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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, Alex B. [REDACTED]; N. [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

---

**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, Alex B. [REDACTED]; N. [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 electors' votes 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.

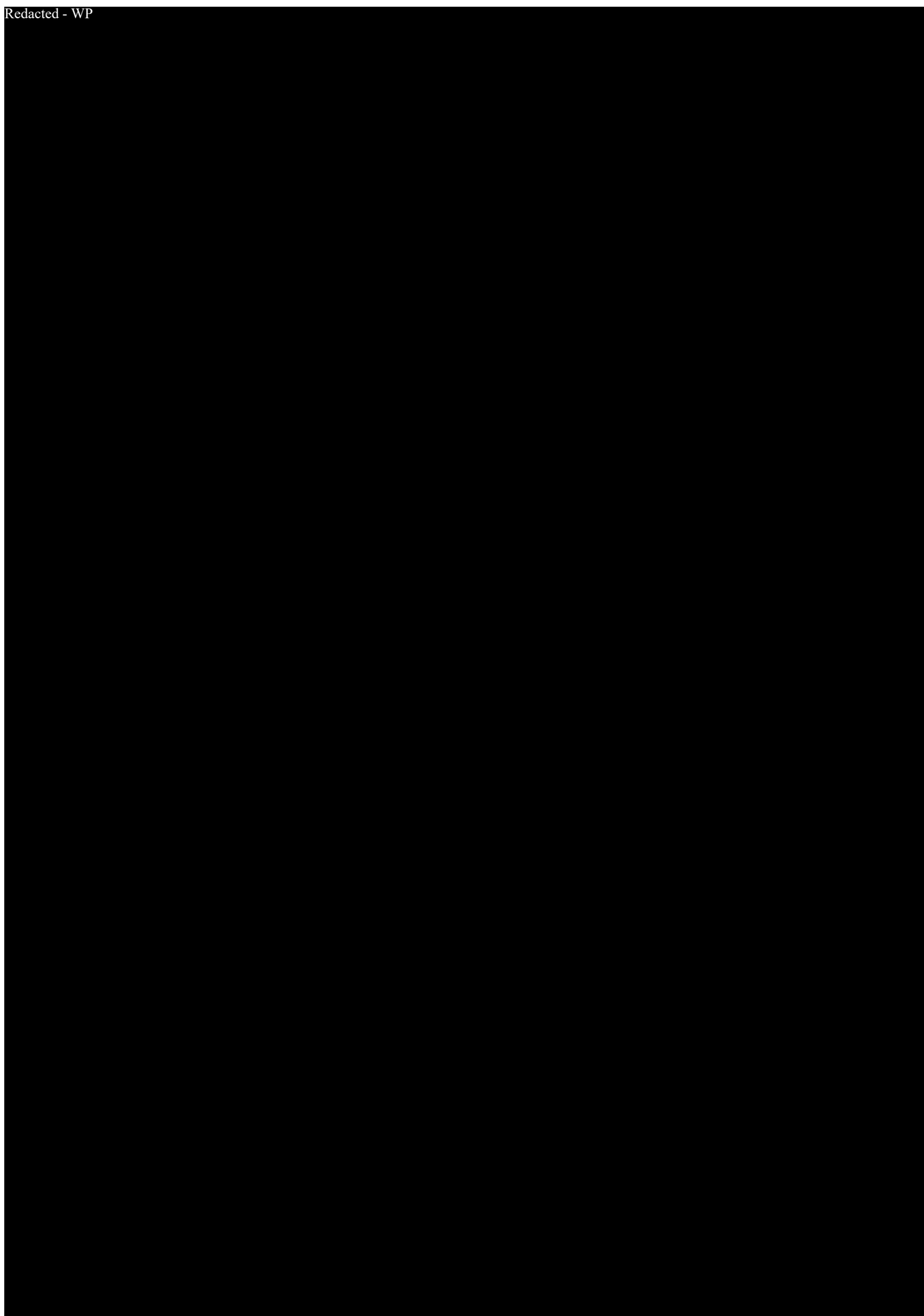
The points to have the court say that probably the election was void, which ought to be enough to prevent the Senate from counting the Biden electors' votes from Georgia, right?

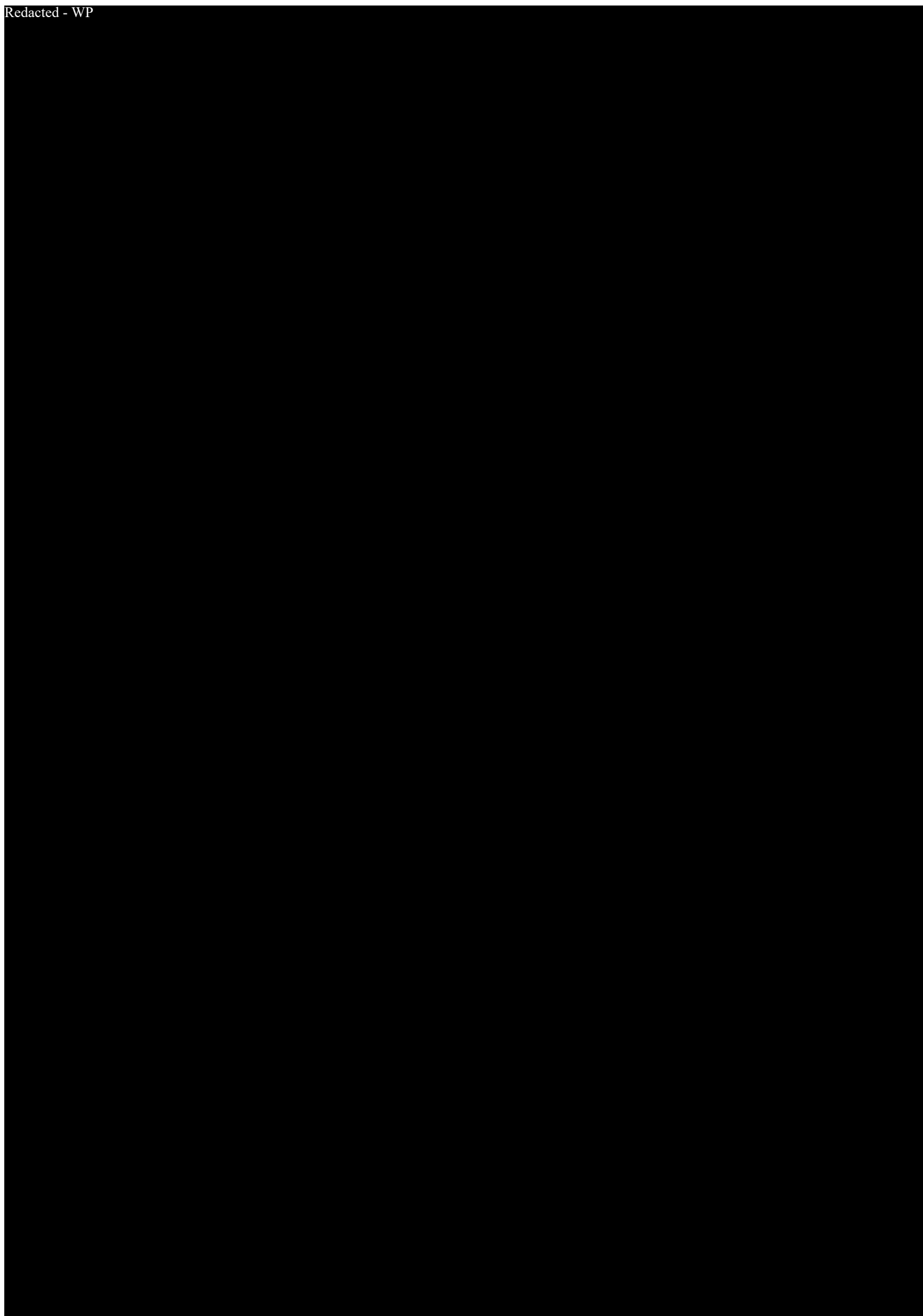
Merely having this case pending in the Supreme Court, not ruled on, might be enough to delay consideration of Georgia, particularly if Pence has the legal ability and will to insert himself at least enough to win delay.

