DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street Denver, CO 80202	DATE FILED: October 4, 2021 10:59 AM FILING ID: F36734B217228 CASE NUMBER: 2020CV34319
ERIC COOMER, *Plaintiff*, vs. DONALD J. TRUMP FOR PRESIDENT, INC., et al., *Defendants*.	▲ COURT USE ONLY ▲
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DEFENDANTS JAMES HOFT AND TGP COMMUNICATIONS, LLC d/b/a THE GATEWAY PUNDIT'S REPLY IN RE THEIR SPECIAL MOTION TO DISMISS AND JOINDER IN THE REPLIES OF DEFENDANTS HERRING NETWORKS, INC., D/B/A ONE AMERICA NEW NETWORK, AND CHANEL RION, ERIC METAXAS, AND SIDNEY POWELL

CONTAINS CONFIDENTIAL INFORMATION
ACCORDING TO THE COURT'S OMNIBUS PROTECTIVE ORDER

Defendants James Hoft and TGP Communications, LLC d/b/a The Gateway (collectively, **"TGP Defendants"**), by and through undersigned counsel, hereby present TGP Defendants' Reply in re their Special Motion to Dismiss ("Motion"), as well as join in, adopt, and restate as though fully set forth herein, the arguments and authorities set forth in the similar Anti-SLAPP Replies of Defendants Herring Networks, Inc., d/b/a OAN and Chanel Rion,[1] Eric Metaxas, and Sidney Powell. In support of said Reply, TGP Defendants state the following:

I. INTRODUCTION

Plaintiff's case against TGP Defendants is opaque because he has failed to specifically identify the statements of TGP Defendants which he deems to be defamatory, and his failure to apply context to those statements to explain why he believes the statements to be defamatory and made with actual malice. This is a fundamental requirement of every defamation plaintiff and precisely why TGP Defendants filed a Motion for Separate and More Definite Statement (denied by the Court). Instead, as TGP Defendants predicted, Plaintiff's Response to the instant Motion is extremely light on analysis, generalizing as to all Defendants. Considered as a whole, Plaintiff's Response is – again, as predicted – a moving target. TGP Defendants – and all Defendants – are forced to attempt to reverse-engineer Plaintiff's arguments, and then argue against what we have presumed to be Plaintiff's arguments – not what Plaintiff has specifically argued. After this, Plaintiff will have the right to a surresponse in which he will be free to shift his position to his advantage, and TGP Defendants will lack any recourse to a surreply to address what will certainly amount to an entirely new argument from Plaintiff's surresponse.

The Court has acknowledged TGP Defendants have established that their actions were taken in furtherance of their Constitutional rights of free speech – or else there would be no need

[1] *See* **Ex. 611**.

for the extreme expense of discovery ordered by the Court as well as the in-person hearing later this month. Because of this, the burden shifted to Plaintiff to demonstrate by **clear and convincing evidence** (*McGarry v. University of San Diego*, 154 Cal. App. 4th 97, 123, 64 Cal. Rptr. 3d 467 (4th Dist. 2007)) that he has a reasonable likelihood of prevailing on his defamation claims. C.R.S. § 13-20-1101(3)(b); *Trinity Risk Mgmt., LLC v. Simplified Lab. Staffing Sols., Inc.* 273 Cal. Reptr. 3d 831, 837-38 (2021), review denied (Apr. 21, 2021). To meet this burden, Plaintiff must adduce **admissible** evidence – not mere conclusory or self-serving statements by counsel or plaintiff. *Finton Constr., Inc. v. Bidna & Keys APLC*, 190 Cal. Rptr. 3d 1, 11 (Cal. App. 2015). Plaintiff has failed to meet its burden, and his suit against TGP Defendants should and must be dismissed.

II. TGP DEFENDANTS ARE OPINION BLOGGERS, PERIOD.

Plaintiff argues his allegations of defamation against TGP Defendants stem from nine (9) articles. *See* Plaintiff's Response to TGP Defendants' Motion for Separate and More Definite Statement, p. 3-4. Of those nine (9) articles, three (3) absolutely fail to reference Eric Coomer in any way.[2]

The six (6) "defamatory" articles that remain[3] cannot be construed as defamatory because they are obviously opinion protected by the First Amendment. TGP Defendants specifically

[2] Collectively, these articles are contained in **Exhibit 600**: *IT WAS SYSTEMIC-PURPOSEFUL FRAUD: Clark County Nevada Dominion Machines ALSO Kicked out "About 70% of Ballots" – It Was in the Settings*!, Jim Hoft, The Gateway Pundit, Dec. 15, 2020; New Detailed Inventory on Election Fraud in the 2020 Election by Deroy Murdock Provides Strong Evidence on President Trump's Performance in All the Swing States and Overall Race, Joe Hoft, The Gateway Pundit, Jan. 9, 2021; and *BREAKING EXCLUSIVE: Accurate List of 2020 Election Fraud Cases Shows 81 Cases Total, 30 Still Active – And NOT ONE SINGLE COURT Has Allowed Evidence to be Argued*, Joe Hoft, The Gateway Pundit, Jan. 24, 2021.

