

**IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

DAVID ROWAN,]
DONALD GUYATT,] DOCKET NUMBER: 2222582
ROBERT RASBURY,] 2222582-OSAH-SECSTATE-CE-57 Beaudrot
RUTH DEMETER,] Agency Reference No.: 2222582
DANIEL COOPER,]
]
Petitioners,]
v.]
MARJORIE TAYLOR GREENE,] Respondent.
Respondent.]

**Respondent Marjorie Taylor Greene’s Opposition to Petitioners’
Motion to Supplement the Record**

COMES NOW, Respondent Marjorie Taylor Greene and files her opposition to Petitioners’ Motion to Supplement the Record:

1. Petitioners seek to supplement the record with a purported “text.” Generally, Rep. Greene asks this Court to apply the Georgia Rules of Evidence and it is obvious that Petitioners’ “text” does not even begin to comply with these Rules.

2. The only “evidence” of this text is a CNN article claiming to set out the words in the text. There is no copy of it in its original form, and no verifiable source that CNN claims to have gotten it from. As a result, there is no one to cross-examine and this is hearsay within hearsay. O.C.G.A. § 24-8-805. Hearsay is not admissible. O.C.G.A. § 24-8-802. Petitioners have

provided no foundation and no authentication for this evidence, which is required under Georgia law. O.C.G.A. § 24-9-901.

3. I am authorized to say on behalf of Rep. Greene that she has no recollection of this text and, since her texts are automatically deleted after 30 days, she has no way to verify anything about it.

4. Furthermore, the text, even if it could be determined to be authentic, is irrelevant since it has absolutely nothing to do with the January 6th attack on the Capitol, the claimed event of the insurrection, or Rep. Greene's engagement in it. It has no probative value.

5. Furthermore, it has no probative value regarding Rep. Greene's credibility. Petitioners claim that Rep. Greene testified that "she could not remember discussion of martial law with anyone." However, our recollection of her testimony is that "she could not remember discussing martial law with anyone."

6. The purported text was over 15 months ago. It is innocuous. All it says is that "several (Members) are saying that . . ." followed by "I don't know on those things." The text does not say, nor is it, her "discussion of martial law with anyone." She didn't discuss it with the "several Members" or with Mark Meadows, the purported recipient of the purported text, and, in the second sentence in the text, she said she had no opinion about it. And

since it was at most informational and innocuous, it is not surprising that she may not remember it.

7. But even more inflammatory than Petitioners' false charge that the purported text "undermines Greene's credibility," is their outrageous fabrication that the text shows that, on January 17th, "Greene was still fighting against the peaceful transfer of power by advocating extra-legal means." There is absolutely nothing that is said in the text that could be fairly, or even reasonably, construed as "fighting against the peaceful transfer of power" or "advocating extra-legal means." She just reported that several Members "are saying" something about it and, in the second sentence, she had no opinion or even knowledge about this. This claim is nothing short of a false and outrageous political smear, which this tribunal should not dignify by granting Petitioners' Motion.

8. Of course, this Court has the authority to consider evidence, not admissible under the Georgia Rules of Evidence, if "when necessary to ascertain facts not reasonably susceptible of proof under such rules, . . . if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs." OSAH Rule 616-1-2-.18(1). This submission fails this test.

9. The purported text does not address any necessary facts that need to be ascertained, that are facts “not reasonably susceptible of proof under such rules,” and that an article by CNN on this matter would be “of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.”

10. This Court has already rejected the attempts by Petitioners’ to prove their case by media articles. There is nothing different here.

WHEREFORE, Respondent respectfully requests that this Court deny Petitioners’ Motion.

Dated: April 28, 2022

/s/ David F. Guldenschuh
David F. Guldenschuh
GA Bar No. 315175
David F. Guldenschuh P.C.
P.O. Box 3
Rome, Georgia 30162-0333
Telephone: 706-295-0333
Email: dfg@guldenschuhlaw.com
*Local Counsel for Respondent
Marjorie Taylor Greene*

Respectfully Submitted,

/s/ James Bopp, Jr.
James Bopp, Jr., Ind. Bar No.
2838-84*
/s/ Melena S. Siebert
Melena S. Siebert, Ind. Bar No.
35061-15*
THE BOPP LAW FIRM
1 South 6th Street
Terre Haute, Indiana 47807
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
jboppjr@aol.com
msiebert@bopplaw.com

* Motions for *Pro hac vice*
admission granted
*Attorneys for Respondent Marjorie
Taylor Greene*

Certificate of Service

I hereby certify that on April 28, 2022, I served the foregoing document on the Petitioners and Respondent, via their legal counsel who have made entry of appearance, by electronic mail at the following addresses: bryan@bryansellslaw.com, rfein@freespeechforpeople.org; jabady@ecbawm.com; acelli@ecbawm.com; jboppjr@aol.com; msiebert@bopplaw.com.

Respectfully submitted,

/s/ James Bopp, Jr.

James Bopp, Jr., Ind. Bar No. 2838-84*

Melena S. Siebert, Ind. Bar No. 35061-15*

THE BOPP LAW FIRM

1 South 6th Street

Terre Haute, Indiana 47807

Telephone: (812) 232-2434

Facsimile: (812) 235-3685

jboppjr@aol.com

msiebert@bopplaw.com