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

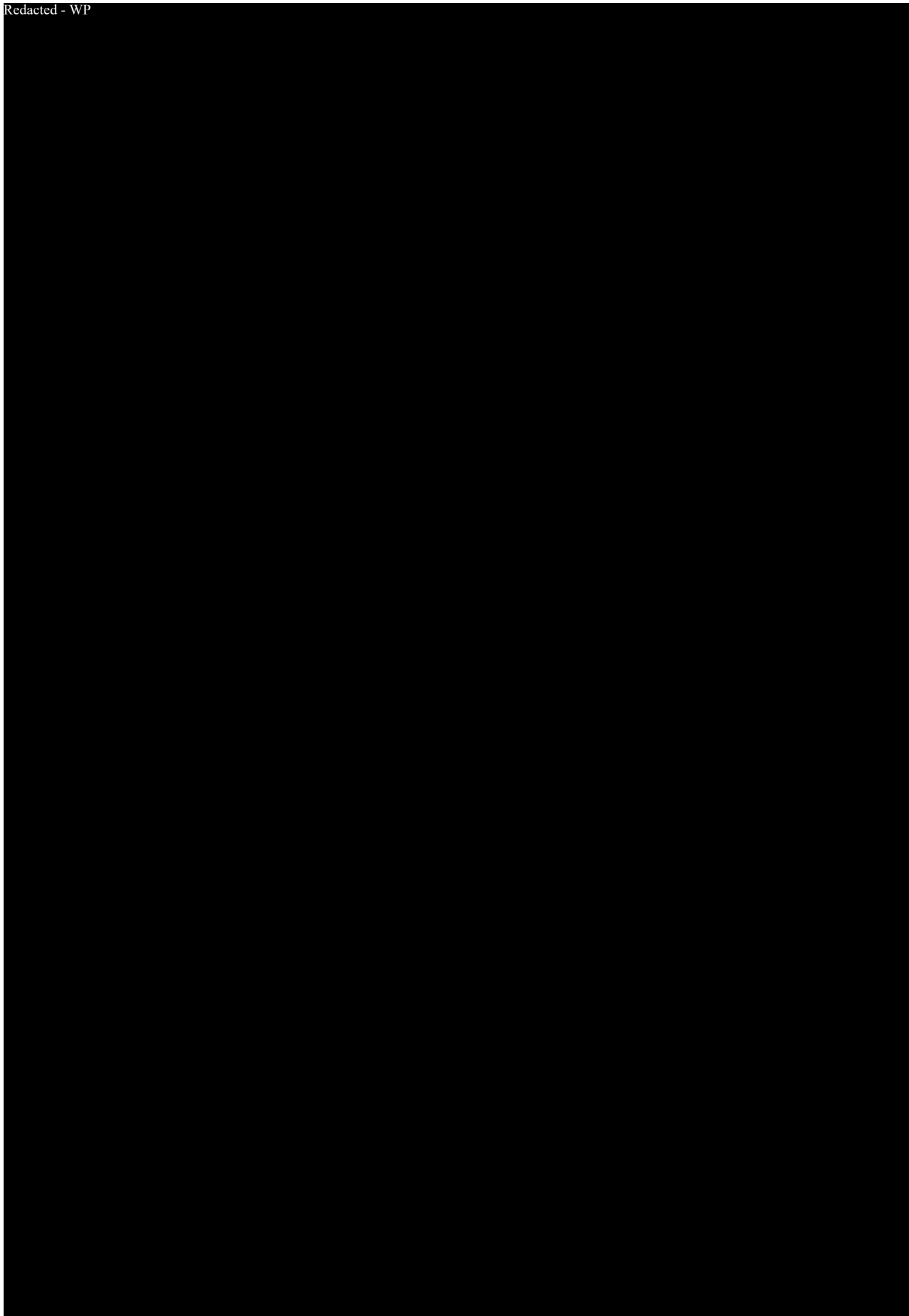
Possibly Thomas would end up being the key here -- circuit justice, right? We want to frame things so that Thomas could be the one to issue some sort of stay or other circuit justice opinion on saying Georgia's next mate doubt. Realistically, our only chance to get a favorable judicial opinion by Jan.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

