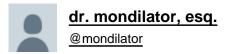
BUZZ CHRONICLES > LEGAL Saved by @CodyyyGardner See On Twitter

Twitter Thread by dr. mondilator, esq.





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.

<u>@stphnfwlr</u> Cohen is highly skeptical that a federal judge can't invade congressional authority after state certification of an election.

<u>@stphnfwlr</u> 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.

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

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

<u>@stphnfwlr</u> 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"

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

<u>@stphnfwlr</u> 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.

<u>@stphnfwlr</u> 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)

<u>@stphnfwlr</u> 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.

<u>@stphnfwlr</u> 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.

<u>@stphnfwlr</u> 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.

<u>@stphnfwlr</u> "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.

<u>@stphnfwlr</u> 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.

<u>@stphnfwlr</u> 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."

<u>@stphnfwlr</u> 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.