[3] Collectively, the articles are contained in **Exhibit 601**: *Dominion Voting Systems Officer of Strategy and SECURITY Eric Coomer Admitted in 2016 Vendors and Election Officials Have Access to Manipulate the Vote*, Jim Hoft, The Gateway Pundit, Nov. 13, 2020; *Report: Anti-Trump Dominion Voting Systems Security Chief Was Participating in Antifa Calls, Posted Antifa Manifesto Letter to Trump Online*, Jim Hoft, Nov. 14, 2020; *Denver Business Owner: Dominion's Eric Coomer Is an Unhinged Sociopath — His Internet Profile Is Being Deleted and Erased (AUDIO)*, Jim Hoft, The Gateway Pundit, Nov. 16, 2020; *WAKE UP AMERICA! Bold Billionaire Offers $1 Million Bounty for Dominion's, Eric Coomer's Comeuppance*, Jim Hoft, The Gateway Pundit, Dec. 28, 2020; *New*

direct the Court to *McDougal v. Fox News Network*, 489 F. Supp. 3d 174 (S.D.N.Y Sept. 24, 2020) (hereafter, "McDougal")[4] and *Herring Networks, Inc. v. Rachel Maddow*, et al, 8 F.4th 1148 (9th Cir. 2021) (hereafter "Maddow"). TGP Defendants are clearly a blog writer and blog, respectively. A blog, by its very nature, is an opinion website wherein pundits – such as the "Gateway Pundit," offer their opinions and try to persuade their audience of their position. *See* **Ex. 606**;[5] *C.f.*, *Maddow*, at 1157. Considering the totality of the circumstance attendant to each article as well as the *platform* on which they are published, **no one** can reasonably and in good faith believe or argue the articles express anything other than TGP Defendants' opinions.[6]

Founded by Jim Hoft in 2004, The Gateway Pundit it is now, and has always been a Conservative Political Blog, that features Hoft's opinions on items of the newsday. Plaintiff's Exhibit E-1, p. 9-10; 113-114. This is **widely** understood by his readers, fans, politicians, and detractors. *Id*., *passim*. Not only this, but The Gateway Pundit's own "About" page, plainly states that it's an **opinion** blog. *Id*., at p. 113-114; see also **Exhibit 606**. Because of this, Hoft's readers expect him to use rhetorical hyperbole, jokes, strongly worded opinions, condemnations, and other devices to persuade the audience of his viewpoints. None of this is a mystery or a surprise. In fact, many traditional "journalists" were outraged when The Gateway Pundit was granted access to White House briefings during the Trump Administration.[7]

Video Shows Dominion's Eric Coomer Admitting Their Voting Machine Systems Are Wireless and Support All Networks, Jim Hoft, The Gateway Pundit, Jan. 3, 2020; and *REPORT*: *Georgia Secretary of State Brad Raffensperger Neglected to Protect Georgians By Allowing Dominion Voting Machines in Elections – He Didn't Prevent Fraud – He Provided for It*, Joe Hoft, The Gateway Pundit, Jan. 4, 2020.

[4] McDougal had sued Fox News and Tucker Carlson. The court found, similar to the Maddow case, that every aspect of Carlson's show was essentially commentary, discussing news of the day and offering his own interpretation.

[5] The Gateway Pundit's "About" page, explaining that it is a Conservative opinion blog.

[6] While one of the six (6) remaining articles was bylined by Defendant James (Jim) Hoft's twin brother, Joe, Jim Hoft is the editor of the blog and edited the article.

[7] **Ex. 607**. *White House Grants Press Credentials to a Pro-Trump Blog*, Michael Grynbaum, The New York Times, February 13, 2017. (https://www.nytimes.com/2017/02/13/business/the-gateway-pundit-trump.html) (last accessed October 3, 2021).

Plaintiff spends a bit of time decrying Hoft's lack of professional journalism training. This is an exercise in the obvious: Hoft is not a traditional journalist, and the Gateway Pundit, on it's own "About" page admits this. *See* **Ex. 606**. TGP Defendants are an opinion blogger and blog site, respectively. Jim Hoft is a man who started an opinion blog – literally – in his basement, and that soapbox/bullhorn has simply grown. *See* **Ex. 606**; **Ex. 603**. In the America of the present interpretation of the US Constitution, this is absolutely protected by the First Amendment. And thank God it is, otherwise no one would be allowed to express themselves or offer opinions without being barraged with SLAPP lawsuits, such as Plaintiff's instant suit.

