No. 20-14480

In the United States Court of Appeals for the Eleventh Circuit

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CORECO JA'QAN PEARSON, ET AL.,
Plaintiffs-Appellants/Petitioners,

v.

BRIAN KEMP, ET AL.,
Defendants-Appellees/Respondents

On Certified Order from the United States District Court for the Northern District of Georgia, Atlanta Division, No. 1:20-cv-04809-TCB

APPELLANTS' RESPONSE TO JURISDICTIONAL QUESTIONS AND PETITION FOR PERMISSION TO APPEAL

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BACKGROUND[1]

Plaintiffs have compiled mathematical, statistical, testimonial, and video evidence of a massive election fraud that permeated the Georgia election of 2020. Plaintiffs will be irreparably harmed—as will the entire country—if this Court does not grant the immediate relief Plaintiffs/Petitioners request. Not only were votes manufactured physically by the use of fraudulent mail-in ballots for which there were equal protection violations in the rules applied versus in-person or absentee ballots, but there were all imaginable varieties of voting fraud, including machine-controlled algorithms deliberately run by Dominion Voting Systems that generally took more than 2.5% of the votes from Mr. Trump and flipped them to Mr. Biden for a more than 5% fraudulent vote increase for Mr. Biden.

The state law of Georgia mandates that "[t]he state…furnish a uniform system of electronic ballot markers and ballot scanners for use in each county" in all relevant elections. *See* O.C.G.A. § 21-2-300 (a)(3).

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[1] Republican Electors are filing this petition for permission to appeal as an alternative to their current interlocutory appeal as a matter of right in Cause No. 20-1448 to ensure this appeal is timely heard on this presidential election crucial to the nation and the world.

The Georgia Secretary of State, in turn, is vested with authority to select which voting equipment shall be used in such elections. *See* O.C.G.A. § 21-2-300(a)(1). And the Georgia Secretary of State is responsible for enforcing Georgia election law and investigating fraud.[2] But while county supervisors must utilize such voting equipment in administering election law, they have no authority, as county officials, to purchase such equipment themselves. *See* O.C.G.A. § 21-2-70 (5) (declaring that county superintendents may purchase any election equipment "except voting machines….").

The Georgia Secretary of State is also a member of the State Election Board, which is authorized "to investigate…the administration of primary and election laws and frauds and irregularities in primaries and elections…." O.C.G.A. § 21-2-31. The State Election Board may take any action "consistent with law, as [it] may determine to be conductive to the fair, legal, and orderly conduct of primaries and elections." O.C.G.A. § 21-2-31.

[2] For this reason, Plaintiffs should not be required to add hundreds of additional defendants to include the four election officials from each of the 159 counties to resolve these issues and obtain the relief requested.

Ignoring years of concerns and warnings of the significant problems built into and even advertised as features of Dominion Voting Systems, pursuant to the above powers, in the summer of 2019 the State of Georgia rushed to spend $107 million, and the Georgia Secretary of State certified, the electronic Dominion Voting System Democracy Suite 5.5-A Voting System ("Dominion System") for universal use throughout Georgia in all elections. App. I: 1-5; 1-6).

The reliability of such software in tabulating votes for the proper candidate has been seriously questioned over the past decade. As far back as 2006, then Congresswoman Carolyn Maloney wrote two letters expressing serious concerns over the foreign origination and ownership of the company. App.III: 1-24. Senators Warren and Klobuchar challenged its validity in late 2019. App. III: 1-26.

This past January, the Texas Secretary of State issued a report detailing the problems revealed the Dominion System. A review and test run of the Dominion System revealed "concerns about whether the [it] is suitable for its intended purpose; operates efficiently and accurately; and is safe from fraudulent or unauthorized manipulation." App. III: 1-23:3). Consequently, the Dominion system did "not meet the standards for

certification prescribed by [relevant Texas law.]" App. III: 1-23. The Texas Secretary of State accordingly "den[ied] certification of Dominion Voting Systems' Democracy Suite 5.5-A system for use in Texas elections." App.III:23.

Texas is not alone in noting the inherent unreliability of Dominion's voting system. In February 2020, the Election Law Journal accepted for publication an article authored by two Professors of Computer Science—Andrew W. Appel of Princeton University and Richard A. DeMillo of Georgia Tech—as well as a Professor of Applied and Theoretical Statistics—Philip B. Stark of the University of California, Berkeley—in which they observed that the Dominion System is open to manipulation. App.II:1-8.

