

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, CO 80202</p>	<p>DATE FILED: September 17, 2021 8:12 PM FILING ID: E9E5DD591D201 CASE NUMBER: 2020CV34319</p>
<p>ERIC COOMER, Ph.D., Plaintiff</p> <p>vs.</p> <p>DONALD J. TRUMP FOR PRESIDENT, INC., et al., Defendants</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Plaintiff Charles J. Cain, No. 51020 ccain@cstrial.com Steve Skarnulis, No. 21PHV6401 skarnulis@cstrial.com Bradley A. Kloewer, No. 50565 bkloewer@cstrial.com Zachary H. Bowman, No. 21PHV6676 zbowman@cstrial.com CAIN & SKARNULIS PLLC P. O. Box 1064 Salida, Colorado 81201 719-530-3011/512-477-5011 (Fax)</p> <p>Thomas M. Rogers III, No. 28809 trey@rklawpc.com Mark Grueskin, No. 14621 mark@rklawpc.com Andrew E. Ho, No. 40381 andrew@rklawpc.com RechtKornfeld PC 1600 Stout Street, Suite 1400 Denver, Colorado 80202 303-573-1900/303-446-9400 (Fax)</p>	<p>Case Number: 2020cv034319</p> <p>Division Courtroom: 409</p>
<p style="text-align: center;">EXHIBIT A DECLARATION OF ERIC COOMER</p>	

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<p>DECLARATION OF ERIC COOMER</p>	

I, Dr. Eric Coomer, declare and state as follows:

1. “My name is Eric Coomer. I am over the age of twenty-one years, am of sound mind, and am fully competent to make this Declaration. I have personal knowledge of the matters stated in this Declaration, which are true and correct.

2. “I am the Plaintiff in the above-captioned lawsuit. I am a Colorado resident and have lived in Colorado for the past 22 years. I was employed by Dominion Voting Systems, Inc. (Dominion) beginning in 2010 and as the Director of Product Strategy and Security from 2013 until May 14, 2021. Dominion’s headquarters are in Denver, Colorado. Dominion’s Denver office was my principal place of employment. In total, I worked with election service companies for 16 years.

3. “I graduated from the University of California, Berkeley, in 1997 with a Ph.D. in Nuclear Engineering. After working in IT consulting for several years, I entered the elections industry in 2005 with Sequoia Voting Systems as Chief Software Architect. After three years with the company, I took over all development operations as Vice President of Engineering. When Sequoia was acquired by Dominion Voting Systems in 2010, I joined the Dominion Voting Systems team as Vice President of Engineering overseeing development in the Denver, Colorado office.

4. “In 2013, I took over as the Director of Product Strategy and Security, focusing on the creation of next generation products through close collaboration with customers, and utilizing my understanding of technology and the needs of elections departments across the United States and around the world. I have been an active participant in the development of the Institute of Electrical and Electronics

Engineers (IEEE) common data format for elections systems, as well as the working group for developing standards for risk-limiting audits for election results. In 2018, I was invited to join the Cyber Security Task Force assembled by the National Association of Secretaries of State. I developed Dominion's Coordinated Vulnerability Disclosure Program in conjunction with several third-party industry researchers in 2020.

5. "I am one of the inventors named on different patents owned by Dominion Voting Systems. Vote adjudication is an essential aspect of all voting systems and has been around for several decades. My patent relates to a digital based adjudication system, which I helped to develop. Before this system, adjudications of voter intent issues required teams to completely remake the paper ballots to rescan for final tallies. This presented several issues in terms of both chain of custody and potential human-induced errors, while also lacking a durable log of all adjudications made. By moving to a digital system, we solved several problems. The original physical ballots would not need to be "handled," meaning they could remain in the sealed ballot boxes as the official records. Teams no longer had to remark all of the other contests on the new ballot, meaning they could apply the voter intent issues only to the specific flag choice or contest. We also appended a digital text-based image to the ballot image showing all of the adjudications the team made, along with a time stamp and identifying information for the team that made the adjudications. Further, we retained both the pre- and post-adjudication records and allowed reports to be generated that could compare all of the adjudications, along with statistics on how many ballots had adjudications and which contests were adjudicated. Finally, we retained the original ballots, which allows for "re-adjudicating"

any voter intent during a recount, truly preserving a full recount of the process of tabulating ballots. Pre- and post-images of the ballots showing the adjudications made in the text-based record while not modifying the original scan, or the original ballot, provided independence and verification for third parties to evaluate how an elections office applied voter intent statutes in their respective states. All these enhancements significantly increased the auditability and transparency involved in applying state laws regarding voter intent.

6. “Despite several conspiratorial claims to the contrary, Dominion voting machines are not capable of performing “bulk adjudication.” In other words, the Dominion platform only allows for one ballot to be adjudicated at a time at each adjudication station. A user of Dominion’s technology could not adjudicate multiple ballots simultaneously even if they wanted to, and in every instance adjudicated ballots retain a durable auditable log of all changes made.

