

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State,
et al.,

Defendants.

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

ANNIE LOIS GRANT et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State,
et al.,

Defendants.

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

**JOINT MOTION TO AMEND STIPULATION AND ORDER REGARDING
DISCOVERY**

The parties in the above-captioned cases jointly move for an amendment to the Court's order governing discovery deadlines in these matters.*

* In the interest of judicial economy, the parties submit a joint motion in each of the two above-captioned cases. The filing of a single motion does not imply or reflect

On February 28, 2022, the Court issued a scheduling order setting deadlines for, among other things, fact and expert discovery. *See Pendergrass* ECF No. 96; *Grant* ECF No. 90. On October 7, the Court entered the parties' stipulation and order regarding discovery, which, among other things, set additional deadlines for the completion of fact depositions. *See Pendergrass* ECF No. 115; *Grant* ECF No. 113.

As discovery has progressed, the parties have coordinated regarding deadlines and obligations to ensure that fact and expert discovery will be efficiently and timely completed by February 17, 2023. To that end—and in light of scheduling issues and exigencies—the parties have met and conferred and now jointly move this Court to amend the operative stipulation and order regarding discovery. Specifically, the parties propose the following adjusted deadlines:

Event	Current Deadline	Proposed Amended Deadline
Deadline for Parties to hold fact depositions for Plaintiffs or Defendants (other than persons associated with the Office of the Georgia Secretary of State)	December 16, 2022	January 20, 2023
Deadline for Parties to hold fact depositions for Third Parties	December 16, 2022	January 20, 2023

any intention to consolidate these cases under Federal Rule of Civil Procedure 42 or otherwise.

Event	Current Deadline	Proposed Amended Deadline
Deadline for Parties to hold fact depositions for persons associated with the Office of the Georgia Secretary of State	January 10, 2023	January 20, 2023

The parties further agree that depositions may occur after January 20, 2023, if (1) they are based on information newly provided in documents produced or in depositions, by the Defendants, Third Parties, or Plaintiffs, and (2) a deposition subpoena is issued within four weeks of that information being provided.

For the avoidance of doubt, the parties do not currently move to amend any other deadlines or obligations as ordered in the stipulation or the Court's previously issued scheduling orders.

An amended proposed stipulation and order memorializing these amendments is attached to this motion as Exhibit 1. The parties jointly request that the Court enter this order.

Dated: December 15, 2022

By: **Adam M. Sparks**

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **JOINT MOTION TO AMEND STIPULATION AND ORDER REGARDING DISCOVERY** 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 a point size of 14.

Dated: December 15, 2022

/s/ Adam M. Sparks
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **JOINT MOTION TO AMEND STIPULATION AND ORDER REGARDING DISCOVERY** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: December 15, 2022

/s/ Adam M. Sparks
Counsel for Plaintiffs

EXHIBIT 1

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

STIPULATION AND ORDER REGARDING DISCOVERY

The undersigned Parties have entered into this Stipulation and Order to govern discovery obligations in these actions.*

* In the interest of judicial economy, the Parties submit a joint proposed stipulation and order in each of the two above-captioned cases. The issuance of a single

I. GENERAL PROVISIONS

- A. The Parties, which includes the Plaintiffs and Defendants, as well as their officers, directors, employees, and agents, are referred to as the “Parties” solely for purposes of this stipulation.
- B. “Plaintiff” or “Plaintiffs” as used herein shall mean the following:
1. The plaintiffs in *Pendergrass v. Raffensperger*, No. 1:21-CV-05339-SCJ (N.D. Ga.): Coakley Pendergrass, Triana Arnold James, Elliott Hennington, Robert Richards, Jens Rueckert, and Ojuan Glaze (the “*Pendergrass* Plaintiffs”); and
 2. The plaintiffs in *Grant v. Raffensperger*, No. 1:22-CV-00122-SCJ (N.D. Ga.): Annie Lois Grant, Quentin T. Howell, Elroy Tolbert, Theron Brown, Triana Arnold James, Eunice Sykes, Elbert Solomon, Dexter Wimbish, Garrett Reynolds, Jacqueline Faye Arbuthnot, Jacquelyn Bush, and Mary Nell Conner (the “*Grant* Plaintiffs”).
- C. “Defendant” or “Defendants” as used herein shall mean Brad Raffensperger, in his official capacity as the Georgia Secretary of State; William S. Duffey, Jr., in his official capacity as chair of the State Election Board; Matthew Mashburn, in his official capacity as a member of the State Election Board; Sara Tindall Ghazal, in her official capacity as a member of the State Election Board; Edward Lindsey, in his official capacity as a member of the State Election Board; and Janice W. Johnston, in her official capacity as a member of the State Election Board.
- D. “Third Party” or “Third Parties” as used here shall mean the Legislative and Congressional Reapportionment Office; the Senate Redistricting and Reapportionment Committee; the House Legislative and Congressional Reapportionment Committee; Representative Bonnie Rich; Senator John Kennedy; Gina Wright; and also any party that

stipulation and order does not imply or reflect any intention to consolidate these cases under Federal Rule of Civil Procedure 42 or otherwise.

Plaintiffs or Defendants issue a subpoena or subpoenas to in relation to this action.

II. FACT DEPOSITIONS

- A. The Parties agree to hold fact depositions for Plaintiffs or Defendants (including persons associated with the Office of the Georgia Secretary of State) by January 20, 2023.
- B. The Parties agree to hold fact depositions for Third Parties by January 20, 2023.
- C. The Parties agree that depositions may occur after January 20, 2023, if:
 - 1. They are based on information newly provided in documents produced or in depositions, by the Defendants, Third Parties, or Plaintiffs; and
 - 2. A deposition subpoena is issued within four weeks of that information being provided.
- D. For the avoidance of doubt, the Parties agree that continuations of depositions may occur after these deadlines.

III. FACT DOCUMENT AND WRITTEN DISCOVERY

- A. The Parties agree that Defendants shall begin the production of documents in response to the existing requests by no later than October 6, 2022.
- B. The Parties agree that for existing requests, Defendants shall produce documents every two weeks such that the production is complete—including privilege logs, to the extent necessary—by November 3, 2022.
- C. The Parties agree that the deadline to issue discovery requests is October 24, 2022.
- D. However, the Parties agree that discovery requests may be issued based

on information newly provided in documents produced or in depositions, by the Plaintiffs, Defendants, or Third Parties, within four weeks of that information being provided.

- E. For the avoidance of doubt, the Parties agree that they may still confer regarding *existing* document and written discovery requests after these deadlines, but no new requests may be issued.

IV. MEET AND CONFER

- A. The parties agree that they will continue to meet and confer to adjust these deadlines if needed to ensure fact and expert discovery closes by February 17, 2023.

Agreed to by counsel for the Parties, this 15th day of December, 2022:

For the *Pendergrass* Plaintiffs:

/s/ Jonathan P. Hawley,

For Defendants:

/s/ Bryan P. Tyson

For the *Grant* Plaintiffs:

/s/ Jonathan P. Hawley,

It is **SO ORDERED**, this ___th day of December, 2022.

The Hon. Steve C. Jones
Judge, United States District Court