

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM**

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant.

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Timothy M. Perrone (P37940)
COHL, STOKER & TOSKEY, PC
Attorney for Livingston County Clerk
601 N. Capitol Ave.
Lansing, MI 48933
(517) 372-9000

Heather S. Meingast (P55439)
Erik A. Grill (P64713)
Assistant Attorneys General
Attorneys for Intervenor-Defendant Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

Christopher D. Tholen (P76948)
GRAND TRAVERSE COUNTY, DEPUTY COUNSEL
Attorney for Grand Traverse County Clerk
324 Court Street
Traverse City, MI 49684
(231) 922-4600

Allan C. Vander Laan (P33893)
Kristen L. Rewa (P74043)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Barry County Clerk
2851 Charlevoix Drive SE, Ste. 327
Grand Rapids, MI 48546
(616) 975-7470

Frank Krycia (P35383)
MACOMB COUNTY, CORPORATION COUNSEL
Attorney for Macomb County Clerk
One S. Main, 8th Floor
Mount Clemens, MI 48043
(586) 469-6346

EXHIBITS 1-3

**PLAINTIFF'S COLLECTIVE RESPONSE TO DEFENDANTS' and NON-PARTY
COUNTIES' MOTIONS TO QUASH AND FOR PROTECTIVE ORDERS**

Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: April 9, 2021

/s/ Matthew S. DePerno _____

Matthew S. DePerno (P52622)

Attorney for Plaintiff

Exhibit 1

Subpoenas

FILED

Sheryl Guy

Antrim 13th Circuit Court
03/26/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

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951 W. Milham Avenue
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Erik A. Grill (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Pamela A. Palmer, Barry County Clerk, 220 W. State St., Hastings, MI 49058

Service was by certified mail, 7020 1810 0002 2845 9016, as indicated in the attached USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com, meingast@michigan.gov and grille@michigan.gov.

Dated: March 15, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1810 0002 2845 9016.

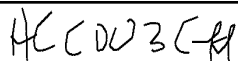
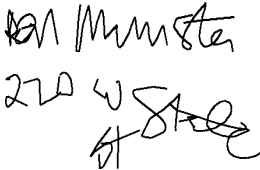
Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	March 15, 2021, 10:59 am
Location:	HASTINGS, MI 49058
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Approved, SCAO

Original - Return
1st copy - Witness
2nd copy - File
3rd copy - Extra

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
---	--	---------------------------------

Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615

Court telephone no.

(231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909
<input type="checkbox"/> Civil <input type="checkbox"/> Criminal	Charge	
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:

PAMELA A. PALMER, BARRY COUNTY CLERK: 220 W. STATE ST., HASTINGS, MI 49058

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

<input type="checkbox"/> 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: The Office of the Barry County Clerk, 220 W. State St., Hastings, MI 49058		
Day WEDNESDAY	Date MARCH 24, 2021	Time 9:00 AM

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)

7. Other: _____

<input checked="" type="checkbox"/> 8. Person requesting subpoena MATTHEW S. DePERNO (P52622)	Telephone no. (269) 321-5064	
Address 951 W. MILHAM AVENUE, PO BOX 1595		
City PORTAGE	State MI	Zip 49081

NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021

Date _____ Judge/Clerk/Attorney

P52622

Bar no.



Court use only

Served Not served

EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

Data Retention

52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

FILED

Sheryl Guy

Antrim 13th Circuit Court
03/26/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Heather S. Meingast (P55439)
Erik A. Grille (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Julia Drost, Charlevoix County Clerk, 203 Antrim St., Charlevoix, MI 49720

Service was by certified mail, 7020 1810 0002 2845 9023, as indicated in the attached USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com, meingast@michigan.gov and grille@michigan.gov.

Dated: March 15, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1810 0002 2845 9023.