7. “Dominion’s adjudication function is an optional feature for Dominion’s customers, meaning they can pay extra for that function if they want it. Many jurisdictions do not opt for the adjudication feature, either out of preference or pursuant to local rules or regulations, and instead utilize other methods to adjudicate votes. Antrim County, Michigan, for example, did not purchase Dominion’s adjudication system. There, local officials utilized a manual adjudication method, as has been confirmed by local officials, state officials, independent third parties, and Dominion’s own records.

8. “As a company, Dominion Voting System’s financial and ethical interest was always in developing election security technology that served to improve reliability, security, transparency, and auditability. My work with Dominion was similarly geared toward serving those objectives. I am proud of the work I did with Dominion, and I sincerely believe that the technological advances we made during my time with Dominion have had a positive impact on election security across the United States and for Dominion clients around the world.

9. “Dominion provides election support services across the United States, including from initial project implementation through election set-up, ballot layout, multiple language audio, machine set-up and system testing. Dominion provided election related services to at least thirty different states during the 2020 Presidential election. In my capacity as Director of Product Strategy and Security for Dominion, I was involved in many of the support services provided by Dominion to its governmental clients up to, during, and after the 2020 Presidential election.

10. “Before the events giving rise to this suit, I was a private individual, privately employed, and privately conducting my work for Dominion. The defamatory statements made about me by the Defendants in this case concerned my role as a private individual performing my private employment duties. There was no general public interest in my employment with Dominion prior to Defendants’ publication of defamatory statements about me. I was not known nationally and had no national or state-wide notoriety. At most, I was known by election officials in my capacity as an employee for Dominion.

11. “Like all people, I have political opinions. The right to have and express political opinions is enshrined in the United States Constitution and is an inalienable right belonging to every person in this country. Some of my colleagues at Dominion shared some of my political opinions, and many also disagreed with me. In no way did this affect our ability to work together, nor did it undermine any of our commitments to ensure free and fair elections or our absolute obligation to honor the will of the voters. I take my professional integrity seriously and would never allow a personal opinion to impact my professional or ethical duties.

12. “On November 3, 2020, the presidential election was held across the United States. As the vote count proceeded, it became apparent that former President Trump was likely to lose. Former President Trump, his campaign, his agents, and many of his supporters began alleging widespread voter fraud and perpetuating, in a broadly held view of election experts, baseless conspiracies in attempts to explain the loss.

13. “On November 7, 2020, the Associated Press formally called the election for President Joseph Biden. However, the fact that President Biden won the popular vote by more than seven million votes and ultimately won the election with 306 electoral votes did nothing to stop the conspiracy theories already surrounding the election.

14. “Former President Trump and his allies manufactured and spread a false narrative that Dominion conspired to rig its equipment and the election in favor of President Biden. Defendants made me the face of these false claims.

15. “On or about November 9, 2020, I became aware that Defendants Joe Oltmann (Oltmann), FEC United, and Shuffling Madness Media Inc. dba

Conservative Daily (Conservative Daily) had begun making false statements about me on the Conservative Daily podcast. Specifically, Oltmann claimed he would expose an individual inside Dominion who admitted to stealing the election for Biden. Oltmann explained he had allegedly “infiltrated an Antifa conference call” sometime in late September with unknown and unverified participants. Oltmann claimed while on this purported call one of these unknown participants was referred to as “Eric” and another allegedly explained “Eric is the Dominion guy.”¹ To be clear, I do not know Oltmann personally and have never met him or spoken to him.

16. “Oltmann claimed when another unknown participant asked, “What are we gonna do if f-ing Trump wins?” the unknown “Eric” responded, “Don’t worry about the election, Trump is not gonna win. I made f-ing sure of that. Hahahaha.”² Afterwards, Oltmann’s alleged efforts to identify the unknown speakers of this purported call were limited to Googling “Eric,” “Dominion,” and “Denver, Colorado.”³ With no legitimate attempt to confirm the identity of the alleged speakers, Oltmann falsely attributed their alleged statements to me and Dominion. At no point has Oltmann contacted me to confirm my involvement in this purported call.

17. “Oltmann did not recall this alleged Antifa conference call until after the election and after having advanced other unsupported allegations of voter fraud. Oltmann provided no explanation for how he learned of this purported call or gained

¹ Exhibit B-2, Oltmann, et. al., Conservative Daily Podcast (Nov. 9, 2020); Exhibit B-3, Oltmann et. al., Nov. 9, 2020 Conservative Daily Tr., 19:14-23; *see also* Exhibit A-1, Pub. 1.

² *Id.*, at 19:24-20:7; *see also* Exhibit A-1, Pub. 1.

³ *See* Exhibit F-3, #MalkinLive Transcript, at 6:8-14.

access to it. Oltmann acknowledged that he had no recording of this phone call and indicated that he had no knowledge of the participants he referenced within it. With no additional evidence, Oltmann then used these anonymous statements to falsely assert that I subverted the results of the election. Yet, directly after Oltmann made these statements about me, he, in fact, expressed doubt about their veracity.⁴ I subsequently learned that Oltmann had a history of promoting different election fraud claims about the 2020 Presidential election, both before and after the election.⁵

18. “The above statements made by Oltmann about me are false. I did not take any action to subvert the 2020 Presidential election. I did not participate in a scheme to change votes from one candidate to another and am aware of no such election-rigging activity. I did not participate in an Antifa conference call or boast about my supposed ability to rig the election. Such conduct is antithetical to my belief system and would constitute criminal conduct.

