

**IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

IN RE: ENFORCEMENT OF ELECTION
LAWS AND SECURING BALLOTS CAST
OR RECEIVED AFTER 7:00 P.M. ON
NOVEMBER 3, 2020,

Civil Action No. SPCV20-00982

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE AS
RESPONDENT**

I. INTRODUCTION

Pursuant to O.C.G.A. § 9-11-24, Proposed Intervenor Democratic Party of Georgia (“DPG”) moves to intervene as a Respondent in the above-titled action.

Petitioners the Georgia Republican Party, Inc. and Donald J. Trump for President, Inc. (collectively, “Petitioners”), based on the disputed affidavit of a single poll watcher, filed a Petition to Command Enforcement of Election Laws Pursuant to O.C.G.A. § 21-2-412 attempting to compel the Chatham County Board of Elections to collect, separate, and provide an accounting of absentee ballots it alleges were received after 7:00 p.m. on Election Day.

For the reasons set forth below, DPG is entitled to intervene in this case as a matter of right under O.C.G.A. § 9-11-24(a). Such intervention is needed not only to ensure the fairness of the election, but also to safeguard the substantial and distinct legal interests of DPG and its members and constituents, who will otherwise be inadequately represented in this litigation. In the alternative, DPG should be granted permissive intervention under § 9-11-24(b). DPG’s Motion

will not unduly prejudice or delay the adjudication of the rights of Petitioners or of the Chatham County Board of Elections.

II. STATEMENT OF FACTS

A. Procedural and Factual Background

Petitioners filed this challenge against the Chatham County Board of Elections the day after Election Day. They allege that the Board failed to separate absentee ballots that allegedly arrived after 7:00 P.M. on Election Day. Pet. ¶ 16. As the sole basis for their request, they offer an affidavit from a single poll watcher, Sean Pumphrey, who observed ballots being opened and placed into bins. Aff. of Sean Pumphrey to Pet. ¶ 3 (“Pumphrey Aff.”). Pumphrey then reportedly saw a poll worker bring a stack of ballots from another room and place them on a table near the bins. *Id.* ¶ 4. The poll watcher then left the room and observed that the stack on the table was no longer there. *Id.* ¶ 5. When he asked a supervisor where the ballots had gone, she purportedly “became agitated” and removed her face mask. *Id.* ¶ 6. The supervisor reportedly told Pumphrey that the stack of ballots had been placed in bins with the other ballots and taken to the Chatham County Board of Elections Annex, where Pumphrey was able to locate some, but not all, of the ballots from the stack he purportedly saw placed on a table. *Id.* ¶¶ 6–8.

Another poll observer who was present during the counting of absentee ballots during the afternoon of November 4, however, never observed any of the events as Pumphrey recounted—no one emerging from a back room with a stack of ballots, no heated conversation between poll watchers and poll workers, and no poll worker remove her face mask. Aff. of Kristie Kornhauser ¶¶ 11–14 (“Kornhauser Aff.” attached to Motion as Exhibit B). She did observe a large number of Republican poll observers, including Pumphrey, at the location. *Id.* ¶¶ 7, 15. Yet another poll observer who was present stated that the events Pumphrey describes “do not align at all with what I personally observed and witnessed.” Aff. of Maurice Greene ¶ 3 (“Greene Aff.” attached to

Motion as Exhibit A). He too observed the large number of Republican observers present—as many as ten compared to just three Democratic observers. *Id.* ¶ 14. And, similar to Kornhauser, Greene did not see any agitated disputes between poll watchers and poll workers. *Id.* ¶¶ 8–10. According to Greene, poll workers abided by health protocols and he observed no one removing their mask. *Id.* ¶ 11.

B. The DPG’s mission and interests.

The Democratic Party of Georgia is a state committee, as defined by 52 U.S.C. § 30101(15), and the official Democratic Party in the State of Georgia. DPG represents a diverse group of members, constituents, and supporters, including elected officials, candidates for elected office, state committee members, advisory caucuses, affiliate groups, grassroots activities, and active voters. Its mission is to elect Democratic candidates across Georgia, including in Chatham County. It works to accomplish its mission by assisting Georgians to ensure that all eligible voters have access to the franchise and that all valid votes are counted. DPG has a direct interest in the proper, continued, and prompt counting of votes in Chatham County, all of which might be jeopardized if Defendants receive their requested relief.

