267</u>		RESPONSE re <u>258</u> MOTION for Preliminary Injunction , <u>260</u> MOTION for Preliminary Injunction filed by David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Lowman, David) (Entered: 08/14/2018)
08/14/2018	<u>268</u>		ORDER granting <u>264</u> Motion for Leave to File Excess Pages. Signed by Judge Amy Totenberg on 8/14/18. (jpa) (Entered: 08/15/2018)
08/15/2018	<u>269</u>		ORDER GRANTING <u>266</u> Fulton County Defendants' Motion for Leave to File Excess Pages from 25 pages and up to and including 30 pages. Signed by Judge Amy Totenberg on 8/15/2018. (jtj) (Entered: 08/15/2018)
08/17/2018	<u>270</u>		MOTION for Oral Argument re <u>258</u> MOTION for Preliminary Injunction by Coalition for Good Governance. (Brown, Bruce) (Entered: 08/17/2018)
08/20/2018	<u>271</u>		Amended MOTION for Preliminary Injunction by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order (Amended))(Cross, David) (Entered: 08/20/2018)

08/20/2018	<u>272</u>		MOTION for Leave to File Reply Brief in Excess Pages re: <u>258</u> Motion for Preliminary Injunction, by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Text of Proposed Order)(McGuire, Robert) (Entered: 08/20/2018)
08/20/2018	<u>273</u>		Unopposed MOTION for Leave to File Excess Pages by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 08/20/2018)
08/20/2018			Submission of <u>273</u> Unopposed MOTION for Leave to File Excess Pages to District Judge Amy Totenberg. (jtj) (Entered: 08/20/2018)
08/20/2018	<u>274</u>		ORDER GRANTING <u>272</u> Coalition Plaintiffs' Motion for Leave to File Excess Pages for their reply brief to <u>258</u> Motion for Preliminary Injunction. Signed by Judge Amy Totenberg on 8/20/2018. (jtj) (Entered: 08/20/2018)
08/20/2018	<u>275</u>		ORDER GRANTING <u>273</u> Curling Plaintiffs' Motion for Leave to File Excess Pages for their reply brief to their Motion for Preliminary Injunction. Signed by Judge Amy Totenberg on 8/20/2018. (jtj) (Entered: 08/20/2018)
08/20/2018	<u>276</u>		REPLY to Response to Motion re <u>260</u> MOTION for Preliminary Injunction , <u>271</u> Amended MOTION for Preliminary Injunction filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Affidavit of Lonna Rae Atkeson, # <u>2</u> Affidavit of Sara Henderson)(Cross, David) (Entered: 08/20/2018)
08/20/2018	<u>277</u>		REPLY BRIEF re <u>258</u> MOTION for Preliminary Injunction filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 08/20/2018)
08/21/2018			Submission of <u>260</u> Curling's MOTION for Preliminary Injunction, <u>258</u> Coalition's MOTION for Preliminary Injunction to District Judge Amy Totenberg. (jtj) (Entered: 08/21/2018)
08/27/2018	<u>278</u>		Notice for Leave of Absence for the following date(s): August 31, 2018 through September 5, 2018, September 13, 2018 through September 14, 2018, September 27, 2018 through September 28, 2018, October 11, 2018 through October 12, 2018, November 7, 2018, November 21, 2018, December 7, 2018 through December 10, 2018, and December 19, 2018 through January 4, 2019, by Bennett Davis Bryan. (Bryan, Bennett) (Entered: 08/27/2018)
08/28/2018	<u>279</u>		ORDER that this Court will issue a memorandum decision with respect to this determination in the coming two weeks. The Court will schedule a Hearing for oral argument on the <u>258</u> and <u>260</u> motions for preliminary injunction on 9/17/2018 at 11:00 AM before Judge Amy Totenberg. Signed by Judge Amy Totenberg on 8/28/18. (jpa) (Entered: 08/29/2018)
09/04/2018	<u>280</u>		ORDER – The Court moves the September 17, 2018 hearing to September 12, 2018 at 11:00 am. The Court has determined that it will proceed as follows at the September 12, 2018 hearing: The Court will first hear oral argument on the issues of immunity and any other asserted jurisdictional defenses. Each side will be allocated 15 minutes for argument. Counsel are DIRECTED to confer no later than Thursday, September 6, 2018 at 4:00 P.M. regarding what, if any, witnesses they anticipate calling at the hearing and the projected time length of each witness testimony, including direct examination and cross-examination. They shall advise the Court by September 7, 2018 at 12:00 P.M. regarding the

		results of their conference via submission of a joint filing on the record. Signed by Judge Amy Totenberg on 9/04/2018. (See order for more details) (jtj) (Entered: 09/04/2018)
09/05/2018	<u>281</u>	Notice of Revised Proposed Relief re <u>271</u> Amended MOTION for Preliminary Injunction, by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 09/05/2018)
09/07/2018	<u>282</u>	Joint Notice of Parties in Advance of Hearing re <u>280</u> Order, by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/07/2018)
09/07/2018	<u>283</u>	Plaintiffs' Joint Supplemental Submission re <u>280</u> Order and <u>282</u> Notice, filed by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett, Donna Price, Jeffrey Schoenberg. (McGuire, Robert) (Entered: 09/07/2018)
09/07/2018	<u>284</u>	AFFIDAVIT of Service for Subpoena , as to Richard Barron. (Sparks, Adam) (Entered: 09/07/2018)
09/07/2018		NOTICE: the hearing for oral argument on the <u>258</u> and <u>260</u> motions for preliminary injunction <u>will begin at 10:00 AM</u> in Courtroom 2308.(acm) (Entered: 09/07/2018)
09/09/2018	<u>285</u>	NOTICE Of Filing Second Declaration of Richard A. DeMillo Supporting re <u>258</u> MOTION for Preliminary Injunction by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Attachments: # <u>1</u> Affidavit)(McGuire, Robert) Modified on 9/10/2018 to edit text (btql). (Entered: 09/09/2018)
09/10/2018		NOTICE of Undeliverable Electronic Mail re: <u>285</u> Notice of Filing,. Mail returned for Barclay Hendrix due to no longer employed with the firm. Electronic notification has been turned off. (aar) (Entered: 09/10/2018)
09/10/2018	<u>286</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>During the September 12, 2018 Hearing</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – Proposed Order)(Cross, David) (Entered: 09/10/2018)
09/10/2018	<u>287</u>	ORDER setting the revised schedule for the September 12, 2018 hearing. The Court also notes that it has already rescheduled the hearing to begin at 10:00 A.M. on September 12, 2018 (instead of at 11:00 A.M. as originally scheduled). Signed by Judge Amy Totenberg on 9/10/2018. (jtj) (Entered: 09/10/2018)
09/10/2018	<u>288</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order A: Proposed Order)(Salter, John) (Entered: 09/10/2018)
09/10/2018	<u>289</u>	Amended Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>During the September 12, 2018 Hearing</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – Proposed Order)(Cross, David) (Entered: 09/10/2018)
09/10/2018	<u>290</u>	

		Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>for September 12 Hearing</i> by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Text of Proposed Order)(McGuire, Robert) (Entered: 09/10/2018)
09/10/2018	<u>291</u>	ORDER GRANTING <u>289</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on 9/11/2018 and 9/12/2018. Counsel and witnesses for the Curling Plaintiffs (David D. Cross, Jane P. Bentrrott, Catherine L. Chapple, Robert W. Manoso, and J. Alex Halderman) may bring and use 5 laptop computers with laptop power cords, 1 tablet computer with power cord, 6 smart phones with smartphone power cords, 2 USB drives, an electronic voting machine with a stand and power cord, and a VGA cable in conjunction with the hearing on Wednesday, September 12, 2018 before Judge Amy Totenberg. Plaintiffs may also bring this equipment on Tuesday, September 11, 2018 in order to test it prior to the hearing. The original motion [Doc. 286] is DENIED AS MOOT. Signed by Judge Amy Totenberg on 9/10/2018.(jtg) (Entered: 09/10/2018)
09/10/2018	<u>292</u>	Amended Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order A: Proposed Order)(Salter, John) (Entered: 09/10/2018)
09/10/2018	<u>293</u>	ORDER GRANTING <u>292</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on 9/11/2018 and 9/12/2018. Counsel and witnesses for the State Defendants (John F. Salter and Roy E. Barnes) may bring and use the equipment listed in this order. Signed by Judge Amy Totenberg on 9/10/2018. (jtg) (Entered: 09/10/2018)
09/10/2018	<u>294</u>	Amended Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>for September 12 Hearing</i> by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Text of Proposed Order)(McGuire, Robert) (Entered: 09/10/2018)
09/11/2018	<u>295</u>	ORDER granting <u>294</u> Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom on 9/12/18 at 10:00 a.m. Signed by Judge Amy Totenberg on 9/11/18. (jpa) (Entered: 09/11/2018)
09/11/2018	<u>296</u>	NOTICE Of Filing Declarations of Stark, Cannell, Clark, Duford and Martin re <u>258</u> MOTION for Preliminary Injunction, by Coalition for Good Governance, William Digges III, Laura Digges, Megan Missett, and Ricardo Davis. (Brown, Bruce) (Entered: 09/11/2018)
09/12/2018	<u>298</u>	Minute Entry for proceedings held before Judge Amy Totenberg: 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

		<p>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, 8, 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. (Court Reporter Shannon Welch)(ddm) (Additional attachment(s) added on 9/17/2018: # <u>1</u> Amended Minute Sheet) (acm). Modified on 9/17/2018 to attach amended minute sheet and correct text re admitted exhibits to reflect admission as noted on amended minute sheet (acm). (Entered: 09/13/2018)</p>
09/13/2018	<u>297</u>	<p>NOTICE Of Filing Declaration of Rebecca Sullivan and Response to Plaintiffs' Ex. 7 by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit Declaration of Rebecca N. Sullivan)(Salter, John) (Entered: 09/13/2018)</p>
09/13/2018	<u>299</u>	<p>RESPONSE re <u>297</u> Notice of Filing, to <i>Declaration of R. Sullivan</i> filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/13/2018)</p>
09/13/2018	<u>300</u>	<p>MOTION for Leave to File Excess Pages by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 09/13/2018)</p>
09/13/2018	<u>301</u>	<p>TRIAL BRIEF <i>Post-Hearing Statement and Response to Declaration of Rebecca Sullivan</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 09/13/2018)</p>
09/13/2018	<u>302</u>	<p>TRIAL BRIEF <i>CLOSING STATEMENT</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/13/2018)</p>
09/13/2018	<u>303</u>	<p>TRIAL BRIEF <i>FULTON COUNTY DEFENDANTS CLOSING STATEMENT</i> by David J. Burge, Mary Carole Cooney, Vernetta Nuriddin. (Lowman, David) (Entered: 09/13/2018)</p>
09/13/2018	<u>304</u>	<p>MOTION for Leave to File Declaration of Candice Hoke with Brief In Support by Common Cause, National Election Defense Coalition. (Attachments: # <u>1</u> Affidavit of Candice Hoke)(Schwartz, Jonathan) (Entered: 09/13/2018)</p>

			09/13/2018)
09/14/2018	<u>305</u>		TRIAL BRIEF <i>Closing Statement</i> by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Salter, John) (Entered: 09/14/2018)
09/14/2018	<u>306</u>		TRIAL BRIEF <i>Amended Closing Statement</i> by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Salter, John) (Entered: 09/14/2018)
09/17/2018	<u>307</u>		TRANSCRIPT of Evidentiary Hearing Proceedings held on 9/12/2018, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2018. Redacted Transcript Deadline set for 10/18/2018. Release of Transcript Restriction set for 12/17/2018. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 09/17/2018)
09/17/2018	<u>308</u>		ORDER on miscellaneous matters regarding the hearing held on September 12, 2018. Plaintiffs' Exhibit 7 from the hearing is admitted. The Curling Plaintiffs' <u>300</u> Motion for Excess Pages for Post-Hearing Statement and Response to Declaration of Rebecca Sullivan is GRANTED. Plaintiffs may file a 17-page post-hearing statement and response to the declaration of Rebecca Sullivan. Amici Curiae Common Cause and National Election Defense Coalition's <u>304</u> Motion for Leave to File Declaration of Candice Hoke in Support of Plaintiffs' Motions for Preliminary Injunction is GRANTED. Signed by Judge Amy Totenberg on 9/17/2018. (acm) (Entered: 09/17/2018)
09/17/2018	<u>309</u>		ORDER DENYING IN PART Defendants' <u>82</u> , <u>83</u> , and <u>234</u> Motions to Dismiss and DENYING Plaintiffs' <u>258</u> , <u>260</u> , and <u>271</u> Motions for Preliminary Injunction. See order for details. Signed by Judge Amy Totenberg on 9/17/2018. (acm) (Entered: 09/17/2018)
09/18/2018	<u>310</u>		NOTICE OF APPEAL as to <u>309</u> Order, Terminate Motions by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. Filing fee \$ 505, receipt number 113E-8153375. Transcript Order Form due on 10/2/2018 (Salter, John) (Entered: 09/18/2018)
09/18/2018	<u>311</u>		NOTICE Of Filing NOA Transmittal Letter re: <u>310</u> Notice of Appeal. (pjm) (Entered: 09/18/2018)
09/18/2018	<u>312</u>		Transmission of Certified Copy of Notice of Appeal, USCA Appeal Fees, Order and Docket Sheet to US Court of Appeals re: <u>310</u> Notice of Appeal. (pjm) (Entered: 09/18/2018)
09/18/2018	<u>313</u>		PLAINTIFFS' EXHIBITS admitted and retained at the <u>298</u> Motion Hearing. Exhibits have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Exhibits 1 - 5, # <u>2</u> Exhibits 6 - 7, # <u>3</u> Exhibits 8 - 9, # <u>4</u> Exhibit 10) (jtj) (Entered: 09/18/2018)
09/18/2018	<u>314</u>		DEFENDANTS' EXHIBITS admitted and retained at the <u>298</u> Motion Hearing. Exhibits have been received from Courtroom Deputy and placed in the

		custody of the Records Clerks. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (jtj) (Entered: 09/18/2018)
09/19/2018	<u>315</u>	NOTICE TO PLAINTIFFS' COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>313</u> Exhibits 1 – 10. (jtj) (Entered: 09/19/2018)
09/19/2018	<u>316</u>	NOTICE TO DEFENDANTS' COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>314</u> Exhibits 1 – 2. (jtj) (Entered: 09/19/2018)
09/19/2018	<u>317</u>	NOTICE TO COURT regarding RECLAMATION AND DISPOSITION OF UNCLAIMED EXHIBITS pursuant to Local Rule 79.1D(2) filed by Donna Curling, Donna Price, Jeffrey Schoenberg Re: <u>313</u> Exhibits,. Exhibits to be Retrieved.. (Sparks, Adam) (Entered: 09/19/2018)
09/20/2018	<u>318</u>	NOTICE TO COURT regarding RECLAMATION AND DISPOSITION OF UNCLAIMED EXHIBITS pursuant to Local Rule 79.1D(2) filed by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. Exhibits to be Retrieved.. (Salter, John) (Entered: 09/20/2018)
09/21/2018	<u>319</u>	Joint MOTION for Status Conference and Proposed Schedule by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – Plaintiffs' Joint Proposed Schedule, # <u>2</u> Text of Proposed Order)(Cross, David) Modified on 9/24/2018 to edit text (btql). (Entered: 09/21/2018)
09/21/2018	<u>321</u>	RECLAMATION OF <u>314</u> DEFENDANTS' EXHIBITS 1 and 2 pursuant to Local Rule 79.1D(2). Exhibits were Retrieved. (jtj) (Entered: 09/24/2018)
09/23/2018	<u>320</u>	MOTION to Stay with Brief In Support by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Brief Brief In Support, # <u>2</u> Text of Proposed Order Proposed Order)(Salter, John) (Entered: 09/23/2018)
09/24/2018		Submission of <u>319</u> Joint MOTION for Status Conference and Proposed Schedule to District Judge Amy Totenberg. (btql) (Entered: 09/24/2018)
09/26/2018	<u>322</u>	TRANSCRIPT ORDER FORM (All necessary transcript(s) on file) re: <u>310</u> Notice of Appeal. (Salter, John) Modified on 9/27/2018 to update text (pjm). (Entered: 09/26/2018)
09/26/2018	<u>323</u>	RESPONSE in Opposition re <u>320</u> MOTION to Stay filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 09/26/2018)
09/27/2018		Set Deadline re: <u>310</u> Notice of Appeal: Fed.R.App.P. 11 Certification due on 10/10/2018. (pjm) (Entered: 09/27/2018)
09/27/2018	<u>324</u>	USCA Acknowledgment of <u>310</u> Notice of Appeal, filed by Rebecca N. Sullivan, David J. Worley, Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson and The State Election Board. Case Appealed to USCA– 11th Circuit. Case Number 18–13951–DD. (pjm) (Entered: 09/27/2018)

09/27/2018			Pursuant to F.R.A.P.11(c), the Clerk certifies that the record is complete for purposes of this appeal, 310 Notice of Appeal. Case Appealed to USCA– 11th Circuit. Case Number 18–13951–DD. The entire record on appeal is available electronically. (pjm) (Entered: 09/27/2018)
09/27/2018	325		MOTION for Oral Argument re 320 MOTION to Stay by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # 1 Text of Proposed Order)(Cross, David) (Entered: 09/27/2018)
10/01/2018	326		RESPONSE in Opposition re 320 MOTION to Stay filed by Coalition for Good Governance. (Ichter, Cary) (Entered: 10/01/2018)
10/02/2018	327		MOTION for Preliminary Injunction with Brief In Support by Coalition for Good Governance. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(Brown, Bruce) (Entered: 10/03/2018)
10/05/2018			MINUTE ORDER: On October 2, 2018, Plaintiff Coalition for Good Governance filed a motion seeking preliminary injunctive relief [Doc. 327]. As of today's date, none of the Defendants have filed a response to Plaintiff's motion. Thus, at this juncture, the Court requires the following information: (1) whether the Secretary of State and Election Board Defendants would like the Court to rely on the pending motion to stay as their "response" [Doc. 320] or (2) are Defendants (all Defendant including Fulton County) planning to file a response to Plaintiff's motion. Therefore, Defendants are directed to notify the Court of their intentions to do so (or not) no later than Tuesday, October 9, 2018 at Noon. In addition, if any of the Defendants do plan to file a response, such filing is due not later than Friday, October 12, 2018. Ordered by Judge Amy Totenberg on 10/05/2018. (jtj) (Entered: 10/05/2018)
10/05/2018	328		RESPONSE re 319 Joint MOTION for Status Conference and Proposed Schedule filed by David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Lowman, David) (Entered: 10/05/2018)
10/08/2018	329		MOTION to Sever with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(Cross, David) (Entered: 10/08/2018)
10/09/2018	330		NOTICE by State Defendants Pursuant to October 5th Minute Order, by Rebecca N. Sullivan, Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, State of Election Board, David J. Worley. (Attachments: # 1 Exhibit 1)(Salter, John) Filers Modified on 10/9/2018 (sap). (Entered: 10/09/2018)
10/09/2018	331		NOTICE of Intention to File a Response to 327 Plaintiffs' Motion for Preliminary Injunctive Relief , by David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Lowman, David) (Entered: 10/09/2018)
10/10/2018	332		REPLY BRIEF re 320 MOTION to Stay filed by Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Salter, John) (Entered: 10/10/2018)
10/10/2018	333		ORDER denying 325 Motion for Oral Argument. Defendants are DIRECTED to file a response to the Coalitions 327 Motion for Preliminary Injunction within five work days after the issuance of the Courts Order on the Motion to

		Stay. Similarly, the timelines for the filing of responses to the Curling Plaintiffs pending Motion to Sever <u>329</u> are stayed until the Court issues its ruling on the State Defendants Motion <u>320</u> . See Order for additional directives. Signed by Judge Amy Totenberg on 10/10/19. (hfm) (Entered: 10/10/2018)
10/11/2018		Submission of <u>320</u> MOTION to Stay to District Judge Amy Totenberg. (jtj) (Entered: 10/11/2018)
10/11/2018	<u>334</u>	REPLY in Support of <u>319</u> Motion for Status Conference and Proposed Schedule, filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 10/11/2018)
10/16/2018	<u>335</u>	Curling Plaintiffs' Documentary Exhibits retrieved on 10/12/2018. (jtj) (Entered: 10/16/2018)
10/23/2018	<u>336</u>	ORDER GRANTING <u>320</u> State Defendants' Motion to Stay. The Court ORDERS this case STAYED pending the Eleventh Circuit's decision on the current appeal. The Court DENIES the Curling Plaintiffs' Motion for Oral Argument [Doc. 325] and STAYS all other pending motions. Signed by Judge Amy Totenberg on 10/23/2018. (jtj) (Entered: 10/23/2018)
10/26/2018	<u>337</u>	ORDER ADMINISTRATIVELY CLOSING this civil action pending the outcome of the appeal in the Eleventh Circuit Court of Appeals. Signed by Judge Amy Totenberg on 10/26/2018. (jtj) (Entered: 10/26/2018)
10/26/2018		Civil Case Administratively Closed. (jtj) (Entered: 10/26/2018)
02/07/2019	<u>338</u>	USCA Opinion received (Affirmed in part and Dismissed in part) re: <u>310</u> Notice of Appeal, filed by Rebecca N. Sullivan, David J. Worley, Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, The State Election Board. In accordance with FRAP 41(b), the USCA mandate will issue at a later date. Case Appealed to USCA– 11th Circuit. Case Number 18–13951–DD. (pjm) (Entered: 02/07/2019)
02/15/2019	<u>339</u>	Certification of Consent to Substitution of Counsel. Vincent Robert Russo, Jr. and Bryan P. Tyson replacing attorney Roy E. Barnes and John Frank Salter, Jr. (Salter, John) Modified on 2/15/2019 to edit text. (cmd) (Entered: 02/15/2019)
02/15/2019	<u>340</u>	NOTICE of Appearance by Bryan P. Tyson on behalf of Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Tyson, Bryan) (Entered: 02/15/2019)
03/08/2019	<u>341</u>	Certified copy of MANDATE of USCA AFFIRMING IN PART AND DISMISSING IN PART the decision of the District Court re: <u>310</u> Notice of Appeal, filed by Rebecca N. Sullivan, David J. Worley, Seth Harp, Brian P. Kemp, Ralph F. (Rusty) Simpson and The State Election Board. Case Appealed to USCA– 11th Circuit. Case Number 18–13951. (pjm) (Entered: 03/08/2019)
03/15/2019	<u>342</u>	NOTICE of Appearance by Vincent Robert Russo, Jr on behalf of Seth Harp, Brian P. Kemp, Rebecca N. Sullivan, The State Election Board, David J. Worley (Russo, Vincent) (Entered: 03/15/2019)
03/15/2019	<u>343</u>	

			NOTICE of Appearance by Joshua Barrett Belinfante on behalf of Seth Harp, Brian P. Kemp, Rebecca N. Sullivan, The State Election Board, David J. Worley (Belinfante, Joshua) (Entered: 03/15/2019)
03/15/2019	<u>344</u>		NOTICE of Appearance by Carey Allen Miller on behalf of Seth Harp, Brian P. Kemp, Rebecca N. Sullivan, The State Election Board, David J. Worley (Miller, Carey) (Entered: 03/15/2019)
03/15/2019	<u>345</u>		NOTICE of Appearance by Brian Edward Lake on behalf of Seth Harp, Brian P. Kemp, Rebecca N. Sullivan, The State Election Board, David J. Worley (Lake, Brian) (Entered: 03/15/2019)
03/15/2019	<u>346</u>		NOTICE of Appearance by Alexander Fraser Denton on behalf of Seth Harp, Brian P. Kemp, Rebecca N. Sullivan, The State Election Board, David J. Worley (Denton, Alexander) (Entered: 03/15/2019)
03/18/2019			ORDER (by docket entry only): The Court will hold an in-person scheduling conference on Tuesday, April 9, 2019, at 2:30 pm. Prior to the conference, Plaintiffs are directed to meet and confer with Defendants regarding the scope of the case in light of the recent legislation regarding the selection of new voting machines. Plaintiffs are further directed to discuss a proposal for discovery and defense counsel needs to be prepared to address any disagreements. By Judge Amy Totenberg on 3/18/19. (hfm) (Entered: 03/18/2019)
04/03/2019	<u>347</u>		Notice for Leave of Absence for the following date(s): 6/3/19 through 6/13/19, by Bryan P. Tyson. (Tyson, Bryan) Modified on 4/4/2019 to edit text (bnp). (Entered: 04/03/2019)
04/04/2019	<u>348</u>		Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>During the April 9, 2019 Conference</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Sparks, Adam) (Entered: 04/04/2019)
04/04/2019	<u>349</u>		Withdrawal of Motion <u>329</u> MOTION to Sever filed by Donna Curling, Jeffrey Schoenberg, Donna Price filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Sparks, Adam) (Entered: 04/04/2019)
04/05/2019	<u>350</u>		ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on April 9, 2019 Signed by Judge Amy Totenberg on 4/5/2019. (bnp) (Entered: 04/05/2019)
04/09/2019	<u>351</u>		Coalition Plaintiffs' STATUS REPORT by Coalition for Good Governance (Brown, Bruce) Modified on 4/9/2019 to edit event text(bnp). (Entered: 04/09/2019)
04/09/2019	<u>352</u>		MOTION for Order <i>Allowing Audio Visual Equipment</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 04/09/2019)
04/09/2019	<u>353</u>		Amended MOTION for Order <i>Allowing Audio Visual Equipment</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 04/09/2019)
04/09/2019	<u>354</u>		ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on 4/9/2019 Signed by Judge Amy Totenberg on 4/9/2019. (bnp) (Entered: 04/09/2019)

04/09/2019	<u>355</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Status Conference held on 4/9/2019. Defendants will file a response to Plaintiff's status report Thursday, April 11, 2019. Defendant Exhibit 1 admitted. Exhibits retained by the Court to be forwarded to the Clerks Office. (Court Reporter Shannon Welch)(bnp) (Entered: 04/09/2019)
04/09/2019	<u>356</u>		ORDER: If Defendants intend to proceed as planned and file a motion to dismiss on mootness, the Court imposes the following briefing schedule: Defendants' Motion to Dismiss must be filed NO LATER THAN MONDAY, APRIL 15, 2019. Plaintiffs' Response must be filed NO LATER THAN MONDAY, APRIL, 22, 2019. Defendants' Reply must be filed NO LATER THAN WEDNESDAY, APRIL 24, 2019. No extensions of these deadlines shall be granted. Defendants' Motion and Plaintiffs' Response SHALL NOT EXCEED FIFTEEN (15) PAGES and Defendants' Reply SHALL NOT EXCEED SEVEN (7) PAGES. If Defendants do not intend to move forward with their planned motion, Defendants SHALL ADVISE the Court no later than 12:00 p.m. on Monday, April, 15, 2019. Signed by Judge Amy Totenberg on 4/9/2019. (bnp) (Entered: 04/10/2019)
04/10/2019	<u>357</u>		NOTICE Of Filing Exhibits being filed at the request of the Court by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>355</u> Status Conference, (Attachments: # <u>1</u> Exhibit 1 – Certified Copies of Act 24 and House Bill 316, # <u>2</u> Exhibit 2 – House Bill 316 as passed by the House of Representatives, # <u>3</u> Exhibit 3 – Request for Proposal for a State Wide Voting System, # <u>4</u> Exhibit 4 – Background and Scope of Work, # <u>5</u> Exhibit 5 – Potential Equipment Distribution)(Russo, Vincent) (Entered: 04/10/2019)
04/10/2019	<u>358</u>		NOTICE of Change of Address for Bryan P. Tyson, counsel for Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley (Tyson, Bryan) (Entered: 04/10/2019)
04/10/2019	<u>359</u>		DEFENDANT'S EXHIBIT admitted and retained at the <u>355</u> Status Conference. Exhibit has been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Defendant Exhibit 1)(bnp) (Entered: 04/11/2019)
04/11/2019	<u>360</u>		Request for Leave of Absence <i>for Certain Dates</i> by Coalition for Good Governance (McGuire, Robert) Modified on 4/12/2019 to edit event text (bnp). (Entered: 04/11/2019)
04/11/2019	<u>361</u>		NOTICE TO DEFENDANTS' COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>359</u> Exhibit 1. (bnp) (Entered: 04/11/2019)
04/11/2019	<u>362</u>		STATUS REPORT <i>and State Defendants Response To Coalition Plaintiffs Status Report</i> by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> March 28, 2019 Bidders/Suppliers Conference Presentation Sign-in Sheets)(Belinfante, Joshua) (Entered: 04/11/2019)
04/12/2019	<u>363</u>		TRANSCRIPT of Status Conference Proceedings held on 4/9/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Transcript may be viewed at the

		court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/3/2019. Redacted Transcript Deadline set for 5/13/2019. Release of Transcript Restriction set for 7/11/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 04/12/2019)
04/15/2019	<u>364</u>	NOTICE of Plaintiffs' Proposed Schedule by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Text of Proposed Order)(Sparks, Adam) Modified on 4/16/2019 to edit text (bnp). (Entered: 04/15/2019)
04/16/2019	<u>365</u>	ORDER re the State Defendants' <u>362</u> Response to Coalition Plaintiffs' Status Report. So that the Court understands the scope of the elections to be held, the Court ORDERS the State Defendants to provide the following additional information NO LATER THAN APRIL 22, 2019 (see Order for specifics). Signed by Judge Amy Totenberg on 4/16/2019. (bnp) (Entered: 04/16/2019)
04/16/2019	<u>366</u>	NOTICE of Appearance by Kimberly K. Anderson on behalf of Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley (Anderson, Kimberly) (Entered: 04/16/2019)
04/22/2019	<u>367</u>	RESPONSE re <u>365</u> Order by State Defendants filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – List of Counties and Municipalities that have already provided notice, # <u>2</u> Exhibit B – List of Counties and Municipalities which held elections in 2015)(Russo, Vincent) (Entered: 04/22/2019)
04/23/2019	<u>368</u>	Notice for Leave of Absence for the following date(s): September 30, through October 11, 2019, by Vincent Robert Russo, Jr. (Russo, Vincent) (Entered: 04/23/2019)
04/29/2019	<u>369</u>	MOTION to Quash Non-Party Subpoena and MOTION for Relief Regarding Discovery with Brief In Support by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit Exhibit 1– Non-Party Subpoena, # <u>2</u> Exhibit Exhibit 2– Email Correspondence Between Counsel, # <u>3</u> Exhibit Exhibit 3– [PROPOSED] Order Quashing Non-Party Subpoena and Regarding Discovery)(Russo, Vincent) Modified on 4/30/2019 to edit event text (bnp). (Entered: 04/29/2019)
05/07/2019	<u>370</u>	NOTICE of Appearance by Bryan Francis Jacoutot on behalf of Seth Harp, Brad Raffensperger, State of Election Board, Rebecca N. Sullivan, David J. Worley (Jacoutot, Bryan) (Entered: 05/07/2019)
05/13/2019	<u>371</u>	RESPONSE re <u>369</u> MOTION to Quash Non-Party Subpoena MOTION for Relief Regarding Discovery filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 05/13/2019)
05/14/2019	<u>372</u>	Withdrawal of Motion <u>369</u> MOTION to Quash Non-Party Subpoena MOTION for Relief Regarding Discovery filed by Rebecca N. Sullivan, David J. Worley, Brad Raffensperger, Seth Harp, The State Election Board filed by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Russo, Vincent) (Entered: 05/14/2019)

05/15/2019	<u>373</u>		APPLICATION for Admission of John Michael Powers Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8664737)by Coalition for Good Governance. (Brown, Bruce) (Entered: 05/15/2019)
05/16/2019	<u>374</u>		MOTION for Order <i>Opening Discovery</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 05/16/2019)
05/17/2019			APPROVAL by Clerks Office re: <u>373</u> APPLICATION for Admission of John Michael Powers Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8664737). Attorney John Michael Powers added appearing on behalf of Coalition for Good Governance (cdg) (Entered: 05/17/2019)
05/17/2019			ORDER by docket entry only granting <u>373</u> Application for Admission Pro Hac Vice of Petitioner Michael Powers. By Judge Amy Totenberg on 5/17/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 05/17/2019)
05/21/2019	<u>375</u>		ORDER: The Court GRANTS IN PART and DENIES IN PART Defendants' Motions to Dismiss the Curling Plaintiffs' Second Amended Complaint and the Coalition Plaintiffs' Third Amended Complaint [Docs. <u>82</u> , <u>83</u> , <u>234</u>]. The Motions to Dismiss are GRANTED as to Count IX of the Curling Plaintiffs' Second Amended Complaint and are DENIED in all other respects. Discovery in this matter SHALL begin immediately upon entry of this Order. The Court will schedule a follow-up status conference under separate notice. Signed by Judge Amy Totenberg on 5/21/2019. (bnp) (Entered: 05/21/2019)
05/21/2019			NOTICE SCHEDULING TELECONFERENCE by docket entry only. Teleconference set for 5/24/2019 at 10:30 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. (hfm) (Entered: 05/21/2019)
05/23/2019	<u>376</u>		NOTICE of Plaintiffs' Proposed Schedule by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Text of Proposed Order [Proposed] Order Granting Notice of Plaintiffs' Proposed Schedule)(Cross, David) Modified on 5/24/2019 to edit text(bnp). (Entered: 05/23/2019)
05/24/2019	<u>377</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 5/24/2019. Discovery scheduling discussed. Plaintiffs to provide to the Court a brief on the scope of the desired discovery by Wednesday, May 29, 2019. (Discovery Hearing set for 5/31/2019 at 11:00 AM in ATLA Courtroom 2308 before Judge Amy Totenberg.) (Court Reporter Shannon Welch)(bnp) (Entered: 05/24/2019)
05/24/2019			NOTICE SCHEDULING HEARING by docket entry only: Discovery Hearing set for 5/31/2019 at 11:00 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. (hfm) (Entered: 05/24/2019)
05/28/2019			NOTICE OF CANCELLATION of Hearing re: NOTICE SCHEDULING HEARING by docket entry only: Discovery Hearing set for 5/31/2019 at 11:00 AM in ATLA Courtroom 2308 before Judge Amy Totenberg has been cancelled . (hfm) (hfm) (Entered: 05/28/2019)
05/28/2019	<u>378</u>		Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Coalition for Good Governance. (Attachments: # <u>1</u> Text of Proposed

		Order)(Ichter, Cary) (Entered: 05/28/2019)
05/29/2019	<u>379</u>	Coalition Plaintiffs' Brief <i>Addressing Role of the State Defendants in Local Elections</i> re <u>362</u> Status Report, <u>367</u> Response (Non-Motion), <i>On the Subject of Parties</i> filed by Coalition for Good Governance. (Brown, Bruce) Modified on 5/30/2019 to edit text (bnp). (Entered: 05/29/2019)
05/29/2019	<u>380</u>	NOTICE <i>Regarding Curling Plaintiffs' Anticipated Discovery Requests</i> by Donna Curling, Donna Price, Jeffrey Schoenberg (Cross, David) Modified on 5/30/2019 to edit text (bnp). (Entered: 05/29/2019)
05/29/2019	<u>381</u>	TRANSCRIPT of Telephone Conference Proceedings held on 5/24/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/19/2019. Redacted Transcript Deadline set for 7/1/2019. Release of Transcript Restriction set for 8/27/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 05/29/2019)
05/29/2019	<u>382</u>	NOTICE <i>Regarding Coalition Plaintiffs' Anticipated Discovery Requests</i> by Coalition for Good Governance (Ichter, Cary) Modified on 5/30/2019 to edit text (bnp). (Entered: 05/29/2019)
05/30/2019	<u>383</u>	ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on 5/31/2019 Signed by Judge Amy Totenberg on 5/30/2019. (bnp) (Entered: 05/30/2019)
05/30/2019	<u>384</u>	CERTIFICATE OF SERVICE <i>of Discovery</i> by Coalition for Good Governance.(Ichter, Cary) (Entered: 05/30/2019)
05/30/2019	<u>385</u>	NOTICE by Coalition for Good Governance <i>of Plaintiffs' Proposed Schedule</i> (Attachments: # <u>1</u> Text of Proposed Order Granting Notice of Plaintiffs' Proposed Schedule)(Ichter, Cary) (Entered: 05/30/2019)
05/30/2019	<u>386</u>	NOTICE <i>State Defendants' Response to Plaintiffs' Anticipated Discovery Requests</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Russo, Vincent) Modified on 5/31/2019 to edit text (bnp). (Entered: 05/30/2019)
05/30/2019	<u>387</u>	MOTION for Preliminary Injunction with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief, # <u>2</u> Declaration of J. Alex Halderman, # <u>3</u> Declaration of Lowell Finley, # <u>4</u> Declaration of Rebecca Wilson, # <u>5</u> Declaration of Donna Curling, # <u>6</u> Declaration of Donna Price, # <u>7</u> Declaration of Jeffrey Schoenberg, # <u>8</u> Text of Proposed Order)(Cross, David) (Entered: 05/30/2019)
05/31/2019	<u>388</u>	NOTICE by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III <i>of Amended Proposed Schedule</i> (Attachments: # <u>1</u> Text of Proposed Order)(Davis, William) (Entered: 05/31/2019)
05/31/2019	<u>389</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Scheduling Conference held on 5/31/2019. (Court Reporter Shannon Welch)(bnp)

		(Entered: 05/31/2019)
06/03/2019		Submission of <u>388</u> Notice by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III of Amended Proposed Schedule to District Judge Amy Totenberg. (aaq) (Entered: 06/03/2019)
06/03/2019		ORDER (by docket entry only): At the scheduling conference held on Friday, May 31, 2019, Plaintiffs and the Court discussed a schedule for the Plaintiffs renewed Motions for Preliminary Injunction. Defendants did not expressly indicate any opinion on the different schedule options proposed by the Curling and Coalition Plaintiffs. The Court is inclined to schedule a preliminary injunction hearing the week of July 21, 2019 to allow the parties adequate time to present their arguments for or against granting the relief requested by Plaintiffs. The Court DIRECTS Defendants to notify the Court NO LATER THAN JUNE 4, 2019 AT 2:00PM whether they have any timeliness objections to a hearing in late July and the filing schedule roughly proposed by the Coalition Plaintiffs at Doc. <u>388</u> at page 2. By Judge Amy Totenberg on 6/3/19. (hfm) (Entered: 06/03/2019)
06/03/2019	<u>390</u>	CERTIFICATE OF SERVICE of <i>Discovery</i> by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 06/03/2019)
06/04/2019	<u>391</u>	TRANSCRIPT of Scheduling Conference Proceedings held on 5/31/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER., ***Steno Notes of proceedings held on 5/31/2019 before Judge Amy Totenberg, by Shannon R. Welch, RMR, CRR Redaction Request due 6/25/2019. Redacted Transcript Deadline set for 7/5/2019. Release of Transcript Restriction set for 9/3/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 06/04/2019)
06/04/2019	<u>392</u>	RESPONSE re Order to <i>June 3, 2019 Order</i> filed by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Russo, Vincent) (Entered: 06/04/2019)
06/04/2019	<u>393</u>	<i>Fulton County Defendants'</i> ANSWER to <u>70</u> Amended Complaint by The Fulton County Board of Registration and Elections, Richard Barron, Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Stan Matarazzo, Mark Wingate, Aaron Johnson. Discovery ends on 11/1/2019.(Ringer, Cheryl) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 6/5/2019 to add filers(bnp). (Entered: 06/04/2019)
06/04/2019	<u>394</u>	<i>Fulton County Defendants'</i> ANSWER to <u>226</u> Third AMENDED COMPLAINT by The Fulton County Board of Registration and Elections, Richard Barron, Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Stan Matarazzo, Mark Wingate, Aaron Johnson.(Ringer, Cheryl) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 6/5/2019 (bnp). Modified on 6/5/2019 to add filers (bnp). (Entered: 06/04/2019)
06/04/2019	<u>395</u>	

		APPLICATION for Admission of David Brody Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8705956). Documents for this entry are not available for viewing outside the courthouse.by Coalition for Good Governance. (Ichter, Cary) (Entered: 06/04/2019)
06/04/2019	<u>396</u>	<i>State Defendants'</i> ANSWER to <u>70</u> Amended Complaint <i>Curling Plaintiffs' Second Amended Complaint</i> by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Russo, Vincent) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/04/2019)
06/04/2019	<u>397</u>	<i>State Defendants'</i> ANSWER to <u>226</u> Amended Complaint <i>Coalition Plaintiffs' Third Amended Complaint</i> by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Russo, Vincent) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/04/2019)
06/05/2019	<u>398</u>	ORDER setting briefing schedule for Plaintiffs' renewed Motions for Preliminary Injunction (see Order for deadlines). Motion Hearing set for 7/25/2019 at 10:30 AM in ATLA Courtroom 2308. The Court will reserve the following day, July 26, 2019, as a carry-over to the extent necessary to conclude the hearing. Finally, the Court DIRECTS the parties to discuss at the Rule 26(f) planning conference scheduled for the week of June 10, 2019 issues related to the exchange of information necessary to facilitate the injunction hearing. Signed by Judge Amy Totenberg on 6/5/2019. (bnp) (Entered: 06/05/2019)
06/05/2019	<u>399</u>	CERTIFICATE OF SERVICE of <i>Discovery</i> by The Fulton County Board of Registration and Elections.(Ringer, Cheryl) (Entered: 06/05/2019)
06/05/2019	<u>400</u>	CERTIFICATE OF SERVICE of <i>Discovery Response</i> by Brad Raffensperger.(Russo, Vincent) (Entered: 06/05/2019)
06/07/2019		APPROVAL by Clerks Office re: <u>395</u> APPLICATION for Admission of David Brody Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8705956). Documents for this entry are not available for viewing outside the courthouse.. Attorney David R. Brody added appearing on behalf of Coalition for Good Governance (cdg) (Entered: 06/07/2019)
06/07/2019		ORDER by docket entry granting <u>395</u> Application for Admission Pro Hac Vice for David Brody. By Judge Amy Totenberg on 6/7/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 06/07/2019)
06/08/2019	<u>401</u>	CERTIFICATE OF SERVICE of <i>First Interrogatories to Defendant Fulton Board and to Defendant SOS</i> by Coalition for Good Governance.(Ichter, Cary) (Entered: 06/08/2019)
06/12/2019	<u>402</u>	CERTIFICATE OF SERVICE OF <i>DISCOVERY</i> by The Fulton County Board of Registration and Elections.(Burwell, Kaye) (Entered: 06/12/2019)
06/13/2019	<u>403</u>	CERTIFICATE OF SERVICE <i>Rule 5.4</i> by Brad Raffensperger.(Belinfante, Joshua) (Entered: 06/13/2019)

