

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

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COALITION FOR GOOD
GOVERNANCE and DONNA
CURLING,

Plaintiffs,

v.

COFFEE COUNTY BOARD OF
ELECTIONS AND REGISTRATION,

Defendant.

Civil Action No. MC523-001

In RE Subpoenas issued by the
United States District Court
For the Northern District of
Georgia, Atlanta Division,
Civil Action File No. 1:17-CV-
2989-AT

**PLAINTIFFS' EMERGENCY MOTION TO EXPEDITE
CONSIDERATION OF MOTION TO
COMPEL COMPLAINEE WITH SUBPOENAS TO
PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**

Plaintiffs and Movants Coalition for Good Governance ("CGG") and Donna Curling hereby respectfully move the Court on an emergency basis to expedite consideration of Plaintiffs' Motion to Compel Compliance with Subpoenas to Produce Documents, Information, or Objects (the "Motion"), submitted contemporaneously herewith, showing the Court as follows:

1. Movants bring this action to enforce two Subpoenas to Produce Documents, Information, or Objects and to Permit Inspection of

Premises in a Civil Action (the “Subpoenas”) issued by the United States District Court for the Northern District of Georgia, Atlanta Division in *Curling, et al. v. Raffensperger, et al.*, No. 1:17-CV-2989-AT (“*Curling*”). One document subpoena was served by the “Coalition Plaintiffs,” including CGG, on July 25, 2022. (Motion, Exhibit 1). A related document subpoena was served by the “Curling Plaintiffs,” including Donna Curling, on June 15, 2022. (Motion, Exhibit 2). Both Subpoenas were served on the Coffee County Board of Elections and Registration (CCBOER) in the Southern District of Georgia, and counsel for all parties began frequent negotiations and conferrals.

2. Movants are Plaintiffs in the *Curling* case. In *Curling*, the Plaintiffs seek, among other relief, to enjoin the Defendants (state and county election officials) from “forcing in-person voters to use ballot marking devices (“BMDs”) and instead cause voters to use hand-marked paper ballots as the standard method for in-person voting.” (*Curling*, Doc. 964 at 2). Plaintiffs allege that the BMD system, manufactured by Dominion Voting Systems, including its software design, “undermine the integrity, security, and functionality of the voting system and in

turn, adversely impact whether citizens' votes will be counted as intended or counted at all." (*Id.*, at 29).

3. The trial in *Curling* is currently set for January 9, 2024, and an Order establishing a pretrial schedule and a schedule of tasks that must be completed by the parties before trial was issued by the Court on October 23, 2023. (*Curling*, Doc. 1700). A true and correct copy of said Order is attached hereto as **Exhibit "A."**
4. The *Curling* parties are required to exchange proposed exhibit lists on November 3, 2023, and finalize exhibit lists on December 1, 2023.
5. While it seems unlikely that Movants will have access to the documents and electronically stored information (ESI) they seek through the Motion before exchanging proposed exhibit lists, counsel expects that, given their diligence in seeking these highly relevant materials and CCBOER's repeated refusals to search for or produce them, *see generally* Motion to Compel Compliance, the *Curling* Court will accommodate Movants with respect to documents produced through this process.

6. Nonetheless, it is imperative that Movants move as swiftly as possible in gathering relevant and responsive documents, necessitating this Motion.

WHEREFORE, Movants CGG and Curling pray that this Court grant their Emergency Motion to Expedite and require Defendant CCBOER to file a response to the same within seven (7) days of service of the same and that the Motion to Compel be granted as soon as possible.

Respectfully submitted this 23rd day of October, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2023, I caused a copy of the foregoing **PLAINTIFFS' EMERGENCY MOTION TO EXPEDITE CONSIDERATION OF MOTION TO COMPEL COMPLAINEE WITH SUBPOENAS TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS** to be served on Defendant Coffee County Board of Elections and Registration by sending a PDF of same via electronic mail to its counsel as follows:

Jennifer Dorminey Herzog, Esq. (jherzog@hallboothsmith.com)

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/s/ Cary Ichter _____

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EXHIBIT A

items at this juncture. Suffice it to say, the Court is focused on finalizing its Order on the Motion for Summary Judgment.

Case Event	Deadline
Parties to meet and confer regarding anticipated motions <i>in limine</i>	Tuesday, October 24, 2023
Parties to exchange proposed detailed witness lists	Friday, October 27, 2023
Parties to exchange proposed trial exhibit lists	Friday, November 3, 2023
Parties to exchange deposition designations	Monday, November 13, 2023
Parties to exchange lists of: (i) objections to exhibits, (ii) objections to deposition designations, (iii) deposition counter-designations, and (iv) counter- exhibits	Monday, November 20, 2023
Parties to exchange objections to deposition counter-designations	Tuesday, November 28, 2023 (by noon)
Parties to meet and confer to narrow any objections to any pretrial submissions	Friday, December 1, 2023
Parties to finalize joint witness list, joint exhibit list, and joint deposition designation list and provide any notice regarding witness availability	Friday, December 1, 2023
Joint witness list, joint exhibit list, and joint deposition designation list filed with Court	Monday, December 4, 2023
Motions <i>in limine</i> filed with Court	Monday, December 11, 2023

Case Event	Deadline
Counsel should proceed to schedule a mutually acceptable date and time for a conference together for the purpose of working on a proposed pretrial order that shall be due no later than November 28, 2023. This conference (solely between counsel)	Tuesday, December 12, 2023
Final meet and confer regarding settlement	Wednesday, December 13, 2023
Pretrial Conference	Friday, December 15, 2023 – with follow-up conferences to occur, as necessary
Responses to motions <i>in limine</i> filed with Court	Monday, December 18, 2023
Replies to motions <i>in limine</i> filed with Court	Friday, December 22, 2023
Trial begins	Tuesday, January 9, 2024

IT IS SO ORDERED this 13th day of October 2023.


Honorable Amy Totenberg
United States District Judge