

IN THE SUPREME COURT OF THE UNITED STATES

TIMOTHY KING, MARIAN ELLEN SHERIDAN, JOHN
EARL HAGGARD, CHARLES JAMES RITCHARD, JAMES
DAVID HOOPER and DAREN WADE RUBINGH,

Plaintiffs/Petitioners,

v.

GRETCHEN WHITMER, in her official capacity as Governor
of the State of Michigan, JOCELYN BENSON, in her official
capacity as Michigan Secretary of State and the Michigan
BOARD OF STATE CANVASSERS

Defendants/Respondents, and

CITY OF DETROIT, DEMOCRATIC NATIONAL
COMMITTEE and MICHIGAN DEMOCRATIC PARTY,
and ROBERT DAVIS,

Intervenor-Defendants/Respondents.

CASE NO. 20-816

IN THE SUPREME COURT OF THE UNITED STATES

CORECO JA'QAN PEARSON, VIKKI TOWNSEND CONSIGLIO,
GLORIA KAY GODWIN, JAMES KENNETH CARROLL, JASON M
SHEPHERD on behalf of the COBB COUNTY REPUBLICAN PARTY,
and BRIAN JAY VAN GUNDY

Applicants,

v.

STATE OF GEORGIA, BRIAN KEMP, in his official capacity as
Governor of Georgia, BRAD RAFFENSPERGER, in his official capacity
as Secretary of State and Chair of the Georgia State Election Board,
DAVID J. WORLEY, in his official capacity as a member of the Georgia
State Election Board, REBECCA N. SULLIVAN, in her official capacity
as a member of the Georgia State Election Board, MATTHEW
MASHBURN, in his official capacity as a member of the Georgia State
Election Board, and ANH LE, in her official capacity as a member of the
Georgia State Election Board,

Respondents.

**MOTION TO CONSOLIDATE AND EXPEDITE CONSIDERATION OF THE
EMERGENCY PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS
AND APPLICATION FOR PRELIMINARY INJUNCTION, TO EXPEDITE
MERITS BRIEFING AND ORAL ARGUMENT IN THE EVENT THAT THE
COURT GRANTS THE PETITION, AND TO EXPEDITE CONSIDERATION
OF THIS MOTION**

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Date: December 18, 2020

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Pursuant to Supreme Court Rule 21, Petitioners respectfully move for consolidation and expedited consideration of two related filings, submitted December 11, 2020, that concern the November 3, 2020, presidential election. These filings have direct implications for the outcome of the election nationwide.

The first of the filings concerns the presidential election conducted in the State of Michigan and was assigned Docket Number 20-815 (the “Michigan Petition”). The Michigan Petition seeks emergency declaratory relief avowing that the presidential election results certified by Michigan officials were unconstitutional and otherwise contrary to law, together with injunctive relief de-certifying those results.

The second filing, Docket Number 20-816, parallels the first and concerns the presidential election in Georgia (the “Georgia Petition”). The Georgia Petition seeks declaratory and injunctive relief similar to that requested in the Michigan Petition.

Under the briefing schedules established by this Court’s rules, the Michigan and Georgia Petitions would not be briefed until January 14, 2020 at the earliest; and in the event the Court were to grant review, the cases would not be argued and decided until Spring 2021 at the earliest. In the meantime, Petitioners claims will have changed beyond recognition and will very likely have become moot. On January 6, 2020, Congress is scheduled to meet in Joint Session to count electoral votes from, and perhaps certify a winner of, the 2020 General Election—an election irredeemably tainted by multi-state election fraud and malign foreign interference.

Petitioners respectfully request (1) that the Court consolidate the Michigan and Georgia Petitions (together with similar petitions from Arizona and Wisconsin discussed below); and (2) expedite consideration of all four petitions. The expedited schedule proposed below would allow the Court to adjudicate the cases in advance of January 6, 2020 Joint Session of Congress.

Petitioners further request expedited consideration of this motion.

BACKGROUND

The Georgia Petition requests, first and foremost, emergency declaratory relief and an emergency injunction ordering the Georgia Respondents to de-certify the results of the 2020 General Election. Alternatively, Petitioners request a writ of mandamus to the Northern District of Georgia ordering that court (1) to vacate the District Court's December 7, 2020 final judgment in Docket No. 1:20-cv-4809-TCB ("December 7 Order") dismissing Petitioners' November 25, 2020 complaint ("Complaint"); and (2) to grant Petitioners' November 27, 2020 Emergency Motion for Declaratory, Emergency, and Permanent Injunctive Relief ("TRO Motion") in relevant part. The Michigan Petition requests parallel relief directed to the Eastern District of Michigan.