Ken

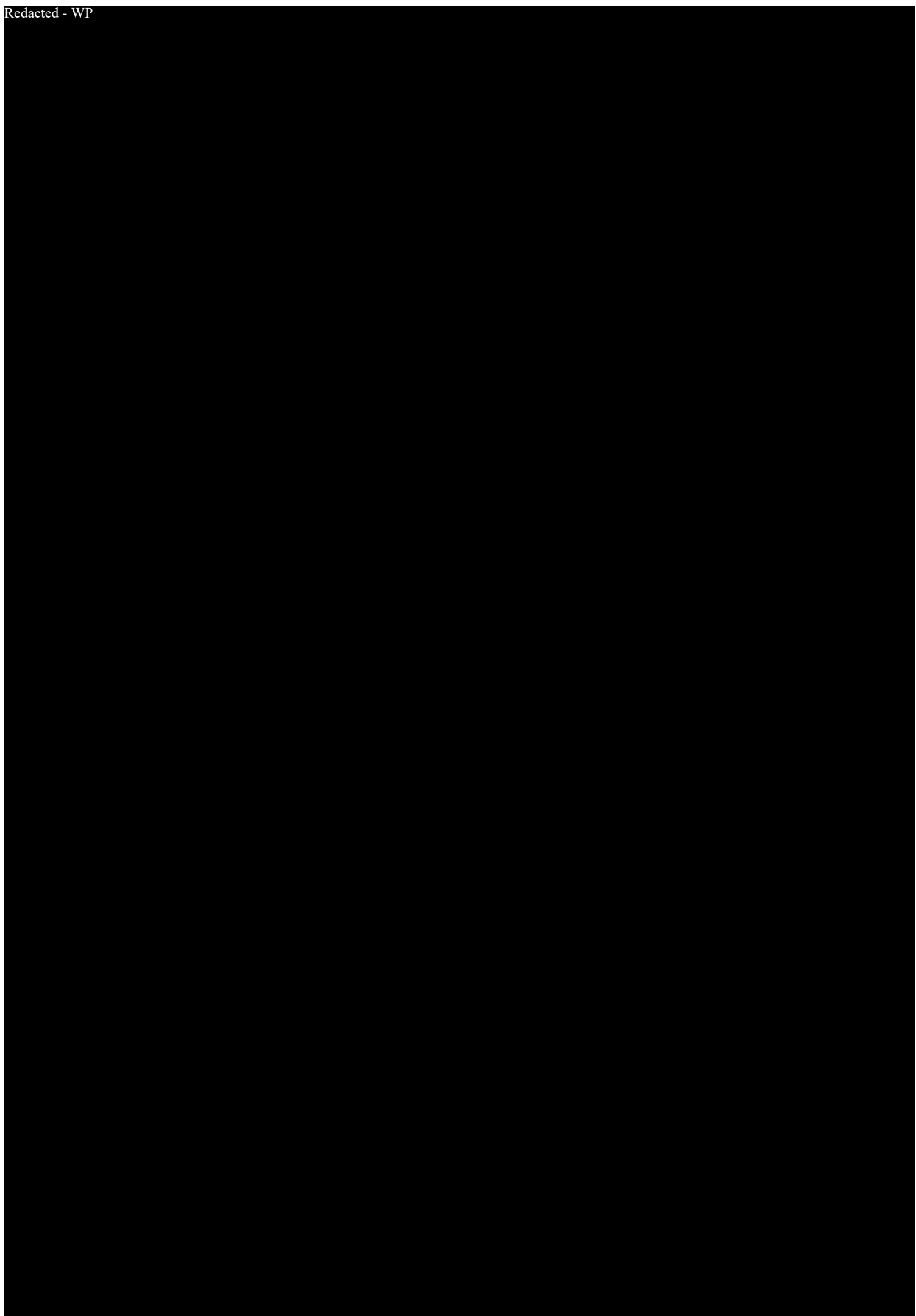
















**From:** Eastman, John

**Sent:** Thursday, December 31, 2020 12:15 PM MST

**To:** Kaufman, Alex B. [REDACTED] Kurt H bert [REDACTED]

**Subject:** RE: Lnk to ent re case

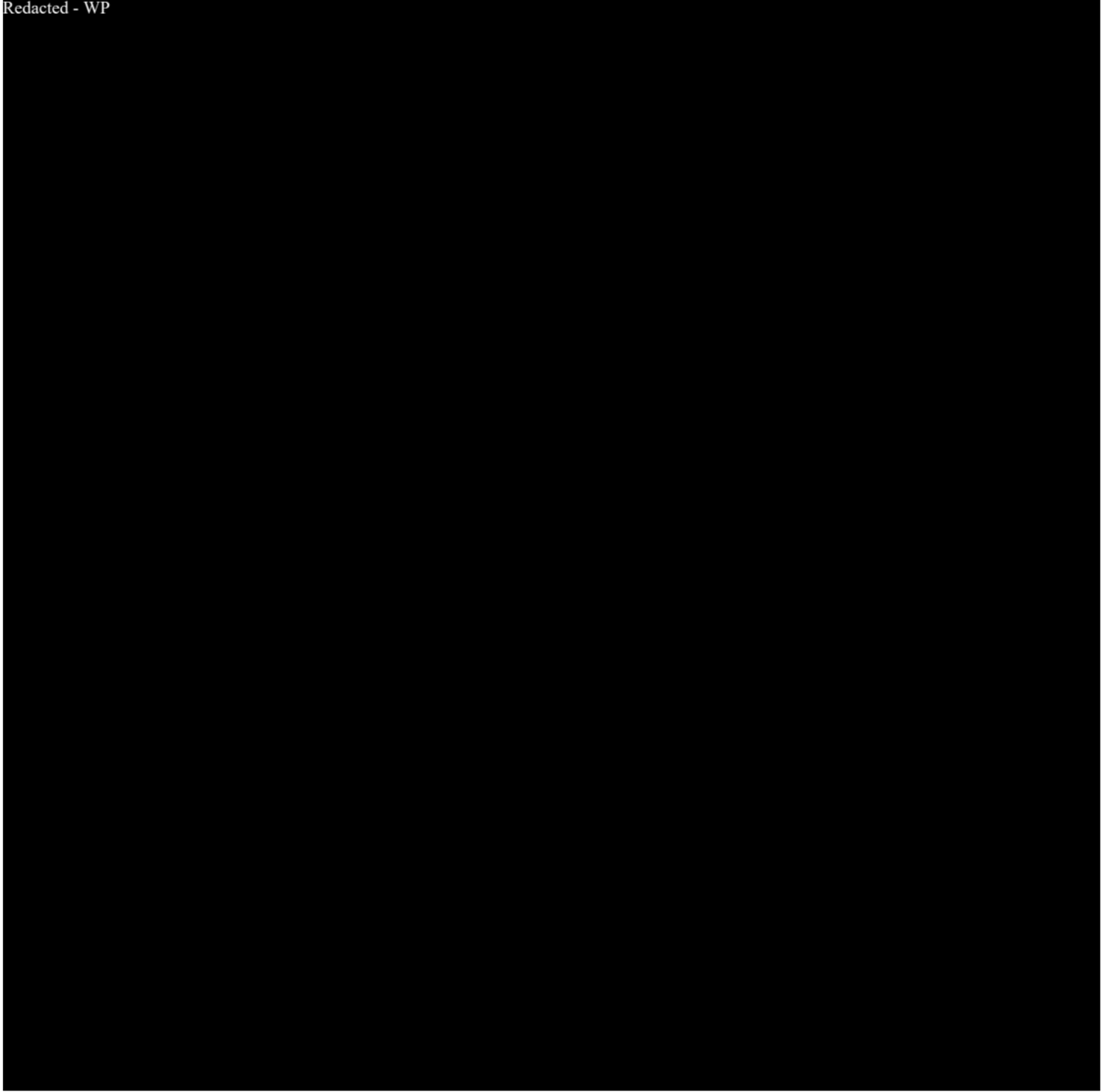
Keep ng Bruce and h s team off th s for the moment.

Here s the ssue. The comp a nt ncorporates by reference the state court cha enge. A though the Pres dent s gned a ver f cat on for that back on Dec. 1, he has s nce been made aware that some of the a egat ons (and ev dence proffered by the experts) has been naccurate. For h m to s gn a new ver f cat on w th that know edge (and ncorporat on by reference) wou d not be accurate. And I have no doubt that an aggress ve DA or US Atty somep ace w go after both the Pres dent and h s awyers once a the dust sett es on th s.

I know t s ate n the day, but do we need to ncorporate that comp a nt by reference?

John

Redacted - WP



**From:** [REDACTED]  
**Sent:** Thursday, December 31, 2020 2:18 PM MST  
**To:** Kaufman, Alex B. [REDACTED]  
**CC:** Chris Gardner [REDACTED] Eastman, John [REDACTED] Kurt Hilbert  
**Subject:** Re: [EXT] Confidential

John. Can you pls get the verification revised / approved by Eric while we work on seeing if a notary can be located to do zoom call? I've sent a note to WH about it. No response yet though. We just need to keep moving forward I think. Get the right verification in place if Eric doesn't like the current language.

