

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

FAIR FIGHT ACTION, INC., *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

Civil Action No.  
1:18-CV-5391-SCJ

**PLAINTIFFS' MOTION TO EXCLUDE  
THE EXPERT TESTIMONY OF  
DR. JANET R. THORNTON**

In accordance with *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993), Federal Rule of Evidence 702, Local Rule of the Northern District of Georgia 26.2(C), and this Court’s Second Amended Scheduling Order (ECF No. 228), Plaintiffs Fair Fight Action, Inc., Care in Action, Inc., Ebenezer Baptist Church of Atlanta, Georgia, Inc., Baconton Missionary Baptist Church, Inc., Virginia-Highland Church, Inc., and The Sixth Episcopal District, Inc. (collectively, the “Plaintiffs”) hereby move the Court to exclude the opinions of defense expert Dr. Janet R. Thornton. As grounds for this motion, and as more fully set out in the accompanying memorandum of law, Dr. Thornton’s opinions are due to be excluded because (1) Dr. Thornton is not qualified to offer many of her opinions, as they are not based on statistical analysis and do not require her technical expertise; (2) she invades the Court’s province by offering legal conclusions; (3) the few analyses she does provide are flawed as they either use unreliable statistical methods or are based on her own assertions; and (4) she offers opinions that misrepresent the underlying facts on which they rely, which will mislead, rather than assist, the trier of fact.

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing **PLAINTIFFS' MOTION TO EXCLUDE THE EXPERT TESTIMONY OF DR. JANET R. THORNTON** has been prepared with a font size and point selection (Times New Roman, 14 pt.) which is approved by the Court pursuant to Local Rules 5.1(C) and 7.1(D).

This 29th day of June, 2019.      Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of June, 2020, I caused to be served the foregoing **PLAINTIFFS' MOTION TO EXCLUDE THE EXPERT TESTIMONY OF DR. JANET R. THORNTON** and **PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION TO EXCLUDE THE EXPERT TESTIMONY OF DR. JANET R. THORNTON** by filing it through the Court's CM/ECF system, which will automatically send electronic notification and a service copy of this filing to all counsel of record who have appeared in this matter.

/s/ Jeremy M. Creelan  
Jeremy M. Creelan (Admitted *pro hac vice*)