

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

3 DATE FILED: October 4, 2021 10:58 AM
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FILING ID: F788AC89E0292
CASE NUMBER: 2020CV34319

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

Case Number 20CV34319

Courtroom 409

6 vs.

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

12
13 VIDEO-RECORDED REMOTE 30(b)(6) DEPOSITION OF
BRANDON JOHNSON,
14 AUTHORIZED REPRESENTATIVE OF DEFENDING THE REPUBLIC, INC.
15 August 4, 2021

16 REMOTE APPEARANCES:

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**DTR Anti-Slapp Reply
Exhibit 101**

Page 1

1 PURSUANT TO WRITTEN NOTICE and the appropriate rules
2 of civil procedure, the video-recorded remote 30(b)(6)
3 deposition of BRANDON JOHNSON, authorized representative
4 of DEFENDING THE REPUBLIC, INC., called for examination by
5 Plaintiff, was taken via videoconference, commencing at
6 1:34 p.m., Mountain Daylight Time, on
7 August 4, 2021, before Sara A. Stueve, Registered
8 Professional Reporter and Notary Public in and for the
9 State of Colorado.

10
11 I N D E X

EXAMINATION OF BRANDON JOHNSON:	PAGE
By Mr. Skarnulis	7, 66
By Mr. Reagor	65
PLAINTIFF'S DEPOSITION EXHIBITS	PAGE
Exh 47 Plaintiff's First Amended Notice of Intention to Take Oral and Videotaped Deposition of the Authorized Representative(s) of Defendant Defending the Republic	10
Exh 52 Business Organizations Inquiry - Texas Secretary of State	13
Exh 49 Defending the Republic, Inc.'s Responses to Plaintiff's Requests for Production to Defendant Defending the Republic, Inc. Relating to Special Motion to Dismiss	34
Exh 55 List of Internet Links Provided by Defending the Republic, Inc., in Response to Request for Production No. 2.	53

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21
22
23
24
25

I N D E X (Continued)

PREVIOUSLY MARKED PLAINTIFF'S EXHIBITS	PAGE
4 Audiovisual Clip From Howie Carr Show; 11/20/20	38

1
2
3
4
5
6
7
8
9
10
11
12
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14
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P R O C E E D I N G S

* * * * *

THE VIDEOGRAPHER: Here begins the deposition of Brandon Johnson. Today's date is August 4, 2021. Time is 1:34. Counsel, please identify yourselves and state whom you represent.

MR. SKARNULIS: Steve Skarnulis for the Plaintiff, Eric Coomer.

MR. REAGOR: Michael Reagor appearing for Defending the Republic, Inc., and for the deponent.

THE REPORTER: Okay, Josh. I will go ahead and read my stipulation into the record.

The attorneys participating in this deposition acknowledge that I am not physically present in a deposition room and that I will be reporting this deposition remotely. They further acknowledge that, in lieu of an oath administered in person, the witness will verbally declare his testimony in this matter is given under penalty of perjury.

The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting.

If there are any objections, please state them at this time. Hearing none, Mr. Johnson, I'll swear you in.

1 start with the last one, which maybe should have been the
2 first one.

3 It relates to the circumstances surrounding the
4 form makes of DTR, Defending the Republic, and its
5 organizational structure, including the job
6 responsibilities and duties of employees or agents.

7 Do you see that?

8 A. Yes.

9 Q. Have you ever been Defending the Republic from
10 its inception?

11 A. Well, as I think you know, Defending the
12 Republic was formed on December 1, 2020. I can't say that
13 I joined on December 1, but it should have -- it would
14 have been shortly thereafter.

15 Q. Okay. And when you say you "joined" -- and
16 I'm -- I'm talking about you individually -- are you an
17 employee of Defending the Republic?

18 A. No. I'm an independent contractor.

19 Q. Okay. Do you get paid by Defending the
20 Republic?

21 A. Yes. I have been paid by Defending the
22 Republic.

23 Q. Okay. And that's -- that's on a contractual
24 basis?

25 A. I think that's fair to say.

1 Q. Okay. And what is -- do you have a job title?

2 A. I do not. Contract attorney. So I'm not -- in
3 the sense that I'm not an officer or a director.

4 Q. Understood.

5 What is your role as a contract attorney with
6 DTR?

7 A. I assist with legal research, drafting, and a
8 variety of litigation-oriented tasks.

9 Q. And were you part of the formation of DTR
10 December 1, 2020?

11 A. I'm not -- could you clarify? I'm not clear
12 what that means.

13 Q. Well, did you assist with the formal formation
14 of the entity?

15 A. If I understand correctly, no. I did not file
16 the organizational documents.

17 Q. How -- are there other employees or contractors
18 with DTR?

19 A. DTR has one employee, who is a paralegal. And
20 everyone else is either an independent contractor -- well,
21 they're independent contractors, you know, in addition to
22 the officers and directors.