Cleta Mitchell, Esq.  
Foley & Lardner, LLP

[REDACTED]

Sent from my iPhone

On Dec 31, 2020, at 4:09 PM, Kaufman, Alex B. [REDACTED] wrote:

**\*\* EXTERNAL EMAIL MESSAGE \*\***

Remote video notary

**Alex Kaufman**  
Partner  
**Fox Rothschild LLP**  
[999 Peachtree Street NE](#)  
[Suite 1500](#)  
[Atlanta, GA 30309](#)

[REDACTED]

[www.foxrothschild.com](http://www.foxrothschild.com)

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On Dec 31, 2020, at 3:59 PM, Chris Gardner [REDACTED] wrote:

There's no one they can call to come to the White House that's a notary? I don't know how we file without it. Presidential trip to a UPS store?

Christopher J. Gardner, Esq.  
Chris Gardner Law, PLC

Telephone: [REDACTED]-1568  
[REDACTED]

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On Dec 31, 2020, at 3:56 PM [REDACTED] wrote:

I know – but now we are being told it cannot be notarized until Monday

**Cleta Mitchell, Esq.**

Partner, Foley & Lardner LLP  
3000 K Street, N.W. | Suite 600  
Washington, DC 20007-5109



[View My Bio](#)  
[Visit Foley.com](#)  
<image001.jpg>

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**From:** Kaufman, Alex B. <[REDACTED]>  
**Sent:** Thursday, December 31, 2020 3:53 PM  
**To:** Eastman, John <[REDACTED]>  
**Cc:** Mitchell, Cleta <[REDACTED]> Kurt Hilbert <[REDACTED]> Chris Gardner <[REDACTED]>  
**Subject:** Re: [EXT] RE: Confidential

**\*\* EXTERNAL EMAIL MESSAGE \*\***

We've been having the President notarize due to the language in 65

**Alex Kaufman**  
Partner  
**Fox Rothschild LLP**  
[999 Peachtree Street NE](#)  
[Suite 1500](#)  
[Atlanta, GA 30309](#)



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On Dec 31, 2020, at 3:50 PM, Eastman, John [REDACTED] wrote:

Might be a stupid question, but I don't know the answer. Does it need a notary, or can it be signed "under penalty of perjury"?

John

---

**From:** [REDACTED]  
**Sent:** Thursday, December 31, 2020 1:43 PM  
**To:** Kurt Hilbert [REDACTED]  
**Cc:** Eastman, John [REDACTED]; Kaufman, Alex B. [REDACTED]; Chris Gardner [REDACTED]  
**Subject:** RE: Confidential

Well, I just received an email from the President's personal assistant – there is no notary around again until Monday.

So, now what?

Can we figure out a way to file this without a verification?

**Cleta Mitchell, Esq.**  
Partner, Foley & Lardner LLP  
3000 K Street, N.W. | Suite 600  
Washington, DC 20007-5109

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[Visit Foley.com](#)  
<image001.jpg>

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**From:** Kurt Hilbert <[khilbert@hilbertlaw.com](mailto:khilbert@hilbertlaw.com)>  
**Sent:** Thursday, December 31, 2020 3:23 PM  
**To:** Mitchell, Cleta <[CMitchell@foley.com](mailto:CMitchell@foley.com)>  
**Cc:** Eastman, John <[jeastman@chapman.edu](mailto:jeastman@chapman.edu)>; Kaufman, Alex B. <[AKaufman@foxrothschild.com](mailto:AKaufman@foxrothschild.com)>; Chris Gardner <[chris@chrisgardnerlaw.com](mailto:chris@chrisgardnerlaw.com)>  
**Subject:** RE: Confidential

**\*\* EXTERNAL EMAIL MESSAGE \*\***

Are you handling that, or do you want us to change the verification.

Kurt R. Hilbert, Esq.  
Managing Member  
<image002.png>

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Mailing Address:  
205 Norcross Street  
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F: 770-551-9311  
[khilbert@hilbertlaw.com](mailto:khilbert@hilbertlaw.com)  
[www.hilbertlaw.com](http://www.hilbertlaw.com)

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**From:** [REDACTED]  
**Sent:** Thursday, December 31, 2020 2:59 PM  
**To:** Kurt Hilbert [REDACTED]  
**Cc:** Eastman, John <[REDACTED]>; Kaufman, Alex B.  
[REDACTED]  
**Subject:** Re: Confidential

Good footnote. We should / could also amend the verified statement to say something similar.

Cleta Mitchell, Esq.  
Foley & Lardner, LLP  
[REDACTED]

Sent from my iPhone

On Dec 31, 2020, at 2:48 PM, Kurt Hilbert [REDACTED] wrote:

**\*\* EXTERNAL EMAIL MESSAGE \*\***

To all: re verification issue: proposed language

In the complaint where is states:

"See copy of Verified Petition and exhibits collectively attached hereto as Exhibit 1"

We will insert the following in a footnote:

"The facts and figures set forth in the state court action's Verified Petition was presented to Plaintiff through the expert affidavits attached to the Verified Petition and such information was presented to that lower court in affidavit form based on information publicly available to said experts, and without having access to the actual information being withheld and kept private by the Georgia Secretary of State and other governmental entities. Open Records requests have been timely submitted to attempt to obtain such information, but no records have been timely produced or made available. Accordingly, as a state court election contest is required to be verified, the facts and figures submitted by affidavits of experts in the lower court and incorporated herein by reference, have been relied upon by Plaintiff only to the extent that such information has been provided to Plaintiff, and which are subject to amendment, adjustment, and cure through expert opinion and final reports based on actual data and completion of ongoing government investigations (which the Secretary of State and other agencies are currently conducting). Plaintiff has not sworn to any facts under oath that he does not have personal knowledge or belief in."

Kurt R. Hilbert, Esq.  
Managing Member  
<image002.png>

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Mailing Address:  
205 Norcross Street  
Roswell, GA 30075  
[REDACTED]

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**From:** Eastman, John [REDACTED]  
**Sent:** Thursday, December 31, 2020 1:47 PM  
**To:** Kurt Hilbert [REDACTED]  
**Cc:** Bruce Marks [REDACTED]; Kaufman, Alex B. [REDACTED]; Chris Gardner [REDACTED]  
**Subject:** RE: Confidential

Thanks. Working with Eric in President's office re: the verification.

Can someone let me know whether the state court challenge/complaint was also verified? And if so, was it done by the President? Because we incorporate that complaint by reference, want to make sure we're clear on that front as well.

John

---

**From:** Kurt Hilbert [REDACTED]  
**Sent:** Thursday, December 31, 2020 10:59 AM  
**To:** Eastman, John [REDACTED]  
**Cc:** Bruce Marks [REDACTED]; Kaufman, Alex B. [REDACTED]; Chris Gardner [REDACTED]; Kurt Hilbert [REDACTED]  
**Subject:** RE: Confidential  
**Importance:** High

**External Message**

John-

As requested, see most recent drafts attached. I took out numbers from the complaint, left them in the memorandum.

Attached:

1. Verification for POTUS
2. Verified Complaint
3. Motion for TRO, PI and Permanent Injunction
4. Memorandum of Law in Support of Motion for TRO, PI and Permanent Injunction.

We are still tweaking and revising, but these are pretty close to final.

