



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

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US DOMINION, INC., DOMINION	)	
VOTING SYSTEMS, INC., and	)	
DOMINION VOTING SYSTEMS	)	
CORPORATION,	)	
	)	
Plaintiffs,	)	
	)	Case No. _____
v.	)	
	)	JURY TRIAL DEMANDED
FOX CORPORATION and FOX	)	
BROADCASTING COMPANY,	)	
LLC,	)	
	)	
Defendants.	)	

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**COMPLAINT**

1. Fox Corporation and its crown jewel Fox News, together one of the most powerful media empires in the United States, gave life to a manufactured storyline about election fraud that cast a then-little-known voting machine company called Dominion as the villain. After the November 3, 2020 Presidential Election, viewers began fleeing Fox in favor of media outlets endorsing the lie that massive fraud caused President Trump to lose the election. They saw Fox as insufficiently supportive of President Trump, including because Fox was the first network to declare that President Trump lost Arizona. So Fox set out to lure viewers back—

including President Trump himself—by intentionally and falsely blaming Dominion for President Trump’s loss by rigging the election.

2. At least two top executives from Fox Corporation, Rupert and Lachlan Murdoch, exert direct control over Fox News’s programming decisions, including editorial control. At the time Fox broadcast the defamatory statements at issue here, the Fox News website listed both Rupert Murdoch (Fox Corporation’s chairman) and Lachlan Murdoch (Fox Corporation’s CEO and Executive Chairman) as part of the “Fox News Executive Staff.”<sup>1</sup>

3. Yet after Dominion filed suit in March 2021 against Fox News for publishing numerous defamatory statements about Dominion, Fox News ran away from the actions of Rupert and Lachlan Murdoch. Indeed, Fox News has disclaimed any responsibility for searching or producing the Murdochs’ documents, or working to facilitate any discovery from Fox Corporation at all—despite Fox Corporation’s clear involvement (through Rupert and Lachlan Murdoch, and others) in managing Fox News, including through editorial input and control. Fox News also has disclaimed responsibility for the defamatory statements appearing on fox.com, a website operated by Fox News’s sister company Fox Broadcasting Company—also wholly owned by Fox Corporation. Given Fox News’s positions regarding the

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<sup>1</sup> Corporate Information, Fox News (last visited Mar. 19, 2021), <https://web.archive.org/web/20210319154103/http://press.foxnews.com/>.

Murdochs and fox.com, and given the drumbeat of additional revelations over the past many months regarding the role of the Murdochs and Fox Corporation in Fox News's publication of defamatory statements about Dominion, Dominion now brings suit against Fox Corporation and Fox Broadcasting to hold them liable for the role they played in defaming Dominion.

4. Fox endorsed, repeated, and broadcast a series of verifiably false yet devastating lies about Dominion. These outlandish, defamatory, and far-fetched fictions included Fox falsely claiming that: (1) Dominion committed election fraud by rigging the 2020 Presidential Election; (2) Dominion's software and algorithms manipulated vote counts in the 2020 Presidential Election; (3) Dominion is owned by a company founded in Venezuela to rig elections for the dictator Hugo Chávez; and (4) Dominion paid kickbacks to government officials who used its machines in the 2020 Presidential Election.

5. Fox recklessly disregarded the truth. Indeed, Fox knew these statements about Dominion were lies. Specifically, Fox knew the vote tallies from Dominion machines could easily be confirmed by independent audits and hand recounts of paper ballots, as has been done repeatedly since the election. Fox also knew that these lies were being rebutted by an increasingly long list of bipartisan election officials, election security experts, judges, then-Attorney General Bill Barr, then-United States Director of the Cybersecurity and Infrastructure Security Agency

Chris Krebs, Election Assistance Commissioner Ben Hovland, Republican Georgia Governor Brian Kemp, Republican Georgia Secretary of State Brad Raffensperger, and Republican former Colorado Secretary of State Wayne Williams, to name a few—not to mention some within Fox itself.

6. Fox likewise knew there was no evidence whatsoever to support the Venezuela or “kickbacks” claims, the latter of which was obviously manufactured whole-cloth in an effort to discredit Republicans who undermined the false election-rigging claim by verifying the vote counts from Dominion machines. Yet even after Fox was put on specific written notice of the facts, it stuck to the inherently improbable and demonstrably false preconceived narrative and continued broadcasting the lies of facially unreliable sources—which were embraced by Fox’s own on-air personalities—because the lies were good for Fox’s business.

7. Fox took a small flame and turned it into a forest fire. As the dominant media company among those viewers dissatisfied with the election results, Fox gave these fictions a prominence they otherwise would never have achieved. With Fox’s global platform, an audience of hundreds of millions, and the inevitable and extensive republication and dissemination of the falsehoods through social media, these lies deeply damaged Dominion’s once-thriving business. Dominion is a voting machine company that was founded in 2002 in John Poulos’s basement. Poulos’s objective of accurate, transparent, and accessible elections motivated him to create

Dominion. He went on to build what was, until recently, one of the fastest-growing technology companies in North America. While Dominion was known within the voting machine industry and supplied machines in 28 states, it was little known to the public at large.

8. These lies transformed Dominion into a household name. As a result of Fox's orchestrated defamatory campaign, Dominion's employees, from its software engineers to its founder and Chief Executive Officer, have been repeatedly harassed. Some have even received death threats. And of course, Dominion's business has suffered enormous and irreparable economic harm.

9. The truth matters. Lies have consequences. Fox sold a false story of election fraud in order to serve its own commercial purposes, severely injuring Dominion in the process. If this case does not rise to the level of defamation by a broadcaster, then nothing does. Dominion brings this lawsuit to set the record straight, to vindicate its rights, and to recover damages for the devastating economic harm done to its business.

#### **PARTIES AND RELEVANT NON-PARTIES**

10. Plaintiff US Dominion, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado.

11. Plaintiff Dominion Voting Systems, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado, and has

maintained an office in New York since July 2009. It is a wholly owned subsidiary of US Dominion, Inc.

12. Plaintiff Dominion Voting Systems Corporation is a for-profit Ontario corporation with its principal place of business in Toronto, Ontario. It is a wholly owned subsidiary of US Dominion, Inc. (US Dominion, Inc., Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation are collectively referred to as “Dominion.”)

13. Defendant Fox Corporation is a Delaware corporation, headquartered in New York. Defendant Fox Broadcasting Company, LLC (“Fox Broadcasting”) is also a Delaware corporation headquartered in New York. Fox Corporation wholly owns Fox Broadcasting. Fox Corporation also wholly owns Fox News Network, LLC (“Fox News”), another Delaware corporation headquartered in New York, which (together with Fox Corporation) has overseen the most watched cable news network in America for five years running. References to “Fox” throughout this Complaint refer to Fox News, Fox Corporation, and Fox Broadcasting collectively, unless they are referred to individually as “Fox News,” “Fox Broadcasting,” or “Fox Corporation.” Fox, both jointly and through Fox News and Fox Broadcasting, operates the Fox News Channel, the Fox Business Channel, Fox News Radio, and Fox News Digital, which includes the fox.com, foxnews.com, and foxbusiness.com websites, Fox’s social media accounts, and Fox’s digital subscription services, such

as Fox Nation, which it refers to collectively as “Fox News Media.” The Fox News and Fox Business Channels are available in over 80 million American households,<sup>2</sup> and Fox boasts that Fox News Media reaches 200 million people each month.<sup>3</sup> Fox News also simulcasts its broadcasts, including through SiriusXM. In 2020, the Fox News Channel averaged over 3.5 million viewers during its primetime evening news programming and nearly 2 million daytime viewers, while Fox News Digital reported that its “digital network earned **24 billion** multiplatform views” and “**54 billion** total multiplatform minutes.”<sup>4</sup> Fox repeatedly published defamatory falsehoods about Dominion, including by broadcasting and rebroadcasting the defamatory falsehoods of its on-air personalities Maria Bartiromo, Tucker Carlson, Lou Dobbs, Sean Hannity, Jeanine Pirro, and their chosen guests, as well as by republishing those falsehoods across Fox’s websites, social media accounts, and subscription service platforms. Republication of these falsehoods through digital media, including social media platforms such as Twitter, Facebook, and Instagram,

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<sup>2</sup> Fox Annual Report (2020), <https://investor.foxcorporation.com/static-files/3cfbceb7-b29f-408a-9666-7affafe3cfd0>.

<sup>3</sup> *Fox News Digital Surpasses New York Times and Washington Post in Every Performance Metric* (Mar. 17, 2021), Fox News, <http://press.foxnews.com/2021/03/fox-news-digital-surpasses-new-york-times-and-washington-post-in-every-key-performance-metric/>.

<sup>4</sup> *Fox News Digital Network Delivers Record Year*, Fox News (Jan. 25, 2021), <http://press.foxnews.com/2021/01/fox-news-digital-network-delivers-record-year> (emphases added unless otherwise noted).

reached tens if not hundreds of millions of viewers in excess of Fox’s television audience through followers of its social media accounts and through the further republication of the falsehoods by those followers. In December 2020, for instance, Fox noted that, as a result of its election coverage, it had reached more than 100 million unique visitors through its digital platforms, including 51 million Facebook users and 23 million Instagram users.<sup>5</sup>

14. Maria Bartiromo is a Fox News and Fox Business personality who hosts *Mornings with Maria* weekday mornings from 6:00 a.m. to 9:00 a.m. on Fox Business and the Sunday weekly program *Sunday Morning Futures with Maria Bartiromo* on Fox News. Fox promotes *Mornings with Maria* as the “number one pre-market business news program in cable,” and boasts that *Sunday Morning Futures* “routinely ranks as the highest rated show on Sundays in cable news.”<sup>6</sup> At all relevant times, Bartiromo has been an agent for Fox. In September 2019, Bartiromo struck a new multi-year deal with Fox<sup>7</sup> worth a reported \$10 million per

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<sup>5</sup> *Fox News Digital Scores Best November In its History*, Fox News (Dec. 22, 2020), <http://press.foxnews.com/2020/12/fox-news-digital-scores-best-november-in-its-history/>.

<sup>6</sup> *Id.*

<sup>7</sup> Brian Steinberg, *Maria Bartiromo Renews Pact With Fox News Media*, Variety (Sept. 18, 2019), <https://variety.com/2019/tv/news/maria-bartiromo-fox-news-contract-1203340895/>.

year.<sup>8</sup> At all relevant times, Fox broadcast *Mornings with Maria* and *Sunday Morning Futures* from its New York headquarters. Fox operates and exercises control over the Twitter accounts for *Mornings with Maria* (@MorningsMaria), *Sunday Morning Futures* (@SundayFutures), and @MariaBartiromo, which is evidenced by the fact that the @MariaBartiromo account's profile lists and tags the accounts for *Mornings with Maria* and *Sunday Morning Futures*, as well as @FoxBusiness and @FoxNews,<sup>9</sup> and the fact that tweets are posted to the @MariaBartiromo account during live broadcasts (when Bartiromo could not post herself).<sup>10</sup> Fox frequently republishes shows and segments from *Mornings with Maria* and *Sunday Morning Futures* on the @MorningsMaria, @SundayFutures, and most often, @MariaBartiromo Twitter accounts. After Bartiromo's shows featured defamatory falsehoods about Dominion, Fox continued to promote her shows and gave her increased responsibilities. As of the filing of this complaint, she has been named—and has served as—a temporary host to a new 7:00 p.m. primetime show on Fox News.

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<sup>8</sup> Brian O'Connell, *Who Are the Highest-Paid News Actors?*, TheStreet (Feb. 14, 2020), [https://www.thestreet.com/\\_amp/lifestyle/highest-paid-news-anchors-15062420](https://www.thestreet.com/_amp/lifestyle/highest-paid-news-anchors-15062420).

<sup>9</sup> Maria Bartiromo (@MariaBartiromo), Twitter (last visited Mar. 25, 2021), <https://twitter.com/MariaBartiromo>.

<sup>10</sup> See, e.g., Maria Bartiromo (@MariaBartiromo), Twitter (Dec. 1, 2020, 6:46 am), <https://twitter.com/MariaBartiromo/status/1333739169823256577>.

15. Tucker Carlson is a Fox News personality and the host of Fox’s *Tucker Carlson Tonight*.<sup>11</sup> At all relevant times, Carlson has been an agent for Fox. As of August 19, 2020, he had several years left on his Fox contract,<sup>12</sup> which was valued at \$10 million per year.<sup>13</sup> Carlson holds Fox News’s premier 8:00 p.m. primetime weekday slot, and *Tucker Carlson Tonight* was the second-most-watched cable news program in 2020.<sup>14</sup> Fox operates and controls the @tuckercarlson tonight Instagram account, which is described in the account’s profile as “[t]he official Instagram page for Tucker Carlson Tonight on Fox News. 8 PM EST.”<sup>15</sup> Fox frequently republishes shows and segments from *Tucker Carlson Tonight* on the @tuckercarlson tonight Instagram account.

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<sup>11</sup> *Tucker Carlson*, Fox News, <https://www.foxnews.com/person/c/tucker-carlson>.

<sup>12</sup> Brian Steinberg, *Tucker Carlson Sees ‘Never-Ending Assault’ on His Fox News Show. Critics See Racism*, Variety (Aug. 19, 2020), <https://variety.com/2020/tv/news/tucker-carlson-fox-news-trump-liberal-duckworth-1234734035/>.

<sup>13</sup> Brian Stelter, *As Tucker Carlson Justifies Violence, Fox News Is Paying Him \$10 Million a Year*, CNN Business (Aug. 27, 2020), <https://www.cnn.com/2020/08/27/media/fox-news-pays-10m-tucker-carlson/index.html>.

<sup>14</sup> Mark Joyella, Sean Hannity, *Tucker Carlson Set Records As Fox News Makes History In 2020 Cable News Ratings*, Forbes (Dec. 16, 2020), <https://www.forbes.com/sites/markjoyella/2020/12/16/fox-news-shatters-record-for-most-watched-year-in-cable-news-history/?sh=6aaa38551643>.

<sup>15</sup> Tucker Carlson Tonight (@tuckercarlson tonight), Instagram (last visited Mar. 25, 2021), <https://www.instagram.com/tuckercarlson tonight/?hl=en>.

16. Lou Dobbs is a Fox Business personality who hosted *Lou Dobbs Tonight*, which Fox described as “the #1 news program on business television.”<sup>16</sup> At all relevant times, Dobbs has been an agent for Fox, and even after Fox cancelled *Lou Dobbs Tonight* on February 5, 2021, Dobbs remains under contract with Fox.<sup>17</sup> At all relevant times, Fox broadcast *Lou Dobbs Tonight* from its New York headquarters. While Fox aired false statements about Dominion on *Lou Dobbs Tonight*, Dobbs promoted—with Fox’s approval—his book about President Trump, *The Trump Century*, and encouraged viewers to visit loudobbsshop.com to purchase Dobbs-themed clothing and accessories. Until at least February 5, 2021, Fox operated and exercised control over the Instagram account @loudobbstonight, the Facebook account “Lou Dobbs” (which links to the @loudobbstonight Instagram account), and the Twitter account, @LouDobbs, as the official social media accounts for the Fox show *Lou Dobbs Tonight*, as evidenced by the fact that the @LouDobbs Twitter account’s description was, until February 5, 2021, “Lou Dobbs Tonight, Fox

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<sup>16</sup> Lou Dobbs, Fox Business, <https://web.archive.org/web/20210202180157/https://www.foxbusiness.com/person/d/lou-dobbs>; see also Fox Annual Report (2020), <https://investor.foxcorporation.com/static-files/3cfbceb7-b29f-408a-9666-7affafe3cfd0>.

<sup>17</sup> Zeeshan Aleem, *Fox Business Abruptly Canceled Lou Dobbs Tonight*, Vox (Feb. 6, 2021), <https://www.vox.com/2021/2/6/22269780/lou-dobbs-cancel-fox-business-news>.

Business Network, 5, 7 & 10 PM/ET,”<sup>18</sup> and the fact that tweets were posted to the account during live broadcasts (when Dobbs could not post himself).<sup>19</sup> Fox frequently republished shows and segments from *Lou Dobbs Tonight* on the @loudobbstonight Instagram, “Lou Dobbs” Facebook, and @LouDobbs Twitter accounts.

17. Sean Hannity is a Fox News personality, “one of the most prominent and influential conservative voices in the country,” and the host of Fox’s *Hannity*.<sup>20</sup> *Hannity* holds Fox News’s coveted 9:00 p.m. primetime weekday slot, and was the most-watched cable news program in 2017, 2018, 2019, and 2020.<sup>21</sup> At all relevant times, Hannity has been an agent for Fox. He is Fox’s highest-paid star, with a

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<sup>18</sup> Lou Dobbs (@LouDobbs), Twitter (Jan. 31, 2021), <https://web.archive.org/web/20210131165537/https://twitter.com/LouDobbs>.

<sup>19</sup> See, e.g., Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:51 pm), <https://twitter.com/LouDobbs/status/1337168084541575171> (Ex. 1).

<sup>20</sup> Sean Hannity, Fox News, <https://www.foxnews.com/person/h/sean-hannity>.

<sup>21</sup> Mark Joyella, *Sean Hannity, Tucker Carlson Set Records As Fox News Makes History In 2020 Cable News Ratings*, Forbes (Dec. 16, 2020), <https://www.forbes.com/sites/markjoyella/2020/12/16/fox-news-shatters-record-for-most-watched-year-in-cable-news-history/?sh=6aaa38551643>.

contract worth between \$25 million<sup>22</sup> and \$40 million<sup>23</sup> per year. At all relevant times, Fox broadcast *Hannity* from its New York headquarters.

18. Jeanine Pirro is a Fox News personality who hosts *Justice w/ Judge Jeanine*. At all relevant times, Pirro has been an agent for Fox. She has a long-term contract with Fox.<sup>24</sup> At all relevant times, Fox broadcast *Justice w/ Judge Jeanine* from its New York headquarters. Fox operates and exercises control over the Twitter account, @JudgeJeanine,<sup>25</sup> and the “Judge Jeanine Pirro” Facebook account,<sup>26</sup> which is evidenced by the fact that tweets and Facebook posts are posted to the accounts during live broadcasts (when Pirro could not post herself).<sup>27</sup> Fox frequently

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<sup>22</sup> Harriet Alexander, *Republican Party Spends Nearly \$1 Million to Make Fox News’ Sean Hannity a Best Seller*, Independent (Oct. 23, 2020), <https://www.independent.co.uk/news/world/americas/us-politics/republican-party-buys-sean-hannity-book-one-million-dollars-bestseller-b1255608.html>.

<sup>23</sup> Brian O’Connell, *Who Are the Highest-Paid News Actors?*, TheStreet (Feb. 14, 2020), <https://www.thestreet.com/.amp/lifestyle/highest-paid-news-anchors-15062420>.

<sup>24</sup> Jeremy Barr, *Jeanine Pirro Opens Up About Fox Suspension and Trump on Her Book Tour*, The Hollywood Reporter (Sept. 12, 2019), <https://www.hollywoodreporter.com/news/jeanine-pirro-opens-up-fox-news-suspension-trump-her-book-tour-1238980>.

<sup>25</sup> Jeanine Pirro (@JudgeJeanine), Twitter (last visited Mar. 9, 2021), <https://twitter.com/JudgeJeanine>.

<sup>26</sup> Judge Jeanine Pirro, Facebook (last visited Mar. 9, 2021), <https://www.facebook.com/judgejeaninepirro>.

<sup>27</sup> See, e.g., Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 14, 2020, 9:15 pm), <https://twitter.com/JudgeJeanine/status/1327797216329617409>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 17, 2020, 9:49 am), <https://twitter.com/JudgeJeanine/status/1328711979163324416> (Ex. 2); Jeanine Pirro, *Opening Statement*, Facebook (Nov. 21, 2020),

republishes shows and segments from *Justice w/ Judge Jeanine* on the “Judge Jeanine Pirro” Facebook and @JudgeJeanine Twitter accounts.

19. Sidney Powell is an attorney and the author of a self-published book that purports to be a seminal work in “exposing ‘the Deep State.’”<sup>28</sup> Powell briefly pursued spurious litigation challenging the 2020 Presidential Election beginning on November 25, 2020, but her cases had all been summarily dismissed by federal judges by December 9, 2020. Fox repeatedly hosted Powell on its programming in the weeks and months following the 2020 Presidential Election to promote falsehoods about Dominion.

20. Rudolph Giuliani is the former mayor of New York City who has more recently found work as a YouTube podcast host, a radio show host, and an attorney to President Donald Trump and the Trump Campaign. Giuliani never signed any complaint concerning the 2020 election—whether for the Trump Campaign or anyone else—that contained any allegations about Dominion. Fox repeatedly hosted Giuliani on its programming in the weeks following the 2020 Presidential Election to promote falsehoods about Dominion.

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<https://www.facebook.com/judgejeaninepirro/videos/3424348634350374>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 21, 2020, 9:15 pm), <https://twitter.com/JudgeJeanine/status/1330333931028115456>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 21, 2020, 9:16 pm), <https://twitter.com/JudgeJeanine/status/1330334182732484611> (Ex. 3).

<sup>28</sup> Sidney Powell, <https://www.sidneypowell.com/shop> (last visited Mar. 12, 2021).

21. Mike Lindell is the founder and CEO of My Pillow, Inc. (“MyPillow”), one of Fox’s biggest sponsors. In the first three quarters of 2020, MyPillow spent more than \$62 million on TV ads, with nearly 99% of it going to cable channels like Fox News.<sup>29</sup> In the first half of 2020, MyPillow ads made up about 37.8% of the advertising revenue for *Tucker Carlson Tonight* and 15% of the advertising revenue for *Hannity*.<sup>30</sup> After Fox stopped putting Powell and Giuliani on the air, Tucker Carlson and Fox knowingly broadcast lies about Dominion to a global audience by inviting Lindell on *Tucker Carlson Tonight*, where they knew he would repeat those lies in response to questions about why he had been banned from Twitter.

## **FACTUAL ALLEGATIONS**

### ***The Early 2000s:***

#### ***John Poulos Founds and Builds a Technology Company That Allows Local Election Officials to Easily Audit Paper Ballots***

22. In 2002, Dominion CEO John Poulos had an idea that he thought could help people with vision impairments vote independently on paper ballots, so he founded a business out of his basement in Toronto and incorporated it under Ontario

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<sup>29</sup> Tiffany Hsu, *As Corporate America Flees Trump, MyPillow’s C.E.O. Stands by Him*, N.Y. Times (Jan. 12, 2021), <https://www.nytimes.com/2021/01/12/business/media/mypillow-mike-lindell-trump.html>.

<sup>30</sup> Haley Victory Smith, *Thirty-Eight Percent of Tucker Carlson’s Advertising Came from MyPillow in 2020, Data Firm Estimates*, Wash. Examiner (July 7, 2020), <https://www.washingtonexaminer.com/news/thirty-eight-percent-of-tucker-carlsons-advertising-came-from-mypillow-in-2020-data-firm-estimates>.

law as Dominion Voting Systems Corporation. From the beginning, Dominion's objective has been accurate, transparent, and accessible elections.

23. As it grew, Dominion developed technology to solve many of the technical and voter-intent issues that came to light as a result of the 2000 election. Its systems are certified under standards promulgated by the U.S. Election Assistance Commission ("EAC"), reviewed and tested by independent testing laboratories accredited by the EAC, and were designed to be auditable and include a paper ballot backup to verify results.

24. Dominion Voting Systems Corporation procured its first U.S. contract in July 2009—to provide voting machine technology to over 50 counties in the state of New York. After procuring that contract, Dominion Voting Systems Corporation established a New York office, hired 20 employees, and by the end of July, incorporated a subsidiary company, Dominion Voting Systems, Inc., in Delaware. Poulos voluntarily worked with the Committee on Foreign Investment in the United States ("CFIUS") to ensure it knew who he was and who was invested in Dominion. For the next several years, Dominion's systems were manufactured in the State of New York.

25. In June 2010, Dominion relocated its headquarters to Denver, Colorado. Dominion continues to maintain an office and significant operations in

New York to this day, and the State of New York remains Dominion’s longest-standing and second most valuable customer (behind Georgia).

26. Today, Dominion’s business is organized as US Dominion, Inc. and its two wholly owned subsidiaries, Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation (collectively, “Dominion”).

27. Dominion contracts with state and local governments to provide its voting systems and services in a majority of states across the country. Those contracts typically have multi-year terms and range in value from tens of thousands of dollars to over a hundred million dollars, depending on the jurisdiction and scope of the contract. Given the nature of the U.S. election system and the voting services industry, Dominion’s contracts have historically been long-term with high renewal rates. As of the 2020 election, Dominion had contracts to provide voting machine technology in over 28 states including, for example, the more than 50 counties in New York.

***The Lead-Up to the November 3, 2020 Election:  
Fox Promotes President Trump’s False Fraud Narrative***

28. For 19 years, Fox News has been the #1 rated cable news network and the go-to cable news network for American conservatives.<sup>31</sup> As Fox describes itself,

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<sup>31</sup> Mark Joyella, ‘We Passed CNN ... And Never Looked Back’: Fox News Hits 18 Years At #1, Forbes (Jan. 28, 2020), <https://www.forbes.com/sites/markjoyella/2020/01/28/fox-news-celebrates-18-years-as-number-one-network-in-cable-news/?sh=fc6dccf1e997>.

FOX News Channel (FNC) is a 24-hour all-encompassing news service delivering breaking news as well as political and business news. The number one network in cable, FNC has been the most watched television news channel for 19 consecutive years. According to a 2020 Brand Keys Consumer Loyalty Engagement Index report, FOX News is the top brand in the country for morning and evening news coverage. A 2019 Suffolk University poll also named FOX News as the most trusted source for television news or commentary, while a 2019 Brand Keys Emotion Engagement Analysis survey found that FOX News was the most trusted cable news brand. Owned by FOX Corp, FNC is available in nearly 90 million homes and dominates the cable news landscape, routinely notching the top ten programs in the genre.<sup>32</sup>

29. In addition to distribution through its television networks, Fox distributes its news content through digital media, including through the Fox News Mobile App, which has approximately 7.5 million users, and through Twitter, Facebook, and Instagram accounts that generate tens of millions of unique visitors each month. Tens of millions of people regularly view Fox news content through those and other digital media platforms, such as YouTube, TikTok, and Tubi. Fox recently announced that it has been “the most engaged news brand on social media” for 78 consecutive months, “with over 51 million Facebook and 20 million

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<sup>32</sup> *Corporate Information*, Fox News (last visited Mar. 24, 2021), <http://press.foxnews.com/>.

Instagram interactions.”<sup>33</sup> Fox claims that the total audience for its news content exceeds 200 million people each month.<sup>34</sup>

30. In the months leading up to the 2020 election, President Trump drew a line in the sand: either he would win or the election would be fraudulently stolen from him. His supporters must either agree with him or face his wrath. In his own words: “the only way we’re gonna lose this election is if the election is rigged”<sup>35</sup> and there “is massive fraud.”<sup>36</sup>

31. At the same time, news organizations—including Fox—widely reported that election officials were expecting record-shattering mail-in voting because of concerns over the ongoing coronavirus pandemic. News organizations—again including Fox—also reported that this mail-in voting was widely expected to be much more heavily weighted in favor of Democrats than the overall electorate, in significant part because prominent Republicans, including President Trump, were

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<sup>33</sup> *Fox News Digital Surpasses New York Times and Washington Post in Every Performance Metric*, Fox News (Mar. 17, 2021), <http://press.foxnews.com/2021/03/fox-news-digital-surpasses-new-york-times-and-washington-post-in-every-key-performance-metric/>.

<sup>34</sup> *Id.*

<sup>35</sup> Morgan Chalfant, *President Donald Trump, Trump Campaign Rally at Oshkosh, WI*, The Hill (Aug. 17, 2020), <https://thehill.com/homenews/administration/512424-trump-the-only-way-we-are-going-to-lose-this-election-is-if-the>.

<sup>36</sup> *President Donald Trump, Trump Campaign Rally at Allentown, PA*, YouTube (Oct. 26, 2020), <https://www.youtube.com/watch?v=Rt6nCZRKChE>.

consistently encouraging supporters to avoid voting by mail and instead vote in person on Election Day.

32. Not surprisingly, given these trends, the head of the Fox News Decision Desk correctly predicted that “on election night, we may be looking at states where it seems that President Trump is in the lead, but there’s still 20 or 30 percent of the vote outstanding ... so we’re not [going to be] able to make the call in those states.”<sup>37</sup> He correctly recognized—and Fox widely and repeatedly reported before the election—that this would occur because President Trump had criticized mail-in voting and encouraged Republicans to vote in person whereas Democrats had encouraged their supporters to vote by mail.<sup>38</sup> In fact, Maria Bartiromo discussed this very phenomenon with President Trump in an October 11, 2020 interview, with President Trump lamenting that mail-in votes would likely be counted “two weeks after the vote comes in,” and stating that “Republicans are going out to vote—they don’t want to do the [mail-in] ballot thing, they don’t trust it. Republicans are going out to vote.”<sup>39</sup>

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<sup>37</sup> Caleb Parke, *Head of Fox News Decision Desk: Why Results in Swing States Likely Won’t Be Known on Election Night*, Fox News (Aug. 11, 2020), <https://www.foxnews.com/politics/election-trump-biden-when-will-results-known>.

<sup>38</sup> *Id.*

<sup>39</sup> *Trump Talks Mail-in Voting on ‘Sunday Morning Futures,’* Fox News (Oct. 11, 2020), <https://www.facebook.com/watch/?v=739651310242554>.

33. In other words, well before any false claim that Dominion machines had switched votes, Fox understood the phenomenon the country would later experience come the first week of November: early vote tallies would lean in favor of then-President Trump, whereas later vote tallies would favor now-President Biden.

34. Despite this knowledge, Fox spent considerable airtime before the election searching for and discussing voter fraud that might occur during the election. As one Fox employee stated at the time about one such endeavor, “it feels like [] an attempt to push more baseless conspiracy theories and scare the viewers into thinking the election is being ‘stolen.’ It isn’t.”<sup>40</sup> In other words, even prior to any claim about Dominion, Fox News already had a preconceived storyline and was on the lookout for “baseless conspiracy theories.”

***November 3-6, 2020:  
Fox Accurately Reports the Results of the Election***

35. As precincts began counting on Election Day, the phenomenon that Fox itself had repeatedly predicted came true. Early reports indicated that in-person votes favored President Trump, but President Trump’s lead in key swing states disappeared when Democratic-leaning mail-in ballots, as well as Election Day ballots from large Democratic-leaning population centers, were counted.

36. Shortly before midnight on Election Day, Fox projected that President Trump had lost Arizona.<sup>41</sup> Fox called Arizona after its statistical model projected that President Trump would not be able to prevail.

37. President Trump began “fuming” when he learned that Fox had called Arizona,<sup>42</sup> and his son-in-law Jared Kushner called Fox founder and Chairman Rupert Murdoch to complain.

38. Less than thirty minutes after Fox had called Arizona, President Trump’s political advisor Jason Miller likewise attacked Fox on Twitter, writing: “@FoxNews is a complete outlier in calling Arizona, and other media outlets should not follow suit. There are still 1M+ Election Day votes out there waiting to be counted – we pushed our people to vote on Election Day, but now Fox News is trying to invalidate their votes!”<sup>43</sup>

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<sup>41</sup> Jeremy Barr, *Why These Fox News Loyalists Have Changed the Channel to Newsmax*, Wash. Post (Dec. 27, 2020), <https://www.washingtonpost.com/media/2020/12/27/fox-news-viewers-switch-to-newsmax/>.

<sup>42</sup> Annie Karni & Maggie Haberman, *Fox’s Arizona Call for Biden Flipped the Mood at Trump Headquarters*, N.Y. Times (Nov. 4, 2020), <https://www.nytimes.com/2020/11/04/us/politics/trump-fox-news-arizona.html>.

<sup>43</sup> Jason Miller (@JasonMillerinDC), Twitter (Nov. 3, 2020, 11:47 pm), <https://twitter.com/JasonMillerinDC/status/1323849305917186050>.



39. Republican National Committee spokesperson Liz Harrington similarly attacked Fox on Twitter: “Call GA, NC, and TX, you HACKS! Retract AZ!”<sup>44</sup>



40. In an effort to mitigate the immediate and intense backlash the Arizona call caused with its viewers—including President Trump—Fox had the head of its Decision Desk go on air to explain why Fox made the call:

I’m sorry, the President is not going to be able to take over and win enough votes to eliminate that 7-point lead that the former

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<sup>44</sup> Liz Harrington (@realLizUSA), Twitter (Nov. 3, 2020, 11:52 pm), <https://twitter.com/realLizUSA/status/1323850485699432450>.

Vice President has. ... I'm sorry, we're not wrong in this particular case.<sup>45</sup>

41. Fox was right: Trump lost Arizona.

42. Many supporters of then-President Trump, however, rejected this pronouncement, instead latching on to false claims about fraud. Reuters reported on November 5 that within 24 hours of formation, the Facebook group “Stop the Steal” already had amassed over 325,000 members: “Facebook Group Pushing False Claim of Stolen U.S. Election Rapidly Gains 325,000 Members.”<sup>46</sup>

43. Also on November 5, *The Wall Street Journal*—commonly owned by the Murdoch family with Fox—reported on these developments: Facebook “announced temporary measures to limit the spread of false and possibly dangerous content late on Thursday, hours after it took down the ‘Stop the Steal’ group that was organizing protests of vote counts around the country.”<sup>47</sup> The article also noted that President Trump’s own Cybersecurity & Infrastructure Security Agency

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<sup>45</sup> Stephanie K. Baer (@skbaer), Twitter (Nov. 4, 2020, 12:57 am), <https://twitter.com/skbaer/status/1323867043523776512>.

<sup>46</sup> Elizabeth Culliford & Raphael Satter, *Facebook group pushing false claim of stolen U.S. election rapidly gains 325, 000 members*, Reuters (Nov. 5, 2020), <https://www.reuters.com/article/ctech-us-usa-election-social-media-stopt-idCAKBN27L2DA-OCATC>.

<sup>47</sup> Jeff Horwitz, Sam Schechner, & Deepa Seetharaman, *Facebook Imposes Limits on Election Content, Bans ‘Stop the Steal’ Group*, *The Wall Street Journal* (Nov. 5, 2020), <https://www.wsj.com/articles/facebook-takes-down-group-organizing-protests-of-vote-counting-11604603908>.

(“CISA”)—the federal agency overseeing online security for the elections and led at the time by Trump appointee Chris Krebs—“tweeted earlier Thursday about the robust safeguards in place to ensure a fair and accurate election.”<sup>48</sup>

44. Three days after the election, on November 6, 2020, President Trump went on the attack, complaining that his “big lead” had disappeared “miraculously.”<sup>49</sup>

45. At this early point, Fox had not yet made Dominion the focus of conversation. Nevertheless, the tone and tenor was clear: supporters of President Trump—and President Trump himself—were looking for a scapegoat. And as the days and weeks that followed made clear, Fox was happy to oblige.

***November 7-12, 2020:***

***Fox Experiences the Consequences of Accurately Reporting on the 2020 Presidential Election, Choosing to Intentionally Disregard the Known Facts And Defaming Dominion in an Effort to Win Back Viewers***

46. On November 7, 2020, Fox projected that President Trump had lost the 2020 U.S. Presidential Election.

47. By the next morning—November 8—Fox began connecting Dominion with the false election fraud narrative. Specifically, Fox and Maria Bartiromo

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<sup>48</sup> *Id.*

<sup>49</sup> Morgan Phillips, *Trump Decries Lead that ‘Miraculously’ Disappeared, Urges Biden Not to ‘Wrongfully Claim’ White House*, Fox News (Nov. 6, 2020), <https://www.foxnews.com/politics/trump-initial-lead-miraculously-disappeared-urges-biden-not-to-wrongfully-claim-white-house>.

invited Sidney Powell on the *Sunday Morning Futures* show. Powell declared that there was “a massive and coordinated effort to steal this election from We the People of the United States of America, to delegitimize and destroy votes for Donald Trump, to manufacture votes for Joe Biden.”

48. And who was responsible, according to this Fox broadcast? None other than Dominion. Bartiromo asked Powell: “Sidney, we talked about the Dominion software. I know that there were voting irregularities. Tell me about that.” And Powell responded: “That’s putting it mildly. . . . That is where the fraud took place, where they were flipping votes in the computer system or adding votes that did not exist. . . . That’s when they had to stop the vote count and go in and replace votes for Biden and take away Trump votes.”

49. Conveniently for Powell, Bartiromo, and Fox’s false election fraud storyline, Dominion machines were in 28 States across the country—including many of the contested battlegrounds. Casting Dominion as the perpetrator of the fraud provided a way to explain why President Trump lost in so many States.

50. Bartiromo knew at the time these claims were false, or recklessly disregarded the truth. Indeed, Bartiromo had previously reported in October that President Trump’s lead would fade not because of fraud but because mail-in and absentee ballots would be counted later than in-person ballots. Yet, her November 8 interview gave Fox’s stamp of approval to the message that it was acceptable to

falsely accuse Dominion of election fraud. The interview also illustrated starkly that, if given the opportunity to do so, Powell would make provably false statements about Dominion. And yet, despite Fox’s knowledge that Powell would state malicious lies about Dominion, Fox continued to invite her as a guest.

51. Still fuming from Fox’s call of Arizona and believing that Fox was not sufficiently loyal to him, President Trump directed his anger at Fox.

52. The night of November 9, President Trump tweeted a series of stories from Fox rival Newsmax related to false claims of election fraud.<sup>50</sup> Later that night—at 12:18 a.m. on November 10—President Trump tweeted a story from Breitbart News entitled, “Bret Baier Deletes Tweet that Exposed Exploding Backlash Against Fox News.”<sup>51</sup> This story explained that Fox’s Bret Baier had to

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<sup>50</sup> Donald J. Trump (@realDonaldTrump), Twitter (Nov. 9, 2020, 7:23 pm), *previously available at* <https://twitter.com/realdonaldtrump/status/1325957192214831105>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 9, 2020, 8:01 pm), *previously available at* <https://twitter.com/realdonaldtrump/status/1325966661942435841>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 9, 2020, 8:03 pm), *previously available at* <https://twitter.com/realdonaldtrump/status/1325967220757966852>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 9, 2020, 8:03 pm), *previously available at* <https://twitter.com/realdonaldtrump/status/1325967327611981829> (an archive of all of President Trump’s tweets can be found here: Trump Twitter Archive, <https://www.thetrumparchive.com/> (last visited Mar. 25, 2021)).

<sup>51</sup> Donald J. Trump (@realDonaldTrump), Twitter (Nov. 10, 2020, 12:10 am), *previously available at* <https://twitter.com/realDonaldTrump/status/1326031379151327232>.

delete a tweet due to the “withering responses” the “innocuous tweet” had received.<sup>52</sup> The story led with the observation that the “backlash against the disgraced cable news network has exploded.”<sup>53</sup> As Breitbart explained, “the deletion is just more proof that Fox News is in real trouble and feels besieged. The backlash is so fierce, so grassroots, so overwhelming, Baier is forced to wishcast it all away with the cowardly deletion of a tweet — as though that somehow means it didn’t happen.”<sup>54</sup>

53. On November 12, President Trump sent a flurry of tweets vilifying Fox and encouraging viewers to switch to other networks.<sup>55</sup> After a morning segment aired on Fox’s America’s Newsroom concluding that “nothing filed, any challenge

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<sup>52</sup> John Nolte, *Nolte: Bret Bair Deletes Tweet That Exposed Exploding Backlash Against Fox News*, Breitbart (Nov. 9, 2020), <https://www.breitbart.com/the-media/2020/11/09/bret-baier-deletes-tweet-exposed-exploding-backlash-fox-news/>.

<sup>53</sup> *Id.*

<sup>54</sup> John Nolte, *Nolte: Bret Bair Deletes Tweet That Exposed Exploding Backlash Against Fox News*, Breitbart (Nov. 9, 2020), <https://www.breitbart.com/the-media/2020/11/09/bret-baier-deletes-tweet-exposed-exploding-backlash-fox-news/>.

<sup>55</sup> Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326912449610657792>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326911917886238720>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326911102777692162>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326911092933746699>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326910731237928962>; Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326909956994568194>.

so far, appears likely to overturn the results in any state,”<sup>56</sup> President Trump tweeted “@FoxNews daytime ratings have completely collapsed. Weekend daytime even WORSE. Very sad to watch this happen, but they forgot what made them successful, what got them there. They forgot the Golden Goose. The biggest difference between the 2016 Election, and 2020, was @FoxNews!”<sup>57</sup>

54. President Trump also declared: “#foxnews is dead.”<sup>58</sup>



55. Fox understood the critical importance of maintaining the support and endorsement of President Trump. President Trump had made clear that he expected networks he viewed as favorable to him to embrace the false election fraud narrative. Fox was well aware of the ramifications of what could occur if it lost President Trump’s support. Indeed, Fox had seen the vilification of its own on-air personalities when President Trump attacked them.

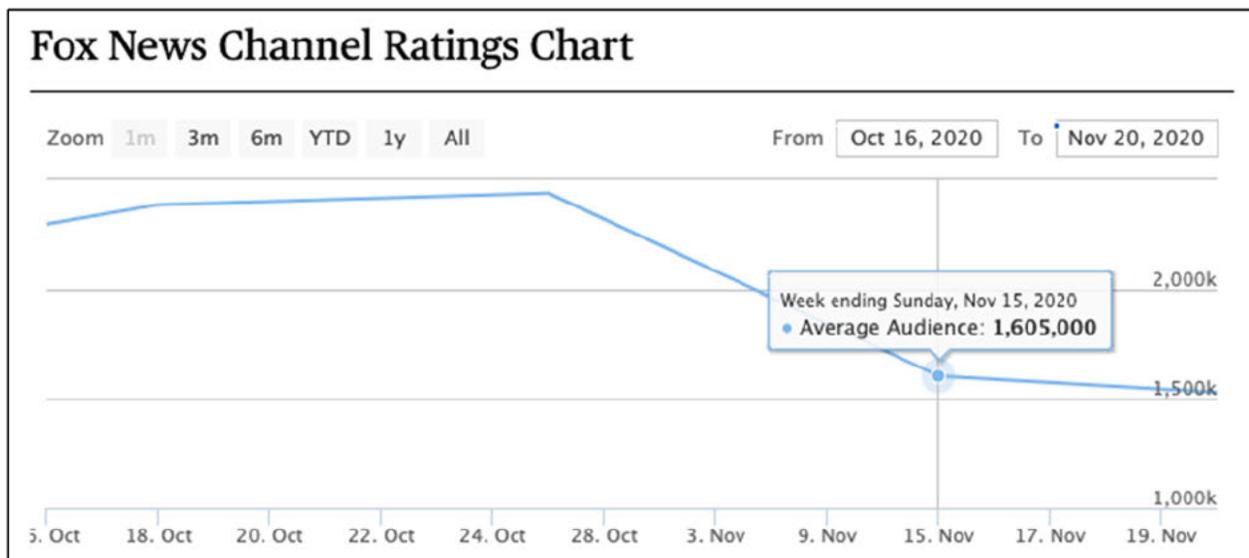
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<sup>57</sup> Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326920264203046915>.

<sup>58</sup> Donald J. Trump (@realDonaldTrump), Twitter (Nov. 12, 2020), *previously available at* <https://twitter.com/realdonaldtrump/status/1326910770194632704>.

56. President Trump’s attacks on Fox had a swift impact. By the end of the day on November 12, 2020, Fox Corporation’s stock had tumbled 6%, with financial analysts attributing the decline to President Trump’s “support for [Fox’s] rival right-leaning news networks Newsmax and OANN.”<sup>59</sup>

57. Just a few days later, by November 15, 2020, Fox’s average daytime audience had plummeted from 2.439 million in the days before the election, to just above 1.6 million in the days following the election, a 34% decrease. Fox’s prime time audience fell by 37%, from 5.346 million to 3.463 million.<sup>60</sup>



<sup>59</sup> Matthew Fox, *Fox Corp. Tumbles 6% as Trump Retweets Support for Rival Networks Newsmax and OANN*, Business Insider (Nov. 12, 2020), <https://markets.businessinsider.com/news/stocks/fox-stock-price-president-trump-retweets-support-for-rival-networks-2020-11-1029798530>.

<sup>60</sup> Fox News Channel (FNC) Nielsen Ratings, <https://ctv.kwayisi.org/networks/fox/>.

58. In that same period between mid-October and mid-November, Newsmax's daytime audience increased nearly six-fold from 57,000 to 329,000, while its prime time audience more than tripled from 129,000 to 412,000.<sup>61</sup>

59. In the face of intense backlash and viewers beginning to flee to rival networks, Fox understood that it needed to embrace and amplify the lies that had begun to circulate about Dominion.

60. Even though the lies about Dominion were inherently implausible and verifiably false when first made, Fox elevated and lent credibility to these lies on the airwaves of Fox, which in turn fueled the recirculation of those lies through digital and social media. And Fox continued to promote, endorse, and republish the falsehoods for weeks on the airwaves and its digital platforms, even after more and more paper ballot recounts and sources across the political spectrum had repeatedly disproven the lies about Dominion.

61. To fan the flames, Fox turned to Sidney Powell and Rudy Giuliani, neither of whom were official White House spokespeople and both of whom were promoting a baseless defamatory campaign against Dominion, claiming that the election had been stolen by vote-flipping algorithms in Dominion machines that had been created in Venezuela to rig elections for Hugo Chávez. As Fox well knew,

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<sup>61</sup> *Newsmax TV Ratings*, CableRankings, <https://ctv.kwayisi.org/networks/nmax/> (last visited Mar. 25, 2021).

Powell and Giuliani were facially unreliable sources and their claims were ludicrous, inherently improbable, and technologically impossible. Powell was and is such an obviously unreliable source—and her claims about Dominion were so inherently improbable and outlandish—that those very same lies resulted in Tucker Carlson publicly mocking her for failing to produce evidence to support them. In private, Lou Dobbs himself “raised questions about Powell’s claims to others.”<sup>62</sup> As one Republican official stated, “It’s an insane story.”<sup>63</sup> Even the Trump Campaign publicly distanced itself from her, with Trump loyalist Chris Christie calling her claims a “national embarrassment,” and Republican senators calling the White House to say she seemed “unhinged.” Indeed, at the White House itself, officials stated that Powell’s claims were “nonsense.”<sup>64</sup> Those close to Trump said that Powell’s theories were “crazy” and the White House Counsel “furiously pushed

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<sup>62</sup> *Seung Min Kim, Josh Dawsey & Toluse Olorunnipa, Republicans plunge into open battle over attempts to overturn Trump’s loss to Biden*, Wash. Post (Dec. 22, 2020), [https://www.washingtonpost.com/politics/trump-republicans-election-fight/2020/12/22/fa0c2744-446b-11eb-b0e4-0f182923a025\\_story.html](https://www.washingtonpost.com/politics/trump-republicans-election-fight/2020/12/22/fa0c2744-446b-11eb-b0e4-0f182923a025_story.html).

<sup>63</sup> Phillip Rucker, Ashley Parker, Josh Dawsey & Amy Gardner, *20 days of fantasy and failure: Inside Trump’s quest to overturn the election*, Wash. Post (Nov. 28, 2020), [https://www.washingtonpost.com/politics/trump-election-overturn/2020/11/28/34f45226-2f47-11eb-96c2-aac3f162215d\\_story.html](https://www.washingtonpost.com/politics/trump-election-overturn/2020/11/28/34f45226-2f47-11eb-96c2-aac3f162215d_story.html).

<sup>64</sup> Toluse Olorunnipa, Josh Dawsey, Rosalind S. Helderman & Emma Brown, *Trump’s assembles a ragtag crew of conspiracy-minded allies in flailing bid to reverse election loss*, Wash. Post (Dec. 21, 2020), [https://www.washingtonpost.com/politics/trump-assembles-a-ragtag-crew-of-conspiracy-minded-allies-in-flailing-bid-to-reverse-election-loss/2020/12/21/d7674cd2-43b2-11eb-b0e4-0f182923a025\\_story.html](https://www.washingtonpost.com/politics/trump-assembles-a-ragtag-crew-of-conspiracy-minded-allies-in-flailing-bid-to-reverse-election-loss/2020/12/21/d7674cd2-43b2-11eb-b0e4-0f182923a025_story.html).

back” on any notion that Powell could be trusted.<sup>65</sup> And Giuliani, according to President Trump’s own legal team, “seemed ‘deranged.’”<sup>66</sup>

62. In addition, as Fox well knew, the alleged Venezuela-Chávez connection was based on the verifiably false claim that Dominion is owned by Smartmatic—a completely separate company that competes against and does not own Dominion, as was readily apparent from information in the public domain since well before the November 3, 2020 election.<sup>67</sup>

63. Yet, with Fox’s ratings in freefall and Fox viewers fleeing to Newsmax and OAN at then-President Trump’s behest, Fox, through its most prominent on-air personalities, cynically exploited these lies to lure viewers back. For example, from November 8-12, 2020, Maria Bartiromo and Lou Dobbs repeatedly hosted Powell and Giuliani on their Fox programs *where they also endorsed and repeated their guests’ lies about Dominion*.

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<sup>65</sup> Seung Min Kim, Josh Dawsey & Toluse Olorunnipa, *Republicans plunge into open battle over attempts to overturn Trump’s loss to Biden*, Wash. Post (Dec. 22, 2020), [https://www.washingtonpost.com/politics/trump-republicans-election-fight/2020/12/22/fa0c2744-446b-11eb-b0e4-0f182923a025\\_story.html](https://www.washingtonpost.com/politics/trump-republicans-election-fight/2020/12/22/fa0c2744-446b-11eb-b0e4-0f182923a025_story.html).

<sup>66</sup> Phillip Rucker, Ashley Parker, Josh Dawsey & Amy Gardner, *20 days of fantasy and failure: Inside Trump’s quest to overturn the election*, Wash. Post (Nov. 28, 2020), [https://www.washingtonpost.com/politics/trump-election-overturn/2020/11/28/34f45226-2f47-11eb-96c2-aac3f162215d\\_story.html](https://www.washingtonpost.com/politics/trump-election-overturn/2020/11/28/34f45226-2f47-11eb-96c2-aac3f162215d_story.html).

<sup>67</sup> Georgia Secretary of State, *Elections Security Is Our Top Priority: Security-Focused Tech Company, Dominion Voting to Implement New Verified Paper Ballot System*, <https://sos.ga.gov/securevoting/>.

64. Before hosting Powell and Giuliani, Fox and its on-air talent Bartiromo and Dobbs at a minimum recklessly disregarded the fact—and indeed knew—that voters had used paper ballots that could be recounted by hand, and that Dominion was not owned by Smartmatic, rendering the fantasy of a vote-flipping-machine made for a deceased Venezuelan dictator nonsensical and verifiably false.

65. Despite all this, Fox, through its on-air talent, misrepresented alleged “dumps” of Biden votes and prompted Powell to falsely attribute those so-called “dumps” to “algorithms and the Dominion software” that “flip[ped] votes in the computer system or add[ed] votes that did not exist.”<sup>68</sup> Again, Fox at a minimum recklessly disregarded the fact—and indeed knew—that Powell was unreliable and that those claims were false. In truth, Fox knew why the so-called “dumps” of Biden votes had occurred: President Trump himself had previously told Bartiromo on Fox’s airwaves that he was encouraging Republicans to vote in-person rather than by mail, such that later-counted mail-in ballots would lean heavily for Biden. And large metropolitan areas in several of the key swing states historically had taken longer to tabulate results. Yet Bartiromo deliberately omitted these facts during her interviews of Powell, so as not to undermine the false narrative that the “dumps” of Biden votes were evidence of vote-flipping algorithms in Dominion machines.

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<sup>68</sup> *Sunday Morning Futures with Maria Bartiromo*, Fox News (Nov. 8, 2020), [https://archive.org/details/FOXNEWSW\\_20201108\\_150000\\_Sunday\\_Morning\\_Futures\\_With\\_Maria\\_Bartiromo/start/2501/end/2561](https://archive.org/details/FOXNEWSW_20201108_150000_Sunday_Morning_Futures_With_Maria_Bartiromo/start/2501/end/2561) (Ex. 4).

***November 12-15:  
Dominion Sends Fox the Facts Further Disproving the Falsehoods,  
But Fox Sticks with Its Lies for the Ratings***

66. By November 12, 2020, CISA confirmed that there was “no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.”<sup>69</sup> This widely-reported public announcement from the Trump Administration’s own experts on election security removed any conceivable remaining doubt and disproved the election-rigging lies about Dominion.

67. Also on November 12, 2020, Dominion began circulating a regular email titled “SETTING THE RECORD STRAIGHT: FACTS & RUMORS.”<sup>70</sup> The emails were complete with links to independent sources disproving the false claims being made about the company, including:

- CISA’s November 12 statement that there was “no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised”;<sup>71</sup>

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<sup>69</sup> Cybersecurity & Infrastructure Security Agency, *Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees* (Nov. 12, 2020), <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

<sup>70</sup> Dominion maintained a distribution list of those who received these and other emails from Dominion. As soon as a new individual was added to the distribution list, that individual received all emails that had been previously sent to the list.

<sup>71</sup> Cybersecurity & Infrastructure Security Agency, *Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees* (Nov. 12, 2020),

- A link to the Michigan Secretary of State’s website “which debunks false or erroneous claims about voting in Detroit, as well as a user-error incident in Antrim County”;<sup>72</sup>
- A link to the Georgia Secretary of State’s website with the statement from Republican Secretary of State Brad Raffensperger that “every legal vote was cast and accurately counted” in Georgia;<sup>73</sup> and
- Links to the EAC and CISA websites noting that all U.S. voting systems, including Dominion’s, “must provide assurance that they work accurately and reliably” under EAC “and state certification and testing requirements.”<sup>74</sup>

68. Dominion sent the “SETTING THE RECORD STRAIGHT” emails to Fox’s reporters and producers, including those who oversaw and managed content for Fox shows *Lou Dobbs Tonight*, *Sunday Morning Futures*, *Mornings with Maria*, *Justice w/ Judge Jeanine*, *Hannity*, and numerous other Fox shows, on November 12, 2020 and again on November 13 and 14, 2020, along with additional facts disproving the lies being promoted by Fox.<sup>75</sup>

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<https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

<sup>72</sup> SETTING THE RECORD STRAIGHT: FACTS & RUMORS (Nov. 12, 2020); Secretary of State Jocelyn Benson, *Fact Checks*, [https://www.michigan.gov/sos/0,4670,7-127-1633\\_100423\\_102534\\_102535---,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_100423_102534_102535---,00.html). (Ex. 5)

<sup>73</sup> Georgia Secretary of State, *With 8,197 Votes Out, Officials Focused on Getting it Right*, [https://sos.ga.gov/index.php/elections/with\\_8197\\_votes\\_out\\_officials\\_focused\\_on\\_getting\\_it\\_right](https://sos.ga.gov/index.php/elections/with_8197_votes_out_officials_focused_on_getting_it_right).

<sup>74</sup> SETTING THE RECORD STRAIGHT: FACTS & RUMORS (Nov. 12, 2020) (Ex. 5)

<sup>75</sup> SETTING THE RECORD STRAIGHT: FACTS & RUMORS (Nov. 12, 13, & 14, 2020) (Ex. 5).

69. Similarly, EAC Commissioner and Trump appointee Ben Hovland notified Fox that:

The reality is that this was *the most secure election we've ever had* and it was one of the most well run elections we've ever had. ... [A]nd this is about facts, this is about truth, this is about respecting our democracy, respecting elections, and focusing on what has really occurred. The American people made their voice heard. And when we spread conspiracy theories and we don't back those up with facts, it has an impact.<sup>76</sup>

70. Professor J. Alex Halderman, the Director of the University of Michigan's Center for Computer Security & Society, also told Fox explicitly, "There is absolutely no evidence, none, that Dominion Voting Machines changed any votes in this election."<sup>77</sup>

71. On the morning of November 15, one of Dominion's representatives sent Bartiromo an email explaining and admonishing that "There has been a LOT of misinformation out there about Dominion Voting Systems, and a lot of it coming from Rudy."<sup>78</sup> The email attached and referenced Dominion's November 14

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<sup>76</sup> Eric Shawn, *Cuba, China, Venezuela ...and those Dominion voting machines*, Fox News (Nov. 14, 2020), [https://video.foxnews.com/v/video-embed.html?video\\_id=6209856840001](https://video.foxnews.com/v/video-embed.html?video_id=6209856840001).

<sup>77</sup> *Id.*

<sup>78</sup> Email from T. Fratto to M. Bartiromo (Nov. 15, 2020, 9:09am) (Ex. 6)

“SETTING THE RECORD STRAIGHT” email,<sup>79</sup> which included the same facts from the earlier emails, along with the following additional facts:

- OAN had retracted a story about “the deletion of 2.7 million pro-Trump votes” nationwide;<sup>80</sup>
- A link to the Associated Press’s November 12, 2020 Fact Check reporting as *false* the claim that Dominion “deleted” Trump votes or “switched” votes from Trump to Biden, including a statement by Open Source Election Technology (OSET) Institute voting technology expert Eddie Perez that there was no “systemic issue related to problems with Dominion software that would affect the tabulation of results” that he was aware of;<sup>81</sup>
- A link to a release from Edison Research President Larry Rosin stating that the firm had never created any report or made any statements about “anomalies in the voting data,” and declaring that “There is no evidence to support claims of widespread voter fraud”;<sup>82</sup> and
- The fact that “Dominion is a nonpartisan US company that is not owned by Smartmatic.”<sup>83</sup>

72. Intentionally disregarding, among other known facts, the true explanation of why President Trump’s early “leads” had disappeared, CISA’s

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<sup>79</sup> SETTING THE RECORD STRAIGHT: FACTS & RUMORS (Nov. 14, 2020) (Ex. 5)

<sup>80</sup> OAN Newsroom, *Report: Millions Of Votes Lost Through Dominion System Glitches*, One America News Network (Nov. 12, 2020), previously available at <https://www.oann.com/report-millions-of-votes-lost-through-dominion/>.

<sup>81</sup> Ali Swenson & Amanda Seitz, *AP FACT CHECK: Trump Tweets a Tall Tale of ‘Deleted’ Votes*, Associated Press (Nov. 12, 2020), <https://apnews.com/article/fact-check-trump-tweets-tall-tale-votes-13c104367924b8192b4fcec334f7806>.

<sup>82</sup> Alec Dent, *Did Edison Research Find That Dominion Deleted Trump Votes or Switched Votes to Biden?*, The Dispatch (Nov. 12, 2020), <https://factcheck.thedispatch.com/p/did-edison-research-find-that-states>.

<sup>83</sup> *Did Edison Research Find That Dominion Deleted Trump Votes or Switched Votes to Biden? No*, The Dispatch (Nov. 12, 2020), <https://factcheck.thedispatch.com/p/did-edison-research-find-that-states>.

findings, and the fact that paper ballots obviously cannot be changed by a computer “algorithm” or in a cyber-attack, not to mention all the facts and evidence from the numerous independent sources that Dominion had sent directly to Fox and its hosts, reporters, producers, and content managers, Fox continued to promote the known lies on its most prominent and widely viewed broadcasts and on Fox’s websites, social media accounts, and subscription service platforms. Lou Dobbs, Maria Bartiromo, and Sean Hannity also continued hosting Powell and Giuliani, giving them a platform to widely disseminate and repeat their lies about Dominion to a national (and, indeed, a global) audience, and embracing those lies as their own by endorsing and repeating them.

73. Indeed, on November 12, Dobbs declared: “It’s stunning. And they’re private firms and very little is known about their ownership, beyond what you’re saying [the lies Giuliani had just told] about Dominion.” He also declared that “the states as you well know now, they have no ability to audit meaningfully the votes that are cast.” Fox knew that both of these statements were completely false, or at minimum recklessly disregarded the truth.

74. Following up a few days later, Fox published the following false statement to the @loudobbs Twitter account:<sup>84</sup>

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<sup>84</sup> Lou Dobbs (@LouDobbs), Twitter (Nov. 14, 2020, 11:27 am), <https://twitter.com/loudobbs/status/1327649331789385728> (Ex. 7)



75. Bartiromo also continued promoting lies even though she had been specifically notified that independent fact-checkers, government officials, and election security experts (to name just a few) had debunked the lies about Dominion, even though she had actual knowledge that Georgia was conducting a hand recount of every paper ballot, and even though she had personally received the November 14 “SETTING THE RECORD STRAIGHT” document from Dominion that cited to independent sources disproving the lies about Dominion.

76. Why lie? Because consistent with Fox’s objectives, lying about Dominion was good for business and telling the truth risked its future. Fox had seen—and would continue to see—the ramifications of not endorsing this false election fraud narrative. While Fox’s *overall* ratings were in freefall, Bartiromo’s programs flourished. Her November 15 show—which featured herself, Giuliani, and Powell promoting lies about Dominion, now including the additional false accusation that Dominion gave “kickbacks” to Georgia’s Republican Governor and Secretary of State in exchange for its contract to provide voting machines to the state—ranked second among all cable news shows that day, attracting over 2 million viewers.<sup>85</sup> Fox, through the @MariaBartiromo account, followed up by tweeting that Bartiromo would “keep investigating,” signaling to viewers interested in hearing more about this false fraud narrative that they should continue to tune in to her show.

77. The false accusation that Dominion had bribed Georgia officials—a claim for which Powell never offered a shred of evidence—was manufactured out of whole cloth in order to discredit Georgia Republicans after they publicly rebutted Powell’s and her allies’ false claims attacking Dominion and Georgia’s elections results—claims that Fox had repeatedly published and republished as its own. Of course, the Georgia Secretary of State website includes voluminous public records

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<sup>85</sup> Maria Bartiromo (@MariaBartiromo), Twitter (Nov. 17, 2020, 8:47 pm), <https://twitter.com/MariaBartiromo/status/1328877470536359938>.

showing that Dominion won the Georgia contract after scoring the highest in a competitive bid process where it competed *against Smartmatic* and Election Systems & Software (“ES&S”) for the contract.<sup>86</sup> Nevertheless, Fox endorsed Powell’s false claims on the November 15 broadcast accusing Dominion of bribing government officials, while also further amplifying the other lies Fox had by this time repeatedly broadcast about the company’s ownership: “[S]o much news on the software that was used on the voting machines on election night. There is much to understand about Smartmatic, which owns Dominion Voting Systems.”<sup>87</sup>

***November 16-19, 2020:***

***Fox Continues to Peddle Falsehoods in the Face of Election Security Experts, Independent Audits, Hand Recounts of Paper Ballots, and Readily Available Public Documents Disproving the Lies About Dominion***

78. After being ignored by Bartiromo, a Dominion representative reached out to Fox’s CEO Suzanne Scott and President and Executive Editor Jay Wallace to address Fox’s false statements about Dominion. Both Scott and Wallace responded, and on November 17, 2020, Wallace spoke with Dominion’s representative and was expressly informed of the voluminous facts rebutting Fox’s false claims.