III. ARGUMENT

DPG has a unique and cognizable interest in this lawsuit. Petitioners’ requested relief seeks to compel the Chatham County Board of Elections to collect, separate, and account for absentee ballots—and likely, as a result, delay the counting of votes in Chatham County—that Petitioners allege were mistakenly placed with ballots received before 7:00 P.M. But DPG has particular facts showing that the version of events recounted by the poll watcher who Petitioners’ rely on is wholly inaccurate and not the basis for likely delay of any count or, even worse, disenfranchisement of

voters. Rather, it is merely a frivolous attempt to disrupt the election process and one that this Court should not indulge.

A. DPG is entitled to intervene as a matter of right under O.C.G.A. § 9-11-24(a).

DPG easily meets Georgia's test for motions to intervene as of right. Specifically, O.C.G.A. § 9-11-24(a) provides that after timely application "anyone shall be permitted to intervene" in an action "[w]hen the applicant claims an interest relating to" the subject matter of the action and the applicant "is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."¹ Georgia courts have described this as a three-part inquiry, consisting of "[1] interest, [2] impairment resulting from an unfavorable disposition, and [3] inadequate representation." See *Baker v. Lankford*, 306 Ga. App. 327, 329 (2010). DPG satisfies each prong.

1. *DPG has a direct interest in ensuring that the Chatham County count continues and that no votes are arbitrarily set aside.*

DPG has a direct and immediate interest in ensuring that the Chatham County vote count continues without interference and that Chatham County residents—thousands of whom are its constituents and support DPG candidates—do not have their ballots arbitrarily set aside and potentially invalidated based on faulty information. Under Georgia law, "the interest of the intervenor must be of such a direct and immediate character that he will either gain or lose by the direct effect of the judgment, and must be created by the claim in suit." *State Farm Mut. Auto. Ins. Co. v. Jiles*, 115 Ga. App. 193, 195 (1967). There is no question that given DPG's mission to elect

¹ "[W]hether a motion to intervene is timely is a decision entrusted to the sound discretion of the trial court." *Kroger v. Taylor*, 320 Ga. App. 298, 298 (2013) (quoting *Payne v. Dundee Mills, Inc.*, 235 Ga. App. 514, 515(1) (1998)). "But where intervention appears before final judgment, where the rights of the intervening parties have not been protected, and where the denial of intervention would dispose of the intervening parties' cause of action, intervention should be allowed and the failure to do so amounts to an abuse of discretion." *Id.* Here, this request for intervention was filed the day after this action was filed and before any hearing in this case. Accordingly, it is timely.

Democratic candidates, its membership, its constituencies, and its efforts to make sure its supporters' votes are counted in Chatham County and Georgia more broadly that it will "gain or lose by the direct effect of [a] judgement" in this suit. *See id.*

It is blackletter law that an organization suffers a legally cognizable injury when a party's "illegal acts impair the organization's ability to engage in its own projects by forcing the organization to divert resources in response." *See Arcia v. Sec'y of Fla.*, 772 F.3d 1335, 1341 (11th Cir. 2014).² Specifically, "[i]n election law cases, an organization can establish standing by showing that it will need to divert resources from general voting initiatives or other missions of the organization to address the impacts of elections laws or policies." *Fair Fight Action, Inc. v. Raffensperger*, 413 F. Supp. 3d 1251, 1266 (N.D. Ga. 2019). Because of the significant resources DPG dedicates to helping its constituents vote and ensure their votes are counted, DPG would suffer an injury-in-fact if it were compelled to divert resources to prevent its constituents from potentially being disenfranchised or from other interference with the counting of votes that its constituents cast and that its candidates needs to win. *See The New Georgia Project v. Raffensberger*, No. 1:20-CV-01986-ELR, 2020 WL 5200930, at *9 (N.D. Ga. Aug. 31, 2020). This is precisely what DPG will have to do if this Court grants Petitioners' baseless request.