Kurt R. Hilbert, Esq.  
Managing Member  
<[image002.png](#)>

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**From:** Eastman, John [REDACTED]  
**Sent:** Thursday, December 31, 2020 12:14 PM  
**To:** Kurt Hilbert [REDACTED]  
**Subject:** RE: Confidential

Kurt,

Just sending to you to avoid another round of back and forth. Clea advises me that the President is on a plane returning to the WH. He'll ask Eric Hershmann whether 'tis ok to sign the verification. So I'm going to work with Eric in advance to get it all cleared.

Can you send me the most recent version of the complaint, the PI, and the verification? I'll then let you know if he has any continuing objection to the language.

John

---

**From:** Kurt Hilbert <[REDACTED]>  
**Sent:** Thursday, December 31, 2020 7:43 AM  
**To:** Bruce Marks [REDACTED]; Eastman, John [REDACTED]; Kenneth Chesebro [REDACTED]  
**Cc:** Chris Gardner <[REDACTED]> Kaufman, Alex B. [REDACTED]; Nina Khan [REDACTED]; Tom Sullivan [REDACTED]  
**Subject:** RE: Confidential

Belluso v. Poythress, 485 F. Supp. 904 (N.D. Ga. 1980) cites McCarthy v. Askew case which makes it binding precedent in GA.

Belluso was a request for preliminary injunction, and it was unclear whether it was to be consolidated into a merits hearing. Analysis was important to our case, however. This was another suit to get a GOP candidate on a ballot for president. The Court denied the preliminary inj. Relief arguing that reprinting ballots in a short period of time before the election would be too costly and burdensome outweighing the prejudice to the candidate.

In our case, there is absolutely no, or at least minimal, cost or burden to the state of Georgia, the tax payers or otherwise if the de-certification happens and a recount occurs counting only "legal votes". The SOS already did 3 recounts, all different numbers and certified the last one even though counties said they could not certify their results.

Thought this would be good to add to our analysis on the weighing of interest equation.

Kurt R. Hilbert, Esq.  
Managing Member  
[<image002.png>](#)



