

# **EXHIBIT 1**

**From:** Josh Belinfante <Josh.Belinfante@robbinsfirm.com>

**Sent:** Wednesday, October 7, 2020 4:35 AM

**To:** Cross, David D. <DCross@mofo.com>

**Cc:** Vincent Russo <vrusso@robbinsfirm.com>; Bruce Brown <bbrown@brucepbrownlaw.com>; Bryan Tyson <btyson@taylorenghish.com>; Conaway, Jenna B. <JConaway@mofo.com>; Cary Ichter <Clichter@ichterdavis.com>; Hedgecock, Lyle F. <LHedgecock@mofo.com>; Halsey G. Knapp, Jr. <hknapp@khlawfirm.com>; Adam M. Sparks <sparks@khlawfirm.com>; Jonathan Crumly <jcrumly@taylorenghish.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; Loree Anne Paradise <lparadise@taylorenghish.com>; Bryan Jacoutot <bjacoutot@taylorenghish.com>; Diane LaRoss <dlaross@taylorenghish.com>; Ascarrunz, Veronica <VAscarrunz@mofo.com>; Brogan, Eileen M. <EBrogan@mofo.com>; cheryl.ringer@fultoncountyga.gov; kaye.burwell@fultoncountyga.gov; david.lowman@fultoncountyga.gov; Curling Core Team <CurlingCoreTeam@mofo.com>; Carey Miller <carey.miller@robbinsfirm.com>; Robert McGuire <ram@lawram.com>; J. Matthew Maguire, Jr. <MMaguire@pcwlawfirm.com>

**Subject:** Re: Filings this Weekend; Filings Under Seal

David:

We've met our obligations to the Court and filed what we have. Your questions seem like discovery requests, and you're free to serve them at any time.

Thanks

JB

Sent from my iPhone

On Oct 6, 2020, at 8:29 PM, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)> wrote:

Come on Josh. My email makes it very clear below what we're looking for and why today's filing doesn't provide it. But here it goes again.

Do you or your clients actually know for a fact whether the Pro V&V report was submitted last week to the EAC for approval of the software change being implemented across the state, as you represented to the Court on Friday? Today's filing indicates only that you "understand" that the undated ECO was submitted to the EAC at some unspecified time. I have an additional question I didn't raise below: If the Pro V&V letter and/or ECO were submitted, has the EAC provided any response, formally or informally (and if so, what was the response)?

Have you or your clients requested from Dominion any documentation showing that the Pro V&V report was submitted last week to the EAC for approval of the software change being implemented across the state? If so, where is it? If not, will you do so immediately and file that documentation with the Court as required by the September 28 minute order? If no such documentation exists, will you please just confirm that?

Thanks.  
DC

**From:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>  
**Date:** Tuesday, Oct 06, 2020, 8:17 PM  
**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>  
**Cc:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[MMaguire@pcwlawfirm.com](mailto:MMaguire@pcwlawfirm.com)>  
**Subject:** Re: Filings this Weekend; Filings Under Seal

It went great. Thank you.

In the light of the State's flinging a tifay, what is the question?

thanks.  
JB

Sent from my iPhone

On Oct 6, 2020, at 8:09 PM, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)> wrote:

My preference is that you or any of the half dozen other lawyers for the State answer our questions today. I'm glad you're out of surgery and hope it went well. But there are many lawyers on this thread for your clients and so there's no need to burden you at all. So how about it? Are we getting answers and the documentation we and the Court have asked for?

**From:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Date:** Tuesday, Oct 06, 2020, 7:54 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Cc:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>, Bryan Tyson <[byson@taylorenghish.com](mailto:byson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[MMaguire@pcwlawfirm.com](mailto:MMaguire@pcwlawfirm.com)>

**Subject:** Re: Filings this Weekend; Filings Under Seal

Thank you, David.

Now that I'm not in surgery or observing a religious holiday, I'm happy to respond. Do whatever you want on the public record. Just let us know your preference (as it seems to change), and we will respond.

I will take Ms. Cole off all future communications from me.