23 Q. How -- how many independent contractors are
24 there in addition to you?

25 A. There are a large number. You know, there are a

1 Q. (By Mr. Skarnulis) Okay. And just for ease of
2 use, I've shared my screen with Exhibit -- I've previously
3 marked it as 52 -- which is a document from the Texas
4 Secretary of State.

5 Do you see that?

6 A. Yes, I do.

7 Q. Okay. And if we look down here on page two of
8 Exhibit 52 under Management - Article 3 -- do you see
9 that?

10 A. I do.

11 Q. Of course, it references Sidney Powell as a
12 director. Is she currently a director of DTR?

13 A. Yes, she is.

14 Q. And what is -- what is her role -- other than as
15 a director, what her role with the entity?

16 A. Currently?

17 Q. Yes.

18 A. I believe, currently, it's either chairman or
19 president, treasurer, and secretary, I believe.

20 Q. Okay.

21 A. (Audio interference) other officer titles in
22 addition to her role as director.

23 Q. Understood.

24 Are there any other officers of DTR?

25 A. Yes.

1 understand it. This -- this particular filing was
2 incorrect and was subsequently corrected to replace these
3 two directors with Michael Flynn and Joe Flynn.

4 Q. And for Michael Flynn and Joe Flynn, did they
5 have a role with DTR other than as directors?

6 A. No.

7 Q. Okay. Did Mr. Castleberry or Mr. Wood have any
8 involvement with -- with the litigation filed by
9 Ms. Powell?

10 MR. REAGOR: Object to form.

11 MR. SKARNULIS: That's fine. It's a terrible
12 question.

13 Q. (By Mr. Skarnulis) You mentioned a number of
14 contract attorneys and -- and litigation. What litigation
15 has DTR been involved with?

16 A. Well, there -- there was a proceeding called
17 Gohmert v. Pence filed in the Eastern District of Texas.

18 Defending the Republic was -- was not involved
19 in any of the election challenges filed late November,
20 early December in connection with the 2020 general
21 election.

22 Q. Is there other litigation other than
23 Gohmert v. Pence that DTR has been involved with?

24 MR. REAGOR: I'm just going to object to form
25 because -- its regard to a party. When we say "involved

1 with," I'm just not clear if you're asking if they were a
2 party in that case.

3 MR. SKARNULIS: Actually, I'm asking a little
4 broader question than that.

5 Q. (By Mr. Skarnulis) I take it Gohmert v. Pence
6 is the only matter that DTR has been involved with as a
7 party; is that fair, Mr. Johnson?

8 A. No, no. We were -- to the best of my knowledge,
9 Defending the Republic had -- has not been a party to
10 litigation.

11 They -- you know, represented Representative
12 Louie Gohmert and the electorate for the state of Arizona
13 as the plaintiffs. But Defending the Republic
14 supported -- Defending the Republic attorneys represented
15 the plaintiffs in that case.

16 Q. Okay. Fair enough.

17 Are there other matters that Defending the
18 Republic has provided its team of attorneys and contract
19 attorneys to -- to other parties?

20 A. I understand that we are advising potential
21 plaintiffs in a number of lawsuits. I can't say how many
22 have been filed.

23 I would say, you know, we are, for example,
24 advising potential plaintiffs in a number of suits, say,
25 involving COVID-related vaccine mandates, mask mandates,

1 and other constitutional matters.

2 I -- I -- there's a wide range of constitutional
3 issues. I just can't say how many have been filed -- you
4 know, how many, you know, have progressed to being actual,
5 you know, lawsuits or -- or complaints at this point.

6 We are advising a number of lawsuits or
7 potential -- potential lawsuits related to our -- our
8 mission statement.

9 Q. Okay. Now, on the Secretary of State's form, I
10 noted that election integrity was referred to.

11 Other than the Gohmert v. Pence matter, has --
12 have DTR attorneys been involved in other election-related
13 litigated matters?

14 MR. REAGOR: Object to form.

15 A. I would -- okay. So just to clarify -- and
16 I've -- I've said this before -- DTR was not involved in
17 the four election challenges filed for Georgia, Arizona,
18 Michigan, or Wisconsin.

19 Gohmert v. Pence was the -- I believe, the first
20 lawsuit that -- where Defending the Republic attorneys
21 were actively involved. I don't believe we filed any
22 election challenges or election-related litigation.

23 Q. (By Mr. Skarnulis) Okay. And I take it none
24 before, either?

25 A. No.

1 Q. Okay. Now, the four lawsuits that you referred
2 to -- Georgia, Wisconsin, Michigan, and Arizona -- why, in
3 your understanding, why was -- why were Defending the
4 Republican attorneys not assisting in those election
5 lawsuits?