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Roswell, GA 30075

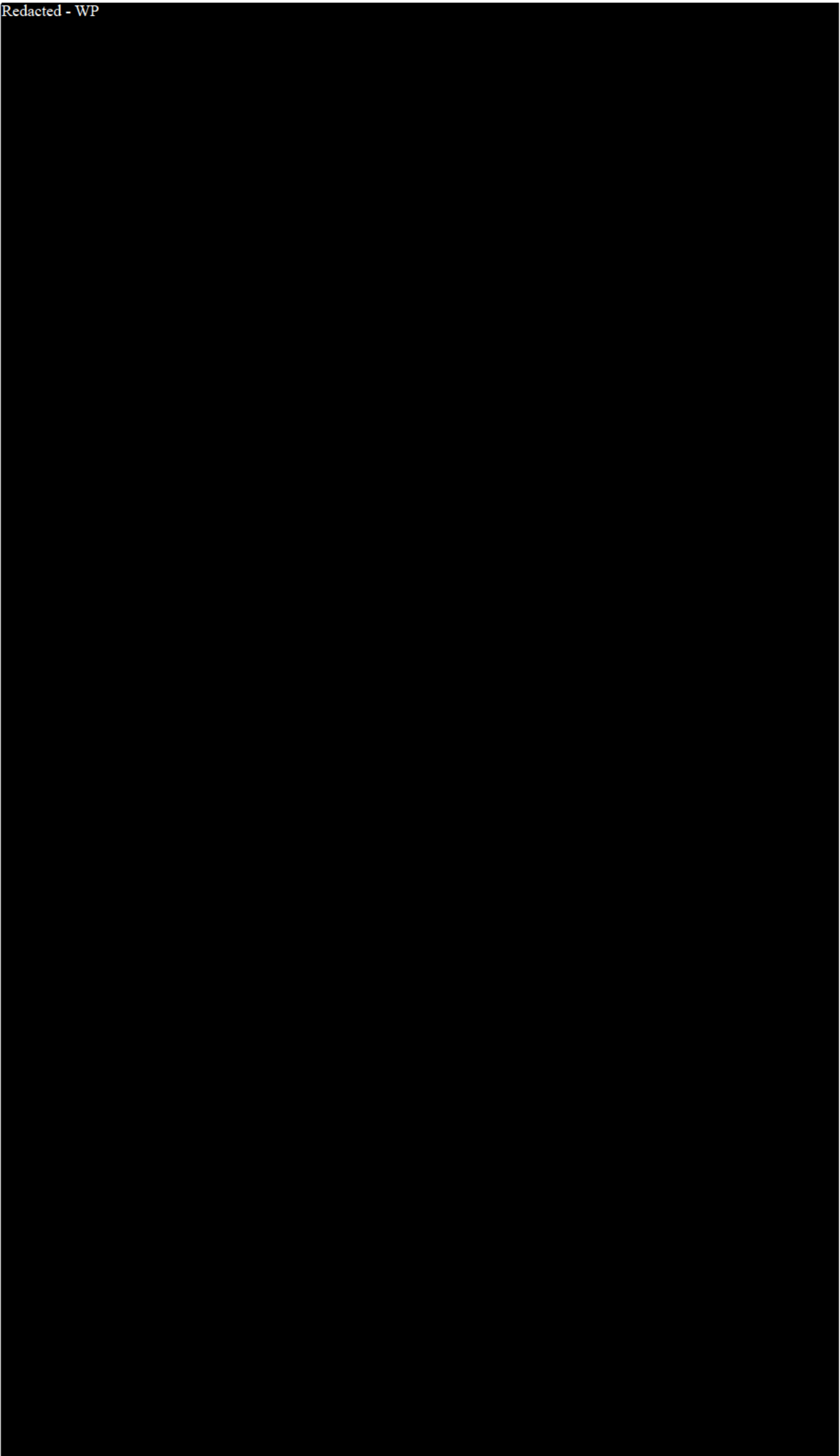
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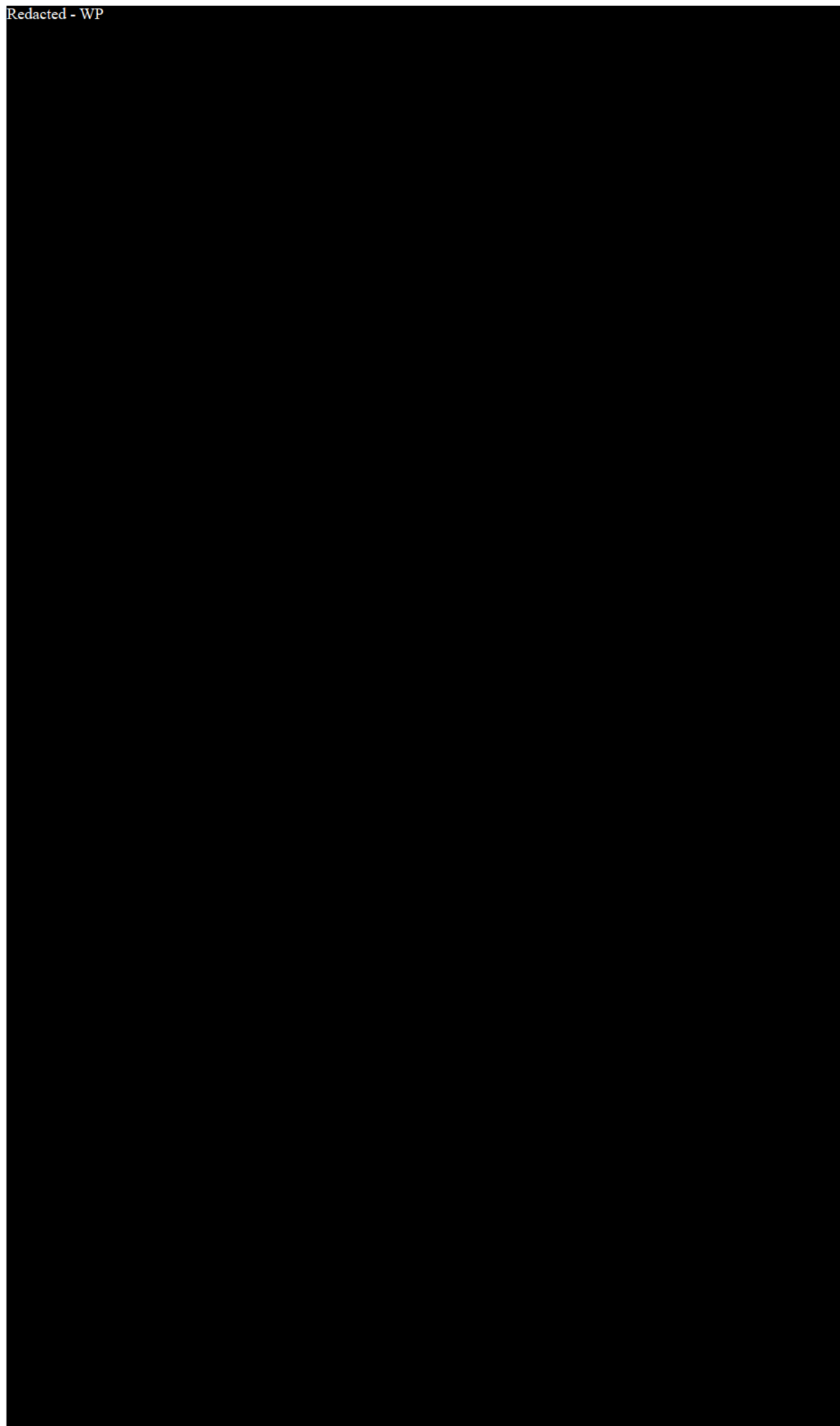
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