

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
WILLIAM S. DUFFEY, JR., in his official
capacity as chair of the State Election
Board; MATTHEW MASHBURN, in his
official capacity as a member of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
EDWARD LINDSEY, in his official
capacity as a member of the State Election
Board; and JANICE W. JOHNSTON, in
her official capacity as a member of the
State Election Board,

Defendants.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

**DECLARATION OF JONATHAN P. HAWLEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Jonathan P. Hawley, hereby declare under penalty of perjury under the laws
of the United States as follows:

1. I am over the age of 18 and competent to make this declaration. I am an associate with the law firm Elias Law Group LLP and am admitted to practice law in the States of Washington, California, and Montana and the District of Columbia and before multiple federal courts of appeals and district courts. I am admitted in this Court *pro hac vice* in the above-captioned matter as counsel for Plaintiffs. I submit this declaration to provide to the Court true and correct copies of certain documents submitted in support of Plaintiffs' motion for summary judgment.

Exhibit 1 is a true and correct copy of the expert report of William S. Cooper, dated December 5, 2022.

Exhibit 2 is a true and correct copy of the expert report of Dr. Maxwell Palmer, dated December 12, 2022.

Exhibit 3 is a true and correct copy of the supplemental expert report of Dr. Maxwell Palmer, dated December 22, 2022.

Exhibit 4 is a true and correct copy of the expert report of Dr. Orville Vernon Burton, dated December 5, 2022.

Exhibit 5 is a true and correct copy of the expert report of Dr. Loren Collingwood, dated December 12, 2022.

Exhibit 6 is a true and correct copy of the expert report of John B. Morgan, dated January 23, 2023.

Exhibit 7 is a true and correct copy of the expert report of Dr. John R. Alford, dated February 6, 2023.

Exhibit 8 is a true and correct copy of excerpts from the deposition transcript of John B. Morgan, *see* ECF No. 157, dated February 13, 2023.

Exhibit 9 is a true and correct copy of excerpts from the deposition transcript of Dr. John R. Alford, *see* ECF No. 165-2, dated February 23, 2023.

Exhibit 10 is a true and correct copy of the document titled “2021 Committee Guidelines.” The document was published by the Georgia State Senate, was last accessed on March 2, 2023, and is publicly available at: <http://www.senate.ga.gov/committees/Documents/2021RedistrictingCommitteeGuidelines.pdf>.

Exhibit 11 is a true and correct copy of the document titled “2021-2022 Guidelines for the House Legislative and Congressional Reapportionment Committee.” The document was published by the Georgia House of Representatives, was last accessed on March 2, 2023, and is publicly available at: https://www.house.ga.gov/Documents/CommitteeDocuments/2021/Legislative_and_Congressional_Reapportionment/2021-2022%20House%20Reapportionment%20Committee%20Guidelines.pdf.

Exhibit 12 a true and correct copy of the letter from Assistant Attorney General William Bradford Reynolds to Attorney General Michael Bowers, dated

February 11, 1982. The letter was published by the U.S. Department of Justice, was last accessed on March 8, 2023, and is publicly available at: <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/GA-1870.pdf>.

Exhibit 13 is a true and correct copy of the letter from Assistant Attorney General John R. Dunne to Senior Assistant Attorney General Mark H. Cohen, dated March 20, 1992. The letter was published by the U.S. Department of Justice, was last accessed on March 8, 2023, and is publicly available at: <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/GA-2360.pdf>.

Exhibit 14 is a true and correct copy of the article entitled “Douglas Leader’s Racial Comments Spark Calls That He Resign.” The article was published by *The Atlanta Journal-Constitution* on September 30, 2016, and is publicly available at: <https://www.ajc.com/news/local/douglas-leader-racial-comments-spark-calls-that-resign/AVjoe8BDCXLsut6OBPjIHI>.

Exhibit 15 is a true and correct copy of the article entitled “GOP Candidate’s Husband Shares Image Urging Voters to ‘Free the Black Slaves from the Democratic Plantation.’” The article was published by CNN on May 2, 2017, and is publicly available at: <https://www.cnn.com/2017/05/02/politics/kfile-karen-handel-husband-tweet/index.html>.

Exhibit 16 is a true and correct copy of the article entitled “Roswell’s Wood Says ‘Ossoff’ Has off-Puttingly Muslim Ring.” The article was published by Appen Media Group on March 15, 2017, and is publicly available at: https://www.appenmedia.com/opinion/columnists/roswell-s-wood-says-ossoff-has-off-puttingly-muslim-ring/article_729681a0-e082-5a2c-a639-9f15369a730a.html.