Thanks,  
JB

Sent from my iPhone

On Oct 6, 2020, at 7:37 PM, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)> wrote:

Josh -

If you'd actually provide substantive responses to our emails, that would be great. Obviously you're reading them and just refusing to respond except to complain about who else may be reading them. We'd be happy to file all the correspondence on the record and let the public see you refuse to answer basic questions or provide Court-ordered documentation to support representations made in public filings. Please stop dodging and actually engage with us so we and the Court can discern the facts of what's going on with a last minute change to the BMD software across the state.

Thanks.

DC

**From:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Date:** Tuesday, Oct 06, 2020, 7:30 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Cc:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[MMaguire@pcwlawfirm.com](mailto:MMaguire@pcwlawfirm.com)>

**Subject:** Re: Filings this Weekend; Filings Under Seal

David:

If you want to talk to us, I'd suggest you take the Court off the emails. We don't need to bother the Court with our communications, and it eliminates issues about what needs to be filed in the record.

Thanks,  
JB

Sent from my iPhone

On Oct 6, 2020, at 7:20 PM, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)> wrote:

Vincent -

Today's filing by State Defendants still does not include any documentation showing the software change the Secretary is forcing on counties across the state has in fact been submitted to the EAC for approval.

Moreover, you've retreated from your prior unequivocal representation to the Court that the Pro V&V letter was submitted to the EAC for approval last week. In your filing Friday, State Defendants represented to the Court: "The same Letter Report has been submitted to the EAC for

approval.” In today’s filing, State Defendants represented only that they “understand” the ECO attached to the filing “has been submitted to the EAC by Dominion Voting Systems.” This implies that State Defendants don’t actually know whether the Pro V&V report, or even the ECO or any other materials, have been submitted to the EAC for approval of the software change already being implemented across the state. And the ECO is undated, providing no indication of when it was prepared.

Your inability to provide any documentation supporting your unequivocal representation to the Court on Friday and your refusal to even answer the question of whether you’ve requested supporting documentation from Dominion (which is acting at the Secretary’s direction and as its agent) leaves us — and the Court — with the inference that EAC approval in fact has not been sought, that the Pro V&V letter and ECO were not submitted last week and have in fact not been submitted at all, and that State Defendants’ representation to the Court last Friday was not accurate (like the many other inaccurate representations State Defendants have made in this case). If this inference is incorrect, please immediately provide documentation to prove that.

DC

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Date:** Tuesday, Oct 06, 2020, 2:43 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Subject:** RE: Filings this Weekend; Filings Under Seal

Vincent -

Are you or any of the many other lawyers representing the State on this thread going to answer this question?

And are you going to provide any documentation today substantiating your representation that EAC approval was requested last week for this software change?

And are you going to provide the State certification Bruce requested?

Thanks.

DC

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Date:** Tuesday, Oct 06, 2020, 9:05 AM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[Clchter@ichterdavis.com](mailto:Clchter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Subject:** RE: Filings this Weekend; Filings Under Seal

Vincent -

Have you or anyone at the SOS requested it from Dominion to file with the Court today? I'm sure it could be sent to you electronically, such as email (or ftp if it's voluminous), so that you could provide it today.

Thanks.

DC

**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Date:** Tuesday, Oct 06, 2020, 9:02 AM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[Clchter@ichterdavis.com](mailto:Clchter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Subject:** RE: Filings this Weekend; Filings Under Seal

**External Email**

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David:

Whenever the State receives a copy of Dominion's submission to the EAC, we will proceed to file it pursuant to the Court's September 28 Order by docket entry only.

Thanks,

Vincent

<image001.jpg>

Vincent R. Russo  
**Robbins Ross Alloy Belinfante Littlefield LLC**  
[www.robbinsfirm.com](http://www.robbinsfirm.com)

**Robbins Government Relations LLC**  
[www.robbinsgr.com](http://www.robbinsgr.com)

500 14th Street, NW  
Atlanta, GA 30318  
404.856.3260 (Direct)  
678.701.9381 (Main)

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>  
**Sent:** Tuesday, October 6, 2020 8:29 AM  
**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>  
**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Cary Ichter <[Cichter@ichterdavis.com](mailto:Cichter@ichterdavis.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Loree Anne Paradise <[paradise@taylorenghish.com](mailto:paradise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>; Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>  
**Subject:** RE: Filings this Weekend; Filings Under Seal

Vincent -

Are you filing this documentation this morning?

