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JANUARY 5, 2021  
VIA FIRST CLASS U.S. MAIL

Litigation Hold Letter

Jennifer D. Herzog, Esq.  
Hall Booth Smith, P.C.  
1564 King Road  
Tifton, GA 31793

RE: *L. Lin Wood, Jr. vs. Brad Raffensperger, et al.*  
Case No. 1:20-cv-04651-SDG, Fulton County Superior Court; and

*Donald J. Trump et al. v. Brad Raffensperger, et al.*  
Case No.: 2020CV343255 Superior Court of Fulton County  
Coffee County

Dear Jennifer:

Please be advised that this office represents L. Lin Wood, Jr., President Donald J. Trump, in his capacity as Candidate for President of the United States, and Donald J. Trump for President, Inc. in connection with the above-referenced matters. It is our understanding that you and/or your agents, and/or representatives are in possession of the certain materials connected to the November 2020 Presidential Election. For purposes of this request (a) "Absentee ballots" shall include, but are not limited to, mail-in ballots or votes by mail; (b) "Audit" refers to the audit conducted by Pro V&V; and (c) "Dominion" refers to Dominion Voting Systems and their subcontractors, including but not limited to KNOWiNK. Please be advised that my clients believe electronically stored information to be an important and irreplaceable source of discovery and/or evidence. The claims and lawsuits require preservation of all information from the county's computer systems, removable electronic media, and other locations. This includes, but is not limited to, email and other electronic communications, word processing documents, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and network access information.

Coffee County should also preserve the following platforms in the possession of the Coffee County or a third party under the control of the Coffee County (such as an employee or outside vendor under contract): databases, networks, computer systems, including legacy systems (hardware and software), servers, archives, backup or disaster recovery systems, tapes, discs, drives, cartridges and other storage media, laptops, personal computers, internet data, personal digital assistants, handheld wireless devices, mobile telephones, paging devices, and audio systems (including voicemail).

Failure to preserve and retain the electronic data identified in the following sections of this notice may constitute spoliation of evidence under Georgia common law and/or result in the failure to produce evidence under O.C.G.A. § 24-14-22 and could subject the Coffee County's Election

Board and officials to claims for damages, as well as evidentiary and monetary sanctions.

All of the information contained in the letter should be preserved for the following dates and time periods: **October 12, 2020 – Present.**

### **PRESERVATION OBLIGATIONS**

The laws and rules prohibiting destruction of evidence apply to electronically stored information in the same manner as they apply to other evidence. Due to its format, electronic information is easily deleted, modified or corrupted. Accordingly, Coffee County must take every reasonable step to preserve this information until the final resolution of this matter.

This includes, but is not limited to, an obligation to:

- Discontinue all data destruction and backup tape recycling policies;
- Preserve and not dispose of relevant hardware unless an exact replica of the file (a mirror image) is made;
- Preserve and not destroy passwords, decryption procedures (and accompany software), network access codes, ID names, manuals, tutorials, written instructions, decompression or reconstruction software; and
- Maintain all other pertinent information and tools needed to access, view, and/or reconstruct all requested or potentially relevant electronic data.

### **DESCRIPTION OF DATA SOUGHT**

My clients' lawsuits require preservation of all information from Coffee County's computer systems, removable electronic media and other locations in relation to all election data.

Accordingly, **we hereby request any and all evidence, including but not limited to the following be preserved and retained for litigation:**

1. Any and all Absentee ballots and their respective original envelopes;
2. Any and all records the show, or tend to show, the chain of custody of all Absentee ballots;
3. Any and all records that show, or tend to show, the location(s) where Absentee ballots were preserved prior to an STET elections;
4. Any and all records that show, or tend to show, location(s) where Absentee ballots were preserved after the elections;
5. Any and all records certifying the receipt of voting boxes, bins, and/or ballots;
6. Any and all records certifying that voting boxes, bins, and/or ballots received prior to the elections were maintained in a secure location;
7. Any and all policies and procedures regarding the maintenance and security of voting boxes, bins, and/or ballots received prior to the elections;
8. Any policies and procedures provided to auditors, poll workers, managers, and supervisors with regard to November 2020 Presidential Election;