Item Details

Status:	Delivered
Status Date / Time:	March 15, 2021, 10:13 am
Location:	CHARLEVOIX, MI 49720
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	<i>Terry Amick</i> <i>Terry Amick</i>
Address of Recipient:	<i>301 State ST</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
--	--	---------------------------------

Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615 Court telephone no. (231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY <hr/> <input type="checkbox"/> Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Probate In the matter of _____	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909 Charge _____
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In the Name of the People of the State of Michigan. TO:
 JULIA DROST, CHARLEVOIX COUNTY CLERK, 203 ANTRIM ST., CHARLEVOIX, MI 49720

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

<input type="checkbox"/> 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above		<input checked="" type="checkbox"/> Other: The Office of the Charlevoix County Clerk, 203 Antrim St., Charlevoix, MI 49720
Day THURSDAY	Date APRIL 1, 2021	Time 9:00 AM

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)

7. Other: _____

<input checked="" type="checkbox"/> 8. Person requesting subpoena MATTHEW S. DePERNO (P52622) Address 951 W. MILHAM AVENUE, PO BOX 1595 City State Zip PORTAGE MI 49081	Telephone no. (269) 321-5064
--	---------------------------------



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021 P52622
 Date Bar no.
 Judge/Clerk/Attorney

Court use only	
<input type="checkbox"/> Served	<input type="checkbox"/> Not served

EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

Data Retention

52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

FILED

Sheryl Guy

Antrim 13th Circuit Court
03/26/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Heather S. Meingast (P55439)
Erik A. Grill (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Bonnie Scheele, Grand Traverse County Clerk, Grand Traverse County Gov't Bldg, 400 Boardman Ave., Traverse City, MI 48843

Service was by certified mail, 7020 1810 0002 2845 9085, as indicated in the attached USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com, meingasth@michigan.gov and grille@michigan.gov.

Dated: March 15, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9085**.


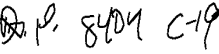
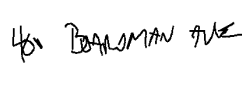
Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	March 15, 2021, 11:31 am
Location:	TRAVERSE CITY, MI 49684
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	 

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
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Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615 Court telephone no. (231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY <hr/> <input type="checkbox"/> Civil <input type="checkbox"/> Criminal	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909 <hr/> Charge
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:

BONNIE SCHEELE, Grand Traverse County Clerk; Grand Traverse County Gov't Bldg, 400 Boardman Ave., Traverse City, MI 48843

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

<input type="checkbox"/> 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: The Office of the Grand Traverse County Clerk, Grand Traverse County Gov't Bldg, 400 Boardman Ave., Traverse City, MI 48843		
Day WEDNESDAY	Date MARCH 31, 2021	Time 9:00 AM

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)

7. Other: _____

<input checked="" type="checkbox"/> 8. Person requesting subpoena MATTHEW S. DePERNO (P52622) Address 951 W. MILHAM AVENUE, PO BOX 1595 City State Zip PORTAGE MI 49081	Telephone no. (269) 321-5064
---	---------------------------------

NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021 P52622
 Date Judge/Clerk/Attorney Bar no.



Court use only	
<input type="checkbox"/> Served	<input type="checkbox"/> Not served

EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

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FILED

Sheryl Guy

Antrim 13th Circuit Court
03/26/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Heather S. Meingast (P55439)
Erik A. Grill (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Elizabeth Hundley, Livingston County Clerk, 200 E. Grand River Rd #1, Howell, MI 48843

Service was by certified mail, 7020 1810 0002 2845 9078, as indicated in the attached USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com, meingasth@michigan.gov and grille@michigan.gov.

Dated: March 15, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1810 0002 2845 9078.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	March 15, 2021, 11:03 am
Location:	HOWELL, MI 48843
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	TW C19 TW C14
Address of Recipient:	200 E Grand Rm

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Approved, SCAO

Original - Return
1st copy - Witness
2nd copy - File
3rd copy - Extra

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
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Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615 Court telephone no. (231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909
<input type="checkbox"/> Civil <input type="checkbox"/> Criminal	Charge	
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:

ELIZABETH HUNDLEY, LIVINGSTON COUNTY CLERK; 200 E. GRAND RIVER RD #1, HOWELL, MI 48843

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

<input type="checkbox"/> 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: The Office of the Livingston County Clerk, 200 E. Grand River Rd #1, Howell, MI 48843		
Day TUESDAY	Date MARCH 30, 2021	Time 9:00 AM

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)

7. Other: _____

<input checked="" type="checkbox"/> 8. Person requesting subpoena MATTHEW S. DePERNO (P52622)	Telephone no. (269) 321-5064	
Address 951 W. MILHAM AVENUE, PO BOX 1595		
City PORTAGE	State MI	Zip 49081



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021 P52622

Date Judge/Clerk/Attorney Bar no.