19. “Shortly after Oltmann’s story began to spread, many of my colleagues in Denver and I began receiving death threats and other forms of harassment. Given the nature of the threats, I was compelled to stop visiting Dominion’s Denver office and ultimately had to go into hiding. In fear for my life, and in light of security professionals’ assessment that the threats against me were legitimate, I immediately began deleting my

⁴ Exhibit B-2, Oltmann, et. al., Conservative Daily Podcast (Nov. 9, 2020); Exhibit B-3, Oltmann et. al., Nov. 9, 2020 Conservative Daily Tr., 20:8-15, 60:7-13.

⁵ See Exhibit B-7, Erik Maulbetsch, *Conservative Group Behind Deadly “Patriot Muster” Rally Working Closely With Colorado GOP*, COLORADO TIMES RECORDER (Oct. 12, 2020); Exhibit B-8, Oltmann et. al., CONSERVATIVE DAILY PODCAST (Sept. 9, 2020); Exhibit B-9, Oltmann et. al., CONSERVATIVE DAILY PODCAST (Aug. 5, 2020); Exhibit B-10, Oltmann et. al., CONSERVATIVE DAILY PODCAST (Nov. 5, 2020); Exhibit B-11, Oltmann et. al., CONSERVATIVE DAILY PODCAST (Nov. 6, 2020).

Facebook posts. I genuinely feared for my own safety and was trying to remove information that I understood was being misconstrued and used to falsely suggest I was somehow involved in criminal conduct. I was also concerned that someone had gained unauthorized access to my private Facebook account, and I did not want my personal life further exposed to the general public. I did not consider any type of litigation at that point, nor did I ever consider that anyone would seriously suggest these posts could be considered as “evidence” that I had engaged in election fraud. My only thought at that time was to do whatever I could to not be harmed based on an outrageous misunderstanding.

20. “The threats against my life became immediately apparent, and I had to go into hiding. My name was all over social media, with numerous people calling for my execution. I received threatening voicemails on my cell phone, threatening emails, and anonymous warnings that I was being watched. For several months, I moved frequently between houses of friends and acquaintances. I reduced contact with my loved ones so that they would not be put at risk by knowing my whereabouts. During this time, I occasionally returned home to check on my pets and belongings, but I never stayed long out of fear that someone would attack me. In one instance, someone came to my house while I was home and started shouting through the door at me and asking about election fraud. I warned him that I was armed with a shotgun and that he was trespassing and told him to leave immediately. I was terrified. Shortly thereafter, on December 5, 2020, Oltmann posted on his Parler account, stating, “Eric Coomer . . . want to chat with you but you are too scared. How about you put that shotgun down and come out? Everyone is

watching you Eric... everyone.”⁶ This post made clear that Oltmann had sent someone to my house, knew that I feared for my life, and did not care.

21. “Over the next several weeks, I became aware that Oltmann, FEC United, and Conservative Daily continued to make false statements about me in Colorado, including on a local radio station, 710 KNUS, broadcast in Denver, Colorado.

22. “On or about November 13, Defendant Michelle Malkin (Malkin) hosted an interview with Oltmann on her YouTube channel, #MalkinLive, which has approximately 100,000 subscribers.⁷ During the Malkin interview, Oltmann falsely alleged that I was an anonymous Antifa activist on a call Oltmann claimed to have infiltrated. Oltmann again claimed that he determined from this call that I subverted the presidential election. Malkin encouraged Oltmann and repeated his false claims.⁸ Also during the November 13, 2020 Malkin interview, Oltmann rhetorically directed his commentary at me, asserting that I had rigged the election, and stating, “I think the treason is punishable by death.”⁹ I subsequently learned that Malkin has a history of promoting election fraud claims.¹⁰

23. “Following this interview, Malkin published additional false statements in tweets, promoting her interview of Oltmann.¹¹ Malkin said that I was an “Antifa radical”¹²

⁶ Exhibit B-12, Oltmann, PARLER (Dec. 5, 2020).

⁷ Exhibit F-1, Malkin, July 27, 2021, PX 15; *see also* Exhibit A-1, Pub. 5, Malkin et. al. (Nov. 13, 2020).

⁸ *See* Exhibit F-3, #MalkinLive Transcript, at 13:12-19, 20:12-21:7; *see also* Exhibit A-1, Pub. 5.

⁹ *Id.*, at 26:24-27:9; *see also* Exhibit A-1, Pub. 5.

¹⁰ *See* Exhibit F-5, Michelle Malkin, *Who’s Funding Shady Ballot Harvesting Schemes*, RASMUSSEN REPORTS (Sept. 30, 2020); Exhibit F-6, Michelle Malkin, *Out of the Shadows . . . and Into the Voting Booth*, RASMUSSEN REPORTS (Dec. 18, 2019).

¹¹ Exhibit F-1, Malkin, July 27, 2021, PX19-24; *see also* Exhibit A-1, Pubs. 6-8, 16, 18, 27-28.

