

<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><b>Attorneys for Plaintiff</b>          Charles J. Cain, No. 51020  <a href="mailto:ccain@cstrial.com">ccain@cstrial.com</a>          Steve Skarnulis, No. 21PHV6401  <a href="mailto:skarnulis@cstrial.com">skarnulis@cstrial.com</a>          Bradley A. Kloewer, No. 50565  <a href="mailto:bkloewer@cstrial.com">bkloewer@cstrial.com</a>          Zachary H. Bowman, No. 21PHV6676  <a href="mailto:zbowman@cstrial.com">zbowman@cstrial.com</a>  <b>CAIN &amp; SKARNULIS PLLC</b>          P. O. Box 1064          Salida, Colorado 81201          719-530-3011/512-477-5011 (Fax)</p> <p>Thomas M. Rogers III, No. 28809  <a href="mailto:trey@rklawpc.com">trey@rklawpc.com</a>          Mark Grueskin, No. 14621  <a href="mailto:mark@rklawpc.com">mark@rklawpc.com</a>          Andrew E. Ho, No. 40381  <a href="mailto:andrew@rklawpc.com">andrew@rklawpc.com</a>          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><b>EXHIBIT J-1</b></p>	

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DISTRICT COURT  
DENVER COUNTY, COLORADO

ERIC COOMER, Ph.D., )  
Plaintiff, )  
)  
vs. )Case Number  
)2020CV34319  
DONALD J. TRUMP FOR )  
PRESIDENT, INC., SIDNEY )  
POWELL, SIDNEY POWELL, )  
P.C., RUDOLPH GIULIANI, )  
JOSEPH OLTMANN, FEC )  
UNITED, SHUFFLING )  
MADNESS MEDIA, INC. dba )  
CONSERVATIVE DAILY, )  
JAMES HOFT, TGP )  
COMMUNICATIONS LLC dba )  
THE GATEWAY PUNDIT, )  
MICHELLE MALKIN, ERIC )  
METAXAS, CHANEL RION, )  
HERRING NETWORKS, INC. )  
dba ONE AMERICA NEWS )  
NETWORK, and NEWSMAX )  
MEDIA, INC., )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF  
RUDOLPH GIULIANI  
New York, New York  
Saturday, August 14, 2021

Reported By:  
CATHI IRISH, RPR, CRR, CLVS

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8 August 14, 2021  
9 9:25 a.m.  
10  
11 Videotaped deposition of RUDOLPH  
12 GIULIANI, held at the offices of  
13 Giuliani Partners, 445 Park Avenue,  
14 Suite 1801, New York, New York, before  
15 Cathi Irish, a Registered Professional  
16 Reporter, Certified Realtime Reporter,  
17 and Notary Public of the State of  
18 New York.  
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Page 2

1  
2 A P P E A R A N C E S (via Zoom):  
3  
4 RECHT KORNFELD, PC  
5 Attorneys for Plaintiff  
6 1600 Stout Street  
7 Suite 100  
8 Denver, Colorado 80202  
9 BY: THOMAS M. ROGERS III (TREY), ESQ.  
10  
11 ARRINGTON LAW FIRM  
12 Attorneys for Defendant Sidney Powell  
13 & Sidney Powell, P.C.  
14 3801 East Florida Avenue  
15 Suite 830  
16 Denver, Colorado 80210  
17 BY: BARRY ARRINGTON, ESQ.  
18  
19  
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Page 4

1  
2 A P P E A R A N C E S:  
3  
4 CAIN & SKARNULIS PLLC  
5 Attorneys for Plaintiff  
6 P.O. Box 1064  
7 Salida, Colorado 81201  
8 BY: CHARLES J. CAIN, ESQ.  
9 STEVE SKARNULIS, ESQ.  
10 BRAD KLOEWER, ESQ.  
11 ZACH BOWMAN, ESQ.  
12  
13 JACKSON KELLY PLLC  
14 Attorneys for Defendant  
15 Donald J. Trump for President, Inc.  
16 1099 18th Street, Suite 2150  
17 Denver, Colorado 80202  
18 BY: JOHN ZAKHEM, ESQ.  
19  
20 CAMARA & SIBLEY, LLP  
21 Attorneys for Defendant  
22 Rudolph Giuliani  
23 1108 Lavaca Street, Suite 110263  
24 Austin, Texas 78701  
25 BY: JOE SIBLEY, ESQ.

Page 3

1  
2 A P P E A R A N C E S (via Zoom cont'd):  
3  
4 THE HALL LAW OFFICE, LLC  
5 Attorneys for Defendants  
6 Joseph Oltmann, FEC United and  
7 Shuffling Madness Media, Inc.  
8 dba Conservative Daily  
9 P.O. BOX 2251  
10 Loveland, Colorado 80539  
11 BY: ANDREA M. HALL, ESQ.  
12 INGRID J. DeFRANCO, ESQ.  
13  
14 LAW OFFICES OF RANDY B. CORPORON, P.C.  
15 Attorneys for Defendants James Hoft  
16 and TGP COMMUNICATIONS, LLC  
17 dba THE GATEWAY PUNDIT  
18 2821 South Parker Road  
19 Suite 555  
20 Aurora, Colorado 80014  
21 BY: RANDY B. CORPORON, ESQ.  
22  
23  
24  
25

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1  
2 A P P E A R A N C E S (via Zoom cont'd):  
3  
4 PATTERSON RIPPLINGER, P.C.  
5 Attorneys for Defendant  
6 Michelle Malkin  
7 5613 DTC Parkway  
8 Suite 400  
9 Greenwood Village, Colorado 80111  
10 BY: GORDON A. QUEENAN, ESQ.  
11  
12 GORDON REES SCULLY MANSUKHANI, LLP  
13 Attorneys for Defendant Eric Metaxas  
14 555 Seventeenth Street  
15 Suite 3400  
16 Denver, Colorado 80202  
17 BY: MARGARET BOEHMER, ESQ.  
18 THOMAS B. QUINN, ESQ.  
19  
20  
21  
22  
23  
24  
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1  
2 ALSO PRESENT:  
3 ROBERT BENIMOFF, videographer  
4  
5 APPEARING VIA ZOOM:  
6 REBECCA DOMINGUEZ,  
7 Veritext Case Manager  
8 SIDNEY POWELL  
9 CHANEL RION  
10  
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Page 8

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2 A P P E A R A N C E S (via Zoom cont'd):  
3  
4 LATHROP GPM LLP  
5 Attorneys for Defendant Chanel Rion  
6 and Herring Networks, Inc.  
7 dba One America News Network  
8 1515 Wynkoop Street  
9 Suite 600  
10 Denver, Colorado 80202  
11 BY: BRAD JOHNSON, ESQ.  
12 STEPHEN K. DEXTER, ESQ.  
13  
14 DYMOND • REAGOR, PLLC  
15 Attorneys for Defending the Republic  
16 8400 East Prentice Avenue  
17 Suite 1040  
18 Greenwood Village, Colorado 80111  
19 BY: MICHAEL W. REAGOR, ESQ.  
20 CHRISTOPHER SEERVELD, ESQ.  
21 ABBIE FRYE, ESQ.  
22  
23  
24  
25

Page 7

1  
2 THE VIDEOGRAPHER: Good morning.  
3 We're now going on the record at  
4 approximately 9:25 a.m. on August 14,  
5 2021.  
6 Please note that the microphones  
7 are sensitive and may pick up  
8 whispering, private conversations and  
9 cellular interference. Please turn  
10 off all cell phones or place them away  
11 from the microphones as they can  
12 interfere with the deposition audio.  
13 Audio and video recording will  
14 continue to take place until all  
15 parties agree to go off the record.  
16 This is media unit 1 of the video  
17 recorded deposition of Rudolph  
18 Giuliani in the matter of Eric Coomer  
19 versus Donald J. Trump for President,  
20 Inc., et al., filed in the District  
21 Court, Denver County, Colorado, Case  
22 Number 2020CV34319.  
23 This deposition is held at  
24 Giuliani Partners located at 445 Park  
25 Avenue, New York.

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1  
2 My name is Robert Benimoff  
3 representing Veritext and I am the  
4 videographer. The court reporter is  
5 Cathi Irish representing Veritext.  
6 I am not authorized to administer  
7 an oath. I am not related to any  
8 party in this action, nor am I  
9 financially interested in the outcome.  
10 Counsel and all present in the  
11 room and everyone attending remotely  
12 will now state their appearances and  
13 affiliations for the record, and if  
14 there are any objections to  
15 proceeding, please state them at the  
16 time of your appearance beginning with  
17 the noticing attorney.  
18 MR. CAIN: In the room, my name  
19 is Charlie Cain. My team is with me,  
20 Mr. Brad Kloewer, Mr. Steve Skarnulis,  
21 Mr. Zach Bowman.  
22 MR. SIBLEY: Joe Sibley for Rudy  
23 Giuliani, and I don't have an  
24 objection to the proceeding but before  
25 the deposition, I want to make it

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1  
2 clear that the only remote  
3 participants should either be  
4 attorneys in the case or parties in  
5 the case, and I would like to ask our  
6 court reporting service who is  
7 administering the remote proceedings  
8 to verify who's been let into the  
9 deposition remotely so we can ensure  
10 that only the proper parties are here.  
11 MR. ZAKHEM: John Zakhem for the  
12 Trump campaign.  
13 THE WITNESS: Rudolph W.  
14 Giuliani.  
15 MR. SIBLEY: Can we get Veritext  
16 to verify who is here?  
17 MS. DOMINGUEZ: We've got  
18 Ms. Andrea Hall. Abbie Frye.  
19 MR. SIBLEY: Abbie Frye?  
20 MS. DOMINGUEZ: Yes. Abbie, can  
21 you please let us know which firm  
22 you're with?  
23 MR. REAGOR: This is Michael  
24 Reagor for Defending the Republic.  
25 Abbie is an attorney for Defending the

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1  
2 Republic.  
3 MS. DOMINGUEZ: Andrea Hall.  
4 Mr. Barry Arrington. Mr. Brad  
5 Johnson, Ms. Chanel Rion.  
6 Christopher, could you please let  
7 me know which firm you're with and  
8 your full name?  
9 MR. REAGOR: Chris Seerveld is an  
10 attorney for Defending the Republic.  
11 MR. SIBLEY: Brad Johnson is --  
12 who is Brad Johnson?  
13 MR. JOHNSON: I am attorney for  
14 OAN and Rion.  
15 MR. SIBLEY: Okay, got it.  
16 Sorry, there's a lot of lawyers. I  
17 can't keep up with everyone.  
18 All right, go ahead.  
19 MS. HALL: And Rebecca, Ingrid is  
20 with my office as well.  
21 THE WITNESS: Representing?  
22 MR. SIBLEY: Oltmann, that's  
23 Oltmann.  
24 MS. DOMINGUEZ: Okay, Greg, could  
25 you please let me know who you are?

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1  
2 You're on mute.  
3 Okay, I'm going to go ahead and  
4 put him in the waiting room right now.  
5 Gordon, could you please let me  
6 know which firm you're with and your  
7 full name, please?  
8 MR. QUEENAN: It's in the chat.  
9 It's Patterson Rippling and I  
10 represent Michelle Malkin.  
11 MS. DOMINGUEZ: Thank you.  
12 Mr. Corporon, he's with his own  
13 firm.  
14 Sidney, I believe that's Sidney  
15 Powell.  
16 Stephen Dexter is with Herring  
17 Networks, he represents Herring  
18 Networks.  
19 Mr. Tom Quinn. Mr. Quinn, which  
20 firm are you with, please?  
21 MS. BOEHMER: Tom is with Gordon  
22 Rees Scully Mansukhani. This is  
23 Margaret Boehmer. He and I are  
24 counsel for Eric Metaxas.  
25 MS. DOMINGUEZ: Thank you.

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1  
2 And Trey Rogers, can you please  
3 let me know which firm you're with?  
4 MR. ROGERS: Thomas Rogers with  
5 the Recht Kornfeld firm representing  
6 the plaintiff.  
7 MS. DOMINGUEZ: Thank you. And  
8 thank you, Mr. Johnson, for your chat.  
9 Everyone is accounted for.  
10 THE VIDEOGRAPHER: Is there  
11 anyone else or is that it?  
12 MS. DOMINGUEZ: That is it.  
13 THE VIDEOGRAPHER: Will the court  
14 reporter please swear in the witness?  
15 RUDOLPH GIULIANI, called  
16 as a witness, having been duly sworn  
17 by a Notary Public, was examined and  
18 testified as follows:  
19 EXAMINATION  
20 BY MR. CAIN:  
21 Q. State your full name, please.  
22 A. Rudolph W. Giuliani,  
23 G-I-U-L-I-A-N-I. Rudolph William  
24 Giuliani.  
25 Q. Good morning. How are you doing?

Page 14

1 GIULIANI  
2 A. I'm doing fine.  
3 Q. Thank you for accommodating us on  
4 a Saturday morning.  
5 A. Thank you for doing it on a  
6 Saturday.  
7 Q. Let me set the scene for those  
8 that aren't here with us. We're in your  
9 office; correct?  
10 A. Right.  
11 Q. It's about 104 degrees in the  
12 conference room, give or take.  
13 A. We're going to see who faints  
14 first. You think you might?  
15 Q. We said our names earlier but I  
16 wanted you to know who was here for us.  
17 A. Please.  
18 Q. My name is Charlie Cain. Next to  
19 me is Brad Kloewer. He's from Colorado.  
20 He heads up our Colorado office.  
21 A. Are you from Colorado?  
22 Q. I am.  
23 A. Okay.  
24 Q. Originally from Austin, Texas.  
25 Mr. Steve Skarnulis is my law partner. He

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1 GIULIANI  
2 is the oldest member of our firm.  
3 MR. SKARNULIS: Thanks, Charlie.  
4 BY MR. CAIN:  
5 Q. Mr. Zach Bowman is sitting next  
6 to him to his right. Mr. Bowman was just  
7 unanimously voted as a new partner in the  
8 law firm.  
9 A. Congratulations, Mr. Bowman.  
10 MR. BOWMAN: Thank you.  
11 BY MR. CAIN:  
12 Q. So I wanted to make that  
13 announcement. Congratulations.  
14 And then you know Mr. Zakhem who  
15 is in the corner and your counsel, and  
16 then our court reporter, Cathi, and the  
17 videographer.  
18 A. Who is the daughter-in-law of one  
19 of the Yankees' greatest pitchers and one  
20 of the greatest pitchers of all time about  
21 whom I'm going to tell you a story off the  
22 record later.  
23 Q. Let's do this, Mr. Giuliani.  
24 Let's boogie because we only have about  
25 three hours on the record pursuant to the

Page 16

1 GIULIANI  
2 court order.  
3 A. I'm ready to go.  
4 Q. You signed an affidavit, I guess  
5 technically it's a declaration in this  
6 case in support of your anti-SLAPP motion.  
7 Are you aware of that?  
8 A. I do recall signing it.  
9 Q. Let's talk about it.  
10 A. Probably would have thought it  
11 was an affidavit.  
12 Q. Well, they seem to be going to  
13 declarations in the COVID period, and I  
14 know you've been a lawyer for a long time  
15 but let's do our best not to speak over  
16 each other so that we don't --  
17 A. We'll do what we can.  
18 Q. -- interfere with the court  
19 reporter.  
20 (Exhibit 98, declaration, marked  
21 for identification.)  
22 MR. CAIN: Here's a copy of  
23 Exhibit 98, and for the crew that's on  
24 Zoom, I'm going to load as best I can  
25 onto Egnyte the documents that he's

Page 17

1 GIULIANI  
2 looking at to the extent that they are  
3 new. We've already preloaded a  
4 handful of those documents.  
5 BY MR. CAIN:  
6 Q. Mr. Giuliani, what is Exhibit 98?  
7 A. This is my affidavit and my  
8 signature at the bottom there.  
9 Q. And you filed this in support of  
10 your motion to dismiss this case; right?  
11 A. Yes, I believe that's what it  
12 says.  
13 Q. And in doing so, I take it you  
14 have tried to be as thorough as possible  
15 in explaining to the court your  
16 investigation relating to Dr. Coomer, my  
17 client?  
18 MR. SIBLEY: Objection, form.  
19 BY MR. CAIN:  
20 Q. Is that a fair statement?  
21 MR. SIBLEY: Objection, form.  
22 THE WITNESS: I related what I  
23 recall as accurately as I could.  
24 BY MR. CAIN:  
25 Q. And you stated as much as you

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1 GIULIANI  
2 could recall as accurately as you could  
3 about your investigation into Dr. Coomer?  
4 MR. SIBLEY: Objection, form.  
5 THE WITNESS: Yes.  
6 BY MR. CAIN:  
7 Q. Turn to page 2 of your affidavit.  
8 Looks to me like you've got eight  
9 paragraphs in this affidavit. The second  
10 paragraph talks about your status with the  
11 Trump campaign. I want to focus your  
12 attention on paragraphs 3 and 4. And as I  
13 read your affidavit, paragraph 3 and 4 is  
14 really where you kind of outline the  
15 investigation into Dr. Coomer. Is that a  
16 fair statement?  
17 MR. SIBLEY: Objection, form.  
18 THE WITNESS: Let me just read  
19 it.  
20 (Witness perusing document.)  
21 I would say it's a very brief  
22 outline, yes.  
23 BY MR. CAIN:  
24 Q. Let's put some meat on the bones  
25 then if there's more to say. You begin

Page 19

1 GIULIANI  
2 paragraph 3 by saying at some point during  
3 our legal team's investigation, I'll stop  
4 there.  
5 When you're referring to your  
6 legal team's investigation, who are you  
7 referring to?  
8 A. I'm referring to the lawyers that  
9 were working on the -- all of the  
10 allegations of election fraud that had  
11 come to our attention, both the group that  
12 was specially put together as counsel to  
13 the president, as well as the lawyers from  
14 the campaign who were assisting us.  
15 Q. Okay. Let's --  
16 A. So I thought of them as divided  
17 somewhat into two groups that worked  
18 together but were still two separate  
19 groups that did different things as well.  
20 Q. The crew that you mentioned that  
21 was counsel to the president, who was on  
22 that team?  
23 A. Why don't we say counsel to the  
24 president personally. On that team,  
25 myself, Jenna Ellis, Sidney Powell, Joseph

Page 20

1 GIULIANI  
2 diGenova, Victoria Toensing. I'm not sure  
3 at that point if Christina Bobb was or  
4 wasn't. She may have been. And I'm  
5 missing one I know. Boris.  
6 Q. Boris?  
7 A. Boris -- Boris, Boris, Boris, I  
8 can't remember his last name. Boris.  
9 I'll get you his name.  
10 Q. Okay.  
11 A. His status was -- I should  
12 explain this so it doesn't create any  
13 confusion. The original press release  
14 that was put out, Boris's name was not  
15 included, although it was included in the  
16 document that was sent over to the White  
17 House. His name was excluded because the  
18 president's staff did not think Boris was  
19 a lawyer. It turned out that Boris was a  
20 lawyer and therefore we included his name,  
21 and so there are some press releases that  
22 have Boris's name and some that do not.  
23 Boris Epstein, Boris Epstein.  
24 Q. How about Mr. Eastman, was he  
25 ever --

Page 21

1 GIULIANI  
2 A. At this point Mr. Eastman was not  
3 a member of the team.  
4 Q. At some point was he?  
5 A. He was, yes.  
6 Q. When?  
7 A. Remind me of the date. If we're  
8 talking about at the time that we held the  
9 press conference in which Mr. Coomer was  
10 mentioned a few times, I do not believe  
11 that Mr. Eastman was a member of the team.  
12 I don't know exactly when he became a  
13 member of the team but my best  
14 recollection would be sometime in  
15 December.  
16 Q. Do you know the circumstances  
17 surrounding why he came on the team in  
18 December?  
19 A. I do.  
20 Q. What are they?  
21 A. Constitutional issues, very  
22 specific advice about the Constitution of  
23 the United States. He was consulted along  
24 with a number of other -- I don't know the  
25 right way to describe this but along with

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1 GIULIANI  
2 several other constitutional experts.  
3 Q. The group that you identified, I  
4 want to make it crystal clear on the  
5 record, are you saying they were attorneys  
6 for Donald Trump personally or for the  
7 Trump campaign or both?  
8 MR. SIBLEY: Objection, form.  
9 THE WITNESS: My understanding of  
10 it?  
11 BY MR. CAIN:  
12 Q. Yes.  
13 A. They were retained in the  
14 president's personal capacity, represented  
15 him as Donald Trump, the individual which  
16 we had become quite familiar with because  
17 of the impeachment proceedings where he  
18 had government counsel and private  
19 counsel, as most presidents do.  
20 Q. And is there anything that  
21 reflects their retention in that capacity?  
22 A. Certainly the press release from  
23 the president, several. I've seen  
24 internal memos, particularly when they  
25 corrected and added Boris. Beyond that, I

Page 23

1 GIULIANI  
2 don't know.  
3 Q. Well, when you -- strike that.  
4 How about the Trump campaign?  
5 The list of folks that you just gave me as  
6 personal counsel to President Trump, how  
7 many of them, if any, were also counsel to  
8 the campaign?  
9 A. I don't know. I don't know, I  
10 couldn't identify. I was, but I couldn't  
11 identify any others that were.  
12 Q. Well, I think --  
13 A. Excuse me. It could be that  
14 Jenna Ellis had previously been counsel to  
15 the campaign and therefore that status may  
16 have just -- that status may have taken  
17 over. Sidney Powell had not been, Boris  
18 had not been, Joe and Vicki Toensing had  
19 not been so the only one that might apply  
20 to is Jenna Ellis.  
21 Q. Can you think of a roster  
22 somewhere that you saw that identified the  
23 legal team, whether they are in the  
24 capacity as the president's lawyers or in  
25 the campaign?

