

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONALD J. TRUMP, in his capacity as)
a candidate for President of the United)
States,)

Plaintiff,)

v.)

BRIAN P. KEMP, in his official capacity)
as Governor of the State of Georgia;)
BRAD RAFFENSPERGER, in his official)
capacity as Georgia Secretary of State,)

Defendants.)

CIVIL ACTION FILE NO.:
1:20-cv-05310-MHC

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW THE PLAINTIFF, by and through the undersigned counsel, and respectfully requests this Honorable Court Dismiss the above captioned case *without prejudice* due to an out of court settlement agreement pursuant to Fed. R. Civ. P. 41, and as otherwise allowed by law.

Respectfully submitted, this 7th day of January, 2021.


THE HILBERT LAW FIRM, LLC

KURT R. HILBERT

Attorneys for Plaintiff

Georgia Bar No. 352877



CHRISTOPHER S. ANULEWICZ
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January 3, 2021

VIA EMAIL

Kurt R. Hilbert
The Hilbert Law Firm, LLC
205 Norcross Street
Roswell, GA 30075

Re: Donald J. Trump, et al. v. Brad Raffensperger, et al.
Superior Court of Fulton County; Civil Action No. 2020CV343255 and related litigation

Dear Kurt:

As you are aware, President Trump held a telephone conference with Secretary of State Raffensperger yesterday. In that call, the Secretary of State's General Counsel, Ryan Germany, reiterated our consistent position to you regarding resolution of this case. As Mr. Germany said, we are still willing to cooperatively share information with you outside the pending litigation on the condition that all currently pending suits against the Governor, the Secretary of State and/or the members of the State Election Board be voluntarily dismissed. Absent dismissal, we have no choice but to remain in a litigation posture and to continue resolving these disputes in court.

The allegations and evidence in the Petition related to the November 3, 2020 Election have been thoroughly examined. That examination shows the claims: (1) are factually wrong; (2) are based on improper speculation and faulty data and data analysis; (3) lack substantive legal merit; (4) are moot; and (5) are procedurally deficient. As you know, even one of your own "experts," Mr. Braynard, recanted many of the positions relied upon in your lawsuits in his testimony before the Georgia House of Representatives Government Affairs Committee. Your other main "expert," Mr. Geels, admits his positions are speculative at best. We detail our position on the claims raised in our extensive filings with the court and in the affidavits accompanying these filings. There have already been *three* state election challenges contesting the Presidential Election that have been finally dismissed by Georgia courts. Now that your firm has withdrawn the improvidently filed notice of appeal that was delaying resolution of the currently pending cases, we anticipate a swift resolution of those cases in favor of the State should these cases proceed in litigation.

The pending cases continue the pursuit of baseless and disproven theories to incorrectly claim there is a problem with Georgia's Election results, despite a hand recount during the statewide audit as

Kurt R. Hilbert
January 3, 2021
Page 2

well as the subsequent recount all confirming the initial Georgia Election results. If your team is serious about understanding the facts, rather than simply attacking the actual results of the Election, we are willing to share as much information as we can. To do so outside the litigation context, all pending cases challenging the Election must be terminated. If the various lawsuits are not dismissed, we will continue to litigate these issues in court, including pursuing our resolution of our dispositive motions seeking dismissal because of the myriad of legally fatal procedural and factual errors in the filed election challenge. Either process will further validate the State's certification of the Georgia Election.

If you wish to meet, I am happy to host you at my office tomorrow morning following confirmation of voluntary dismissal of all pending actions against Georgia state officials. If your team and clients elect to pursue this course rather than continued litigation, please note you will need to bring electronic (Excel) copies of the Exhibits to Mr. Braynard's and Mr. Geels' reports in order to speed our demonstration to your team of why your proffered evidenced does not support the conclusions that you have asserted in your court filings to date. You have my contact information and cell phone. Please call me if you wish to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Anulewicz", with a long horizontal flourish extending to the right.