Exhibit 17 is a true and correct copy of the article entitled “Warring Republicans Try to Unite Against Ossoff in Georgia’s Sixth.” The article was published by *The Atlanta Journal-Constitution* on April 15, 2017, and is publicly available at: <https://www.ajc.com/blog/politics/warring-republicans-try-unite-against-ossoff-georgia-sixth/CJca8W1Alqeob6jvA8gB5H>.

Exhibit 18 is a true and correct copy of the article entitled “Gwinnett Commissioner Calls John Lewis ‘a Racist Pig,’ Faces Backlash.” The article was published by *The Atlanta Journal-Constitution* on January 16, 2017, and is publicly available at: <https://www.ajc.com/news/gwinnett-commissioner-calls-john-lewis-racist-pig-faces-backlash/K2uAUZFikv57szlncpZilO>.

Exhibit 19 is a true and correct copy of the article entitled “Racist ‘Magical Negro’ Robo-Call from ‘Oprah’ Targets Stacey Abrams in Georgia Governor’s Race.” The article was published by *The Washington Post* on November 5, 2018, and is publicly available at: <https://www.washingtonpost.com/politics/2018/11/04/>

racist-magical-negro-robo-call-oprah-targets-stacey-abrams-georgia-governors-race.

Exhibit 20 is a true and correct copy of the article entitled “It Was Too Easy for Brian Kemp’s Last-Minute Dog Whistle About Stacey Abrams to Go Viral.” The article was published by Slate on November 6, 2018, and is publicly available at: <https://slate.com/technology/2018/11/brian-kemp-stacey-abrams-dog-whistle-black-panthers-facebook.html>.

Exhibit 21 is a true and correct copy of the article entitled “Georgia Gubernatorial Candidate Brian Kemp Suggests Truck Is for Rounding up ‘Illegals.’” The article was published by *USA Today* on May 10, 2018, and is publicly available at: <https://www.usatoday.com/story/news/nation/2018/05/10/brian-kemp-illegals-ad/600212002>.

Exhibit 22 is a true and correct copy of the article entitled “Kelly Loeffler’s New Facebook Ad Darkens Skin of Raphael Warnock, Her Black Opponent.” The article was published by Salon on January 4, 2021, and is publicly available at: <https://www.salon.com/2021/01/04/kelly-loefflers-new-facebook-ad-darkens-skin-of-raphael-warnock-her-black-opponent>.

Exhibit 23 is a true and correct copy of the article entitled “Perdue’s Campaign Deletes Ad That Enlarges Jewish Opponent’s Nose, Insists It Was

Accident.” The article was published by ABC News on July 28, 2020, and is publicly available at: <https://abcnews.go.com/Politics/perdues-campaign-deletes-ad-enlarges-jewish-opponents-nose/story?id=72039950>.

Exhibit 24 is a true and correct copy of the article entitled “Georgia Republican Senator Willfully Mispronounces Kamala Harris’ Name at Trump Rally.” The article was published by CNN on October 17, 2020, and is publicly available at: <https://www.cnn.com/2020/10/16/politics/david-perdue-kamala-harris/index.html>.

Exhibit 25 is a true and correct copy of the article entitled “Crime Fears Emerge in Johns Creek, Sandy Springs Municipal Elections.” The article was published by *The Atlanta Journal-Constitution* on October 26, 2021, and is publicly available at: <https://www.ajc.com/neighborhoods/north-fulton/crime-fears-emerge-in-johns-creek-sandy-springs-municipal-elections/HAMJ4MEMVVA3BCYC36ZOGR3OKM>.

Exhibit 26 is a true and correct copy of the document titled “H. Res. 72.” The document was published by the Library of Congress, was last accessed on March 18, 2023, and is publicly available at: <https://www.congress.gov/117/bills/hres72/BILLS-117hres72eh.pdf>.

Exhibit 27 is a true and correct copy of the webpage titled “H.Res.72 - Removing a Certain Member From Certain Standing Committees of the House of Representatives.” The document was published by the Library of Congress, was last accessed on March 18, 2023, and is publicly available at: <https://www.congress.gov/bill/117th-congress/house-resolution/72>.

Dated: March 20, 2023

Respectfully submitted,

By: **Jonathan P. Hawley**
Jonathan P. Hawley*
ELIAS LAW GROUP LLP
1700 Seventh Avenue,
Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0179
Facsimile: (206) 656-0180
Email: JHawley@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing *Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: March 20, 2023

Adam M. Sparks

Adam M. Sparks

Georgia Bar No. 341578

KREVOLIN & HORST, LLC

One Atlantic Center

1201 West Peachtree Street, NW,
Suite 3250

Atlanta, Georgia 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

Email: Sparks@khlawfirm.com

Counsel for Plaintiffs