Thanks.



DC

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Date:** Monday, Oct 05, 2020, 3:58 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[Clichter@ichterdavis.com](mailto:Clichter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Subject:** RE: Filings this Weekend; Filings Under Seal

Vincent -

The Court's Order was directed at State Defendants and Dominion obviously is acting as your agent, or otherwise acting at your direction, given your admission that you're relying on them to pursue EAC certification required by state law and that you're in contact with them and relying on their representations for your own representations to the Court. Please immediately obtain the documentation from Dominion and file it today. Your client obviously can obtain this from Dominion. This is no time for a shell game.

Thanks.

DC

**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Date:** Monday, Oct 05, 2020, 3:48 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[Clichter@ichterdavis.com](mailto:Clichter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)

<[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>  
**Subject:** RE: Filings this Weekend; Filings Under Seal

**External Email**

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David,

The state does not make the EAC submission. As Dr. Coomer discussed last Thursday, once Pro V&V completed the letter report, Dominion would make a submission to the EAC for certification as an ECO for the current EAC-certified system. We have confirmed with Dominion's counsel that Dominion made the submission to the EAC. However, the Secretary's office does not currently have a copy of Dominion's submission or additional documentation from the submission other than the letter report, which you already have. I understand the state typically gets a copy of the submission following the EAC's review.

Thanks,

Vincent

<image001.jpg>

Vincent R. Russo  
**Robbins Ross Alloy Belinfante Littlefield LLC**  
[www.robbinsfirm.com](http://www.robbinsfirm.com)

**Robbins Government Relations LLC**  
[www.robbinsgr.com](http://www.robbinsgr.com)

500 14th Street, NW  
Atlanta, GA 30318  
404.856.3260 (Direct)  
678.701.9381 (Main)

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>  
**Sent:** Monday, October 5, 2020 2:25 PM  
**To:** Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>  
**Cc:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Cary Ichter <[Clichter@ichterdavis.com](mailto:Clichter@ichterdavis.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz,

Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>; Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Subject:** RE: Filings this Weekend; Filings Under Seal

Vincent -

In your filing Friday, you stated: "The same Letter Report has been submitted to the EAC for approval." We've not seen in your filings any documentation showing this, despite multiple directives from the Court to file that documentation. If we've overlooked that, please direct us to it. Otherwise, please immediately confirm whether this has in fact occurred, and, if so, please immediately file all the related documentation with the Court, including showing exactly what was submitted to the EAC and when.

Thanks.

DC

**From:** Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>

**Date:** Monday, Oct 05, 2020, 12:00 PM

**To:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Subject:** Re: Filings this Weekend; Filings Under Seal

**External Email**

---

Ms. Cole - I have been in contact with Vincent Russo and, with respect to the sealing of recent filings with the Court, the parties have agreed to the following:

1. Defendants will file on the public record a redacted version of the Pro V&V letter (Doc 939).

2. The two declarations filed by Plaintiffs over the weekend about the Pro V&V letter, which are the Halderman Declaration ( Doc 941) and the Skoglund Declaration (Doc 943) are public and should be unsealed.

Please let me know if you need any further filings or communications from the parties on this issue.

Many thanks,

Bruce Brown

On Oct 4, 2020, at 9:59 PM, Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)> wrote:

Ms. Cole –

Plaintiffs wanted to bring to the Court's attention the filing this evening of the Declaration of Harri Hursti (Doc. 942, attached), which addresses Mr. Hursti's observations of Fulton County's attempts to install the new Dominion software. Plaintiffs also filed (provisionally under seal) the Declaration of Kevin Skoglund (Doc. 943). Mr. Skoglund's Declaration, like the Declaration of Alex Halderman (Doc. 941) filed provisionally under seal on Saturday, addresses the serious inadequacies of Pro V&V's testing and analysis of the new software as described in its letter (Doc. 939).