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<sup>86</sup> Georgia Secretary of State, *Elections Security Is Our Top Priority: Security-Focused Tech Company, Dominion Voting to Implement New Verified Paper Ballot System* <https://sos.ga.gov/securevoting/>.

<sup>87</sup> *Fox and Friends Sunday*, Media Matters for America (Nov. 15, 2020), <https://www.mediamatters.org/media/391956> (Ex. 9)

79. Dominion also continued sending new and updated versions of the “SETTING THE RECORD STRAIGHT” emails to Fox, including over 90 of its reporters, producers, and anchors—including Bartiromo and Hannity—on November 16, 17, 19, and 20.<sup>88</sup>

80. Separate and apart from the information being provided directly by Dominion, on November 16, 2020, fifty-nine specialists in election security publicly and forcefully rebutted the lies about Dominion, explaining that they “have never claimed that technical vulnerabilities have actually been exploited to alter the outcome of any US election.”<sup>89</sup> They further explained that “*no credible evidence* has been put forth that supports a conclusion that the 2020 election outcome in any state has been altered through technical compromise.”<sup>90</sup>

81. That same day, Dobbs again hosted Powell on his show, where he knowingly gave her a platform to falsely claim that Smartmatic had been created in Venezuela for the purpose of rigging elections for Hugo Chávez and that “Smartmatic owns Dominion.”<sup>91</sup> As Dobbs and Fox knew—including from the

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<sup>88</sup> See SETTING THE RECORD STRAIGHT: FACTS & RUMORS emails (Ex. 5)

<sup>89</sup> See Tony Adams et al., *Scientists Say No Credible Evidence of Computer Fraud in the 2020 Election Outcome, But Policymakers Must Work with Experts to Improve Confidence*, Matt Blaze (Nov. 16, 2020), <https://www.mattblaze.org/papers/election2020.pdf>.

<sup>90</sup> *Id.*

<sup>91</sup> *Lou Dobbs Tonight*, Fox Business (Nov. 16, 2020), [https://archive.org/details/FBC\\_20201116\\_220000\\_Lou\\_Dobbs\\_Tonight/start/504/](https://archive.org/details/FBC_20201116_220000_Lou_Dobbs_Tonight/start/504/)

information and substantial documentation cited in the “SETTING THE RECORD STRAIGHT” emails that Dominion had sent to Dobbs’s producers and which, upon information and belief, his producers shared with him—that accusation is demonstrably false. Yet despite the fact that Dobbs and Fox at a minimum recklessly disregarded the fact—and indeed knew—that these outlandish accusations were false, Fox not only published those claims to its live audience, it chose to republish them on its websites and social media accounts, including Dobbs’s Twitter feed, after the live broadcast had run.<sup>92</sup>

82. On November 17, 2020, the Republican chairman of the Maricopa County Board of Supervisors reported that in Arizona, there was no evidence of voter fraud, “the evidence overwhelmingly shows” the results were accurate, and the Dominion equipment “met mandatory requirements during logic and accuracy testing before the Presidential Preference Election, the Primary Election and the General Election.” The Chairman also stated that “after each of these 2020 elections, *the hand count audit showed the machines generated an accurate count.*”<sup>93</sup>

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[end/564](#); Lou Dobbs, *Sidney Powell*, Facebook (Nov. 16, 2020), <https://www.facebook.com/115777632950/videos/1625726320970976>; Lou Dobbs (@LouDobbs), Twitter (Nov. 16, 2020, 5:45 pm), <https://twitter.com/LouDobbs/status/1328469195550576645> (Ex. 8)

<sup>92</sup> *Id.*

<sup>93</sup> 12 News, *Republican Maricopa County Chairman Says ‘No Evidence of Fraud or Misconduct’ in Presidential Election*, Fox 61 (Nov. 17, 2020), <https://www.fox61.com/article/news/politics/elections/maricopa-county-chairman->

83. Also on November 17, *The Wall Street Journal* reported that “Dominion Voting Systems Corp., a little-known voting-machine supplier that has come under criticism from President Trump, was a linchpin in the 2020 election that federal and state officials praise as being free from tampering.”<sup>94</sup> The article continued: “A phalanx of federal agencies, state officials across the country overseeing elections and voting-equipment vendors said last week that ‘there’s no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.’”<sup>95</sup>

84. The Editorial Board for *The Wall Street Journal* also published a piece that same day that refuted false claims about Dominion and stated, “there’s no good evidence of voting problems that would come close to” calling into question Biden’s

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[says-no-evidence-of-fraud-or-misconduct-in-presidential-election/75-6aba1803-850a-460f-8f86-b185a41f4708](https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters); Letter from Clint Hickman to Maricopa County Voters (Nov. 17, 2020), <https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters>.

<sup>94</sup> Alexa Corse, *Voting Machine Supplier Criticized by Trump in Spotlight on Election Integrity*, *Wall Street Journal* (Nov. 17, 2020), [https://www.wsj.com/articles/voting-machine-supplier-criticized-by-trump-in-spotlight-on-election-integrity-11605624361?mod=searchresults\\_pos17&page=2](https://www.wsj.com/articles/voting-machine-supplier-criticized-by-trump-in-spotlight-on-election-integrity-11605624361?mod=searchresults_pos17&page=2).

<sup>95</sup> *Id.*

leads in the swing states.<sup>96</sup> Dominion sent a link to that article to Bartiromo, Hannity, and 60 other Fox producers, anchors, and content managers.<sup>97</sup>

85. *The Wall Street Journal* is owned by News Corp., where Rupert Murdoch is the Executive Chairman and Lachlan Murdoch is the Co-Chairman. Both Murdochs would have seen both the editorial and the article in the *Wall Street Journal* on November 17—especially on such a high-profile and sensitive subject that was the talk of the Fox media empire. Yet even though they are in charge of Fox, they intentionally disregarded the facts in their own newspaper and did nothing to stop Fox’s dissemination of lies about Dominion.

86. On November 19, 2020, Georgia completed its ***100% hand audit recount of all the ballots*** cast in Georgia in the 2020 election. Following that statewide 100% hand audit recount, Georgia’s Republican Secretary of State Brad Raffensperger reported that “Georgia’s historic first statewide audit reaffirmed that

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<sup>96</sup> The Editorial Board, *Rage Against the Voting Machine*, *The Wall Street Journal* (Nov. 17, 2020), <https://www.wsj.com/articles/rage-against-the-voting-machine-11605656036>.

<sup>97</sup> “WSJ Editorial Board Debunks Dominion Rumors” Email (Nov. 17, 2020) (Ex. 5)

the state’s new secure paper ballot voting system accurately counted and reported results.”<sup>98</sup> As a result of the 100% hand audit, Fox called Georgia for Biden.<sup>99</sup>

87. Intentionally disregarding the explanations of CISA and election security experts, as well as the fact that Arizona’s audit and Georgia’s hand recount of paper ballots had confirmed the accuracy of the vote tallies by Dominion machines—all of which were communicated directly to Hannity, Hannity’s producers, and Dobbs’s producers—Dobbs and Hannity again brought Giuliani and Powell on the Fox airwaves to falsely claim again that Dominion had rigged the election by changing votes in its machines.<sup>100</sup> Dobbs even previewed and endorsed

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<sup>98</sup> Georgia Secretary of State, *Historic First Statewide Audit of Paper Ballots Upholds Result of Presidential Race*, [https://sos.ga.gov/index.php/elections/historic\\_first\\_statewide\\_audit\\_of\\_paper\\_ballots\\_upholds\\_result\\_of\\_presidential\\_race#:~:t\\_ext=2020%20Qualifying%20Packet-.Historic%20First%20Statewide%20Audit%20of%20Paper%20Ballots%20Upholds%20Result%20of,machine%20tally%20of%20votes%20cast](https://sos.ga.gov/index.php/elections/historic_first_statewide_audit_of_paper_ballots_upholds_result_of_presidential_race#:~:t_ext=2020%20Qualifying%20Packet-.Historic%20First%20Statewide%20Audit%20of%20Paper%20Ballots%20Upholds%20Result%20of,machine%20tally%20of%20votes%20cast).

<sup>99</sup> Digital Team, *Fox News, AP Calls Georgia for Biden as State Finalized Hand Recount Audit*, Fox 5 (Nov. 19, 2020), <https://www.fox5atlanta.com/news/ap-calls-georgia-for-biden-as-state-finalized-hand-recount-audit>.

<sup>100</sup> Lou Dobbs Tonight, Fox Business (Nov. 16, 2020), [https://archive.org/details/FBC\\_20201116\\_220000\\_Lou\\_Dobbs\\_Tonight/start/504/end/564](https://archive.org/details/FBC_20201116_220000_Lou_Dobbs_Tonight/start/504/end/564); Lou Dobbs, *Sidney Powell*, Facebook (Nov. 16, 2020), <https://www.facebook.com/115777632950/videos/1625726320970976>; Lou Dobbs (@LouDobbs), Twitter (Nov. 16, 2020, 5:45 pm), <https://twitter.com/LouDobbs/status/1328469195550576645> (Ex. 8); *Trump’s Legal Team Still in Evidence Collection Process or Election Challenges*, Fox Business (Nov. 19, 2020), <https://video.foxbusiness.com/v/6211050624001#sp=show-clips>; Lou Dobbs, *Sidney Powell*, Facebook (Nov. 19, 2020), <https://www.facebook.com/watch/?v=880692419336775>; Lou Dobbs (@LouDobbs), Twitter (Nov. 19, 2020, 5:32 pm),

why Powell was coming back on the show: to “provid[e] more details on how Dominion voting machines and Smartmatic software were used to help Joe Biden.”

***November 20-21, 2020:  
Dominion Demands That Fox Retract Its False Statements,  
But Fox Refuses and Doubles Down***

88. On November 20, 2020, Dominion sent a retraction demand letter to Fox.<sup>101</sup> In that letter, Dominion once again put Fox on formal written notice of facts—which Fox already knew from some of its own reporters, Dominion’s “SETTING THE RECORD STRAIGHT” emails, and documents in the public domain—that demonstrated that the claims Fox had been broadcasting, publishing, rebroadcasting, and republishing about Dominion were false, including:

- Dominion’s voting systems are designed and certified by the federal government, and all of its vote tallies are 100% auditable.<sup>102</sup>
- Election officials in Arizona released a letter explaining that “The evidence overwhelmingly shows the system used in Maricopa County is accurate and provided voters with a reliable election ... The Dominion tabulation met mandatory requirements during logic and accuracy testing ... [a]nd

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<https://twitter.com/LouDobbs/status/1329553227046588417>; Lou Dobbs (@LouDobbs), Twitter (Nov. 19, 2020, 4:55 pm), <https://twitter.com/LouDobbs/status/1329543810867671044>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 19, 2020), <https://www.instagram.com/p/CHyLMiTBGIs/> (Ex 10); *Hannity*, Fox News (Nov. 19, 2020), [https://archive.org/details/FOXNEWSW\\_20201120\\_02000\\_0\\_Hannity/start/1680/end/1740](https://archive.org/details/FOXNEWSW_20201120_02000_0_Hannity/start/1680/end/1740).

<sup>101</sup> Letter from Dominion to Fox News General Counsel Lily Claffee (Nov. 20, 2020) (Ex. 11) (“Dominion’s First Retraction Demand Letter”).

<sup>102</sup> SETTING THE RECORD STRAIGHT: FACTS & RUMORS emails (Ex. 5)

after [the] 2020 elections, the hand count audit showed the machines generated an accurate count.”<sup>103</sup>

- On November 9, 2020, the Michigan Secretary of State had declared that the errors in Antrim County, Michigan were the result of user error, and she explained further that Dominion’s “equipment and software did not malfunction and all ballots were properly tabulated.”<sup>104</sup>
- Dominion is an American company with no ties to Venezuela. Dominion is not owned by Smartmatic nor does it have any financial or collaborative relationship with Smartmatic, and in fact, Smartmatic had filed two separate lawsuits against Dominion more than 10 years ago.<sup>105</sup>
- Votes are counted and reported by municipal, county and state election officials—not by Dominion or any other election technology company. Dominion equipment is used by municipal, county and state officials to tabulate ballots. All vote tallies are 100% auditable. Dominion’s voting systems are designed and certified by the U.S. government to be closed and do not rely on network connectivity.<sup>106</sup>
- Dominion’s source code is subject to review by independent third-party labs that test for, among other things, accuracy and security as part of the federal and state certification process.<sup>107</sup>

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<sup>103</sup> Letter from Clint Hickman to Maricopa County Voters (Nov. 17, 2020), <https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters>.

<sup>104</sup> Michigan Secretary of State Jocelyn Benson, *False Claims from Ronna McDaniel Have No Merit* (Nov. 6, 2020), <https://www.michigan.gov/sos/0,4670,7-127-93094-544676--,00.html>.

<sup>105</sup> Dominion’s First Retraction Demand Letter (Ex. 11); Ali Swenson, *Smartmatic Does Not Own Dominion Voting Systems*, Associated Press (Nov. 17, 2020), <https://apnews.com/article/fact-checking-afs:Content:9740535009>.

<sup>106</sup> Dominion’s First Retraction Demand Letter; Jude Joffe-Block, *False Reports Claim Election Servers Were Seized in Germany*, Associated Press (Nov. 15, 2020), <https://apnews.com/article/fact-checking-9754011363>.

<sup>107</sup> See, e.g., *How the U.S. Election Assistance Commission Facilitates Fair and Secure Elections*, EAC, <https://www.eac.gov/news/2020/12/03/how-us-election-assistance-commission-facilitates-fair-and-secure-elections/> (“Before voting

- No software updates were made on the eve of the 2020 presidential election.
- Georgia Republican Secretary of State Brad Raffensperger declared that “Georgia’s historic first statewide audit reaffirmed that the state’s new secure paper ballot voting system accurately counted and reported results.”<sup>108</sup>
- Congresswoman Carolyn Maloney’s 2006 letter on election integrity made no reference whatsoever to Dominion.<sup>109</sup>

89. Fox received but never responded to Dominion’s November 20, 2020 letter.

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machines and election management systems are used in elections, the systems undergo rigorous hardware and software testing by laboratories accredited by the EAC and the National Institutes of Standards and Technology (NIST). The testing encompasses security, accuracy, functionality, accessibility, usability, and privacy based on requirements in the EAC’s Voluntary Voting System Guidelines (VVSG)”; *Frequently Asked Questions*, EAC, <https://www.eac.gov/voting-equipment/frequently-asked-questions> (“the test labs will examine the source code to ensure compliance with the voluntary voting system guidelines”); *Testing & Certification Program Manual, Version 2.0*, EAC (May 31, 2015), [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/Cert%20Manual%207%208%2015%20FINAL.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/Cert%20Manual%207%208%2015%20FINAL.pdf) (the VSTL [Voting System Test Laboratory] must complete the source code review of the software delivered from the manufacturer for compliance with the VVSG [Voluntary Voting System Guidelines]”).

<sup>108</sup> Dominion’s First Retraction Demand Letter; Georgia Secretary of State, *Historic First Statewide Audit of Paper Ballots Upholds Result of Presidential Race* (Nov. 19, 2020), <https://sos.ga.gov/index.php/elections/historic-first-statewide-audit-of-paper-ballots-upholds-result-of-presidential-race>.

<sup>109</sup> Letter from Congresswoman Maloney to Henry M. Paulson (Oct. 6, 2006), Complaint at Ex. 24, *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-24].

90. That same day, Rupert Murdoch’s *The Wall Street Journal* once again stated that the accusations against Dominion were false and that the Georgia recount had confirmed the accuracy of Dominion’s machines.<sup>110</sup>

91. On November 21, 2020, the day after Fox received Dominion’s letter, Fox went right back on the attack against Dominion, with Pirro repeating and amplifying Giuliani’s never-made-in-litigation claims that Dominion was an “organized criminal enterprise” “started in Venezuela with Cuban money” that could and did “flip[] votes” “with the assistance of Smartmatic software,” thus creating the “stunning” ballot “dump[s]” in the early morning of November 4 that “fill[ed] in” votes for Biden. In order to drive home the lies about Dominion, Pirro rhetorically asked, “why was there an overnight popping of the vote tabulation that cannot be explained for Biden?”<sup>111</sup>

92. In addition to the facts outlined in Dominion’s “SETTING THE RECORD STRAIGHT” emails that had been sent directly to over 90 producers and other content managers at Fox (including Bartiromo, Hannity, Carlson, and

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<sup>110</sup> The Editorial Board, *Georgia Certifies: Donald Trump Lost*, Wall Street Journal (Nov. 20, 2020), <https://www.wsj.com/articles/georgia-certifies-donald-trump-lost-11605915757?page=2>.

<sup>111</sup> Jeanine Pirro, *Opening Statement*, Facebook (Nov. 21, 2020), <https://www.facebook.com/judgejeaninepirro/videos/3424348634350374>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 21, 2020, 9:15 pm), <https://twitter.com/JudgeJeanine/status/1330333931028115456>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 21, 2020, 9:16pm), <https://twitter.com/JudgeJeanine/status/1330334182732484611> (Ex. 3).

producers and content managers for Fox’s programs hosted by Bartiromo, Pirro, Dobbs, Hannity, and Carlson) and Dominion’s November 20 retraction demand letter, Fox and Pirro knew—from Pirro’s own pre-election reporting—the answer to her intentionally misleading rhetorical question: the later-counted mail-in ballots leaned heavily for Biden because Pirro, other Fox personalities, and President Trump himself had disparaged mail-in voting and encouraged Republicans to vote in person on Election Day instead.<sup>112</sup> Fox and Pirro also knew, as a former assistant district attorney and judge, that the fact that Giuliani was not willing to make those claims about Dominion in any of his election cases cast serious doubt on whether he actually believed them—and strongly indicated that they were baseless. Yet rather than fairly reporting on the Trump Campaign’s litigation by reporting what was *actually* alleged—and not alleged—in those cases, Fox and Pirro intentionally and deliberately hid the stark disparity between what Giuliani was saying in court and what he was saying on Fox. Fox and Pirro deliberately concealed that disparity to avoid undermining the false preconceived narrative that they were endorsing.

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<sup>112</sup> *Jeanine Pirro details issues with voting by mail*, Fox News (Apr. 21, 2020), <https://video.foxnews.com/v/6151133455001#sp=show-clips>.

*November 22-26, 2020*

***Prominent Republicans and the Trump Campaign Disavow Sidney Powell,  
Calling Her Evidence-Less Accusations a “National Embarrassment,”  
Yet Fox Continues to Peddle Her Lies About Dominion***

93. On November 22, 2020, on ABC News’s *This Week*, Trump ally Chris Christie gave an interview in which he called out Powell and Giuliani and stated that “If you’ve got the evidence of fraud, present it. ... The conduct of the President’s legal team has been a national embarrassment. ... If you’re unwilling to come forward and present the evidence, it must mean the evidence doesn’t exist.”<sup>113</sup>

94. Around that time, Republican senators called the White House, warning that Powell seemed “unhinged” and that the Trump Campaign should distance itself from her.<sup>114</sup>

95. On November 22, 2020, the Trump Campaign itself disavowed Powell by issuing the following statement: “Sidney Powell is practicing law on her own.

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<sup>113</sup> Paul Kane & Felicia Sonmez, *Chris Christie Calls the Conduct of Trump’s Legal Team a ‘National Embarrassment,’* Wash. Post (Nov. 22, 2020), [https://www.washingtonpost.com/politics/republicans-christie-trump-concede/2020/11/22/05c280e6-2cda-11eb-bae0-50bb17126614\\_story.html](https://www.washingtonpost.com/politics/republicans-christie-trump-concede/2020/11/22/05c280e6-2cda-11eb-bae0-50bb17126614_story.html).

<sup>114</sup> Aaron C. Davis, Josh Dawsey, Emma Brown & Jon Swaine, *For Trump Advocate Sidney Powell, A Playbook Steeped in Conspiracy Theories*, Wash. Post (Nov. 28, 2020), [https://www.washingtonpost.com/investigations/sidney-powell-trump-kraken-lawsuit/2020/11/28/344d0b12-2e78-11eb-96c2-aac3f162215d\\_story.html](https://www.washingtonpost.com/investigations/sidney-powell-trump-kraken-lawsuit/2020/11/28/344d0b12-2e78-11eb-96c2-aac3f162215d_story.html).

She is not a member of the Trump Legal Team. She is also not a lawyer for the President in his personal capacity.”<sup>115</sup>

96. On November 24, Dominion sent an email to more than 90 Fox reporters, producers, and anchors, including Bartiromo, Hannity, Carlson, and producers and other content managers for *Lou Dobbs Tonight*, *Sunday Morning Futures*, *Mornings with Maria*, *Justice w/ Judge Jeanine*, *Hannity*, and *Tucker Carlson Tonight*. The email outlined statements—with links—made by conservative leaders over the last 24 hours debunking the false claims about Dominion: former DHS Deputy Assistant Secretary under George W. Bush, Paul Rosenzweig; former Assistant United States Attorney for the Southern District of New York under Rudy Giuliani, Andrew McCarthy; and Republican Ohio Senator and co-chair of Trump’s Ohio campaign, Rob Portman.<sup>116</sup>

97. Intentionally disregarding the explanations of CISA, election security experts, independent audits and hand recounts of paper ballots, publicly available documents about Dominion’s origins, and Dominion’s emails and letter putting Fox on specific written notice of the facts—and despite the fact that prominent Republicans and the Trump Campaign itself had publicly disavowed Powell—on

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<sup>115</sup> Maggie Haberman & Alan Feuer, *Trump Team Disavows Lawyer Who Peddled Conspiracy Theories on Voting*, N.Y. Times (Nov. 22, 2020), <https://www.nytimes.com/2020/11/22/us/politics/sidney-powell-trump.html>.

<sup>116</sup> November 24, 2020 Email, Conservative leaders’ comments on election fraud. (Ex. 5)

November 24 and 25, 2020, Fox again hosted Powell and Giuliani on its most-watched shows, where its on-air talent endorsed their false claims that Dominion had been created in Venezuela to rig elections for Hugo Chávez, and had rigged the 2020 U.S. election with vote-changing software.<sup>117</sup>

98. On November 26, 2020, Dominion sent another email to more than 90 Fox reporters, producers, anchors, hosts, and content managers with the same sets of facts from the earlier “SETTING THE RECORD STRAIGHT” emails, as well as additional specific facts debunking claims that Dominion had rigged the election in Pennsylvania, including that Dominion serves only 14 of Pennsylvania’s 67 counties, that Trump exceeded his 2016 vote percentage in 11 of those 14 counties, that Trump won 12 of those 14 counties, and that “*Dominion doesn’t operate in Philadelphia County, Allegheny County, or other highly contested districts.*”<sup>118</sup>

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<sup>117</sup> *Lou Dobbs Tonight*, Fox Business (Nov. 24, 2020), [https://archive.org/details/FBC\\_20201124\\_220000\\_Lou\\_Dobbs\\_Tonight/start/1080/end/1140](https://archive.org/details/FBC_20201124_220000_Lou_Dobbs_Tonight/start/1080/end/1140); Lou Dobbs (@LouDobbs), Twitter (Nov. 24, 2020, 5:37 pm), <https://twitter.com/LouDobbs/status/1331366325629968386>; Lou Dobbs, *Sidney Powell Breaking News*, Facebook (Nov. 24, 2020), <https://www.facebook.com/115777632950/videos/381418186402867>; Lou Dobbs Tonight (@loudobbs tonight), Instagram (Nov. 24, 2020), [https://www.instagram.com/p/CH\\_ZbqTBHSE/](https://www.instagram.com/p/CH_ZbqTBHSE/) (Ex. 13); Lou Dobbs (@LouDobbs), Twitter (Nov. 25, 2020, 6:17 pm), <https://twitter.com/loudobbs/status/1331738732228173825>.

<sup>118</sup> November 26, 2020 Email, FACT SHEET: Dominion Voting Systems in Pennsylvania (Ex. 5).

***November 29-30, 2020:  
Fox’s Strategy Pays Off Big Time***

99. Fox’s pandering to the baseless narrative that Dominion rigged the election paid off big time. Its victim, however, was Dominion, not to mention the truth. On November 29, 2020, after almost an entire month of endorsing and promoting the lie that Dominion had stolen the election from President Trump, President Trump—who just weeks before had lambasted Fox for accurately reporting that he lost the election—agreed to appear for an exclusive interview on *Sunday Morning Futures with Maria Bartiromo*, his first interview since he lost the election.

100. Bartiromo’s November 29, 2020 show—in which she endorsed the lie that Dominion rigged the election, calling it “disgusting” and “corrupt[.]”—was a blockbuster: It was the #1 cable news show that day. On Twitter, Fox, through the @MariaBartiromo account, promoted the show and tagged @realdonaldtrump, sending out the tweet to Trump’s more than 88 million followers.<sup>119</sup>

101. At the same time, on November 29 and November 30, 2020, Dominion sent fact sheets to more than 90 Fox reporters, producers, content managers, hosts, and anchors, including Hannity and his producers. The fact sheets included external

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<sup>119</sup> Maria Bartiromo (@MariaBartiromo), Twitter (Dec. 2, 2020, 11:28 am), <https://twitter.com/MariaBartiromo/status/1334172646003650560>.

links to independent websites disproving claims that Dominion had rigged the election in Arizona and Michigan.<sup>120</sup>

102. On November 30, 2020, the day after President Trump appeared on Bartiromo's show, Fox hosted Powell on its flagship *Hannity* program. As Fox expected, intended, and foresaw, Powell repeated her falsehoods, falsely stating that Dominion machines "ran an algorithm that shaved off votes from Trump and awarded them to Biden. And they used the machines to trash large batches of votes that should have been awarded to President Trump. And they used the machines to inject and add massive quantities of votes for Mr. Biden."<sup>121</sup> *Hannity* did not correct Powell or notify his millions of viewers that he and his show's producers had seen direct evidence disproving those false claims.

103. Meanwhile, Fox continued beating the drum via Dobbs, who that same day explained: "We have, across almost every state, whether it's Dominion, whatever the company – voting machine company is, no one knows their ownership, has no idea what's going on in those servers, has no understanding of the software,

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<sup>120</sup> November 29, 2020 Email, FACT SHEET: Dominion Voting Systems in Arizona (Ex. 5); November 30, 2020 Email, FACT SHEET: Dominion Voting Systems in Michigan (Ex. 5).

<sup>121</sup> *Hannity*, Fox News (Nov. 30, 2020), [https://archive.org/details/FOXNEWSW\\_2\\_0201201\\_020000\\_Hannity/start/1939/end/1999](https://archive.org/details/FOXNEWSW_2_0201201_020000_Hannity/start/1939/end/1999) (Ex. 14).

because it's 'proprietary.' It is the most ludicrous, irresponsible, and rancid system imaginable in the world's only superpower."<sup>122</sup>

***Early December 2020:  
President Trump's Allies Continue to Publicly Acknowledge That No Evidence  
of Voting Machine Fraud Has Been Produced by Powell or Anyone Else,  
But Fox Continues Promoting Lies About Dominion***

104. On December 1, 2020, Trump appointee and then-U.S. Attorney General Bill Barr stated: "There's been one assertion that would be systemic fraud and that would be the claim that machines were programmed essentially to skew the election results. And the DHS and DOJ have looked into that, and so far, we haven't seen anything to substantiate that."<sup>123</sup>

105. Meanwhile, Dominion sent another fact sheet—this time specifically debunking claims that Dominion rigged the election in Georgia—to more than 90 Fox reporters, producers, content managers, hosts, and anchors; the fact sheet detailed the independent audits, hand recounts, and other measures taken by

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<sup>122</sup> Lou Dobbs, *Sidney Powell*, Facebook (Nov. 30, 2020), <https://www.facebook.com/watch/?v=830918901055891>; Lou Dobbs (@LouDobbs), Twitter (Nov. 30, 2020, 6:03 pm), <https://twitter.com/LouDobbs/status/1333547266032984064>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 30, 2020), <https://www.instagram.com/p/CIO6-KVBKb8/> (Ex. 15).

<sup>123</sup> Michael Balsamo, *Disputing Trump, Barr Says No Widespread Election Fraud*, Associated Press (Dec. 1, 2020), <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

Georgia's Republican administration that had verified that Dominion had accurately tabulated votes in Georgia's 2020 election.<sup>124</sup>

106. Nevertheless, for more than a week after that, Fox continued to deliberately provide Powell and Giuliani a platform on Fox to tell lies about Dominion. Far from challenging those (now repeatedly and affirmatively debunked) lies, Fox continued to endorse them.<sup>125</sup>

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<sup>124</sup> December 3, 2020 Email, FACT SHEET: Dominion Voting Systems in Georgia (Ex. 5).

<sup>125</sup> See Lou Dobbs, *Sidney Powell*, Facebook (Nov. 30, 2020), <https://www.facebook.com/watch/?v=830918901055891>; Lou Dobbs (@LouDobbs), Twitter (Nov. 30, 2020, 6:03 pm), <https://twitter.com/LouDobbs/status/1333547266032984064>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 30, 2020), <https://www.instagram.com/p/CIO6-KVBKb8/> (Ex. 15); Maria Bartiromo (@MariaBartiromo), Twitter (Dec. 2, 2020, 10:30 am), <https://twitter.com/MariaBartiromo/status/1334158033107251200>; Jeanine Pirro (@JudgeJeanine), Twitter (Dec. 5, 2020, 7:46 pm), <https://twitter.com/JudgeJeanine/status/1335385208137322496> (full show available at <https://www.dailymotion.com/video/x7xwv8j>); Maria Bartiromo (@MariaBartiromo), Twitter (Dec. 6, 2020, 12:15 pm), <https://twitter.com/MariaBartiromo/status/1335633879894548487>; *Giuliani Says Invalid Ballots in Wisconsin Would Overturn Election if Overturned*, Fox News, (Dec. 6, 2020), [https://video.foxnews.com/v/6214493209001/?playlist\\_id=3386055101001#sp=show-clips](https://video.foxnews.com/v/6214493209001/?playlist_id=3386055101001#sp=show-clips); Lou Dobbs (@LouDobbs), Twitter (Dec. 7, 2020, 6:02 pm), <https://twitter.com/LouDobbs/status/1336083595354656771>; Maria Bartiromo (@MariaBartiromo) Twitter, (Dec. 13, 2020, 12:51 pm), <https://twitter.com/MariaBartiromo/status/1338179815942262784/>; *Gen. Michael Flynn on Trump Legal Team's Election Challenges*, Fox News (Dec. 13, 2020), [https://video.foxnews.com/v/6215990609001?playlist\\_id=3386055101001#sp=show-clips](https://video.foxnews.com/v/6215990609001?playlist_id=3386055101001#sp=show-clips).

107. And throughout this timeframe, Fox continued pushing a fraud narrative that was now inextricably linked to Dominion through Fox’s prior false statements. One analysis found, for example, that “[i]n the two-week period after Fox News declared Joe Biden the president-elect, the network questioned the results of the election or pushed conspiracy theories about it at least 774 times.”<sup>126</sup> Fox had already linked Dominion with the false claims of fraud and as a key part of the fictitious story that the election was “rigged.” As Fox itself reported during this mid-December timeframe, “Seventy percent of Republicans think the election was rigged because of voter fraud.”<sup>127</sup>

108. The next day, Fox scheduled Powell to appear on *Lou Dobbs Tonight*. Dobbs provided Powell with a powerful platform to continue to peddle the false claims that Fox knew had been conclusively disproven and rejected by election security experts, President Trump’s appointees, prominent Republicans, and government officials.

109. At 4:56 p.m. on December 10, 2020, Fox, through the @LouDobbs account, tweeted a promotion for the December 10 *Lou Dobbs Tonight* show later

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<sup>126</sup> Tyler Monroe, Rob Savillo & Lis Power, *Fox News has cast doubt on or pushed conspiracy theories about the election results nearly 600 times*, Media Matters for America (Nov. 18, 2020), <https://www.mediamatters.org/fox-news/fox-news-has-cast-doubt-or-pushed-conspiracy-theories-about-election-results-nearly-600>.

<sup>127</sup> *The Next Revolution with Steve Hamilton*, Fox News (Dec. 14, 2020), [https://archive.org/details/FOXNEWSW\\_20201214\\_050000\\_The\\_Next\\_Revolution\\_With\\_Steve\\_Hilton/start/60/end/120](https://archive.org/details/FOXNEWSW_20201214_050000_The_Next_Revolution_With_Steve_Hilton/start/60/end/120).

that evening. The tweet stated, “The 2020 Election is a cyber Pearl Harbor: The leftwing establishment have aligned their forces to overthrow the United States government #MAGA #AmericaFirst #Dobbs.”

110. Embedded in the tweet was a two-page type-written document that said:

We have a warning to the mainstream media: you have purposely sided with the *forces that are trying to overthrow the US system*. These four people and their collaborators *executed an electoral 9-11 against the United States*, with the cooperation and collusion of the media and the Democrat Party and China. *It is a cyber Pearl Harbor*. We have identified, roles, and background of *Dominion*. Smartmatic people. This will turn into a massive RICO filing. It is Smartmatic, *Dominion Voting Systems*, Sequoia, SGO. ... *We have technical presentations that prove there is an embedded controller in every Dominion machine*. ... We have the architecture and systems, that show how the machines can be *controlled from external sources, via the internet*, in violation of voting standards, Federal law, state laws, and contracts.<sup>128</sup>

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<sup>128</sup> Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 4:56 pm), <https://twitter.com/LouDobbs/status/1337154346795012098> (Ex. 16).



**Lou Dobbs** ✓  
@LouDobbs



The 2020 Election is a cyber Pearl Harbor:

The leftwing establishment have aligned their forces to overthrow the United States government #MAGA #AmericaFirst #Dobbs

People need to get familiar with four names:

Two political leaders

Jorge Rodriguez – he’s the Communications Minister of Venezuela, and he’s been the Cubans’ main representative in Venezuela since the days of Chavez. He goes on TV down there daily to mock us. We have evidence that he has been the political leader of the election-stealing project, the “CEO” of it.

Khalil Majid Mazoub – He is a Venezuelan of Lebanese origin, who is the right hand and business front man of Jorge Rodriguez. He has been the effective “COO” of the election project, under Chavez and Maduro. Khalil is a liaison with Hezbollah.

Two technical experts

Gustavo Reyes Zumeta – he is an American-born Venezuelan, who came up with the idea, and designed and created the programs. He also worked as the founder and consultant, in addition to other business ventures.

Antonio Mujica – CEO of Smartmatic. He is the face of the company now.

We now have contracts, program details, incriminating information and history. .

We have a warning to the mainstream media: you have purposely sided with the forces that are trying to overthrow the US system. These four people and their collaborators executed an electoral 9-11 against the United States, with the cooperation and collusion of the media and the Democrat Party and China. It is a cyber Pearl Harbor.

We have identities, roles, and background of Dominion, Smartmatic people. This will turn into a massive RiCO filing. It is Smartmatic, Dominion Voting Systems, Sequoia, SGO. If you come forward now to cooperate with law enforcement, you will be better off.

Cuba and Venezuela aligned with George Soros, the Chinese Communist Party, the Democrat party, and the American media against the will of the people of the US.

We have evidence linking all these companies together in legal documents, ownership structures, and sales of the companies. We already uncovered a Chinese investment of \$400,000,000 into Dominion, just 4 weeks before the election.

We now have corporate documents, the names of shareholders and amount of stock they own, their schedules and calendars, their messages to and from one another.

We have technical presentations that prove there is an embedded controller in every Dominion machine, that allows an election supervisor to move votes from one candidate to another. You’ve seen the video out of Georgia that’s been on Twitter the last two days, with a woman demonstrating that capability.

We have the architecture and systems, that show how the machines can be controlled from external sources, via the internet, in violation of voting standards. Federal law, state laws, and contracts.

We have proof that a current county election supervisor is a former senior executive of Dominion Voting Systems. This is a county that had significant voting anomalies in the 2020 election. The implications of that for law enforcement actions are clear.

4:56 PM · Dec 10, 2020 · Twitter for iPhone

6,002 Retweets 1,260 Quote Tweets 16.8K Likes



111. The document tweeted out from the official *Lou Dobbs Tonight* Twitter account had no markings on it beyond the typewritten statements accusing Dominion of perpetrating an “electoral 9-11” and “cyber Pearl Harbor” on the United States to steal the election from President Trump. And the document had no indication of having originated from any source other than Fox and Dobbs themselves.

112. Just over two hours after Fox tweeted this two-page diatribe falsely accusing Dominion of cyber terrorism, Fox aired the advertised segment in which Dobbs, aided by Powell, directly promoted the false accusations tweeted out before the show. Dobbs leadingly asked Powell how Dominion rigged the election and how Dominion engaged in a “coordinated effort to actually bring down this President by ending his second term before it could begin”—embedding and publishing in his question the false “fact” that Dominion had engaged in a “coordinated effort to actually bring down this President by ending his second term before it could begin.” Dobbs concluded the segment by falsely claiming that “we have tremendous evidence already” to support Fox’s and Powell’s lies about Dominion—even though he knew there was none—and by inviting Powell “to put forward on this broadcast whatever evidence you have.” Powell promised to get Dobbs that “stunning”

evidence that same night.<sup>129</sup> Of course, Powell never provided any evidence because no such evidence exists.

113. Less than a week later, on December 16, 2020, Bartiromo announced on her show, *Mornings with Maria*, that she was told by an “intel source” that “President Trump did in fact win the election.” Fox and Bartiromo provided no details about this supposed “intel source” nor the basis for the absurd claim, which she knew had already been disproven by hand recounts of paper ballots and rebutted by Trump appointees, election security experts, and bipartisan and nonpartisan election officials.<sup>130</sup>

***Late December 2020:  
Dominion Sends A Second Retraction Demand Letter to Fox  
After Fox Fails to Retract Its False Claims About Dominion***

114. From December 18-20, 2020, Fox aired a three-minute pre-recorded statement on its shows hosted by Dobbs, Bartiromo, and Pirro: the statement

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<sup>129</sup> *Sidney Powell raises questions about security of voting machines*, Fox Business (Dec. 10, 2020), <https://video.foxbusiness.com/v/6215520845001/#sp=show-clips>; Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:51 pm), <https://twitter.com/LouDobbs/status/1337168084541575171>; Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:52 pm), <https://twitter.com/LouDobbs/status/1337168397398921217>; Lou Dobbs, *Sidney Powell*, Facebook (Dec. 10, 2020), <https://www.facebook.com/watch/?v=681543625896199>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Dec. 10, 2020), <https://www.instagram.com/p/CIo0kAqB6Bq/>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Dec. 10, 2020), <https://www.instagram.com/p/CIo02XjhD1M/> (Ex. 1).

<sup>130</sup> Mike Sington (@MikeSington), Twitter (Dec. 16, 2020, 2:09 pm), <https://twitter.com/MikeSington/status/1339286624278986752>.

purported to (but did not actually) walk back some of the claims they had made about Dominion's *competitor*, Smartmatic, and featured a guest saying that it was *his* understanding that Dominion and Smartmatic are two separate companies. In plain contrast to its reporting on the lies about Dominion, Fox's on-air talent did not embrace their guest's statements as their own, nor did the guest's statements retract any of the lies Fox had been endorsing and broadcasting about Dominion for the last month and a half, notwithstanding the overwhelming evidence and sources that Fox's statements about Dominion were false.

115. Having received no response to its November 20 retraction demand letter, on December 22, Dominion sent a second retraction demand letter to Fox that again detailed facts and evidence in the public domain demonstrating the falsity of Fox's claims about Dominion. That letter again explained facts and evidence demonstrating that—and why—the people (including Powell and Giuliani) peddling the lies were entirely unreliable sources.<sup>131</sup> With that letter, Dominion referenced the publicly available and widely disseminated retraction demand letter that it had sent to Powell on December 16, which detailed additional facts and evidence debunking her lies and proving that Powell lied about having specific evidence that did not exist.

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<sup>131</sup> Letter from Dominion to Fox News General Counsel Lily Claffee (Dec. 22, 2020) (Ex. 23) (“Dominion’s Second Retraction Demand Letter”).

116. Almost two months after he had begun promoting the falsehood that Dominion had stolen the election, Dobbs made an astonishing admission: despite his best efforts to make the facts conform to his preconceived narrative, he had not been able to find any evidence to support the lies that he had relentlessly promoted and was continuing to promote. On January 4, 2021, Lou Dobbs stated, “we’re 8 weeks from the election and *we still don’t have verifiable tangible support* for the crimes that everyone knows were committed. That is, defrauding other citizens who voted with fraudulent votes ... *we have had a devil of a time finding actual proof.*”<sup>132</sup> Despite knowing that there was no proof, Dobbs then concluded his segment by saying “the fact of the matter is that this President is looking at the prospect of having this election stolen from him.”<sup>133</sup>

***Fox Knows That Dominion Machines Did Not Flip Votes,  
As Evidenced by the Fact That It Does Not Make That Claim  
When Republicans Win Elections***

117. As further evidence that Fox knew that Dominion machines do not flip votes, Fox only endorsed that claim when it supported the narrative that the election had been stolen from President Trump. By contrast, when a Republican won an election where votes were counted using Dominion machines, including the

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<sup>132</sup> *Lou Dobbs Tonight*, Fox Business (Jan. 4, 2021), [https://archive.org/details/FBC\\_20210104\\_220000\\_Lou\\_Dobbs\\_Tonight](https://archive.org/details/FBC_20210104_220000_Lou_Dobbs_Tonight); Matt Wilstein (@mattwilstein), Twitter (Jan. 4, 2021, 7:00 pm), <https://twitter.com/mattwilstein/status/1346245027932979200>.

<sup>133</sup> *Id.*

numerous down-ballot races at issue in the 2020 Election, Fox took the opposite approach.

118. For example: after a Republican won the race for New York’s 22<sup>nd</sup> Congressional District, the Democrat challenged the results and asked questions about the Dominion machines that had been used in the race.<sup>134</sup> Fox covered the race extensively. Indeed, Fox had the Republican candidate on its programs at least four different times to complain about the Democrat’s challenge of the results.<sup>135</sup> Not a single Fox show or host—including Bartiromo, who interviewed the Republican candidate on February 4, 2021—ever endorsed, promoted, agreed with, or even suggested the potential that the Dominion machine tabulations were incorrect or that Dominion machines had some malicious vote-flipping “algorithm” or had been hacked in the race that the Republican had won.

119. In fact, on February 4, the Republican candidate told Bartiromo that the Democrat’s protest about Dominion’s machines working improperly was “frivolous” and a “desperate measure.” Instead of responding that Dominion machines flipped votes to rig elections (an assertion Bartiromo had repeatedly made and endorsed when the losing candidate had been President Trump), Bartiromo

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<sup>134</sup> *Mornings with Maria*, Fox Business (Feb. 4, 2021), [https://archive.org/details/FBC\\_20210204\\_110000\\_Mornings\\_With\\_Maria\\_Bartiromo/start/2858/end/2918](https://archive.org/details/FBC_20210204_110000_Mornings_With_Maria_Bartiromo/start/2858/end/2918).

<sup>135</sup> *Id.*

applauded the Republican’s efforts “fighting” back against the Democrat’s protest. On February 6, the Republican candidate was declared the winner and Fox applauded her victory. That coverage similarly contained no mention of Dominion or its voting machines.<sup>136</sup>

### ***The Lies About Dominion Go Viral***

120. Fox did not just broadcast its false and defamatory statements about Dominion on the air on its Fox News and Fox Business channels. It also, as a matter of practice, posted and republished its broadcasts across its multiple platforms via its Fox News Digital enterprise—which is comprised of the fox.com, foxnews.com, and foxbusiness.com websites, its social media accounts, the Fox Nation subscription service, and its mobile apps.

121. In 2020, Fox had over **80 million subscribers** to its Fox News and Fox Business channels in the United States, and an average daily audience of over **3.5 million** for just its Fox News Channel.<sup>137</sup> And for November 2020 alone, Fox also boasted that Fox News had over **2.7 billion views**, visitors to their platforms

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<sup>136</sup> Roman Chiarello, *NY Rep.-Elect Claudia Tenney Reacts to Win in Final Disputed House Race*, Fox News (Feb. 6, 2021), <https://www.foxnews.com/politics/new-york-claudia-tenney-win-disputed-house-race>.

<sup>137</sup> Mark Joyella, *‘Hannity’ Has Highest-Rated Quarter Ever As Fox News Makes TV History In 3Q Ratings*, Forbes (Sept. 29, 2020), <https://www.forbes.com/sites/markjoyella/2020/09/29/hannity-has-highest-rated-quarter-in-history-as-fox-news-beats-broadcast-networks-a-tv-first/?sh=39447fdf1f93>.

viewed content for over *5 billion minutes*, and the platforms had over *134 million unique visitors*.<sup>138</sup> Indeed, “[l]ifted by its election and post-election coverage,” Fox declared that it had turned the ship around, achieving its “*highest month in history*” in terms of both multiplatform views and multiplatform minutes, and that it continued to reach “200 million people each month” through its Fox News Media distribution channels.<sup>139</sup>

122. Trump’s November 29, 2020 appearance on *Sunday Morning Futures* was broadcast live to 2.35 million Fox viewers<sup>140</sup> and later republished by Fox across Twitter and Fox’s websites and digital platforms.<sup>141</sup> Similarly, the @LouDobbs December 10 tweets and *Lou Dobbs Tonight* episode—including the two-page typewritten memorandum accusing Dominion of a “cyber Pearl Harbor” and rigging the 2020 election—was republished by Fox to the over 2 million Twitter followers of @LouDobbs and on Fox’s digital platforms.<sup>142</sup> And Fox, through the

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<sup>138</sup> *Fox News Digital Scores Best November in Its History*, Business Wire (Dec. 22, 2020), <https://www.businesswire.com/news/home/20201222005476/en/FOX-News-Digital-Scores-Best-November-in-Its-History>.

<sup>139</sup> *Id.*

<sup>140</sup> RoadMN (@RoadMN), Twitter (Dec. 2, 2020, 11:23 am), <https://twitter.com/RoadMN/status/1334171330808262657/photo/1>.

<sup>141</sup> *President Trump Joins ‘Sunday Morning Futures,’* Fox News (Nov. 29, 2020), <https://video.foxnews.com/v/6212917383001#sp=show-clips>.

<sup>142</sup> Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 4:56 pm), <https://twitter.com/LouDobbs/status/1337154346795012098> (Ex. 16); *Sidney Powell raises questions about security of voting machines*, Fox Business (Dec. 10, 2020), <https://video.foxbusiness.com/v/6215520845001/#sp=show->

@LouDobbs and @MariaBartirolo Twitter accounts, routinely tagged Trump in tweets with Fox’s broadcasts, ensuring that Trump’s more than 88 million followers viewed them.<sup>143</sup>

123. After Fox had broadcast defamatory falsehoods into millions of homes and posted those falsehoods on its websites and social media accounts, the lies went viral as people tweeted, retweeted, and raged that Dominion had stolen their votes. And that was completely foreseeable to—and intended by— Fox.

124. While the “mainstream media” and prominent Trump appointees and allies like Bill Barr, Chris Krebs, Ben Hovland, Brad Raffensperger, Brian Kemp, Chris Christie, and others knew and publicly confirmed that the concerted

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[clips](https://twitter.com/LouDobbs/status/1337168084541575171); Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:51 pm), <https://twitter.com/LouDobbs/status/1337168084541575171>; Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:52 pm), <https://twitter.com/LouDobbs/status/1337168397398921217>; Lou Dobbs, *Sidney Powell*, Facebook (Dec. 10, 2020), <https://www.facebook.com/watch/?v=681543625896199>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Dec. 10, 2020), <https://www.instagram.com/p/CIo0kAqB6Bq/>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Dec. 10, 2020), <https://www.instagram.com/p/CIo02XjhD1M/> (Ex. 1).

<sup>143</sup> See, e.g., Maria Bartiromo (@MariaBartirolo), Twitter (Dec. 2, 2020, 11:28 am), <https://twitter.com/MariaBartirolo/status/1334172646003650560>; Lou Dobbs, *Sidney Powell*, Facebook (Nov. 30, 2020), <https://www.facebook.com/watch/?v=830918901055891>; Lou Dobbs (@LouDobbs), Twitter (Nov. 30, 2020, 6:03 pm), <https://twitter.com/LouDobbs/status/1333547266032984064>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 30, 2020), <https://www.instagram.com/p/CIO6-KVBKb8/> (Ex. 15).

disinformation campaign was just that, Fox—the dominant voice in conservative media—relentlessly continued its attacks on the integrity of Dominion and the 2020 election. These lies, spread on Fox’s unparalleled platform, deceived millions of people. In the days after Fox first broadcast the false claim that an algorithm in Dominion machines had flipped votes away from Trump, 81% of Trump voters believed that fraud had influenced the election outcome.<sup>144</sup>

125. While little lies that flare up on social media often die with the next news cycle, the lies about Dominion were different. Pushed relentlessly, the lies about Dominion became a rallying cry to try to overturn the election. The harm to Dominion from the lies told by Fox is unprecedented and irreparable because of how fervently millions of people believed them—and continue to believe them—as a result of Fox’s publication, republication, and promotion of those lies.

126. These lies did not simply harm Dominion. They harmed democracy. They harmed the idea of credible elections. They harmed a once-unshakeable faith in democratic and peaceful transfers of power. They harmed the foundational idea, as stated in the Declaration of Independence, that our country derives its “just powers” from “the consent of the governed.” This lawsuit is about accountability.

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<sup>144</sup> Candice Jaimungal, *Three-Quarters of Voters Think Fraud Occurred During the Election*, YouGov (Nov. 12, 2020), <https://today.yougov.com/topics/politics/articles-reports/2020/11/12/voters-think-fraud-occurred-during-election> (poll available at <https://docs.cdn.yougov.com/9j7sr0my95/econTabReport.pdf>).

127. Indeed, some Fox viewers believed the lies about Dominion with such devotion that they took the fight from social media to the United States Capitol and at rallies across the country to #StopTheSteal, inflicting violence, terror, and death along the way. One of the intruders—Eric Gavelek Munchel—made his way to the Senate chamber clad in military-style clothing and holding the type of zip ties that can be used as handcuffs in hostage situations.



128. Munchel had previously posted a photograph of himself with a shotgun, an American flag, and the Fox Business Channel on his television in the background. Fox Business had repeatedly broadcast the lie that Dominion had stolen the election.



129. Dominion itself was featured at these rallies:<sup>145</sup>

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<sup>145</sup> Jim Mimiaga & Anthony Nicotera, *Montezuma County Patriots rally in Cortez to condemn election results*, The Durango Herald (Jan. 6, 2021), <https://durangoherald.com/articles/359582>.



130. Fox's promotion and endorsement of these lies about Dominion led its viewers to conclude that these baseless and false conspiracy theories were true. Fox fanned the flames, and did not care what else burned down in the process as it spread these malicious falsehoods about Dominion.

***While the Country Suffered, Fox Benefitted***

131. While the lies about Dominion were bad for America and Dominion, they were fantastic for Fox. To highlight just a few examples:

132. After Fox's Jeanine Pirro promoted the lie that Trump had actually won the election, her ex-husband received an eleventh-hour pardon from soon-to-be-former-President Trump.<sup>146</sup>

133. In the month following the election, as Lou Dobbs repeatedly promoted and endorsed the falsehoods about Dominion, his ratings shot up almost 27%.<sup>147</sup>

134. During that same period, *Sunday Morning Futures with Maria Bartiromo* became the #1 cable news program on Sundays and *Mornings with Maria* saw ratings increase 23%.<sup>148</sup> And two weeks after the storming of the Capitol, Fox announced that Maria Bartiromo was being given the opportunity to replace Martha MacCallum and anchor Fox's coveted 7:00 p.m. weekday primetime slot.<sup>149</sup>

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<sup>146</sup> Dan Mangan, *Trump Issues Last-Second Pardon to Fox News Host Jeanine Pirro's Tax Cheat Ex-Husband Al*, CNBC (Jan. 20, 2021), <https://www.cnbc.com/2021/01/20/trump-pardons-judge-jeanines-ex-husband-al-pirro.html>.

<sup>147</sup> See *Lou Dobbs Tonight Ratings, Cable Rankings*, <https://ctv.kwayisi.org/networks/fbn/lou-dobbs-tonight/>.

<sup>148</sup> See Maria Bartiromo (@MariaBartiromo), Twitter (Dec. 2, 2020, 11:28 am), <https://twitter.com/MariaBartiromo/status/1334172646003650560>; *Mornings with Maria Ratings, Cable Rankings*, <https://ctv.kwayisi.org/networks/fbn/mornings-with-maria/>.

<sup>149</sup> Jeremy Barr, *At Fox News, A Post-Election Shake-Up Brings More Opinion at the Expense of News*, Wash. Post (Jan. 18, 2021), <https://www.washingtonpost.com/media/2021/01/18/fox-news-shakeup-news-opinion/>.

135. After nearly a month of Fox relentlessly promoting lies about Dominion, Fox Corporation's stock had rebounded to its pre-election value.<sup>150</sup> Fox Corporation's Chief Financial Officer stated on December 8 that Fox's "ratings momentum has been extraordinary. It is feeding absolutely into advertising strength, and so we would expect to have a record advertising year at Fox News."<sup>151</sup> On March 4, 2021, Lachlan Murdoch, the Executive Chairman and Chief Executive Officer of Fox Corporation, stated that "the margins in our businesses, particularly obviously in Fox News" are "industry-leading."<sup>152</sup> Fox has re-established itself as the dominant media source within its territory.

136. In February 2021, Fox News's CEO Suzanne Scott was rewarded with a multi-year contract extension.<sup>153</sup> Even Lou Dobbs, whose show was pulled in the days after Smartmatic filed its own lawsuit, remains under contract with full salary. Fox has denied any connection between the termination of his show and his repeated lies about Dominion. Fox remains unrepentant for its behavior.

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<sup>150</sup> *Fox Corp.*, Business Insider, <https://markets.businessinsider.com/stocks/foxa-stock>.

<sup>151</sup> *Transcript of Steve Tomsic* at 2, Fox Corp (Dec. 8, 2020), <https://investor.foxcorporation.com/static-files/ae329369-a122-44e8-96a8-2344f064d422>.

<sup>152</sup> *Transcript of Lachlan Murdoch at Fox Corp.'s 'Investor Day'* at 2, Fox Corp. (Mar. 4, 2021), <https://investor.foxcorporation.com/static-files/96a7dbad-e517-4bb7-af38-aeb1e83d2a20>.

<sup>153</sup> Dade Hayes, *Fox News Media CEO Suzanne Scott Signs Multi-Year Contract Extension*, Deadline (Feb. 9, 2021), <https://deadline.com/2021/02/fox-news-suzanne-scott-renews-contract-1234690236/>.

137. As Fox rewarded those who promulgated the lies, it punished those who told the facts. In January 2021, Fox fired the editor who made the decision to call Arizona for Biden, and the Washington bureau chief who oversaw the Arizona call resigned.

***Fox's Tucker Carlson Joins the Chorus By  
Knowingly Broadcasting Falsehoods About Dominion  
In Exchange for Ad Dollars***

138. Early on, Fox's Tucker Carlson had recognized that his colleagues were peddling a damaging lie. Shortly after Election Day, while his colleagues were hosting Sidney Powell and Rudy Giuliani and endorsing their false claims of fraud by Dominion, Carlson acknowledged that "false claims of fraud can be every bit as destructive as the fraud itself" and that there was not enough fraud "to alter the election results. We should be honest and tell you that."<sup>154</sup> Over a week later, Carlson publicly called out Powell for failing to produce any evidence to support her claims about Dominion.<sup>155</sup>

139. Powell, of course, never produced the evidence Carlson had demanded, and neither did anyone else. Instead, as Fox, Carlson, and Fox's other television hosts and personalities were well aware in the weeks following the election, the

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<sup>154</sup> Tucker Carlson (@TuckerCarlson), Twitter (Nov. 9, 2020, 9:10pm), <https://twitter.com/TuckerCarlson/status/1325984111434096642>.

<sup>155</sup> Tucker Carlson, *Time for Sidney Powell to Show Us Her Evidence*, Fox News (Nov. 19, 2020), <https://www.foxnews.com/opinion/tucker-carlson-rudy-giuliani-sidney-powell-election-fraud>.

opposite happened: independent audits and hand recounts of paper ballots conclusively disproved the claim that the vote tallies in Dominion machines had been manipulated, and the lies about Dominion were rejected by Trump appointees, election security experts, local election officials, and courts.

140. Despite the evidence, one of Fox’s biggest sponsors—MyPillow CEO Mike Lindell—began relentlessly promoting lies about Dominion at Trump rallies, on rival networks, and on social media. On January 26, 2021, he was banned from Twitter for doing so.<sup>156</sup>

141. Fox and Carlson are no fools: they knew that interviewing Lindell about his Twitter ban would prompt Lindell to repeat the lies about Dominion to explain why he had been banned in the first place. But Fox and Carlson also knew that MyPillow was Carlson’s biggest sponsor, had generated millions of dollars of ad revenue for Fox, and, if denied a platform for his lies, could decide to stop sponsoring Fox, cutting off millions of dollars in revenue.

142. So, on January 26, 2021, Fox and Tucker Carlson knowingly broadcast the Dominion falsehoods to millions of viewers by inviting Lindell on *Tucker Carlson Tonight* to discuss his Twitter ban. With a fawning introduction and

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<sup>156</sup> Brakkton Booker, *My Pillow CEO Mike Lindell Permanently Suspended From Twitter*, NPR (Jan. 26, 2021), <https://www.npr.org/2021/01/26/960679189/my-pillow-ceo-mike-lindell-permanently-suspended-from-twitter>.

credulous coverage, Carlson endorsed Lindell’s lie that he “found” the “machine fraud” and “ha[s] all the evidence”—which, of course, Lindell did not produce on the show because no such evidence exists.<sup>157</sup> In stark contrast to how Carlson had responded to Powell’s failure to produce evidence, Carlson gave his biggest sponsor an unchallenged platform to spout his lies, did not demand any evidence, and did not point out to viewers that Lindell had not produced the “evidence” he claimed to have. In addition, Lindell falsely claimed that Dominion had “hired hit groups, bots and trolls” to “cancel” him. Carlson—without asking for any evidence for that false claim or otherwise fact-checking it—unquestioningly accepted and endorsed his biggest sponsor’s lies as Fox broadcast them to millions of viewers.

### ***Fox Corporation’s Direct Involvement in the Defamatory Scheme***

143. Fox News is “the profit center of Rupert Murdoch’s American media empire.”<sup>158</sup> Indeed, in Fox Corporation’s most recent financial statement, Fox’s cable network programming was responsible for *all* of Fox Corporation’s profits—and then some. In the last three months of 2020, the “segment” Earnings Before Interest, Taxes, Depreciation, and Amortization (“EBITDA”) for Fox’s cable

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<sup>157</sup> Tucker Carlson Tonight (@tuckercarlsonstontnight), Instagram (Jan. 26, 2021), <https://www.instagram.com/p/CKh8s1FBKMA/> (Ex. 17).

<sup>158</sup> Rachel Abrams & Michael M. Grynbaum, *Fox News Fires a Key Player in Its Election Night Coverage*, N.Y. Times (Jan. 19, 2021), <https://www.nytimes.com/2021/01/19/business/media/fox-news-chris-stirewalt-trump.html>.

network programming was \$571 million. The rest of Fox Corporation lost \$266 million for a total EBITDA of \$305 million across the entire corporation.<sup>159</sup>

144. The Murdoch family plays a central and public role in the management and oversight of Fox News. In addition to Lachlan Murdoch's role as CEO, Rupert Murdoch is the Chairman of Fox Corporation.<sup>160</sup> Both Lachlan and Rupert Murdoch, as Fox Corporation executives, are part of the "Fox News Executive Staff."<sup>161</sup>

145. Lachlan Murdoch "consults daily" with the CEO of Fox News,<sup>162</sup> and also participates in a "daily morning call" at Fox News.<sup>163</sup>

146. After Dominion sued Fox News, however, Fox News changed the layout of its website that listed Fox Corporation executives Lachlan and Rupert Murdoch as part of the "Fox News Executive Staff." At the time of filing in March 2021, the Fox News website looked like this:

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<sup>159</sup> *Fox Reports Second Quarter Fiscal 2021 Net Income of \$230 Million, Earnings Per Share of \$.37, Revenues of \$4.09 billion, an increase of 8% at 2*, Fox Corp. (Feb. 9, 2021), <https://investor.foxcorporation.com/static-files/129c48a1-e762-4cc4-9fc3-c06f2b40c511>.

<sup>160</sup> *Id.*

<sup>161</sup> *Corporate Information*, Fox News (last visited Mar. 19, 2021), <http://press.foxnews.com/>.

<sup>162</sup> Claire Atkinson, *EXCLUSIVE: Fox CEO Lachlan Murdoch Talks About His Dad, Tucker Carlson, Trump, and Why He Plans to Stick Around*, Business Insider (May 19, 2021), <https://www.businessinsider.com/fox-ceo-lachlan-murdoch-profile-interview-2021-5?op=1>.

<sup>163</sup> Claire Atkinson, *EXCLUSIVE: Fox CEO Lachlan Murdoch Talks About His Dad, Tucker Carlson, Trump, and Why He Plans to Stick Around*, Business Insider (May 19, 2021), <https://www.businessinsider.com/fox-ceo-lachlan-murdoch-profile-interview-2021-5?op=1>.

## Fox News Executive Staff

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- Rupert Murdoch  
Chairman, Fox Corporation
  - Lachlan K. Murdoch  
Executive Chairman and Chief Executive Officer, Fox Corporation
  - Suzanne Scott  
Chief Executive Officer, FOX News Media
- [View Bio](#)
- Joe Dorrego  
Executive Vice President, Chief Operating Officer and Chief Financial Officer, FOX News Media

147. By at least late July 2021, however, the Fox News website changed to reflect that now Lachlan and Rupert Murdoch were part of the “Executive Leadership”—evidently seeking to de-emphasize that the website previously listed both Murdochs as part of the Fox News “staff.”<sup>164</sup> It now looks like this:



**Executive Leadership**

**Rupert Murdoch**  
*Chairman, Fox Corporation*

**Lachlan K. Murdoch**  
*Executive Chairman and Chief Executive Officer, Fox Corporation*

**Suzanne Scott** [View Bio](#)  
*Chief Executive Officer, FOX News Media*

**Joe Dorrego** [View Bio](#)  
*Executive Vice President, Chief Operating Officer and Chief Financial Officer, FOX News Media*

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<sup>164</sup> <https://press.foxnews.com/> (visited November 1, 2021).

