

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

**CORECO JA'QAN PEARSON, VIKKI
TOWNSEND CONSIGLIO, GLORIA KAY
GODWIN, JAMES KENNETH CARROLL,
CAROLYN HALL FISHER, CATHLEEN
ALSTON LATHAM, JASON M SHEPHERD, on
behalf of the COBB COUNTY REPUBLICAN
PARTY and BRIAN JAY VAN GUNDY,**

Plaintiffs,

v.

**BRIAN KEMP, in his official capacity as
Governor of Georgia, BRAD
RAFFENSPERGER, in his official capacity as
Secretary of State and Chair of the Georgia
State Election Board, DAVID J. WORLEY, in his
official capacity as a member of the Georgia
State Election Board, REBECCA N. SULLIVAN,
in her official capacity as a member of the
Georgia State Election Board, MATTHEW
MASHBURN, in his official capacity as a
member of the Georgia State Election Board,
and ANH LE, in her official capacity as a
member of the Georgia State Election Board,**

Defendants.

CASE NO.

1:20-cv-4809

**PLAINTIFFS' MOTION TO FILE
AFFIDAVITS UNDER SEAL AND FOR IN
CAMERA REVIEW**

Come now the Plaintiffs, and pursuant to LR 7.5 and 65.1, and Section II(J), of Appendix H to the Local Rules, respectfully request leave of Court to file under seal certain identifying information in two affidavits and declarations submitted as Exhibits to the Complaint.

1.

This case brings a challenge to the November 3, 2020 Presidential election. Plaintiffs' evidence shows ballot fraud and illegality, i.e. fraud or illegality in the ballots that were counted in the election, and counting fraud and illegality in the Dominion Voting Systems machines and software, and in the hand audit/recount ordered by the Secretary of State, Brad Raffensperger.

2.

Two of Plaintiffs' witnesses are in reasonable fear of harassment and threats to their physical safety and their livelihoods in retaliation for their coming forward with their testimony. As described with more particularity in the brief in support of this motion, as election controversies have unfolded around the country, there have been multiple incidents of harassment and threats to destroy the careers of or physically harm witnesses who come

forward with evidence of election fraud and illegality. There was an organized campaign by The Lincoln Project to destroy the business relationships of major law firms with their clients for having the temerity to represent the President of the United States in these controversies. One Pennsylvania law firm withdrew from representing the President only days after filing a lawsuit on his behalf because of such harassment, abuse, threats, pressure and economic coercion. Other lawyers for the President have been physically threatened and verbally abused and forced to obtain personal security to protect them. Therefore, the apprehensions of Plaintiffs' witnesses are serious and well-founded.

3.

Moreover, the testimony of these witnesses is consequential to the matter before this court, namely a legal challenge to the outcome of the Presidential election in Georgia.

4.

The Affiant at Exhibit 2, is a Venezuelan Whistleblower, who is not an American citizen, and swears under oath that "I was selected for the national security guard detail of the President of Venezuela." At great risk to himself, he reveals that,

Importantly, I was a direct witness to the creation and operation of an electronic voting system in a conspiracy between a company known as Smartmatic and the leaders of conspiracy with the

Venezuelan government. This conspiracy specifically involved President Hugo Chavez Frias, the person in charge of the National Electoral Council named Jorge Rodriguez, and principals, representatives, and personnel from Smartmatic which included ... The purpose of this conspiracy was to create and operate a voting system that could change the votes in elections from votes against persons running the Venezuelan government to votes in their favor in order to maintain control of the government.

See Exh. 2 to the Complaint, para 10, also attached hereto.

5.

And secondly, the Affidavit “Spyder,”¹ sets forth evidence in his sworn affidavit, and his background:

I was an electronic intelligence analyst under 305th Military Intelligence with experience gathering SAM missile system electronic intelligence. I have extensive experience as a white hat hacker used by some of the top election specialists in the world. The methodologies I have employed represent industry standard cyber operation toolkits for digital forensics and OSINT, which are commonly used to certify connections between servers, network nodes and other digital properties and probe to network system vulnerabilities.

...

In my professional opinion, this affidavit presents unambiguous evidence that Dominion Voter Systems and Edison Research have been accessible and were certainly compromised by rogue actors, such as Iran and China. By using servers and employees connected with rogue actors and hostile foreign influences combined with numerous easily discoverable leaked credentials, these organizations neglectfully allowed foreign adversaries to access

¹ This slip sheet for this exhibit as filed with the complaint erroneously labeled it as Exhibit 7. In fact, it should be Exhibit 8. It is attached to this document with a corrected slip sheet.

data and intentionally provided access to their infrastructure in order to monitor and manipulate elections, including the most recent one in 2020. This represents a complete failure of their duty to provide basic cyber security. This is not a technological issue, but rather a governance and basic security issue: if it is not corrected, future elections in the United States and beyond will not be secure and citizens will not have confidence in the results.