¹² Exhibit F-2, Michelle Malkin, Twitter (Nov. 13, 2020); *see also* Exhibit A-1, Pub. 6.

and repeatedly promoted Oltmann and her interview with him to her two million Twitter followers. Malkin's interview got thousands of retweets and was subsequently relied on by others across the country, including other Defendants in this lawsuit.¹³ At the time Malkin published these statements, Malkin had no credible evidence that an "Antifa conference call" actually happened; that I was present on the call; that the comments attributed to me were actually spoken; or that the alleged election fraud actually occurred. Malkin took no actions or efforts to corroborate or verify Oltmann's allegations before publishing them. She never contacted me and, to my knowledge, never contacted a representative of Dominion.

24. "Roughly two weeks later, on November 28, 2020, Malkin hosted an episode of her program Sovereign Nation on Newsmax, where she dedicated an entire segment to an interview with Oltmann, where he again promoted his false allegations against me.¹⁴ During that interview, Oltmann acknowledged Malkin as an early vector of his false claims.

25. "On or about November 13, 2020, Defendants James "Jim" Hoft (Hoft) and The Gateway Pundit (TGP) used and relied on Oltmann to make false and defamatory allegations against me in articles published online. I subsequently became aware of additional articles published by Hoft and TGP that also included defamatory allegations

¹³ See Exhibit E-1, TGP-Hoft, Aug. 10, 2021 Depo. Tr. 30:3-15, 33:6-34:17, 37:19-38:2, 124:10-21; Exhibit G-1, Metaxas, Aug. 13, 2021 Depo. Tr. 69:18-70:2; Exhibit H-1, Rion, Aug. 9, 2021 Depo. Tr. 15:21-16:1, 18:12-19:7, 73:16-20, 81:16-82:15, 115:2-7, 116:23-117:17, 150:14-19, 160:15-23; Exhibit I-1, OAN, July 30, 2021 Depo. Tr. 11:22-12:21, 14:6-14, 28:17-22, 30:17-19, 62:4-9; Exhibit K-1, Powell, July 20, 2021 Depo. Tr. 10:14-21, 11:20-12:1, 15:10-18, 26:15-27:4, 41:13-16, 57:22-58:3, 65:22-66:8, 72:15-23, 73:8-15, 88:22-89:6, 92:11-22, 96:4-16, 98:10-15, 108:22-109:7.

¹⁴ Exhibit F-1, Malkin, July 27, 2021, PX 17; see also Exhibit A-1, Pub. 41.

against me. These included articles published on or about: November 13, 2020, entitled *Dominion Voting Systems Officer of Strategy and SECURITY Eric Coomer Admitted in 2016 Vendors and Election Officials Have Access to Manipulate the Vote*;¹⁵ November 15, 2020, entitled *Anti-Trump Dominion Voting Systems Security Chief Was Participating in Antifa Calls, Posted Antifa Manifesto Letter to Trump Online*;¹⁶ November 16, 2020, entitled *Denver Business Owner: Dominion's Eric Coomer Is an Unhinged Sociopath – His Internet Profile Is Being Deleted and Erased (AUDIO)*;¹⁷ and December 28, 2020, entitled *WAKE UP AMERICA! Bold Billionaire Offers \$1 Million Bounty for Dominion, Eric Coomer's Comeuppance*.¹⁸ These published articles include additional related content of photographs, videos, and links allegedly about me. I subsequently learned that Hoft and TGP have promoted a variety of election fraud claims, including claims prior to the 2020 Presidential election.¹⁹

26. “On or about November 15, 2020, Defendant Rudolph Giuliani (Giuliani) gave an interview to Maria Bartiromo on Fox News Channel. During his appearance on

¹⁵ Exhibit E-1, Hoft-TGP, Aug. 10, 2021, PX 86; *see also* Exhibit A-1, Pub. 10.

¹⁶ Exhibit E-1, Hoft-TGP, Aug. 10, 2021, PX 87.

¹⁷ Exhibit E-2, Jim Hoft, *Denver Business Owner: Dominion's Eric Coomer Is an Unhinged Sociopath – His Internet Profile Is Being Deleted and Erased (AUDIO)*, THE GATEWAY PUNDIT (Nov. 16, 2020); *see also* Exhibit A-1, Pub. 19.

¹⁸ Exhibit E-3, Jim Hoft, *WAKE UP AMERICA! Bold Billionaire Offers \$1 Million Bounty for Dominion, Eric Coomer's Comeuppance*, THE GATEWAY PUNDIT (Dec. 28, 2020); *see also* Exhibit A-1, Pub. 57.

¹⁹ Exhibit E-17, Joe Hoft, *ROGER STONE EXCLUSIVE: How the Democrats Plan to Steal the 2020 Election*, THE GATEWAY PUNDIT (Oct. 31, 2020); Exhibit E-18, Joe Hoft, *2020 Election Prediction: Despite Massive Headwinds and Democrat Attempts to Steal Election, President Trump Will Win in Larger Landslide Than 2016*, THE GATEWAY PUNDIT (Oct. 23, 2020); Exhibit E-19, Cassandra Fairbanks, *4Chan Users Claim to Have Found Way to Easily Change People's Voter Registration and Cancel Ballots Online in Oregon and Washington*, THE GATEWAY PUNDIT (Oct. 18, 2020); Exhibit E-20, Joe Hoft, *ELECTION FRAUD: Pennsylvania Rejects 334,000 Duplicate Ballots Already; Kentucky Reports Bins of Ballots Discarded*, THE GATEWAY PUNDIT (Oct. 17, 2020).