06/14/2019	<u>404</u>		NOTICE to Take Deposition of Lynn Ledford filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Powers, John) (Entered: 06/14/2019)
06/14/2019	<u>405</u>		NOTICE to Take Deposition of Richard Barron filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Powers, John) (Entered: 06/14/2019)
06/14/2019	<u>406</u>		CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 06/14/2019)
06/14/2019	<u>407</u>		NOTICE to Take Deposition of Jennifer Doran filed by Coalition for Good Governance (Brown, Bruce) (Entered: 06/14/2019)
06/17/2019	<u>408</u>		CERTIFICATE OF SERVICE <i>Rule 5.4</i> by Brad Raffensperger.(Anderson, Kimberly) (Entered: 06/17/2019)
06/17/2019	<u>409</u>		CERTIFICATE OF SERVICE <i>Rule 5.4</i> by Brad Raffensperger.(Anderson, Kimberly) (Entered: 06/17/2019)
06/17/2019	<u>410</u>		JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by Brad Raffensperger. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Anderson, Kimberly) (Entered: 06/17/2019)
06/18/2019	<u>411</u>		MOTION for Leave to File Excess Pages by Coalition for Good Governance. (Brown, Bruce) (Entered: 06/18/2019)
06/18/2019			Submission of <u>410</u> Joint Preliminary Report and Discovery Plan to District Judge Amy Totenberg. (bnp) (Entered: 06/18/2019)
06/19/2019	<u>412</u>		NOTICE Of Filing <i>Evidence Part One</i> by Coalition for Good Governance (Brown, Bruce) Modified on 6/20/2019 to edit text (bnp). (Entered: 06/19/2019)
06/19/2019	<u>413</u>		NOTICE Of Filing <i>Evidence Part Two</i> by Coalition for Good Governance (Brown, Bruce) Modified on 6/20/2019 to edit text (bnp). (Entered: 06/19/2019)
06/19/2019	<u>414</u>		ORDER granting <u>411</u> Motion for Leave to File Excess Pages. Coalition Plaintiffs' Brief in Support of its Motion for Preliminary Injunction shall not exceed fifty (50) pages. Signed by Judge Amy Totenberg on 6/19/2019. (bnp) (Entered: 06/19/2019)
06/19/2019	<u>415</u>		CERTIFICATE OF SERVICE by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Russo, Vincent) (Entered: 06/19/2019)
06/21/2019	<u>416</u>		Consolidated/Joint Discovery Statement <i>Regarding Coalition Plaintiffs' First Request for Production</i> by Coalition for Good Governance (Attachments: # <u>1</u> Exhibit Coalition Plaintiffs' First Request for Production of Documents, # <u>2</u> Exhibit State Defendant's Objections and Responses to Coalition Plaintiffs' First Requests for Production of Documents)(Brody, David) Modified on 6/21/2019 to edit text(bnp). (Entered: 06/21/2019)
06/21/2019	<u>417</u>		CERTIFICATE OF SERVICE <i>Rule 5.4</i> by Brad Raffensperger.(Denton, Alexander) (Entered: 06/21/2019)

06/21/2019	418		SCHEDULING ORDER: re: 410 Joint Preliminary Report and Discovery Plan. As Defendants contend that <i>Martin et al. v. Fulton Co. Bd. of Registration and Elections et al.</i> , Case No. S19A0779 (Ga. Sup. Ct. 2019) is a related case, the Court DIRECTS Defendants to file the case materials in the Martin case on the docket within fourteen days. Signed by Judge Amy Totenberg on 6/21/2019. (bnp) (Entered: 06/21/2019)
06/21/2019	419		MOTION for Preliminary Injunction with Brief In Support by Coalition for Good Governance. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(Brown, Bruce) (Entered: 06/21/2019)
06/21/2019	420		NOTICE by Donna Curling, Donna Price, Jeffrey Schoenberg re 416 Notice (Other), <i>Notice of Joinder in Joint Discovery Statement and Court Conference</i> (Attachments: # 1 Exhibit 1 – State Defendants' Responses and Objections to Curling Plaintiffs' First Request for Production of Documents, # 2 Exhibit 2 – Email Correspondence, # 3 Exhibit 3 – Email Correspondence)(Cross, David) (Entered: 06/21/2019)
06/21/2019	421		NOTICE Of Filing by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett <i>Declaration of Chris Brill</i> (Powers, John) (Entered: 06/21/2019)
06/22/2019	422		NOTICE of Appearance by Russell T. Abney on behalf of Electronic Privacy Information Center (Abney, Russell) (Entered: 06/22/2019)
06/22/2019	423		APPLICATION for Admission of Alan Jay Butler Pro Hac Vice (Application fee \$ 150, receipt number BGANDC–8748038). Documents for this entry are not available for viewing outside the courthouse. with Brief In Support by Electronic Privacy Information Center. (Attachments: # 1 Text of Proposed Order Proposed PHV Order – Grand)(Abney, Russell) (Entered: 06/22/2019)
06/24/2019	424		CERTIFICATE OF SERVICE <i>OF DISCOVERY</i> by The Fulton County Board of Registration and Elections.(Burwell, Kaye) (Entered: 06/24/2019)
06/24/2019	425		Initial Disclosures of Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Stan Matarazzo, Mark Wingate, and Aaron Johnson filed by The Fulton County Board of Registration and Elections.(Burwell, Kaye) Modified on 6/25/2019 to add filers (bnp). (Entered: 06/24/2019)
06/24/2019	426		CERTIFICATE OF SERVICE <i>Rule 5.4 Certificate of Service for Responses to Coalition Plaintiffs' First Set of Interrogatories</i> by Brad Raffensperger.(Tyson, Bryan) (Entered: 06/24/2019)
06/24/2019	427		Initial Disclosures by Brad Raffensperger, David J. Worley, Rebecca N. Sullivan, Seth Harp, The State Election Board.(Denton, Alexander) Modified on 6/25/2019 to add filers (bnp). (Entered: 06/24/2019)
06/24/2019	428		Initial Disclosures by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 06/24/2019)
06/25/2019	429		Consolidated/Joint Discovery Statement <i>on the Need for a Protective Order</i> by Coalition for Good Governance (Attachments: # 1 Exhibit Plaintiffs' Draft Protective Order, # 2 Exhibit Defendants' Draft Protective Order, # 3 Exhibit Redline of Exhibit A vs Exhibit B)(Brody, David) Modified on 6/26/2019 to edit text (bnp). (Entered: 06/25/2019)

06/26/2019	<u>430</u>		OBJECTION of Non-Party Joseph Kirk, Bartow County Elections Supervisor, to Subpoena to Produce Documents from Coalition for Good Governance by Joseph Kirk. (Phillips, James) (Entered: 06/26/2019)
06/26/2019	<u>431</u>		NOTICE Of Filing Letter Regarding Date Conflict by Halsey G. Knapp, Jr. (bnp) (Entered: 06/26/2019)
06/27/2019	<u>432</u>		----Filed in Error, Re-filed at <u>433</u> ---- Supplemental Initial Disclosures by Brad Raffensperger.(Russo, Vincent) Modified on 6/27/2019 to edit text(rlb). (Entered: 06/27/2019)
06/27/2019	<u>433</u>		State Defendants' Supplemental Initial Disclosures by Brad Raffensperger, David J. Worley, Rebecca N. Sullivan, Anh Le, Seth Harp, The State Election Board.(Russo, Vincent) Modified on 6/28/2019 to add filers (bnp). (Entered: 06/27/2019)
06/27/2019			APPROVAL by Clerks Office re: <u>423</u> APPLICATION for Admission of Alan Jay Butler Pro Hac Vice (Application fee \$ 150, receipt number BGANDC-8748038). Documents for this entry are not available for viewing outside the courthouse.. Attorney Alan Jay Butler added appearing on behalf of Electronic Privacy Information Center (pmb) (Entered: 06/27/2019)
06/27/2019			ORDER granting <u>423</u> Application for Admission Pro Hac Vice by docket entry only. By Judge Amy Totenberg on 6/27/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 06/27/2019)
06/27/2019	<u>434</u>		CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 06/27/2019)
06/28/2019	<u>435</u>		CERTIFICATE OF SERVICE of Rule 5.4 by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Russo, Vincent) (Entered: 06/28/2019)
06/28/2019	<u>436</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 6/28/2019. The parties are directed to file briefs under seal that address the issues discussed within the teleconference by 3:00PM on Monday, July 1, 2019. The filing deadline has changed to 3:00PM from the stated time on the teleconference. (Court Reporter Shannon Welch)(hfm) (Entered: 06/28/2019)
06/28/2019	<u>437</u>		MOTION for Leave to File Brief of Amicus Curiae in Support of Plaintiffs by Electronic Privacy Information Center. (Attachments: # <u>1</u> Brief of Amicus Curiae, # <u>2</u> Affidavit of Compliance With Standing Order)(Butler, Alan) (Entered: 06/28/2019)
07/01/2019	<u>438</u>		TRANSCRIPT of Telephone Conference Proceedings held on 6/28/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/22/2019. Redacted Transcript Deadline set for 8/1/2019. Release of

		Transcript Restriction set for 9/30/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 07/01/2019)
07/01/2019	<u>439</u>	MOTION for Leave to File Excess Pages by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Russo, Vincent) (Entered: 07/01/2019)
07/01/2019	<u>440</u>	RESPONSE re <u>436</u> Telephone Conference, <i>State Defendants' Response to Court's Request on Discovery Dispute</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Pages from Rough Transcript of Deposition of Michael Barnes)(Tyson, Bryan) Modified on 7/2/2019 to remove "provisionally" from red text per <u>436</u> Telephone Conference (bnp). Unsealed document on 7/2/2019 per <u>446</u> Order(bnp). (Entered: 07/01/2019)
07/01/2019	<u>441</u>	Plaintiffs' Brief on GEMS Database Discovery by Coalition for Good Governance (Brown, Bruce) Modified on 7/2/2019 to edit event text (bnp). (Entered: 07/01/2019)
07/01/2019	<u>442</u>	NOTICE <i>Statement Regarding Protective Order Dispute</i> by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate (Burwell, Kaye) Modified on 7/2/2019 to edit text(bnp). (Entered: 07/01/2019)
07/01/2019	<u>443</u>	CERTIFICATE OF SERVICE of <i>Discovery</i> by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate.(Burwell, Kaye) (Entered: 07/01/2019)
07/02/2019	<u>444</u>	NOTICE to Take Deposition of Joseph Kirk filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Powers, John) (Entered: 07/02/2019)
07/02/2019	<u>445</u>	NOTICE to Take Deposition of Robert Ingram filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Powers, John) (Entered: 07/02/2019)
07/02/2019	<u>446</u>	ORDER re the Parties' [Docs. 416, 429, 440, 441] Consolidated Discovery Statements. The Court DIRECTS Plaintiffs to identify what conditions, if any, they contend will severely impair their ability to perform the necessary examination of the information in the database and their proposed alternatives. As the Coalition Plaintiffs have indicated that Plaintiff William Digges III was expected to lead the Coalition Plaintiffs' review of the database, the Court DIRECTS the Coalition Plaintiffs to identify and explain in detail the nature of Mr. Digges expertise, employment, and his expected role in the review. Any objections and requests for the Court to rule on the confidentiality designations must be filed on the docket NO LATER THAN JULY 17, 2019. The Court DIRECTS the parties to immediately confer to discuss whether an agreement can be reached regarding the State's proposed conditions for the GEMS database examination. If no agreement is reached, Plaintiffs shall file the requested information NO LATER THAN 4:00 PM WEDNESDAY, JULY 3, 2019 and Defendants shall file their Response, if any, NO LATER THAN 2:00 PM FRIDAY, JULY 5, 2019.The Court DIRECTS the Clerk to unseal Doc. <u>440</u> . Signed by Judge Amy Totenberg on 7/2/2019. (bnp) (Entered: 07/02/2019)

07/03/2019	<u>447</u>	CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/03/2019)
07/03/2019	<u>448</u>	Initial Disclosures by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett.(Powers, John) (Entered: 07/03/2019)
07/03/2019	<u>449</u>	NOTICE Of Filing Case materials in Martin v. Fulton County Board of Registration and Elections et al. by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>418</u> Scheduling Order, (Attachments: # <u>1</u> Supplement Record Index, # <u>2</u> Supplement Record Vol. 1, # <u>3</u> Supplement Record Vol. 2, # <u>4</u> Supplement Record Vol. 3, part 1, # <u>5</u> Supplement Record Vol. 3, part 2, # <u>6</u> Supplement Record Vol. 4, # <u>7</u> Supplement Record Vol. 5, # <u>8</u> Supplement Record Vol. 6, # <u>9</u> Supplement Transcript Index, # <u>10</u> Supplement Transcript Vol. 1, # <u>11</u> Supplement Transcript Vol. 2, # <u>12</u> Supplement Transcript Vol. 3, # <u>13</u> Supplement Brief of Appellant, # <u>14</u> Supplement Appellants' Request for Oral Argument, # <u>15</u> Supplement Brief of Appellee FCBORE, # <u>16</u> Supplement Brief of Appellee GCBORE, # <u>17</u> Supplement Brief of Appellee Geoff Duncan, # <u>18</u> Supplement Supplemental Brief of Appellants, # <u>19</u> Supplement Brief of Amicus Curiae Secretary of State Brad Raffensperger, # <u>20</u> Supplement Brief of Election Security Experts and National Election Defense Coalition as Amici Curiae in Support of Plaintiff–Appellants, # <u>21</u> Supplement Second Supplemental Brief of Appellants, # <u>22</u> Supplement Supplemental Brief of Appellees GCBORE and FCBORE, # <u>23</u> Supplement Supplemental Brief of Appellee Geoff Duncan, # <u>24</u> Supplement Third Supplemental Brief of Appellants)(Tyson, Bryan) (Entered: 07/03/2019)
07/03/2019	<u>450</u>	ORDER granting <u>439</u> Motion for Leave to File Excess Pages. State Defendants' Consolidated Response to Plaintiffs' Motions for Preliminary Injunction shall not exceed seventy–five (75) pages. Signed by Judge Amy Totenberg on 7/3/2019. (bnp) (Entered: 07/03/2019)
07/03/2019	<u>451</u>	NOTICE Of Filing Plaintiffs' Proposal Regarding Security Protocols for Review of GEMS Database by Donna Curling, Donna Price, Jeffrey Schoenberg re <u>446</u> Order,,,,, (Attachments: # <u>1</u> Affidavit of David D. Cross, # <u>2</u> Affidavit of J. Alex Halderman, # <u>3</u> Affidavit of Matthew D. Bernhard)(Cross, David) (Entered: 07/03/2019)
07/05/2019	<u>452</u>	NOTICE <i>Statement on William Digges III</i> by Coalition for Good Governance re <u>446</u> Order (Brown, Bruce) Modified on 7/5/2019 to edit text (bnp). (Entered: 07/05/2019)
07/05/2019	<u>453</u>	NOTICE <i>State Defendants' Response to <u>451</u> Plaintiffs' Proposal for Review of GEMS Database</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>446</u> Order (Attachments: # <u>1</u> Exhibit Ex A – Email Proposal)(Tyson, Bryan) Modified on 7/5/2019 to edit text (bnp). (Entered: 07/05/2019)
07/06/2019	<u>454</u>	CERTIFICATE OF SERVICE <i>OF Supboena upon ES&S and Third Request for Production of Documents to the Secretary</i> by Coalition for Good Governance.(Brown, Bruce) (Entered: 07/06/2019)
07/08/2019		ORDER (by docket entry only): The State Defendants are DIRECTED to immediately advise the Court and Plaintiffs regarding: (1) the number of

		computers the Secretary of State's Office would be prepared to make available for Plaintiffs' experts to conduct database reviews and work on; and (2) the size (i.e., dimensions) of the work space that would be made available to accommodate Plaintiffs' experts and their assistants as they work; and (3) the maximum length of time that such space and computers would be made available. Upon receipt of this information, Plaintiffs are DIRECTED to immediately contact Defendants if they have any questions regarding this response and thereafter notify the Court of any concerns regarding these issues identified above solely. The Court's directive here is not intended to suggest or imply any ruling on the part of the Court regarding the pending disputed security protocol issues before the Court. SO ORDERED. By Judge Amy Totenberg on 7/8/2019. (bnp) (Entered: 07/08/2019)
07/08/2019	<u>455</u>	NOTICE of Filing Plaintiffs' Joint Reply Brief on GEMS Database Discovery by Coalition for Good Governance (Brown, Bruce) Modified on 7/9/2019 to edit text (bnp). (Entered: 07/08/2019)
07/08/2019	<u>456</u>	RESPONSE re Order,,, filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) (Entered: 07/08/2019)
07/08/2019	<u>457</u>	CERTIFICATE OF SERVICE of Amended Responses by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate.(Burwell, Kaye) (Entered: 07/08/2019)
07/08/2019	<u>458</u>	CERTIFICATE OF SERVICE of Discovery by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III.(Davis, William) (Entered: 07/08/2019)
07/08/2019		MINUTE ORDER: The Plaintiffs are DIRECTED to advise the Court NO LATER THAN 12:00 PM ON JULY 9, 2019 whether the State and the Plaintiffs have agreed to the disclosure of data from the GEMS system that is not subject to any confidentiality protections (referred to by Plaintiffs as the Phase I production) within 48 to 72 hours in a blank Microsoft Access database/file. The Court notes that Plaintiffs previously filed their objections to the State's GEMS review protocol 44 minutes after the Court's ordered deadline without first seeking an extension of time. Approved by Judge Amy Totenberg on 07/08/2019. (rvb) (Entered: 07/08/2019)
07/08/2019	<u>459</u>	CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/08/2019)
07/09/2019	<u>460</u>	NOTICE of Plaintiffs' Response to Minute Orders on GEMS Discovery by Coalition for Good Governance (Brown, Bruce) Modified on 7/10/2019 to edit text (bnp). (Entered: 07/09/2019)
07/09/2019		MINUTE ORDER: The Court DIRECTS the State Defendants to file a Response to Plaintiff's Notice regarding the GEMS discovery issues at Doc. 460 NO LATER THAN 12:00PM ON JULY 10, 2019. Defendants should address in their response the following: (1) the basis for their confidentiality concerns/objections to the GEMS data as a whole, beyond what Defendants have previously asserted generally (that GEMS is protected under state law for purposes of an Open Records Act request) for production to the Plaintiff-parties; and (2) the basis of their confidentiality objections specifically as to the fields identified in Plaintiffs' Notice. SO ORDERED.

		Approved by Judge Amy Totenberg on 07/09/2019. (rvb) (Entered: 07/09/2019)
07/09/2019	<u>461</u>	Second NOTICE to Take Deposition of Robert Ingram filed by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Powers, John) (Entered: 07/09/2019)
07/09/2019	<u>462</u>	CERTIFICATE OF SERVICE <i>of Notice of Service of Subpoena upon KSU</i> by Coalition for Good Governance.(Brown, Bruce) (Entered: 07/09/2019)
07/09/2019	<u>463</u>	ORDER re GEMS Database Discovery. See Order for details. Signed by Judge Amy Totenberg on 07/09/2019. (hpc) (Entered: 07/09/2019)
07/09/2019	<u>464</u>	CERTIFICATE OF SERVICE <i>Of Responses of Matthew Bernhard to State Defendants' Request for Production of Documents</i> by Coalition for Good Governance.(Brown, Bruce) (Entered: 07/09/2019)
07/10/2019	<u>465</u>	Second Initial Disclosures by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Russo, Vincent) (Entered: 07/10/2019)
07/10/2019	<u>466</u>	NOTICE <i>State Defendants' Response Regarding Court's Request</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re Order, (Tyson, Bryan) Modified on 7/11/2019 to edit text (bnp). (Entered: 07/10/2019)
07/10/2019	<u>467</u>	CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/10/2019)
07/10/2019		ORDER: The Court DIRECTS Plaintiffs to file a notice NO LATER THAN 2:00 PM indicating whether they agree with the State Defendants' position in their Response [Doc. 466] that the Phase I GEMS discovery issue is moot. SO ORDERED. By Judge Amy Totenberg on 07/10/2019. (hpc) (Entered: 07/10/2019)
07/10/2019	<u>468</u>	OBJECTION <i>of Non-Party Joseph Kirk, Bartow County Elections Supervisor, to Subpoena to Produce Documents from Coalition for Good Governance</i> by Joseph Kirk. (Attachments: # <u>1</u> Exhibit Exhibit A)(Phillips, James) (Entered: 07/10/2019)
07/10/2019	<u>469</u>	DEPOSITION of Jennifer Doran taken on 06/28/2019 by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit 32, # <u>2</u> Exhibit 33, # <u>3</u> Exhibit 34, # <u>4</u> Exhibit 35, # <u>5</u> Exhibit 36, # <u>6</u> Exhibit 37)(Tyson, Bryan) (Entered: 07/10/2019)
07/10/2019	<u>470</u>	NOTICE Of Filing Plaintiffs' Response to Minute Order Regarding Phase I GEMS Discovery by Donna Curling, Donna Price, Jeffrey Schoenberg (Cross, David) (Entered: 07/10/2019)
07/10/2019	<u>471</u>	DEPOSITION of Teresa Lynn Ledford taken on 06/24/2019 by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u>

		Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19)(Tyson, Bryan) (Entered: 07/10/2019)
07/10/2019	<u>472</u>	RESPONSE in Opposition re <u>419</u> MOTION for Preliminary Injunction , <u>387</u> MOTION for Preliminary Injunction filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Declaration of Michael Shamos, Ph.D., J.D., # <u>2</u> Exhibit B – Declaration of S. Merritt Beaver, # <u>3</u> Exhibit C – Declaration of Theresa Payton, # <u>4</u> Exhibit D – Declaration of Michael Barnes, # <u>5</u> Exhibit E – Rockdale Co. Response to Subpoena, # <u>6</u> Exhibit F – Declaration of Chatham Co Elections Supervisor, Russell Bridges, # <u>7</u> Exhibit G – Michael Barnes Deposition Excerpts, # <u>8</u> Exhibit H – Jennifer Doran Deposition Excerpts, # <u>9</u> Exhibit I – T. Lynn Ledford Deposition Excerpts, # <u>10</u> Exhibit J – Michael Barnes Deposition Transcript)(Tyson, Bryan) (Entered: 07/10/2019)
07/10/2019	<u>473</u>	RESPONSE re <u>419</u> MOTION for Preliminary Injunction , <u>387</u> MOTION for Preliminary Injunction filed by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Burwell, Kaye) (Entered: 07/10/2019)
07/11/2019	<u>474</u>	NOTICE <i>State Defendants' Response to Plaintiffs' Notice of Filing</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>470</u> Notice of Filing (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Tyson, Bryan) Modified on 7/12/2019 to edit text (bnp). (Entered: 07/11/2019)
07/11/2019	<u>475</u>	OBJECTION of Non-Party Robert Ingram, Hancock County Board of Elections and Registration <i>to Attend Deposition and Produce Documents from Coalition for Good Governance</i> and/or MOTION for Modification and Clarification of Non-Party Hancock County Board of Elections and Registration <i>Attendance of Deposition and Production of Documents From Coalition for Good Governance</i> by Hancock County Board of Elections and Registration. (Blitch, Pierce) Modified on 7/12/2019 to edit text(bnp). (Entered: 07/11/2019)
07/11/2019	<u>476</u>	PROPOSED ORDER State Defendants' Revisions to Coalition Plaintiffs' Proposed Protective Order. (Denton, Alexander) (Entered: 07/11/2019)
07/11/2019	<u>477</u>	PROTECTIVE ORDER Signed by Judge Amy Totenberg on 07/11/2019. (hpc) (Entered: 07/11/2019)
07/11/2019	<u>478</u>	CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/11/2019)
07/11/2019	<u>479</u>	STRICKEN. SEE <u>480</u> ORDER. MOTION for a Protective Order and MOTION to Quash Twelve Subpoenas to Third Parties Ebenezer Baptist Church, et al with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Brief Memorandum of Points and Authorities in Support of the Motion, # <u>2</u> Text of Proposed Order Proposed Order, # <u>3</u> Exhibit Twelve Third Party Subpoenas to Ebenezer Baptist Church, et al, # <u>4</u> Exhibit Declaration of Julie Houk, # <u>5</u> Exhibit Nov. 9, 2018 Letter)(Brody, David) . Added MOTION for Protective Order on 7/12/2019 (bnp). Modified on 7/12/2019 to add red text (bnp). (Entered: 07/11/2019)

07/11/2019	<u>483</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 7/11/2019. The Court discussed with the Parties remaining disputes regarding the non-confidential production of data from the GEMS databases, Plaintiffs production of Dr. Haldermans electronic files on the malware used during the September 2018 injunction hearing, the terms of a protective order, and the logistics of the State Defendants production of the GEMS databases to Plaintiffs experts and counsel on Friday, July 12, 2019. The parties are directed to confer regarding remaining discovery disputes at 9am on Monday July 12, 2019, and If they are unable to reach an agreement on alternatives for producing Dr. Haldermans electronic files and non-confidential data from the GEMS database, they shall file a discovery dispute statement with the Court by Noon on Monday, July 15, 2019. Defendants are directed to file their redlined response to Plaintiffs proposed protective order by 3:10 pm on Thursday, July 11, 2019. (Court Reporter Penny Coudriet)(bnp) (Entered: 07/15/2019)
07/12/2019	<u>480</u>		ORDER: The Court DIRECTS the Clerk to STRIKE Plaintiffs' <u>479</u> Motion for Protective Order and to Quash Defendants' Subpoenas to Third Parties Ebenezer Baptist Church, et al. The Court DIRECTS Plaintiffs (and Defendants) to comply with the Court's procedure for resolving discovery disputes, including the required formatting for the Consolidated/Joint Discovery Statement. Signed by Judge Amy Totenberg on 7/12/19. (bnp) (Entered: 07/12/2019)
07/13/2019	<u>481</u>		CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/13/2019)
07/15/2019	<u>482</u>		TRANSCRIPT of Proceedings held on July 11, 2019, before Judge Amy Totenberg. Court Reporter/Transcriber Penny Pritty Coudriet. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/5/2019. Redacted Transcript Deadline set for 8/15/2019. Release of Transcript Restriction set for 10/15/2019. (Attachments: # <u>1</u> Notice of Filing) (ppc) (Entered: 07/15/2019)
07/15/2019	<u>484</u>		CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/15/2019)
07/16/2019			Submission of <u>437</u> MOTION for Leave to File Brief of Amicus Curiae in Support of Plaintiffs to District Judge Amy Totenberg. (bnp) (Entered: 07/16/2019)
07/16/2019	<u>485</u>		CERTIFICATE OF SERVICE <i>Rule 5.4</i> by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley.(Russo, Vincent) (Entered: 07/16/2019)
07/16/2019	<u>486</u>		MOTION for Extension of Time and for Additional Pages re: <u>419</u> MOTION for Preliminary Injunction of <i>One Day to File Reply Brief and for Additional Pages</i> by Coalition for Good Governance. (Brown, Bruce) Modified on 7/17/2019 to edit text(bnp). (Entered: 07/16/2019)
07/16/2019	<u>487</u>		PROVISIONALLY SEALED NOTICE Of Filing <i>Consolidated-Joint Discovery Statement on the Need for Production of Dr. Halderman's Memory</i>

		<i>Card</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, David J. Worley (Attachments: # <u>1</u> Exhibit 1 – Halderman Responses to State Defendants' RPDs, # <u>2</u> Exhibit 2 – Email of D. Cross to V. Russo, July 10, 2019, # <u>3</u> Exhibit 3 – Declaration J. Alex Halderman)(Russo, Vincent) Modified on 7/17/2019 to edit text(bnp). (Entered: 07/16/2019)
07/16/2019	<u>488</u>	MOTION for Leave to File Matters Under Seal re: <u>487</u> Notice of Filing, <i>State Defendants' Motion to Seal Documents Related to The Parties' Joint Discovery Statement</i> with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Brief Brief in Support of Motion to Seal)(Russo, Vincent) (Entered: 07/16/2019)
07/16/2019	<u>489</u>	NOTICE Of Filing GEMS Database Screenshots by Donna Curling, Donna Price, Jeffrey Schoenberg (Cross, David) Unsealed on 11/25/2019 per <u>668</u> Order. (bnp). (Entered: 07/16/2019)
07/16/2019	<u>490</u>	ORDER re <u>487</u> the Parties' Consolidated/Joint Discovery Statement on the Need for Production of Dr. Halderman's Memory Card. The Court DIRECTS the State Defendants to file a Notice and supporting Affidavits identifying and explaining the following NO LATER THAN MIDNIGHT TONIGHT, JULY 16, 2019 (see Order for specifics). The Court DIRECTS Plaintiffs to file any Reply, if necessary, NO LATER THAN 1:00 PM, JULY 17, 2019. Finally, the Court DIRECTS the parties to identify for the Court any scheduling conflicts they each have tomorrow afternoon through 6:00 pm for a telephone conference if necessary. Signed by Judge Amy Totenberg on 7/16/19. (bnp) (Entered: 07/16/2019)
07/16/2019	<u>491</u>	ORDER: This matter is before the Court on the <u>486</u> Motion of Coalition Plaintiffs for Additional Pages and an Extension of Time. The request for additional pages is GRANTED. The request for an extension of time is GRANTED IN PART. The Coalition Plaintiffs and the Curling Plaintiffs SHALL FILE their Reply briefs in Support of their Motions for Preliminary Injunction NO LATER THAN 3:00 P.M. ON JULY 18, 2019. Signed by Judge Amy Totenberg on 7/16/19. (bnp) (Entered: 07/16/2019)
07/16/2019	<u>492</u>	PROPOSED ORDER Order Granting State Defendants' Motions to Seal Documents Related to the Parties' Joint Discovery Statement [Doc. 489 and 487]. (Russo, Vincent) (Entered: 07/16/2019)
07/16/2019	<u>493</u>	NOTICE <i>Regarding Security Review of Dr. Halderman's Memory Card</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>490</u> Order., (Attachments: # <u>1</u> Exhibit A – Declaration of Bryan Tyson, # <u>2</u> Exhibit B – Declaration of Theresa Payton)(Tyson, Bryan) Modified on 7/17/2019 to edit text(bnp). (Entered: 07/16/2019)
07/16/2019	<u>494</u>	MOTION for Leave to File Excess Pages by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 07/16/2019)
07/17/2019	<u>495</u>	ORDER granting <u>494</u> Motion for Leave to File Excess Pages. Curling Plaintiffs' Reply Brief in Support of their Motion for Preliminary Injunction shall not exceed forty-five (45) pages. Signed by Judge Amy Totenberg on 7/17/19. (bnp) (Entered: 07/17/2019)

07/17/2019	<u>496</u>	SEALED RESPONSE re <u>493</u> Notice (Other), filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) Modified on 8/13/2019 to remove "provisionally" from red text pursuant to Order <u>576</u> (bnp). (Entered: 07/17/2019)
07/17/2019	<u>497</u>	APPLICATION for Admission of Ezra Rosenberg Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8799444). Documents for this entry are not available for viewing outside the courthouse.by Coalition for Good Governance. (Ichter, Cary) (Entered: 07/17/2019)
07/17/2019	<u>498</u>	SEALED RESPONSE <i>Affidavit of J. Alex Halderman</i> re <u>493</u> Notice (Other), filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) Modified on 7/19/2019 to edit text (bnp). Modified on 8/13/2019 to remove "provisionally" from red text pursuant to Order <u>576</u> (bnp). (Entered: 07/17/2019)
07/17/2019	<u>499</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 7/17/2019. See transcript for directives. (Court Reporter Shannon Welch)(bnp) (Entered: 07/17/2019)
07/17/2019	<u>500</u>	MOTION for Leave to File Matters Under Seal re: <u>496</u> Response (Non-Motion), <u>498</u> Response (Non-Motion) with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Cross, David) (Entered: 07/17/2019)
07/17/2019	<u>501</u>	NOTICE Of Filing <i>Fulton County Defendants' Identification of Witnesses</i> by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate (Ringer, Cheryl) Modified on 7/18/2019 edit text (rlb). (Entered: 07/17/2019)
07/17/2019	<u>502</u>	NOTICE Of Filing State Defendants' Identification of Witnesses for Preliminary Injunction Hearing by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, David J. Worley (Russo, Vincent) (Entered: 07/17/2019)
07/17/2019	<u>503</u>	DEPOSITION of Joseph Kirk taken on July 11, 2019 by Coalition for Good Governance. (Attachments: # <u>1</u> Exhibit Notice of Deposition, # <u>2</u> Exhibit Subpoena 1, # <u>3</u> Exhibit Coalition Request for Documents, # <u>4</u> Exhibit Incident Report 1, # <u>5</u> Exhibit Agmt for Conduct of Elections part 1, # <u>6</u> Exhibit Agmt for Conduct of Elections part 2, # <u>7</u> Exhibit What to Keep, # <u>8</u> Exhibit CES, # <u>9</u> Exhibit Election Update 1, # <u>10</u> Exhibit Incident Report 2, # <u>11</u> Exhibit Election Update 2, # <u>12</u> Exhibit Invoices, # <u>13</u> Exhibit Subpoena 2, # <u>14</u> Exhibit Daily Tribune Article 1, # <u>15</u> Exhibit Bartow 000241 Emails, # <u>16</u> Exhibit Bartow Election Bd Minutes, # <u>17</u> Exhibit Bartow 000286 Voter Complaints, # <u>18</u> Exhibit Article, # <u>19</u> Exhibit Daily Tribune Article 2, # <u>20</u> Exhibit Bartow 000058 Cert of Returns, # <u>21</u> Exhibit Bartow 000261 Emails, # <u>22</u> Exhibit Bartow 000270 Emails, # <u>23</u> Exhibit Ballot Proof Sign off, # <u>24</u> Exhibit Contract for Ballot Services, # <u>25</u> Exhibit Election Results Report, # <u>26</u> Exhibit DRE Machine Recap)(Brody, David) (Entered: 07/17/2019)
07/17/2019	<u>504</u>	Supplemental Initial Disclosures by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/17/2019)
07/17/2019	<u>505</u>	NOTICE Of Filing Plaintiffs' Joint Identification of Witnesses for Preliminary Injunction Hearing by Donna Curling, Donna Price, Jeffrey Schoenberg

		(Cross, David) (Entered: 07/17/2019)
07/17/2019	<u>506</u>	NOTICE Of Filing <i>Corrected Copies of Evidence and Withdrawal of Declarations</i> by Coalition for Good Governance re <u>419</u> MOTION for Preliminary Injunction (Brown, Bruce) Modified on 7/19/2019 to edit docket text (bnp). (Entered: 07/17/2019)
07/18/2019	<u>507</u>	REPLY BRIEF re <u>419</u> MOTION for Preliminary Injunction filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 07/18/2019)
07/18/2019	<u>508</u>	SEALED REPLY to Response to Motion re <u>387</u> MOTION for Preliminary Injunction filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Affidavit of J. Alex Halderman, # <u>2</u> Affidavit of Andrew W. Appel, # <u>3</u> Affidavit of Nathan D. Woods, # <u>4</u> Affidavit of Catherine Chapple, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C)(Cross, David) Modified on 8/13/2019 to remove "provisionally" from red text pursuant to Order <u>577</u> (bnp). (Entered: 07/18/2019)
07/18/2019	<u>509</u>	NOTICE Of Filing Amended Declaration of Joseph Blake Evans by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate (Ringer, Cheryl) (Entered: 07/18/2019)
07/18/2019	<u>510</u>	SEALED REPLY to Response to Motion re <u>387</u> MOTION for Preliminary Injunction (<i>Corrected</i>) filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Affidavit of J. Alex Halderman, # <u>2</u> Affidavit of Andrew W. Appel, # <u>3</u> Affidavit of Nathan D. Woods, # <u>4</u> Affidavit of Catherine Chapple, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C)(Cross, David) Modified on 8/13/2019 to remove "provisionally" from red text pursuant to Order <u>577</u> (bnp). (Entered: 07/18/2019)
07/18/2019	<u>511</u>	CERTIFICATE OF SERVICE of <i>Responses to State Defendants' Document Requests and Interrogatories</i> by Coalition for Good Governance.(Brown, Bruce) (Entered: 07/18/2019)
07/19/2019	<u>512</u>	ORDER: The Court DIRECTS the State Defendants to provide the following information to the Court NO LATER THAN 1:00 PM ON TUESDAY, JULY 23, 2019 (see Order for specifics). Signed by Judge Amy Totenberg on 7/19/19. (bnp) (Entered: 07/19/2019)
07/19/2019		Submission of <u>387</u> MOTION for Preliminary Injunction , <u>419</u> MOTION for Preliminary Injunction to District Judge Amy Totenberg. (bnp) (Entered: 07/19/2019)
07/19/2019	<u>513</u>	TRANSCRIPT of Telephone Conference Proceedings held on 7/17/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/9/2019. Redacted Transcript Deadline set for 8/19/2019. Release of Transcript Restriction set for 10/17/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 07/19/2019)
07/19/2019	<u>514</u>	

		NOTICE Of Filing Declaration of Theresa Payton by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Affidavit Declaration of Theresa Payton)(Russo, Vincent) (Entered: 07/19/2019)
07/19/2019	<u>515</u>	OBJECTION to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by Abrams for Governor. (Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>516</u>	OBJECTION to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by Baconton Missionary Baptist Church. (Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>517</u>	OBJECTION to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by Care In Action, Inc.. (Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>518</u>	OBJECTION to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by Ebenezer Baptist Church of Atlanta, Georgia, Inc.. (Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>519</u>	OBJECTION to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by Fair Fight Action. Inc.. (Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>520</u>	OBJECTION to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by Sixth Episcopal District, Inc.. (Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>521</u>	OBJECTION to Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by Virginia–Highland Church, Inc.. (Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>522</u>	APPLICATION for Admission of Dara Lindenbaum Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–8807084). Documents for this entry are not available for viewing outside the courthouse.by Care In Action, Inc., Ebenezer Baptist Church of Atlanta, Georgia, Inc., Fair Fight Action. Inc., Sixth Episcopal District, Inc., Virginia–Highland Church, Inc., Abrams for Governor, Baconton Missionary Baptist Church, Inc.. (Attachments: # <u>1</u> Attachment)(Kastorf, Kurt) (Entered: 07/19/2019)
07/19/2019	<u>523</u>	MOTION for Leave to File Matters Under Seal re: <u>508</u> Reply to Response to Motion, <u>510</u> Reply to Response to Motion, with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Cross, David) (Entered: 07/19/2019)
07/19/2019	<u>524</u>	REDACTION to <u>510</u> Reply to Response to Motion, by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Affidavit of J. Alex Halderman (Redacted), # <u>2</u> Affidavit of Andrew W. Appel, # <u>3</u> Affidavit of Nathan D. Woods, # <u>4</u> Affidavit of Catherine L. Chapple (Redacted), # <u>5</u> Exhibit A (Redacted in Full), # <u>6</u> Exhibit B (Redacted in Full), # <u>7</u> Exhibit C (Redacted in Full))(Cross, David) (Entered: 07/19/2019)
07/22/2019	<u>525</u>	PROVISIONALLY SEALED NOTICE Of Filing Joint Discovery Statement by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit A – Sealed, # <u>2</u> Exhibit B – Sealed, # <u>3</u> Exhibit C – Sealed)(Cross, David)

		(Entered: 07/22/2019)
07/22/2019	<u>526</u>	APPLICATION for Admission of Jacob Conarck Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8809373). Documents for this entry are not available for viewing outside the courthouse.by Coalition for Good Governance. (Ichter, Cary) (Entered: 07/22/2019)
07/22/2019	<u>527</u>	APPLICATION for Admission of Marcie Brimer Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8809428). Documents for this entry are not available for viewing outside the courthouse.by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 07/22/2019)
07/22/2019	<u>528</u>	APPLICATION for Admission of Cameron A. Tepfer Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8809464). Documents for this entry are not available for viewing outside the courthouse.by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 07/22/2019)
07/22/2019	<u>529</u>	ORDER: The Court DIRECTS the Curling Plaintiffs to clarify whether they are seeking an Order from this Court to enjoin the use of DREs in time for the September 2019 Fulton County/Atlanta Public School Board elections NO LATER THAN 6:00 PM ON TUESDAY, JULY 23, 2019. Signed by Judge Amy Totenberg on 7/22/19. (bnp) (Entered: 07/22/2019)
07/22/2019	<u>530</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Russo, Vincent) (Entered: 07/22/2019)
07/22/2019	<u>531</u>	ORDER re <u>525</u> Notice of Filing Joint Discovery Statement, filed by Donna Curling, Jeffrey Schoenberg, Donna Price. SEE ORDER FOR DETAILS. Signed by Judge Amy Totenberg on 7/22/2019. (hpc) (Entered: 07/22/2019)
07/22/2019	<u>532</u>	CERTIFICATE OF SERVICE of <i>Discovery Materials under Rule 5.4</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Tyson, Bryan) (Entered: 07/22/2019)
07/22/2019	<u>533</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom for <i>Coalition Plaintiffs</i> by Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Text of Proposed Order)(Powers, John) (Entered: 07/22/2019)
07/23/2019		ORDER (by docket entry only) The hearing scheduled for Thursday, July 24, 2019, will now begin at 10:00AM. Start time change only. By Judge Amy Totenberg on 7/23/19. (hfm) (Entered: 07/23/2019)
07/23/2019	<u>534</u>	NOTICE of <i>Amendment to Witness List</i> by Coalition for Good Governance (Brown, Bruce) Modified on 7/24/2019 to edit text (bnp). (Entered: 07/23/2019)
07/23/2019		Notification of Docket Correction: The Hearing in this action is scheduled for Thursday, July 25, 2019, at 10:00AM. This is a correction for the hearing date in the previous docket entry order. (hfm) (Entered: 07/23/2019)
07/23/2019	<u>535</u>	

		RESPONSE re <u>529</u> Order, filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 07/23/2019)
07/23/2019	<u>536</u>	CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 07/23/2019)
07/23/2019		APPROVAL by Clerks Office re: <u>497</u> APPLICATION for Admission of Ezra Rosenberg Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8799444). Documents for this entry are not available for viewing outside the courthouse.. Attorney Ezra David Rosenberg added appearing on behalf of Coalition for Good Governance (pmb) (Entered: 07/23/2019)
07/23/2019	<u>537</u>	RESPONSE re <u>512</u> Order filed by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Exhibit "A" Declaration of Melisa Arnold, # <u>2</u> Exhibit "B" Declaration of J Elliott, # <u>3</u> Exhibit "C" November 2019 Municipal Election Information, # <u>4</u> Exhibit "D" Declaration of Kevin Rayburn)(Russo, Vincent) (Entered: 07/23/2019)
07/23/2019		ORDER (by docket entry only) The Court DIRECTS the State Defendants to notify the Court by 5:00 PM JULY 23, 2019 regarding the status of: (i) the State's selection of the vendor, (ii) finalization of the terms of the contract for the purchase of the electronic ballot markers and ballot scanners, and (iii) the anticipated dates for completion of these two major steps of the procurement process as of the date of this Order. By Judge Amy Totenberg on 7/23/2019. (hpc) (Entered: 07/23/2019)
07/24/2019	<u>538</u>	ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM by State Defendants on July 25-26, 2019. Signed by Judge Amy Totenberg on 7/24/19. (bnp) (Entered: 07/24/2019)
07/24/2019	<u>539</u>	ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM by Coalition Plaintiffs on July 25-26, 2019 Signed by Judge Amy Totenberg on 7/24/19. (bnp) (Entered: 07/24/2019)
07/24/2019	<u>540</u>	ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on July 24, 2019, July 25 and 26, 2019. Signed by Judge Amy Totenberg on 7/24/19. (bnp) (Entered: 07/24/2019)
07/24/2019	<u>541</u>	NOTICE Of Filing Plaintiffs' Objection to Remote Testimony by Dr. Michael Shamos by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit A - July 11 Correspondence, # <u>2</u> Exhibit B - STATE-DEFENDANTS-00004440, # <u>3</u> Exhibit C - STATE-DEFENDANTS-00004446, # <u>4</u> Exhibit D - Excerpt of Shamos Tr., # <u>5</u> Exhibit E - July 23 Correspondence, # <u>6</u> Exhibit F - Attachment to July 23 Correspondence)(Cross, David) (Entered: 07/24/2019)
07/24/2019	<u>542</u>	NOTICE Of Confidential and Attorneys' Eyes Only Documents to be used During Preliminary Injunction Hearing by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Russo, Vincent) (Entered: 07/24/2019)
07/24/2019	<u>543</u>	Exhibit List of Sealed Materials by Donna Curling, Donna Price, Jeffrey Schoenberg.. (Cross, David) (Entered: 07/24/2019)
07/24/2019	<u>544</u>	PROVISIONALLY SEALED RESPONSE re Order, dated July 23, 2019 filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N.

		Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit Department of Administrative Services – General Confidentiality Form)(Russo, Vincent) (Entered: 07/24/2019)
07/24/2019	<u>545</u>	RESPONSE re <u>541</u> Notice of Filing, <i>State Defendants Response to Plaintiffs' Objection to Testimony of Dr. Shamos</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Exhibit A– Curling Pltffs' Notice of Deposition, # <u>2</u> Exhibit B– Jul 18 Email from B Tyson to Counsel)(Russo, Vincent) (Entered: 07/24/2019)
07/24/2019	<u>546</u>	PROVISIONALLY SEALED RESPONSE in Opposition re <u>488</u> MOTION for Leave to File Matters Under Seal re: <u>487</u> Notice of Filing, <i>State Defendants' Motion to Seal Documents Related to The Parties' Joint Discovery Statement</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 07/24/2019)
07/25/2019	<u>547</u>	CERTIFICATE OF SERVICE <i>Rule 5.4</i> by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Denton, Alexander) (Entered: 07/25/2019)
07/25/2019	<u>548</u>	Coalition Plaintiffs' Hearing Brief <i>on Evidentiary Presumption Arising from Spoliation of Evidence</i> re <u>398</u> Order Setting Hearing on Motion filed by Coalition for Good Governance. (Ichter, Cary) Modified on 7/25/2019 to edit event text(bnp). (Entered: 07/25/2019)
07/25/2019		APPROVAL by Clerks Office re: <u>522</u> APPLICATION for Admission of Dara Lindenbaum Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–8807084). Documents for this entry are not available for viewing outside the courthouse.. Attorney Dara Lindenbaum added appearing on behalf of Abrams for Governor, Baconton Missionary Baptist Church, Inc., Care In Action, Inc., Ebenezer Baptist Church of Atlanta, Georgia, Inc., Fair Fight Action. Inc., Sixth Episcopal District, Inc., Virginia–Highland Church, Inc. (pmb) (Entered: 07/25/2019)
07/25/2019		RETURN of <u>527</u> APPLICATION for Admission of Marcie Brimer Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–8809428). Documents for this entry are not available for viewing outside the courthouse. to attorney for correction re: courts. (pmb) (Entered: 07/25/2019)
07/25/2019		APPROVAL by Clerks Office re: <u>528</u> APPLICATION for Admission of Cameron A. Tepfer Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–8809464). Documents for this entry are not available for viewing outside the courthouse.. Attorney Cameron A. Tepfer added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (pmb) (Entered: 07/25/2019)
07/25/2019		ORDER (by docket entry only) granting <u>522</u> and <u>528</u> Applications for Admission Pro Hac Vice. By Judge Amy Totenberg on 7/25/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 07/25/2019)
07/25/2019	<u>549</u>	

		NOTICE Of Filing Updated Municipal Election Information by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit Exhibit A: Nov. 2019 Municipal Elections (Updated))(Denton, Alexander) (Entered: 07/25/2019)
07/25/2019	<u>550</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Evidentiary Hearing held on 7/25/2019. Plaintiff Case in Chief: Witness Merritt Beaver sworn and testified, Plaintiff exhibits 1, 2 and 3 admitted. (Redacted Copies for public filing) Michael Barnes sworn and testified. Plaintiff exhibit 4, 5 and 6 admitted. Terry Adams, Amber McReynolds, Jasmine Clark sworn and testified. Defendant exhibits 1 and 2 admitted. Sara LeClerc, Kathy Poattie, Theresa Payton sworn and testified. Plaintiff exhibits 7 and 8 admitted. (Redacted copies for public filing) Video Deposition Dr. Michael Shamos. Hearing not concluded. Court adjourned and will reconvene at 09:30am on Friday, July 26, 2019. Exhibits retained by the Court to be forwarded to the Clerks Office. (Court Reporter Shannon Welch)(bnp) (Entered: 07/26/2019)
07/26/2019		APPROVAL by Clerks Office re: <u>526</u> APPLICATION for Admission of Jacob Conarck Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8809373). Documents for this entry are not available for viewing outside the courthouse.. Attorney Jacob Paul Conarck added appearing on behalf of Coalition for Good Governance (pmb) (Entered: 07/26/2019)
07/26/2019		ORDER (by docket entry only) granting <u>526</u> Application for Admission Pro Hac Vice. By Judge Amy Totenberg on 7/26/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 07/26/2019)
07/26/2019		ORDER re <u>548</u> Response (Non-Motion), filed by Coalition for Good Governance. The Court DIRECTS the State Defendants to Respond to Coalition Plaintiffs Hearing Brief on Evidentiary Presumption Arising from Spoliation of Evidence NO LATER THAN TUESDAY, JULY 30, 2019. By Judge Amy Totenberg on 7/26/2019. (hpc) (Entered: 07/26/2019)
07/26/2019	<u>551</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Evidentiary Hearing held on 7/26/2019. Plaintiff continues Case-In-Chief. Virginia Martin, Lowell Finely, Alex Halderman, Matthew Bernhard sworn and testified. Plaintiff exhibit 12 admitted. Plaintiff exhibit 13, ruling reserved. Plaintiff rest Case-In-Chief. Defendants Case-In-Chief: Richard Barron sworn and testified. Plaintiff exhibits 15 and 16 admitted. Russell Bridges, Lyn Ledford, Jennifer Doran sworn and testified. Defendant exhibit 5 admitted. Closing Arguments. Exhibits retained by the Court to be forwarded to the Clerks Office. (Court Reporter Shannon Welch)(bnp) (Entered: 07/29/2019)
07/29/2019		Submission of <u>475</u> MOTION for Modification and Clarification of Non-Party Hancock County Board of Elections and Registration <i>Attendance of Deposition and Production of Documents From Coalition for Good Governance</i> to District Judge Amy Totenberg. (bnp) (Entered: 07/29/2019)
07/29/2019	<u>552</u>	Supplement to <u>544</u> Response to this Court's July 23, 2019 Order filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit Notice

		of Intent to Award)(Russo, Vincent) Modified on 7/29/2019 to edit event text (bnp). (Entered: 07/29/2019)
07/29/2019	<u>553</u>	APPLICATION for Admission of Marcie Brimer Pro Hac Vice. Documents for this entry are not available for viewing outside the courthouse.by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 07/29/2019)
07/29/2019		ORDER (by docket entry only) The Court DIRECTS the Plaintiffs to file the entire deposition transcript of Dr. Michael Shamos NO LATER THAN 5:00 PM TODAY. By Judge Amy Totenberg on 7/29/2019. (hpc) (Entered: 07/29/2019)
07/29/2019		Defendant Exhibit 1 <u>359</u> from the Status Hearing held on April 9, 2019, was destroyed as directed in <u>361</u> Exhibit Return Notification (mec) (Entered: 07/29/2019)
07/29/2019	<u>554</u>	PROVISIONALLY SEALED DEPOSITION Transcript of Dr. Michael Shamos by Donna Curling, Donna Price, Jeffrey Schoenberg re Order (Cross, David) Modified on 7/30/2019 to edit event text (bnp). (Entered: 07/29/2019)
07/29/2019		ORDER (by docket entry only)Section 10.8 of the Master Solution Purchase and Services Agreement entered into between the Georgia Secretary of State and its selected election equipment vendor Dominion Voting Systems, Inc. provides: Dominions Democracy Suite Election Management System shall have the capability of importing election data from the State of Georgias current database to generate ballot layout used to conduct an election. The Court DIRECTS the State Defendants to provide the following information NO LATER THAN 1:00PM JULY 30, 2019: (i) confirm whether Section 10.8 indicates that the State contemplates or intends to import data from the existing GEMS Server and GEMS database for use with the new Dominion election management system software and programming of ballots to be used by the Ballot Marking Devices; and (ii) identify a representative from the Secretary of State's office with knowledge of the contract negotiation process and content of the Agreement who can provide testimony regarding the intent of this provision if necessary. Entered by Judge Amy Totenberg on 7/29/2019. (hpc) (Entered: 07/29/2019)
07/30/2019	<u>555</u>	RESPONSE to State Defendants' <u>552</u> Notification as to Apparent Successful Offeror by Coalition for Good Governance re <u>552</u> Response (Non-Motion), (Brown, Bruce) Modified on 7/31/2019 to edit event text(bnp). (Entered: 07/30/2019)
07/30/2019	<u>556</u>	RESPONSE re Order <i>State Defendants Response To Courts Questions On New Election System Vendor Contract</i> filed by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley. (Russo, Vincent) (Entered: 07/30/2019)
07/30/2019	<u>557</u>	ORDER granting <u>437</u> Motion for Leave to File Amicus Curiae Brief. The Court deems the Amicus Curiae Brief (Doc. 437-1) filed as of the date of this Order. Signed by Judge Amy Totenberg on 7/30/19. (bnp) (Entered: 07/30/2019)
07/30/2019		ORDER (by docket entry only) The Court DIRECTS the State Defendants to identify the 6 Georgia counties chosen to participate in the BMD pilot for the November 2019 general local elections NO LATER THAN 9:00 AM ON

		JULY 31, 2019. Entered by Judge Amy Totenberg on 7/30/2019. (hpc) (Entered: 07/30/2019)
07/30/2019	<u>558</u>	State Defendants' RESPONSE re <u>548</u> Coalition Plaintiffs' Hearing Brief <i>on Evidentiary Presumption Arising from Spoliation of Evidence</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Email on July 25, 2019, # <u>2</u> Exhibit B – Tweets from Marilyn Marks, # <u>3</u> Exhibit C – Emails regarding server image, # <u>4</u> Exhibit D – Dec. of Michael Barnes, # <u>5</u> Exhibit E – Dec. of Cristina Correia)(Tyson, Bryan) Modified on 7/31/2019 to edit text(bnp). (Entered: 07/30/2019)
07/30/2019		ORDER (by docket entry only) re <u>548</u> and <u>558</u> . If the Coalition Plaintiffs intend to file a Reply in support of their Hearing Brief on Evidentiary Presumption Arising From Spoliation of Evidence, they are DIRECTED to file the Reply NO LATER THAN 4:00 PM ON AUGUST 1, 2019. If the Coalition Plaintiffs do not intend to file a Reply, they should advise the Court as soon as possible, but no later than 2:00 PM tomorrow, July 31, 2019. Entered by Judge Amy Totenberg on 7/30/2019. (hpc) (Entered: 07/30/2019)
07/31/2019	<u>559</u>	RESPONSE re Order, <i>to identify the 6 Georgia counties chosen to participate in the BMD pilot for the November 2019 general local elections</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Denton, Alexander) (Entered: 07/31/2019)
07/31/2019		APPROVAL by Clerks Office re: <u>553</u> APPLICATION for Admission of Marcie Brimer Pro Hac Vice. Documents for this entry are not available for viewing outside the courthouse.. Attorney Halsey G. Knapp, Jr. added appearing on behalf of Donna Curling, Donna Price and Jeffrey Schoenberg (Application fee \$ 150, receipt number AGANDC–8809428) (jkm) (Entered: 07/31/2019)
07/31/2019		ORDER, by docket entry only, granting <u>553</u> Application for Admission Pro Hac Vice. By Judge Amy Totenberg on 7/31/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 07/31/2019)
07/31/2019	<u>560</u>	NOTICE of Withdrawal of Subpoena of Robert Ingram by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett re <u>475</u> MOTION for Modification and Clarification of Non-Party Hancock County Board of Elections and Registration <i>Attendance of Deposition and Production of Documents From Coalition for Good Governance</i> (Powers, John) Modified on 8/1/2019 to edit text (bnp). (Entered: 07/31/2019)
08/01/2019	<u>561</u>	SEALED PLAINTIFF EXHIBITS 1,2,3,7,8 admitted and retained at the <u>550</u> Evidentiary Hearing have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (bnp) (Additional attachment(s) added on 8/1/2019: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 7, # <u>5</u> Exhibit 8) (bnp). (Entered: 08/01/2019)
08/01/2019	<u>562</u>	NOTICE TO PLAINTIFF'S COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary

		EXHIBITS pursuant to Local Rule 79.1D. Re: <u>561</u> SEALED Plaintiff Exhibits. (bnp) (Entered: 08/01/2019)
08/01/2019	<u>563</u>	Coalition Plaintiffs' REPLY BRIEF <i>on Evidentiary Presumption Arising From Spoliation of Evidence</i> re <u>558</u> Response (Non-Motion), <u>548</u> Response (Non-Motion) filed by Coalition for Good Governance. (Ichter, Cary) Modified on 8/2/2019 to edit event text (bnp). (Entered: 08/01/2019)
08/01/2019	<u>564</u>	Coalition Plaintiffs' REPLY BRIEF <i>on Evidentiary Presumption Arising From Spoliation of Evidence AMENDED SOLELY TO CORRECT FONT DISCREPANCY</i> re <u>558</u> Response (Non-Motion), <u>548</u> Response (Non-Motion), filed by Coalition for Good Governance. (Ichter, Cary) Modified on 8/2/2019 to edit event text(bnp). (Entered: 08/01/2019)
08/01/2019	<u>565</u>	PLAINTIFF EXHIBITS 1R, 2R, 3R, 4, 5, 6, 7R, 8R, 12, 15, & 16 admitted and retained at the <u>550</u> , <u>551</u> Evidentiary Hearing have been received from Courtroom Deputy and placed in the custody of the Records Clerks.. (Attachments: # <u>1</u> Exhibit 1R, # <u>2</u> Exhibit 2R, # <u>3</u> Exhibit 3R, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 12, # <u>8</u> Exhibit 15, # <u>9</u> Attachment – Filed in error. (bnp) (Additional attachment(s) added on 8/2/2019: # <u>10</u> Exhibit 7R, # <u>11</u> Exhibit 8R) (bnp). Modified on 8/2/2019 to add Exhibits 7R and 8R(bnp). (Additional attachment(s) added on 8/5/2019: # <u>13</u> Exhibit Plaintiff 1R (Rescanned), # <u>14</u> Exhibit Plaintiff 2R (Rescanned), # <u>15</u> Exhibit Plaintiff 3R (Rescanned)) (cah). # <u>16</u> Exhibit 16 (Corrected) (jdb). Modified on 8/8/2019 to attach corrected Exhibit 16 (jdb). (Entered: 08/01/2019)
08/01/2019	<u>566</u>	DEFENDANT EXHIBITS 1, 2, & 5 admitted and retained at the <u>550</u> , <u>551</u> Evidentiary Hearing have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 5)(bnp) (Entered: 08/01/2019)
08/01/2019	<u>567</u>	NOTICE TO PLAINTIFFS' COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>565</u> Plaintiff Exhibits. (bnp) (Entered: 08/01/2019)
08/01/2019	<u>568</u>	NOTICE TO DEFENDANTS' COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>566</u> Defendant Exhibits. (bnp) (Entered: 08/01/2019)
08/01/2019		ORDER (by docket entry only): State Defendants introduced Defendants Exhibit 1 (identified as Rule 590–8–3–.01 of the Office of the Secretary of State) during the course of the trial. The Rule does not appear on the Rules posted on the Secretary of States webpage or on Westlaw. Defendants are DIRECTED to identify on the record whether the Rule was adopted by the State Election Board and the date of such approval and enactment, with appropriate documentation of such, no later than August 2, 2019 at 10:30 AM. By Judge Amy Totenberg on 8/1/19. (hfm) (Entered: 08/01/2019)
08/02/2019	<u>569</u>	RESPONSE re Order., <i>to identify information about Rule 590–8–3–.01</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit Exhibit A: Voter Registration System Security Rule)(Denton, Alexander) (Entered: 08/02/2019)

08/02/2019	<u>570</u>		TRANSCRIPT of Hearing on Preliminary Injunction Proceedings (Volume 1 of 2) held on 7/25/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/23/2019. Redacted Transcript Deadline set for 9/3/2019. Release of Transcript Restriction set for 10/31/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 08/02/2019)
08/02/2019			NEF regenerated for the <u>565</u> Exhibits. (aaq) (Entered: 08/02/2019)
08/02/2019	<u>571</u>		TRANSCRIPT of Hearing on Preliminary Injunction Proceedings Volume 2 of 2 held on 7/26/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/23/2019. Redacted Transcript Deadline set for 9/3/2019. Release of Transcript Restriction set for 10/31/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 08/02/2019)
08/02/2019	<u>572</u>		NOTICE TO COURT regarding RECLAMATION AND DISPOSITION OF UNCLAIMED EXHIBITS pursuant to Local Rule 79.1D(2) filed by Donna Curling, Donna Price, Jeffrey Schoenberg. Exhibits to be Retrieved.. (Sparks, Adam) (Entered: 08/02/2019)
08/05/2019			Submission of <u>500</u> MOTION for Leave to File Matters Under Seal to District Judge Amy Totenberg. (bnp) (Entered: 08/05/2019)
08/06/2019			Submission of <u>523</u> MOTION for Leave to File Matters Under Seal to District Judge Amy Totenberg. (bnp) (Entered: 08/06/2019)
08/07/2019	<u>573</u>		OBJECTION re <u>488</u> MOTION for Leave to File Matters Under Seal re: <u>487</u> Notice of Filing, <i>State Defendants' Motion to Seal Documents Related to The Parties' Joint Discovery Statement (Plaintiffs' Joint Objections)</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – July 30, 2019 Correspondence)(Cross, David) (Entered: 08/07/2019)
08/08/2019			Submission of <u>488</u> MOTION for Leave to File Matters Under Seal to District Judge Amy Totenberg. (bnp) (Entered: 08/08/2019)
08/08/2019	<u>574</u>		Plaintiff Exhibits (re <u>561</u> , <u>565</u>) retrieved by Attorney Adam Martin Sparks as directed in <u>572</u> Exhibit Disposition Notification. (bnp) (Entered: 08/08/2019)
08/09/2019	<u>575</u>		NOTICE of State Defendants Supplemental Notice Regarding New Election System Vendor Contract by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley (Attachments: # <u>1</u> Exhibit A – August 9, 2019 Notice of Award, # <u>2</u> Exhibit B – August 9, 2019 Certification of the Dominion Voting System for Georgia)(Russo, Vincent) Modified on 8/12/2019 to edit text (bnp). (Entered: 08/09/2019)

08/13/2019	<u>576</u>		ORDER granting Curling Plaintiffs' <u>500</u> Motion to Seal Documents Related to Their Response To Security Protocols For Review of Vote–Stealing Malware and the Affidavit of J. Alex Halderman. The entirety of the filings (Docs. 496, 498) related to the above referenced Motion shall remain sealed from public view. Signed by Judge Amy Totenberg on 8/13/19. (bnp) (Entered: 08/13/2019)
08/13/2019	<u>577</u>		ORDER granting Curling Plaintiffs' <u>523</u> Motion to Seal Their Reply in Support of their Motion for Preliminary Injunction and Supporting Materials. The redacted portions of the Reply (Doc. 510), the redacted portions of the Declaration of J. Alex Halderman (Doc. 510–1), the Declaration of Catherine L. Chapple (Doc. 510–4), and the entirety of the filed Exhibits A – C (Docs. 510–5, 510–6, 510–7) shall remain sealed from public view. Signed by Judge Amy Totenberg on 8/13/19. (bnp) (Entered: 08/13/2019)
08/14/2019	<u>578</u>		NOTICE Of Filing EXHIBIT CORRELATION CHART re <u>561</u> Sealed Exhibits, <u>565</u> Plaintiffs Exhibits, and <u>566</u> Defendants Exhibits, admitted during the Evidentiary Hearing held July 25 through 26, 2019. (hfm) (Entered: 08/14/2019)
08/15/2019	<u>579</u>		ORDER: The Court GRANTS IN PART and DENIES IN PART Plaintiffs' (<u>387</u> , <u>419</u>) Motions for Preliminary Injunction. The Court DENIES Plaintiffs' request to enjoin the use of the GEMS/DRE system in the 2019 elections, but it GRANTS Plaintiffs' motion to the extent that the Court PROHIBITS any use of the GEMS/DRE system after 2019. (See Order for further directives.) Signed by Judge Amy Totenberg on 8/15/19. (bnp) (Entered: 08/15/2019)
08/16/2019	<u>580</u>		MOTION to Withdraw Cameron A. Tepfer as Attorney with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Tepfer, Cameron) (Entered: 08/16/2019)
08/16/2019	<u>581</u>		MOTION to Amend <i>Complaint</i> with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – Curling Pls' Proposed Third Amended Complaint, # <u>2</u> Exhibit B – Redline Comparison, # <u>3</u> Text of Proposed Order)(Cross, David) (Entered: 08/16/2019)
08/20/2019	<u>582</u>		Joint Discovery Statement <i>Regarding Production of Election System Data</i> by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit A – Excerpts of Curling Pls' 1st Set of RFPs to State Defs, # <u>2</u> Exhibit B – July 31, 2019 Email Correspondence, # <u>3</u> Exhibit C – August 18, 2019 Email Correspondence)(Cross, David) Modified on 8/21/2019 to edit event text(bnp). (Entered: 08/20/2019)
08/20/2019	<u>583</u>		AFFIDAVIT re <u>582</u> Notice (Other), of <i>J. Alex Halderman</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 08/20/2019)
08/21/2019	<u>584</u>		MOTION for Clarification re: <u>579</u> Order on Motion for Preliminary Injunction,, with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) (Entered: 08/21/2019)
08/21/2019	<u>585</u>		REPLY BRIEF re <u>488</u> MOTION for Leave to File Matters Under Seal re: <u>487</u> Notice of Filing, <i>State Defendants' Motion to Seal Documents Related to The Parties' Joint Discovery Statement</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board,

		David J. Worley. (Tyson, Bryan) (Entered: 08/21/2019)
08/23/2019		ORDER (by docket entry only): The Court will address the issues raised in the State Defendants Motion for Clarification [Doc. 584] during the telephone conference with the parties scheduled for Tuesday, August 27. By Judge Amy Totenberg on 8/23/19. (hfm) (Entered: 08/23/2019)
08/26/2019	<u>586</u>	Status Report <i>Relating to August 27, 2019 Status Conference</i> by Coalition for Good Governance (Brown, Bruce) Modified on 8/27/2019 to edit event text(bnp). (Entered: 08/26/2019)
08/26/2019	<u>587</u>	AFFIDAVIT in Opposition re <u>584</u> MOTION for Clarification re: <u>579</u> Order on Motion for Preliminary Injunction,, of <i>J. Alex Halderman</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 08/26/2019)
08/27/2019	<u>588</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 8/27/2019. The Court addressed the status of the case, Plaintiffs request for additional discovery related to DREs, GEMS, and the voter registration database and software, and the State Defendants Motion for Clarification of the preliminary injunction Order. The Curling Plaintiffs are permitted to file by Friday, August 30, a notice/status report to: (1) update the court on the findings from the GEMS database examination conducted by Dr. Halderman to date, (2) identify specifically the additional aspects of the electronic voting system hardware/software Plaintiffs seek to have examined by Dr. Halderman, and (3) information regarding the statistical sample size of DREs and precinct dispersion, etc. proposed for examination (to the extent such information exists and has been undertaken by the statistician experts). Defendants shall have through Friday, September 6, 2019 to file their Response. Having been provided with updated information regarding the States intention to continue using the Enet software in coordination with the new Dominion EPoll voting system during the phone conference, the Court may seek additional written clarification from the State Defendants and will itself provide supplemental written clarification regarding the relief ordered in section 5 on page 150 of the preliminary injunction Order in light of the information provided by Defendants. (Court Reporter Shannon Welch)(bnp) (Entered: 08/28/2019)
08/28/2019	<u>589</u>	Joint Discovery Statement <i>Dispute Relating to FBI Image</i> by Coalition for Good Governance. (Brown, Bruce) Modified on 8/29/2019 to edit event text and terminate motion for discovery(bnp). (Entered: 08/28/2019)
08/29/2019	<u>590</u>	TRANSCRIPT of Telephone Conference Proceedings held on 8/27/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/19/2019. Redacted Transcript Deadline set for 9/30/2019. Release of Transcript Restriction set for 11/27/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 08/29/2019)
08/29/2019	<u>591</u>	

		MOTION for Extension of Time and Briefing Schedule by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Email from R. McGuire, # <u>2</u> Text of Proposed Order [Proposed] Order Granting Defendants' Motion for Extension and Briefing Schedule)(Tyson, Bryan) (Entered: 08/29/2019)
08/29/2019	<u>592</u>	RESPONSE in Opposition re <u>591</u> MOTION for Extension of Time and Briefing Schedule filed by Coalition for Good Governance, Donna Curling, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett, Donna Price, Jeffrey Schoenberg. (hfm) (Entered: 08/29/2019)
08/29/2019	<u>593</u>	REPLY to Response to Motion re <u>591</u> MOTION for Extension of Time and Briefing Schedule filed by Brad Raffensperger, The State Election Board. (hfm) (Entered: 08/29/2019)
08/29/2019	<u>594</u>	ORDER granting in part <u>591</u> Motion for Extension of Time. The Court sets the following briefing schedule and will require the State Defendants to file a single consolidated response brief addressing both motions: Coalition Plaintiffs' Motion for Leave to File Amended Complaint– September 6, 2019; Defendants' Consolidated Response to Curling and Coalition Plaintiffs' Motions for Leave to Amend– September 15, 2019; Plaintiffs' Replies in Support of Motions for Leave to Amend– September 22, 2019. Signed by Judge Amy Totenberg on 8/29/19. (bnp) (Entered: 08/29/2019)
08/29/2019	<u>595</u>	MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 08/29/2019)
08/29/2019	<u>596</u>	MOTION for Attorney Fees <i>and Cost</i> with Brief In Support by Donna Price, Jeffrey Schoenberg and Donna Curling. (Attachments: # <u>1</u> Brief Memorandum in Support of Special Motion for Award of Attorneys' Fees and Cost)(Sparks, Adam) Modified on 8/30/2019 to edit filer information. (aaq). (Entered: 08/29/2019)
08/30/2019	<u>597</u>	PROVISIONALLY SEALED NOTICE Regarding Plaintiffs' Joint Request for Forensic Examination by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Declaration of J. Alex Halderman, # <u>2</u> Declaration of Ritchie Wilson)(Cross, David) Modified on 9/3/2019 to edit event text(bnp). (Entered: 08/30/2019)
09/03/2019		Submission of <u>580</u> MOTION to Withdraw Cameron A. Tepfer as Attorney to District Judge Amy Totenberg. (bnp) (Entered: 09/03/2019)
09/03/2019		ORDER, by docket entry only, granting <u>580</u> Motion to Withdraw as Attorney. Attorney Cameron A. Tepfer terminated. By Judge Amy Totenberg on 9/3/19. (hfm) (Entered: 09/03/2019)
09/04/2019	<u>598</u>	ORDER re discovery disputes, Defendants' Consolidated Motion to Clarify Preliminary Injunction Brief, and the Coalition Plaintiffs' Status Report (Docs. <u>582</u> , <u>584</u> , <u>586</u>). The Court DIRECTS the Clerk to terminate Defendants' <u>584</u> Motion. Signed by Judge Amy Totenberg on 9/4/19. (bnp) (Entered: 09/04/2019)
09/06/2019	<u>599</u>	PROVISIONALLY SEALED RESPONSE re <u>597</u> Notice of Filing, <i>Regarding Plaintiffs' Joint Request for Forensic Examination</i> filed by Seth Harp, Brad

		Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Dec. of Lynn Bailey, # <u>2</u> Exhibit B – Dec. of Jeanetta Watson, # <u>3</u> Exhibit C – Dec. of Deb Cox, # <u>4</u> Exhibit D – Dec. of Lisa Paradice)(Tyson, Bryan) (Entered: 09/06/2019)
09/06/2019	<u>600</u>	First MOTION to Supplement <i>Third Amended Complaint</i> by Coalition for Good Governance, Laura Digges, William Digges, III, Ricardo Davis, Megan Missett (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Motion to File Supplemental Complaint)(Brown, Bruce) Modified on 9/9/2019 to add filers (bnp). (Entered: 09/06/2019)
09/06/2019	<u>601</u>	NOTICE Of Filing of <i>Attachment A to 600 Motion to File Supplemental Complaint</i> by Coalition for Good Governance (Brown, Bruce) Modified on 9/9/2019 to add link to motion(bnp). (Entered: 09/06/2019)
09/10/2019		ORDER, by docket entry only: The parties ARE DIRECTED to arrange for prompt hand delivery to the Court of 2 courtesy copies of each the following documents, as specified: (1)The Curling Plaintiffs: Docs. 581, 596, and 597; (2) The Coalition Plaintiffs: Docs. 595, 600, and 601 (Attachment A to 600); (3) Defendants: their Response (Doc. 599) to the Plaintiffs Joint Request for Forensic Examination, and upon filing, their responses to Plaintiffs respective motions to amend and for attorneys fees; (4) Any other voluminous documents filed in the future. By Judge Amy Totenberg on 9/10/19. (hfm) (Entered: 09/10/2019)
09/11/2019	<u>602</u>	MOTION for Extension of Time to file response to Plaintiffs' <u>595</u> <u>596</u> Motion for Attorney's Fees by David J. Burge, Mary Carole Cooney, Aaron Johnson, Stan Matarazzo, Vernetta Nuriddin, Mark Wingate. (Ringer, Cheryl) Modified on 9/12/2019 to link to motions(bnp). (Entered: 09/11/2019)
09/12/2019		ORDER (by docket entry only): The Court GRANTS <u>602</u> the Fulton County Defendants' Motion for Extension of Time to File Responses to Plaintiffs' Motions for Attorney's Fees. The Fulton County Defendants shall have 30 days from the date Plaintiffs file their detailed fee statements to file Defendants' Responses to the Motions for Attorney's Fees. By Judge Amy Totenberg on 9/12/19. (bnp) (Entered: 09/12/2019)
09/12/2019	<u>603</u>	MOTION for Extension of Time File Response to Plaintiffs' Motions for Attorneys' Fees re: <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> , <u>596</u> MOTION for Attorney Fees <i>and Cost</i> with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 09/12/2019)
09/12/2019	<u>604</u>	ORDER granting State Defendants' <u>603</u> Motion for Extension of Time. State Defendants shall have 30 days from the date Plaintiffs file their detailed fee statements to file State Defendants' Responses to both Plaintiffs' Motions for Attorneys' fees. Signed by Judge Amy Totenberg on 9/12/19. (bnp) (Entered: 09/12/2019)
09/12/2019	<u>605</u>	MOTION to Amend <i>the Judgment</i> with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Brief Brief in Support of Rule 59(e) Motion to Alter or Amend the Judgment, # <u>2</u> Text of Proposed Order Proposed

		Order Granting Rule 59(e) Motion to Amend or Alter the Judgment)(Brown, Bruce) (Entered: 09/12/2019)
09/13/2019		Defendant's documentary exhibits <u>566</u> from the Evidentiary Hearing held on July 25–26, 2019, were destroyed as directed in <u>568</u> Exhibit Return Notification (mec) (Entered: 09/13/2019)
09/16/2019	<u>606</u>	BILL OF COSTS by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit Other Costs Itemized, # <u>2</u> Exhibit Redacted Expense Listing)(Knapp, Halsey) (Entered: 09/16/2019)
09/16/2019	<u>607</u>	RESPONSE in Opposition re <u>600</u> First MOTION to Supplement <i>Third Amended Complaint</i> , <u>581</u> MOTION to Amend <i>Complaint State Defendants' Response to Plaintiffs' Motions for Leave</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Russo, Vincent) (Entered: 09/16/2019)
09/17/2019	<u>608</u>	BILL OF COSTS <i>for Morrison & Foerster LLP</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) Modified on 9/18/2019 to edit text. (aaq). Modified on 9/19/2019 to correct text (bnp). (Entered: 09/17/2019)
09/17/2019	<u>609</u>	DOCUMENT FILED IN ERROR BILL OF COSTS <i>for Holcomb + Ward, LLP</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) Modified on 9/19/2019 to add error message pursuant to call from attorney (bnp). (Entered: 09/17/2019)
09/18/2019		Notification of Docket Correction re <u>608</u> ---DOCUMENT FILED IN ERROR: Refiled at 609 ---BILL OF COSTS <i>for Morrison & Foerster LLP</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) Modified on 9/18/2019 to edit text. (aaq). (aaq) (Entered: 09/18/2019)
09/19/2019	<u>610</u>	Unopposed MOTION for Extension of Time to File Detailed Fee Statements by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/19/2019)
09/19/2019	<u>611</u>	Unopposed MOTION for Extension of Time to File Detailed Fee Statements by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 09/19/2019)
09/19/2019		Notification of Docket Correction re <u>609</u> DOCUMENT FILED IN ERROR –Bill of Costs <i>for Holcomb + Ward, LLP</i> . The <u>608</u> Bill of Costs <i>for Morrison & Foerster LLP</i> was correctly filed; please disregard the notification of docket correction from 9/18/19. (bnp) (Entered: 09/19/2019)
09/19/2019		Submission of <u>610</u> Unopposed MOTION for Extension of Time to File Detailed Fee Statements , <u>611</u> Unopposed MOTION for Extension of Time to File Detailed Fee Statements to District Judge Amy Totenberg. (bnp) (Entered: 09/19/2019)
09/23/2019	<u>612</u>	ORDER granting Coalition Plaintiffs' <u>610</u> Unopposed Motion for Extension of Time to File Detailed Fee Statements. Plaintiffs shall have until October 11, 2019 to file Detailed Fee Statements. Defendants shall have thirty days after the Plaintiffs have filed Detailed Fee Statements to file their responses. Signed by Judge Amy Totenberg on 9/23/19. (bnp) (Entered: 09/23/2019)
09/23/2019	<u>613</u>	ORDER granting Curling Plaintiffs' <u>611</u> Unopposed Motion for Extension of Time to File Detailed Fee Statements. Signed by Judge Amy Totenberg on

		9/23/19. (bnp) (Entered: 09/23/2019)
09/23/2019	<u>614</u>	REPLY BRIEF re <u>600</u> First MOTION to Supplement <i>Third Amended Complaint</i> filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/23/2019)
09/23/2019	<u>615</u>	REPLY BRIEF re <u>581</u> MOTION to Amend <i>Complaint</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Cross, David) (Entered: 09/23/2019)
09/24/2019		Submission of <u>581</u> MOTION to Amend <i>Complaint</i> , <u>600</u> First MOTION to Supplement <i>Third Amended Complaint</i> to District Judge Amy Totenberg. (bnp) (Entered: 09/24/2019)
09/26/2019	<u>616</u>	RESPONSE in Opposition re <u>605</u> MOTION to Amend <i>the Judgment</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Dec. of Chris Harvey)(Tyson, Bryan) (Entered: 09/26/2019)
09/26/2019	<u>617</u>	RESPONSE re <u>605</u> MOTION to Amend <i>the Judgment</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit 1 – Halderman Demonstrative Evidence)(Cross, David) (Entered: 09/26/2019)
09/30/2019	<u>618</u>	RESPONSE re <u>606</u> Bill of Costs, <u>609</u> Bill of Costs, <u>608</u> Bill of Costs <i>State Defendants' Objection to Curling Plaintiffs' Bills of Costs</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) (Entered: 09/30/2019)
10/01/2019		Submission of <u>606</u> Bill of Costs, <u>608</u> Bill of Costs to District Judge Amy Totenberg. (bnp) (Entered: 10/01/2019)
10/04/2019	<u>619</u>	MOTION for Preliminary Injunction with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief, # <u>2</u> Declaration of J. Alex Halderman, # <u>3</u> Declaration of Donna Curling, # <u>4</u> Declaration of Donna Price, # <u>5</u> Declaration of Jeffrey Schoenberg, # <u>6</u> Declaration of David D. Cross, # <u>7</u> Cross Decl. Ex. 1 – Pro V & V Report, # <u>8</u> Cross Decl. Ex. 2 – Dominion Contract, # <u>9</u> Cross Decl. Ex. 3 – DEF CON Report, # <u>10</u> Cross Decl. Ex. 4 – Appel et al., # <u>11</u> Text of Proposed Order)(Cross, David) (Entered: 10/04/2019)
10/05/2019	<u>620</u>	MOTION for Leave to File Excess Pages by Coalition for Good Governance. (Brown, Bruce) (Entered: 10/05/2019)
10/08/2019	<u>621</u>	REPLY BRIEF re <u>605</u> MOTION to Amend <i>the Judgment</i> filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 10/08/2019)
10/09/2019	<u>622</u>	Unopposed MOTION for Extension of Time to File Detailed Fee Statements by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 10/09/2019)
10/09/2019		ORDER, by docket entry only, granting <u>620</u> Motion for Leave to File Excess Pages and <u>622</u> Motion for Extension of Time. Plaintiffs may file a reply brief in Support of their Rule 69 Motion not to exceed twenty (20) pages. Plaintiffs may also file their detailed fee statements in support of their motion for attorneys fees and expenses on or before October 15, 2019. By Judge Amy Totenberg on 10/9/19. (hfm) (Entered: 10/09/2019)

10/11/2019		Submission of <u>605</u> MOTION to Amend <i>the Judgment</i> to District Judge Amy Totenberg. (bnp) (Entered: 10/11/2019)
10/11/2019	<u>623</u>	Plaintiffs' Joint MOTION for Sanctions with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Declaration of David D. Cross, # <u>2</u> Declaration of Halsey G. Knapp, Jr., # <u>3</u> Declaration of J. Alex Halderman, # <u>4</u> Declaration of Bruce P. Brown, # <u>5</u> Text of Proposed Order)(Cross, David) Modified on 10/15/2019 to edit text (bnp). (Entered: 10/11/2019)
10/14/2019	<u>624</u>	MOTION to Strike <u>619</u> MOTION for Preliminary Injunction <i>and MOTION for Consolidated Briefing</i> with Brief In Support by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Brief)(Russo, Vincent) . AddedMOTION on 10/15/2019 (bnp). (Entered: 10/14/2019)
10/15/2019	<u>625</u>	MOTION for Leave to File Excess Pages by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order Exhibit "A")(Russo, Vincent) (Entered: 10/15/2019)
10/15/2019	<u>626</u>	ORDER granting Plaintiffs' <u>581</u> <u>600</u> Motions to Amend/Supplement their Complaints. The Clerk is DIRECTED to docket (i) the Curling Plaintiffs' Amended Complaint and (ii) the Coalition Plaintiffs' Amended Complaint as of the date of this Order. The Court sets the following briefing schedule for Defendants' Responsive Pleadings/Motions to Dismiss: Defendants' Motions to Dismiss: October 25, 2019; Plaintiffs' Response: November 4, 2019; Defendants' Replies: November 11, 2019. The Court STAYS discovery only as to the newly asserted claims pending a ruling on any motions to dismiss filed by Defendants. The parties are DIRECTED to conduct their Rule 26(f) conference on Plaintiffs' Amended Complaints WITHIN 10 DAYS of the Court's ruling on Defendants' motions to dismiss in the event of a denial of those motions. The Court DENIES State Defendants' <u>624</u> Motion to Strike or Disregard the Curling Plaintiffs' Motion for Preliminary Injunction and GRANTS IN PART the <u>624</u> Motion for Consolidated Briefing. The Court will set a briefing schedule once the Coalition Plaintiffs have indicated whether they intend to file their own separate motion for preliminary injunction. The Court DIRECTS the Coalition Plaintiffs to file a Notice indicating their intent to file and their anticipated filing date NO LATER THAN 12:00 PM, OCTOBER 21, 2019. Signed by Judge Amy Totenberg on 10/15/19. (bnp) (Entered: 10/15/2019)
10/15/2019	<u>627</u>	<i>Curling Plaintiffs'</i> THIRD AMENDED COMPLAINT against All Defendants filed by Donna Curling, Donna Price, Jeffrey Schoenberg.(bnp) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 10/15/2019)
10/15/2019	<u>628</u>	<i>Coalition Plaintiffs'</i> FIRST SUPPLEMENTAL AMENDED COMPLAINT against All Defendants filed by Ricardo Davis, Coalition for Good Governance, Megan Missett, William Digges, III, Laura Digges.(bnp) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 10/15/2019)

10/15/2019	<u>629</u>		Detailed Specification and Itemization of Requested Attorney Fees. (Cross, David) (Entered: 10/15/2019)
10/16/2019	<u>630</u>		Detailed Specification and Itemization of Requested Attorney Fees. (Brown, Bruce) (Entered: 10/16/2019)
10/16/2019	<u>631</u>		NOTICE Of Filing Exhibits by Donna Curling, Donna Price, Jeffrey Schoenberg re <u>629</u> Detailed Specification and Itemization of Requested Attorney Fees (Cross, David) (Entered: 10/16/2019)
10/17/2019			ORDER, by docket entry only, granting <u>497</u> Application for Admission Pro Hac Vice. By Judge Amy Totenberg on 10/17/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 10/17/2019)
10/17/2019	<u>632</u>		<i>Corrected</i> Detailed Specification and Itemization of Requested Attorney Fees. (Brown, Bruce) Modified on 10/18/2019 to edit text(bnp). (Entered: 10/17/2019)
10/18/2019	<u>633</u>		RESPONSE re <u>619</u> MOTION for Preliminary Injunction filed by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate. (Ringer, Cheryl) (Entered: 10/18/2019)
10/21/2019	<u>634</u>		MOTION for Leave to File Excess Pages by Coalition for Good Governance. (Brown, Bruce) (Entered: 10/21/2019)
10/22/2019	<u>635</u>		ORDER granting <u>624</u> Motion for Consolidated Briefing on Plaintiffs' Motions for Preliminary Injunction regarding Ballot Marking Devices and granting <u>625</u> <u>634</u> Motions for Leave to File Excess Pages. Coalition Plaintiffs' Preliminary Injunction Motion due October 23, 2019, 35–page limit. Defendants' Consolidated Response to Curling and Coalition Plaintiffs' Preliminary Injunction Motions due November 13, 2019, 60–page limit. Plaintiffs' Replies in Support of Preliminary Injunction Motions December 4, 2019, 30 pages each. Signed by Judge Amy Totenberg on 10/22/19. (bnp) (Entered: 10/23/2019)
10/23/2019	<u>636</u>		MOTION for Leave to File Excess Pages by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Russo, Vincent) (Entered: 10/23/2019)
10/23/2019	<u>637</u>		ORDER granting in part and denying in part the Coalition Plaintiffs' <u>605</u> Motion to Alter or Amend the Judgment. Signed by Judge Amy Totenberg on 10/23/19. (bnp) (Entered: 10/23/2019)
10/23/2019	<u>638</u>		ORDER granting in part and denying in part <u>636</u> Motion for Leave to File Excess Pages. State Defendants SHALL be permitted to file a brief NOT TO EXCEED 35 PAGES. Signed by Judge Amy Totenberg on 10/23/19. (bnp) (Entered: 10/23/2019)
10/23/2019	<u>639</u>		ORDER: The Court DENIES WITHOUT PREJUDICE AS PREMATURE and DIRECTS the Clerk to terminate the Curling Plaintiffs' Bills of Costs [Docs. 606, 608 and 609]. Plaintiffs may re–file their bills of costs when the Clerk enters judgment in this action. Signed by Judge Amy Totenberg on 10/23/19. (bnp) (Entered: 10/23/2019)

