

**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' WITNESS LIST FOR HEARING**

Pursuant to this Court's docket entry order on August 25, 2020, State Defendants identify the following witnesses for the September 10-11, 2020 hearing with the time anticipated for each witness.

As an initial matter, State Defendants continue to maintain that a hearing with witnesses is unnecessary. In their forthcoming reply briefs, State Defendants will demonstrate the lack of substantive new evidence filed by both groups of Plaintiffs eliminates any further need for the Court to spend judicial resources on witness testimony, especially on a virtual platform. Plaintiffs' replies offer essentially nothing that this Court has not already seen or heard in the other 860 docket entries in this case.

Rather than additional factual development, or lack thereof, State Defendants maintain that the legal merits of Plaintiffs' proposed relief should be the focus of the hearing on Plaintiffs' fourth round of preliminary-injunction motions. Oral argument should be more than sufficient at this point, as it has been in several other election-related preliminary-injunction hearings in this district over the course of this year.

To Plaintiffs' proposed use of a "chess clock" approach, [Doc. 859, p. 2], State Defendants note that a similar approach was not successful in the preliminary-injunction hearing last year and State Defendants doubt such an approach will be useful this year. The March hearing where the Court was able to pursue particular facts of interest was far more efficient for all involved, including the Court.

If the Court wishes to proceed with hearing witnesses, State Defendants anticipate calling the following individuals:

1. Donna Curling<sup>1</sup> – 5-10 minutes direct
2. Donna Price – 5-10 minutes direct

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<sup>1</sup> State Defendants note that Plaintiffs in this matter have never been deposed or testified despite submitting multiple declarations. Given the Eleventh Circuit's focus on testimony regarding standing of plaintiffs, State Defendants should be given the opportunity to test the standing of the plaintiffs in this case. *Jacobson v. Sec'y of State of Florida*, No. 19-14552, 2020 U.S. App. LEXIS 28078, at \*14-15 (11th Cir. Sep. 3, 2020).

3. Jeffrey Schoenberg – 5-10 minutes direct
4. Louis M. Franzoni, Jr. – 5-10 minutes direct
5. Laura Digges – 5-10 minutes direct
6. William Digges, III – 5-10 minutes direct
7. Ricardo Davis – 5-10 minutes direct
8. Megan Missett – 5-10 minutes direct
9. Marilyn Marks, as executive director of the Coalition for Good Governance – 5-10 minutes direct
10. David Hamilton – 20 minutes direct
11. Jack Cobb – 10 minutes direct
12. Dr. Eric Coomer – 10 minutes direct
13. Dr. Ben Adida – 20 minutes direct
14. Chris Harvey – 10 minutes direct

State Defendants reserve the right to cross-examine any witnesses called by Plaintiffs and to redirect any of the above witnesses within the time allotted. State Defendants also reserve the right to supplement this list as appropriate. State Defendants further reserve the right to call additional witnesses beyond those identified above for rebuttal purposes.

Respectfully submitted this 4th day of September, 2020.

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

/s/ Bryan P. Tyson  
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*

**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' WITNESS LIST FOR HEARING** 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