

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY
INC., et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

CIVIL ACTION

FILE NO. 1:21-CV-05337-SCJ

COAKLEY PENDERGRASS, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

CIVIL ACTION

FILE NO. 1:21-CV-05339-SCJ

ANNIE LOIS GRANT, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

CIVIL ACTION

FILE NO. 1:22-CV-00122-SCJ

DEFENDANTS' OBJECTIONS TO PLAINTIFFS'
WITNESSES AND EXHIBITS

Pursuant to this Court's Coordinated Order in the above-captioned cases, Defendants file the following objections to Plaintiffs' witnesses and exhibits. Due to the coordinated nature of these proceedings and for the convenience of all parties, Defendants file this same document in all three cases, indicating the relevant case to which the objection applies.

1. Objections to Witnesses

Defendants do not object to any witnesses identified as testifying by affidavit for any of the Plaintiffs.

Defendants object to the following witnesses identified as testifying live for the reasons stated below:

Case	Witness	Objection
Alpha Phi Alpha	Rep. CaMia Jackson	Defendants object to the extent the witness seeks to testify to topics covered by unwaived legislative privilege of other members of the General Assembly. Defendants object to the extent the witness's testimony is needlessly cumulative and/or includes hearsay.
Grant/ Pendergrass	Rep. David Wilkerson	Defendants object to the extent the witness seeks to testify to topics covered by unwaived legislative privilege of other members of the General Assembly. Defendants object to the extent the witness's testimony is needlessly cumulative and/or includes hearsay.

Case	Witness	Objection
Alpha Phi Alpha/ Grant/ Pendergrass	Rep. Derrick Jackson	<p>Defendants object to the extent the witness seeks to testify to topics covered by unwaived legislative privilege of other members of the General Assembly.</p> <p>Defendants object to the extent the witness's testimony is needlessly cumulative and/or includes hearsay.</p>
Grant/ Pendergrass	Rep. El-Mahdi Holly	<p>Defendants object to the extent the witness seeks to testify to topics covered by unwaived legislative privilege of other members of the General Assembly.</p> <p>Defendants object to the extent the witness's testimony is needlessly cumulative and/or includes hearsay.</p>
Alpha Phi Alpha	Sen. Harold Jones	<p>Defendants object to the extent the witness seeks to testify to topics covered by unwaived legislative privilege of other members of the General Assembly.</p> <p>Defendants object to the extent the witness's testimony is needlessly cumulative and/or includes hearsay.</p>
Alpha Phi Alpha	Sen. Tonya Anderson	<p>Defendants object to the extent the witness seeks to testify to topics covered by unwaived legislative privilege of other members of the General Assembly.</p> <p>Defendants object to the extent the witness's testimony is needlessly cumulative and/or includes hearsay.</p>

Case	Witness	Objection
Grant/ Pendergrass	Former Sen. Jason Carter	Defendants object to the extent the witness seeks to testify to topics covered by unwaived legislative privilege of other members of the General Assembly. Defendants object to the extent the witness's testimony is needlessly cumulative and/or includes hearsay.

2. Objections to Exhibits.

In the following list of exhibits, Defendants identify their objections (if any) to exhibits identified by Plaintiffs and the basis for the objection.¹

Case	Exhibit Number	Objection
Alpha Phi Alpha	A1	
Alpha Phi Alpha	A2	
Alpha Phi Alpha	A3	
Alpha Phi Alpha	A4	
Alpha Phi Alpha	A5	
Alpha Phi Alpha	A6	
Alpha Phi Alpha	A7	
Alpha Phi Alpha	A8	
Alpha Phi Alpha	A9	
Alpha Phi Alpha	A10	
Alpha Phi Alpha	A11	
Alpha Phi Alpha	A12	
Alpha Phi Alpha	A13	
Alpha Phi Alpha	A14	

¹ Given the need for a “intensely local appraisal of the design and impact of the contested electoral mechanisms,” *Thornburg v. Gingles*, 478 U.S. 30, 79 (1986) (quotations omitted), Defendants urge the Court to only rely on admissible evidence for its determinations regarding Plaintiffs’ various motions.

Case	Exhibit Number	Objection
Alpha Phi Alpha	A15	
Alpha Phi Alpha	A16	
Alpha Phi Alpha	A17	
Alpha Phi Alpha	A18	
Alpha Phi Alpha	A19	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Alpha Phi Alpha	A20	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Alpha Phi Alpha	A21	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A22	
Alpha Phi Alpha	A23	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Alpha Phi Alpha	A24	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Alpha Phi Alpha	A25	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A26	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A27	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A28	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Alpha Phi Alpha	A29	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Alpha Phi Alpha	A30	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Alpha Phi Alpha	A31	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Alpha Phi Alpha	A32	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.

Case	Exhibit Number	Objection
Alpha Phi Alpha	A33	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Alpha Phi Alpha	A34	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Alpha Phi Alpha	A35	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A36	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A37	
Alpha Phi Alpha	A38	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A39	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A40	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Alpha Phi Alpha	A41	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Alpha Phi Alpha	A42	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A43	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A44	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A45	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A46	
Alpha Phi Alpha	A47	
Alpha Phi Alpha	A48	
Alpha Phi Alpha	A49	
Alpha Phi Alpha	A50	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Alpha Phi Alpha	A51	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Grant/Pendergrass	1	

Case	Exhibit Number	Objection
Grant/Pendergrass	2	
Grant/Pendergrass	3	
Grant/Pendergrass	4	
Grant/Pendergrass	5	
Grant/Pendergrass	6	
Grant/Pendergrass	7	
Grant/Pendergrass	8	
Grant/Pendergrass	9	
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Grant/Pendergrass	24	
Grant/Pendergrass	25	
Grant/Pendergrass	26	
Grant/Pendergrass	27	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	28	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	29	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	30	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	31	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.

Case	Exhibit Number	Objection
Grant/Pendergrass	32	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	33	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	34	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	35	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	36	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	37	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	38	
Grant/Pendergrass	39	
Grant/Pendergrass	40	
Grant/Pendergrass	41	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Grant/Pendergrass	42	Defendants object to this exhibit on the basis of relevance. F.R.E. 401.
Grant/Pendergrass	43	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	44	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	45	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	46	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	47	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	48	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.

Case	Exhibit Number	Objection
Grant/Pendergrass	49	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	50	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	51	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	52	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	53	
Grant/Pendergrass	54	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	55	
Grant/Pendergrass	56	
Grant/Pendergrass	57	
Grant/Pendergrass	58	
Grant/Pendergrass	59	Defendants object to this exhibit as it constitutes hearsay, F.R.E. 802, and on the basis of relevance, F.R.E. 401.
Grant/Pendergrass	60	
Grant/Pendergrass	61	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	62	
Grant/Pendergrass	63	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	64	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	65	Defendants object to this exhibit as it constitutes hearsay. F.R.E. 802.
Grant/Pendergrass	66	

This 2nd day of February, 2022.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned certifies that the foregoing brief has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
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