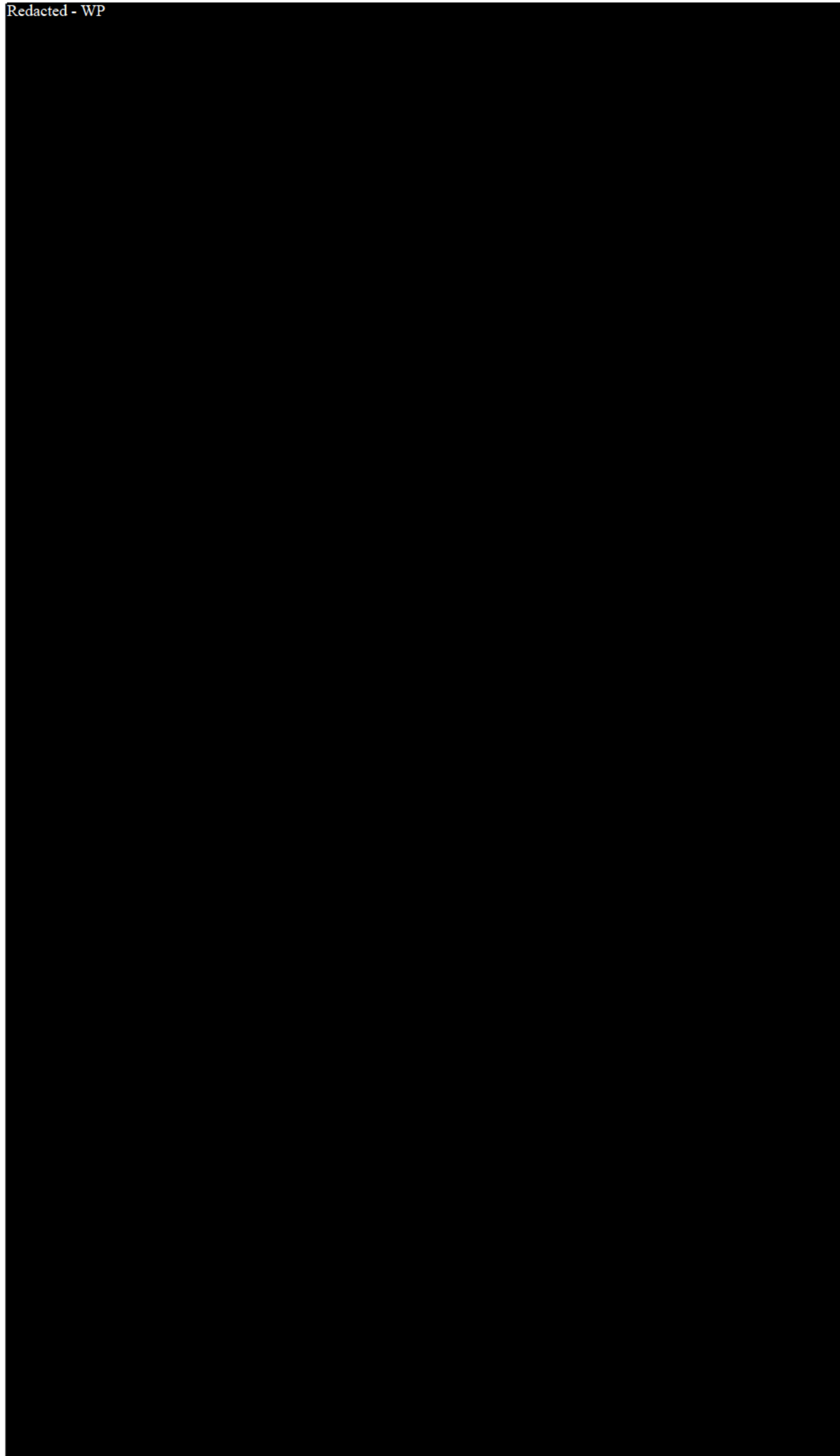
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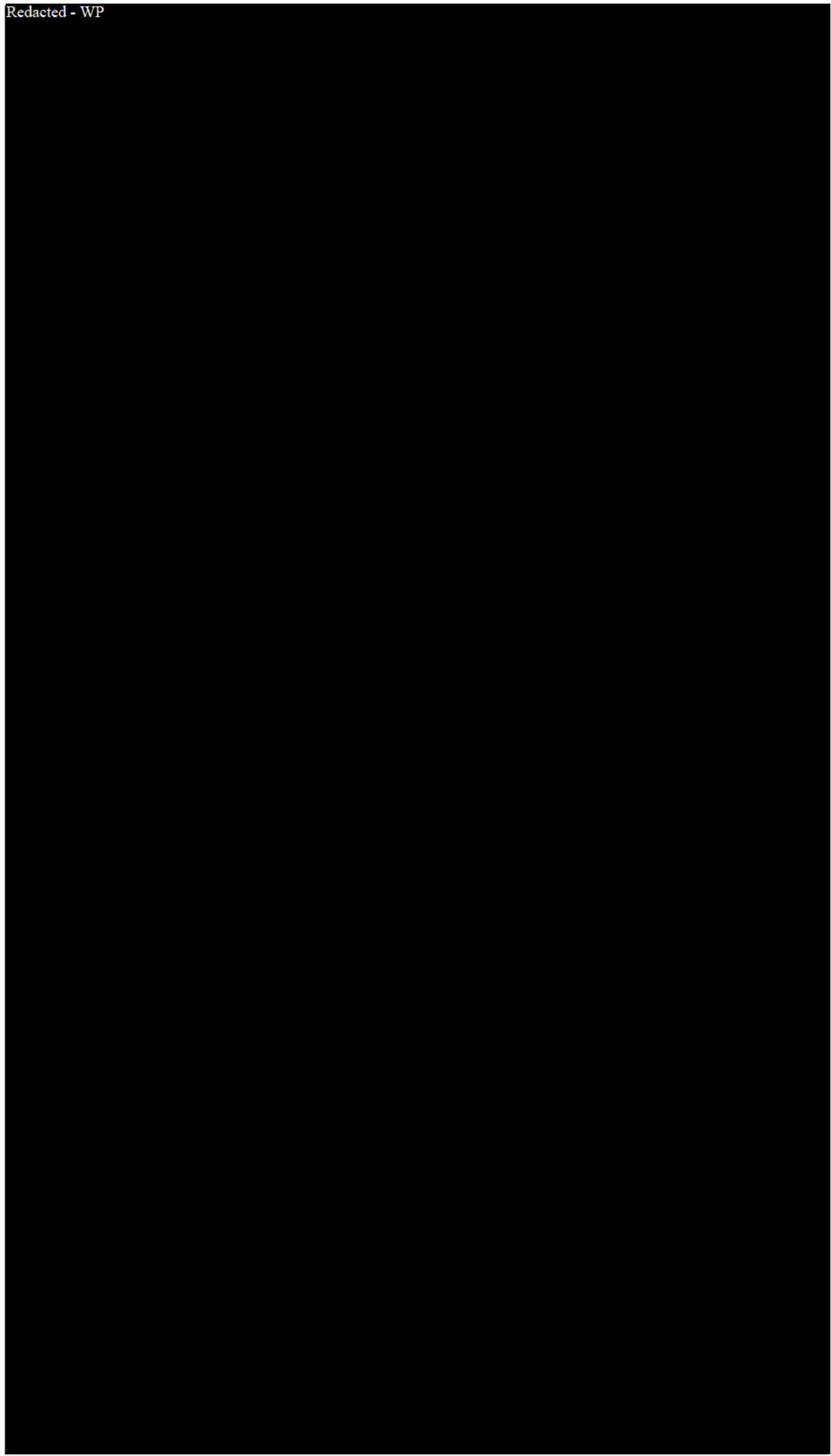
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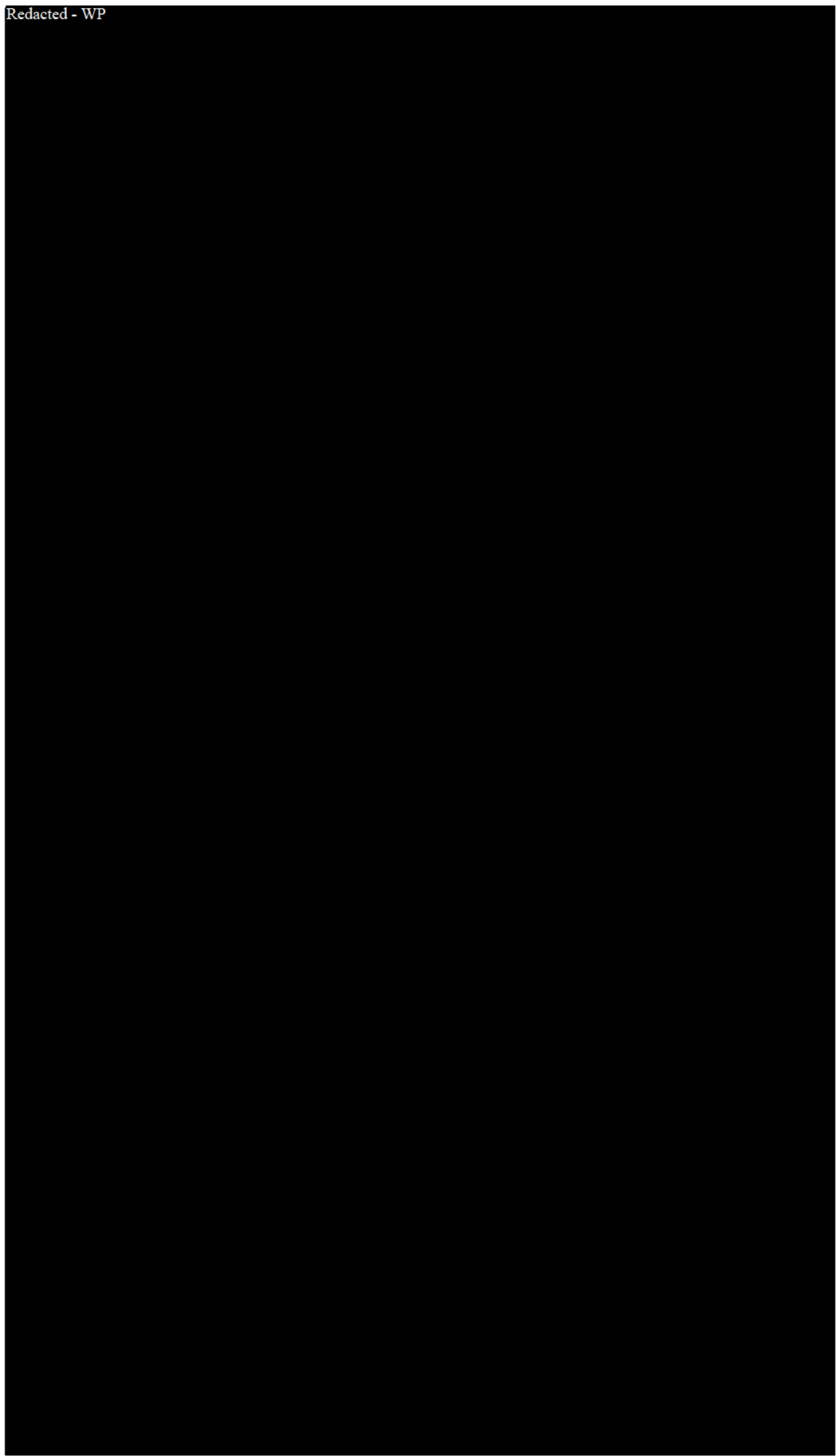