The only reason the Declarations of Mr. Skoglund and Dr. Halderman were filed under seal is that they address the Pro V&V Letter, which was provisionally filed under seal. However, all three documents should be public. Defendants did not file a motion to file the Pro V&V Letter under seal, as the Court requires, or respond to Plaintiffs' counsel's three requests over the weekend to withdraw the designation. (See emails at Exhibit B to Doc. 942). The only information even arguably confidential in the Pro V&V letter can be easily redacted. By copy of this email, we again urge Defendants' counsel to explain why the Pro V&V letter was filed under seal or to withdraw the designation and file it on the open record. Once that action is taken, the Halderman (Doc. 941) and Skoglund (Doc. 943) Declarations may be unsealed.

Many thanks,

Bruce Brown

**From:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Date:** Friday, October 2, 2020 at 11:30 AM

**To:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Cc:** "Cross, David D." <[DCross@mofo.com](mailto:DCross@mofo.com)>, Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, "Conaway, Jenna B." <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, "Hedgecock, Lyle F." <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, "Halsey G. Knapp, Jr." <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, "Adam M. Sparks" <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, "Ascarrunz, Veronica" <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, "Brogan, Eileen M." <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, Cheryl Ringer <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, "[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)" <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, "[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)" <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, "J. Matthew Maguire, Jr." <[MMaguire@pcwlawfirm.com](mailto:MMaguire@pcwlawfirm.com)>

**Subject:** RE: Curling v. Raffensperger: State's Deadline for Request Maintain Seal of Portions of 10/1 Hearing

Counsel,

Please see the docket order entered in the case just now addressing this matter.

Holly Cole  
Law Clerk  
Chambers of the Honorable Amy Totenberg  
United States District Court  
Northern District of Georgia  
404-215-1404  
[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)

**From:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Sent:** Friday, October 2, 2020 10:34 AM

**To:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>; Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller

<[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; J. Matthew Maguire, Jr. <[MMaguire@pcwlawfirm.com](mailto:MMaguire@pcwlawfirm.com)>

**Subject:** Re: Curling v. Raffensperger: State's Deadline for Request Maintain Seal of Portions of 10/1 Hearing

Thank you, Ms. Cole.

Sent from my iPhone

On Oct 2, 2020, at 10:31 AM, Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)> wrote:

Mr. Belinfante,

Thank you. I will be in touch regarding further instructions for resolving this issue.

The Court appreciates your response and patience.

Best,

Holly Cole  
Law Clerk  
Chambers of the Honorable Amy Totenberg  
United States District Court  
Northern District of Georgia  
404-215-1404  
[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)

**From:** Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>

**Sent:** Friday, October 2, 2020 10:28 AM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Cc:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Cary Ichter <[Clichter@ichterdavis.com](mailto:Clichter@ichterdavis.com)>; Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; J. Matthew Maguire, Jr. <[MMaguire@pcwlawfirm.com](mailto:MMaguire@pcwlawfirm.com)>

**Subject:** Re: Curling v. Raffensperger: State's Deadline for Request Maintain Seal of Portions of 10/1 Hearing

Ms. Cole:

Reserving the right to respond to the substance of Mr. Cross's latest email, the State is happy to comply with whatever method the Court chooses to communicate —via email like Mr. Cross frequently does—or by filing matters on the record. Which does the Court prefer for this or other matters?

Thanks,  
JB

Sent from my iPhone

On Oct 2, 2020, at 10:15 AM, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)> wrote:

Ms. Cole -

We object to this request. It's not on the docket and does not meet the evidentiary requirements or very high standard to seal portions of a hearing, especially regarding testimony the State is asking this Court to rely on in deciding a preliminary injunction motion. The State had ample time to prepare the requisite filing with supporting evidence. They opted not to do that.

Moreover, Mr. Russo's email directly contradicts what the State has been telling this Court and the public for a week now—that this is a “very minor issue” that does *not* implicate the security of the voting system. While we appreciate that the State finally admits that's not true by acknowledging that the underlying software failure Dr. Coomer was discussing does in fact involve “the security of the voting system”—a damning admission the Court should consider for its preliminary injunction decision—there's nothing confidential in the cited testimony. It merely addresses a publicly-known software failure with Georgia's Dominion BMDs without getting into technical details about the software or the code. The public has a fundamental right to be aware of what Dr. Coomer had to say about this failure and what Dominion and the State are doing concerning it.