An organizational plaintiff also suffers an injury-in-fact when "at least one member" of the organization "faces a realistic danger of suffering an injury." *Gwinnett Cnty. NAACP v. Gwinnett Cnty. Bd. of Registration & Elections*, 446 F. Supp. 3d 1111, 1119-20 (N.D. Ga. 2020). As the U.S. Supreme Court has explained, such injury is not limited to traditional membership

² Georgia courts regularly apply principles from federal caselaw to determine whether a party's injury is sufficient to confer standing to litigate a case. *See Feminist Women's Health Center v. Burgess*, 282 Ga. 433, 434 (2007) (collecting Georgia cases that look to federal law to resolve issues of standing); *Aldridge v. Georgia Hospitality & Travel Ass'n*, 251 Ga. 234, 235 (1983) (reviewing federal precedent to determine "associational standing").

organization, but is also extended to organizations who, like DPG, have a clear constituency. *Hunt v. Wash. State Apple Advertising Comm'n*, 432 U.S. 333, 343 (1977); *see also, e.g., Doe v. Stincer*, 175 F.3d 879, 886 (11th Cir. 1999) (“[I]t is enough for the representative entity to allege that one of its members or constituents has suffered an injury that would allow it to bring suit in its own right.”). In voting rights cases, “[a] plaintiff need not have the franchise wholly denied to suffer injury. Any concrete, particularized, non-hypothetical injury to a legally protected interest is sufficient.” *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1352 (11th Cir. 2005). Thus, DPG can also demonstrate injury justifying intervention because of the strong likelihood of disenfranchisement and confusion that will follow from Petitioners’ request to arbitrarily separate an unidentifiable stack of absentee ballots from ballots that have already been tabulated or will be tabulated imminently.

2. *DPG’s interests will be impaired by an unfavorable disposition.*

There is no question that granting the Petition will impair DPG’s interests. Here, granting Petitioners’ request will result in an extremely unfavorable disposition for DPG: election workers will have to go out of their way (thus taking time from the speedy resolution of this election) to identify a single stack of absentee ballots that likely do not even exist. *See* Kornhauser Aff. ¶ 12; Greene Aff. ¶¶ 3, 7. Next, the election officials will have to separate these ballots, and then, as threatened by Petitioners’ request, votes for candidates supported by DPG may be discarded. In other words, Petitioners’ requested relief would negatively impact DPG’s interests by disenfranchising or risking the disenfranchisement of DPG’s voters as well as potentially delaying the counting of votes and undermining its organizational mission of electing Democrats in Chatham County and in Georgia more broadly.

3. *DPG’s interests are not adequately represented by the Board.*

DPG's interests cannot adequately be represented by the Board, whose stake in this lawsuit is defined solely by its statutory duty to implement the electoral process. The Board's mission, unlike DPG's, is not to work to elect Democrats and ensure that DPG's members' votes are counted. Rather, the Board is charged with a variety of administrative duties, including, in appropriate circumstances, examining the qualifications of electors and removing individuals deemed to be unqualified from the list of electors. O.C.G.A. § 21-2-228. Because the Board is not institutionally designed to be an advocate for electing Democrats or protecting individual voters' rights, it cannot adequately represent the interests of DPG, whose mission is just that.

Moreover, DPG, which had observers at the counting location, provides unique facts about the purported incident that stand in direct contrast to the facts alleged by Petitioners' witness. And DPG is also able to provide additional legal argument for dismissal of Petitioners' complaint, which fails to state any claim on its face. Indeed, despite expressly challenging Chatham County's storage of late-absentee ballots (seeking, as a remedy, that these ballots be segregated, etc.) the Petition plainly states that the storage of ballots received after 7:00 p.m. on Election day "remains unknown," Pet. ¶ 15, exposing Plaintiffs' Petition for that it really is, a blatant attempt to slow the counting of ballots and potentially exclude eligible votes from being counted. In sum, DPG has a right to intervene in this action to provide the necessary spirited and vigorous defense against these risks.