Maria Bartiromo, Giuliani again falsely stated Dominion had helped steal the election, and referring to myself, again alleged, “one of the people there is a big supporter of ANTIFA.”²⁰ Other news sources recognized he was referring to me.²¹

27. “On November 17, 2020, Eric Trump, a representative and surrogate of the Trump Campaign, tweeted a link to the November 13 Gateway Pundit article to his 4.5 million Twitter followers, and repeated Oltmann’s false claim that I said “Don’t worry about the election, Trump’s not gonna win. I made f*cking sure of that!”²² As of August 26, 2021, this tweet had been retweeted at least 11,000 times.

28. “Also on November 17, 2020, Defendant Chanel Rion (Rion) tweeted, “Dominion Director of Strategy and Security, #EricCoomer: “Trump won’t win. I made F***ing sure of that.”²³ On August 26, 2021, I reviewed Rion’s Twitter account, and determined that Rion has approximately 445,000 followers. Her November 17, 2020 tweet falsely quoting me is still on her Twitter feed.

29. “I became aware Hoft, individually and as a representative of TGP, appeared on a Denver-based radio show and Colorado radio station on or about November 19, 2020.²⁴ In that Colorado radio broadcast, Hoft continued to make false

²⁰ Exhibit J-2, Maria Bartiromo, FOX NEWS, (Nov. 15, 2020); *see also* Exhibit A-1, Pub. 15.

²¹ Exhibit J-3, Trump Lawyers Powell and Giuliani Claim ‘Massive’ Vote Rigging by Dominion, Alleged Company Link to Antifa, THE TENNESSEE STAR (Nov. 17, 2020).

²² Exhibit M-1, Trump Campaign, Aug. 9, 2021, PX 69; *see also* Exhibit A-1, Pub. 20.

²³ Exhibit H-2, Chanel Rion, TWITTER, (Nov. 17, 2020); *see also* Exhibit A-1, Pub. 21.

²⁴ *See* The Peter Boyles Show, 710 KNUS, Nov. 19, 2020, <https://omny.fm/shows/peter-boyles-show/peter-boyles-november-19-7am> (last visited June 1, 2021) (Boyles: “Kind enough to come on the show is Jim Hoft. H-O-F-T. And this is, we, I’ve been reading them off and on, the Gateway Pundit. Hey first of all Jim, thanks for doing the radio show, man. Welcome to Denver, and welcome to 710 KNUS.” Hoft later stated: “We’ve just seen some very suspect numbers coming from these machines, and we think the system was

allegations of voter fraud involving Dominion and described his coordination with other Defendants in this lawsuit.

30. “On or about November 19, 2020, I became aware that Defendant Donald J. Trump for President, Inc. (the Trump Campaign), used and relied on Oltmann as a source to make false and defamatory allegations against me during a nationally broadcast press conference held from the Republic National Committee in Washington D.C.²⁵ The Trump Campaign has a long history of promoting a preconceived narrative that if Donald Trump lost the 2020 Presidential election, then the loss would be attributed to fraud.²⁶

31. “During the November 19 press conference, I became aware that Defendants Sidney Powell and Sidney Powell, P.C. (collectively, Powell) used and relied on Oltmann as a source to make false and defamatory allegations against me.²⁷ Defendant Giuliani relied on the same false information to make false and defamatory allegations against me during the same nationally broadcast press conference.²⁸ This press conference was broadcast to Coloradan audiences on C-SPAN, as well as various other national platforms.

corrupted. We’ve sent this on to the White House and to some of the Trump Campaign officials and this morning, L. Lin Wood, one of the attorneys, who is helping out the Trump Campaign, retweeted our video, and just with just one remark, ‘truth.’”). A true and correct copy of this radio broadcast is located in the following link: <https://caincloud.egnyte.com/dl/TcpbQU55qD>.

²⁵ Exhibit K-1, Powell, July 20, 2021, PX 3.

²⁶ Exhibit M-1, Trump Campaign, Aug. 9, 2021, PX 64; Exhibit M-7, Jim Gutenberg et. al., *77 Days: Trump’s Campaign to Subvert the Election*, NEW YORK TIMES (Jan. 31, 2021); Exhibit M-8, Donald J. Trump, TWITTER (Nov. 8, 2020).

²⁷ Exhibit K-2, Sidney Powell, C-SPAN (Nov. 19, 2021); *see also* Exhibit A-1, Pub. 26.

²⁸ Exhibit J-1, Giuliani, Aug. 14, 2021, PX 101; *see also* Exhibit A-1, Pub. 26.