Page 24

1 GIULIANI  
2 A. Oh, you mean like one that says  
3 they are the president's lawyers but not  
4 the campaign?  
5 Q. Yes.  
6 A. No. What I can remember is  
7 seeing documents and it could be the same  
8 document we produced a lot in which the  
9 president's legal team was listed, and as  
10 I said, there are two versions of it, one  
11 with Boris and one without Boris.  
12 Q. So you've stated you were at  
13 least at one point an attorney for the  
14 campaign; correct?  
15 A. Correct.  
16 Q. And you've stated that Ms. Ellis  
17 was also --  
18 A. No, I'm saying I believe she was.  
19 I'm not absolutely certain of that.  
20 Q. Well, when you began the press  
21 conference on November 19th, you stated,  
22 quote, "This is a representative of our  
23 legal team. We're representing President  
24 Trump and we're representing the Trump  
25 campaign. When I finish, Sidney Powell

Page 25

1 GIULIANI  
2 and then Jenna Ellis will follow me."  
3 So at the time of the press  
4 conference, it's fair to say that you  
5 identified both Sidney Powell and Jenna  
6 Ellis as representatives of the campaign?  
7 MR. SIBLEY: Objection, form.  
8 THE WITNESS: Well, if I did, I  
9 should correct that. I probably  
10 should have stopped short with Jenna  
11 Ellis. I do not believe that Sidney  
12 Powell was ever counsel to the  
13 campaign.  
14 BY MR. CAIN:  
15 Q. Then why did you say she was?  
16 A. I don't know. Maybe just  
17 speaking too loosely, too generally, maybe  
18 I hadn't thought about the technical  
19 distinction at the time but I have no  
20 reason to believe she was counsel to the  
21 campaign.  
22 Q. Do you know whether the  
23 campaign --  
24 A. I never saw her on a list. The  
25 thing I'm relying on is the list that I

Page 26

1 GIULIANI  
2 saw and her name was never on that list.  
3 Q. Do you know if she was ever paid  
4 to represent the campaign?  
5 A. I do not.  
6 Q. Were you ever paid to represent  
7 the campaign?  
8 A. I was not. I was reimbursed for  
9 my expenses.  
10 Q. Why were you representing the  
11 campaign for no compensation?  
12 A. The president -- the president  
13 ordered me to do it.  
14 Q. When did that occur?  
15 A. The election was January 3rd. If  
16 you don't mind, I'll recreate. The  
17 election was January 3rd. That would have  
18 been on the 4th or the 5th.  
19 Q. I think you misspoke.  
20 A. Did I say January? November 3rd.  
21 November 4th and November 5th we're  
22 talking about. Either on the 4th or the  
23 5th, I believe it was the 4th, the  
24 president said in the Oval Office, I want  
25 you to go over and take over -- take over

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1 GIULIANI  
2 the campaign, go tell them you're in  
3 charge.  
4 MR. SIBLEY: I just want to  
5 instruct the witness, don't reveal any  
6 attorney/client privileged  
7 communications. So if it relates to  
8 legal advice, don't disclose it. If  
9 it relates to logistics --  
10 THE WITNESS: This is a statement  
11 he made.  
12 MR. SIBLEY: It doesn't matter if  
13 he made the statement. Don't disclose  
14 it if it's attorney/client privilege,  
15 only if it relates to the logistics of  
16 how you were retained and became  
17 attorney.  
18 THE WITNESS: I will be very  
19 careful. He said go over and tell  
20 them you're in charge, it's got to be  
21 straightened out. And I said,  
22 Mr. President, it would help if you  
23 called over and made that point also,  
24 and he said I will, and that was the  
25 conversation with the president

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1 GIULIANI  
2 without going into the rest of the  
3 conversation which I believe would be  
4 privileged.  
5 BY MR. CAIN:  
6 Q. Okay. Who did you take over for?  
7 A. Well, I certainly took over for  
8 the chief counsel.  
9 Q. Which was?  
10 A. Justin Clark. It's a little  
11 ambiguous as to whether or not the  
12 president was saying I was taking over the  
13 campaign or I was taking over the legal  
14 aspect of the campaign.  
15 Q. Who was the director of the --  
16 A. Bill Stepien was the director of  
17 the campaign. Coincidentally Bill worked  
18 on my campaign. I knew Bill quite well.  
19 And so I interpreted it as I'm taking over  
20 the legal, Bill is still running the  
21 campaign.  
22 Q. Okay. Did you physically move  
23 into the campaign offices for a period of  
24 time?  
25 A. I did. Yes, I went over and

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1 GIULIANI  
 2 moved in there and I also had a separate  
 3 office, both.  
 4 Q. As far as the legal team that  
 5 moved in there with you, let's see if we  
 6 can talk about that.  
 7 Who was at the campaign  
 8 headquarters with you working as part of  
 9 the legal team?  
 10 A. Jenna Ellis virtually all the  
 11 time. She was probably there the most  
 12 often. Joe and Vicki Toensing a little  
 13 less but they are very way beyond 9 to 5.  
 14 Boris tended to operate out of his own  
 15 office but came there three, four times a  
 16 day. Then we were quickly joined by  
 17 Christina Bobb, and I think by the time of  
 18 the press conference she was already part  
 19 of the -- had been approved as part of the  
 20 legal team.  
 21 Those would be the lawyers. We  
 22 acquired very quickly some paralegals and  
 23 assistants and some researchers but I  
 24 didn't keep track of that. Boris and  
 25 Jenna did.

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1 GIULIANI  
 2 Q. Gotcha.  
 3 A. I knew who they were but most of  
 4 them I didn't hire. They did. I just  
 5 approved it.  
 6 Q. Do you know when you moved in  
 7 physically who the director of  
 8 communications was for the campaign?  
 9 A. Oh, sure. The director of  
 10 communications was a friend of mine. It  
 11 was -- oh, I better be sure. I assume the  
 12 director -- maybe you'd better refresh my  
 13 recollection. I don't want to misspeak as  
 14 to who the official director of  
 15 communications was.  
 16 Q. That's why we're asking.  
 17 A. Oh, you don't know either. There  
 18 seems to have been a lot of directors of  
 19 communications.  
 20 Is it all right if I consult with  
 21 my counsel? Is it possible?  
 22 MR. SIBLEY: Unless it's  
 23 privileged, Rudy --  
 24 THE WITNESS: It's possibly an  
 25 issue of privilege.

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1 GIULIANI  
 2 MR. CAIN: He's mic'd up so you  
 3 can't do this here.  
 4 THE VIDEOGRAPHER: Does counsel  
 5 agree to go off the record?  
 6 MR. CAIN: Yes.  
 7 THE VIDEOGRAPHER: Going off the  
 8 record at approximately 9:50.  
 9 (Witness conferring with  
 10 Counsel.)  
 11 THE VIDEOGRAPHER: We're back on  
 12 the record at approximately 9:54 a.m.  
 13 MR. CAIN: Counsel, are you  
 14 asserting a privilege on the answer to  
 15 that question?  
 16 MR. SIBLEY: No, sir.  
 17 BY MR. CAIN:  
 18 Q. All right.  
 19 A. So the only way I would be able  
 20 to answer that question correctly is if  
 21 you showed me a list of the people in the  
 22 communications office and then that would  
 23 refresh my recollection as to who the  
 24 person selected, but I don't recall  
 25 exactly who was selected, and the part

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1 GIULIANI  
 2 that's privileged is there was  
 3 considerable conversation about that part  
 4 that is privileged.  
 5 Q. Well, I didn't come with a handy  
 6 dandy org chart of the campaign so I can't  
 7 help you there. The name Jim Murtaugh  
 8 comes to mind.  
 9 A. Jim was not given to us as the  
 10 director of communications for our team,  
 11 no, but he was one of the people in that  
 12 large group of people that was a spokesman  
 13 for the campaign and the election effort  
 14 but not the one assigned to us.  
 15 Q. Okay. Who was assigned to you?  
 16 A. That's the problem, okay.  
 17 Q. Okay. Well, we'll --  
 18 A. I can get it for you during the  
 19 break by just making a call.  
 20 Q. We'll do that at a break.  
 21 A. It's not a big deal. I just want  
 22 to be accurate because of the sensitivity  
 23 of the conversation.  
 24 Q. I understand completely.  
 25 A. All right.

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1 GIULIANI  
2 Q. So let's do this, I guess. Let's  
3 talk through your affidavit a little bit  
4 more and then we can go on to another  
5 topic.  
6 All right, so when we went down  
7 this rabbit trail, we were talking about  
8 who the legal team was that you referred  
9 to. In paragraph 3, and I'll just read it  
10 for the record since it's short, you say,  
11 "At some point during our legal team's  
12 investigation into the election (which  
13 included voting security issues with  
14 Dominion and Dominion's history with  
15 Smartmatic) we" -- I assume you're  
16 referring to the team there.  
17 A. Yes, sir.  
18 Q. -- "became aware of media reports  
19 circulating regarding Coomer and  
20 allegations that he had been overheard  
21 telling a radical leftist group words to  
22 the effect that he had ensured that Trump  
23 would lose the election."  
24 All right, let's talk about that  
25 sentence.

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1 GIULIANI  
2 You say that we, meaning the  
3 team, became aware of media reports.  
4 Mr. Giuliani, which media reports are you  
5 talking about?  
6 A. They would be online -- online  
7 publications that someone else on the team  
8 would bring to me and show me and say --  
9 this is probably the first time I heard  
10 Mr. Coomer's name -- that this gentleman  
11 named Eric Coomer is -- it says in this  
12 article that he had a relationship with  
13 Antifa and according to the report, he had  
14 overheard, and at this point it might have  
15 been hazier than it eventually became,  
16 that he had said something about ensuring  
17 that Trump would be -- assuring these  
18 people that Trump would be defeated before  
19 -- it was a statement made before the  
20 election according to the way it was  
21 related to me.  
22 Q. Okay. Let's try to go back in  
23 your mind's eye and recall the specific  
24 events.  
25 Do you remember where you were

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1 GIULIANI  
2 when you got this information, where you  
3 were and when this was and who gave it to  
4 you? That's a three-part question but if  
5 you're okay with it, I'll --  
6 A. I'll try. The answer is I'm not  
7 exactly sure. The conversation took place  
8 maybe two or three times. There was  
9 definitely a conversation in the campaign  
10 headquarters conference room about it.  
11 Could have been one also in my own office.  
12 Q. Is that the one -- this office  
13 we're sitting in?  
14 A. No, no, the office I had in  
15 Washington. Maybe I should describe the  
16 setup.  
17 Q. Let's do that.  
18 A. So I have been representing the  
19 president for a year and a half as his  
20 counsel for the various impeachments, as  
21 his personal counsel with Jay Sekulow and  
22 I had an office then in Jay's office on  
23 the Hill. I also had my own office which  
24 I set up at the Trump Hotel so that sort  
25 of became my Washington office. So when I

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1 GIULIANI  
2 took over this role, I originally was just  
3 going to continue as his personal lawyer  
4 like I had been before so I set up my  
5 office at the Trump Hotel again. So that  
6 was one office, and then the other was  
7 when he told me to go over to the campaign  
8 office, the campaign office so I would  
9 have meetings in both places.  
10 Eventually the Trump Hotel, we  
11 moved to the Oriental, Mandarin Oriental  
12 Hotel and got a suite of offices there and  
13 toward the very end, we moved for a short  
14 period to the -- I've forgotten, it was in  
15 town, it was an old established Washington  
16 hotel on Pennsylvania Avenue. That was  
17 just a short time, we were there maybe  
18 three weeks, four weeks. Most of the time  
19 we were at the Trump Hotel or the Mandarin  
20 Oriental.  
21 Q. Well, let's bookend your  
22 representation times because you said in  
23 the first part of your response that you  
24 had started to represent President Trump  
25 about a year and a half ago.

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1 GIULIANI  
2 A. Sure, it was in April, May 2019.  
3 Q. Okay. When was the last time  
4 that you performed legal services for  
5 either President Trump in his personal  
6 capacity or the campaign?  
7 A. Probably February.  
8 Q. Of this year?  
9 A. Um-hum.  
10 Q. Is that a yes?  
11 A. Possibly March, February or  
12 March.  
13 Q. Of this year?  
14 A. I'm sorry, yes, this year.  
15 Q. You said um-hum which can be  
16 ambiguous.  
17 A. I'm sorry, I didn't mean to.  
18 Q. That's all right.  
19 A. I just can't -- I can't -- I  
20 would interpret that to mean he asked me  
21 legal questions and I gave him advice.  
22 Last time I can remember doing that, the  
23 latest would be March of this year.  
24 Q. Okay. So here's what I'm -- the  
25 object of the --

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1 GIULIANI  
2 A. May I say, I still give him  
3 political advice so a week ago I met with  
4 him and we discussed politics. So  
5 sometimes it's hard to know which hat I'm  
6 wearing but I don't think I've worn the  
7 legal hat since March of 2019.  
8 Q. Before I get off of office space,  
9 I wasn't anticipating that line of  
10 questioning, did you have offices at the  
11 Willard Hotel?  
12 A. That was it, the Willard Hotel,  
13 yes, and that was -- we actually for a  
14 short time were at the Willard Hotel for  
15 some logistical reason but at the end of  
16 our representation, as we were getting  
17 closer to the inauguration, I believe it  
18 was sometime after Christmas we moved to  
19 the Willard Hotel. We moved from the  
20 Mandarin Oriental to the Willard Hotel,  
21 and a lot of this got determined based on  
22 COVID.  
23 Q. So let me restate what I was  
24 about to say. The object of my line of  
25 questioning is to find out what you

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1 GIULIANI  
2 remember learning about Dr. Coomer before  
3 you went to the press conference on  
4 November 19th. What we were talking about  
5 was the online material or media reports  
6 as you say in your affidavit -- excuse me,  
7 declaration, and then we started talking  
8 about office space.  
9 A. Where it was, yeah.  
10 Q. So can you think of,  
11 Mr. Giuliani, as you sit here, what media  
12 reports you remember seeing, either an  
13 article or a media, any kind of statement?  
14 A. I can remember seeing what I  
15 would call online media, meaning --  
16 meaning not the Washington Post or The New  
17 York Times or the New York Post or NBC,  
18 CBS. More like -- not necessarily them  
19 but more like The Daily Caller or that  
20 category, Breitbart. So it was brought to  
21 my attention that there was a media  
22 report, maybe two, that there was a guy  
23 who worked for Dominion that was -- had a  
24 history of being very anti-Trump and that  
25 in a conversation that was overheard with

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1 GIULIANI  
2 Antifa members, he made this statement  
3 before the election that the election was  
4 fixed, and I said have we run it down and  
5 the answer was no, but I'll get back to  
6 you.  
7 Q. Who was supposed to get back to  
8 you?  
9 A. Phil Waldron was the one who was  
10 supposed to get back to me. That  
11 conversation I just described could have  
12 been with Phil or one of his people and I  
13 told them give Phil the action to do it,  
14 but I definitely discussed it during that  
15 very brief period with Phil and then one  
16 of the people who worked for Phil. I  
17 don't remember which one.  
18 Q. I see. Did he get back to you?  
19 A. He did, yeah.  
20 Q. What did he get back to you with?  
21 A. I can't tell you the timing for  
22 sure, how fast it was or whatever, this  
23 was not by any means the focus what I was  
24 doing at the time. I was focusing really  
25 on the Philadelphia case and on the

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1 GIULIANI  
2 Michigan case because I was writing,  
3 working with Phil Hearn on the draft of  
4 that case so this was like an interruption  
5 to what I was doing, just so you  
6 appreciate that it wasn't main point of  
7 what I was doing.  
8 He would come back to me at  
9 various times with many, many things and  
10 in it he said -- he said at some point  
11 Coomer came up, he said we have a -- we've  
12 got this -- there's a witness now, there's  
13 a witness now that says -- there's an  
14 identifiable witness who says this  
15 conversation took place before the  
16 election. He said this guy Coomer --  
17 sometimes I go and look myself online when  
18 stuff comes up. This time I didn't have  
19 the time to do it. I was virtually  
20 working 22 hours a day. But he had. He  
21 said this guy, you're not going to find  
22 anything right now because they took down  
23 a lot of his media, a lot of his social  
24 media stuff, and it looks like Dominion is  
25 trying to hide him but either he or -- he

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1 GIULIANI  
2 said some people captured a good deal of  
3 what he had been posting and it's awful.  
4 He said there's really all kinds of crazy  
5 S-H-I-T. I said like what? Things like  
6 he has to be removed, things suggesting  
7 he's crazy. I said any violence? He said  
8 you'd have to really interpret that, you  
9 would know that better than I would.  
10 I have been a United States  
11 attorney, Associate Attorney General and I  
12 did a fair number of threats on the  
13 president cases, meaning I handled the  
14 Hinckley case.  
15 And I said okay, see if you can  
16 get me something. We'll take a look at it  
17 but he said I think the guy is gone now, I  
18 think they are burying him. By burying  
19 him, he didn't mean killing him.  
20 Q. I get your point.  
21 A. He meant putting him under the  
22 rug, and I'll see what I can get you.  
23 I should emphasize this was a  
24 very, very small part of the conversation  
25 and that's why I have trouble locating

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1 GIULIANI  
2 exactly when it was. Maybe in the day  
3 that he talked to me about this, this took  
4 up maybe four minutes of the 20 hours I  
5 was working.  
6 So before we get to the point  
7 that I made the statement, he and several  
8 others, people who work with him,  
9 combination of at least him, another  
10 person, could have been a third person  
11 that worked for him, on my side maybe  
12 Bernie Kerik could be part of this, would  
13 have been somebody like Bernie Kerik.  
14 Q. Last name?  
15 A. K-E-R-I-K. He was the former  
16 New York City police commissioner and he  
17 was working as part of the investigatory  
18 team because from the time this first  
19 started until now, the team had expanded  
20 quite a bit, not with regard to lawyers  
21 but with regard to paralegals and  
22 investigators.  
23 Q. All right, Mr. Giuliani, you  
24 mentioned, I just want to make sure I got  
25 the last name, Phil Waldron is the --

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1 GIULIANI  
2 A. Colonel Phil Waldron,  
3 W-A-L-D-R-O-N.  
4 Q. And that's the four-minute  
5 conversation that you described?  
6 A. Roughly.  
7 Q. And he is with a group called  
8 ASOG; right?  
9 A. Yes, yes, that's right.  
10 Q. And since we're talking about  
11 time, how much Coomer time do you think  
12 you actually spent?  
13 A. If I was going to bill it?  
14 Q. Yeah, if you had to send a bill,  
15 I know you didn't send a bill to the  
16 campaign but if you had an invoice for  
17 Coomer time, how much Coomer time do you  
18 think you had?  
19 A. Before the press conference, gosh  
20 almighty, I bet it's not an hour. You  
21 would have to do one of those things  
22 lawyers hate to do, you would have to take  
23 like three minutes here, two minutes here,  
24 five minutes here, two minutes here and  
25 then what does that equal.

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1 GIULIANI  
2 Q. Right.  
3 A. It wasn't like a sustained  
4 15-minute conversation until we get right  
5 up to the time of the press conference.  
6 Q. So again, we got far down the  
7 road because I was asking you about media  
8 reports and I think you've described what  
9 you remember about the media reports you  
10 saw; right?  
11 A. They are not like a big distinct  
12 recollection. I recall better being told  
13 than actually seeing.  
14 Q. Right.  
15 A. I remember being told. He was  
16 holding a piece of paper. I'm not even  
17 sure I read it. He held a piece of paper  
18 and he recited it to me. I may have read  
19 it.  
20 Q. And the "he" is Mr. Waldron?  
21 A. Mr. Waldron, accompanied by one  
22 of his aides, I think, and he made that  
23 statement I told you and he said it, it's  
24 being covered in the media, definitely  
25 referred to one, he may have referred to

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1 GIULIANI  
2 two.  
3 Q. Do you have any Coomer time on  
4 your hypothetical bill post the November  
5 19th press release?  
6 A. Sure. Again very small amount.  
7 Q. Okay.  
8 A. Coomer's name would come up  
9 occasionally, sure.  
10 Q. Can you estimate what your bill  
11 would be?  
12 A. Gosh almighty, I can't. We would  
13 have to go through it separately. I'm  
14 pretty comfortable with pre -- pre press  
15 conference we spent, if we include  
16 preparing for the press conference, the  
17 max would be about an hour and a half in  
18 different segments, maybe two.  
19 Q. Is it fair to say that you were  
20 -- prior to the press conference, the  
21 majority of your time by far was taken up  
22 by issues other than Dr. Eric Coomer?  
23 A. Oh, absolutely.  
24 Q. Now, in terms of -- have we  
25 talked about sort of all you can remember

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1 GIULIANI  
2 doing and learning about Dr. Coomer before  
3 the press conference?  
4 A. No. We talked about everything I  
5 learned before we actually got to the  
6 point of preparing for the press  
7 conference.  
8 Q. Okay. So finish the rest of the  
9 story then for us.  
10 A. So after being alerted to the  
11 fact that there were these news reports,  
12 Phil, some of his staff and at some point  
13 Sidney Powell -- let's separate.  
14 Phil and his staff are almost  
15 interchangeable in terms of what they said  
16 to me. They had more detail about what it  
17 was. It was a conversation that a  
18 gentleman had listened into, had a --  
19 purported to have a tape of some, if not  
20 all, of the conversation. I don't know if  
21 it's a complete recording or an excerpt  
22 recording and in the conversation, Coomer  
23 says something to the effect of don't  
24 worry, the election against F-ing Trump is  
25 fixed, taken care of, we figured it out,

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1 GIULIANI  
2 words to that effect.  
3 He said that there's a person who  
4 taped this, a person who had additional  
5 information about meetings of this group  
6 in which this was discussed. And there  
7 were a couple of -- couple of witnesses, I  
8 believe he said this -- this is a faint  
9 recollection rather than a solid one. I  
10 think he said there were some people who  
11 could corroborate that.  
12 I said what does that mean,  
13 people who helped him with the logistics  
14 of this and getting this done. He didn't  
15 say it, I imagine what he meant by that  
16 was getting wired, getting into the  
17 meeting, getting into the telephone  
18 conversation, wiring it. That's I think  
19 that's what he meant. And I said how many  
20 people have heard this and he said I don't  
21 know. More than one but I don't think  
22 it's permeated.  
23 Q. And you're using pronouns. I  
24 want to make sure that --  
25 A. Pronouns are very --

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1 GIULIANI  
2 Q. You said he --  
3 A. -- very controversial now.  
4 Q. I take your point. In this  
5 respect, "he" meant whom? You said he was  
6 telling you this information.  
7 A. He was Phil.  
8 Q. That's what I thought you meant.  
9 A. Every once in a while somebody  
10 else would interrupt for Phil, but I  
11 always took it as coming from Phil. If  
12 the person said it in front of Phil, I had  
13 no reason to believe Phil wasn't  
14 supporting it. There were times, not in  
15 this case, when somebody would say  
16 something in front of Phil and he'd say  
17 that's not right or that's not correct.  
18 Q. Was Phil working with Josh  
19 Merritt or Russ Ramsland at that point?  
20 A. I know he was doing some work  
21 with Russ. I don't know about the other  
22 gentleman.  
23 Q. All right. So have you completed  
24 your recollection of the --  
25 A. No, he showed me -- he then

