

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., SCOTT BERSON, and JANE
DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE
ENGELBRECHT, DEREK SOMERVILLE,
MARK DAVIS, MARK WILLIAMS, RON
JOHNSON, and JAMES COOPER,

Defendants.

CIVIL ACTION FILE

NO. 2:20-cv-00302-SCJ

DEFENDANTS' EXHIBIT LIST

Defendants True the Vote, Inc., Catherine Engelbrecht, Derek Somerville, and Mark Davis identify herein their potential trial exhibits for this lawsuit. Defendants reserve the right to modify or supplement this list with reasonable notice to counsel.

Def's' Ex. No.		Offered	Accepted	Date of Admission/ Denial
1-14	INTENTIONALLY LEFT BLANK			
15	Ken Mayer Report			
16-24	INTENTIONALLY LEFT BLANK			
25	True the Vote press release about "Validate the Vote" Initiative and Whistleblower Compensation Fund			
26	True the Vote press release about Georgia ballot count			
27-28	INTENTIONALLY LEFT BLANK			
29	D. Sommerville Facebook post about S. Abrams tweet regarding Georgian voters			
30-32	INTENTIONALLY LEFT BLANK			
33	M. Davis Facebook post about voter			

	record analysis efforts			
34	D. Somerville Facebook post about voter record analysis efforts			
35-37	INTENTIONALLY LEFT BLANK			
38	Email chain between D. Somerville, M. Davis about blast email sent to solicit challenge volunteers			
39-49	INTENTIONALLY LEFT BLANK			
50	Banks County Challenge List			
51	USPS Change of Address Confirmation			
52	INTENTIONALLY LEFT BLANK			
53	Audio transcript of Seals in the Polls advertisement			
54	Audio transcript from True the Vote Live			
55	INTENTIONALLY LEFT BLANK			
56	Table with challenge count by race and party			
57-59	INTENTIONALLY LEFT BLANK			
60	3 – CONNOR ISHAM updated Facebook profile photo			
61	4 – CONNOR ISHAM Facebook photo			
62	5 – CONNOR ISHAM Facebook photo			
63	6 – CONNOR ISHAM Facebook photo and comments			
64	7- CARFAX on HEREDIA VEHICLE			
65	8 – USPS State & Local Election Mail – User’s Guide			
66	9 – Absentee Voter File from GA Secretary of State for Banks County (Heredia), requested for November 2020 General Election			
67	10 – Absentee Voter File from GA Secretary of State for Clarke County (Isham), requested for November 2020 General Election			
68	11 - Absentee Voter File from GA Secretary of State for Banks County (Heredia), requested for January 2021 Special Election run-off			

69	12 - Absentee Voter File from GA Secretary of State for Clarke County (Isham), requested for January 2021 Special Election run-off			
70	Jocelyn Heredia LinkedIn Profile page screenshot			
71	Jocelyn Heredia entries in Georgia Absentee Voter Database			
72	INTENTIONALLY LEFT BLANK			
73	https://sos.ga.gov/index.php/Elections/voter_registration_statistics			
74	EXCLUDED			
75	Email string			
76	13 – Georgia Secretary of State, Elections Division, Voter Registration Drive Rules & Procedures, Page 4, PROCEDURES FOR COMPLETING THE REGISTRATION FORM			
77	14- EMAIL SCREENSHOT from Dan Gassaway Submitting Challenge to Banks County			
78	15 – CONNOR ISHAM LINKEDIN PROFILE			
79	16 HEREDIA LINKEDIN PROFILE			
80	INTENTIONALLY LEFT BLANK			
81	EXCLUDED			
82	True the Vote Complaint Against Rep. Elijah Cummings (D-MD) and Request for Investigation by Office of Congressional Ethics (“OCE”)			
83	Perkins Coie Letter to Kristi L. Royston, Gwinnett County Voter Registration and Elections Office			
84	Moved Out of State or County csv file			
85	True the Vote Email to Georgia County Election Boards			
86	Jim Bopp Opinion Letter to True the Vote			
87	EXCLUDED			
88	Letter from Jim Bopp to Governor Brian Kemp			

