

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

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

v.

CIVIL ACTION NO.: 2020CV-343938

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

**PETITIONERS' EMERGENCY SUPPLEMENTAL NOTICE OF ACTION BY
SUBCOMMITTEE OF GEORGIA SENATE ON DECEMBER 30, 2020**

TO THE HONORABLE COURT:

Petitioners' provide notice to the Court of action taken by the Georgia Senate Judicial Subcommittee on Elections on December 30, 2020 related to Petitioners' Emergency Motion for a Court Order to Enforce the Notice to Inspect, Copy, or Scan Pursuant to Ga. Code Ann. § 9-11-34 to enter an order compelling Respondents to immediately produce documents, records and other electronically stored information, to wit:

I.

DECEMBER 30, 2020 GEORGIA SENATE ACTION.

Attached hereto as Exhibit "A" is a copy of a December 30, 2020 letter from the Georgia Senate Judicial Subcommittee on Elections addressed to Fulton County, *et. al.* requesting that Fulton County on or before 9:00 a.m. on December 31, 2020 produce, make available and allow inspection, review and electronic scanning of absentee ballots from the November 2020 general election and imaging of electronic devices used by Fulton County election officials in the November

2020 general election in response to an open records request served on Fulton County by Cheeley Law Group, LLC of Alpharetta, Georgia. As noted in the attached Senate Letter Robert D. Cheeley, Esq. only half of the Cheeley Law Group, LLC served an open records request on Fulton County, *et. al.* as described on Exhibit 1 attached to the Senate letter. In correspondence with Mr. Cheeley, Fulton County agreed to produce the documents and records and to make them available in response to the open records request initially on December 29 and then on December 30, 2020 and 9:00 a.m. Despite agreeing to the production of the documents and records and other materials at 9:00 a.m. on December 30, 2020, Fulton County refused and continues to refuse as of the filing of this notice to comply with the open records request.

In addition, as noted in Petitioners' Emergency Motion for a Court Order to Enforce the Notice to Inspect, Copy, or Scan Pursuant to Ga. Code Ann. § 9-11-34 filed herein, Fulton County has also refused to comply with the open records request of Petitioner Garland Favorito and has refused to comply with Petitioners' Ga. Code Ann. § 9-11-34 request.

If this Court applies the balancing of benefits and harm, it is clear that there can be no harm to Fulton County, as the ballots and other information will not be subject to any destructive testing and the benefits to the citizens of Fulton County, as well as to the citizens of the State of Georgia. The citizens of the State of Georgia demand full and complete transparency so that the State of Georgia does not become the laughing stock of the nation as a place of corruption in voting. By granting Petitioners' emergency relief requested, Petitioners will be able to complete the review, the inspection, and the scanning of the absentee ballots within five (5) to six (6) hours and will be able to image the electronic devices within the same timeframe. All of this work will be done at no expense to Respondents and Respondents will suffer no harm. Indeed, to the extent that there is any

overtime for any employees of respondents, Petitioners agree to reimburse Respondents for such expense, if necessary.

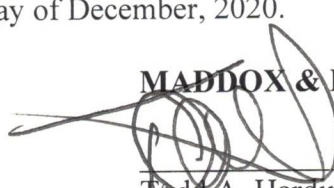
Time is of the essence if the Citizens of Fulton County, the State of Georgia and, indeed the United States are to know the truth regarding the scope and number of counterfeit ballots that were processed, voted and cast at the State Farm Arena in Fulton County, Georgia during the midnight hours of November 3 and November 4, 2020. Indeed, the citizens of Georgia are facing an upcoming Senate election and the citizens of Georgia are entitled to immediately know the truth regarding these matters in order to avert a repeat of the clearly unlawful actions as reflected in the publicly disclosed videos of what occurred at the State Farm Arena.

In summary, the words of Thomas Jefferson are particularly appropriate here, when he said “All tyranny needs to gain a foothold is for people of good conscience to remain silent.” The citizens of the State of Georgia cannot remain silent.

For these reasons, Petitioners re-urge the Court to grant Petitioners’ {insert name of emergency motion here} and order Respondents to produce, make available and permit inspection, review and electronic scanning of the mail in ballots and permit the electronic imaging of electronic devices as described in the open records request attached as Exhibit 1 to the Georgia Senate letter and as requested as relief by Petitioners herein.