148. President Trump’s support of Fox has been central to Fox maintaining its dominance. Rupert Murdoch allied himself with President Trump early in Trump’s 2016 campaign, despite holding President Trump in relatively low esteem.<sup>165</sup> Reports surfaced that President Trump’s son-in-law and White House adviser Jared Kushner helped broker a peace between Murdoch and Trump during Trump’s 2016 campaign.<sup>166</sup> President Trump began chatting with Murdoch by phone,<sup>167</sup> as often as daily<sup>168</sup>—calls which continued into Trump’s presidency.<sup>169</sup> The relationship between President Trump and Fox was mutually beneficial. Trump received support from a network with a huge following among his base. And Fox received the support of the President of the United States—“something [Murdoch]

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<sup>165</sup> David Folkenflik, *With Trump’s Loss, Murdoch’s Fox News Faces Wrath And Tough Choices*, NPR (Nov. 7, 2020), <https://www.npr.org/2020/11/07/932203022/as-trumps-chances-fade-murdoch-s-fox-news-faces-wrath-and-tough-choices>.

<sup>166</sup> Tom Kludt, *Frenemies with benefits: A brief history of the Trump-Murdoch relationship*, CNN Business (Jan. 17, 2020), <https://money.cnn.com/2018/01/17/media/rupert-murdoch-donald-trump/index.html>.

<sup>167</sup> *Id.*

<sup>168</sup> Jane Mayer, *The Making of the Fox News White House*, The New Yorker (Nov. 3, 2019), <https://www.newyorker.com/magazine/2019/03/11/the-making-of-the-fox-news-white-house>.

<sup>169</sup> Tom Kludt, *Frenemies with benefits: A brief history of the Trump-Murdoch relationship*, CNN Business (Jan. 17, 2020), <https://money.cnn.com/2018/01/17/media/rupert-murdoch-donald-trump/index.html>.

had been after for years as well.”<sup>170</sup> Murdoch obtained “direct access to the person at the very top of the pyramid. ... The person in the Oval Office.”<sup>171</sup>

149. During Trump’s presidency, Murdoch relied on this direct access to the President to obtain favorable business outcomes for his media empire, including Fox News and Fox Business. For example, in June 2018, after only six months of deliberation, the Trump Administration approved Fox’s bid to sell most of its entertainment assets to Disney for seventy-one billion dollars.<sup>172</sup> Murdoch reportedly had a hand in Trump’s nominee to lead the FCC as well.<sup>173</sup> As Murdoch himself put it, “it’s useful to have a friend who’s the President, particularly if there are close regulatory calls, and a President who is untroubled by the rules and norms

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<sup>170</sup> *Id.*

<sup>171</sup> Tom Kludt, *Frenemies with benefits: A brief history of the Trump-Murdoch relationship*, CNN Business (Jan. 17, 2020), <https://money.cnn.com/2018/01/17/media/rupert-murdoch-donald-trump/index.html>.

<sup>172</sup> Jane Mayer, *The Making of the Fox News White House*, *The New Yorker* (Nov. 3, 2019), <https://www.newyorker.com/magazine/2019/03/11/the-making-of-the-fox-news-white-house>.

<sup>173</sup> Tom Kludt, *Frenemies with benefits: A brief history of the Trump-Murdoch relationship*, CNN Business (Jan. 17, 2020), <https://money.cnn.com/2018/01/17/media/rupert-murdoch-donald-trump/index.html>.

in that regard.”<sup>174</sup> Murdoch also discussed acquiring other news channels such as CNN with President Trump and the Trump Administration

150. In exchange for President Trump’s ear and his public support of Fox, Fox Corporation executives, including but not limited to Rupert and Lachlan Murdoch, offered the support of Rupert Murdoch’s media outlets and on-air personalities. “Fox Corp.’s most-high-profile division is Fox News, which is in a symbiotic relationship with the president of the United States.”<sup>175</sup> Over the course of Trump’s presidency, Fox and the Murdoch family remained among President Trump’s strongest sources of support.<sup>176</sup>

151. Murdoch and Fox Corporation also honored President Trump’s requests regarding the programming on Fox. For example, Ann Coulter complained to President Trump during his presidency that Fox was no longer inviting her to appear on air. President Trump asked, “Do you want me to call Murdoch and tell

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<sup>174</sup> Jane Mayer, *The Making of the Fox News White House*, *The New Yorker* (Nov. 3, 2019), <https://www.newyorker.com/magazine/2019/03/11/the-making-of-the-fox-news-white-house>.

<sup>175</sup> Sarah Ellison, *Lachlan Murdoch takes control o Fox Corp. But how will he deal with President Trump?*, *Wash. Post* (Mar. 20, 2021), [https://www.washingtonpost.com/lifestyle/style/lachlan-murdoch-takes-control-of-fox-corp-but-how-will-he-deal-with-president-trump/2019/03/20/abbb43d6-40ee-11e9-a0d3-1210e58a94cf\\_story.html](https://www.washingtonpost.com/lifestyle/style/lachlan-murdoch-takes-control-of-fox-corp-but-how-will-he-deal-with-president-trump/2019/03/20/abbb43d6-40ee-11e9-a0d3-1210e58a94cf_story.html).

<sup>176</sup> David Folkenflik, *With Trump’s Loss, Murdoch’s Fox News Faces Wrath And Tough Choices*, *NPR* (Nov. 7, 2020), <https://www.npr.org/2020/11/07/932203022/as-trumps-chances-fade-murdoch-s-fox-news-faces-wrath-and-tough-choices>.

him to put you on?” Coulter was reportedly invited to reappear on Fox “within twelve hours.”<sup>177</sup>

152. Within Fox News, Rupert Murdoch “controls everything.”<sup>178</sup> In the 2016 election coverage, Rupert was literally “at the head of the table” during the “final pre-show prep meeting” the evening of the election.<sup>179</sup> In 2017, when Fox News analyst Andrew Napolitano repeated a poorly-sourced lie involving the British intelligence community, Rupert Murdoch “wanted Napolitano’s segments disavowed loud and clear.”<sup>180</sup> “Rupert’s top priority at the time was winning his takeover bid for British Sky Broadcasting,” which involved regulatory approval on whether Murdoch “would be a ‘fit and proper’ owner, as the law required.”<sup>181</sup> That night, Fox News issued a retraction of Napolitano’s claims.

153. Rupert and Lachlan Murdoch also have been heavily involved in shaping decisions regarding Fox News’s shows and on-air talent. The Murdochs, for example, made the decision to fire Fox News host Bill O’Reilly in 2017. As one Fox employee said, “Rupert just wanted to rid Fox of the stench.”<sup>182</sup> The Murdochs then

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<sup>177</sup> Jane Mayer, *The Making of the Fox News White House*, *The New Yorker* (Nov. 3, 2019), <https://www.newyorker.com/magazine/2019/03/11/the-making-of-the-fox-news-white-house>.

<sup>178</sup> Brian Stelter, *Hoax*, p. 84 (2021 paperback).

<sup>179</sup> Brian Stelter, *Hoax*, p. 86.

<sup>180</sup> Brian Stelter, *Hoax*, p. 133.

<sup>181</sup> *Id.*

<sup>182</sup> Brian Stelter, *Hoax*, p. 137.

shaped the Fox News programming lineup, including deciding to move Tucker Carlson's show to the eight o'clock hour and replacing hosts on *The Five*. One host of *The Five*, Eric Bolling, was then given his own show. Rupert Murdoch delivered this news to Bolling himself.<sup>183</sup>

154. In October 2019, Rupert met directly with then-Attorney General William Barr where they discussed media consolidation, among other topics. At the meeting, Barr also discussed Napolitano's statements on Fox that had become critical of President Trump. President Trump "had implored Barr to send Rupert a message in person. According to a source, it was 'about muzzling the judge.' . . . Barr's words carried a lot of weight."<sup>184</sup> Soon "Napolitano was nowhere to be found" in providing commentary about President Trump.<sup>185</sup>

155. In November 2019, host Tucker Carlson stated, "We want to thank Fox and especially the Murdoch family for their unwavering support of this show day after day."<sup>186</sup>

156. In October 2021, host Jeanine Pirro stated that the success of Fox is "really is a testament to the business acumen, to the vision and to the fact that the

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<sup>183</sup> Brian Stelter, *Hoax*, pp. 140-41.

<sup>184</sup> Brian Stelter, *Hoax*, pp. 276-77.

<sup>185</sup> *Id.*

<sup>186</sup> *Tucker Carlson Tonight*, Fox News (Nov. 15, 2019), <https://video.foxnews.com/v/6104840764001/#sp=show-clips> (transcript available at 2019 WLNR 34427669).

Murdochs and Lachlan right now and certainly Rupert didn't really run with the pack, they didn't need approval. They didn't need permission. They were determined to run in their own lane, and they were the winners, and so are all of us who work here. I mean, we get to talk about what we want to talk about.” Tucker Carlson responded, “Exactly.” Pirro then stated: “We get to be who we are. You get to be, Tucker; I get to be Judge Jeanine. You know we get to talk about what we want to talk about. . . . [W]e are talking about things that America is interested in hearing. I mean, the proof is in the pudding and the fact that we have a structure that Suzanne Scott and Lachlan Murdoch, and everyone is supportive of us, is unbelievable.”<sup>187</sup>

157. On October 27, 2021, *The Five* host Geraldo Rivera stated, “I love the Murdochs for giving me a contract.”<sup>188</sup>

158. The Murdoch family has ultimate editorial control over what airs on Fox News and participates directly in those decisions. In times of turmoil and crisis such as the coverage of the 2020 election and its aftermath (including the increasing threats posed by Newsmax and OAN), the Murdoch family exerts even more direct control over Fox News. In 2017, for instance, Rupert was “spending some 80 per

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<sup>187</sup> *Tucker Carlson Tonight*, Fox News (Oct. 7, 2021), <https://video.foxnews.com/v/6276126637001/#sp=show-clips/>

<sup>188</sup> *The Five*, Fox News (Oct. 27, 2021), <https://www.foxnews.com/transcript/the-five-on-biden-touting-economy-plagued-by-inflation-supply-crisis>.

cent of his time on maintaining that channel’s lead during its time of troubles.”<sup>189</sup> Now-CEO Suzanne Scott observed that “it was interesting to watch how [Rupert] methodically got himself fully entrenched in our day-to-day operation.”<sup>190</sup>

159. Rupert’s “personal management of a crisis puts him in an excellent position to decide who ‘gets thrown under the bus,’ and who will be sacrificed to the gods of public opinion and the legal authorities should such a sacrifice be necessary.”<sup>191</sup> Unsurprisingly, then, during the crisis precipitated by Fox’s election coverage, its lies about Dominion, and its falling ratings, Rupert “reengaged in the network’s decisions.”<sup>192</sup>

160. Fox Corporation executives—including but not limited to Rupert and Lachlan Murdoch—played a direct role in participating in, approving, and controlling the Fox News coverage of the 2020 election and its aftermath. Prior to the election, Fox News’s stance towards Joe Biden “began to soften slightly” at the

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<sup>189</sup> Irwin Stelzer, *The Murdoch Method*, p. 72 (2018).

<sup>190</sup> Marisa Guthrie, “*I Sleep Well at Night*”: Suzanne Scott on Running Fox News, *Hollywood Reporter* (Oct. 7, 2021), <https://www.hollywoodreporter.com/tv/tv-features/suzanne-scott-fox-news-25th-anniversary-1235025880/>.

<sup>191</sup> Irwin Stelzer, *The Murdoch Method*, p. 138 (2018).

<sup>192</sup> Sarah Ellison and Jeremy Barr, *Sean Hannity is the Face of the Post-Trump Identity Crisis at Fox News*, *Wash. Post* (Feb. 2, 2021), [https://www.washingtonpost.com/lifestyle/media/fox-ratings-sean-hannity-cnn-msnbc/2021/02/02/9a604eac-650d-11eb-8c64-9595888caa15\\_story.html](https://www.washingtonpost.com/lifestyle/media/fox-ratings-sean-hannity-cnn-msnbc/2021/02/02/9a604eac-650d-11eb-8c64-9595888caa15_story.html)

direction of Fox Corporation executives.<sup>193</sup> Rupert “ordered more impartial coverage of the election in the news network’s general news programming.”<sup>194</sup>

161. On the night of the election, Rupert and Lachlan, with editorial control, made the decision to call Arizona for Biden. As discussed above, this decision alienated both President Trump and many previously-loyal Fox viewers. That night, Lachlan—who was “in direct charge of the network”—“got a call relayed from the Fox News election data operation: the desk was ready to call Arizona.”<sup>195</sup> The election desk was “directly answerable to the Murdochs.”<sup>196</sup> “Lachlan got his father on the phone to ask if he wanted to make the early call. His father, with his signature grunt, assented, adding, ‘Fuck him.’”<sup>197</sup>

162. After Fox announced the call on air, members of the Trump White House—including President Trump himself—also recognized that Fox Corporation executives participated directly in the decision to call Arizona for Biden. President Trump screamed, “What the fuck is Fox doing?”<sup>198</sup> He then directed his son-in-law

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<sup>193</sup> David Parsley, *How Rupert Murdoch Turned Against Donald Trump*, iNews (Nov. 6, 2020), <https://inews.co.uk/us-election-2020/rupert-murdoch-donald-trump-republican-party-us-election-2020-751720>.

<sup>194</sup> David Parsley, *How Rupert Murdoch Turned Against Donald Trump*, iNews (Nov. 6, 2020), <https://inews.co.uk/us-election-2020/rupert-murdoch-donald-trump-republican-party-us-election-2020-751720>.

<sup>195</sup> Michael Wolff, *Landslide*, p. 53 (2021).

<sup>196</sup> Michael Wolff, *Landslide*, p. 53.

<sup>197</sup> Michael Wolff, *Landslide*, p. 53.

<sup>198</sup> Carol Leonnig and Philip Rucker, *I Alone Can Fix It*, p. 344 (2021).

Jared Kushner to “CALL RUPERT.”<sup>199</sup> President Trump also directed White House aide Hope Hicks—who had just left a position as a Chief Communications Officer at Fox Corporation—to call Lachlan Murdoch.<sup>200</sup> Hicks also reached out to Fox Corporation executive Raj Shah, another former White House aide.<sup>201</sup>

163. On November 6, 2020, one newspaper reported that Rupert Murdoch “spoke to Mr. Trump and told him that he had lost, and that Mr. Biden was going to emerge as the clear winner. . . . Mr. Trump did not accept that. Privately, Mr. Murdoch—formerly a friend and supporter of the President—is dismayed by Mr. Trump’s inappropriate conduct since the polls closed.”<sup>202</sup> Indeed, the day after the election, Mr. Murdoch called at least one senior Republican leader “urging him to ask other senior Republicans to refuse to endorse Mr. Trump’s conspiracy theories and baseless claims of fraud.”<sup>203</sup>

164. The Murdoch family, in addition to controlling Fox Corporation, also controls News Corporation, another media entity whose holdings include the *Wall Street Journal*, Dow Jones, the *New York Post*, and other media outlets throughout

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<sup>199</sup> Brian Stelter, *Hoax*, p. 349.

<sup>200</sup> Michael Wolff, *Landslide*, p. 57.

<sup>201</sup> Michael Wolff, *Landslide*, p. 57.

<sup>202</sup> David Parsley, *How Rupert Murdoch Turned Against Donald Trump*, iNews (Nov. 6, 2020), <https://inews.co.uk/us-election-2020/rupert-murdoch-donald-trump-republican-party-us-election-2020-751720>.

<sup>203</sup> *Id.*

the world. Rupert “spends a good part of each day calling his editors around the world.”<sup>204</sup> “He is fascinated by politics for its own sake—but also because politics affects the business environment in which he operates.”<sup>205</sup> “If a politician can persuade Murdoch, he is likely to have gained an ally who will manage to have those arguments repeated in newspapers in which Murdoch has a say in editorial policy and on air to millions of Fox News Channel viewers.”<sup>206</sup> In short, “any politician dealing with Rupert knows” that Fox News “takes its orders” from Rupert.<sup>207</sup>

165. Rupert is heavily involved in the editorial process at his newspapers. Indeed, he was known specifically to tear up the front pages of the *New York Post* when they were not to his liking.<sup>208</sup> By at least November 7—prior to the first accused defamatory statement here and soon after Rupert’s post-election phone call with President Trump—the *New York Post* “Editorial Board” urged President Trump to “stop the ‘stolen election’ rhetoric,” noting that President Trump has “a legacy he could easily run on in 2024—if he quits the conspiracy-addled talk of a ‘stolen’ election.”<sup>209</sup> The editorial noted that “the president’s aides have shown no evidence

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<sup>204</sup> Irwin Stelzer, *The Murdoch Method*, p. 43 (2018).

<sup>205</sup> Irwin Stelzer, *The Murdoch Method*, p. 43 (2018).

<sup>206</sup> Irwin Stelzer, *The Murdoch Method*, p. 44 (2018).

<sup>207</sup> Irwin Stelzer, *The Murdoch Method*, p. 72 (2018).

<sup>208</sup> Irwin Stelzer, *The Murdoch Method*, p. 226 (2018).

<sup>209</sup> *President Trump, Your Legacy is Secure—Stop the ‘Stolen Election’ Rhetoric*, N.Y. Post (Nov. 7, 2020), <https://nypost.com/2020/11/07/president-trump-your-legacy-is-secure-stop-the-stolen-election-rhetoric/>.

that the election was ‘stolen.’” And it pointedly argued: “It undermines faith in democracy, and faith in the nation, to push baseless conspiracies. Get Rudy Giuliani off TV.”<sup>210</sup>

166. Yet when it came to Fox News, Rupert and Lachlan Murdoch did not “[g]et Rudy Giuliani off TV”—quite the contrary, they continued to give Giuliani and others a platform on their “crown jewel” network to push these baseless claims. Rudy Giuliani continued to defame Dominion on Fox News through November and December 2020 even though Rupert and Lachlan Murdoch knew he was pushing “baseless conspiracies.” Why? Because Fox Corporation executives such as Rupert and Lachlan Murdoch decided not to “force it.”<sup>211</sup> Instead, they chose to publish and broadcast the defamatory statements about Dominion across Fox. As the threat to Fox from Newsmax and OAN grew in the aftermath of the election, Fox Corporation executives—again, including but not limited to Rupert and Lachlan Murdoch—were “not happy” and were “pressuring” Fox News executives “to lure the Fox audience back home.”<sup>212</sup>

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<sup>210</sup> *President Trump, Your Legacy is Secure—Stop the ‘Stolen Election’ Rhetoric*, N.Y. Post (Nov. 7, 2020), <https://nypost.com/2020/11/07/president-trump-your-legacy-is-secure-stop-the-stolen-election-rhetoric/>.

<sup>211</sup> Brian Stelter, *Hoax*, p. 369.

<sup>212</sup> Brian Stelter, *Hoax*, p. 369.

167. In the Fall of 2021, Fox finally banned Rudy Giuliani from appearing on the network. Giuliani “was upset by the decision because he had ‘done a big favor’” for Murdoch by getting Fox on the Time Warner network.<sup>213</sup> Yet when Fox faced the choice back in November and December 2020 whether to ban Giuliani or continue to give his lies a platform, Fox kept putting Giuliani on its air.

168. Pushing back on the lies about Dominion would risk Fox Corporation’s revenue stream. “[K]eeping the core conservative Fox News viewer happy is the company’s primary goal. Rupert Murdoch’s U.S. newspapers the Wall Street Journal and the New York Post have been highly critical of Trump’s actions on their editorial pages since he lost the election. Any personal political convictions he has on the matter are not worth alienating fickle TV viewers who could ultimately have an impact on the company’s balance sheet. ‘[The Murdochs] are not sentimental about their programming decisions. [ ] They do what they need to do to get an audience.’”<sup>214</sup>

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<sup>213</sup> Caroline Vakil, *Fox News Bans Rudy Giuliani From Appearing: Report*, The Hill (Sep. 24, 2021), <https://web.archive.org/web/20210924124629/https://thehill.com/media/573771-fox-news-bans-rudy-giuliani-from-appearing-report>.

<sup>214</sup> Stephen Battaglio and Meg James, *Fox News Tries to Keep Trump Fans Satisfied, But At What Cost?*, L.A. Times (Feb. 18, 2021), <https://www.latimes.com/entertainment-arts/business/story/2021-02-18/trump-fox-news-conservative-viewers-murdoch-newsmax>.

169. Indeed, throughout November and December, editorials in other Murdoch-controlled media outlets urged President Trump to, in the words of the *New York Post* front-page editorial, “Stop the Insanity.”<sup>215</sup>



<sup>215</sup> *The Post Says: Give It Up Mr. President—For Your Sake and the Nation's*, N.Y. Post (Dec. 27, 2020), <https://nypost.com/2020/12/27/give-it-up-mr-president-for-your-sake-and-the-nations/>.

170. As discussed above, the Murdoch-controlled *Wall Street Journal* editorialized similarly during this timeframe.<sup>216</sup> A November 6, 2021 editorial concluded that “Mr. Trump’s legacy will be diminished greatly if his final act is a bitter refusal to accept a legitimate defeat.”<sup>217</sup> Likewise, on November 17, the *Wall Street Journal* stated “there’s no good evidence of voting problems that would come close to” calling into question Biden’s leads in the swing states. Both the *Journal* and the *Post*, along with other Murdoch-controlled media outlets, also accurately reported that no evidence existed for these baseless claims against Dominion. And again on December 1, the *Wall Street Journal* discussed Dominion, noted that “Georgia’s hand recount closely matched the results from its scanners,” and declared, “we haven’t seen” fraud claims that “are credible.”<sup>218</sup> Nonetheless, however, Fox repeatedly aired these baseless claims of fraud.

171. Given the concerns about rivals such as Newsmax and OAN, it is not surprising that although Rupert Murdoch did not believe President Trump’s election fraud claims, he nevertheless encouraged on-air personalities to perpetuate these

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<sup>216</sup> See also *The Presidential Endgame*, Wall Street Journal (Nov. 6, 2020), <https://www.wsj.com/articles/the-presidential-endgame-11604706255>

<sup>217</sup> *Id.*

<sup>218</sup> *Trump’s Fraud Claims Hit a Barr*, Wall. St. J. (Dec. 1, 2020, 6:40 PM), <https://www.wsj.com/articles/trumps-fraud-claims-hit-a-barr-11606866056>.

baseless claims.<sup>219</sup> Fox Corporation Executive Chairman and CEO Lachlan Murdoch acknowledged that “our audience was disappointed with the election results.”<sup>220</sup> And when Fox ratings dipped after the election, Rupert Murdoch stepped in “to call the shots directly,” according to a number of reports.<sup>221</sup>

172. The Murdochs and Fox Corporation have perpetuated these false claims of election fraud despite multiple reports that the Murdochs themselves did not believe the claims.<sup>222</sup> Nevertheless, Fox continued to broadcast those lies to tens of millions of viewers. Rupert and Lachlan Murdoch made a “business calculation” to spread lies.<sup>223</sup>

173. Fox Corporation’s employees and officers—including but not limited to Rupert and Lachlan Murdoch—had direct responsibility for airing these

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<sup>219</sup> Peter Kafka, *Fox News’s election fraud pandering may be its most dangerous lie yet*, Vox (Nov. 13, 2020), <https://www.vox.com/recode/21563312/fox-news-trump-election-fraud-murdoch-hannity-carlson-ingraham>.

<sup>220</sup> *Transcript of Lachlan Murdoch at Fox Corp.’s ‘Investor Day’* at 4-5, Fox Corp. (Mar. 4, 2021), <https://investor.foxcorporation.com/static-files/96a7dbad-e517-4bb7-af38-aeb1e83d2a20>.

<sup>221</sup> Margaret Sullivan, *Fox News is a hazard to our democracy. It’s time to take the fight to the Murdochs. Here’s how.*, Wash. Post (Jan. 24, 2021), [https://www.washingtonpost.com/lifestyle/media/fox-news-is-a-hazard-to-our-democracy-its-time-to-take-the-fight-to-the-murdochs-heres-how/2021/01/22/1821f186-5cbe-11eb-b8bd-ee36b1cd18bf\\_story.html](https://www.washingtonpost.com/lifestyle/media/fox-news-is-a-hazard-to-our-democracy-its-time-to-take-the-fight-to-the-murdochs-heres-how/2021/01/22/1821f186-5cbe-11eb-b8bd-ee36b1cd18bf_story.html).

<sup>222</sup> Peter Kafka, *Fox News’s election fraud pandering may be its most dangerous lie yet*, Vox (Nov. 13, 2020), <https://www.vox.com/recode/21563312/fox-news-trump-election-fraud-murdoch-hannity-carlson-ingraham>.

<sup>223</sup> Brian Stelter, *Hoax*, p. 103.

defamatory broadcasts. They decided to broadcast these defamatory statements, and chose to do so knowing they were false or in reckless disregard of the truth.

174. The plan worked—for Fox, at least. On December 8, 2020, after a month of promulgating the lie that Dominion rigged the election, Fox Corporation Chief Financial Officer Steve Tomsic stated that “Fox News specifically has had a great run.”<sup>224</sup> Indeed, Tomsic acknowledged that Fox Corporation has set up additional revenue streams through Fox Nation and elsewhere “to super-serve the Fox News dedicated fans,” and has identified this “super-fan” group as “a much bigger opportunity” for the company.<sup>225</sup>

175. Those at Fox News who promoted the lies about Dominion were well rewarded, and those who pushed back were punished. Fox Corporation executives, including but not limited to Rupert Murdoch, made the decision in January 2021 to change Fox News’ lineup and reward Fox News employees like Maria Bartiromo who had promoted the lies about Dominion. “These were all Murdoch’s calls,” according to one Fox News anchor.<sup>226</sup> Fox Corporation executives including Rupert

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<sup>224</sup> *Transcript of Steve Tomsic*, Fox Corp. (Dec. 8, 2020), <https://investor.foxcorporation.com/static-files/ae329369-a122-44e8-96a8-2344f064d422>.

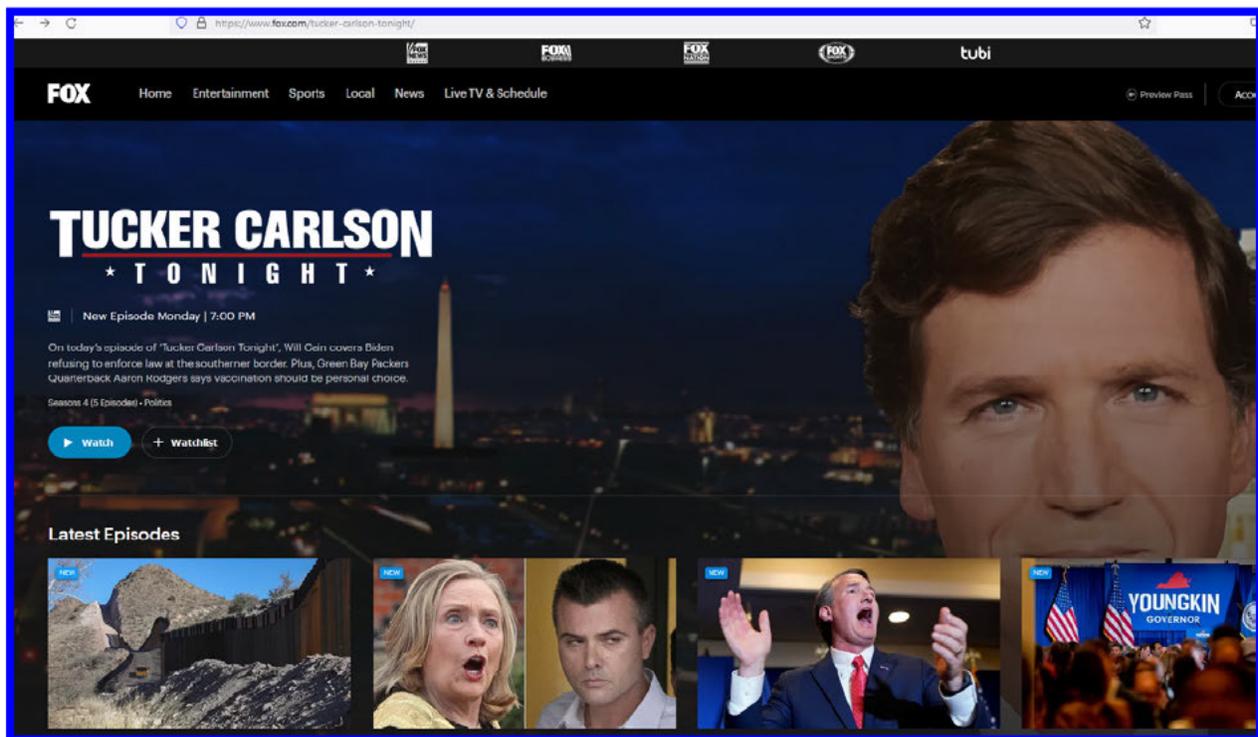
<sup>225</sup> *Transcript of Steve Tomsic Presentation to Deutsche Bank at 12*, Fox Corp. (Mar. 9, 2021), <https://investor.foxcorporation.com/static-files/18d5cced-6c68-413e-8d46-f5c7f3232d67>.

<sup>226</sup> Brian Stelter, *Hoax*, pp. 374-75.

Murdoch also participated in the decisions regarding the resignations and/or firing of Chris Stirewelt at the Fox News election desk<sup>227</sup> and, on information and belief, Bill Sammon, the Washington, D.C. editor.

### ***Fox Broadcasting Also Publishes the Defamatory Statements***

176. The accused broadcasts aired not only on Fox News and appeared at foxnews.com, they also appeared on fox.com itself. Each accused show has its own page on the Fox website that broadcasts its episodes, like the following:



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<sup>227</sup> Sarah Ellison & Jeremy Barr, *Sean Hannity is the Face of the Post-Trump Identity Crisis at Fox News*, Wash. Post (Feb. 2, 2021), [https://www.washingtonpost.com/lifestyle/media/fox-ratings-sean-hannity-cnn-msnbc/2021/02/02/9a604eac-650d-11eb-8c64-9595888caa15\\_story.html](https://www.washingtonpost.com/lifestyle/media/fox-ratings-sean-hannity-cnn-msnbc/2021/02/02/9a604eac-650d-11eb-8c64-9595888caa15_story.html).

177. The fox.com website is operated by Fox Broadcasting.<sup>228</sup> Fox News has disclaimed responsibility for the accused defamatory broadcasts on fox.com. Fox Corporation and the Murdochs set up a structure by which defamatory statements on Fox News also would be published on fox.com. On information and belief, Fox Broadcasting took instruction from Fox Corporation and Fox News to publish the defamatory statements. Moreover, on information and belief, those within Fox Broadcasting separately responsible for publishing the defamatory statements knew they were false or acted in reckless disregard of their falsity. And Fox Corporation executives—including but not limited to Rupert and Lachlan Murdoch—chose to publish the defamatory statements through Fox Broadcasting, on fox.com.

***Fox News and Fox Broadcasting Operated As Fox Corporation's Agent***

178. Additionally, and separately from Fox Corporation's direct editorial participation in these defamatory publications, Fox News and Fox Broadcasting operated as Fox Corporation's agent in the broadcast and publication of the specific defamatory statements alleged here. Fox Corporation—through its employees, officers, and directors—exercised control over the underlying conduct at issue—namely the decision to publish these defamatory broadcasts and to do so knowing they were false or in reckless disregard of the truth. Fox News and Fox Broadcasting

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<sup>228</sup> See *Fox Networks Sites and Services Terms of Use Agreement*, Fox Corp., <https://www.fox.com/article/fox-networks-sites-and-services-terms-of-use-agreement-597bc239ef528f0026dc0316/>.

were acting on behalf of Fox Corporation, and the defamatory broadcasts stem from that agency relationship. Fox Corporation maintained editorial control over the content of Fox News and the Fox News shows appearing on fox.com during the relevant timeframe, including in the decision to broadcast and publish the defamatory statements. Fox Corporation also maintained control of Fox News by causing Fox News and Fox Broadcasting to air these defamatory broadcasts in order to protect Fox Corporation's business interests by warding off any competitive attacks from outlets such as Newsmax and OAN. Fox Corporation—through its officers Rupert and Lachlan Murdoch and others—directly had authority and control over the decision to broadcast the defamatory statements alleged here.

179. Moreover, as detailed above, Fox Corporation manifested its understanding that Fox News, Fox Broadcasting, and their employees would act as agents of Fox Corporation regarding the defamatory statements. Fox News accepted that undertaking, including by accepting control by Fox Corporation and by allowing Fox Corporation to participate in its daily meetings and help plan its strategy for countering Newsmax and OAN. Fox Broadcasting also accepted that undertaking by allowing Fox Corporation to dictate whether Fox Broadcasting would publish the defamatory statements. Moreover, Fox News, Fox Broadcasting, and Fox Corporation all understood that Fox Corporation, through its employees and officers,

was in control of that decision to broadcast—and continue to broadcast—the defamatory statements about Dominion.

180. The corporate structure of Fox Corporation and its wholly-owned subsidiaries remains opaque to Plaintiffs. It is possible that other subsidiaries of Fox Corporation also published these defamatory statements. The allegations above demonstrate that regardless of where within the constellation of Fox Corporation companies the defamatory statements occurred, Fox Corporation itself—including Rupert and Lachlan Murdoch—maintained control over the decisions that caused harm to Dominion by the publication of these defamatory statements. Indeed, that different Fox Corporation entities made the same defamatory statements shows that Fox Corporation exercised control over the underlying conduct at issue and that the Fox Corporation subsidiaries publishing these statements acted as Fox Corporation’s agents in doing so.

### ***Dominion Has Suffered Enormous Harm***

181. Fox’s own Tucker Carlson acknowledged that the accusations made on Fox against Dominion amount to ***“the single greatest crime in American history.”***<sup>229</sup>

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<sup>229</sup> Tucker Carlson, *Time for Sidney Powell to Show Us Her Evidence*, Fox News (Nov. 19, 2020), <https://www.foxnews.com/opinion/tucker-carlson-rudy-giuliani-sidney-powell-election-fraud>.

182. As a result of the false accusations broadcast by Fox into millions of American homes, Dominion has suffered unprecedented harm and its employees' lives have been put in danger.

183. After watching Fox broadcasts, countless Twitter users believed and began spreading Fox's defamatory falsehoods about Dominion across social media.

184. For example, one person tweeted:

They didn't vote for Biden that was voter fraud and it's the subject of Hand recounts, Vote audit, lawsuits and that may be countrywide. On Maria Bartiromo show this morning Dominion is being exposed to having ties to dark money from Venezuela and Cuba.<sup>230</sup>



185. Another person wrote to California Congressman Devin Nunes and stated:

Our voting machines are owned by Canada The Dominion

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<sup>230</sup> Cesibear (@cesibear1), Twitter (Nov. 13, 2020, 9:18 am), <https://twitter.com/cesibear1/status/1327254572725907457>.

company has a parent company called Softmatic, developers are from Venezuela. ... This is a TOTAL STOLEN ELECTION. SOURCE: Rudy Giuliani on Lou Dobbs.<sup>231</sup>



186. After watching Fox's *Justice w/ Judge Jeanine* on November 14, 2020, which peddled defamatory statements about Dominion, one person tweeted:

GOP DEALS IN FACTS ... AND JUDGE PIRRO IS SUCH EMBODIMENT OF INTEGRITY ... devilocrats and lucifers msm and dominion voter fraud will not see the light of day in TRUMP'S WHITE HOUSE. <sup>232</sup>

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<sup>231</sup> Kim Melody (@u2cldknow), Twitter (Nov. 13, 2020, 8:54 pm), <https://twitter.com/u2cldknow/status/1327429703414607874>.

<sup>232</sup> Clive Lion (@CliveLion), Twitter (Nov. 16, 2020, 11:12 am), <https://twitter.com/CliveLion/status/1328370411806056449>.



187. Following Fox’s Trump interview on Bartiromo’s show, one person wrote:

#SCOTUS must RULE! Maria Bartiromo

@realDonaldTrump over 74MILLION Voted for #TRUMP WE'RE the VICTIMS! MASSIVE #ElectionFraud #Voterfraud #Dominion swing states w/ #Trump Winning-UNCONSTITUTIONALLY coordinated HAULT Refused2REPORT vote COUNT in FEDERAL ELECTION to #StealTheVotes<sup>233</sup>

<sup>233</sup> Irish Girl (@twiggyoh), Twitter (Nov. 29, 2020, 11:04 am), <https://twitter.com/twiggyoh/status/1333079323444654081>.



188. Another Twitter user quoted Fox’s November 30 episode of *Lou Dobbs*

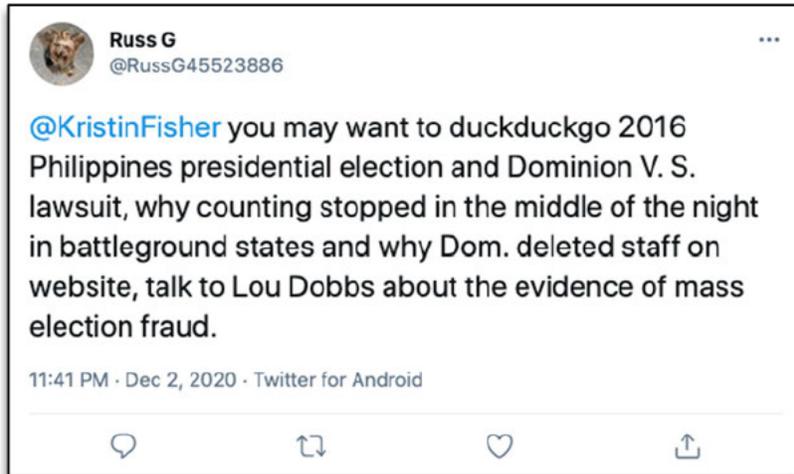
*Tonight:*

Obvious fraud corrupt election, eye witnesses, computer science experts, tech experts testifying about corrupt dominion voting machines and smartmatic software, a 12th grader can see what’s going on, the only thing transparent about this election is the fraud, to quote Lou Dobbs.<sup>234</sup>

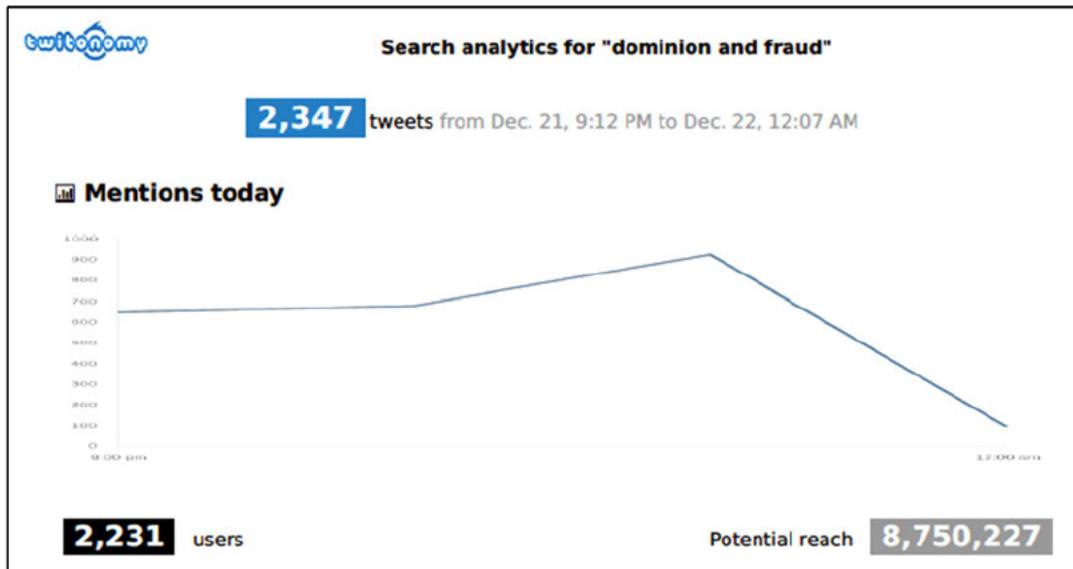


<sup>234</sup> Denise (@denise4re), Twitter (Nov. 30, 2020, 10:34 am), <https://twitter.com/denise4re/status/1333615466988802050>.

189. Another person tweeted to Fox correspondent Kristin Fisher that she should “talk to Lou Dobbs about the evidence of mass election fraud.”<sup>235</sup>

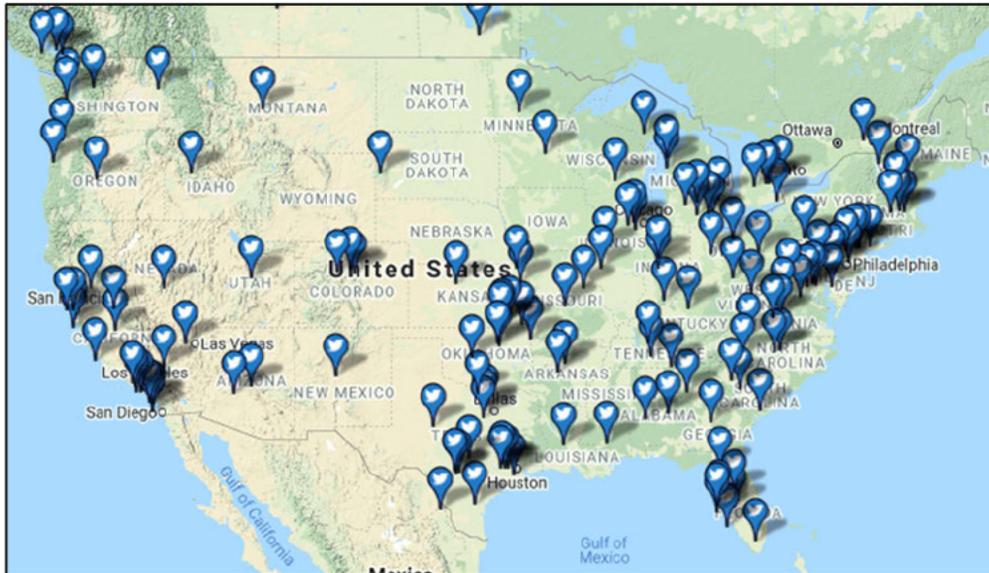


190. Over a *three-hour period* on December 21, 2020, the terms “dominion” and “fraud” were tweeted out together by more than *2,200* users with over *8.75 million* total followers.



<sup>235</sup> Russ G. (@RussG45523886), Twitter (Dec. 2, 2020, 11:41 pm), <https://twitter.com/RussG45523886/status/1334357036713250817>.

191. Those over 2,200 Twitter users were located across the United States and in 17 countries around the world.



192. Dominion continues to be inextricably connected to fraud on the most important platform of all: the internet. For example, in January 2021, Google searches for “dominion voting fraud” yielded over 8.4 million results; 1.9 million results for “dominion manipulate vote”; and over 18.9 million results for “who manufactures dominion voting machines.” And even in late March 2021—almost six months after the November 2020 election—a Google search for “boycott dominion fraud” yields over 3.2 million results.

193. As a result of Fox’s viral disinformation campaign against Dominion, the company and its employees have been targeted and have received death threats and calls for jail time.

194. For example, one person posted, “Why isn’t every single Dominion employee in jail for their election fraud?!!!!!!!!!!”<sup>236</sup>



195. Another person posted, “jail dominion find them...ask allies to track them down.”<sup>237</sup>



196. One Dominion employee received text messages stating “*we are already watching you. Come clean and you will live.*”

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<sup>236</sup> Woody James (@WoodsonTJames), Twitter (Dec. 9, 2020, 12:35 pm), *previously available at* <https://twitter.com/WoodsonTJames/status/1336726130771038208>.

<sup>237</sup> Lionslovestrump (@leonkhanin1234), Twitter (Dec. 8, 2020, 9:26 pm), <https://twitter.com/leonkhanin1234/status/1336497514598555650>.

197. One person left the following message on Dominion's customer support line:

***You're all fucking dead, You're all fucking dead. We're bringing back the firing squad and you fuckers are all dead, everybody involved up against the wall you motherfuckers.*** We're gonna have a fucking lottery to fucking give people a chance to shoot you motherfuckers you fucking wait you cocksuckers you commie pieces of shit. ***We're going to fucking kill you all you motherfuckers.*** After a fair trial of course you pieces of shit. The American people are fucking coming for you this is the end of your fucking line guys your fucking days are numbered you better enjoy your Thanksgiving because you'll never see another one you fucking cocksuckers. You will be gone soon. Happy Thanksgiving. Cock suckers. You're almost done just watch and see what happens. Check out the executive order from September 12, 2018. You'll see what's going to happen. You'll own nothing. You'll be on the fucking 2030 plan because you'll own nothing you fucking cocksuckers. It's coming. Buckle your fucking seatbelts. Watch what's going to happen next.

198. Another person sent a Dominion employee an email with the subject line, "***Time is up***" and with the message, "***You have 24 hours....***"

199. And another person left the following message on Dominion's main office line:

Yeah, good afternoon. Fuck you, fucking scumbags. ***We're gonna blow your fucking building up.*** Piece of fucking shit.

200. On July 4, 2021, someone threw a brick through the window of a Dominion office.

201. Because of these threats and numerous others, Dominion has made significant expenditures to protect its people from harm—including by employing on-site police and security. Since the beginning of the viral disinformation campaign, Dominion has spent more than \$600,000 on private security for the protection of its people.

202. As a direct result of the viral disinformation campaign, Dominion has been forced to make significant expenditures in an attempt to mitigate the harm to its business. To date, Dominion has incurred expenses of more than \$700,000 to that end.

203. Dominion is a for-profit company that provides local election officials with tools they can use to run elections. It generates revenue by selling voting technology, licensing software, and providing related services to elected officials from both political parties. It contracts with state and local governments to provide its voting systems, software licenses, and services in a majority of states across the country. Those contracts are typically multi-year contracts and range from tens of thousands of dollars to over a hundred million dollars, depending on the jurisdiction and scope of the contract. Given the nature of the U.S. election system and the voting services industry, Dominion's contracts have historically been long-term with high renewal rates. As a direct result of the disinformation campaign, Dominion has suffered enormous and irreparable economic harm.

204. As illustrated in the examples above, the disinformation campaign unfairly subjected Dominion to the hatred, contempt, and distrust of tens of millions of American voters. The elected officials who are Dominion’s actual and potential customers have received emails, letters, and calls from their constituents demanding that they cease and avoid contracting with Dominion or using Dominion machines.

205. Dominion has suffered harm nationwide. For example, since the beginning of the disinformation campaign against Dominion, state legislators in various states in which Dominion has contracts—including Arizona, California, Colorado, Florida, Michigan, Ohio and Pennsylvania—have stated their intent to review and reassess those contracts. They have done so because of pressure from constituents and donors as a direct result of the lies peddled by Fox.

206. For example, prior to the 2020 election, Louisiana had issued Dominion an “Intent to Award Letter,” noting its intent to accept Dominion’s bid to provide Louisiana with its voting systems beyond the 2020 election. But in March 2021, Louisiana retracted that “intent” and issued a “Notice of Cancellation” on the Request for Proposal on the State’s reassessment and bid process, essentially reneging on awarding Dominion the \$100-million-plus contract with the state.<sup>238</sup>

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<sup>238</sup> *Louisiana Ends Search for New Voting Machines Amid Criticism*, KATC 3 (Mar. 3, 2021), <https://www.katc.com/news/covering-louisiana/louisiana-ends-search-for-new-voting-machines-amid-criticism>.

207. This cancellation was due to the lies about Dominion. One Louisiana radio host, Jeff Crouere, declared: “Tell Kyle we don’t want a Dominion voting machine lawsuit here like they had in Georgia ... Call Kyle and tell him to get honest voting machines.”<sup>239</sup> “Kyle” refers to Louisiana’s Republican Secretary of State, Kyle Ardoin. Secretary Ardoin attributed the changed circumstances to “the damage to voter confidence done by those who willfully spread misinformation and disinformation.”<sup>240</sup> On July 2, Louisiana passed a bill that reworks “Louisiana’s method for selecting its next voting system.” Trump supporters in Louisiana have called “to block Louisiana’s current voting machine vendor, Dominion Voting Systems, from participating in an open bid process for the new multimillion-dollar contract” because they “blame” Dominion “for Trump’s loss in key swing states.”<sup>241</sup>

208. Because Dominion’s contracts are often long-term, the harm to Dominion will continue to play out over the next years. Nevertheless, since the November 2020 election, Dominion already has seen further evidence of damage in addition to the Louisiana contract described above. Indeed, Dominion has not

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<sup>239</sup> Sam Karlin, *How Louisiana’s Bid for New Voting Machines Fell Apart Amid Baseless Fraud Allegations*, The Advocate (Mar. 7, 2021), [https://www.theadvocate.com/baton-rouge/news/politics/elections/article\\_fc7c4008-7e14-11eb-b1d7-3734976f1a47.html](https://www.theadvocate.com/baton-rouge/news/politics/elections/article_fc7c4008-7e14-11eb-b1d7-3734976f1a47.html).

<sup>240</sup> *Id.*

<sup>241</sup> Melinda DeSlatte, *Analysis: Louisiana to Hve New Approach for Voting Machines* (July 11, 2021), <https://apnews.com/article/technology-government-and-politics-louisiana-voting-election-2020-0517ded61aa9bd507240eb593ca995a2>.

received numerous contracts as a result of the lies spread by Fox and others. As of July 23, 2021, these contracts were worth a combined \$90 million over 53 separate potential contracts. Election officials have even told Dominion that Dominion is losing business “because of the ‘Dominion’ name.” Together with the Louisiana contract, these add up to at least \$70 million in net profits lost. Even many rational elections administrators who reject the lies are unwilling to deal with the political blowback from many of their constituents—blowback that only exists due to the lies spread about Dominion.

209. On June 8, 2021, as a result of the disinformation campaign, the Georgia Republican Party Convention passed a resolution calling for an investigation into Dominion: “1. Formal action shall be taken by the Georgia General Assembly to appoint an independent investigatory committee not controlled by the Executive Branch to conduct an investigation into the procurement, implementation, management and oversight of Dominion Voting machines and their software.”<sup>242</sup> The stated goal of the resolution is “[r]eplacing all Dominion voting systems with secure hand marked paper ballots which should be scanned and tabulated using a device that is not connected to the internet, and to do so with the

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<sup>242</sup> Georgia GOP Resolutions Committee to the 2021 Georgia Republican Party Convention, *2021 Convention Resolutions Committee Report*, Georgia GOP (last visited July 5, 2021), <https://gagop.org/2021-convention-resolutions-committee-report/>.

passage of legislation for the governor to sign prior to the start of the candidate qualifying beginning March 7, 2022.”<sup>243</sup>

210. Officials in San Luis Obispo County, California, have also abandoned Dominion voting machines and have reverted to paper ballots over Dominion machines as a result of the disinformation campaign. As one official wrote in an email: “I don't trust Dominion Voting Systems at all.”<sup>244</sup>

211. These are some examples of the damage Dominion has suffered as a result of the Fox defamation campaign against Dominion. Regardless of the ultimate outcomes, these examples illustrate the stark difficulty that Dominion will have in the months and years ahead.

212. The damage to Dominion is not limited to the review and potential cancellation of Dominion’s contracts, either. Fox’s defamatory campaign has spurred sham audits, which continue to harm Dominion. Arizona conducted a sham audit propagated by people who have bought into the lies pushed by Fox in its race to the bottom with Newsmax and OAN.

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<sup>243</sup> *Id.*

<sup>244</sup> Peter Johnson, *SLO County to revert to ‘traditional’ election model following supervisor note*, New Times San Luis Obispo (May 6, 2021), <https://www.newtimeslo.com/sanluisobispo/slo-county-to-revert-to-traditional-election-model-following-supervisor-vote/Content?oid=11001664>.

213. Republican chairman of the Maricopa County Board of Supervisors, Jack Sellers, rightly called the audit in Arizona “a grift disguised as an audit.”<sup>245</sup> It was a total sham for reasons beyond the bias and complete lack of experience of the private companies performing the audit, including:

- There were no “bipartisan counting boards” set up for the hand counts, as required.
- The private group conducting the “audit” implemented forensic reviews of ballots for watermarks (based on the false belief that actual ballots in Arizona have watermarks—they do not), bamboo fibers (based on the false belief that 40,000 ballots were flown in from China and would therefore have bamboo fibers in them), and for folds or other markings (on the false belief that if a ballot has a fold or a food or coffee stain, it is invalid).
- The group falsely claimed that “Maricopa County deleted a directory full of election databases from the 2020 election cycle days before the election equipment was delivered to the audit,” when in fact the group was just too incompetent to “locate files on a copy they made of the County’s server.”
- The group claimed that the “chain of custody of ballots” had been broken, when in fact the Republican former Arizona Secretary of State Ken Bennett had approved the actual Chain of Custody Document that demonstrated it had never been broken.
- Vote counters were given blue pens—which “can be read by ballot marking devices and could be conceivably used to ruin or falsify ballots”—to mark ballots rather than red

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<sup>245</sup> Michael Wines, *In Arizona, G.O.P. senators defend their vote review but retract claims of deleted election data* (Mar. 18, 2021), <https://www.nytimes.com/2021/05/18/us/arizona-election.html>.

pens, breaking a cardinal rule of election audits that Cyber Ninjas' head Doug Logan did not know.

- The group left security gates and ballots unattended and brought unauthorized pens and cell phones near the ballot counting areas.
- The group refused to publicly disclose its procedures for ensuring voter privacy, despite being ordered by a Maricopa County Superior Court to do so.<sup>246</sup>

214. Unsurprisingly, actual Republican and independent election experts have completely discredited the audit as a sham. For example, former Kentucky Republican Secretary of State Trey Grayson and Dr. Barry C. Burden of the Elections Research Center at the University of Wisconsin-Madison—both “eminent election experts”—declared as follows:

The ongoing review of ballots from the November 2020 general election in Maricopa County as ordered by the Arizona State Senate and executed by their inexperienced, unqualified contractor, Cyber Ninjas, does not meet the standards of a proper election recount or audit. Although the scope of the undertaking is notable, the private firms conducting it are ill-equipped to conduct it successfully and produce meaningful findings about the 2020 election. In contrast to official procedures in Arizona and best practices around the country, the Cyber Ninjas review suffers from a variety of maladies: uncompetitive contracting, a lack of impartiality and partisan balance, a faulty ballot review process, inconsistency in procedures, an unacceptably high level of error built into the process, and insufficient security. A general lack of transparency and communication also makes it difficult

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<sup>246</sup> See Ralph Neas et al., *How the Arizona Senate Audit in Maricopa County Is an Assault on Voting Rights*, Century Foundation (July 1, 2021), <https://tcf.org/content/report/arizona-senate-audit-maricopa-county-assault-voting-rights/?session=1&agreed=1>.

to evaluate the review fully as one would an official recount or audit, and it undermines rather than establishes confidence in the election system and the review itself. Because it lacks the essential elements of a bona fide post-election analysis, the review currently underway in Maricopa County will not produce findings that should be trusted.<sup>247</sup>

215. And most recently, an independent analysis by the Associated Press determined that “out of more than 3 million ballots cast in last year’s presidential election” in Arizona, the “Arizona county election officials have identified fewer than 200 cases of potential voter fraud,” only four of which “have led to charges”—“two involved Democratic voters and two involved Republicans”—and “No person’s vote was counted twice.”<sup>248</sup> These cases had nothing to do with alleged voting machine fraud.

216. Regardless of the fact that it is a sham audit, the continuing coverage of it reinforces the harm and emphasizes how Dominion will forever be tainted with false claims of fraud. A recent article noted that an Arizona legislator supporting the

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<sup>247</sup> DR. BARRY C. BURDEN & SEC’Y TREY GRAYSON, STATES UNITED DEMOCRACY CTR., REPORT ON THE CYBER NINJAS REVIEW OF THE 2020 PRESIDENTIAL AND U.S. SENATORIAL ELECTIONS IN MARICOPA COUNTY, ARIZONA (June 22, 2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/06/6.22.21-SUDC-Report-re-Cyber-Ninjas-Review-FINAL.pdf>.

<sup>248</sup> Bob Christie & Christina A. Cassidy, *Ap: Few AZ Voter Fraud Cases, Discrediting Trump’s Claims*, Associated Press (July 16, 2021), <https://apnews.com/article/business-government-and-politics-arizona-election-2020-e6158cd1b0c6442716064e6791b4c6fc>.

sham audit was “exploring alternatives to Dominion voting machines.”<sup>249</sup> ““There’s a lot of push nationally to get rid of the machines because people feel like they can be manipulated.””<sup>250</sup> Indeed, in many circles, the word “Dominion” is now falsely associated with election fraud, and the sustained attack on Dominion now means that people falsely relate even general references to “election fraud” or similar phrases to Dominion. Arizona State Senator Wendy Rogers recently tweeted calling for “solitary confinement cells” for “the execs at the fraud machine company”:



217. As the County Recorder in Maricopa County, Arizona said, “[O]rdinary people, the ones who are showing up on a Wednesday night at a political meeting, I believe they really believe it. And that’s super sad.”<sup>252</sup> He also

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<sup>249</sup> Kyra Haas, *Some lawmakers want to eliminate voting machines*, AZ Capitol Times (Jun. 3, 2021), <https://azcapitoltimes.com/news/2021/06/03/some-lawmakers-want-to-eliminate-voting-machines/>.

<sup>250</sup> *Id.*

<sup>251</sup> Wendy Rogers (@WendyRogersAZ), Twitter (Aug. 2, 2021, 5:40 PM), <https://twitter.com/wendyrogersaz/status/1422326523177148416?s=21>.

<sup>252</sup> Josh Dawsey & Rosalind S. Helderman, *Trump has grown increasingly consumed with ballot audits as he pushes falsehood that election was stolen*, Wash. Post (June 2, 2021, 6:50 PM) <https://www.washingtonpost.com/politics/trump->

stated: “We can’t indulge these insane lies any longer. As a party. As a state. As a country.”<sup>253</sup>

218. Nevertheless, across the country, other jurisdictions are attempting to pursue their own sham audits. For example, Fulton County, Pennsylvania—which Trump won by an “almost seven-to-one” margin over Biden—hired Wake TSI, one of the same technology companies used in Maricopa County with virtually no election auditing experience, to conduct a sham audit of Fulton County ballots.<sup>254</sup> As a result of this sham audit, Pennsylvania’s Secretary of State was forced “to decertify” the Dominion machines leased by the County because “the inspection violated state law ... was done in a manner that ‘was not transparent or bipartisan’ and the firm had ‘no knowledge or expertise in election technology.’”<sup>255</sup>

219. In late July 2021, in a Georgia county—Bibb County—a rally was held to begin a sham audit in Georgia. Signs said: “Ditch Dominion.” The Bibb

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[2020-election-audits/2021/06/02/95fd3004-c2ec-11eb-8c34-f8095f2dc445\\_story.html](https://www.washingtonpost.com/news/technology/wp/2020-election-audits/2021/06/02/95fd3004-c2ec-11eb-8c34-f8095f2dc445_story.html).

<sup>253</sup> *Id.*

<sup>254</sup> Marc Levy & Mark Scolforo, *Pennsylvania Decertifies County’s Voting System after Audit*, Associated Press (July 21, 2021), <https://apnews.com/article/technology-joe-biden-business-government-and-politics-pennsylvania-93c5f0b03167971d4dc5919e68949c51>.

<sup>255</sup> *Id.*

County Party Chair “wants to know if [Georgia Secretary of State] Raffensperger will support an investigation into Dominion Voting.”<sup>256</sup>



220. In short, Dominion has now become part of both national- and state-level election fraud narratives at Dominion’s great expense. Political candidates are running campaign platforms based on the falsities that Fox published and republished.<sup>257</sup> And Dominion’s name has become unfairly and inaccurately tarnished as synonymous with fraud. Dominion is now so closely and inaccurately tied to the false claims of election fraud that even general references to “election fraud,” a “rigged election,” or similar statements—including by Fox—reinforce the false narrative pushed by Fox, and that Fox continues to push.

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<sup>256</sup> Ariel Schiller, *Raffensperger hosts meet and greet in Roberta, Bibb County GOP Protests*, 41 NBC (July 22, 2021), <https://www.41nbc.com/raffensperger-hosts-meet-and-greet-in-roberta-bibb-county-gop-protests/>.

<sup>257</sup> Austin Chenge (@AustinChenge), Twitter (Feb. 2, 2021, 11:21 AM), <https://twitter.com/AustinChenge/status/1356638816921128962/photo/1>.

221. As a result of the radioactive falsehoods spread by Fox, elected officials, insurers, and potential investors have been deterred from dealing with Dominion, putting Dominion's contracts in more than two dozen states and hundreds of counties and municipalities at risk and significantly hampering Dominion's ability to win new contracts. Even landlords are refusing to work with Dominion. In early August 2021, Dominion was told by a prospective commercial landlord that the landlord would not discuss renting to Dominion, citing security concerns relating to the election lies.

222. Additionally, based on Dominion's historic financial track record, contract pipeline, retention and renewal rates, and new business capture rates, as well as the nature, severity, pervasiveness, and permanence of the viral disinformation campaign, conservative projections show lost profits from existing customers of over \$463 million and from potential new customers of over \$68 million. In addition, the viral disinformation campaign has irreparably damaged Dominion. It has decimated Dominion's goodwill and destroyed the enterprise value of a business that was worth potentially more than \$1 billion (based on updated EBITDA and multipliers of comparable companies) before the viral disinformation campaign.

**COUNT ONE – DEFAMATION PER SE (AGAINST BOTH DEFENDANTS)**

223. Dominion repeats and re-alleges Paragraphs 1-222 as if set forth fully herein.

224. Fox Corporation, acting through Rupert and Lachlan Murdoch and others, and acting through Fox News and Fox Broadcasting as its agents, and Fox Broadcasting acting with respect to any channels of publication it operated (including fox.com), participated in the publication of the following false and defamatory statements of fact about Dominion, which Fox published by and through Fox's own agents making the statements themselves; by intentionally providing a platform for guests to appear on Fox programming who Fox and its hosts knew would make such statements on the air and by affirming, endorsing, repeating, and agreeing with the statements of guests on their shows; and by republishing the statements on the air, Fox's websites, Fox's social media accounts, and Fox's other digital platforms and subscription services after the live broadcasts had aired:

- (a) On the November 8, 2020 broadcast of *Sunday Morning Futures*, which Fox broadcast live on television and satellite radio from New York on the Fox News Channel, rebroadcast on the Fox News Channel, and republished on fox.com, foxnews.com, and Fox Nation, Fox made, endorsed, and adopted the following false statements:

Powell: Yes. There has been a massive and coordinated effort to steal this election from We the People of the United States of America, to delegitimize and destroy votes for Donald Trump, to manufacture votes for Joe Biden. ... they ... used an algorithm to calculate the votes

they would need to flip and they used computers to flip those votes ... from Trump to Biden ...

Bartiromo: Sidney, I want to ask you about these algorithms and the Dominion software.

...

Bartiromo: Sidney, we talked about the Dominion software. I know that there were voting irregularities. Tell me about that.

Powell: That's putting it mildly. The computer glitches could not and should not have happened at all. That is where the fraud took place, where they were flipping votes in the computer system or adding votes that did not exist. We need an audit of all of the computer systems that played any role in this fraud whatsoever. ... They had the algorithms ... That's when they had to stop the vote count and go in and replace votes for Biden and take away Trump votes.