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1 GIULIANI  
2 showed me either in that meeting or one  
3 very shortly -- slow me down. I tend to  
4 talk very fast. I am from New York. It's  
5 not on purpose, I assure you. If you just  
6 go like that or put up a card and say slow  
7 down.  
8 Q. And I'm originally from Texas.  
9 A. So you talk real slow.  
10 Q. It's a dangerous --  
11 A. I was part of Bracewell Giuliani  
12 for 10 years and we needed an interpreter.  
13 Q. I know, you and Houston didn't  
14 mix, I don't think.  
15 A. Well, Houston Houston.  
16 Q. Let's focus back on the case.  
17 A. Okay, we'll try.  
18 Q. I interrupted you when you were  
19 responding to the question which was what  
20 else do you recall learning about  
21 Dr. Coomer prior to the press conference?  
22 A. So there was a point, either  
23 during this meeting or maybe there were  
24 two or three meetings leading up to the  
25 press conference in which Phil and his --

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1 GIULIANI  
2 let's say his staff told me that this  
3 gentleman had wired a telephone call with  
4 Antifa people, I don't know if it was  
5 exclusively Antifa people or it included  
6 Antifa people, that during the telephone  
7 call, he had said don't worry, we fixed  
8 the election against F-ing Trump. Made a  
9 couple of other derogatory comments about  
10 Trump that I can't recall right now, and  
11 he said that he also had found or either  
12 he or someone else had been able to  
13 recapture, I don't know if it was all but  
14 a good deal of the social postings that  
15 had been taken down and he had copies,  
16 paper copies of them and he showed them to  
17 me, and I read through them very, very  
18 quickly, and they sort of fit into a  
19 category of social postings of people.  
20 And I have been dealing with this for the  
21 president for quite some time as his  
22 personal lawyer, largely because I had  
23 that experience with both Reagan and  
24 Trump, and kind of separating out the ones  
25 that were bad and ones that the were

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1 GIULIANI  
2 serious and the ones that maybe the Secret  
3 Service wasn't taking seriously enough, so  
4 I read them and they concerned me. They  
5 seemed to be over the top, they are very  
6 nasty, they are very mean.  
7 And I said -- I probably made  
8 some conclusory comment like this guy's  
9 got a real problem, this guy's got a real  
10 head problem. He seems obsessed with  
11 Trump. It's never good.  
12 They may have said do you think  
13 this amounts to a threat on the president?  
14 I said it's close to the line but I don't  
15 think -- I don't know. I don't know their  
16 stand in that. There would be a period of  
17 time in which this probably would. The  
18 standard tends to change based on how  
19 close are we to an attempt or an  
20 assassination. The closer we are to an  
21 attempt or an assassination, almost  
22 anything will be read as serious. The  
23 further we get out, it becomes less rigid.  
24 I had no idea how they were interpreting  
25 it at this time. Could somebody have

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1 GIULIANI  
2 interpreted it as we should go visit him  
3 and tell him to calm down? Maybe, but in  
4 any event, it showed you that he had an  
5 extreme -- whoever wrote these things had  
6 an extreme bias against Donald Trump.  
7 Q. And you came to that conclusion  
8 during this discussion with Mr. Waldron  
9 that you just recounted?  
10 A. Certainly by then. The people I  
11 can remember the distinct conversations  
12 about Colonel Waldron are -- about Coomer  
13 are Colonel Waldron, his staff, Sidney  
14 Powell, and then conversations with Jane  
15 and Boris but not any more information  
16 from them but conversations assessing what  
17 we had been told.  
18 Q. Okay. So as I'm --  
19 A. Could I get more water? Anybody?  
20 Q. As I'm hearing your testimony, in  
21 terms of eyes on information about  
22 Dr. Coomer, we've got some media reports  
23 that you generally described and then you  
24 looked at some Facebook postings that you  
25 described?

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1 GIULIANI  
2 A. We're okay with that?  
3 MR. SIBLEY: If you can answer,  
4 yeah.  
5 THE WITNESS: I can answer it.  
6 Hypothetically. And also this is what  
7 I think I would do. You never know  
8 what you really will do.  
9 BY MR. CAIN:  
10 Q. Right.  
11 A. I think what I would have done is  
12 I would have initiated a preliminary  
13 investigation and tried to find out more  
14 about him and about the people he was  
15 with, and usually that culminates, if it  
16 doesn't culminate in an arrest because you  
17 don't find even more incriminating  
18 evidence, it usually culminates in a visit  
19 with him basically telling him what are  
20 you doing. If you come to the conclusion  
21 that he's spouting off and out of control,  
22 if he's spouting off and not an imminent  
23 threat, it's very, very common for the  
24 Secret Service to visit the person, show  
25 him this stuff and say we're looking at

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1 GIULIANI  
2 A. I don't remember if it was  
3 Facebook. Those social media posts get  
4 all one to me.  
5 Q. I apologize.  
6 A. Facebook, Instagram, Twitter.  
7 Q. Social media postings.  
8 A. I think it was Facebook.  
9 Q. Anything else that you laid eyes  
10 on?  
11 A. Right now, I can't recall  
12 anything else that I laid eyes on.  
13 Q. So you mentioned obviously you  
14 were a former prosecutor. If you were  
15 back in the day of prosecuting crimes and  
16 you had this fact scenario come up where  
17 you had an individual who allegedly made a  
18 statement on a conference call or some  
19 sort of similar situation and you had  
20 other folks that were listening in on that  
21 call, how would you go about actually  
22 investigating if that occurred or not?  
23 A. First I'd want to -- hey, this  
24 is -- this is hypothetical now.  
25 Q. It is.

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1 GIULIANI  
2 you, it calms them down.  
3 Did this rise to that level? To  
4 tell you the truth, I can't honestly tell  
5 you. It was right at the -- here's a real  
6 lawyer's answer. A reasonable Secret  
7 Service agent could refer it or not. I  
8 wouldn't say that somebody who didn't  
9 refer it was acting irresponsibly, I  
10 wouldn't say that somebody who did. It  
11 was almost a gut instinct. I think maybe  
12 what would have gotten me to do it at that  
13 point was it was a very volatile period we  
14 were in. There was a lot of anger out  
15 there and just exactly the time you don't  
16 want statements like this hanging out  
17 there.  
18 Q. Well, in this context, what you  
19 said in the press conference, and we'll  
20 look at it if we have time, you repeated  
21 that Dr. Coomer said don't worry about it,  
22 I fixed the election or I rigged the  
23 election; right?  
24 MR. SIBLEY: Objection, form.  
25 MR. CAIN: Is that a yes?

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1 GIULIANI  
2 MR. SIBLEY: Objection, form.  
3 THE WITNESS: I believe so. I  
4 would have to go back and look, but I  
5 think that's what I said.  
6 BY MR. CAIN:  
7 Q. Words to that effect?  
8 A. Pretty much. He said other  
9 things but that's what I remember.  
10 Q. And if, in fact, he had done  
11 that, if he actually had acted on that,  
12 that would have been a crime?  
13 A. Yes, that would -- if -- sure, it  
14 would have been a crime but the main thing  
15 is I don't remember -- I don't remember  
16 the pronoun here, did I say we, did he say  
17 we or I. I tend to have thought of it as  
18 we. I mean I never had the notion that  
19 Coomer all by himself did it. I don't  
20 think anybody all by themselves could do  
21 it. I thought he was talking about  
22 Dominion did it, his company.  
23 Q. I see.  
24 A. Exactly what role he had, nobody  
25 told me and I don't know. I mean it could

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1 GIULIANI  
2 have been the spokesman and nothing more  
3 or it could have been the guy who actually  
4 executed it, I have no idea.  
5 Q. But in effect -- let's drill down  
6 on this a little bit. In effect, the  
7 statement that Dr. Coomer supposedly made,  
8 if you were going to investigate whether  
9 that occurred and whether Dr. Coomer  
10 confessed to a crime in a conference call  
11 like this, wouldn't you want to find out  
12 who else was on the call as a  
13 corroborating witness and talk to them?  
14 MR. SIBLEY: Objection, form.  
15 THE WITNESS: In an ideal world,  
16 sure. I couldn't do it but in an  
17 ideal world I would. I didn't have  
18 subpoena power, I didn't have search  
19 warrant power. I certainly wasn't  
20 going to talk to him at that point.  
21 There would be no way I could follow  
22 up on it. You're asking me a  
23 hypothetical question if I had one of  
24 the most powerful positions in  
25 government and could move a grand

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1 GIULIANI  
2 jury, subpoenas, 14,000 FBI agents, so  
3 when you're on the other side of it  
4 where I was, you've got to work with  
5 what you've got.  
6 BY MR. CAIN:  
7 Q. You may not have to compel  
8 witnesses in this context. Did your  
9 team -- did you instruct your team to do  
10 any of the following, call the source --  
11 MR. SIBLEY: Objection, form.  
12 Q. -- of the Coomer story?  
13 MR. SIBLEY: Objection, form.  
14 THE WITNESS: My team had spoken  
15 to the source, I didn't have to do  
16 that.  
17 BY MR. CAIN:  
18 Q. Let's talk about that.  
19 Who at your team spoke to the  
20 source and who do you understand the  
21 source to be?  
22 A. The person who talked to him for  
23 sure was Phil. Others did. I'm not  
24 certain if Sidney did or she had someone  
25 else do it but Sidney could have also

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1 GIULIANI  
2 spoken to the source.  
3 Q. And who do you understand the  
4 source to be?  
5 A. Well, I found out later, I'm not  
6 sure we put a name -- we must have put a  
7 name on it at this point but I'm not sure.  
8 We found out later his name is Olzheimer  
9 and he had additional information about  
10 Coomer who I guess for quite some time had  
11 been a -- in that hate Trump sort of  
12 movement. Seemed to me it was more  
13 emotion and anger than the usual.  
14 Q. Okay. A little aside question.  
15 Do you know what the relationship between  
16 Phil Waldron and the Trump campaign was?  
17 He was obviously providing information to  
18 you as the campaign's lawyer. Was he a  
19 hired consultant, something along those  
20 lines, if you know?  
21 MR. ZAKHEM: Object to form.  
22 THE WITNESS: I don't know. I  
23 don't know his relationship to the  
24 Trump campaign.  
25 ///

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1 GIULIANI  
2 BY MR. CAIN:  
3 Q. All right, then let's talk a  
4 little bit more about the investigation  
5 before the press conference. You now told  
6 us -- you mentioned Sidney Powell and you  
7 mentioned Phil Waldron again who was  
8 dealing with the source; right?  
9 A. (Witness nodded.)  
10 Q. Is that a yes?  
11 A. Yes.  
12 Q. Obviously Phil Waldron. What did  
13 you understand Sidney Powell was doing as  
14 it related to Dr. Coomer?  
15 A. Sidney was spending a good deal  
16 of her time on the Dominion aspect of the  
17 case so you would have to put Coomer on  
18 the Dominion aspect of the case, so I saw  
19 Sidney as being overall in charge of that.  
20 Exactly when you're the supervisor and  
21 you've got a million things going on,  
22 exactly how deeply you get into this one  
23 as opposed to that one, that I would have  
24 to have been there to see, but she seemed  
25 to be knowledgeable of all the things Phil

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1 GIULIANI  
2 was knowledgeable about and she seemed  
3 to -- didn't seem to me this was -- she  
4 seemed to have appropriately spent some  
5 time on it but certainly not an inordinate  
6 time on it.  
7 Q. She called Dr. Coomer a gnat as  
8 far as the overall picture in her  
9 testimony.  
10 MR. SIBLEY: Objection, form.  
11 THE WITNESS: I'm not sure I know  
12 what that means.  
13 MR. CAIN: Well, a gnat is a  
14 little bug.  
15 MR. SIBLEY: Objection, form.  
16 MR. CAIN: That was her  
17 characterization.  
18 MR. SIBLEY: Objection, form.  
19 BY MR. CAIN:  
20 Q. And I'm not going to say you  
21 would characterize him similarly, that's  
22 not my point. But with respect to her  
23 role, since you testified now that she was  
24 not a campaign lawyer but she was working  
25 on the Dominion aspect of the case, can

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1 GIULIANI  
2 you put some more meat on the bones there?  
3 MR. SIBLEY: Let me stop you  
4 Rudy. There's been I think a  
5 community of interest privilege  
6 asserted by Sidney Powell and I think  
7 we'll assert the same privilege. You  
8 can talk about -- you can talk about  
9 things at a very high level without  
10 divulging attorney/client  
11 communications and without divulging  
12 work product communications.  
13 THE WITNESS: Can I tell him --  
14 logistically is it covered by the  
15 privilege or not? Can I describe to  
16 him what Sidney said to me?  
17 MR. SIBLEY: No, not if it  
18 pertains to the subject matter of what  
19 you all were working on.  
20 MR. CAIN: We've been talking  
21 about all those things throughout this  
22 deposition.  
23 MR. SIBLEY: Not what Sidney told  
24 him. He just told you what Sidney was  
25 in charge of. He hasn't talked about

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1 GIULIANI  
2 what they talked about.  
3 BY MR. CAIN:  
4 Q. Let me ask -- I'll ask the  
5 question. If your lawyer doesn't like it,  
6 he can make an objection or assert a  
7 privilege or make an instruction.  
8 When you said she was working on  
9 the Dominion aspect of the case, what did  
10 you mean by that?  
11 A. So an investigation like this, a  
12 lot of different things come up; correct?  
13 So we've got -- we had essentially three  
14 really active supervisors to handle this  
15 stuff, me, Jenna, Sidney. Joe and Vicki  
16 had pretty much taken the burden of  
17 Pennsylvania off our hands. They were  
18 watching that like a hawk. Boris was  
19 spending a great deal of time handling  
20 Nevada, Arizona. I was personally dealing  
21 quite a bit with Wisconsin and then we  
22 brought Christina on and she took over a  
23 lot of Michigan. So that was sort of the  
24 informal breakdown I had, and I shouldn't  
25 say informal. We actually had a big

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1 GIULIANI  
2 whiteboard, we had all the names of the  
3 lawyers and so I knew who to go to, what  
4 they were responsible for.  
5 Q. Broken down by?  
6 A. Subject matter. So you would  
7 have something on the board that said  
8 Vicki and Joe and then it would say  
9 Pennsylvania, Philadelphia, Pittsburgh and  
10 then a couple of assorted other things  
11 that they were doing, and every morning we  
12 would go over that and see how it changed.  
13 Q. Now --  
14 A. So in that category, if I were to  
15 think of Dominion, I would think of Sidney  
16 carrying the ball on that with everybody  
17 else helping, and Phil was the  
18 investigator.  
19 Q. Here's where the disconnect is  
20 for me. With Ms. Powell, was she in the  
21 campaign offices working on the Dominion  
22 aspect?  
23 A. At times, not as -- Ms. Powell  
24 didn't operate as the same as the others  
25 that I mentioned. She operated somewhat

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1 GIULIANI  
2 more as an independent, independent of the  
3 other people. She wasn't as collegial  
4 maybe is a nice way to put it, which isn't  
5 unusual for lawyers that tend to be prima  
6 donnas.  
7 Q. You did send out a statement, I  
8 believe it was on November 22nd?  
9 A. Which is after.  
10 Q. After the press conference?  
11 A. Yeah, up until the press  
12 conference it wasn't as bad as it got  
13 after.  
14 Q. And then after the press  
15 conference, roughly three days later on  
16 the 22nd, you sent that statement out that  
17 said that she, Ms. Powell, was working  
18 independently on her own behalf or words  
19 to that effect. Do you remember that?  
20 A. I do.  
21 Q. What changed then at that point  
22 as it relates to this working  
23 relationship?  
24 A. First of all for your purposes,  
25 it largely did not relate to Coomer. I

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1 GIULIANI  
2 don't even think it relates to Coomer at  
3 all but since everything relates to  
4 everything else, it's hard to say it  
5 didn't at all.  
6 There was another set of problems  
7 that my staff was having with Sidney which  
8 I attempted to resolve and wasn't able to,  
9 and I went to the president with it. I'm  
10 not sure I can tell you.  
11 Q. That's fine. I don't need to  
12 know.  
13 A. I went to the president with it  
14 and the end result was that I made a  
15 determination that we had to separate her  
16 from the campaign, and I tell you it did  
17 not have to do with anything different  
18 that happened in regard to Coomer. It  
19 happened with other things.  
20 Q. So if I'm hearing you right,  
21 press conference on the 19th, the meeting  
22 with President Trump after the press  
23 conference or maybe a call and then a  
24 separation --  
25 A. Meeting, too. A meeting, a call

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1 GIULIANI  
2 and then the decision.  
3 Q. And then a separation when you  
4 sent the press release out that she was no  
5 longer --  
6 A. Correct.  
7 Q. -- associated?  
8 MR. SIBLEY: Object to form.  
9 BY MR. CAIN:  
10 Q. We're frustrating Cathi.  
11 A. I'm sorry, I didn't even know I  
12 was doing it.  
13 Q. Let's do this, Mr. Giuliani,  
14 let's --  
15 A. I'm used to it, getting hit in  
16 the shins.  
17 Q. I want to make sure I get all  
18 your testimony prior to the press  
19 conference on the Coomer story and we've  
20 talked about that pretty much constantly  
21 this morning. Is there anything else as  
22 you sit here that you can think of that  
23 informed your statements at the press  
24 conference?  
25 A. It would help if I looked -- I

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1 GIULIANI  
2 looked in preparation, I looked at it  
3 several times last night. Just so that I  
4 end it and feel comfortable I told you  
5 everything I can think of right now, it  
6 would help me if I just read it, I just  
7 read that portion of the press conference.  
8 I have it marked out. We can do it pretty  
9 easily.  
10 Q. Why don't we do this, why don't  
11 we take a quick break. I've got a  
12 portion, a clip that I pulled out.  
13 A. I know exactly what I want to  
14 look at. It's the one where -- it's only  
15 like a page or two where I talk about it.  
16 I've got it in my room pulled out.  
17 MR. ZAKHEM: Are we going off the  
18 record?  
19 MR. CAIN: Let's go off the  
20 record.  
21 THE VIDEOGRAPHER: We're going  
22 off the record at approximately  
23 10:39 a.m.  
24 (Recess taken from 10:39 a.m. to  
25 10:50 a.m.)

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1 GIULIANI  
2 THE VIDEOGRAPHER: We're back on  
3 the record at approximately 10:50 a.m.  
4 BY MR. CAIN:  
5 Q. Okay, Mr. Giuliani, we broke, you  
6 said you needed to look at the transcript.  
7 It appears you have it in front of you.  
8 A. I do.  
9 Q. And has your memory been  
10 refreshed?  
11 A. It has. By the time I made this  
12 statement about Mr. Coomer --  
13 MR. ARRINGTON: I object to this  
14 testimony. There's not a question  
15 pending.  
16 THE WITNESS: Okay, ask the  
17 question.  
18 BY MR. CAIN:  
19 Q. At the time that you made this  
20 statement about Dr. Coomer, what other  
21 investigation had you done in order to  
22 inform your statement?  
23 A. In addition to going over several  
24 times with Phil, with his staff member and  
25 with Sidney the recorded conversation and

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1 GIULIANI  
2 the social media that had been taken down  
3 or at least the amount they were able to  
4 salvage of that social media. I also  
5 reviewed documents that they, in this case  
6 meaning Phil, got for me with regard to  
7 more of Mr. Coomer's history and found out  
8 that he had come to Dominion from a  
9 company named Sequoia, that Sequoia was a  
10 company that had been banned in Chicago  
11 and banned from doing contracts in the  
12 U.S. because of a very flawed election in  
13 Chicago that was investigated ultimately  
14 by the Congress for several years and  
15 Smartmatic was found to be unreliable, had  
16 a lot of practices that went on that would  
17 lead to making it rather easy to change  
18 votes, fix votes, rearrange votes, and of  
19 course in about the worst place you could  
20 do that, Chicago, which is kind of the  
21 major leagues along with Philadelphia of  
22 vote fraud, and did it in such a -- to  
23 such a degree that it even shocked  
24 Chicago, which to me meant something  
25 because you've got to really steal votes

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1 GIULIANI  
2 to shock Chicago.  
3 So they had a hearing in  
4 Congress. I looked at the documents, not  
5 in great detail but I looked at the  
6 conclusory documents and got a little more  
7 interested in it because the woman who  
8 seemed to be the toughest on Smartmatic  
9 and Sequoia was Carolyn Maloney who was my  
10 congresswoman. Not only was she my  
11 Congresswoman, but she was one of the  
12 democratic members of the City Council  
13 when I was the mayor and one of my allies  
14 because she would tend to be described as  
15 something that is fast disappearing, a  
16 moderate democrat and a very good woman.  
17 And she had several letters and  
18 it appeared she was very angry and very  
19 upset with the performance of Smartmatic  
20 and Sequoia as basically being machines  
21 that were built to fix votes because you  
22 could change the vote. Never made sense  
23 to me that a voting machine would allow  
24 you to change a vote. Voting machines  
25 should record a vote and then other

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1 GIULIANI  
2 machines should do the calculating but  
3 once it's there, it shouldn't be changed.  
4 It would have to be dealt with. If  
5 somebody wanted to do something with it,  
6 there should be a special proceeding to do  
7 something with it, but once the vote is  
8 cast it should be there forever. Then if  
9 someone claims they made a mistake or I  
10 didn't see it or I put it in the wrong  
11 place, well then you're going to have to  
12 have a proceeding. Otherwise we end up  
13 with fraudulent elections.  
14 Q. May I just ask since as part of  
15 your answer you said we need to have  
16 another proceeding if there's a mistake on  
17 a ballot --  
18 A. If someone goes into a voting  
19 booth, votes, walks out and says I made a  
20 mistake, I should have voted for Biden and  
21 I voted for Trump, you should not be able  
22 to change the vote on the voting machine  
23 and be able to move it from Biden to Trump  
24 or vice versa. You should be able to put  
25 it in an affidavit in which you explain

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1 GIULIANI  
2 that happens and then some neutral arbiter  
3 will determine under the laws of the state  
4 can the vote be changed.  
5 On the other hand, it would seem  
6 to be totally inviting fraud to build a  
7 machine in which you could change the  
8 vote. It should be a calculator, not a  
9 machine in which you can change the vote.  
10 Changing the vote is a very significant  
11 act that should be surrounded by a record.  
12 And I'm not just relying on me, I'm  
13 relying on oh, gosh, the report that was  
14 done by Carter and Baker who were very  
15 much opposed to mail-in ballots for that  
16 reason, or somewhere around 60 percent of  
17 the European countries who have largely  
18 done away with mail ballots or have  
19 surrounded them with very, very strict  
20 identification procedures because almost  
21 all of them have had experiences like the  
22 one that we had in 2020 where there were  
23 allegations of significant fraud because  
24 the mail ballot is very, very hard to  
25 verify.