On December 12, 2020, two more petitions arising from egregious fraud in the presidential election were filed in this Court. One of the December 12 cases involved the decision of the District of Arizona in *Bowyer et al., v. Ducey, et al.* (the "Arizona Petition"), and the second involved the decision of the Eastern District of Wisconsin in *Feehan et al. v. Wisconsin Elections Commission, et al.* (the "Wisconsin Petition").

The Arizona and Wisconsin Petitions were electronically filed and hand delivered to the Court on December 12. Nonetheless, on December 17, the Clerk's office marked both "Rejected" on the Court's ECF database. When inquiry was made about this notation, undersigned counsel was informed that a Clerk's Office analyst had disallowed them, for reasons unspecified, without participation by any Justice of the Court. Counsel was informed that an explanation would be provided via U.S. Mail.

We find this (presumably innocent) lapse atypical of the proud traditions in the Office of the Supreme Court Clerk. More important, we are confident that deficiencies in the Arizona and Wisconsin Petitions, if there be any, are curable. We respectfully request that the Court deem those submissions filed *nunc pro tunc* and consolidate them, once filed, with the Michigan and Georgia Petitions.

On December 14, 2020, pursuant to the requirements of applicable state laws and the Electoral Count Act: (1) the **Michigan** Republican slate of Presidential Electors attempted to meet inside the State Capitol and cast their votes for President and Vice President but were denied entry by law enforcement, who also refused their tender of their written votes. these Electors intended cast their votes for President Donald J. Trump and Vice President Michael R. Pence;¹ (2) the **Georgia** Republican slate of Presidential Electors met at the State Capitol and cast

¹ See <https://thepalmierireport.com/michigan-state-police-block-gop-electors-from-entering-capitol/> last visited December 14, 2020, and *Republican Electors locked out of Michigan capitol as GOP House leader refuses to name opposing slate*, by John Dougherty, BizPac Review, December 15, 2020 <https://www.bizpacreview.com/2020/12/15/republican-electors-locked-out-of-michigan-capitol-as-gop-house-leader-refuses-to-name-opposing-slate-1005998/> last visited December 18, 2020.

their votes for President Donald J. Trump and Vice President Michael R. Pence;² (3) the **Arizona** Republican slate of Presidential Electors met at the State Capitol and cast their votes for President Donald J. Trump and Vice President Michael R. Pence;³ and (4) **Wisconsin** Republican slate of Presidential Electors met at the State Capitol and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.⁴

As a result of the foregoing, there are now competing slates of electors from the four states at issue in the four cases mentioned above, (as well from Nevada, New Mexico, and Pennsylvania).

These four slates of electors have received the endorsement of the legislatures in each of these States, as reflected in permission for them to cast (or attempt to cast) their electoral votes, as an electoral body, for President Donald J. Trump in the respective State Houses at the time and place as set forth under applicable State law, the Electoral Count Act, and the authority delegated under the U.S. Constitution's Electors Clause. U.S. Const. Art II, § 1, cl. 2.

In the Michigan, Georgia, Arizona, and Wisconsin Petitions, and in the underlying proceedings, Petitioners laid out extensive evidence of massive election fraud and other illegal conduct. In each case, fact and expert witnesses presented sworn and un rebutted testimony establishing that tens of thousands of illegal

² See *GOP Elector Nominees cast votes for Trump in Arizona, Georgia, Pennsylvania*, by Dave Boyer, The Washington Times, December 14, 2020 <https://www.washingtontimes.com/news/2020/dec/14/gop-electors-cast-votes-trump-georgia-pennsylvania/>.

³ See *Id.*

⁴ See <https://www.nbc15.com/2020/12/14/wisconsin-gop-electors-meet-to-cast-their-own-votes-too-just-in-case/> last visited December 14, 2020.

ballots were counted in favor of candidate Biden. In each case, petitioners established that correcting the multiple acts of illegality and fraud, as established by sworn testimony, would erase candidate Biden's purported margins of victory and flip the relevant state to President Trump. But in each instance, the District Courts failed to grapple with, or even to examine with care, these showings.

