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**From:** Eastman, John [REDACTED]  
**Sent:** Thursday, December 31, 2020 9:45 AM  
**To:** Kenneth Chesebro [REDACTED]; Bruce Marks [REDACTED]; Kurt H. [REDACTED]  
**Cc:** Chris Gardner [REDACTED]; Kaufman, Alexander B. [REDACTED]; Nana Khan [REDACTED]  
[REDACTED] Mitchell [REDACTED]; Tom Suvar [REDACTED]  
**Subject:** RE: Confidential

I think I agree with this. If the court were to give us "key", that may be enough to kick the Georgia Legislature into gear, because I've been getting a lot of calls from them indicating to me they're leaning that way.

John

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**From:** Kenneth Chesebro [REDACTED]  
**Sent:** Thursday, December 31, 2020 7:35 AM  
**To:** Bruce Marks [REDACTED]; Kurt H. [REDACTED]; Eastman, John [REDACTED]  
**Cc:** Chris Gardner [REDACTED]; Kaufman, Alexander B. [REDACTED]; Nana Khan [REDACTED]  
[REDACTED]; Tom Suvar [REDACTED]  
**Subject:** Re: Confidential

I see.

I haven't focused on the relief sought, but if what we're seeking as something that TENTATIVELY holds, either by way of PI or DJ, that very key the electorates sent in by the Biden electors aren't valid, because the election failed, as long as that's what the district court, or 11th Cir., or Supreme Court says, that's the key, and probably good enough.

The points to have the court say that probably the election was void, which ought to be enough to prevent the Senate from counting the Biden electorates votes from Georgia, right?

Merely having this case pending in the Supreme Court, not ruled on, might be enough to delay consideration of Georgia, particularly if Pence has the legal ability and will to insert himself at least enough to win delay.

So I would go for non-final relief, trying to get a statement by a court hearing Trump-Pence by Jan. 6.

Possibly Thomas would end up being the key here -- circuit justice, right? We want to frame things so that Thomas could be the one to issue some sort of stay or other circuit justice opinion on saying Georgia's next mate doubtful. Realistically, our only chance to get a favorable judicial opinion on by Jan. 6, which might hold up the Georgia count in Congress, is from Thomas -- do you agree, Prof. Eastman?

Ken