Bartiromo: I've never seen voting machines stop in the middle of an election, stop down and assess the situation.<sup>258</sup>

- (b) On the November 12, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the Twitter account @loudobbs, the "Lou Dobbs" Facebook account, the Instagram account @loudobbs tonight, Fox made, endorsed, and adopted the following false statements:

Dobbs: Let's talk about, just for a moment, an update on Dominion ...

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<sup>258</sup> *Sunday Morning Futures with Maria Bartiromo*, Fox News (Nov. 8, 2020), [https://archive.org/details/FOXNEWSW\\_20201108\\_150000\\_Sunday\\_Morning\\_Futures\\_With\\_Maria\\_Bartiromo/start/2501/end/2561](https://archive.org/details/FOXNEWSW_20201108_150000_Sunday_Morning_Futures_With_Maria_Bartiromo/start/2501/end/2561); Maria Bartiromo (@MariaBartiromo), Twitter (Nov. 8, 2020, 2:13 pm), <https://twitter.com/MariaBartiromo/status/1325516879033741319> (Ex. 4).

Giuliani: Dominion is a company that's owned by another company called Smartmatic, through an intermediary company called Indra. Smartmatic is a company that was formed ... by three Venezuelans who were very close to, very close to the dictator, Chávez of Venezuela and it was formed in order to fix elections. That's the company that owns Dominion. ... [A]ll of its software is Smartmatic software ... So we're using a ... company that is owned by Venezuelans who were close to – were close to Chávez, are now close to Maduro, have a history, they were founded as a company to fix elections

...

Dobbs: It's stunning. And they're private firms and very little is known about their ownership, beyond what you're saying about Dominion. It's very difficult to get a handle on just who owns what and how they're being operated. And by the way, the states, as you well know now, they have no ability to audit meaningfully the votes that are cast because the servers are somewhere else and are considered proprietary and they won't touch them. They won't permit them being touched.

...

Dobbs: This looks to me like it is the end of what has been a four-and-a-half – the endgame to a four-and-a-half year-long effort to overthrow the president of the United States. It looks like it's exactly that.

...

Dobbs: This election has got more firsts than any I can think of and Rudy, we're glad you're on the case and pursuing what is the truth.<sup>259</sup>

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<sup>259</sup> Lou Dobbs (@LouDobbs), Twitter (Nov. 12, 2020, 6:03 pm), <https://twitter.com/LouDobbs/status/1327024215887851521>; Lou Dobbs, *Rudy*, Facebook (Nov. 12, 2020), <https://www.facebook.com/watch/?v=1013383672481690>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 12, 2020) <https://www.instagram.com/p/CHgkRWyBBus/> (Ex. 18).



(c) On the November 13, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the Twitter account @loudobbs, the “Lou Dobbs” Facebook account, and the Instagram account @loudobbs tonight, Fox made, endorsed, and adopted the following false statements:

Dobbs: Let’s start with Dominion, a straight-out disavowal of any claim of fraud against the company, its software or machines. Your reaction.

Powell: Well, I can hardly wait to put forth all the evidence we have collected on Dominion, starting with the fact it was created to produce altered voting results in Venezuela for Hugo Chávez and then shipped internationally to manipulate votes for purchase in other countries, including this one. ... We also need to look at and we’re beginning to collect evidence on the financial interests of some of the governors and Secretaries of State who actually bought into the Dominion Systems, surprisingly enough – Hunter Biden type graft to line their own pockets by a getting voting machine in that would either make sure their election was successful or they got money for their family from it.

Dobbs: Well, that’s straightforward.

...

Powell: People need to come forward now and get on the right side of this issue and report the fraud they know existed in Dominion Voting Systems, because that's what it was created to do. It was its sole original purpose. It has been used all over the world to defy the will of people who wanted freedom.

Dobbs: Sidney, at the outset of this broadcast I said that this is the culmination of what has been an over a four-year effort to overthrow this president; to first deny his candidacy, the election, but then to overthrow his presidency. This looks like the effort to carry out an endgame in the effort against him. Do you concur?

Powell: Oh, absolutely.

...

Dobbs: Well, good, because this is an extraordinary and such a dangerous moment in our history. ... Sidney, we're glad that you are on the charge to straighten out all of this. It is a foul mess and it is far more sinister than any of us could have imagined, even over the course of the past four years.<sup>260</sup>

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<sup>260</sup> Lou Dobbs (@LouDobbs), Twitter (Nov. 13, 2020, 5:35 pm), <https://twitter.com/LouDobbs/status/1327379704014393344>; Lou Dobbs, *Release the Kraken*, Facebook (Nov. 13, 2020), <https://www.facebook.com/115777632950/videos/680800582822978>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 13, 2020), <https://www.instagram.com/p/CHjF39Uh7Wy/> (Ex. 19).



(d) On November 14, 2020, Fox and Dobbs published the following false statement to the @loudobbs Twitter account:

Read all about Dominion and Smartmatic voting companies and you'll soon understand how pervasive this Democrat electoral fraud is, and why there's no way in the world the 2020 Presidential election was either free or fair. #MAGA @realDonaldTrump #AmericaFirst #Dobbs.

Embedded in that tweet was another tweet from Rudy Giuliani (retweeted and adopted by Fox and Dobbs) with the following false statement:

Did you know a foreign company, DOMIMION, was [sic] counting our vote in Michigan, Arizona and Georgia and other states. But it was a front for SMARTMATIC, who was really doing the computing.<sup>261</sup>

<sup>261</sup> Lou Dobbs (@LouDobbs), Twitter (Nov. 14, 2020, 11:27 am), <https://twitter.com/loudobbs/status/1327649331789385728> (Ex. 7).



- (e) On the November 14, 2020 broadcast of *Justice w/ Judge Jeanine*, which Fox broadcast live on television and satellite radio from New York on the Fox News Channel, rebroadcast on the Fox News Channel, and republished on fox.com, foxnews.com, Fox Nation, on the Jeanine Pirro Facebook account, and on the @jeaninepirro Twitter account, Fox made, endorsed, and adopted the following false statements:

Pirro: The Dominion software system has been tagged as one allegedly capable of flipping votes. Now you'll hear from Sidney Powell in a few minutes who will explain what she has unearthed in the creation of Dominion.

...

Powell: I am working on the massive aspect of – of system-wide election fraud, definitely impacting the swing states and likely going far beyond that. We're

talking about the alteration and changes in millions of – of votes; some being dumped that were for President Trump, some being flipped that were for President Trump, computers being overwritten to ignore signatures. All kinds of different means of manipulating the Dominion and Smartmatic software that, of course, we would not expect Dominion or Smartmatic to admit.

...

Pirro: I assume that you are getting to the bottom of exactly what Dominion is, who started Dominion, how it can be manipulated if it is manipulated at all, and what evidence do you have to prove this?

...

Pirro: If you could establish that there is corruption in the use of this software, this Dominion software, as you allege, and you say you have evidence, how do you put that together and prove that on election night, or immediately after, that at the time the votes were being tabulated or put in, that we can prove that they were flipped?

...

Powell: It was created for the express purpose of being able to alter votes and secure the re-election of Hugo Chávez and then Maduro. ... There's an American citizen who has exported it to other countries. And it is one huge, huge criminal conspiracy that should be investigated by military intelligence for its national security implications.

Pirro: Yes, and it – hopefully, the Department of Justice, but – but who knows anymore. Sidney Powell, good luck on your mission.<sup>262</sup>

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<sup>262</sup> Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 14, 2020, 9:15 pm), <https://twitter.com/JudgeJeanine/status/1327797216329617409>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 14, 2020, 9:45 pm), <https://twitter.com/judgejeanine/status/1327804765804261376>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 17, 2020, 9:49 am),

- (f) On the November 15, 2020 broadcast of Fox and Friends Sunday, Fox broadcast live on television and satellite radio from New York on the Fox News Channel and republished by Fox on fox.com, foxnews.com, and Fox Nation, Fox made the following false statements:

Bartiromo: [S]o much news on the software that was used on the voting machines on election night. There is much to understand about Smartmatic, which owns Dominion Voting Systems. They have businesses in Venezuela, Caracas. ... We're going to talk about it with Rudy Giuliani and why he does believe he will be able to overturn this election with evidence. He will join me along with Sidney Powell to give us an update on their investigation. This is very important to understand what was going on with this software. Sidney Powell is also talking about potential kickbacks that government officials who were asked to use Dominion actually also enjoyed benefits to their families.<sup>263</sup>

- (g) On the November 15, 2020 broadcast of *Sunday Morning Futures*, which Fox broadcast live on television and satellite radio from New York on the Fox News Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxnews.com, Fox Nation, and the Twitter account @mariabartiromo, Fox made, endorsed, and adopted the following false statements:

Bartiromo: Plus, Sidney Powell on the Venezuela connection and whether kickbacks were involved for those taking on Dominion voting machines, as a hand recount of nearly five million ballots is under way in Georgia.

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<https://twitter.com/JudgeJeanine/status/1328711979163324416>; Judge Jeanine Pirro, *Part One: Opening Statement*, Facebook (Nov. 14, 2020), <https://fb.watch/47gZMAHaDn/>; Judge Jeanine Pirro, *Sidney Powell*, Facebook (Nov. 14, 2020), <https://fb.watch/47hF09eZYP/>. (Ex. 2)

<sup>263</sup> *Fox and Friends Sunday*, Media Matters for America (Nov. 15, 2020), <https://www.mediamatters.org/media/391956>. (Ex. 9)

...

Giuliani: [T]he rigging ... went on ... [A] company that did the votes in 27 states ... uses Venezuela company software that's been used to steal elections in other countries.

...

Giuliani: And the software that they use is done by a company called Smartmatic. It's a company that was founded by Chávez and by Chávez's two allies, who still own it. And it's been used to cheat in elections in South America. ... Dominion sends everything to Smartmatic. Can you believe it? Can you believe it? Our votes are sent overseas. They are sent to someplace else, some other country. Why do they leave our country?

Bartiromo: Yes.

Giuliani: And this company had – and this company has tried-and-true methods for fixing elections by calling a halt to the voting when you're running too far behind. They have done that in prior elections. ... In Detroit, we have evidence that 100,000 ballots were brought in at 4:30 in the morning and counted and to the extent that our witnesses and there are four of them saw it, and one of them is an ex-employee of Dominion, and according to them every single ballot was for Biden and not only that whatever ballots they could see because they weren't Republican so they could get closer, every ballot they could see just had Biden's name on it, nobody else, not even another Democrat. Why does that happen? It happens because you know you're behind, Dominion notifies you, you call off the counting and then you start doing ballots like this.

...

Bartiromo: Look, I want to show this graphic of the swing states that were using Dominion and this software, the Smartmatic software. You just said it all. This is a Smartmatic, a Delaware entity registered in Boca Raton, Florida, activities in Caracas, Venezuela. The voting

machines were used, Dominion voting machines were used in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin. And I have a graphic showing the states where they stopped counting, which I thought was also strange, to stop counting in the middle of election night. One source says that the key point to understand is that the Smartmatic system has a backdoor that allows it to be...

Giuliani: Yeah.

Bartiromo: ... or that allows the votes to be mirrored and monitored, allowing an intervening party a real-time understanding of how many votes will be needed to gain an electoral advantage. Are you saying the states that use that software did that?

Giuliani: I know I can prove that they did it in Michigan. I can prove it, with witnesses. ... [Y]es, there is a backdoor.

Bartiromo: Right.

...

Giuliani: We have people that I can't really disclose, that can describe the hardware in great detail. We have some of the people, former government employees, our government employees, and others that were there at the creation of Smartmatic, they can describe it. They can draw it, they can show it, and then we have proof that I can't disclose yet ... I mean, I can't imagine you'd give a contract to a company, if you went one step further and found out it's really being run by people that are close to Maduro and Chávez.

...

Bartiromo: According to public records, Dominion voting machines are used in 2,000 jurisdictions in 30 states.

...

Bartiromo: That's troubling, given we already know that at least two software glitches in Georgia and Michigan occurred on election night. Attorney Sidney Powell is

leading the charge against Dominion. And she says she has enough evidence of fraud to launch a massive criminal investigation.

...

Bartirromo: I want to get right into it. We just heard about the software made by Smartmatic from Rudy.

...

Powell: President Trump won by not just hundreds of thousands of votes but by millions of votes that were shifted by this software that was designed expressly for that purpose. We have sworn witness testimony of why the software was designed. It was designed to rig elections. ... It was exported internationally for profit by the people that are behind Smartmatic and Dominion. They did this on purpose. It was calculated. They have done it before. We have evidence from 2016 in California. We have so much evidence I feel like it's coming in through a fire hose.

...

Bartirromo: Wow, so, Sidney, you feel that you will be able to prove this? Do you have the software in your possession? Do you have the hardware in your possession? How will you prove this, Sidney?

Powell: Well, I have got lots of ways to prove it, Maria, but I'm not going to tell on national TV what all we have. I just can't do that.

...

Powell: [T]his is a massive election fraud, and I'm very concerned it involved not only Dominion and its Smartmatic software, but that the software essentially was used by other election machines also. It's the software that was the problem. ... They can put – it's like drag-and-drop – Trump votes to a separate folder and then delete that folder. ... We have even got evidence of some kickbacks, essentially.

Bartiromo: Kickbacks. I want to take a short break and come back on that. And I want to ask you about the kickbacks and who took kickbacks in which states.

...

Bartiromo: You said that there may have been kickbacks to some people who accepted the Dominion software. Tell me what you mean.

Powell: Well, I mean we're collecting evidence now from various whistle-blowers that are aware of substantial sums of money being given to family members of state officials who bought this software. I mean, we're talking about \$100 million packages for new voting machines suddenly in multiple states, and benefits ranging from financial benefits for family members to sort of what I would call election insurance, because they know that they can win the election if they are using that software.

...

Bartiromo: Which governor or which government official accepted hundreds of millions of dollars in benefits for their family as they took on this software?

...

Powell: We're still collecting the evidence on that, but it's more than one.

Bartiromo: OK. So, you can't say who you believe took kickbacks.

...

Powell: We have identified mathematically the exact algorithm they used and planned to use from the beginning to modify the votes, in this case, to make sure Biden won.

...

Powell: It's massive election fraud. It's going to undo the entire election.

...

Bartiromo: And, Sidney, you say you have an affidavit from someone who knows how this system works and was

there with the planning of it. You believe you can prove this in court?

Powell: Oh, yes. We have a sworn – essentially, a sworn statement from a witness who knew exactly how it worked from the beginning, why it was designed to work that way, and saw when things started shutting down, and they started – stopped counting the votes here. That was the same play that had worked in other countries.

Bartiromo: Wow. This is explosive.<sup>264</sup>

- (h) On the November 16, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the “Lou Dobbs” Facebook account, and the Twitter account @loudobbs, Fox made, endorsed, and adopted the following false statements:

Dobbs: President Trump’s legal team says potentially rigged voting machines demand a national security investigation. They are pointing to Dominion Voting Systems’ widely used ballot-scanning machines whose software is suspected of inflating vote totals for Joe Biden. Dominion systems used in more than two dozen states.

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<sup>264</sup> *Sunday Morning Futures*, Fox News (Nov. 15, 2020), [https://archive.org/details/FOXNEWSW\\_20201115\\_150000\\_Sunday\\_Morning\\_Futures\\_With\\_Maria\\_Bartiromo/](https://archive.org/details/FOXNEWSW_20201115_150000_Sunday_Morning_Futures_With_Maria_Bartiromo/); Maria Bartiromo (@MariaBartiromo), Twitter (Nov. 15, 2020, 11:13 am), <https://twitter.com/MariaBartiromo/status/1328008263833690117> (Giuliani); *Giuliani: Trump is contesting the election ‘vigorously’ in the courts*, Fox News (Nov. 15, 2020), [https://video.foxnews.com/v/6209933935001?playlist\\_id=3386055101001#sp=show-clips](https://video.foxnews.com/v/6209933935001?playlist_id=3386055101001#sp=show-clips); Maria Bartiromo (@MariaBartiromo), Twitter (Nov. 15, 2020, 11:39 am), <https://twitter.com/MariaBartiromo/status/1328014693387087873> (Powell); *Attorney Powell on election legal challenges that remain active in several states*, Fox News (Nov. 15, 2020), [https://video.foxnews.com/v/6209930642001?playlist\\_id=3386055101001#sp=show-clips](https://video.foxnews.com/v/6209930642001?playlist_id=3386055101001#sp=show-clips); Maria Bartiromo (@MariaBartiromo), Twitter (Nov. 15, 2020, 1:58 pm), <https://twitter.com/MariaBartiromo/status/1328049759731453952> (Ex. 21).

Dominion also one of three companies accounting for almost 90% of the voting equipment in the U.S. elections.

...

Dobbs: Dominion Voting Systems seems to be figuring larger and larger in the interest of your legal team, and what is the latest?

Powell: Oh, definitely, Lou. I've just gotten some stunning evidence from a firsthand witness, a high-ranking military officer, who was present when Smartmatic was designed in a way that – and I'm going to just read to you some of these statements, if you don't mind, so I get them exactly right.

Dobbs: Sure.

Powell: From the affidavit: Designed in a way that the system could change the vote of each voter without being detected. He wanted the software itself to function in such a manner that if the voter were to place their thumbprint or fingerprint on a scanner, then the thumbprint would be tied to a record of the voter's name and identity as having voted but that voter would not be tracked to the changed vote. He made it clear that the system would have to be set up but not leave any evidence of the changed vote for a specific voter, and that there would be no evidence to show and nothing to contradict that the name or the fingerprint or thumbprint was going with a changed vote. Smartmatic agreed to create such a system and produce the software and hardware that accomplished the result for President Chávez. After the Smartmatic electoral management system was put in place, he closely observed several elections where the results were manipulated using the Smartmatic software. ... Persons controlling the vote tabulation computer had the ability to change the reporting of votes by moving votes from one candidate to another by using the Smartmatic software, and on and on it goes.

Dobbs: And Smartmatic, the relation –

Powell: Smartmatic owns Dominion.

Dobbs: Yes.

...

Dobbs: It's – it is a deeply, deeply troubling election, as I said earlier, the worst in this country's history, bar none, and we have seen official investigative and Justice Department officials slow to move, and it is infuriating to everyone.

Powell: No, we've seen willful blindness. They have adopted a position of willful blindness to this massive corruption across the country, and the Smartmatic software is in the DNA of every vote tabulating company's software and system.

Dobbs: Yes, and it is more than just a willful blindness. This is people trying to blind us to what is going on.<sup>265</sup>

- (i) On the November 18, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the Twitter account @loudobbs, and the “Lou Dobbs” Facebook account, Fox made, endorsed, and adopted the following false statements:

Dobbs: I want to share with the audience one of the affidavits that has been given to us by an unidentified whistleblower, and it pertains to Dominion. ... I am alarmed because of what is occurring in plain sight during this 2020 election for president of United States. The circumstances and events are eerily reminiscent of what happened with Smartmatic software electronically changing votes in the 2013 presidential election in Venezuela. What happened in the United States was that the vote counting was abruptly stopped in five states using Dominion software. At the time that vote counting was

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<sup>265</sup> *Lou Dobbs Tonight*, Fox Business (Nov. 16, 2020), [https://archive.org/details/FBC\\_20201116\\_220000\\_Lou\\_Dobbs\\_Tonight/start/504/end/564](https://archive.org/details/FBC_20201116_220000_Lou_Dobbs_Tonight/start/504/end/564); Lou Dobbs, *Sidney Powell*, Facebook (Nov. 16, 2020), <https://www.facebook.com/115777632950/videos/1625726320970976>; Lou Dobbs (@LouDobbs), Twitter (Nov. 16, 2020, 5:45 pm), <https://twitter.com/LouDobbs/status/1328469195550576645> (Ex. 8)

stopped, Donald Trump was significantly ahead in the votes. Then during the wee hours of the morning, when there was no voting occurring and the vote count reporting was offline, something significantly changed. When the vote reporting resumed the very next morning, there was a very pronounced change in voting in favor of the opposing candidate, Joe Biden. That from a whistleblower who was present both in Venezuela in 2013 and in this country as we were counting votes overnight on November 3rd. Your thoughts.

...

Giuliani: Our votes in 27, 28 states that are counted by Dominion. ... And the company counting it is not Dominion, it's Smartmatic, which is a company that was founded in 2005 in Venezuela for the specific purpose of fixing elections. That's their expertise, how to fix elections. They did it a number of times in Venezuela, they did it in Argentina... Well, that's the company that was counting and calculating on election night. And they did all their old tricks. They stopped it, they also switched votes around, subtly, maybe 10 per district so you don't notice it. They got caught in Antrim county, which is how we found out about them

...

Dobbs: It's outrageous.

...

Giuliani: We shouldn't be using this company that was founded by Chávez to call votes in America, because their specialty in Venezuela is cheating. ... And they're using a Venezuelan company as the vote counter, which is known for changing votes.<sup>266</sup>

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<sup>266</sup> *Rudy Giuliani Returns to Court to Argue Trump Campaign's Election Case*, Fox Business (Nov. 18, 2020), [https://video.foxbusiness.com/v/6210778333001?playlist\\_id=933116636001#sp=show-clips](https://video.foxbusiness.com/v/6210778333001?playlist_id=933116636001#sp=show-clips); Lou Dobbs (@LouDobbs), Twitter (Nov. 18, 2020, 5:35 pm), <https://twitter.com/LouDobbs/status/132919158>

- (j) On the November 19, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the Twitter account @loudobbs, the “Lou Dobbs” Facebook account, and the Instagram account @loudobbstonight, Fox made, endorsed, and adopted the following false statements:

Dobbs: Another issue at the center of today’s news conference, the use of Dominion voting machines and Smartmatic software. Defense attorney Sidney Powell cited a whistleblower’s stunning affidavit. It says Smartmatic’s technology was used to rig elections in Venezuela. It is now in the, quote, “DNA of every vote tabulating company software and system.” Smartmatic and Dominion deny those charges, but Sidney Powell argues that algorithms in the Smartmatic software were used to change results in the presidential election.

...

Dobbs: One of the team members, Sidney Powell, among our guests here tonight. She will be providing more details on how Dominion voting machines and Smartmatic software were used to help Joe Biden.

...

Dobbs: Let’s turn to Smartmatic and Dominion. Are they or are they not linked?

Powell: Oh, they’re definitely linked. I would call them inextricably intertwined. They have the same history from their inception. I’m sure they’re trying to distance themselves from each other, but the fact is that the Dominion machines run the Smartmatic software or parts of the key code of it, and that is what allows them to manipulate the votes in any way the operators choose to

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[8216639493](https://twitter.com/LouDobbs/status/1329178820302278668); Lou Dobbs (@LouDobbs), Twitter (Nov. 18, 2020, 4:45pm), <https://twitter.com/LouDobbs/status/1329178820302278668>; Lou Dobbs, Rudy Giuliani, Facebook (Nov. 18, 2020), <https://www.facebook.com/watch/?v=293258965242628> (Ex. 22).

manipulate them; and every time there was a glitch, they called it, or connection to the internet, they also violated state laws that required the machines to be certified and nothing to be changed before the votes.

...

Dobbs: And it's the presumption then that they had the records on those servers of all of the votes that were processed by Dominion or Smartmatic?

Powell: Yes. ... It could have run an automatic algorithm against all the votes, which we believe is what happened originally and then the machines had to stop or the counting had to stop in multiple places because President Trump's lead was so great at that point they had to stop the counting and come in and backfill the votes they needed to change the result.

...

Powell: There's thousands of people in federal prisons on far less evidence of criminal conduct than we have already against the Smartmatic and Dominion Systems companies

...

Dobbs: We have just watched, to everyone in this audience tonight, our election is run by companies, the ownership of which we don't know.<sup>267</sup>

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<sup>267</sup> *Lou Dobbs Tonight*, Fox News (Nov. 19, 2020), [https://archive.org/details/FBC\\_20201119\\_220000\\_Lou\\_Dobbs\\_Tonight/](https://archive.org/details/FBC_20201119_220000_Lou_Dobbs_Tonight/); *Trump's Legal Team Still in Evidence Collection Process or Election Challenges*, Fox Business (Nov. 19, 2020), <https://video.foxbusiness.com/v/6211050624001#sp=show-clips>; Lou Dobbs, *Sidney Powell*, Facebook (Nov. 19, 2020), <https://www.facebook.com/watch/?v=880692419336775>; Lou Dobbs (@LouDobbs), Twitter (Nov. 19, 2020, 5:32 pm), <https://twitter.com/LouDobbs/status/1329553227046588417>; Lou Dobbs (@LouDobbs), Twitter (Nov. 19, 2020, 4:55 pm), <https://twitter.com/LouDobbs/status/1329543810867671044>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 19, 2020), <https://www.instagram.com/p/CHyLMiTBGIs/> (Ex. 10).



(k) On the November 21, 2020 broadcast of *Justice w/ Judge Jeanine*, which Fox broadcast live on television and satellite radio from New

York on the Fox News Channel, rebroadcast on the Fox News Channel, and republished on fox.com, foxnews.com, Fox Nation, on the Jeanine Pirro Facebook account, and on the @jeaninepirro Twitter account, Fox made, endorsed, and adopted the following false statements:

Pirro: The president’s lawyers alleging a company called Dominion, which they say started in Venezuela with Cuban money and with the assistance of Smartmatic software, a backdoor is capable of flipping votes.

...

Pirro: Now, why was there an overnight popping of the vote tabulation that cannot be explained for Biden?<sup>268</sup>

- (l) On the November 24, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the @loudobbs Twitter account, the “Lou Dobbs” Facebook account, and the Instagram account @loudobbs tonight, Fox made, endorsed, and adopted the following false statements:

Powell: [T]here’s no doubt that the software was created and used in Venezuela to control the elections and make sure that Hugo Chávez was always reelected as the dictator of Venezuela in what appeared to be, quote, free and fair elections, end quote, but they were manipulated by the software used in the Dominion machines – and used by other machines in the United States, frankly, and we are just continuing to be inundated by evidence of all the frauds here...

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<sup>268</sup> Judge Jeanine Pirro, *Opening Statement* (Nov. 21, 2020), <https://www.facebook.com/watch/?v=3424348634350374>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 21, 2020, 9:15 pm), <https://twitter.com/JudgeJeanine/status/1330333931028115456>; Jeanine Pirro (@JudgeJeanine), Twitter (Nov. 21, 2020, 9:16 pm), <https://twitter.com/JudgeJeanine/status/1330334182732484611>. (Ex. 3)

...

Dobbs: I think many Americans have given no thought to electoral fraud that would be perpetrated through electronic voting; that is, these machines, these electronic voting companies, including Dominion, prominently Dominion, at least in the suspicions of a lot of Americans.<sup>269</sup>

- (m) On the November 30, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the @loudobbs Twitter account, the “Lou Dobbs” Facebook account, and on the Instagram account @loudobbstonight, Fox made, endorsed, and adopted the following false statements:

Powell: [W]e need, frankly, to stop the election that’s supposed to happen in January because all the machines are infected with the software code that allows Dominion to shave votes for one candidate and give them to another, and other features that do the same thing...

...

Powell: Different states shaved different amounts of votes or the system was set up to shave and flip different votes in different states. Some people were targeted as individual candidates. It’s really the most massive and historical egregious fraud the world has ever seen.

...

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<sup>269</sup> *Lou Dobbs Tonight*, Fox Business (Nov. 24, 2020), [https://archive.org/details/FBC\\_20201124\\_220000\\_Lou\\_Dobbs\\_Tonight/start/1080/end/1140](https://archive.org/details/FBC_20201124_220000_Lou_Dobbs_Tonight/start/1080/end/1140); Lou Dobbs (@LouDobbs), Twitter (Nov. 24, 2020, 5:37 pm), <https://twitter.com/LouDobbs/status/1331366325629968386>; Lou Dobbs, *Sidney Powell Breaking News*, Facebook (Nov. 24, 2020), <https://www.facebook.com/115777632950/videos/381418186402867>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 24, 2020), [https://www.instagram.com/p/CH\\_ZbqTBHSE/](https://www.instagram.com/p/CH_ZbqTBHSE/) (Ex. 13).

Dobbs: You know, people don't go to jail for their attitude, but in the case of the Secretary of State and the Governor of Georgia right now, one would be tempted to prosecute based on their conduct so far. What is going on with those two individuals?

...

Powell: [I]t seems that there were significant benefits for both Governor Kemp and perhaps Mr. Raffensperger also, and maybe others on their team, for deciding at the last minute to rush in a contract for Dominion for \$107 million for the state.

...

Dobbs: Now, do we know – you know, I just can't – I think most Americans right now cannot believe what we are witnessing in this election. We have, across almost every state, whether it's Dominion, whatever the company – voting machine company is, no one knows their ownership, has no idea what's going on in those servers, has no understanding of the software, because it's proprietary. It is the most ludicrous, irresponsible and rancid system imaginable in the world's only superpower.

...

Powell: Dominion and its minions and other state officials everywhere are apparently out there trying to destroy everything they can get to before we can seize it...

...

Dobbs: And as I said at the outset of the broadcast, Sidney, this is no longer about just voter fraud or electoral fraud, this is something much bigger and this president has to take, I believe, drastic action, dramatic action, to make certain that the integrity of this election is understood, or

lack of it, the crimes that have been committed against him and the American people.<sup>270</sup>

- (n) On the November 30, 2020 broadcast of *Hannity*, which Fox broadcast live on television and satellite radio from New York on the Fox News Channel, rebroadcast on the Fox News Channel, and republished on fox.com, foxnews.com, and Fox Nation, Fox made, endorsed, and adopted the following false statements:

Powell: The machine ran an algorithm that shaved votes from Trump and awarded them to Biden. They used the machines to trash large batches of votes that should have been awarded to President Trump. And they used a machine to inject and add massive quantities of votes for Mr. Biden.<sup>271</sup>

- (o) On the December 4, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the “Lou Dobbs” Facebook account, and the Instagram account @loudobbstonight, Fox made, endorsed, and adopted the following false statements:

Dobbs: At the center of it all, Dominion Voting Systems. Are they the culprit here? Not the only culprit, but are they the principal culprit?

...

Dobbs: But concomitantly, Dominion Voting Systems, with – you have described it, with algorithms in which –

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<sup>270</sup> Lou Dobbs, *Sidney Powell*, Facebook (Nov. 30, 2020), <https://www.facebook.com/watch/?v=830918901055891>; Lou Dobbs (@LouDobbs), Twitter (Nov. 30, 2020), 6:03 pm, <https://twitter.com/LouDobbs/status/1333547266032984064>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Nov. 30, 2020), <https://www.instagram.com/p/CIO6-KVBKb8/>. (Ex. 15)

<sup>271</sup> *Hannity*, Fox News (Nov. 30, 2020), [https://archive.org/details/FOXNEWSW\\_20201201\\_020000\\_Hannity/start/1939/end/1999](https://archive.org/details/FOXNEWSW_20201201_020000_Hannity/start/1939/end/1999). (Ex. 14)

which were designed to be inaccurate rather than to be a secure system.<sup>272</sup>



(p) On December 10, 2020, Fox and Dobbs published the following false statements to the @loudobbs Twitter account:

“The 2020 Election is a cyber Pearl Harbor: The leftwing establishment have aligned their forces to overthrow the United States government #MAGA #AmericaFirst #Dobbs.”

Fox and Dobbs embedded in the tweet—and therefore adopted as their own—a typewritten document with no other markings or attributions which falsely stated:

We have a warning to the mainstream media: you have purposely sided with the forces that are trying to overthrow the US system. These four people and their collaborators executed an electoral 9-11 against the United States, with the cooperation and collusion of the media and the Democrat Party ... It is a cyber Pearl Harbor. We have

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<sup>272</sup> *Cybersecurity expert: There Are ‘Multiple Ways’ to Potentially Interfere with Elections*, Fox Business (Dec. 4, 2020), <https://video.foxbusiness.com/v/6214283552001#sp=show-clips>; Lou Dobbs, *COL WALDRON*, Facebook (Dec. 4, 2020), <https://www.facebook.com/watch/?v=9210370684303>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Dec. 4, 2020), <https://www.instagram.com/p/CIZIfHZhQFv/> (Ex. 12).

identities, roles, and background of Dominion. Smartmatic people. This will turn into a massive RICO filing. It is Smartmatic, Dominion Voting Systems, Sequoia, SGO.

...

We have technical presentations that prove there is an embedded controller in every Dominion machine.

...

We have the architecture and systems, that show how the machines can be controlled from external sources, via the internet, in violation of voting standards, Federal law, state laws, and contracts.<sup>273</sup>

(q) On the December 10, 2020 broadcast of *Lou Dobbs Tonight*, which Fox broadcast live on television and satellite radio from New York on the Fox Business Channel, rebroadcast on the Fox Business Channel, and republished on fox.com, foxbusiness.com, Fox Nation, the Twitter account @loudobbs, the “Lou Dobbs” Facebook account, and the Instagram account @loudobbs tonight, Fox made, endorsed, and adopted the following false statements:

Dobbs: You say these four individuals [Jorge Rodriguez, Khalil Majzoub, Gustavo Reyes-Zumeta, Antonio Mugica] led the effort to rig this election. How did they do it?

Powell: Well, Lou, they designed and developed the Smartmatic and Dominion programs and machines, that include a controller module that allows people to log in and manipulate the vote, even as it’s happening. We’re finding more and more evidence of this. We now have reams and reams of actual documents from Smartmatic and Dominion, including evidence that they planned and executed all of this.

...

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<sup>273</sup> Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 4:56 pm), <https://twitter.com/LouDobbs/status/1337154346795012098> (Ex. 16).

Powell: We have evidence of how they flipped the votes, how it was designed to flip the votes. And that all of it has been happening just as we've been saying it has been.

...

Powell: [T]he entire system was created for the benefit of Venezuela and Hugo Chávez to rig elections to make sure he continued winning. And then it was passed on to Mr. Maduro to do the same. And we know it was exported to other countries by virtue of some of the Dominion executives that proceeded to go about and essentially sell elections to the highest bidder.

...

Powell: It is a very concerning and troubling and illegal web of conduct that all of which focused on rigging the election in this country. And we are seeing the results in multiple states where we're now identifying specific votes flipped, like in a couple of Georgia counties.

...

Dobbs: We're going to examine in some detail the – the reasons for what is apparently a broadly coordinated effort to – to actually bring down this President by ending his second term before it could begin.

...

Dobbs: [I]t's outrageous that we have an Attorney General, Sidney, who has said that he sees no sign of – of any significant fraud that would overturn the election. We had a head of the cyber intelligence unit for the Department of Homeland Security who is suing some people, apparently, for saying that his report basically, was – it was nonsense when he declared it was the most secure election in the country's history. What are we dealing with here, and how can we get to this, if we have a – an Attorney General who has apparently lost both his nerve and his commitment to his oath of office, and to the country; we have an FBI director who seems to be as politically corrupt as anyone who preceded him, and a Homeland Security department that doesn't know what the hell it's talking

about and is spending more time playing politics, at least as it applies to Mr. Krebs, than securing the nation.

...

Powell: President Trump won so many votes, he blew up their algorithm. The American people blew up the algorithm they created before the election to shave votes from Biden and give them to Trump. And we're now seeing direct evidence of that happening in – in multiple counties and multiple states, and we know it happened across the country.

...

Dobbs: Let me – let me make you an offer very straightforwardly: We will gladly put forward your evidence that supports your claim that this was a Cyber Pearl Harbor. We have tremendous evidence already but – of fraud in this election, but I will be glad to put forward on this broadcast whatever evidence you have, and we'll be glad to do it immediately.

Powell: Awesome.

Dobbs: We'll work overnight. We will – we will take up whatever air we're permitted beyond this broadcast, but we have to get to the bottom of this.

...

Dobbs: I mean the governor and the state – Secretary of State have got to find, if not the integrity, the – the primal fear of the voters in Georgia to stop what's going on and stop it now.

...

Dobbs: How much time do you need to get that evidence to this broadcast and we'll put it on the air?

Powell: I'll get you more information that's just stunning tonight.<sup>274</sup>



(r) On December 10, 2020, Fox and Dobbs published the following false statements to the @loudobbs Twitter account:

Cyber Pearl Harbor: @SidneyPowell1 reveals groundbreaking new evidence indicating our Presidential election came under massive

<sup>274</sup> *Sidney Powell raises questions about security of voting machines*, Fox Business (Dec. 10, 2020), <https://video.foxbusiness.com/v/6215520845001/#sp=show-clips>; Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:51 pm), <https://twitter.com/LouDobbs/status/1337168084541575171>; Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:52 pm), <https://twitter.com/LouDobbs/status/1337168397398921217>; Lou Dobbs, *Sidney Powell*, Facebook (Dec. 10, 2020), <https://www.facebook.com/watch/?v=681543625896199>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Dec. 10, 2020), <https://www.instagram.com/p/CIo0kAqB6Bq/>; Lou Dobbs Tonight (@loudobbstonight), Instagram (Dec. 10, 2020), <https://www.instagram.com/p/CIo02XjhD1M/>. (Ex. 1)

cyber-attack orchestrated with the help of Dominion, Smartmatic, and foreign adversaries. #MAGA #AmericaFirst #Dobbs.<sup>275</sup>

- (s) On the December 12, 2020 broadcast of Fox & Friends, which Fox broadcast live on television and satellite radio from New York on the Fox News Channel and republished on fox.com and foxnews.com, Fox made, endorsed, and adopted the following false statement:

Giuliani: [W]e have a machine, the Dominion machine ... was developed to steal elections, and being used in the states that are involved.<sup>276</sup>

- (t) On the January 26, 2021 broadcast of Tucker Carlson Tonight, which Fox broadcast live on television and satellite radio on the Fox News Channel, rebroadcast on the Fox News Channel, and republished on fox.com, foxnews.com, and the Instagram account @tuckercarlson tonight, Fox made, endorsed, and adopted the following false statements:

Carlson: Well, of course you will likely recognize our next guest. His name is Mike Lindell. He runs My Pillow. He advertises every night on this show and across Fox News. He's one of our biggest sponsors, and we are grateful for that.

...

Lindell: [S]omeone put up on – on the internet, actual machine – new machine election fraud, I – I retweeted it ... Dominion ... said they were going to go after Mike Lindell. Well they did. They hired hit groups, bots and trolls went after all my vendors, all these box stores to cancel me out. ... I'm not backing down. We cannot back down out of fear this time.

Carlson: I totally agree.

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<sup>275</sup> Lou Dobbs (@LouDobbs), Twitter (Dec. 10, 2020, 5:52 pm), <https://twitter.com/LouDobbs/status/1337168397398921217>. (Ex. 1)

<sup>276</sup> *Rudy Giuliani on Trump Election Fight: We Have '1,000 Affidavits from Witnesses in 6 Different States,'* Fox News (Dec. 12, 2020), [https://video.foxnews.com/v/6215882367001?playlist\\_id=930909787001#sp=show-clips](https://video.foxnews.com/v/6215882367001?playlist_id=930909787001#sp=show-clips). (Ex. 20)

...

Lindell: I've been all in trying to find the machine fraud, and I – we found it. We have all the evidence. ... I have the evidence. ... I dare Dominion to sue me because then it will get out faster. So this is – it – you know, they don't – they don't want to talk about it.

Carlson: No they don't.<sup>277</sup>



225. As set forth above in detail, Fox published these false statements about Dominion with actual malice, even though Fox and its agents, including Bartiromo, Dobbs, Pirro, Hannity, Carlson, Scott, and Wallace (among others), actually knew, or at the very least recklessly disregarded that they were false.

226. Indeed, along with the detailed recitation of Fox's knowledge outlined above, some of the strongest evidence proving Fox knew it was spreading lies about Dominion came from the Fox on-air talent who declined to endorse and amplify

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<sup>277</sup> Tucker Carlson Tonight (@tuckercarlsonstnight), Instagram (Jan. 26, 2021), <https://www.instagram.com/p/CKh8s1FBKMA/> (Ex. 17).

those lies as Bartiromo, Dobbs, Pirro, Hannity, and the others did. For example:

- Fox’s then-Politics Editor Chris Stirewalt, for instance, defended the network’s Arizona call the day after the election, saying: “[w]e haven’t seen any evidence yet that there’s anything wrong”<sup>278</sup>—and was fired two months later.<sup>279</sup>
- Fox anchor Bret Baier reported on November 6, “We are not seeing any evidence of widespread fraud. We are not seeing anything that can change, right now at least, the split in these different States.”<sup>280</sup>
- By November 10, 2020, Fox’s Laura Ingraham had called out Powell on the air for making false statements about Dominion.<sup>281</sup>
- The morning of November 12, Fox’s “America’s Newsroom” show concluded that “nothing filed, any challenge so far, appears likely to overturn the results in any state.”<sup>282</sup>
- On November 12, Fox news anchor Eric Shawn called the lies about Dominion “disinformation.”<sup>283</sup>
- On November 18, Fox’s Brit Hume tweeted a link to a November 17 *Wall Street Journal* editorial chastising Trump and others for blaming the

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<sup>278</sup> Diana Falzone & Lachlan Cartwright, *Fox News Launches ‘Purge’ to ‘Get Rid of Real Journalists,’ Insiders Say*, *The Daily Beast* (Jan. 19, 2021), <https://www.thedailybeast.com/fox-news-launches-purge-to-get-rid-of-real-journalists>.

<sup>279</sup> Rachel Abrams & Michael M. Grynbaum, *Fox News Fires a Key Player in Its Election Night Coverage*, *N.Y. Times* (Jan. 19, 2021), <https://www.nytimes.com/2021/01/19/business/media/fox-news-chris-stirewalt-trump.html>.

<sup>280</sup> *RNC Chair alleges ballot counting problems in Democratic-led counties in key states*, *Fox News* (Nov. 6, 2020), <https://video.foxnews.com/v/6207779696001#sp=show-clips>.

<sup>281</sup> *Sidney Powell - The Ingraham Angle - 11/10/20*, YouTube (Nov. 11, 2020), <https://www.youtube.com/watch?v=hHpKZwCLSes>.

<sup>282</sup> *America’s Newsroom*, *Fox News* (Nov. 12, 2020), [https://archive.org/details/FOXNEWSW\\_20201112\\_140000\\_Americas\\_Newsroom](https://archive.org/details/FOXNEWSW_20201112_140000_Americas_Newsroom).

election results on Dominion’s systems without any evidence, and added the comment, “Good question → President Trump blames the election result on Dominion’s systems. Where’s the evidence?”<sup>284</sup>

- On November 19, Fox’s Tucker Carlson called out Sidney Powell for failing to produce any evidence to support the outlandish and incredible claims she had been making about Dominion on Fox over the last week—claims that Fox, through its agents, had repeated, republished, and endorsed numerous times on television, online, and on social media.<sup>285</sup> Despite his invitation to Powell to appear on his show and present her evidence, “she never sent [] any evidence, despite a lot of requests ... not a page.”<sup>286</sup> When he and his staff kept pressing Powell to present evidence, “she got angry” and told them stop contacting her.<sup>287</sup> So they checked with others in and around the Trump campaign and people in positions of authority, who said that Powell had “never given them any evidence either.”<sup>288</sup> ***Carlson concluded that Powell “never demonstrated that a single actual vote was moved illegitimately by software from one candidate to another. Not one.”***<sup>289</sup>
- On November 20, Fox’s Brit Hume again tweeted out facts disproving the lie about Dominion, this time tweeting a thread summarizing a November 20, 2020 article by conservative publication the *National Review* that explained why those who believe the lies about Dominion “have been conned.”<sup>290</sup> But Fox, knowing the truth about the lies, continued repeating,

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<sup>284</sup> Brit Hume (@brithume), Twitter (Nov. 18, 2020, 7:49 am), <https://twitter.com/brithume/status/1329044145533558787>.

<sup>285</sup> Tucker Carlson, *Time for Sidney Powell to show us her evidence*, Fox News (Nov. 19, 2020), <https://www.foxnews.com/opinion/tucker-carlson-rudy-giuliani-sidney-powell-election-fraud>.

<sup>286</sup> *Id.*

<sup>287</sup> *Id.*

<sup>288</sup> *Id.*

<sup>289</sup> *Id.*

<sup>290</sup> Brit Hume (@brithume), Twitter (Nov. 20, 2020, 11:38 am), <https://twitter.com/brithume/status/1329826562888380416>; Jim Geraghty, *Americans Deserves the Truth, Even If It’s Unpleasant*, National Review (Nov. 20, 2020), <https://www.nationalreview.com/the-morning-jolt/americans-deserve-the-truth-even-if-its-unpleasant/>.

republishing, and endorsing the con on its most prominent platforms, for the purpose of improving ratings.

227. While these handfuls of statements from a handful of people at Fox do not absolve Fox for its onslaught of defamatory statements about Dominion, they do demonstrate that Fox at a minimum recklessly disregarded, and really knew, the falsity of the lies its most popular on-air talent were repeatedly promoting about Dominion.

228. Fox's handful of statements in other broadcasts calling out these lies as falsehoods and disinformation do not excuse Fox's behavior. In fact, they make Fox's actions worse. They demonstrate how Fox recklessly disregarded the truth—indeed, that Fox knew the truth, but kept on broadcasting these malicious defamations anyway. For good reason, the First Amendment does not protect a broadcaster who tells falsehoods on multiple occasions yet also tells the truth at other times. This case proves the famous saying that a lie travels halfway around the world before the truth puts on its boots. Especially given Fox's relentless coverage of these lies, the truth had no chance.

229. The First Amendment is a cherished cornerstone of our democracy. But the First Amendment is not a get-out-of-jail free pass. If you yell "Fire" in a crowded theater, it has long been established you can be arrested. If you publish a false statement knowing it is false, or with reckless disregard as to its truth or falsity, it has long been established that the party you injure may hold you responsible for

injuring them. What Fox did here—promoting, amplifying, and endorsing devastating lies about Dominion, with knowledge of their falsity or reckless disregard for the truth—is not a close case. If this case does not rise to the level of defamation by a broadcaster, then nothing does.

230. Fox’s statements are reasonably understood to be statements of fact about Dominion, and were understood by people who saw, heard, and read them to be statements of fact about Dominion.

231. Fox’s statements are false. Far from being created in Venezuela to rig elections for a now-deceased Venezuelan dictator, Dominion was created in Toronto, and its voting systems are certified under standards promulgated by the EAC, reviewed and tested by independent testing laboratories accredited by the EAC, and were designed to be auditable and include a paper ballot backup to verify results. Because of this backup, independent audits and hand recounts of paper ballots have conclusively and repeatedly disproven the false claim that votes in Dominion machines were flipped, weighted, deleted, or otherwise manipulated by algorithms, software, cyber-attacks, or otherwise. Hugo Chávez’s elections were not handled by Dominion, but by an entirely different company—Smartmatic, a competitor of Dominion’s. Dominion was not created in or for Venezuela, has never been located there, and is not owned by Smartmatic or Venezuelans. Dominion has never provided machines or software or technology to Venezuela, nor has it ever

participated in any elections in Venezuela. It has no ties to the Venezuelan government or Hugo Chávez. Dominion does not use Smartmatic's software or machines, and there was no Smartmatic technology in any of Dominion's voting machines in the 2020 election. Dominion did not bribe or pay kickbacks to Georgia officials or their families.

232. Fox had no applicable privilege or legal authorization to make these false and defamatory statements, or if it did, it abused it.

233. Fox's defamatory statements, whether taken individually or together in their cumulative impact, damaged Dominion in the various ways described herein.

234. Dominion is entitled to punitive damages because Fox's defamatory statements were accompanied with malice, wantonness, and a conscious desire to cause injury. Fox purposefully made the defamatory statements heedlessly and with reckless and willful indifference to Dominion's rights.

235. Dominion is entitled to punitive damages because Fox published its defamatory statements about Dominion with actual malice.

236. Fox's statements are defamatory *per se*, as they impute serious criminal conduct to Dominion and also malign Dominion in the conduct of its business or trade. Fox's statements have exposed Dominion to the most extreme hatred and contempt. Fox, both directly and through the facially unreliable guests Fox repeatedly hosted on its shows, has accused Dominion of fraud, election-rigging,

conspiracy, and bribery, which are serious crimes. For Dominion—whose business is producing and providing voting systems for elections—there are no accusations that could do more to damage Dominion’s business or to impugn Dominion’s integrity, ethics, honesty, and financial integrity. Fox’s statements were calculated to—and did in fact—provoke outrage and cause Dominion enormous harm.

237. Fox’s viral disinformation campaign about Dominion reached over a billion people worldwide and caused enormous harm to Dominion. As a result of that defamatory campaign, Dominion has suffered the following single and indivisible injuries: Dominion employees have been stalked, have been harassed, and have received death threats; Dominion has been forced to make an expenditure of money to remedy the defamation and to protect the lives of its employees; Dominion has lost profits; Dominion has suffered a loss of goodwill; and Dominion’s enterprise value has been irreparably damaged. Dominion is entitled to damages, including presumed economic damages, as a consequence of Fox’s conduct. These presumed damages include but are limited to the economic harm caused by Fox that now has prevented Dominion from becoming a multi-billion dollar company.

238. In short, as explained above, Fox made these false statements of fact with actual malice. At a minimum, Fox recklessly disregarded the truth. Though not necessary, Fox also knew these statements about Dominion were false. Fox

acted with actual malice through the people—agents of Fox—who had responsibility for airing these broadcasts and publishing these defamatory statements. They include—but are not limited to—the hosts of the relevant programs: Maria Bartiromo, Tucker Carlson, Lou Dobbs, Sean Hannity, and Jeannine Pirro; the producers and editors of those programs; the Fox executives responsible for airing each of those broadcasts, including but not limited to Suzanne Scott, Jay Wallace, Tom Lowell, Meade Cooper, John Fiedler, Lauren Petterson; and the Fox Corporation executives responsible for overseeing Fox News, including but not limited to Rupert Murdoch and Lachlan Murdoch.

239. They also include, on information and belief, at least one person at Fox Broadcasting responsible for publishing the defamatory statements.

240. The false statements are inherently improbable. They rest on unbelievable allegations stacked on even more unbelievable allegations. Indeed, the same Dominion machines that supposedly were to blame for President Trump’s loss also were used in states President Trump won such as Florida and Ohio.

241. Fox knowingly and intentionally relied on and used unreliable sources to perpetuate the defamatory lies about Dominion. By the time Fox first aired false and defamatory allegations about Dominion from Sidney Powell on November 8, 2020, Powell already had been completely discredited—as Fox knew or willfully disregarded. By November 22, even the Trump Campaign had distanced itself from

Powell. Yet Fox continued to invite her on to spew lies. Moreover, by November 19, hand recounts confirmed the accuracy of Dominion machines. Yet Fox still aired these lies.

242. Fox deliberately conducted grossly inadequate investigations before publishing its false and defamatory statements about Dominion and then continuing to publish and republish these false statements.

243. Fox's false and defamatory statements about Dominion were made in furtherance of and to fit within the preconceived storyline Fox adopted and endorsed. Fox began touting election fraud even before the election. Fox published its false and defamatory statements and conformed its reporting to fit this preconceived false narrative.

244. Fox published its false and defamatory statements to make a profit at Dominion's expense and at the expense of the truth. Indeed, Fox's financial motivation to peddle its false narrative and lie about Dominion stealing the election from Donald Trump was substantial. Facing a threat to its most profitable line of business from other conservative media outlets competing for President Trump's and his supporters' attention, Fox knowingly lied about Dominion in order to keep, increase, and win back viewers, including its most important viewer then-President Trump.

245. And Fox, when confronted with the direct facts disproving its lies about Dominion, refused to retract its false and defamatory statements, thereby further demonstrating its actual malice in publishing them. Beginning on November 12, 2020, Dominion sent Fox and its reporters, producers, anchors, and content managers—including those producing and airing the shows that broadcast false and defamatory statements—correspondence detailing Fox’s defamatory falsehoods about Dominion, explaining how and why those defamatory falsehoods were false, and providing citations to independent sources confirming the falsity of those defamatory falsehoods. Dominion also had a direct conversation with Fox News President and Executive Editor Jay Wallace during which Dominion detailed Fox’s defamatory falsehoods about Dominion and explained how and why they are false. And Dominion sent Fox retraction demand letters on November 20, 2020 and December 22, 2020 demanding the retraction of Fox’s defamatory falsehoods about Dominion. Nevertheless, Fox refused to retract any of its false and defamatory statements about Dominion, and instead repeatedly doubled-down on its false and defamatory statements by continuing to publish and republish them. Indeed, Fox continues to make its false and defamatory television broadcasts, social media posts, and statements about Dominion available to the public today on Fox’s multitude of platforms.

246. Fox published its false and defamatory statements not once, but repeatedly over a substantial period of time. Fox's carried on its disinformation and defamation campaign against Dominion for months while deliberately ignoring Dominion's specific and repeated warnings that these smears were not true. And it wasn't just Dominion notifying Fox that it was airing ridiculous fiction. Multiple people and organizations—from news outlets to third parties to governmental officials—declared publicly that Fox was spreading malicious lies and preposterous conspiracy theories. Indeed, Fox itself knew these lies were untrue. But Fox, fully knowing or recklessly disregarding that its false and defamatory statements about Dominion were untrue, continued its deliberate and premeditated campaign to vilify Dominion.

247. Nor can Fox truthfully (or credibly) claim that it was simply doing its job of reporting on the news of the day, which included news of and litigation concerning alleged fraud in the 2020 Presidential Election. To the contrary, Fox, speaking in its own voice as arguably the country's most influential news organization, made, published, ratified, endorsed, adopted, and amplified attacks on Dominion specifically. Far from engaging in fair, objective reporting on charges and counter-charges, Fox instead promoted lies about Dominion and used its enormous influence in American culture to advance the false narrative that

Dominion was actively complicit in a fraudulent theft of the 2020 Presidential Election.

248. Fox’s many lies about Dominion were specific and verifiably false, and therefore not “opinion.” At an absolute minimum, they are nonetheless actionable as mixed opinions because they are based on underlying false facts and/or on undisclosed facts. Fox used its brand—which it proudly touts as the “top brand for morning and evening *news* coverage” and “the most trusted cable *news* brand”—in order to push and promote these demonstrable falsehoods.

249. Fox engaged in this knowing and reckless propagation of these enormous falsehoods in order to profit off these lies. Fox wanted to continue to protect its broadcast ratings, catering to an audience deeply loyal to President Trump. Fox similarly sought to aggrandize certain of its most significant advertisers, who were supporters of then-President Donald Trump. Succumbing to these motivations, Fox—both through the speakers it invited onto its shows and in its own voice through many of its most prominent on-air personalities, including, but not necessarily limited to, Maria Bartiromo, Tucker Carlson, Lou Dobbs, Sean Hannity, and Jeanine Pirro—defamed Dominion again and again.

250. In view of the foregoing, Dominion is entitled to actual, presumed, punitive, and other economic damages in an amount to be specifically determined at trial.

## **PRAYER FOR RELIEF**

WHEREFORE, Dominion respectfully requests that the Court enter an award and judgment in its favor, and against Fox Corporation and Fox Broadcasting Company, LLC, as follows:

- (a) awarding Dominion general compensatory damages in amount to be determined at trial;
- (b) awarding Dominion damages for (1) lost profits of not less than \$600,000,000; (2) lost enterprise value of not less than \$1,000,000,000; (3) security expenses of not less than \$600,000; and (4) expenses incurred combatting the disinformation campaign of not less than \$700,000;
- (c) awarding Dominion punitive damages in an amount to be determined at trial;
- (d) awarding Dominion pre- and post-judgment interest;
- (e) awarding Dominion all expenses and costs, including attorneys' fees; and
- (f) such other and further relief as the Court deems appropriate.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all claims and issues so triable.

Dated: November 8, 2021

Respectfully submitted,

FARNAN LLP

*/s/ Brian E. Farnan*

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# Exhibit 1



**Lou Dobbs** ✓  
@LouDobbs



Cyber Pearl Harbor: @SidneyPowell1 reveals groundbreaking new evidence indicating our Presidential election came under massive cyber-attack orchestrated with the help of Dominion, Smartmatic, and foreign adversaries. #MAGA #AmericaFirst #Dobbs



5:51 PM · Dec 10, 2020 · Twitter Media Studio

**7,403** Retweets   **1,730** Quote Tweets   **18.1K** Likes





**loudobbstonight** • Follow



**loudobbstonight** Evidence of Fraud

Sidney Powell says the FBI and law enforcement aren't interested in electoral fraud witnesses and offers to make public evidence of a cyber-attack on the US election system. #MAGA #AmericaFirst #Dobbs

14w



**mindy\_moments28** Thank you Sidney!!

100 🇺🇸 🇺🇸 🇺🇸 & Lou!!

14w Reply



**americastyle.usa** Why does this old fuck still have a tv show? What a joke

14w Reply



29,346 views

DECEMBER 10, 2020

Log in to like or comment.



**Lou Dobbs** ✓  
@LouDobbs



Evidence of Fraud: @SidneyPowell1 says the FBI and law enforcement aren't interested in electoral fraud witnesses and offers to make public evidence of a cyber-attack on the US election system.  
[#MAGA](#) [#AmericaFirst](#) [#Dobbs](#)



5:52 PM · Dec 10, 2020 · Twitter Media Studio

**5,059** Retweets   **1,122** Quote Tweets   **14.8K** Likes





Lou Dobbs · Follow

December 10, 2020 · 🌐

### Sidney Powell

Cyber Pearl Harbor: Sidney Powell reveals groundbreaking new evidence indicating our Presidential election came under massive cyber-attack orchestrated with the help of Dominion, Smartmatic, and foreign adversaries. #MAGA #AmericaFirst #Dobbs See Less

LOU DOBBS TONIGHT   #Dobbs			
CRUDE OIL	46.97	▲ 1.45	+3.19%
GOLD	1,840.10	▲ 1.60	+0.09%
DOW	6945	▲ 23%	
SELL 3000 (RUA-RI)	2,193.51	▲ 2.99	
S&P VIX (VIX)	22.1		

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FILE NAME:

Evidence of Fraud:

Sidney Powell and Lou Dobbs discuss

1           LOU DOBBS: Good evening, everybody. We  
2 have a blockbuster of a story and a show for you  
3 tonight.

4           We will be joined in just a few moments by  
5 attorney Sidney Powell, who this evening appears  
6 to have delivered on her promise kracken  
7 thunderbolt that she promised America two weeks  
8 ago.

9           She calls what happened on November 3rd now  
10 a 2020 Cyber Pearl Harbor. Sidney Powell joins us  
11 in just moments.

12           But first we want to touch on a number of  
13 new developments today. The federal investigation  
14 of Joe Biden's son Hunter Biden, new information.  
15 The U.S. Attorney's Office in Delaware is looking  
16 into Biden's foreign business dealings, especially  
17 with China.

18           That investigation has been ongoing, we  
19 have learned, since 2018. Joe Biden's campaign  
20 says in a statement that Biden is, quote, deeply  
21 proud of his son who has fought through difficult  
22 challenges, including the vicious personal attacks  
23 of recent months, only to emerge stronger.

24           The U.S. Attorney in Delaware is  
25 Trump-appointed David Weiss. He has refused to

1 comment on what is, obviously, an ongoing  
2 investigation. But sources tell Fox News that  
3 that investigation was predicated in part by  
4 transactions in China, and other foreign nations.

5 The investigation is also examining a trove  
6 of messages and documents found on Hunter Biden's  
7 laptop that he left at that famous computer repair  
8 shop.

9 That story first reported in a bombshell  
10 New York Post expose was censored, buried by big  
11 tech and social media. Facebook and Twitter both  
12 remain silent today about why they censored that  
13 report before the presidential election.

14 50 former members of the Deep State  
15 intelligence community even wrote a letter calling  
16 the Hunter Biden's story, quote, Russian  
17 disinformation, end quote.

18 That message then dutifully echoed by the  
19 corporate left-wing national media.

20 SPEAKER: We know that this whole smear on  
21 Joe Biden comes from the Kremlin.

22 SPEAKER: Russian disinformation or foreign  
23 disinformation or -- or even this -- you know,  
24 campaign disinformation period --

25 SPEAKER: This is most likely Russian

1 propaganda.

2 SPEAKER: Charges so heinous I'm not even  
3 going to say them.

4 SPEAKER: Peddling baseless conspiracy  
5 theories about Joe Biden and his son.

6 SPEAKER: Prosecutors do not open  
7 investigations based on disinformation provided by  
8 Russian intelligence.

9 LOU DOBBS: Russian intelligence. Well,  
10 anyone in the media who dared question Hunter  
11 Biden's business dealings or how much Joe Biden  
12 knew about those dealings, was deemed a conspiracy  
13 theorist.

14 Senators Chuck Grassley and Ron Johnson  
15 spent more than a year investigating the Biden  
16 family corruption.

17 On the Senate floor today, Chuck Grassley  
18 blasted the buoyant cover-up of their work.

19 CHUCK GRASSLEY: Those same liberal outlets  
20 that disparaged our investigation now report that  
21 Hunter Biden's financial deals in China raise  
22 counterintelligence concerns.

23 So you can understand why I think it's very  
24 outrageous that the Fourth Estate would choose to  
25 ignore facts when they are uncovered by

1     Republicans.

2             LOU DOBBS:  The senate has produced a  
3     report covering many of Hunter Biden's past  
4     business dealings with China, including some that  
5     are flagged for, quote, potential financial  
6     criminal activity.

7             For more on that, we turn to Hilary Vaughn  
8     in Wilmington, Delaware.  Hilary?

9             HILARY VAUGHN:  Hi, Lou.  We went digging  
10    around for what Hunter Biden was up to, who he was  
11    doing business with, in the days, months and years  
12    leading up to the grand jury investigation that we  
13    now know kicked off in 2018.

14            Fox News is now learning that that grand  
15    jury investigation is not just digging into Hunter  
16    Biden's taxes, but also covers money laundering  
17    and also suspicious foreign transactions from  
18    China.

19            So a Senate report looked into Hunter  
20    Biden's overseas business deals, and they were  
21    lead to two conclusions:  Hunter Biden had  
22    business relationships with Chinese nationals  
23    linked to the communist government, and those  
24    connections turned up millions of dollars in cash  
25    flow that Hunter Biden benefitted from.

1           The Senate report also says that financial  
2 records that they obtained tied to Hunter Biden  
3 showed, quote, consistent, significant and  
4 extensive financial connections between Hunter  
5 Biden and Chinese nationals connected to the  
6 communist regime, and say that these raise  
7 criminal financial concerns.

8           So we looked at the money trail and we saw  
9 detailed in the report Hunter Biden's business  
10 relationship with two Chinese businessmen, Ye  
11 Jianming and Gongwen Dong, whose connections to  
12 the Chinese communist government were extensive.

13           In September 2017, Hunter Biden opened a  
14 line of credit with Ye's right-hand man Gongwen  
15 Dong under the business name Hudson West III.  
16 That same account has credit cards given to Hunter  
17 Biden, Joe Biden's brother James, and his wife  
18 Sarah. And the three of them use those credit  
19 cards to go on \$100,000 spending spree on hotels,  
20 restaurants and Apple products.