10/23/2019	<u>640</u>		MOTION for Preliminary Injunction with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Brown, Bruce) (Entered: 10/23/2019)
10/24/2019	<u>641</u>		MOTION for Leave to File Excess Pages with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 10/24/2019)
10/24/2019	<u>642</u>		ORDER granting <u>641</u> Motion for Leave to File Excess Pages. State Defendants may file a brief of up to forty-five (45) pages in response to Plaintiffs' <u>623</u> Joint Motion for Sanctions. Signed by Judge Amy Totenberg on 10/24/19. (bnp) (Entered: 10/24/2019)
10/25/2019	<u>643</u>		NOTICE Of Filing of Exhibits Associated with Motion for Preliminary Injunction (Doc. <u>640</u>) by Coalition for Good Governance (Brown, Bruce) Modified on 10/28/2019 to edit text (bnp). (Entered: 10/25/2019)
10/25/2019	<u>644</u>		<i>Fulton County Defendants'</i> ANSWER to <u>627</u> Amended Complaint by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate.(Ringer, Cheryl) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 10/25/2019)
10/25/2019	<u>645</u>		MOTION to Dismiss <i>Curling Plaintiffs' Third Amended Complaint and Coalition Plaintiffs' First Supplemental Complaint</i> with Brief In Support by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Brief)(Russo, Vincent) (Entered: 10/25/2019)
10/25/2019	<u>646</u>		<i>Fulton County Defendants'</i> ANSWER to <u>628</u> Amended Complaint by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate.(Ringer, Cheryl) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 10/25/2019)
10/25/2019	<u>647</u>		RESPONSE in Opposition re <u>623</u> Joint MOTION for Sanctions filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) (Entered: 10/25/2019)
10/29/2019	<u>648</u>		Notice for Leave of Absence for the following date(s): November 25 to 29, December 24 to December 31, 2019, by Bruce P. Brown. (Brown, Bruce) (Entered: 10/29/2019)
11/01/2019	<u>649</u>		NOTICE Of Filing Record of Related Case by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>449</u> Notice of Filing,,,,, (Attachments: # <u>1</u> Exhibit A – Opinion in Martin v. Fulton County Board of Elections)(Tyson, Bryan) (Entered: 11/01/2019)
11/04/2019	<u>650</u>		RESPONSE re <u>645</u> MOTION to Dismiss <i>Curling Plaintiffs' Third Amended Complaint and Coalition Plaintiffs' First Supplemental Complaint</i> by <i>Coalition Plaintiffs</i> filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (McGuire, Robert) (Entered: 11/04/2019)

11/04/2019	<u>651</u>		RESPONSE in Opposition re <u>645</u> MOTION to Dismiss <i>Curling Plaintiffs' Third Amended Complaint and Coalition Plaintiffs' First Supplemental Complaint</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 11/04/2019)
11/06/2019	<u>652</u>		Unopposed MOTION for Extension of Time to File Reply re: <u>623</u> Joint MOTION for Sanctions , Unopposed MOTION for Leave to File Excess Pages by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 11/06/2019)
11/07/2019			Submission of <u>652</u> Unopposed MOTION for Extension of Time to File Reply re: <u>623</u> Joint MOTION for Sanctions, Unopposed MOTION for Leave to File Excess Pages to District Judge Amy Totenberg. (bnp) (Entered: 11/07/2019)
11/07/2019			ORDER, by docket entry only, granting <u>652</u> Motion for Extension of Time re <u>623</u> Joint MOTION for Sanctions and Motion for Leave to File Excess Pages. Plaintiffs Reply in Support of their Joint Motion for Sanctions shall be due November 12, 2019, and not exceed thirty (30) pages. By Judge Amy Totenberg on 11/7/19. (hfm) (Entered: 11/07/2019)
11/11/2019	<u>653</u>		REPLY to Response to Motion re <u>645</u> MOTION to Dismiss <i>Curling Plaintiffs' Third Amended Complaint and Coalition Plaintiffs' First Supplemental Complaint</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Russo, Vincent) Modified on 11/12/2019 to edit text (bnp). (Entered: 11/11/2019)
11/12/2019			Submission of <u>645</u> MOTION to Dismiss <i>Curling Plaintiffs' Third Amended Complaint and Coalition Plaintiffs' First Supplemental Complaint</i> to District Judge Amy Totenberg. (bnp) (Entered: 11/12/2019)
11/12/2019	<u>654</u>		MOTION for Extension and MOTION for Leave to File Response in Excess of Twenty Five Pages by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate, Kathleen D Ruth. (Ringer, Cheryl) Modified on 11/13/2019 to edit text(bnp). (Entered: 11/12/2019)
11/12/2019	<u>655</u>		MOTION for Leave to File Excess Pages <i>to Respond to Attorney Fee Motions and Itemizations</i> with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 11/12/2019)
11/12/2019	<u>656</u>		REPLY BRIEF re <u>623</u> Joint MOTION for Sanctions filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – Supplemental Declaration of David D. Cross, # <u>2</u> Exhibit B – Supplemental Declaration of Bruce P. Brown, # <u>3</u> Exhibit C – 2017 National Law Journal Billing Report, # <u>4</u> Exhibit D – Declaration of Marilyn Marks)(Cross, David) (Entered: 11/12/2019)
11/13/2019			Submission of <u>623</u> Joint MOTION for Sanctions to District Judge Amy Totenberg. (bnp) (Entered: 11/13/2019)
11/13/2019	<u>657</u>		RESPONSE re <u>640</u> MOTION for Preliminary Injunction filed by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, Mark Wingate. (Ringer, Cheryl) (Entered: 11/13/2019)
11/13/2019	<u>658</u>		

		RESPONSE in Opposition re <u>619</u> MOTION for Preliminary Injunction <i>and Coalition Plaintiffs'</i> <u>640</u> <i>Motion for Preliminary Injunction</i> filed by Brad Raffensperger, State of Election Board, Rebecca N. Sullivan, David J. Worley. (Attachments: # <u>1</u> Exhibit 1 – Senate Report, # <u>2</u> Exhibit 2 – Declaration of Dr. Eric Coomer, # <u>3</u> Exhibit 3 – Declaration of Dr. Juan Gilbert, # <u>4</u> Exhibit 4 – Declaration of M. Riccobono, # <u>5</u> Exhibit 5 – Declaration of Chris Harvey)(Russo, Vincent) Modified on 11/14/2019 to add link to motion (bnp). (Entered: 11/13/2019)
11/13/2019	<u>659</u>	MOTION for Hearing <i>Request for Status Conference</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 11/13/2019)
11/14/2019		ORDER, by docket entry only, granting <u>654</u> Motion for Extension of Time; granting <u>654</u> Motion for Leave to File Excess Pages; granting <u>655</u> Motion for Leave to File Excess Pages. By Judge Amy Totenberg on 11/14/19. (hfm) (Entered: 11/14/2019)
11/14/2019	<u>660</u>	RESPONSE in Opposition re <u>596</u> MOTION for Attorney Fees <i>and Cost</i> , <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Tyson, Bryan) (Entered: 11/14/2019)
11/14/2019	<u>661</u>	STRICKEN per <u>666</u> Order RESPONSE re <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> , <u>596</u> MOTION for Attorney Fees <i>and Cost</i> filed by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, Mark Wingate. (Ringer, Cheryl) Modified on 12/2/2019 (bnp). (Entered: 11/14/2019)
11/15/2019	<u>662</u>	MOTION to Amend <u>661</u> Response to Motion, <i>Plaintiffs' Motion for Attorneys' Fees</i> by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, Mark Wingate. (Ringer, Cheryl) (Entered: 11/15/2019)
11/15/2019	<u>663</u>	MOTION for Oral Argument and MOTION for Status Conference by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) . AddedMOTION on 11/18/2019 (bnp). (Entered: 11/15/2019)
11/20/2019	<u>664</u>	MOTION for Extension of Time re: <u>640</u> MOTION for Preliminary Injunction , <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> , <u>619</u> MOTION for Preliminary Injunction , <u>596</u> MOTION for Attorney Fees <i>and Cost</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 11/20/2019)
11/20/2019	<u>665</u>	ORDER granting <u>664</u> Motion for Extension of Time to File Reply Briefs. The Court modifies the briefing schedule for Plaintiffs Motions for Preliminary Injunction and Motions for Attorneys Fees and Costs as follows: Plaintiffs' Replies in Support of Preliminary Injunction Motions due December 16, 2019 Plaintiffs' Replies in Support of Motions for Attorneys Fees and Costs due January 10, 2020 Signed by Judge Amy Totenberg on 11/20/19. (rlb) (Entered: 11/20/2019)
11/20/2019	<u>666</u>	ORDER granting <u>662</u> Motion to Amend <u>661</u> Response to Plaintiffs' Motions for Attorneys' Fees. The Court DIRECTS the Fulton County Defendants to file a corrected Response. Once the corrected document has been filed, the Court

		DIRECTS the Clerk to STRIKE the original <u>661</u> Response. Signed by Judge Amy Totenberg on 11/20/2019. (sap) (Entered: 11/20/2019)
11/22/2019	<u>667</u>	RESPONSE re <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> , <u>596</u> MOTION for Attorney Fees <i>and Cost Corrected Consolidated Response</i> filed by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, Mark Wingate. (Ringer, Cheryl) (Entered: 11/22/2019)
11/22/2019	<u>668</u>	ORDER: The Court DENIES Defendants' <u>488</u> Motion for Leave to File Under Seal and DIRECTS the Clerk to unseal Doc. 489. Plaintiffs' request for examination and forensic imaging of a statistical sampling of the State's election hardware and its data, including GEMS servers, DREs, memory cards, AccuVote scanners, and Express Poll books is DENIED at this time WITHOUT PREJUDICE. The Court ORDERS the State Defendants to preserve all GEMS servers, DREs, memory cards, AccuVote scanners, and Express Poll books until further order of the Court. The Court ORDERS the State Defendants to produce a copy of the FBI's image of the KSU/CES server pursuant to their prior agreement NO LATER THAN DECEMBER 20, 2019, subject to a suitable agreed upon protective order having been submitted and approved by the Court. Signed by Judge Amy Totenberg on 11/22/19. (bnp) (Entered: 11/25/2019)
11/27/2019	<u>669</u>	MOTION for Hearing <i>Request for Status Conference</i> by Brad Raffensperger. (Attachments: # <u>1</u> Exhibit Official Election Bulletin)(Russo, Vincent) (Entered: 11/27/2019)
12/02/2019		Submission of <u>659</u> MOTION for Hearing <i>Request for Status Conference</i> to District Judge Amy Totenberg. (bnp) (Entered: 12/02/2019)
12/02/2019	<u>670</u>	APPLICATION for Admission of Mary G. Kaiser Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9141873). Documents for this entry are not available for viewing outside the courthouse. with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) (Entered: 12/02/2019)
12/03/2019		NOTICE SCHEDULING HEARING by docket entry only: Hearing set for 12/6/2019 at 11:00 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. (hfm) (Entered: 12/03/2019)
12/03/2019	<u>671</u>	ORDER re Status Conference on Friday, December 6, 2019. Signed by Judge Amy Totenberg on 12/3/19. (bnp) (Entered: 12/03/2019)
12/05/2019	<u>672</u>	ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on 12/6/2019. Signed by Judge Amy Totenberg on 12/5/19. (bnp) (Entered: 12/05/2019)
12/05/2019	<u>673</u>	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Coalition for Good Governance. (Attachments: # <u>1</u> Exhibit Proposed Order for Use of Electronic Equipment During December 6, 2019 Status Conference)(Ichter, Cary) (Entered: 12/05/2019)
12/05/2019	<u>674</u>	ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on 12/6/2019. Signed by Judge Amy Totenberg on 12/5/19. (bnp) (Entered: 12/05/2019)

12/05/2019	<u>675</u>		STATUS REPORT <i>in Advance of December 6, 2019, Status Conference</i> by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Exhibit Exec. Summary of Secretary's Report on Pilots, # <u>2</u> Exhibit News Articles on Pilots, # <u>3</u> Exhibit Email Chain, # <u>4</u> Exhibit State Election Bulletin)(McGuire, Robert) (Entered: 12/05/2019)
12/06/2019	<u>676</u>		NOTICE of <i>Withdrawal as Attorney of Record</i> by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley (Anderson, Kimberly) Modified on 12/9/2019 to edit event text (bnp). (Entered: 12/06/2019)
12/06/2019	<u>677</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Status Conference held on 12/6/2019. See Transcript. (Court Reporter Shannon Welch)(bnp) (Entered: 12/06/2019)
12/06/2019			APPROVAL by Clerks Office re: <u>670</u> APPLICATION for Admission of Mary G. Kaiser Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9141873). Documents for this entry are not available for viewing outside the courthouse.. Attorney Mary G. Kaiser added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (pmb) (Entered: 12/06/2019)
12/06/2019			ORDER, by docket entry only, granting <u>670</u> Application for Admission Pro Hac Vice. By Judge Amy Totenberg on 12/6/19. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 12/06/2019)
12/09/2019	<u>678</u>		NOTICE of Appearance by Mary G. Kaiser on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (Kaiser, Mary) (Entered: 12/09/2019)
12/11/2019	<u>679</u>		TRANSCRIPT of Status Conference Proceedings held on 12/6/2019, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/2/2020. Redacted Transcript Deadline set for 1/13/2020. Release of Transcript Restriction set for 3/10/2020. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 12/11/2019)
12/16/2019	<u>680</u>		REPLY to Response to Motion re <u>640</u> MOTION for Preliminary Injunction filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Exhibit Exhibits H-Q)(McGuire, Robert) (Entered: 12/16/2019)
12/16/2019	<u>681</u>		REPLY to Response to Motion re <u>619</u> MOTION for Preliminary Injunction filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Declaration of David D. Cross, # <u>2</u> Declaration of Warren Stewart, # <u>3</u> Declaration of Andrew W. Appel)(Cross, David) (Entered: 12/16/2019)
12/17/2019	<u>682</u>		AFFIDAVIT re <u>681</u> Reply to Response to Motion, <i>Declaration of J. Alex Halderman</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 12/17/2019)

12/17/2019			Submission of <u>619</u> MOTION for Preliminary Injunction , <u>640</u> MOTION for Preliminary Injunction to District Judge Amy Totenberg. (bnp) (Entered: 12/17/2019)
12/17/2019	<u>683</u>		NOTICE of Withdrawal of Andrew M. Swindle by Fred Aiken, Richard Barron, Jessica Brooks, David J. Burge, Mary Carole Cooney, Michael P. Coveny, Phil Daniell, Maxine Daniels, Janine Eveler, Karen C. Handel, Seth Harp, Aaron Johnson, Brian P. Kemp, Merle King, Anthony Lewis, Stan Matarazzo, Vernetta Nuriddin, Leona Perry, Joe Pettit, Brad Raffensperger, Kathleen D Ruth, Ralph F. (Rusty) Simpson, State of Election Board, Rebecca N. Sullivan, The Center for Election Systems at Kennasaw State University, The Cobb County Board of Elections and Registration, The Dekalb County Board of Registrations and Elections, The Fulton County Board of Registration and Elections, The State Election Board, Samuel E. Tillman, Baoky N. Vu, Darryl O. Wilson, Mark Wingate, David J. Worley (Belinfante, Joshua) Modified on 12/18/2019 to edit text (bnp). (Entered: 12/17/2019)
12/20/2019	<u>684</u>		NOTICE Of Filing <i>Proposed Rules of the State Election Board</i> by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, Anh Le, and David J. Worley (Attachments: # <u>1</u> Exhibit Proposed Rules)(Russo, Vincent) Modified on 12/20/2019 to correct filers (bnp). Modified on 12/23/2019 to edit text (bnp). (Entered: 12/20/2019)
12/23/2019	<u>685</u>		NOTICE of Intent to Serve Subpoena on Janine Eveler, Cobb County Elections Director by Coalition for Good Governance (Ichter, Cary) Modified on 12/26/2019 to edit text (bnp). (Entered: 12/23/2019)
12/23/2019	<u>686</u>		NOTICE of Intent to Serve Subpoena on Janine Eveler, Cobb County Elections Director (amended) by Coalition for Good Governance re <u>685</u> Notice (Other) (Attachments: # <u>1</u> Exhibit Subpoena to Janine Eveler with Exhibit A)(Ichter, Cary) Modified on 12/26/2019 to edit text (bnp). (Entered: 12/23/2019)
12/26/2019	<u>687</u>		CERTIFICATE OF SERVICE of Discovery by Coalition for Good Governance.(Ichter, Cary) (Entered: 12/26/2019)
12/27/2019	<u>688</u>		CERTIFICATE OF SERVICE of Discovery by Coalition for Good Governance.(Ichter, Cary) (Entered: 12/27/2019)
12/30/2019	<u>689</u>		MOTION for Hearing re <u>677</u> Status Conference <i>Request for Status Conference and Notice of Decertification of GEMS/DRE System</i> with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Emails regarding statistical sample, # <u>2</u> Exhibit B – Emails regarding inventories, # <u>3</u> Exhibit C – Email regarding sample, # <u>4</u> Exhibit D – Decertification of GEMS/DRE System)(Tyson, Bryan) (Entered: 12/30/2019)
01/06/2020	<u>690</u>		MOTION to Quash Subpoena <i>or, in the alternative</i> , MOTION to Modify the Subpoena with Brief In Support by Janine Eveler. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit Email, # <u>3</u> Exhibit Declaration of Kilikina Dickey, # <u>4</u> Exhibit Declaration of Janine Eveler, # <u>5</u> Exhibit Email and Objection)(Monyak, Elizabeth) . AddedMOTION on 1/6/2020 (bnp). (Entered: 01/06/2020)
01/07/2020	<u>691</u>		

		RESPONSE re <u>689</u> MOTION for Hearing re <u>677</u> Status Conference <i>Request for Status Conference and Notice of Decertification of GEMS/DRE System</i> filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (McGuire, Robert) (Entered: 01/07/2020)
01/08/2020	<u>692</u>	RESPONSE re <u>689</u> MOTION for Hearing re <u>677</u> Status Conference <i>Request for Status Conference and Notice of Decertification of GEMS/DRE System</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Declaration of David D. Cross, # <u>2</u> Declaration of Nathan D. Woods, # <u>3</u> Declaration of J. Alex Halderman)(Cross, David) (Entered: 01/08/2020)
01/08/2020	<u>693</u>	MOTION for Extension of Time File Reply Brief re: <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 01/08/2020)
01/09/2020		ORDER, by docket entry only, granting <u>693</u> Motion for Extension of Time, through and including January 17, 2020, to file reply briefs re <u>595</u> and <u>596</u> MOTIONS for Attorney Fees. By Judge Amy Totenberg on 1/9/20. (hfm) (Entered: 01/09/2020)
01/10/2020	<u>694</u>	ORDER granting <u>689</u> Motion for Status Conference. Signed by Judge Amy Totenberg on 1/10/2020. (bnp) (Entered: 01/10/2020)
01/10/2020		NOTICE SCHEDULING TELECONFERENCE by docket entry only. Teleconference set for 1/17/2020 at 10:30 AM before Judge Amy Totenberg. (hfm) (Entered: 01/10/2020)
01/14/2020	<u>695</u>	ORDER: This matter is scheduled for a telephonic status conference on Friday, January 17, 2020 at 10:30 a.m. The Court has directed the State Defendants to be prepared to address the status of the BMD rollout and hereby ORDERS the State Defendants to file a tentative schedule for completion of the BMD rollout prior to the March 2020 elections NO LATER THAN 1:00 PM, JANUARY 16, 2020. In the event no tentative schedule currently exists, the State Defendant should notify the Court in writing by filing a notice on the docket. Signed by Judge Amy Totenberg on 1/14/2020. (bnp) (Entered: 01/14/2020)
01/15/2020	<u>696</u>	MOTION for Leave to File Excess Pages by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 01/15/2020)
01/15/2020	<u>697</u>	ORDER granting Curling Plaintiffs' <u>696</u> Motion for Leave to File Excess Pages. The Replies filed by both groups of Plaintiffs in Support of their Motions for Attorneys' Fees Under 42 U.S.C. § 1988 shall not exceed forty (40) pages each. Signed by Judge Amy Totenberg on 1/15/2020. (bnp) (Entered: 01/15/2020)
01/15/2020		ORDER, by docket entry only: The Coalition Plaintiffs have indicated their intent to file a Status Report, under seal, regarding the GEMS/DRE preservation issue and their preliminary review of the KSU/CES server image. As this case is scheduled for a telephone conference on Friday morning, the Court ORDERS the Coalition Plaintiffs to file their Status Report NO LATER THAN 2:00 PM ON THURSDAY, JANUARY 16, 2020. By Judge Amy Totenberg on 1/15/20. (hfm) (Entered: 01/15/2020)

01/16/2020	<u>698</u>	STATUS REPORT <i>State Defendants' Status Report for Teleconference on January 17, 2020</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>695</u> Order., <u>694</u> Order on Motion for Hearing (Attachments: # <u>1</u> Exhibit A – Dec. of Gabriel Sterling, # <u>2</u> Exhibit B – DRE Recap Sheet, # <u>3</u> Exhibit C – Daily Recap of Absentee Voting on TS Machines)(Tyson, Bryan) Modified on 1/16/2020 to edit event text (bnp). (Entered: 01/16/2020)
01/16/2020	<u>699</u>	STATUS REPORT <i>Coalition Plaintiffs' Status Report Regarding BMB Implementation and Response to State Defs' Request to Destroy DRE System Records</i> by Coalition for Good Governance re <u>694</u> Order on Motion for Hearing, Order, (Attachments: # <u>1</u> Exhibit 1 Email, # <u>2</u> Exhibit 2 Defs' Interrogatory Resps, # <u>3</u> Exhibit 3 – Transcript, # <u>4</u> Exhibit 4 – Equipment Distribution, # <u>5</u> Exhibit 5 – Implementation Schedule, # <u>6</u> Exhibit 6 – Declaration Marks, # <u>7</u> Exhibit 7 – Declaration Dufort, # <u>8</u> Exhibit 8 – Email string, # <u>9</u> Exhibit 9 – Recap Sheet, # <u>10</u> Exhibit 10 – Declaration Lamb)(Ichter, Cary) Modified on 1/16/2020 to edit event text(bnp). (Entered: 01/16/2020)
01/16/2020	<u>700</u>	RESPONSE re <u>692</u> Response to Motion, <u>699</u> Notice (Other),, <i>State Defendants' Limited Reply to Status Reports for Telephonic Status Conference</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) (Entered: 01/16/2020)
01/17/2020	<u>701</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 1/17/2020. The Court held a status conference with the parties to discuss the information requested by Plaintiffs to determine a statistical sample of DRE machines for preservation and the status of the rollout of the BMDs and the States backup paper ballot plan and other issues in the Courts August 2019 injunction order. The State will provide CDs of the GEMS databases to Plaintiffs counsel by January 24th. Plaintiffs will provide the State with a list of DREs for preservation by February 3rd. The State will provide the Court with an updated schedule on the BMD rollout and an update on the cybersecurity review and assessment of the voter database by February 3rd. (Court Reporter Penny Coudriet)(bnp) (Entered: 01/17/2020)
01/17/2020	702	ORDER, by docket entry only: The Court is considering the issue of the ripeness of Plaintiffs' claims challenging the BMD voting system in connection with its review of <u>645</u> the State Defendants' MOTION to Dismiss Curling Plaintiffs' Third Amended Complaint and Coalition Plaintiffs' First Supplemental Complaint. As the parties did not expressly address ripeness, the Court DIRECTS the parties to each file supplemental briefs NO LATER THAN JANUARY 27, 2020 and NOT TO EXCEED 10 PAGES that address whether Plaintiffs' federal constitutional claims challenging the BMD voting system are ripe. Entered by Judge Amy Totenberg on 1/17/2020. (hpc) (Entered: 01/17/2020)
01/21/2020		Submission of <u>596</u> MOTION for Attorney Fees <i>and Cost</i> , <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> to District Judge Amy Totenberg. (bnp) (Entered: 01/21/2020)
01/21/2020	<u>703</u>	TRANSCRIPT of Proceedings held on 1/17/2020, before Judge Amy Totenberg. Court Reporter/Transcriber PENNY COUDRIET. A full directory

		of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/11/2020. Redacted Transcript Deadline set for 2/21/2020. Release of Transcript Restriction set for 4/20/2020. (Attachments: # <u>1</u> Notice of filing) (ppc) (Entered: 01/21/2020)
01/21/2020	<u>704</u>	Notice for Leave of Absence for the following date(s): 3/30/20, 4/1/20, 4/6/20-4/9/20, 5/20/20-6/1/20, 6/10/20-6/12/20, by Bryan P. Tyson. (Tyson, Bryan) Modified on 1/22/2020 to edit text (bnp). (Entered: 01/21/2020)
01/21/2020	<u>705</u>	REPLY BRIEF re <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 01/21/2020)
01/21/2020	<u>706</u>	REPLY BRIEF re <u>596</u> MOTION for Attorney Fees <i>and Cost</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Declaration of David D. Cross, # <u>2</u> Declaration of Harold T. Daniel, Jr.)(Cross, David) (Entered: 01/21/2020)
01/22/2020		Submission of <u>595</u> MOTION for Attorney Fees <i>as Successful Parties under 42 U.S.C. Section 1988</i> , <u>596</u> MOTION for Attorney Fees <i>and Cost</i> , to District Judge Amy Totenberg. (bnp) (Entered: 01/22/2020)
01/24/2020		Submission of <u>690</u> MOTION to Quash Subpoena <i>or, in the alternative</i> , MOTION to Modify the Subpoena to District Judge Amy Totenberg. (bnp) (Entered: 01/24/2020)
01/24/2020	<u>707</u>	NOTICE of Withdrawal of <u>690</u> Motion to Quash <i>Due to Plaintiffs' Withdrawal of Subpoena</i> by Janine Eveler, Janine Eveler (Monyak, Elizabeth) Modified on 1/24/2020 to edit event text(bnp). (Entered: 01/24/2020)
01/27/2020	<u>708</u>	RESPONSE re 702 Order,, <i>State Defendants' Response to Court's Request for Briefing on Ripeness</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) (Entered: 01/27/2020)
01/27/2020	<u>709</u>	RESPONSE in Opposition re <u>645</u> MOTION to Dismiss <i>Curling Plaintiffs' Third Amended Complaint and Coalition Plaintiffs' First Supplemental Complaint Addressing Ripeness Raised Sua Sponte by the Court</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Declaration of David D. Cross)(Cross, David) (Entered: 01/27/2020)
01/27/2020	<u>710</u>	RESPONSE re 702 Order,, <u>650</u> Response to Motion, <u>653</u> Reply to Response to Motion, <i>Supplemental Brief Addressing Ripeness</i> filed by Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (McGuire, Robert) (Entered: 01/27/2020)
01/30/2020	<u>711</u>	<i>Plaintiffs' Joint</i> MOTION to Strike <i>Nearly the Entirety of State Defendants' Response to Court's Request for Briefing on Ripeness</i> re <u>708</u> Response (Non-Motion), by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) Modified on 1/30/2020 to edit event text (bnp). (Entered: 01/30/2020)

01/31/2020	<u>712</u>		ORDER denying as unnecessary <u>711</u> Motion to Strike. The Court will not consider any portion of the State Defendants' supplemental brief that does not expressly address ripeness of the BMD claims, specifically sections (I)(B) & (C) and section (II) of the supplemental brief. But the Court did not need yet another motion from Plaintiffs to reach this conclusion. All parties are ADVISED to refrain from further efforts to needlessly expand this litigation or abuse the limited judicial resources of the Court. Signed by Judge Amy Totenberg on 1/31/2020. (bnp) (Entered: 01/31/2020)
02/03/2020	<u>713</u>		STATUS REPORT on schedule of BMD rollout and voter registration database cybersecurity by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>701</u> Telephone Conference,, (Attachments: # <u>1</u> Exhibit BMD Rollout Schedule)(Russo, Vincent) Modified on 2/4/2020 to edit event text (bnp). (Entered: 02/03/2020)
02/28/2020			NOTICE SCHEDULING HEARING by docket entry only. Hearing set for 3/6/2020 at 02:00 PM to 04:00 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. (hfm) (Entered: 02/28/2020)
03/02/2020	<u>714</u>		ORDER re Hearing on Plaintiffs' <u>619</u> <u>640</u> Motions for Preliminary Injunction. Signed by Judge Amy Totenberg on 3/2/2020. (bnp) (Entered: 03/02/2020)
03/02/2020	<u>715</u>		ORDER re Hearing. Defendants shall be prepared to have a witness (i.e. Chris Harvey) present at the March 6, 2020 hearing who can address the following additional questions (see Order). Signed by Judge Amy Totenberg on 3/2/2020. (bnp) (Entered: 03/02/2020)
03/05/2020	<u>716</u>		NOTICE Of Filing in Advance of Hearing on March 6, 2020 by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett re <u>714</u> Order (Attachments: # <u>1</u> Exhibit 1 – DeMillo Declaration, # <u>2</u> Exhibit 2 – Dufort Declaration, # <u>3</u> Exhibit 3 – Martin Declaration)(Powers, John) (Entered: 03/05/2020)
03/05/2020	<u>717</u>		NOTICE Of Filing by State of Election Board <i>Regarding March 6, 2020 Hearing</i> (Attachments: # <u>1</u> Exhibit 1 – State Board approved additional rules and amendments to previously promulgated rules)(Russo, Vincent) (Entered: 03/05/2020)
03/05/2020	<u>718</u>		Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>for the hearing on March 6, 2020</i> by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Text of Proposed Order)(Powers, John) (Entered: 03/05/2020)
03/05/2020	<u>719</u>		ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on 3/6/2020. Signed by Judge Amy Totenberg on 3/5/2020. (bnp) (Entered: 03/05/2020)
03/05/2020	<u>720</u>		ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on 3/6/2020 for counsel of record for the Curling Plaintiffs. Signed by Judge Amy Totenberg on 3/5/2020. (bnp) (Entered: 03/05/2020)
03/06/2020	<u>721</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Motion Hearing held on 3/6/2020 re <u>640</u> and <u>619</u> MOTIONS for Preliminary Injunction. (Court Reporter Shannon Welch)(jpa) (Entered: 03/09/2020)
03/09/2020	<u>722</u>		

		TRANSCRIPT of Status Conference Proceedings held on 3/6/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/30/2020. Redacted Transcript Deadline set for 4/9/2020. Release of Transcript Restriction set for 6/8/2020. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 03/09/2020)
03/11/2020	<u>723</u>	NOTICE Of Filing of <i>Supplemental Evidence in Support of Pending 640 Motion for Preliminary Injunction</i> by Coalition for Good Governance (Brown, Bruce) Modified on 3/11/2020 to add link to motion (bnp). (Entered: 03/11/2020)
03/12/2020	<u>724</u>	NOTICE Of Filing Adopted and Proposed Rules of the State Election Board by Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit A – SEB Rule 183–1–15–02 as adopted, # <u>2</u> Exhibit B – Proposed Amendments to SEB 183–1–15–02 March 5, 2020, # <u>3</u> Exhibit C – 3–11–2020 Email from Vincent Russo)(Russo, Vincent) (Entered: 03/12/2020)
03/12/2020	<u>725</u>	RESPONSE re <u>723</u> Notice of Filing <i>Supplement Evidence by Coalition Plaintiffs</i> filed by Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Russo, Vincent) (Entered: 03/12/2020)
03/13/2020	<u>726</u>	MOTION for Leave to File Brief of Amicus Curiae <i>in Support of Plaintiffs' Motion for a Preliminary Injunction</i> by Electronic Privacy Information Center. (Attachments: # <u>1</u> Brief of Amicus Curiae)(Butler, Alan) (Entered: 03/13/2020)
03/17/2020	<u>727</u>	ORDER AND NOTICE FOR ALL CIVIL CASES ASSIGNED TO DOCKET OF JUDGE TOTENBERG Signed by Judge Amy Totenberg on 3/17/2020. (bnp) (Entered: 03/17/2020)
03/20/2020	<u>728</u>	General Order 20–01 re: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 3/16/2020. (bnp) (Entered: 03/20/2020)
03/30/2020	<u>729</u>	NOTICE of Appearance by Loree Anne Paradise on behalf of Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Paradise, Loree Anne) (Entered: 03/30/2020)
03/31/2020		Submission of <u>726</u> MOTION for Leave to File Brief of Amicus Curiae <i>in Support of Plaintiffs' Motion for a Preliminary Injunction</i> to District Judge Amy Totenberg. (bnp) (Entered: 03/31/2020)
03/31/2020	<u>730</u>	ORDER granting <u>726</u> Motion for Leave to File Amicus Curiae Brief in support of Plaintiffs Motions for Preliminary Injunction. The Court deems the Amicus Curiae Brief (Doc. 726–1) filed as of the date of this Order. Signed by Judge Amy Totenberg on 3/31/2020. (bnp) (Entered: 03/31/2020)

04/02/2020	<u>731</u>	Amended General Order 20-01 re COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 3/30/20. (mmc) (ADI) (Entered: 04/02/2020)
05/04/2020	<u>732</u>	SECOND AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 04/30/2020. (rvb) (ADI) (Entered: 05/04/2020)
05/26/2020	<u>733</u>	ORDER denying without prejudice Plaintiffs' <u>595</u> <u>596</u> Motions for Attorney's Fees and Expenses. Signed by Judge Amy Totenberg on 5/26/2020. (bnp) (Entered: 05/26/2020)
05/27/2020	<u>734</u>	THIRD AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 05/26/2020. (rvb) (ADI) (Entered: 05/27/2020)
06/01/2020	<u>735</u>	MOTION for Order to <i>Modify Preservation Orders</i> with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Dec. of Michael Barnes, # <u>2</u> Exhibit B – Jan. 24 email producing GEMS Databases, # <u>3</u> Exhibit C – Jan. 31 email from M. Kaiser, # <u>4</u> Exhibit D – Feb 3 (9:25AM) email from B. Tyson, # <u>5</u> Exhibit E – Feb 3 (3:51PM) email from B. Tyson, # <u>6</u> Exhibit F – Letter to Plaintiffs on preservation issues)(Tyson, Bryan) (Entered: 06/01/2020)
06/11/2020	<u>736</u>	Plaintiffs' Joint MOTION for Extension of Time re: <u>735</u> MOTION for Order to <i>Modify Preservation Orders</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – June 11, 2020 Email from B. Tyson, # <u>2</u> Exhibit B – June 2, 2020 Email from B. Tyson, # <u>3</u> Exhibit C – May 9, 2020 Email from D. Cross, # <u>4</u> Text of Proposed Order)(Cross, David) Modified on 6/12/2020 to edit event text (bnp). (Entered: 06/11/2020)
06/12/2020	<u>737</u>	RESPONSE in Opposition re <u>736</u> Joint MOTION for Extension of Time re: <u>735</u> MOTION for Order to <i>Modify Preservation Orders</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Open Records Request to Cobb County)(Tyson, Bryan) (Entered: 06/12/2020)
06/12/2020	<u>738</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 6/12/2020. (Court Reporter Shannon Welch)(bnp) (Entered: 06/15/2020)
06/15/2020	<u>739</u>	APPLICATION for Admission of Lyle F. Hedgecock Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9801383).by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) Documents for this entry are not available for viewing outside the courthouse. (Entered: 06/15/2020)
06/15/2020	<u>740</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 6/15/2020. The parties will provide a proposed order to the Court. (Court Reporter Shannon Welch)(bnp) (Entered: 06/16/2020)

06/16/2020	<u>741</u>	TRANSCRIPT of Telephone Conference Proceedings held on 6/12/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/7/2020. Redacted Transcript Deadline set for 7/17/2020. Release of Transcript Restriction set for 9/14/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 06/16/2020)
06/17/2020		NOTICE SCHEDULING TELECONFERENCE by docket entry only. Teleconference set for 6/17/2020 at 04:00 PM before Judge Amy Totenberg. (hfm) (Entered: 06/17/2020)
06/17/2020	<u>742</u>	TRANSCRIPT of Telephone Conference Proceedings held on 6/15/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/8/2020. Redacted Transcript Deadline set for 7/20/2020. Release of Transcript Restriction set for 9/15/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 06/17/2020)
06/17/2020		APPROVAL by Clerks Office re: <u>739</u> APPLICATION for Admission of Lyle F. Hedgecock Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9801383).. Attorney Lyle F. Hedgecock added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (nmb) (Entered: 06/17/2020)
06/17/2020		ORDER, by docket entry only, granting <u>739</u> Application for Admission Pro Hac Vice. By Judge Amy Totenberg on 6/17/20. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 06/17/2020)
06/17/2020	<u>743</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 6/17/2020. See Transcript for details. (Court Reporter Shannon Welch)(bnp) (Entered: 06/18/2020)
06/18/2020		ORDER, by docket entry only: Plaintiffs' time to file a response to State Defendants' Consolidated Motion to Modify Order (Doc. 735) is further extended to June 23, 2020, conditioned on further progress occurring in the parties' discussions regarding resolution of the sampling and discovery issues in dispute. This Order may be modified, as appropriate based on the Court's conferences with counsel or other developments. Defendants are directed to maintain the status quo relative to the current preservation of the equipment at issue until further order of this Court. Once again, the Court directs the parties to proceed as rapidly and cooperatively as possible. By Judge Amy Totenberg on 6/18/20. (hfm) (Entered: 06/18/2020)
06/22/2020	<u>744</u>	

		TRANSCRIPT of Telephone Conference Proceedings held on 6/17/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/13/2020. Redacted Transcript Deadline set for 7/23/2020. Release of Transcript Restriction set for 9/21/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 06/22/2020)
06/25/2020	<u>745</u>	CONSENT ORDER ON STORAGE OF DRES denying without prejudice <u>735</u> Motion to Modify. Signed by Judge Amy Totenberg on 6/25/2020. (bnp) (Entered: 06/26/2020)
07/02/2020	<u>746</u>	FOURTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 07/01/2020. (mmc) (ADI) (Entered: 07/02/2020)
07/13/2020	<u>747</u>	FIFTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 7/10/2020 (rvb) (ADI) (Entered: 07/13/2020)
07/17/2020	<u>748</u>	Notice for Leave of Absence for the following date(s): September 28-October 7, 2020; November 16-25,2020, by Halsey G. Knapp, Jr. (Knapp, Halsey) (Entered: 07/17/2020)
07/17/2020	<u>749</u>	Emergency MOTION for Discovery , MOTION for Hearing re <u>640</u> MOTION for Preliminary Injunction , <u>619</u> MOTION for Preliminary Injunction <i>Plaintiffs Joint Emergency Motion for Expedited Discovery and Evidentiary Hearing</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 07/17/2020)
07/29/2020	750	ORDER, by docket entry only, re <u>749</u> Plaintiffs' Emergency MOTION for Expedited Discovery. Plaintiffs are DIRECTED to file a statement outlining their specific scope of discovery requests and their proposed expedited schedule by Noon on Friday, July 31, 2020. Entered by Judge Amy Totenberg on 7/29/2020. (hpc) (Entered: 07/29/2020)
07/30/2020	<u>751</u>	ORDER granting in part and denying in part <u>645</u> Defendants Motion to Dismiss the Curling Plaintiffs Third Amended Complaint and the Coalition Plaintiffs First Supplemental Complaint. The Motion to Dismiss is GRANTED as to Count V of the Curling Plaintiffs Third Amended Complaint and Count III of the Coalition Plaintiffs First Supplemental Complaint and those claims are DISMISSED WITHOUT PREJUDICE. The motion is DENIED in all other respects. The Court AUTHORIZES discovery on these claims to begin immediately upon entry of this Order. Finally, the Court DIRECTS Defendants to file a response to Plaintiffs proposal on the scope and schedule for expedited discovery on Monday, August 3, 2020. Signed by Judge Amy Totenberg on 7/30/20. (hfm) (Entered: 07/30/2020)
07/31/2020	<u>752</u>	NOTICE <i>Plaintiffs' Joint Statement Addressing Scope and Timing of Proposed Expedited Discovery</i> by Donna Curling, Donna Price, Jeffrey Schoenberg re

		750 Order, (Cross, David) Modified on 8/3/2020 to edit text (bnp). (Entered: 07/31/2020)
07/31/2020	<u>753</u>	CERTIFICATE OF SERVICE of <i>Expedited Rule 34 Request to Inspect</i> by Coalition for Good Governance.(Brown, Bruce) (Entered: 07/31/2020)
07/31/2020	<u>754</u>	RESPONSE in Opposition to <u>749</u> Joint Emergency Motion for Expedited Discovery and Evidentiary Hearing and Response to <u>752</u> Proposed Scope and Timing of Proposed Expedited Discovery re 750 Order, <u>751</u> Order on Motion to Dismiss filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Request for Inspection by Coalition Plaintiffs)(Tyson, Bryan) Modified on 8/3/2020 to link to motion and edit text(bnp). (Entered: 07/31/2020)
08/02/2020	<u>755</u>	NOTICE Of Filing of Evidence Relating to Paper Pollpad Backup Relief by Coalition for Good Governance (Brown, Bruce) (Entered: 08/02/2020)
08/02/2020	<u>756</u>	MOTION for Immediate Injunctive Relief <i>Motion To File Notice of Filing Evidence and Immediate Injunctive Relief on Paper Pollbook Backups</i> by Coalition for Good Governance. (Brown, Bruce) Modified on 8/3/2020 to edit event text (bnp). Modified on 8/20/2020 to edit event type and text (bnp). (Entered: 08/02/2020)
08/03/2020	<u>757</u>	RESPONSE re <u>755</u> Notice of Filing <i>State Defendants' Response to Coalition Plaintiffs' Notice of Filing Evidence Relating to Paper Pollpad Backup Relief</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) (Entered: 08/03/2020)
08/03/2020	<u>758</u>	REPLY BRIEF re <u>756</u> MOTION To File Notice of Filing Evidence and Immediate Injunctive Relief on Paper Pollbook Backups filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 08/03/2020)
08/03/2020	<u>759</u>	STATEMENT of <i>scope and timing of proposed expedited discovery</i> re <u>752</u> Notice by Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate. (Burwell, Kaye) Modified on 8/4/2020 to add link to Dkt. 752(bnp). (Entered: 08/03/2020)
08/03/2020	<u>760</u>	CERTIFICATE OF SERVICE of <i>Discovery Rule 5.4</i> by Richard Barron, David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Mark Wingate.(Burwell, Kaye) (Entered: 08/03/2020)
08/04/2020	<u>761</u>	SIXTH AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 08/03/2020. (mmc) (ADI) (Entered: 08/04/2020)
08/05/2020	<u>762</u>	ORDER re <u>749</u> Plaintiffs' Joint Emergency Motion for Expedited Discovery. The Court will hold a telephone conference with counsel at 1:15 pm on August 5, 2020. See Order for directives in advance of telephone conference. Signed by Judge Amy Totenberg on 8/5/2020. (hpc) (Entered: 08/05/2020)
08/05/2020	<u>763</u>	NOTICE <i>Plaintiffs' Supplemental Joint Statement Addressing Scope and Timing of Proposed Expedited Discovery</i> by Donna Curling, Donna Price, Jeffrey Schoenberg re <u>762</u> Order, (Attachments: # <u>1</u> Exhibit A – Joint RFPs to