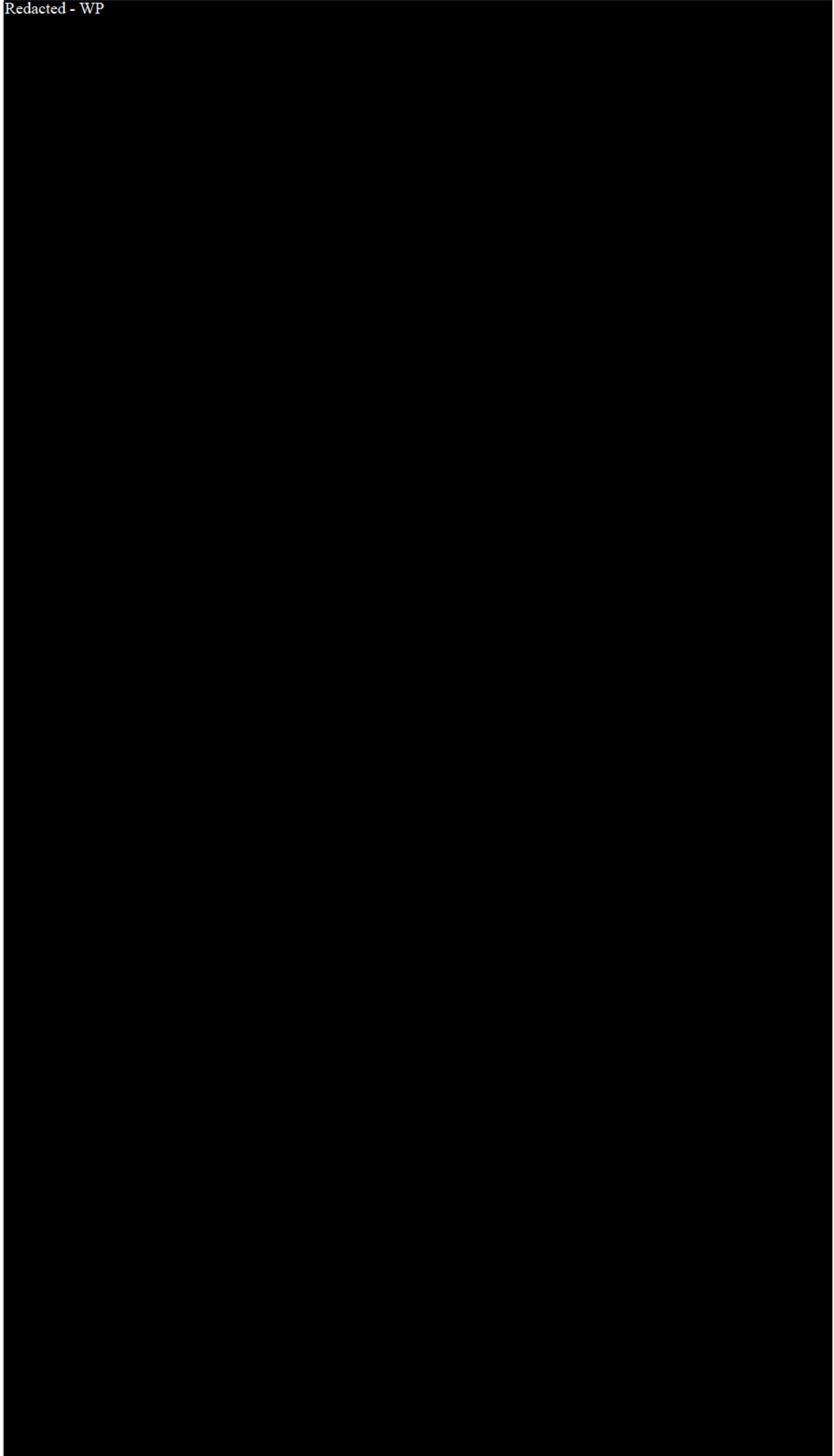


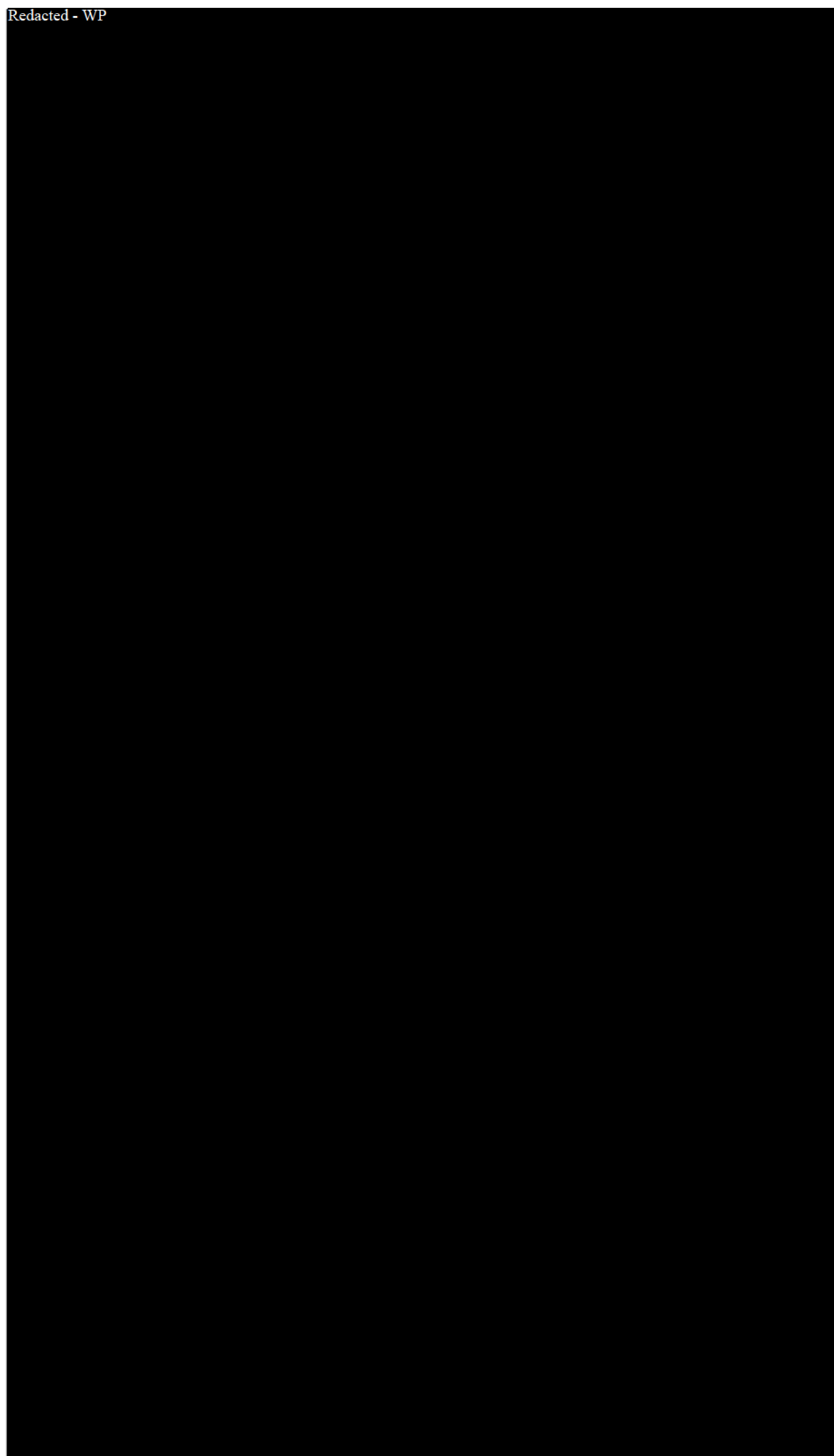












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