Lastly, if Dominion and the State have in fact fixed the software failure discussed in the cited pages as they claim, then they should have no concern about Dr. Coomer's high-level discussion of it being public, since that would mean it's no longer an issue. We of course believe it is still very much an important issue, and the public needs to understand it so they can make their own decisions about its implications and how they choose to vote.

This is yet another effort by the State to shield embarrassing information from the public through improper sealing requests and to dupe the public into a false sense of confidence in the election system. Confidence generated by withholding vital information isn't confidence — it's deliberate ignorance. The State should not be keeping the public in the dark. It should have enough confidence in its own election system to subject that system to public scrutiny—especially since they refuse to subject it to the scrutiny of their own election security experts.

The Court should deny this request and publicly release the full transcript at its earliest convenience.

Thanks.  
DC

**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Date:** Friday, Oct 02, 2020, 9:49 AM

**To:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Subject:** RE: Curling v. Raffensperger: State's Deadline for Request Maintain Seal of Portions of 10/1 Hearing

**External Email**

Ms. Cole,

We have reviewed the transcript of the hearing yesterday. Below are the page and line numbers from the transcript that we think should be redacted from the public transcript and video, assuming the recording is made available to the public. These portions of the hearing involve discussions of sensitive information about Dominion's intellectual property and the security of the voting system.

Page : Line Number

23:10 – 26:1

26:5 – 26:16

27:5 – 27:14

28:9 – 29:5

29:14 – 30:8

We appreciate the Court's consideration of this request. Please let me know if the Court needs anything further from State Defendants on this issue.

Best regards,

Vincent



<image001.jpg>

Vincent R. Russo  
**Robbins Ross Alloy Belinfante Littlefield LLC**  
[www.robbsfirm.com](http://www.robbsfirm.com)

**Robbins Government Relations LLC**  
[www.robbsgr.com](http://www.robbsgr.com)

500 14th Street, NW  
Atlanta, GA 30318  
404.856.3260 (Direct)  
678.701.9381 (Main)

**From:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>  
**Sent:** Thursday, October 1, 2020 12:00 PM  
**To:** Vincent Russo <[vrusso@robbsfirm.com](mailto:vrusso@robbsfirm.com)>  
**Cc:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>; Josh Belinfante <[Josh.Belinfante@robbsfirm.com](mailto:Josh.Belinfante@robbsfirm.com)>; Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbsfirm.com](mailto:Alexander.Denton@robbsfirm.com)>; Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller <[carey.miller@robbsfirm.com](mailto:carey.miller@robbsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>  
**Subject:** Curling v. Raffensperger: State's Deadline for Request Maintain Seal of Portions of 10/1 Hearing

Counsel,

The Court will not be able to provide the audio recording today in time for the State to use to determine what portions of the hearing should remain sealed. Ms. Welch will have the transcript ready tonight. Accordingly, Judge Totenberg is extending the time for the State's request through 10:00 a.m. tomorrow morning.

Let me know if you have any questions.

Thanks,

Holly Cole  
Law Clerk  
Chambers of the Honorable Amy Totenberg  
United States District Court  
Northern District of Georgia

404-215-1404

[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)

**From:** J. Matthew Maguire, Jr. <[mmaguire@pcwlawfirm.com](mailto:mmaguire@pcwlawfirm.com)>

**Sent:** Wednesday, September 30, 2020 9:04 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Cc:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Cary Ichter <[CIchter@ichterdavis.com](mailto:CIchter@ichterdavis.com)>; Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Subject:** Re: Plaintiffs' Request for Emergency Conference - Curling v. Raffensperger

Thank you, David.

Ms. Cole, Dr Coomer is available tomorrow at 9:00 am (7:00 his time) but he has a hard stop at 8:00 his time. Please include me on the email with the call info and I will get it to him.

