

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

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

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

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

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

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

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

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

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

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

A proposed order is attached.

Respectfully submitted this 29th day of August, 2019.

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

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

/s/ Bryan P. Tyson

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

Counsel for State Defendants

CERTIFICATE OF COMPLIANCE

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

/s/ Bryan P. Tyson
Bryan P. Tyson

EXHIBIT A

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

Mr. Martin,

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

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

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

Thank you.

Best,
Robert McGuire

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

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

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

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

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

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3232#

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

From: Robert McGuire <ram@lawram.com>

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

To: Harry Martin <Harry_Martin@gand.uscourts.gov>; Cary Ichter <CIchter@IchterDavis.com>;
Adrienne.Hutcherson@fultoncountyga.gov; CChapple@mofo.com; JCarlin@mofo.com;
Jene.Gipson@fultoncountyga.gov; RManoso@mofo.com; Tammy.walton@fultoncountyga.gov;
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Cc: Janis Lemieux <JLemieux@IchterDavis.com>; Marilyn Marks <marilyn@aspensoffice.com>

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

Mr. Martin,

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

Thank you.

Best,
Robert McGuire

ROBERT A. MCGUIRE, III

SHAREHOLDER | THE ROBERT MCGUIRE LAW FIRM

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

E: ram@lawram.com | T/F: 720.420.1395 | T/F: 253.267.8530 | www.lawram.com

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From: Harry Martin <Harry_Martin@gand.uscourts.gov>

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

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

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

Cc: Janis Lemieux <JLemieux@IchterDavis.com>

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

Thank you Mr. Ichter.

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

From: Cary Ichter <CIchter@IchterDavis.com>

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

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

william@nhphlaw.com

Cc: Janis Lemieux <JLemieux@IchterDavis.com>

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

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

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

From: Harry Martin <Harry_Martin@gand.uscourts.gov>

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

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

mmurray@altber.com; nakeia.staley@fultoncountyga.gov; rabney@lawyerworks.com;
rahuja@taylorenchinese.com; ram@lawram.com; rmanosom@mofo.com; rmeier@robbinsfirm.com;
sberzon_altber.com <sberzon@altber.com>; sleyton_altber.com <sleyton@altber.com>;
smorris@robbinsfirm.com; sparks@khlawfirm.com; vrusso@robbinsfirm.com;
william@nhphlaw.com

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

Good afternoon Counsel,

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

Call: 1-888-684-8852

Access: 7001576#

Security: 3232#

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

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CIVIL ACTION

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

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

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

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IT IS SO ORDERED this ____ day of August, 2019.

Amy Totenberg
United States District Judge