Court use only
 Served Not served

EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

Data Retention

52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

FILED

Sheryl Guy

Antrim 13th Circuit Court
03/16/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Heather S. Meingast (P55439)
Erik A. Grille (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Anthony G. Forlini, Macomb County Clerk, 120 N. Main St., Mt. Clemens, MI 48043

Service was by certified mail, 7020 1810 0002 2845 9054, as indicated in the attached USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com, meingast@michigan.gov and grille@michigan.gov.

Dated: March 15, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9054**.


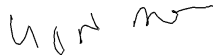
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 15, 2021, 9:07 am
Location:	MOUNT CLEMENS, MI 48043
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Approved, SCAO

Original - Return
1st copy - Witness
2nd copy - File
3rd copy - Extra

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
--	--	---------------------------------

Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615

Court telephone no.

(231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909
<input type="checkbox"/> Civil <input type="checkbox"/> Criminal	Charge	
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:

ANTHONY G. FORLINI, MACOMB COUNTY CLERK: 120 N. MAIN ST., MT. CLEMENS, MI 48043

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

<input type="checkbox"/> 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: The Office of the Macomb County Clerk, 120 N. Main St., Mt. Clemens, MI 48043		
Day FRIDAY	Date MARCH 26, 2021	Time 9:00 AM

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)

7. Other: _____

<input checked="" type="checkbox"/> 8. Person requesting subpoena MATTHEW S. DePERNO (P52622)	Telephone no. (269) 321-5064	
Address 951 W. MILHAM AVENUE, PO BOX 1595		
City PORTAGE	State MI	Zip 49081



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021

Date _____ Judge/Clerk/Attorney

P52622

Bar no.

Court use only	
<input type="checkbox"/> Served	<input type="checkbox"/> Not served

EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

Data Retention

52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

FILED

Sheryl Guy

Antrim 13th Circuit Court
03/26/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Heather S. Meingast (P55439)
Erik A. Grill (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Cathy M. Garrett, Wayne County Clerk, Coleman A. Young Municipal Center,
2 Woodward Ave., Detroit, MI 48226

Service was by certified mail, 7020 1810 0002 2845 9030, as indicated in the attached
USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com,
meingasth@michigan.gov and grille@michigan.gov.



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1810 0002 2845 9030.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 15, 2021, 1:26 pm
Location:	DETROIT, MI 48226
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	PW 2620 C19 L. Pulliam
Address of Recipient:	2 Woodward # 201

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Approved, SCAO

Original - Return
1st copy - Witness
2nd copy - File
3rd copy - Extra

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
---	--	---------------------------------

Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615 Court telephone no. (231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909
<input type="checkbox"/> Civil <input type="checkbox"/> Criminal	Charge	
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:
 CATHY M. GARRETT, WAYNE COUNTY CLERK: Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit, MI 48226
 If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.

<input type="checkbox"/> The court address above	<input checked="" type="checkbox"/> Other: The Office of the Wayne County Clerk, Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit, MI 48226	
Day THURSDAY	Date MARCH 25, 2021	Time 9:00 AM

- 2. Testify at trial / examination / hearing.
- 3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

- 4. Testify as to your assets, and bring with you the items listed in line 3 above.
- 5. Testify at deposition.
- 6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)
- 7. Other: _____

8.

Person requesting subpoena MATTHEW S. DePERNO (P52622)	Telephone no. (269) 321-5064	
Address 951 W. MILHAM AVENUE, PO BOX 1595		
City PORTAGE	State MI	Zip 49081



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021 P52622
 Date Bar no.
 Judge/Clerk/Attorney Court use only

<input type="checkbox"/> Served	<input type="checkbox"/> Not served
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EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

Data Retention

52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

FILED

Sheryl Guy

Antrim 13th Circuit Court
03/16/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Heather S. Meingast (P55439)
Erik A. Grill (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 16, 2021, I served a copy of the following Subpoena with attached exhibit:

Lisa Posthumus Lyons, Kent County Clerk, 300 Monroe Avenue, NW, Grand Rapids, MI 49503

Service was by certified mail, 7020 1810 0002 2845 9047, as indicated in the attached USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com, meingasth@michigan.gov and grille@michigan.gov.

