

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

FAIR FIGHT ACTION, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action File
)	
BRAD RAFFENSPERGER, in his)	No. 1:18-cv-05391-SCJ
official Capacity as Secretary of)	
State of Georgia, <i>et al.</i> ,)	
)	
Defendants.)	
<hr/>)	

**DEFENDANTS’ SUPPLEMENTAL BRIEF IN OPPOSITION TO
PLAINTIFFS’ MOTION TO LIMIT
THE TESTIMONY OF GABRIEL STERLING**

Defendants file this Supplemental Brief in Opposition to Plaintiffs’ Motion to Limit the Testimony of Gabriel Sterling. The purpose of this Supplemental Brief is to inform the Court of Plaintiffs’ use of the Georgia Open Records Act to secure documents that they improperly sought through the discovery process in this lawsuit. See Doc. No. [748]. Specifically, on March 23, 2022, Plaintiffs served an Open Records Act request on the Secretary of State seeking documents about the S.A.V.E. program, which is

the very information they sought (and now seem to acknowledge cannot obtain) through informal discovery requests sent to the Defendants.¹

The undersigned counsel does not represent the Secretary's office in matters pertaining to the Georgia Open Records Act. Consequently, the undersigned counsel cannot speak to the timing of any production of responsive documents or even the existence of some of the documents described in Plaintiffs' request. Nevertheless, the submission of the Open Records Act request is relevant to this Court's deliberation on Plaintiffs' Motion, doc. no. [734], as a main argument raised by the Plaintiffs is their purported inability to obtain virtually all documents that mention the S.A.V.E. program. Indeed, Plaintiffs' Open Record Act request is so broad, that such a description is not hyperbole and undermines one of the fundamental arguments raised by Plaintiffs' Motion.

For this additional reason, the Defendants request that this Court deny Plaintiffs' Motion.

¹ A true and accurate copy of Plaintiffs' Open Records Act request is attached as "Exhibit 1."

Respectfully submitted this 29th day of March, 2022.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing,
**SUPPLEMENTAL BRIEF IN OPPOSITION TO PLAINTIFFS’
MOTION TO LIMIT THE TESTIMONY OF GABRIEL STERLING**, was
prepared double-spaced in 13-point Century Schoolbook font, approved by the
Court in Local Rule 5.1(C).

/s/ Josh Belinfante
Josh Belinfante

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the within and foregoing SUPPLEMENTAL BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION TO LIMIT THE TESTIMONY OF GABRIEL STERLING with the Clerk of Court using the CM/ECF system, which will automatically send counsel of record e-mail notification of such filing.

This 29th day of March, 2022.

/s/ Josh Belinfante
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