6 MR. REAGOR: Object to form.

7 A. The short answer is Defending the Republic did
8 not exist at the time when most of those lawsuits were
9 filed. Perhaps Arizona may have been filed after
10 formation.

11 But it just -- I guess it wasn't up and running
12 at that time. And, I mean, that's -- that's really the
13 simple answer as to why Defending the Republic was not
14 involved in those lawsuits.

15 Q. (By Mr. Skarnulis) Okay. Let me share my
16 screen again. And let me know when you can see that,
17 Mr. Johnson.

18 A. Yes. I can see it.

19 Q. Okay. This is a -- a tweet from Lou Dobbs with
20 Fox. Are you familiar -- familiar with this tweet?

21 A. I have not seen it before.

22 Q. Okay. And I -- I don't think we need to -- to
23 watch the video.

24 But if you'll look at the tweet, Mr. Dobbs
25 references -- it says "urges Americans to go to

1 DefendingTheRepublic.org to help find and prosecute
2 potential voter fraud across the nation."

3 Do you see that?

4 A. Yes.

5 Q. And the date on this tweet is
6 November 10th, 2020. Do you see that?

7 A. Yes, I do.

8 Q. Okay. Did -- what was -- well, let me ask this:
9 Was Defending the Republic accepting donations beginning
10 November 10, 2020?

11 A. Defending the Republic, Inc., the Texas
12 nonprofit corporation? Is that what you mean?

13 Q. Yes.

14 A. No. We did not exist at the time.

15 Q. Okay. DefendingTheRepublic.org -- when was that
16 created?

17 A. The website?

18 Q. The website. Yes, sir.

19 A. Well, I guess, here, I'm speaking not really on
20 behalf of Defending the Republic, comma, Inc.

21 I -- I understand it existed on that date, but
22 the organization Defending the Republic, comma, Inc., did
23 not exist on that date. This website predated the
24 organization.

25 Q. Okay. I'll share my screen again with you.

1 Are you familiar with the Wayback Machine on the
2 internet?

3 A. Yes.

4 Q. All of us litigators are.

5 Let me know when you can see that.

6 A. I can see the calendar, yes.

7 Q. Okay. And if we scroll up, this is 2020. And
8 this is a search for Defending the --
9 DefendingTheRepublic.org.

10 And the first appearance of this website is
11 November 10th of 2020. And if we click on that, the
12 Wayback Machine has captured it, and it redirects to
13 another website. Do you see that?

14 A. Yes.

15 Q. And so here we are at a capture of the website
16 from that time. And it says here in the first sentence of
17 the introduction, "Defending the Republic is the Legal
18 Defense Fund for the American Republic, LDFFFTAR."

19 Are you familiar with that entity or
20 organization?

21 A. I'm not familiar with it. The only time I've
22 seen it is on -- on this web page.

23 Q. And then you'll see here, there was a "donate
24 below" button here.

25 Do you know whether donations in the time period

1 from November 10, 2020, to the actual formation of the
2 entity DTR in December 1, 2020 -- do you know whether
3 those donations went to another organization, the Legal
4 Defense Fund for the American Republic?

5 A. I don't know where they went --

6 MR. REAGOR: Object to form.

7 Go ahead and answer. Pardon me.

8 A. I don't know where they went, but they did not
9 go to Defending the Republic.

10 And there were a number of other or similarly
11 named organizations at this time, and subsequently, that
12 had been collecting funds. And there has been some
13 confusion among donors.

14 We have sought to take down websites that were
15 not affiliated with us that were collecting donations. As
16 far as I'm aware, that continues to be something that we
17 pursue.

18 Q. (By Mr. Skarnulis) You'll agree, though, that,
19 at least, apparently, if the Wayback Machine has got this
20 correctly, the redirect to LDFFFTAR.org gives us this
21 Defending the Republic page; right?

22 MR. REAGOR: Object to form.

23 A. I've seen what you -- I've seen this -- what
24 you've done with the screen here, so I -- I have no reason
25 to dispute that.

1 Do you know how that number was arrived at?

2 A. I do not.

3 Q. Do you know if it was raised?

4 A. I -- I do not know -- I don't know that or
5 other -- really any fundraising numbers prior to the
6 formation of Defending the Republic, Inc., on December 1.

7 Q. Now, you -- your testimony, at least sounds to
8 me like you're fairly certain that prior to its formation,
9 Defending the Republic did not receive any donated funds;
10 is that fair?

11 MR. REAGOR: Object to form.

12 A. That is my understanding, yes. We did not
13 exist. We did not have a bank account. And I don't see
14 how it would have been -- and there's a whole process for
15 soliciting -- you know, for accepting donations over the
16 internet, you know; so that process also had not been
17 completed at that time.