March 16, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1810 0002 2845 9047.

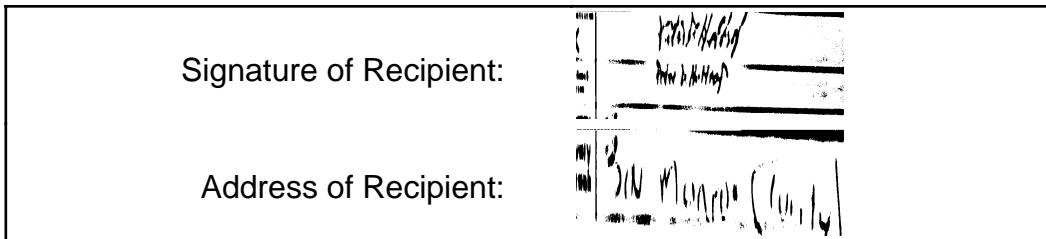
Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	March 15, 2021, 6:53 am
Location:	GRAND RAPIDS, MI 49503
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Approved, SCAO

Original - Return
1st copy - Witness
2nd copy - File
3rd copy - Extra

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
---	--	---------------------------------

Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615 Court telephone no. (231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909
<input type="checkbox"/> Civil <input type="checkbox"/> Criminal	Charge	
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:

LISA POSTHUMUS LYONS, KENT COUNTY CLERK: 300 MONROE AVENUE, NW, GRAND RAPIDS, MI 49503

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

<input type="checkbox"/> 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: The Office of the Kent County Clerk, 300 Monroe Ave, NW, Grand Rapids, MI 49503		
Day TUESDAY	Date MARCH 23, 2021	Time 9:00 AM

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)

7. Other: _____

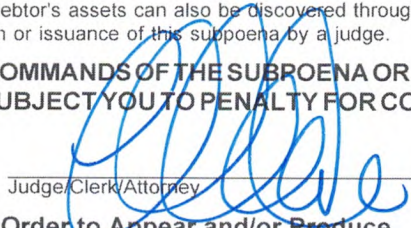
<input checked="" type="checkbox"/> 8. Person requesting subpoena MATTHEW S. DePERNO (P52622)	Telephone no. (269) 321-5064	
Address 951 W. MILHAM AVENUE, PO BOX 1595		
City PORTAGE	State MI	Zip 49081

NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021 P52622

Date Bar no.



 Court use only
 Served Not served



EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

Data Retention

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Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

FILED

Sheryl Guy

Antrim 13th Circuit Court
03/16/2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Plaintiff
951 W. Milham Avenue
PO Box 1595
Portage, MI 49081
(269) 321-5064

Haider A. Kazim (P66146)
CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC
Attorney for Defendant
319 West Front Street
Suite 221
Traverse City, MI 49684
(231) 922-1888

Heather S. Meingast (P55439)
Erik A. Grill (P64713)
Assistant Attorneys General
Attorneys for Proposed Intervenor-Defendant
Benson
PO Box 30736
Lansing, MI 48909
(517) 335-7659

PROOF OF SERVICE

On March 16, 2021, I served a copy of the following Subpoena with attached exhibit:

Lisa Brown, Oakland County Clerk, Oakland County Courthouse, 1200 Telegraph Rd.,
Building #12E, Pontiac, MI 48341

Service was by certified mail, 7020 1810 0002 2845 9061, as indicated in the attached
USPS records

The documents were served by electronic mail at: hkazim@cnda-law.com,
meingasth@michigan.gov and grille@michigan.gov.



March 16, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 1810 0002 2845 9061.

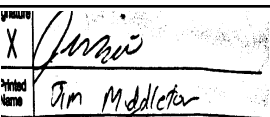

Item Details

Status:	Delivered, PO Box
Status Date / Time:	March 16, 2021, 6:25 am
Location:	PONTIAC, MI 48343
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Approved, SCAO

Original - Return
1st copy - Witness
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3rd copy - Extra

STATE OF MICHIGAN JUDICIAL DISTRICT 13th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2020-9238-CZ
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Court address 205 E. CAYUGA ST., BELLAIRE, MI 49615

Court telephone no.