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1 GIULIANI  
2 So it seemed to me that a machine  
3 that allows you to change the vote is a  
4 machine that was built to fix the vote.  
5 When you add to that the machine was built  
6 so it could be accessed by the Internet,  
7 then it sort of puts it over the top.  
8 We've got what we would call in  
9 New York a fugazi machine. Fugazi machine  
10 means a crooked machine.  
11 I was also at this point aware of  
12 the fact that the president of Smartmatic  
13 had lied about that under oath where he  
14 testified in Michigan and that concerned  
15 me greatly because in my world of being a  
16 criminal prosecutor, that was very, very  
17 damaging evidence. I mean that's a false  
18 exculpatory statement which a judge would  
19 charge a jury as evidence of guilt.  
20 He testified -- I knew he had  
21 several times in speeches said you cannot  
22 change the vote and it's not accessible by  
23 Internet. I always wondered why he made  
24 that statement because at one point when  
25 he made it, Phil came to me with a manual

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1 GIULIANI  
2 for the machine. Back up.  
3 Phil came to me with several  
4 witnesses and some pictures which  
5 demonstrated that the machine can be  
6 accessed by the Internet.  
7 Q. Pause for just a second. I want  
8 to make sure we're still talking about  
9 before the press conference.  
10 A. This is all conversation we had  
11 before the press conference. The only  
12 thing missing is the testimony under oath.  
13 So let me back it up and make it clear  
14 because I got a little sloppy.  
15 Q. Okay.  
16 A. The testimony of the owner, is it  
17 Mr. Poulos of Dominion?  
18 Q. Poulos.  
19 A. Poulos. The testimony of  
20 Mr. Poulos came later. He had made  
21 statements in front of Congress and  
22 statements in speeches that he gave that  
23 this is terrible about the Dominion  
24 machine, you cannot access it through the  
25 Internet, it's secure and you can't just

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1 GIULIANI  
2 change votes.  
3 Now there was at that point, and  
4 this is before the press conference, there  
5 was a lot of evidence that you could do  
6 both. There were people in Michigan,  
7 Georgia, Atlanta -- not Atlanta, Arizona,  
8 Nevada, that had somehow someway got their  
9 hands on these machines, I guess a machine  
10 here, a machine there, and submitted  
11 statements that they had examined the  
12 machine and that's just garbage, that you  
13 can connect it to the Internet, and number  
14 two, you can change the vote rather  
15 easily, including remotely. That seemed  
16 to be almost undeniable, yet the president  
17 of the company was consistently making the  
18 statement that you cannot do it.  
19 So that really colored my view of  
20 the company because I'm saying to myself,  
21 why is the guy lying about this? Then  
22 they showed me the manual, which I think I  
23 included in one of my submissions to one  
24 of the courts in which they show you how  
25 to do it.

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1 GIULIANI  
2 So now we have Coomer saying they  
3 are going to fix the election, added to it  
4 now Coomer comes to Dominion from the bad  
5 seed, from the bad company that Smartmatic  
6 wanted to dump because the government had  
7 pretty much figured out they were a bad  
8 company, didn't want them involved.  
9 Q. You're talking about Sequoia?  
10 A. Sequoia was a bad company, he  
11 came from there. Got this record of these  
12 out-of-control, very troublesome  
13 statements about the president showing a  
14 real bias, certainly the kind of bias that  
15 would -- I guess the point I'm trying to  
16 make is there'd be nothing I saw that  
17 suggested that the statement that the  
18 election was fixed was false. Everything  
19 I saw supported somebody who had a motive  
20 for fixing the election, hated the  
21 president beyond normal, was involved with  
22 a company that had to be gotten rid of  
23 because it was a crooked company and they  
24 had to bury it somewhere so it could  
25 operate. As far as I could tell the same

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1 GIULIANI  
2 software was being used all throughout  
3 that led to many, many objections.  
4 I had been told that there was a  
5 witness that could testify that the  
6 original Smartmatic, Sequoia crooked  
7 machines were developed for Chávez in  
8 order to make sure that he didn't lose,  
9 and that was the basic Sequoia machine.  
10 Was told they all used the same software,  
11 that they fixed a couple of elections,  
12 Sequoia, Smartmatic was the company that  
13 Coomer was involved with, and that after  
14 the big scandal in Chicago, whether it's  
15 true or not, it got laid off on Sequoia.  
16 Smartmatic sort of laid it off on Sequoia  
17 as the evildoer and the answer was let us  
18 continue to do business, we'll get rid of  
19 Sequoia.  
20 I don't think they went to  
21 Dominion first. I think there was some  
22 kind of a transaction in the middle but  
23 eventually they end up -- the crooked  
24 company and Coomer end up with Dominion.  
25 And now he's saying that he's

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1 GIULIANI  
2 going -- he can fix -- they are going to  
3 fix the election. He's a guy who hated  
4 Trump. Say they all corroborated the  
5 notion that not only did he make the  
6 statement which in and of itself is pretty  
7 powerful, I mean somebody says they are  
8 going to fix an election against my  
9 client, I'm not going to start off by not  
10 believing them.  
11 Now I didn't have to end by just  
12 that. What I could end with was yeah, he  
13 did make the statement, yeah, he did work  
14 for a company that fixes elections, yeah,  
15 he did work for a company that fixed  
16 elections that was so bad they had to kind  
17 of do this laundering transaction for it  
18 and it ends up being attached to Dominion,  
19 the bad company ends up being attached to  
20 Dominion.  
21 And then we had a report that the  
22 heads of Dominion and Smartmatic,  
23 somewhere in the mid teens, 2013, '14,  
24 whatever, went down to Venezuela for a  
25 get-to-know meeting with Maduro so they

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1 GIULIANI  
2 could demonstrate to Maduro the kind of  
3 vote fixing they did for Chávez.  
4 Q. You say the heads of Dominion and  
5 Smartmatic?  
6 A. Yes, that's what I was told.  
7 Q. And the report you're referring  
8 to is what?  
9 A. The report is -- the report of a  
10 confidential informant, and before the  
11 press conference I was told about it.  
12 What I don't recall is did I read it,  
13 actually read it before the press  
14 conference or did I read it after the  
15 press conference. I did subsequently read  
16 it and it says exactly what he told me it  
17 says. But I can't tell you for sure  
18 because at the very end I rushed into this  
19 and I'm not sure I read it. I had it with  
20 me and the guy was --  
21 Q. Had it with you when?  
22 A. Had it with me probably in my  
23 bag, in the papers to read. I just hadn't  
24 had the chance I don't think to go through  
25 it in the kind of detail I like to. But I

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1 GIULIANI  
2 saw some of the statements so I was pretty  
3 comfortable that it was there under oath.  
4 So that's the background. That's  
5 what I knew when I made -- I think I  
6 mentioned Coomer's name once out of  
7 numerous pages. I certainly didn't focus  
8 on him by any means. Much like Sidney, I  
9 didn't think of him as anything more than  
10 what he purported to be, a guy who knew  
11 that the election was fixed, that his  
12 company did it, that hated Trump, that  
13 seemed to have the motivation to do it,  
14 the ability to do it and the associations  
15 to do it. Exactly what role he played, I  
16 had no idea. It's a big company, lots of  
17 people do different things. Was it his  
18 job just to announce it? Was it his job  
19 to carry it? I had no idea, nor was I  
20 particularly interested at that point.  
21 Q. Like if I asked you what your  
22 theory is on what Dr. Coomer may or may  
23 not have done, you wouldn't have a  
24 response to that?  
25 A. No, I think it would be unfair.

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1 GIULIANI  
2 I mean I could guess but it would not be  
3 an educated guess.  
4 Q. Okay, so let's talk about a few  
5 things based on your recent testimony.  
6 You mentioned a report that you  
7 had from a confidential informant and  
8 we've talked a little bit about  
9 investigatory material, the manual that  
10 Mr. Waldron had access to, et cetera.  
11 In terms of documents,  
12 Mr. Giuliani, I've asked for documents  
13 that would have been compiled as part of  
14 your investigation on Dr. Coomer or the  
15 campaigns. Do you have access to any of  
16 that at this point in time?  
17 MR. SIBLEY: Objection, form.  
18 THE WITNESS: Pardon me?  
19 MR. SIBLEY: I just said  
20 objection to form.  
21 THE WITNESS: Should I answer?  
22 MR. SIBLEY: Yes, if you can  
23 answer.  
24 THE WITNESS: I have access in  
25 that I can request, yes.

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1 GIULIANI  
2 BY MR. CAIN:  
3 Q. If you had to make a request for  
4 that information, who would you send it  
5 to?  
6 A. I would send that request to  
7 Boris Epstein, I would send that request  
8 to Christina Bobb. They would be the most  
9 likely to have -- if they did retain such  
10 a thing, they would be the most likely to  
11 have it or not have it.  
12 Q. And let's -- you've said a lot.  
13 A. And I'm sorry, Phil Waldron of  
14 course. Probably you would put Phil at  
15 the top and they would be backups.  
16 Q. Let's follow up on one of those  
17 folks you just mentioned because I want to  
18 get information on her.  
19 (Exhibit 102, document from Jan  
20 Wolfe Twitter account, marked for  
21 identification.)  
22 BY MR. CAIN:  
23 Q. This is Exhibit 102. It should  
24 have been uploaded already for those  
25 listening at home. Let's just talk about

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1 GIULIANI  
2 this briefly. I'll describe it as you're  
3 looking at it. This is from a Twitter  
4 account by someone named Jan Wolfe, newly  
5 disclosed e-mails show how a One America  
6 News reporter was working for Giuliani and  
7 helping him try to overturn the election.  
8 And then it's a copy apparently of an  
9 e-mail from Christina Bobb to K. Fann at  
10 the Arizona legislature on December 4th.  
11 And the content of the e-mail is  
12 "Good morning, ma'am. Mayor Giuliani  
13 asked me to send you these declarations.  
14 He will want to follow up with you as  
15 well. I will have one more e-mail  
16 follow" -- I think she meant following --  
17 "this one. Respectfully Christina."  
18 So can you describe what was  
19 going on -- well, no, before we get to  
20 that, you mentioned Ms. Bobb was working  
21 with your team. This is December 4th.  
22 Was she working with you before the press  
23 conference as well?  
24 A. Tell me the date of the press  
25 conference again, I'm sorry.

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1 GIULIANI  
2 Q. The press conference was on  
3 November 19, 2020. This e-mail is after  
4 the press conference where she's  
5 apparently sending something at your  
6 request. The question was --  
7 A. The answer is yes, she was.  
8 Q. Okay. And did you hire her?  
9 A. I did.  
10 Q. And did you hire her to work for  
11 the campaign?  
12 A. No, to work for the -- his  
13 personal lawyers, work with his personal  
14 lawyers.  
15 Q. Was that at or around the time  
16 that former President Trump put you in  
17 charge of the legal team for the campaign?  
18 MR. ZAKHEM: Form.  
19 THE WITNESS: It was a little bit  
20 after. It was a little bit after. It  
21 was maybe a week, less than. She came  
22 in and volunteered a number of -- I  
23 didn't know Christina, although I did  
24 know One American News, Charles  
25 Herring. Herring?

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1 GIULIANI  
2 BY MR. CAIN:  
3 Q. Herring, like the fish.  
4 A. And I had gotten to know him very  
5 well because I did a documentary on  
6 Ukrainian collusion.  
7 Q. With --  
8 A. With Chanel, with Chanel Rion,  
9 and so I had -- I trusted him. They were  
10 very patriotic. They were very honest and  
11 they did a very straightforward job which  
12 to me was a revelation because I hadn't  
13 seen that done in a couple years.  
14 So when Christina came over --  
15 Q. Can I ask you a question? I'm  
16 sorry, I apologize. I try not to  
17 interrupt but I wanted to make sure I  
18 understood. You were about to say when  
19 she came over.  
20 A. Came over to the campaign.  
21 Q. Right. And I was going to ask  
22 you how did you decide to hire her of all  
23 people?  
24 A. I'll tell you.  
25 Q. Okay, thank you.

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1 GIULIANI  
2 A. She came over to the campaign and  
3 she offered to help us. She said that she  
4 had been -- she had as a reporter  
5 gathered -- by process of elimination, she  
6 had gathered a lot of information about  
7 Arizona, Michigan, I don't know about  
8 Georgia. I don't remember Georgia. She  
9 eventually got involved in Georgia and  
10 several of my assistants, I had never --  
11 she said I met her but I don't remember  
12 meeting her when I was over at One America  
13 News but I met a lot of people there so I  
14 may have.  
15 And my staff said she was  
16 terrific, she was very trustworthy and if  
17 we could work out an agreement with One  
18 America News, it would be very helpful.  
19 She was a very good investigator.  
20 So I didn't act on it right away.  
21 I wanted to see how she functioned and she  
22 was fabulous. She would get you  
23 information quickly, she turned out to be  
24 an excellent lawyer, she could write  
25 really well. Her background was she was

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1 GIULIANI  
2 both a law school graduate and a Marine  
3 Corps officer so she had tremendous  
4 discipline as a Marine Corps officer and  
5 she has a heck of an intellect as -- well,  
6 I guess Marine Corps officers have great  
7 intellects, too. But she also had the  
8 benefit -- pardon me?  
9 MR. CAIN: Whoever just said  
10 words needs to mute themselves,  
11 please.  
12 BY MR. CAIN:  
13 Q. Mr. Giuliani, this happens  
14 virtually every --  
15 A. I thought maybe it was a marine  
16 who was angry or happy that I corrected.  
17 But in any event she was a very  
18 intelligent woman and very hardworking and  
19 very trustworthy and I sort of have a -- I  
20 have a prejudice in favor of marines. And  
21 she said she could help a lot. So we  
22 addressed a conflict issue with her  
23 publication. I talked to Charles myself  
24 and I said if she has to hold this  
25 confidential from you, that doesn't mean

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1 GIULIANI  
2 there won't be things that you can then if  
3 they are okay then the benefit to you is  
4 you'll have like an extra, you'll have an  
5 extra edge on everybody else that will  
6 benefit you, but you're going to have to  
7 agree to something that I know our news  
8 networks won't agree to, which is there  
9 may be things that you just can't do and  
10 she's got to separate her role as a lawyer  
11 and if she wants to share things with you,  
12 she will have to get my permission or one  
13 of my people.  
14 Now we had done that before and  
15 it had worked out really well, nothing had  
16 leaked, nothing had come out, nothing had  
17 been compromised and the situation you  
18 gave was far more dangerous because there  
19 was some risk to it which I was very  
20 impressed that Chanel was willing to take  
21 so they promised and she came to work for  
22 us.  
23 Q. When you say they promised, you  
24 had --  
25 A. They said they would take her off

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1 GIULIANI  
2 general assignment -- they would take her  
3 off -- I'm sorry, did you not finish? I'm  
4 sorry, I spoke over you. I realized when  
5 you looked at her. Go ahead.  
6 Q. I don't want her to blame me.  
7 A. Good. If you do that, it gets me  
8 guilty. See I don't care about you. I  
9 don't want her to be upset. Go ahead.  
10 Q. Well, Now I've forgotten the  
11 question. Because I never asked it.  
12 (Record read.)  
13 BY MR. CAIN:  
14 Q. I was going to ask you, I assumed  
15 you were referring to this discussion you  
16 had with Charles Herring.  
17 A. Yes, the rules that we made with  
18 Charles were that he would defer to us to  
19 whatever our needs were, that he couldn't  
20 give it to us permanently but he could  
21 loosen up her assignments for the next  
22 couple of months, therefore she wouldn't  
23 be working all that much for OAN, so the  
24 conflict thing wouldn't come up all the  
25 time, that she would agree that any

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1 GIULIANI  
2 communication she had, OAN would be  
3 treated for that purpose the way any other  
4 news organization is, and then if she did  
5 develop a discrete, good story, she would  
6 have to run it past us so it didn't  
7 violate any of our rules or whatever. And  
8 I was pretty comfortable they would live  
9 by it because they had before. And I knew  
10 she had tremendous enthusiasm for doing  
11 this and I always like to hire people with  
12 enthusiasm because they work harder.  
13 Q. And so that serves as kind of the  
14 background --  
15 A. That's how we got her. And she  
16 got very active in gathering evidence and  
17 eventually ended up focusing a lot on  
18 Arizona, Michigan which she helped to  
19 clean up, Nevada.  
20 Q. Okay.  
21 A. Someplace else that I can't  
22 remember.  
23 Q. And I take from your testimony  
24 the promise from Mr. Herring about what  
25 the relationship would be was just an oral

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1 GIULIANI  
2 agreement between --  
3 A. It was, yes.  
4 Q. -- between you two, okay.  
5 And that agreement didn't  
6 expressly prevent her from reporting on  
7 the election?  
8 A. She had to get permission.  
9 Q. She just had to get permission,  
10 okay, thank you. All right. You can set  
11 that aside. I think we're done with that  
12 for now.  
13 Now I'm going to go back to in  
14 time a little bit in your testimony with  
15 some follow-up questions, and forgive me,  
16 we've really drilled down on the pre-press  
17 conference period which I appreciate your  
18 testimony on. I'll give you an  
19 opportunity if you remember anything else  
20 before the press conference about  
21 Dr. Coomer's investigation to inform us  
22 either now or if it comes to you during  
23 the course of the deposition.  
24 A. I just know there are two or  
25 three things, they are not of major

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1 GIULIANI  
2 significance but they are -- I mean I  
3 would say maybe this is more of a lawyer's  
4 statement. At the time that I heard this  
5 and at the time that I made this  
6 statement, I didn't have any reason to  
7 believe it wasn't true and I had a certain  
8 group of facts that suggested that it was.  
9 So I had -- I didn't have any doubt that  
10 it was a proper statement to make. It was  
11 supportable by what I was told he said, by  
12 his sentiments that he relayed of bias and  
13 prejudice and then the companies he worked  
14 for that clearly had the capability to do  
15 this.  
16 Q. I didn't mean to re-ask a  
17 question I asked previously. I think my  
18 question was more geared towards anything  
19 else from a factual standpoint.  
20 A. There probably are but right now  
21 I can't remember.  
22 Q. That's fine. At least twice in  
23 your prior testimony you mentioned a  
24 recorded conversation of this Antifa call.  
25 Tell me what you can remember. Did you

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1 GIULIANI  
2 listen to a recording?  
3 A. I did not.  
4 Q. Who told you there was a  
5 recording?  
6 A. First of all I saw it in the  
7 newspapers. There was a newspaper article  
8 that said there was a recorded call.  
9 Here's where my recollection really fails  
10 me because you spent a certain amount of  
11 time on this and I'm not going to use the  
12 same characterization that Sidney did but  
13 it isn't so far off that this was not --  
14 we are now devoting more time to  
15 Mr. Coomer than we did then.  
16 Q. Right, your bill is going to be  
17 larger for this deposition than --  
18 A. No question, no question. And  
19 that happens. That's not unusual. That  
20 happens when you have depositions and  
21 trials but I would say I didn't see  
22 much -- beyond what we said and then some  
23 of the things that were investigated  
24 afterwards that came back to us, I didn't  
25 see a great deal of gain that we were

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1 GIULIANI  
2 going to get in making Mr. Coomer, you  
3 know, like a major defendant of some kind.  
4 He seemed to me like when we focused on  
5 Dominion, we could see if we could try to  
6 convince him it would be good if he became  
7 a witness.  
8 Q. Right.  
9 A. So we didn't want to do -- this  
10 seems a little strange because we didn't  
11 want to do too much damage to him. So I  
12 mentioned him that one time. I honestly  
13 cannot, just sitting here, I can't tell  
14 you when else I mentioned him. I have  
15 a -- I wouldn't say I didn't because then  
16 I'd take the risk I'm not telling the  
17 truth but I think I probably did talk  
18 about him, but I don't remember some big  
19 formal occasion when I did it, and I do  
20 think he came up a couple times in  
21 questions about who is he and what did he  
22 do, but generally I would answer and then  
23 move on to the subject that I was really  
24 interested in talking about.  
25 Q. Right. So let's --

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1 GIULIANI  
2 A. He didn't become -- we didn't  
3 focus on him again until he sued.  
4 Q. Right. And to that point,  
5 Mr. Giuliani, the campaign itself filed  
6 several lawsuits relating to the 2020  
7 election; right?  
8 A. Um-hum.  
9 Q. And you were involved personally  
10 I think in the one --  
11 A. Pennsylvania.  
12 Q. -- in Pennsylvania with the  
13 federal judge there where you actually  
14 made an appearance.  
15 A. I did, sir.  
16 Q. I have not seen any case filed by  
17 the Trump campaign that based its claim of  
18 election fraud on Dr. Coomer or anything  
19 about him. Is that --  
20 MR. SIBLEY: Object to form.  
21 BY MR. CAIN:  
22 Q. Is that your understanding as  
23 well?  
24 MR. SIBLEY: Same objection.  
25 THE WITNESS: I don't remember.