-Matt Maguire

Sent from my iPhone

On Sep 30, 2020, at 8:55 PM, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)> wrote:

Ms. Cole -

I'm adding Mr. Maguire to this distribution for ease of communication with the Court and the parties. He was kind enough to respond to me and Mr. Brown moments ago on a related issue.

Thanks.

DC

**From:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Date:** Wednesday, Sep 30, 2020, 8:31 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>

**Cc:** Cary Ichter <[Clichter@ichterdavis.com](mailto:Clichter@ichterdavis.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>, [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov) <[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)>, [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov) <[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)>, [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov) <[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)>, Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Subject:** RE: Plaintiffs' Request for Emergency Conference - Curling v. Raffensperger

**External Email**

---

Mr. Russo,

Thank you. Please update me as soon as possible regarding Mr. Maguire and Dr. Coomer so we can confirm the proceeding to begin at 9AM.

Best,

Holly Cole  
Law Clerk  
Chambers of the Honorable Amy Totenberg  
United States District Court  
Northern District of Georgia  
404-215-1404  
[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)

**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Sent:** Wednesday, September 30, 2020 7:04 PM

**To:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>

**Cc:** Cary Ichter <[Clichter@ichterdavis.com](mailto:Clichter@ichterdavis.com)>; Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Subject:** RE: Plaintiffs' Request for Emergency Conference - Curling v. Raffensperger

Ms. Cole,

We have a hearing before Judge Brown tomorrow morning in another election case, but we can be available for the call. I am checking with Mr. Maguire on Dr. Coomer's availability and will follow up with you as soon as I hear from Mr. Maguire.

Best regards,

Vincent

<image001.jpg>

Vincent R. Russo

**Robbins Ross Alloy Belinfante Littlefield LLC**

[www.robbsfirm.com](http://www.robbsfirm.com)

**Robbins Government Relations LLC**

[www.robbsgr.com](http://www.robbsgr.com)

500 14th Street, NW  
Atlanta, GA 30318  
404.856.3260 (Direct)  
678.701.9381 (Main)

**From:** Holly Cole <[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)>

**Sent:** Wednesday, September 30, 2020 6:33 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>

**Cc:** Vincent Russo <[vrusso@robbsfirm.com](mailto:vrusso@robbsfirm.com)>; Cary Ichter <[Clichter@ichterdavis.com](mailto:Clichter@ichterdavis.com)>; Josh Belinfante <[Josh.Belinfante@robbsfirm.com](mailto:Josh.Belinfante@robbsfirm.com)>; Bruce Brown <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Hedgecock, Lyle F. <[LHedgecock@mofo.com](mailto:LHedgecock@mofo.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Jonathan Crumly <[jcrumly@taylorenghish.com](mailto:jcrumly@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbsfirm.com](mailto:Alexander.Denton@robbsfirm.com)>; Loree Anne Paradise <[lparadise@taylorenghish.com](mailto:lparadise@taylorenghish.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>; Brogan, Eileen M. <[EBrogan@mofo.com](mailto:EBrogan@mofo.com)>; [cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov); [kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov); [david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov); Curling Core Team <[CurlingCoreTeam@mofo.com](mailto:CurlingCoreTeam@mofo.com)>; Carey Miller <[carey.miller@robbsfirm.com](mailto:carey.miller@robbsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>

**Subject:** Plaintiffs' Request for Emergency Conference - Curling v. Raffensperger

Counsel,

Judge Totenberg plans to conduct a conference on a sealed basis (as a matter of caution and for efficiency) tomorrow morning at 9AM. Only one authorized member for each team need be available. Dr. Coomer and a representative from the Secretary of State's office should be available and accessible if necessary. We plan to send out the dial-in information tomorrow morning before the conference.

If anyone has a conflict at 9AM, please let me know immediately.

Regards,

Holly Cole  
Law Clerk  
Chambers of the Honorable Amy Totenberg  
United States District Court  
Northern District of Georgia  
404-215-1404  
[Holly\\_Cole@gand.uscourts.gov](mailto:Holly_Cole@gand.uscourts.gov)

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