21           Between August 2017 and September 2018,  
22 that same business Hudson West III, sent frequent  
23 payments to Hunter Biden's law firm, totalling  
24 \$4.7 million, just over that year; and also during  
25 that same time frame, Hunter Biden's law firm sent

1 20 wire transfers, totalling \$1.3 million to Joe  
2 Biden's brother James' consulting firm. Several  
3 of these transactions tied to Hudson West III and  
4 Hunter Biden were flagged in this report as  
5 suspicious and possible financial criminal  
6 activity.

7 And that was noted in this report, Lou,  
8 that came out well before we just found out this  
9 grand jury investigation went public two days ago.  
10 Lou.

11 LOU DOBBS: Hilary Vaughn reporting. It is  
12 a blockbuster day of developments.

13 Now, let's turn to the battle for the White  
14 House.

15 President Trump has personally filed with  
16 the Supreme Court to join the Texas lawsuit to  
17 throw out the election results in the states of  
18 Pennsylvania, Georgia, Michigan, and Wisconsin,  
19 claiming they are unconstitutional.

20 Texas and the President also winning strong  
21 support today from seven other states. Attorney  
22 Generals of Missouri, Arkansas, Louisiana,  
23 Mississippi, South Carolina, and Utah, all filing  
24 a motion to join the Texas Supreme Court lawsuit.

25 Another 11 states have filed briefs in

1 support of Texas, and the lawsuit.

2 Our first guest tonight has new information  
3 regarding electoral fraud in the radical left's  
4 efforts steal an election; and she charges four  
5 individuals as authors of what she calls a Pearl  
6 Harbor-style cyber attack on the 2020 presidential  
7 election.

8 There are four names that she highlights.  
9 They are: Jorge Rodriguez, the communications  
10 minister of Venezuela. Khalil Majsoub, Jorge  
11 Rodriguez's right-hand man. Gustavo Reyes-Zumeta,  
12 who designed programs to rig election machines.  
13 And Antonio Mugica, the CEO of Smartmatic, an  
14 electoral voting corporation.

15 Joining us now is Sidney Powell, a  
16 distinguished attorney, former federal prosecutor,  
17 best selling author, general Mike Flynn's defense  
18 attorney, and as we all know, a great American.

19 Sidney, great to have you with us. You say  
20 these four individuals led the effort to rig this  
21 election. How did they do it?

22 SIDNEY POWELL: Well, Lou, they designed  
23 and developed the Smartmatic and Dominion programs  
24 and machines, that include a controller module  
25 that allows people to login and manipulate the

1 vote, even as it's happening.

2 We're finding more and more evidence of  
3 this. We now have reams and reams of actual  
4 documents from Smartmatic and Dominion, including  
5 evidence that they planned and executed all of  
6 this.

7 We know that \$400 million of money came  
8 into Smartmatic from China, only a few weeks  
9 before the election; that there are George Soros  
10 connections to the entire endeavor. Lord  
11 Malloch-Brown was part of it, along with the other  
12 people from Dominion.

13 Eric Kumer, the person who also holds  
14 patents on some of the software, and was operating  
15 out of the Denver office, I believe. We know that  
16 one of Smartmatic people has -- went to Tarrant  
17 County, Texas and turned that county blue, after  
18 having been an executive with Smartmatic, and all  
19 of the sudden this one election Tarrant County is  
20 purportedly blue. We have evidence of how they  
21 flipped the votes, how it was designed to flip the  
22 votes. And that all of it has been happening just  
23 as we have been saying it has been.

24 LOU DOBBS: Well, what is the evidence that  
25 you have compiled, how have you constructed the

1 architecture of this relationship among these four  
2 individuals?

3 SIDNEY POWELL: Well, we are still  
4 reviewing the massive amount of documents that we  
5 have, but we have communications between them.  
6 And all different kinds of messages that indicate  
7 their involvement in it. It's a massive amount of  
8 additional information to go through, that's only  
9 been in our hands a short time. But we will be  
10 producing more and more of it; it will be coming  
11 out more by the day.

12 And then also the connections --

13 LOU DOBBS: I want to --

14 SIDNEY POWELL: -- of the Chinese and --  
15 and other countries that were attacking us in this  
16 massive Cyber Pearl Harbor, as we called it.

17 LOU DOBBS: Jorge Rodriguez, I want to go  
18 through -- we're going to put up on the screen so  
19 people can follow the conversation here, because  
20 these are names that most of us are not familiar  
21 with.

22 You said that Jorge Rodriguez, the  
23 Venezuelan -- former Venezuelan communications  
24 minister, is the ringleader, the CEO of the  
25 enterprise, as you put it.

1           What is the evidence that this former  
2 communication minister could reach into the U.S.  
3 electoral system and raise the havoc and commit  
4 the fraud that, obviously, we have witnessed in  
5 2020?

6           SIDNEY POWELL: Well, we've known from  
7 early on in our independent investigation that the  
8 entire system was created for the benefit of  
9 Venezuela and Hugo Chavez to rig elections to make  
10 sure he continued winning. And then it was passed  
11 onto Mr. Maduro to do the same. And we know it  
12 was exported to other countries by virtue of some  
13 of the Dominion executives that proceeded to go  
14 about and essentially sell elections to the  
15 highest bidder.

16           We know, for example, that Mr. Rodriguez  
17 has on been TV incessantly trying to -- and  
18 actually mocking the United States. He is one of  
19 the highest --

20           LOU DOBBS: Venezuelan television?

21           SIDNEY POWELL: -- people in the -- yes,  
22 Venezuelan television. And he's -- he's -- he's  
23 been one of the leaders of the whole  
24 election-stealing project. But keep in mind,  
25 Venezuela has been highly influenced by the

1 Chinese. And we know from filings with the SEC  
2 and otherwise, that the Chinese put \$400 million  
3 into Dominion only four weeks before the election;  
4 and they shared office space with George Soros'  
5 companies, as well as the leadership of Lord  
6 Malloch-Brown in the -- in the U.K., and Canada.

7 It is a very --

8 LOU DOBBS: Can you --

9 SIDNEY POWELL: -- concerning and troubling  
10 and illegal web of conduct that all of which  
11 focused on rigging the election in this country.  
12 And we're seeing the results in multiple states  
13 where we're now identifying specific votes  
14 flipped, like in a couple of Georgia counties --  
15 in fact, Coffee County, Georgia just yesterday, I  
16 believe, refused to certify the results of the  
17 election in Coffee County because of the vote  
18 disparities and flipping.

19 We're getting more and more evidence out of  
20 other counties across the country about the same  
21 kind of conduct. We knew from Antrim County, for  
22 example, in Michigan that 6,000 votes --

23 LOU DOBBS: Uh-huh.

24 SIDNEY POWELL: -- magically were flipped on  
25 election night. I think --

Evidence of Fraud Sidney Powell and Lou Dobbs discuss

1           LOU DOBBS:  Yeah.

2           SIDNEY POWELL:  -- the cause of that is  
3 going to become more and more apparent as we  
4 proceed in the investigation.

5           And, frankly, our national security agency  
6 and defense intelligence agency need to be all  
7 over this immediately.  The evidence is  
8 overwhelming --

9           LOU DOBBS:  I --

10          SIDNEY POWELL:  -- and extremely troubling  
11 that this has been going on --

12          LOU DOBBS:  We're going to do --

13          SIDNEY POWELL:  -- and it didn't just start  
14 this year.

15          LOU DOBBS:  We're going to be back with  
16 Sidney.  We're going to take a quick break.  We're  
17 going to examine in some detail the -- the reasons  
18 for what is apparently a broadly coordinated  
19 effort to -- to actually bring down this President  
20 by ending his second term before it could begin.

21          We'll back with Sidney Powell.

22          Also tonight, postal service subcontractor  
23 Jesse Morgan is a whistleblower, one of the most  
24 courageous and most important, who stepped  
25 forward, he says the FBI, in talking with him, had

1 no interest in his claims of election fraud;  
2 instead they harassed his family.

3 We take up the latest in this extraordinary  
4 presidential election of 2020. We'll also be  
5 talking with Michigan whistleblower Patrick  
6 Colbeck. You don't want to miss any of it.

7 And Papa John's founder, John Schnatter,  
8 who has been vindicated of claims made against him  
9 by Louie Freeh in a weeks-long investigation.

10 The left-wing media has more than ever to  
11 account for.

12 We'll be back with Sidney Powell in just a  
13 few moments. Stay with us.

14 (Advertisement.)

15 LOU DOBBS: Western District of  
16 Pennsylvania are now conducting a criminal  
17 investigation of rural hospital company Americore.  
18 Investors- -- investigators want to know more  
19 about James Biden's role with the company, and  
20 whether he used the Biden name to influence  
21 decisions.

22 We're back now with attorney Sidney Powell.  
23 She was describing a Cyber Pearl Harbor in the  
24 2020 the election, focussing on four names.

25 I would also like to put up this element

1 from -- from your investigation, if we could have  
2 that full screen up so that we could all go  
3 through that with the audience; because it's  
4 important as we look at these four names, we're  
5 talking about very large -- a very large foreign  
6 intrusion and interference in the -- in the  
7 election of 2020.

8 Give us -- it's -- it's outrageous that we  
9 have an Attorney General, Sidney, who has said  
10 that he sees no sign of -- of any significant  
11 fraud that would overturn the election. We had a  
12 head of the cyber intelligence unit for the  
13 Department of Homeland Security who is suing some  
14 people, apparently, for saying that his report,  
15 basically, was -- it was nonsense when he declared  
16 it was the most secure election in the country's  
17 history.

18 What are we dealing with here, and how can  
19 we get to this, if we have a -- an Attorney  
20 General who has apparently lost both his nerve and  
21 his commitment to his oath of office, and to the  
22 country; we have an FBI director who seems to be  
23 as politically corrupt as anyone who preceded him,  
24 and a Homeland Security department that doesn't  
25 know what the hell it's talking about and is

Evidence of Fraud Sidney Powell and Lou Dobbs discuss

1 spending more time playing politics, at least as  
2 it applies to Mr. Krebs, than securing the nation.  
3 Your thoughts?

4 SIDNEY POWELL: I think it's time for a  
5 whole new team across the board, Lou. There's no  
6 explanation for the way the FBI has treated  
7 witnesses -- I mean, good American citizens who  
8 have been brave enough to come forward with direct  
9 evidence of things like thousands of ballots --

10 LOU DOBBS: Yeah.

11 SIDNEY POWELL: -- moving from one state to  
12 another in the middle of the night to do --

13 LOU DOBBS: I guess --

14 SIDNEY POWELL: -- what is called  
15 backfilling into the machines, so that they can  
16 perpetrate their fraud, because President Trump  
17 won so many votes, he blew up their algorithm.  
18 The American people blew up the algorithm they  
19 created before the election to shave votes from  
20 Biden and give them to Trump. And we're now  
21 seeing direct evidence of that happening in -- in  
22 multiple counties and multiple states, and we know  
23 it happened across the country.

24 You would have to be a damn fool and  
25 abjectly stupid not to see what happened here, for

Evidence of Fraud Sidney Powell and Lou Dobbs discuss

1 anybody who's willing to look at the real  
2 evidence. I've uploaded a ton of it on our  
3 website --

4 LOU DOBBS: Yeah.

5 SIDNEY POWELL: -- at  
6 defendingtherepublic.org, and Twitter is even  
7 trying to destroy our new website,  
8 kraken-wood.com, where we're also trying to get  
9 the word out to the American people on what's been  
10 happening here and the truth and upload documents.  
11 Twitter took our --

12 LOU DOBBS: Well, let me make this --

13 SIDNEY POWELL: -- account down the first  
14 night.

15 LOU DOBBS: Let me -- let me make you an  
16 offer, very straightforwardly: We will gladly put  
17 forward your evidence that supports your claim  
18 that this was a Cyber Pearl Harbor. We have  
19 tremendous evidence already but we -- of fraud in  
20 this election, but I will be glad to put forward  
21 on this broadcast whatever evidence you have, and  
22 we'll be glad to do it immediately.

23 SIDNEY POWELL: Awesome.

24 LOU DOBBS: We'll work overnight. We will  
25 -- we will take up whatever air we're permitted

1 beyond this broadcast, but we have to get to the  
2 bottom of this.

3 And we -- the question now is -- is -- is  
4 not about the integrity or the energy of those  
5 responsible for securing the national interest for  
6 defending this country, it's how in the hell do we  
7 defend this country and secure the interest of  
8 this company without them? That's really the --  
9 the two questions.

10 SIDNEY POWELL: Yes. Well, the American  
11 people are going to have to insist on paper  
12 ballots with real identification. That's going to  
13 be one of the key --

14 LOU DOBBS: Well, that's going to be --

15 SIDNEY POWELL: -- things to stop --

16 LOU DOBBS: -- great for -- I'm -- I'm not  
17 even -- Sidney, I've got to tell you, I'm not even  
18 going to contemplate the next election. I'm not  
19 even contemplating the January 5th election in  
20 Georgia. The hell with that.

21 If the people of Georgia are dumb enough,  
22 after what they have gone through in the November  
23 3rd election, to then go toward January 5th in a  
24 runoff and think that changing nothing will change  
25 the outcome, then the people of Georgia aren't

1 half as smart as I believe them to be; and I  
2 believe the patriots in Georgia should stop this  
3 nonsense now.

4 It is not something that -- to be decided  
5 about over who do you favor, which party, which  
6 candidate. This is now about faith in the  
7 electoral system in one specific state that may  
8 control the destiny of this country; and by God,  
9 it's too important for anyone -- and I don't care  
10 what party you're in, I don't care whether you're  
11 an independent -- this is too important to act as  
12 if nothing happened on November 3rd. And to --

13 SIDNEY POWELL: Exactly.

14 LOU DOBBS: -- to pretend that there will  
15 be a different outcome on January 5th. It's  
16 idiotic. They --

17 SIDNEY POWELL: It is.

18 LOU DOBBS: -- the ridiculous leadership --

19 SIDNEY POWELL: I agree with you  
20 completely.

21 LOU DOBBS: -- and I mean the governor and  
22 the state -- Secretary of State have got to find,  
23 if not the integrity, the -- the primal fear of  
24 the voters in Georgia to stop what's going on and  
25 stop it now.

Evidence of Fraud Sidney Powell and Lou Dobbs discuss

1           SIDNEY POWELL: I agree with you  
2 completely, Lou. This is the future of the  
3 republic, whether we continue to exist as the  
4 republic of the United States of America, and  
5 every patriotic American needs to stand up right  
6 now and make their voices heard that we will not  
7 tolerate this. The chips need to fall wherever  
8 they fall.

9           LOU DOBBS: Yeah.

10          SIDNEY POWELL: We lost gubernatorial  
11 seats. I'm sure we lost Congressional seats. We  
12 lost Senate seats that we should have had. They  
13 have been perpetrating a fraud on the United  
14 States for the last ten years telling us we were  
15 turning blue, when we were not. We have been  
16 clearly going red, because the American people  
17 love this country, regardless of whether they came  
18 from -- where they came from, American citizens  
19 came here for freedom and justice and liberty for  
20 all.

21          SIDNEY POWELL: Well, Sidney, I guess we're  
22 going to conclude with my final question; we're  
23 out of time, we've gone well over: What -- what  
24 can be done right now, how much time do you need  
25 to get that evidence to this broadcast and we'll

Evidence of Fraud Sidney Powell and Lou Dobbs discuss

1 put it on the air?

2 SIDNEY POWELL: I will get you some more  
3 information that's just stunning tonight.

4 LOU DOBBS: All right. Sidney Powell,  
5 thank you for all you're doing. It is the Lord's  
6 work.

7 Up next, Michigan's Attorney General can't  
8 defend the legality of Michigan's vote; so we'll  
9 talk with election fraud witness and whistleblower  
10 Patrick Colbeck about why that is.

11 Be sure to get in the Christmas spirt,  
12 visit Loudobbssshop.com. You can order my new book  
13 The Trump Century as well. That's  
14 Loudobbssshop.com. Seasons greetings.

15 (End of the recording.)

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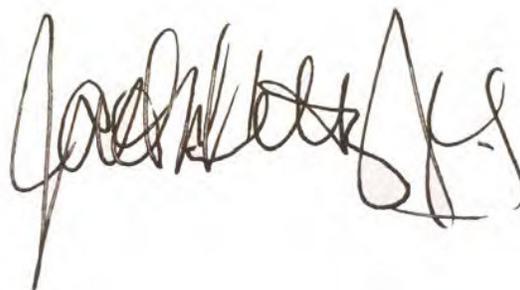
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C E R T I F I C A T E

I, Jackie Mentecky, Transcriptionist/Court Reporter, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 29th day of December, 2020.



---

Jackie Mentecky

# **Exhibit 2**



**Jeanine Pirro** ✓  
@JudgeJeanine



PART ONE: The most important part of democracy is to do it correctly. The most important question tonight is did we in 2020? [#OpeningStatement](#)



9:15 PM · Nov 14, 2020 · Twitter Media Studio



**Jeanine Pirro** ✓

@JudgeJeanine



ICYMI: Here is PART ONE of my Opening Statement from Saturday night.



9:49 AM · Nov 17, 2020 · Twitter Media Studio



Judge Jeanine Pirro · Follow

November 14, 2020 · 🌐



### PART ONE: OPENING STATEMENT - NOVEMBER 14, 2020

PART ONE: The most important part of democracy is to do it correctly. The most import... See More



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JUSTICE W/JUDGE JEANINE

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JEANINE PIRRO

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Saturday, November 14, 2020

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Tuesday, November 17, 2020

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20 Job: 362769

21 Pages: 1-7

22 Transcribed by: Erin King

1 P R O C E E D I N G S

2 JEANINE PIRRO: Hello, and welcome to Justice.  
3 I'm Judge Jeanine Pirro. Thank so much for being  
4 with us tonight.

5 Trump supporters flood the Nation's Capital as  
6 the Commander-in-Chief himself drives by and says  
7 hello to the crowds rallying in Washington. We'll  
8 talk about that and more tonight, but first, my  
9 open.

10 The most important part of democracy is to do  
11 it correctly. The most important question tonight  
12 is did we, in 2020? There is no magic in electing a  
13 President. Americans do it every four years, just  
14 as our founding fathers planned. Yet, this is a  
15 life changing moment in American history. America  
16 will either go one way or the other, and so, it not  
17 only requires but demands all due diligence be  
18 exercised, in this highly contested Presidential  
19 Election.

20 There is both an ethical and a legal obligation  
21 to the 73 million Americans, the highest number ever  
22 to vote for a sitting president, to assure them that

1 every legal vote is counted and not diluted in any  
2 way. Wouldn't that be something we'd all want? Our  
3 democratic system is the path and the process used  
4 to achieve the fundamental right of one man, one  
5 vote.

6 There are, however, several steps before this  
7 election can be called. The media does not call an  
8 election. No one state has yet even certified its  
9 vote. Certification, in fact, has not even begun.  
10 In fact, the electors do not vote until December 14  
11 th. We have one president at a time, and until  
12 there are certification, or the electors vote on  
13 December 14 th, the democratic process must be  
14 allowed to play out.

15 But many questions remain. On Election Night,  
16 around midnight, President Trump was ahead in  
17 Pennsylvania, Michigan, and Wisconsin. And then,  
18 one by one, the complaints, now in the form of  
19 affidavits and lawsuits, started coming in. Now, an  
20 affidavit is a sworn statement. It is signed under  
21 the penalty of perjury. It is a factual allegation  
22 that is generally part of a complaint seeking

1 relief. In this case, the affidavits of  
2 individuals, that are the basis of many complaints  
3 around the country, now a part of official lawsuits,  
4 are as follows.

5 As a judge, these affidavits are fundamental in  
6 our justice system. In fact, most causes of action  
7 cannot even begin without a factual basis contained  
8 in affidavits. People promising that their  
9 statement is true, and that they are ready to be  
10 charged with perjury if they lie.

11 Now, the affidavits are as follows. GOP poll  
12 watchers were cursed at and were not allowed in the  
13 room. We heard complaints that 6,000 vote, from  
14 Trump to Biden, were switches. Repeated complaints  
15 of people not asking for ballots, but receiving  
16 many, have been sworn to in affidavits. The  
17 Secretary of State in Georgia and a Supreme Court  
18 judge in Pennsylvania altered the process for  
19 handling ballots, with absolutely no power to  
20 unilaterally change the Constitution, article 1,  
21 section 4. The Dominion Software system has been  
22 tagged as one, allegedly, capable of flipping votes.

1           Now, you'll hear from Sidney Powell in a few  
2 minutes, who will explain what she has unearthed in  
3 the creation of Dominion. And yet, we are  
4 criticized because we are asking question. I even  
5 saw myself on CNN this week.

6           (CNN video plays)

7           JEANINE PIRRO: We believe in free speech. We  
8 believe in accepting winners and not being sore  
9 losers.

10          (Return to Justice w/Judge Jeanine)

11          JEANINE PIRRO: That still holds true, but  
12 anyone who says this election doesn't deserve a  
13 closer look is a hypocrite. If you want a free and  
14 fair election, there must be a resolution of the  
15 issues that so many people are swearing to in  
16 affidavits. A primer, by the way.

17          In the 2000 Presidential Race, the democrats  
18 took their case and their candidate to the United  
19 States Supreme Court. The presidency then wasn't  
20 resolved until December 13th of that year, a month  
21 from where we are now.

22          In 2016, Hilary may have conceded but there

1 were recount efforts in Wisconsin, and efforts in  
2 Pennsylvania and Michigan, where democrats  
3 challenged the votes. Certifications were not filed  
4 until December 13 th, a month from now.

5 Look, folks, under the cover of COVID, rules  
6 were changed providing opportunities for wrong  
7 doers. COVID cannot be used to run herd on our  
8 Constitution. COVID is not a prophylactic that  
9 prevents us from exercising our constitutional,  
10 fundamental right to vote. And Joe Biden, well he  
11 had his own view of the opportunity it presented.

12 (The recording was concluded.)

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CERTIFICATE OF TRANSCRIBER

I, Erin King, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by and of the parties to this case and have no interest, financial or otherwise, in its outcome.

  
ERIN KING

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JUDGE JEANINE PIRRO AND SIDNEY POWELL  
SIDNEY POWELL

JUSTICE WITH JUDE JEANNINE:  
THE ELECTION RESULTS IN SEVERAL BATTLEGROUND STATES  
CONTINUE TO BE UNDER INTENSE FOCUS AS ALLEGATIONS OF  
VOTER FRAUD ARE BEING INVESTIGATED. TRUMP CAMPAIGN  
ATTORNEY AND FORMER FEDERAL PROSECUTOR SIDNEY POWELL  
JOINS "JUSTICE" TO DISCUSS THIS AND MUCH MORE

File: Judge Jeanine Pirro, Sidney Powell, Facebook (Nov.  
14, 2020), <https://fb.watch/47hF09eZYP/>

Judge Jeanine Pirro Sidney Powell

1 JUDGE JEANINE PIRRO: Welcome back.

2 The election results in several  
3 battleground states continue to be under intense  
4 focus as allegations of voter fraud are being  
5 investigated.

6 Trump campaign attorney, a former federal  
7 prosecutor, Sidney Powell joins me now with more.

8 All right. Good evening, Sidney. Thank  
9 you so much for joining us. I'm -- I'm sure  
10 you're very busy now.

11 Can you give me some idea of what you're  
12 working on now, and what exactly you are doing on  
13 the Trump cam- -- in this effort to -- to identify  
14 problems with the election.

15 SIDNEY POWELL: I'm working on the massive  
16 aspect of -- of system-wide election fraud,  
17 definitely impacting the swing states and likely  
18 going far beyond that. We're talking about the  
19 alteration and changes in millions of -- of votes;  
20 some being dumped that were for President Trump,  
21 some being flipped that were for President Trump.  
22 Computers being overwritten to ignore signatures.  
23 All kinds of different means of manipulating the  
24 Dominion and Smartmatic software that, of course,  
25 we would not expect Dominion or Smartmatic to

Judge Jeanine Pirro Sidney Powell

1 admit.

2 JUDGE JEANINE PIRRO: Well -- and now that  
3 you mention it, they denied that they had done  
4 anything improper, and they denied that this claim  
5 -- that there's 6,000 votes that went from  
6 Biden -- from President Trump to Biden had  
7 anything to do with their software.

8 And -- but -- but at the same time, as you  
9 put together your case, Sidney, I assume that you  
10 are getting to the bottom of exactly what Dominion  
11 is, who started Dominion, how it can be  
12 manipulated, if it is manipulated at all, and what  
13 evidence do you have to prove this?

14 SIDNEY POWELL: Oh, yes. We are collecting  
15 evidence through a firehose as hundreds of  
16 American patriots across the country are stepping  
17 forward with what they know about this issue;  
18 including some -- well, including some people that  
19 are taking great risks to do it.

20 JUDGE JEANINE PIRRO: And as you do so,  
21 what -- what is your -- what is your intent here?  
22 If you could establish that there is corruption in  
23 the use of this software, this Dominion software,  
24 as you allege, and you say you have evidence, how  
25 do you put that together and prove that on

Judge Jeanine Pirro Sidney Powell

1 election night, or immediately after, that at the  
2 time that the votes were being either tabulated or  
3 put in, that we can prove that they were flipped?

4 SIDNEY POWELL: There are -- there is  
5 statistical evidence. There's all kinds of  
6 mathematical evidence, essentially forensic  
7 evidence, math that cannot be disputed.

8 We have eyewitnesses to different features  
9 of the machine. We have eyewitnesses to different  
10 aspects of the machines being uploaded with data,  
11 when it was not supposed to be, and never being  
12 certified.

13 No state that had anything done to the  
14 machine prior to the cert- -- prior to -- right  
15 prior to the election, without a new  
16 certification, is going to have to invalidate its  
17 votes.

18 It's going to have to go to the state  
19 legislatures to be decided, Jeanine.

20 And there is another thing, Democratic  
21 officer- -- officeholders have been raising issues  
22 with the Dominion machines for a long time, and  
23 the government has turned a blind eye to those.

24 So there's also a --

25 JUDGE JEANINE PIRRO: You know, it's --

Judge Jeanine Pirro Sidney Powell

1           SIDNEY POWELL: -- a substantial reason for  
2 them to just (inaudible) --

3           (Talking simultaneously.)

4           JUDGE JEANINE PIRRO: Let me just add  
5 something there --

6           SIDNEY POWELL: -- (inaudible) to keep  
7 (inaudible) themselves --

8           JUDGE JEANINE PIRRO: Sidney, I believe  
9 that it's Elizabeth Warren, Amy Klobuchar, I was  
10 reading, and another Senator that I don't  
11 remember, all had objections to Dominion, because  
12 it was capable of being manipulated.

13           Those are just the two -- and I know I read  
14 about three.

15           Go ahead.

16           SIDNEY POWELL: Yes, Carol- -- Caroline  
17 Maloney, I think, was the first one and she --

18           JUDGE JEANINE PIRRO: Right.

19           SIDNEY POWELL: -- commissioned a report on  
20 it, which we happen to have a copy of; notably,  
21 all the articles that she cited in the letter that  
22 she wrote -- and I don't remember right now which  
23 government official she wrote it to -- but all the  
24 articles she cited have been wiped from the  
25 internet in st he last few days.

Judge Jeanine Pirro Sidney Powell

1           And also, Mr. Lord Malloch-Brown's name has  
2           been taken off the website for the company that he  
3           runs through the U.K. and Canada that has a role  
4           in this. It's either Semantic or Smartmatic, or  
5           the two. They're -- one is a subsidiary of the  
6           other. It's all inextricably intertwined.

7           The money creating it came out of Venezuela  
8           and Cuba. It was created for the expressed  
9           purpose of being able to alter votes and secure  
10          the re-election of Hugo Chavez and then Maduro.

11          They used it in Argentina. There's an  
12          American citizen who has exported it to other  
13          countries. And it is one huge, huge criminal  
14          conspiracy that should be investigated by Military  
15          intelligence for its national security  
16          implications.

17          JUDGE JEANINE PIRRO: Yes. And it --  
18          hopefully, the Department of Justice, but -- but  
19          who knows anymore.

20          Sidney Powell, good luck on your -- on your  
21          mission.

22          Thank you so much for being with us  
23          tonight.

24          SIDNEY POWELL: Thank you, Judge Jeanine.  
25          And whoever wants --

Judge Jeanine Pirro Sidney Powell

1 (Talking simultaneously.)

2 JUDGE JEANINE PIRRO: (INAUDIBLE) --

3 SIDNEY POWELL: -- to help can contribute

4 to this defense at --

5 JUDGE JEANINE PIRRO: Go ahead.

6 SIDNEY POWELL: --

7 [WWW.defendingtherepublic.org](http://WWW.defendingtherepublic.org).

8 JUDGE JEANINE PIRRO: All right.

9 Thank you, Sidney. All right.

10 Corey Lewandowski still ahead, but next we  
11 check in with Congressman Doug Collins who's been  
12 leading the Trump team recount effort in Georgia.  
13 He's got a lot to say.

14 (End of the recording.)

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C E R T I F I C A T E

I, Jackie Mentecky, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 25th day of March, 2021.



---

Jackie Mentecky

# **Exhibit 3**



**Jeanine Pirro** ✓  
@JudgeJeanine



**PART ONE:** For four years we listen to unsupported allegations of a conspiracy by a foreign government to interfere with our presidential election  
[#OpeningStatement](#)



 This claim about election fraud is disputed

9:15 PM · Nov 21, 2020 · Twitter Media Studio

**605** Retweets   **115** Quote Tweets   **2,882** Likes





**Jeanine Pirro** ✓  
@JudgeJeanine



PART TWO: For four years we listen to unsupported allegations of a conspiracy by a foreign government to interfere with our presidential election  
[#OpeningStatement](#)



 This claim about election fraud is disputed

9:16 PM · Nov 21, 2020 · Twitter Media Studio

**619** Retweets   **80** Quote Tweets   **3,001** Likes





**Judge Jeanine Pirro** · Follow

November 21, 2020 · 🌐



### OPENING STATEMENT - NOVEMBER 21, 2020

For four years we listen to unsupported allegations of a conspiracy by a foreign gove... See More



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Judge Jeanine Pirro  
Opening Statement (Nov. 21, 2020)

File: Judge Jeanine Pirro, Opening Statement (Nov. 21,  
2020), <https://www.facebook.com/watch/?v=3424348634350374>

1 JUDGE JEANINE PIRRO: For four years we  
2 listened to unsupported allegations of a  
3 conspiracy by a foreign government to interfere  
4 with our presidential election, that Russia stole  
5 the election of 2016, implanting their Russian  
6 asset, Donald Trump, as President of the United  
7 States.

8 For four years we were told Trump was a  
9 Putin puppet, a Russian asset, that we must do  
10 everything we can to get rid of him and save  
11 America.

12 Almost on a daily basis the Democrat  
13 medieval minstrels in Congress put on their  
14 conspiracy show as congressmen, like Adam Schiff,  
15 pontificated about real evidence, evidence that he  
16 had seen with his own eyes, evidence that required  
17 that Donald Trump be gone because America and  
18 democracy were at stake.

19 Never, ever, not once did we see a  
20 scintilla of evidence. Never. Were we supposed  
21 to talk it all on faith? They put the President  
22 and the country through hell as the work of  
23 Congress was halted, and as the media every day  
24 reminded us we were getting closer and closer to  
25 the big Russian reveal of Russia collusion, that

1 fizzled much like Rob Mueller did when he showed  
2 up and testified.

3           And then the medieval minstrels took  
4 another show down to the subbasement of the  
5 Capitol, where they regaled each other with  
6 fantasies of foreign interference in their  
7 medieval star chamber.

8           In fact, they never stopped. And now, just  
9 over two weeks, the President's lawyers come  
10 forward alleging an organized criminal enterprise,  
11 a conspiracy by Democrats, especially in cities  
12 controlled and corrupted by Democrats.

13           The President's lawyers alleging a company  
14 called Dominion, which they say started in  
15 Venezuela with Cuban money, and with the  
16 assistance of Smartmatic software, a backdoor is  
17 capable of flipping votes.

18           And the President's lawyers alleging that  
19 American votes in a presidential election are  
20 actually counted in a foreign country.

21           These are serious allegations, but the  
22 media has no interest in any of this. But you and  
23 I do, as we should, because 73 million Americans  
24 voted for Donald Trump.

25           Republicans took seats in the House they

1 said would be won in a Democrat blue wave that  
2 never came. And so far we've held the Senate.  
3 They say the risk of our giving false hope should  
4 be enough to stop us two weeks later.

5 I say the risk of not looking at what is  
6 staring us in the face is too great to not stop  
7 us.

8 Now, the President's lawyers offered  
9 evidence by way of affidavits, which I told you  
10 last Saturday as a judge, from a legal  
11 perspective, are sworn statements of individuals  
12 signed under penalty of perjury; meaning they know  
13 they face the penalty of prosecution and five  
14 years if they lie.

15 These sworn statements are factual  
16 allegations, are part of virtually every lawsuit.  
17 It's how you start a case.

18 The President's lawyers have indicated that  
19 they have 250 such affidavits under oath, people  
20 ready to testify, people ready to face the hate  
21 that the left has inflicted upon all of us from  
22 day one.

23 And you know what I'm talking about. Let's  
24 not kid ourselves. There's not a lot of violence  
25 going on right out there, right out there now,

1 because they believe they got their way.

2 Forgive me, but I believe the only  
3 important thing is making sure that the American  
4 people and Lady Justice get their way,  
5 consequences be damned.

6 On Thursday, Rudy Giuliani made clear the  
7 Democrat cities were targeted by crooked Democrats  
8 who stole votes. These were cities where they  
9 were comfortable with corruption, where political  
10 corruption ran through the bloodlines of cities,  
11 like Pittsburgh and Philadelphia and Detroit.

12 He described election night numbers going  
13 in the favor of Donald Trump, but by the next  
14 morning absurd increases in Biden votes. Curious,  
15 so many mail-in ballots for Biden, with no  
16 down-ticket vote.

17 In Atlanta, a sworn affidavit under penalty  
18 of perjury, the affiant of Fulton County observers  
19 says she observed absentee and mail-in ballots  
20 being counted, many of the boxes of ballots had  
21 voted for 100 percent Biden, zero Trump.

22 The ballots appeared to be perfectly filled  
23 out as if they were preprinted with the  
24 presidential candidate selected.

25 Another declarant who holds dual doctorates

1 in economics and engineering from Stanford states  
2 that Georgia uses Dominion Voting Systems which  
3 has a history of technical glitches, and that in  
4 Atlanta these software glitches could have  
5 affected thousands of absentee mail-in ballots.

6 On November 4, Biden received a batch of  
7 134,886 votes at 6:30 in the morning. In  
8 Wisconsin, the day after the election, Biden  
9 received a dump of 143,000 votes at 3:42 a.m.

10 The upshot in the graph is stunning. It's  
11 suggests there was a pause and then a filling in  
12 the needed votes to win.

13 How do we know this? He knew it through it  
14 affidavits, those sworn statements where you can  
15 actually go to jail if you don't tell the truth.

16 Interesting though, isn't it? Adam Schiff  
17 and the Democrats can lie to us, literally for  
18 years, with no consequence to them. But American  
19 citizens who put themselves on the line and faced  
20 the disdain, the hatred, and threats of others in  
21 a case like this, essentially get prosecuted.

22 And witnesses are putting themselves in the  
23 line of fire simply because they heard or saw  
24 something that was incredibly dangerous to speak  
25 of, but about which they chose to speak.

1 Two individuals and one Dominion employee  
2 signed affidavits. And yet, there is a  
3 (inaudible) cry by the media to see these  
4 affidavits, many of them are already on file in  
5 lawsuits across the country.

6 But these witnesses, many of them, were  
7 seeking protection and, therefore, their safety,  
8 until the time that it is necessary for them to  
9 testify.

10 Does anyone really believe that they were  
11 exaggerating when they say they are in fear? Does  
12 anyone really think that the group that brought us  
13 hysteria, division and chaos for four years while  
14 Donald Trump was President, and now is unusually  
15 calm, wouldn't react to a narrative different than  
16 the one that they are comfortable with now?

17 I ask you: What is the problem in seeking  
18 to confirm that this election had no  
19 irregularities? Why have we found thousands of  
20 ballots after the election was called?

21 Why were observers not allowed to watch,  
22 which was their legal right? And additionally, to  
23 make sure that everything was done correctly?

24 As an aside, on November 5th, I tweeted  
25 that there were complaints of voter fraud, where

1 is the FBI and DOJ? The tweet was removed,  
2 because some or all of the content was disputed  
3 and might be misleading.

4 I then asked my girlfriend Jackie to tweet  
5 the exact same thing; she did and her tweet has  
6 not been removed, leading me to believe that it's  
7 got nothing to do with algorithms, and that the  
8 censorship going on in this country is a  
9 censorship about individuals. Censorship of  
10 people is in full play now.

11 Why was there an overnight popping of the  
12 vote tabulation that cannot be explained for  
13 Biden?

14 The issue now is: Are there enough trend  
15 lines to overturn an election in an individual  
16 state? Can a court throw out thousands of votes  
17 because of instances of fraud or over-voting? How  
18 can we assess whether the provisional ballots are  
19 to be counted if a voter shows up to vote and is  
20 told he or she has already voted by mail? How do  
21 we handle that?

22 How we do handle the judges in Philadelphia  
23 or Pennsylvania, the Secretary of State in  
24 Georgia, who unilaterally changed the election law  
25 without the appropriate legislative authority?

1 Should these states be able to certify when there  
2 is a constitutional issue that clearly only the  
3 legislature can change the election rules?

4 How is it that Biden underperformed Hillary  
5 in every city, except the four that Rudy accused  
6 them of -- the four cities that Rudy accused of  
7 being corrupt, Democrats' strongholds.

8 These are the questions that aren't going  
9 away. For the sake of our republic, we have an  
10 obligation to get honest and truthful answers. In  
11 fact, demand them.

12 Stay tuned. And that's my open. Let me  
13 know what you think on my Facebook and Twitter,  
14 #JudgeJeanine.

15 And if you like my opens, you'll love my  
16 new book, Don't Lie to Me, available right now  
17 everywhere.

18 (End of the recording.)

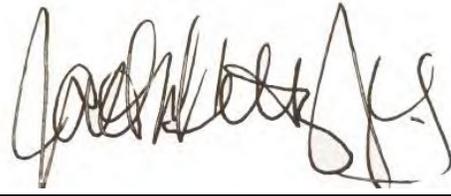
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C E R T I F I C A T E

I, Jackie Mentecky, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 23rd day of March, 2021.



---

Jackie Mentecky, Stenographer

# **Exhibit 4**



**Maria Bartiromo** ✓  
@MariaBartiromo



Join us today for the rebroadcast @SundayFutures @FoxNews 3pm et #BreakingNews #POTUS45 #ElectionResults2020 @RudyGiuliani @SidneyPowell1 @GOPLeader @SenTedCruz @LindseyGrahamSC



**Cable News Watch** @CableNewsWatch · Nov 8, 2020



@SundayFutures w/ @MariaBartiromo 3pm ET @FoxNews

If you missed the 1st airing... don't miss the replay!

GUESTS:

@RudyGiuliani

@SidneyPowell1

@GOPLeader

@LindseyGrahamSC

@tedcruz

Showrunner: @AbbyGrossberg



2:13 PM · Nov 8, 2020 · Twitter for iPhone

159 Retweets 53 Quote Tweets 1,071 Likes



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File:  
20201109 Sunday Morning Futures with Maria Bartiromo  
Sidney Powell ELECTION FRAUD  
Full Show November 8, 2020

1           MARIA BARTIROMO: -- legal team, as you've  
2           been hearing this morning, are preparing for all  
3           out war.

4           Beginning with a slew of new lawsuits this  
5           week, beginning with one in Pennsylvania tomorrow,  
6           along with what our next guest says is evidence of  
7           voter fraud.

8           Sidney Powell is General Michael Flynn's  
9           attorney; she is fighting on the front lines of  
10          this battle, as part of the President's legal  
11          team.

12          Sidney, good morning to you. Thank you for  
13          being here. Can you walk us --

14          SIDNEY POWELL: Good --

15          MARIA BARTIROMO: -- through what has taken  
16          place --

17          SIDNEY POWELL: Good morning, Maria.

18          MARIA BARTIROMO: -- here as you see it.

19          SIDNEY POWELL: Yes. There has been a  
20          massive and coordinated effort to steal this  
21          election from We the People of the United States  
22          of America, to delegitimize and destroy votes for  
23          Donald Trump, to manufacture votes for Joe Biden.  
24          They have done it every way imaginable, from  
25          having dead people vote in massive numbers to

1 absolutely fraudulently comp- -- creating ballots  
2 that exist only voting for Biden.

3 We've identified at least 450,000 ballots  
4 in the key states that miraculously only have a  
5 mark for Joe Biden on them, and no other  
6 candidate.

7 If you look at Florida, where things were  
8 done right, you can see that that's how the rest  
9 of the country should have gone; but they also  
10 used an algorithm to calculate the votes they  
11 would need to flip, and they used the computers to  
12 flip those votes from Biden to -- I mean, from  
13 Trump to Biden, and from other republican  
14 candidates to their competitors also.

15 I think Doug Collins had the race stolen  
16 from him. I think John James had his race stolen  
17 from him. It wasn't just President Trump; there  
18 were many people affected by this.

19 We have got to fight tooth and nail in  
20 Federal Court to expose this abject fraud and the  
21 conspiracy behind it, and get a recount and audits  
22 in every place it's needed; which is, frankly,  
23 most of the country.

24 MARIA BARTIROMO: So there are recounts  
25 going on right now; we know that in Georgia. You

1 have a list of numbers of ballots with only Joe  
2 Biden on the ticket. You saw it's 98,000 ballots  
3 in Pennsylvania, 80 to 90,000 in Georgia; another  
4 42,000 in Arizona. 69 to 115,000 in Michigan, and  
5 62,000 in Wisconsin.

6 Sidney, if this is true, this appears  
7 systemic, where is the Department of Justice?  
8 Where is the AG, Bill Barr? If this is so  
9 obvious, then why aren't we seeing massive  
10 government investigations?

11 SIDNEY POWELL: I don't know. We  
12 definitely should be. I mean, we're getting  
13 reports of all kinds of fraud. We've got a --  
14 getting a affidavit from a postal worker now who  
15 talks about having been ordered to backdate  
16 ballots. No ballots received after the polls  
17 closed on voting day should even be counted.  
18 We've got multiple states that didn't even follow  
19 the rules of their own legislature. That's a  
20 federal constitutional issue.

21 There are at least three major federal  
22 issues here that will require the Supreme Court to  
23 revolve these -- this case.

24 And when the --

25 MARIA BARTIROMO: Okay.

1           SIDNEY POWELL: -- the votes are really  
2 audited, and the real votes are counted, Trump  
3 will win. He is the president, and he is in  
4 charge of this country.

5           MARIA BARTIROMO: Sidney, I want to ask you  
6 about these algorithms and the Dominion software.  
7 I understand Nancy Pelosi has an interest in this  
8 company.

9           Let's take a break; we'll come back with  
10 that.

11           I'm talking with Sidney Powell this morning  
12 on her legal strategy. Stay with us.

13           Welcome back. I'm back with Sidney Powell,  
14 who is part of President Trump's legal team in  
15 contesting this election.

16           Sidney, we talked about the Dominion  
17 software. I know that there were voting  
18 irregularities. Tell me about that.

19           SIDNEY POWELL: That's putting it mildly.  
20 The computer glitches could not and should not  
21 have happened in -- at -- at all.

22           Those -- that is where the fraud took place  
23 where they were flipping votes in the computer  
24 system, or adding votes that did not exist.

25           We need an audit of all the computer

1 systems that were -- played any role in this fraud  
2 whatsoever.

3 And, you know, Joe Biden had it right; he  
4 said that he had the biggest voter fraud  
5 organization ever, and he didn't need people's  
6 votes now, he would need people later.

7 They had this all planned, Maria. They had  
8 the algorithms. They had the paper ballots  
9 waiting to be inserted if and when needed.

10 And notably, President Trump's vote in the  
11 blue states went up enormously. That's when they  
12 had to stop the vote count and go in and replace  
13 votes for Biden and takeaway Trump votes.

14 MARIA BARTIROMO: I never seen voting  
15 machines stop in the middle of an election.  
16 Stopped, downed and assessed the situation.

17 I also see reports that Nancy Pelosi's  
18 longtime chief of staff is a key executive at that  
19 company; Richard Blum, Senator Feinstein's  
20 husband, a significant shareholder of the company.

21 What can you tell us about the interest on  
22 the other side of this Dominion software?

23 SIDNEY POWELL: Well, obviously, they have  
24 invested in it for their own reasons, and are  
25 using it to commit this fraud to steal votes.

1 I think they've even stolen them from other  
2 democrats in their own party who should be  
3 outraged about this also.

4 Bernie Sanders --

5 MARIA BARTIROMO: Wow.

6 SIDNEY POWELL: -- might very well have been  
7 the democratic candidate, but they've stolen  
8 against whoever they wanted to steal it from.

9 MARIA BARTIROMO: Sidney, these are  
10 incredible charges that you are making this  
11 morning. We, of course, will be following this.  
12 And we thank you for joining me today. Please  
13 come back soon.

14 Sidney Powell. That will do it for  
15 Sunday --

16 (End of the recording.)

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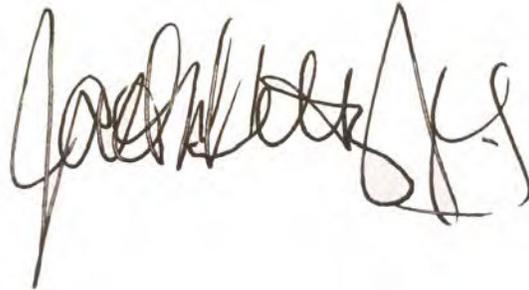
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C E R T I F I C A T E

I, JACKIE MENTECKY, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 28th day of December, 2020.



---

JACKIE MENTECKY

# **Exhibit 5**



## ELECTION 2020: SETTING THE RECORD STRAIGHT

November 12, 2020

Dominion Voting Systems and its thousands of election customers across the nation are committed to ensuring voter confidence in the U.S. electoral process. This year, despite the fact that voting has proceeded smoothly in all 28 states where our systems are used, close vote counts in several battleground states coupled with delayed results reporting have created the opportunity for a number of company-focused rumor and disinformation campaigns to spread online.

It is essential to set the record straight on **FACTS** versus **RUMORS**:

### FACT

**Dominion has no company ownership relationships with any member of the Pelosi family, the Feinstein family, or the Clinton Global Initiative. Dominion works with all political parties; our customer base and our government outreach practices reflect this nonpartisan approach.**

- *As reported by the [Associated Press](#), "Dominion made a one-time philanthropic commitment at a Clinton Global Initiative meeting in 2014, but the Clinton Foundation has no stake or involvement in Dominion's operations, the nonprofit confirmed to The Associated Press."*

### FACT

The U.S. Department of Homeland Security's [Cybersecurity and](#)

**Infrastructure Security Agency (CISA)** has debunked viral claims about the existence of a secret CIA program for vote fraud called Hammer and Scorecard.

- See the U.S. Department of Homeland Security's [CISA Rumor Control Page](#) for more information.

## FACT

**No credible reports or evidence of any software issues exist. While no election is without isolated issues, Dominion voting systems are reliably and accurately counting ballots. State and local election authorities have publicly confirmed the integrity of the process.**

- Per the [Michigan Secretary of State](#), "the correct results always were and continue to be reflected on the tabulator totals tape and on the ballots themselves." The [Georgia Secretary of State](#) has also repeatedly stated throughout the count that "[a]s the work goes on, I want to assure Georgia voters that every legal vote was cast and accurately counted."

## FACT

**Claims about software updates being done the night before Election Day are 100% false.**

- Georgia Voting System Implementation Manager Gabe Sterling has independently and unequivocally rebutted inaccurate claims made about an update to machines on the eve of the election. [He affirmed in his daily press briefing on November 9](#) that "nothing was done to the [PollPad] system after [October 31]," when voter files were updated as part of normal procedure.

## FACT

**There are no issues with the use of Sharpie pens related to hand-marked paper ballots.**

Election officials provide writing instruments that are approved for marking ballots to all in-person voters using hand-marked paper ballots. Dominion Voting Systems machines can read all of these instruments, including Sharpies.

- Per the U.S. Department of Homeland Security's [Cybersecurity and Infrastructure Security Agency](#), "if a ballot has issues that impact its ability to be scanned, it can be hand counted." [The Maricopa County Board of Supervisors](#) assured voters that "sharpies do not invalidate ballots," and that the county "did extensive testing on multiple different types of ink with [their] new vote tabulation equipment." [Dominion](#) has stated that "Sharpie pens are safe and reliable to use on ballots, and recommended due to their quick-drying ink."

## FACT

All U.S. voting systems must provide assurance that they work accurately and reliably as intended under federal [U.S. Election Assistance Commission](#) and state certification and testing requirements. Election safeguards—from testing and certification of voting systems, to canvassing and auditing—prevent malicious actors from tampering with vote counts and ensure that final vote tallies are accurate. Read more from the U.S. Department of Homeland Security's [Cybersecurity and Infrastructure Security Agency](#).

Learn More



---

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**DOMINION  
VOTING****ACCURATE. RELIABLE. TRANSPARENT.**

## SETTING THE RECORD STRAIGHT: FACTS & RUMORS

November 13, 2020

**Dominion Voting Systems categorically denies false assertions about vote switching and software issues with our voting systems.**

According to a [Joint Statement](#) by the federal government agency that oversees U.S. election security, the Department of Homeland Security's Cybersecurity, & Infrastructure Security Agency (CISA): "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised." The government & private sector councils that support this mission called the 2020 election "[the most secure in American history.](#)"

### 1) **Vote deletion/switching assertions are completely false**

An unsubstantiated claim about the deletion of 2.7 million pro-Trump votes that was posted to the Internet and spread on social media has been [taken down](#) and debunked by independent [fact-checks](#).

- Edison Research (ER) has refuted any claims that company data suggests any voting irregularities, including vote switching. Edison Research President Larry Rosin told [The Dispatch Fact Check](#), "Edison Research created no such report and we are not aware of any voter fraud."
- Claims that 941,000 votes for President Trump in Pennsylvania were deleted are impossible, as Dominion only serves 14 Commonwealth counties. Collectively, those Counties produced 1.3 million votes representing a voter turnout of 76%. Fifty-two percent of those votes went to President Trump, which amounts to 676,000 votes the company's system processed for the President in Pennsylvania.

## **2) Dominion is a nonpartisan U.S. company**

Dominion has no ownership relationships with the Pelosi family, Feinstein family, Clinton Global Initiative, Smartmatic, or any ties to Venezuela. Dominion works with all U.S. political parties; our customer base and our government outreach practices reflect this nonpartisan approach.

- As reported by the [Associated Press](#), "Dominion made a one-time philanthropic commitment at a Clinton Global Initiative meeting in 2014, but the Clinton Foundation has no stake or involvement in Dominion's operations, the nonprofit has confirmed." The meeting included bipartisan attendees focused on international democracy-building.

## **3) There were no Dominion software glitches. Ballots were accurately tabulated, and results are 100% auditable**

No credible reports or evidence of any software issues exist. Dominion equipment is used by county and state officials to tabulate ballots. Human errors related to reporting tabulated results have arisen in a few counties, including some using Dominion equipment, but appropriate procedural actions were by the county to address these errors were made prior to the canvass process.

- The Michigan Secretary of State's office offers a [Fact Check Page](#) which debunks false or erroneous claims about voting in Detroit, as well as a user-error incident in Antrim County.
- The [Georgia Secretary of State](#) has also repeatedly stated throughout the count that "[a]s the work goes on, I want to assure Georgia voters that every legal vote was cast and accurately counted."

## **4) No unauthorized or last-minute software updates occurred**

Claims about software updates being done the night before Election Day are 100% false.

- Both Spalding County and the Georgia Secretary of State have independently verified that a) this type of unauthorized update is impossible, and b) the actual logs from equipment under the custody of the County determined an update did NOT happen the night before the election.
- Georgia Voting System Implementation Manager Gabe Sterling has independently, and unequivocally, rebutted inaccurate claims made about an update to machines on the eve of the election. [He affirmed in his daily press briefing on November 9](#) that "nothing was done to the [PollPad] system after [October 31]," when voter files were updated as part of normal procedure.

## 5) There are no issues with the use of Sharpie pens

Election officials provide writing instruments that are approved for marking ballots to all in-person voters using hand-marked paper ballots. Dominion Voting Systems machines can read all these instruments, including Sharpies.

- The DHS [Cybersecurity and Infrastructure Security Agency](#), "if a ballot has issues that impact its ability to be scanned, it can be hand counted." [The Maricopa County Board of Supervisors](#) assured voters that "sharpies do not invalidate ballots." [Dominion](#) has stated that "Sharpie pens are safe and reliable to use on ballots, and recommended due to their quick-drying ink."

## 6) Assertions of voter fraud conspiracies are 100% false

- The U.S. Department of Homeland Security's [Cybersecurity and Infrastructure Security Agency](#) (CISA) has [debunked numerous claims](#), including claims about the existence of a secret CIA program for vote fraud called Hammer and Scorecard.

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**DOMINION  
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## SETTING THE RECORD STRAIGHT: FACTS & RUMORS

November 14, 2020

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## **3) There were no Dominion software glitches and ballots were accurately tabulated. The results are also 100% auditable**

No credible reports or evidence of any software issues exist. Dominion equipment is used by county and state officials to tabulate ballots. Human errors related to reporting tabulated results have arisen in a few counties, including some using Dominion equipment, but appropriate procedural actions were made by the county to address these errors prior to the canvass process.

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Claims about software updates being done the night before Election Day are 100% false.

- Both Spalding County and the Georgia Secretary of State have independently verified that a) this type of unauthorized update is impossible, and b) the actual logs from equipment under the custody of the County determined an update did NOT happen the night before the election.
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- The only associations the companies have ever had were:
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Good afternoon,

I wanted to make sure you saw the Wall Street Journal Editorial Board's [piece](#) published yesterday emphasizing a complete lack of evidence to support recent claims against Dominion Voting Systems.

The Editorial Board concisely states: "strong claims need strong proof, not rumors and innuendo on Twitter." The piece goes on to examine and debunk claims, including:

- **On Antrim County, Michigan:** *"Antrim County Clerk Sheryl Guy told the Associated Press: 'There was no malice, no fraud here, just human error.' She's a Republican."*
- **On Dominion's Ownership:** *"Others have tried to draw lines between Dominion and prominent Democrats. In the category of no good deed goes unpunished, the company in 2014 [agreed to donate](#) voting machines to 'emerging and post-conflict democracies' via a Clinton Foundation initiative. This shows exactly nothing about Dominion's current operations."*
- **On The Election System:** *"No voting system is foolproof, and hiccups are inevitable in a country with roughly 3,000 counties. The distributed nature of American elections is a strength on this point, since voting is handled by innumerable local officials instead of a few central authorities."*

The piece concludes, "if Georgia's recount doesn't find big irregularities, then these claims should be put to rest."

You can find the full Wall Street Journal piece [here](#). Additional facts on Dominion can be found [here](#).

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November 17, 2020

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November 20, 2020

### **Dominion Voting Systems: The Trump Legal Team's Press Conference Spreads Falsehoods Regarding Dominion And Its Role In The Election**

During a press conference on November 19, egregious claims were made about the integrity of the U.S. election and Dominion. These conspiracy theories have no basis in truth and have been debunked by independent fact-checkers, government officials from both sides of the aisle, and publicly available documents. Here are the facts.

#### **ON RUMORS OF RELATIONSHIP WITH SMARTMATIC AND VENEZUELA**

Dominion is a nonpartisan American company based in Denver, Colorado. As the [Associated Press](#) has verified, Dominion has no ties to Venezuela. As both companies have stated publicly and repeatedly, Dominion and Smartmatic do not collaborate in any way and have no affiliate relationships or financial ties. Dominion is an entirely separate company and a fierce competitor to Smartmatic.

#### **ON CLAIMS OF PROCESSING VOTES OUTSIDE THE U.S.**

Votes are counted and reported by county and state election officials—not by Dominion, or any other election technology company. Assertions that votes are counted in Germany are completely false, as has been fact-checked by the [Associated Press](#). Dominion equipment is used by county and state officials to tabulate ballots. All vote tallies are 100% auditable. Our voting systems are designed and certified by the U.S. government to be closed and do not rely on network connectivity.

#### **ON MISINFORMATION ABOUT DOMINION EMPLOYEE ACCESS**

The canvass process exists to allow election officials to validate and count ballots that were unable to be counted on Election Day because they needed additional adjudication. Dominion employees do not have access to the adjudication system, nor do they operate it. Access to any adjudication system resides with the election authority using it. The system is controlled through secure and verifiable user accounts, and all voter intent adjustments are securely logged in the system and then recorded in the digital image of the ballot. All states require bi-partisan/multi-person teams in order to adjudicate ballots in

### ON ERRONEOUS CLAIMS OF OVER-VOTES

The legal team pointed to an affidavit to claim that precincts in Michigan had more votes recorded than actual voters. However, the affidavit in question [has several glaring errors](#). The counties cited are in Minnesota, not Michigan, and the affidavit's claims regarding over-votes are not verified with any data from previous Minnesota elections or the Secretary of State. This claim has no basis in truth.

### ON FALSEHOODS UNDERMINING THE INTEGRITY OF ELECTIONS

According to a [Joint Statement](#) by the federal government agency that oversees U.S. election security, the Department of Homeland Security's Cybersecurity & Infrastructure Security Agency (CISA): "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised." The government & private sector councils that support this mission called the 2020 election "[the most secure in American history](#)."

These lies from yesterday's press conference are an attack on our Dominion customers: local election officials and Secretaries of State. These dedicated public servants—not Dominion—run our elections and many have reaffirmed the integrity of the elections. Recent statements from election officials include:

#### *Michigan*

- The Michigan Secretary of State's office [debunked false claims](#) about the election in the state, stating absentee ballot counting was transparent and accurate and that an isolated user error in Antrim County did not affect election results.
- A [spokesperson for the Michigan Secretary of State](#) stated, "We have not seen any evidence of fraud or foul play in the actual administration of the election. What we have seen is that it was smooth, transparent, secure and accurate."

#### *Georgia*

- The [Georgia Secretary of State](#) stated upon completion of a statewide review of ballots on November 19, "Georgia's historic first statewide audit reaffirmed that the state's new secure paper ballot voting system accurately counted and reported results."

#### *Arizona*

- The [Chairman of the Maricopa County Board of Supervisors](#) released a letter on November 17 noting, "The evidence overwhelmingly shows the system used in Maricopa County is accurate and provided voters with a reliable election... The Dominion tabulation equipment met mandatory requirements during logic and accuracy testing before the Presidential Preference Election, the Primary Election

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Good afternoon,

I wanted to make sure you saw three notable pieces published by conservative leaders over the last 24 hours:

1) Paul Rosenzweig, former Department of Homeland Security Deputy Assistant Secretary under George W. Bush and senior fellow in the National Security and Cyber Security Program at the R Street Institute, wrote in [USA Today](#): "No, Dominion Voting Systems' machines were not used to subvert the election."

- **On Dominion's Security:** "The Dominion Systems machines create paper record back-ups for each vote, making wholesale vote manipulation all but impossible. Confronted with this reality, the false claims about Dominion crumbled under their own weight and seemed to fade away."
- **On Dominion's Accuracy:** "Not only did Dominion categorically deny the charge, but a hand recount in Georgia of all the paper ballots confirmed the accuracy (to 99.9911%) of Dominion's machines."
- **On Election Integrity:** "Belief in the integrity and accuracy of our election system is critical to our nation. Without that belief, faith in the entire edifice of American governance crumbles."

2) Andrew McCarthy, former an Assistant United States Attorney for the Southern District of New York under (and later counsel to) Rudy Guiliani, addresses in a piece for the [National Review](#) the "most roundly derided" assertion "of all the loopy assertions" made at last Thursday's press conference: the "supposed election-rigging algorithm."

- **On Inconsistent Claims:** "The programming is claimed to enable central

operators — located, er, someplace — to corrupt the tabulation."

- **On Implausible Claims:** "Naturally, since an algorithm is essentially a mathematical formula, the notion that an algorithm could be 'broken' sounds crazy — let alone broken by an unanticipated and overwhelming surge of support for one candidate."
- **On The Strength Of Local Government:** "An electronic pause would not work in the United States, where voting procedures and methods vary not only from state to state but even county to county (in fact, sometimes even between precincts in the same county)."

3) Ohio Senator Rob Portman (R), recent co-chair of President Trump's Ohio campaign, wrote for the [Cincinnati Enquirer](#): "there is no evidence as of now of any widespread fraud or irregularities that would change the result in any state."

- **On Certification:** "States have now completed counting votes and most battleground states will have certified their election results as of this week. Some state recounts have been completed and those remaining are expected to be completed within the next two weeks. Based on all the information currently available, neither the final lawful vote counts nor the recounts have led to a different outcome in any state."

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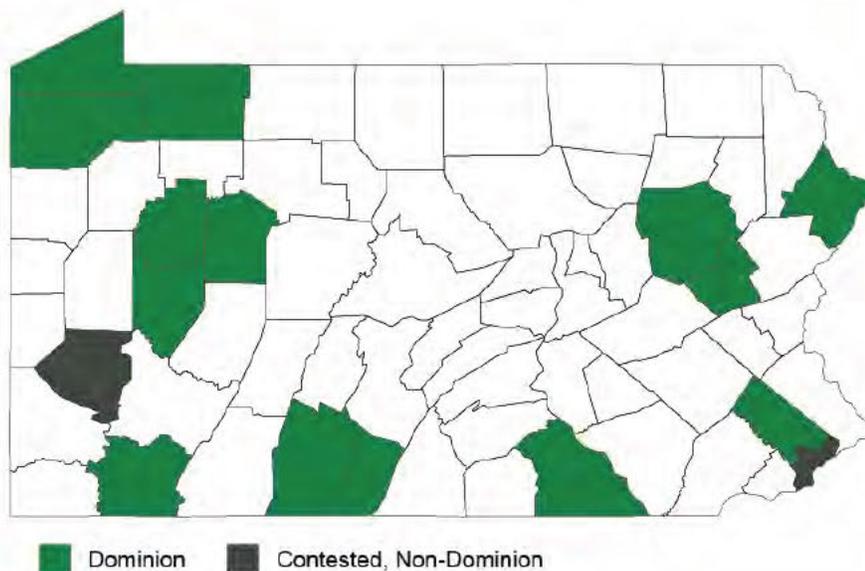
ACCURATE. RELIABLE. TRANSPARENT.

