Twitter Thread by dr. mondilator, esq.



dr. mondilator, esq.
@mondilator



Judge Cohen is going off on them for waiting until after the certification and audit.

@stphnfwlr “It was a decision knowing ... that you’d take away time from the superior court to resolve” the claims.

@stphnfwlr Now saying that the only remedy that they can get is congressional objection and vote.

@stphnfwlr Cohen is highly skeptical that a federal judge can’t invade congressional authority after state certification of an election.

@stphnfwlr Again reiterating that trump waited too late to make a challenge since only remedy is Congressional rejection of state electors.

@stphnfwlr Plaintiffs counsel arguing that if state election was unlawful, certification can be undone.

@stphnfwlr Cohen clarifies that after certification of electoral college slate (the electors themselves), only congress can act. Again, the challenge is now too late.

@stphnfwlr Plaintiffs arguing that even elector slate can be decertified, kicking the decision to the state legislature to select electoral college electors.

@stphnfwlr Plaintiffs counsel is relying in large part on argument from John Eastman, who wrote an oped contending that Kamala Harris is ineligible to be VP.

@stphnfwlr Going to defense argument.

@stphnfwlr Football analogies! 13th hour Hail Mary from QB with no team, no opponent, not fans.

@stphnfwlr “Throwing crap against the wall”

@stphnfwlr Defense argues that the certification of elector and ascertainment of elector slate was valid. But before that, a host of jurisdictional and procedural issues.

@stphnfwlr Defense contending that Trump has ignored Art 3 standing entirely. Plaintiff failed to pay fees before certification lol.

@stphnfwlr Now arguing that any minor evidence of voting irregularities cannot be traced to named defendants.

@stphnfwlr Following standing - mootness. Prior cases argued that various dates were determinative. Now that so many have passed, defense argues that the decisions/actions have been taken, and federal court cannot undo certification.

@stphnfwlr (Basically what Cohen was getting at)

@stphnfwlr Laches! Drink!

@stphnfwlr (Trump waited too long to complain about consent decree or otherwise challenging voting procedures)

@stphnfwlr Defense emphasizing that Trump has already gotten three vote counts, and waited to bring this case until after those counts — and ascertainment of EC electors — to challenge election results in this case.

@stphnfwlr GA general assembly provided temporal window and procedures to challenge vote, and Trump ignored it.

@stphnfwlr Defense now argues that 11th Amendment precludes retrospective relief against state actors (that is you cannot only get injunctive relief against future actions).

@stphnfwlr *can only

@stphnfwlr So there is nothing to enjoin in this case.

@stphnfwlr Cohen - 5th/11th circuit authority prevents interference by federal court in state elections unless there is a federal violation, which there isn't here.

@stphnfwlr Cohen "only thing left" is congressional certification.

@stphnfwlr Essentially, plaintiff has tried to remove a state action to federal court.

@stphnfwlr "It's even beyond ... unprecedented" what Plaintiff has done in filing this case, given the various state avenues available to challenge election.

@stphnfwlr Cohen - Plaintiff's problem is that "he just can't live with" the election results. "It's hard to accept sometimes."

@stphnfwlr But SoS and Gov did their duties, and nothing can be done about that now.

@stphnfwlr Cohen “I took an oath” and cannot undo an election.

@stphnfwlr Cohen allowing the counterfactual hypothetical that if GA didn’t allow procedures to challenge election and delay certification, MIGHT be a due process issue. BUT GA does, and Plaintiff here ignored those procedures.

@stphnfwlr Defendant finally arguing on abstention grounds.

@stphnfwlr Plaintiffs rebuttal - promised to be brief.

@stphnfwlr Back to football. “Referees never took the field”

@stphnfwlr Cohen wants in on the analogy

@stphnfwlr Cohen - plaintiffs are asking baseball umpires to make rulings on football field.

@stphnfwlr You have to live with choices you made in challenging election, but you thought you could “bop on over to federal court” to throw things out.

@stphnfwlr “That is actually not the case.”

@stphnfwlr Cohen is making clear that the only two defendants are Gov and SoS, and there is nothing illegal or improper that they’ve done, regardless of arguments about fraud or impropriety.

@stphnfwlr Court denies declaratory and injunctive relief. Written order to follow later today.

@stphnfwlr Fin. It’s been fun y’all.