Respectfully submitted this 30th day of December, 2020.

MADDOX & HARDING, LLC



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

Maddox & Harding, LLC
Attorneys at Law
113 E. Solomon Street
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770-229-4578
770-228-9111 facsimile

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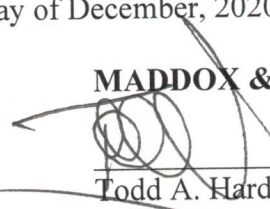
CERTIFICATE OF SERVICE

COME NOW, THE PETITIONERS, by and through his attorneys of record, and certifies that a true and accurate copy of the **PETITIONERS' EMERGENCY SUPPLEMENTAL NOTICE OF ACTION BY SUBCOMMITTEE OF GEORGIA SENATE ON DECEMBER 30, 2020** has been served by email and U.S. Mail, as follows:

Cheryl Ringer, Esq.
Cheryl.ringer@fultoncountyga.gov
David R. Lowman, Esq.
David.lowman@fultoncountyga.gov
141 Pryor Street
Suite 4038
Atlanta, GA 30303

Respectfully submitted this the 30th day of December, 2020.

MADDOX & HARDING, LLC



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

Maddox & Harding, LLC
Attorneys at Law
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EXHIBIT “A”

William Ligon

District 3

158 Scranton Connector

Brunswick, Georgia 31525

Office: 912.261.2263

Email: william@senatorligon.com

121-H State Capitol

Atlanta, Georgia 30334

Phone: 404.463.1383

**Georgia Senate****Committees**

Banking and Financial Institutions, Chairman

Ethics, Vice Chairman

Reapportionment and Redistricting,

Vice Chairman

Appropriations

Health and Human Services

Judiciary

William.Ligon@senate.ga.gov

30 December, 2020

Chairman Robb Pitts,
Fulton County Board of Commissioners

Chairwoman Mary Carole Cooney,
Fulton County Registration and Elections Board

Dear Chairman Pitts and Chairwoman Cooney,

As the Chairman of the Georgia Senate Standing Judiciary Sub-Committee on Election Law I wish to advise you that the Committee just completed its second day of hearings regarding the November 3rd, 2020 Election for the State of Georgia. During today's hearing in particular, there was unequivocal proof of duplicate scanning of absentee ballots at the State Farm Arena on the evening of November 3rd and the early morning hours of November 4th. The Committee heard from an expert, Jovan Hutton Pulitzer (Mr. Pulitzer).

Mr. Pulitzer testified that he can determine with 100% certainty if the entirety of the absentee ballots of Fulton County are authentic or not. The Committee also heard testimony from Robert D. Cheeley, among other attorneys, who have requested access to these absentee ballots. Mr. Cheeley testified that Fulton County Board of Elections had received an open records request for these ballots to be examined and scanned with non-destructive high-speed scanning equipment and that said scanning was arranged with the office of Mr. Ralph Jones to occur on the morning of December 30th, 2020 at 9:00am at the English Street warehouse. When Mr. Cheeley's staff, including at least one attorney, arrived with the four high-speed scanners and forensic technicians, the Fulton County Elections staff instructed them to go to the World Congress Center where the ballots could be reviewed and scanned. When Cheeley Law Group and the forensic technicians arrived at the World Congress Center, they were informed that the subject ballots could not be scanned or examined without a court order.

It was disappointing to our Committee members to hear that the legally protected right to access the subject ballots was denied, particularly given the fact that the integrity of Fulton County's count of the subject ballots was called into serious question based upon the video from the State Farm Arena on November 3rd and 4th, 2020. When one reviews that video, it is patently obvious to even an untrained observer that absentee ballots were being scanned in duplicate many times by the five Fulton County poll workers. These actions would destroy voter confidence and give Fulton County a bad name unless the subject ballots are immediately made available to Cheeley Law Group, Mr. Pulitzer and their forensic experts.

Accordingly, at the conclusion of the hearing today, this Committee voted unanimously to respectfully request that Fulton County immediately, while Mr. Pulitzer and the forensic team are in Atlanta today and tomorrow, cooperate fully and produce the subject ballots and related electronic devices involved in the scanning and tallying of votes. For your convenience, attached hereto as Exhibit 1 is the Open Records Request made by Cheeley Law Group. The Committee would greatly appreciate Fulton County's full cooperation and compliance by noon of December 31st, 2020, in order that these ballots can be reviewed and the public, which has a right to this authentication of the ballots, may have this information this week.

