

**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 No. 1:17-CV-2989-AT**

**NOTICE REGARDING CURLING PLAINTIFFS’  
ANTICIPATED DISCOVERY REQUESTS**

Pursuant to the Court’s direction at the Status Hearing held on May 24, 2019, Donna Curling, Donna Price and Jeffrey Schoenberg (the “Curling Plaintiffs”) hereby notify the Court regarding the scope of their anticipated discovery requests.

**Requests for Production of Documents**

The Curling Plaintiffs anticipate serving document requests on State Defendants seeking documents related to:

- Studies, investigations, evaluations, or assessments regarding Georgia’s voting system equipment, including DREs, optical scanners, GEMS and other election-related servers, GEMS databases, and election management software;
- Security breaches or vulnerabilities related to Georgia’s voting equipment or election infrastructure, including DREs, optical scanners, GEMS

servers, GEMS databases, electronic poll books, voter registration systems, memory cards, and election management software;

- Any mitigation efforts for any security breaches or identified voting system vulnerabilities;
- The work of the SAFE Commission regarding security, integrity, and/or feasibility issues related to DREs, paper ballots, other methods of recording votes, and election infrastructure;
- The State's and Georgia counties' inventory of election and voting system equipment, including DREs, GEMS servers, electronic poll books, and optical scanners;
- Data contained in election equipment, memory cards, and election management systems used to conduct Georgia's recent elections, including those elections referenced in the operative Complaints;
- Procurement, piloting, and testing of election and voting system equipment;
- Policies and procedures related to the administration of elections, particularly those related to election security and integrity;
- The State Election Board's work and rule-making considerations regarding election security;
- Handling of voter complaints related to election security, reliability, accessibility, or transparency; and
- Efforts to comply with preservation obligations and Open Records Requests.

The Curling Plaintiffs anticipate serving document requests on Fulton

County Defendants seeking documents related to:

- Security breaches or vulnerabilities related to Georgia's voting equipment or election infrastructure, including DREs, optical scanners, GEMS

servers, GEMS databases, electronic poll books, voter registration systems, memory cards, and election management software;

- Any mitigation efforts for any security breaches or identified voting system vulnerabilities;
- Inventory of Fulton County's election and voting system equipment;
- Policies and procedures related to administration of elections, particularly those related to election security and integrity;
- Procurement, piloting, and testing of election and voting system equipment;
- Handling of voter complaints related to election security, reliability, accessibility, or transparency;
- Data contained in election equipment, memory cards, and election management systems used to conduct recent elections in Fulton County, including those elections referenced in the operative Complaints; and
- Efforts to comply with preservation obligations and Open Records Requests.

## **Depositions**

The Curling Plaintiffs propose no more than ten depositions for each side, consistent with Fed. R. Civ. P. 30. Each Plaintiff group may not notice more than five depositions without the consent of the other Plaintiff group. Plaintiffs agree not to duplicate examinations but retain the right to examine the same witness within the total time allotted for each deposition.

### **Interrogatories**

Each side will serve no more than 25 interrogatories, consistent with Fed. R. Civ. P. 33. Each Plaintiff group may not serve more than 12 interrogatories without the consent of the other Plaintiff group. Plaintiffs agree not to duplicate interrogatories.

### **Requests for Admission**

Each side will serve no more than 50 requests for admission, except for those served for the purpose of establishing admissibility. Each Plaintiff group may not serve more than 25 requests for admission without the consent of the other Plaintiff group. Plaintiffs agree not to duplicate requests for admission.

### **Third-Party Discovery**

The Curling Plaintiffs anticipate serving subpoenas for documents and information, as well as potential deposition subpoenas, on the following third parties:

- SAFE Commission (regarding SAFE Commission meeting content, security, integrity, and/or feasibility issues related to DREs, paper ballots, other methods of recording votes, and election infrastructure);
- Merle King and the Center for Election Systems (CES) at Kennesaw State University (regarding their previous administration of Georgia's election infrastructure and handling of security breaches or vulnerabilities);

- Election equipment vendors, including Election Systems & Software LLC (“ES&S”) (regarding security of election equipment and procurement processes with the State);
- Cobb and DeKalb County, and possibly additional key counties and/or municipalities, regarding:
  - Security breaches or vulnerabilities related to Georgia’s voting equipment or election infrastructure, including DREs, optical scanners, GEMS servers, GEMS databases, electronic poll books, voter registration systems, memory cards, and election management software;
  - Any mitigation efforts for any security breaches or identified voting system vulnerabilities;
  - Inventory of County’s election and voting system equipment;
  - Policies and procedures related to administration of elections, in particular those related to election security and integrity;
  - Handling of voter complaints related to election security, reliability, accessibility, or transparency; and
  - Voting data from recent elections.

### **Expert Discovery**

The Curling Plaintiffs anticipate conducting expert discovery on the following subject matter:

- Statistical analysis of Georgia’s election data;
- Feasibility of paper ballots and other means of recording and tallying votes;
- Reliable and efficient processes and procedures for auditing post-election, pre-certification results; and

- Election security and integrity, including cybersecurity, forensic analysis of electronic election records from recent elections, election infrastructure, equipment, and systems.

The Curling Plaintiffs reserve all rights to seek additional categories of discovery from Defendants and/or third parties as the litigation develops, particularly in conjunction with the State's plans to acquire new voting systems, consistent with Fed. R. Civ. P. 26.

Dated: May 29, 2019

Respectfully submitted,

/s/ David D. Cross

David D. Cross (*pro hac vice*)

John P. Carlin (*pro hac vice*)

Jane P. Bentratt (*pro hac vice*)

Catherine L. Chapple (*pro hac vice*)

Robert W. Manoso (*pro hac vice*)

MORRISON & FOERSTER LLP

2000 Pennsylvania Avenue, NW

Suite 6000

Washington, DC 20006

Telephone: (202) 887-1500

DCross@mofocom

JCarlin@mofocom

RManoso@mofocom

CChapple@mofocom  
JBentrott@mofocom

Halsey G. Knapp, Jr.  
GA Bar No. 425320  
Adam M. Sparks  
GA Bar No. 341578  
KREVOLIN & HORST, LLC  
1201 West Peachtree Street, NW  
Suite 3250  
Atlanta, GA 30309  
HKnapp@khlawfirm.com  
Sparks@khlawfirm.com

*Counsel for Plaintiffs Donna Curling,  
Donna Price & Jeffrey Schoenberg*

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross  
David D. Cross



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**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2019, a copy of the foregoing **NOTICE REGARDING CURLING PLAINTIFFS' ANTICIPATED DISCOVERY REQUESTS** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross  
David D. Cross