See Exh. 8 at pars. 1 and 21.² His sworn testimony further appears consistent with a recent October 2020 federal government advisory, which states:

This joint cybersecurity advisory was coauthored by the Cybersecurity and Infrastructure Security Agency (CISA) and the Federal Bureau of Investigation (FBI). CISA and the FBI are aware of an Iranian advanced persistent threat (APT) actor targeting U.S. state websites to include election websites. CISA and the FBI assess this actor is responsible for the mass dissemination of voter intimidation emails to U.S. citizens and the dissemination of U.S. election-related disinformation in mid-October 2020.¹ (Reference FBI FLASH message ME-000138-TT, disseminated October 29, 2020). Further evaluation by CISA and the FBI has identified the targeting of U.S. state election websites was an intentional effort to influence and interfere with the 2020 U.S. presidential election.

A copy of this “Joint Cybersecurity Advisory Iranian Advanced Persistent Threat Actor Identified Obtaining Voter Registration Data” is Attached hereto as Exhibit “A,” following the two affidavits in question on this motion.

The Advisory further states, “[f]ollowing the review of web server access logs, CISA analysts, in coordination with the FBI, found instances of the cURL and FDM User Agents sending GET requests to a web resource

² See note 1, above regarding the Exhibit number for this Exhibit.

associated with voter registration data. The activity occurred between September 29 and October 17, 2020. Suspected scripted activity submitted several hundred thousand queries iterating through voter identification values and retrieving results with varying levels of success [Gather Victim Identity Information (T1589)]. A sample of the records identified by the FBI reveals they match information in the aforementioned propaganda video.

6.

This testimony has been given at great risk of the Affiant who holds training and the current knowledge required to obtain such information related to foreign interference in the 2020 election.

7.

The established pattern of witness and attorney harassment and coercion, along with the importance of their testimony, increases the likelihood of the feared harassments, threats and coercion should the identities of these witnesses become public knowledge. One of the witnesses, who is testifying about his analysis of hostile foreign power cyber penetration of Dominion Voting Systems servers and networks, is already subject to serious threats of harm because of the highly sensitive nature of his regular professional work and is in particular need of protection.

8.

These witnesses, whom Plaintiffs ask the Court to protect, have shown great courage in coming forward at a critical moment to deliver the truth to the Court about matters of great importance to our country. They are in need of the Court's protection from the readily foreseeable harms that would accrue to them if their identities were made public. Thus, good cause exists for the relief requested.

9.

Due to the concerns described above, these witnesses' affidavits and declarations at Exhibits 2 and 8³ have been filed with the Complaint with their identifying information redacted, as reflected in the attached copies thereof

10.

The privacy and personal and financial security interests of the witnesses are at grave risk of harm if their identities were disclosed. Their interests, as well as those of the parties and the Court vastly outweigh the interests of the public in having access to the Affiants' personally identifying information, and no less drastic alternatives other than sealing their unredacted affidavits to conceal their identities will provide adequate

³ As noted, this slip sheet for this Exhibit said it was Exhibit 7 when it should have been Exhibit 8. The filename for the document begins "Exh. 8 ..."

protection to the them and the proper functioning of this Court. The common law right of public access to Court filings must yield to countervailing interests of the parties, the Court and the Affiants in keeping their identities undisclosed beyond the parties and the Court in these proceedings to protect them from readily foreseeable threats. Moreover, the redacted affidavits conceal only the Affiants' personally identifying information – all of their other testimony is public and unredacted.

11.

For the Court's ease of reference, the affidavits and declarations as to which this protection is sought are also attached to this motion in redacted form.

12.

Wherefore, the Plaintiffs respectfully request leave of Court to submit the unredacted affidavits to the Court under seal for in camera review, and for an Order of the court that in all public filings their names or personally identifying information not be revealed to the public.

Respectfully submitted, this 27th day of November, 2020.

/s Sidney Powell*
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*Application for admission pro hac vice
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The undersigned certifies that the foregoing document was prepared in
13-point Century Schoolbook font and in accordance with the margin and other
requirements of Local Rule 5.1.

s/ Harry W. MacDougald
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CERTIFICATE OF SERVICE

This is to certify that I have on this day e-filed the foregoing Plaintiffs' Motion To File Affidavits Under Seal and For In Camera Review with the Clerk of Court using the CM/ECF system, and that I have delivered the filing to the Defendants by email and FedEx at the following addresses:

This 25th day of November, 2020.

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