

**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

**CURLING PLAINTIFFS’ NOTICE OF JOINDER IN
JOINT DISCOVERY STATEMENT AND COURT CONFERENCE**

Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”) hereby join the Coalition Plaintiffs in seeking production of the November 6, 2018 GEMS Databases. (Dkt. No. 416). In Request for Production No. 15, served June 3, 2019, Curling Plaintiffs specifically requested “[a]ll voting data, configuration data, and log files . . . [from the] GEMS servers.” (Dkt. No. 390). As with the Coalition Plaintiffs’ similar request, State Defendants improperly object to this discovery.¹

¹ State Defendants have willfully violated Federal Rule of Civil Procedure 34(b)(2)(C) and this Court’s November 26, 2018 Standing Order: Guidelines to Parties and Counsel in Cases Proceeding Before the Honorable Amy Totenberg. (Exhibit 1.) Both Rule 34(b)(2)(C) and the Court’s Standing Order prohibit the assertion of vague, boilerplate objections *and* prohibit a refusal to specify what documents, if any, are not being produced because of any objections. This conduct

With the Court's permission, the Curling Plaintiffs will participate in next week's teleconference regarding the Joint Discovery Statement. Curling Plaintiffs' election security expert, Dr. Alex Halderman, is available to participate as well. Dr. Halderman is not available *after* noon on June 25 or *before* noon on June 26. The Curling Plaintiffs' lead counsel, David Cross, would appreciate a start time after 10:00 a.m. as he will be in California next week, but he can be available earlier if needed.

Dated: June 21, 2019

Respectfully submitted,

/s/ David D. Cross
David D. Cross (*pro hac vice*)
John P. Carlin (*pro hac vice*)
Catherine L. Chapple (*pro hac vice*)
Jane P. Bentrott (*pro hac vice*)
Robert W. Manoso (*pro hac vice*)

is improper and should constitute waiver of State Defendants' objections. *See Fischer v. Forrest*, No. 14-CIV-1304-PAEAJP, 2017 WL 773694, at *3 (S.D.N.Y. Feb. 28, 2017) ("From now on in cases before this Court, any discovery response that does not comply with Rule 34's requirement to state objections with specificity (and to clearly indicate whether responsive material is being withheld on the basis of objection) will be deemed a waiver of all objections (except as to privilege)."). State Defendants have repeatedly refused to amend their deficient responses, leaving Curling Plaintiffs with no indication of what documents, if any, they intend to withhold and frustrating any meaningful meet and confer regarding State Defendants' objections since there is no indication which objections ultimately matter with respect to what documents State Defendants will or will not produce. In fact, State Defendants have refused to state whether they will produce any documents *at all* in response to each request, willfully violating their obligations under the Federal Rules and this Court's Standing Order. (*See Exhibits 2-3.*)

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), 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 June 21, 2019, a copy of the foregoing CURLING PLAINTIFFS' NOTICE OF JOINDER IN JOINT DISCOVERY STATEMENT AND COURT CONFERENCE 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