

# EXHIBIT 40

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF GEORGIA  
3                   ATLANTA DIVISION

4       ANNIE LOIS GRANT; QUENTIN T.  
5       HOWELL; ELROY TOLBERT; THERON  
6       BROWN; TRIANA ARNOLD JAMES; EUNICE  
7       SYKES; ELBERT SOLOMON; DEXTER  
8       WIMBISH; GARRETT REYNOLDS;  
9       JACQUELINE FAYE ARBUTHNOT;  
10      JACQUELINE BUSH; and  
11      MARY NELL CONNER,  
12                   Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:22-CV-00122-SCJ

13      BRAD RAFFENSPERGER, in his official  
14      capacity as the Georgia Secretary  
15      of State; WILLIAM S. DUFFY, JR.,  
16      in his official capacity as chair  
17      of the State Election Board;  
18      MATTHEW MASHBURN, in his official  
19      capacity as a member of the State  
20      Election Board; EDWARD LINDSEY,  
21      in his official capacity as a  
22      member of the State Election Board;  
23      and JANICE W. JOHNSTON, in her  
24      official capacity as a member of  
25      the State Election Board,  
                  Defendants.

                  TAKEN BY REMOTE VIDEO-CONFERENCE  
                  DEPOSITION OF DEXTER WIMBISH  
                  December 6, 2022, 9:31 a.m.

Carolyn J. Smith, CCR, RPR, RMR, CCR-A-1361

1 before?

2 A Yes.

3 Q When was that?

4 A Early -- is this the -- this is the recent  
5 second amended that was filed in October. So it  
6 would have been sent out sometime in October of  
7 2022. I don't know what day -- I don't know what  
8 day I received it.

9 Q Uh-huh (affirmative), but you did receive  
10 it, um, at some point after October 28 --

11 A Right --

12 Q -- 2022?

13 A -- right.

14 Q Okay. Have you actual- -- have you read  
15 this particular version of the complaint, the Second  
16 Amended Complaint?

17 A I have not.

18 Q Okay. Do you know all the allegations  
19 contained in this document?

20 A Uh, I guess I know the overall, um, tenor  
21 of the document and the allegations that are  
22 brought, yeah.

23 Q Okay. I'm going to direct your attention  
24 to paragraph 18. Getting there. Uh, here on page 9  
25 of the second amended complaint.

1 Uh, do you see that?

2 A Yes.

3 Q Okay. And is the information -- or let me  
4 first ask you.

5 Uh, have you read through paragraph --  
6 paragraph 18 of the Second Amended Complaint that,  
7 uh, I'm showing here?

8 A I'm reading it now for --

9 Q Okay.

10 A -- the first time.

11 Q Yeah. Take your time. It goes to the  
12 next page too. So if you want me to flip down, let  
13 me know.

14 A Yeah, flip it down. Okay.

15 Q Okay. So you've -- you've read the  
16 paragraph 18 now?

17 A Uh-huh (affirmative).

18 Q And is the information contained in this  
19 paragraph accurate as it relates to you?

20 A Yes.

21 Q Okay. Now, you -- according to  
22 paragraph 18, you reside in Senate District 16; is  
23 that correct?

24 A Is that Marty Harbin's district?

25 Q Um, I am not sure. Does that number --