

<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>
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<p><b>EXHIBIT B-1</b></p>	

1 DISTRICT COURT, CITY AND COUNTY OF DENVER  
STATE OF COLORADO  
2 1437 Bannock Street  
Denver, CO 80202

3 ^ COURT USE ONLY ^

4 ERIC COOMER, Ph.D.,  
5 Plaintiff,

Case Number 20CV34319

Courtroom 409

6 vs.

7 DONALD J. TRUMP FOR PRESIDENT, INC.,  
SIDNEY POWELL, SIDNEY POWELL, P.C.,  
8 RUDOLPH GIULIANI, JOSEPH OLTMANN,  
FEC UNITED, SHUFFLING MADNESS MEDIA, INC.,  
9 dba CONSERVATIVE DAILY, JAMES HOFT,  
TGP COMMUNICATIONS LLC, dba THE GATEWAY PUNDIT,  
10 MICHELLE MALKIN, ERIC METAXAS, CHANEL RION,  
HERRING NETWORKS, INC. dba ONE AMERICA  
11 NEWS NETWORK, and NEWSMAX MEDIA, INC.,  
Defendants.

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14 CERTIFICATE OF NONAPPEARANCE FOR THE  
DEPOSITION OF JOSEPH OLTMANN  
15 August 11, 2021

16 APPEARANCES:

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Also Present:  
7 Dennis Clayton, Videographer  
Rebecca Dominguez, Veritext Case Manager (remotely)  
8 Sidney Powell (remotely)  
Mr. Gray (remotely/unidentified)  
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1 PURSUANT TO WRITTEN NOTICE and the appropriate rules  
2 of civil procedure, the video-recorded deposition of  
3 JOSEPH OLTMANN, called for examination by Plaintiff, was  
4 scheduled to be taken at 1437 Bannock Street,  
5 Courtroom 409, Denver, Colorado, commencing at 9:00 a.m.,  
6 on August 11, 2021 before Sara A. Stueve, appearing  
7 remotely, Registered Professional Reporter and Notary  
8 Public in and for the State of Colorado.  
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10 I N D E X  
11 STATEMENT OF NONAPPEARANCE PAGE  
12 By Mr. Cain 7  
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<p>1 PROCEEDINGS</p> <p>2 * * * * *</p> <p>3 THE VIDEOGRAPHER: Good morning. We're going on</p> <p>4 the record at 9:16 a.m., on August 11, 2021.</p> <p>5 We're here for the -- this is Media Number 1 of</p> <p>6 the scheduled video deposition of Joseph Oltmann, taken by</p> <p>7 counsel for the plaintiffs in the matter of</p> <p>8 Eric Coomer, Ph.D. v. Donald J. Trump for President, Inc.,</p> <p>9 et al., filed in the District Court, Denver County, State</p> <p>10 of Colorado, Case Number 2020CV034319.</p> <p>11 This deposition was scheduled to be held at the</p> <p>12 Denver County District Court, located at 1437 Bannock</p> <p>13 Street, Courtroom 409.</p> <p>14 The witness is not here, but will everyone</p> <p>15 present in the room please state your appearances and</p> <p>16 affiliations for the record, beginning with the noticing</p> <p>17 attorney.</p> <p>18 MR. CAIN: My name is Charlie Cain. I'll</p> <p>19 announce for our team.</p> <p>20 I'm counsel for the plaintiff. Co-counsel</p> <p>21 Steve Skarnulis is here. Co-counsel Brad Kloewer is here.</p> <p>22 Our client, Dr. Coomer, is here.</p> <p>23 MS. HALL: Attorney Andrea Hall on behalf of</p> <p>24 Joseph Oltmann, FEC United, and Shuffling Madness Media.</p> <p>25 Co-counsel Ingrid DeFranco, as well.</p> <p style="text-align: right;">Page 6</p>	<p>1 by the Court and duly noticed by counsel for the</p> <p>2 plaintiff.</p> <p>3 Obviously, we've traveled here at great expense,</p> <p>4 prepared ourselves to get testimony of probably the most</p> <p>5 important witness in this case, and we're not going to get</p> <p>6 that today.</p> <p>7 We obviously believe and intend to address this</p> <p>8 with Judge Moses, because the nonappearance, without</p> <p>9 adequate cause, we believe, is contempt of at least two</p> <p>10 orders of the Court.</p> <p>11 I understand from the court staff that</p> <p>12 Judge Moses is out of town and is not here to witness this</p> <p>13 directly, so we will be seeking and filing a motion to</p> <p>14 show cause in due course.</p> <p>15 We do have a witness for the corporate entities</p> <p>16 here. That witness, or witnesses, plural, are not</p> <p>17 Mr. Oltmann, obviously. So we're going to proceed with</p> <p>18 those depositions at the conclusion.</p> <p>19 Does counsel for Mr. Oltmann need to make a</p> <p>20 statement?</p> <p>21 MS. DEFRANCO: I would just ask that the record</p> <p>22 reflect that Mr. Oltmann has advised us that he believes</p> <p>23 it to be unsafe for him to be here and has declined to be</p> <p>24 here.</p> <p>25 I'd also ask the record to reflect that he is</p> <p style="text-align: right;">Page 8</p>
<p>1 MR. ZAKHEM: John Zakhem on behalf of the</p> <p>2 Donald J. Trump for President, Inc.</p> <p>3 MR. PEARMAN: Shaun Pearman on behalf of Sidney</p> <p>4 Powell.</p> <p>5 MR. SEERVELD: Chris Seerveld, Michael Reagor,</p> <p>6 on behalf of Defending the Republic.</p> <p>7 THE VIDEOGRAPHER: That being said, the</p> <p>8 remaining attendees by Zoom will be noted on the</p> <p>9 transcript.</p> <p>10 The witness is not here to be sworn in. The</p> <p>11 attorney has a statement.</p> <p>12 MR. CAIN: Thank you. I'll be brief.</p> <p>13 We are taking a certificate of nonappearance,</p> <p>14 just for the record.</p> <p>15 On June 8th, the Court ordered limited discovery</p> <p>16 to proceed in this case, including the deposition of</p> <p>17 Mr. Oltmann. We learned a few minutes ago from his</p> <p>18 counsel that he will not be present and, in fact, may not</p> <p>19 be present in the state of Colorado currently.</p> <p>20 On July 7th, we had a hearing where the court</p> <p>21 ordered Mr. Oltmann to appear for his deposition, which is</p> <p>22 why we're here today. Subsequent to that, Mr. Oltmann</p> <p>23 moved to have his deposition remote.</p> <p>24 On August 10, the Court considered that request</p> <p>25 and denied it; thus, this deposition has both been ordered</p> <p style="text-align: right;">Page 7</p>	<p>1 willing to do a deposition remotely. I understand that</p> <p>2 he's in violation of a court order. I just want that to</p> <p>3 be on the record.</p> <p>4 MR. CAIN: Okay. Unless anybody else, any of</p> <p>5 the lawyers, need to make a statement, we can go off the</p> <p>6 record.</p> <p>7 THE VIDEOGRAPHER: Going off the record. The</p> <p>8 time is 9:20 a.m.</p> <p>9 WHEREUPON, the foregoing deposition was</p> <p>10 concluded at 9:20 a.m. Total time on the record was</p> <p>11 4 minutes.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 9</p>