Thank you for prompt attention.

Senator William T. Ligon, Jr.
District 3

Cc:

Secretary of State Brad Raffensburger

Director Richard Barron, Fulton Registration and Elections

Ms. Cheryl Ringer, Esp., Fulton County Attorney

EXHIBIT 1

CHEELEY LAW GROUP, LLC

Trial Lawyers

www.cheeleylawgroup.com

2500 Old Milton Parkway, Suite 200
Alpharetta, Georgia 30009

ROBERT D. CHEELEY
bob@cheeleylawgroup.com

Phone: 770.814.7001
Fax: 678.559.0273

December 28, 2020

VIA ONLINE SUBMISSION

Fulton County Board of Regulation and Elections
ATTN: Records Custodian
141 Pryor Street SW
Atlanta, GA 30303

Re: *Open Records Request Pursuant to O.C.G.A. § 50-17-70 et seq.*

Dear Records Custodian:

On Wednesday December 30, 2020 at 9:00 a.m., please make available the following documents and things for physical, non-destructive inspection for testing and scanning, in their original form:

- All original, paper absentee mail-in ballots as well as the scanned/electronic copies that were counted towards the 2020 Presidential Election vote totals which were scanned at State Farm Arena located at 1 State Farm Drive, Atlanta, GA 30303 between the dates of November 3, 2020 and November 4, 2020; and
- All original, paper absentee mail-in ballots as well as the scanned/electronic copies for the 2020 Presidential Election that were discarded or otherwise not counted for the 2020 Presidential Election.
- The originals of the spoiled absentee mail-in ballots.

This request is made pursuant to O.C.G.A. § 50-18-71(b)(1)(A). Please contact Vicky Dracos with my office at 770-814-7001 or by email at vicky@cheeleylawgroup.com to coordinate the location for the inspection. The undersigned will have experts accompanying to analyze the originals and the electronic stored version of these ballots.

Thank you for your immediate attention to this matter.

Sincerely,

/s/ Robert D. Cheeley

Robert D. Cheeley

cc: Vicky Dracos

CHEELEY LAW GROUP, LLC

Trial Lawyers

www.cheeleylawgroup.com

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Alpharetta, Georgia 30009

ROBERT D. CHEELEY
bob@cheeleylawgroup.com

Phone: 770.814.7001
Fax: 678.559.0273

December 29, 2020

VIA ONLINE SUBMISSION

Fulton County Board of Regulation and Elections
ATTN: Records Custodian
141 Pryor Street SW
Atlanta, GA 30303

Re: *Open Records Request Pursuant to O.C.G.A. § 50-17-70 et seq.*

Dear Records Custodian:

In addition to our December 28, 2020 request that certain documents be made available for inspection on December 30, 2020 at 9:00 a.m., please also make the following documents available:

1. The paper ballots cast for all mail-in and absentee ballots which were counted in the November 2020 general election in Fulton County, Georgia.
2. The spoiled paper ballots cast for all spoiled ballots from the November 2020 general election by any voter in Fulton County, Georgia which were spoiled or otherwise unable to be electronically scanned.
3. The paper adjudicated ballots, or ballots cast by election officials for voters whose ballots were spoiled or otherwise unable to be electronically scanned, from the November 2020 general election in Fulton County, Georgia.
4. Fulton County, Georgia shall provide an indoor location with electrical power for the electronic scanning of the paper ballots.
5. From the Dominion electronic election management system or other electronic election management system used by Fulton County, Georgia, the:
 - a) Dominion or other 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;
- l) Report of all spoiled ballots; and,
- m) Report of all the adjudicated ballots

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

6. Available for all available electronic devices used by Fulton County in the November 2020 general election for electronic forensic imaging.

This request is made pursuant to O.C.G.A. § 50-18-71(b)(1)(A). Please contact Vicky Dracos with my office at 770-814-7001 or by email at vicky@cheeleylawgroup.com to coordinate the location for the inspection. The undersigned will have experts accompanying to analyze the originals and the electronic stored version of these ballots.

Thank you for your immediate attention to this matter.

Sincerely,

/s/ Robert D. Cheeley

Robert D. Cheeley, Esq.

cc: Vicky Dracos