## FACT SHEET: Dominion Voting Systems in Pennsylvania

November 25, 2020

### ON DOMINION IN PENNSYLVANIA

- **Dominion serves only 14 of Pennsylvania's 67 counties:** Armstrong, Bedford, Carbon, Clarion, Crawford, Erie, Fayette, Fulton, Jefferson, Luzerne, Montgomery, Pike, Warren, and York.
- **In these counties, 52% of the vote went for President Trump.**
- **President Trump won 12 of 14 of these counties, and exceeded his 2016 vote percentage in 11 of 14, [based on Pennsylvania Department Of State results reporting](#).**
- **Dominion doesn't operate in Philadelphia County, Allegheny County, or other highly contested districts.**



- **Claims that 941,000 votes for President Trump in Pennsylvania were deleted are impossible.** The 14 counties using Dominion systems collectively

produced 1.3 million votes. This amounts to voter turnout of 76%. 52% of those votes went to President Trump, amounting to 676,000 total votes processed for the President in Pennsylvania using Dominion systems.

- **No claims being made about Dominion in Pennsylvania have ever been made in a court of law.**
- **Dominion did not refuse to speak with Pennsylvania legislators.** The company asked to delay any public hearing due to security threats and potential litigation.

### ***ON RUMORS ABOUT DOMINION***

- Dominion Voting Systems is a proud nonpartisan, American company.
- Dominion is not shuttering its offices. Employees have been encouraged to work remotely and protect their social media profiles due to persistent harassment and threats against personal safety.
- Dominion is not, and never has been owned by Smartmatic. Dominion is an entirely separate company—they do not collaborate in any way and have no affiliate relationships or financial ties.
- Dominion also has no ties to Scytl, the Pelosi Family, the Feinstein Family, the Clinton Global Initiative, George Soros, or the Venezuelan government.
- There have been [no "raids"](#) of Dominion servers by the U.S. military or otherwise, and Dominion does not have servers in Germany.

### ***ON VOTING FRAUD HOAXES***

- State and county election officials run elections, not private companies like Dominion. These trusted public officials continue to accurately count and verify election results. Every single vote can be audited with hand counts.
- There is no evidence of any kind that any voting system deleted, lost, or changed votes.
- The federal government agency that oversees U.S. election security [verified](#) that there is no evidence that this election was in any way compromised. In fact, they have called it the most secure election in American history.
- Dominion's systems are secure and are certified under the U.S. Election Assistance Commission (EAC).
- Servers that run Dominion software are located in local election offices, and data never leaves the control of local election officials.
- There were no "glitches" with Dominion's voting systems, and no unauthorized or last-minute software updates occurred.

- Human errors did occur in some counties but were resolved quickly by county officials before the canvass process.
- Dominion doesn't even operate in some of the contested districts, including Philadelphia, Milwaukee, and Dane County, WI.

## ***ON ELECTION MISINFORMATION***

- Claims about the existence of a secret CIA program for vote fraud called Hammer and Scorecard are a [hoax](#).
- All U.S. voting systems must provide assurance that they work accurately and reliably as intended under federal [U.S. EAC](#) and state certification and testing requirements.
- Votes are not processed outside the United States. Votes are counted and reported by county and state election officials—not by Dominion, or any other election technology company.
- Election safeguards—from testing and certification of voting systems to canvassing and auditing—prevent malicious actors from tampering with results.

**More information is available at:** <https://www.dominionvoting.com/>

**Learn More**



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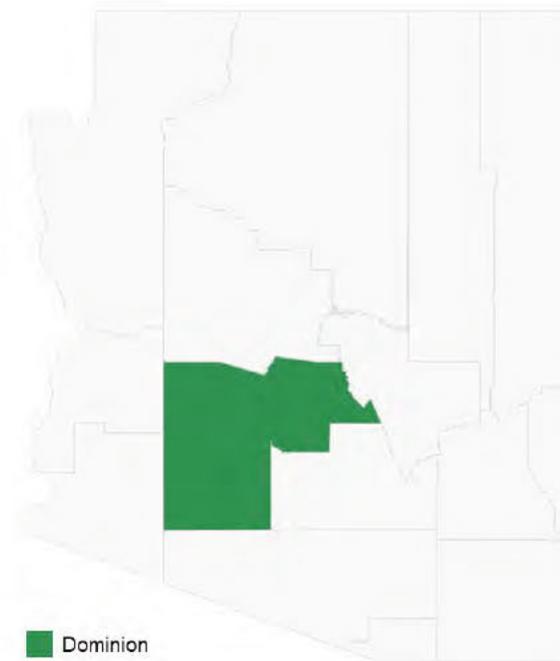


## FACT SHEET: Dominion Voting Systems in Arizona

November 29, 2020

### *ON DOMINION IN ARIZONA*

- Dominion serves just one of Arizona's 15 counties: Maricopa.



- Maricopa County's post-election hand count audit [showed a 100% match](#) with the counts from Dominion machines.
- Maricopa County Board of Supervisors Chairman Clint Hickman, a Republican, [stated](#) there is "no evidence of fraud or misconduct."
- All Dominion machines underwent certification and logic and accuracy testing before the election as mandated under Arizona Revised Statutes

(A.R.S.) [§ 16-449](#). Testing was done publicly and conducted by bipartisan election inspectors.

- **There were no issues with the use of Sharpie pens.** [The Maricopa County Board of Supervisors](#) assured voters that "sharpies do not invalidate ballots." Dominion Voting machines can read Sharpies.
- **Arizona's chief election official, Secretary of State Katie Hobbs, has repeatedly [called](#) on Arizona leaders to "stop perpetuating misinformation" about the election.**

### ***ON RUMORS ABOUT DOMINION***

- Dominion Voting Systems is a proud nonpartisan, American company.
- Dominion is not shuttering its offices. Employees have been encouraged to work remotely and protect their social media profiles due to persistent harassment and threats against personal safety.
- Dominion is not, and never has been owned by Smartmatic. Dominion is an entirely separate company—they do not collaborate in any way and have no affiliate relationships or financial ties.
- Dominion also has no ties to Scytl, the Pelosi Family, the Feinstein Family, the Clinton Global Initiative, George Soros, or the Venezuelan government.
- There have been [no "raids"](#) of Dominion servers by the U.S. military or otherwise, and Dominion does not have servers in Germany.

### ***ON VOTING FRAUD HOAXES***

- State and county election officials run elections, not private companies like Dominion. These trusted public officials continue to accurately count and verify election results. Every single vote can be audited with hand counts.
- There is no evidence of any kind that any voting system deleted, lost, or changed votes.
- The federal government agency that oversees U.S. election security [verified](#) that there is no evidence that this election was in any way compromised. In fact, they have called it the most secure election in American history.
- Dominion's systems are secure and are certified under the U.S. Election Assistance Commission (EAC).
- Servers that run Dominion software are located in local election offices, and data never leaves the control of local election officials.
- There were no "glitches" with Dominion's voting systems, and no unauthorized or last-minute software updates occurred.
- Human errors did occur in some counties but were resolved quickly by county officials

before the canvass process.

- Dominion doesn't even operate in some of the contested districts, including Philadelphia, Milwaukee, and Dane County, WI.

## ***ON ELECTION MISINFORMATION***

- Claims about the existence of a secret CIA program for vote fraud called Hammer and Scorecard are a [hoax](#).
- All U.S. voting systems must provide assurance that they work accurately and reliably as intended under federal [U.S. EAC](#) and state certification and testing requirements.
- Votes are not processed outside the United States. Votes are counted and reported by county and state election officials—not by Dominion, or any other election technology company.
- Election safeguards—from testing and certification of voting systems to canvassing and auditing—prevent malicious actors from tampering with results.

**More information is available at:** <https://www.dominionvoting.com/>

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- **The boards of county canvassers in all of Michigan's 83 counties have certified their results in the Nov. 3 general election.**
- **Wayne County Circuit Court Chief Judge Timothy Kenny, originally appointed by Republican Governor John Engler, [found](#) that claims of fraud during Detroit's absentee ballot counting were "incorrect and not credible."** The Michigan Secretary of State's office affirmed this, [stating](#) that absentee ballot counting was accurate.
- **An isolated human error in Antrim County [did not](#) affect election results.** Per the Michigan Secretary of State's office, the user error was quickly identified and corrected and had no impact on other counties or states.
- **The Michigan Bureau of Elections [states](#), "There is no evidence voting machines in Michigan have ever been compromised or that votes have been changed."**
- **All Dominion machines underwent [preliminary and public logic and accuracy testing](#) before the election.** Testing was done publicly and conducted by bipartisan election inspectors.
- **Electronic voting systems must be approved by the board of state canvassers as mandated under Michigan Compiled Laws [§168.795a](#).** The board conducts a field test of all new voting systems as part of the certification process.

### ***ON RUMORS ABOUT DOMINION***

- Dominion Voting Systems is a proud nonpartisan, American company.
- Dominion is not shuttering its offices. Employees have been encouraged to work remotely and protect their social media profiles due to persistent harassment and threats against personal safety.
- Dominion is not, and never has been owned by Smartmatic. Dominion is an entirely separate company—they do not collaborate in any way and have no affiliate relationships or financial ties. Dominion does not use Smartmatic software.
- Dominion also has no ties to ScytI, the Pelosi Family, the Feinstein Family, the Clinton Global Initiative, George Soros, or the Venezuelan government.
- There have been [no "raids"](#) of Dominion servers by the U.S. military or otherwise, and Dominion does not have servers in Germany.
- Dominion does not have the ability to review votes in real-time as they are

submitted.

- Dominion does not work in non-certified areas such as voter-registration systems, poll-books, or signature verification software, and we do not provide vote-by-mail printing.

### ***ON VOTING FRAUD HOAXES***

- State and county election officials run elections, not private companies like Dominion. These trusted public officials continue to accurately count and verify election results.
- Every single vote can be audited.
- There is no evidence of any kind that any voting system deleted, lost, or changed votes.
- The federal government agency that oversees U.S. election security verified that there is no evidence that this election was in any way compromised. In fact, they have called it the most secure election in American history.
- Dominion's systems are secure and are certified under the U.S. Election Assistance Commission (EAC).
- Servers that run Dominion software are located in local election offices, not overseas, and data never leaves the control of local election officials.
- There were no "glitches" with Dominion's voting systems, and no unauthorized or last-minute software updates occurred.
- Human errors did occur in some counties but were resolved quickly by county officials before the canvass process.
- Dominion voting systems are designed and certified by the U.S. government to be closed and do not rely on network connectivity. Dominion's tabulators also do not have exposed USB or other memory ports.
- Dominion doesn't even operate in some of the contested districts, including Philadelphia, Milwaukee, and Dane County, WI.

### ***ON ELECTION MISINFORMATION***

- Claims about the existence of a secret CIA program for vote fraud called Hammer and Scorecard are a [hoax](#).
- All U.S. voting systems must provide assurance that they work accurately and reliably as intended under federal [U.S. EAC](#) and state certification and testing requirements.

- Votes are not processed outside the United States. Votes are counted and reported by county and state election officials—not by Dominion, or any other election technology company.
- Election safeguards—from testing and certification of voting systems to canvassing and auditing—prevent malicious actors from tampering with results.

**More information is available at:** <https://www.dominionvoting.com/>

**Learn More**



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## FACT SHEET: Dominion Voting Systems in Georgia

December 3, 2020

### *ON DOMINION IN GEORGIA*

- **Dominion serves all of Georgia's 159 counties.**
- **Georgia certified its election results on Friday, November 20 following a hand audit of five million paper ballots that validated the tabulated results.** Governor Brian Kemp, Secretary of State Brad Raffensperger, and Georgia's Voting System Implementation Manager Gabriel Sterling - all Republicans - have all affirmed the accuracy of the results.
- **The [U.S. Department of Justice](#) has found no evidence of widespread voter fraud.**
- **Gabriel Sterling, Georgia's Voting System Implementation Manager [pronounced](#) this week, "I can guarantee that this is the most secure election in the State of Georgia."**
  - Sterling [responded](#) to false allegations, "The ridiculous things – claims – in some of these lawsuits are just that. They're insanity. Fever dream. Made-up. Internet cabal."
  - Sterling [affirmed](#), "Nothing was shipped overseas, no votes were switched. We did a hand audit that proved no votes were switched."
- **The Georgia Secretary of State [stated](#) upon completion of a statewide review of ballots on November 19: "Georgia's historic first statewide audit reaffirmed that the state's new secure paper ballot voting system accurately counted and reported results."**
- **All Dominion machines underwent preliminary and public logic and accuracy testing before the election.** Testing was done publicly and

conducted by bipartisan election inspectors.

- [Georgia Rule 183-1-12-.08](#) mandates that election officials must publicly test electronic poll books, electronic ballot markers, printers, and ballot scanners before Election Day.
- **No unauthorized or last-minute software updates occurred.** Both Spalding County and the Georgia Secretary of State have verified that a) this type of unauthorized update is impossible, and b) the actual logs from equipment under the custody of the County determined an update did NOT happen the night before the election.
- **There were no Dominion software glitches and ballots were accurately tabulated. The results are 100% auditable and the systems use paper ballots.**
- **After the election, Dominion machines underwent a forensic audit, to confirm that there was no hack or tamper, and a risk-limiting audit, to verify that the machines counted votes accurately and reliably.**
  - The state enlisted a federally-accredited third-party testing laboratory (Pro V&V) to audit a random sample of Dominion machines and **[no tampering](#)** was found.
  - [Georgia Code §21-2-498](#) mandates that the state conduct public post-election risk-limiting audits, the most rigorous and statistically significant type of post-election audit. Machine counts were compared to a full manual tally of every ballot cast for the presidential race in Georgia. Results showed a [0.0099% variation](#) in the margin between the two candidates as reported by the machine counts and the margin between the two as reported by the hand tally. This differential is well within the [2% expected margin of human error](#) that occurs when hand-counting ballots.
- **The 2,631 uncounted ballots discovered in [Floyd County, Georgia](#) during the statewide audit were due to human error.** The Secretary of State's office has [cited](#) clerical error and lack of following proper procedures, not Dominion's systems, as the cause.
- **An issue with a Dominion server in Fulton County during Georgia's recount was due to human error.** Gabriel Sterling, Georgia's Voting System Implementation Manager, [affirmed](#) that "there were no Dominion issues in Fulton County," and "it has nothing to do with the servers being wiped. No one directed that, that's just a lie."

## **ON RUMORS ABOUT DOMINION**

- Dominion Voting Systems is a proud nonpartisan, American company.
- False claims circulating in Georgia and other states have resulted in persistent harassment and physical threats against Dominion employees and Georgia election officials.
- Dominion is not, and never has been owned by Smartmatic. Dominion is an entirely separate company—they do not collaborate in any way and have no affiliate relationships or financial ties. Dominion does not use Smartmatic software.
- Dominion also has no ties to Scytl, the Pelosi Family, the Feinstein Family, the Clinton Global Initiative, George Soros, or the Venezuelan government.
- There have been [no "raids"](#) of Dominion servers by the U.S. military or otherwise, and Dominion does not have servers in Germany. This has been debunked by the U.S. Army and CISA.
- Dominion does not have the ability to review votes in real-time as they are submitted.

### ***ON VOTING FRAUD HOAXES***

- State and county election officials run elections, not private companies like Dominion. These trusted public officials continue to accurately count and verify election results.
- Every single vote can be audited.
- There is no evidence of any kind that any voting system deleted, lost, or changed votes.
- The federal government agency that oversees U.S. election security verified that there is no evidence that this election was in any way compromised. In fact, they have called it the most secure election in American history.
- Dominion's systems are secure and are certified under the U.S. Election Assistance Commission (EAC).
- Servers that run Dominion software are located in local election offices, not overseas, and data never leaves the control of local election officials.
- There were no "glitches" with Dominion's voting systems, and no unauthorized, last-minute software updates.
- Human errors did occur in some counties but were resolved quickly by county officials before the canvass process.
- Dominion voting systems are designed and certified by the U.S.

government to be closed and do not rely on network connectivity. Dominion's tabulators also do not have exposed USB or other memory ports.

## **ON ELECTION MISINFORMATION**

- Claims about the existence of a secret CIA program for vote fraud called Hammer and Scorecard are a [hoax](#).
- All U.S. voting systems must provide assurance that they work accurately and reliably as intended under federal [U.S. EAC](#) and state certification and testing requirements.
- All votes are counted in the U.S. and reported by county and state election officials—not by Dominion, or any other election technology company.
- Election safeguards—from testing and certification of voting systems to canvassing and auditing—prevent malicious actors from tampering with results.

**More information is available at:** <https://www.dominionvoting.com/>

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# **Exhibit 6**

**From:** Tony Fratto tfratto@ham tonps.com  
**Subject:** Facts re Dom n on  
**Date:** November 15, 2020 at 9:09 AM  
**To:** mar a.bart romo@foxbus ness.com



H , Mar a - I hope you're we .

There has been a LOT of m s nformat on out there about Dom n on Vot ng Systems, and a ot of t com ng from Rudy. Here be ow are the actua facts about them.

Wou d a so add that 2 years ago t was Democrats accus ng the company of a ow ng votes to be changed.

Th s s a GOOD COMPANY w th good peop e.

Let me know f you want to ta k. t



Setting The  
Record...ght.pdf



Updated: Nov. 14, 2020 (11:45 AM)

SETTING THE RECORD STRAIGHT: FACTS & RUMORS

## **Dominion Voting Systems categorically denies false assertions about vote switching and software issues with our voting systems.**

According to a [Joint Statement](#) by the federal government agency that oversees U.S. election security, the Department of Homeland Security's Cybersecurity, & Infrastructure Security Agency (CISA): "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised." The government & private sector councils that support this mission called the 2020 election "[the most secure in American history.](#)"

### **1) Vote deletion/switching assertions are completely false**

An unsubstantiated claim about the deletion of 2.7 million pro-Trump votes that was posted to the Internet and spread on social media has been [taken down](#) and debunked by independent [fact-checkers](#).

- *Edison Research has refuted any claims that company data suggests any voting irregularities, including vote switching. Edison Research President Larry Rosin told [The Dispatch Fact Check](#), "Edison Research created no such report and we are not aware of any voter fraud."*
- *Claims that 941,000 votes for President Trump in Pennsylvania were deleted are impossible, as Dominion only serves 14 Commonwealth counties. Collectively, those Counties produced 1.3 million votes representing a voter turnout of 76%. Fifty-two percent of those votes went to President Trump, which amounts to 676,000 votes the company's system processed for the President in Pennsylvania.*

### **2) Dominion is a nonpartisan U.S. company**

Dominion has no ownership relationships with the Pelosi family, Feinstein family, Clinton Global Initiative, Smartmatic, Scytl, or any ties to Venezuela. Dominion works with all U.S. political parties; our customer base and our government outreach practices reflect this nonpartisan approach.

- *As reported by the [Associated Press](#), "Dominion made a one-time philanthropic commitment at a Clinton Global Initiative meeting in 2014, but the Clinton Foundation has no stake or involvement in Dominion's operations, the nonprofit has confirmed." The meeting included bipartisan attendees focused on international democracy-building.*
- *There have been no "raids" of Dominion servers by the U.S. military or otherwise, and Dominion does not have servers in Germany.*

### **3) There were no Dominion software glitches and ballots were accurately tabulated. The results are also 100% auditable**

No credible reports or evidence of any software issues exist. Dominion equipment is used by county and state officials to tabulate ballots. Human errors related to reporting tabulated results have arisen

in a few counties, including some using Dominion equipment, but appropriate procedural actions were made by the county to address these errors prior to the canvass process.

- *The Michigan Secretary of State's office offers a [Fact Check Page](#) which debunks false or erroneous claims about voting in Detroit, as well as a user-error incident in Antrim County.*
- *The [Georgia Secretary of State](#) has also repeatedly stated throughout the count that "[a]s the work goes on, I want to assure Georgia voters that every legal vote was cast and accurately counted."*

#### 4) No unauthorized or last-minute software updates occurred

Claims about software updates being done the night before Election Day are 100% false.

- *Both Spalding County and the Georgia Secretary of State have verified that a) this type of unauthorized update is impossible, and b) the actual logs from equipment under the custody of the County determined an update did NOT happen the night before the election.*
- *Georgia Voting System Implementation Manager Gabe Sterling has independently, and unequivocally, rebutted inaccurate claims made about an update to machines on the eve of the election. [He affirmed in his daily press briefing on November 9](#) that "nothing was done to the [PollPad] system after [October 31]," when voter files were updated as part of normal procedure.*

#### 5) There are no issues with the use of Sharpie pens

Election officials provide writing instruments that are approved for marking ballots to all in-person voters using hand-marked paper ballots. Dominion Voting Systems machines can read all these instruments, including Sharpies.

- *The DHS [Cybersecurity and Infrastructure Security Agency](#), "if a ballot has issues that impact its ability to be scanned, it can be hand counted." [The Maricopa County Board of Supervisors](#) assured voters that "sharpies do not invalidate ballots." [Dominion](#) has stated that "Sharpie pens are safe and reliable to use on ballots, and recommended due to their quick-drying ink."*

#### 6) Assertions of voter fraud conspiracies are 100% false

- *The U.S. Department of Homeland Security's [Cybersecurity and Infrastructure Security Agency](#) (CISA) has [debunked numerous claims](#), including claims about the existence of a secret CIA program for vote fraud called Hammer and Scorecard.*

All U.S. voting systems must provide assurance that they work accurately and reliably as intended under federal [U.S. EAC](#) and state certification and testing requirements. Election safeguards—from testing and certification of voting systems, to canvassing and auditing—prevent malicious actors from tampering with vote counts and ensure that final vote tallies are accurate. Read more from the U.S. Department of Homeland Security's [Cybersecurity and Infrastructure Security Agency](#).

# **Exhibit 7**

← **Tweet**



**Lou Dobbs** ✓  
@LouDobbs



Read all about Dominion and Smartmatic voting companies and you'll soon understand how pervasive this Democrat electoral fraud is, and why there's no way in the world the 2020 Presidential election was either free or fair. #MAGA @realDonaldTrump #AmericaFirst #Dobbs



**Rudy W. Giuliani** ✓ @RudyGiuliani · Nov 14, 2020

Did you know a foreign company,DOMINION,was counting our vote in Michigan, Arizona and Georgia and other states.

But it was a front for SMARTMATIC, who was really doing the computing.

Look up SMARTMATIC and tweet me what you think?

It will all come out.



This claim about election fraud is disputed

11:27 AM · Nov 14, 2020 · Twitter for iPhone

**7,804** Retweets   **843** Quote Tweets   **19.2K** Likes



# **Exhibit 8**

← **Tweet**



**Lou Dobbs** ✓  
@LouDobbs



The Battle For The White House: Join Lou at 5 & 7 PM/ET as the fight to expose electoral fraud continues & another China Virus vaccine under @realdonaldtrump shows promising results. @GOPChairwoman @Jasoninthehouse @LarryElder @TomFitton @SidneyPowell1 #MAGA #AmericaFirst #Dobbs



4:45 PM · Nov 16, 2020 · Twitter Web App

**276** Retweets   **31** Quote Tweets   **1,146** Likes





Lou Dobbs  
November 16, 2020 · 🌐



**SIDNEY POWELL**

Electoral Fraud: Sidney Powell says she has firsthand evidence that Smartmatic voting software was de...

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1625726320970976

The Affidavit Sidney Powell With Lou Dobbs

(9:01 min)

TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

SIDNEY POWELL

LOU DOBBS

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

## The Affidavit Sidney Powell

1           LOU DOBBS: In news now, documents show that  
2 Dominion Voting Systems submitted a bid to the City of  
3 Philadelphia in 2018 to be considered as their contractor  
4 for voting machines. Those same documents reveal very  
5 little about the company's foreign connections.

6           When asked by the City to list any foreign  
7 ownership or investors in either the parent company and/or  
8 its subsidiaries, Dominion had something to say, but  
9 nothing to show.

10           The section you see there on your screen is  
11 entirely redacted, blacked out, because Dominion  
12 ultimately was denied the contract.

13           And just three months before Dominion's bid,  
14 President Trump signed an executive order against foreign  
15 interference in our elections. In that order, President  
16 Trump wrote, quote, The assessment shall identify, to the  
17 maximum extent ascertainable, the nature of any foreign  
18 intervention -- interference and any methods employed to  
19 execute it, the persons involved, and the foreign  
20 government or governments that authorized, directed,  
21 sponsored, or supported it. The Director of National  
22 Intelligence shall deliver this assessment and appropriate  
23 supporting information to the president.

24           The question is, was the president ever informed  
25 of this attempted bid by a company with foreign ties?

## The Affidavit Sidney Powell

1           And why are they being so secretive?

2           Joining us now by phone, Sidney Powell, a member  
3 of President Trump's legal team. She is also General  
4 Michael Flynn's attorney, former federal prosecutor, best  
5 selling author, one of the country's most prominent  
6 appellate attorneys.

7           Sidney, good to have you with us. Dominion  
8 Voting Systems seems to be figuring larger and larger in  
9 the interest of your legal team, and what is the latest?

10           SIDNEY POWELL: Oh, definitely, Lou.

11           I've just gotten some stunning evidence from a  
12 firsthand witness, a high-ranking military officer, who  
13 was present when Smartmatic was designed in a way that --  
14 and I'm going to just read to you some of these  
15 statements, if you don't mind, so I get them exactly  
16 right.

17           LOU DOBBS: Sure.

18           SIDNEY POWELL: From the affidavit: Designed in  
19 a way that the system could change the vote of each voter  
20 without being detected. He wanted the software itself to  
21 function in such a manner that if the voter were to place  
22 their thumbprint or fingerprint on a scanner, then the  
23 thumbprint would be tied to a record of the voter's name  
24 and identity as having voted but that voter would not be  
25 tracked to the changed vote.

## The Affidavit Sidney Powell

1           He made it clear that the system would have to be  
2 set up but not leave any evidence of the changed vote for  
3 a specific voter, and that there would be no evidence to  
4 show and nothing to contradict that the name or the  
5 fingerprint or thumbprint was going with a changed vote.

6           Smartmatic agreed to create such a system and  
7 produce the software and hardware that accomplished the  
8 result for President Chavez.

9           After the Smartmatic electoral management system  
10 was put in place, he closely observed several elections  
11 where the results were manipulated using the Smartmatic  
12 software. One such election was December 2006 when Chavez  
13 was running against Rosales. Chavez won with a landslide  
14 over Rosales, the margin of nearly 6 million votes for  
15 Chavez, versus 3.7 million for Rosales.

16           In 2013 he witnessed another Venezuelan national  
17 election where the Smartmatic management system was used  
18 to manipulate and change the results for Chavez.

19           And it goes on and on.

20           He was in the control room where multiple digital  
21 display screens were shown for results in voting, the  
22 actual voting results were fed into that room and on to  
23 the displays over an internet feed which was connected to  
24 a sophisticated computer system created by Smartmatic.  
25 People in that room were able to see in realtime whether

## The Affidavit Sidney Powell

1 the votes that came through the electronic voting system  
2 was in their favor or against them. If one looked at any  
3 particular screen, they could determine that the vote from  
4 any specific area or as a national total was going to be  
5 against either candidate.

6 Persons controlling the vote tabulation computer  
7 had the ability to change the reporting of votes by moving  
8 votes from one candidate to another by using the  
9 Smartmatic software, and on and on it goes.

10 LOU DOBBS: Smartmatic, the relation --

11 SIDNEY POWELL: Smartmatic owns Dominion.

12 LOU DOBBS: Yes. And Smartmatic, the chairman is  
13 Admiral Neffenger, who is also on the president -- the  
14 vice president's transition team, his presidential --  
15 presumptuous presidential transition team. That's an  
16 extraordinary situation as well, isn't it?

17 SIDNEY POWELL: Yes, it is.

18 So here's the other kicker: When the Smartmatic  
19 machines -- or when somebody's losing, like, for example,  
20 when Maduro and his supporters realized the size of the  
21 other guy's lead, they were worried that they were in  
22 crisis mode and would lose the election, the Smartmatic  
23 machines used for voting in each state were connected to  
24 the internet, reported their information over the internet  
25 so the control center in realtime said the decision was

## The Affidavit Sidney Powell

1 made to reset the entire system.

2           Maduro and his supporters ordered the network  
3 controllers to take the internet itself offline in  
4 practically all parts in Venezuela, to change the results.  
5 It took the voting operators approximately two hours to  
6 make the adjustments in the vote from Radonski to Maduro,  
7 and then when they turned the internet back on and the  
8 online reporting was up and running again, they checked  
9 each screen, state by state, to be certain they could see  
10 each vote was changed in favor of Maduro.

11           LOU DOBBS: Sidney, you tweeted earlier today  
12 about the CIA and its association.

13           What have you discovered there?

14           SIDNEY POWELL: Well, other than the fact there's  
15 no way all this was happening over and around the world  
16 without the CIA knowing about it. I mean, that's just  
17 logic.

18           It's been -- this affidavit also explains it's  
19 been used to change election results all over the world,  
20 and it's all Venezuelan and Cuban and essentially  
21 Communist money that's been doing this.

22           It's a foreign owned company, as you mentioned  
23 earlier. The president of it is Mr. Neffenger, who is on  
24 Biden's very presumptuous and immediately failing  
25 transition team.

## The Affidavit Sidney Powell

1           And people have been reporting this to our  
2 government for several years, including democrats, and  
3 nobody's done a damn thing about it, Lou.

4           I can't even express how furious I am over this.

5           LOU DOBBS: Well, I share your fury and  
6 frustration, but I do have some news to break here at this  
7 moment. I have now received word from a highly reliable  
8 source that the FBI does have an investigative team that  
9 is now looking into this election.

10           Now, what that means beyond that, but at least  
11 it's confirmation that they are investigating and we'll  
12 see what moves because there has been no indication that  
13 indeed -- publicly, that they were involved. They are  
14 now.

15           And to that point, I'd just like to show, if we  
16 could put up the full screen, under what their authorities  
17 are when we talk about these state run elections, even  
18 though they're federal elections for at least a sizable  
19 number of the candidates.

20           As you see there, the ballot includes one or more  
21 federal candidates, an election or polling place official  
22 abuses their office, the conduct involving false voter  
23 registration, the crime intentionally targets minority  
24 protected classes, the activity violates federal campaign  
25 finance laws. All of this laid out on the FBI website for

## The Affidavit Sidney Powell

1 anyone to look at.

2 And it appears, Sidney, that at least the FBI has  
3 finally looked at that website -- I'm not sure it was  
4 Christopher Wray -- but someone at the FBI, and took  
5 action. Your thoughts.

6 SIDNEY POWELL: Well, my other thought is that as  
7 soon as the Smartmatic system changed the votes that they  
8 wanted for their desired candidate, by the time they  
9 finished, they achieve a convincing but narrow victory of  
10 the certain number of votes they want for their candidate.

11 This person saw, by what his own experience,  
12 exactly what was happening there was happening here.

13 LOU DOBBS: It's -- it is a deeply, deeply  
14 troubling election, as I said earlier, the worst in this  
15 country's history, bar none, and we have seen official  
16 investigative and Justice Department officials slow to  
17 move, and it is infuriating to everyone.

18 SIDNEY POWELL: No, we've seen willful blindness.

19 They have adopted a position of willful blindness  
20 to this massive corruption across the country, and the  
21 Smartmatic software is in the DNA of every vote tabulating  
22 company's software and system.

23 LOU DOBBS: Yes, and it is more than just a  
24 willful blindness. This is people trying to blind us to  
25 what is going on. We don't even know who the hell really

The Affidavit Sidney Powell

1 owns these companies -- at least most of them.

2           That's got to change and we've got to find out  
3 exactly what's going on, and thank God we've got a  
4 president who will stay in the fight all the way through  
5 until we get those answers.

6           Sidney Powell, thanks so much.

7           We appreciate it, as always.

8           (End of recording.)

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The Affidavit Sidney Powell

C E R T I F I C A T E

1  
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3  
4 I, TERRI NESTORE, Certified Shorthand Reporter/  
5 Transcriptionist, do hereby certify that I was authorized  
6 to transcribe the foregoing recorded proceeding, and that  
7 the transcript is a true and accurate transcription of my  
8 shorthand notes, to the best of my ability, taken while  
9 listening to the provided recording.  
10

11 I further certify that I am not of counsel or  
12 attorney for either or any of the parties to said  
13 proceedings, nor in any way interested in the events of  
14 this cause, and that I am not related to any of the  
15 parties thereto.  
16  
17

18 Dated this 25th day of March, 2021.  
19

20   
21 \_\_\_\_\_  
22 TERRI NESTORE, CSR 5614, RPR, CRR  
23  
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25

# **Exhibit 9**



MARIA BARTIROMO (FOX NEWS ANCHOR): This morning on *Sunday Morning Futures*, I'm talking with Rudy Giuliani, the president's personal attorney. He is my lead guest and he is breaking so much news on the software that was used on the voting machines on election night. **There is much to understand about Smartmatic, which owns Dominion Voting Systems. They have businesses in Venezuela, Caracas, they have businesses in Cuba, and there are also links to China.** We're going to talk about it with Rudy Giuliani and why he does believe he will be able to overturn this election with evidence. He will join me along with Sidney Powell to give us an update on their investigation. This is very important to understand what was going on with this software. Sidney Powell is also talking about potential kickbacks that government officials who were asked to use Dominion actually also enjoyed benefits to their families. We're going to talk about that coming up as well.

# **Exhibit 10**



**Lou Dobbs** ✓  
@LouDobbs



Inextricably Intertwined: @SidneyPowell1 has no doubt that Dominion Voting machines run Smartmatic software which allows them to manipulate the votes #MAGA #AmericaFirst #Dobbs



! This claim about election fraud is disputed

5:32 PM · Nov 19, 2020 · Twitter Media Studio

2,345 Retweets 385 Quote Tweets 6,941 Likes





**loudobbstonight** • Follow



**loudobbstonight** Inextricably Intertwined

@sidneykpowell has no doubt that Dominion Voting machines run Smartmatic software which allows them to manipulate the votes #MAGA #AmericaFirst #Dobbs

17w



**getinspired.tati** 🔥🔥🔥 God will fight for his people. Enough suffering in 2020 ,enough pains, enough devilish things they are planning against the world, because if we let them win against Mr Trump, they will come and finish the rest of us easily .👊👊 Trump 2020.🇺🇸🇺🇸



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Lou Dobbs · Follow

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### Sidney Powell

Inextricably Intertwined: Sidney Powell has no doubt that Dominion Voting machines run Smartmatic software which allows them to manipulate the votes #MAGA #AmericaFirst #Dobbs See Less

**LOU DOBBS TONIGHT**

**FOX BUSINESS**

**5:15P ET** **ON THE PHONE: SIDNEY POWELL | MEMBER OF PRESIDENT TRUMP'S LEGAL TEAM**

<b>CRUDE OIL</b>	41.76	▼ 0.06	-0.14%	<b>GOLD</b>	1,864.50	▼ 9.40	-0.50%	<b>DOW</b>
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FILE NAME:

Sidney Powell Follows Up With Lou Dobbs  
About Today's Press Briefing  
(6:08 min)

TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

SIDNEY POWELL

LOU DOBBS

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

Fox Business Sidney Powell Follows up with Lou Dobbs

1           LOU DOBBS: And joining us now by phone is Sidney  
2 Powell. She's a member obviously of the president's legal  
3 team, also General Michael Flynn's defense attorney. A  
4 great American. One of the country's leading appellate  
5 attorneys.

6           Sidney, first of all, thanks. I know you are  
7 going every which direction right now, busy as you could  
8 possibly be.

9           Let's start out right now with the president's  
10 path to victory here, as you and the legal team see it.  
11 If you could give us just that canvas very quickly.

12           SIDNEY POWELL: Well, yes, Lou.

13           The entire election, frankly, in all the swing  
14 states should be overturned and the legislatures should  
15 make sure that the electors are selected for Trump, and  
16 it's going to have to follow the constitutional provisions  
17 that it go be decided according to the amendment.

18           It's just --

19           LOU DOBBS: Let's --

20           SIDNEY POWELL: Yes, go ahead.

21           LOU DOBBS: Let's turn to Smartmatic and  
22 Dominion. Are they or are they not linked?

23           SIDNEY POWELL: Oh, they're definitely linked. I  
24 would call them inextricably intertwined. They have the  
25 same history from their inception. I'm sure they're

1 trying to distance themselves from each other, but the  
2 fact is that the Dominion machines run the Smartmatic  
3 software or parts of the key code of it, and that is what  
4 allows them to manipulate the votes in any way the  
5 operators choose to manipulate them; and every time there  
6 was a glitch, they called it, or connection to the  
7 internet, they also violated state laws that required the  
8 machines to be certified and nothing to be changed before  
9 the votes.

10           There are any number of legal grounds on which  
11 the use of those machines has to be stopped and the votes  
12 invalidated.

13           LOU DOBBS: Now, are you pressing forward with  
14 legal action against them for those violations?

15           SIDNEY POWELL: Not against the company and the  
16 software, but the suits will be against the election  
17 officials who invalidate the results of the election and  
18 force it to the legislatures and the Electoral College and  
19 the Congress, if necessary.

20           LOU DOBBS: There has been great controversy as  
21 well, as you know, about reports of a raid on a company,  
22 Scytl, in Germany which held election data, presumably,  
23 and a raid that was carried out by U.S. forces, or so goes  
24 the report, although the forces themselves were not  
25 clearly identified, nor the event actually proven.

1           Can you tell us what actually did happen there  
2 and what you do know?

3           SIDNEY POWELL: Well, I know that is one of the  
4 server centers. There's also one in Barcelona, so it is  
5 related to the entire Smartmatic-Dominion software  
6 operation. We do not know whether the good guys got the  
7 servers or whether the bad guys got them. Being on the  
8 outside of the government, we simply don't know. I'm  
9 hoping it's the good guys and if they have that, then  
10 there should be scads of evidence of, frankly, an  
11 international conspiracy, criminal conspiracy of the worst  
12 sort.

13           LOU DOBBS: And it's the presumption then that  
14 they had the records on those servers of all of the votes  
15 that were processed by Dominion or Smartmatic?

16           SIDNEY POWELL: Yes. The way it works, the votes  
17 can be changed either on the ground as they come in.  
18 People can watch the votes stream in live. For example,  
19 there was a Dominion employee high up, high-ranking at the  
20 Detroit center the night of the election. He could have  
21 watched the votes come in live and manipulated them in  
22 that process. It could have run an automatic algorithm  
23 against all the votes, which we believe is what happened  
24 originally and then the machines had to stop or the  
25 counting had to stop in multiple places because President

1 Trump's lead was so great at that point they had to stop  
2 the counting and come in and backfill the votes they  
3 needed to change the result.

4           LOU DOBBS: And let me ask you, as we wrap up  
5 here, what is the next steps for the legal team and when  
6 do you believe you will be prepared to come forward with  
7 hard evidence establishing the basis for a court to  
8 overturn elections or at least results of those elections  
9 in a number of battleground states?

10           SIDNEY POWELL: Well, we are still in the process  
11 of collecting evidence.

12           It's coming in in massive amounts.

13           LOU DOBBS: Right.

14           SIDNEY POWELL: And even today we're getting more  
15 people coming forward, telling us the truth about what  
16 happened. I would think we would have fraud complaints  
17 ready sometime by late next week, at the latest, but like  
18 I said, it's just a massive amount of information now.

19           We've got -- well, let me put it this way:  
20 There's thousands of people in federal prisons on far less  
21 evidence of criminal conduct than we have already against  
22 the Smartmatic and Dominion Systems companies, and most of  
23 the companies in the country have run the same sort of  
24 software or have that code in their software, so it's  
25 farther -- it's more widespread.

Fox Business Sidney Powell Follows up with Lou Dobbs

1           LOU DOBBS: And incredibly, one of the benefits  
2 of this may be that we will learn who actually owns these  
3 companies. We have just watched, to everyone in this  
4 audience tonight, our election is run by companies, the  
5 ownership of which we don't know. Sidney Powell is among  
6 those trying to change all of that.

7           Sidney Powell, thank you so much for being with  
8 us. We appreciate it.

9           (End of recording.)

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C E R T I F I C A T E

I, TERRI NESTORE, Certified Shorthand Reporter/  
Transcriptionist, do hereby certify that I was authorized  
to transcribe the foregoing recorded proceeding, and that  
the transcript is a true and accurate transcription of my  
shorthand notes, to the best of my ability, taken while  
listening to the provided recording.

I further certify that I am not of counsel or  
attorney for either or any of the parties to said  
proceedings, nor in any way interested in the events of  
this cause, and that I am not related to any of the  
parties thereto.

Dated this 17th day of December, 2020.

  
TERRI NESTORE, CSR 5614, RPR, CRR

# **Exhibit 11**

November 20, 2020

Mitchell J. Langberg  
Attorney at Law  
310.500.4631 tel  
310.500.4602 fax  
mlangberg@bhfs.com

**VIA E-MAIL LILY.CLAFFEE@FOXNEWS.COM**

Lily Fu Claffee, General Counsel  
Fox News Channel

RE: Dominion Voting Systems Inc. and US Dominion Inc.

Dear Ms. Claffee:

I write on behalf of Dominion Voting Systems Inc. and US Dominion Inc (collectively "Dominion").

Since the hours following the November 3, 2020, presidential election, several Fox News ("Fox") hosts have broadcast false and defamatory allegations about Dominion that were offered by sources whose veracity was in serious doubt. Some of these defamatory allegations were so inherently improbable (at best), that only a reckless person would have made them or provided those people with a forum to air their defamatory attacks. Worse, most of these "facts" are definitively contradicted by reporting from Fox's own news department, as well as other credible news outlets and officials from federal, state, and local government.

Were it not enough to give airtime to biased sources who were on an obvious mission to destroy Dominion's reputation, hosts such as Lou Dobbs chose to adopt some of these defamatory facts and repeatedly regurgitate them as their own. That has only served to exacerbate the incredible harm to Dominion's reputation. Even more important, the vitriol that has found voice on Fox has resulted in threats to the safety of Dominion employees and their families.

Dominion is prepared to do what is necessary to protect its reputation and the safety of its employees. To that end, I write to express the company's sincere hope that Fox is committed to truth, will correct the most outlandish of the false allegations it has helped perpetuate, and will also ensure that future reporting about Dominion is both fair and accurate.

As you certainly know, when considering attacks on reputation, context is everything. Here, Dominion is under attack with accusations that it is part of an election fraud conspiracy. Yet the federal agency overseeing U.S. election security—the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency—has declared that this election "was the most secure in American history" and that "[t]here is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised." Nonetheless, Fox hosts and guests have repeatedly aired false allegations that Dominion was actively involved in fraud and corruption with respect to its voting systems. The allegations were all false.

For example, on November 12, 2020, Lou Dobbs gave Rudy Giuliani a platform to falsely attack Dominion. In an effort to discredit the company, Mr. Giuliani stated that Dominion was indirectly owned by a foreign-owned company called Smartmatic, that all of Dominion's software is Smartmatic software, and that votes

are counted overseas in Barcelona. With no facts to support him, Mr. Giuliani went on to state the Dominion was "founded as a company to fix elections." Doubling down, Mr. Dobbs asserted as fact that, "the states ... have no ability to audit meaningfully the votes that are cast because the servers are somewhere else...." In sum, Mr. Giuliani and Mr. Dobbs conveyed to viewers the false and defamatory message that Dominion is a foreign owned company that has designed its systems to allow election fraud and escape detection.

In truth, Dominion is not owned by Smartmatic and has no financial or collaborative relationship with Smartmatic. In fact, Smartmatic has filed lawsuits against Dominion on two different occasions (at least 10 years ago). Once after Smartmatic licensed Dominion's hardware for use in another country and once after Dominion purchased assets from a private U.S. company, Sequoia, that had previously been owned by Smartmatic. Further, Dominion voting machines do not operate on Smartmatic software. Dominion has developed its own software and deployed that software in its voting machines. Mr. Giuliani's allegations that Dominion was founded as a company to "fix elections" has no support whatsoever. During his many Fox appearances, he has never offered a scintilla of evidence to support that allegation. The allegation that a system that has been certified in at least 28 states and by the U.S. Election Assistance Commission has been designed to "fix elections" is so beyond improbable that no person could take the mere allegation at face value. That Mr. Giuliani has never provided evidence supporting the allegation to Fox, to the public during any press conference, or in any court of law only underscores that the allegation is knowingly false. These wild accusations must also cause Fox and its hosts to question the veracity of Mr. Giuliani on any topic related to Dominion.

On November 13, 2020, Mr. Dobbs hosted Sidney Powell as a guest on his program. Ms. Powell repeated the same false and defamatory allegations:

Well, I can hardly wait to put forth all the evidence we have collected on Dominion starting with the fact it was created to produce altered voting results in Venezuela for Hugo Chavez and then shipped internationally to manipulate votes for purchase in other countries including this one.

Despite her assurance that she had collected a large amount of evidence to support her allegations, Dominion knows that Ms. Power provided no such evidence to Mr. Dobbs. Dominion knows this because no evidence could possibly exist to support the false allegation that Dominion created anything to alter votes in the United States or anywhere else. Allowing Ms. Powell to make these inherently improbable allegations without providing any of the claimed supporting evidence is the epitome of reckless disregard for truth. There could be no justification for refusing to provide Mr. Dobbs with such evidence (even on the condition that it not be published) except that the allegation was made up out of whole cloth. Like Mr. Giuliani, Ms. Powell's actions must cause Fox and its hosts to question her veracity on any topic related to Dominion.

On November 15, 2020, Ms. Powell was permitted to expand her false and defamatory allegations against Dominion. In addition to repeating her unsupported claims that Dominion's voting machines and software were designed to aid in election fraud, Ms. Powell also accused Dominion of paying illegal kickbacks. As she said:

...every state that bought Dominion, for sure, should have a criminal investigation or at least a serious investigation of the officers in the state who bought the software. We've even got evidence for kickbacks essentially.

As with her other false statements, Ms. Powell offered no evidence or any basis for not providing the evidence she claimed to possess other than by saying that "I'm not going to tell on national TV what all we have. I just can't do that." But, as Ms. Bartiromo and Fox know, Ms. Powell has not provided the evidence in private or in public, to Fox or in any other forum. That is enough to cause anyone serious doubt about the truth of the allegations.

Interestingly, on November 15, 2020, Mr. Giuliani changed his story slightly on Ms. Bartiromo's show. Shifting from the allegation that Dominion is owned by Smartmatic, this time, Mr. Giuliani stated that Dominion, itself, was a foreign company that has "close ties" with Venezuela and uses another company's software that has been used to steal elections. According to Mr. Giuliani, although Smartmatic "was banned by the United States almost a decade ago," "Dominion sends everything to Smartmatic." The new false premise made up by Mr. Giuliani was not that Dominion would alter the election results with its software. Instead, Mr. Giuliani claims this transfer was to allow Dominion to notify election officials how many votes were needed to achieve a particular outcome so that fraudulent votes could be delivered to run through the voting machines. Once again, Mr. Giuliani cites to secret evidence that he did not disclose to Ms. Bartiromo, any other host, or to any court.

On November 16, 2020, Jenna Ellis joined in the scheme of defamation during Charles Payne's show. Referencing 6,000 votes in Michigan, she stated that there was a "feature" of Dominion's voting system "to transfer 6,000 votes for President Trump to Joe Biden. However, nine days before Ms. Ellis made this unsubstantiated allegation, the Michigan Secretary of State had already disclosed that the mistake was the result of user error (that would have been identified before official results were reported), and not caused by Dominion's voting machines.<sup>1</sup> This information had been widely publicized for days. Certainly, Ms. Bartiromo and Fox would have entertained serious doubt about the truth of Ms. Ellis' allegations when she made them. Yet, they were broadcast without receiving any evidence from Ms. Ellis and assuredly without taking any action to eliminate such doubt. Thus, Ms. Ellis' statements were broadcast with reckless disregard for truth.

That same day, Ms. Powell seemed to abandon her false representation that Dominion was a foreign company that was created to commit voter fraud. Instead, she changed her story to the equally false allegation that "Smartmatic software is in the DNA of every vote-tabulating company's software and systems," and then explained how that software allows votes to be monitored and altered in real time. For "support," Ms. Powell read from the anonymous declaration of "a high ranking military officer." Beyond the extreme improbability of these "facts," and the refusal to provide any supporting evidence, the ever-changing stories Fox hosts were offered was a clear signal that the information Fox was broadcasting was unreliable.

Variants of these false allegations continued for days, particularly during Mr. Dobbs' show. On November 17, 2020, Mr. Dobbs parlayed the false information he had allowed Trump surrogates to peddle on Fox by reporting, himself, that the hand count audit in progress in Georgia was revealing thousands of new votes for President Trump. Mr. Dobbs attributed the discrepancies to Dominion's voting systems, implying that these alleged problems were part of the overall conspiracy to steal votes from President Trump. But, the final audit count from Georgia revealed the truth.<sup>2</sup> In the entire state, out of roughly 5 million votes, only 5262 additional votes were counted (a factor of 0.001053) and President-Elect Biden's margin only shrunk by 496 votes (a factor of 0.000099 increase for Trump). As stated by the Georgia Secretary State, "Georgia's historic first statewide audit reaffirmed that the state's new secure paper ballot voting system

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<sup>1</sup> [https://www.michigan.gov/documents/sos/Antrim\\_Fact\\_Check\\_707197\\_7.pdf](https://www.michigan.gov/documents/sos/Antrim_Fact_Check_707197_7.pdf)

<sup>2</sup> <https://sos.ga.gov/admin/uploads/Georgia%202020%20RLA%20Report.xlsx>

accurately counted and reported results."<sup>3</sup> These facts belie Mr. Dobbs' reporting and call into question the veracity of his sources.

Later that same day, Boris Ephteyn was a guest on Mr. Dobbs' show. He also affirmatively stated that the Georgia audit was shifting a substantial number of votes to President Trump. Comparison of these allegations to the actual outcome further demonstrates that Fox hosts have quickly developed a history of depending on unreliable sources who offer no tangible evidence, without any apparent vetting by Fox.

To list every example of false and defamatory "facts" that Fox has broadcast about Dominion would become excessively repetitive. For the moment, the specific examples will be capped by Mr. Giuliani's November 18, 2020, appearance on Mr. Dobbs' show which appears to have been a rehearsal for Mr. Giuliani's bizarre press conference the following day.

During this appearance, Mr. Dobbs' introduced the audience to an "affidavit" provided by "an unidentified whistleblower." Despite the inherent improbability of the allegations and the "whistleblowers" apparent unwillingness to disclose his identify to Mr. Dobbs on a confidential basis, Mr. Dobbs shared the false allegation that Dominion's software had previously been used to change votes in Venezuela. Mr. Giuliani chimed in with allegations that Dominion sent data to Smartmatic to count votes in Germany and Spain. Mr. Giuliani then falsely stated that Congresswoman Carolyn Maloney wrote a letter in 2006 or 2007 stating that "the company, Dominion" should not be used because "their specialty" "is cheating." However, having read the letter,<sup>4</sup> Mr. Giuliani knew his accusations were false and that Congresswoman Maloney's concerns were expressly about Smartmatic, never referencing Dominion. But, Mr. Giuliani was undeterred by the truth, telling viewers that Dominion is "known for changing votes," and also known to have the most insecure computers in this business," "because you want to cheat."

Taken together, the series of appearances by Mr. Giuliani, Ms. Powell and others on Fox shows (primarily Lou Dobbs), reflect a frenetic effort to discredit Dominion and its voting systems though varied, inconsistent, unsupported, false and frequently publicly disproven allegations. Fox hosts were all too ready to ignore countless indicia of unreliability with respect to the information they were being provided, often times adopting the false allegations as their own. Considering the totality of the circumstances, these hosts acted with reckless disregard for truth and blatant disregard for Dominion's reputation.

Fox should correct these false accusations and refuse to allow them to be repeated in the future by more appropriately vetting these obviously biased sources.

Even yesterday, Mr. Giuliani and Ms. Powell expanded their allegations as they continue their attempts to destroy Dominion. If they will continue to be Fox guests, in the vetting process it may be useful for Fox and its hosts to be aware of the following:

1. Dominion's source code is subject to review by third party independent labs testing for, among other things, accuracy and security as part of the federal and state certification process.
2. No software updates were made on the eve of the presidential election.

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<sup>3</sup>[https://sos.ga.gov/index.php/elections/historic\\_first\\_statewide\\_audit\\_of\\_paper\\_ballots\\_upholds\\_result\\_of\\_presidential\\_race](https://sos.ga.gov/index.php/elections/historic_first_statewide_audit_of_paper_ballots_upholds_result_of_presidential_race)

<sup>4</sup><https://maloney.house.gov/sites/maloney.house.gov/files/documents/financial/acquisitions/20060504Electi onsCFIUS.pdf>

3. Dominion is a nonpartisan American company based in Denver, Colorado. As the Associated Press has verified<sup>5</sup>, Dominion has no ties to Venezuela. As both companies have stated publicly and repeatedly, Dominion and Smartmatic do not collaborate in any way and have no affiliate relationships or financial ties. Dominion is an entirely separate company and a fierce competitor to Smartmatic.

4. Votes are counted and reported by county and state election officials—not by Dominion, or any other election technology company. Assertions that votes are counted in Germany are completely false, as has been fact-checked by the Associated Press.<sup>6</sup> Dominion equipment is used by county and state officials to tabulate ballots. All vote tallies are 100% auditable. Election officials use Dominion servers to upload precinct results to the state system. Dominion's voting systems are designed and certified by the U.S. government to be closed and do not rely on network connectivity.

5. The canvass process exists to allow election officials to validate and count ballots that were unable to be counted on Election Day because they needed additional adjudication. Dominion employees do not have access to the adjudication system, nor do they operate it. Access to any adjudication system resides with the elections authority using it. The system is controlled through secure and verifiable user accounts, and all voter intent adjustments are securely logged in the system and then recorded in the digital image of the ballot. All states require bi-partisan/multi-person teams in order to adjudicate ballots in accordance with law.

6. Recent statements from election official from various jurisdictions are informative:

*Michigan*

- The Michigan Secretary of State's office debunked false claims<sup>7</sup> about the election in the state, stating absentee ballot counting was transparent and accurate and that an isolated user error in Antrim County did not affect election results.
- A spokesperson for the Michigan Secretary of State<sup>8</sup> stated "We have not seen any evidence of fraud or foul play in the actual administration of the election. What we have seen is that it was smooth, transparent, secure and accurate."

*Arizona*

- The Chairman of the Maricopa County Board of Supervisors<sup>9</sup> released a letter on November 17 noting, "The evidence overwhelmingly shows the system used in Maricopa County is accurate and provided voters with a reliable election...The Dominion tabulation equipment met mandatory requirements during logic and accuracy testing before the Presidential Preference Election, the Primary Election and the General Election. And after each of these 2020 elections, the hand count audit showed the machines generated an accurate count."

Dominion is proud of the role it has played in more than half the states in the country to ensure that a record number of voters supporting both main candidates could vote securely in fairly administered elections. While we are all aware that there are legal disputes to be resolved in various jurisdictions relating to a host of issues, none of those disputes legitimately calls into question the integrity of Dominion's voting systems.

---

<sup>5</sup> <https://apnews.com/article/fact-checking-afs:Content:9740535009>

<sup>6</sup> <https://apnews.com/article/fact-checking-9754011363>

<sup>7</sup> [https://www.michigan.gov/sos/0,4670,7-127-1633\\_100423\\_102534\\_102535---,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_100423_102534_102535---,00.html)

<sup>8</sup> <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html>

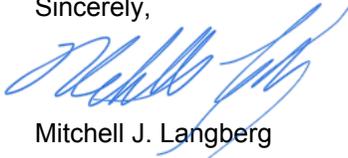
<sup>9</sup> <https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters>

Lily Fu Claffee  
November 20, 2020  
Page 6

That those who seek to discredit Dominion without regard to the reputation and safety of others are willing to discard the truth is something that neither Fox nor Dominion can control. But Fox does have the ability to refuse to allow its airwaves to be utilized for this unprecedented, unfair, and untrue campaign to destroy Dominion's reputation and, ultimately, its business.

We trust that Fox is committed to truth and will redouble its efforts to avoid further unwarranted damage to Dominion. To that end, Dominion is available to answer additional questions from Fox hosts and reporters.

Sincerely,



Mitchell J. Langberg

# **Exhibit 12**



Lou Dobbs · [Follow](#)

December 4, 2020 · 🌐



## COL WALDRON

'Just Open the Book': Cybersecurity expert, Col. Phil Waldron explains how easily Dom... See More

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CYBER EXPERT TESTIFIES HOW VOTING SYSTEMS CAN BE HACKED

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loudobbstonight 'Just Open the Book'

Cybersecurity expert, Col. Phil Waldron explains how easily Dominion's voting machines can be manipulated to swing an election #MAGA #AmericaFirst #Dobbs

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1 LOU DOBBS TONIGHT

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5 December 4, 2020

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9 Cybersecurity expert: There are 'multiple ways' to  
10 potentially interfere with elections

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12 Retired army colonel and cybersecurity expert, Phil  
13 Waldron, on election integrity.

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17 "<https://video.foxbusiness.com/v/6214283552001#sp>  
18 =show-clips"

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1           LOU DOBBS: Our next guest is a retired  
2 Army colonel. He spent half of his 30-year  
3 career in information warfare. He has  
4 testified in a number of battleground States  
5 before state legislatures about how our voting  
6 systems have been manipulated in this election.  
7 Joining us now is Colonel Phil Waldron.

8           Phil, it's good to have you with us. We  
9 appreciate it. We have -- your testimony has  
10 been fascinating before each of these state  
11 legislatures, and I believe that you have been  
12 absolutely, I was going to say persuasive  
13 because you've been so informative. At the  
14 center of it all, Dominion Voting Systems.

15           Are they the culprit here? Not the only  
16 culprit, but are they the principal culprit?

17           PHIL WALDRON: Thank you for having me,  
18 Lou. I like to explain this as a campaign  
19 plan. If in the military we were going to  
20 attack a target, we would have a specific air  
21 campaign plan to take out radars, to take out  
22 electronic warning, to take out communication,  
23 to take out critical functions. Then you'd  
24 have the ground forces that were, you know,  
25 coming across and attacking other, you know,

1 critical pieces of infrastructure. And looking  
2 at the whole battlefield here, which I truly  
3 believe we are in the middle of an information  
4 warfare, an unconventional warfare, that's  
5 what's happening. There's multiple ways that  
6 are being interdicted. There's obviously the  
7 electronic pathway. There appear to be ballot  
8 shipping and storage, as we've seen in  
9 affidavits in Pennsylvania, as well as Arizona.  
10 You know, in the state of Michigan there were  
11 17,000 plus dead people -- or people who voted  
12 in Michigan who had obituaries. So each one of  
13 those is a willful attempt to strip rightful  
14 voters in America of their civil rights. So  
15 it's a multifaceted attack.

16 LOU DOBBS: A multifaceted attack. We  
17 also know that the radical Dems carried out  
18 part of that attack through their insistence  
19 upon mail-in balloting, and Republicans  
20 committed folly when they permitted it in state  
21 after state in this country. Particularly, in  
22 those battleground States, in which you've been  
23 testifying. But, concomitantly, Dominion  
24 Voting Systems, which you have described it  
25 with algorithms in which -- which were designed

1 to be inaccurate rather than to be a secure  
2 system.

3 Give us your sense of who is driving all  
4 of this. We know the Dems are. We know the  
5 deep state has had others -- other areas of  
6 responsibility in this overall attack. I mean,  
7 we're talking about command and control. The  
8 president of the United States is being  
9 censored by Silicon Valley and social media.  
10 We are also watching this disinformation  
11 campaign waged by social media against the  
12 conservatives in this country, Republicans, and  
13 without consequence.

14 Give us your sense of exactly who is  
15 driving this.

16 PHIL WALDRON: All of the above. I spent  
17 the better part of my career studying warfare,  
18 unconventional warfare, and understanding the  
19 dynamics of how things are run. In an  
20 unconventional warfare you've got the  
21 underground, which is the covert piece of the  
22 unconventional warfare that drive intelligence,  
23 money and ideology. You generally have a  
24 shadow government, a government in exile, and  
25 then the guerrilla forces and the auxiliary.

1 So all of those pieces you can really template  
2 into what's happening here.

3 You mentioned specifically Dominion, and I  
4 think what this is, is a situation that is not  
5 easy to understand. It's a complex  
6 situation --

7 LOU DOBBS: Um-hmm.

8 PHIL WALDRON: -- that there's been a  
9 narrative built around it, and, again, we're --  
10 narrative warfare is a real part of information  
11 warfare and information operations.

12 LOU DOBBS: Absolutely.

13 PHIL WALDRON: Part of the narrative is  
14 that these machines are not connected to the  
15 internet. And I don't know if you saw the  
16 Georgia testimony yesterday; a lady that  
17 testified just a few minutes after I did, said  
18 that she got to her polling place, the systems  
19 were coded for a different polling place. She  
20 called the help desk in Colorado. And they were  
21 able to fix both of her polling pads as well as  
22 the scanning, the ballot recording devices. So  
23 the fallacy that these systems are not  
24 connected to the internet is just beyond my  
25 grasp.

1           If you're seeing live votes come up on  
2 mainstream media and social media, where's that  
3 information coming from? It's connected to a  
4 system. It's connected to the internet and  
5 servers. And if you look on the contracts for  
6 these, the counties and the states that use  
7 these systems, you've got servers, you've got  
8 firewalls. You've got all this equipment that  
9 is --

10           LOU DOBBS: Right.

11           PHIL WALDRON: -- communications  
12 equipment. So it is communicating and it is  
13 live. And that's what I just can't understand  
14 why people don't understand that.

15           LOU DOBBS: And nor do. Nor do I  
16 understand why there is such resistance by some  
17 state legislators who are frankly portraying a  
18 very important reality. I'm glad that they  
19 have, because as a result of your testimony of  
20 the hearings that we've seen, we've seen  
21 legislatures, obviously sincerely and very  
22 concerned, irrespective of party in most cases,  
23 but right now it's also very clear that those  
24 legislators' elected officials don't even know  
25 how the hell they were elected. They have no

1 understanding whatsoever of the technology  
2 that's being used. The state election  
3 officials look like absolute buffoons. They've  
4 signed multi-million dollar contracts, not only  
5 with Dominion, but others and they haven't  
6 got -- you can -- you have to watch their  
7 vacant eyes when they start talking about  
8 algorithms and software systems.

9 I mean, my God, Phil, this is an outrage,  
10 and I can't even imagine what the redress here  
11 is, but I would like to have your opinion about  
12 what we should do, knowing what we know now.

13 PHIL WALDRON: I think it's just a lack of  
14 understanding and I would happily send a list  
15 of questions and the user's manual for the  
16 Dominion Systems to any state legislator that  
17 asks for it, any county administrator that asks  
18 for it. All you have to do is open the book.  
19 All you have to do is open the book.

20 LOU DOBBS: Yeah.

21 PHIL WALDRON: We have a set of laws, but  
22 it appears that the legislators don't  
23 understand election law or, you know, that the  
24 federal laws that govern federal elections.  
25 Any one of a number of things should be

1 disqualifying these systems.