18 Q. (By Mr. Skarnulis) Okay. When did DTR
19 establish a bank account?

20 A. I don't know the date. I believe it was, you
21 know, shortly after the formation on December 1.

22 Q. And did Defending the Republic -- well, do you
23 have any reason to think that donations were not accepted
24 from November 10th to December 1st, 2020, by an entity
25 other -- maybe LDFFFTAR? Do you have any reason to think

1 that there were no donations being accepted?

2 MR. REAGOR: Object to form.

3 Would you please read the question back?

4 (The reporter read back the last question.)

5 MR. REAGOR: Maintain objection.

6 MR. SKARNULIS: And that's fair.

7 Q. (By Mr. Skarnulis) Do you know whether another
8 entity received donations from this website?

9 A. I believe donations were made on that website.
10 They must have gone to another entity, because they could
11 not have gone to DTR.

12 I -- I don't know the amount. I don't know the
13 procedure. But I have no reason to believe donations were
14 not accepted.

15 Q. (By Mr. Skarnulis) Okay. Did DTR ultimately
16 receive a lump fund from some other entity of donations
17 collected prior to it having a banking relationship?

18 MR. REAGOR: Object to form.

19 A. I -- I don't know.

20 Q. (By Mr. Skarnulis) Okay. Who would know that?

21 A. I mean, we have -- you know, we have, as I
22 mentioned, our CFO. There is an account- -- we work with
23 an accountant who, I believe, would -- would know this.
24 We have an outside accounting firm.

25 But I -- I honest -- I -- I don't know one way

1 A. Yes.

2 Q. What did you do to prepare for your deposition
3 today with respect to this category?

4 A. I had a number of conversations with DTR
5 counsel, and also counsel for Sidney Powell.

6 As part of that, I also reviewed our requests
7 for production. I believe the documents provided here
8 were Request for Production No. 2.

9 Q. Right. We'll -- we'll take a look at those a
10 little later.

11 Other than those statements, broadcasts, and the
12 publications provided in response to the request for
13 production, does DTR agree with Sidney Powell's personal
14 representations regarding Dr. Coomer?

15 MR. REAGOR: Object to form. It's outside the
16 scope. Just a second.

17 Steve, that's outside the scope of the matters
18 upon which examination is requested. The witness hasn't
19 been prepared -- hasn't -- hasn't reviewed Sidney Powell's
20 deposition.

21 MR. SKARNULIS: Okay. But that's not what I'm
22 talking about. I'm sorry. That was imprecise.

23 Q. (By Mr. Skarnulis) Sidney Powell gave
24 interviews and a press conference on November 19th. Was
25 she acting in any way as a representative of DTR?

1 A. On November 19th?

2 Q. Yes, sir.

3 A. No.

4 Q. All right. Sidney Powell -- and Topic No. 2 is
5 "Sidney Powell's role as your," DTR's, "representative and
6 agent, including any authorization of Sidney Powell to
7 make statements on your behalf or any ratification of
8 statements made by Sidney Powell regarding Dr. Coomer or
9 Dominion Voting Systems."

10 Do you see that?

11 A. Yes.

12 Q. What is Sidney Powell's role as a representative
13 of DTR?

14 MR. REAGOR: Object to form.

15 A. She is a director and an officer of DTR.

16 Q. (By Mr. Skarnulis) Okay. And I notice on the
17 website -- we can take a look at that in a little bit --
18 Ms. Powell's name is frequently mentioned throughout DTR's
19 website materials; is that right?

20 MR. REAGOR: Object to form.

21 A. She is certainly referenced on the website.

22 Q. (By Mr. Skarnulis) Okay.

23 All right. The third topic: "Any knowledge of
24 Dr. Coomer or Dominion Voting Systems obtained prior to or
25 following your publication" -- let me stop right there.

1 of Eric Metaxas. We will take an e-tran.

2 MR JOHNSON: This is Brad Johnson on behalf of
3 OAN and Chanel Rion. We would like an electronic
4 transcript as well.

5 THE REPORTER: Thank you. Anybody else?

6 MS. CHRISTOPHER: Yeah. This is
7 Lexi Christopher on behalf of Randy Corporon. We would
8 like a transcript. And if we could get four to a page and
9 full concordance, please. Thank you.

10 THE REPORTER: You're welcome.

11 MR. ZAKHEM: This is John Zakhem on behalf of
12 the Trump Campaign. We would like an electronic
13 transcript, please.

14 THE REPORTER: Thank you. Anybody else?

15 Okay. Thank you very much.

16 * * * * *

17 WHEREUPON, the foregoing deposition was
18 concluded at 2:14 p.m. Mountain Daylight Time. Total time
19 on the record was 1 hour and 53 minutes.

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