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1 GIULIANI  
2 I don't remember if we did. There  
3 came a point that our strategy changed  
4 so there would have been no reason to  
5 do that, and I'd have to drill down a  
6 little bit farther to tell you exactly  
7 when that happened but we're talking  
8 about the press conference was on  
9 November --  
10 BY MR. CAIN:  
11 Q. 19th.  
12 A. By December, certainly by  
13 December we had sort of given up on the  
14 courts and the idea was maybe -- maybe we  
15 had made a mistake and our valuation of  
16 the courts was kind of old-fashioned and  
17 where we should go is to the governmental  
18 body that really has the power to make  
19 this decision, which is the State  
20 legislature because under the Constitution  
21 of the United States, the plenary power to  
22 determine the electors is not one that is  
23 shared with anyone. It's rare.  
24 For example, the power to make  
25 determinations about members of Congress,

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1 GIULIANI  
2 House and Senate which comes from article  
3 1 has a certain reservation for Congress.  
4 It says that the time and place will be  
5 set by the State legislature but from time  
6 to time Congress can make rules, blah,  
7 blah, blah. But then it's very striking  
8 that when you go a little later in the  
9 Constitution and it says the State  
10 legislature shall determine the electors  
11 and how they are selected, there's nothing  
12 there about Congress being able to change  
13 it.  
14 So just by usual rules of  
15 construction that we all learned in law  
16 school, that would be a pretty good  
17 argument if they were going to include  
18 Congress, just a couple pages earlier they  
19 did, they would have done it. And then if  
20 you go a little further and therefore want  
21 to eliminate the idea that it's kind of an  
22 accident, there is discussion both in the  
23 debates, a little bit in the federalist  
24 papers that it was a deliberate decision  
25 because they wanted the body closest to

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1 GIULIANI  
2 the people to make this decision. After  
3 all we're picking the people's president,  
4 not a king, so let's go to the lowest  
5 house, not the highest.  
6 And then all of a sudden you're  
7 faced with this language, and I'm sorry, I  
8 don't remember the name of the case, it  
9 would be easy to find out, you have this  
10 very powerful case in 1895 in which the  
11 Supreme Court very clearly says the power  
12 to select the electors is given  
13 exclusively to the State legislature. It  
14 is not shared, it's plenary and although  
15 it's been delegated, the delegation means  
16 nothing because they can take it back any  
17 time they want. It's not the kind of  
18 power that you lose by delegating. These  
19 comments were all made in 19 -- I'm going  
20 to say '85, '88. I'm sorry, I don't  
21 remember the case. Just in case, it was a  
22 long time ago and the court doesn't  
23 believe that anymore, well in 2002, in  
24 Bush v. Gore, they approvingly cite the  
25 case, a majority of the court approvingly

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1 GIULIANI  
2 cites the case as a statement of good law.  
3 Q. And you're explaining right now  
4 why -- I'm sorry.  
5 A. Go a little further with that and  
6 there's apparently been a lot of  
7 scholarship on this, from the very, very  
8 beginning when they passed a law in 1877  
9 which was intended to pick the president  
10 if there was a dispute, many scholars  
11 argued then and now that that was  
12 unconstitutional, that it violated the  
13 Constitution, that it violated the  
14 Constitution in that it created new bodies  
15 that were going to get involved in the  
16 plenary power that was given to the House  
17 and you can't do that without amendment to  
18 the Constitution. It said if there was a  
19 dispute about electors, they had to  
20 separate into House, they had to separate  
21 into House and Senate, and the Senate  
22 would then take a role in picking the  
23 president.  
24 Under the Constitution, the  
25 Senate doesn't have a role in picking the

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1 GIULIANI  
2 president, it goes to the House. So right  
3 from the beginning, that act, presidential  
4 succession act or whatever they call it,  
5 was attacked as unconstitutional. It's  
6 never really been used. They almost used  
7 it in Bush v. Gore. None other than  
8 Laurence Tribe did an editorial, an op-ed  
9 piece, very prominent left wing democratic  
10 scholar and supporter of Hillary Clinton,  
11 wrote an article saying he thought it was  
12 unconstitutional.  
13 Somewhere around 2015, one of the  
14 prominent, very prominent law reviews,  
15 Georgetown, I think, wrote a very, very  
16 long article, very, very strongly arguing  
17 it's not constitutional, that it can't be  
18 fought and gave Congress a warning, you  
19 better straighten it out before we have to  
20 face the issue. Well, they didn't.  
21 Q. May I interject just for a  
22 second? I've lost the question.  
23 A. I know.  
24 Q. So you had said, and I'm sorry, I  
25 don't think you're filibustering on

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1 GIULIANI  
2 purpose.  
3 A. No, I'm not. I'm just free  
4 associating which is probably silly. I'm  
5 sorry.  
6 Q. So I only have a limited amount  
7 of time.  
8 A. You take me back to where we are.  
9 Q. So where we were was I was asking  
10 you if the campaign based any of its  
11 lawsuits on Dr. Coomer's --  
12 A. I guess the point I was trying to  
13 make in all of that, Dr. Coomer after that  
14 became kind of a small player. His  
15 statement, his statement that they fixed  
16 the election now was one piece of one of  
17 many ways in which they fixed the election  
18 which now was going to get proved by  
19 things much bigger than Dr. Coomer, like  
20 the Antrim audit which we actually -- it's  
21 one thing for him to say we fixed the  
22 election, it's another thing to show  
23 conclusively, although we knew it.  
24 So pretty quickly after the  
25 testimony had moved on to many more --

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1 GIULIANI  
2 many more pieces of evidence that showed  
3 that Dominion, in fact, had manipulated  
4 votes, changed votes, had the capacity to  
5 do it, things like the audit in Antrim  
6 County which people read for all different  
7 things. The thing I read it for is the  
8 voting machines examined there came back  
9 with something like an 80 percent  
10 adjudication rate. What that means is  
11 that 80 percent of the people that went in  
12 to vote have no assurance that the person  
13 they voted for actually got that vote  
14 because some government bureaucrat came  
15 along and decided it wasn't done carefully  
16 enough.  
17 That's an absurd number. They  
18 had 10 people walk in, they think they  
19 voted for Bush -- sorry, wrong case. They  
20 think they voted for Trump or they think  
21 they voted for Biden and we don't know who  
22 they voted for because some bureaucrat is  
23 going to come along and say oh, they were  
24 originally going to vote for Trump and  
25 they got a little mark for Trump and they

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1 GIULIANI  
2 got a bigger mark for Biden, let's give it  
3 to Biden. And from what I could tell at  
4 Antrim, those came out like eight to one,  
5 like they weren't finding too many for  
6 Trump in a district that Trump had  
7 actually won but the Antrim machine  
8 somehow based on a glitch gave that to  
9 Biden by 3,000 votes, and they have never  
10 explained what the glitch is. The report  
11 explains what the glitch is.  
12 The glitch is they put an  
13 algorithm in so that for X number of votes  
14 for Trump, Biden would get more votes and  
15 therefore, when they went back and checked  
16 it three times, it never balanced out. So  
17 the report is that that's clear evidence  
18 that in that county, the Dominion machine  
19 was used to fix the vote. And then it had  
20 all the contradictions pointing out that  
21 the president of Dominion lied, that it  
22 was accessible to the Internet, that it  
23 was used to communicate through the  
24 Internet, and that votes would change  
25 four, five and six times.

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1 GIULIANI  
2 At that point you're sort of  
3 beyond Coomer, you've got the president of  
4 the company convicting himself. I mean a  
5 false exculpatory statement, I can't tell  
6 you how many people I've convicted with a  
7 false exculpatory statement. That's an  
8 extraordinary statement to tell people,  
9 the Michigan legislature, you can't access  
10 it by Internet and you can't change the  
11 vote and then you've got videotape showing  
12 people doing that.  
13 We also had acquired by that time  
14 the videotape from Georgia where a Georgia  
15 election official having gotten one of the  
16 machines shows you how to do it. You can  
17 actually see how you change the vote, how  
18 you plug in the Internet.  
19 I also seem to recall seeing from  
20 Detroit photographs of Internet  
21 connections to the machines that  
22 supposedly can't be connected to the  
23 Internet, and Phil Waldron showed me  
24 papers that captured the level, high level  
25 of Internet traffic coming out of the

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1 GIULIANI  
2 center in Philadelphia, the center in  
3 Pittsburgh, the center in Michigan. Most  
4 of the analysis was Michigan.  
5 Q. So this was all before --  
6 A. The point --  
7 MR. SIBLEY: Let him finish his  
8 question.  
9 THE WITNESS: The point is a week  
10 after Coomer, two weeks after Coomer,  
11 the thing has gone on way beyond his  
12 one comment that they fixed the  
13 election. He turned out to be right  
14 but he was no longer the key player.  
15 BY MR. CAIN:  
16 Q. Okay. The question focused on  
17 whether, when you say he was no longer the  
18 key player, my question was whether he was  
19 ever a player in the lawsuits that the  
20 campaign filed. And I'll tell you this,  
21 I'll make this representation, I've got  
22 every lawsuit that has been filed by the  
23 campaign and we've analyzed them, we have  
24 not seen anything about Dr. Coomer  
25 mentioned --

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1 GIULIANI  
2 A. You're talking about lawsuits  
3 that come after the press conference?  
4 Q. Yes, sir. So --  
5 A. That doesn't surprise me.  
6 Q. Okay. That's all I'm asking.  
7 A. Kind of makes sense.  
8 Q. You have now described at length  
9 that you moved on to the State  
10 legislature.  
11 A. The point of that statement was  
12 very, very revealing and very important.  
13 It turned out that the multitude of  
14 evidence corroborating it was much  
15 stronger and came from more powerful  
16 sources.  
17 Q. I don't understand that. The  
18 multitude of evidence corroborating the  
19 Coomer --  
20 A. When he said it, we hadn't had  
21 the forensic report back yet.  
22 Q. Which --  
23 A. Financial.  
24 Q. Well, you know that's been  
25 debunked by the Michigan republicans.

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1 GIULIANI  
 2 MR. SIBLEY: Object to form.  
 3 THE WITNESS: It hasn't been  
 4 debunked at all. That's a matter of  
 5 litigation that it's been debunked.  
 6 Michigan republicans have done  
 7 everything they can to try to cover  
 8 this up.  
 9 BY MR. CAIN:  
 10 Q. Have you seen the report?  
 11 A. Of course I have.  
 12 Q. Why have they covered it up?  
 13 A. Everything they say there isn't  
 14 true, none of it's true. There wasn't a  
 15 glitch. They don't even locate the  
 16 glitch. They just say it. It's like the  
 17 new 1984 we live in. The court in  
 18 Philadelphia, you walk in and you say the  
 19 law says we have to be present. Okay, you  
 20 can be present. 70 yards away you don't  
 21 get to see anything. That isn't what  
 22 present means. That's what it means in  
 23 1984.  
 24 A good deal of the Michigan  
 25 republican party is not in support of

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1 GIULIANI  
 2 Donald Trump, has never been. They are  
 3 very much influenced by their loyalties  
 4 to -- to the governor, former governor and  
 5 the report is completely self-serving.  
 6 The report goes nowhere in explaining the  
 7 key facts.  
 8 Q. Why --  
 9 A. Why would a machine, basic facts  
 10 like why do you have a machine where you  
 11 can change the vote and you've been -- and  
 12 you've been -- and you've been selling it  
 13 and lying to people that it can't be done?  
 14 How can you possibly tell people the  
 15 machine is invulnerable when every study  
 16 ever done of it comes to the conclusion  
 17 that it is either vulnerable or so bad  
 18 it's a piece of Swiss cheese? How does it  
 19 deal with all of the major opportunities  
 20 that were revealed in Texas for invading  
 21 the machine, all of which corroborate what  
 22 was found in Antrim County and contradict  
 23 them?  
 24 Q. When you -- sorry.  
 25 A. Nor does it give an explanation

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1 GIULIANI  
 2 of how the vote changed. It doesn't give  
 3 an explanation of how -- what happened,  
 4 did the Holy Ghost come in and kind of  
 5 move the votes around or did somebody  
 6 change the machine? I think the second is  
 7 more likely.  
 8 It doesn't explain what the heck  
 9 all those computer wires were doing  
 10 plugged into the machines in Detroit when  
 11 you're not supposed to plug computer wires  
 12 into the machines, into the Antrim  
 13 machines. It's a piece of junk that was  
 14 produced to perpetrate Dominion's massive  
 15 coverup.  
 16 Q. And you're saying Dominion and/or  
 17 Dr. Coomer were complicit in that?  
 18 A. I don't -- I can't tell you  
 19 Dr. Coomer was complicit in that. I don't  
 20 know how much his role continued after he  
 21 made that statement. As far as I know,  
 22 unless they are hiding him somewhere,  
 23 either he left or they tossed him out.  
 24 Q. He was in the courthouse on  
 25 Wednesday of this week waiting for one of

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1 GIULIANI  
 2 the defendants to testify who had been  
 3 ordered to testify there who didn't show  
 4 up, and that person is the guy you  
 5 referred to earlier, I think incorrectly.  
 6 His name is Joe Oltmann.  
 7 MR. SIBLEY: Objection, form.  
 8 THE WITNESS: What did I call  
 9 him?  
 10 BY MR. CAIN:  
 11 Q. You said Joe Olzheimer. Do you  
 12 know who I'm talking about?  
 13 A. We're talking about the same  
 14 person.  
 15 Q. Okay. Have you met him, Oltmann?  
 16 A. I don't believe I have but I'm  
 17 not sure. I met a lot of people who came  
 18 by and said I gave you this, I gave you  
 19 that, I gave you this, I gave you that.  
 20 If I've met him anytime but within the  
 21 two- or three-week period when he was in  
 22 the focus of my conversation, I wouldn't  
 23 remember.  
 24 Q. Did you review anything like an  
 25 affidavit from him about this alleged call

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1 GIULIANI  
2 or anything like that as part of your  
3 investigation?  
4 A. Before I made the statement?  
5 Q. Yes, sir.  
6 A. No, I saw no denial by him that  
7 he made -- no denial from him that he made  
8 the statement.  
9 Q. By Dr. Coomer?  
10 A. I've seen denials after but the  
11 critical point is at the time that I made  
12 the statement, I don't see what it is,  
13 particularly in my position as the lawyer  
14 for a client who should be seeing things  
15 in the light most favorable to your  
16 client, why I would ever think that it  
17 wasn't -- I shouldn't take it at its face.  
18 Everything I knew suggested I should take  
19 it at its face. Nothing I knew suggested  
20 that it was false.  
21 Suppose he had made that  
22 statement and I looked at the history of  
23 the company and I didn't see Sequoia  
24 there, I didn't see all the problems in  
25 Chicago. I didn't even mention the other

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1 GIULIANI  
2 reports that I saw that they were involved  
3 in questionable elections in Argentina  
4 elsewhere. Suppose what I saw instead was  
5 a big long record of a very, very clean  
6 company that never had a question raised  
7 about it, maybe you would say oh well.  
8 Instead I see a record of a company that  
9 looks like it smells to high heaven and I  
10 didn't see the kill, kill, kill, what's  
11 the name of that documentary, kill plan,  
12 kill plan?  
13 MR. JOHNSON: Kill Chain.  
14 A. I didn't see that beforehand.  
15 I'd been told about it. I'd been told  
16 that that was true but if you go to Kill  
17 Chain, you can see them do it in broad  
18 daylight and they bring out the whole  
19 history that I knew a year earlier so I  
20 don't understand what he's complaining  
21 about.  
22 Q. You don't understand what  
23 Dr. Coomer is complaining about?  
24 A. There would be no reason, there  
25 would be no reason, there would be no

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1 GIULIANI  
2 reason why I wouldn't say about him what I  
3 absolutely believe to be true. Absolutely  
4 not, and I have plenty of support for it.  
5 There wasn't a single thing that suggested  
6 that it wasn't true, and we've got to deal  
7 with the time it was said.  
8 I can line up like 20 facts, all  
9 of which make what he said plausible, that  
10 he fixed -- that his company fixed the  
11 evidence, or fixed the case and that they  
12 were going to screw Trump, including one  
13 of the most important things you use in  
14 determining credibility which is motive  
15 and ability.  
16 Did he have the motive to do it?  
17 Yeah, big time. Did he have the ability  
18 to do it or did his company have the  
19 ability to do it? Absolutely.  
20 Particularly the one that he came from.  
21 Q. I asked you for your theory on  
22 how that would be accomplished. You said  
23 he had the ability or his company had the  
24 ability to do it. I assume you meant rig  
25 the election in some form or fashion, and

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1 GIULIANI  
2 I haven't heard an answer to how Dominion  
3 or Dr. Coomer would have done that.  
4 MR. ZAKHEM: Object to form.  
5 THE WITNESS: Hypothetical as to  
6 how they would do it? You go watch  
7 the movie.  
8 BY MR. CAIN:  
9 Q. Oh, you're referring to Kill  
10 Chain?  
11 A. Or not to just Kill Chain, the  
12 people beforehand who told me how you do  
13 it. Or the lady from Georgia, I don't  
14 know, 90 miles out of Atlanta who's got  
15 the machine and shows you how to change  
16 the vote. She shows you three times she  
17 does the vote and each time it comes out  
18 different, or all the wires I saw plugged  
19 into the Internet, or all the capture I  
20 saw of the Internet traffic coming in and  
21 out of those machines, some of it headed  
22 to Germany, traced, when the company  
23 maintains it's not vulnerable.  
24 Q. Who showed you the German --  
25 Germany Internet traffic part of this?

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1 GIULIANI  
2 A. Phil.  
3 Q. Phil did?  
4 A. I think it was during the --  
5 let's see how it fits in the chronology.  
6 I knew about it, I think we presented it  
7 in Michigan because that's where it was --  
8 I sort of thought of Michigan as the  
9 center of the Dominion fraud and so we  
10 focused on all of the Internet traffic in  
11 and out of there, it was substantial, and  
12 that's the one that was traced to Germany  
13 and then traced to a main mass computer in  
14 Frankfurt, Germany that has since  
15 disappeared. Not there anymore. Flew  
16 away.  
17 These are all great facts for an  
18 ex-prosecutor. There would be no -- if my  
19 client came to me and said this is what I  
20 know about this guy, under prevailing law  
21 that protects the first amendment and can  
22 you make that statement, I would have said  
23 yeah, absolutely. Every fact corroborates  
24 it. I don't see a fact that doesn't.  
25 Q. Did --

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1 GIULIANI  
2 A. You're at a very early stage of  
3 the proceeding. It's completely  
4 inconsistent to expect a much further  
5 investigation two weeks into your  
6 investigation when you're getting ready to  
7 put cases together. We had every  
8 intention of putting them in a case at  
9 that point. The only thing that changed  
10 that was the change in strategy.  
11 Soon after, that the strategy  
12 changed because we acquired more evidence  
13 and we were convinced that we would get  
14 nowhere in the courts and that we had to  
15 go -- we had to go -- and that the courts  
16 didn't really have the role of fixing  
17 this, the Constitution had given that role  
18 to the State legislatures.  
19 Q. Maybe it's where you weren't  
20 looking that matters to my client. In the  
21 sense of Mr. Oltmann who says he was on  
22 this call, I take it from your testimony  
23 you or your team didn't interview him  
24 about that call?  
25 A. I didn't interview him.

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1 GIULIANI  
2 Q. Okay.  
3 A. I can't tell you if somebody on  
4 the team didn't interview him.  
5 Q. And you've mentioned the word  
6 credibility.  
7 A. I think somebody interviewed him.  
8 Q. You said the story was credible  
9 and then you gave your reasons.  
10 Do you have any knowledge about  
11 this source, Mr. Oltmann, that led you to  
12 believe he was credible?  
13 A. No, I didn't have any information  
14 that he wasn't. I mean the way it works  
15 in a fast-moving case, I used to do liable  
16 cases, right, it's not my job in a  
17 fast-moving case to go out and investigate  
18 every piece of evidence that's given to  
19 me, otherwise you're never going to write  
20 a story, you never come to a conclusion.  
21 There was nothing presented to me  
22 that suggested that he wasn't telling the  
23 truth and it wasn't a situation where I  
24 was the head of the FBI and I could go  
25 subpoena his records, his files, send out

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1 GIULIANI  
2 five agents and go see him. I had to rely  
3 on what I was getting and what I was  
4 getting was the picture of a man who hated  
5 the president, sure as heck seems like the  
6 kind of guy that would love to see a case  
7 fixed, works for a company that has a  
8 reputation for fixing cases that has the  
9 capacity to do it. He works for the worst  
10 company you can work for, Sequoia, the one  
11 that was tossed out. Why the heck  
12 wouldn't I believe him? I would have to  
13 have been a terrible lawyer that would  
14 like to exercise -- rather than giving my  
15 client the benefit of the doubt, I'd like  
16 to exercise every single thing I could  
17 against my client, gee, let's go find out  
18 it's untrue. I didn't have the time to do  
19 that, and there was nothing that said to  
20 me I should do it. There's no red flag  
21 that came up that said wait a second, this  
22 guy is a boy scout.  
23 I'm constrained by time.  
24 Constrained by time, I don't mean the  
25 press conference time, I mean the

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1 GIULIANI  
2 realistic time. The caucus had already  
3 run it, the election's over, press is  
4 closing down, the censorship is  
5 unconstitutional, oppressive, almost  
6 fascist in the way it was done. You  
7 couldn't get on NBC, you couldn't get on  
8 CBS, because they decided this shouldn't  
9 be presented and they knew none of the  
10 facts. All they knew was we're going to  
11 screw Trump and we're going to put Biden  
12 in. I wasn't living in a dream world, I  
13 was living in the real world we live in.  
14 Q. Okay. Let's do this. I --  
15 A. If I wanted to hurt him  
16 unnecessarily I would have mentioned him  
17 all the time way beyond what the facts  
18 indicated. I didn't do that. I mentioned  
19 him proportionately based on the  
20 information I had and there wasn't a  
21 single bit of information to suggest that  
22 it wasn't true.  
23 Now if you tell me, give me five  
24 weeks to investigate it, or you give me  
25 the resources of the FBI, then maybe I

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1 GIULIANI  
2 could have done something else but I don't  
3 think it's fair to say oh gee, you didn't  
4 conduct a big contrary investigation of  
5 him. I don't have the time to do it, I  
6 don't have the resources to do it and  
7 there was nothing that said to me or I  
8 would have done it. Nothing that said to  
9 me, oh this guy -- this is incredible, it  
10 doesn't make sense, this guy isn't this  
11 kind of guy. I don't know, he worked for  
12 a company that was a screwed up company,  
13 or this guy really seems neutral about  
14 politics or he likes Trump, why the hell  
15 would he do it? Instead I've got a guy  
16 that's off the charts hating him and I've  
17 got a company that knows how to do it and  
18 I've got a whole bunch of other people  
19 yelling and screaming that it was done.  
20 Why would I doubt it? I would  
21 have been I think -- I think I would have  
22 been a -- I think that would be pretty  
23 close to malpractice if I hadn't credited  
24 that statement for my client.  
25 Q. You had another option available

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1 GIULIANI  
2 to you at the press conference, don't say  
3 anything about Dr. Coomer.  
4 MR. ZAKHEM: Is that a question?  
5 BY MR. CAIN:  
6 Q. Did you consider that option?  
7 MR. SIBLEY: Objection to form.  
8 THE WITNESS: It was my  
9 obligation at that time to give the  
10 public all the facts that I had  
11 because we had had an unprecedented  
12 three weeks of censorship unheard of  
13 in the United States which had  
14 followed three months of censorship on  
15 the Hunter Biden hard drive, which the  
16 American people elected a president  
17 without knowing the complete evidence  
18 of how he was engaged for 30 years of  
19 taking bribes through his son, which  
20 his son spells out in great deal in  
21 the hard drive and the American people  
22 have never seen it. The son points  
23 out that for 30 years he collected  
24 money for his father and he gave him  
25 half of it. Very few people know that