(231) 533-6353

Police Report No. (if applicable):

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> WILLIAM BAILEY	v	Defendant(s)/Respondent(s) ANTRIM COUNTY, c/o Haider Kazim, 310 West Front Street, Suite 221, Traverse City, MI 49684 MICHIGAN SECRETARY OF STATE, c/o Erik A. Grill, PO Box 30736, Lansing, MI 48909
<input type="checkbox"/> Civil <input type="checkbox"/> Criminal	Charge	
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:

LISA BROWN, OAKLAND COUNTY CLERK, Oakland County Courthouse, 1200 Telegraph Rd., Building #12E, Pontiac, MI 48341

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED TO:

<input type="checkbox"/> 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
<input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: The Office of the Oakland County Clerk, Oakland County Courthouse, 1200 Telegraph Rd., Building #12E, Pontiac, MI 48341		
Day MONDAY	Date MARCH 29, 2021	Time 9:00 AM

2. Testify at trial / examination / hearing.

3. Produce/permit inspection or copying of the following items: See EXHIBIT A, attached

4. Testify as to your assets, and bring with you the items listed in line 3 above.

5. Testify at deposition.

6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)

7. Other: _____

<input checked="" type="checkbox"/> 8. Person requesting subpoena MATTHEW S. DePERNO (P52622)	Telephone no. (269) 321-5064	
Address 951 W. MILHAM AVENUE, PO BOX 1595		
City PORTAGE	State MI	Zip 49081



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

MARCH 11, 2021

Date _____ Judge/Clerk/Attorney _____

P52622

Bar no.

Court use only	
<input type="checkbox"/> Served	<input type="checkbox"/> Not served

EXHIBIT A

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

1. all election tapes from the November 3, 2020, election;
2. all paper ballots for the November 3, 2020 election;
3. all system logs for the November 3, 2020 election;
4. the tally server and/or election management server used in the November 3, 2020 election;
5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
7. all canvasser paperwork and notes used in the November 3, 2020 election.

Data Retention

52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Exhibit 2

SOS Press Release

The Office of

Secretary of State Jocelyn Benson

SOS



More than 250 audits confirm accuracy and integrity of Michigan's election

MARCH 2, 2021

Audit finds workers counted ballots accurately, state Legislature needs to allow more time for pre-processing, canvass



ELECTION NEWS

Secretary of State Jocelyn Benson today announced that all of the state's more than **250 election audits are complete**, and every one of them confirmed the integrity and accuracy of the 2020 general election. The audit process drew tremendous support and complete transparency from county, city and township clerks. In all, more than 1,300 Republican, Democrat and nonpartisan clerks, as well as the state Bureau of Elections, participated in at least one audit.

"Over the last several months, the state Bureau of Elections has worked with local clerks to conduct more audits than ever before in our state's history, and each has reaffirmed the accuracy, security and integrity of the November 2020 election," said Benson. "We've responded to every question and claim and the evidence is clear. It is time for leaders across the political spectrum to tell their constituents the truth, that our election was the most secure in history, and the results accurately reflect the will of Michigan's voters."

In addition to the hundreds of audits of local election precincts – the majority of which were conducted by county clerks of both parties – officials also audited every ballot cast for president in Antrim County and **found that the Dominion machines used there accurately counted ballots** throughout the county. Officials also conducted a statewide audit exercise, by hand-counting votes cast for president on more than 18,000 ballots randomly selected across the state, which **affirmed the outcome of the presidential election as previously determined by tabulation machines**.

An audit of Detroit's absentee ballot counting board, which has been attacked repeatedly with lies, baseless conspiracy theories and the misleading claims of people lacking knowledge of election procedure, found that while clerical errors had occurred, election workers supervised by the clerk's office properly counted 174,000 valid ballots that corresponded to signed envelopes that were submitted by registered voters and reviewed by the clerk's office.