The security shortcomings and design defects of the Dominion system were reviewed only weeks before the election—discussed in copious and damning detail in a 147-page order issued by Judge Amy Totenberg in *Curling v. Raffensperger*, No. 1:17-CV-2989-AT 2020 WL 5994029 (N.D. Ga. Oct. 11, 2020). Reviewing a prodigious quantity of expert testimony and analysis, Judge Totenberg concluded that the Dominion system was highly vulnerable to hacking, that the paper

ballots printed from Ballot Marking Devices were not voter-verifiable, and that such ballots were not auditable independent of the software. *Id*. at *35 (noting that by statute the voting system was required to print a paper ballot that recorded the vote in a human readable form but that "voters who wish to vote in-person are required to vote on a system that does none of those things.") Judge Totenberg denied injunctive relief in that case primarily because the order was issued only two days before the start of early voting began.

Judge Totenberg had previously enjoined any further use of the Diebold DRE election system in Georgia after an equally thorough review of alarming deficiencies in that system. This was not Georgia's first problem. The record showed the state elections database was hacked, compromised, and then deleted before any proper forensic analysis could be conducted in the case involving Diebold. See *Curling v. Raffensperger*, 397 F.Supp.3d 1334, 1340 (N.D. Ga. 2019). In 2020, in the presidential race alone, Georgia falsified, created, or Dominion flipped a total of 96,600 votes for Mr. Biden that belonged to Mr. Trump. With only a 12,636-vote difference in the final tally for the "Biden win," the evidence

of election fraud in any of its forms here mandates the State of Georgia and its sixteen electoral votes be awarded to President Trump.

PROCEDURAL HISTORY

Plaintiffs filed their complaint and 28 exhibits on November 25, 2020. Plaintiffs allege the Dominion election system was vulnerable to hacking and malware, and that the election results of 2020 present mathematical and statistical anomalies bordering on the impossible. Plaintiffs supported these allegations with substantial affidavits and declarations of experts, including two cyber security experts' declarations, the "Spider" Affidavit. App.II: 1-9 and the Ramsland Declaration. App.II:1-10. The Spider Affidavit, filed with the affiant's name redacted due to existing threats to his life from his professional work, and concern about his safety from giving this testimony, see Doc. 5, presents a truly alarming picture of Iran and China having completely penetrated Dominion's networks. Plaintiffs also presented mathematical testimony from Eric Quinnell, PhD., describing extreme and essentially impossible statistical anomalies in the Fulton County voting results. App.III: 01-27). Plaintiffs also filed the affidavit of William M. Briggs, a statistician,

testifying that tens of thousands of absentee ballots were cast by non-residents. App. I: 1-1.

Based on this substantial evidence, on November 27, 2020, Plaintiffs filed a motion for a temporary injunctive relief seeking an order (1) de-certifying Georgia's Presidential election results, or at least a stay in the delivery of the certified results to the Electoral College while the case proceeds; (2) preventing Georgia Officials from resetting their voting machines and wiping them of voting data; and (3) making available to Republican Electors the relevant voting machines in question for forensic analysis as a means of uncovering further evidence of election fraud. App. II: 6 at 26-30.

Evidence in this case continues to flood Plaintiffs' counsel.[3] Just yesterday, the video of election night at the State Farm Center was produced pursuant to a subpoena. Contrary to representations made to the public at the time, it shows poll observers being told to leave the center, that no more votes would be counted, then several women working at their computers from approximately 10:30 p.m. until after 1

[3] Today, substantial additional evidence was produced in testimony before a committee of the Georgia Legislature. Appellants request this Court take judicial notice of that testimony and evidence in the public hearing.

a.m., counting votes. They pulled those "votes" out of suitcases from under the tables at which they were working. App. IV: 222. Meanwhile, Plaintiffs have learned of the destruction of evidence by Defendants and their agents that further warrants emergency relief in the form of a statewide preservation order and authorization to inspect at least the machines in ten counties chosen by the Plaintiffs.