89	MOTION FOR ENTRY OF PROTECTIVE ORDER AND MEMORANDUM IN SUPPORT in United States v. THE STATE OF GEORGIA and THE GEORGIA STATE ELECTION BOARD and Proposed Intervenor-Defendant. No. 1:21-cv-02575-JPB			
90-93	EXCLUDED			
94-95	INTENTIONALLY LEFT BLANK			
96	Transcript of Deposition of Catherine Engelbrecht, TTV 30(b)(6)			
97	INTENTIONALLY LEFT BLANK			
98	Transcript of Deposition of Gregg Phillips			
99	TrueAppend Doc.			
100	INTENTIONALLY LEFT BLANK			
101	Transcript of First Deposition of Derek Somerville			
102	INTENTIONALLY LEFT BLANK			
103	Transcript of Second Deposition of Derek Somerville			
104	INTENTIONALLY LEFT BLANK			
105	Transcript of First Deposition of Mark Davis			
106	Transcript of Second Deposition of Mark Davis			
107	INTENTIONALLY LEFT BLANK			
108	Transcript of Deposition of Mark Williams			
109-111	INTENTIONALLY LEFT BLANK			
112	Plaintiff Scott Berson's Responses to Defendants' First Set of Interrogatories			
113	Letter from TTV to Andra Phagan, Elections Supervisor, Banks County Board of Elections			
114	Transcript of Deposition of Jocelyn Heredia			
115	Banks County Board Minutes			
116	Mark Davis Facebook post on apparently			

	improper absentee ballot of “Dave”			
117	Mark Davis Facebook post about CMRAs - Operation Boswell			
118	Facebook posts and comments of Mark and Derek (17 pages)			
119	INTENTIONALLY LEFT BLANK			
120	Derek Somerville Facebook post encouraging individuals to document, report, and share any voting irregularities.			
121-123	INTENTIONALLY LEFT BLANK			
124	EXCLUDED			
125-126	INTENTIONALLY LEFT BLANK			
127	HEREDIA NCOA RESULT			
128	Heredia CASS Summary Report			
129	Heredia CASS Certification			
130	12-16-2020 Email DS to MD.pdf			
131	12-18-2020 FB Post - Detailed Process.pdf			
132	12-19-2020 FB Post - Featuring Breibart Story.pdf			
133	8-USPS pub632-P6_No FWD of Ballots.pdf			
134	Banks County Challenges.XLSX			
135	Breakdown of voters email.pdf			
136	Challenge list.pdf			
137	Citizen Challenge Update - 12-26-2020.pdf			
138	Citizen Challenges Update and Encouragement email.pdf			
139	Consulting BCC Software.pdf			
140	Cover Letter.pdf			
141	DeKalb County Volunteer Frustration Email.pdf			
142	Derek's concern about 600K mail-in ballots (IST 1728).pdf			
143	Derek's disappointment.pdf			
144	Derek's Reaction (IST 3249).pdf			

145	Derek's reply email.pdf			
146	DS and MD Text Messages File.PDF			
147	Election Integrity Act of 2021.pdf			
148	ELECTOR CHALLENGE COVER LETTER.pdf			
149	ELECTOR CHALLENGE EMAIL INSTRUCTIONS.pdf			
150	ELECTOR CHALLENGE FORM.pdf			
151	ELECTOR CHALLENGE IN PERSON SUBMISSION INSTRUCTIONS.pdf			
152	Email dated 12-14-2020.pdf			
153	Email from DeKalb County to Volunteer forwarded to Derek Somerville.pdf			
154	Email from Mark to Derek - We took out COA's to PO Boxes..pdf			
155	Email Instructions.pdf			
156	Email regarding one more military scrub.pdf			
157	Email regarding permanent versus temporary COA.pdf			
158	Email regarding probable cause someone moved.pdf			
159	Erred on the side of the voter FB post.pdf			
160	Example of a FB Messenger exchange.pdf			
161	Ex-FBI agent Speaker Ralston stalled 1091 court cases 13wmaz.pdf			
162	Facebook post of UPS CMRA (IST 1522).pdf			
163	FB Post regarding Eact same criteria.pdf			
164	Form letter (other copy).pdf			
165	Form letter.pdf			
166	FW ORR #2020-1281 - Mark Davis - Jan 5th Runoff - Estimate Letter (IST 1589).pdf			
167	Georgia compares voter rolls with NCOA information every two years (IST 1485.0031).pdf			
168	Georgia lawmaker says new evidence supports ousting speaker (savannahnow.com).pdf			
169	Georgia residency laws.pdf			
170	Gilmer County email about challenges - TTV.pdf			