		State Defendants, # <u>2</u> Exhibit B – Draft Depo Notice to Dominion, # <u>3</u> Exhibit C – CGG Rule 34 Request to Inspect)(Cross, David) Modified on 8/6/2020 to edit text(bnp). (Entered: 08/05/2020)
08/05/2020	<u>764</u>	NOTICE Of Filing by Coalition for Good Governance (Brown, Bruce) (Entered: 08/05/2020)
08/05/2020	<u>765</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 8/5/2020. See transcript for specifics. (Court Reporter Shannon Welch)(bnp) (Entered: 08/05/2020)
08/06/2020	<u>766</u>	NOTICE by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>640</u> MOTION for Preliminary Injunction , <u>619</u> MOTION for Preliminary Injunction <i>Notice of Supplemental Authority</i> (Tyson, Bryan) (Entered: 08/06/2020)
08/07/2020	<u>767</u>	CERTIFICATE OF SERVICE of <i>Discovery (4th Requests for Production of Documents and 4 subpoenas)</i> by Coalition for Good Governance.(Brown, Bruce) (Entered: 08/07/2020)
08/07/2020	<u>768</u>	ORDER DENYING WITHOUT PREJUDICE <u>619</u> Motion for Preliminary Injunction and <u>640</u> Motion for Preliminary Injunction. Signed by Judge Amy Totenberg on 8/7/2020. (adg) (Entered: 08/07/2020)
08/10/2020	<u>769</u>	Emergency MOTION for Discovery by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit A – Aug. 7, 2020 Email from B. Tyson, # <u>2</u> Text of Proposed Order)(Cross, David) (Entered: 08/10/2020)
08/10/2020	<u>770</u>	CERTIFICATE OF SERVICE by Donna Curling, Donna Price, Jeffrey Schoenberg.(Cross, David) (Entered: 08/10/2020)
08/10/2020	<u>771</u>	ORDER denying without prejudice <u>623</u> Motion for Sanctions. Signed by Judge Amy Totenberg on 8/10/2020. (bnp) (Entered: 08/10/2020)
08/10/2020		Submission of <u>769</u> Emergency MOTION for Discovery to District Judge Amy Totenberg. (bnp) (Entered: 08/10/2020)
08/10/2020	<u>772</u>	RESPONSE re <u>769</u> Emergency MOTION for Discovery filed by Brad Raffensperger, State of Election Board. (Belinfante, Joshua) (Entered: 08/10/2020)
08/10/2020	<u>773</u>	TRANSCRIPT of Telephone Conference Proceedings held on 8/5/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/31/2020. Redacted Transcript Deadline set for 9/10/2020. Release of Transcript Restriction set for 11/9/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 08/10/2020)
08/11/2020	<u>774</u>	CERTIFICATE OF SERVICE of <i>Rule 5.4 Notice on Notices for Eight Subpoenas</i> by Coalition for Good Governance.(Brown, Bruce) (Entered: 08/11/2020)

08/11/2020	<u>775</u>		ORDER granting in part Plaintiffs' <u>749 769</u> Emergency Motions for Expedited Discovery. The parties are REMINDED that they must meet and confer on any discovery disputes before submitting them to the Court and must follow the Court's guidelines for informal resolution of discovery disputes, including the submission of disputes in the form of a Consolidated Discovery Dispute Statement. Signed by Judge Amy Totenberg on 8/11/2020. (Attachments: # <u>1</u> Appendix A) (bnp) (Entered: 08/11/2020)
08/12/2020	<u>776</u>		NOTICE of Appearance by Jonathan Dean Crumly, Sr on behalf of Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Crumly, Jonathan) (Entered: 08/12/2020)
08/12/2020	<u>777</u>		NOTICE of Appearance by James A. Balli on behalf of Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Balli, James) (Entered: 08/12/2020)
08/12/2020	<u>778</u>		NOTICE of Appearance by Diane Festin LaRoss on behalf of Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (LaRoss, Diane) (Entered: 08/12/2020)
08/13/2020	<u>779</u>		ANSWER to <u>628</u> Amended Complaint by <i>Coalition Plaintiffs</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Tyson, Bryan) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 08/13/2020)
08/13/2020	<u>780</u>		ANSWER to <u>627</u> Amended Complaint by <i>Curling Plaintiffs</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Tyson, Bryan) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 08/13/2020)
08/14/2020	<u>781</u>		CERTIFICATE OF SERVICE <i>Rule 5.4 Certificate of Service for State Defendants' Objections to Coalition Plaintiffs' Notice of Rule 34 Request for Expedited Inspection and Copying</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Tyson, Bryan) (Entered: 08/14/2020)
08/17/2020	<u>782</u>		CERTIFICATE OF SERVICE of <i>Discovery</i> by Laura Digges, Coalition for Good Governance, William Digges III, Ricardo Davis and Megan Misset .(Ichter, Cary) Modified on 8/19/2020 to add filers(bnp). (Entered: 08/17/2020)
08/18/2020	<u>783</u>		CERTIFICATE OF SERVICE <i>Rule 5.4 Certificate of Service for State Defendants' Objections and Responses to Plaintiffs' First and Second Joint RPDs and Inspection of Things to State Defendants and Objections and Responses to Coalition Plaintiffs' Fourth RPDs</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Crumly, Jonathan) (Entered: 08/18/2020)
08/19/2020	<u>784</u>		MOTION for Leave to File Excess Pages by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 08/19/2020)

08/19/2020	<u>785</u>		MOTION for Preliminary Injunction with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief, # <u>2</u> Affidavit of J. Alex Halderman, # <u>3</u> Affidavit of Donna Curling, # <u>4</u> Affidavit of Donna Price, # <u>5</u> Affidavit of Jeffrey Schoenberg, # <u>6</u> Affidavit of Louis M. Franzoni, Jr., # <u>7</u> Text of Proposed Order)(Cross, David) (Entered: 08/19/2020)
08/20/2020	<u>786</u>		AFFIDAVIT re <u>785</u> MOTION for Preliminary Injunction <i>Declaration of David D. Cross</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit 1 – State Defendants' Responses to Plaintiffs' Second Joint Request for Production, # <u>2</u> Exhibit 2 – Dominion Contract, # <u>3</u> Exhibit 3 – DEF CON Report)(Cross, David) (Entered: 08/20/2020)
08/20/2020			Submission of <u>756</u> MOTION for Immediate Injunctive Relief <i>Motion To File Notice of Filing Evidence and Immediate Injunctive Relief on Paper Pollbook Backups</i> to District Judge Amy Totenberg. (bnp) (Entered: 08/20/2020)
08/20/2020	<u>787</u>		ORDER granting nunc pro tunc <u>784</u> Motion for Leave to File Excess Pages. Signed by Judge Amy Totenberg on 8/20/2020. (bnp) (Entered: 08/20/2020)
08/20/2020			ORDER by docket entry only. To allow the Court to establish a briefing and hearing schedule, Plaintiffs are DIRECTED to notify the Court of any additional motions for injunctive relief they are planning to file and their schedule for filing such motions NO LATER THAN 2PM TODAY, AUGUST 20, 2020. Entered by Judge Amy Totenberg on 8/20/2020. (hpc) (Entered: 08/20/2020)
08/20/2020			ORDER, by docket entry only, re <u>785</u> MOTION for Preliminary Injunction. The Court requires 2 tabbed courtesy copies of the motion and any response, reply, or other filing related to the motion, to be provided to chambers. By Judge Amy Totenberg on 8/20/20. (hfm) (Entered: 08/20/2020)
08/20/2020	<u>788</u>		ORDER setting expedited briefing schedule and hearing on preliminary injunction motions. SEE ORDER FOR DETAILS. Signed by Judge Amy Totenberg on 8/20/2020. (hpc) (Entered: 08/20/2020)
08/20/2020			NOTICE SCHEDULING VIDEO PROCEEDING, by docket entry only, re: <u>785</u> MOTION for Preliminary Injunction. Motion Hearing set for 9/2/2020 at 10:00 AM before Judge Amy Totenberg. Connection Instructions: Join ZoomGov Meeting https://ganduscourts.zoomgov.com/j/1601719231 . Meeting ID: 160 171 9231. Passcode: 413818. Audio Only +16692545252. You must follow the instructions of the Court for remote proceedings available here . The procedure for filing documentary exhibits admitted during the proceeding is available here . <i>Photographing, recording, or broadcasting of any judicial proceedings, including proceedings held by video teleconferencing or telephone conferencing, is strictly and absolutely prohibited.</i> (hfm) (Entered: 08/20/2020)
08/20/2020	<u>789</u>		CERTIFICATE OF SERVICE <i>OBJECTIONS OF NON-PARTY KRISTI L. ROYSTON, IN HER CAPACITY AS THE GWINNETT COUNTY ELECTIONS SUPERVISOR TO PLAINTIFFS SUBPOENA FOR PRODUCTION OF DOCUMENTS PURSUANT TO FED.R.CIV.P.45</i> by Kristi L. Royston.(Wilson, Melanie) Modified on 8/21/2020 to edit filer (bnp). (Entered: 08/20/2020)
08/20/2020	<u>790</u>		

		CERTIFICATE OF SERVICE of <i>Objections of Non–Party Janine Eveler to the Subpoena Issued to Her By the Coalition Plaintiffs</i> by Janine Eveler.(Monyak, Elizabeth) (Entered: 08/20/2020)
08/20/2020	<u>791</u>	NOTICE <i>Joint Discovery Statement Regarding Expedited Document Requests</i> by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit 1 – Excerpt of Discovery Responses, # <u>2</u> Exhibit 2 – Email Correspondence)(Cross, David) Modified on 8/21/2020 to edit text (bnp). (Entered: 08/20/2020)
08/21/2020	<u>792</u>	OBJECTION of <i>Non–Party Deidre Holden Paulding County Elections Supervisor to Plaintiff's Subpoena</i> by Deidre Holden. (Attachments: # <u>1</u> Exhibit 1. Subpoena)(Phillips, James) Modified on 8/24/2020 to change name of filer (bnp). (Entered: 08/21/2020)
08/21/2020	<u>793</u>	NOTICE of Filing <i>Proposed State Election Board Rules</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit A – Proposed State Election Board Rules)(Tyson, Bryan) Modified on 8/24/2020 to edit text (bnp). (Entered: 08/21/2020)
08/21/2020	<u>794</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 8/21/2020. See Transcript for details. (Court Reporter Shannon Welch)(bnp) (Entered: 08/21/2020)
08/21/2020	<u>795</u>	CERTIFICATE OF SERVICE <i>Rule 5.4 Certificate of Service for State Defendants' Objections to Coalition Plaintiffs' Notice of Rule 34 Request to Produce Documents, Information, or Objects or to Permit Inspection of Premises</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Crumly, Jonathan) (Entered: 08/21/2020)
08/21/2020	<u>796</u>	CERTIFICATE OF SERVICE of <i>Non–Party Ameika Pitts's Objections and Responses to Plaintiff Coalition for Good Governance's Non–Party Subpoena for Production of Documents</i> by Ameika Pitts, in her official capacity as Director of Henry County Elections and Registration Department.(Robin, Kenneth) (Entered: 08/21/2020)
08/21/2020	<u>797</u>	CERTIFICATE OF SERVICE <i>Rule 5.4 Certificate of Service for State Defendants' Second Requests for Production of Documents to Curling Plaintiffs</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Tyson, Bryan) (Entered: 08/21/2020)
08/21/2020	<u>798</u>	NOTICE Of Filing Re Discovery Dispute by Coalition for Good Governance (Brown, Bruce) (Entered: 08/21/2020)
08/21/2020	<u>799</u>	ORDER on discovery dispute regarding State Defendants' Objections to Coalition Plaintiffs' Fourth Request for Production of Documents. SEE ORDER FOR DETAILS. Signed by Judge Amy Totenberg on 8/21/2020. (hpc) (Entered: 08/21/2020)
08/21/2020	<u>800</u>	MOTION for Preliminary Injunction on <i>Paper Pollbook Backups</i> with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Brief, # <u>2</u> Sealed Exhibit 1 – Hursti Declaration, # <u>3</u> Sealed Exhibit 2 – Marks

		Declaration, # <u>4</u> Exhibit 3 – Peterson Declaration, # <u>5</u> Exhibit 4 – Stippich Declaration – Stippich Declaration, # <u>6</u> Exhibit 5 – Whitley Declaration Whitley Declaration, # <u>7</u> Text of Proposed Order)(Brown, Bruce) Modified on 8/24/2020 to add provisionally sealed text and docket restriction (bnp). Modified on 8/31/2020 to edit text (jpk). (Entered: 08/21/2020)
08/22/2020	<u>801</u>	Emergency Unopposed MOTION to Seal <i>Filing of Two Declarations</i> by Coalition for Good Governance. (Brown, Bruce) Modified on 8/24/2020 to edit text (bnp). (Entered: 08/22/2020)
08/24/2020	<u>802</u>	NOTICE Of Filing Redacted Declarations by Coalition for Good Governance (Brown, Bruce) Modified on 8/24/2020 to add link to <u>800</u> Motion for Preliminary Injunction (bnp). (Entered: 08/24/2020)
08/24/2020	<u>803</u>	MOTION for Leave to File Excess Pages by Coalition for Good Governance. (Brown, Bruce) (Entered: 08/24/2020)
08/24/2020		Submission of <u>801</u> Emergency Unopposed MOTION to Seal <i>Filing of Two Declarations</i> to District Judge Amy Totenberg. (bnp) (Entered: 08/24/2020)
08/24/2020	<u>804</u>	RESPONSE in Opposition re <u>803</u> MOTION for Leave to File Excess Pages filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Miller, Carey) (Entered: 08/24/2020)
08/24/2020		ORDER, by docket entry only, granting in part and denying in part <u>803</u> Motion for Leave to File Excess Pages. Coalition Plaintiffs are permitted to file a brief of no more than 35 pages. The Court will take note of earlier briefs. To avoid an unnecessary cycle of repetition, the brief should focus on new evidence. Defendants shall be permitted 35 pages for their Response brief. The Court will enter a supplemental order on any changes to the briefing schedule. Signed by Judge Amy Totenberg on 8/24/2020. (hpc) (Entered: 08/24/2020)
08/24/2020	<u>805</u>	Emergency MOTION to Expedite Discovery for Preliminary Injunction Hearing by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit Email and Requests for Production of Documents, # <u>2</u> Exhibit Email chain re: Request for Productions of Documents)(Belinfante, Joshua) Modified on 8/24/2020 to edit text(bnp). (Entered: 08/24/2020)
08/24/2020		Submission of <u>805</u> Emergency MOTION to Expedite Discovery for Preliminary Injunction Hearing to District Judge Amy Totenberg. (bnp) (Entered: 08/24/2020)
08/24/2020	<u>806</u>	NOTICE of Potential Witnesses for Hearing by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Tyson, Bryan) Modified on 8/25/2020 to edit text(bnp). (Entered: 08/24/2020)
08/24/2020	<u>807</u>	NOTICE Plaintiffs' Joint Notice in Advance of Hearing by Donna Curling, Donna Price, Jeffrey Schoenberg (Cross, David) Modified on 8/25/2020 to edit text(bnp). (Entered: 08/24/2020)
08/24/2020	<u>808</u>	CERTIFICATE OF SERVICE Rule 5.4 Certificate for State Defendants Objections to Coalition Plaintiffs' Subpoena for Documents served on the following counties: Athens–Clarke, Clayton, Fayette, Henry, Oconee and

		<i>Paulding</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Crumly, Jonathan) (Entered: 08/24/2020)
08/24/2020	<u>809</u>	MOTION for Preliminary Injunction <i>on BMDs, Scanning and Tabulating, and Auditing</i> with Brief In Support by Coalition for Good Governance. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit 1 – Stark Declaration, # <u>3</u> Exhibit 2 – Hursti Declaration, # <u>4</u> Exhibit 3 – Martin Declaration, # <u>5</u> Exhibit 4 – Marks Declaration, # <u>6</u> Exhibit 5 – Dufort Declaration, # <u>7</u> Exhibit 6 – Shirley Declaration, # <u>8</u> Exhibit 7 – Throop Declaration, # <u>9</u> Exhibit 8 – Halley Declaration, # <u>10</u> Exhibit 9 – Elander Declaration, # <u>11</u> Exhibit 10 – Dowswell Declaration, # <u>12</u> Exhibit 11 – Akkouris Declaration, # <u>13</u> Exhibit 12 – Stamey Declaration, # <u>14</u> Exhibit 13 – Proposed Audit Rule, # <u>15</u> Exhibit 14 – Final HAVA Decision, # <u>16</u> Exhibit 15 – Previously Filed Evidence, # <u>17</u> Text of Proposed Order)(Brown, Bruce) (Entered: 08/24/2020)
08/25/2020		ORDER by docket entry only: An Evidentiary Hearing re: <u>785</u> , <u>800</u> , and <u>809</u> MOTIONS for Preliminary Injunction will be held via Zoom on Thursday, September 10, at 01:00 PM and continuing on Friday, September 11, 2020 at 10:00 AM. Plaintiffs reply briefs to the Motions for Preliminary Injunction are due on Monday, August 31, 2020, and Defendants surreply briefs are due on Thursday, September 3, 2020. Two courtesy copies of each reply brief and surreply are to be provided to Chambers no later than 2:00 PM on Friday, September 4, 2020. Plaintiffs should provide a final witness list to the Court by Noon on September 1, 2020, and Defendants should provide a final witness list to the Court by Noon on September 4, 2020. Witness lists should include the anticipated length of time required for the direct examination of each witness. The Court does not anticipate that cross examination will last longer than the time allowed for direct. Evidentiary Hearing set for 9/10/2020 at 01:00 PM before Judge Amy Totenberg. Connection Instructions: Join ZoomGov Meeting https://ganduscourts.zoomgov.com/j/1601719231 . Meeting ID: 160 171 9231. Passcode: 413818. Audio Only +16692545252. You must follow the instructions of the Court for remote proceedings available here. The procedure for filing documentary exhibits admitted during the proceeding is available here. Photographing, recording, or broadcasting of any judicial proceedings, including proceedings held by video teleconferencing or telephone conferencing, is strictly and absolutely prohibited. By Judge Amy Totenberg on 8/25/20. (hfm) (Entered: 08/25/2020)
08/25/2020	<u>810</u>	TRANSCRIPT of Telephone Conference Proceedings held on 8/21/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/15/2020. Redacted Transcript Deadline set for 9/25/2020. Release of Transcript Restriction set for 11/23/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 08/25/2020)
08/25/2020	<u>811</u>	ORDER: The Court DIRECTS Coalition Plaintiffs to supplement their <u>801</u> motion with: (1) an explanation why the declarations are deemed confidential and subject to protection from public disclosure under Rule 26(c); and (2) a

		proposed order granting the requested relief in conformance with Section II(J) of Appendix H to the Court's Local Civil Rules. Signed by Judge Amy Totenberg on 8/25/2020. (jpk) (Entered: 08/25/2020)
08/25/2020	<u>812</u>	OBJECTION to Subpoena by Non-Party re <u>774</u> Certificate of Service filed by Robert Brady. (Attachments: # <u>1</u> Exhibit Attachment 1)(Harman, Virginia) (Entered: 08/25/2020)
08/25/2020	<u>813</u>	CERTIFICATE OF SERVICE <i>Rule 5.4 Certificate of Service for State Defendants' Objections to Coalition Plaintiffs' Subpoena for Documents served on Floyd County</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Crumly, Jonathan) (Entered: 08/25/2020)
08/25/2020	<u>814</u>	RESPONSE in Opposition re <u>800</u> MOTION for Preliminary Injunction <i>on Paper Pollbook Backups</i> filed by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, Mark Wingate. (Burwell, Kaye) (Entered: 08/25/2020)
08/25/2020	<u>815</u>	RESPONSE re <u>800</u> MOTION for Preliminary Injunction <i>on Paper Pollbook Backups</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Affidavit Declaration of Chris Harvey)(Russo, Vincent) (Entered: 08/25/2020)
08/26/2020	<u>816</u>	MOTION for Leave to File Excess Pages <i>and Brief in Support for State Defendants' Response in Opposition to Curling Plaintiffs' Motion for Preliminary Injunction</i> <u>785</u> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 08/26/2020)
08/26/2020	<u>817</u>	ORDER granting <u>816</u> Motion for Leave to File Excess Pages. State Defendants may file a brief of up to thirty (30) pages in response to Curling Plaintiffs' <u>785</u> Motion for Preliminary Injunction and Memorandum in support [Doc. 785-1]. Signed by Judge Amy Totenberg on 8/26/2020. (jpk) (Entered: 08/26/2020)
08/26/2020	<u>818</u>	RESPONSE in Opposition re <u>785</u> MOTION for Preliminary Injunction filed by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, The Fulton County Board of Registration and Elections, Mark Wingate. (Burwell, Kaye) (Entered: 08/26/2020)
08/26/2020	<u>819</u>	SEALED NOTICE Of Filing Declaration of David Hamilton by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit A – Declaration of David Hamilton)(Tyson, Bryan) Modified on 8/27/2020 to edit text (jpk). (Entered: 08/26/2020)
08/26/2020	<u>820</u>	MOTION for Leave to File Matters Under Seal re: <u>819</u> Notice of Filing, <i>Declaration of David Hamilton</i> with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 08/26/2020)

08/26/2020	<u>821</u>	RESPONSE in Opposition re <u>785</u> MOTION for Preliminary Injunction <i>State Defendants' Response in Opposition to Curling Plaintiffs' Fourth Motion for Preliminary Injunction</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Dec. of Dr. Eric D. Coomer, # <u>2</u> Exhibit B – Dec. of Juan E. Gilbert, Ph.D., # <u>3</u> Exhibit C, Part 1 – Deposition of J. Alex Halderman, Ph.D. (Transcript), # <u>4</u> Exhibit C, Part 2 – Deposition of J. Alex Halderman, Ph.D. (Exs. 1–9), # <u>5</u> Exhibit C, Part 3 – Deposition of J. Alex Halderman, Ph.D. (Exs. 10–15), # <u>6</u> Exhibit D – Dec. of Jack Cobb, # <u>7</u> Exhibit E – Supp. Dec. of Juan E. Gilbert, Ph.D., # <u>8</u> Exhibit F – Dec. of Mark Riccobono, # <u>9</u> Exhibit G – Supp. Dec. of Chris Harvey)(Tyson, Bryan) (Entered: 08/26/2020)
08/27/2020	<u>822</u>	ORDER granting <u>820</u> Motion for Leave to File Matters Under Seal. The <u>819</u> Declaration of David Hamilton provisionally filed under seal shall remain sealed. Signed by Judge Amy Totenberg on 8/27/2020. (jpk) (Entered: 08/27/2020)
08/27/2020	<u>823</u>	RESPONSE in Support re <u>801</u> Emergency Unopposed MOTION to Seal <i>Filing of Two Declarations and in Response to Court Order <u>811</u></i> filed by Coalition for Good Governance. (Attachments: # <u>1</u> Text of Proposed Order)(Brown, Bruce) (Entered: 08/27/2020)
08/27/2020		ORDER, by docket entry only: The deadline for Plaintiffs reply briefs to the Motions for Preliminary Injunction is extended to Tuesday, September 1, 2020 at 5pm. The deadline for Defendants surreply briefs is extended to Friday, September 4, 2020 at 5pm. Two courtesy copies of each reply brief are to be provided to Chambers no later than 2:00 PM on Friday, September 4, 2020 and two courtesy copies of the surreply are to be provided to Chambers no later than 2:00 PM on Tuesday, September 8, 2020. By Judge Amy Totenberg on 8/27/20. (hfm) (Entered: 08/27/2020)
08/27/2020	<u>824</u>	CERTIFICATE OF SERVICE <i>regarding Production of Documents</i> by Brad Raffensperger, The State Election Board.(Miller, Carey) (Entered: 08/27/2020)
08/27/2020	<u>825</u>	NOTICE by Coalition for Good Governance <i>of Intent to Serve Subpoena</i> (Attachments: # <u>1</u> Exhibit Subpoena)(Ichter, Cary) (Entered: 08/27/2020)
08/28/2020	<u>826</u>	CERTIFICATE OF SERVICE <i>of Discovery</i> by Coalition for Good Governance.(Ichter, Cary) (Entered: 08/28/2020)
08/28/2020	<u>827</u>	ORDER granting <u>801</u> Motion to Seal Filing of Two Declarations. The Clerk is directed to seal two filings: Doc. 800–2 (Declaration of Harri Hursti) and Doc. 800–3 (Declaration of Marilyn Marks). Signed by Judge Amy Totenberg on 8/28/2020. (jpk) (Entered: 08/28/2020)
08/28/2020	<u>828</u>	NOTICE by Coalition for Good Governance, William Digges III, Laura Digges, Ricardo Davis, and Megan Missett <i>of Intent to Serve Subpoena</i> (Attachments: # <u>1</u> Exhibit Subpoena)(Ichter, Cary) Modified on 8/31/2020 to add filers (jpa). (Entered: 08/28/2020)
08/28/2020	<u>829</u>	NOTICE by Donna Curling, Donna Price, Jeffrey Schoenberg <i>Joint Discovery Statement Regarding Urgent Access to Equipment</i> (Attachments: # <u>1</u> Exhibit 1 – August 25, 2020 Correspondence, # <u>2</u> Exhibit 2 – August 24, 2020 Correspondence, # <u>3</u> Exhibit 3 – Final Commission Decision, In re Jill Stein

		Campaign Request for Access to Software Components, # <u>4</u> Exhibit 4 – August 26, 2020 Correspondence)(Cross, David) (Entered: 08/28/2020)
08/28/2020	<u>830</u>	NOTICE Of Filing <u>827</u> Order on Motion to Seal Case (rvb) (Entered: 08/28/2020)
08/28/2020	<u>831</u>	MOTION to Withdraw Mary G. Kaiser as Attorneyby Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Kaiser, Mary) (Entered: 08/28/2020)
08/28/2020	<u>832</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 8/28/2020. Teleconference regarding Discovery. Defendants are to file their formal objections to the production of the Fortalice Report based on their assertion of attorney client privilege by Monday, August 31, 2020, at 12:00pm. Hearing Concluded. (Court Reporter Shannon Welch) (jpk) (Entered: 08/28/2020)
08/28/2020		ORDER, by docket entry only, granting <u>831</u> Motion to Withdraw as Attorney. Attorney Catherine L. Chapple; Jane P. Bentrott and Marcie Brimer terminated. By Judge Amy Totenberg on 8/28/20. (hfm) (Entered: 08/28/2020)
08/28/2020	<u>833</u>	RESPONSE in Opposition re <u>809</u> MOTION for Preliminary Injunction <i>on BMDs, Scanning and Tabulating, and Auditing</i> filed by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, The Fulton County Board of Registration and Elections, Mark Wingate. (Burwell, Kaye) (Entered: 08/28/2020)
08/28/2020	<u>834</u>	RESPONSE in Opposition re <u>809</u> MOTION for Preliminary Injunction <i>on BMDs, Scanning and Tabulating, and Auditing State Defendants' Response in Opposition to Coalition Plaintiffs' Motion for Preliminary Injunction Relating to BMDs, Scanning and Tabulating, and Auditing</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Supplemental Declaration of Dr. Eric Coomer, # <u>2</u> Exhibit B – Declaration of Dr. Benjamin Adida, # <u>3</u> Exhibit C – Supplemental Declaration of Chris Harvey)(Tyson, Bryan) (Entered: 08/28/2020)
08/30/2020	<u>835</u>	MOTION for Leave to File Excess Pages <i>in Reply in Support of Motion (Doc. 809)</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 08/30/2020)
08/31/2020	<u>836</u>	NOTICE <i>of Intent to Serve Subpoena</i> by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Attachments: # <u>1</u> Exhibit Subpoena)(Ichter, Cary) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>837</u>	NOTICE to Take Deposition by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Attachments: # <u>1</u> Exhibit Subpoena)(Ichter, Cary) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>838</u>	Objections to Production of Protected Work Product by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>832</u> Telephone Conference, (Attachments: # <u>1</u> Exhibit 1 -- 8.28.20 Production Email to Plaintiffs, # <u>2</u> Exhibit 2 -- 8.26–27.20 Email

		correspondence among counsel, # <u>3</u> Exhibit 3 -- 8.28.20 Email to Court, # <u>4</u> Exhibit 4 -- 8.28.20 Emails to Court re in camera production and request for order, # <u>5</u> Exhibit 5 -- Declaration of R Germany)(Miller, Carey) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>839</u>	<i>Joint Discovery Dispute with Fulton County Defendants</i> by Coalition for Good Governance (Brown, Bruce) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>840</u>	NOTICE of Intent to Serve Subpoena by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett (Attachments: # <u>1</u> Exhibit Subpoena)(Ichter, Cary) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>841</u>	ORDER: The Court being advised accordingly, it is ordered that the <u>831</u> Motion is GRANTED. The Clerk is DIRECTED to terminate Jane P. Bentrott, Catherine L. Chapple, and Marcie Brimer as counsel of record for the Curling Plaintiffs. Signed by Judge Amy Totenberg on 8/31/2020. (jpk) (Entered: 08/31/2020)
08/31/2020	<u>842</u>	TRANSCRIPT of Telephone Conference Proceedings held on 8/28/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/21/2020. Redacted Transcript Deadline set for 10/1/2020. Release of Transcript Restriction set for 11/30/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 08/31/2020)
08/31/2020	<u>843</u>	<i>State Defendants'</i> NOTICE of Filing Responses to Court's Requests by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit A – Emails on Scope of Inspection)(Tyson, Bryan) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>844</u>	NOTICE of Relevant Authorities by Donna Curling, Donna Price, Jeffrey Schoenberg (Cross, David) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>845</u>	<i>State Defendants' Notice of Filing Response to Court's Request Regarding Texas System</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Tyson, Bryan) Text modified on 9/1/2020 (adg). (Entered: 08/31/2020)
08/31/2020	<u>846</u>	MOTION for Leave to File Excess Pages by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 08/31/2020)
08/31/2020	<u>852</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 8/31/2020. The parties are in agreement that state law does not prevent Fulton County from providing ballot images of the test deck. State Defendants are directed to file under seal the testing protocol used with Fortalice for the BMD review. Plaintiffs are directed to file on the docket: (a)

		the authority relied on regarding work product; (b) a discovery request for the BMDs. Hearing concluded. (Court Reporter Shannon Welch) (jpk) (Entered: 09/01/2020)
09/01/2020	<u>847</u>	NOTICE of Discovery Request by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit A – Plaintiffs' Third Joint Request for Production)(Cross, David) Text modified on 9/1/2020 (adg). (Entered: 09/01/2020)
09/01/2020	<u>848</u>	SEALED NOTICE Of Filing Fortalice Contract by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit A – Contract Number 47800–SOS0000034, # <u>2</u> Exhibit B – Email regarding scope of inspection)(Tyson, Bryan) Modified on 9/8/2020 to edit text (rlb). (Entered: 09/01/2020)
09/01/2020	<u>849</u>	MOTION for Leave to File Matters Under Seal re: <u>848</u> Notice of Filing, with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 09/01/2020)
09/01/2020	<u>850</u>	RESPONSE in Opposition re <u>835</u> MOTION for Leave to File Excess Pages <i>in Reply in Support of Motion (Doc. 809)</i> , <u>846</u> MOTION for Leave to File Excess Pages filed by Seth Harp, Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Miller, Carey) (Entered: 09/01/2020)
09/01/2020	<u>851</u>	Consent MOTION for Extension of Time to File Final Witness List by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 09/01/2020)
09/01/2020		Submission of <u>851</u> Consent MOTION for Extension of Time to File Final Witness List , to District Judge Amy Totenberg. (adg) (Entered: 09/01/2020)
09/01/2020	<u>853</u>	REPLY to Response to Motion re <u>809</u> MOTION for Preliminary Injunction <i>on BMDs, Scanning and Tabulating, and Auditing</i> filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Exhibit EX 16 (Stark Decl), # <u>2</u> Exhibit EX 17 (Hursti Decl), # <u>3</u> Exhibit EX 18 (Evans Stmt), # <u>4</u> Exhibit EX 19 (Marks Decl))(McGuire, Robert) (Additional attachment(s) added on 9/10/2020: FILED UNDER SEAL # <u>5</u> Exhibit 20, # <u>6</u> exhibit 21) (jpa). (Entered: 09/01/2020)
09/01/2020	<u>854</u>	REPLY BRIEF re <u>800</u> MOTION for Preliminary Injunction <i>on Paper Pollbook Backups</i> filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/01/2020)
09/01/2020	<u>855</u>	SEALED REPLY BRIEF re <u>785</u> MOTION for Preliminary Injunction filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Affidavit of J. Alex Halderman, # <u>2</u> Affidavit of Vincent Liu, # <u>3</u> Affidavit of Andrew Appel, # <u>4</u> Affidavit of David D. Cross)(Cross, David) Modified on 9/8/2020 to edit text (rlb). (Entered: 09/01/2020)
09/01/2020		

		ORDER, by docket entry only, granting <u>835</u> Motion for Leave to File Excess Pages; granting <u>846</u> Motion for Leave to File Excess Pages; granting <u>851</u> Motion for Extension of Time. Entered by Judge Amy Totenberg on 9/1/2020. (hpc) (Entered: 09/01/2020)
09/01/2020	<u>856</u>	MOTION for Leave to File Matters Under Seal re: <u>855</u> Reply Brief, by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Text of Proposed Order)(Cross, David) (Entered: 09/01/2020)
09/02/2020	<u>857</u>	SEVENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 9/1/2020. (rvb) (ADI) (Entered: 09/02/2020)
09/02/2020	<u>858</u>	ORDER re <u>847</u> , <u>838</u> , and <u>829</u> on BMD Discovery and November 2019 Fortalice Report. SEE ORDER FOR DETAILS AND DEADLINES. Signed by Judge Amy Totenberg on 9/2/2020. (hpc) (Entered: 09/02/2020)
09/02/2020	<u>859</u>	<i>Joint Witness List for Preliminary Injunction Hearing</i> by Donna Curling, Donna Price, Jeffrey Schoenberg (Cross, David) Modified on 9/3/2020 to correct docket text (adg). (Entered: 09/02/2020)
09/02/2020	<u>860</u>	MOTION for Leave to File <i>Exhibits Omitted From Previously Filed Declaration of Harri Hursti (Doc. <u>853</u> -2), with Proposed Order re <u>809</u></i> MOTION for Preliminary Injunction on BMDs, Scanning and Tabulating, and Auditing filed by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett. (Attachments: # <u>1</u> Exhibit Hursti Decl w Previously Omitted Exhibit)(McGuire, Robert) Modified on 9/3/2020 to correct docket text (adg). (Entered: 09/02/2020)
09/02/2020		Submission of <u>800</u> MOTION for Preliminary Injunction on <i>Paper Pollbook Backups</i> , <u>809</u> MOTION for Preliminary Injunction on <i>BMDs, Scanning and Tabulating, and Auditing</i> , to District Judge Amy Totenberg. (adg) (Entered: 09/02/2020)
09/02/2020	<u>877</u>	NOTICE Of Filing Supplemental Declaration of Harri Hursti by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett re <u>853</u> Reply to Response to Motion. (rlb) (Entered: 09/08/2020)
09/04/2020	<u>861</u>	NOTICE Of Filing State Defendants' Witness List for Hearing by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Tyson, Bryan) (Entered: 09/04/2020)
09/04/2020	<u>862</u>	SEALED NOTICE Of Filing Supplemental Declaration of David Hamilton by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Affidavit Supplemental Declaration of David Hamilton)(Tyson, Bryan) Modified on 9/8/2020 to edit text (rlb). (Entered: 09/04/2020)
09/04/2020	<u>863</u>	MOTION for Leave to File Matters Under Seal re: <u>862</u> Notice of Filing, <i>Supplemental Declaration of David Hamilton</i> with Brief In Support by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 09/04/2020)
09/04/2020	<u>864</u>	

		SURREPLY BRIEF re <u>800</u> MOTION for Preliminary Injunction <i>on Paper Pollbook Backups State Defendants' Surreply to Coalition Plaintiffs' Motion</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) Modified on 9/8/2020 to edit text (rlb). (Entered: 09/04/2020)
09/04/2020	<u>865</u>	SURREPLY BRIEF re <u>785</u> MOTION for Preliminary Injunction <i>State Defendants' Surreply in Opposition to Curling Plaintiffs' Fourth Preliminary Injunction Motion</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – Supplemental Declaration of Jack Cobb, # <u>2</u> Exhibit B – Supplemental Declaration of Chris Harvey)(Tyson, Bryan) Modified on 9/8/2020 to edit text (rlb). (Entered: 09/04/2020)
09/04/2020	<u>866</u>	SURREPLY BRIEF re <u>809</u> MOTION for Preliminary Injunction <i>on BMDs, Scanning and Tabulating, and Auditing State Defendants' Surreply to Coalition Plaintiffs Brief on BMDs, Scanning and Tabulating, and Auditing</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Tyson, Bryan) Modified on 9/8/2020 to edit text (rlb). (Entered: 09/04/2020)
09/06/2020	<u>867</u>	NOTICE by Coalition for Good Governance of <i>Designation of Consultants</i> (Brown, Bruce) (Entered: 09/06/2020)
09/07/2020	<u>868</u>	NOTICE by Coalition for Good Governance of <i>Filing Exhibit to Notice of Designation (Doc 867)</i> (Brown, Bruce) (Entered: 09/07/2020)
09/07/2020	<u>869</u>	RESPONSE re <u>868</u> Notice (Other), <u>867</u> Notice (Other) <i>State Defendants' Response to Coalition Plaintiffs' Notice of Designation of Consultants Pursuant to Protective Order</i> filed by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley. (Attachments: # <u>1</u> Exhibit A – M. Marks Tweet, # <u>2</u> Exhibit B – Email Chain on August 30, 2020)(Tyson, Bryan) (Entered: 09/07/2020)
09/08/2020		Submission of <u>785</u> MOTION for Preliminary Injunction , to District Judge Amy Totenberg. (rlb) (Entered: 09/08/2020)
09/08/2020	<u>870</u>	MOTION in Limine to Preclude Unnecessary and Improper Examination of Witnesses, MOTION for Protective Order with Brief In Support by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit 1 – Email Correspondence, # <u>3</u> Text of Proposed Order)(Cross, David) (Entered: 09/08/2020)
09/08/2020	<u>871</u>	RESPONSE re <u>867</u> Notice (Other) of <i>Designation of Consultants</i> filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/08/2020)
09/08/2020	<u>872</u>	NOTICE Of Filing Notice of Manual Filing of Skogland Exhibits Under Seal by Coalition for Good Governance (Brown, Bruce) (Entered: 09/08/2020)
09/08/2020	<u>873</u>	MOTION in Limine Calling Coalition Plaintiffs As Witnesses <i>and Joining Curling Plaintiffs' Motion (Doc. 870)</i> by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/08/2020)
09/08/2020	<u>874</u>	ORDER granting <u>849</u> Motion for Leave to File Matters Under Seal. The documents provisionally sealed at <u>848</u> shall remain under seal. Signed by Judge Amy Totenberg on 9/8/20. (rlb) (Entered: 09/08/2020)

09/08/2020	<u>875</u>		ORDER granting <u>856</u> Motion for Leave to File Matters Under Seal. The portions of the Curling Plaintiffs' Reply in Support of Motion for Preliminary Injunction and Declaration of J. Alex Halderman provisionally filed under seal as <u>855</u> and [855-1], shall remain sealed. Signed by Judge Amy Totenberg on 9/8/20. (rlb) (Entered: 09/08/2020)
09/08/2020	<u>876</u>		ORDER granting <u>860</u> Motion for Leave to File Exhibits Previously Filed Declaration of Harris Hursti. The Clerk is DIRECTED to docket Exhibit 1 to the Motion, at Doc. 860-1, as of September 2, 2020. Signed by Judge Amy Totenberg on 9/8/20. (rlb) (Entered: 09/08/2020)
09/08/2020	<u>878</u>		ORDER granting <u>863</u> Motion for Leave to File Matters Under Seal. The Supplemental Declaration of David Hamilton, provisionally sealed at <u>862</u> , shall remain under seal. Signed by Judge Amy Totenberg on 9/8/20. (rlb) (Entered: 09/08/2020)
09/08/2020	<u>879</u>		APPLICATION for Admission of Eileen M. Brogan Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10118393).by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) Documents for this entry are not available for viewing outside the courthouse. (Entered: 09/08/2020)
09/08/2020	<u>880</u>		APPLICATION for Admission of Veronica Ascarrunz Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10118465).by Donna Curling, Donna Price, Jeffrey Schoenberg. (Knapp, Halsey) Documents for this entry are not available for viewing outside the courthouse. (Entered: 09/08/2020)
09/08/2020	<u>881</u>		NOTICE Of Filing by Coalition for Good Governance re <u>867</u> Notice (Other) of Curriculum Vitae of Susan Greenhalgh and Rhonda J. Martin (Brown, Bruce) (Entered: 09/08/2020)
09/08/2020	<u>883</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 9/8/2020. The Court discussed Coalition Plaintiffs designation of client representatives as consultants authorized to review material designated as Attorneys Eyes Only under the Protective Order. The Court indicated it did not view Ms. Marks and other client representatives as consultants with authority to review AEO-designated documents. The Court directed the State Defendants to have its discovery vendor run a script to identify the 65 documents designated as AEO and provide this list of documents to Plaintiffs by Noon on 9/9/20. The Court directed Coalition Plaintiffs to file a biography of Susan Greehalgh so the Court can determine whether her designation as a consultant is appropriate for purposes of the review of AEO-designated documents. The Court will resume the conference at 8:30 AM on 9/9/20 to discuss hearing logistics. The Court directed the parties to confer about any remaining issues prior to that call at 8:00 AM. (Court Reporter Shannon Welch)(tmf) (Entered: 09/09/2020)
09/09/2020	<u>882</u>		NOTICE Of Filing Coalition for Good Governance Form 990 by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit A - 2018 Form 990 for Coalition for Good Governance)(Tyson, Bryan) (Entered: 09/09/2020)
09/09/2020	<u>884</u>		

		Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 9/9/2020. The Court and the parties discussed the scope and logistics for witness testimony for the preliminary injunction hearing. The Court will not permit State Defendants to call individual Plaintiffs for testimony on standing at the hearing as it will not aid the court in its determination of the pending relief issues. Coalition Plaintiffs may designate Susan Greenhalgh as a consultant to assist in review of AEO–designated documents. The parties should identify any witnesses with time restrictions in determining the order of testimony. The parties are permitted 10 minutes per side for opening statements. (Court Reporter Shannon Welch)(tmf) (Entered: 09/09/2020)
09/09/2020	<u>885</u>	REPLY BRIEF re <u>785</u> MOTION for Preliminary Injunction (<i>Redacted</i>) filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Affidavit of J. Alex Halderman (<i>Redacted</i>), # <u>2</u> Affidavit of Vincent Liu, # <u>3</u> Affidavit of Andrew W. Appel, # <u>4</u> Affidavit of David D. Cross)(Cross, David) (Entered: 09/09/2020)
09/10/2020	<u>886</u>	TRANSCRIPT of Telephone Conference Proceedings held on 9/9/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/1/2020. Redacted Transcript Deadline set for 10/13/2020. Release of Transcript Restriction set for 12/9/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/10/2020)
09/10/2020		APPROVAL by Clerks Office re: <u>879</u> APPLICATION for Admission of Eileen M. Brogan Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–10118393).. Attorney Eileen M. Brogan added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (cdg) (Entered: 09/10/2020)
09/10/2020		APPROVAL by Clerks Office re: <u>880</u> APPLICATION for Admission of Veronica Ascarrunz Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–10118465).. Attorney Veronica Ascarrunz added appearing on behalf of Donna Curling, Donna Price, Jeffrey Schoenberg (cdg) (Entered: 09/10/2020)
09/10/2020		ORDER, by docket entry only, granting <u>879</u> Application for Admission Pro Hac Vice; granting <u>880</u> Application for Admission Pro Hac Vice. By Judge Amy Totenberg on 9/10/20. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(hfm) (Entered: 09/10/2020)
09/10/2020	<u>887</u>	NOTICE Of Filing State Defendants' Exhibit List and Proffered Exhibits from 9.10.2020 Hrg on Plaintiffs' Motion for Prelim. Injunction by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit 1– Florida Recounts Senate Votes Yet Again..., NY Times, # <u>2</u> Exhibit 2– Auditing Indian Elections, Stark et al., # <u>3</u> Exhibit 3– Email correspondence produced

		with Bates label CURLING-0010015, # <u>4</u> Exhibit 4- Memorandum Regarding Scanner Threshold Settings, STATE-DEFENDANTS-00023540)(Miller, Carey) (Entered: 09/10/2020)
09/10/2020	<u>890</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Opening statements. Plaintiff witness Philip B. Stark sworn and testified. Dr. Halderman sworn and testified. Offline teleconference with attorneys and Court held. Hearing resumed. Harri Hursti sworn and testified. Plaintiff exhibits 4, 5, 6, 7, and 7.1 admitted. Jeanne Dufort sworn and testified. Plaintiff exhibits 12, 13, 17 admitted. Offline teleconference with attorneys and Court held. Hearing not concluded. Court adjourned and will reconvene at 8:15 AM on Friday, September 11, 2020. (Court Reporter Shannon Welch)(rlb) (Entered: 09/11/2020)
09/11/2020	<u>888</u>	Exhibit List for September 10, 2020 and Upcoming Witness List by Donna Curling, Donna Price, Jeffrey Schoenberg.. (Attachments: # <u>1</u> PD16 - Stark Demonstrative: Georgia Attorney General Contest, 2018, # <u>2</u> PX04 - Fulton games, # <u>3</u> PX05 - Cherokee Xbox games, # <u>4</u> PX06 - Application log gap, # <u>5</u> PX07 - Uncounted ICC ballots, # <u>6</u> PX07.1 - Fulton County ballot examples, # <u>7</u> PX12 - Ballot 28 different results, # <u>8</u> PX13 - Adjudicated image 11.59.32, # <u>9</u> PX17 - Blank Ballot Dufort)(Cross, David) (Entered: 09/11/2020)
09/11/2020	<u>889</u>	NOTICE Of Filing Exhibits for 9.11.20 Preliminary Injunction Hearing by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, David J. Worley (Attachments: # <u>1</u> Exhibit 5 - WIRED 25: People Who Are Making Things Better, # <u>2</u> Exhibit 6 - Dr. Ben Adida Bio, # <u>3</u> Exhibit 7 - Dr. Ben Adida LinkedIn, # <u>4</u> Exhibit 8 - Dr. Ben Adida Talks)(Miller, Carey) (Entered: 09/11/2020)
09/13/2020		NOTICE of Hearing: the public portion of the evidentiary hearing on Plaintiffs' motions for preliminary injunction will resume on 9/14/2020 at 11:00 AM or thereafter before Judge Amy Totenberg. Connection Instructions: Join ZoomGov Meeting https://ganduscourts.zoomgov.com/j/1601719231 . Meeting ID: 160 171 9231. Passcode: 413818. Audio Only +16692545252. (hpc) (Entered: 09/13/2020)
09/13/2020	<u>891</u>	NOTICE Of Filing Declaration of Philip Stark by Coalition for Good Governance re <u>809</u> MOTION for Preliminary Injunction on BMDs, Scanning and Tabulating, and Auditing (Brown, Bruce) (Entered: 09/13/2020)
09/14/2020	<u>892</u>	Exhibit List for September 11, 2020 by Donna Curling, Donna Price, Jeffrey Schoenberg.. (Attachments: # <u>1</u> PD1 - Redacted in Full, # <u>2</u> PD17 - Gilbert Demonstrative, # <u>3</u> PX1 - Fayette ballot from Discovery 00010_00000_052768, # <u>4</u> PX2 - Redacted in Full, # <u>5</u> PX3 - Redacted in Full, # <u>6</u> PX19 - Supp. Dec. of Juan E. Gilbert, Ph.D. (Aug. 26, 2020), # <u>7</u> PX8 - Dec. of Eric D. Coomer, Ph.D. (Nov. 13, 2019), # <u>8</u> PX9 - First Page of STATE-DEFENDANTS-00047318, # <u>9</u> PX28 - Dec. of Jack Cobb (Aug. 26, 2020), # <u>10</u> PX29 - Suppl. Dec. of Jack Cobb (Sept. 4, 2020), # <u>11</u> PX37 - Dominion001889, # <u>12</u> PX40 - Dominion043404, # <u>13</u> PX41 - Dominion043452, # <u>14</u> PX42 - Dominion043377, # <u>15</u> PX44 - Dominion043450, # <u>16</u> PX45 - Dominion043484, # <u>17</u> PX51 - Dominion043477, # <u>18</u> PX53 - Emergency ballot exhibit with hand-marking, # <u>19</u> PX54 - Pro V&V 5.5A GA, # <u>20</u> PX56 - First Page of

		STATE-DEFENDANTS-00047579)(Cross, David) (Entered: 09/14/2020)
09/14/2020	<u>893</u>	NOTICE Of Filing Exhibits for September 14 Hearing by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit 10 – Declaration of Derrick Gilstrap, # <u>2</u> Exhibit 11 – SavannahNow story on hand recount)(Tyson, Bryan) (Entered: 09/14/2020)
09/14/2020		NOTICE of Hearing: The public portion of the hearing on Plaintiffs' motions for preliminary injunction noticed for 9/14/2020 at 11:00 a.m. has been delayed until 11:45 a.m. (hpc) (Entered: 09/14/2020)
09/14/2020		NOTICE of Hearing: The public portion of the hearing on the Plaintiffs' motions for preliminary injunction noticed for 9/14/2020 at 11:45 a.m. has been delayed. The hearing will resume publicly via Zoom at 12:30 p.m. Connection Instructions: Join ZoomGov Meeting https://ganduscourts.zoomgov.com/j/1601719231 . Meeting ID: 160 171 9231. Passcode: 413818. Audio Only +16692545252. (hpc) (Entered: 09/14/2020)
09/14/2020	<u>894</u>	PROVISIONALLY SEALED NOTICE Of Filing Additional Exhibits by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Attachments: # <u>1</u> Exhibit 12 – Stills from video)(Tyson, Bryan) (Entered: 09/14/2020)
09/14/2020	<u>895</u>	NOTICE Of Filing State Defendants' Response to Court's Question on Updated Voter-List Reports by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley (Tyson, Bryan) (Entered: 09/14/2020)
09/14/2020	<u>897</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Evidentiary Hearing held on 9/14/2020. Hearing Continues. Kevin Skoglund testimony continues. Exhibits PX1 and PX56 admitted. Defendant Exhibit X12 admitted UNDER SEAL. Exhibits discussed but not admitted PX61 and PX62. Closing Statements. (Court Reporter Shannon Welch)(rlb) (Entered: 09/15/2020)
09/15/2020	<u>896</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Evidentiary Hearing held on 9/15/2020. Hearing Continued. 10:45 – 11:50 offline teleconference with attorneys held. Witnesses Juan Gilber, Vincent Liu, Eric Coomer, Richard Barron, Chris Harvey, Jack Cobb, and Ben Adida sworn and testified. Defendant Exhibits 4 through 9 and Plaintiff Exhibits 37, 40, 41, 42, 44, 45, 51, and 54 admitted. Hearing not concluded. Court adjourned and will reconvene at 9:30AM on Monday, September 14, 2020. (Court Reporter Shannon Welch)(rlb) (Entered: 09/15/2020)
09/15/2020	<u>900</u>	ORDER re <u>895</u> State Defendants' Notice of Filing: Plaintiffs are authorized to file a response brief by 11:00 AM on September 16, 2020 addressing (1) whether they in fact seek relief, as an alternative to their request for a wholesale switch to hand-marked paper ballots, tailored to facilitating the uniform implementation of the State's established emergency ballot process and (2) the Court's authority to grant such relief based on the pleadings and motions in this case and the Court's Order of August 15, 2019 (Doc. 579). Signed by Judge Amy Totenberg on 9/15/2020. (hpc) (Entered: 09/15/2020)
09/16/2020	<u>901</u>	RESPONSE re <u>900</u> Order,, filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 09/16/2020)

09/16/2020	<u>902</u>		RESPONSE re <u>900</u> Order., filed by Coalition for Good Governance. (Brown, Bruce) (Entered: 09/16/2020)
09/16/2020	<u>903</u>		TRANSCRIPT of Telephone Conference Proceedings (Redacted) held on 8/31/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/7/2020. Redacted Transcript Deadline set for 10/19/2020. Release of Transcript Restriction set for 12/15/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/16/2020)
09/16/2020	<u>904</u>		TRANSCRIPT of Hearing on Preliminary Injunction Via Zoom Volume 1 (Redacted) Proceedings held on 9/10/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/7/2020. Redacted Transcript Deadline set for 10/19/2020. Release of Transcript Restriction set for 12/15/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/16/2020)
09/16/2020	<u>905</u>		TRANSCRIPT of Hearing on Preliminary Injunction via Zoom Volume 2 (Redacted) Proceedings held on 9/11/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/7/2020. Redacted Transcript Deadline set for 10/19/2020. Release of Transcript Restriction set for 12/15/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/16/2020)
09/16/2020	<u>906</u>		TRANSCRIPT of Hearing on Preliminary Injunction via Zoom Volume 3 (Redacted) Proceedings held on 9/14/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/7/2020. Redacted Transcript Deadline set for 10/19/2020. Release of Transcript Restriction set for 12/15/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/16/2020)
09/16/2020			Submission of <u>901</u> Response and <u>902</u> Response to <u>901</u> Order, to District Judge Amy Totenberg. (rlb) (Entered: 09/16/2020)

09/16/2020	<u>907</u>		CERTIFICATE OF SERVICE <i>Rule 5.4 Certificate of Service for State Defendants' Objections to Plaintiffs' Third Joint Request for Production of Documents and Inspection of Things; and State Defendants' Objections to Coalition Plaintiffs' Fourth Request for Production of Documents to Defendant Fulton County Board of Registrations and Elections</i> by Seth Harp, Brad Raffensperger, Ralph F. (Rusty) Simpson, Rebecca N. Sullivan, The State Election Board, David J. Worley.(Crumly, Jonathan) (Entered: 09/16/2020)
09/17/2020	<u>908</u>		NOTICE Of Filing SEALED Transcript of 9/9/2020 Teleconference (Attachments: # <u>1</u> SEALED TRANSCRIPT)(hfm) (Entered: 09/17/2020)
09/17/2020	<u>909</u>		NOTICE Of Filing SEALED Transcript of 9/10/2020 Preliminary Injunction Hearing (Attachments: # <u>1</u> SEALED TRANSCRIPT VOL. I)(hfm) (Entered: 09/17/2020)
09/17/2020	<u>910</u>		NOTICE Of Filing SEALED Transcript of 9/11/2020 Preliminary Injunction Hearing (Attachments: # <u>1</u> SEALED TRANSCRIPT VOL. II)(hfm) (Entered: 09/17/2020)
09/17/2020	<u>911</u>		NOTICE Of Filing SEALED Transcript of 9/14/2020 Preliminary Injunction Hearing (Attachments: # <u>1</u> SEALED TRANSCRIPT VOL. III)(hfm) (Entered: 09/17/2020)
09/17/2020			ORDER, by docket entry only: The Court and its staff have been impacted by power outages as a result of severe weather associated with the hurricane. The Court will not be able to enter an Order on Plaintiffs' motions for preliminary injunction until the evening of 9/18/2020 at the earliest. Signed by Judge Amy Totenberg on 9/17/2020. (hpc) (Entered: 09/17/2020)
09/17/2020	<u>912</u>		NOTICE Of Filing by Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley re <u>834</u> Response in Opposition to Motion,, <i>Supplemental Declaration of Dr. Adida</i> (Attachments: # <u>1</u> Exhibit 1)(Miller, Carey) (Entered: 09/17/2020)
09/21/2020	<u>913</u>		TRANSCRIPT of Telephone Conference Proceedings held on 9/8/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/13/2020. Redacted Transcript Deadline set for 10/22/2020. Release of Transcript Restriction set for 12/21/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/21/2020)
09/22/2020	<u>914</u>		CERTIFICATE OF SERVICE of <i>Discovery</i> by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett.(Ichter, Cary) (Entered: 09/22/2020)
09/23/2020	<u>915</u>		NOTICE by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett of <i>Intent to Serve Subpoena (Cherokee County)</i> (Attachments: # <u>1</u> Exhibit Subpoena)(Ichter, Cary) (Entered: 09/23/2020)

09/25/2020	<u>916</u>		NOTICE Of Filing Supplemental Evidence by Coalition for Good Governance <i>Relating to Defects in Every Database for November 2020 General Election</i> (Brown, Bruce) (Entered: 09/25/2020)
09/28/2020			NOTICE of TELECONFERENCE by docket entry only: Teleconference set for 9/28/2020 at 11:00 AM before Judge Amy Totenberg. (hfm) (Entered: 09/28/2020)
09/28/2020	<u>917</u>		NOTICE Of Filing Materials for September 28, 2020 Hearing by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit A – Plaintiffs' Fourth Joint Request for Production, # <u>2</u> Exhibit B – Sept. 27, 2020 Email Correspondence from B. Brown, # <u>3</u> Exhibit C – Sept. 27, 2020 Email Correspondence from D. Cross, # <u>4</u> Exhibit D – Sept. 28, 2020 Email Correspondence from D. Cross, # <u>5</u> Exhibit E – Email Correspondence from Irwin County, # <u>6</u> Exhibit F – Email Correspondence from Decatur County, # <u>7</u> Exhibit G – Email Correspondence from Newton County)(Cross, David) (Entered: 09/28/2020)
09/28/2020	<u>918</u>		Opinion and Order: The Court GRANTS the Coalition Plaintiff's Motion for Preliminary Injunction <u>800</u> . The narrowly tailored relief ordered directs that the State Defendants provide at least a modicum of the voting backup plan tools essential to protecting voters constitutionally protected ability and right to cast a ballot that is counted and given the same weight as any other on this coming November 3rd general election day and thereafter. It is not too late for Defendants to take these reasonable concrete measures to mitigate the real potential harms that would otherwise likely transpire at precinct polling locations grappling with the boiling brew created by the combination of new voting equipment issues and old voter data system deficiencies. Signed by Judge Amy Totenberg on 9/28/20. (rlb) (Entered: 09/28/2020)
09/28/2020	<u>919</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 9/28/2020. See transcript for specifics. (Court Reporter Shannon Welch)(rlb) (Entered: 09/28/2020)
09/28/2020	<u>921</u>		Certificate of Service re <u>915</u> Notice (Other) <i>TO COALITION PLAINTIFFS NOTICE OF INSPECTION</i> by Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, Kathleen D Ruth, The Fulton County Board of Registration and Elections, Mark Wingate. (Ringer, Cheryl) Modified on 9/28/2020 to edit text (rlb). (Entered: 09/28/2020)
09/28/2020			ORDER, by docket entry only: As soon as the information is made available, the State Defendants are DIRECTED to file on the record the full Pro V&V evaluation results and documentation of testing procedures applied, upon completion of its review and evaluation of the modified Dominion software to be used in the Georgia November 2020 General Election. To the extent there is any confidential information contained in the Pro V&V documentation, this may be filed on a provisionally sealed basis. The State Defendants are also DIRECTED to file a copy of the documentation subsequently submitted to the EAC for approval in conjunction with the modified software, presuming that this submission proceeds. Entered by Judge Amy Totenberg on 9/28/2020. (hpc) (Entered: 09/28/2020)
09/29/2020	<u>922</u>		EIGHTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED

		BY COVID19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 09/28/2020. (rvb) (ADI) (Entered: 09/29/2020)
09/29/2020	<u>923</u>	NOTICE Of Filing Materials Regarding Georgia's Intended Replacement of Dominion BMD Software Across the State by Donna Curling, Donna Price, Jeffrey Schoenberg (Attachments: # <u>1</u> Exhibit 1 – Declaration of J. Alex Halderman, Ph.D., # <u>2</u> Exhibit 2 – Declaration of Harri Hursti, # <u>3</u> Exhibit 3 – Declaration of Kevin Skoglund)(Cross, David) (Entered: 09/29/2020)
09/29/2020	<u>924</u>	PROVISIONALLY SEALED NOTICE Of Filing Letter Brief Regarding Software Update Acceptance Testing by Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J. Worley (Russo, Vincent) (Entered: 09/29/2020)
09/29/2020	<u>925</u>	TRANSCRIPT of Telephone Conference (Redacted) Proceedings held on 9/28/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/20/2020. Redacted Transcript Deadline set for 10/30/2020. Release of Transcript Restriction set for 12/28/2020. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/29/2020)
09/29/2020	<u>926</u>	SEALED TRANSCRIPT of Telephone Conference (Unredacted) Proceedings held on 9/28/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Redaction requests are due within 21 days of entry. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 09/29/2020)
09/29/2020	<u>927</u>	NOTICE by Coalition for Good Governance, Ricardo Davis, Laura Digges, William Digges, III, Megan Missett <i>of Intent to Serve Subpoena</i> (Attachments: # <u>1</u> Exhibit Subpoena)(Ichter, Cary) (Entered: 09/29/2020)
09/30/2020	<u>928</u>	Emergency MOTION for Hearing <i>Regarding Statewide Changes to Election Databases and BMD Software</i> by Donna Curling, Donna Price, Jeffrey Schoenberg. (Attachments: # <u>1</u> Exhibit 1 – Sept. 29, 2020 Email Correspondence)(Cross, David) (Entered: 09/30/2020)
09/30/2020		ORDER, by docket entry only: In light of Mr. Tyson's letter response to Plaintiffs' most recent filing <u>928</u> , the Court seeks an explanation to be filed as soon as possible but no later than 5:15 pm today of the status of State Defendants' filing of information responsive to the Court's text order of September 28, 2020, and the status of the documentation referenced in the text order. The Court is not prepared to seal the information filed by the Coalition Plaintiffs on this date without the benefit of a properly supported sealing motion by any party. By Judge Amy Totenberg on 9/30/20. (hfm) (Entered: 09/30/2020)
09/30/2020	<u>929</u>	NOTICE Of Filing Regarding the Court's Request for Documentation by Brad Raffensperger, Rebecca N. Sullivan, The State Election Board, David J.

		Worley (Russo, Vincent) (Entered: 09/30/2020)
10/01/2020	<u>930</u>	CERTIFICATE OF SERVICE re <u>782</u> Certificate of Service of <i>Discovery</i> by David J. Burge, Mary Carole Cooney, Aaron Johnson, Vernetta Nuriddin, The Fulton County Board of Registration and Elections, Mark Wingate.(Burwell, Kaye) (Entered: 10/01/2020)
10/01/2020	<u>931</u>	MOTION for Leave to File Brief of Amicus Curiae <i>and Attached Appendix</i> by Common Cause. (Attachments: # <u>1</u> Brief Brief of Amicus Curiae, # <u>2</u> Appendix Appendix to Brief of Amicus Curiae)(Sugarman, F.) (Entered: 10/01/2020)
10/01/2020	<u>932</u>	Certification of Consent to Substitution of Counsel. F. Skip Sugarman replacing attorney Matthew John Murray; Jonathan Lee Schwartz; Stephen P. Berzon and Stacey M. Leyton. (Sugarman, F.) (Entered: 10/01/2020)
10/02/2020		ORDER, by docket entry only: State Defendants are directed to file their request for redaction or sealing of the October 1, 2020 hearing on the record and provide a summary basis as to the grounds for such and any further explanation that may assist the Court in assessing the assertion as required by the Court's Standing Order. State Defendants should file their request by 1:00 pm today. To the extent that Plaintiffs maintain that no redactions are appropriate, they should address these contentions briefly in an objection to be filed by 3:00 pm today. Entered by Judge Amy Totenberg on 10/2/2020. (hpc) (Entered: 10/02/2020)
10/02/2020	<u>933</u>	MOTION to Seal or Redact Hearing Transcript of <i>October 1, 2020 Hearing</i> by Brad Raffensperger, The State Election Board. (Russo, Vincent) (Entered: 10/02/2020)
10/02/2020	<u>934</u>	ORDER granting <u>931</u> Motion for Leave to File Amicus Curiae Brief. The Court GRANTS the Motion and deems the Amicus Curiae Brief and its attachments filed as of the date of this Order. Signed by Judge Amy Totenberg on 10/2/20. (rlb) (Entered: 10/02/2020)
10/02/2020	<u>935</u>	SEALED TRANSCRIPT of Zoom Video Conference Proceedings held on 10/1/2020, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Redaction requests are due within 21 days of entry. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 10/02/2020)
10/02/2020	<u>936</u>	RESPONSE in Opposition re <u>933</u> MOTION to Seal or Redact Hearing Transcript of <i>October 1, 2020 Hearing</i> filed by Donna Curling, Donna Price, Jeffrey Schoenberg. (Cross, David) (Entered: 10/02/2020)
10/02/2020	<u>937</u>	NOTICE OF APPEAL as to <u>918</u> Order on Motion for Preliminary Injunction,, by Brad Raffensperger, The State Election Board. Filing fee \$ 505, receipt number AGANDC-10221062. Transcript Order Form due on 10/16/2020 (Russo, Vincent) (Entered: 10/02/2020)
10/02/2020	<u>938</u>	NOTICE Of Filing Regarding Voting System Test Laboratory Report and EAC Submission by Brad Raffensperger, Rebecca N. Sullivan, David J. Worley (Miller, Carey) (Entered: 10/02/2020)

10/02/2020	<u>939</u>	PROVISIONALLY SEALED NOTICE Of Filing Letter Report by Brad Raffensperger, Rebecca N. Sullivan, David J. Worley re <u>938</u> Notice of Filing (Miller, Carey) (Entered: 10/02/2020)
10/03/2020	<u>940</u>	NOTICE Of Filing Declaration of Dr. J. Alex Halderman by Donna Curling, Donna Price, Jeffrey Schoenberg re <u>939</u> Notice of Filing (Cross, David) (Entered: 10/03/2020)
10/03/2020	<u>941</u>	PROVISIONALLY SEALED NOTICE Of Filing Declaration of Dr. J. Alex Halderman by Donna Curling, Donna Price, Jeffrey Schoenberg re <u>939</u> Notice of Filing (Cross, David) (Entered: 10/03/2020)
10/04/2020	<u>942</u>	NOTICE Of Filing Declarations of Harri Hursti and Kevin Skogland by Coalition for Good Governance (Brown, Bruce) (Entered: 10/04/2020)
10/04/2020	<u>943</u>	PROVISIONALLY SEALED NOTICE Of Filing Declaration of Kevin Skoglund by Coalition for Good Governance <i>and Skoglund Declaration</i> (Brown, Bruce) (Entered: 10/04/2020)
10/05/2020	<u>944</u>	NOTICE Of Filing NOA Transmittal Letter re: <u>937</u> Notice of Appeal. (pjm) (Entered: 10/05/2020)

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

DONNA CURLING, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-cv-2989-AT
	:	
BRAD RAFFENSPERGER, <i>et al.</i> ,	:	
	:	
Defendants.	:	

OPINION AND ORDER

This case requires the Court to consider whether Georgia’s practices and procedures for administering voter access to the ballot at the polls unconstitutionally impact the voting process and unduly burden the exercise of qualified citizens to choose their elected representatives. The relief that the Coalition Plaintiffs seek here is a limited common sense remedy to the real and repetitive voting impediments Plaintiffs have experienced at the precinct threshold and the substantial threat that they will face from these impediments anew in the 2020 general election if preliminary injunctive relief is not granted.

In tandem with the Plaintiffs’ motions for injunctive relief seeking to bar the State of Georgia from requiring the use of electronic ballot marking devices (BMDs) for all in-person voters on election day, the Coalition Plaintiffs have filed a stand-alone Motion for Preliminary Injunction on Paper Pollbook Backups [[Doc.](#)

800]. Although this separate motion seeks as a discrete measure of moderate relief to order the Secretary of State to require the use of a paper backup of the electronic pollbook to prevent voter disenfranchisement, the Court intended to deal with this request for relief in an omnibus Order addressing all pending claims and relief requests that the two groups of Plaintiffs lodge against the voting system. However, in light of new evidence brought to light by Plaintiffs in the late evening hours on Friday, September 25, 2020, that may impact the Court's issuance of its decision on these other issues, the Court enters this Order now to avoid delay and so the State Defendants can begin preparations necessary to implement the relief ordered below.

I. Introduction and Overview

The Coalition Plaintiffs' Motion seeks to address dysfunctions in the voter registration information database system as well as the pollbook voter check-in system that they contend fundamentally impact the voting process and voter access to the ballot. They argue that the same practices are continuing that the Court previously made major critical findings about in its Order of August 15, 2019. (Doc. 579 at 62-112.) Specifically, they contend that deficiencies in the voter registration database system and pollbooks as well as their handling by State Defendants effectively block or deter some voters from exercising their right to vote or casting a vote without experiencing inordinate burdens. These alleged burdens include: long waiting lines due to voting equipment and registration data record related failures; voters being required to cast provisional ballots that may not

ultimately “count” or voters’ exclusion from voting after they were incorrectly advised (based on the flawed or non-updated voter registration data available in the voter registration list or the pollbook) that they were not registered or were registered at a different precinct. Plaintiffs allege that these type of major systemic deficiencies continue to thwart and burden the voting process. Defendants admit that the voter registration database (ENET), which is used by county registrars to maintain and update voter registration records was not replaced and that information from this system is what is loaded into the new electronic pollbooks for each election.¹ (Defs.’ Mot. to Dismiss, [Doc. 645 at 11](#), n. 14; *see also* Dec. 6, 2019 Tr. at 11.)

The Coalition Plaintiffs’ Motion for Preliminary Injunction on Paper Pollbook Backups [[Doc. 800](#)] seeks to require the Secretary of State to direct county election superintendents to use a paper backup of the electronic pollbook at each precinct polling location that is updated after the close of absentee in-person early voting to facilitate issuance of regular or emergency ballots on election day.

Given the complex findings and analysis already covered by the Court’s review of several lengthy preliminary injunction motions and issuance of related procedural orders over the last two years of intensive litigation, the Court refers the reader to its earlier orders for a further overview of the course of proceedings,

¹ Defendants represent that this voter information was been loaded in flat text files from the old system and therefore was not contaminated by any malware. (Defs.’ Mot. to Dismiss, [Doc. 645 at 11](#), n. 14; *see also* Dec. 6, 2019 Tr. at 11.)

relevant legal context, rulings, and factual findings. (*See, e.g.*, [Doc. 309](#), September 17, 2018 Order (denying motion to dismiss and motion for preliminary injunction); [Doc. 579](#), August 15, 2019 Order (granting in part preliminary injunction motions); [Doc. 751](#), July 30, 2020 Order (granting in part and denying in part Defendants' most recent motion to dismiss including new BMD claims); [Doc. 768](#), August 7, 2020 Order (denying without prejudice Plaintiffs' initial motions for preliminary injunction, Docs. 619 and 540, that facially challenged the BMD system and were filed in October, 2019, long prior to the 2020 election cycle, and summarizing case history).

Consequently, the Court notes that it has already addressed and rejected the State Defendants' renewed contention that Plaintiffs' request for relief related to pollbooks falls outside the bounds of the case as pled and presented to this Court. (*See, e.g.*, Order on Motion to Dismiss, [Doc. 751 at 20-25](#); August 15, 2019 Order, [Doc. 579 at 88-89](#).) The relief measures requested by the Coalition Plaintiffs are clearly associated with their contentions regarding the Defendants' non-implementation of some of the relief granted in the Court's August 15, 2019 Order. The Secretary of State still maintains the voter registration data system and its multiple interfaces with other databases through its ENET system. Starting in the summer of 2019, the Secretary of State's Office assumed exclusive management responsibility for day-to-day operations of the ENET system, in place of its contractor. The State's ENET system still feeds precinct level voter data and data reports to the electronic pollbooks for poll workers' use in voter check-in and

approval and provision of access cards needed for ballot generation and voting machine access.² Similarly, Plaintiffs have repeatedly advocated in their amended and supplemental complaints, motions, and briefs as well as at court hearings for the relief addressed in the current motion before this Court.

II. Legal Standards

A. Preliminary Injunction Standard

A preliminary injunction is an “extraordinary remedy” designed to prevent irreparable harm to the parties during the pendency of a lawsuit before a final decision on the merits can be rendered. *See Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 24 (2008). “A request for equitable relief invokes the district court’s inherent equitable powers to order preliminary relief . . . in order to assure the availability of permanent relief.” *Levi Strauss & Co. v. Sunrise Int’l Trading Inc.*, 51 F.3d 982, 987 (11th Cir. 1995); *Federal Trade Comm’n v. United States Oil and Gas Corp.*, 748 F.2d 1431, 1433–34 (11th Cir. 1984). To support a preliminary injunction, Plaintiffs must present evidence that clearly establishes: (1) a substantial likelihood of success on the merits on their claims; (2) a substantial threat of irreparable injury if the injunction were not granted; (3) that the threatened injury to the plaintiffs outweighs the harm an injunction may cause the

² The State announced initially in July, 2019 that it would shift management of the ENET system away from an outside vendor in-house to the Secretary of State’s office. The evidence Defendants have now presented, primarily in two sealed declarations signed by David Hamilton, Chief Information Officer for the Office of the Georgia Secretary of State (one signed on August 26, 2020 (Doc. 810-1) and one signed on September 4, 2020 (Doc. 862)), are inconsistent in representations regarding actual specific concrete progress in addressing the security and functionality of the software operation of this database, except as a planned imminent priority for some time in the coming months.

defendants; and (4) that granting the injunction would not be adverse to the public interest. *McDonald's Corp. v. Robertson*, [147 F.3d 1301, 1306](#) (11th Cir. 1998). At the preliminary injunction stage, a district court “need not find that the evidence positively guarantees a final verdict in plaintiff’s favor,” and may rely on affidavits and hearsay materials which would not be admissible evidence for a permanent injunction, if the evidence is “appropriate given the character and objectives of the injunctive proceeding.” *Levi Strauss & Co.*, [51 F.3d at 985](#) (quoting *Asseo v. Pan American Grain Co.*, [805 F.2d 23, 26](#) (1st Cir. 1986)); *McDonald's Corp.*, [147 F.3d at 1306](#) (11th Cir. 1998).

Federal courts “possess broad discretion to fashion an equitable remedy.” *Black Warrior Riverkeeper, Inc. v. U.S. Army Corps of Engineers*, [781 F.3d 1271, 1290](#) (11th Cir. 2015); *Castle v. Sangamo Weston, Inc.*, [837 F.2d 1550, 1563](#) (11th Cir. 1988) (“The decision whether to grant equitable relief, and, if granted, what form it shall take, lies in the discretion of the district court.”). “Crafting a preliminary injunction is an exercise of discretion and judgment, often dependent as much on the equities of a given case as the substance of the legal issues it presents.” *Trump v. Int’l Refugee Assistance Project*, [137 S. Ct. 2080, 2087](#) (2017) (per curiam); *Kansas v. Nebraska*, [574 U.S. 445, 456](#) (2015) (noting that a court of equity may “‘mold each decree to the necessities of the particular case’ and ‘accord full justice’ to all parties”). In formulating the appropriate remedy, “a court need not grant the total relief sought by the applicant but may mold its decree to meet the exigencies of the particular case.” *Int’l Refugee Assistance Project*, [137 S. Ct. at](#)

2087 (citation omitted). And the Supreme Court has repeatedly advised, “[w]hen federal law is at issue and ‘the public interest is involved,’ a federal court’s ‘equitable powers assume an even broader and more flexible character than when only a private controversy is at stake.’” *Kansas v. Nebraska*, 574 U.S. at 456 (citing *Porter v. Warner Holding Co.*, 328 U.S. 395, 398 (1946) and *Virginian R. Co. v. Railway Employees*, 300 U.S. 515, 552 (1937)).

B. Standard for Challenging Constitutionality of State Election Laws/Systems

When considering the constitutionality of an election law, the Court applies the framework established by the Supreme Court in *Anderson v. Celebrezze* and *Burdick v. Takushi*. Under this framework, referred to as the *Anderson-Burdick* test, when deciding whether a state election law violates the due process rights guaranteed by the Fourteenth Amendment, the Court must weigh the character and magnitude of the burden the State’s rule imposes on those rights against the interests the State contends justify that burden, and consider the extent to which the State’s concerns make the burden necessary. *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997); *Burdick v. Takushi*, 504 U.S. 428 (1992); *Anderson v. Celebrezze*, 460 U.S. 780 (1983). “[T]he level of the scrutiny to which election laws are subject varies with the burden they impose on constitutionally protected rights.” *Stein v. Alabama Sec’y of State*, 774 F.3d 689, 694 (11th Cir. 2014). A law that severely burdens the right to vote must be narrowly drawn to serve a compelling state interest. *Burdick*, 504 U.S. at 434; *Democratic Exec. Comm. of Florida v. Lee*, 915 F.3d 1312, 1318 (11th Cir. 2019). But “reasonable,

nondiscriminatory restrictions” that impose a minimal burden may be warranted by “the State’s important regulatory interests.” *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1352 (11th Cir. 2009) (citing *Anderson*, 460 U.S. at 788). “And even when a law imposes only a slight burden on the right to vote, relevant and legitimate interests of sufficient weight still must justify that burden.” *Lee*, 915 F.3d at 1318-19; *Billups*, 554 F.3d at 1352.

III. Discussion

The Coalition Plaintiffs move for a preliminary injunction order requiring State Defendants to provide each precinct polling location a paper backup of the pollbooks for voter check-in in the event of disruption of the electronic pollbook during in-person voting on election day. In its August 15, 2019 Order, this Court previously ordered the State Defendants, among other things, to: (1) develop and implement procedures to be undertaken by election officials to address errors and discrepancies in the voter registration database; and (2) require all County Election Offices to furnish each precinct location with at least one printout of the voter registration list for that precinct. The Court ordered this relief after Plaintiffs presented evidence that the Defendants’ administration of a vulnerable and compromised voter registration database and inaccurate voter registration express pollbook voting check-in had substantially burdened voters’ exercise of their right to cast votes. The Court further found that the State’s adoption of a new electronic pollbook for voter check-in for use with the State’s legacy voter registration

software and database would not by itself remedy these demonstrated problems or alleviate the imminent threat to voters' exercise of their right to vote.

In their current motion, the Coalition Plaintiffs request modification of this Court's August 15, 2019 Order. Specifically, the Motion requests that the Court order the Secretary of State to direct every county election superintendent:

(1) to provide at each polling place at least one paper back-up of the pollbook for use on Election Day, which paper back-up shall be updated after the close of absentee in-person voting (early voting);

(2) to use the paper back-up of the pollbook in the polling place to attempt to adjudicate voter eligibility and precinct assignment;

(3) to allow voters who are shown to be eligible electors on the paper pollbook backups to cast an emergency ballot that is not to be treated as a provisional ballot; and,

(4) to take every reasonable measure to ensure that county election officials and poll workers are trained as to how to generate and use paper pollbook backups and emergency ballots in conformity with this Order.

Coalition Plaintiffs do not, as Defendants suggest, seek to bar the use of electronic pollbooks. (*See Resp.*, [Doc. 815 at 18-19.](#)) They request the use of an updated paper pollbook backup at each precinct polling place, rather than the voter registration list, because the voter registration list provided as the backup at the precinct level under the existing practices is not updated to reflect all early or absentee mail ballot voting. As a result, the Coalition Plaintiffs assert that a voter

registration list does not serve as a backup to malfunctioning or non-operational electronic pollbooks (due to any of a host of reasons) for the purpose of issuing regular or emergency ballots on election day. And although the State Election Board adopted a regulation providing for a paper backup list in February 2020 in connection with an emergency voting regulation, the Coalition Plaintiffs assert that the regulations are incomplete, are not followed, and ultimately do not address the basic “debilitating impact of a repeated system failure to provide each precinct with an updated paper pollbook that can be used when the electronics malfunction.” (Coalition Pls.’ Br. Supp. Mot., [Doc. 800-1 at 3.](#))

State Defendants oppose Plaintiffs’ motion and assert that no injunctive relief is necessary because: (a) the Secretary already provides a paper backup of the electors list for use in each precinct which includes a voter’s precinct assignment;³ and (b) updated voter information is included in the electronic pollbooks after early voting.⁴ But this position does not address Plaintiffs’ concern and the evidence presented of widespread malfunctions and failures in operational use of the electronic pollbooks on election day. State Defendants further assert that “[e]ven if an updated electors list could be printed by precinct and delivered to the counties in three days between the end of early voting and election day, a paper printout of the updated electors list would not account for every voter’s status, as absentee ballots are continuously being returned” therefore “an updated

³ Resp. at 21-22, citing [O.C.G.A. § 21-2-224\(f\)](#).

⁴ Resp. at 21-22, citing [O.C.G.A. § 21-2-401\(b\)](#).

electors list could not adjudicate voter eligibility in all situations.” (Resp. at 24.) Finally, Defendants contend that requiring the Secretary to provide an updated and reconciled paper pollbook backup would be administratively burdensome and costly, and would require county election officials to train poll workers “on an entirely new protocol with only weeks to go before the election.” *Id.* Resp. at 24.

The Court discusses below first the background electoral system information that surrounds the issues in dispute here and then Plaintiffs evidentiary showing as to the basis for their claims for relief.

A. Georgia’s Election Requirements Relating to Electors List and Pollbooks and Emergency Procedures When Use of Electronic Voting Equipment is Impossible or Impractical

Georgia’s Election Code provides that “[e]ach elector who makes timely application for registration, is found eligible by the board of registrars and placed on the official list of electors, and is not subsequently found to be disqualified to vote *shall be entitled to vote* in any primary or election.” [O.C.G.A. § 21-2-224\(d\)](#) (emphasis added). Voters whose names are not found on the official electors list for a precinct are generally prohibited from voting under Georgia’s Election Code.⁵

⁵ The Georgia Election Code provides that individuals whose names do not appear on the list of registered electors should be allowed to cast provisional ballots and have their votes counted if they later prove their eligibility. [O.C.G.A. §§ 21-2-418, 419](#). This statutory provision was enacted to fulfill the state’s obligations under the Help America Vote Act (“HAVA”), [52 U.S.C. § 21083\(a\)\(1\)\(A\)](#). Consistent with HAVA, Georgia is required to implement a single centralized, computerized, statewide voter registration list containing the name and registration information of every legally registered voter in the State. [52 U.S.C. § 21083\(a\)\(1\)\(A\)](#). “ENET” is the statewide digital data record of voter registrations used in Georgia. This database system is also supposed to be regularly updated to reflect voting status for use in electronic pollbooks. Poll workers access the pollbooks to verify voters’ registration and voting status and to generate a voter access card that activates the specific electronic ballot linked to the voter’s residence address.

See [O.C.G.A. § 21-2-224\(g\)](#) (“No person whose name does not appear on the official list of electors shall vote or be allowed to vote at any election, except as otherwise provided in this article.”); [O.C.G.A. § 21-2-224\(h\)](#) (“All persons whose names appear on the list of electors placed in the possession of the managers in each precinct and *no others*, except as otherwise provided in this article, shall be allowed to deposit their ballots according to law at the precinct in which they are registered.”) (emphasis added). Under these provisions, inaccuracies in the official electors list may result in the denial of eligible and qualified voters’ rights to cast a ballot and have their vote counted.

“The official list of electors eligible to vote in any primary or election shall be prepared and completed at least five calendar days prior to the date of the primary or election in which the list is to be used.” [O.C.G.A. § 21-2-224\(f\)](#).⁶ The electors list “prepared and distributed to the poll officers of each precinct *shall include* only the elector’s name, address, ZIP Code, date of birth, voter identification number . . . congressional district, state Senate district, state House district, county commission district, if any, county or independent board of education district, if any, and municipal governing authority district designations, if any, and such other voting districts, if any.” [O.C.G.A. § 21-2-224\(g\)](#) (emphasis added). Under the statute, the official electors list “prepared and distributed to the poll officers of each precinct *may also include* codes designating that an elector

⁶ The Election Code also provides that an official list of inactive electors be prepared and distributed to the poll officers of each precinct. See [O.C.G.A. § 21-2-224\(g\)](#); [O.C.G.A. § 21-2-401\(b\)](#).

has voted by absentee ballot.” *Id.* (emphasis added). And O.C.G.A. § 21-2-401(b) requires that “[t]he registrars shall, prior to the hour appointed for opening the polls, place in the possession of the managers in each precinct one copy of the certified electors list for such precinct, such list to contain all the information required by law. The list *shall indicate* the name of *any elector who has been mailed or delivered an absentee ballot.*” (emphasis added).

The State Election Board’s regulation on the pollbooks and paper backup, adopted on February 12, 2020, provides:

Election superintendents shall cause each polling place to be equipped with an appropriate number of electronic poll books within the county during primaries, elections, and runoffs. Electronic poll books shall be the primary method for checking in voters and creating voter access cards, but the superintendent shall cause every polling place to be equipped with a paper backup list of every registered voter assigned to that polling place. The paper backup list shall be used in case the electronic poll books do not properly function. The superintendent shall cause poll workers to be adequately trained in checking in voters on both electronic poll books and paper backup list.

Ga. Comp. R. & Regs. 183-1-12-.19(1). The regulation requires that “[p]rior to delivery to a polling place, the election superintendent or registrars shall cause the electronic poll books to *accurately* mark all persons who have been issued or cast absentee ballots in the election.” Ga. Comp. R. & Regs. 183-1-12-.19(8) (emphasis added). And, “[f]or electors whose names are added to the voter registration rolls after the preparation of the electronic poll books, the registrars *shall provide a printed supplemental list* for use at the affected polling places.” Ga. Comp. R. & Regs. 183-1-12-.19(10) (emphasis added).

Georgia's Election Code also provides for the implementation of emergency procedures in the event of electronic equipment failure or malfunction or where the use of such equipment is not feasible under certain circumstances. Under O.C.G.A. 21-2-281, allowing for the use of paper ballots where the use of voting equipment is impossible or impracticable, the statute provides "[i]n any primary or election in which the use of voting equipment is impossible or impracticable, for the reasons set out in Code Section 21-2-334, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-334."

O.C.G.A. § 21-2-334 in turn provides:

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of voting machines wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots. In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used.