The district court initially granted Republican Electors leave to conduct forensic examinations of all voting machines in Georgia, but within minutes, rescinded the order, and denied any relief.[4] On November 27, 2020, Republican Electors filed an emergency motion for temporary injunctive relief, seeking an order to direct Georgia Officials to allow Republican Electors' experts to inspect the Dominion voting machines in ten counties. App. I: 6. The district court subsequently held a hearing on the motion via Zoom on the evening of November 29, 2020 and orally ordered a Temporary Restraining Order from altering or

[4] Neither the initial order nor the order rescinding it are part of the record on PACER. They are included in the Appendix along with the transcript of the Zoom hearing with counsel, the newly produced video of the State Farm Center, and affidavits that have only been produced recently.

destroying voting machines in three counties: Cherokee, Gwinnett, and Cobb counties. App. IV: 183-221.

The following day—on November 30, 2020—the district court issued a written order granting in part Republican Electors' motion for a temporary injunctive relief. App.II:14. While not agreeing to de-certify the election results or issue a stay on delivering the certified results to the Electoral College, the district court's order did enjoin Georgia officials from erasing any data on the Dominion voting machines for Cobb, Gwinnett, and Cherokee counties. App.II: 14. But the order did not grant Republican Electors leave to inspect the machines themselves, instead giving Georgia Officials until December 2, 2020, to file a brief setting forth in detail the factual basis they had for opposing Republican Electors' desire to conduct a forensic inspection of the Dominion voting machines.

The day after issuing its order partially granting emergency injunctive relief to Republican Electors, the district court issued a subsequent order. App.III: 22 (certifying, under 28 USC § 1292(b), that its earlier order "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate

appeal from the order may materially advance the ultimate termination of the litigation.") App. III: 22:1-2.

Republican Electors filed a notice of interlocutory appeal as a matter of right in the district court on December 1, 2020. App. III:32. *See Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225 (11th Cir. 2005).

QUESTIONS PRESENTED AND RELIEF SOUGHT

1. Whether the district court's November 29, 2020, order is immediately appealable pursuant to 28 U.S.C. § 1292(a)(1) and this Court should grant permission to appeal?
2. Whether Plaintiffs can obtain the relief requested against the Secretary of State because it purchased the voting machines for the entire state?

ARGUMENT AND AUTHORITIES

This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1292(a)(1), which grants the courts of appeals jurisdiction over interlocutory orders "granting, continuing, modifying, refusing or dissolving injunctions." (Emphasis added.) Two of the cases cited by this Court in its December 3, 2020, order, *Schiavo ex rel. Schindler v. Schiavo*,

403 F.3d 1223, 1225 (11th Cir. 2005) and *Ingram v. Ault*, 50 F.3d 898, 899–900 (11th Cir. 1995), are directly on point. In both of these cases, the district court had *denied* immediate relief, yet this Court held that it had jurisdiction over appeals from those orders under § 1292(a)(1) because such a denial "might have a serious, perhaps irreparable, consequence, and can be effectually challenged only by immediate appeal." *Schiavo*, 403 F.3d at 1224 (quoting *Ingram*, 50 F.3d at 900). Because the district court's order here will have "serious, perhaps irreparable, consequence," and denied the substantial relief Plaintiffs requested, and Plaintiffs Republican Electors' interests can be vindicated only by an immediate appeal, this Court has jurisdiction.

While *Schiavo* and *Ingram* are factually quite different from each other, and from this case, the key in all three cases is that the district court's failure to act to address appellants' complaints, would have serious, immediate consequences which would not only cause irreparable harm to the appellants, but also render the cases effectively moot. In *Schiavo* it was the withdrawal of life support to Theresa Schiavo; in *Ingram* it was the carrying out of a scheduled execution; in this case it is the threat that voting machines will be "wiped," forever erasing evidence

that would show, one way or the other, whether the election of Presidential Electors in Georgia was rigged, and the election of a fraudulent President of the United States—which the entire world is watching.

Nor, under this caselaw, is it necessary for appellants to show that the feared consequence is inevitable. After all, in *Schiavo*, the hospital could have voluntarily continued life support, even though it said it would not, and in *Ingram* the governor might have granted an eleventh-hour stay.

