



# FAIR FIGHT

v.

## TRUE THE VOTE

To: Interested Parties  
From: Fair Fight  
Re: Key Takeaways from Trial Days 4-6  
Date: Tuesday, November 7, 2023

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Friday, November 3, Plaintiffs concluded their case-in-chief in the federal voting rights litigation *Fair Fight, Inc., et al. v. True the Vote, et al.* Below you will find an overview of the latest court proceedings on November 1, 2, and 3, including:

- ❖ [Key Takeaways](#)
- ❖ [Summary of Testimony](#)
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  - [Clair Joseph Martin](#)
  - [Derek Somerville](#)
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### Key Takeaways

- Catherine Engelbrecht, founder of True the Vote, testified to the role True the Vote played in lawsuits challenging the results of the 2020 presidential election, and its role in facilitating the hundreds of thousands of voter challenges filed days before the runoff elections for Georgia's U.S. Senate seats in January 2021.
- Plaintiffs presented testimony from Clair Joseph Martin, who worked briefly with True the Vote to file challenges in the 2021 runoffs. Mr. Martin recounted his unanswered questions about the source of True the Vote's data and explained how he withdrew the three voter challenges he filed using True the Vote's list and asked True the Vote to withdraw any other challenges in his name because he lost confidence in the challenge list data.
- Plaintiffs questioned Defendant Derek Somerville, alleged to have worked with True the Vote in its effort to challenge hundreds of thousands of voters in the 2021 runoff elections.
- On Friday, Plaintiffs rested their case-in-chief. Through their case, Plaintiffs presented substantial documentary evidence and called numerous witnesses, including four voter witnesses, two experts, one representative of Fair Fight, one former representative of the Secretary of State's Office, three defendants, and one former contractor of True the Vote.

- After Plaintiffs concluded their case-in-chief, Defendants moved the Court to reach findings and close the case without the need for Defendants to present their own case. The Court did not issue a ruling on Defendants' motion and Defendants began their own case-in-chief Friday afternoon.

## Summary of Testimony

From November 1-3, Plaintiffs called 5 witnesses:

- Defendant Catherine Engelbrecht, founder of True the Vote
- Clair Joseph Martin, True the Vote challenger for Taliaferro County
- Defendant Derek Somerville
- Defendant Mark Williams
- Amy Holsworth, contractor for True the Vote

Please note that transcripts from court proceedings must be purchased from the court reporters.

### Catherine Engelbrecht

Plaintiffs called Ms. Engelbrecht in their case-in-chief to elicit testimony about True the Vote's plans for the 2021 runoff, including her announcement of a "bounty" for fraud and the motivation for the hundreds of thousands of voter challenges filed days before the election.

- When asked to acknowledge there are numerous reasons people change their mailing address that do not impact residency, Ms. Engelbrecht testified that individuals are complicated and there can be a lot of motivations for changing a mailing address, including for military voters and college students.
- Plaintiffs examined Ms. Engelbrecht about how True the Vote responded when a challenger raised questions about the challenge list and asked to hold all challenges being prepared under his name. Ms. Engelbrecht confirmed that True the Vote and its co-defendants looked for another challenger to step in, notwithstanding the concerns expressed by the prior challenger.

### Clair Joseph Martin

Plaintiffs presented the video deposition testimony of Mr. Martin, who served as a True the Vote challenger for Taliaferro County until he asked True the Vote to withdraw all challenges submitted under his name.

- In his deposition, Mr. Martin explained how, in the process of working with True the Vote as a challenger, he asked for information about how True the Vote prepared its challenge list; however, he never received the information he requested.
- Mr. Martin described how he pursued challenges to only three of the 37 voters on the challenge list provided to him by True the Vote, and how he learned all three of those voters were properly registered in his county. Mr. Martin testified that the results of these "test cases" made him question True the Vote's list and ask True the Vote to retract all challenges filed in his name.

## Derek Somerville

Plaintiffs called Defendant Somerville to answer questions about his preparation of voter challenge lists for the 2021 runoff elections and his communications with True the Vote about voter challenges during the same runoff period.

- Mr. Somerville was questioned about the role that the National Change of Address list played in his preparation of challenge lists for the 2021 election and what steps — if any — were taken to refine his lists for accuracy.
- Regarding True the Vote's challenge lists, Mr. Somerville confirmed his previous testimony that he considered True the Vote's lists too big and that he would not have used the methodology used by True the Vote.

## Mark Williams

Plaintiffs called Defendant Williams to answer questions about his work with True the Vote preparing challenge lists for the 2021 runoff elections and his role as a challenger for True the Vote in Gwinnett County.

- Mr. Williams confirmed he was engaged by True the Vote to provide printing services in connection with True the Vote's effort to challenge hundreds of thousands of Georgians in the 2021 runoff elections.
- Mr. Williams described his work with True the Vote as a three-to-four week project squeezed into only a few days and that, notwithstanding any requests from Ms. Engelbrecht, he did not go through the challenge lists provided by True the Vote to remove any data identified for removal.

## Amy Holsworth

Plaintiffs called Ms. Holsworth, a contractor for True the Vote from September 2020 to July 2021.

- Plaintiffs questioned Ms. Holsworth about True the Vote's Georgia election integrity hotline.
- Plaintiffs also questioned Ms. Holsworth about her knowledge of True the Vote's whistleblower compensation fund, which Plaintiffs allege contributed to the multi-pronged voter intimidation campaign carried out by True the Vote in the 2021 runoffs.

## What's Next?

Friday, November 3, 2023, Plaintiffs concluded their case-in-chief. Trial is expected to conclude on Tuesday, November 7, with the parties presenting closing arguments to the Court.

## Background Materials & Information

An updated [Trial Press Kit can be found here](#). The Trial Press Kit includes:

- Trial announcement press release
- Case Timeline & Key Background
- ICYMI from virtual media briefings held on 10/17 and 10/24, which include key takeaways from the briefings along with links to the full recordings and slide decks.

## ICYMI

WABE - 11/2/23

[Fair Fight challenges True the Vote in court over alleged Georgia voter intimidation](#)