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1 GIULIANI  
2 because NBC, ABC, CBS, all the other  
3 BB's numbers, The New York Times, the  
4 New York Post, almost every major  
5 newspaper but the New York Post, every  
6 one of the cable stations except FOX,  
7 OAN and Newsmax refused to print the  
8 words of Hunter Biden and instead  
9 created the completely false story  
10 that it was Russian disinformation  
11 which has been completely --  
12 BY MR. CAIN:  
13 Q. Sir, we're not talking about  
14 Hunter Biden.  
15 A. No, no, what we're talking about  
16 is the atmosphere in which I was  
17 conducting this investigation. This  
18 wasn't a fair and balanced atmosphere. I  
19 was conducting this investigation in an  
20 atmosphere in which if you were to say  
21 anything unfavorable to Biden, it didn't  
22 get published. It could be the piece of  
23 paper that Hunter Biden signed to buy a  
24 gun, lying about the fact that he was a  
25 drug addict and having the gun but not

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1 GIULIANI  
2 getting prosecuted for it. It could be  
3 the report of the niece of Hunter Biden, a  
4 minor who said that Hunter Biden was  
5 dangerous to the child that was covered up  
6 by the FBI and not covered by the  
7 newspapers, or it could be any statement I  
8 made about the election which they would  
9 not cover. So when I got an opportunity  
10 to put out facts that pointed in the  
11 direction of they fixed the election, I  
12 was going to put them out.  
13 Q. And that's why you --  
14 A. I had every obligation to do it.  
15 The American people had a right to hear  
16 this. It was being kept from them. The  
17 Antrim audit was being kept from them.  
18 This man made a startling statement and  
19 he's a man who has the background where  
20 that statement is credible and he's in an  
21 organization that has the capability to do  
22 exactly what he said and there wasn't a  
23 single thing I knew about him that  
24 suggested it wasn't true.  
25 Again I'm not the FBI, I wasn't

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1 GIULIANI  
2 finding him guilty of a crime. I was  
3 beginning the process of determining  
4 whether we should pursue him and then all  
5 of a sudden he got overwhelmed by fish  
6 much bigger than him and evidence much  
7 bigger than him.  
8 Q. So you mentioned in the press  
9 conference that we still haven't actually  
10 looked at, we haven't looked at the video  
11 of the press conference and we may not  
12 have time, you mentioned that it was  
13 essentially your opening statement for the  
14 litigation that was going to proceed at  
15 that point; right? Do you remember saying  
16 that?  
17 A. I do -- I remember actually, yes,  
18 I was responsible. I think Jenna really  
19 took over that portion of it to describe  
20 it as an opening statement but yes, I  
21 think I referred to it as that and then  
22 she spelled it out.  
23 Q. Have you heard the term --  
24 MR. ARRINGTON: Charlie, this is  
25 Barry. We've been going quite a while

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1 GIULIANI  
2 and it sounds like you're  
3 transitioning here. Is this a good  
4 time for a break?  
5 MR. CAIN: Give me a few more  
6 minutes, Barry, and then I will.  
7 BY MR. CAIN:  
8 Q. The next question was have you  
9 heard the term trial by press conference?  
10 A. I have.  
11 Q. You've used that term?  
12 A. Yes.  
13 Q. All right. Was this trial by  
14 press conference?  
15 A. No, sir.  
16 Q. Why not?  
17 A. It was an investigation by press  
18 conference. It was laying out the facts  
19 that we had to explain where we were  
20 going. We didn't pronounce him guilty.  
21 We laid out the facts that we had. For  
22 triers of fact -- for example, the one  
23 that you're referring to, the Attorney  
24 General several times opined on the  
25 credibility of the witnesses and said that

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1 GIULIANI  
2 the women are telling the truth.  
3 Q. You're talking about the tweet  
4 you sent about the Attorney General?  
5 A. Yes, yeah, yeah, yeah. I didn't  
6 say that in the press conference. I said  
7 this is what he said. This is what I'm  
8 told about. This is what we're  
9 investigating.  
10 First of all, it was a civil  
11 case, not a criminal case. I was pursuing  
12 civil cases. The rules are completely  
13 different. Number two, I didn't make a  
14 finding on who was telling the truth or  
15 not. I laid out what I knew, and what I  
16 knew I had no reason to believe was untrue  
17 which I litigated many times against  
18 Sullivan cases. I couldn't possibly  
19 imagine that there's some liability  
20 attached to that. There wasn't a single  
21 fact available to me that suggested what I  
22 was saying was untrue and there's plenty  
23 of opportunity for him to respond to it.  
24 He can respond orally, he can respond to  
25 it in court.

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1 GIULIANI  
2 Q. Well, he is.  
3 MR. ZAKHEM: Objection to form.  
4 THE WITNESS: So I have no idea  
5 how anybody can contort that into  
6 under modern law a defamation case  
7 given the Times against Sullivan  
8 standard, that I have to virtually  
9 know it's untrue when I say it or I  
10 have to be reckless beyond any  
11 definition of reckless. I think it's  
12 a burdensome lawsuit that takes  
13 advantage of our system and puts a  
14 burden on people being able to  
15 communicate but that's been the --  
16 that's been the strategy of Dominion  
17 to do that, to intimidate people.  
18 I mean Dominion is guilty as sin.  
19 Dominion hasn't explained the false  
20 statements by their own. They haven't  
21 explained all these videos out there  
22 showing how you can change votes. You  
23 can intercept it by the Internet, and  
24 most telling of all, they won't give  
25 anybody a machine to look at.

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1 GIULIANI  
2 BY MR. CAIN:  
3 Q. You say they are guilty as sin  
4 but ultimately that's for a court to  
5 decide, not you; right?  
6 MR. SIBLEY: Objection to form.  
7 THE WITNESS: This isn't a press  
8 conference.  
9 BY MR. CAIN:  
10 Q. No, it's not.  
11 A. This is a private deposition.  
12 Q. And ultimately you would agree  
13 that the judge sitting on this case is to  
14 decide those types of issues, not you or  
15 frankly not me?  
16 A. Actually I think in this case he  
17 doesn't get to decide guilt or innocence  
18 at all. He gets to decide --  
19 Q. She.  
20 A. Oh, I'm sorry. She gets to  
21 decide whether or not I knew that I was  
22 lying when I said that or I was just about  
23 totally irresponsible in saying it when  
24 there wasn't a single thing that pointed  
25 me in the direction that there wasn't

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1 GIULIANI  
2 anything wrong with it, anything contrary  
3 to it.  
4 MR. CAIN: Let's do this,  
5 Mr. Arrington has asked for a break.  
6 THE WITNESS: Is that who it was?  
7 MR. CAIN: Yes, sir. So let's go  
8 ahead and take a break and figure out  
9 where we are at.  
10 THE VIDEOGRAPHER: We're off the  
11 record at approximately 12:01 p.m.  
12 (Recess taken from 12:01 p.m. to  
13 12:23 p.m. )  
14 THE VIDEOGRAPHER: We're back on  
15 the record at approximately 12:24 p.m.  
16 BY MR. CAIN:  
17 Q. All right, Mr. Giuliani, we've  
18 got about 45 minutes or so on the record  
19 so let's do a lightning round.  
20 A. Okay, we'll try.  
21 Q. Try to maybe ask --  
22 A. I will do the best I can.  
23 Q. -- as many yes/no questions as I  
24 can. But I want to circle back to  
25 Mr. Oltmann and some of this you talked

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1 GIULIANI  
2 about, so forgive me. But number one, you  
3 never talked to Joe Oltmann directly;  
4 correct?  
5 A. I don't believe so.  
6 Q. You never reviewed or listened to  
7 a recording of the Antifa conference call;  
8 correct?  
9 A. I don't think so. I don't think  
10 so. I guess I wouldn't be shocked if I  
11 did but I don't recall.  
12 Q. You never talked to any of the  
13 other folks that were allegedly on this  
14 call, the other witnesses?  
15 A. The Antifa people?  
16 Q. Yes, sir.  
17 A. No, I didn't talk, nor do I think  
18 it was even conceivable they would talk to  
19 me.  
20 Q. You never reviewed any of the  
21 notes that were taken by Mr. Oltmann of  
22 the call, did you?  
23 A. Not unless they showed it to me.  
24 I mean they would know better. They  
25 showed me something about the call, some

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1 GIULIANI  
2 pieces of paper about it so I can't tell  
3 you if I did or I didn't.  
4 Q. You don't know?  
5 A. I don't know. I did review some,  
6 could have been their memo, it could have  
7 been notes but they had something they  
8 were briefing me from written down.  
9 Q. Neither you nor your team  
10 attempted to contact Dr. Coomer?  
11 A. Not that I know of.  
12 Q. Neither you nor your team  
13 attempted to contact Dominion for response  
14 about Dr. Coomer?  
15 A. No.  
16 Q. In terms of internally at the  
17 campaign, you had access to research by  
18 the communications department on these  
19 subjects, did you not?  
20 A. I did, yeah.  
21 Q. Did you ever look -- this is an  
22 open-ended question, did you ever look at  
23 research that was compiled by the  
24 communications department on Dr. Coomer?  
25 A. I'm sure I did.

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1 GIULIANI  
2 Q. Okay. Let me show you what has  
3 previously been marked as Exhibit 68, and  
4 while you're looking at that, it appears  
5 to be the same document twice but I just  
6 wanted to produce to you what was produced  
7 to us by the Trump campaign. Are you with  
8 me?  
9 A. This has been produced by the  
10 Trump campaign?  
11 Q. Yes, sir. That TC Bates on the  
12 bottom right means Trump campaign.  
13 A. Okay, sure, right.  
14 Q. I'll give you a minute to  
15 familiarize yourself with this document.  
16 A. It doesn't look familiar.  
17 Q. Since it doesn't look familiar to  
18 you --  
19 A. That doesn't mean I didn't see  
20 it. I mean a lot of things aren't going  
21 to look familiar that I saw. I saw 10,000  
22 documents.  
23 Q. Okay, take a brief moment to just  
24 flip through it so you know.  
25 A. Can you tell me what it is?

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1 GIULIANI  
2 Q. I was hoping you could tell me  
3 what it is.  
4 A. (Witness perusing document.)  
5 Q. Let's do this. The reason I want  
6 you to familiarize yourself with it  
7 because I'm going to ask you if that  
8 refreshes your memory as to whether you  
9 had seen this before. So just flip  
10 through the pages as you see fit to  
11 familiarize yourself with it.  
12 A. (Witness perusing document.)  
13 Q. Does that refresh your  
14 recollection at all?  
15 A. Some of the names do but not the  
16 document itself.  
17 Q. Okay. So as you sit here today,  
18 you don't think this document was provided  
19 to you by the campaign?  
20 A. I don't think so.  
21 Q. What is the function as you  
22 understand it for the research department  
23 under the communications umbrella for the  
24 campaign, if you know?  
25 A. I don't know really. I wasn't

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1 GIULIANI  
2 running the campaign and had nothing to do  
3 with the campaign until the very last  
4 minute. My main function was these cases  
5 that were two weeks behind so I didn't  
6 spend an awful lot of time involved with  
7 the campaign.  
8 Q. All right, well, let's --  
9 A. I have no idea how they set up  
10 their research department, their  
11 communications department.  
12 Q. Let's orient ourself really quick  
13 on Exhibit 68.  
14 A. Some of these things seem wrong  
15 but I haven't seen it.  
16 Q. Okay. Sir, page -- as e-mails  
17 are --  
18 A. Looks to me like -- okay, looks  
19 like propaganda.  
20 Q. Can you just turn to the second  
21 page of the --  
22 A. Sure.  
23 Q. -- the beginning of the exhibit?  
24 A. Does it refer to Mr. Coomer?  
25 Q. We'll get to it. It does.

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1 GIULIANI  
2 A. Page 2?  
3 Q. Yes, sir. I'm just going to  
4 orient you. On page 2, it's the beginning  
5 of the e-mail chain. It's from a fellow  
6 named Zach Parkinson at DonaldTrump.com.  
7 It's dated December 13th and there's some  
8 recipients on the bottom.  
9 Mr. Parkinson worked for the  
10 campaign at this time; right?  
11 A. I guess he did.  
12 Q. You don't know him?  
13 A. Huh-uh.  
14 Q. This is dated Friday, November  
15 13, 2020. That would have been after the  
16 time that you were instructed by President  
17 Trump to head up the legal --  
18 A. Yes, sir.  
19 Q. -- part of the campaign. And we  
20 talked over each other again.  
21 That's after that time; right?  
22 A. Yeah, I don't know why he's  
23 trying to figure out if Poulos is  
24 connected to Antifa. Nobody ever alleged  
25 that.

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1 GIULIANI  
2 Q. Okay. Well, let's not try to  
3 interpolate it at this point.  
4 A. It does seem like it's kind of a  
5 useless dodge.  
6 Q. And you haven't seen this before?  
7 A. No, I haven't seen it. I mean I  
8 would have been really -- if this were  
9 handed to me at the time, I would have  
10 said what the hell are you looking at  
11 whether Poulos is connected to Antifa? We  
12 don't have time for that. Maybe he is.  
13 We don't have time for that.  
14 Q. Okay. So to my question, you  
15 were already heading up the legal portion  
16 of the campaign as of Friday, November  
17 13th at 5:13 p.m.?  
18 A. Yeah, and the campaign was doing  
19 everything it could to keep things from  
20 me, including undermining the litigation  
21 in Pennsylvania which is a totally  
22 different matter.  
23 Q. Explain what you mean by that,  
24 the campaign was trying to keep things  
25 from you?

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1 GIULIANI  
2 A. I think the campaign had a  
3 different view of what should be done.  
4 The campaign in my opinion had checked out  
5 about three, four weeks before the  
6 election. They were pretty much convinced  
7 he was going to lose, they were looking  
8 for jobs, they were worried about their  
9 standing in the Washington community.  
10 When I walked in there and asked for all  
11 of the preparation for the draft  
12 complaints and the -- because I had been  
13 told they were ready for everything, I got  
14 nothing. They had done nothing.  
15 Several months earlier there had  
16 been a very, very big article that the  
17 democrats had put together a massive legal  
18 team to win this election and I was asked  
19 by the president to check and see what we  
20 had and it wasn't my role. I was not  
21 involved in that at the time but I did. I  
22 spent half a day. Although they wouldn't  
23 show me anything, they told me they were  
24 all prepared and I went back and I gave  
25 the president advice. I can't tell you

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1 GIULIANI  
2 what -- I'll tell you what I said, I can't  
3 tell you what he said. I told him --  
4 MR. SIBLEY: Don't tell them what  
5 you said, Rudy, if it's legal advice.  
6 A. Okay, then I won't tell you what  
7 I said.  
8 In any event, when I showed up  
9 there with my team, they took about 45  
10 minutes to show up themselves and I said  
11 I'm going to really need all the draft  
12 complaints. They didn't have any so we  
13 had to start from the beginning.  
14 They did have a complaint in --  
15 they were going about filing a complaint  
16 in Pennsylvania. Before I could spend any  
17 more time on that, Pennsylvania became a  
18 major issue because our people were being  
19 shut out in Pennsylvania and I sent Corey  
20 and the former Attorney General there.  
21 And when they came back, I said  
22 where's our Pennsylvania lawsuit? We  
23 don't have one so I started writing one  
24 myself with the lawyer who was in charge,  
25 Hicks, and it alleged fraud. And it had

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1 GIULIANI  
2 in it all of the -- much like the Michigan  
3 complaint which we submitted to you which  
4 outlines 100 affidavits, specific ones  
5 demonstrating fraud, we put together one  
6 for Pennsylvania like that and we  
7 submitted it. And the lawyer in charge,  
8 Mr. Hicks, had to resign because his law  
9 firm was pressuring him. He had refused  
10 to resign and then his wife received death  
11 threats.  
12 Q. But this isn't responsive to  
13 what --  
14 A. Yes, it is.  
15 Q. -- I was asking.  
16 A. And --  
17 Q. Let's get to the response part  
18 then.  
19 A. And without telling me, the  
20 campaign, although I was supposedly in  
21 charge, submitted its own complaint  
22 without fraud alleged in it.  
23 Q. Is that Justin Clark?  
24 A. Justin Clark and somebody else,  
25 Morgan something. And I think Morgan is

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1 GIULIANI  
2 the one who did this.  
3 I found out the night before the  
4 argument, even though I was going to argue  
5 the case, that I was going to argue the  
6 second complaint, not the one that I had  
7 drafted, so I made a quick motion before  
8 the judge for yet another amended  
9 complaint to restore our fraud.  
10 And the reason why this statement  
11 is used against me so often that I said  
12 there was no fraud is I didn't say there  
13 was no fraud in the case, I said there was  
14 no fraud in the complaint that had been  
15 substituted for my complaint because they  
16 didn't -- they didn't agree that we should  
17 go about the lawyer's task of trying to  
18 prove fraud in all of the different  
19 states.  
20 Q. And you disagreed with that?  
21 A. I knew that if that's what we  
22 did, even if we were to get it in court we  
23 wouldn't have proved anything that would  
24 overturn the election. The fact is that  
25 there was fraud and they never saw it.

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1 GIULIANI  
2 Not only did they never see it, they  
3 didn't have the energy to go investigate  
4 it. They were basically looking for jobs.  
5 Q. I think your --  
6 A. I mean I've been involved in  
7 many, many presidential campaigns. This  
8 campaign had checked out three weeks  
9 earlier and they undermined -- I even have  
10 memos --  
11 MR. SIBLEY: Let's not talk about  
12 memos.  
13 A. -- from Republican National  
14 Committee people and from other people on  
15 the campaign telling people not to  
16 cooperate with us, Jenna and me, because  
17 the republican party will do better if  
18 Trump loses, they'll collect more money.  
19 There was no question there was a major  
20 effort to undercut what we were doing.  
21 Q. So turmoil within the campaign  
22 because of --  
23 MR. ZAKHEM: Object to form.  
24 THE WITNESS: Well, it put us in  
25 a position where they were

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1 GIULIANI  
2 undercutting him, they wanted to  
3 defeat him. So when you give me this  
4 and it's done by the campaign, I don't  
5 know who they are working for. The  
6 complaint that was substituted for the  
7 complaint that I had worked out with  
8 Hicks completely subverted our theory  
9 of the case, was done in order to tank  
10 the case and was done without ever  
11 telling me, and there were more than a  
12 few acts like this.  
13 BY MR. CAIN:  
14 Q. Did you ask --  
15 A. It doesn't help me to show me  
16 something done by somebody I don't know.  
17 I mean this could have been done because  
18 he would have much preferred this thing  
19 all go away and the president just  
20 concede.  
21 Q. Okay. So did you have access to  
22 the research done by the communications  
23 department if you wanted it?  
24 A. I don't know why I'd want it.  
25 Why would I want the communications

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1 GIULIANI  
2 department research? I'm a lawyer. They  
3 are politicians. Yes, I mean I might want  
4 specific things but I'm not going to use  
5 the communications department of the  
6 campaign to do legal research. Plus I  
7 didn't know what side the Trump campaign  
8 was working for.  
9 Q. So --  
10 A. I thought the majority of them  
11 were working for him to concede as soon as  
12 possible so they could move on to another  
13 job and so they wouldn't be criticized too  
14 heavily in the Washington Post because  
15 there was a tyranny of fear going on at  
16 the time pushed by the Post and anybody  
17 doing this is some kind of a maniac, right  
18 wing and it affected my people. It  
19 affected Hicks dropping out. It affected  
20 most of the people in the campaign acting  
21 based on their true loyalty, which is  
22 Washington politicians wanting to hold  
23 onto jobs in Washington and not wanting to  
24 go against the establishment, there was no  
25 fraud, there was no fraud.

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1 GIULIANI  
2 Q. All right.  
3 A. Gee, I don't know, this nice  
4 little Indian lady says the democratic  
5 party in Michigan spent two weeks teaching  
6 how to cheat. Is she lying?  
7 Q. I don't know what you're  
8 referring to. If you turn to page --  
9 A. It's in the papers.  
10 Q. But I'm not asking you about the  
11 Indian lady at this point.  
12 A. I know you're not but you're  
13 asking me whether I have any confidence in  
14 this document and I'm explaining to you  
15 why I don't.  
16 Q. Let's actually look at it so you  
17 can respond to this.  
18 A. I didn't realize this came from  
19 one of the campaign people.  
20 Q. Yeah, it is a campaign document.  
21 A. I would have considered it a  
22 useless piece of information because I  
23 would not have known the motive behind it.  
24 Q. So in terms of the stuff -- we're  
25 not going to have time to talk about

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1 GIULIANI  
2 Spain, you made comments in the press  
3 conference about Spain -- well, we may  
4 talk about that -- and Germany and Soros  
5 and Smartmatic and all that stuff, but in  
6 terms of the Coomer information on this  
7 document, if you'd turn to page 14.  
8 A. I think this is 14, TC 14?  
9 Q. Yes, sir. In the middle section  
10 of this campaign document, it says  
11 Dominion's leadership has no ties to  
12 Antifa, there is no evidence to the claim  
13 that Dominion's head of strategy and  
14 security has ties to Antifa. And then  
15 there's a little note. Similarly there's  
16 no evidence that Dominion's CEO, John  
17 Poulos, has ties to Antifa.  
18 And then it goes on to talk about  
19 an Internet rumor that a top-level  
20 employee has ties to Antifa and you can  
21 read it down there.  
22 In the middle it says the rumors  
23 are fueled because of now deleted  
24 antipolice Facebook posts.  
25 A. I don't see that.

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1 GIULIANI  
2 Q. No, sir, it's down about  
3 two-thirds of the way down.  
4 Those rumors are fueled because  
5 of now deleted antipolice Facebook posts.  
6 A. Antipolice?  
7 Q. Yes, sir.  
8 A. A blogger under the pseudonym  
9 Conservative Treehouse alleged that  
10 Dr. Eric Coomer, who he claimed was head  
11 of strategy for Dominion, was a supporter  
12 of Antifa for now-deleted Facebook posts  
13 in which Coomer allegedly posted  
14 anti-police songs. They were posts that  
15 Dr. Eric Coomer posted in May. He is the  
16 man that is responsible for the  
17 strategy... noticed the anti-American  
18 sentiment. Eric Coomer is a major  
19 shareholder in Dominion voting, et cetera.  
20 Okay.  
21 Q. And then you go to the next page,  
22 there's actually the post that he's  
23 referring to.  
24 A. This is the post allegedly from  
25 Coomer?