B. In the alternative, DPG requests that the court grant it permission to intervene under O.C.G.A. § 9-11-24(b).

If the Court does not grant intervention as a matter of right, DPG respectfully requests that the Court exercise its discretion to allow it to intervene under O.C.G.A. § 9-11-24(b). Permissive intervention is appropriate "[w]hen an applicant's claim or defense and the main action have a question of law or fact in common." O.C.G.A. § 9-11-24(b)(2). "In exercising its discretion the

court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.” *Id.*

DPG surely meets the requirements of permissive intervention. *First*, DPG and the Board will inevitably raise common questions of law and fact in defending this lawsuit and the elections process. *Second*, given the early stage of this litigation, intervention will not unduly delay or prejudice the adjudication of the rights of the original parties. To the contrary, DPG is prepared to proceed in accordance with any litigation schedule imposed in this action, including attending today’s 10 a.m. hearing, and its intervention will only serve to contribute to the full development of the factual and legal issues before the Court.

IV. CONCLUSION

For the reasons stated above, DPG respectfully requests that the Court grant its motion to intervene as a matter of right under O.C.G.A. § 9-11-24(a) or, in the alternative, permit it to intervene under O.C.G.A. § 9-11-24(b). DPG further requests that it be permitted to participate as an intervenor in November 5 hearing. If granted permission to intervene under either provision, DPG has submitted a proposed Answer to the Petition to Command Enforcement of Election Laws Pursuant to O.C.G.A. § 21-2-412.

Respectfully submitted, this 5th day of November 2020.

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**pro hac vice applications pending*

***Attorneys for Proposed Intervenor-
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Inc.***

EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

IN RE: ENFORCEMENT OF ELECTION
LAWS AND SECURING BALLOTS CAST OR
RECEIVED AFTER 7:00 P.M. ON NOVEMBER
3, 2020

Civil Action No. SPCV20-00982

AFFIDAVIT OF MAURICE GREENE

Before me, the undersigned notary public, this day, personally, appeared Maurice Greene, who being duly sworn according to law, deposes the following:

1. I am over the age of 18 and a resident of the state of Georgia. I have personal knowledge of the facts here, and if called as a witness, can testify completely thereto.

2. On Wednesday, November 4, 2020, I was present at the Chatham County public counting of absentee ballots as a registered poll observer to watch the public inspection, processing, and counting of absentee ballots in the County.

3. I am aware that a Republican poll observer, Sean Pumphrey, who also claims to have been present at the processing and counting of absentee ballots on that day has made certain allegations regarding what occurred in Chatham County. Mr. Pumphrey's assertions do not align at all with what I personally observed and witnessed.

4. I arrived at the processing location earlier in the afternoon, and I was present before the absentee ballots arrived at or around 2:30 P.M. The ballots were delivered in closed crates and brought to the front of the room.

5. It is my understanding that all of the ballots that were processed on November 4 were ballots that were received before the absentee ballot deadline of 7:00 P.M. on Election Day. That is, these were only timely-recieved ballots, contrary to Mr. Pumphrey's suggestion.

6. Once the crates of ballots were deposited in the front of the room, the Chatham County poll workers opened the crates and began to process them. Everything that I observed appeared to be in strict compliance with Georgia law, required protocols, and all health and safety measures that have been implemented during the present election in response to the novel coronavirus pandemic.

7. At one point, I did see one election supervisor leave a back room, and then lock the door behind her. However, she did not have any ballots in hand.

8. I did not see anyone come in or out of the back room while absentee ballots were being actively processed, let alone with absentee ballots in hand.

9. I also did not see anything resembling the “agitated” dispute described by Mr. Pumphrey in his affidavit.

10. At one point, I saw one of the poll workers ask one of the Republican poll observers—a young man who was carrying a notepad—to please take a step back because he was very close to the ballots and leaning over them with his clipboard. I observed the entire conversation between the poll worker and the young or “junior” Republican observer with the notepad, and at no point did this man make any allegation regarding ballots coming from a back room, being improperly included in the count, or being improperly intermingled with other ballots.

11. The poll worker politely explained that the observer was not allowed to be that close to the ballots themselves. She did not appear “agitated,” and she did not remove her mask.