32. “In addition to the November 19 press conference, Powell appeared on multiple national broadcasts to raise allegations of voter fraud and falsely link me to those allegations, including an interview with Maria Bartiromo on Fox News Channel on November 20, 2020,²⁹ and an interview on *The Howie Carr Show* on Newsmax TV on November 20, 2020.³⁰ Powell also promoted the preconceived narrative that if Donald Trump lost reelection, his defeat would be the result of fraud.³¹

33. “I am aware that Defendant Defending the Republic, Inc. (DTR) is closely tied to Defendants Sidney Powell and Sidney Powell, P.C. Sidney Powell is a director of DTR, which shares a mailing address with Sidney Powell, P.C. Powell began promoting DTR prior to the November 19 press conference.³² In relying on Oltmann to make false and defamatory allegations against me, Powell publicly stated that she formed DTR as a fundraising organization and website as a response to her false claims about me, to solicit donations to fund her election-related litigation. The “Of Counsel” attorneys employed by her firm have signed the pleadings of DTR in at least two cases, including Powell’s election litigation in Georgia, *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Dec. 1, 2020) and in Texas, *Gohmert v. Pence*, No. 6:20-cv-00660 (E.D. Tex. Dec. 27, 2020).

²⁹ Exhibit K-1, Powell, July 20, 2021, PX 5; *see also* Exhibit A-1, Pub. 31.

³⁰ Exhibit K-1, Powell, July 20, 2021, PX 4; *see also* Exhibit A-1, Pub. 30.

³¹ Exhibit K-6, Lou Dobbs, *Sidney Powell: Trump has to fight for election integrity*, FOX BUSINESS (Nov. 7, 2020); Exhibit K-7, Sidney Powell, LICENSED TO LIE (2nd ed. 2018); Exhibit K-8, Jeremy W. Peters, et. al, *What We Know About Sidney Powell, the Lawyer Behind Wild Voting Conspiracy Theories*, NEW YORK TIMES (Dec 8, 2020).

³² Exhibit L-2, Lou Dobbs, TWITTER (Nov. 10, 2020).

34. “On November 21, and 22, 2020, Defendants Chanel Rion (Rion) and One America News Network (OAN) broadcast a special thirty-minute show titled “Dominion-izing the Vote.”³³ I was never contacted by Rion or OAN regarding this broadcast or any other stories about me. During this pre-recorded show, Rion makes several false claims regarding the 2020 election. Thereafter, approximately 22 minutes into the show, Rion introduces Defendant Oltmann as the founder of Colorado-based FEC United and explains that Oltmann infiltrated an Antifa group that was “attacking his company in Colorado.” During the interview, Oltmann describes running a Google search with the terms “Eric, Dominion, Denver Colorado” as part of his election fraud investigation. The broadcast contains statements from Rion including: “In Coomer’s case, he was in a position of power to actually act on his rage against Trump and Trump voters. What does he mean when he says ‘Trump won’t win. I made f-ing sure of that.’ Nothing?” Rion’s broadcast further quotes Oltmann saying “Eric Coomer was this, you know, he’s not just Antifa, he was responsible for putting his finger on the scales of our election,” with Rion adding, “If Coomer is investigated and found to have indeed tampered with a presidential election, such an action could be tried for treason. Unfortunately, the question is, will the FBI step up to investigate?” I subsequently became aware the President Donald Trump had retweeted the “Dominion-izing the Vote” segment to his followers on Twitter.³⁴ As of August 25, 2021, this segment has garnered

³³ Exhibit I-1, Herring, July 30, 2021, PX 32; *see also* Exhibit A-1, Pub. 33.

³⁴ Exhibit M-1, Trump Campaign, Aug. 9, 2021, PX 70-71.

over 1.2 million views on Donald Trump’s YouTube channel alone.³⁵ OAN promoted the preconceived narrative that a Trump loss would be the product of fraud even before the 2020 Presidential election.³⁶

35. “On November 24, 2020, Eric Metaxas hosted an interview with Oltmann, on his radio talk show and podcast.³⁷ This interview was also published across various media platforms, including on Metaxas’s YouTube channel, The Eric Metaxas Radio Show, which has approximately 206,000 subscribers. During the Metaxas interview, Oltmann again falsely alleged that I was an anonymous Antifa activist on a call Oltmann claimed to have infiltrated. Oltmann again claimed that he determined from this call that I subverted the presidential election.³⁸ Metaxas previously promoted the preconceived narrative that a Trump loss would be the result of fraud.³⁹

36. “Following this interview, Metaxas published additional false statements in tweets, promoting his interview of Oltmann and perpetuating these false allegations of fraud to his followers.⁴⁰ Metaxas said that I had engaged in “extremely criminal” actions

³⁵ See WATCH: Chanel Rion on “Dominion-izing the Vote” YOUTUBE, Nov. 21, 2020, <https://www.youtube.com/watch?v=746HTjhFifA> (last visited Sept. 17, 2021).

³⁶ Exhibit I-2, OAN Newsroom, *Several States Investigating Accounts Of Mail-In Voter Fraud* (Sept. 3, 2020); Exhibit I-3, OAN Newsroom, *President Trump Slams Mail-In Voting As A ‘Scam,’ Says It Will Be ‘A Disaster’* (Sept. 19, 2020); Exhibit I-4, OAN Newsroom, *AG Barr: Mail-In Ballots Enable Fraud, Voter Coercion* (Sept. 27, 2020).

³⁷ Exhibit G-1, Metaxas, Aug. 13, 2021, PX 97; See also Exhibit G-2, Eric Metaxas, *THE ERIC METAXAS RADIO SHOW* (Nov. 24, 2020); see also Exhibit A-1, Pub. 36.