171	Glynn County Article.pdf			
172	Glynn County.pdf			
173	Gwinett County Elector Challenge email.pdf			
174	if they basically stopped running NCOA in April 2019 (IST 1485.0032).pdf			
175	Instructions for filing challenges.pdf			
176	Legislative Counsel's Guidance - Sheri Gilligan.pdf			
177	Legislative Counsel's Guidance on Electronically Submitting Elector Challenges.pdf			
178	Legislative leave power targeted under new bill - 11alive.pdf			
179	Mark Davis Affidavit.pdf			
180	Mayer footnote 18_p33_NCOASOURCE.jpg			
181	Mayer footnote 18_p33_NCOASOURCE_highlighted.jpg			
182	McIntosh County.pdf			
183	Muscogee Challenge List - M-D.PDF			
184	MVOTER1 Processing Certification.PDF			
185	MVOTER2 Processing Certification.PDF			
186	MVOTER3 Processing Certification.PDF			
187	National Review text.pdf			
188	NCOA certifications and CASS summary report.pdf			
189	NCOA certifications email.pdf			
190	New call for State Bar to investigate Georgia Speaker David Ralston (ajc.com).pdf			
191	NVRA Section 8 Challenges.pdf			
192	Permanent v. Temporary COA screenshot.pdf			
193	RE Link Challenge Letter Attached (IST 1620).pdf			
194	RE My re-calc of the numbers email.pdf			
195	RE Operation Boswell Few questions potential requests email.pdf			
196	RE VERIFY - Invitation to collaborate email.pdf			
197	Reading the Poll Worker Manual Email.pdf			

198	Somerville email to Rebeckah Bennett.pdf			
199	Somerville Facebook Message regarding filing NCOA and maintaining residency.pdf			
200	Somerville Facebook Posts.PDF			
201	Somerville Text Exchanges with Mark Davis p. 423.pdf			
202	Somerville text messages re Jordan Fuchs.pdf			
203	Somerville text re Jordan.pdf			
204	Talking Points.pdf			
205	Text screenshots.pdf			
206	USPS Change-of-Address 'Report Permanent' vs 'Temporary application'.pdf			
207	Volunteers needed post.pdf			
208	Voter analyst claims thousands of Georgians voted in the wrong county.pdf			
209	Working copy of challenge letter.pdf			
210	88K people on the challenged list have voted.pdf			
211	ACLU letter warning county BOEs to reject TTV challenges.pdf			
212	Amy Holsworth 12-17-20 email.pdf			
213	Bopp letter response to Elias' letter.pdf			
214	Derek Somerville's response regarding the Spalding County Attorney Memo.pdf			
215	draft for edit - Elector Challenge.pdf			
216	Election Integrity should unite us email.pdf			
217	Elias Letter 2022.05.16 Fair Fight [Dkt. 155-5] Exhibit B.pdf			
218	GA Democrat Party Partnership.pdf			
219	Georgia Election Integrity Hotline Press Release.pdf			
220	Georgia NCOA Output.pdf			
221	Georgia Rule 183-1-14 Absentee Voting.pdf			
222	Letter to the Georgia County Election Boards.pdf			
223	Memo - Spalding County Attorney.pdf			
224	NAACP sends letter also assuming TTV is challenging in 159 counties.pdf			

225	Not alleging any voter has acted improperly email.pdf			
226	Pamela Reardon email.pdf			
227	Raphael Warnock article.pdf			
228	Spalding County adds mass voter challenges to the meeting agenda email.pdf			
229	Submissions from Citizens.PDF			
230	Template letter.pdf			
231	Text messages between Catherine and Derek.pdf			
232	Text with Ernie Gonzales regarding NCOA.pdf			
233	The Aftermath .pdf			
234	The NCOA is sufficient, by itself, to achieve probable cause.pdf			
235	True the Vote offered similar assistance to the Georgia Democratic Party.pdf			
236	TTV Offer of Support to Challengers.pdf			
237	TTV Partners with Georgians Press Release.pdf			
238	Validate the Vote Launch TTV Press Release 11-10-2020.pdf			
239	Validate the Vote Proposal.pdf			
240	White County attorney letter to Lisa Manning 12-28-2020.pdf			
241	Attachment.XLSX			
242	D.174-20 Ex. 61 R Germany Email.pdf			
243	Davis Exhibit 11.pdf			
244	Davis Exhibit 12.pdf			
245	Davis Exhibit 7.pdf			
246	Davis Exhibit C.pdf			
247	Davis Exhibit F.pdf			
248	Davis Exhibit K.pdf			
249	Derek something is fishy here. (IST 1629).pdf			
250	Email from Mark to Derek - We took out COA's to PO Boxes..pdf			
251	Email regarding permanent versus temporary COA.pdf			

