

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

|   |   |                            |
|---|---|----------------------------|
| DONALD J. TRUMP, in his capacity as a             | ) |                            |
| Candidate for President, <i>et al.</i>            | ) |                            |
| <i>Petitioners,</i>                               | ) |                            |
|   | ) | Civ. Act. No. 2020CV343255 |
| v.  | ) |                            |
| BRAD RAFFENSPERGER, in his official capacity      | ) |                            |
| As Secretary of State of Georgia, <i>et al.</i> , | ) |                            |
| <i>Respondents.</i>                               | ) |                            |

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

COME NOW THE PETITIONERS, by and through the undersigned counsel and voluntarily and respectfully request this Honorable Court DISMISS the above captioned case WITHOUT PREJUDICE due to an out of court agreement. Notice of the agreement is attached hereto and incorporated herein by reference.

Respectfully submitted, and GOD BLESS AMERICA, this 7<sup>th</sup> day of January, 2021.

THE HILBERT LAW FIRM, LLC

KURT R. HILBERT

Lead Counsel for Petitioners

Georgia Bar No. 352877

205 Norcross Street

Roswell, GA 30075

T: (770) 551-9310

F: (770) 551-9311

E: khilbert@hilbertlaw.com

SMITH & LISS, LLC

/s/ Ray S. Smith III

RAY S. SMITH, III

Georgia Bar No. 662555

*Attorneys for Petitioners Donald J. Trump,  
in his capacity as a Candidate for President,  
and Donald J. Trump for President, Inc.*  
Five Concourse Parkway Suite 2600  
Atlanta, Georgia 30328 Telephone: (404)  
760-6000

**MARK POST LAW, LLC**

*/s/ Mark C. Post*

MARK C. POST

Georgia Bar No. 585575

*Attorneys for Petitioner David J. Shafer, in  
his capacity as a Registered Voter and  
Presidential Elector Candidate pledged to  
Donald Trump for President*

3 Bradley Park Court

Suite F

Columbus, Georgia 31904 Telephone: (706)  
221-9371 Facsimile: (706) 221-9379

RETRIEVED FROM DEMOCRACYDOCKET.COM



CHRISTOPHER S. ANULEWICZ  
t: (404) 962-3562  
f: (866) 320-6758  
e: canulewicz@balch.com

January 3, 2021

VIA EMAIL

Kurt R. Hilbert  
The Hilbert Law Firm, LLC  
205 Norcross Street  
Roswell, GA 30075

Re: Donald J. Trump, et al. v. Brad Raffensperger, et al.  
Superior Court of Fulton County; Civil Action No. 2020CV343255 and related litigation

Dear Kurt:

As you are aware, President Trump held a telephone conference with Secretary of State Raffensperger yesterday. In that call, the Secretary of State's General Counsel, Ryan Germany, reiterated our consistent position to you regarding resolution of this case. As Mr. Germany said, we are still willing to cooperatively share information with you outside the pending litigation on the condition that all currently pending suits against the Governor, the Secretary of State and/or the members of the State Election Board be voluntarily dismissed. Absent dismissal, we have no choice but to remain in a litigation posture and to continue resolving these disputes in court.

The allegations and evidence in the Petition related to the November 3, 2020 Election have been thoroughly examined. That examination shows the claims: (1) are factually wrong; (2) are based on improper speculation and faulty data and data analysis; (3) lack substantive legal merit; (4) are moot; and (5) are procedurally deficient. As you know, even one of your own "experts," Mr. Braynard, recanted many of the positions relied upon in your lawsuits in his testimony before the Georgia House of Representatives Government Affairs Committee. Your other main "expert," Mr. Geels, admits his positions are speculative at best. We detail our position on the claims raised in our extensive filings with the court and in the affidavits accompanying these filings. There have already been *three* state election challenges contesting the Presidential Election that have been finally dismissed by Georgia courts. Now that your firm has withdrawn the improvidently filed notice of appeal that was delaying resolution of the currently pending cases, we anticipate a swift resolution of those cases in favor of the State should these cases proceed in litigation.

The pending cases continue the pursuit of baseless and disproven theories to incorrectly claim there is a problem with Georgia's Election results, despite a hand recount during the statewide audit as

well as the subsequent recount all confirming the initial Georgia Election results. If your team is serious about understanding the facts, rather than simply attacking the actual results of the Election, we are willing to share as much information as we can. To do so outside the litigation context, all pending cases challenging the Election must be terminated. If the various lawsuits are not dismissed, we will continue to litigate these issues in court, including pursuing our resolution of our dispositive motions seeking dismissal because of the myriad of legally fatal procedural and factual errors in the filed election challenge. Either process will further validate the State's certification of the Georgia Election.