12. At no point did I see any election official remove their mask. To the contrary, the poll workers always wore their masks when I was present.

13. Nothing else that I observed that would remotely resemble the interaction that Mr. Pumphrey described in his affidavit.

14. The only thing that was unusual in Chatham County that afternoon was the number of Republican observers that were present in the counting room. To the best of my recollection, there were always at least eight Republican observers in the counting room, and at one point I believe there may have been ten.

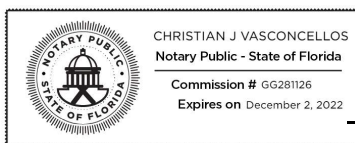
15. There were also three poll observers in the counting room on behalf of the Democratic Party of Georgia, including me, and one additional observer on behalf a Democratic candidate.

16. The most notable thing about today—beyond what I consider having been a truly excessive number of Republican observers in the counting room—is how impressive all of the election officials were. I admire them, and I am thankful for their service to our country and our state. Elections are always stressful and being an election official is always a difficult job, but this year the job of election officials has been more difficult than ever before.

I declare, under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 4, 2020 in Savannah, Georgia.

Name: Maurice Greene
Maurice Greene

Subscribed and sworn to before me this 4th day of November, 2020.



A handwritten signature in blue ink, appearing to read "C. Vasconcellos", written over a horizontal line.

Electronic Notary Public Notary
Notarized online using audio-video communication

EXHIBIT B

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IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

IN RE: ENFORCEMENT OF ELECTION
LAWS AND SECURING BALLOTS CAST OR
RECEIVED AFTER 7:00 P.M. ON NOVEMBER
3, 2020

Civil Action No. SPCV20-00982

AFFIDAVIT OF KRISTIE KORNHAUSER

Before me, the undersigned notary public, this day, personally, appeared Kristie Kornhauser, who being duly sworn according to law, deposes the following:

1. I am over the age of 18 and a resident of the state of Georgia. I have personal knowledge of the facts here, and if called as a witness, can testify completely thereto.

2. On Wednesday, November 4, 2020, I was present at the Chatham County public counting of absentee ballots to observe the public inspection and processing of absentee ballots in Chatham County as a registered poll observer.

3. I am aware that another poll observer, Sean Pumphrey, has made certain allegations regarding the processing of absentee ballots in Chatham County on November 4, 2020. The assertions made by Mr. Pumphrey are contrary to what I observed.

4. I arrived in Chatham County to observe the counting and processing of absentee ballots at or around 1:30 P.M. and I remained there until around 6:00 p.m.

5. When I arrived, there were several people standing outside of the processing location who appeared to be discussing something.

6. I recognized one of the people in a group as a Republican poll observer immediately. It later became apparent to me that this entire group was comprised of Republican poll observers.

7. At one point, I observed as many as eight Republican poll observers in the counting room.

8. While it is my understanding that poll observers are not permitted to take notes while they are in the counting room, many of these Republican poll observers were carrying around what seemed to be pads and paper. However, I did not personally observe any of them writing anything down.

9. The best of my recollection, all the Republican poll observers had left the counting room and the site by around 4:00 P.M.

10. At or around 2:30 P.M., sealed, black crates of ballots were delivered to the counting room on a cart, as is usually the case. While this is my first election working as a poll observer in Georgia, this was not my first time observing the public counting of absentee ballots during this election, including in Chatham County, so I am familiar with the process.

11. At no point in time did I observe anything out-of-the ordinary occur in the counting room.

12. At no point did I observe anyone come out of a back room with a stack of ballots. Instead, the counting room is very large, almost like a warehouse, and everything that I observed was done in the open, in the large counting room, and in accordance with all required protocols as I understand them.

13. In fact, there are surveillance cameras all around the counting area in order to provide security for the ballots. The County should therefore have a record of everything that happened during the counting process on the afternoon of November 4.

14. Similarly, I did not observe any heated conversations between any of the polling place workers and the poll observers, nor did I observe any poll worker remove her face mask.