To facilitate the purpose of these statutory provisions, the State Election Board adopted the following regulation outlining procedures for election superintendents to implement in the event of an emergency requiring the use of paper ballots:

If an emergency situation makes utilizing the electronic ballot markers impossible or impracticable, as determined by the election

superintendent, the poll officer shall issue the voter an emergency paper ballot that is to be filled out with a pen after verifying the identity of the voter and that the person is a registered voter of the precinct. Emergency paper ballots shall not be treated as provisional ballots, but instead shall be placed into the scanner in the same manner that printed ballots in the polling place are scanned. The election superintendent shall cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. For any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters to a polling place. The poll manager shall store all emergency ballots in a secure manner and ensure that all used and unused emergency ballots are accounted for. All unused emergency ballots shall be placed into a secure envelope and sealed such that the envelope cannot be opened without breaking such seal.

If an emergency situation exists that makes voting on the electronic ballot markers impossible or impracticable, the poll manager shall alert the election superintendent as soon as possible. The existence of an emergency situation shall be in the discretion of the election supervisor. However, if a poll manager is unable to contact the election superintendent after diligent effort, the poll manager shall have the ability to declare that an emergency situation exists at the polling place. The poll manager shall continue diligent efforts to contact the election superintendent, and shall inform the superintendent as soon as possible of the situation at the polling place. The election superintendent, in his or her discretion, shall either overrule or concur with the declaration of emergency circumstances. While the determination of an emergency situation is in the discretion of the election superintendent, the types of events that may be considered emergencies are power outages, malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use, or waiting times longer than 30 minutes.

Ga. R. & R. 183-1-12.11(2)(c)&(d). The Secretary of State's Office sent out the following guidance to election superintendents explaining the emergency procedures:



USING EMERGENCY PAPER BALLOTS

If an emergency situation makes utilizing the electronic ballot markers impossible, impracticable, or if emergency ballots are otherwise needed as determined by the election superintendent, the poll officer shall issue the voter an emergency paper ballot that is to be filled out with a pen after verifying the identity of the voter and that the person is a registered voter of the precinct. While the determination of an emergency situation is in the discretion of the election superintendent, the types of events that may be considered emergencies are power outages, malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use, or waiting times longer than 30 minutes. (SEB Rule 183-1-12-.11 (2) (c) & (d))

Items Needed:

- Emergency Ballots
 - The election superintendent shall cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. For any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters assigned to a polling place. (SEB Rule 183-1-12-.11 (2)(c))
 - Emergency Ballots must be secured prior to use.
- Pens
 - Dominion Voting Approved Pens
 - Sharpie Fine Point Black (part #: 30001 SKU: 071641300019).
 - Paper Mate Flair M Medium Point Black, (part #: 8430152, SKU: 041540843016).

Voting Procedures:

- The poll officer shall verify the identity of the voter and that the person is a registered voter of the precinct.
- On the Poll pad, the poll officer will select "Emergency Ballot" instead of "Touchscreen," and hit "submit" in order to finalize check-in of the voter. No voter access card is needed or created.
- The poll officer shall provide an emergency ballot to the voter that is to be filled out with a pen.
- The voter shall mark their ballot with a pen in an area that provides voter privacy.
- The voter shall scan their ballot in the scanner connected to the ballot box.
- Emergency ballots shall not be treated as provisional ballots, but instead shall be placed into the scanner in the same manner that printed ballots in the polling place are scanned.
- All unused emergency ballots shall be placed into a secure envelope and sealed such that the envelope cannot be opened without breaking such seal.

PLAINTIFF EXHIBIT

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1:17-cv-02989

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B. Testimony of Secretary of State’s Director of Elections

In response to the Coalition Plaintiffs’ Motion, the State Defendants rely on the declaration testimony of the Secretary of State’s Director of Elections, Chris Harvey, who has “more than a decade [of] acquired firsthand knowledge of Georgia’s election processes at both the state and county level.” (Harvey Decl., Doc. 815-1 ¶ 2.) As mandated by Georgia law, the Secretary of State’s Office provides each county with a paper copy of the official electors list by precinct, which includes the name, address, and district combination information for each voter assigned to a precinct. (*Id.* ¶ 3.) According to Harvey, “[i]f the electors list is pulled after a voter has requested a mail-in absentee ballot or the voter has voted absentee, either by mail or in-person early voting, the electors list will include a notation indicating that the voter has voted absentee or requested a mail-in absentee ballot.” (*Id.*)

The Secretary of State’s Office contracts with an outside vendor to print the paper copy of the electors list. (*Id.* ¶ 4.) There is no established date for when the electors list is printed for each election. Rather, “[t]he electors lists are ordered by the liaison for their county, usually starting the Friday after the voter registration deadline, and each list is ordered individually.” (*Id.*) According to Harvey, “[l]arger counties are usually printed last – sometimes not until the week before the election to give the counties as much time as possible to enter any remaining eligible voter registrations.” (*Id.*) In addition, the Friday prior to the date of the election, the Secretary of State’s Office “generates” a “supplemental list” that

contains the information for “voters added to ENET between the time when the electors list is initially pulled for an election and the date the supplemental list is pulled.” (*Id.* ¶ 5.) The “supplemental list is generated in ENET and the counties are able to print those lists and distribute them to the polling places.” (*Id.*)

Prior to the opening of the polls on election day, county registrars are required to provide poll managers in each precinct with a copy of the electors list – which is in practice the electronic pollbooks. (*Id.* ¶¶ 8-9.) The list in the electronic pollbook is “updated after the close of early voting with current voter information, including whether voters have outstanding mail-in absentee ballots and whether those ballots have been returned or the voter voted in person during early voting.”⁷ (*Id.* ¶ 9.) According to Harvey, “[i]f a voter is not located in the electronic pollbook or an electronic pollbook is malfunctioning for any reason, the paper copy of the official electors list can be used to determine whether a voter is assigned to the precinct and polling location.” (*Id.* ¶ 7.)

ENET includes information about absentee voting, including whether a voter has requested a mail-in absentee ballot but not returned it, whether a voter has returned a mail-in absentee ballot, whether the mail-in absentee ballot was accepted or rejected, and whether a voter voted in-person during early voting. (*Id.* ¶ 12.) Harvey states that, “[w]hen a voter requests an absentee ballot but then appears at the polls on Election Day without their ballot in hand, the poll official

⁷ Voters who vote in person at the polls during the early voting period use the electronic voting system in Georgia but are still designated as having cast an absentee ballot.

should check with the registrar to ensure that no absentee ballot has been accepted for that voter prior to having the voter execute a cancellation affidavit and then vote using the BMD.” (*Id.* ¶ 13.) According to Harvey, “[t]hat process applies whether the voter is checked in using the PollPad⁸ or a paper list.”⁹ (*Id.*) However, he also attests that “[e]lectronic pollbooks allow counties to receive updated information from the electors list after the close of early voting during the three days prior to Election Day.” (*Id.* ¶ 16.)

At the public hearing before this Court on September 11, 2020, Mr. Harvey clarified that the supplemental list printed the weekend before the election will only include newly registered voters added to ENET after the official electors list is loaded into the PollPads. (Tr. Vol. II, [Doc. 905 at 218-19.](#)) The supplemental list does not include information as to whether individuals have cast a ballot during early/absentee voting prior to election day. (*Id.*) Mr. Harvey also testified that the Secretary of State does not provide a new updated paper backup of the electors list prior to a runoff election to Counties for distribution to the precinct polling locations. (*Id.* at 219-20.)

⁸ The PollPad is the device containing the electronic pollbook. The Secretary of State’s purchase of the current KnowInk PollPads is covered under the terms of its BMD voting system contract with Dominion. Dominion provides technical assistance in connection with the PollPads’ use. However, the PollPads still operate off of the ENET database system now managed by the Secretary of State’s office.

⁹ He further states that “a paper printout of the electors list after the close of early voting would not capture voters who return absentee ballots after the updated electors list is printed and would not eliminate the need for the poll official to check with the registrar prior to allowing the voter to proceed with the voting process.” (*Id.* ¶ 15.)

The State Defendants object to Plaintiffs’ request for a “paper pollbook backup that reconciles early and absentee voting prior to election day” in their brief in opposition to the motion as being logistically impossible for the Secretary of State’s Office to prepare in the few days before the election. (Resp., [Doc. 815 at 5.](#)) However, Mr. Harvey testified at the injunction hearing that if the data could be generated and provided digitally to the counties so the election superintendents themselves could print the paper backup copy of the updated report, he would have no objection to making that available to the counties. (*Id.* at 221-22.) And State Defendants confirmed in a filing subsequent to the hearing that the information is available in ENET and in a separate Absentee Voter Report, which allows poll officials to check whether an absentee ballot has been requested and accepted, assuming the absentee voting data has been timely entered into ENET by county election officials. (*See* State Defs.’ Resp. to Court, [Doc. 895.](#))

C. Plaintiffs’ Evidence Regarding Problems with State’s New Voting System, Systemic Malfunctions of Electronic PollPads, and Lack of Coordinated Training on New Equipment and SEB Emergency Procedures

State Defendants argue that Plaintiffs have failed to demonstrate that required usage of the KnowInk PollPads alone violates the fundamental right to vote because the evidence submitted does not identify systemic issues or demonstrate unconstitutional burdens on voting. Defendants argue that Plaintiffs have “identified a variety of disconnected issues related to the KnowInk PollPads, namely technical issues and training of poll workers, but they have not provided evidence of systemic problems with the electronic pollbooks resulting in

disenfranchisement of voters.” But this argument is completely divorced from the compelling evidence presented in this case in connection with each of the motions for relief.

In prior orders, this Court outlined in extensive detail critical deficiencies and vulnerabilities that impacted the reliability and integrity of the State’s election technology infrastructure and the actual breach of the Center for Election Systems (“CES”) servers, computer networks and data, and the State’s electronic voter registration system and database. (See September 17, 2018 Order, [Doc. 309 at 4-12, 34-38](#); August 15, 2019 Order, [Doc. 579 at 21-90](#).)

These concerns were at the center of the Court’s consideration in ordering relief in August 2019 and remain a focus of this case even as the State implements the BMDs in connection with multiple other components and the State’s main election system server, including the voter registration database, that carry over into the new election system.¹⁰ (See July 30, 2020 Order, [Doc. 751 at 20-21](#).) As this Court noted in its August 15, 2019 Order:

¹⁰ As detailed in the August 15, 2019 Order, [Doc. 579 at 39-41](#), the National Academies of Sciences Report issued in September 2018, concerning the integrity of voting systems and the risks associated with digital technology, determined:

[A]ll digital information – such as ballot definitions, voter choice records, vote tallies, or voter registration lists – is subject to malicious alteration; there is no technical mechanism currently available that can ensure that a computer application – such as one used to record or count votes – will produce accurate results; testing alone cannot ensure that systems have not been compromised; and any computer system used for elections – such as a voting machine or e-pollbook – can be rendered inoperable.

National Academies of Sciences, Engineering, and Medicine, et al. Securing the Vote: Protecting American Democracy 42, 80 (National Academies Press, 2018) (“National Academies Report” or “NAS Report”). The NAS report also noted several cybersecurity risks regarding electronic pollbooks and voter registration databases. It detailed concerns about “unauthorized access to or

The voter registration database, containing millions of Georgia voters' personal identifying information, plays a vital role in the proper functioning of the voting system. Yet it has been open to access, alteration, and likely some degree of virus and malware infection for years, whether in connection with: CES/KSU's handling of the system and data and failure to address these circumstances upon transfer of CES's functions back to the SOS; failure to remediate the database, software and data system flaws and deficiencies; or exposure of the widespread access to passwords to the voter registration data system throughout the SOS, CES/KSU, the 159 counties, or the public via the virtual open portal maintained at CES/KSU. Most significantly, the programming and use of ballots in both the DRE and future Dominion BMD system is tied to the accuracy of voter precinct and address information. Inaccuracy in this voter information thus triggers obstacles in the voting process. New Dominion express poll machines bought as part of the new contract with Dominion cannot alone cleanse the voter database to be transferred and relied upon.

(August 15, 2019 Order, [Doc. 579 at 88-89.](#))

manipulation of the registrant list” because voter registration databases are “often connected, directly or indirectly, to the Internet or state computer networks.” ([Doc. 285-1](#), Ex. 1 at 57.) As an example of the vulnerability of electronic voter databases, the report listed the server error that left 6.5 million voter records in Georgia exposed for six months in 2016-17. (*Id.* at 58.) The NAS report listed a number of ways in which cyberattacks on electronic voter registration data or e-pollbooks could disrupt elections: 1) by altering voter registration databases used to generate pollbooks; 2) by altering the record of which eligible voters have actually voted; and 3) by a “denial-of-service” attack, which would shut down voting altogether. (*Id.* at 72.) Thus, the NAS report recommends that “[j]urisdictions that use electronic pollbooks should have backup plans in place to provide access to current voter registration lists in the event of any disruption.” (*Id.*)

After holding hearings, reviewing intelligence, and hearing testimony from state election officials and U.S. Government authorities responsible for election security, the U.S. Senate Select Committee on Intelligence also concluded that voter registration databases and electronic pollbooks, which can be accessed over the internet, are vulnerable components of the U.S. Election infrastructure. (SSCI Report at 57.) The July 2019 SSCI report noted that Russian government cyber actors engaged in operations to scan the election-related state infrastructure of all fifty states and conducted research on “general election-related web pages, voter ID information, election system software, and election service companies” and that Russian operatives were able to penetrate the voter registration databases and access voter registration data from Illinois and at least one other state. (*Id.* at 8, 22.)

Counties in Georgia were targeted as well. In July 2018, Special Counsel Robert Mueller released an indictment that alleges that a Russian operative “visited the websites of certain counties in Georgia, Florida, and Iowa” on or about October 28, 2016. ([Doc. 471-7 at 3.](#)) As a result, the SSCI report recommends that state officials “[u]pdate software in voter registration systems” and “[c]reate backups, including paper copies of state voter registration databases.” (SSCI Report at 57.)

The voter registration database, ENET, which is used by county registrars to maintain and update voter registration records and determine ballot precinct information was not replaced with the adoption of the new Dominion BMD election system. As described by Mr. Harvey, voter information from the existing ENET system is loaded into the new electronic pollbooks for each election. (Harvey Decl., [Doc. 815-1 ¶ 12.](#))¹¹ Other than a switch to the new KnowInk PollPad electronic pollbooks, Defendants have offered nothing to indicate concretely any action taken in response to issues experienced by voters in November 2018 and more recent elections to ensure that the information from ENET and the operation of the electronic pollbooks is reliable, accurate, and updated.

Plaintiffs submitted a volume of evidence of the impact of these issues on voters' ability to cast votes, as detailed in the Court's August 2019 Order, and more recently in the BMD pilot elections and the 2020 primary elections. In connection

¹¹ Defendants contend, and offer the declaration of Dr. Eric Coomer of Dominion, that information from ENET is not electronically transmitted, and therefore cannot corrupt the new pollbook system, because only a flat text file from ENET (that will be run through a security scan) will be loaded into the pollpads for use during elections. This contention appears to be in conflict with other evidence regarding the operation of the KnowInk pollbooks via WiFi and Harvey's statement in his declaration that "[e]lectronic pollbooks allow counties to receive updated information from the electors list after the close of early voting during the three days prior to Election Day," and the information in Dominion's public contract documents about the capacity of the KnowInk pollbooks to receive up to the minute voter information on election day. As a prime example, the Secretary of State's summary report of the November 5, 2019 pilot elections reports that "Some Poll Pads were not able to produce Voter Cards to activate the BMDs . . . The issue was discovered upon the opening of the polls and was reported from Bartow, Carroll, Cobb, and Paulding by approximately 7:20 am . . . By 7:40 am the SOS office directed that KnowInk and Dominion do a universal fix by loading the dataset through a WiFi connection. That was executed and the Poll Pads then began to function properly by approximately 8:20 am." ([Doc. 675-1 at 4.](#)) Plaintiffs have offered testimony of cybersecurity experts to rebut the State's assertion that the other two voter registration systems, the My Voter Page (MVP) and the Online Voter Registration system, do not interface with ENET.

with their prior motions, Plaintiffs presented evidence that the State’s technology failures (whether caused by malicious interference, out of date software, or human error by county registrars in failing to update voter registration information) have resulted in voting disruption.¹² For example, numerous declarations from voters highlighted instances where a voter’s registration status on MVP, the “outward-facing system used to provide information to voters” did not match the voter registration status in the electronic pollbooks used to check in voters at the voting polls. (See [Doc. 579 at 98-111.](#)) And as recounted in the August 15, 2019 Order, forty-six individual voters described issues with the electronic pollbook, including voters not being listed as registered, wrong addresses listed for the voters, incorrect polling places, and listing voters as having already voted. (*Id.*) Many of the voters were offered a provisional ballot, but several voters were not. Instead, a large number of voters were told that they had to go to a different precinct to vote. Some of these voters would not have had enough time to travel to the precinct shown on the voter rolls in time to cast a ballot before the polls closed. (*Id.* at 99.) Six of

¹² The Court also takes judicial notice of the evidence and the Court’s findings in *Common Cause Georgia v. Kemp*, [347 F.Supp.3d 1270](#) (N.D. Ga. 2018). This evidence included sworn declarations of voters (and poll watchers) who faced hurdles in their registration status and even in obtaining the opportunity to cast provisional ballots at the polls after they were affirmatively told they were not on the registration rolls, despite having voted from the same home in the recent past or affirmatively representing they had timely registered and were regular voters. The Court found that “[r]epeated inaccuracies were identified in the voter registration system that caused qualified voters likely to lose their vote or to be channeled at best into the provisional voting process because their registration records did not appear or had been purged from the data system. For example, there was evidence from voters that they were registered but were told they were not in the registration system; there was evidence that voters were sometimes refused provisional ballots or if provided provisional ballots, sometimes had to return to the polls to insist on this. Similarly, there was evidence from Common Cause poll monitors and hotline workers to the same effect.” *Id.* at 1293–94.

these voters were shown in the registration system as having already voted when they showed up at the polls to cast their ballots. (*Id.* at 99-101.) Several voters described their being informed at the polls that their addresses did not match the information in the pollbooks, while their family members who resided at the same address were found in the pollbooks and allowed to cast a regular ballot. (*Id.* at 102-04, 106.)

The evidence supporting Plaintiffs' most recent motions suggests such failures have potentially been left unremediated, are accompanied by other glitches associated with the implementation of the new electronic pollbook system, or both. Each of the named individual Plaintiffs submitted declarations in connection with the Curling Plaintiffs' current motion and the Coalition Plaintiffs' earlier preliminary injunction motion challenging the State's new voting system, attesting to the impacts on their First and Fourteenth Amendment rights.¹³ (*See* Decl. of Donna A. Curling, [Doc. 785-3](#); Decl. of Donna Price, [Doc. 785-4](#); Decl. of Jeffrey H. Schoenberg, [Doc. 785-5](#); Exs. D-G to Coalition Pls.' October 23, 2019 Mot., [Doc. 640-1](#).)

Coalition member Plaintiff Megan Missett, a Fulton county voter and member of the Coalition, prefers to vote on election day at her neighborhood precinct and participate in the community exercise of voting because she values

¹³ Marilyn Marks, the Executive Director of Plaintiff Coalition for Governance, also submitted a declaration verifying the allegations in the Coalition Plaintiffs' Third Am. Complaint, [Doc. 226](#), and First Supplemental Complaint, [Doc. 628](#), regarding the burden on the Coalition's organizational and associational interests as a result of the State's actions. (*See* Decl. of Marilyn Marks, Ex. C to Coalition Pls.' October 23, 2019 Mot., [Doc. 640-1](#).)

the shared civic experience of voting at the polls. (Decl. of Megan Missett, [Doc. 640-1 at 149-154.](#)) Missett attests that this choice is burdened by obstacles to voting created by erroneous pollbooks and Georgia's electronic voting machines. Aware of systemic problems with electronic pollbooks resulting in eligible voters being turned away from their correct polling place, sent to the wrong polling places, denied access to voting, or being forced to vote provisionally, Missett attended meetings with Georgia election officials regarding data migration to the new electronic pollbook system. Following the meeting, Missett remained deeply concerned about the State's lack of planning required to fix systemic problems in voter's ability to access the polls. As a result, she attests that she is required to choose between the risks associated with in-person voting and the burdens and risks associated with absentee mail voting. Missett is actively engaged in efforts to further the Coalition's mission and in 2019, devoted 950 hours to voting rights, voter registration and candidates' campaign activities. In her ongoing conversations with potential voters, many who are aware of criticisms of the BMD system and the unresolved problems of the electronic pollbooks, voters have expressed to her that they question whether it is worth voting because of the high number of mail ballot rejections. Missett is also concerned about recommending mail ballots with the rules Georgia uses to issue and accept mail ballots.

In their declarations, Plaintiffs William Digges III and Laura Digges state they both plan to vote by absentee mail ballot even though their preference is to vote on election day at their local precinct and participate in the community

experience with the benefit of the latest information on matters on the ballot. (Decl. of William Digges, III, [Doc. 640-1 at 167-170](#); Decl. of Laura Digges, [Doc. 640-1 at 162-65](#).) This is due, in part, to their knowledge of the systemic problems with electronic pollbooks that caused people to be sent to wrong polling place, or be denied a ballot, or be forced to vote provisionally. To ensure they can verify their votes before casting their ballots, and to avoid the risk of being turned away from their polling station due to electronic pollbook malfunctions, William and Laura Digges attest that they are being forced to make the unfortunate choice to vote in advance by mail, giving up the benefits of voting in person at the polling place with friends and neighbors. According to the Digges, the additional requirements associated with casting an absentee ballot and the possibility of a delivery failure or a signature mismatch determination by elections officials operate as a significant disadvantage – in order to cast a paper ballot that can be recounted and audited.

Plaintiff Ricardo Davis similarly plans to vote by absentee mail ballot in part because of documented problems with electronic pollbooks. (Decl. of Ricardo Davis, [Doc. 640-1 at 156-160](#).) As Chairman of the Constitution Party of Georgia, Davis would prefer to vote in person in order to be visible to his party's candidates and members voting on election day, but believes the electronic systems create too much risk of his vote being inaccurately recorded. Davis is also concerned about the reliability of Georgia's optical scan machines to accurately count paper absentee ballots without proper audits to confirm accuracy of reported outcomes.

In their current motions, the Coalition Plaintiffs provided substantive evidence demonstrating a system wide problem of malfunctioning electronic PollPads beginning with the November 2019 pilot elections, again in the June 2020 primary election, and most recently in the August 2020 runoff elections that resulted in voter disenfranchisement and that is likely to continue in the upcoming Federal Congressional and Presidential elections. They also have previously shown in connection with their 2018 and 2019 preliminary injunction motions the lack of security and vulnerability of the State's election server then in use and a pervasive pattern of voter registration data errors in the ENET database. (See September 17, 2018 Order, [Doc. 309](#); August 15, 2019 Order, [Doc. 579](#).)

BMD Pilot Elections

The Secretary of State's Executive Summary of the November 2019 pilot elections in six Georgia counties using the new voting system disclosed numerous issues with the PollPads and a resulting failure to timely open the polls.¹⁴ ([Doc. 675-1](#)) (explaining that five of six pilot counties had an issue upon opening of polls with some PollPads). Some of the failures specifically identified in the 2019 pilots persisted at polling locations in the June 9, 2020 primary election. (Compare [Doc. 675-1](#) with [Doc. 755](#).)

In connection with the 2019 pilot elections using the BMD system and associated pollbooks, poll managers received notice during early voting and on

¹⁴ A seventh county, Cobb, conducted a pilot election using hand-marked paper ballots, along with the new electronic PollPads, precinct scanners, and election management system. ([Doc. 675-1](#) at 3.)

election day that there was a “state-wide problem” with the e-pollbooks necessitating a change in procedures to require voters to complete a paper application/oath before being checked in at the PollPad station. (Suppl. Decl. of Rhonda Martin, [Doc. 680-1 at 74-76](#); Decl. of Aileen Nakamura, [Doc. 680-1 at 134](#); Decl. of Elizabeth Throop, [Doc. 755 at 103](#).)¹⁵ Poll workers experienced problems with the operation of the PollPads during the pilot elections because they had not been informed they needed WiFi in order for the PollPads to work. (Nakamura Decl., [Doc. 680-1 at 134](#); Throop Decl., [Doc. 755 at 103-04](#).) While the PollPads were inoperable at the White Oak Park precinct in Paulding County, voters were advised by the poll manager they could use provisional ballots and would have to cure them later, but they declined and indicated they would come back later. According to Nakamura, “[t]here was apparently no paper pollbook back up or appropriate voter registration record to work around this malfunction.” (*Id.* at 133.) When Elizabeth Throop arrived at the Lakeshore Recreation Center voting precinct in Carroll County¹⁶ at 7:45 a.m. on November 5, 2019, the PollPads were not working and neither the poll manager nor the Dominion representative could fix the problem. (Throop Decl., [Doc. 755 at 104](#).) Voters waited while the poll supervisor used his access card and passwords to permit voting on the BMDs. A later report from the Secretary of State indicated that the PollPads had been mis-

¹⁵ Rhonda Martin, Aileen Nakamura, and Elizabeth Throop are registered Georgia voters and members of the Coalition for Good Governance. They served as poll watchers and public observers during the elections.

¹⁶ Carroll County was a pilot county for use of the BMD in the November 2019 elections.

programmed, a fix had been executed via WiFi, and that PollPads were functioning properly by 8:20 a.m. However, according to Throop, based on her personal observations, PollPads at the Lakeshore precinct were not functioning properly until after 10:00 a.m. with a temporary fix. The Secretary of State's report on the pilot elections did not identify any problems at the Lakeshore Recreation Center precinct on November 5, 2019. During a special election held on January 28, 2020 in Mitchell County, the PollPad would not allow a voter to check in because the system indicated that she had previously voted. (Throop Decl., [Doc. 755 at 104-05.](#)) The poll manager called the county election office, was informed the woman had not already voted, and gave her a voter access card.

Several poll workers complained of a lack of training on the new voting machines and PollPads. One poll worker at a polling location in Hiram, Paulding County indicated they had only received the equipment one week prior to the election and had been scrambling. Nakamura observed poll managers and workers in Paulding and Bartow counties still receiving training on how to operate the PollPad on election day. (*Id.* at 140-141.)

At the November 21, 2019 meeting of the Morgan County Board of Election, the elections director Jennifer Doran reported on the pilot elections and pointed out her concerns about problems with the operation of the new equipment, including ballot marking devices rebooting on their own after they were already in service for voting, ballots jamming in scanners, and PollPads failing to encode

voter access cards for the BMDs. (Suppl. Decl. of Jeanne Dufort, [Doc. 680-1 at 175](#); Ex. 1 to Dufort Decl., [Doc. 680-1 at 181-85](#).)

Floyd Rose, a registered voter in Lowndes County offered a declaration recounting his experience attempting to vote in the December 2019 runoff election on the State's new equipment. (Decl. of Floyd E. Rose, [Doc. 680-1 at 191-93](#).) After Mr. Rose and his wife, Estella, moved from one address in Valdosta to another, they updated their address in the voter registration system and on their driver's licenses in July 2018. Mr. Rose voted in person at the Lowndes County Board of Elections early voting location in the November 2018 general election and the November 2019 municipal election. On each of these occasions, Mr. Rose presented his driver's license upon checking in at the polls and was allowed to vote with no problem. Mr. Rose attempted to vote at the Lowndes County Board of Elections early voting location in the December 3, 2019 runoff election but was told that the pollbook records did not match his current address on his driver's license. He was given a provisional ballot, but it was rejected although he is an eligible elector in the city of Valdosta. His wife, Estella Rose, who resides at the same address was permitted to cast a regular ballot in both the November 2019 election and the December 2019 runoff with no problem. The poll workers did not refer to a paper pollbook to determine whether Mr. Rose was eligible to vote. Mr. Rose attended the December 3, 2019 provisional vote count at the Lowndes County Board of Elections to question why his provisional ballot was rejected but was given

no satisfactory answers. Mr. Rose was upset about being disenfranchised by what appears to be errors in the electronic pollbooks.

June 9, 2020 Primary Election

As reflected in an informal transcript of the Cobb County Election Board Meeting held on June 19, 2020 after the primary election, Cobb County experienced significant difficulties and delays in the June primary as a result of malfunctions and failures of the electronic PollPads and a lack of training on how to deal with such disruptions in the voting process. (Ex. D to Marks Decl., Doc. 755 at 37-40.) According to Janine Eveler, Director of Elections for Cobb County, the County received complaints from voters on the last Friday of advanced voting with lines up to 6 hours long because the system went down for regular maintenance in the middle of voting. Voters reported receiving the wrong ballot because the County did not have an accurate list of whether the individual had voted in the March election. Eveler reported to the Board that during the June 9, 2020 primary, many polls in Cobb County reported that their PollPads were not syncing, they could not encode voter cards, or they could not log in. The County was given no instructions on how to resolve these syncing issues. According to Eveler, the State provided no troubleshooting guides. Cobb County did not have the resources to deliver required WiFi devices to resolve these problems at multiple polling sites or to staff the multiple phone calls from poll workers. Eveler explained that the new system is a “complicated multi-component” system, “each with a possibility of failure.” (Doc. 755 at 38-40.) For example, “[t]he PollPad has a very

small connection point for the encoder that failed in many polls and cards were not able to be properly encoded.” (*Id.* at 40.)

Cobb County experienced significant issues with a lack of poll worker training in advance of the June primary due to the pandemic, employees working from home, and the resignation of their training supervisor. (Ex. D to Marks Decl., Doc. 755 at 37-38.) Eveler, Cobb County's Director of Elections, stated to the Board that although the State supplied some videos and setup instructions, there was no coordinated poll worker training provided by the State. When most of the training was initiated in February and March before postponement of the primary election, the State's forms and instructions for training were still under development. As a result, the Cobb County elections division developed its own online training, but did not dedicate enough time to training poll workers on emergency procedures. Poll managers at various precinct locations reacted with different procedures when they were faced with emergencies.

Laurel Dowswell served as a poll worker at the Smyrna 7A precinct at Life Church Smyrna Assembly of God polling location on June 9, 2020. (Decl. of Laurel Dowswell, Doc. 809-11.) She was stationed at the PollPads for almost the entire day. Though she attests the PollPads worked effectively for the most part, they would not sync with each other for most of the day to provide updates to the pollbook data. Her precinct did not have on hand a paper pollbook backup for voter look-up if the PollPads had errors or malfunctions. According to Dowswell, her precinct had to issue a lot of provisional ballots due to voters not receiving their

absentee ballot, voters receiving absentee ballots and deciding to vote in person, or voters appearing in the pollbook as being in the wrong polling place. Dowswell's polling location also experienced several BMDs becoming inoperable and having to be reset multiple times and voters having to scan their ballots multiple times before they were accepted. She reports that the wait time for the constant flow of voters ranged from 2 hours in the morning, to 1 hour around 1:00 pm, and around 5:00 pm the wait increased to 1 and 1/2 hours. Despite the equipment malfunctions and wait times, Dowswell does not believe any emergency paper ballots were used.

Marilyn Marks served as an authorized poll watcher for polling locations in Fulton and DeKalb counties in the June 9, 2020 primary election. (Marks Decl., [Doc. 755 at 5-16.](#)) At the Central Park Recreation polling center, the wait time to vote at 10:00 a.m. was estimated at 4 hours. Voting was almost at a complete standstill due to inoperable electronic pollbooks. Marks observed no poll workers using the precinct's paper list of registered voters to check in voters. Poll workers resorted to issuing provisional ballots with only a single provisional voting station.¹⁷ During this time, some BMDs sat unoccupied while the line to vote was hours long.

¹⁷ As noted earlier, provisional ballot votes are not automatically counted and credited. Instead, the County Board of Registrars must review all provisional ballots no later than the day after the primary or election in which such provisional ballot was cast and determine if the ballot may be cast and affirmatively counted based on the registration and voting status (including precinct) of the individual voter. Voters are given a three-day window of time to cure any deficiency identified that would preclude the voter's ballot from being counted. [O.C.G.A. §§ 21-2-418, 419.](#)

Joy Wasson observed the same conditions at the South Hairston precinct in DeKalb County where two PollPads were down and no one had voted after waiting for an hour after polls should have opened. (Wasson Decl., [Doc. 755 at 74.](#)) The Chair of the DeKalb Board of Registration and Elections issued a statement indicating technical issues with the new state-issued voting machines. (Ex. C to Wasson Decl.)

Elizabeth Throop observed the June 9, 2020 primary election at the Miller Grove voting precinct in DeKalb County from 7:30 a.m. to 1:30 p.m. ([Doc. 755 at 101.](#)) During the 6 hours she was present, the two PollPads used for voter check-in created a bottleneck resulting in voters waiting a minimum of 90 minutes to vote. Despite the lines, Throop never saw more than half of the 12 BMD touchscreen voting machines in use at any one time. The PollPads would not scan the voter's driver's license and poll workers were having to enter the driver's license data by hand into the PollPad, and asking voters to review the information line by line to verify it had been entered correctly. At times, poll workers were looking up names on a paper list.

Samantha Whitley observed multiple polling locations in Fulton, DeKalb, Gwinnett, and Athens-Clarke counties on June 9, 2020.¹⁸ (Decl. of Samantha Whitley, [Doc. 755 at 124-28.](#)) At 8:15 a.m. at the Dunwoody Library, voters had been waiting over an hour and very few people had voted. It appeared that no BMD

¹⁸ Whitley is an analyst for the Coalition for Good Governance and authorized poll watcher for the Constitution Party.

was in use, voters were not being checked in because the PollPad equipment was down, there was no back up pollbook available, and poll workers were not issuing emergency paper ballots. At 9:15 a.m. at the Gwinnett County Water Department, the line was over 2 hours long. The polling location had not received the voting machines until 8:30 a.m. that morning and no electronic voting equipment had been set up for use by voters. Poll workers began issuing provisional ballots at 7:51 a.m. and did not appear to be properly trained on the emergency or provisional ballot procedures. The first voters were checked in using the PollPads at 10:10 a.m. and voting began on the BMDs at 10:15 a.m. Poll workers appeared to be unfamiliar with the equipment and only the poll manager and a state representative were able to assist voters with equipment or scanner problems. At 10:45 a.m. the line to vote was 2 hours long.

At 3:55 p.m. Whitley arrived at JCo7 in Fulton County where the line was approximately an hour long. (*Id.* at 126-27.) The poll manager explained that voters had to vote provisionally until 10:30 a.m. because the BMDs were not operational. Neither a paper pollbook nor emergency ballots were used to decrease voter wait times. When Whitley arrived at the Cross Keys School polling location in DeKalb County at 5:00 p.m., 200 people were waiting in line to vote. A poll worker explained that BMDs were not operational until 11:00 a.m. There were six BMDs and two electronic PollPads in the polling location. The PollPads were causing the longest delay and poll workers did not attempt to use a paper backup to check in voters or issue emergency ballots.

Cobb County voter Angela Stone arrived at her polling location at Sope Creek Elementary at 6:50 a.m. on June 9, 2020. (Decl. of Angela Stone, [Doc. 755 at 145-148](#).) At 7:30 a.m. it was reported that the system was down and no one had voted. A few people left the line. Ms. Stone called the Secretary of State's Office, the Cobb County election liaison, and the Cobb County elections office to inquire about the availability of emergency or provisional ballots. Inside the building, Stone saw that there were four PollPads set up but only one was in use. She also saw only two out of six BMDs in use and voters were being escorted by poll workers to each voting station. At the check-in desk, Stone learned that the PollPads would not validate the voter access cards for use in the BMDs. Around 8:45 a.m., Stone observed a poll worker proclaim that the paper backup list of voters had been found. After flipping through the first few pages, the poll workers indicated the manual process would take too long and decided to continue voter check-in on a single operational PollPad. Stone also overheard a poll worker describing the problems they had encountered over the phone and determined that the PollPads had been not been plugged in correctly. The problem was resolved and the poll workers began issuing the voter access cards.

Cobb County voter Lynn Palazzo described the June 9, 2020 primary as the worst voting experience she has encountered. (Decl. of Lynn Palazzo, [Doc. 755 at 150-55](#).) She arrived at her polling place at 6:45 a.m. and voted two hours later at 8:45 a.m. Palazzo had intended to vote absentee by mail for the June 9th election; however, the ballot she received was dated May 19, 2020. Because there were no

instructions indicating that the ballot dated May 19 could be used for the June primary, she discarded it. When Palazzo arrived at her polling place at 6:45 a.m., there were ten to twelve people in line ahead of her. Ten minutes after the polls opened, voters were informed by a poll official that the PollPads were down and they should consider coming back later in the day. The poll worker stated, “no one knows what the heck they’re doing because we weren’t allowed to open these ahead of time.” (*Id.* at 151.) Palazzo asked the poll manager about using emergency paper ballots, but he expressed his opposition indicating “that takes twice as long.” (*Id.*) The poll manager did not seem to be aware of the election code provision for using paper ballots in an emergency situation. Instead, he had been advising voters to leave and come back later. After waiting in line for an hour, only two people had been able to vote. Around 7:50 a.m., the poll manager announced they would start using paper ballots even though they had been provided no instruction on such a switch. One person voted using a provisional ballot. Around 8:00 a.m. poll workers were able to start using one operational PollPad. Palazzo was concerned by the informal procedures used by the assistant poll manager to record the cancellation of her absentee ballot. She finally voted on a voting machine at 8:45 a.m. and left concerned about the lack of poll worker training to handle the emergency situations that arose during the election.

Several voters also reported problems with the Secretary of State’s online voter registration verification system on election day. Voters could not check their voter registration status or polling place assignment on the My Voter Page on the

Secretary of State’s website. (Marks, [Doc. 755 at 15](#); Wasson Decl., [Doc. 755 at 74](#); Whitley Decl., [Doc. 755 at 124-2](#); Stone Decl., [Doc. 755 at 145](#).)

Ballot Recap Sheets from Fulton County in the June 9, 2020 primary indicate material differences between the number of ballots cast and the number of voters recorded in the PollPads as having been checked in at some Fulton County precincts. (See Ex. D to Marks Decl., [Doc. 802 at 46-52](#).) According to the declaration of Marilyn Marks, the Ballot Recap Sheet is used to ensure that the number of voters and ballots cast in the polling place as shown by the public counters on the PollPads, the BMD touchscreens, and the precinct scanner reconcile at the close of voting. (Marks Decl., [Doc. 802 at 22](#).) This is apparent from the language at the bottom of each of the Ballot Recap Sheets shown below:

SECTION C: GRAND TOTALS - NUMBER OF PERSONS VOTING (all totals 1- 3 should match)

	TOTAL
1. TOTAL BALLOTS ISSUED & CAST - SECTION A; (e)	481
2. TOTAL BALLOTS CAST ON SCANNER - SECTION B; (h)	455
3. POLL PAD CHECKINS + SUPPLEMENTAL VOTERS From Poll Pad Recap - Line F	472

Poll Manager and both Assistant Managers must sign.

Dary Brown
Poll Manager

[Signature]
Assistant Manager

SIGNED wrong Present
Assistant Manager *APOL 14/15*
SIGNED

This form was completed by EPC staff and signed by poll workers after completion.

Ballot Recap-20

SECTION C: GRAND TOTALS - NUMBER OF PERSONS VOTING (all totals 1- 3 should match)

	TOTAL
1. TOTAL BALLOTS ISSUED & CAST - SECTION A; (e)	530
2. TOTAL BALLOTS CAST ON SCANNER - SECTION B; (h)	530
3. POLL PAD CHECKINS + SUPPLEMENTAL VOTERS From Poll Pad Recap - Line F	635

Poll Manager and both Assistant Managers must sign.

[Signature]
Poll Manager

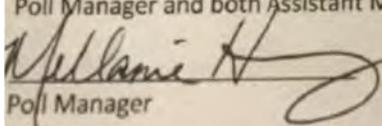
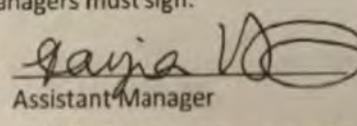
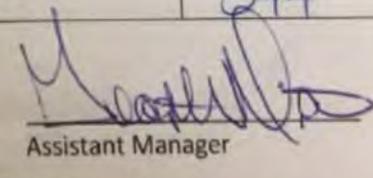
[Signature]
Assistant Manager

Assistant Manager

SECTION C: GRAND TOTALS - NUMBER OF PERSONS VOTING (all totals 1- 3 should match)

	TOTAL
1. TOTAL BALLOTS ISSUED & CAST - SECTION A; (e)	311
2. TOTAL BALLOTS CAST ON SCANNER - SECTION B; (h)	328
3. POLL PAD CHECKINS + SUPPLEMENTAL VOTERS From Poll Pad Recap - Line F	344

Poll Manager and both Assistant Managers must sign.

Poll Manager Assistant Manager Assistant Manager

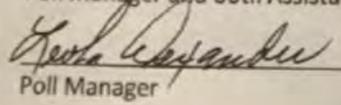
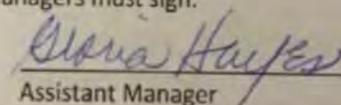
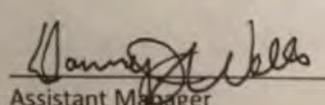
This form was completed by EPC staff and signed by poll workers after completion.

Ballot Recap-20

SECTION C: GRAND TOTALS - NUMBER OF PERSONS VOTING (all totals 1- 3 should match)

	TOTAL
1. TOTAL BALLOTS ISSUED & CAST - SECTION A; (e)	300
2. TOTAL BALLOTS CAST ON SCANNER - SECTION B; (h)	286
3. POLL PAD CHECKINS + SUPPLEMENTAL VOTERS From Poll Pad Recap - Line F	504

Poll Manager and both Assistant Managers must sign.

Poll Manager Assistant Manager Assistant Manager

This form was completed by EPC staff and signed by poll workers after completion.

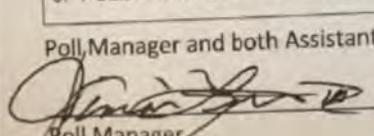
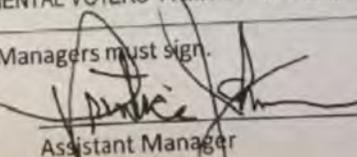
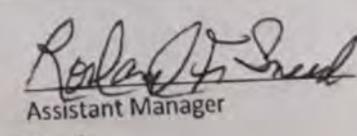
Ballot Recap-20

n) TOTAL BALLOTS

SECTION C: GRAND TOTALS - NUMBER OF PERSONS VOTING (all totals 1- 3 should match)

	TOTAL
1. TOTAL BALLOTS ISSUED & CAST - SECTION A; (e)	840
2. TOTAL BALLOTS CAST ON SCANNER - SECTION B; (h)	865
3. POLL PAD CHECKINS + SUPPLEMENTAL VOTERS From Poll Pad Recap - Line F	889

Poll Manager and both Assistant Managers must sign.

