

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CHERYL A. COSTANTINO and EDWARD P.
McCALL, JR.,

Plaintiffs,

-vs-

CITY OF DETROIT; DETROIT ELECTION
COMMISSION; Janice M. Winfrey, in
her official capacity as the CLERK OF THE
CITY OF DETROIT and the Chairperson of
the DETROIT ELECTION COMMISSION;
Cathy M. Garrett, in her official
capacity as the CLERK OF WAYNE
COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,

Defendants.

**SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

FILE NO: 20-014780-AW

HON. TIMOTHY M. KENNY

David A. Kallman (P34200)
Erin E. Mersino (P70886)
Jack C. Jordan (P46551)
Stephen P. Kallman (P75622)
Great Lakes Justice Center
Attorneys for Plaintiff
5600 W. Mount Hope Hwy.
Lansing, MI 48917
(517) 322-3207/Fax: (517) 322-3208

**SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs just received an Affidavit from Melissa Carone. Ms. Carone was a contractor for Dominion Voting Systems to do IT work at the TCF Center. Ms. Carone was at the TCF Center from 6:15 a.m. on November 3, 2020 to 4:00 a.m. on November 4, 2020. She then went home to get a few hours sleep and worked again at the TCF Center from 10:00 a.m. until 1:45 p.m. on

November 4th. Ms. Carone states that she “witnessed nothing but fraudulent actions take place”

(Exhibit H). Further, Ms. Carone states:

3. The counters (which were trained very little or not at all), were handed a "batch" (stack of 50) of mail-in ballots in which they would run through the tabulator. The tabulators would get jammed 4-5 times an hour, when they jammed the computer would put out an error that tells the worker the ballot number that was jammed and gives an option to either discard the batch or continue scanning at which the counter should discard the batch, put the issue ballot on top of the batch and rescan the entire batch. I witnessed countless workers rescanning the batches without discarding them first which resulted in ballots being counted 4-5 times.

4. At approximately midnight I was called over to assist one of the counters with a paper jam and noticed his PC had a number of over 400 ballots scanned- which means one batch was counted over 8 times. This happened countless times while I was at the TCF Center. I confronted my manager, Nick Ikonornakis saying how big of a problem this was, Nick told me he didn't want to hear that we have a big problem. He told me we are here to do assist with IT work, not to run their election.

5. The adjudication process, from my understanding there's supposed to be a republican and a democrat judging these ballots. I overheard numerous workers talking during shift change in which over 20 machines had two democrats judging the ballots-resulting in an unfair process.

9. When a worker had a ballot that they either could not read, or it had something spilled on it, they would go to a table that had blank ballots on it and fill it out. They were supposed to be filling them out exactly like the one they had received but this was not the case at all. The workers would also sign the name of the person that the ballot belonged to-which is clearly illegal.

13. I called the FBI and made a report with them, I was told that I will be getting a call back.

Ms. Carone’s sworn statement provides further evidence that fraud and misconduct occurred at the November 3, 2020 election. Plaintiffs request that their Motion for TRO and Preliminary Injunction be granted.

Respectfully submitted,

Dated: November 10, 2020

/s/ David A. Kallman

David A. Kallman
Attorney for Plaintiffs

(P34200)

EXHIBIT H

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MELLISSA A. CARONE,

Plaintiff,

AFFIDAVIT OF MELLISSA A.

CARONE

-vs-

CITY OF DETROIT: DETROIT ELECTION

COMMISSION; JANICE M. WINFREY, in

FILE NO: _____ -AW

her official capacity as the CLERK OF THE

CITY OF DETROIT and the Chairperson of

JUDGE

The DETROIT ELECTION COMMISSION;

CATHY M. GARRETT, in her official

Capacity as the CLERK OF WAYNE COUNTY

BOARD OF CANVASSERS,

Defendants,

BOBBY TENORIO NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF WASHTENAW My Commission Expires February 19, 2021 Acting in the County of <u>Wayne</u>

David A. Kallman (P43200)

Erin E. Mersino (P70886)

Jack C. Jordan (P46551)

Stephan P. Kallman (P75622)

