

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity as a)
Candidate for President, *et. Al*)
Petitioners,) Civ. Act. No 2020CV343255
)
v.)
BRAD RAFFENSPERGER, in his official capacity)
As Secretary of State of Georgia, *et al.*)
)

NOTICE OF APPEAL AND INTENTION TO SEEK WRIT OF CERTIORARI
TO THE SUPREME COURT OF GEORGIA

COME NOW THE PETITIONERS, by and through the undersigned counsel, and respectfully inform the Court of their appeal and intention to seek a writ of certiorari to the Supreme Court of Georgia to review the “Order on Case Status” re Withdrawal of Motion for Emergency Injunctive Relief entered on December 9, 2020 at 5:06 PM, attached hereto as Exhibit A. This appeal is timely filed within ten (10) days of the entry of that Order. The Supreme Court has jurisdiction to hear this appeal under Georgia Constitution art. VI, Section VI, Par 2, cl. 2 as this is an Election Contest exclusively vested in the appellate jurisdiction of the Georgia Supreme Court. The Order is void *ab initio* and is a nullity, but is tantamount to a “final” order for purposes of O.C.G.A. § 5-6-34 as Petitioners cannot obtain relief of any kind and nature from this Court, including without limitation, interlocutory, preliminary or permanent injunctive relief, while the Order is entered, and while the Honorable Constance C. Russell remains presiding in the case in direct violation of the Election Code as she is an active sitting judge in Fulton County, Georgia and also a resident of that same county making her legally incapable of adjudicating this case.

The Clerk of Court shall omit nothing from the entire record on appeal and Petitioners hereby request that the record be prepared and expedited to the Supreme Court of Georgia immediately. Petitioners shall pay the costs as necessary for such expeditious preparation of the record.

Respectfully submitted, this 11th day of December, 2020



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

DONALD J. TRUMP; IN HIS CAPACITY AS *
A CANDIDATE FOR PRESIDENT , * **Civil Action No. : 2020CV343255**
DONALD J. TRUMP FOR PRESIDENT, INC. *
DAVID J. SHAFER, IN HIS CAPACITY AS A *
REGISTERED VOTER AND PRESIDENTIAL *
ELECTOR PLEDGED TO DONALD TRUMP *
FOR PRESIDENT, *
Petitioners, *

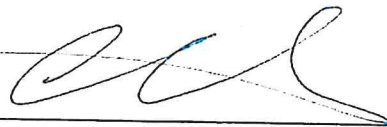
v.

BRAD RAFFENSPERGER, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
GEORGIA, et. al.,
Respondents.

ORDER ON CASE STATUS

The action was filed on December 4, 2020. On December 8, 2020 Petitioners filed a voluntary withdrawal of their Motion for Emergency Injunctive Relief. The request for emergency relief having been withdrawn, the action shall proceed in the normal course. All counsel seeking admission pro hac vice must comply with Uniform Superior Court Rule 4.4.

So Ordered This 9 Day of December, 2020.



Judge Constance C. Russell
Fulton County Superior Court
Atlanta Judicial Circuit

