Twitter Thread by Adam Klasfeld



Adam Klasfeld
@KlasfeldReports

Good morning.

Hours after a federal judge in Michigan REJECTED their election-toppling request, Lin Wood and Sidney Powell go to another U.S. judge seeking to overturn Georgia's results.

I'll cover the hearing for @LawCrimeNews in this thread.

ICYMI:

Background:

This is a case where the 11th Circuit rejected an interlocutory appeal seeking a restraining order.

ICYMI: "Eleventh Circuit Dismisses Sidney Powell and Lin Wood's Appeal in Georgia Kraken Case: The Answer Is 'No'" via @Matt_Naham https://t.co/1fN3cCx53X

We begin.

Judge Batten recites the conspiracy theory behind the lawsuit and repeats Ga. officials' question:

"Why would Georgia's Republican governor and Republican Secretary of State," whom he notes are Trump supporters, "conspire to throw the election" to POTUS-elect Biden?

It's a question that many people are thinking, Judge Batten notes.

Judge Batten explains the doctrine of laches, which has killed many a Trump suit.

"The law is pretty clear that a party cannot obtain the extraordinary remedy of injunctive relief unless he acts quickly."

Judge Batten notes that Lin Wood and Sidney Powell ask him to throw out the election and declare Trump the winner.

He says he will hear arguments on the motion to dismiss now, before addressing technical difficulties leading to a scratchy backdrop.

#CourtInTheAgeofCOVID

Attorney Carey Miller is up first for Georgia:

"I think you hit the nail on the head as to what these issues are," he tells a judge, before adding the case does not belong in this court.

"If the plaintiffs wanted the results which they seek," they'd go to state court, he says.

In fact, a state court case is coming up this afternoon, he adds!

The attorney notes that every other suit has failed.

Ga.'s attorney Carey Miller: "Georgia laws are constitutional. Georgia elections are constitutional. Georgia machines are constitutional.

Ga.'s attorney Carey Miller: "What are the acts of the state that are at issue?"

He adds he's not talking about "mullahs in Iran," whom the Kraken team roped into their election conspiracy theories.

Ga.'s attorney Carey Miller: "One way or another, the result they seek is judicial fiat changing electoral results."

Ga.'s attorney Carey Miller notes that Lin Wood and Sidney Powell chose a made-up "relief" sought, even if they had grounds:

"The relief sought is not to declare someone else a winner. It's to have another election."

Listen in on the hearing here: https://t.co/qIhSjXPxXH

Ga.'s attorney Carey Miller notes the new Michigan ruling dismissing the Kraken crew:

He notes the same issues in that case are at issue here.

https://t.co/THpM45EJWG

Ga.'s attorney Carey Miller says the same is true of the suit where Lin Wood appeared as a plaintiff rather than a lawyer, and Trump-appointed Judge Grimberg rejected his request on laches, and other grounds. https://t.co/i1hFFNVNhc

Correction:

GA's attorney who is up now is Joshua Barrett Belinfante.

Carey Miller is addressing a different aspect of the arguments later, Belinfante just noted.

With audio hearings, these mix-ups happen. Onwards.

Attorney Amanda R. Callais is up now on behalf of various Democratic entities:

"Plaintiffs have failed to state any cognizable claim."

"Over a month ago, 5 million Georgians cast their ballots in the 2020 elections, with the majority choosing Joseph R. Biden."

Callais: Those votes were counted by hand and recounted.

"At this point, there is simply no question" the POTUS-elect Joe Biden won the election and earned all of the electors in Georgia.

Callais:

"When we talk about a possibility of fraud, that does not mean that fraud actually occurred."

"That is not in their complaint. That is not in their evidence."

A Michigan judge noted the same in her rejection of the injunction.

Echoing the Trump-appointed Third Circuit judge who threw out a similar suit, Callais says:

“Voters, not lawyers, choose the President. Ballots, not briefs, decide elections.”

Read that ruling here: https://t.co/7CiENfRbJB

Callais:

In finding that this court cannot grant this relief, the court would not be alone. It'd be in good company.

Context from me: Trump and his allies have lost dozens like it.

Callais: "There have been more than 30 challenges to this election that have been dismissed."

It would be in good company of a judge "right down the hall from here," referring to Trump-appointed Judge Grimberg's rejection of Lin Wood's election-toppling bid.

The difference between the suit where Judge Grimberg rejected relief and this one is that the one being heard now seeks broader disenfranchisement, Callais notes.

Sidney Powell is up, claiming "abject fraud" committed and lying about Dominion's ties to deceased Venezuelan strongman Hugo Chavez.

Note: It isn't.

Dominion's Q&A on Powell's fever dreams:

"The company has no ownership ties whatsoever to UBS, or the governments of China, Cuba, or Venezuela." https://t.co/RJIh2vV0HQ

Judge presses Powell showing she's going to the wrong court.

Powell claims she has the right to go to this federal court.

Judge asks her to address finding: "We cannot turn back the clock and create a world where the 2020 elections were not certified."

Yes we can, Powell says.

Powell claims Bush v. Gore stands for that proposition.

(That decision allowed a certification for Bush by a narrow margin to stand; it decertified nothing.)

Trump lost Georgia by more than 11K.

Judge: Even if you won here, how would this not be moot because wouldn't Trump still lose even if he won Georgia.

Powell, imaginatively. "Yes, [Trump] can win the election... It is nowhere near over."

Powell recites an alphabet soup of conspiracy theories that defy live-tweeting.

Powell:

"That is why it is so important that we at least get temporary relief to at least examine the systems."

They want to "examine" the machines to seek evidence to substantiate the far-flung conspiracy theories.

Judge Batten tells Sidney Powell that "rule of law" requires courts to follow procedure and precedent.

Judge Batten tells Sidney Powell that she has a "glib" response to 11th Circuit precedent prohibiting the hearing of "freewheeling" theories and grievances.

"Why shouldn't the state of Georgia investigate this? Why should a federal judge?"

Judge Batten on her client's standing: "It doesn't sound like your clients are special."

Rebuttal argument debunks Sidney Powell's fake history and fake law of Bush v. Gore:

"Bush v. Gore stayed a Florida recount. It did not decertify a Florida election."

Rebuttal:

"They tell you the voters lack confidence in the election system."

He notes that courts have stuck with the state of Georgia.

"The state is doing what it can to enhance public confidence, that's why we did the extra step of a hand count."

Judge Batten said "even if he accepted" the conspiracy theories as true, he must dismiss.

Allowing it to stand would be "judicial activism," he says. https://t.co/xcuwlPWbe4

> BREAKING: A federal judge in Georgia DISMISSES the Kraken case there, just as a colleague did in Michigan this morning.
>
> ICYMI: The Michigan decision. https://t.co/THpM45EJWG
>
> — Adam Klasfeld (@KlasfeldReports) December 7, 2020