In this case, however, there is evidence that State actors or Dominion employees or both have already been destroying evidence. In Fulton County, which was rife with fraud, witnesses have attested that officials misrepresented a software update to the machines in the last two days, then claimed the server clashed, then asserted the server was replaced. Other video shows pallets of computers being removed and crushed in Gwinnett county. The conduct of the state actors allowing the destruction of evidence only makes the necessity for this appeal more urgent and important. Not only is this spoliation of evidence, but given the number

and kind of federal criminal offenses surrounding voter and election fraud, this conduct is criminal obstruction of justice. 18 U.S.C. §1512(c).[5]

Appellants have already "disprove[d] the general presumption that no irreparable harm exists." *Ingram*, 50 F.3d at 900. It is accumulating daily, even in violation of the minimal partial relief granted by the district court and in the face of applicable Georgia and federal statutes that require preservation of all voting information. Here, Appellants have irreparable harm: They allege—and Appellees do not dispute—that wiping of the voting machines will make it difficult if not impossible to show whether the machines were altered—devices already created with the purpose and ability to manipulate votes and leave no audit trail are being further erased.

Appellants may very well be unable to obtain the conclusive proof so widely demanded (despite the legal burden of proof) as to whether the presidential election was rigged to make Joe Biden the winner whereas, in fact, Donald Trump was the winner of that election. Not only will this irreparably harm Appellants, who will be denied the right to cast votes in the Electoral College, but it will deny the people of Georgia the

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[5] Video at https://www.youtube.com/watch?v=Ld5Z96jynwA.

opportunity to find out whether the presidential election, in which millions of them voted, was conducted fairly or manipulated by outsiders to reach a pre-determined result. The pall of suspicion which now hangs over the Georgia presidential election—indeed the nation—and destroys public confidence in the upcoming senatorial elections and all down-ballot races, can only be dispelled by an examination of the machines in question.

If the machines were not tampered with,[6] Appellees have nothing to fear from such an examination and the people of Georgia—and the rest of the country—can be assured that Mr. Biden won fair and square. Until then, there are more than 96,600 "votes" that all the evidence proves are fraudulent. But if, as Appellants have alleged, and presented substantial evidence in support of these allegations, the machines *were* tampered with, then not only will this vindicate Appellants' rights to serve as Presidential Electors, but also allow for modification of existing procedures to avoid similar fraud, rigging, and manipulation of the

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[6] The entire election must be set aside because the State violated state and federal law by proceeding with the election when an "update" was made to the machines at the last minute prior to the election—thereby invalidating the certifications required by law.

upcoming senatorial elections. Appellants, the people of Georgia and, indeed, the people of the United States, and every freedom-loving world citizen will be irreparably harmed if Appellees are allowed to alter the voting machines to rig elections in this country and make forensic analysis of the voting process impossible. Under *Schiavo* and *Ingram* this is all Appellants need show to establish that this Court has jurisdiction over their appeal pursuant to § 1292(a)(1).

The additional (or different) requirements mentioned in the other cases this Court cited in its December 2 order are inapplicable. Those cases all involved an appeal from the *grant* of interlocutory relief by the district court and thus addressed a related, but different, question: whether what purports to be a TRO is, in fact, a preliminary injunction, and thus subject to immediate appeal under the express terms of § 1292(a)(1). *AT&T Broadband v. Tech Commc'ns, Inc.*, 381 F.3d 1309 (11th Cir. 2004), involved a series of interlocutory orders enjoining defendant from certain activities, freezing his assets and authorizing seizure of his assets. Appellant moved for an order dissolving those orders, which the district court denied. *Id.* at 1314. In concluding that it had jurisdiction over the appeal from that order under § 1292(a)(1), this

Court noted that "[i]n deciding whether to characterize an order as one granting a TRO or as one granting a preliminary injunction, the label placed upon the order is not necessarily dispositive of its appealability." *Id.* (citing *McDougald v. Jenson,* 786 F.2d 1465, 1472 (11th Cir. 1986)). What mattered, rather, was the *substance* of the order, which was analyzed under a three-part test: "(1) the duration of the relief sought or granted exceeds that allowed by a TRO (ten days), (2) the notice and hearing sought or afforded suggest that the relief sought was a preliminary injunction, and (3) the requested relief seeks to change the status quo." An order that meets this standard *is* a preliminary injunction, no matter what the district court may call it. These requirements have no application to situations where the appeal involves denial of such relief and were not cited by this Court in the later-decided cases of *Schiavo* and *Ingram*. Nor was this a case of ships passing in the night, since *Ingram* does cite *McDougald* for the proposition that "TRO rulings . . . are subject to appeal as interlocutory injunction orders if the appellant can disprove the general presumption that no irreparable harm exists." *Ingram,* 50 F.3d at 899-900.

