

**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

CONSENT ORDER ON STORAGE OF DRES

The parties have engaged in efforts to address the cost of storage of DREs outlined in State Defendants' Motion to Modify. [Doc. 735]. The Court hereby ORDERS the following:

1. Because State Defendants have now located storage for the DREs at no ongoing cost to the State of Georgia, State Defendants' Motion is DENIED without prejudice.
2. State Defendants are authorized to transport the DREs and other election equipment to the facility in Savannah for continued storage. State Defendants will take reasonable steps to secure and maintain the equipment, including the data stored on it.

3. Staff for the Secretary of State will begin pulling DRE Recap sheets and other records for the 2017 and 2018 elections to provide Plaintiffs with information to design a sample by serial number.

4. Staff for the Secretary of State and/or counsel for the State Defendants will work with Fulton, Cobb, and DeKalb Counties to locate and collect any memory cards located with the DREs that have been sequestered by those three counties for the purposes of this litigation.

5. Any information gathered from the process outlined below is for the sole purpose of preparing a sample of DREs for preservation. After the process outlined below is complete, Plaintiffs will not maintain any information from this process beyond the Machine ID, serial number, date and type of election, county, precinct, and polling location. Plaintiffs will not conduct a forensic examination of any component of the DRE/GEMS system through information gained in this process. No party may, without leave of the Court, release any confidential information gained from this process publicly or use it for any purpose other than to design the sample required to allow disposal of a subset of DREs and other election equipment.

6. If Fulton, Cobb, and DeKalb Counties are able to locate the memory cards described in Paragraph 4, the Secretary of State will provide any required encryption information to allow access to those memory cards, if

it has changed from the default setting. The Counties will provide the memory cards to Plaintiffs, who will test those memory cards to determine whether they can be used to match machine IDs with serial numbers for particular DREs. Any testing of the memory cards must take place utilizing a memory card reader with a write blocker. No information shall be written to any memory card nor shall any existing information on the memory card be altered. State Defendants have the right to have counsel and designated technical staff on site to observe the Plaintiffs' testing process, at State Defendants' option. All staff, if any, utilized by Plaintiffs and/or their experts in this process shall sign an "Acknowledgement and Agreement to Be Bound" pursuant to the Protective Order in this case and provide a copy of all signed forms to State Defendants.

7. Memory cards shall not be altered by Plaintiffs or their experts, including anyone assisting, in any way through this process. Defendants shall not be responsible for any such alteration that occurs.

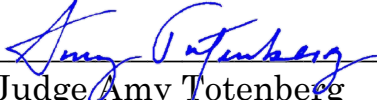
8. If the test is successful, (a) Plaintiffs will identify a reasonable sample of DREs for continued preservation for Cobb, DeKalb, and Fulton counties; and (b) the parties will cooperate to develop a plan for using memory cards to develop a reasonable sample for the remaining DREs being preserved for this litigation, including for the 2017 and 2018 elections.

9. If the test is unsuccessful, such that Plaintiffs determine memory cards cannot be used for creating a sample of DREs by serial number, staff for the Secretary of State will finish providing Plaintiffs with the electronic or paper copies of the DRE Recap sheets for the 2017 and 2018 elections, if not finished already, and provide DRE Recap sheets for the 2016 elections as soon as that information can be reasonably obtained from the Georgia Archives.

10. Regardless of whether the test is successful, Plaintiffs will return the memory cards to the respective counties upon completion of the test.

11. Plaintiffs will not seek reimbursement for their expenses for any of the efforts outlined above as part of any later application for attorneys' fees or otherwise.

This 25th day of June, 2020.



Judge Amy Totenberg
U.S. District Judge