9. Any and all documentation in connection with the Pro V&V Audit, including but not limited to memorandums, emails, letters, etc.;
10. Any and all documentation, including but not limited to emails, correspondence, and/or letters, between any state agency and Pro V&V for the last five (5) years;
11. Any and all bids, contracts, correspondence, or other documentation evidencing discussions with any companies or entities other than Pro V&V for auditing services;
12. Any interoffice memorandums, emails, letters, or other written communications regarding the Audit.
13. Any and all voice recordings or audio messages concerning the Audit;
14. Any and all cellular telephones issued to employees, volunteers, auditors, poll workers, managers, or supervisors;
15. Any and all video surveillance for November 2, 2020 through November 18, 2020;
16. Contact information for all individuals involved in the counting and/or processing of Absentee ballots in connection with the November 2020 Presidential Election;
17. Any and all machines used to calculate votes, including software documentation connected with the machines;
18. Email correspondence, text messages, cellphone records, and/or correspondence between any election officials and Dominion for the last five (5) years;
19. The full contract between Dominion and any Georgia and/or United States government employee or agency;
20. Payments, invoices, made by Dominion and received by Dominion and any and all payments and invoices made by the federal, state and local government to Dominion;
21. Any correspondence with the Federal Government of the United States;
22. Any complaints made by anyone to any election officials, volunteers, employees, etc. related to fraud, voting irregularities and voting machine complaints;
23. Any and all container information sheets;
24. Any Audit board batch sheets;
25. Any and all documentation reflecting the number of votes tallied for each presidential candidate on November 3, 2020;
26. Any and all raw data, intermediate data, and documentation reflecting the number of votes tallied for each presidential candidate at the conclusion of the initial/original count;
27. Any and all raw data, intermediate data, and documentation reflecting the number of votes tallied for each presidential candidate at the conclusion of the recount;
28. Any documentation of complaints or termination paperwork connected with the actions of any poll workers during the November 2020 Presidential Elections;
29. Any protocols, policies, or procedures drafted in connection with the audit, recount, and recanvas conducted by the Georgia Secretary of State;
30. Any documents in connection with the risk limiting audit conducted by the Georgia Secretary of State;
31. Any and all documents in connection with the established procedures to manually count a random sample of ballots in order to ensure that the voting machines was accurate;
32. Any and all protocols or other documents identifying the manner in which employees or volunteers were instructed to count or process votes;
33. Any and all communications with any third-party that participated in the election process, including but not limited to, the Department of Justice, Federal Bureau of

Investigation Central Intelligence Agency, Republican National Committee, Democratic National Committee, The Clinton Foundation, any foreign corporations, and/or any foreign governments;

34. Any and all USB, compact flash drives, portable drives, and/or hard drives of any kind that are used for storing data relating to the election process, votes and audits;
35. Any policies or procedures, memorandums, or other documentation concerning poll watchers;
36. Any digital images created by a Ballot Marking Device (BMD) indicating how the voting system interpreted the paper input;

Furthermore, no repairing, maintenance, altering or destroying of said evidence is to be done. You have a legal obligation to preserve evidence, regardless of whether any Court Order, to that effect has ever been entered, because you know or with the exercise of due diligence should know that litigation has risen out of this matter.

Should you not be the persons and/or entity in control or possession of the above referenced evidence, we hereby request that this letter be forwarded immediately to the proper agent who can respond accordingly to this urgent matter. **Finally, please contact us for permission for us to conduct an inspection of the above referenced evidence. Alternatively, you may send us a copy of the evidence or contact my office to make arrangements to have someone recover same.** Thank you for your attention to this matter, and should you require anything further, please do not hesitate to contact me directly.

With kind regards, I am

Very truly yours,

SMITH & LISS, LLC

Ray S. Smith, III

RSS

cc: Rebecca N. Sullivan - Georgia Department of Administrative Services  
Christopher M. Carr, Esq. - Attorney General  
Vincent R. Russo, Esq. - Robbins Ross Alloy Belinfante Littlefield, LLC  
Brian Kemp - Governor of Georgia  
Brad Raffensperger - Secretary of State of Georgia