1           REPORTER'S CERTIFICATE  
2 STATE OF COLORADO           )  
3 CITY AND COUNTY OF DENVER   )  
4     I, Sara A. Stueve, a Registered Professional Reporter  
5 and Notary Public within and for the State of Colorado,  
6 commissioned to administer oaths, do hereby certify that  
7 previous to the commencement of the examination, the  
8 witness was duly sworn by me to testify the truth in  
9 relation to matters in controversy between the said  
10 parties; that the said deposition was taken in stenotype  
11 by me at the time and place aforesaid and was thereafter  
12 reduced to typewritten form by me; and that the foregoing  
13 is a true and correct transcript of my stenotype notes  
14 thereof; that I am not an attorney nor counsel nor in any  
15 way connected with any attorney or counsel for any of the  
16 parties to said action nor otherwise interested in the  
17 outcome of this action.  
18     My commission expires October 26, 2024.  
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20             
21           SARA A. STUEVE  
22           Registered Professional Reporter  
23           Notary Public, State of Colorado  
24 August 16, 2021  
25

Colorado Rules of Civil Procedure  
Chapter 4, Disclosure and Discovery  
Rule 30

(e) Review by Witness; Changes; Signing. If requested by the deponent or a party before completion of the deposition, the deponent shall be notified by the officer that the transcript or recording is available. Within 35 days of receipt of such notification the deponent shall review the transcript or recording and, if the deponent makes changes in the form or substance of the deposition, shall sign a statement reciting such changes and the deponent's reasons for making them and send such statement to the officer. The officer shall indicate in the certificate prescribed by subsection (f)(1) of this rule whether any review was requested and, if so, shall append any changes made by the deponent.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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