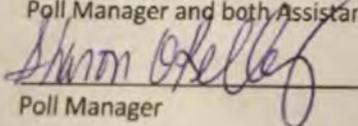




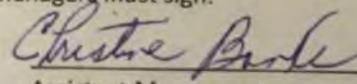
Poll Manager Assistant Manager Assistant Manager

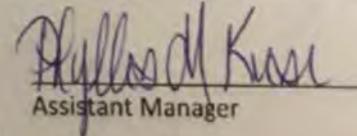
SECTION C: GRAND TOTALS - NUMBER OF PERSONS VOTING (all totals 1- 3 should match)

	TOTAL
1. TOTAL BALLOTS ISSUED & CAST - SECTION A; (e)	659
2. TOTAL BALLOTS CAST ON SCANNER - SECTION B; (h)	623
3. POLL PAD CHECKINS + SUPPLEMENTAL VOTERS From Poll Pad Recap - Line F	645

Poll Manager and both Assistant Managers must sign.


 Poll Manager


 Assistant Manager

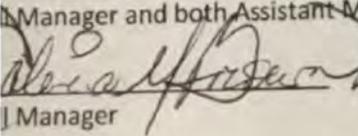

 Assistant Manager

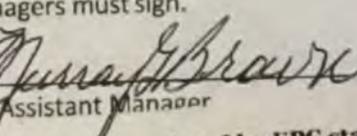
This form was completed by EPC staff and signed by poll workers after completion.

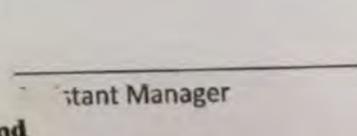
SECTION C: GRAND TOTALS - NUMBER OF PERSONS VOTING (all totals 1- 3 should match)

	TOTAL
TOTAL BALLOTS ISSUED & CAST - SECTION A; (e)	115
TOTAL BALLOTS CAST ON SCANNER - SECTION B; (h)	100
POLL PAD CHECKINS + SUPPLEMENTAL VOTERS From Poll Pad Recap - Line F	118

Poll Manager and both Assistant Managers must sign.


 Poll Manager


 Assistant Manager


 Assistant Manager

This form was completed by EPC staff and signed by poll workers after completion.

(Ex. D to Marks Decl., [Doc. 802 at 46-52.](#))

The Curling Plaintiffs (who actively supported the Coalition Plaintiffs’ pollbook motion, *see, e.g.,* [Doc. 901 7-8](#)), also collected voter complaints made regarding the June 9, 2020 election directly to the Secretary of State’s office from an array of voters from polling locations across the state. (*See* [Doc. 855-4 at 49, 59, 66](#)). As one voter from Marietta described, “I went to vote and upon trying to receive the green voter card, it ‘jammed’ and they couldn’t issue it to me. They tried again and it said ‘already voted.’ I had to fill out a provisional ballot.” ([Doc. 855-4 at 49.](#)) A second voter from Powder Springs complained about voting delays because the machines were not working, resulting in the line of voters being wrapped around the building as early as 7:30 a.m. ([Doc. 855-4 at 59.](#)) The voter

placed a call to the Cobb County Board of Elections to learn the office was unaware of the problem with malfunctioning voting machines at the precinct. Voters began asking for provisional ballots and were advised that they were not available until the end of the day causing some voters to leave because of the inability of poll workers to provide any time frames for voting or access to provisional ballots. A sheriff deputy came to the precinct and shared that the problem was statewide, due to programming, and was not the result of poll worker error. The voter reported being provided a provisional ballot at 9:15 a.m. after the PollPad failed to scan the voter's identification. Particularly exasperated by this voting experience, the voter concluded: "I am 66 years old & cannot believe a nation that successfully sent astronauts to the moon in the 60's continues to fail citizens in the most basic tenant [sic] of a democracy." (*Id.*)

Another voter from Suwanee, in Gwinnett County, discussed a concerning experience they had in attempting to vote in person:

I had filled out an absentee ballot that I decided not to mail in or drop in a drop box, so I brought it to my precinct. It was collected and canceled by a poll worker so that I could vote in person. I was given a green card to take to the voting machine. When I inserted the card, no ballot came up, just a message that said the card was not valid. I returned to the line and explained that my card did not work in the machine. I had witnessed this happen to two other voters while I was there and they were given new cards, returned to the voting machine and cast their votes. When the poll worker attempted to give me a new card, she received a message that told her I had already voted. A phone call was made for guidance. I was told to fill out a provisional ballot, which I did. Since I was the first person in my precinct to submit a provisional ballot, I verified that no other ballots were in the container for holding such ballots and signed a statement saying so. I placed my ballot in the slot and the poll worker closed the lid over the

ballot box, at which point he was supposed to lock the box. There was just one problem – there was no lock for the box. I was asked ‘Are you cool with just putting it in here like this?’ I said, ‘I suppose so, since there appears there is no other way to submit my vote. This was the very thing I was hoping to avoid by going to my polling place. I did not want to merely leave my ballot in a box that could potentially be tampered with – although, I must say, I felt better about leaving it at my precinct than in a box at the park. To summarize, the whole experience left me feeling a little uneasy about the whole process with the new equipment that was being used for the first time. The poll workers were as confused as I was as to why some of the cards were not working, and mine, in particular, stating that I had voted already when my absentee ballot was confirmed cancelled. Luckily, I had nowhere to be at the time, or it would have been doubly frustrating, as the whole process to cast my vote took about 45 minutes at a precinct with no line. Most unsettling, though, was the fact that the system showed I had voted, when I had not and the lack of security in finally submitting my ballot to an unlocked box. This IS NOT ACCEPTABLE. It is imperative that these problems be fixed prior to November.

(Doc. 855-4 at 66.)

August 2020 Runoff Election

The Coalition Plaintiffs presented evidence that many of the same equipment problems persisted in the August 11, 2020 runoff election.

Harri Hursti, an expert in voting system and cybersecurity for the Coalition Plaintiffs, served as public observer, poll watcher, and as the Coalition’s expert for purposes of a Rule 34 inspection at certain precincts during the August 2020 runoff election. (Decl. of Harri Hurst, Doc. 802 at 6-13.) Marilyn Marks accompanied Mr. Hursti during his observations. (Decl. of Marilyn Marks, Doc. 802 at 16-22.) During their visit to the polling location at Peachtree Christian Church, Hursti and Marks talked with the poll manager about the emergency procedures and the paper pollbook backup. They learned from the poll manager

that “he rarely opens the sealed envelopes with the printed voter lists” and “that it would be a very unusual emergency such as losing all power and battery backup” for over 30 minutes that would “cause him to use such a paper backup list.” (Doc. 802 at 17.) The poll manager showed Hursti and Marks the paper voter list that appeared to have been prepared for the June 9 primary election and had not been updated for the August 11 runoff. (Decl. of Harri Hurst, Doc. 802 at 9; Ex. A to Decl., Doc. 802 at 14; Marks Decl., Doc. 802 at 18.) The poll manager also explained that provisional ballots are used for all “emergencies” and that any voter issued a paper ballot would be required to complete provisional paperwork and submit it as a provisional ballot. (Marks Decl., Doc. 802 at 18.)

As a result of the problems encountered with the PollPads during the June 9 primary election, KnowInk decided to disable the password protection for the PollPads for use in the August 11 Runoff. (Hursti Decl., Doc. 802 at 9-10.) According to Hursti, “the electronic pollbooks are based on general purpose consumer grade hardware and operating systems. They are not and cannot be adequately secured against malfunctioning or attacks. They require the standard, universally recommended risk reduction practice of having current paper pollbook backups to be used to issue ballots in the event of emergencies, equipment unreliability, or e-pollbook discrepancies.” (*Id.* at 7, ¶ 5(a).) Hursti further attests that Georgia’s practice of “[p]ermitting operation of the electronic pollbooks without password protection is an unacceptable practice from a voting system, or any system processing sensitive data, security standpoint [and] measures like

removing passwords, and therefore weakening the security should never be a workaround to reliability issues.” (*Id.* at 10, ¶¶ 11-12.) Moreover, as Hursti explained in his December 16, 2019 declaration, WiFi is not a secure method of handling the type of sensitive data used in a voting system and the WiFi connection issues experienced in the 2019 pilot elections demonstrated the KnowInk WiFi configuration was not reliable based on many variables ranging from weather, to competing traffic, to polling place configuration. (Doc. 680-1 at 89-90.)

Poll workers at the Central Park Recreation Center reported PollPad problems again during the August 11 runoff. (Hursti Decl., Doc. 802 at 11-12.) The PollPads failed to synchronize for check-in and poll workers diverted to a manual process to add up the totals for the poll books. The problem was resolved by 9 a.m. when one of the poll workers accessed the WiFi and Bluetooth setting of the PollPads.

The Fanplex polling location in Fulton County experienced accuracy issues with the electronic pollbooks on August 11. (Hursti Decl., Doc. 802 at 12.) Voters belonging to a new precinct (0F1) were not found on the electronic pollbook system. Poll watchers and poll workers reported that once the poll officials followed instructions provided over the telephone by the county elections office, the voters in 0F1 precinct appeared in the PollPads. However, all voters in the 0F1 precinct were reportedly displayed as having voted a mail ballot, even though this was not accurate.

For the August 11, 2020 runoff, Michael Stippich, a registered voter in Fulton County, attempted to vote at the FanPlex precinct, where it took him 3 hours to vote during the June 9 primary. (Decl. of Michael Stippich, [Doc. 800-5](#).) When he arrived, there were no lines and he expected to be in and out within five minutes. After handing the poll worker his driver's license for scanning, Stippich was informed there was an error for his precinct 0F1. He was asked to step aside and wait. Other people from the 0F1 precinct arrived and experienced the same issue. Stippich waited 45 minutes for poll workers to resolve the problem after speaking with the county elections office. After poll workers located the precinct in the system, the PollPads indicated Stippich and the other voters from 0F1 had requested absentee ballots or already voted absentee. Stippich explained that he had not applied for an absentee ballot and always voted in person. He was issued a provisional ballot. Stippich was concerned that an entire precinct would be forced to vote using provisional ballots because the PollPads were not functional and there was no updated paper backup of the polling list.

John T. Peterson, a registered voter in Cherokee County, worked as a Field Support Technician for Dominion Voting in the August 11, 2020 runoff election. ([Doc. 800-4](#).) After answering an advertisement posted on Twitter, Peterson received training on August 7 at a warehouse stocked with voting equipment used by Dominion Voting for the election. Peterson received two to three hours of training on how to set up PollPads, BMDs, printers, and scanners, how to turn the equipment on and off, and where to locate all power buttons, cables and

connections. Peterson also received a Dominion manual which contained troubleshooting steps. According to Peterson, the field technicians were advised as part of their training that they were not permitted to touch the equipment at the polls during the election.

On August 11, 2020, Peterson was assigned to a precinct at New Beginnings United Methodist Church in Kennesaw, Cobb County. Peterson assisted with assembly of the PollPads as none of the poll workers seemed familiar with setting up the equipment. When the polls opened, only seven out of the ten BMDs were working, three of them would not turn on. Peterson was surprised he had not been asked to assist in troubleshooting the issue. By 9:30 a.m., technical issues had caused two more BMDs to become inoperable and one BMD printer was jammed. Because Peterson was not permitted to touch the equipment, poll workers had to wait for a Dominion technician.

In sum, the Coalition Plaintiffs presented compelling evidence demonstrating that the PollPads failed to perform many of their critical functions during the 2019 pilot elections, the June 2020 primary election, and again in the August 2020 runoff election. These include failing to read driver's license barcodes to verify registration status during voter check-in, failing to record voter signatures upon check-in resulting in poll workers having to resort to manual processes, failing to accurately report if a voter has voted previously, and failing to encode ballot access cards to allow voters to cast ballots on the BMDs. As a result, voters waited for hours because of delays and malfunctions with the operation of the

PollPads. In many instances of such bottlenecks created by operational problems with the PollPads, poll workers did not use paper pollbooks as a backup to aid voter check-in and facilitate voting. Many voters were required to use provisional ballots, and in some instances, those ballots were rejected without explanation from election officials.

D. Injunctive Relief Factors

In determining whether Plaintiffs have established a substantial likelihood of prevailing on the merits of their claim related to the paper pollbook backup, the Court must first “consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendment.” *Anderson v. Celebrezze*, 460 U.S. at 789. Although Coalition Plaintiffs do not characterize the magnitude of the burden on their constitutional rights explicitly in their pollbook motion, they assert that the undisputed evidence shows that using unreliable and unsecure electronic pollbooks without an updated paper backup disenfranchises voters. And Plaintiffs have vigorously advocated the need for such relief in these proceedings, dating back at least to the July 2019 preliminary injunction hearing and then again, in additional questions following the Court’s issuance of the Order of August 15, 2019, asking the Court to substitute the requirement of provision of pollbooks in place of the less helpful voter registration lists as a backup during voting. (*See, e.g.*, Plaintiffs’ Rule 59(e) Motion, Doc. 605; Order, Doc. 636.) The Court in its later conferences with counsel encouraged the State Defendants’ counsel to cooperate in addressing this issue.

“The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.” *Reynolds v. Sims*, [377 U.S. 533, 555](#) (1964); *Wexler v. Anderson*, [452 F.3d 1226, 1232](#) (11th Cir. 2006) (“The right to vote is fundamental, forming the bedrock of our democracy.”). Voting is, indisputably, a right “of the most fundamental significance under our constitutional structure.” *Burdick*, [504 U.S. at 433](#) (quoting *Illinois Bd. of Elections v. Socialist Workers Party*, [440 U.S. 173, 184](#) (1979)). The right to vote includes “the right of qualified voters within a state to cast their ballots and have them counted.” *United States v. Classic*, [313 U.S. 299, 315](#) (1941). State and local laws that unconstitutionally burden that right are impermissible. *Wash. State Grange v. Wash. State Republican Party*, [552 U.S. 442, 451](#) (2008).

Building on the foundation of evidence from the prior injunction motions, Plaintiffs have presented additional evidence in connection with the State’s new voting system and inaccuracy problems in its legacy ENET voter registration database. Plaintiffs’ new evidence indicates that the State has yet to work out the host of bugs afflicting its implementation of an entirely new electronic voting system, and along with its contractor, has adopted measures that jeopardize the security of the voter check-in system, including disabling the default password protection of the PollPads and allowing the PollPads to operate on an unreliable and unsecure WiFi connection to transfer sensitive voter data. Plaintiffs’ declaration testimony establishes that the threshold bottleneck during voter

check-in significantly has contributed to long lines and waiting periods of hours (far greater than 30 minutes) and caused voters to leave and be deterred from voting. This evidence combined with issues related to the power supply limitations at multiple polling places (causing equipment shutdowns), repeated issues with the operation of the PollPads and BMDs themselves, and ineffective or nonexistent “non-technical” backup systems in place has led to a severe burden on the rights of voters.

This Court previously held that “[i]f voters’ capacity to cast votes are thwarted through an inaccurate express pollbook voting check-in or voter website, this burdens their right to cast votes, scrambles election day voting procedures, and ultimately, in turn affects voting results.” (August 15, 2019 Order, [Doc. 579 at 89-90.](#)) The totality of the evidence presented in connection with the elections conducted thus far on the State’s new system provides no indication that the circumstances facing voters described above will be better in the November Presidential election. The imminent harm faced by Plaintiffs and other Georgia electors is of a constitutional magnitude.¹⁹ *See Democratic Exec. Comm. of Florida*

¹⁹ In addition to the burdens faced by the individual Coalition member Plaintiffs, the Coalition has a protected interest in pursuing its organizational goals of preserving and advancing the constitutional liberties and individual rights of citizens, with an emphasis on preserving and protecting the rights of its members that are exercised through public elections without having to divert resources and personnel to counteract Defendants’ challenged actions. (*See Coalition Pls.’ Suppl. Compl. ¶ 214; Third Am. Compl. ¶ 140-141.*) *See Georgia Coalition for People’s Agenda, Inc. v. Kemp*, [347 F.Supp.3d 1251, 1268](#) (N.D. Ga. 2018) (finding that “Plaintiffs, as an organization, will also suffer irreparable injury distinct from the injuries of eligible voters. Without an injunction to address the citizenship verification procedure, Plaintiffs’ organizational missions, including registration and mobilization efforts, will continue to be frustrated and organization resources will be diverted to assist with the citizenship mismatch issue. Such

v. Lee, 915 F.3d at 1321 (characterizing disenfranchisement by signature mismatch rules as imposing a serious burden on the right to vote); *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 244 (4th Cir. 2014) (“[E]ven one disenfranchised voter—let alone several thousand—is too many.”); *Common Cause Georgia v. Kemp*, 347 F. Supp. 3d 1270, 1295 (N.D. Ga. 2018) (“Plaintiff has shown a substantial likelihood of proving that the Secretary’s failure to properly maintain a reliable and secure voter registration system has and will continue to result in the infringement of the rights of the voters to cast their vote and have their votes counted.”). The Court therefore finds that Coalition Plaintiffs have established a substantial likelihood of prevailing on the merits of their claim that the State Defendants’ failure to provide an updated paper pollbook as a backup in the event of electronic equipment malfunctions, outages, or other emergency circumstances and to provide adequate training to election superintendents and staff on the implementation of its new voting system and emergency protocols unnecessarily burdens the rights of Georgia voters.

Defendants suggest there is no constitutional violation because voters have the option to vote absentee to avoid problems with the pollbooks. However, the evidence offered in this case and others in this district, of which the undersigned takes judicial notice, demonstrates that Georgia’s absentee voting process also

mobilization opportunities cannot be remedied once lost.”); *League of Women Voters of Fla. v. Cobb*, 447 F.Supp.2d 1314, 1339 (S.D. Fla. 2006) (finding irreparable harm to community organizations engaged in collecting and submitting voter registration applications, where their voter registration operations had been interrupted and they were losing valuable time to engage in core political speech and association and to add new registrants to the election rolls).

poses other risks of voter disenfranchisement. (See August 15, 2019 Order, Doc. 579 at 90, n. 71) (noting that Plaintiffs offered declarations from fourteen voters who reported that they returned their absentee ballots by the deadline, but the Secretary of State’s website indicates the ballot was not counted); see also *New Georgia Project v. Raffensperger*, 1:20-cv-1986-ELR, August 31, 2020 Order, Doc. 134 at 57-58 (“Plaintiffs have shown that Georgia voters can be and have been disenfranchised by the current receipt deadline through no fault of their own. [See, e.g., Doc. 59-6 ¶ 6] (Plaintiff voter received her absentee ballot on the day before Election Day). In 2018—a time free from the current complications of the COVID-19 pandemic and related strains on voting infrastructure—over 3,500 absentee ballots were rejected in Georgia for arriving after the Election Day receipt deadline. [Doc. 59-1 at 4]. During the June 2020 Primary Election, the number of rejected-as-late ballots doubled to 7,281. [Doc. 105-1 at 13]. This evidence suggests the burden on many voters will be severe.”).

The harm suffered by a voter in being turned away from the polls (or from being shuffled into a provisional ballot process with no guarantee that their ballot will be counted) is permanent. It is well-settled that an infringement on the fundamental right to vote amounts in an irreparable injury. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion) (The “loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”); *Martin v. Kemp*, 341 F. Supp. 3d 1326, 1340 (N.D. Ga. 2018) (“The Court finds that [p]laintiffs have established irreparable injury as a violation

of the right to vote cannot be undone through monetary relief and, once the election results are tallied, the rejected electors will have been disenfranchised without a future opportunity to cast their votes.”); *see also League of Women Voters of N.C.*, 769 F.3d at 247 (“Courts routinely deem restrictions on fundamental voting rights irreparable injury . . . [because] once the election occurs, there can be no do-over and no redress. The injury to these voters is real and completely irreparable if nothing is done to enjoin the law.”). And “of course, voting alone is not enough to keep democracy’s heart beating. Legitimately cast votes must then be counted.” *Democratic Exec. Comm. of Florida v. Lee*, 915 F.3d at 1315 (finding that “[b]ecause of the way Florida has scheduled its election process, some voters who submit a vote-by-mail ballot by the stated deadline are not notified about a signature mismatch until after it is too late to demonstrate their eligibility to vote” and “[a]s a result, their votes do not count, and they are disenfranchised”). And the Eleventh Circuit again recently recognized that although “voters have no judicially enforceable interest in the outcome of an election,” they do “have an interest in their ability to vote and in their vote being given the same weight as any other.” *Jacobson v. Florida Sec’y of State*, --- F.3d ---, 2020 WL 5289377, at *5 (11th Cir. Sept. 3, 2020).

The burden faced by Plaintiffs and other voters can only be upheld as constitutional if the State’s opposition to relief is justified by legitimate state interests of sufficient weight. Where, as here the burden is severe, the State’s justifications must be narrowly tailored and advance a compelling state interest.

The only interest put forward by the State Defendants to justify their refusal to provide a reconciled and updated paper backup is a generic “interest in timely and accurate administration of elections” and in the use of electronic pollbooks as the primary method of determining voter eligibility. (Resp., [Doc. 815 at 19-20.](#)) But Plaintiffs are not challenging use of electronic pollbooks. And Defendants do not explain how the provision of an updated paper backup for use during emergency situations where errors in the electronic system persist or pollbooks become inoperable is inconsistent with their “interest in timely and accurate administration of elections.” To the contrary, Plaintiffs’ evidence suggests that such a backup would serve both the Defendants’ stated interests as well as the constitutional interests advocated by Plaintiffs. The Secretary of State’s Election Director testified at the hearing before this Court that he had no objection to providing counties with the information necessary to prepare such an updated paper backup. Richard Barron, Director of Registrations and Elections for Fulton County, the county with the largest voter population in Georgia, similarly testified that he had “no issue” with the paper pollbook relief request sought by Plaintiffs, after having testified regarding the KnowInk PollPad operational failure in multiple precincts in both the July and August 2020 elections that was identical to that experienced in Dekalb and Clayton Counties. Barron testified that a paper backup updated through the end of early voting would be helpful to eliminate the need for poll workers to call the county election office during voting. (Vol. II, Tr. at 165) (“The more voters you have that are marked that have voted the fewer calls

you – the precinct is going to have to make to your call center. That is what that would eliminate.”); (*Id.* at 167) (“The more updated it [the list] it is I guess the better – you know, the fewer calls they are going to have to have to make. . . . It also would cut down the number of calls the poll managers would have to make to our office.”). According to Barron’s hearing testimony, the information Plaintiffs seek in paper form (which would match what is loaded into the electronic pollbooks), “would make the list more accurate as to who has voted and who still is eligible to vote if you do it at the end of early voting.” (*Id.* at 166.) And Mr. Barron further stated that a solution to the PollPad and other related voting bottlenecks would be to have multiple paper pollbooks in the precincts. (*Id.* at 168) (“I mean, that would be the remedy. That way you could cut a line down pretty quickly if you have extra paper pollbooks and you have ballots – emergency ballots.”).

The State Defendants’ articulated opposition to relief is contradictory. On the one hand, they assert that as supplemental voter lists are provided to the counties which in turn provide such to the precincts, the Plaintiffs are requesting an unenforceable “obey the law” injunction. On the other, they assert that the requested relief would cause confusion and change the rules of the election by calling for an entirely new protocol. Of course, neither of these alternative contentions are accurate. As laid out in the preceding sections, the registration lists currently provided in paper do not show voting status (as should be reflected in the updated information in the electronic pollbooks) and so they cannot be used

in the same way for check-in and issuance of access cards to the voting machines when the electronic pollbooks experience outages or malfunctions.

Defendants contend that if a paper pollbook backup is required to adjudicate voter eligibility, county election officials would be required to train poll workers on an entirely new protocol. (Harvey Decl. ¶ 17.) To the contrary, Plaintiffs request that, in the event problems with the PollPads arise, election workers should refer to a paper copy of the pollbook that contains the same information that Mr. Harvey represents is in the electronic pollbooks – updated information from the electors list after the close of early voting during the three days prior to election day. And because [O.C.G.A. § 21-2-224\(g\)](#) allows for the “official electors list” to include information on whether a person has voted absentee, Plaintiffs’ requested injunction does not request a change in the State’s election procedures, nor does it impose a new procedure or requirement. See [O.C.G.A. § 21-2-224\(g\)](#) (providing that the official electors list “prepared and distributed to the poll officers of each precinct *may also include* codes designating that an elector has voted by absentee ballot”) (emphasis added). As evidenced by the Secretary of State’s own training manual, poll workers are currently trained to use a paper list of electors in the precinct and are directed to refer to the paper list to keep processing voters if the polling place loses power or the PollPads stop working. Thus, an order directing poll workers to use a paper backup for voter check-in and processing would not be a new protocol and would not require additional training. The only change would be that the paper backup copy Plaintiffs request would be more complete and

accurate than the current paper electors list and would mirror the information in the e-pollbook. (Ex. B to Marks Decl., [Doc. 802 at 27.](#)) *See also* Poll Worker Manual 2020 Edition (updated April 2020) available on the Secretary of State’s website at <https://georgiapollworkers.sos.ga.gov/Shared%20Documents/Georgia%20Poll%20Worker%20Training%20Manual.pdf>.

As further justification for opposing relief, Defendants assert that “a paper printout of the updated electors list would not account for every voter’s status, as absentee ballots are continuously being returned” and therefore “an updated electors list could not adjudicate voter eligibility in all situations.” But this assertion acknowledges that an updated list can be used to properly adjudicate voter eligibility for some voters and therefore does not justify denying relief merely because an updated list might not capture every voter. (A poll manager, consistent with current practice, would simply then call the County Elections Office to confirm the voting status for a much smaller, select number of voters.)

The Plaintiffs’ concrete, personal, and measurable injury from the potential for imminent and arbitrary denial or burdening of access to the franchise, if in error, far outweighs the State’s articulated concerns. *See Common Cause Georgia v. Kemp*, [347 F. Supp. 3d 1270, 1296](#) (N.D. Ga. 2018) (finding “the threatened injury to Plaintiff as an organization and the individuals who cast provisional ballots as a result of irregularities in their voter registration status outweighs any harm to Defendant from the imposition of the ordered injunctive relief”). Assuring that all eligible voters are permitted to vote strengthens rather than undermines

the integrity of the election process. *See Democratic Exec. Comm. of Florida v. Lee*, [915 F.3d at 1325–26](#) (concluding that “the serious burden on voters outweighs Florida’s identified interests: the state’s interest in preventing fraud is not in conflict with the voters’ interest in having their legitimately-cast ballots counted; the state has not shown that its interest in facilitating timely and orderly election processing will be impaired by providing the injured voters with a reasonable opportunity to have their votes counted; and public faith in elections benefits from providing injured voters the opportunity to have their legitimately cast ballots counted when the reason they were not counted was not the voters’ fault”); *Martin*, [341 F. Supp. 3d at 1340](#) (stating that the court “does not understand how assuring that all eligible voters are permitted to vote undermines [the] integrity of the election process. To the contrary, it strengthens it”).

The Court is not persuaded by Defendants’ assertions that the relief requested by Plaintiffs would be too burdensome to implement in advance of the November elections.²⁰ Provision of the updated information in electronic format to each county election superintendent with directions that they print and distribute the paper backup to each precinct would only impose a minimal burden on Defendants. According to the Dominion/KnowInk documents in Georgia’s Request for Proposal, the KnowInk ePulse application can print voter rolls for the

²⁰ Although Mr. Harvey characterizes the “process for printing and separating by precinct the official list of electors” as “time consuming because it requires printing and distributing the individual lists to each of the 159 counties,” he also admits that the Secretary of State contracts this process out to a third-party vendor. (Harvey Decl., [Doc. 815-1 ¶ 6.](#))

pollbook and “update voter rolls minutes before an election.” (Marks Decl., Doc. 755 at 16; Ex. E to Marks Decl., at 3, 7, Doc. 755 at 45-71.)²¹ Alternatively, the State can generate the information from ENET and distribute the reports to the counties for printing as it already does with the supplemental list.

The State Election Board’s regulation on the pollbooks and paper backup, already requires that “the paper backup list shall be used in case the electronic poll books do not properly function” and that “poll workers to be adequately trained in checking in voters on both electronic poll books and paper backup list.”²² Ga. Comp. R. & Regs. 183-1-12-.19(1). See *Martin*, 341 F. Supp. 3d at 1339–40 (“Because many of the procedures Plaintiffs request are already in place, the Court finds that additional procedures would involve minimal administrative burdens while still furthering the State’s asserted interest in maintaining the integrity of its elections.”).

The public will be served by this injunction. The “cautious protection of the Plaintiffs’ franchise-related rights is without question in the public interest.” *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005). Georgia voters have an interest in ensuring their votes are counted. *Common*

²¹ Exhibit E to the Marks Declaration is a copy of the technical specifications as set forth in the RFP, as posted on the Secretary of State’s website.

²² Pursuant to Georgia law, the Secretary of State is the chief election official for the State. O.C.G.A. 21-2-50(b). As the chief election official, the Secretary has the power and authority to manage Georgia’s election system. *Id.* The Secretary of State is the Chair of the State Election Board. The State Election Board is the governmental body responsible for uniform election practice in Georgia. O.C.G.A. 21-2-31. Both the Secretary and the State Election Board have significant statutory authority to direct training of local election officials and set election standards. Thus, State Defendants bear the responsibility to ensure adequate training on their new chosen system to avoid burdening the rights of the State’s voters.

Cause Georgia, [347 F. Supp. 3d at 1300](#) (recognizing the “fundamental importance of the interest of voters”); *Obama for Am. v. Husted*, [697 F.3d 423, 437](#) (6th Cir. 2012) (“The public interest therefore favors permitting as many qualified voters to vote as possible.”); see also *Madera v. Detzner*, [325 F. Supp. 3d 1269, 1283](#) (N.D. Fla. 2018) (“The public interest is always served by more equitable, easier access to the ballot.”). The Eleventh Circuit has also held that the knowledge that otherwise-eligible voters were not counted “would be harmful to the public’s perception of the election’s legitimacy,” and that “the public interest is served when constitutional rights are protected.” *Democratic Exec. Comm. v. Lee*, [915 F.3d at 1327](#).

Finally, the Court dispels the notion put forward by the State Defendants that this Court is not authorized to provide any relief when an approaching election is on the horizon, even when the relief is narrowly tailored and aligned with the state’s own procedures. First, Plaintiffs’ claims and remedial requests here do not invite the Court to “supervise the administrative details of a local election,” as criticized by the Eleventh Circuit in *Curry v. Baker*. *Curry v. Baker*, [802 F.2d 1302, 1314](#) (11th Cir. 1986). Unlike the state election vote tabulation contest at issue in *Curry*, Plaintiffs’ current motion is brought in connection with a Federal Congressional and Presidential election. See *id.* at 1304-05 (“Subject to specific exceptions, federal courts should not be involved in settling state election disputes. Sound reasons grounded in both law and public policy establish that far better forums for disputes involving elections to state offices are found in the party

machinery and the court system of the affected state.) Moreover, Plaintiffs’ challenge in connection with this claim concerns the Secretary of State’s failure to address the security and reliability vulnerabilities in its voter registration data systems and infrastructure supporting its voting system over a sustained period of time in multiple election cycles that continues to burden and threaten their ability to exercise the franchise as recently demonstrated in the State and Federal primary elections. As the Eleventh Circuit itself recognized in *Curry*, “[i]n evaluating claims arising from ‘episodic events,’ courts have followed the general rule that ‘if the election process itself reaches the point of patent and fundamental unfairness, a violation of the due process clause may be indicated and relief under § 1983 therefore in order.’” *Id.* at 1315 (quoting *Duncan v. Poythress*, 657 F.2d 691, 703 (5th Cir. Sept. 28, 1981)).²³ Indeed, as this Circuit Court has recognized,

Federal courts have properly intervened *when the attack was, broadly, upon the fairness of the official terms and procedures under which the election was conducted.* The federal courts were not asked to count and validate ballots and enter into the details of the administration of the election. Rather they were *confronted with an officially-sponsored election procedure which, in its basic aspect, was flawed.* Due process, representing a profound attitude of fairness between man and man, and more particularly between individual and government, is implicated in such a situation.

Duncan, 657 F.2d at 703 (internal citations omitted) (emphasis added). This is one of those cases. *Bush v. Gore*, 531 U.S. 98, 111 (2000) (“None are more conscious of the vital limits on judicial authority than are the Members of this

²³ In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all of the decisions of the former Fifth Circuit rendered prior to the close of business on September 30, 1981.

Court, and none stand more in admiration of the Constitution's design to leave the selection of the President to the people, through their legislatures, and to the political sphere. When contending parties invoke the process of the courts, however, it becomes our unsought responsibility to resolve the federal and constitutional issues the judicial system has been forced to confront.”). The Fourteenth Amendment due process clause protects against “the disenfranchisement of a state electorate,” and “forbids state officials from unlawfully eliminating that fundamental right.” *Duncan*, 657 F2d. at 704, 708.

Second, with election day six weeks away, it is not too late to order relief to address the potential for unnecessarily burdening and eliminating the rights of voters by mandating the use of emergency backup procedures in a meaningful manner.²⁴

The Court’s remedy is narrowly tailored and manageable within the framework of the current system without any major changes required of the Secretary of State or local election superintendents. The remedy’s conformity with the overall regulatory scheme guards against any risk of confusion. Plaintiffs have been seeking this relief for a long time, and their pleas have fallen on the State’s deaf ears. Accordingly, the relief here is necessary to prevent voter disenfranchisement and to ensure timely (in case of lines/delays) and accurate (up

²⁴ See O.C.G.A. § 21-2-224(f) (“The official list of electors eligible to vote in any primary or election shall be prepared and completed *at least five calendar days prior to* the date of the primary or election in which the list is to be used.”) (emphasis added).

to date information on eligibility and qualification of voters) administration of the election.

IV. Remedy

As explained above, the Court finds that Plaintiffs are likely to succeed on the merits of their claim regarding the security and reliability of the voter registration database and electronic pollbook system, that they will be irreparably harmed if deprived of their right to vote, that the balance of equities weigh in Plaintiffs' favor, and that an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, [555 U.S. 7, 20](#) (2008); *see also Purcell v. Gonzalez*, [549 U.S. 1, 4](#) (2006) (The public has a “strong interest in exercising the fundamental political right to vote.”); *League of Women Voters of N.C. v. North Carolina*, [769 F.3d 224, 247-48](#) (4th Cir. 2014) (“By definition, [t]he public interest ... favors permitting as many qualified voters to vote as possible.”) (quoting *Obama for Am. v. Husted*, [697 F.3d 423, 437](#) (6th Cir. 2012); *Madera v. Detzner*, [325 F. Supp. 3d 1269, 1283](#) (N.D. Fla. 2018) (“The public interest is always served by more equitable, easier access to the ballot.”).

The evidence the Coalition Plaintiffs provided in support of their motion demonstrates a system wide problem of malfunctioning electronic PollPads beginning with the November 2019 pilot elections, again in the June 2020 primary election, and most recently in the August 2020 runoff elections in tandem with wholly inadequate backup plans and voter registration data deficiencies that

resulted in voter disenfranchisement and that is likely to continue in the upcoming Federal Presidential election.

Accordingly, the Court **GRANTS** the Coalition Plaintiffs' Motion [[Doc. 800](#)] and issues the following preliminary injunctive relief set forth below.²⁵

UNTIL FURTHER ORDER OF THIS COURT:

Effective immediately, the Secretary of State shall generate and transmit to each county election superintendent at the close of absentee in-person early voting an updated electors list in a format capable of printing by the election superintendent that includes all of the information located in the electronic pollbook.²⁶ The Secretary of State shall further direct every county election superintendent (1) to print and provide at each polling place at least one paper back-up of the pollbook for use on Election Day, which paper back-up shall be

²⁵ The Court finds that it is appropriate to waive the requirement under Rule 65(c) that Plaintiffs post security. *See New Georgia Project v. Raffensperger*, 1:20-cv-1986-ELR, August 31, 2020 Order, [Doc. 143 at 67 n.33](#) (granting in part plaintiffs' motion for preliminary injunction and waiving bond requirement); *Georgia State Conference NAACP v. Georgia*, 1:17-CV-1397-TCB, [2017 WL 9435558](#), at *5 (N.D. Ga. May 4, 2017); *Complete Angler, LLC v. City of Clearwater*, [607 F. Supp. 2d 1326, 1335](#) (M.D. Fla. 2009) ("Despite the mandatory nature of [Rule 65(c)]'s language, federal courts have come to recognize that the district court possesses discretion over whether to require the posting of security. Waiving the bond requirement is particularly appropriate where a plaintiff alleges the infringement of a fundamental constitutional right.") (internal punctuation and citation omitted).

²⁶ Consistent with [O.C.G.A. § 21-2-224\(b\)](#) and State Election Board Rule 183-1-12-.19(8), this list must include *accurate* information regarding all persons who have been issued or cast absentee ballots during the advanced/early voting period prior to election day. *See O.C.G.A. § 21-2-224(b)* ("The registrars shall, prior to the hour appointed for opening the polls, place in the possession of the managers in each precinct one copy of the certified electors list for such precinct, such list to contain all the information required by law. The list shall indicate the name of any elector who has been mailed or delivered an absentee ballot."); [Ga. Comp. R. & Regs. 183-1-12-.19\(8\)](#) ("Prior to delivery to a polling place, the election superintendent or registrars shall cause the electronic poll books to accurately mark all persons who have been issued or cast absentee ballots in the election."). The Secretary may generate this information directly from the PollPads or from ENET and the Absentee Voter Report referenced in their filing at [Doc. 895](#).

updated after the close of absentee in-person voting (early voting); (2) to use the paper back-up of the pollbook in the polling place to attempt to adjudicate voter eligibility and precinct assignment in the event of equipment malfunction or an emergency as defined by Ga. R. & R. 183-1-12.11(2)(d);²⁷ (3) to allow voters who are shown to be eligible electors on the paper pollbook backups who are not shown on the updated list as having requested an absentee mail-in ballot to cast a regular emergency ballot that is not to be treated as a provisional ballot; (4) to allow voters who are shown to be eligible electors on the paper pollbook backups but who are shown on the updated list as having requested an absentee mail-in ballot to have their absentee ballot canceled²⁸ and to cast a regular or emergency ballot that is not to be treated as a provisional ballot, provided that such voter either surrenders the absentee ballot to the poll manager of the precinct or in the case of a voter who has requested but not yet received their absentee ballot completes an elector's oath²⁹ affirming the voter has not marked or mailed an absentee ballot for voting in such primary or election; (4) to take every reasonable measure to ensure that county election officials and poll workers are trained as to how to generate and use paper pollbook backups and emergency ballots and handle the casting and counting of emergency votes in conformity with this Order directly as emergency

²⁷ The State Election Board's Emergency Rule, Ga. R. & R. 183-1-12.11(2)(d), defines the types of events that may be considered emergencies as "power outages, malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use, or waiting times longer than 30 minutes."

²⁸ See [O.C.G.A. § 21-2-388](#) (providing for cancellation of absentee ballots and permitting voters to cast votes in person upon cancellation); see also [Ga. Comp. R. & Regs. 183-1-14-.06](#) (regarding procedures for spoiled absentee ballots).

²⁹ See [O.C.G.A. § 21-2-384](#).

ballots, if necessary; and (5) maintain a sufficient stock of emergency paper ballots.³⁰ While the Court has ordered that a minimum of one paper pollbook backup should be made available for each polling place, it is likely that more than one copy would be needed in large precincts per the testimony of Fulton County's Director of County Registration and Elections. As precincts vary in size enormously across the counties and the State, the Court **FURTHER ORDERS** that the Secretary of State direct all local election superintendents to evaluate the need for issuance of additional copies of the pollbook backup printouts as backup tools for precincts based on the number of registered voters in each county precinct or polling location and to promptly advise the County Registrar's Office of the number of such additional copies needed.

V. Conclusion

For the reasons set forth above, the Court **GRANTS** the Coalition Plaintiffs' Motion for Preliminary Injunction on Paper Pollbook Backups, [[Doc. 800](#)] (supported by the Curling Plaintiffs) and the relief requested, as more specifically set forth herein. The narrowly tailored relief ordered directs that the State Defendants provide at least a modicum of the voting backup plan tools essential to

³⁰ This relief is consistent with State Election Board Rule 183-1-12-.19(1) that requires that election superintendents equip each polling place with the electronic pollbooks, a paper backup list, and ensure that "poll workers [] be adequately trained in checking in voters on both electronic poll books and paper backup list." [Ga. Comp. R. & Regs. 183-1-12-.19\(1\)](#); *see also* [Ga. Comp. R. & Regs. 183-1-12-.11\(2\)\(c\)](#) (providing that the "election superintendent shall cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. For any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters to a polling place").

protecting voters' constitutionally protected ability and right to cast a ballot that is counted and given the same weight as any other on this coming November 3rd general election day and thereafter.³¹ It is not too late for Defendants to take these reasonable concrete measures to mitigate the real potential harms that would otherwise likely transpire at precinct polling locations grappling with the boiling brew created by the combination of new voting equipment issues and old voter data system deficiencies.

IT IS SO ORDERED this 28th day of September, 2020.



Honorable Amy Totenberg
United States District Judge

³¹ This relief is also consistent with the advice of the Department of Homeland Security. As reported by the New York Times in an article yesterday, Christopher Krebs, who runs the Cybersecurity and Infrastructure Security Agency for the Department of Homeland Security “noted that the agency [i]s trying to make sure local election officials printed out their electronic poll books, which are used to check in voters, so that they ha[ve] a backup.” Nicole Perloth and David E. Sanger, Ransomware Attacks Take on New Urgency Ahead of Vote, The New York Times, September 27, 2020, available at <https://www.nytimes.com/2020/09/27/technology/2020-election-security-threats.html?referringSource=articleShare>.

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' NOTICE OF APPEAL

Notice is hereby given that, pursuant to [28 U.S.C. § 1292](#), State Defendants Brad Raffensperger, in his official capacity as Secretary of State and the Chair of the Georgia State Election Board, State Election Board Members Rebecca N. Sullivan, David J. Worley, Anh Le, and Matthew Mashburn, in the above-captioned case hereby appeal to the United States Court of Appeals for the Eleventh Circuit from the Opinion and Order on Coalition Plaintiffs' Motion for Preliminary Injunction on Paper Pollbook Backups entered on September 28, 2020 at [[Doc. 918](#)].

Respectfully submitted this 2nd day of October, 2020.

/s/ Vincent Russo
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
Alexander Denton
Georgia Bar No. 660632
adenton@robbinsfirm.com
Robbins Ross Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318
Telephone: (678) 701-9381
Facsimile: (404) 856-3250

Bryan P. Tyson
Georgia Bar No. 515411
btyson@taylorenghish.com
Jonathan D. Crumly
Georgia Bar No. 199466
jcrumly@taylorenghish.com
James A. Balli
Georgia Bar No. 035828
jballi@taylorenghish.com
Diane F. LaRoss
Georgia Bar No. 430830
dlaross@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
Loree Anne Paradise
Georgia Bar No. 382202
lparadise@taylorenghish.com
TAYLOR ENGLISH DUMA LLP
1600 Parkwood Circle, Suite 200
Atlanta, GA 30339
Telephone: 678-336-7249

Counsel for State Defendants

L.R. 7.1(D) CERTIFICATION

I certify that this Notice of Appeal has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Notice has been prepared using 13-pt Century Schoolbook font.

/s/ Vincent R. Russo
Vincent R. Russo

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the within and foregoing **STATE DEFENDANTS' NOTICE OF APPEAL** with the Clerk of Court using the CM/ECF system, which will automatically send counsel of record e-mail notification of such filing.

This 2nd day of October, 2020.

/s/ Vincent R. Russo
Vincent R. Russo
Georgia Bar No. 242628