

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

GARLAND FAVORITO, MICHAEL SCUPIN,
TREVOR TERRIS, SEAN DRAIME,
CAROLINE JEFFORDS, STACEY DORAN,
CHRISTOPHER PECK, ROBIN SOTIR,
and BRANDI TAYLOR,
PETITIONERS,

v.

CIVIL ACTION NO.: 2020CV343938

MARY CAROLE COONEY, VERNETTA
KEITH NURIDDIN, KATHLEEN RUTH,
AARON JOHNSON, MARK WINGATE,
and RICHARD BARRON
in their individual capacities,
RESPONDENTS.

**PETITIONERS' EMERGENCY MOTION FOR A COURT ORDER TO
ENFORCE THE NOTICE TO INSPECT, COPY, OR SCAN
PURSUANT TO GA. CODE ANN. § 9-11-34**

COMES NOW, THE PETITIONERS, by and through their attorney of record, to move the Court for an order to enforce the notice to inspect, copy, or scan that was filed pursuant Ga. Code Ann. § 9-11-34 (b) (2) with the Court on 12/23/2020 (Exhibit "A"). The Petitioners seek to have this motion heard on an expedited basis pursuant to USCR 6.7, and show the following:

1.

The Petitioners cite to USCR 5.1 which states in pertinent part: "... At any time, the court, in its discretion, may open, extend, reopen, or shorten the time to utilize the court's compulsory process to compel discovery."

2.

Ga. Code Ann. § 9-11-34 (b) (2) specifically states that: "...The court may allow a shorter or longer time."

3.

The Petitioners seek an order that to allow them to inspect, copy, or scan the items enumerated in Exhibit “A” (4) pursuant to Ga. Code Ann. § 9-11-37 (a)(2).

4.

The Petitioners contend that the Respondents objected to the notice to inspect, copy, or scan via an email from Cheryl Ringer, the Senior Assistant County Attorney on 12/28/2020 at approximately 5:17 p.m.

5.

The Petitioners contend that the discovery request attached hereto as Exhibit “A” will not interfere with the January 5, 2020 Run Off Election.

6.

The Petitioners contend that the discovery request attached hereto as Exhibit “A” will not violate the anonymity of the secret ballot.

7.

The Petitioners contend that time is of the essence because the presidential electoral votes shall be counted on 01/06/2021 at 1:00 p.m. in a joint session of the United State Congress and that public access and transparency are well served by the enforcement of the notice to inspect, copy, or scan.

8.

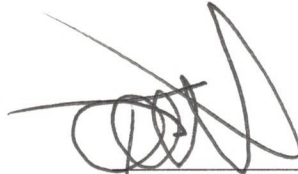
Petitioner Garland Favorito had also sought the items in Exhibit “A” (4) via an Open Records Request on 12/03/2020 at 8:31 a.m., prior to recount recertification on 12/04/2020 and prior to the sealing of the ballots under state law. He never received a response, as required by state law.

WHEREFORE, THE PETITIONERS pray:

- a). that the Court **GRANTS** this motion without a hearing pursuant to USCR 6.3;
- b). or in the alternative, that the Court **CONDUCTS** an expedited hearing on the motion pursuant to U.S.C.R. 5.1;
- c). that the Court **ORDERS** that the Petitioners may inspect, copy, or scan each and every item identified in Exhibit “A” (4); **AND**
- d). for any other relief the Court **DEEMS** just and proper.

Respectfully submitted this the 29th day of December, 2020.

MADDOX & HARDING, LLC



Todd Harding, For the Firm
Ga. Bar No.: 101562
Attorney for Petitioners

Maddox & Harding, LLC
Attorneys at Law
113 E. Solomon Street
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CERTIFICATE OF SERVICE

I hereby certify that I have served upon the Defendant, a true and correct copy of
**PETITIONERS' EMERGENCY MOTION FOR A COURT ORDER TO
ENFORCE THE NOTICE TO INSPECT, COPY, OR SCAN PURSUANT TO GA. CODE
ANN. § 9-11-34** in the above-styled case by U.S. Mail to:

Cheryl Ringer, Esq.
141 Pryor Street
Suite 4038
Atlanta, GA 30303

Respectfully submitted this the 29th day of December, 2020.

MADDOX & HARDING, LLC



Todd Harding, For the Firm
Ga. Bar No.: 101562
Attorney for Petitioners

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EXHIBIT "A"

**IN THE SUPERIOR COURT OF FULTON COUNTY
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**NOTICE TO INSPECTION, COPY, OR SCAN
PURSUANT TO GA. CODE ANN. § 9-11-34**

COME NOW, THE PETITIONERS, by and through their attorney of record and files and serves this notice to inspect, copy, or scan pursuant to Ga. Code Ann. §9-11-34 to inspect and copy the following items on December 29, 2020 at 9:00 a.m. with the Fulton County Elections Board located at: 1365 English Street, Atlanta, Georgia:

(1) Separately and distinctly each original unique native electronic ballot image cast for all mail-in and absentee ballots which were counted in the November 3, 2020 General Election in Fulton County, Georgia containing the original metadata of the original electronic ballot image with:

- (a) a resolution of at least 300 DPI in TIFF image, and also
 - (b) a resolution of at least 300 DPI in PDF image, and also
 - (c) a resolution of at least 300 DPI in JPG image.
- (2) Reports from the Dominion electronic election management system, including:
- a) Dominion Electronic Cast Vote Record
 - b) Ballot Images - Raw Images

- c) Ballot Images - Ballot Audit and Review
- d) Vote-by-Mail Ballot Report
- e) Provisional Ballot Report
- f) Conditional Voter Registration Ballot Report
- g) Cast Vote Record (Raw data) - JSON
- h) ImageCast Central Logs
- i) Ballot Scanning/Tabulation Machine Logs
- j) Ballot Scanning/Tabulation Machine Tape
- k) Ranked-Choice Voting: Board of Supervisors, Final Detailed Report _


These systems generated reports should be provided as (a) an XML file, and (b) a JSON file, and also (c) a TXT file.

(3) The native electronic ballot images cast for all mail-in absentee ballots shall be produced as native original separate electronic ballots and shall not be combined into a single file and not have changes to the metadata of the original electronic ballot.

(4) Produce for inspection and scanning each and every mail-in ballot that was counted, audited, or recounted in the November 3, 2020 General Election in Fulton County, Georgia.

Respectfully submitted this the 22nd day of December, 2020.

MADDOX & HARDING, LLC



Todd Harding, For the Firm
Ga. Bar No.: 101562
Attorney for Petitioners

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I hereby certify that I have served upon the Defendant, a true and correct copy of
**NOTICE TO INSPECTION, COPY, OR SCAN PURSUANT TO GA. CODE ANN. § 9-11-
34** in the above-styled case by **PERSONAL SERVICE** with the Summons and Petition.

Respectfully submitted this the 22nd day of December, 2020.

MADDOX & HARDING, LLC



Todd Harding, For the Firm
Ga. Bar No.: 101562
Attorney for Petitioners

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