Nevertheless, to the extent this Court determines that the three requirements of *AT&T Broadband* are applicable, they are easily met: Appellants seek relief that far exceeds the 10-day TRO limit, as they are asking to enjoin Appellees from wiping the machines for a sufficient period for Appellants' experts to examine them, which may well exceed 10 days; Appellants seek to examine the voting equipment, ballots, envelopes, servers and all related voting materials or machines, in at least ten counties out of Georgia's 159; the district court held a hearing, which resulted in a transcript 39 pages long—the type of hearing normally afforded when a preliminary injunction is sought; and Appellants do, indeed, seek a change in the status quo, because they seek not only to prevent Appellants from wiping the voting machines, but also access to them by their experts for purposes of forensic analysis in at least ten counties for a more representative sample of the problems.

I. Requirements for obtaining permission to appeal under 42 U.S.C. §1292(b).

Section 1292(b) allows a district court to certify for immediate appeal an order not otherwise appealable if the court concludes, in writing, that it "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate

appeal from the order may materially advance the ultimate termination of the litigation." Upon the district court issuing such a certification, either party may, within 10 days, apply to the appellate court for permission to appeal. *Id.* The appellate court, in turn, retains discretion over whether to agree to hear the appeal, even if all the requirements of §1292(b) are met. *McFarlin v. Conseco Serv., LLC,* 381 F.3d 1251, 1259 (11th Cir. 2004).

Appeals under §1292(b) "were intended, and should be reserved, for situations in which the court of appeals can rule on a pure, controlling question of law without having to delve beyond the surface of the record in order to determine the facts." *Id.* Along those lines, "[t]he antithesis of a proper §1292(b) appeal is one that turns on whether there is a genuine issue of fact or whether the district court properly applied settled law to the facts or evidence of a particular case." *Id.* The legal issue, furthermore, "must be stated at a high enough level of abstraction to lift the question out of the details of the evidence or facts of a particular case and give it general relevance to other cases in the same area of law." *Id.* Finally, "the answer to that question of law must substantially reduce the amount of litigation left in the case." *Id.*

While the district court did not certify a specific legal question, this is not fatal to appellate jurisdiction under §1292(b), as that statute "'applies to the *order* certified to the court of appeals, and is not tied to the particular question [if any] formulated by the district court.'" *Barrientos v. Corecivic, Inc.*, 951 F.3d 1269, 1275 (11th Cir. 2020) (quoting *Yamaha Motor Corp. v. Calhoun*, 516 U.S. 199, 205 (1996)) (emphasis in original). As such, the appellate court "'may address any issue fairly included within the certified order.'" *Id.* (quoting *Calhoun*, 516 U.S. at 205).

Notably, this is not the first time, under this Court's precedent, that permission to appeal has been sought in the context of an election lawsuit. In 1977, the old Fifth Circuit[7] granted permission to appeal under §1292(b) after a candidate for the House of Representatives challenged the results of the primary election. *Moeau v. Tonry*, 554 F.2d 163, 163-164 (5th Cir. 1977). If it was appropriate to grant permission to

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[7] "[T]he decision of the United States Court of Appeals for the Fifth Circuit…, as that court existed on September 30, 1981, handed down by that court prior to the close of business on that date, shall be binding as precedent in the Eleventh Circuit…." *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc).

appeal in *Moeau*, it is even more appropriate to grant permission to appeal here, where the certification of presidential Electors is at stake.

II. The order here involves an abstract, controlling issue of law as to which there is substantial ground for difference of opinion, the resolution of which will substantially reduce the remaining litigation.

In partially granting temporary injunctive relief to Republican Electors, the district court observed that counsel for the Defendants "argued that the secretary of state has no lawful authority over county election officials," Dkt. 14:2, citing *Jacobson v. Fla. Secretary of State*, 974 F.3d 1236, 1256-1258 (11th Cir. 2020) in support of this claim. The district court made this observation in the context of deciding whether the Georgia Secretary of State has the ability to exercise custody and control over the Dominion System voting machines that each Georgia county uses in its elections for voting such that it could bar—via the Secretary—the erasure of data on the Dominion System, and also grant Republican Electors—via the Secretary—the right to audit the Dominion system. Dkt.:14.

