

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

US DOMINION, INC., DOMINION)	
VOTING SYSTEMS, INC., and DOMINION)	
VOTING SYSTEMS CORPORATION,)	Civil Action No. 1:21-cv-02131-CJN-MAU
)	
Plaintiffs,)	
)	Judge Carl J. Nichols
v.)	
)	
PATRICK BYRNE,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

**PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO
RESCHEDULE THE 11:00 A.M., MAY 13, 2024 IN-PERSON HEARING ON
PLAINTIFF'S EMERGENCY MOTION**

This is the second time Defendant Patrick Byrne has sought to reschedule or adjourn the hearing set by the Court on Dominion's Emergency Motion for Relief. Doc. 75. Given that Mr. Byrne is making this latest request on the business day before the scheduled hearing, and two calendar days before Dominion's California-based counsel is scheduled to travel for this hearing, Dominion will keep its opposition brief. Dominion makes just three points:

(1) For the record, Dominion disagrees with Mr. Byrne's characterization of the facts in his motion.

(2) Mr. Byrne's motion fails to explain that, in response to an outreach from his attorney Ms. Stefanie Lambert this morning, Dominion made a good faith effort to accommodate Mr. Byrne's request.

(3) Despite Dominion's good faith effort, Mr. Byrne's attorney would not provide Dominion with any alternative dates before coming to this Court.

This history is memorialized in the below thread between Counsel for Dominion and Counsel for Mr. Byrne, pasted in full at the end of this brief.

In terms of next steps, Dominion asks that this hearing be rescheduled for the soonest possible date. And Dominion reiterates that it will make itself available any day this week (May 14-17), regardless of any pre-existing conflicts.

Email thread referenced above:

From: Davida Brook <DBrook@susmangodfrey.com>
Date: Friday, May 10, 2024 at 10:53 AM
To: AttorneyLambert <AttorneyLambert@protonmail.com>
Cc: Dominion SG Simplelist <Dominion@simplelists.susmangodfrey.com>
Subject: Re: Adjournment

Ms. Lambert,

For reasons already stated, we do not think it is appropriate to defer this hearing beyond this coming week. Our other existing obligations aside, we will make ourselves available any day this week for the hearing, we ask you do the same.

We plan to send the below to the Court in the next 30 minutes to assure the Court has as much notice as possible.

Thank you,
Davida

—

Dear Judge Upadhyaya and Chambers,

Below you will find a thread initiated by Ms. Lambert this morning seeking to adjourn this Monday's hearing.

Our understanding is on Wednesday of this past week, Michigan's Attorney General announced new felony charges against Ms. Lambert (that Ms. Lambert disputes) relating to unauthorized access to election machines. Per Ms. Lambert, her arraignment has been set for this coming Monday at 2:30 pm in Michigan and, as such, she has asked Dominion to agree to adjourn the Monday hearing before Your Honor.

Dominion's preference would be to proceed on Monday, but if that is not possible, Dominion let Ms. Lambert know it can be available any other day this coming week. Ms. Lambert let Dominion know that does not work for her schedule.

Given that it is the Friday before the Monday hearing, we wanted to bring this issue to your attention promptly.

Thank you,
Davida

From: AttorneyLambert <AttorneyLambert@protonmail.com>
Date: Friday, May 10, 2024 at 10:24 AM
To: Davida Brook <DBrook@susmangodfrey.com>
Cc: Dominion SG Simplelist <Dominion@simplelists.susmangodfrey.com>
Subject: Re: Adjournment

EXTERNAL Email

I am no longer available this week. I have a hearing scheduled on a client matter on the 15th. I will not be able to travel to DC due to these conflicts on Monday and Wednesday.

I do not have documentation related to the Monday hearing but it is scheduled for 2:30 pm.

Sent from [Proton Mail](#) for iOS

On Fri, May 10, 2024 at 1:17 PM, Davida Brook <DBrook@susmangodfrey.com> wrote:
Ms. Lambert,

For the record, we are not aware of any bogus charges. That issue aside, for purposes of Monday, please immediately provide whatever documentation exists showing you are required to appear in court in Michigan on Monday.

Also – please advise whether you would be available to appear for this hearing on any other date this week (May 14, 15, 16, and 17).

Thank you,
Davida

From: AttorneyLambert <AttorneyLambert@protonmail.com>
Date: Friday, May 10, 2024 at 10:08 AM
To: Davida Brook <DBrook@susmangodfrey.com>
Cc: Dominion SG Simplelist <dominion@simplelists.susmangodfrey.com>
Subject: Re: Adjournment

EXTERNAL Email

As you know, the MI AG has fashioned bogus charges requiring my appearance in court on Monday.

Sent from [Proton Mail](#) for iOS

On Fri, May 10, 2024 at 12:47 PM, Davida Brook <DBrook@susmangodfrey.com> wrote:
Ms. Lambert,

Mr. Ross forwarded me your email below. As a reminder, please copy our list serv, included in the CC line here, on all communications.

On what grounds are you seeking adjournment?

Thank you,
Davida

Begin forwarded message:

From: AttorneyLambert <AttorneyLambert@protonmail.com>
Date: May 10, 2024 at 11:35:48 AM CDT
To: Jonathan Ross <JROSS@susmangodfrey.com>
Subject: Adjournment

EXTERNAL Email

Dear Mr. Ross,

Please advise if you will consent to adjourning the hearing set for Monday.

Thank you,

Stefanie Lambert

Sent from [Proton Mail](#) for iOS

Dated: May 1, 2024

Respectfully submitted,

By: /s/ Davida Brook
Laranda Walker (D.C. Bar No. TX0028)
Mary K. Sammons (D.C. Bar No. TX0030)
Jonathan Ross (D.C. Bar No. TX0027)
Elizabeth Hadaway (*Admitted pro hac vice*)

SUSMAN GODFREY L.L.P.

1000 Louisiana St., Suite 5100

Houston, TX 77002

Tel: (713) 651-9366

Fax: (713) 654-6666

lwalker@susmangodfrey.com

ksammons@susmangodfrey.com

jross@susmangodfrey.com

ehadaway@susmangodfrey.com

Stephen Shackelford, Jr.

(D.C. Bar No. NY0443)

Eve Levin (D.C. Bar No. 1672808)

Mark Hatch-Miller (*Admitted pro hac vice*)

Christina Dieckmann (*Admitted pro hac vice*)

SUSMAN GODFREY L.L.P.

One Manhattan West, 50th Floor

New York, NY 10001

Tel: (212) 336-8330

sshackelford@susmangodfrey.com

elevin@susmangodfrey.com

mhatch-miller@susmangodfrey.com

cdieckmann@susmangodfrey.com

Davida Brook (D.C. Bar No. CA00117)

SUSMAN GODFREY L.L.P.

1900 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067
Tel: (310) 789-3100
dbrook@susmangodfrey.com

Edgar Sargent (*Admitted pro hac vice*)
Katherine Peaslee (*Admitted pro hac vice*)

SUSMAN GODFREY L.L.P.

401 Union Street, Suite 3000
Seattle, WA 98101
Tel: (206) 516-3880
esargent@susmangodfrey.com
kpeaslee@susmangodfrey.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which I understand to have served counsel for the parties.

/s/ Davida Brook

Davida Brook