GREAT LAKES JUSTICE CENTER

Attorneys for Plaintiff

5600 W. Mount Hope Hwy.

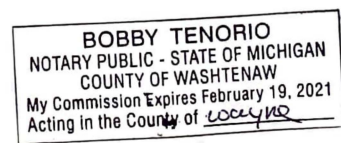
Lansing, MI 48917

(517) 322-3207/ Fax: (517) 322-3208

AFFIDAVIT

The Affiant, Mellissa A. Carone, being the first duly sworn, hereby deposes and states as follows:

1. My name is Mellissa A. Carone, I was contracted by Dominion Voting Services to do IT work at the TCF Center for the November 3, 2020 election, and I am a resident of Wayne County.
2. I arrived at the TCF Center at approximately 6:15 AM November 3, 2020 and worked until 4:00 AM November 4, 2020. I went home to get some sleep, then arrived back at the TCF Center at 10:00 AM in which I stayed until 1:45 PM. During this time I witnessed nothing but fraudulent actions take place.
3. The counters (which were trained very little or not at all), were handed a "batch" (stack of 50) of mail-in ballots in which they would run through the tabulator. The tabulators would get jammed 4-5 times an hour, when they jammed the computer would put out an error that tells the worker the ballot number that was jammed and gives an option to either discard the batch or continue scanning at which the counter should discard the batch, put the issue ballot on top of the batch and rescan the entire batch. I witnessed countless workers rescanning the batches without discarding them first which resulted in ballots being counted 4-5 times.
4. At approximately midnight I was called over to assist one of the counters with a paper jam and noticed his PC had a number of over 400 ballots scanned- which means one batch was counted over 8 times. This happened countless times while I was at the TCF Center. I confronted my manager, Nick Ikonomakis saying how big of a problem this was, Nick told me he didn't want to hear that we have a big problem. He told me we are here to do assist with IT work, not to run their election.
5. The adjudication process, from my understanding there's supposed to be a republican and a democrat judging these ballots. I overheard numerous workers talking during shift change in which over 20 machines had two democrats judging the ballots-resulting in an unfair process.
6. Next, I want to describe what went on during shift change, it was a chaotic disaster. It took over two hours for workers to arrive at their "assigned areas", over 30 workers were taken upstairs and told they didn't have a job for them to do. These people were chosen to be counters, in which 6 workers admitted to me that they received absolutely no training at all.
7. The night shift workers were free to come and go as they pleased, they could go out and smoke from the counting room. This is illegal, as there were boxes and stacks of ballots everywhere, anyone could have taken some out or brought some in, and No one was watching them.
8. There was two vans that pulled into the garage of the counting room, one on day shift and one on night shift. These vans were apparently bringing food into the building because they only had enough food for not even 1/3 of the workers. I never saw any food coming out of these vans, coincidentally it was announced on the news that Michigan had discovered over 100,000 more ballots- not even two hours after the last van left.
9. When a worker had a ballot that they either could not read, or it had something spilled on it, they would go to a table that had blank ballots on it and fill it out. They were supposed to be filling them out exactly like the one they had received but this was not the case at all. The workers would also sign the name of the person that the ballot belonged to-which is clearly illegal.
10. Samuel Challandes and one more young man in his mid-20 were responsible for submitting the numbers into the main computer. They had absolutely no overhead, my manager Nick would assist them with any questions but Nick was on the floor assisting with IT most of the time.



11. There was a time I overheard Samuel talking to Nick about losing tons of data, they all got on their phones and stepped to the side of the stage. I asked Nick what was going on and he told me it was all taken care of and not to worry about it. I fully believe that this was something very crucial that they just covered up.
12. I was the only republican working for Dominion Voting, and on the stage there was many terrible comments being made by the city workers and Dominion workers about republicans. I did not give out any indication that I was a republican, I have a family at home and knew I was going to have to walk to my car at the end of my shift. If anyone had an American flag on their shirt or mask, they were automatically deemed to be Trump supporters.
13. I called the FBI and made a report with them, I was told that I will be getting a call back.
14. I am doing my best to make sure something is done about this, I was there and I seen all of this take place.

On this 8th day of November, 2020, before me personally appeared Mellissa A. Carone, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by him subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and behalf, and as to those matters he believes them to be true.

Mellissa A. Carone *Mellissa A. Carone* 11/08/20

Notary Public, Washtenaw County, Michigan

My Commission Expires: 02 19, 2021
Feb 19, 2021

Bobby Tenorio

11/8/2020

BOBBY TENORIO
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WASHTENAW
My Commission Expires February 19, 2021
Acting in the County of Washtenaw