252	Email to Ed Lindey.pdf			
253	FW ORR #2020-1128 - Mark Davis - Estimate Letter (IST 1588).pdf			
254	Important Question re Absentee Ballots sent to Voters with USPS Changed Addresses Email.pdf			
255	Other Challenge Criteria Email.pdf			
256	pp 423-424 Somerville Exhibit 8.pdf			
257	pp 430-433 Somerville Exhibit 8.pdf			
258	Re Citizen Challenge Update - 12-26-2020 (IST 1655).pdf			
259	RE Illegal Voter Banks - LOL (IST 1615).pdf			
260	Register To Vote _ Elections.pdf			
261	INTENTIONALLY LEFT BLANK			
262	Somerville Exhibit 12.pdf			
263	Somerville Exhibit 3.pdf			
264	Somerville Exhibit 8.pdf			
265	Somerville Exhibit L.pdf			
266	Somerville Text Exchanges with Mark Davis pp 430-434.pdf			
267	SOS Investigation.pdf			
268	Text regarding permanent COA for military and students.pdf			
269	Joel Natt Video - Forsyth County.mp4			
270	Ex. A - Dr. Mayer Transcript - Case 118-cv-05391-SCJ 394-1.pdf			
271	Ex. C Dr. Mayer Expert Report - Case 217-cv-14148-ELC-DPH-GJQ.pdf			
272	Trial Prep - Expert Report of Kenneth R. Mayer, PhD - IST_00001438.PDF			
273	156-21 - DECLARATION OF GAMALIEL WARREN TURNER, SR..pdf			
274	Gabaliel Turner Declaration - Ben Hill Matter.pdf			
275	TURNER G_Columbus GA Property Record.pdf			
276	TURNER_ancestry records.jpg			
277	TURNER_FACEBOOK[79022].jpg			
278	TURNER_FACEBOOK_2[79023].jpg			

279	TURNER_LINKEDIN_10102023[79025].jpg			
280	TURNER_public address info_10102023.jpg			
281	TURNER_GAMALIEL[79024].xlsx			
282	TURNER_GAMALIEL[79028].xlsx			
283	CLARKE (11-3-20 GENERAL).csv			
284	CLARKE (1-5-21 RUNOFF).csv			
285	Accessing Voter Absentee Files_10-14-2023.pdf			
286	BANKS (11-3-20 GENERAL).csv			
287	BANKS (1-5-21 RUNOFF).csv			
288	TTV Challenge - 65 Counties - Voter_Race.xlsx			
289	INTENTIONALLY LEFT BLANK			
290	INACTIVE VOTER REASON BY RACE_OCT 2020 GVF.pdf			
291	TTV Challenge Count Race - Population_US Census_EXHIBIT.xlsx			
292	Atlanta Service Area Map.pdf			
293	Dev_SPR_EU_v26_1.pdf			
294	usertechinfo_v12.pdf			
295	EXH_DJS_12-5-2020 Dave.jpg			
296	moved_out_of_state_or_country.xlsx			
297	HEREDIA - COA APT1545.xlsx			
298	HEREDIA - COA APT1605.xlsx			
299	HEREDIA CASS - APT1605.pdf			
300	Heredia CASS - COA APT1545.pdf			
301	Heredia Certification - COA APT1545.pdf			
302	HEREDIA PROCESSING CERTIFICATE - APT1605.pdf			
303	ISHAM - COA APT1605.xlsx			
304	ISHAM CASS - APT1065.pdf			
305	ISHAM -COA APT1545.xlsx			
306	ISHAM2 PROCESSING CERTIFICATE - APT1605.pdf			
307	TTV Challenge File - By The Numbers.pdf			
308	Johnson Exhibit 1.pdf			

309	DAV-SOM Banks County Elector Status as of 14AUG2023_EXHIBIT			
310	GA MY VOTER WEBSITE_EXHIBIT			
311	GA SOS ABSENTEE BALLOT ONLINE FORM			
312	GA SOS ABSENTEE BALLOT ONLINE FORM_2			

Respectfully submitted,

By: /s/ Jake Evans

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**Admitted Pro Hac Vice*

CERTIFICATE OF COMPLIANCE

I certify the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, NDGA, using font type of Times New Roman and point size of 14.

Dated: October 24, 2023

By: /s/ Michael J. Wynne*
Michael J. Wynne
Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that today I filed a copy of the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of filing to all counsel of record.

Dated: October 24, 2023

By: /s/ Michael J. Wynne
Michael J. Wynne
Counsel for Defendants