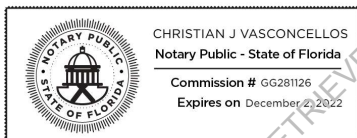
15. Indeed, the only thing that was unusual about the counting and processing of absentee ballots that occurred in Chatham County today was that there were so many Republican poll observers present in the polling place, with a lot of them coming and going in and out of the facility.

16. This was particularly unusual given the risk of having so many people present in the counting room during the coronavirus pandemic.

I declare, under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 4, 2020 in Savannah, Georgia.

Name: Kristie Bryant Kornhauser
Kristie Kornhauser

Subscribed and sworn to before me this 4th day of November, 2020.



Electronic Notary Public

Notarized online using audio-video communication

A handwritten signature in blue ink, appearing to be 'C. Vasconcellos', written over a horizontal line.

Notary

EXHIBIT C

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**IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

IN RE: ENFORCEMENT OF ELECTION
LAWS AND SECURING BALLOTS CAST
OR RECEIVED AFTER 7:00 P.M. ON
NOVEMBER 3, 2020,

Civil Action No. SPCV20-00982

[PROPOSED] INTERVENOR-RESPONDENT'S [PROPOSED] ANSWER

Proposed Intervenor-Respondent, the Democratic Party of Georgia, Inc. ("Intervenor-Respondent"), by and through its attorneys, submits the following Answer to Petitioners' Petition to Command Enforcement of Election Laws Pursuant to O.C.G.A. § 21-2-412. Intervenor-Respondent responds to the allegations in the Complaint as follows.

1. In response to paragraph 1 of the Petition, Intervenor-Respondent admits only that the Georgia Republican Party is the state committee of the Republican Party in the state of Georgia.
2. In response to paragraph 2 of the Petition, Intervenor-Respondent admits only that Donald J. Trump for President, Inc. is a committee for President Donald J. Trump's reelection campaign.
3. Paragraph 3 of the Petition contains mere characterizations, legal contentions, and conclusion to which no response is required.
4. Paragraph 4 of the Petition contains mere characterizations, legal contentions, and conclusion to which no response is required.

5. Paragraph 5 of the Petition contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor-Respondent denies the allegations.

6. Paragraph 6 of the Petition contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor-Respondent denies the allegations.

7. Paragraph 7 of the Petition contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor-Respondent denies the allegations.

8. Paragraph 8 of the Petition contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor-Respondent denies the allegations.

9. Paragraph 9 attempts to interpret and quote Georgia law and thus requires no response. To the extent Petitioners' interpretation and quotation differs from the text of the referenced statutory provision, Intervenor-Respondent denies the allegations.

10. Paragraph 10 attempts to quote Georgia law and thus requires no response. To the extent Petitioners' quotation differs from the text of the referenced statutory provision, Intervenor-Respondent denies the allegations.

11. Paragraph 11 of the Petition contains mere characterizations, legal contentions, and conclusions to which no response is required.

12. Paragraph 12 of the Petition attempts to quote, paraphrase, or interpret a court's opinion and order entered in another lawsuit. To the extent Petitioners' interpretation differs from the text of the opinion and order, Intervenor-Respondent denies the allegations.

13. Paragraph 13 of the Petition contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor-Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein and therefore deny the same.

14. In response to Paragraph 14 of the Petition, Intervenor-Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein and therefore deny the same.

15. In response to Paragraph 15 of the Petition, Intervenor-Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein and therefore deny the same.

16. In response to Paragraph 16, Intervenor-Respondent denies that Petitioners are entitled to any relief.

17. Paragraph 17 of the Petition contains mere characterizations, legal contentions, and conclusions to which no response is required. Intervenor-Respondent denies that Petitioners are entitled to any relief.

PRAYER FOR RELIEF

Intervenor-Respondent denies that Petitioners are entitled to any relief.

Respectfully submitted, this 5th day of November 2020.

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**pro hac vice applications pending*

***Attorneys for Proposed Intervenor-
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Inc.***

CERTIFICATE OF SERVICE

I the undersigned certify that this day I have served the foregoing via electronic mail and by filing it with the Odyssey electronic filing system which will send notification of such filing to counsel of record.

Respectfully submitted, this 5th day of November 2020.

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