If you wish to meet, I am happy to host you at my office tomorrow morning following confirmation of voluntary dismissal of all pending actions against Georgia state officials. If your team and clients elect to pursue this course rather than continued litigation, please note you will need to bring electronic (Excel) copies of the Exhibits to Mr. Braynard's and Mr. Geels' reports in order to speed our demonstration to your team of why your proffered evidenced does not support the conclusions that you have asserted in your court filings to date. You have my contact information and cell phone. Please call me if you wish to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Anulewicz", with a long horizontal flourish extending to the right.

Christopher S. Anulewicz

CSA:sgb

RETRIEVED FROM DEMOCRACY DOCKET.COM

# THE HILBERT LAW FIRM

KURT HILBERT  
MANAGING MEMBER

A LIMITED LIABILITY COMPANY

OF COUNSEL  
MELANIE ELLWANGER  
SUSAN GREEN MILLER  
ELENI C. BAFAS

MAILING ADDRESS:  
205 NORCROSS STREET  
ROSWELL, GA 30075

TO CONTACT WRITER:  
EMAIL: KHILBERT@HILBERTLAW.COM  
DIRECT DIAL: 770-551-9310 EXT 101  
FACSIMILE: 770-551-9311  
WEBSITE: www.hilbertlaw.com

January 6, 2020

**THE ENTIRETY OF THIS LETTER AND THE LETTER ITSELF IS FOR PURPOSES OF COMPROMISE AND SETTLEMENT DISCUSSIONS ONLY AND SHALL BE HELD STRICTLY CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO ANY LEGAL PERSON OTHER THAN COUNSEL FOR THE PARTIES AND THE PARTIES THEMSELVES ADDRESSED IN THIS LETTER. O.C.G.A. § 24-4-408 et seq. OTHER THAN FOR PURPOSES OF NOTICE OF SETTLEMENT TO ANY COURT**

**VIA EMAIL: canulewicz@balch.com**

Christopher M. Carr  
Office of the Attorney General  
Georgia Department of Law  
40 Capitol Square SW  
Atlanta, Georgia 30334

Christopher S. Anulewicz  
BALCH & BINGHAM LLP  
30 Ivan Allen Jr., Blvd. N.W., Suite 700  
Atlanta, Georgia 30308

**RE: ACCEPTANCE OF YOUR SETTLEMENT OFFER LETTER DATED JANUARY 3, 2021**

Dear General Carr and Mr. Anulewicz:

I am in receipt of your letter above and after speaking with all clients, and their respective counsel, we hereby accept the terms of your settlement proposal dated January 3, 2021, made on behalf of Secretary of State Brad Raffensperger, Governor Brian Kemp, and all Election Board Officials, et al.

We are promptly voluntarily dismissing the following legal actions as per your request and in consideration of the settlement:

Trump v. Kemp, (N. D. Georgia)

Trump, et al v. Raffensperger, et al., (Superior Court of Fulton County)

Still v. Raffensperger, et al., (Superior Court of Fulton County)

Boland v. Raffensperger, et al., (Supreme Court of Georgia)

We look forward to working and meeting with Mr. Germany to receive the heretofore withheld Nov 3, 2020 election data. We will make our experts and your expert reports and analyses available and we will appreciate being able to also be able to receive and compare those reports against the Secretary of State's expert reports, official election records, voter registration records, applications for absentee ballots, investigative reports, and other relevant data and information.

In the best interests of the parties, and the public, we hope that you will work with us on mutually agreed upon protocols for this review.

We also believe it would be helpful and would request that we work together immediately on a joint public statement mutually agreed upon and drafted for release, that the election contest has been settled as described therein and that all parties and lawyers on both sides acted in good faith for the good of the people and upholding the rule of law.

I am pleased that we were able to resolve all litigation disputes in this manner for the good of the party and the nation, GOD BLESS AMERICA.