The nation was watching on Election Night when President Trump led by hundreds of thousands of votes in five key swing states—Georgia, as well as Arizona, Michigan, Pennsylvania, Wisconsin—until, nearly simultaneously, the tabulation of votes shut down for several hours in Democrat-run cities in each of those States. When counting resumed, candidate Biden had somehow made up the difference and taken a narrow lead in Wisconsin and Michigan, while dramatically closing the gap in other states. (Petitioners' experts have shown that this remarkable turnaround is a statistical impossibility.) Voters went to bed with President Trump cruising to near-certain victory. Voters awoke to see candidate Biden somehow having overcome what should have been an insurmountable lead.

Tens of millions have watched video showing how candidate Biden's improbable turnaround was achieved in Georgia. As the world now knows, election observers were evacuated from the State Farm Center in Fulton County on a pretext—false claims that counting was finished for the night—so that a few workers might remain to resume counting unobserved. These workers extracted pre-positioned cases of ballots from under counting tables, and ran them through scanners, sometimes repeatedly, with nobody (except security cameras) watching.

On December 15, 2020, Petitioners in these related cases submitted additional evidence via a “Notice of Supplemental Authority” (“Notice”). The Notice sets forth results from a court-ordered forensic audit of Dominion Voting Systems (“Dominion”) conducted in Michigan by Russell James Ramsland, Jr. of Allied Security Operations Group, LLC (“ASOG”). Mr. Ramsland concludes that the Dominion voting machines are “intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results,” Notice, Exh. A, ¶ B(2), p.1. He further concludes that there is unmistakable evidence of destruction of audit-trail records that the machines are required to retain. *Id.* ¶¶ B(15) and B(16).

Similar problems were found in an audit of Dominion machines by the Coffee County, Georgia Board of Registration and Elections, which refused to certify Dominion machine recount election returns.⁵ Several other Dominion audits are underway, including an audit required by the Arizona Legislature for Maricopa County, Arizona, and audits ordered by the Michigan Legislature. Dominion was one of the principal means by which the 2020 presidential election was stolen by domestic and foreign fraudsters, enabled by the reckless disregard of Respondents in these cases.

⁵ See https://www.theepochtimes.com/georgia-county-says-it-couldnt-produce-duplicate-election-results-secretary-of-states-office-investigating_3612884.html?utm_source=news&utm_medium=email&utm_campaign=breaking-2020-12-10-2, last visited December 18, 2020.

ARGUMENT

Expedited consideration of the Michigan and Georgia Petitions (as well as the Arizona and Wisconsin Petitions) is warranted to permit this Court to provide timely declaratory and injunctive relief.

Petitioners respectfully request that amici wishing to file briefs in support of the Michigan and Georgia (and Arizona and Wisconsin) Petitions be directed to do so by Monday, December 21, 2020, and that the respective Respondents be directed to respond by Wednesday, December 23, 2020. Petitioners would file reply briefs by Monday, December 28, 2020.

Petitioners hereby waive the 14-day waiting period, provided by Supreme Court Rule 15.5, between the filing of a brief in opposition and distribution of the Petition and other materials to the Court.

Finally, Petitioners move for expedited consideration of this motion. Petitioners respectfully request that Respondents to the Michigan and Georgia Petitions be directed to respond to this motion by ECF filing, no later than noon on Saturday, December 19, 2020.

This Court deserves an opportunity to consider the mass of evidence of absentee ballot fraud, electronic ballot fraud, and other fraud in the four states at issue in the petitions. The Court should understand how it can be shown to a practical certainty that these various frauds flipped the result of the 2020 presidential election from a win for President Trump to a purported win for candidate Biden. The Court must recognize that fraudsters are closing in on their lofty goal of corruptly attaining the presidency. Above all, the Court must bear in

mind the fraudsters' simple expedient of going so big—carrying out so many brazen frauds in so many far-flung jurisdictions—that the Court finds it difficult to get its arms around the situation and afford a remedy.

CONCLUSION

For reasons stated, Petitioners respectfully request that the Court consolidate and expedite consideration of the Michigan and Georgia Petitions (and Arizona and Wisconsin Petitions).

Respectfully submitted,

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Date: December 18, 2020

CERTIFICATE OF COMPLIANCE

The attached Motion complies with the type-volume limitation. As required by Supreme Court Rule 33.1(h), I certify that the document contains 1759 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

Respectfully submitted,

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