2 LOU DOBBS: Yeah.

3 PHIL WALDRON: And, again, this is an  
4 American issue. This is not a Republican or a  
5 Democrat issue.

6 LOU DOBBS: Right.

7 PHIL WALDRON: As a matter of fact, there  
8 was a document that we found on Stacey Abrams'  
9 website that was put together by one of her  
10 staffers. It was over 40 pages long of  
11 problems with the ESNS system. I mean, so it  
12 is recognized by the few of us who actually  
13 look at the systems and look at the  
14 vulnerabilities that are present in them.  
15 These systems all have back doors. These  
16 systems all have multiple -- what you  
17 mentioned, a slight of hand with USB drives.

18 There was photographs of a gentleman in  
19 Pennsylvania walking around with a Ziploc bag  
20 of USB drives, not to mention that a batch of  
21 USB drives in a laptop were stolen from the  
22 elections storage facility I believe on  
23 September the 30th. So a month before the  
24 elections those USB drives can be built to  
25 bypass encryption. To upload different

1 algorithms in voting software.

2 LOU DOBBS: So --

3 PHIL WALDRON: They're easy to conceal and  
4 to move, like you said, a slight of hand.

5 LOU DOBBS: Have you found evidence of  
6 foreign involvement? And I'll leave that open  
7 as a question, of foreign involvement in our  
8 elections?

9 PHIL WALDRON: I would --

10 LOU DOBBS: Particularly through Dominion?

11 PHIL WALDRON: The organizational  
12 structure of these companies, they have some  
13 circular business arrangements. The Scytl,  
14 which is the company that owns clarity  
15 elections, which provides election night  
16 aggregation and reporting to the media, it's a  
17 U.S. owned -- it is a U.S. owned company that  
18 is owned by Scytl in Barcelona, Spain. Scytl  
19 went bankrupt in May. It was a very unique  
20 bankruptcy situation in May of 2020, and  
21 appears to be purchased by a U.K. company  
22 called Paragon, which also has a very circular  
23 ownership pattern.

24 So, in other words, the Paragon is owned  
25 in part by --

1           LOU DOBBS: Right.

2           PHIL WALDRON: -- (indiscernible)

3 subsidiaries. So there -- there are a lot of  
4 things that are just not quite right. One of  
5 our -- one of our investigators found a  
6 co-located facility in Barbados that both SGO's  
7 Smartmatic and Dominion share as a registered  
8 business address. There are licensing  
9 agreements back and forth between these  
10 companies. Sequoia Voting Systems was sold off  
11 from basically a lawsuit. It was purchased by  
12 Dominion, but the key officials that are key  
13 executives with Sequoia went right over to  
14 senior vice-president positions with Dominion.

15           So I think the questions you asked  
16 earlier, it is -- really, we've got to  
17 deconstruct these companies. Just like we did  
18 in Iraq and Afghanistan with bomb-making  
19 (phonetic) networks. We identify the materials,  
20 the triggering devices, their favorite  
21 employment methods. We use the same  
22 techniques, and there are a lot of guys out  
23 there with those skills and they're coming on  
24 board day by day, asking how to help, how to  
25 apply the skills that our country so happily

1 trained us with to fight terrorism, to combat  
2 this assault (indiscernible) --

3 LOU DOBBS: This is a -- this is an  
4 assault on our country, and it appears to me,  
5 the complexity, the vastness of that front  
6 against our constitution and our right to vote  
7 requires that we stop everything right now  
8 until we know what is going on.

9 Colonel, we appreciate you making certain  
10 we know as much as we do right now. Thanks so  
11 much.

12 Colonel Phil Waldron.

13 We'll be right back.

14

15 (End of recording.)

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CERTIFICATE

I, ERINN GREEN, Professional Court Reporter/Transcriptionist, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes, to the best of my ability, taken while listening to the provided recording.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated this 24th day of March, 2021.



---

ERINN L. GREEN, Court Reporter  
Notary Public Commission No.: GG950705  
Expires: January 23, 2024

# **Exhibit 13**



**Lou Dobbs** ✓  
@LouDobbs



**BREAKING NEWS:** @SidneyPowell1 says her lawsuit in Georgia could be filed as soon as tomorrow and says there's no way there was anything but widespread election fraud. #MAGA #AmericaFirst #Dobbs



5:37 PM · Nov 24, 2020 · Twitter Media Studio

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**Lou Dobbs** ✓

November 24, 2020 · 🌐



BREAKING NEWS: Sidney Powell says her lawsuit in Georgia could be filed as soon as tomorrow and says there's no way there was anything but widespread election fraud. #MAGA #AmericaFirst #Dobbs

**ON THE PHONE**

**SIDNEY POWELL**  
FORMER FEDERAL PROSECUTOR

**THE BATTLE FOR THE WHITE HOUSE**  
CONCERNS RAISED ABOUT ELECTION VOTING SYSTEMS

**LOU DOBBS TONIGHT** | #Dobbs

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**loudobbstonight** BREAKING NEWS

Sidney Powell says her lawsuit in Georgia could be filed as soon as tomorrow and says there's no way there was anything but widespread election fraud. #MAGA #AmericaFirst #Dobbs

17w



**smitbrandoncraig** .....absolute landslide nationwide..... I WAS WAITING FOR THESE WORDS OF TRUTH!!!! Thank you Sydney Powell!!!! Please Father God, give her everything needed in abundance to show the world the truth and the real winner. Let there never ever be any doubt who the real winner is. THANK YOU LEADER IN THE



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FILE NAME: BREAKING NEWS Sidney Powell Tells Lou Dobbs  
Her Lawsuit In Georgia May Be Filed As Soon As Tomorrow  
(7:02 min)

TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

SIDNEY POWELL

LOU DOBBS

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

1           LOU DOBBS:  Joining us tonight by phone is Sidney  
2 Powell, defense attorney for General Michael Flynn, former  
3 federal prosecutor herself and a great American.

4           Sidney, great to have you with us.  Let's start  
5 with the ownership of these voting firms.  I know you're  
6 focusing on that part of the electoral fraud that's been  
7 perpetrated this year in this election.

8           Why don't we know who they are?

9           SIDNEY POWELL:  Well, because they've used  
10 multiple shell companies and now apparently private equity  
11 groups to hide their actual ownership, but there's no  
12 doubt that the software was created and used in Venezuela  
13 to control the elections and make sure that Hugo Chavez  
14 was always reelected as the dictator of Venezuela in what  
15 appeared to be, quote, free and fair elections, end quote,  
16 but they were manipulated by the software used in the  
17 Dominion machines -- and used by other machines in the  
18 United States, frankly, and we are just continuing to be  
19 inundated by evidence of all the frauds here, and every  
20 manner and means of fraud you could possibly think of.

21           LOU DOBBS:  Yeah.  I think many Americans have  
22 given no thought to electoral fraud that would be  
23 perpetrated through electronic voting; that is, these  
24 machines, these electronic voting companies, including  
25 Dominion, prominently Dominion, at least in the suspicions

1 of a lot of Americans. We don't even know who has  
2 actually seen this software work. We don't know where  
3 their servers are for sure. We know a couple of them are  
4 overseas, and by "overseas" I mean in Germany and in  
5 Spain.

6 It's just stunning that we have progressed this  
7 far with these companies and have permitted these entities  
8 that we don't know what their ownership is, we don't know  
9 what their possible bias is. How could this be?

10 SIDNEY POWELL: Because of all the corruption in  
11 the country. We need to find a way to follow the money  
12 back as far even as when this was approved by the special  
13 government committee called CFIUS, S-C -- C-F-I-U-S, which  
14 are the heads of the respective agencies at the time who  
15 approved Dominion coming into the country and running our  
16 elections.

17 I mean Carolyn Maloney and Klobuchar and Warren  
18 have been raising Cain about this issue for a long time,  
19 but nobody's done anything about it.

20 LOU DOBBS: As recently as last year.

21 SIDNEY POWELL: Yeah. And as best I can tell,  
22 both parties have any number of people who are at fault,  
23 in the fact this has continued to play any role in our  
24 elections whatsoever. And we have no idea of who all has  
25 benefited from it. Somebody needs to do a massive money

1 following investigation to find out who paid what to whom.

2 LOU DOBBS: Well, you have promised a -- a kraken  
3 will be unleashed. We are -- we were expecting perhaps  
4 your suit would be filed yesterday or today.

5 When shall we expect your lawsuit?

6 SIDNEY POWELL: Well, I think no later than  
7 tomorrow. It's just going to be -- it's a massive  
8 document and it's going to have a lot of exhibits.

9 LOU DOBBS: And who will be the defendant or  
10 defendants?

11 SIDNEY POWELL: The defendants are going to be  
12 folks in Georgia who are responsible for supposedly making  
13 sure the elections in Georgia are done properly, and there  
14 are just countless incidents of voter fraud and election  
15 fraud, writ large, in Georgia.

16 LOU DOBBS: In Georgia. Are you planning any  
17 other suits beyond Georgia?

18 SIDNEY POWELL: Yes, we are. We'll be rolling  
19 them out as fast as we possibly can because it affected  
20 the entire country, actually. We even have an affidavit  
21 now from a distant state, that's done by one of the  
22 election officials in the state, telling us all the things  
23 that person witnessed as being wrong there.

24 So it was nationwide.

25 LOU DOBBS: Well, the number of affidavits is

1 voluminous now. The eyewitnesses are considerable.

2           Your thoughts now about what will be the impact  
3 and can it be adjudicated in such a way as to meet all of  
4 the deadlines that are forced upon you; that is,  
5 December 8th, December 14th? Give us your sense of the  
6 timing and the urgency of getting this to resolution.

7           SIDNEY POWELL: Yes. Well, obviously it couldn't  
8 be more urgent, but yes, the time deadlines should be able  
9 to be met and the evidence is so overwhelming, it's almost  
10 as though they were so blatant about it, they expected us  
11 to catch it and, you know, maybe it's a diversion from  
12 something else that's going on, I don't know.

13           But it's also clear that there was foreign  
14 intrusion into our voting systems, and that's going to be  
15 the real -- where the rubber meets the road.

16           LOU DOBBS: You know, a person that I hold in  
17 high regard who's been at various points in this political  
18 conflict over the last four years, said that the  
19 difference this year in the political corruption and the  
20 pervasive nature of it is that he believes the left  
21 doesn't even care, the radical dems, the deep state don't  
22 even care whether we find out what we know, and I thought  
23 about it and, you know, I think he may be well -- that may  
24 be well considered. Your thoughts?

25           SIDNEY POWELL: Yes, I agree. I mean, that's

1 exactly how blatant it is, and all kinds of it are equally  
2 blatant. I mean, people sitting on the floor and writing  
3 on the side of buses, filling out ballot after ballot.  
4 It's in your face, everywhere. The statistical evidence  
5 is insurmountable. The mathematical evidence is to a  
6 mathematical impossibilities.

7           There's no way there was anything but widespread  
8 election fraud here. We've got one witness that says in  
9 Arizona at least there were 35,000 votes added to every  
10 democrat candidate just to start their voting off. It's  
11 like getting your \$500 of Monopoly money to begin with  
12 when you haven't done anything, and it was only for  
13 democrats.

14           LOU DOBBS: Do you think that we're going to see  
15 the Trump presidency saved?

16           SIDNEY POWELL: Yes, I definitely do.

17           There are -- there is no issue in my mind but  
18 that he was elected in an absolute landslide nationwide.

19           LOU DOBBS: Sidney Powell, thanks for being with  
20 us. We appreciate it. Thanks so much.

21           (End of recording.)

22

23

24

25

C E R T I F I C A T E

I, TERRI NESTORE, Certified Shorthand Reporter/  
Transcriptionist, do hereby certify that I was authorized  
to transcribe the foregoing recorded proceeding, and that  
the transcript is a true and accurate transcription of my  
shorthand notes, to the best of my ability, taken while  
listening to the provided recording.

I further certify that I am not of counsel or  
attorney for either or any of the parties to said  
proceedings, nor in any way interested in the events of  
this cause, and that I am not related to any of the  
parties thereto.

Dated this 17th day of December, 2020.

  
TERRI NESTORE, CSR 5614, RPR, CRR

# **Exhibit 14**

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Fox News:

HANNITY

One-on-One with Sidney Powell

Sean Hannity and Sidney Powell

November 30, 2020

FILE: Hannity, Fox News (Nov. 30, 2020)

[https://archive.org/details/FOXNEWSW\\_20201201\\_020000\\_Hannity/start/1939/end/1999](https://archive.org/details/FOXNEWSW_20201201_020000_Hannity/start/1939/end/1999)

(Ex. XX)

Powell Interview

1 SEAN HANNITY: Michael Flynn's attorney,  
2 Sidney Powell.

3 It's amazing he lost four years of his  
4 life, but people say: Well, he plead guilty.

5 Was he or was he not threatened? They  
6 didn't -- now, the FBI, after they ambushed him,  
7 didn't think he lied, correct?

8 SIDNEY POWELL: Correct. General Flynn is  
9 and always was innocent. There should never have  
10 been an investigation of him at all.

11 The FBI and government finally admitted  
12 that in their motion to dismiss. They had no  
13 valid reason to talk to him about anything. He  
14 was honest with the agents, as they briefed to  
15 multiple people in the DOJ and the FBI immediately  
16 after interviewing him.

17 They knew he was telling the truth. They  
18 just proceeded to persecute him to foster the  
19 whole Russian collusion and obstruction narrative  
20 that the Democrats had begun to obtain the  
21 Presidency of Donald Trump, and to try to destroy  
22 it and General Flynn, and anyone else they needed  
23 to in the process.

24 It was absolutely --

25 SEAN HANNITY: But --

1 SIDNEY POWELL: -- a travesty of justice.

2 SEAN HANNITY: Now, Susan, a little known  
3 fact that I -- I think you need to clear up,  
4 people say: Well, he -- he -- he plead guilty.  
5 That's true.

6 The question is: Why?

7 Did they threaten his -- his family and  
8 say: Well, if you don't agree to plead guilty and  
9 fall on the sword, we're going to go after your  
10 kid and your family; is that true?

11 SIDNEY POWELL: That is true. But there  
12 were more reasons for it than that.

13 First of all, they misrepresented the  
14 situation to him completely. They hid all the  
15 exculpatory evidence from him. They led him to  
16 believe that the agents themselves thought he was  
17 lying, which the government's own notes and  
18 documents show was itself a lie.

19 And then they threatened his son, all in a  
20 very compressed period of time, after they had  
21 bankrupted him through months and months of  
22 litigation over a FARA filing that they also made  
23 up the false statements about. General Flynn's  
24 FARA filing was valid.

25 It was one escapade after the other, an

1 abuse of power by the FBI and then the special  
2 counsel operation to target and destroy General  
3 Flynn.

4 SEAN HANNITY: Let me ask you about --  
5 there appeared publicly to be this split, that --  
6 that you were part of the attorneys for Trump  
7 on -- on the election investigation fraud issue.

8 And you said you -- you were never part of  
9 that, their -- their legal team; although you did  
10 work with them in some regard.

11 Let me ask you -- and I asked you about  
12 this on the radio show today: I have gone over  
13 everything I have been able to find out, nobody  
14 liked Dominion Voting Systems. Nobody. The  
15 professor. The three Democrats. The State of  
16 Texas. They had problems in Georgia. The New  
17 York Times. The AP.

18 Why would we use a system that everybody  
19 agreed sucked or had problems is beyond me.

20 And I asked you today -- you said to me  
21 that there were people watching an internet  
22 connection in realtime, but they can't speak  
23 publicly and haven't signed affidavits to that.  
24 Why?

25 SIDNEY POWELL: Well, there are a number of

1 reasons: Some are within the government, and some  
2 are possibly in different roles that require  
3 confidentiality, and they're not in a position  
4 where they can come forward without certain  
5 protections in place.

6 And that's something that the government  
7 really needs to give them, if they want to get to  
8 the truth of all the matters with which we're  
9 gathering more evidence every day.

10 SEAN HANNITY: So we really --

11 SIDNEY POWELL: There was a whole lot going  
12 on --

13 SEAN HANNITY: -- can't hear from them --

14 SIDNEY POWELL: -- (inaudible) involved in  
15 this.

16 SEAN HANNITY: And they can't sign an  
17 affidavit until they get these protections.

18 And my question is to you: You know, in a  
19 lot of ways, has anybody forensically examined  
20 these machines since the election?

21 SIDNEY POWELL: We have only been allowed  
22 access to a few of them. Although, counsel -- my  
23 co-counsel from the Flynn case, Jesse Binnall, in  
24 fact, got a discovery order from the court today  
25 in Nevada.

1 SEAN HANNITY: Right.

2 SIDNEY POWELL: He's been doing a great job  
3 out there trying to get more information and --  
4 and got the discovery order entered today. So  
5 they will be collecting a lot more evidence from  
6 Nevada where there was massive corruption. We've  
7 got evidence of corruption all across the country  
8 in countless districts.

9 The machine ran an algorithm that shaved  
10 votes from Trump and awarded them to Biden. They  
11 used the machines to trash large batches of votes  
12 that should have been awarded to President Trump.  
13 And they used a machine to inject and add massive  
14 quantities of votes for Mr. Biden.

15 The only reason --

16 SEAN HANNITY: I thought --

17 SIDNEY POWELL: -- we really found out that  
18 --

19 SEAN HANNITY: I thought Democrats told us  
20 that we like whistleblowers; you're saying that  
21 these people can't talk because they're going to  
22 lose their job. I would think that they --

23 SIDNEY POWELL: They're going to lose their  
24 job. Their --

25 SEAN HANNITY: -- get protection --

1 SIDNEY POWELL: -- their lives have been  
2 threatened. One witness we know of got beaten up  
3 and is in the hospital. There have been all kinds  
4 of repercussions against people who have come  
5 forward to tell the truth.

6 And, no, Democrats don't like  
7 whistleblowers; they only like liars who claim  
8 they're whistleblowers.

9 SEAN HANNITY: So they -- they like hearsay  
10 whistleblowers.

11 Listen, if these people have something to  
12 say, we've got to be able to hear them. And --  
13 you know, at -- at some point, if everybody  
14 disagrees that the voting system is not the best  
15 from every -- the media, Democrats, and  
16 Republicans, now we have to ask: Why did we use  
17 them?

18 When these people can speak, I would love  
19 to have the chance to interview them.

20 Sidney, thank you.

21 (End.)

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C E R T I F I C A T E

I, Jackie Mentecky, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 23rd day of March, 2021.



---

Jackie Mentecky, Court Stenographer

# **Exhibit 15**



**Lou Dobbs** ✓

@LouDobbs

...

The Battle for the White House: @SidneyPowell1 celebrates a court victory for @realDonaldTrump in Georgia which stops Dominion voting machines in 3 counties from being wiped. #MAGA #AmericaFirst #Dobbs

**WISCONSIN**  
72 COUNTIES

- ▶ TRUMP AVERAGE COUNTY WIN - 22%
- ▶ BIDEN MILWAUKEE COUNTY WIN - 40%
- ▶ 62 POINT DIFFERENCE

SOURCE: ASSOCIATED PRESS

WI

FOX BUSINESS  
5:18P ET  
LOU DOBBS TONIGHT #Dobbs  
1M views  
0:02 / 8:15  
S&P 500 3,621.63  
STATES OIL FUND (USO) 30.97  
UNITED STATES

6:03 PM · Nov 30, 2020 · Twitter Media Studio

3,794 Retweets 945 Quote Tweets 11.4K Likes





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**loudobbstonight** The Battle for the White House

Sidney Powell celebrates a court victory for @realDonaldTrump in Georgia which stops Dominion voting machines in 3 counties from being wiped. #MAGA #AmericaFirst #Dobbs

16w



**cwednesdays** Wow

15w Reply



**njnana47** 🙌 keep it going!!

15w Reply



**johnsonivce789** We have the server



88,030 views

NOVEMBER 30, 2020

▶ 0:00 / 8:15 🔊 📺 ⋮

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Lou Dobbs · Follow

November 30, 2020 · 🌐



### Sidney Powell

The Battle for the White House: Sidney Powell celebrates a court victory for Donald J. Trump in Georgia which stops Dominion voting machines in 3 counties from being wiped. #MAGA #AmericaFirst #Dobbs See Less



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FILE NAME:  
Sidney Powell on Lou Dobbs Tonight on 113020  
(8:15 min)

TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

SIDNEY POWELL

LOU DOBBS

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

Sidney Powell on Lou Dobbs Tonight on 113020

1           LOU DOBBS:  Joining us now is Sidney Powell.  
2  She's a former federal prosecutor, General Michael Flynn's  
3  defense attorney, a great American, and I know for a fact  
4  is busy as she can possibly be, working all hours of the  
5  day.

6           Sidney, thanks for taking the time to be with us.

7           Let me just start by saying this time is yours.

8           Right now, this audience, most of America, wants  
9  to know where are we, in this fight for the Whitehouse?

10          SIDNEY POWELL:  Well, we are making great  
11  progress, Lou.  We have one case in the court in Georgia  
12  that's getting ready to go to the Eleventh Circuit.  We're  
13  going to ask for emergency review of that, where we sought  
14  to impound all the voting machines in Georgia and we need,  
15  frankly, to stop the election that's supposed to happen in  
16  January because all the machines are infected with the  
17  software code that allows Dominion to shave votes for one  
18  candidate and give them to another, and other features  
19  that do the same thing, and we've filed suit also in  
20  Michigan and we're preparing suits for several other  
21  states and as I'm sure your viewers hopefully know and  
22  caught part of the hearing in Arizona today that Rudy  
23  Giuliani conducted for the legislature to see much of the  
24  evidence that has been accumulated by some experts that  
25  will be helping our case also.

1           It's just pouring out more by the day. People  
2 are coming forward with different bits and pieces of the  
3 puzzle. Different states shaved different amounts of  
4 votes or the system was set up to shave and flip different  
5 votes in different states. Some people were targeted as  
6 individual candidates. It's really the most massive and  
7 historical egregious fraud the world has ever seen.

8           LOU DOBBS: The top officials of the Georgia  
9 State government, the Secretary of State, the governor,  
10 Brian Kemp, was in a very similar situation, as we  
11 reported here at the top of the broadcast, three years ago  
12 when he was Secretary of State, and he was sued as  
13 Secretary of State of the state of Georgia and incredibly,  
14 as soon as that lawsuit was filed, that server, under  
15 Secretary of State Kemp, was wiped and that has --  
16 obviously was at the core of your concerns in seeking an  
17 injunction from Judge Batten, the Federal District Court  
18 judge who issued the restraining order, correct?

19           SIDNEY POWELL: Correct. And guess what happened  
20 yesterday while we were in the process of trying to get  
21 the State to respond for our request to the restraining  
22 order? Someone went down to the Fulton Center where the  
23 votes and Dominion machines were, claimed there was a  
24 software glitch and they had to replace the software, and  
25 it seems that they removed the server.

Sidney Powell on Lou Dobbs Tonight on 113020

1           LOU DOBBS: Unbelievable. Unbelievable.

2           Do we know where the server is?

3           SIDNEY POWELL: No, we don't, right now.

4           LOU DOBBS: You know, people don't go to jail for  
5 their attitude, but in the case of the Secretary of State  
6 and the governor of Georgia right now, one would be  
7 tempted to prosecute, based on their conduct so far.

8           What is going on with those two individuals?

9           SIDNEY POWELL: I think there's a lot going on,  
10 Lou. I think there's a lot of corruption there,  
11 underneath the surface. We've gotten tips from different  
12 people that we haven't been able to verify completely yet,  
13 but it seems that there were significant benefits for both  
14 Governor Kemp and perhaps Mr. Raffensperger also, and  
15 maybe others on their team, for deciding at the last  
16 minute to rush in a contract for Dominion for \$107 million  
17 for the State.

18           Ironically, the State lawyers claimed yesterday  
19 that the State had no control over the counties' handling  
20 of the voting machines, never mind the State itself  
21 purchased the machines and forced them to use them, and  
22 the Secretary of State is responsible for all fraud  
23 investigations of voting and everything else with respect  
24 to voting. It was one of the most disingenuous arguments  
25 I've heard any government counsel make, but that's what

1 they all seem to do these days.

2           LOU DOBBS: Initially the judge granted the  
3 temporary restraining order, then reversed himself after  
4 the State had made that claim, then reversed it -- himself  
5 again and ordered the impoundment, effectively the  
6 impoundment of those machines, but obviously within that  
7 window, apparently, in Fulton County, the State of Georgia  
8 took that server.

9           Now, do we know -- you know, I just can't -- I  
10 think most Americans right now cannot believe what we are  
11 witnessing in this election. We have, across almost every  
12 state, whether it's Dominion, whatever the company --  
13 voting machine company is, no one knows their ownership,  
14 has no idea what's going on in those servers, has no  
15 understanding of the software, because it's proprietary.

16           It is the most ludicrous, irresponsible and  
17 rancid system imaginable in the world's only superpower.  
18 We look like a complete nation of fools, and we're  
19 supposed to be meeting constitutional deadlines on  
20 December 8th, December 14th. Are you kidding me? This  
21 thing should be shut down right now and people understand  
22 that this will not be tolerated by the American people.

23           SIDNEY POWELL: You are absolutely right, Lou. I  
24 couldn't have put it better myself. I can't even begin to  
25 tell you how appalling everything I'm seeing is.

1           Somebody sent me the tape from a machine in  
2 California and it reported 550 votes with 270 voters.  
3 That's the kind of thing we're seeing when we can get the  
4 actual documents. Meanwhile, Dominion and its minions and  
5 other State officials everywhere are apparently out there  
6 trying to destroy everything they can get to before we can  
7 seize it, and our Department of Justice and FBI are  
8 nowhere to be found.

9           I am absolutely, livid and I know the American  
10 people are livid too. That's why we started the  
11 [defendingtherepublic.org](http://defendingtherepublic.org) to fight this.

12           LOU DOBBS: Let me be straightforward with you.

13           I'd damn sight rather have Sidney Powell and Rudy  
14 Giuliani on the case than Christopher Wray and the fools,  
15 the corrupt fools that lead the FBI, any day. I wish it  
16 were otherwise, but the American people understand what we  
17 now are up against in this country.

18           And as I said at the outset of the broadcast,  
19 Sidney, this is no longer about just voter fraud or  
20 electoral fraud, this is something much bigger and this  
21 president has to take, I believe, drastic action, dramatic  
22 action, to make certain that the integrity of this  
23 election is understood, or lack of it, the crimes that  
24 have been committed against him and the American people.

25           And if the Justice Department doesn't want to do

Sidney Powell on Lou Dobbs Tonight on 113020

1 it, if the FBI cannot do it, then we have to find other  
2 resources within the federal government.

3 We've got to rise above this because the nation  
4 itself -- this is an assault on the core of a democracy --  
5 any democracy -- our ability to cast a secret ballot.

6 Your thoughts, Sidney, as we wrap up here.

7 SIDNEY POWELL: That's exactly right, Lou.

8 It affects the bedrock of our democratic  
9 republic. It can't be allowed to stand and frankly, I'm  
10 about to think the entire FBI and the entire Department of  
11 Justice need to be hosed out with Clorox and firehoses.

12 LOU DOBBS: Well, Sidney, I think right now that  
13 you would get many seconds for that proposition.

14 Sidney Powell, thanks for being with us.

15 We appreciate it, and thanks for everything  
16 you're doing for this country.

17 (End of recording.)

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C E R T I F I C A T E

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I, TERRI NESTORE, Certified Shorthand Reporter/  
Transcriptionist, do hereby certify that I was authorized  
to transcribe the foregoing recorded proceeding, and that  
the transcript is a true and accurate transcription of my  
shorthand notes, to the best of my ability, taken while  
listening to the provided recording.

I further certify that I am not of counsel or  
attorney for either or any of the parties to said  
proceedings, nor in any way interested in the events of  
this cause, and that I am not related to any of the  
parties thereto.

Dated this 18th day of December, 2020.

  
TERRI NESTORE, CSR 5614, RPR, CRR

# **Exhibit 16**



**Lou Dobbs** ✓  
@LouDobbs



## The 2020 Election is a cyber Pearl Harbor:

### The leftwing establishment have aligned their forces to overthrow the United States government [#MAGA](#) [#AmericaFirst](#) [#Dobbs](#)

People need to get familiar with four names:

Two political leaders

Jorge Rodriguez – he's the Communications Minister of Venezuela, and he's been the Cubans' main representative in Venezuela since the days of Chavez. He goes on TV down there daily to mock us. We have evidence that he has been the political leader of the election-stealing project, the "CEO" of it.

Khalil Majid Mazoub – He is a Venezuelan of Lebanese origin, who is the right hand and business front man of Jorge Rodriguez. He has been the effective "COO" of the election project, under Chavez and Maduro. Khalil is a liaison with Hezbollah.

Two technical experts

Gustavo Reyes Zumeta – he is an American-born Venezuelan, who came up with the idea, and designed and created the programs. He also worked as the founder and consultant, in addition to other business ventures.

Antonio Mujica – CEO of Smartmatic. He is the face of the company now.

We now have contracts, program details, incriminating information and history. :

We have a warning to the mainstream media: you have purposely sided with the forces that are trying to overthrow the US system. These four people and their collaborators executed an electoral 9-11 against the United States, with the cooperation and collusion of the media and the Democrat Party and China. It is a cyber Pearl Harbor.

We have identities, roles, and background of Dominion, Smartmatic people. This will turn into a massive RICO filing. It is Smartmatic, Dominion Voting Systems, Sequoia, SGO. If you come forward now to cooperate with law enforcement, you will be better off.

Cuba and Venezuela aligned with George Soros, the Chinese Communist Party, the Democrat party, and the American media against the will of the people of the US.

We have evidence linking all these companies together in legal documents, ownership structures, and sales of the companies. We already uncovered a Chinese investment of \$400,000,000 into Dominion, just 4 weeks before the election.

We now have corporate documents, the names of shareholders and amount of stock they own, their schedules and calendars, their messages to and from one another.

We have technical presentations that prove there is an embedded controller in every Dominion machine, that allows an election supervisor to move votes from one candidate to another. You've seen the video out of Georgia that's been on Twitter the last two days, with a woman demonstrating that capability.

We have the architecture and systems, that show how the machines can be controlled from external sources, via the internet, in violation of voting standards. Federal law, state laws, and contracts.

We have proof that a current county election supervisor is a former senior executive of Dominion Voting Systems. This is a county that had significant voting anomalies in the 2020 election. The implications of that for law enforcement actions are clear.

4:56 PM · Dec 10, 2020 · Twitter for iPhone

**5,981** Retweets   **1,260** Quote Tweets   **16.8K** Likes



# **Exhibit 17**



 **tuckercarlsonstnight**  · [Follow](#) 

 **tuckercarlsonstnight**  Erasing Mike Lindell

The cancel culture rage mob comes for the MyPillow CEO

8w

 **sophies\_life50\_my** Don't need those stores. We can all buy direct from mypillow! Love ya Mike! 

8w 2,073 likes Reply

 View replies (48)

 **rodiacomedy**  This is becoming ridiculous! Why the hell does everyone have to agree with 



636,931 views

JANUARY 26

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File 16

Tucker Carlson Tonight - Mike Lindell, CEO OF MyPillow

Tuesday, January 26

<https://video.foxnews.com/v/6226510395001#sp=show-clips>

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I N T E R V I E W

\* \* \*

TUCKER CARLSON: Well, of course you will likely recognize our next guest. His name is Mike Lindell. He runs MyPillow. He advertises every night on this show and across FOX news.

He is one of our biggest sponsors, and we are grateful for that. He is sponsoring free speech when he does it. But of course the enforcers of Orthodoxy are not impressed. They are enraged.

For the crime of having different opinions, Mike Lindell has just been banned from Twitter. Several retailers have also stopped selling his products. That happened today. That would include Bed Bath and Beyond, Kohls and Kroger. Again, Bed Bath and Beyond, Kohls and Kroger. Those are just a few of them.

When you support freedom of speech, you're no longer allowed to speak. That's the new rule. Since this network is one of the last places in this country where Americans are allowed to speak, we're honored to have Mike Lindell on tonight to give his perspective.

And one note for you, the transmission line that connects the studio to ours to you, got cut minutes before the show. Not exactly sure how. But thankfully, Mike Lindell, the CEO my MyPillow, has facetimed. And

1 he's on it right now. Mike, thanks so much for coming  
2 on.

3 MIKE LINDELL: Thanks for having me on, Tucker.  
4 That lists is bigger. There's also HEB, the Shopping  
5 Channel, Shop HQ, I mean it -- it -- the -- they just  
6 keep, you know, turning in their POs and saying, "We  
7 don't want MyPillow anymore."

8 TUCKER CARLSON: So your views on politics,  
9 whether our viewers or anyone else agrees or not, are  
10 the views of millions of other people, and you've  
11 expressed them. You have now been shut down. It seems  
12 pretty clear they're sending a message. People --

13 MIKE LINDELL: Right.

14 TUCKER CARLSON: -- of public recognizes cannot  
15 step out of line because you might convince others to do  
16 the same. Do you take another message, or do you think  
17 that's why they're doing this to you?

18 MIKE LINDELL: Well, this one -- you know, I've  
19 always backed this great -- great President, Donald  
20 Trump. I've always had his back since 2016 when I first  
21 met him. But when I went back to Minnesota in 2016, to  
22 say, "Hey I met the candidate, Donald Trump." I was  
23 attacked by bots and trolls, and I -- I reached out to  
24 the media. Did a press release, and I was just called a  
25 racist and everything you can imagine.

1           And I thought, wow. Are these people real? No.  
2 They weren't real. They're tech groups, and they're  
3 bots and trolls. So I've been through this before.  
4 Last Spring, I spoke out from the Rose Gardens that we  
5 should all get in our Bibles and reach out to Jesus.  
6 Stay in the word. Spend time with our families. We  
7 were attacked then.

8           So we're used to this at MyPillow. But this time  
9 it's different. This time, about 17 days ago when  
10 someone put up on -- on the internet, actual machine --  
11 "new machine election fraud," I -- I re-Tweeted it, and  
12 they took my Twitter down.

13           Now, when they took it down, this is interesting.  
14 They didn't take it down all the way. I just couldn't  
15 do anything, and they were running my Twitter like they  
16 were me. My friends are going, "You're not Tweeting  
17 very much, and when you do --" I said, "I'm not doing  
18 that."

19           So I tried to take it down, and I got a Tweet --  
20 a thing from Germany saying, "These are Twitter rules,  
21 and you cannot do this, take anything down." So they  
22 ran my Twitter for about 14 days -- 15 days. Then,  
23 yesterday, they put it back up so I could run it, and I  
24 made one Tweet, and the Tweet was a good -- a good  
25 letter written by one of my employees because I'm

1 getting attacked about my integrity and stuff, and they  
2 took it down 5 minutes later.

3           And then, a week ago, they did a -- Dominion went  
4 online -- on TV and said they we're going to go after  
5 Mike Lindell. Well, they did. They hired hit groups,  
6 bots and trolls went after all my vendors, all these box  
7 stores to cancel me out. This cancer culture.

8           Fake stories coming out to attack my Linda  
9 Recovery Networks, which helps addicts across the  
10 country. It's just a shame, Tucker, what they -- if  
11 they can do it to me, believe me. They can do it to  
12 anyone out there, but we're not -- I'm not backing down.  
13 We can't back down not of fear this time. Nobody.

14           TUCKER CARLSON: I totally agree.

15           MIKE LINDELL: I told these box stores, "You  
16 guys, these aren't real people. They are trolls and  
17 bots. The real people will buy the products and will  
18 support you. You can't do this just because they cancel  
19 you. Try and cancel culture."

20           TUCKER CARLSON: Can -- may I ask you one  
21 question since I -- you grew up in this country. If  
22 they disagree with you, or think that you're saying  
23 things that are incorrect, why don't they explain what  
24 those things are, and why don't they try to convince you  
25 that you're wrong?

1 I mean, I thought the rules were if you think  
2 someone is saying something incorrect, you explain how  
3 it's incorrect, and you convince his audience that  
4 actually he's right, and you're wrong. When did that go  
5 away? When did we decide force was the only answer to  
6 disagreement?

7 MIKE LINDELL: Right. And that -- you know, they  
8 -- I can't even live stream on Facebook. They've shut  
9 it down. But you're exactly right, Tucker. What I say  
10 to them, with this particular thing that's going on now,  
11 I've been all in trying to find the machine fraud, and I  
12 -- we found it. We have all the evidence.

13 So were all these -- all these ven -- all the  
14 outlets that have been calling me from the Washington  
15 Post, New York Times, every -- every outlet in the  
16 country, they go, "Mike Lindell, there's no evidence,  
17 and he's making fraudulent statements." No. I have the  
18 evidence.

19 I dare people to put it on. I dare Dominion to  
20 sue me because then it will get out faster. So this is  
21 -- it -- you know, they don't -- they don't want to talk  
22 about it.

23 TUCKER CARLSON: No. They don't.

24 MIKE LINDELL: They don't want to say -- they  
25 just say, "Oh, you're wrong," and I'm going, "You know

1 what?"

2 TUCKER CARLSON: They're not making conspiracy  
3 theories go away by doing that.

4 MIKE LINDELL: Right.

5 TUCKER CARLSON: You don't answer -- you don't --  
6 you don't make people kind of calm down and get  
7 reasonable and moderate by censoring them.

8 MIKE LINDELL: Yeah.

9 TUCKER CARLSON: You make them way crazier. Of  
10 course. This is like ridiculous.

11 MIKE LINDELL: Yeah. You know why wouldn't  
12 everyone want to know the truth to this country? Just  
13 let the truth be told. If there's nothing to hide,  
14 let's bring it out so we can all see it. Instead,  
15 they're trying to erase Mike Lindell and erase MyPillow.

16 Well, I'm not going to be erased. I mean, there  
17 -- these -- all my friends that lost their -- they lost  
18 their YouTube channels. They lost their Facebook, two  
19 million followers. One guy has 12 employees, he's gone.  
20 His livelihood he built up is just gone.

21 Anybody, any business, churches that supported  
22 the President, that's a whole another issue, they're  
23 being attacked, and they're going to be just, you know,  
24 cancelled.

25 TUCKER CARLSON: You know, I've -- I've noticed.

1 Mike Lindell, I really appreciate your coming on  
2 tonight. Thank you, very much.

3 MIKE LINDELL: Well, thank you, Tucker. Thanks  
4 for having me on and God bless you. Thank you.

5 TUCKER CARLSON: Amen. God bless you.

6 Mike Lindell, he sells pillows. Why has he been  
7 censored? And by the way, before you say, "Oh, it's  
8 Mike Lindell." Anyone who's censored has been wronged  
9 as an American. Period.

10 And the censorship of any person diminishes the  
11 rest of us and diminishes this country. Period. It  
12 doesn't matter what they are saying. It doesn't matter  
13 whether you agree with them. In fact, if you disagree  
14 with them, you should argue more forcefully that their  
15 voice should be heard, and then argue against the points  
16 that they are making. Anyone who's been censored is  
17 welcome on this show as one of the last venues where you  
18 can speak, for real. Anyone. Whether we agree with you  
19 or not.

20 Well, up next, a major court decision has just  
21 come down on Joe Biden's deportation order. It's a  
22 decision that completely upends that order. Pretty  
23 amazing news. And we will bring it to you in just a  
24 moment.

25 (End of recording.)

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Dated this 29th day of January, 2021.

*Stephanie Turner*

STEPHANIE TURNER, CSR 13439

# **Exhibit 18**



**Lou Dobbs** ✓  
@LouDobbs

...

Election Fraud: [@RudyGiuliani](#) says he has uncovered enough unlawful ballots in Pennsylvania and Michigan to turn the election in favor of [@realDonaldTrump](#).  
[#MAGA](#) [#AmericaFirst](#) [#Dobbs](#)



6:03 PM · Nov 12, 2020 · Twitter Media Studio

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**Lou Dobbs**  
November 12, 2020 · 🌐



### Rudy

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TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

LOU DOBBS

RUDY GIULIANI

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

File 1 Lou Dobbs and Rudy Giuliani

1           LOU DOBBS: Well, joining us now, President  
2 Trump's personal attorney, former New York City Mayor,  
3 Rudy Giuliani, and federal prosecutor.

4           Rudy, good to have you back with us.

5           Let's talk about, just for a moment, an update on  
6 Dominion and how important do you believe the concerns  
7 that are being expressed in a number of states about the  
8 ability of these machines not to be hacked?

9           RUDY GIULIANI: Well, first of all, the machines  
10 can be hacked. There's no question about that. Their  
11 machines can be hacked.

12           But it's far worse than that, Lou. Dominion is a  
13 company that's owned by another company called Smartmatic,  
14 through an intermediary company named Indra. Smartmatic  
15 is a company that was formed way back in about 2004;  
16 2003-2004. You're going to be astonished when I tell you  
17 how it was formed. It was formed really by three  
18 Venezuelans who were very close to... very close to the  
19 dictator Chavez of Venezuela and it was formed in order to  
20 fix elections. That's the company that owns Dominion.

21           Dominion is a Canadian company but all of its  
22 software is Smartmatic software, so the votes actually go  
23 to Barcelona, Spain.

24           So we're using a foreign company that is owned by  
25 Venezuelans who are close to -- were close to Chavez, are

File 1 Lou Dobbs and Rudy Giuliani

1 now close to Maduro, have a history -- they were founded  
2 as a company to fix elections, they have a terrible  
3 record, and they are extremely hackable.

4           So I mean, Texas made the right decision. What  
5 the heck was Georgia doing hiring this company? I'll tell  
6 you what they were doing. The lobbyist for Dominion was  
7 the former chief of staff of the governor.

8           LOU DOBBS: The former chief of staff --

9           RUDY GIULIANI: Why are they using a foreign  
10 company with connections to Venezuela?

11           I'll give you another connection. Smartmatic,  
12 the company that owns Dominion, well, the guy who was  
13 running it was one of the -- one of the people who was  
14 number 2 or 3 in Soros' Change the World organization --  
15 Open Society, right. We got a very funny company here.  
16 We've got a really strange company. Very frightening and  
17 yes, they can be hacked and yes, they can change votes.

18           LOU DOBBS: And now we have to find out whether  
19 they did. And with those servers, whether they're in  
20 Canada, whether they're in Barcelona, Spain, or Germany,  
21 we know a number of companies, all of them are private,  
22 five of the top voting companies in this country, at  
23 least if they're not in this country they're processing  
24 our votes in this country, they comprise 90 percent of all  
25 of the election voting market in this country. It's

1 stunning. And they're private firms and very little is  
2 known about their ownership, beyond what you're saying  
3 about Dominion. It's very difficult to get a handle on  
4 just who owns what and how they're being operated.

5 And by the way, the states, as you well know now,  
6 they have no ability to audit meaningfully the votes that  
7 are cast because the servers are somewhere else and are  
8 considered proprietary and they won't touch them.

9 They won't permit them being touched.

10 So it's really -- how do you proceed now?

11 RUDY GIULIANI: Well, I'm working on the part of  
12 the case which is demonstrating how many illegal votes  
13 were cast, and I'm way beyond the margin that I need in  
14 Pennsylvania or Michigan to overturn the vote there.

15 We're up to about 623,000 unlawful ballots in  
16 Pennsylvania and about 320 unlawful ballots in Michigan,  
17 and in Michigan, of course, we have a couple of  
18 extraordinary witnesses, one of whom was a democrat, who  
19 worked for 30 years for the City of Detroit, who will  
20 explain that she started getting trained in how to cheat  
21 in September of 2020.

22 They'll also testify to a hundred thousand  
23 ballots being shipped in about 4:00 in the morning, after  
24 they had stopped counting, when they got into a panic  
25 because they thought they had made up the lead, and Trump

1 was still ahead by 120,000 votes.

2           So they brought these ballots in in trucks that  
3 had out of state license plates, they piled them on the  
4 tables, and from the witnesses that were there, from whom  
5 we have affidavits, every single vote was for Biden, and  
6 the ballots look totally fraudulent. Only one person  
7 voted for, the rest of the ballot empty. Nobody bothered  
8 to look or check whether or not the envelope was valid,  
9 they just threw it away immediately.

10           There was no republican observer, as the law of  
11 Michigan requires, and it's a misdemeanor not to do it.

12           So I can't see these hundred thousand votes  
13 standing. Plus about 140,000 more that were counted  
14 deliberately out of the sight of any republican who could  
15 check the validity of the ballot, and I think that number  
16 will go up. When we began in Pennsylvania, we only had  
17 about 130. We're now at 632,000.

18           This was a stolen election, Lou. I know the  
19 phony elites don't want to hear it, but this was a stolen  
20 election. The same pattern exists in Nevada, Arizona,  
21 Georgia, Wisconsin.

22           LOU DOBBS: And I think, Rudy, I think that,  
23 Rudy, the fact of the matter is, this is -- this looks to  
24 me like it may be -- and I say may be -- I'm not  
25 suggesting it is.

File 1 Lou Dobbs and Rudy Giuliani

1 RUDY GIULIANI: Sure.

2 LOU DOBBS: But following the operation as when  
3 President Trump was a candidate, to block his presidency,  
4 to --

5 RUDY GIULIANI: Yeah.

6 LOU DOBBS: -- follow up with a special counsel.  
7 First we had 11 months of investigation, then the special  
8 counsel investigation, which went nowhere except to  
9 exonerate him; and then the phony impeachment process.

10 This looks to me like it is the end of what has  
11 been a four-and-a-half -- the endgame to a four-and-a-half  
12 year long effort to overthrow the president of the  
13 United States. It looks like it's exactly that.

14 That there is --

15 RUDY GIULIANI: Yeah, Lou.

16 LOU DOBBS: These are all parts of a piece here.

17 RUDY GIULIANI: Lou, it's impossible that in ten  
18 different crooked democratic cities, on the morning of the  
19 election, every single one of those democratic leaders  
20 woke up and said, we're going to block the republicans  
21 from seeing any of the mail ballots, since whenever we  
22 count absentee ballots we know we have to have a  
23 republican and a democratic representative.

24 The only reason they did that is because they  
25 knew they were going to need that room to make up for his

1 margins.

2           And here's where they got screwed up: The  
3 margins were much bigger than they anticipated. They were  
4 figuring they had to make up a couple hundred thousand  
5 votes in Pennsylvania, maybe a hundred thousand in  
6 Michigan, maybe 80 or 90,000 in Wisconsin.

7           Now they're looking at numbers like 800,000,  
8 300,000, 400,000. They had to do plenty of cheating in  
9 the middle of the night in order to catch up, and that's  
10 why they kept the republicans out.

11           LOU DOBBS: Rudy --

12           RUDY GIULIANI: No reason not to let the  
13 republicans look at these ballots, if they're legitimate.  
14 Why do you want this issue? And if you know the history  
15 of absentee balloting, we never exclude the other side  
16 when we look at absentee ballots. Never, ever. That is  
17 the first time this has ever happened.

18           LOU DOBBS: Well, no one would.

19           RUDY GIULIANI: No one would.

20           LOU DOBBS: It's extraordinary.

21           RUDY GIULIANI: Unless --

22           LOU DOBBS: This election has got more firsts  
23 than any I can think of and Rudy, we're glad you're on the  
24 case and pursuing what is the truth.

25           (End of recording.)

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Dated this 12th day of January, 2021.



TERRI NESTORE, CSR 5614, RPR, CRR

# **Exhibit 19**



**Lou Dobbs** ✓  
@LouDobbs



Release the Kraken: @SidneyPowell1 vows to expose the Silicon Valley and left-wing corporations that are using their power to help Democrats steal the election from @realDonaldTrump. #MAGA #AmericaFirst #Dobbs



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**Lou Dobbs** ✓

November 13, 2020 · 🌐



Release the Kraken: Sidney Powell vows to expose the Silicon Valley and left-wing corporations that are using their power to help Democrats steal the election from [Donald J. Trump](#). #MAGA #AmericaFirst #Dobbs



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FILE NAME:

Sidney Powell With Lou Dobbs Release The Kraken  
(8:29 min)

TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

SIDNEY POWELL

LOU DOBBS

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

## Sidney Powell with Lou Dobbs Release the Kraken

1           LOU DOBBS: Breaking news now. Dominion Voting  
2 Systems say they categorically deny any and all of  
3 President Trump's claims that their voting machines caused  
4 any voter fraud in key swing states or electoral fraud,  
5 but reports contradict that claim.

6           In 2016 a senior executive at Dominion told the  
7 Illinois State Board of Elections that it is possible to  
8 bypass their election system software.

9           Here's what the vice president of engineering at  
10 Dominion at that time, Eric Coomer, told the Board during  
11 a meeting in good old Cook County.

12           ERIC COOMER: No, we are not allowed to do  
13 routine updates without having to go through a  
14 recertification effort, but we do routinely give guidance  
15 on how to best secure systems, and also going back again  
16 to the final mitigation against all of this is a robust  
17 auditing and canvassing process, which all of our  
18 jurisdictions have employed.

19           LOU DOBBS: Coomer said no updates can be done  
20 without recertification, as you heard. Mr. Coomer's  
21 assurances of a secure system, however, are contradicted  
22 by the fact that various vendors, election officials and  
23 others reportedly can access the voting machine code  
24 without an update being required, and we know that there  
25 were updates on those machines the day before the

## Sidney Powell with Lou Dobbs Release the Kraken

1 election.

2 Well, joining us tonight is Sidney Powell, a  
3 member of President Trump's legal team, General Flynn's  
4 defense attorney, a great American and prominent appellate  
5 lawyer. Great to have you with us, Sidney.

6 SIDNEY POWELL: Thank you, Lou.

7 LOU DOBBS: Let's start with Dominion, a straight  
8 out disavowal of any claim of fraud against the company,  
9 its software or machines. Your reaction.

10 SIDNEY POWELL: Well, I can hardly wait to put  
11 forth all the evidence we have collected on Dominion,  
12 starting with the fact it was created to produce altered  
13 voting results in Venezuela for Hugo Chavez and then  
14 shipped internationally to manipulate votes for purchase  
15 in other countries, including this one.

16 It was funded by money from Venezuela and Cuba,  
17 and China has a role in it also. So if you want to talk  
18 about foreign election interference, we certainly have it  
19 now. We have staggering statistical evidence, we have  
20 staggering testimony from witnesses, including one who was  
21 personally in briefings when all of this was discussed and  
22 planned, beginning with Hugo Chavez and how it was  
23 designed there and then saw it happening in this country.

24 As soon as the states shut down on election night  
25 and stopped counting, those are the states where the most

1 egregious problems occurred.

2 We also need to look at and we're beginning to  
3 collect evidence on the financial interests of some of the  
4 governors and Secretaries of State who actually bought  
5 into the Dominion Systems, surprisingly enough -- hunter  
6 Biden type graft to line their own pockets by a getting  
7 voting machine in that would either make sure their  
8 election was successful or they got money for their family  
9 from it.

10 LOU DOBBS: Well, that's straightforward. It may  
11 take -- you're going to have to be quick to go through and  
12 to produce that investigation and the results of it.

13 The December -- the December deadlines are  
14 approaching for electors and just as we saw in 2000 with  
15 Bush v. Gore. How critical are those deadlines and how  
16 urgent does that make your investigation and discovery?

17 SIDNEY POWELL: Well, for fraud this serious, I  
18 think even if the states are stupid enough to go ahead and  
19 certify the votes where we know the machines were  
20 operating and producing altered election results, if  
21 they're stupid enough to do that, then they will be set  
22 aside by the fraud also. I mean, we are talking about  
23 hundreds of thousands of votes.

24 President Trump won this election in a landslide.  
25 It's going to be irrefutable, and we are -- patriots are

1 coming forward all -- every day, all day, faster than we  
2 can collect their information, with testimony they're  
3 willing to give under oath about how their votes were  
4 stolen and how the machines operated.

5           They were updated the night of the election,  
6 sometimes after the election. We've got statistical  
7 evidence that shows hundreds of thousands of votes being  
8 just put in and replicated.

9           It's going to be -- there needs to be a massive  
10 criminal investigation and it's going to affect millions  
11 of voters and elections.

12           LOU DOBBS: With these allegations, these  
13 charges, is the FBI already carrying out an investigation  
14 of these voting companies and where their servers are  
15 domiciled and in at least two instances -- three  
16 instances, we know they're in foreign countries.

17           Tell us where the Justice Department is in all of  
18 this.

19           SIDNEY POWELL: I wish I knew. I'm not on the  
20 inside, so I'm not privy to that information. I know that  
21 even democratic senators and Congress people for years  
22 have reported problems with this system to the FBI and to  
23 the government and nobody's done a blooming thing about  
24 it.

25           The people in the election security part of the

## Sidney Powell with Lou Dobbs Release the Kraken

1 Department of Homeland Security need to be fired  
2 yesterday. They're absolutely ridiculous.

3 Of course Chris Wray needs to be fired too  
4 because the only FBI interview of any witness was to  
5 intimidate him and try to get him to change his truthful  
6 testimony, for hours, by an anti-Trump FBI agent.

7 They still have politics infecting the FBI,  
8 instead of just following the law.

9 We are on the precipice of -- this is essentially  
10 a new American revolution, and anybody who wants this  
11 country to remain free needs to step up right now.

12 These are federal felonies. Altering a vote or  
13 changing a ballot is a federal felony. People need to  
14 come forward now and get on the right side of this issue  
15 and report the fraud they know existed in Dominion Voting  
16 Systems, because that's what it was created to do. It was  
17 its sole original purpose. It has been used all over the  
18 world to defy the will of people who wanted freedom.

19 LOU DOBBS: Sidney, at the outset of this  
20 broadcast I said that this is the culmination of what has  
21 been a over a four-year effort to overthrow this  
22 president; to first deny his candidacy, the election, but  
23 then to overthrow his presidency. This looks like the  
24 effort to carry out an endgame in the effort against him.

25 Do you concur?

## Sidney Powell with Lou Dobbs Release the Kraken

1           SIDNEY POWELL: Oh, absolutely. And it's been  
2 organized and conducted with the help of Silicon Valley  
3 people, the big tech companies, the social media  
4 companies, and even the media companies, and I'm going to  
5 release the kraken.

6           LOU DOBBS: Well, good, because this is an  
7 extraordinary and such a dangerous moment in our history.

8           I really am very concerned for the country, I am  
9 very concerned for all Americans, and I have a feeling  
10 that most democrats are first Americans, and not  
11 democrats. They have to be at alarmed as any one of us.

12           Sidney, we're glad that you are on the charge to  
13 straighten out all of this. It is a foul mess and it is  
14 far more sinister than any of us could have imagined, even  
15 over the course of the past four years.

16           You get the last word, Sidney.

17           SIDNEY POWELL: It is indeed a very foul mess.

18           It is farther and wider and deeper than we ever  
19 thought, but we are going to go after it and I am going to  
20 expose every one of them.

21           LOU DOBBS: Sidney Powell, thanks for being with  
22 us, and thanks for all that you're doing.

23           (End of recording.)

24

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18 Dated this 18th day of December, 2020.  
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22 TERRI NESTORE, CSR 5614, RPR, CRR  
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# **Exhibit 20**

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TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

RUDY GIULIANI

PETE HEGSETH, Fox News

RACHEL CAMPOS-DUFFY, Fox News

(Unknown Anchor), Fox News

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

File 11 Giuliani Pete Hegseth

1           PETE HEGSETH: Rudy Giuliani, former New York  
2 City mayor, and President Trump's personal attorney.

3           Mr. Mayor, thank you for being with us this  
4 morning. I presume you heard some of what Griff was  
5 talking about --

6           RUDY GIULIANI: I did.

7           PETE HEGSETH: -- out there.

8           He asked that gentleman, what's next.

9           We'll ask the same question of you.

10          In the legal challenge, what's next?

11          RUDY GIULIANI: Well, what's next now is to take  
12 each one of those complaints that were against different  
13 states, to break 'em down into individual complaints and  
14 over the next two days bring them in those states where we  
15 would have standing; namely, in Michigan, Georgia,  
16 Pennsylvania, Nevada, Arizona. Wisconsin, we already have  
17 an ongoing case, so we may or may not supplement it.

18          It's going to be heard today.

19          So basically, we'll take the advice of the  
20 Supreme Court. The Supreme Court says -- I think  
21 incorrectly -- that the state of Texas doesn't have  
22 standing, but certainly the president of the United States  
23 has standing. Certainly the electors like that gentleman  
24 that spoke to you has standing. So we will be bringing  
25 those cases in their names, in the states in which we were

1 cheated.

2 Georgia is probably the most dramatic example of  
3 cheating, because it was done live on tape. You know, I  
4 say that that tape is going to live after this election  
5 like the Zapruder tape with the Kennedy assassination.

6 20 years from now, when they look back on this  
7 election, they're going to show that tape and whatever  
8 happens with the result of this election, they're going  
9 say, oh, my goodness, it really was stolen.

10 Because you can see -- you can see 30,000 votes  
11 being stolen right in front of your eyes and how the  
12 governor of Georgia, the lieutenant governor can ignore  
13 that, is pretty close to a crime. I mean, the people of  
14 Georgia have every right to be outraged.

15 Their state was stolen on television.

16 Now we get to Detroit, and we have a truck that  
17 pulled in at 4:30 in the morning with a hundred thousand  
18 votes, and we have a machine, the Dominion machine, that's  
19 as filled with holes as Swiss cheese and was developed to  
20 steal elections, and being used in the states that are  
21 involved.

22 So there's a lot that's going to come out here  
23 over the next month or so. And you know the shame of it?  
24 If this all comes out six months from now, the way the  
25 Biden thing is now coming out -- you know, six months ago,

1 eight months ago I was being accused of being some kind of  
2 Russian spy, for merely bringing out the fact that the  
3 Biden family has been involved in 30 years of racketeering  
4 activity, which is all proven.

5 I have the videotapes, the documents, the hard  
6 drives, I've got every piece of evidence, and I've got a  
7 mountain full of evidence and nobody would believe me, but  
8 they're going to find out it's true.

9 What you're also going to find out is that this  
10 election was stolen. I hope it's not too late.

11 FOX NEWS ANCHOR: Mr. Mayor, I'd love to ask you  
12 about timing in that evidence that you bring up.

13 First of all on timing, do you have time -- you  
14 said in the next few days you'll be bringing many of these  
15 suits where someone will have standing.

16 Do you have the time to bring these and put  
17 forward the evidence, and what is your strongest piece of  
18 evidence? You bring up that video, but you also mention  
19 the computer. So what is your strongest piece of evidence  
20 you look forward to presenting?

21 RUDY GIULIANI: Well, I think the strongest piece  
22 of evidence are the 1,000 affidavits from all different  
23 witnesses in six different states, that all basically say  
24 the same thing. They go anywhere from one act of voter  
25 fraud to 50,000 acts of voter fraud.

1           Then you have the statistical analysis of the  
2 machines that are done by experts that say they couldn't  
3 possibly have produced that number of ballots in that  
4 period of time. You have the 700,000 ballots in  
5 Pennsylvania, of mail-in ballots that were sent in but  
6 never sent out. In other words, they were made up.

7           You have 60,000 dead people voting in one state,  
8 you have 40,000 dead people voting in another state.

9           You have people who aren't citizens, voting in  
10 Arizona. More than enough citizens that goes way beyond  
11 the margin of victory.

12           I mean, just think about that alone. Biden  
13 supposedly wins Arizona by 10,000 votes? There weren't  
14 10,000 illegals that voted for Biden in Arizona?

15           You'd have to be stupid not to know that, right?  
16 I mean, you'd have to actually be dumb to not know that  
17 Arizona was stolen. The people of Arizona are not dumb  
18 and unfortunately, the media, big tech, the democrats --  
19 even the court -- very ashamed of the court. Very ashamed  
20 of the court not having the discipline to read the papers.

21           Had they read those papers, they couldn't  
22 possibly have not given us a hearing.

23           RACHEL CAMPOS-DUFFY: Well, Mr. Mayor, another  
24 way election interference happened was the fact that the  
25 information that you brought forward, the investigation

1 you had on Hunter Biden, was suppressed. Just right now  
2 we have the New York Times, their headline says: Material  
3 from Giuliani speared a -- spurred a separate Justice  
4 Department pursuit of Hunter Biden.

5 They're right now investigating, the FBI is  
6 investigating, you know, tax evasion, money laundering.

7 There are other crimes on those laptops, right?

8 RUDY GIULIANI: That's the least of it, Rachel.

9 RACHEL CAMPOS-DUFFY: Yeah, yeah.

10 RUDY GIULIANI: He wishes there was tax evasion.

11 He wishes there was tax evasion.

12 RACHEL CAMPOS-DUFFY: Mr. Mayor, do you feel --  
13 do you feel vindicated?

14 RUDY GIULIANI: Of course I do. But I always  
15 felt vindicated. I always knew the truth would come out.

16 I had the evidence. I had the evidence in my  
17 possession. I've been a prosecutor for, you know, on and  
18 off, 50 years of my life. Prosecuted a lot more dangerous  
19 criminals than these morons, and the evidence is  
20 overwhelming. The evidence is not just there, it's  
21 overwhelming. There's a money laundering case that I  
22 could prove in four minutes, of \$14 million involving the  
23 Bidens. There's a partnership of Joe Biden with Chinese  
24 communists as recent as two years ago. Imagine a guy  
25 trying to be president of the United States who was a

1 partner with a Chinese communist? Going to get  
2 \$10 million a year from the Chinese communists, just a few  
3 years ago? How outrageous is that and how crooked is the  
4 media in our country for covering it up?

5           PETE HEGSETH: I mean, you saw that in realtime,  
6 Mr. Mayor, ultimately a story that only the New York Post  
7 was willing to talk about. Is it because --

8           RUDY GIULIANI: Only.

9           PETE HEGSETH: Is it because they knew what was  
10 in there was too explosive, just could not be covered, the  
11 other media organizations?

12           RUDY GIULIANI: You know, that's going to take  
13 quite a book, to figure out why they did that. They put  
14 their hatred of Donald Trump -- which is pathological and  
15 sick -- ahead of even modest love for their country.

16           I mean, how -- how you can ignore this kind of  
17 arrangement between the Bidens and China that's gone back  
18 for about 12 years and involved millions of dollars -- I  
19 mean they've been in and out of businesses with China --  
20 actually, it's about eight years -- numerous businesses,  
21 numerous organized criminals, numerous, numerous spies.

22           How you could avoid that just because you don't  
23 like Donald Trump, has to say something really  
24 pathological about you.

25           FOX NEWS ANCHOR: You have to feel vindicated,

1 Mr. Mayor, and this is a story that should not go away.  
2 There should be some honest questions being asked, and I  
3 know you are at the forefront of that with that computer.

4 But before we run out of time, we have to ask you  
5 about your health. We know you were battling COVID-19.

6 Can you give us an update?

7 RUDY GIULIANI: Well, I was very fortunate. I  
8 got it treated right away. Between my son, Dr. Ryan, my  
9 partner, and the president of the United States and his  
10 doctor, who kept on top of me, they forced me in the  
11 hospital. I got immediate treatment, better in two days,  
12 and I'm a hundred percent right now.