Very truly yours,

**THE HILBERT LAW FIRM, LLC**

Kurt R. Hilbert, Esq.  
Managing Member

cc: The President of the United States Donald J. Trump  
Donald J. Trump for President, Inc.  
David J. Shafer  
Andrew Boland (through David Guldenschuh)  
Shawn Still

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the above and foregoing **NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE** upon all parties and their counsel via this Court's e-file system, via STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5) and/or by placing a copy of the same in the United States mail, first class, with sufficient postage thereon to ensure delivery, addressed as follows:

Attorneys for Proposed Intervenor-Biden Electors

Halsey G. Knapp, Jr.  
Joyce Gist Lews  
Susan P. Coppedge  
Adam M. Sparks  
Krevolin and Horst, LLC  
One Atlantic Center  
1201 W. Peachtree Street, NW  
Suite 3250  
Atlanta, GA 30309

Marc E. Elias  
Amanda R. Callais  
Jacob D. Shelly  
PERKINS COIE, LLP  
700 Thirteenth Street, NW  
Suite 800  
Washington, DC 20005-3960

Kevin Hamilton  
Stephaie R. Holstein  
Thomas Tobin  
Heath Hyatt  
PERKINS COIE, LLP  
1201 Third Avenue  
Suite 4900  
Seattle, WA 98101  
Jessica Frenkel  
PERKINS COIE, LLP  
1900 Sixteenth Street  
Suite 1400  
Denver, CO 80202-5255

Attorneys for Proposed Intervenor-NAACP  
William Custer  
Jennifer Dempse  
Christian Bromley  
BRYAN CAVE LEIGHTON PAISNER, LLP  
One Atlantic Center  
Fourteenth Floor  
1201 W. Peachtree Street, NW  
Atlanta, GA 30309

Kristen Clarke  
Jon Greenbaum  
Ezra Rosenberg  
Julie Houk  
John Powers  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW  
1500 K Street, NW  
Suite 900  
Washington, DC 20005

Attorneys for Proposed Intervenor – John Wood

Todd Harding  
MADDOX & HARDING  
113 E. Solomon Street  
Griffin, GA 30223

Erick Kaardal  
MOHRMAN, KAARDAL & ERICKSON, P.A.  
150 South Fifth Street  
Suite 3100  
Minneapolis, MN 55402

Attorney for Sean Draime

Paul Kunst  
PAUL C. KUNST, PC  
941 Thomaston Street  
Barnesville, GA 30204

Attorney for Ameika Pitts

Patrick D. Jaugstetter  
JARRARD & DAVIS, LLP  
222 Webb Street



Cumming, GA 30040

Attorney for Erica Hamilton

Irene Vander Els  
Shelly D. Momo  
DEKALB COUNTY LAW DEPARTMENT  
1300 Commerce Drive, 5th Floor  
Decatur, GA 30030

Attorney for Janine Eveler

Daniel White  
Gregg Litchfield  
HAYNIE, LITCHFIELD & WHITE, PC  
222 Washington Avenue  
Marietta, GA 30060

Attorney for Anne Dover

Anne S. Brumbaugh  
Law Office of Ann S. Brumbaugh, LLC  
309 Sycamore Street  
Decatur, GA 30030

Attorney for Kristi Royston

Melanie F. Wilson  
Tuwanda Rush Williams  
GWINNETT COUNTY DEPARTMENT OF LAW  
75 Langley Drive  
Lawrenceville, GA 30046

Attorney for Shauna Dozier

John R. Hancock  
A. Ali Sabzevari  
FREEMAN MATHIS & GARY, LLP  
661 Forest Parkway, Suite E  
Forest Park, GA 30297

Attorney for Richard Barron

Kaye Woodard Burwell  
Cheryl Ringer  
David Lowman

OFFICE OF THE FULTON COUNTY ATTORNEY

141 Pryor Street, SW  
Suite 4038  
Atlanta, GA 30303

State Respondents

Christopher M. Carr  
Office of the Attorney General  
Georgia Department of Law  
40 Capitol Square SW  
Atlanta, Georgia 30334

Christopher S. Anulewicz  
BALCH & BINGHAM LLP  
30 Ivan Allen Jr., Blvd. N.W., Suite 700  
Atlanta, Georgia 30308

Any and all other persons making a special entry of appearance or other entry of appearance in this matter shall be served through the Odyssey efile system.

Respectfully submitted, this 7th day of January, 2021.

  
**THE HILBERT LAW FIRM, LLC**

Kurt R. Hilbert  
Georgia Bar No. 352877  
*Lead Counsel for Petitioners*

205 Norcross Street  
Roswell, GA 30075  
T: (770) 551-9310  
F: (770) 551-9311  
E: khilbert@hilbertlaw.com