³⁸ *Id.*; see also Exhibit A-1, Pub. 36.

³⁹ Exhibit G-5, Eric Metaxas, Twitter (Nov. 7, 2020); Exhibit G-9, The Eric Metaxas Show, *Attorney Jenna Ellis-On Democrats Changing Election Laws for the 2020 Election* (May 11, 2020).

⁴⁰ Exhibit G-3, Eric Metaxas, TWITTER (Nov. 24, 2020); see also Exhibit A-1, Pub. 37.

and would spend the rest of my life in jail.⁴¹ He never contacted me and, to my knowledge, never contacted a representative of Dominion.

37. “Since Oltmann first made his false claims against me on November 9, 2020, he has maintained a ceaseless, relentless campaign to defame me.⁴² His countless public statements accusing me of criminal conduct on a vast scale have persisted despite the defeat or dismissal of more than sixty lawsuits challenging the election results across the country, numerous expert reports and statements denying any manipulation of the election results, and the sanctioning of attorneys across the country for pushing these false allegations. During this time, Oltmann’s false allegations against me have changed multiple times and in significant ways, but this has not deterred him from spreading his falsehoods across the country.

38. “In my position with Dominion Voting Systems, I did not have the capacity to manipulate or alter in any way either the Dominion voting machines used during the 2020 Presidential election or the Dominion source code that those machines employed. Numerous layers of review, security, encryption, and other checks and balances exist between individual Dominion employees, like myself, and the products that Dominion provides to its clients. As a result of the numerous safety protocols in place, many of which are required by statute, I did not have the ability to alter the results of the 2020 Presidential election in any way.

⁴¹ Exhibit G-1, Metaxas, Aug. 13, 2021, PX 97, 27:7-14.

⁴² See Exhibit A-1, Pubs. 2-5, 9, 11-14, 17, 19, 23-25, 29, 32-36, 40-56, 60, 62-71, 73-77.

39. “I have never participated in any phone call related to any protest activity, marches, plans for protests, or recruitment for protests, marches, or other activities. I have never been a member of any political organization (besides registering as a Democratic voter in Colorado). I am not politically active and am not a member of any organization, political or otherwise, that is considered leftist, progressive, or anti-Trump.

40. “Leading up to and during the week of September 27, 2020, I was heavily involved in the ongoing *Curling v. Raffensperger* litigation in the United States District Court, N.D. Georgia, Atlanta Division. Most of my days were spent either in (virtual) court, or on the phone discussing the ongoing issue in that case. On Friday September 25, 2020 I was focused solely on investigating and mitigating a display issue discovered in Georgia. This included extensive conference calls as well as creating technical documentation to describe both the issue, mitigation, and testing for certification under the EAC di minimis change protocols. Needless to say, I did not participate in any “Antifa” conference call on that day (or any other day).

41. “Throughout the day on September 27, I was preparing for my scheduled testimony in the *Curling* case the following day. During the morning and afternoon, I had numerous phone calls with other Dominion employees, spanning roughly 11:00 AM to 5:00 PM. My records indicate at least nine calls taking place within that time frame, including multiple calls with John Poulos (CEO of Dominion Voting Systems), multiple calls with Mike Frontera (in-house counsel for Dominion), one call with Nick Ikonomakis (Dominion Vice President of Engineering), one call with Sheree Noell (Dominion Director of Sales), and one call with Nicole Nollete (Dominion Executive Vice President of

Operations). That evening, I hosted a pizza party at my home with friends. Attendees included Marjo Curgus, Lyman Smith, Ignacio Barrantes, Kalee Barrantes, Brett Zhiemkie, and Dani Cook. The gathering last from roughly 6:00 PM to 11:00 PM.

42. “On September 28, I testified remotely in the *Curling* case throughout the entire day. During the day I had numerous phone calls with other Dominion employees, including John Poulos, Mike Frontera, Sheree Noell, and Kay Stimson (Dominion Vice President of Government Relations). These calls occurred between roughly 8:00 AM to 3:00 PM. After testimony concluded, I debriefed with co-workers at Dominion. That evening, I had a “happy hour” at a friend’s house from roughly 6:00 PM to 8:00 PM.

43. “On September 29, I again spent the day preparing for my remote testimony in Georgia throughout the following day in the *Curling* case. I again had multiple phone calls throughout the day with Mike Frontera, Nick Ikonomakis, Sheree Noell, and Jennifer Morrell (former elections director for Arapahoe County). These calls occurred between roughly 9:00 AM until after 10:00 PM. That evening, several friends and I had a “remote watch party” for the first presidential debate.

44. “On September 30, I again spent the entire day testifying in the *Curling* case. Throughout the day, I had multiple calls with other Dominion employees, including Mike Frontera, Nick Ikonomakis, and Sheree Noell. These calls occurred between roughly 9:00 AM and 7:00 PM.

45. “On October 1, I again spent the day testifying in the *Curling* case. Throughout the day, I had multiple calls with John Poulos, Nick Ikonomakis, Sheree Noell, and Kay Stimson. These calls occurred between roughly 11:00 AM and 8:00

PM. That evening between 7:00 and 8:00 PM, I had calls with Nick Ikonomakis and John Poulos to discuss display issues with the Dominion machines.