Further, auditors found that 83 percent of the counting boards were balanced or explained, up from 27 percent at the close of the county canvass. This means that in each of those boards the number of ballots matched the number of names in the poll book, or that the imbalance could be explained in such a way that the counting board would be recountable. Auditors also found that the net number of ballots out of balance for the entire board was just 17 out of the 174,000 absentee ballots counted in Detroit.

Auditors made similar findings in audits of other cities' absentee ballot counting boards, including:

- In Grand Rapids, 87 percent were balanced or explained, compared to 62 percent at the end of the canvass. The final net number of ballots out of balance was eight.
- In Livonia, 77 percent were balanced or explained, compared to 34 percent at the end of the canvass. The final net number of ballots out of balance was one.
- In Sterling Heights, 71 percent were balanced or explained, compared to 58 percent at the end of the canvass. The final net number of ballots out of balance was four.

Further, the Sterling Heights audit was the first absentee ballot counting board ever audited in the state. Valuable lessons were learned throughout the counting board audit process, and it is expected that auditors would have balanced or explained more boards at Sterling Heights if that audit was conducted later in the process. The Bureau of Elections is drafting a final report on audit findings, which will be made available publicly.

Out-of-balance precincts are common across the state and nation, and essentially represent clerical errors where an election official failed to note that a voter at the polls checked in and then left with their ballot in hand, or a couple mailed their two absentee ballots in one envelope. Such errors are often corrected or explained in the county canvass, but time constraints make that more difficult, especially in high-population jurisdictions. This was demonstrated by all four audits of absentee voter counting boards, where auditors were able to balance or explain numerous boards that cities were not able to resolve in the short window of time available after closing of the counting boards, and which county canvassers could not reconcile in the less than two weeks available for the county canvass.

"If state lawmakers truly want to affirm faith in our elections, they will provide more time to election officials to process absentee ballots before Election Day, and canvass them afterwards, just as I've proposed in my legislative agenda to advance the vote and protect democracy," said Benson. "Had they done this prior to November, after clerks and I asked them to for more than a year, they could have pre-emptively debunked many of the lies that have since attacked our democracy."

Secretary Benson announced her legislative agenda for elections – **Advancing the Vote, Protecting Democracy** – last month. In addition to calling for two weeks for election officials to process ballots before Election Day, and an additional week to canvass afterwards, she

proposed changing the law that prevents precincts that are out of balance without explanation from being recounted. Michigan is one of the only states in the country with such a restriction in place.

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For media questions, contact
Aneta Kiersnowski at 517-342-4592.

We welcome questions and comments at the **Contact the Secretary of State** page.

Customers may call the Department of State Information Center to speak to a customer-service representative at 888-SOS-MICH (767-6424).



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Exhibit 3

Douglas G. Frank, PhD, resume

Douglas G Frank, PhD
7444 Misty Woods Ct
Morrow, OH 45152

Dr Frank has approximately sixty peer-reviewed scientific publications, including feature and cover articles in the leading scientific journals in the world (e.g. *Science*, *Nature*, *Naturwissenschaften*). During his graduate and postdoctoral work he discovered and developed a new type of microscopy capable of producing three-dimensional images of molecules resting on metal surfaces. This gave him international credibility in the area of Low Energy Electron Diffraction (LEED) and Auger electron spectroscopy and microscopy, and his work is prominently featured in college textbooks and handbooks on the subjects.

Dr Frank left university academics in 1996, and began consulting, developing and manufacturing surface analytical devices for national defense (DARPA) and various industries, especially the cleaning products industry and bowling ball manufacturers, where his custom electronics, software, inventions and products continue to be widely used as industrial standards. Much of his work is protected by non-disclosure agreements.

During the 1990's, Dr Frank helped to establish The Schilling School for Gifted Children in Cincinnati, Ohio. Schilling is a K-12 school for extraordinarily gifted youngsters, and Dr Frank continues to teach a couple of their most advanced math and science classes each year, and continues to serve as the Math & Science Department Chair.

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|------|-----|---|
| 1990 | PhD | Surface Electroanalytical Chemistry, Univ of Cincinnati |
| 1986 | | University of California, Santa Barbara. Completed all requirements for PhD before relocation to Univ. of Cincinnati as part of the Ohio Eminent Scholar program. |
| 1983 | BA | Chemistry, Westmont College, Santa Barbara CA |