Christopher S. Anulewicz

CSA:sgb

THE HILBERT LAW FIRM

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January 6, 2020

THE ENTIRETY OF THIS LETTER AND THE LETTER ITSELF IS FOR PURPOSES OF COMPROMISE AND SETTLEMENT DISCUSSIONS ONLY AND SHALL BE HELD STRICTLY CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO ANY LEGAL PERSON OTHER THAN COUNSEL FOR THE PARTIES AND THE PARTIES THEMSELVES ADDRESSED IN THIS LETTER. O.C.G.A. § 24-4-408 et seq. OTHER THAN FOR PURPOSES OF NOTICE OF SETTLEMENT TO ANY COURT

VIA EMAIL: canulewicz@balch.com

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40 Capitol Square SW
Atlanta, Georgia 30334

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Atlanta, Georgia 30308

RE: ACCEPTANCE OF YOUR SETTLEMENT OFFER LETTER DATED JANUARY 3, 2021

Dear General Carr and Mr. Anulewicz:

I am in receipt of your letter above and after speaking with all clients, and their respective counsel, we hereby accept the terms of your settlement proposal dated January 3, 2021, made on behalf of Secretary of State Brad Raffensperger, Governor Brian Kemp, and all Election Board Officials, et al.

We are promptly voluntarily dismissing the following legal actions as per your request and in consideration of the settlement:

Trump v. Kemp, (N. D. Georgia)

Trump, et al v. Raffensperger, et al., (Superior Court of Fulton County)

Still v. Raffensperger, et al., (Superior Court of Fulton County)

Boland v. Raffensperger, et al., (Supreme Court of Georgia)

We look forward to working and meeting with Mr. Germany to receive the heretofore withheld Nov 3, 2020 election data. We will make our experts and your expert reports and analyses available and we will appreciate being able to also be able to receive and compare those reports against the Secretary of State's expert reports, official election records, voter registration records, applications for absentee ballots, investigative reports, and other relevant data and information.

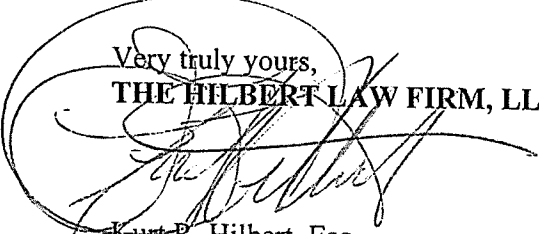
In the best interests of the parties, and the public, we hope that you will work with us on mutually agreed upon protocols for this review.

We also believe it would be helpful and would request that we work together immediately on a joint public statement mutually agreed upon and drafted for release, that the election contest has been settled as described therein and that all parties and lawyers on both sides acted in good faith for the good of the people and upholding the rule of law.

I am pleased that we were able to resolve all litigation disputes in this manner for the good of the party and the nation, GOD BLESS AMERICA.

Very truly yours,

THE HILBERT LAW FIRM, LLC



Kurt R. Hilbert, Esq.
Managing Member

cc: The President of the United States Donald J. Trump
Donald J. Trump for President, Inc.
David J. Shafer
Andrew Boland (through David Guldenschuh)
Shawn Still

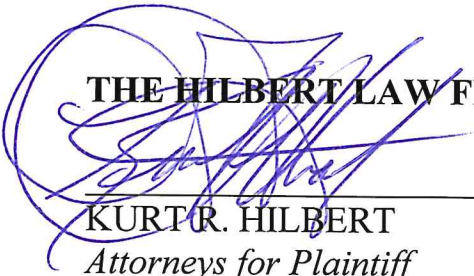
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CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1D, the undersigned counsel certifies that this *NOTICE OF VOLUNTARY DISMISSAL* was prepared in Times New Roman, 14 point font, pursuant to Local Rule 5.1C.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January 2021, I did cause to be sent through the Court's CM/ECF system a true and accurate copy of the foregoing Notice of Voluntary Dismissal to all parties receiving notice in this case.


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