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1 GIULIANI  
2 Q. Yes. And then after that post it  
3 says, however, there is -- the conclusion  
4 is however, there is no evidence that Eric  
5 Coomer is a supporter of Antifa in any  
6 way.  
7 Do you know if Dr. Coomer is  
8 involved as an Antifa member?  
9 MR. SIBLEY: Objection, form.  
10 THE WITNESS: I've seen, I  
11 thought they were tweets but they may  
12 be Facebook posts in which he was  
13 tweeting things that were supportive  
14 of what Antifa was doing.  
15 BY MR. CAIN:  
16 Q. Well, that might be two different  
17 questions.  
18 A. No, no, supportive of defunding  
19 the police, supportive of the riots.  
20 Q. What makes someone an Antifa  
21 member in your mind?  
22 A. I don't know the basis for  
23 admission to Antifa but the things that he  
24 texted and tweeted didn't so much say he  
25 was a member of Antifa, they supported

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1 GIULIANI  
2 Antifa in their campaign against the  
3 police.  
4 Q. Can you name or identify any  
5 structure to that organization? In other  
6 words, did they tell you that Dr. Coomer  
7 was in --  
8 A. I --  
9 MR. SIBLEY: Objection, form.  
10 BY MR. CAIN:  
11 Q. Let me finish.  
12 A. Okay.  
13 Q. -- a particular organization, a  
14 communist party group, you know, something  
15 along those lines that would support the  
16 notion that he is, quote, a member of  
17 Antifa, close quote?  
18 MR. SIBLEY: Objection, form.  
19 THE WITNESS: I didn't say he was  
20 a member of Antifa.  
21 BY MR. CAIN:  
22 Q. Okay. So you don't think he is?  
23 A. I don't know what I think, it's a  
24 long time ago. I'm telling you you  
25 mischaracterized what I said. There's a

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1 GIULIANI  
2 big difference between being a member of  
3 Antifa and being close to Antifa.  
4 Q. Okay, well, I'm trying to find  
5 out --  
6 A. Membership suggests that there's  
7 some kind of membership ceremony, that he  
8 underwent that ceremony and was a member  
9 of it and that I knew that. First of all,  
10 I don't know if there is a membership  
11 ceremony. I've represented organized  
12 crime groups that have it and organized  
13 crime groups that don't. Antifa could be  
14 an organized crime group, a terrorist  
15 group that doesn't have a membership  
16 ceremony. And I never asserted that he  
17 was a member because I wasn't told that.  
18 I was told that he was close to Antifa and  
19 that he tweeted or put on social media  
20 supportive comments of which two or three  
21 were shown to me and I was told there were  
22 more.  
23 Q. Okay. So close to --  
24 A. All it was really was just one  
25 piece of about 12 other pieces of

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1 GIULIANI  
2 corroborative evidence that it was  
3 certainly plausible that he'd be somebody  
4 who would want to fix the election against  
5 Donald Trump. He also had tweets about  
6 horrible things about Donald Trump saying  
7 terrible things about him.  
8 Q. And that's what makes him close  
9 to Antifa in your mind?  
10 MR. SIBLEY: Objection to form.  
11 THE WITNESS: No, no, no, you  
12 didn't listen to what I said. I said  
13 this is just one piece of evidence of  
14 12 or 13 others that made it plausible  
15 that it was true that he knew that the  
16 election was going to be fixed.  
17 BY MR. CAIN:  
18 Q. Plausible that it's true that he  
19 knew that the election was fixed?  
20 A. That's what I said.  
21 Q. That's what you were saying in  
22 the press conference?  
23 A. They are going to fix this  
24 election. He's completely warped about  
25 his comments about Trump and he

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1 GIULIANI  
2 specifically says, this is the language,  
3 they are gonna fix this election. They  
4 are gonna fix -- should have said going,  
5 terrible English, my mother would be  
6 really upset -- they are gonna fix this --  
7 let's use the words I used rather than the  
8 words that you would like to think I used.  
9 I didn't say he was a member of Antifa so  
10 you should really correct that. I said  
11 he's close to Antifa, real big difference,  
12 and I didn't say that he fixed the  
13 election, I said he said that they are  
14 going to fix this election. So that's  
15 what we're talking about.  
16 Now, what was this? This, these  
17 statements, to me to be liable I'd have to  
18 know they are untrue. Instead I am  
19 confronted with 12 to 13 of pieces of  
20 evidence that suggest that he's the kind  
21 of guy that would say something like this,  
22 that this is true.  
23 Q. Is this Trump campaign memo  
24 consistent with your theory of the case?  
25 MR. SIBLEY: Objection, form.

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1 GIULIANI  
2 THE WITNESS: This Trump campaign  
3 memo is useless. I would not have  
4 relied on this. I had to fire people  
5 in the Trump campaign for being spies  
6 and double-cross -- Eric Reamer was  
7 the general counsel. Eric Reamer, I  
8 have a text saying don't cooperate  
9 with Jenna and Rudy, it's over, it  
10 will hurt our getting a job. Oh, and  
11 by the way, we raise more money when  
12 Trump loses. This could very well  
13 have been written to help the  
14 opposition.  
15 BY MR. CAIN:  
16 Q. Any of these folks on, if you'll  
17 go back to the front, Zach Parkinson, Matt  
18 VanHyfte, H-Y-F-T-E, Jacki -- I'm going to  
19 butcher her last name -- Kotkiewicz --  
20 A. Yeah, nobody I know.  
21 Q. Dean Cleary.  
22 A. I knew the people closest to  
23 Trump and they don't fit in that category.  
24 Q. Okay.  
25 A. These are people who had no

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1 GIULIANI  
2 relationship with Trump. These are people  
3 who could have been pulled out of the DNC  
4 and the DNC had more than a few memos  
5 indicating they were trying to undercut  
6 this entire effort. And there are a  
7 couple of things here that are kind of  
8 stupid, like they create straw men.  
9 No one suggested that Poulos was  
10 a member of Antifa. So you prove that  
11 Poulos isn't a member of Antifa. Come on,  
12 that's a phony job. I can pick that out  
13 in a second. I used to pull these apart.  
14 I know what this is.  
15 It's hard to believe but there  
16 was within the RNC in particular a  
17 never-Trumper group and they had to be  
18 fired. Right down to the end they were  
19 undercutting, including this guy Reamer.  
20 Q. Well, this memo was on November  
21 14th so they hadn't been fired at least as  
22 of the time you came on; right?  
23 A. No, I don't know who these people  
24 are which indicates to me they are also  
25 fairly low level.

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1 GIULIANI  
2 Q. So these low-level folks --  
3 A. There's also a lot of work for  
4 them to put together which means to me it  
5 was probably fed to them. If you want a  
6 really good, solid investigatory  
7 conclusion, this is a put-up job. They  
8 didn't do this work. They didn't have the  
9 time to do this work.  
10 Q. Okay, so if you go to page 10.  
11 A. Or the capacity to do it. They  
12 weren't that good.  
13 Q. If you go to page 10 then since  
14 it has your picture on it and then we'll  
15 have to move on from this document. One  
16 of the things that you said at or around  
17 the time -- in the press conference itself  
18 actually you talked about the Smartmatic  
19 machines sending votes overseas, in this  
20 case to Spain or Germany. Do you remember  
21 that part of the press conference?  
22 A. I do.  
23 Q. Okay. And it shows a picture  
24 here of you making that claim on Fox News?  
25 A. Yes, sir.

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1 GIULIANI  
2 Q. And the conclusion below from  
3 this group was however, the only apparent  
4 evidence that votes were being counted in  
5 Spain was that Smartmatic is owned by a  
6 Spanish person. And then it cites to  
7 some --  
8 A. That's wrong. Phil -- well, it  
9 is wrong and it's right. The time that I  
10 said this, we thought it was sent to  
11 Spain. The votes actually were sent to  
12 Frankfurt, Germany. In fact, we thought  
13 incorrectly that the major computer was in  
14 Barcelona, Spain because that's the one  
15 they used to help to fix an Italian  
16 election in 2018.  
17 We found out, I can't tell you  
18 exactly when, but after it was -- at about  
19 the time that it was destroyed, although  
20 some votes may have been sent to  
21 Barcelona, that most of them went to  
22 Frankfurt, Germany, and there are analyses  
23 done of the traffic leaving Michigan going  
24 to Europe. And originally they thought it  
25 was Barcelona. I do think some went to

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1 GIULIANI  
2 Barcelona but the vast majority went to  
3 Frankfurt, Germany which is where the  
4 major computer was, which we were told was  
5 shared by Smartmatic and Dominion who did  
6 have a joint operating agreement. I know  
7 it says they didn't do business together.  
8 That's also not true.  
9 Q. So in terms of --  
10 A. This is very -- this is -- this  
11 information, I can tell you from the form  
12 of it because I know how those kids write.  
13 This is a corporate document. This was  
14 written by -- I don't understand why you  
15 can't see that. This isn't done by a -- a  
16 campaign doesn't do this. They don't have  
17 the capacity to do this.  
18 Q. I don't understand why they would  
19 want to mislead either you or any  
20 other campaign --  
21 A. Because there are memos saying  
22 they wanted to. I don't have to -- I  
23 don't have to speculate about it. I can  
24 show you memos saying they wanted to  
25 undercut what we were doing because they

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1 GIULIANI  
2 wanted Trump to lose because they could  
3 raise more money. Some of them thought  
4 Trump should never win in the first place.  
5 I mean how about the people in the  
6 administration that wrote those ridiculous  
7 letters that turned out to be untrue.  
8 Q. Well, how about the people in --  
9 A. He had spies in the organization  
10 that wanted him out.  
11 Q. How about the people in the  
12 administration that wrote reports about  
13 election fraud such as Chris Krebs and the  
14 CISA folks?  
15 MR. ZAKHEM: Object to form.  
16 BY MR. CAIN:  
17 Q. You were at one point,  
18 unofficially at least, on Trump's  
19 cybersecurity advisory committee; right?  
20 A. I was.  
21 Q. And you were there when CISA was  
22 created, weren't you?  
23 A. Um-hum.  
24 Q. Is that a yes?  
25 A. Yes, yes, yes.

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1 GIULIANI  
2 Q. And CISA, I mean you remember the  
3 report they issued about election  
4 security, it was right around this time.  
5 I think it was November 12th.  
6 MR. ZAKHEM: Objection to form.  
7 THE WITNESS: Yeah, it was so  
8 filled with contradictions and holes  
9 and things they didn't investigate and  
10 information they didn't even bother to  
11 share or get, questions they didn't  
12 ask, witnesses that they wouldn't  
13 listen to. They refused to  
14 investigate. They just wrote. That  
15 was a totally phony report.  
16 BY MR. CAIN:  
17 Q. Okay. So you --  
18 A. It isn't worth the paper it was  
19 written on. This could be the same thing.  
20 This looks to me like something that  
21 Dominion prepared for these guys. They  
22 wouldn't write it this way. This is a  
23 corporate type report.  
24 Q. Okay. So you discount --  
25 A. And in the period of time they

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1 GIULIANI  
2 had, in the period of time they had, they  
3 could not have acquired all this  
4 information. This information had to be  
5 given to them. They are not smart enough  
6 to have acquired all this information, nor  
7 did they have enough time to do it. I've  
8 never seen such a professional work coming  
9 out of that operation. And I've seen lots  
10 of corporate stuff. This is a corporate  
11 document. This was done for Dominion to  
12 cover its ass.  
13 Q. So you discount that document, I  
14 understand your testimony.  
15 A. Nobody ever bothered to give it  
16 to me because they probably knew I would  
17 go crazy if I saw it. I would have picked  
18 this out in two seconds.  
19 Q. Probably.  
20 A. I would have said hey guys, I've  
21 only investigated people a hell of a lot  
22 more sophisticated than you, you're going  
23 to try to pass this off -- you're going to  
24 try to pass this off as a campaign  
25 document? I've seen a hundred campaign

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1 GIULIANI  
2 documents that are nowhere near as  
3 professional as this. This is a corporate  
4 document fed to the campaign.  
5 Q. You've said that. And you  
6 discount -- is there any --  
7 A. Plus I never got to see it so  
8 what's the relevance of it? They never  
9 gave it to me.  
10 Q. And you didn't ask for it  
11 obviously?  
12 A. I didn't know it existed. How  
13 could I have -- would you give me the  
14 document I don't know exists.  
15 Q. You can go ask anybody in the  
16 campaign, is there any information or  
17 research on Dr. Coomer or Dominion?  
18 A. You think I had the time for  
19 that?  
20 MR. ZAKHEM: Object to form.  
21 BY MR. CAIN:  
22 Q. Apparently not.  
23 A. Of course I didn't have the time  
24 for that.  
25 MR. ZAKHEM: Object to form.

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1 GIULIANI  
2 THE WITNESS: Plus I knew there  
3 were people in the campaign that  
4 didn't know their -- that weren't  
5 particularly useful because they  
6 weren't particularly professional or  
7 smart.  
8 BY MR. CAIN:  
9 Q. Okay.  
10 A. And all these people that were  
11 sitting there, what I observed from the  
12 day I walked in there was most of the time  
13 it was my people that were the only people  
14 there. They had all taken off already.  
15 They were off looking for another job and  
16 I would have to demand they be there to  
17 get them to work. No way they would have  
18 had the energy to compile this. They were  
19 half asleep. I caught one of them under a  
20 desk one day.  
21 Q. Okay. So you discount that.  
22 We've established that. You discount  
23 CISA; right?  
24 A. I did publicly. I don't know if  
25 you recall.

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1 GIULIANI  
2 Q. I do.  
3 A. I discounted it publicly. I know  
4 what he was up to.  
5 Q. Is there anybody that was in the  
6 United States government during this time  
7 period that you thought was authoritative  
8 about election security issues?  
9 A. Sure.  
10 Q. But not CISA?  
11 A. Absolutely not.  
12 Q. Not the Department of Homeland  
13 Security?  
14 A. Department of Homeland Security  
15 was afraid to investigate this. They were  
16 afraid that Congress would come down so  
17 hard on them they wouldn't be able to  
18 exist. Everybody was afraid to --  
19 everybody figured if they investigated  
20 this, what is being done to me would be  
21 done to them and they were afraid to do  
22 it. What would be done to them, they  
23 would be -- they would be attacked by the  
24 local bar association.  
25 Q. But you have been?

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1 GIULIANI  
2 A. And alleged to be dangerous. I  
3 don't know, I didn't see you guys come in  
4 here with security.  
5 Q. That was for Mr. Oltmann, not for  
6 you.  
7 A. Oh, it was for Mr. Oltmann.  
8 Q. We had security at the courthouse  
9 when he was supposed to testify. Do you  
10 know Mr. Oltmann failed to show up for his  
11 deposition, check your source, on  
12 Wednesday in this case?  
13 MR. SIBLEY: Objection to form.  
14 THE WITNESS: I have no idea that  
15 he showed up so...  
16 BY MR. CAIN:  
17 Q. I'm not afraid of you.  
18 A. That's good. So then the court  
19 was wrong. I'm not a danger.  
20 Q. Well, it depends on the type of  
21 danger. I think they were describing a  
22 different type of danger.  
23 MR. SIBLEY: Objection, form.  
24 THE WITNESS: They were  
25 describing a danger that I could

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1 GIULIANI  
2 create a riot, a riot that was the  
3 only insurrection riot where a shot  
4 wasn't fired except one shot fired by  
5 a police officer that killed an  
6 innocent woman that's covered up and  
7 we're not investigating. They use a  
8 total mischaracterization of what I  
9 said. They said oh, he said trial by  
10 combat. They leave out the fact that  
11 I was talking about a comparison of  
12 the two machines.  
13 No one at the speech that I gave  
14 got up, yelled, screamed, got all  
15 excited. In fact, they were freezing  
16 to death. And my speech was way in  
17 the middle, long before anything  
18 happened, and the president gave the  
19 final speech that went on for an hour  
20 and 15 minutes and ended by saying to  
21 act peacefully and patriotically. So  
22 excuse me if I don't think that's a  
23 setup.  
24 BY MR. CAIN:  
25 Q. And you don't even remember

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1 GIULIANI  
2 though, I asked you earlier about  
3 Mr. Oltmann being with you, your contacts  
4 with him. You don't remember him being in  
5 the Willard Hotel with you the day before  
6 the insurrection?  
7 A. I do not remember. I don't think  
8 I know what he looks like. Could he have  
9 been there? Absolutely he could have been  
10 there. A lot of people were there.  
11 Q. Let me ask --  
12 A. And by the way, when you refer to  
13 it as an insurrection, it should be  
14 referred to as the only insurrection ever  
15 where a gun was not fired, a shot was not  
16 fired. Oh, and the only death was an  
17 unarmed woman who was a Trump supporter  
18 for whom for the first time in American  
19 history we don't know the police officer  
20 who shot her.  
21 Q. According to a report that I saw  
22 recently, on the night of the election you  
23 were at the White House; is that true?  
24 A. It is, yes.  
25 Q. And according to a couple of

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1 GIULIANI  
2 witnesses, a campaign manager was there,  
3 Bill Stepien, Mark Meadows and Jason  
4 Miller. You have been quoted as saying at  
5 that time in a room by the Map Room, you  
6 told them just say that we won.  
7 MR. SIBLEY: Objection, form.  
8 MR. ZAKHEM: Privilege.  
9 MR. SIBLEY: Rudy, can you move  
10 your hand from your face?  
11 THE WITNESS: Yeah, that wasn't  
12 on purpose.  
13 BY MR. CAIN:  
14 Q. Did you tell these individuals to  
15 just say that Trump won the election that  
16 night?  
17 MR. SIBLEY: There's an assertion  
18 of privilege.  
19 BY MR. CAIN:  
20 Q. It's been quoted in the media.  
21 A. All I can tell you without  
22 breaking the privilege is --  
23 MR. ZAKHEM: Counsel, I'd ask --  
24 THE WITNESS: -- if it's been  
25 quoted in the media, it's probably not

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43 (Pages 166 - 169)

1 GIULIANI  
2 true.  
3 BY MR. CAIN:  
4 Q. Do you remember saying that?  
5 MR. ZAKHEM: Objection,  
6 privilege.  
7 MR. SIBLEY: Assertion of  
8 privilege.  
9 THE WITNESS: The only answer I  
10 can give you is if it's quoted in the  
11 media, it's probably not true.  
12 BY MR. CAIN:  
13 Q. Have you ever told anybody  
14 outside of that group that the idea was to  
15 just simply say that Trump won whether he  
16 did or not?  
17 MR. SIBLEY: Objection, form.  
18 You can answer this --  
19 THE WITNESS: Of course not. Of  
20 course not. I've been practicing law  
21 for over 50 years, I've never in the  
22 whole time that I've practiced law had  
23 a single allegation that I acted  
24 unethically until now.  
25 ///

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1 GIULIANI  
2 BY MR. CAIN:  
3 Q. Well, I'm just asking you a  
4 question.  
5 A. I'm going to finish my answer,  
6 sir. You asked a question and I'm going  
7 to finish it. And I'm hardly going to  
8 tell someone to make an allegation and  
9 just say it without having substantial  
10 amount of proof of it. And everything I  
11 alleged, I have at least one and usually  
12 10 or 15 affidavits to support except  
13 nobody wants to look at them. Just like  
14 they wouldn't look at the hard drive and  
15 they covered it up and now it's all coming  
16 out and I'm turning out to be absolutely  
17 true. The same thing will happen here.  
18 Q. Well, I'm just asking you,  
19 there's some quotes that are attributed to  
20 you and I want to know if they're true or  
21 not.  
22 A. What was the quote?  
23 Q. The first one was just say that  
24 we won to Mark Meadows, et al.  
25 A. Who said I said that?

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1 GIULIANI  
2 MR. SIBLEY: We're asserting  
3 privilege.  
4 THE WITNESS: Tell me who said I  
5 said that.  
6 BY MR. CAIN:  
7 Q. You're quoted. I don't know who  
8 said you said. You were in the room with  
9 Mark Meadows, Bill Stepien and Jason  
10 Miller.  
11 MR. SIBLEY: Don't disclose  
12 whatever you said to them.  
13 THE WITNESS: Someone has to have  
14 said Rudy Giuliani said -- I didn't  
15 say that so I'm trying to figure out  
16 who's lying.  
17 BY MR. CAIN:  
18 Q. Another quote was --  
19 A. You're not going to tell me?  
20 Q. I don't know. I'm just quoting  
21 you as you were quoted. I don't know who  
22 said you said.  
23 A. Who quoted me?  
24 Q. It's a quote of you.  
25 A. Somebody has to write it down.

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1 GIULIANI  
2 Q. No.  
3 A. Where does it appear?  
4 Q. In a book about this issue.  
5 A. Who does the book attribute the  
6 quote to?  
7 Q. To you.  
8 A. In other words, he was there, the  
9 author was there and heard me say it.  
10 Q. I'm sure he interviewed a witness  
11 that was there.  
12 A. That's what I'm asking you.  
13 Q. It doesn't disclose that, who  
14 said you said. I'm just asking you if you  
15 said it.  
16 A. But you've got to give me the  
17 context. It's not fair to say did you say  
18 something you didn't say.  
19 Q. I don't know if you said it or  
20 not, sir, that's why I'm asking.  
21 A. But I'm asking you for the  
22 details of what you're asking.  
23 Q. That's what I can give you, and  
24 your counsel has already instructed you  
25 not to answer it so we don't need to deal

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1 GIULIANI  
2 with it.  
3 A. Well, there's nothing privileged  
4 about that. You just asked me a question.  
5 Q. I agree.  
6 A. There's a quote in a book  
7 attributing to me that I said to people --  
8 Q. Just say we won.  
9 A. Now who said that?  
10 Q. We've already been through this.  
11 A. You don't know.  
12 Q. You were quoted as being in a  
13 room and saying that to Mark Meadows --  
14 A. In order to evaluate the  
15 credibility of a quote, I have to know who  
16 said it. There's not a tape recording of  
17 it.  
18 Q. No, nor was there one of  
19 Dr. Coomer's alleged call, was there?  
20 MR. ZAKHEM: Object to form.  
21 THE WITNESS: It was a totally  
22 different thing.  
23 BY MR. CAIN:  
24 Q. How?  
25 A. I'm going to tell you who told

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1 GIULIANI  
2 me. You're not telling me who said it. I  
3 told you I was told that by Phil Waldron.  
4 Now you're telling me I'm alleged to have  
5 said this but you can't tell me who said  
6 that.  
7 Q. No, can't.  
8 A. Well, it sounds like pretty  
9 incredible to me then if you can't do  
10 that. You've got apples and oranges, my  
11 friend.  
12 Q. Are you denying it?  
13 MR. ZAKHEM: Object to form.  
14 THE WITNESS: I never said that,  
15 I never said it and the reality is the  
16 way it's attributed, it's almost  
17 patently untrue. That's what a phony  
18 reporter does when he's saying  
19 something false. How would you treat  
20 a statement if I said your client said  
21 it but I'm not going to tell you who  
22 said it. I'm giving you the person  
23 who told me on the record.  
24 BY MR. CAIN:  
25 Q. Phil Waldron?