13 I feel great, I feel terrific and I thank God  
14 that those treatments were invented in the last year, and  
15 I feel very fortunate. You know, this illness didn't  
16 exist a year ago, and here I was treated with medicines  
17 that just got invented in the last year, thanks to Donald  
18 Trump and the Warp Speed. Any other president, we'd still  
19 be struggling with what we're going to do about it.

20 PETE HEGSETH: Well, said.

21 Mayor Rudy Giuliani, we're glad you are feeling  
22 well. Thanks for the update. Please do keep us updated  
23 on these legal challenges, which now look like they're  
24 going through the states.

25 RUDY GIULIANI: I will, and you guys are

File 11 Giuliani Pete Hegseth

1 terrific. You guys are terrific. Love you.

2 RACHEL CAMPOS-DUFFY: Merry Christmas, Mr. Mayor.

3 RUDY GIULIANI: Merry Christmas.

4 To your family too, Rachel.

5 (End of recording.)

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C E R T I F I C A T E

I, TERRI NESTORE, Certified Shorthand Reporter/  
Transcriptionist, do hereby certify that I was authorized  
to transcribe the foregoing recorded proceeding, and that  
the transcript is a true and accurate transcription of my  
shorthand notes, to the best of my ability, taken while  
listening to the provided recording.

I further certify that I am not of counsel or  
attorney for either or any of the parties to said  
proceedings, nor in any way interested in the events of  
this cause, and that I am not related to any of the  
parties thereto.

Dated this 13th day of January, 2021.

  
TERRI NESTORE, CSR 5614, RPR, CRR

# **Exhibit 21**



**Maria Bartiromo** ✓  
@MariaBartiromo



Giuliani: Trump is contesting the election 'vigorously' in the courts [ow.ly/B8xq30rk7Gb](https://ow.ly/B8xq30rk7Gb) @FoxNews  
[@SundayFutures](#) || on Parler @mariabartiromotv



Giuliani: Trump is contesting the election 'vigorously' in the...  
President Trump's personal attorney Rudy Giuliani tells 'Sunday Morning Futures' that 'right now our cases are the...'  
[video.foxnews.com](https://video.foxnews.com)

11:13 AM · Nov 15, 2020 · Hootsuite Inc.

**1,947** Retweets   **339** Quote Tweets   **10.2K** Likes





**Maria Bartiromo** ✓  
@MariaBartiromo



Attorney Powell on election legal challenges that remain active in several states [ow.ly/9pz930rk7Nv](https://ow.ly/9pz930rk7Nv)  
[@SundayFutures](#) [@FoxNews](#) [@SidneyPowell1](#)



Attorney Powell on election legal challenges that remain active in...  
Sidney Powell, of President Trump's legal team, tells 'Sunday Morning Futures' that 'the evidence is coming in so fast' she 'can't even proce...  
[video.foxnews.com](https://video.foxnews.com)

11:39 AM · Nov 15, 2020 · Hootsuite Inc.

**2,966** Retweets **805** Quote Tweets **11.8K** Likes





**Maria Bartiromo** ✓

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. [#BreakingNews](#) the show will repeat  
[@FoxBusiness](#) 6pm et today

**BlueSkyReport** @BlueSky\_Report · Nov 15, 2020

Outrageous: Peter Neffenger is on the Board of Smartmatic and is on Biden's transition team. @MariaBartiromo w/@SidneyPowell1 exposing massive Foreign Election Fraud.

[Show this thread](#)



1:58 PM · Nov 15, 2020 · Twitter for iPhone

**2,880** Retweets   **526** Quote Tweets   **8,474** Likes



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FOX NEWS: TRUMP TEAM LEGAL CHALLENGES REMAIN ACTIVE IN  
SEVERAL BATTLEGROUND STATES

NOVEMBER 15, 2020

FILE 26

File 26, Fox News: Trump Team Legal Challenges Remain  
Active in Several Battleground States, available at:  
[https://video.foxnews.com/v/6209933935001#sp=shows-  
clips](https://video.foxnews.com/v/6209933935001#sp=shows-clips)

1           MARIA BARTIROMO: President Trump's legal  
2 team has exactly one month to produce enough evidence  
3 to overturn the 2020 election. With a slew of  
4 lawsuits pending in multiple states, it's a tall task,  
5 but one that Senator Ted Cruz told us on this program  
6 last week is realistic:

7           TED CRUZ: We could easily see -- I believe  
8 President Trump still has a path to victory. And that  
9 path is to count every single legal vote that was  
10 cast, but also not to cast any votes that were  
11 fraudulently cast or illegally cast. And we have a  
12 legal process to determine what's legal and what  
13 isn't.

14           MARIA BARTIROMO: Former New York City Mayor  
15 and President Trump's personal attorney, Rudy  
16 Giuliani, is working to establish how many legal votes  
17 were actually cast. And he joins me right now.

18           Rudy, it's good to see you this morning.  
19 Thanks so much for being here.

20           RUDY GIULIANI: Good morning, Maria.

21           MARIA BARTIROMO: So I want to start off --  
22 I know that you just spoke with President Trump. And  
23 I want to -- I saw you on the phone. But I want to  
24 start off with this tweet that President Trump put out  
25 because it's gone viral on -- online. And a lot of

1 people are saying that he is conceding. And here is  
2 what the president wrote on Twitter: "He won because  
3 the election was rigged. No vote watchers or  
4 observers allowed. Vote tabulated by a radical left  
5 privately owned company, Dominion, with a bad  
6 reputation and bum equipment that couldn't even  
7 qualify for Texas, which I won by a lot. The fake and  
8 silent media and more."

9 Rudy, he says he won. Is the president  
10 right now in this tweet conceding this election?

11 RUDY GIULIANI: No, no, no. Far from it.  
12 What he's -- what he's saying is more -- I guess you'd  
13 call it sarcastic or a comment on the terrible times  
14 in which we live in which the media has said he won.  
15 But by going on to point out that it was illegal,  
16 obviously he's contesting it vigorously in the courts.

17 The media has tried to call the election.  
18 And they -- they don't have a legal right to call the  
19 election. It only -- it gets decided by our electors;  
20 not by NBC, CBS, MSNBC, CNN, and even FOX. You --  
21 you -- you don't get the right to call it. I don't  
22 get the right to call it.

23 So he is contesting it vigorously. As he's  
24 gotten more evidence of the rigging that went on, he's  
25 really outraged. And I am too. I mean, it's way

1 beyond what people think, including a very, very, uh,  
2 dangerous, uh, foreign company that did the votes in  
3 27 states, a company that's not American, a company  
4 that's foreign, a company that has close, close ties  
5 with Venezuela and, therefore, China, and uses  
6 Venezuelan's -- a company software that's been used to  
7 steal elections in other countries.

8 I mean, I don't think people have any idea  
9 of the dimension of the national security problem that  
10 Dominion creates. This Dominion company is a radical  
11 left company. One of the people there is a big  
12 supporter of Antifa and has written horrible things  
13 about the president for the last three or four years.  
14 And the software that they use is done by a company  
15 called Smartmatic. It's a company that was founded by  
16 Chavez and by Chavez's two -- two allies who still  
17 own -- own it. It's been used to cheat in elections  
18 in South America. It was -- it was banned by the  
19 United States several -- about a decade ago. It's  
20 come back now as a subcontractor to other companies  
21 who sort of hides in the weeds.

22 But Dominion sends everything to Smartmatic.  
23 Can you believe it? Our votes are sent overseas.  
24 They're sent to someplace else, some other country.  
25 Why do they leave our country?

1           MARIA BARTIROMO: Yeah.

2           RUDY GIULIANI: And this company has -- and  
3 this company has tried-and-true methods for fixing  
4 elections by calling a halt to the voting when you're  
5 running too far behind. They've done that in prior  
6 elections.

7           Now, what happened on election night? He  
8 was ahead by 800,000 votes in Pennsylvania.  
9 Impossible to catch up unless you're cheating. And  
10 same thing in -- in Michigan, Wisconsin. He was ahead  
11 in all those states by numbers that in prior times --  
12 and I can show this to you -- networks would have  
13 called for him. But they didn't call it for him. I  
14 mean, we were -- we -- we were ahead in those states.  
15 And there was so little to -- to -- like, for example,  
16 800,000 ahead in Pennsylvania, 64 percent of the vote  
17 cast. He was outpolling every projection possible.

18           So right down to the rigged polls before,  
19 this is another attempt to try to defeat him by  
20 illegal means. It's no different than the  
21 impeachment. It's done by largely the same people who  
22 were involved in it. One of the -- the chairman of  
23 Smartmatic is a close business associate of Joe Soros.  
24 I have to tell you more?

25

1           Finally, you want to get down to the votes,  
2   let's just pick Pennsylvania. We have identified  
3   632,000 illegal votes. 632,000. It's enough to have  
4   the president win the state by 300,000, which is,  
5   actually, what he won it by, right? 40- -- if you get  
6   that Smartmatic machine out and you --

7           MARIA BARTIROMO: Yeah.

8           RUDY GIULIANI: -- allow us -- I mean, this  
9   is unprecedented. They're counting mail-in ballots.

10          MARIA BARTIROMO: So --

11          RUDY GIULIANI: And they don't allow any --

12          MARIA BARTIROMO: -- should we --

13          RUDY GIULIANI: -- any republican to  
14   inspect. That is illegal, unlawful, against the law.  
15   I don't know how else to put it. Never happened.  
16   I've done many absentee ballot elections. There's a  
17   republican on one side, a democrat on the other. No,  
18   no, no. The republican was out -- out -- outside  
19   getting pushed around by goons. When they finally get  
20   in, they're 20 feet away and they're told to use  
21   binoculars. Binoculars.

22                 The only way you can tell whether a mail-in  
23   ballot is valid is by examining the outer envelope.  
24   The minute you remove the --

25          MARIA BARTIROMO: Yeah.

1 RUDY GIULIANI: -- outer envelope, it's  
2 gone. You can no longer validate it. And that's why,  
3 under the law of every state, if you don't inspect it,  
4 the law -- the vote is invalid.

5 There are cases, including in Pennsylvania,  
6 that have been overturned for just a few ballots that  
7 were handled that way. We can prove that 632,000  
8 ballots were handled that way, particularly in  
9 Philadelphia. And if you tell me that Philadelphia  
10 doesn't cheat in elections, I will tell you you're  
11 living on Mars. I mean -- and there is a Mars in  
12 Pennsylvania, by the way. But, I mean, the reality  
13 is -- the reality is -- the reality is that I would be  
14 surprised if Philadelphia didn't cheat in this  
15 election.

16 MARIA BARTIROMO: Yeah.

17 RUDY GIULIANI: They've done it in the  
18 last --

19 MARIA BARTIROMO: So --

20 RUDY GIULIANI: -- for the last --

21 MARIA BARTIROMO: So let me --

22 RUDY GIULIANI: -- 60 years. Now we move on  
23 to Detroit.

24 MARIA BARTIROMO: I'm --

25 RUDY GIULIANI: In Detroit --

1           MARIA BARTIROMO:  Yep.

2           RUDY GIULIANI:  -- we have evidence that a  
3 hundred thousand ballots were brought in at 4:30 in  
4 the morning and counted.  And to the extent that our  
5 witnesses -- and there are four of them saw it.  And  
6 one of them is a ex-employee of Dominion.  According  
7 to them, every single ballot was for Biden.  And not  
8 only that, what -- whatever ballots they could see --  
9 because these weren't republicans so they could get  
10 closer.  Every ballot they could see, it just had  
11 Biden's name on it.  Nobody else.  Not even another  
12 democrat.

13                   Now, why does that happen?  It happens  
14 because you know you're behind.  Dominion --

15           MARIA BARTIROMO:  Yeah.

16           RUDY GIULIANI:  -- notifies you.  You call  
17 off the counting.  And then you start doing ballots  
18 like this (indicating with sound).  You can't -- you  
19 can't do the downticket.  That's why you have Biden  
20 and no downticket, because they just had enough time  
21 to get Biden's name in.  We never got a chance to  
22 inspect a single one of those.  Okay.  I got --

23           MARIA BARTIROMO:  Well, will you be able --

24           RUDY GIULIANI:  I got piece out.

25

1           MARIA BARTIROMO: Will you be able -- will  
2 you be able to prove this, Rudy? Look, I want to show  
3 this graphic of the swing states --

4           RUDY GIULIANI: Yeah, I could prove it.

5           MARIA BARTIROMO: -- that were using  
6 Dominion and this -- this software, the Smartmatic  
7 software. I mean, you just said it all. This is a  
8 Smartmatic, a Delaware entity, registered in Boca  
9 Raton, Florida, activities in Caracas, Venezuela. The  
10 voting machines were used -- Dominion voting machines  
11 were used in Arizona, Georgia, Michigan, Nevada,  
12 Pennsylvania and Wisconsin.

13           And I have a graphic showing the -- the  
14 states where they stopped counting, which I thought  
15 was also strange to stop counting in the middle of  
16 election night. One source says that the key point to  
17 understand is that this Smartmatic system has a back  
18 door that allows it to be --

19           RUDY GIULIANI: Yeah.

20           MARIA BARTIROMO: -- or that allows the  
21 votes to be mirrored and monitored, allowing an  
22 intervening party a real-time understanding of how  
23 many votes will be needed to gain an electoral  
24 advantage. Are you saying the states that used that  
25 software did that?

1 RUDY GIULIANI: Well, I know -- I can prove  
2 that they did it in Michigan. I can prove it with  
3 witnesses. We're investigating the rest. In every  
4 one of those states, though, we have more than enough  
5 illegal ballots already documented to overturn the  
6 result in that state. Because not only did they use a  
7 Venezuelan company to count our ballots, which almost  
8 should be illegal per se, number two, they didn't  
9 allow republicans in key places to observe the -- the  
10 mail vote. That makes the mail vote completely  
11 invalid.

12 Now, they didn't do it everywhere. They did  
13 it in big cities where they have corrupt machines that  
14 will protect them, meaning Pennsyl- -- in  
15 Pennsylvania, Philadelphia and Pittsburg; in Detroit.  
16 They -- they didn't have to do it in Chicago and New  
17 York or Boston. They could have. They have corrupt  
18 machines there. They -- they did it absolutely in  
19 Phoenix, Arizona. They did it absolutely in  
20 Milwaukee, Wisconsin. Republicans were shut out from  
21 enough of the count so they could accomplish what  
22 Smartmatic wanted to do. And what you -- and that  
23 pattern that you have there, we have evidence that  
24 that's the same pattern Smartmatic used in other  
25 elections in which they were disqualified. In other

1 words, this is their pattern of -- of activity. And  
2 yes, there is a back door.

3 MARIA BARTIROMO: Right.

4 RUDY GIULIANI: And we actually have proof  
5 of some of the connections to it. Right now our cases  
6 are the most developed in Pennsylvania and in  
7 Michigan. But we already have enough affidavits from  
8 people who were pushed out of being able to observe.  
9 So in each one of the states that he lost narrowly, he  
10 won those states --

11 MARIA BARTIROMO: Yeah.

12 RUDY GIULIANI: -- probably by 2 or 3  
13 percent. I mean, it's --

14 MARIA BARTIROMO: So Rudy --

15 RUDY GIULIANI: -- it's -- it's a  
16 terrible --

17 MARIA BARTIROMO: -- two questions real  
18 quick --

19 RUDY GIULIANI: -- terrible, thing that  
20 happened to --

21 MARIA BARTIROMO: -- before we go. Do you  
22 have the Dominion hardware in your possession? Do  
23 you -- do you need to have that hardware in your  
24 possession to prove it? Can you prove the case  
25 without the hardware or the software?

1 RUDY GIULIANI: We have people that I can't  
2 really disclose that can describe the hardware in  
3 great detail. We have -- some of the people former  
4 government employees, our government employees and  
5 others, that were there at the creation of Smartmatic.  
6 They can describe it.

7 MARIA BARTIROMO: Okay.

8 RUDY GIULIANI: They can draw it. They can  
9 show it. And then we have proof that I --

10 MARIA BARTIROMO: And --

11 RUDY GIULIANI: -- can't disclose yet. But  
12 I'm -- I'm -- I'm confident --

13 MARIA BARTIROMO: And -- and final  
14 question --

15 RUDY GIULIANI: I'm confident that --

16 MARIA BARTIROMO: Yeah.

17 RUDY GIULIANI: Go ahead.

18 MARIA BARTIROMO: Go ahead.

19 RUDY GIULIANI: And this has to be examined,  
20 Maria, beyond this election, which I believe will get  
21 overturned. But beyond this election, this whole  
22 thing has to be investigated as a national security  
23 matter. And -- and the governors who gave contracts  
24 to this company never bothered to do any due  
25 diligence. I mean, I can't imagine you would give a

1 contract to a company if you went one step further and  
2 found out it's really being run by people that are  
3 close to Maduro and Chavez. I can't imagine you would  
4 do that unless you're out of your mind.

5 MARIA BARTIROMO: So you -- you only have a  
6 few weeks, Rudy, because they want to certify the  
7 state elections early December. Do you believe you  
8 will be able to --

9 RUDY GIULIANI: I can't see how you --

10 MARIA BARTIROMO: -- prosecute and be heard  
11 within this time frame?

12 RUDY GIULIANI: Of course. And I can't  
13 imagine how a state legislature can certify based upon  
14 ballots where we had no opportunity to inspect. And  
15 it was done deliberately. I mean, the fact that it  
16 happened in all those states, right, tells you it was  
17 a plan. The -- the -- the crooked democratic leaders  
18 in those 10 or 12 places where we were shut out didn't  
19 all develop that idea by themselves, right? They  
20 didn't have the same dream that night. This is a  
21 plan. This is -- this is maybe the plan Joe Biden was  
22 talking about. He's got the best voter fraud plan in  
23 the -- in the world. Well, he has a really good one,  
24 but lucky we caught it.

25

1           MARIA BARTIROMO: Wow. All right, Rudy.  
2 We're going to be following your investigation. Thank  
3 you very much for breaking all of this news --

4           RUDY GIULIANI: Well, thank you.

5           MARIA BARTIROMO: -- on this program this  
6 morning.

7           RUDY GIULIANI: Thank you. Please, you  
8 may --

9           MARIA BARTIROMO: We'll keep catching up.

10          RUDY GIULIANI: You may be the only one  
11 following it because we're -- we're also enduring a  
12 lot of censorship. A lot. Almost complete, like  
13 we're not in America.

14          MARIA BARTIROMO: Unbelievable. Rudy  
15 Giuliani --

16          RUDY GIULIANI: Yep, it is.

17          MARIA BARTIROMO: -- we'll keep on it.  
18 Promise you that.

19          RUDY GIULIANI: Tragic.

20          MARIA BARTIROMO: Thank you so much, sir.

21          RUDY GIULIANI: Okay.

22          MARIA BARTIROMO: We will see you soon.

23          RUDY GIULIANI: Thank you. Thank you.

24          (End of recording.)

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C E R T I F I C A T E

I, KARI FRILLICI, Certified Shorthand Reporter and Certified Electronic Transcriptionist, do hereby certify that I was authorized to transcribe the foregoing recording, and that the transcript is a true and accurate transcription of the provided audio recording to the best of my ability.

I further certify that I am not of counsel or attorney for either or any of the parties to said proceedings, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated this 21st day of January 2021.  


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KARI FRILLICI, CSR 9030, CET

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FILE NAME:

Fox News Attorney Powell on election legal challenges that  
remain active in several states

(11:50 min)

TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

SIDNEY POWELL

MARIA BARTIROMO

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

1           MARIA BARTIROMO: According to public records,  
2 Dominion voting machines are used in 2000 jurisdictions in  
3 30 states. According to experts, if one site has a flaw,  
4 other sites are likely to as well, which is why Texas  
5 rejected using Dominion software three times, raising  
6 concerns that the system was not safe from fraudulent or  
7 unauthorized manipulation. That's troubling, given we  
8 already know that at least two software glitches in  
9 Georgia and Michigan occurred on election night.

10           Attorney Sidney Powell is leading the charge  
11 against Dominion and she says she has enough evidence of  
12 fraud to launch a massive criminal investigation.

13           Sidney, thanks very much for being here.

14           We appreciate your time this morning.

15           I want to get right into it. We just heard about  
16 the software made by Smartmatic from Rudy, and I want to  
17 get your take on what you and I spoke about just a few  
18 minutes ago, and that is a gentleman named Peter  
19 Neffenger. Tell me how he fits into all of this.

20           SIDNEY POWELL: Yes. Well, he's listed as --  
21 it's former Admiral Peter Neffenger or Retired Admiral  
22 Peter Neffenger. He is president and on the board of  
23 directors of Smartmatic, and it just so happens he's on  
24 Mr. Biden's presidential transition team that's going to  
25 be nonexistent because we're fixing to overturn the

1 results of the election in multiple states, and President  
2 Trump won by not just hundreds of thousands of votes, but  
3 by millions of votes that were shifted by this software  
4 that was designed expressly for that purpose.

5 We have sworn witness testimony of why the  
6 software was designed. It was designed to rig elections.  
7 He was fully briefed on it, he saw it happen in other  
8 countries. It was exported internationally for profit by  
9 the people that are behind Smartmatic and Dominion.

10 They did this on purpose. It was calculated.  
11 They've done it before. We have evidence from 2016 in  
12 California. We have so much evidence, I feel like it's  
13 coming in through a fire hose.

14 MARIA BARTIROMO: Wow. So Sidney, you feel that  
15 you will be able to prove this. Do you have the software  
16 in your possession, do you have the hardware in your  
17 possession? How will you prove this, Sidney?

18 SIDNEY POWELL: Well, I've got lots of ways to  
19 prove it, Maria, but I'm not going to tell, on national  
20 TV, what all we have. I just can't do that.

21 MARIA BARTIROMO: Okay, but you have a very small  
22 time frame here. The elections are supposed to be  
23 certified in early December. Do you believe that you can  
24 present this to the courts and be successful, within this  
25 just couple of weeks?

1 SIDNEY POWELL: Well, let me put it this way:  
2 First of all, I never say anything I can't prove.  
3 Secondly, the evidence is coming in so fast, I  
4 can't even process it all. Millions of Americans have  
5 written, I would say, by now. Definitely hundreds of  
6 thousands have stepped forward with their different  
7 experiences of voter fraud.

8 But this is a massive election fraud and I'm very  
9 concerned it involved not only Dominion and its Smartmatic  
10 software, but that the software essentially was used by  
11 other election machines also.

12 It's the software that was the problem.

13 Even their own manual explains how votes can be  
14 wiped away. They can put -- it's like drag and drop Trump  
15 votes to a separate folder and then delete that folder.

16 It's absolutely brazen, how people bought this  
17 system and why they bought this system. In fact, every  
18 state that bought Dominion, for sure should have a  
19 criminal investigation or at least a serious investigation  
20 of the officers in the states who bought the software.  
21 We've even got evidence of some kickbacks, essentially.

22 MARIA BARTIROMO: Kickbacks. I want to take a  
23 short break and come back on that.

24 Welcome back. We are back with attorney Sidney  
25 Powell, who's part of President Trump's legal team.

1           Sidney, before we went to the break, we talked  
2 about -- you said that there may have been kickbacks to  
3 some people who accepted the Dominion software.

4           Tell me what you mean.

5           SIDNEY POWELL: Well, I mean we are collecting  
6 evidence now from various whistleblowers that are aware of  
7 substantial sums of money being given to family members of  
8 State officials who bought this software. I mean we're  
9 talking about hundred million dollar packages for new  
10 voting machines suddenly in multiple states, and benefits  
11 ranging from financial benefits for family members to sort  
12 of what I would call election insurance because they know  
13 that they can win the election if they are using that  
14 software.

15           It's really an insidious, corrupt system and I  
16 can't tell you how livid I am with our government for not  
17 paying attention to complaints even brought by democrats;  
18 Carolyn Maloney, Elizabeth Warren, Amy Klobuchar over the  
19 last several years, in written letters, with expert  
20 reports and some documentation of how corrupt this  
21 software is, and nobody in our government has paid any  
22 attention to it? Which makes me wonder how much the CIA  
23 has used it for its own benefit in different places, and  
24 why Gina Haspel is still there in the CIA is beyond my  
25 comprehension. She should be fired immediately.

1           MARIA BARTIROMO: Which governor or which  
2 government official accepted hundreds of millions of  
3 dollars in benefits for their family as they took on this  
4 software?

5           SIDNEY POWELL: If I said hundreds of millions of  
6 dollars there, I misspoke. I don't know the exact amount  
7 of money yet. We are still collecting the evidence on  
8 that, but it's more than one.

9           MARIA BARTIROMO: Okay. So you can't say who you  
10 believe took kickbacks. What is the CIA's role? Why do  
11 you think Gina Haspel should be fired immediately?

12           You're saying that the CIA is behind the Dominion  
13 or Smartmatic voting software as well?

14           SIDNEY POWELL: Well, the CIA and the FBI and  
15 other government organizations have received multiple  
16 reports of wrongdoing and failures and vulnerabilities in  
17 this company's product. Their own manual, if you sat down  
18 and read it, would explain how and why no honest person  
19 would use this system. And it's not just Dominion.

20           There are other companies in the voting machine  
21 business in this country too that may very well, and are  
22 likely using the same software. We've detected voting  
23 irregularities that are inexplicable and align with these  
24 problems in other states that think they have valid  
25 systems, but the people who bought the Dominion system for

1 sure knew exactly what they were getting. It should never  
2 have been installed anywhere, and we are going to show the  
3 public exactly how rotten the entire state is.

4           MARIA BARTIROMO: Now, I have spoken with a few  
5 whistleblowers myself this weekend and one source, who is  
6 an IT specialist, told me that he knows the software and  
7 specifically advised people in Texas, officials in Texas,  
8 not to use it, and yet he was overruled.

9           He said that there was an unusual patch that was  
10 put into the software while it was live, and it's highly  
11 unusual to put a patch in there.

12           Is that what you're referring to? Tell me how  
13 it's done and how these backdoors work.

14           SIDNEY POWELL: Okay, that's part of it.

15           They can stick a thumb drive in the machine or  
16 upload software to it, even from the internet. They can  
17 do it from Germany or Venezuela even. They can remote  
18 access anything. They can watch votes in realtime. They  
19 can shift votes in realtime.

20           We've identified mathematically the exact  
21 algorithm they used and planned to use from the beginning  
22 to modify the votes in this case to make sure Biden won.  
23 That's why he said he didn't need your votes now. He  
24 would need you later. He was right. I mean, in his  
25 demented state, he had no filter and he was speaking the

1 truth more than once, including when he said he had the  
2 largest voter fraud organization ever. Well, it's massive  
3 election fraud. It's going to undue the entire election.

4 And they can do anything they want with the  
5 votes. They can have the machines not read the signature,  
6 they can have the machines not read the down ballot, they  
7 can make the machines read and catalog only the Biden  
8 votes. It's like drag and drop whatever you want,  
9 wherever you want, upload votes.

10 MARIA BARTIROMO: Yeah.

11 SIDNEY POWELL: In fact, we've got math in  
12 Michigan and Pennsylvania, I think it is, that all of a  
13 sudden hundreds of thousands of votes, at a 67 percent  
14 ratio for Biden, 23 percent for Trump --

15 MARIA BARTIROMO: Yep.

16 SIDNEY POWELL: -- were uploaded multiple times  
17 into the system.

18 MARIA BARTIROMO: And Sidney, you say you have an  
19 affidavit from someone who knows how the system works and  
20 was there with the planning of it.

21 You believe you can prove this in court?

22 SIDNEY POWELL: Oh, yes. We have a sworn --  
23 essentially a sworn statement from a witness who knew  
24 exactly how it worked from the beginning, why it was  
25 designed to work that way and saw, when things started

1 shutting down and they stopped counting the votes here,  
2 that was the same play that had worked in other countries.

3 MARIA BARTIROMO: Wow. This is explosive and we  
4 certainly will continue to follow it.

5 Sidney, thank you so much for your work. We will  
6 be catching up with you soon. Thank you so much.

7 (End of recording.)

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C E R T I F I C A T E

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shorthand notes, to the best of my ability, taken while  
listening to the provided recording.

I further certify that I am not of counsel or  
attorney for either or any of the parties to said  
proceedings, nor in any way interested in the events of  
this cause, and that I am not related to any of the  
parties thereto.

Dated this 17th day of December, 2020.

  
TERRI NESTORE, CSR 5614, RPR, CRR

# **Exhibit 22**



**Lou Dobbs** ✓  
@LouDobbs



Foreign Election Involvement: @RudyGiuliani says votes in 28 states were sent to Germany and Spain to be counted by Smartmatic #MAGA #AmericaFirst #Dobbs



⚠️ This claim about election fraud is disputed

5:35 PM · Nov 18, 2020 · Twitter Media Studio

**8,489** Retweets **1,484** Quote Tweets **21.6K** Likes



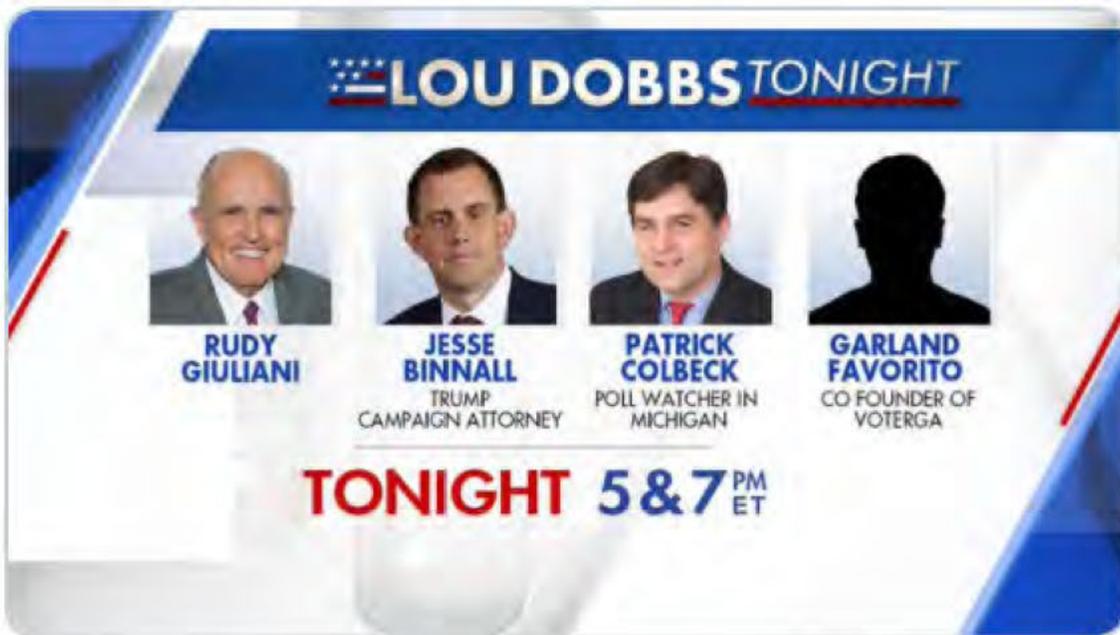


**Lou Dobbs** ✓

@LouDobbs



Trump Momentum: Join Lou at 5 & 7 PM/ET as [@RealDonaldTrump](#) scores a victory in Pennsylvania & the momentum starts to shift in the President's favor [@RudyGiuliani](#) [@JBinnall](#) [@PJColbeck](#) [@VoterGA](#) #MAGA #AmericaFirst #Dobbs



4:45 PM · Nov 18, 2020 · Twitter Web App

524 Retweets 51 Quote Tweets 2,464 Likes





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### RUDY GIULIANI

Foreign Election Involvement: Rudy Giuliani says votes in 28 states were sent to Germa... See More



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TRANSCRIPT OF VIDEO-RECORDED INTERVIEW

RUDY GIULIANI

LOU DOBBS

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

File 4 Rudy Giuliani Lou Dobbs

1           LOU DOBBS: Our first guest tonight has been  
2 fighting for a free and fair election in Pennsylvania and  
3 indeed, around the country. He was in a courtroom in  
4 Williamsport, Pennsylvania, about an hour north of  
5 Harrisburg yesterday, and joining us this evening is Rudy  
6 Giuliani, the president's attorney, former mayor of New  
7 York City, federal prosecutor and now leading the fight  
8 for a free and fair election.

9           Rudy, great to have you with us.

10          Let's start with you.

11          RUDY GIULIANI: Good to be with you.

12          LOU DOBBS: Where are you now?

13          Where is the campaign in Pennsylvania?

14          RUDY GIULIANI: Well, I'm in Washington now.

15          The campaign in Pennsylvania, the judge is  
16 considering all the papers that he's been given, so he'll  
17 take a few days to decide on what the next step is.

18          Today we had -- we had some significant  
19 victories. We had a significant victory yesterday in  
20 Nevada, where a five count -- a five member county Board  
21 of Elections in Clark County, which covers Las Vegas,  
22 decertified as the winner a democrat, replaced with a  
23 republican, based on irregularities.

24          So those are the same irregularities that we  
25 have, except only maybe one-fifth of them because he only

1 was running in about one-fifth of the district, and  
2 irregularities there have to do with the signatures being  
3 improperly identified. Many, many signatures that were  
4 improperly identified, to the point that it would easily,  
5 if the same criteria is applied to the Trump campaign as  
6 the five democrats applied to that campaign, it would  
7 pretty easily overturn the election.

8           LOU DOBBS: Well, in Pennsylvania you also had  
9 another positive development as well, in which -- what was  
10 it? About 8,000 illegal ballots, you want to toss them  
11 out. The Supreme Court is going to hear that case.

12           That's very positive.

13           The issue also of observers in Pennsylvania, the  
14 suggestion that observers don't have to watch, they just  
15 simply have to be present. That seemed to be the  
16 conclusion of the court.

17           What was -- is that -- was that your takeaway?

18           RUDY GIULIANI: Lou, of all the political  
19 decisions and the kind of awful things judges have to do  
20 when they act like political hacks, this may be the worst.

21           The law of Pennsylvania says that when you're  
22 counting these ballots, you must have both republicans and  
23 democrats present.

24           So when we were thrown out en masse, we went to  
25 court and the first judge, a democrat appointed in

File 4 Rudy Giuliani Lou Dobbs

1 Philadelphia, said, well, you're present, you don't have  
2 to see. Well, of course that's ridiculous. What's the  
3 point of being there? We're not there for fun. We're not  
4 there to, you know, play video games.

5 So then it went up on appeal and to her credit or  
6 their credit, that panel -- which is also democratic --  
7 said, well, present has to have meaning. They have to be  
8 able to see, observe, like in all the other 49 states.

9 And finally we went to the Supreme Court, and the  
10 people court, 5 to 2, voted that all they have to do is  
11 let you in the room -- and you could be a thousand feet  
12 away, it doesn't matter, as long as you're in the same  
13 room.

14 LOU DOBBS: Which was quite a different  
15 decision --

16 RUDY GIULIANI: -- making the statue and the law  
17 absurd, ridiculous, irrational, stupid, dumb.

18 And Pennsylvania is now the only state in the  
19 country -- and in fact, even contrary to the law of  
20 Tanzania, doesn't allow inspection of mail-in ballots.

21 So this is a ridiculous decision. I want you to  
22 guess, Lou, if it was 5 to 2, how many were democrats and  
23 how many were republicans. Just guess.

24 LOU DOBBS: Unfortunately, that has been the  
25 pattern we've seen in court after court.

File 4 Rudy Giuliani Lou Dobbs

1 RUDY GIULIANI: It's terrible.

2 LOU DOBBS: And it also has made --

3 RUDY GIULIANI: It's terrible.

4 LOU DOBBS: It's made a laughing stock out of the  
5 chief justice of the U.S. Supreme Court, who said there's  
6 no such thing as a Bush justice and a Obama justice.

7 RUDY GIULIANI: Oh, please, you've got to be --

8 LOU DOBBS: Exactly. I know.

9 The American people are getting a little tired of  
10 being treated like slow-witted children. It's  
11 nonsensical, it's an insult and indeed, this whole fraud  
12 is an insult against this country.

13 I want to share with the audience one of the  
14 affidavits that has been given to us by an unidentified  
15 whistleblower and it pertains to Dominion, a whistleblower  
16 who also saw what happened --

17 RUDY GIULIANI: Ah, Dominion.

18 LOU DOBBS: -- in Venezuela, and the very similar  
19 events that took place in the United States on  
20 November 3rd. If we could put this up, please, to share  
21 with the audience, because it is indeed alarming.

22 The whistleblower says this, if we ever get it  
23 up: I am alarmed because of what is occurring in plain  
24 sight during this 2020 election for president of the  
25 United States. The circumstances and events are eerily

1 reminiscent of what happened with Smartmatic software  
2 electronically changing votes in the 2013 presidential  
3 election in Venezuela. What happened in the United States  
4 was that the vote counting was abruptly stopped in five  
5 states using Dominion software. At the time that vote  
6 counting was stopped, Donald Trump was significantly ahead  
7 in the votes. Then during the wee hours of the morning  
8 when there was no voting occurring and the vote count  
9 reporting was offline, something significantly changed.  
10 When the vote reporting resumed the very next morning,  
11 there was a very pronounced change in voting in favor of  
12 the opposing candidate, Joe Biden.

13           That from a whistleblower who was present both in  
14 Venezuela in 2013 and in this country as we were counting  
15 votes overnight on November 3rd. Your thoughts.

16           RUDY GIULIANI: Well, Lou, I don't know if people  
17 can appreciate this but I think when they do, they're  
18 going to be outraged. Our votes in 27, 28 states that are  
19 counted by Dominion and calculated and analyzed, they're  
20 sent outside the United States and they're not sent to  
21 Canada, they're sent to Germany and Spain, and the company  
22 counting it is not Dominion, it's Smartmatic, which is a  
23 company that was founded in 2005 in Venezuela for the  
24 specific purpose of fixing elections.

25           That's their expertise, how to fix elections.

1           They did it a number of times in Venezuela, they  
2 did it in Argentina, and they messed up an election to a  
3 fare-thee-well in Chicago, and there's a whole  
4 Congressional record that you can go look at about what a  
5 terrible company this is.

6           Well, that's the company that was counting and  
7 calculating on election night. And they did all their old  
8 tricks. They stopped it, they also switched votes around  
9 suddenly, maybe ten per district, so you don't notice it.  
10 They got caught in Antrim County, which is how we found  
11 out about them. And we are in the process now of  
12 investigating this in great, great detail.

13           But I mean just the mere fact that we have a  
14 foreign country, we had this in a foreign country, done by  
15 friends of an enemy of the United States, Maduro, is  
16 outrageous and has to stop immediately.

17           LOU DOBBS: It's outrageous and -- it's all the  
18 more outrageous because Dominion and Smartmatic were  
19 denied use in the state of Texas, which called them out  
20 for what they are. They have a clear record.

21           Democratic senators sending letters in 2019,  
22 joining with republicans now in decrying --

23           RUDY GIULIANI: Right.

24           LOU DOBBS: -- the reliability and the ability of  
25 that system to avoid manipulation and fraud, without any

File 4 Rudy Giuliani Lou Dobbs

1 one of these Secretaries of State in various states  
2 responding --

3 RUDY GIULIANI: Absolutely.

4 LOU DOBBS: -- and shutting them down.

5 RUDY GIULIANI: Well, Lou, the amazing thing is,  
6 Carolyn Maloney, Congresswoman from Manhattan --

7 LOU DOBBS: Right, New York.

8 RUDY GIULIANI: -- wrote a letter in 2006, 2007,  
9 explaining everything I just said. We shouldn't be using  
10 this company that was founded by Chavez, to call votes in  
11 America because their specialty in Venezuela is cheating.

12 Apparently the governors signed them up and never  
13 bothered to do any due diligence of any kind.

14 Also the company, Dominion, is a far left radical  
15 company. Some of their people have written and tweeted  
16 the worst things about Trump and republicans you can  
17 possibly imagine. They've since taken it down, but we  
18 have it. So we've got a very radical far left company  
19 with an -- with some of their high-level people supporters  
20 of Antifa. Can you believe that?

21 And they're using a Venezuelan company as the  
22 vote counter which is known for changing votes and also  
23 known to have the most insecure computers in this  
24 business.

25 LOU DOBBS: Rudy.

File 4 Rudy Giuliani Lou Dobbs

1 RUDY GIULIANI: I think you'd only pick them --

2 LOU DOBBS: Rudy.

3 RUDY GIULIANI: -- because you want to cheat.

4 LOU DOBBS: We're going to have to wrap here.

5 You get the last quick word here.

6 RUDY GIULIANI: I was going to say, you know, the  
7 conclusion you have to come to is you either picked them  
8 because you're grossly negligent, or you don't mind if  
9 you're cheating. And they're only going to cheat in one  
10 direction. After all, the chairman of Smartmatic is very,  
11 very close to none other than Mr. Soros.

12 So how do you think they're going to cheat?  
13 They're going to cheat democratic, they're going to cheat  
14 left wing and they're going to cheat radical. That's who  
15 they are, left wing radicals.

16 LOU DOBBS: Rudy Giuliani, we thank you very  
17 much. Rudy Giuliani, attorney for the president, and  
18 picking up some favorable wind at his back, legally, over  
19 the last 24 hours. Thanks for being with us, Rudy.

20 (End of recording.)

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to transcribe the foregoing recorded proceeding, and that  
the transcript is a true and accurate transcription of my  
shorthand notes, to the best of my ability, taken while  
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I further certify that I am not of counsel or  
attorney for either or any of the parties to said  
proceedings, nor in any way interested in the events of  
this cause, and that I am not related to any of the  
parties thereto.

Dated this 12th day of January, 2021.

  
TERRI NESTORE, CSR 5614, RPR, CRR

# **Exhibit 23**



CLARE LOCKE  
L L P

THOMAS A. CLARE, P.C.

MEGAN L. MEIER

December 22, 2020

*Via Email*

Lily Fu Claffee  
General Counsel  
Fox News  
[Lily.Claffee@foxnews.com](mailto:Lily.Claffee@foxnews.com)

***Re: False Accusations About Dominion***

Dear Lily:

We hope you are staying healthy and safe.

As you may know from recent reporting, a few days ago, we sent a retraction demand letter to Sidney Powell on behalf of US Dominion Inc.<sup>1</sup> (See Ex. 1.) In trying to fight the “Kraken” of disinformation and death threats that Ms. Powell has unleashed on Dominion’s employees (and now us personally), we write because Fox News and Fox Business have previously allowed Ms. Powell on their programs and credited and repeated the outlandish falsehoods she and her allies are peddling. We won’t belabor the points in Dominion’s November 20 retraction demand letter (Ex. 2), but we look forward to your response in light of the additional information set forth in our letter to Ms. Powell and below.

In the days and weeks after the November 2020 election, Fox News accurately reported the that “[t]here is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.” And much to his credit, on November 19, Tucker Carlson called Ms. Powell to task for failing to produce any evidence. Despite Tucker Carlson’s invitation to Ms. Powell to appear on his show and present her evidence, “she never sent [] any evidence, despite a lot of requests . . . not a page.” He also stated that when he and his staff kept pressing for Ms. Powell to present evidence, “she got angry with us and told us to stop contacting her . . . so we checked with others around the Trump campaign, people in positions of authority; they told us Powell has never given them any evidence either, nor did she provide any today at the press conference.” He concluded that Ms. Powell “never demonstrated that a single actual vote moved illegitimately by software from one candidate to another. Not one.”<sup>2</sup> The same thing happened when Ms. Powell appeared on

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<sup>1</sup> We also represent and write on behalf of its subsidiaries, Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation (collectively, “Dominion”).

<sup>2</sup> Tucker Carlson SLAMS Sidney Powell for not Providing Evidence Election was Taken From Trump, YouTube (Nov. 19, 2020), available at, <https://www.youtube.com/watch?v=57l56l47xhk&t=2s>; Allison Durkee, Dominion Demands Sidney Powell Retract ‘Knowingly Baseless’ Voting Machine Conspiracy Theory, Forbes (Dec. 17, 2020), available at,

Lou Dobbs's program on December 10. At the end of that segment, Mr. Dobbs asked Ms. Powell how much time she needed "to get [her] evidence" about Dominion's purported election to his viewers. Ms. Powell responded by promising to "get you some more information that's just stunning tonight." But she failed to honor her commitment and she never produced a shred of evidence to substantiate any of her claims. Unlike his colleague Mr. Carlson, Lou Dobbs failed to mention to his viewers that Ms. Powell never came forward with evidence, instead opting to double down on Ms. Powell's lies with reckless disregard for the truth.

As detailed in our letter to her, Ms. Powell is a proven liar. She lied to Fox's viewers when she claimed to have a Dominion employee "on tape" admitting that he rigged the election for Biden.<sup>3</sup> She has also lied about having video of Dominion's founder saying he could change a million votes, no problem at all. If such recordings actually existed, they would have already gone viral. Ms. Powell also actively misrepresented and manufactured purported "evidence." All of her election cases have been dismissed. Far from proving that Dominion rigged the election by using its machines to manipulate votes as part of a decades-long international conspiracy among Hugo Chavez, Republican state officials in Georgia, and thousands of bipartisan local election volunteers across the United States, she has proven that she is an unreliable source.

Courts have long held that using unreliable sources like Ms. Powell and purposefully avoiding readily available sources are evidence of a reckless disregard for the truth that expose the publisher of such information to substantial legal risk for defamation. See *Jankovic v. Int'l Crisis Grp.*, 822 F.3d 576, 590 (D.C. Cir. 2016) (using an unreliable source when the journalist is aware of the source's unreliability can prove actual malice); *Celle v. Filipino Reporter Enter., Inc.*, 209 F.3d 163, 190 (2d. Cir. 2000) (same); *Harte-Hanks Commc'ns, Inc. v. Connaughton*, 491 U.S. 657, 692 (1989) (purposeful avoidance of the truth can support a finding of actual malice).<sup>4</sup>

So that there is no doubt at a future date about what was known to Fox News, Fox Business, and their journalists as of today, here are some key facts that bear on the credibility of certain individuals who have echoed Ms. Powell's false claims about Dominion:

- **Rudy Giuliani**. Mr. Giuliani's assertions about Dominion are based on what Sidney Powell told him. Enough said.
- **Mellissa Carone**. Mr. Giuliani's supposed star witness, who gained international notoriety because Mr. Giuliani had to "shush" her for leveling unhinged accusations at Republican officials in Michigan whose only offense was asking her follow-up questions about her dubious claims. A judge determined that her accusations were "simply not

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<https://www.forbes.com/sites/alisondurkee/2020/12/17/dominion-demands-sidney-powell-retract-knowingly-baseless-voting-machine-conspiracy-theory/?sh=372ce4de3db0>.

<sup>3</sup> Mornings with Maria Bartiromo, Fox Business (Nov. 20, 2020), available at, <https://www.mediaite.com/news/foxs-maria-bartiromo-challenges-trump-lawyer-sidney-powell-to-provide-evidence-of-wild-commie-conspiracy-heres-how-that-went/>.

<sup>4</sup> Perhaps even more relevant here, the Supreme Court has held that publishing an inherently improbable claim, itself, is evidence of actual malice. *St. Amant v. Thompson*, 390 U.S. 727, 731 (1968) (inherent improbability of assertions may support a finding of actual malice).

credible.”<sup>5</sup> Ms. Carone was recently charged with computer crimes and she provided false information to law enforcement officers before accepting a guilty plea.



- **Michael Flynn**. Fox News and Jeanine Pirro have previously provided a platform for Michael Flynn to push false accusations about Dominion and election fraud. His lack of credibility is a matter of public record, given his recent guilty plea for “willfully and knowingly making materially false statements and omissions to the Federal Bureau of Investigation (“FBI”), in violation of 18 U.S.C. § 1001(a)(2).”<sup>6</sup>
- **Purported “Experts” Put Forward by Sidney Powell**. After Ms. Powell submitted the declarations of so-called “experts” in her “Kraken” litigation in Arizona, the federal judge observed that the attachments to Ms. Powell’s complaint were “only impressive for their volume” and included “expert reports” that “reach implausible conclusions, often because they are derived from *wholly unreliable sources*.” Order at 24-25, *Bowyer v. Ducey*, No. 2-20-cv-02321 (D. Ariz. Dec. 9, 2020) [Dkt. 84] (Ex. 3). Ms. Powell’s sources in that litigation included Harri Hursti, Alex Halderman, William Briggs, Russell Ramsland, and Josh Merritt aka “Spyder.”
- **Josh Merritt aka “Spyder.”** Josh Merritt, a top-secret witness code-named “Spyder” by Sidney Powell, knowingly signed, under penalty of perjury, an admittedly “misleading” declaration claiming he was a “military intelligence expert” even though he has never worked in military intelligence and even though a spokesperson for the U.S. Army Intelligence Center of Excellence says he “kept washing out” of courses.<sup>7</sup>
- **Russell Ramsland**. Russell Ramsland is a failed Republican congressional candidate and conspiracy theorist who claimed, among other facially ludicrous and implausible accusations, that George Soros helped form the “Deep State” in Nazi Germany in the

<sup>5</sup> See Op. & Order at 7, *Constantino v. City of Detroit*, No. 20-014780 (Mich. 3d Jud. Dist. Ct. Nov. 13, 2020).

<sup>6</sup> *United States v. Flynn*, 411 F. Supp. 3d 15, 21 (D.D.C. 2019); see Judson Berger, *Michael Flynn pleads guilty to false statements charge in Russia probe*, Fox News (Dec. 1, 2017), available at, <https://www.foxnews.com/politics/michael-flynn-pleads-guilty-to-false-statements-charge-in-russia-probe>.

<sup>7</sup> Emma Brown, Aaron C. Davis & Alice Crites, *Sidney Powell’s secret ‘military intelligence expert,’ key to fraud claims in election lawsuits, never worked in military intelligence*, Washington Post (Dec. 11, 2020), available at, [https://www.washingtonpost.com/investigations/sidney-powell-spyder-spyder-witness/2020/12/11/0cd567e6-3b2a-11eb-98c4-25dc9f4987e8\\_story.html](https://www.washingtonpost.com/investigations/sidney-powell-spyder-spyder-witness/2020/12/11/0cd567e6-3b2a-11eb-98c4-25dc9f4987e8_story.html).

1930s—along with President George H.W. Bush’s father, the Muslim Brotherhood, and “leftists.”<sup>8</sup> (Mr. Soros was born in 1930.) A Delaware judge determined that Mr. Ramsland provided “materially false information” in support of his claims of vote manipulation.<sup>9</sup> He referenced and cited locations in Minnesota when alleging voter fraud in Michigan.<sup>10</sup> The election officials in Antrim County, Michigan determined that his report was “riddled with false and unsupported claims, baseless attacks, and incorrect use of technical terms.”<sup>11</sup> Similarly, the former acting director of the Election Assistance Commission’s Voting System Testing and Certification program—who is actually an expert in election voting systems—said that Mr. Ramsland’s report showed a “grave misunderstanding” of Antrim County’s voting system and “a lack of knowledge of election technology and process.”<sup>12</sup> Conclusively debunking Mr. Ramsland’s report, a hand recount of paper ballots in Antrim County confirmed that “Dominion’s voting machines accurately tabulated the votes cast for president in Antrim County.”<sup>13</sup>

- **William Briggs and Matt Braynard.** William Briggs’s claims are based on a list—compiled by Matt Braynard—of allegedly ineligible Georgia voters who supposedly voted illegally. A federal judge rejected Mr. Briggs’s analysis and Mr. Braynard’s list—which included voters who were eligible to vote—because of its “sheer unreliability.”<sup>14</sup>
- **Navid Keshavarz-Nia.** Navid Keshavarz-Nia’s claims about the 2020 election were described by then-CISA director and Trump-appointed Chris Krebs as “nonsense.”<sup>15</sup> And Mr. Keshavarz-Nia declared, under penalty of perjury, that there was a pattern of improbable vote reporting in “Edison County, Michigan”—a county that does not exist in the state of Michigan.

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<sup>8</sup> John Savage, *Texas Tea Partiers Are Freaking Out Over ‘Deep State’ Conspiracy Theories*, Vice (Sept. 30, 2018), available at, <https://www.vice.com/en/article/mbwgxx/texas-tea-partiers-are-freaking-out-over-deep-state-conspiracy-theories>.

<sup>9</sup> Rule to Show Cause, *Page v. Oath Inc.*, No. S20C-07-030 (Del. Super. Ct. Dec. 18, 2020).

<sup>10</sup> Clara Hendrickson, *Affidavit in Michigan lawsuit seeking to overturn election makes wildly inaccurate claims about vote*, PolitiFact (Dec. 4, 2020), available at, <https://www.politifact.com/factchecks/2020/dec/04/russell-james-ramsland-jr/affidavit-michigan-lawsuit-seeking-overturn-electi/>.

<sup>11</sup> See *Report spreads debunked claims about Dominion machines in Michigan county*, AP News (Dec. 15 2020), available at, <https://apnews.com/article/fact-checking-afs:Content:9847904839>.

<sup>12</sup> See Todd Spangler, *Former election security chief for Trump knocks down Antrim County report*, The Detroit Free Press (Dec. 16, 2020), available at, <https://www.freep.com/story/news/politics/elections/2020/12/16/antrim-county-report-debunked-by-former-trump-election-official/3923499001/>.

<sup>13</sup> See *Trump still wins small Michigan county after hand recount*, AP News (Dec. 18, 2020), available at, <https://apnews.com/article/election-2020-joe-biden-donald-trump-michigan-elections-07e52e643d682c8033a0f26b0d863387>.

<sup>14</sup> Order at 26, *Bowyer v. Ducey*, No. 2-20-cv-02321 (D. Ariz. Dec. 9, 2020) [Dkt. 84] (Ex. 3); Michelle Ye Hee Lee, *Here’s what happened when a Georgia lawmaker scrutinized the Trump campaign’s list of allegedly illegal votes*, Washington Post (Dec. 10, 2020), available at, [https://www.washingtonpost.com/politics/heres-what-happened-when-a-georgia-lawmaker-scrutinized-the-trump-campaigns-list-of-allegedly-illegal-votes/2020/12/10/1400d628-3b06-11eb-bc68-96af0daae728\\_story.html](https://www.washingtonpost.com/politics/heres-what-happened-when-a-georgia-lawmaker-scrutinized-the-trump-campaigns-list-of-allegedly-illegal-votes/2020/12/10/1400d628-3b06-11eb-bc68-96af0daae728_story.html).

<sup>15</sup> Zach Montellaro and Kyle Cheney, *Pro-Trump legal crusade peppered with bizarre blunders*, Politico (Dec. 3, 2020), available at, <https://www.politico.com/news/2020/12/03/sidney-powell-trump-election-lawsuit-442472>.

- **Ana Mercedes Diaz Cardozo and Sidney Powell’s Anonymous Venezuelan Source Claiming to Have Been Selected for the “National Security Guard Detail of the President of Venezuela.”** Above and beyond the fact that Ms. Powell’s anonymous Venezuelan witness refuses to publicly stand by his wild accusations of a decade-old international conspiracy, his explanation for why he purportedly came forward is nearly verbatim to the explanation in the declaration signed by Ana Mercedes Diaz Cardozo.<sup>16</sup>
- **Ronald Watkins.** Mr. Watkins is the 33-year-old former administrator of 8chan (now 8kun) and son of Jim Watkins, who is widely considered to be the “Q” of QAnon<sup>17</sup>—whose proponents believe that Trump is battling a cabal of Satanic pedophiles.
- **Joe Oltmann.** Joe Oltmann is a Twitter-banned “political activist” who lives in Colorado where, as you know, it is perfectly legal to record your phone calls without the knowledge of the other people on the line. He would have people believe that he went to the trouble of “infiltrating Antifa” but didn’t bother to record his “conference call” with them, instead electing to take “notes” of a Dominion employee supposedly assuring “Antifa” that he would rig the election.<sup>18</sup>

We have no doubt that there are other people who are upset about the results of the election and will say anything to get on television. Going forward, we expect Fox to vet the credibility of all sources before relying on them and publishing their claims to a global audience; especially when—as here—their claims have put people’s lives in danger, are inherently improbable, and have already been conclusively debunked by millions of paper ballots, bipartisan public servants, election volunteers, and people—such as secretaries of state who are charged with administering elections—who actually have expertise in election security.

Unfortunately, *after* Dominion had provided Fox with the facts and requested a retraction and even *after* Mr. Carlson’s realization Ms. Powell was playing Fox’s viewers and had no evidence to back up her inherently improbable claims, Lou Dobbs and Sean Hannity repeatedly featured Ms. Powell—and Jeanine Pirro featured Ms. Powell’s former client, convicted felon Michael Flynn—and they, along with Maria Baritoromo, repeated demonstrably false accusations against Dominion.<sup>19</sup> To be clear, Mr. Dobbs did not simply give Ms. Powell a platform; he himself credited and repeated her false claims. By way of example only, on a November 24 broadcast, Mr. Dobbs brought up “these voting firms,” falsely stated that “electoral fraud” had been “perpetrated this year

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<sup>16</sup> Compare *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-2 at ¶ 4] with *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-3 at ¶ 3].

<sup>17</sup> See Chris Francescani, *The men behind QAnon*, ABC (Sept. 22, 2020), available at, <https://abcnews.go.com/Politics/men-qanon/story?id=73046374>.

<sup>18</sup> See *Dominion Executive: Trump Is Not Going To Win. I Made F\*\*\*ing Sure Of That*, OANN (Nov. 24, 2020), available at, <https://www.oann.com/dominion-executive-trump-is-not-going-to-win-i-made-fing-sure-of-that/>.

<sup>19</sup> BREAKING NEWS: *Sidney Powell Tells Lou Dobbs Her Lawsuit In Georgia May Be Filed As Soon As Tomorrow*, YouTube (Nov. 24, 2020), available at, <https://www.youtube.com/watch?v=KpT2Rz4rTWM>; *Sidney Powell on Lou Dobbs Tonight 11/30/2020*, YouTube (Nov. 30, 2020), available at, <https://www.youtube.com/watch?v=4uMr-TRZNCw>; *Evidence of Fraud: Sidney Powell and Lou Dobbs discuss*, YouTube (Dec. 10, 2020), available at, [https://www.youtube.com/watch?v=6cE5nk6p26Y&feature=emb\\_logo](https://www.youtube.com/watch?v=6cE5nk6p26Y&feature=emb_logo); *Exclusive: One-on-one with General Michael Flynn*, Fox News (Dec. 5, 2020), available at, <https://video.foxnews.com/v/6214440178001#sp=show-clips>.

in this election” and stated, “I think many Americans have given no thought to electoral fraud that would be perpetrated through electronic voting; that is, including Dominion, prominently Dominion, at least in the suspicions of a lot of Americans. We don’t even know who has seen this software work.”<sup>20</sup>

After Fox News and Fox Business broadcast those falsehoods to a global internet audience, Dominion and its employees were harassed and received death threats. By way of example only, on November 24, 2020, someone left the following voicemail on Dominion’s customer support line:

Boy you guys are really good at what you do. Count count count. Swap up the software all the things. When I heard that you were in Denver, Colorado, and the other big company was in Austin. I thought “home of the future libtards of America” Oh I know that’s horrible to say and you’re probably just wetting yourself because you know “how could he use that term” but you know, just to say as an American soldier who is probably a lot older than most of you people over at that company, that evil is evil and when you mess with us, the righteous will win so I’m going to fully spitball, but it’s like we will have our day in court and we will win. So just be prepared because things might change, us crazys out there, you know better though since you all are involved “oh we know that’s true but we have to kind of cover it up because we’ll do anything, the end will justify the means” so its like you want Joe Blow to get in there, well he would be a horrible choice for our country but you probably think he’ll be a great choice so. Just know there’s a lot more of me than there are of you guys, so just remember you’re in your little bubble and might not realize but *there’s a hell of a lot more of us and I think you know what that means. We believe in all of the amendments.* Ok have a super duper day. Get out to Blue Sonic and have some Mexican food. Support a local restaurant in Denver.

On November 24 and 25, a Dominion employee received the following text messages:

RUN

I don’t need to do that we are already watching you. Come clean and you will live.

What is the penalty for TREASON?

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<sup>20</sup> BREAKING NEWS: Sidney Powell Tells Lou Dobbs Her Lawsuit In Georgia May Be Filed As Soon As Tomorrow, YouTube (Nov. 24, 2020), available at, <https://www.youtube.com/watch?v=KpT2Rz4rTWM>.

FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA. Does that chant sound familiar. PB have you and there is nowhere you can run.

On November 26, someone left this message on Dominion's customer support line:

You're all fucking dead, You're all fucking dead. We're bringing back the firing squad and you fuckers are all dead, everybody involved up against the wall you motherfuckers. We're gonna have a fucking lottery to fucking give people a chance to shoot you motherfuckers you fucking wait you cock suckers you commie pieces of shit. We're going to fucking kill you all you motherfuckers. After a fair trial of course you pieces of shit. The American people are fucking coming for you this is the end of your fucking line guys your fucking days are numbered you better enjoy your Thanksgiving because you'll never see another one you fucking cock suckers. You will be gone soon. Happy Thanksgiving. Cock suckers. You're almost done just watch and see what happens. Check out the executive order from September 12, 2018. You'll see what's going to happen. You'll own nothing. You'll be on the fucking 2030 plan because you'll own nothing you fucking cock suckers. It's coming. Buckle your fucking seatbelts. Watch what's going to happen next.

On November 30, 2020, someone left this message on Dominion's main office line:

Yeah, good afternoon. Fuck you, fucking scumbags. We're gonna blow your fucking building up. Piece of fucking shit.

These are only a few examples. There are many, many, many more. Dominion and its employees are under siege, not only because Ms. Powell and her allies are falsely accusing Dominion of rigging the election, but because a respected news organization with an audience of millions continues to credit their false accusations and report them as facts—despite the fact that, as Tucker Carlson pointed out, there is no evidence to support them.

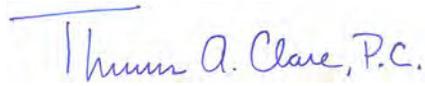
The false accusations described above are causing substantial harm to Dominion's reputation and its ability to operate. Accordingly, we demand that Fox issue a retraction to make clear that there is simply no evidence to support the conspiracy theories that continue to smear the company's good name. Going forward, we insist that you ensure that any stories about Dominion are thoroughly fact-checked and vetted by experienced editors. And to the extent that Fox intends to publish any claims about Dominion, we ask that you provide us with the specific details of all such claims sufficiently in advance of publication so that we have a reasonable opportunity to respond to them.

We are currently drafting a defamation complaint against Ms. Powell and two other defendants. We prefer to focus on holding Ms. Powell and her network of liars and conspiracy

theorists accountable, rather than adding Fox News, Fox Business, or its journalists to that complaint.

We look forward to hearing from you and we can make ourselves available for a call at your convenience.

Regards,

A handwritten signature in blue ink that reads "Thomas A. Clare, P.C." with a horizontal line above the first few letters of "Thomas".

Thomas A. Clare, P.C.

A handwritten signature in blue ink that reads "Megan L. Meier" in a cursive style.

Megan L. Meier