46. “On October 2, I again testified in the *Curling* case. Throughout the day, I again had calls with Nick Ikonomakis, Sheree Noell, and Kay Stimson. These calls ranged from roughly 10:00 AM to 3:00 PM.

47. “I have never stated that I had the ability or the desire to affect the outcome of an election. In fact, I have often made the exact opposite statement publicly, and privately during routine conversations. I have never even joked about the ability to affect the outcomes of free and fair elections. On the contrary, I have advocated for more transparency in voting systems including creating the Coordinated Vulnerability Disclosure Program at Dominion Voting Systems.

48. “Defendants in this case have repeatedly referenced some of my private Facebook posts. These posts, while they can potentially be viewed as divisive, were private postings to a close group of “friends” and family. The posts regarding the election of Donald Trump as president in 2016 were directed specifically to family members that had posted support for his candidacy along with conspiracy theories like Barack Obama being born in Kenya and that Mr. Obama was a Muslim trying to take over the United States.

49. “I left Facebook shortly after the 2016 presidential election and did not post any content that I recall until May 2020 when Minneapolis police officers murdered George Floyd. I felt the need once again to speak to family members and close friends regarding the systemic racism that exists in the United States. This was in response to family members and friends posting comments akin to “all lives matter” and dismissing

the fact that another person of color was murdered by those sworn to protect and serve. I never intended these posts to be publicly accessible, or to reflect the view of my employer, or to imply that I had any bias in conducting my job. These posts were targeted to my private group of friends and family on Facebook, and I never authorized these posts to be released publicly.

50. “When I posted the “Public Statement from Antifa” on June 2, 2020, I understood it as satire and intended it as satire. I believed then and still believe now that the notion of “Antifa” is primarily a scare tactic made up by various political groups and media interests to try to convince people with right of center political views that people with left of center political views present a violent threat. I have never personally met someone who would call themselves a member of “Antifa” and I believe the attempt to lump all people with left of center political views into this “organization” is a knowingly dishonest tactic to engender fear and distrust. At the time when I posted this statement, I believed right-wing scare tactics with respect to “Antifa” were especially pronounced and meant to distract from the legitimate demands of the overwhelmingly peaceful protests that followed the murder of George Floyd. As a result, I believed the notion of “Antifa” making a public statement was absurd on its face and that reasonable readers would have understood it as such. Furthermore, I believe the list of “demands” included in that statement speaks to how non-threatening the alleged “Antifa” organization would be, if it actually existed. Many of those “demands” are for things that already exist in most free democracies around the world. Furthermore, the day I posted this, the FBI made a public statement that they had found no intelligence indicating Antifa involvement or presence

in protests in Washington D.C., but Donald Trump also tweeted that same day that he would designate Antifa a terrorist organization, despite having no legal authority to do so.⁴³ This was a topical news story at the time, and I took for granted that my readers would recognize the post as being a riff on current events.

51. “In an Op-ed posted in the Denver Post, I stated that any posts purporting to be me on Twitter or Facebook were impersonations. I meant this contemporaneously. I did not have a Twitter account at that time, and my Facebook account was completely locked. There were multiple accounts claiming to be me that were posting various things and that was the context for that comment. I have never disputed that the posts from my private Facebook account were from me. However, I never made those posts public or authorized anyone to release them.

52. “I am 51 years old, and until May of this year, I was a highly paid corporate executive with a Ph.D. in nuclear engineering from Berkeley. The fact that my entire life has been upended by Joe Oltmann’s ridiculous and bizarre claim that I am a member of “Antifa” who was bragging on an anonymous conference call about rigging the election, as well as “fortifying” and “recruiting” for Antifa is so incredible that I truly cannot believe it. I have no connection whatsoever to any of the other supposed members of “Antifa” that Oltmann has identified.

⁴³ Ken Klippenstein, *The FBI Finds ‘No Intel Indicating Antifa Involvement’ in Sunday’s Violence*, THE NATION (June 2, 2020) <https://www.thenation.com/article/activism/antifa-trump-fbi/> (last visited Sep. 16, 2021).

53. “Because of the defamatory attacks on my character,⁴⁴ I have suffered severe emotional distress, pecuniary loss, and other damages that have been directly caused by Defendants’ conduct. For example, I can no longer perform my prior duties for Dominion and have ceased to be employed by Dominion since May 2021. I continue to receive almost daily threats. I now suffer from anxiety and depression, for which I have sought medical treatment. My career in election services is effectively over which will cause me to lose substantial wages over my projected work life. My name and reputation have been tarnished across the country, probably for the rest of my life. In all likelihood, I will never escape the terrible consequences of what Joe Oltmann and his co-conspirators have done to me and my loved ones.

54. “Pursuant to C.R.S. § 13-27-101, *et. seq.*, I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.”

Further Declarant sayeth naught.

Executed on the 17th day of September 2021 in Colorado.

A handwritten signature in black ink, appearing to read 'Eric Coomer', written over a horizontal line.

Eric Coomer, Ph.D., Declarant

⁴⁴ See Exhibit W, Declaration of Doug Bania; *see also* Exhibit W-1, ADI Report (July 2, 2021).