Whether the Secretary has such legal control of the Dominion System is purely a question of Georgia state law, not dependent upon the facts at issue in this litigation. Appellants contend that, under Georgia

law, the state, not the counties, is the entity vested with the exclusive right to purchase and certify voting machines. O.C.G.A. § 21-2-300 (a)(1). Counties, by contrast, have no authority whatsoever to purchase voting systems. O.C.G.A. § 21-2-70 (5). In addition, the Georgia Secretary of State, as part of the State Election Board, has the authority to "review ballots for use by counties and municipalities on voting systems in use in the state." O.C.G.A. § 21-2-50(a)(15). This includes the authority to make available for inspection and auditing all of the Dominion Systems in possession of the counties. This is a purely legal question, not dependent on facts.

It is also a matter over which there are substantial grounds for disagreement. As noted above, the Georgia Secretary of State is of the opinion that, under *Jacobson*, it has no authority over county officials, and thus no authority or control over the Dominion System. But Republican Electors take the position that, as *Jacobson* involved *Florida* law, it is inapplicable here, where Georgia law controls. Under Florida law, the state election board promulgates uniform rules regarding the purchase of voting machines but the counties themselves are authorized

to purchase such machines. Fla. St. §§ 101.292(1), 101.294(1). Georgia counties, by contrast, are not. *See* O.C.G.A. § 21-2-70(5).

The Northern District of Georgia itself recently recognized this distinction between Florida law and Georgia law. *See New Ga. Project v. Raffensperger*, -- F.Supp.3d --, 2020 WL 5200930 (N.D. Ga. Aug. 31, 2020). There, the district judge rejected the Secretary of State's argument that "Plaintiffs should have sued all [159] counties in Georgia." *Id.* at *6 n.16. It explicitly distinguished the plaintiffs' lawsuit from that of *Jacobson*[8] due to the difference between Florida law and Georgia law on what powers each state's respective Secretary of State possesses.

This distinction between Georgia law and Florida law on this matter is crucial for purposes of whether the Georgia Secretary of State is the proper party in this lawsuit. This difference in applicable law renders Jacobson inapposite. It is not precedent for this case. The difference in legal regimes calls for a different result. Because the Georgia Secretary of State maintains ownership—or at the very least

[8] The *Jacobson* opinion the district court cited to was subsequently withdrawn by this Court and replaced with a new opinion. *See Raffensperger*, 2020 WL at *6 n.16 (citing *Jacobson v. Fla. Sec. of State*, 957 F.3d 1193, 1208 (11th Cir. 2020), *vacated by panel*, 974 F.3d 1236 (11th Cir. 2020). But the portion of the original *Jacobson* opinion the district court relied on, 957 F.3d at 1207-12110, was re-adopted by the substitute opinion. *See* 957 F.3d at 1253-1258.

control—over the Dominion System, it is the proper party for purposes of giving Republican Electors access to the Dominion System within each of the relevant counties. Georgia Officials' arguments to the contrary are unavailing.

In any event, the very existence of the above dispute demonstrates that this issue is a purely legal one, and that there are reasonable grounds for disagreement. As this goes to the very heart of Republican Electors' claims, it will also substantially reduce the amount of litigation as will this Court's determination that no additional parties are required to be added for Plaintiffs to obtain the relief requested.[9]

CONCLUSION

This Court has jurisdiction and should grant Republican Electors' permission to appeal and find that, under Georgia state law, the district court's November 29, 2020, order is immediately appealable if Appellants are not already entitled to an appeal as of right. Moreover, this Court

[9] Given the relatively straightforward nature of this legal issue, along with the briefing already done on it in the companion interlocutory appeal (No. 20-1448), Republican Electors do not believe any further briefing is necessary on this matter in the event this Court grants permission to appeal, and asks that this issue be resolved on this petition and any response opposing counsel may file, along with a brief reply by the Republican Electors.

should award Plaintiffs all relief requested, prohibit further destruction of evidence and allow immediate access to Plaintiffs' experts to mirror the machines in at least ten counties, and remand the proceedings to the district court for further proceedings consistent with this decision.

Respectfully submitted
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CERTIFICATE OF SERVICE

I hereby certify that on **December 3, 2020,** I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system.

A true and correct copy of the foregoing will be emailed to the following counsel:

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CERTIFICATE OF COMPLIANCE

I certify under Fed. R. App. P. 5(c)(1) that this petition contains 4706 words, excluding those parts exempted under Fed. R. App. P. 32(f). I further that certify this brief complies with type-volume limitations under Fed. R. App. P. 32(g) as it is written in proportionally-spaced, 14-point Century font using Microsoft Office Word.

/s/ Sidney Powell