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1 GIULIANI  
2 A. Yeah, and you're giving me three  
3 guys, we don't even know who said it.  
4 Q. And you think Mr. Waldron is  
5 credible?  
6 A. I do. Colonel in the military,  
7 great war record, every piece of -- I've  
8 had substantial dealings with him and he's  
9 very, very thorough and very experienced  
10 in this kind of work.  
11 Q. Did Chris Christie after the  
12 press conference that we've been talking  
13 about tell you that this was a national  
14 embarrassment and you need to stop?  
15 A. Chris Christie hasn't even  
16 talked --  
17 MR. ARRINGTON: I would like to  
18 get a count on the time, please.  
19 THE WITNESS: The answer is  
20 totally untrue. Chris Christie never  
21 called me, never did that. He  
22 wouldn't have the guts.  
23 MR. ARRINGTON: Mr. Giuliani, I  
24 would like an answer to my question,  
25 please.

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1 GIULIANI  
2 THE WITNESS: I don't even know  
3 what your question is. I'm answering  
4 the question I was just asked.  
5 MR. ARRINGTON: I understand but  
6 I would like to get an answer as to  
7 the count of time.  
8 THE WITNESS: The time? I don't  
9 know the time because --  
10 MR. ARRINGTON: I'm not asking  
11 you, sir.  
12 MR. SIBLEY: It's three hours,  
13 three minutes, Barry, but we spent  
14 about five minutes going over who was  
15 on Zoom, so I've given him an  
16 additional five minutes.  
17 THE WITNESS: I'm happy to tell  
18 you that Chris Christie never called  
19 me, never said that.  
20 BY MR. CAIN:  
21 Q. He said it on a national --  
22 A. He wouldn't have the guts to do  
23 it.  
24 Q. He said it on ABC.  
25 MR. ZAKHEM: Object to form.

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1 GIULIANI  
2 THE WITNESS: I know he was  
3 saying it. He wasn't telling the  
4 truth. He was what we call lying.  
5 BY MR. CAIN:  
6 Q. Did he call you and say you  
7 needed to stop?  
8 A. Never. Chris Christie and I  
9 don't have that kind of relationship. He  
10 wouldn't have called me to tell me to  
11 stop. He would be afraid to. He's not  
12 going to lie to my face. He would be  
13 afraid to lie to my face.  
14 Q. Okay. I don't have enough time  
15 to get into a different subject under the  
16 court's order so I think we're going to  
17 shut it down for today.  
18 A. We're not finished?  
19 Q. Pardon?  
20 A. We're going to continue this?  
21 Q. No, I'm saying the court has  
22 ordered us to have a time limit. We've  
23 reached that time limit.  
24 A. Good.  
25 Q. So I'm going to conclude my

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1 GIULIANI  
2 questions for today and thank you for your  
3 hospitality.  
4 A. Thank you.  
5 MR. SIBLEY: I've got no  
6 questions.  
7 THE VIDEOGRAPHER: Does anyone  
8 else have any questions on remote?  
9 MR. SIBLEY: We're at the limit  
10 of the deposition so nobody is asking  
11 questions.  
12 THE VIDEOGRAPHER: This concludes  
13 today's testimony. We're now off the  
14 record at approximately 1:07 p.m.  
15 (Time noted: 1:07 p.m.)  
16  
17 \_\_\_\_\_  
18 RUDOLPH GIULIANI  
19  
20 Subscribed and sworn to before me  
21 this \_\_\_\_ day of \_\_\_\_\_, 2021.  
22  
23 \_\_\_\_\_  
24  
25

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1 GIULIANI  
2 C E R T I F I C A T E  
3 STATE OF NEW YORK )  
4 : ss.  
5 COUNTY OF NASSAU )  
6  
7 I, CATHI IRISH, a Registered  
8 Professional Reporter, Certified Realtime  
9 Reporter, and Notary Public within and for  
10 the State of New York, do hereby certify:  
11 That RUDOLPH GIULIANI, the witness  
12 whose deposition is hereinbefore set  
13 forth, was duly sworn by me and that such  
14 deposition is a true record of the  
15 testimony given by the witness.  
16 I further certify that I am not  
17 related to any of the parties to this  
18 action by blood or marriage, and that I am  
19 in no way interested in the outcome of  
20 this matter.  
21 IN WITNESS WHEREOF, I have hereunto  
22 set my hand this 18th day of August, 2021.  
23  
24   
25 CATHI IRISH, RPR, CRR, CLVS

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1 GIULIANI  
2 ----- I N D E X -----  
3 WITNESS EXAMINATION BY PAGE  
4 RUDOLPH GIULIANI MR. CAIN 14  
5  
6  
7 ----- EXHIBITS -----  
8 EXHIBIT NUMBER DESCRIPTION PAGE  
9 Exhibit 98, declaration 17  
10 Exhibit 102, document from Jan 85  
11 Wolfe Twitter account  
12  
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14  
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1 GIULIANI  
2 \*\*\* ERRATA SHEET \*\*\*  
3 NAME OF CASE: Coomer vs. Donald J. Trump  
4 for President, et al.  
5 DATE OF DEPOSITION: August 14, 2021  
6 WITNESS: Rudolph Giuliani  
7  
8 PAGE LINE FROM TO  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
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22  
23 Witness and sworn to before me  
24 this \_\_\_\_ day of \_\_\_\_\_, 2021.  
25 \_\_\_\_\_  
(Notary Public) My Commission Expires:  
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1 sibley@camarasibley.com  
2 August 18, 2021  
3 Coomer, Eric, Ph.D. v. Donald J. Trump For President  
4 DEPOSITION OF: Rudolph Giuliani (# 4691866)  
5 The above-referenced witness transcript is  
6 available for read and sign.  
7 Within the applicable timeframe, the witness  
8 should read the testimony to verify its accuracy. If  
9 there are any changes, the witness should note those  
10 on the attached Errata Sheet.  
11 The witness should sign and notarize the  
12 attached Errata pages and return to Veritext at  
13 errata-tx@veritext.com.  
14 According to applicable rules or agreements, if  
15 the witness fails to do so within the time allotted,  
16 a certified copy of the transcript may be used as if  
17 signed.  
18 Yours,  
19 Veritext Legal Solutions  
20  
21  
22  
23  
24  
25  
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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.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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# EXHIBIT

C

**Exhibit  
PX 0098**  
Giuliani

<p>DISTRICT COURT, DENVER COUNTY, CO 1437 Bannock Street, Denver, CO 80202</p>	<p style="text-align: center;"><b>COURT USE ONLY</b></p> <hr/> <p>Case Number: 2020CV34319</p> <p>Division Courtroom: 409</p>
<p>ERIC COOMER, Ph.D., Plaintiff</p> <p>vs.</p> <p>DONALD J. TRUMP FOR PRESIDENT, INC., SIDNEY POWELL, SIDNEY POWELL, P.C., RUDOLPH GIULIANI, JOSEPH OLTSMANN, FEC UNITED, SHUFFLING MADNESS MEDIA, INC. dba CONSERVATIVE DAILY, JAMES HOFT, TGP COMMUNICATIONS LLC dba THE GATEWAY PUNDIT, MICHELLE MALKIN, ERIC METAXAS, CHANEL RION, HERRING NETWORKS, INC. dba ONE AMERICA NEWS NETWORK, and NEWSMAX MEDIA, INC., Defendants</p>	
<p><i>Attorneys for Defendant, Rudolph Giuliani:</i></p> <p>Geoffrey N. Blue (32684), <a href="mailto:gblue@gesslerblue.com">gblue@gesslerblue.com</a> Scott E. Gessler (28944), <a href="mailto:sgessler@gesslerblue.com">sgessler@gesslerblue.com</a> Gessler Blue LLC 7350 E Progress Pl., Suite 100 Greenwood Village, CO 80111 Tel: (303) 906-1050</p>	
<p style="text-align: center;"><b>DECLARATION OF RUDOLPH GIULIANI IN SUPPORT OF SPECIAL MOTION TO DISMISS PURSUANT TO COLO. REV. STAT. § 13-20-1101</b></p>	

RUDOLPH GIULIANI, hereby declares as follows pursuant to COLO. REV. STAT. § 13-27-106:

1. “My name is Rudolph Giuliani. I am one of the Defendants in the above-referenced cause.

2. “Just after the November 3, 2020 Election (“*Election*”), I was retained by Donald J. Trump for President, Inc (“*Trump Campaign*”). I was the head of the Trump Campaign’s legal team. I began the process of investigating what were perceived as voting irregularities in the Election. Prior to November 3, 2020, I was unfamiliar with Plaintiff Eric Coomer (“*Coomer*”), Dominion Voting Systems (“*Dominion*”), or Smartmatic (“*Smartmatic*”).
3. “At some point during our legal team’s investigation into the Election (which included voting security issues with Dominion and Dominion’s history with Smartmatic) we became aware of media reports circulating regarding Coomer and allegations that he had been overheard telling a radical leftist group words to the effect that he had ensured that Trump would lose the Election. I perceived this to mean that Coomer used his position at Dominion to rig the software or machines to manipulate the Election results. I was also made aware that Coomer was alleged to have ties to radical leftist groups, such as Antifa.
4. “Around this same time frame, we had learned many alarming facts about voting machines and voting technologies used in the 2020 Election: (1) information that Smartmatic had ties to Venezuela and the Chavez regime; (2) information that Smartmatic had attempted to operate in the U.S. through a subsidiary called Sequoia Voting (“*Sequoia*”); (3) information that the U.S. Government had raised concerns regarding Smartmatic operating Sequoia given its ties to Venezuela and unknown ownership; (4) information that Dominion had acquired Sequoia from Smartmatic after Smartmatic decided to divest from Sequoia rather than fully comply with an investigation by the U.S. Government and with Sequoia, also acquired Coomer who

worked for Sequoia as “Vice President of Research and Product Development”; (5) information that Dominion had a software licensing agreement with Smartmatic; (6) allegations of voting irregularities with Dominion machines/software that had switched votes from Trump to Biden; (7) evidence that Texas had rejected Dominion due to security concerns; and (8) evidence of significant nationwide concern over the security of Dominion machines and software that existed prior to the Election.

5. “I was aware of these facts prior to the November 19, 2020 press conference in Washington, D.C. (“*Press Conference*”) as a result of our legal team’s investigation into the Election. At the time I made the statements in the Press Conference regarding Coomer I believed them to be true. Although I do not believe I interviewed or talked to Mr. Oltmann (the person alleged to overheard Coomer make the statements in question) prior to the Press Conference, I had seen evidence of Coomer’s social media postings which were vehemently anti-Trump.
6. “Based on that corroborating evidence, I had no reason to doubt the credibility of the witness testimony that was being widely reported at the time regarding Coomer’s statements that he had programmed Dominion machines or software to rig the Election. I believed them to be true when I made the statements regarding Coomer at the Press Conference.
7. “In addition, at the time I made the statements in the Press Conference regarding Coomer, I had already filed a suit to challenge the Election and was planning to file more suits in contested states alleging, among other things, that the results of the Election were tainted based on security issues with Dominion machines and/or software. The alleged statements from Coomer were intended to be part of our legal

team's presentation of evidence to challenge the Election results. In fact, the entire purpose of the Press Conference was to announce an "opening statement" as to what we expected the evidence to show in the litigation over the Election we had already and were preparing to file in the contested states.

8. "I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 29<sup>th</sup> day of April, 2021 in New York, NY, United States of America.

*Rudolph Giuliani*  
\_\_\_\_\_  
Rudolph Giuliani

<b>DISTRICT COURT</b> <b>CITY AND COUNTY OF DENVER,</b> <b>COLORADO</b> 1437 Bannock Street, Room 256 Denver, CO 80202 Phone: (303) 606-2300	
<b>ERIC COOMER,</b> Plaintiff,  v.  <b>DONALD J. TRUMP FOR PRESIDENT,</b> et al.  <b>Defendants.</b>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<i>Attorneys for Defendant, Rudolph Giuliani:</i> Geoffrey N. Blue (32684), <a href="mailto:gblue@gesslerblue.com">gblue@gesslerblue.com</a> Scott E. Gessler (28944), <a href="mailto:sgessler@gesslerblue.com">sgessler@gesslerblue.com</a> Gessler Blue LLC 7350 E Progress Pl., Suite 100 Greenwood Village, CO 80111 Tel: (303) 906-1050	Case Number: 2020CV34319  Division:
<b>OBJECTIONS TO PLAINTIFF’S REQUESTS FOR PRODUCTION  TO DEFENDANT RUDOLPH GIULIANI  RELATING TO SPECIAL MOTION TO DISMISS</b>	

The Plaintiff has served requests for production (“RFPs”) that are overly broad, confusing and seek to expand Defendant Rudolph Giuliani’s (“Giuliani”), obligations under the Colorado Rules of Civil Procedure. Accordingly, Giuliani provides the following objections to those RFPs:



## **OBJECTIONS TO DEFINITIONS AND INTERPRETATIONS AND INSTRUCTIONS**

Giuliani objects to the definitions and instructions to the extent they seek to expand his obligations to respond beyond those obligations set forth in the Colorado Rules of Civil Procedure, and he refuses to adhere to any of the definitions or instructions to the extent they seek to expand his obligations beyond those set forth in the Colorado Rules of Civil Procedure.

In particular, Giuliani does not have an obligation to produce documents electronically nor to follow Plaintiff's instructions regarding the electronic format of those documents if he does produce them electronically. He also will only perform the search and recovery of any documents required by the Colorado Rules of Civil Procedure.

To the extent any of the below requests include privileged documents or documents protected by the work product doctrine, Giuliani will not produce those documents and will follow the Colorado Rules of Civil Procedure on how those documents are identified to Plaintiff if they must be identified.

These specific objections do not obviate Giuliani's general objection to the Definitions and Interpretations and Instructions that seek to expand his obligations beyond those set forth by the Colorado Rules of Civil Procedure.

## **OBJECTIONS TO REQUESTS FOR PRODUCTION**

1. All communications (including email and text messages) about Dr. Coomer and/or Dominion Voting Systems between you and:

- a. Any other Defendant

- b. Ron Watkins (including any aliases)
- c. Jack Posobiec
- d. Christina Bobb
- e. Michael Flynn
- f. Patrick Byrne
- g. Lindsey Oakley

The foregoing request is limited in time from January 2020 to the present with an obligation to update should additional materials be discovered.

**Response:** Giuliani objects to RFP 1 to the extent it seeks information regarding the Dominion Voting Systems which is not a subject of this lawsuit. He further objects to the extent it seeks documents created after the lawsuit was filed which are not relevant to the case. He will produce only communications in his possession, custody, or control about Plaintiff. Giuliani will not produce any documents created in connection with the defense of this lawsuit, as those documents are privileged and/or protected by the work product doctrine – and they will not be included in a “Privilege Log.”

2. All broadcasts and publications of You containing any statements regarding Dr. Coomer.

**Response:** Giuliani objects to RFP 2 as the phrase “All broadcasts and publications of you...” is grammatically confusing and the term “regarding” is overly broad. Giuliani also objects to this request because it suggests that Giuliani either broadcasted or published any statements about Dr. Coomer. He will produce all broadcasts and publications in his possession, custody or control that contain any statements by him in which he references Plaintiff.

3. All evidence of any retractions you have made with respect to statements regarding Dr. Coomer.

**Response:** Giuliani objects to RFP 3 because the term “regarding” is overly broad and the term “retraction” can have multiple meanings. He will produce documents showing any evidence of “retractions,” as that word is used in the relevant caselaw, about any statements he made about Plaintiff. Giuliani further objects to this Defendants object to this request because it seeks information not likely to lead to the discovery of relevant evidence. In assessing whether a party acted with actual malice, “[t]he Court must look at the circumstances at the time the publication was issued.” *United Food and Commercial Workers Union v. Ute City Tea Party, Ltd.*, No. 98CV285, 2000 WL 1575536, \*6 (Colo. Dist. Ct. Feb. 10, 2000) (emphasis added). Because the decision whether to issue a retraction is made after the time of publication, “the failure to retract is not ‘adequate evidence of malice for constitutional purposes.’” *Id.* (quoting *New York Times v. Sullivan*, 376 U.S. 254, 286 (1964)).

4. All documents reflecting any investigation you made regarding the allegations about Dr. Coomer made by Defendant Joseph Oltmann.

**Response:** Giuliani objects to RFP 3 because the term “regarding” is overly broad. Giuliani also objects to this request as, by its terms, it seeks attorney-client privileged and work product protected information, that he refuses to produce. He will produce non-privileged responsive documents that were created prior to the filing of the lawsuit, but will not produce documents created in connection with his defense of this lawsuit.

Respectfully submitted this 25th day of June 2021,

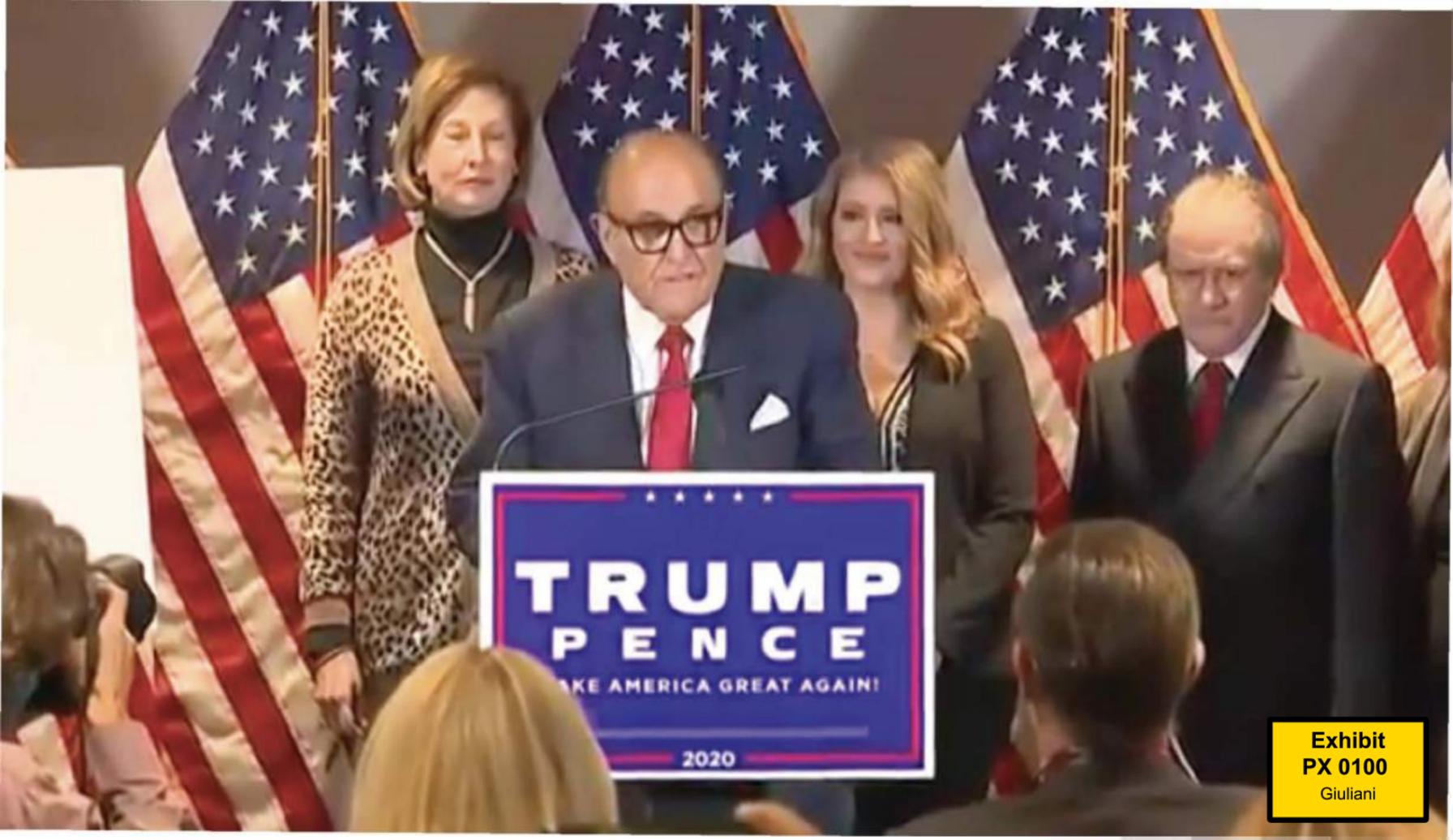
GESSLER BLUE LLC

s/ Geoffrey N. Blue  
Geoffrey N. Blue

#### **Certificate of Service**

I certify that on this 25th day of June 2021, the foregoing was electronically served to all parties on their counsel of record via ICCES.

By: s/ Joanna Bila  
Joanna Bila, Paralegal



★ ★ ★ ★ ★  
**TRUMP**  
**PENCE**  
MAKE AMERICA GREAT AGAIN!  
2020

**Exhibit  
PX 0100**  
Giuliani

**EXHIBIT 101**

**Video File**

**PRESERVED IN NATIVE FORMAT**



**Jan Wolfe** ✓  
@JanNWolfe



Newly disclosed emails show how a One America News "reporter" was working for Giuliani and helping him try to overturn the election.

[americanoversight.org/arizona-senate...](https://americanoversight.org/arizona-senate...)

Dec. 4, 2020, email from Christina Bobb to Fann: "Mayor Giuliani asked me to send you these declarations. He will follow up with you as well."

**From:** Christina Bobb   
**Date:** Friday, December 4, 2020 at 11:45 AM  
**To:** "kfann@azleg.gov" <kfann@azleg.gov>  
**Subject:** AZ Evidence/Affidavits

Good morning, Ma'am,  
Mayor Giuliani asked me to send you these declarations. He will follow up with you as well. I will have one more email follow this one.  
Respectfully,  
Christina

4:28 PM · Jun 7, 2021 · Twitter Web App

**2,704** Retweets   **167** Quote Tweets   **5,558** Likes



**Exhibit  
PX 0102  
Giuliani**



**Jan Wolfe**  @JanNWolfe · 16h

This isn't how journalism works  
[thedailybeast.com/oan-host-chris...](https://thedailybeast.com/oan-host-chris...)

president's team. Her presence has caused a bit of confusion among actual campaign staff, who wondered if she was there to embed with the Trump legal "strike force" as a reporter.

But according to multiple knowledgeable sources, Bobb has actually been assisting the president's long, long, *long*-shot legal effort—effectively taking on a secondary role as a pro-Trump lawyer even as she continues her job as a pro-Trump TV host.

**"Christina is an attorney and has helped with some legal work in her personal capacity and not on behalf of OAN,"** Jenna Ellis, a senior legal adviser to Trump and his 2020 campaign, told The Daily Beast on Monday afternoon.

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 602