TGP Defendants learned about Joe Oltmann and Eric Coomer because Dominion and Oltmann were going "viral" online in the immediate aftermath of the 2020 Election. Plaintiff's Exhibit E-1 (Hoft Depo), p. 119-120. TGP Defendants found Oltmann to be a credible whistleblower because of his status in the community as a successful businessman, a patriot, a man willing to put his person (and that of his family) and reputation at risk to report his experiences, because he produced the violent and shocking Coomer Facebook Posts, and because Oltmann didn't hide any of the facts of his experiences: he acknowledged he had no smoking gun, and didn't have an audio recording of the Antifa conference call. *Id*., at p. 119-143; *see also* Hoft Affidavit attached to Special Motion to Dismiss (**Ex. 602**).

As to the six articles Plaintiff identifies as being defamatory, TGP Defendants' speech is absolutely protected as opinion commentary about a pre-existing controversy. Plaintiff fails to explain how Jim Hoft and TGP Communications are any different from Tucker Carlson or Rachel Maddow. If Maddow, accusing OAN of being actual paid Russian propaganda isn't defamation, and Carlson, calling McDougal an extortionist isn't defamation, then TGP Defendants, commenting on Oltmann's allegations and Plaintiff's own emotionally unstable and

violent public Facebook ramblings that raise a serious question as to his ability to fairly perform his job as a national presidential elections facilitator, cannot legitimately be deemed defamation.

III. PLAINTIFF IS A SPECIES OF PUBLIC FIGURE.

Plaintiff is either a public official, public figure, or limited public figure. TGP Defendants specifically direct the Court to *Makaeff v. Trump University, LLC*, 715 F.3d 254 (9th Cir. 2013 (citing to *Wildbaumn v. Fairchild Publications*, 627 F.2d 1287, 1292 (D.C. Cir. 1980) (In undertaking the inquiry of whether a party was a public figure under the free speech clause of the First Amendment for the limited purposes of a defamation claim under California law, a court considers whether (1) a public controversy existed when the statements were made, (2) whether the alleged defamation is related to the plaintiff's participation in the controversy, and (3) whether the plaintiff voluntarily injected itself into the controversy for the purpose of influencing the controversy's ultimate resolution.) and *Montgomery v. Risen*, 2016 WL 3919809 (D.D.C. 2016) (developer of technology that could allegedly detect hidden terrorist messages in television broadcasts was limited-purpose public figure, and thus was required to show actual malice to prevail on his defamation claim against author and **publishers of book that described his technology as a hoax**; developer's technology was used by the federal government; **questions about whether the technology was effective raised national security concerns**; developer participated in a television interview regarding his former business partner's bribe to a government official; newspaper coverage of the developer's technology predated publication of defendant author's book).

In the present case, a controversy already existed prior to Oltmann's publications on November 9, 2020. Specifically, Democratic Congressmen had voiced concerns about

Dominion's software vulnerabilities in 2019,[8] the State of Texas found Dominion to be incompetent in 2013, 2019 and 2020,[9] and a lawsuit accusing Dominion and the State of Georgia of breaking election laws was filed in the months leading up to the 2020 election.[10] Amusingly, Plaintiff's own "elections expert" in this case[11] provided evidence that Coomer's last-minute changes to Georgia's voting systems prior to the 2020 election would "provide an attractive vector for attackers seeking to spread malware." *Id*.

Plaintiff voluntarily entered the preexisting controversy – that is, **elections integrity** – not only because of his testimony in the previously mentioned lawsuit in Georgia, but by virtue of his executive status as Dominion's Vice President of Product Strategy and Security. *C.f., Chuy v. Philadelphia Eagles Football Club*, 431 F. Supp. 254, 267 (E.D. Pa. 1977), aff'd, 595 F.2d 1265 (3d Cir. 1979) (en banc) (holding that where a person has "chosen to engage in a profession which draws him regularly into regional and national view and leads to fame and notoriety in the community, even if he has no ideological thesis to promulgate, he invites general public discussion") (voluntary entry into such a sphere of activity is sufficient to satisfy the voluntariness element of the public figure inquiry: "If society chooses to direct massive public attention to a particular sphere of activity, those who enter that sphere inviting such attention overcome the Times standard"); see also *Atlanta Journal-Constitution v. Jewell*, 251 Ga. App. 808 (2001), cert. denied, (Feb. 11, 2002).

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[8] TGP Def. Special Motion to Dismiss, p. 5.
[9] TGP Def. Special Motion to Dismiss, p. 3.
[10] Mr. Coomer testified in that case and was specifically reported on by national news outlets. *See* **Ex. 608**. *Lawyers spar of Georgia voting machine glitch, planned fix, Kate Brumback*, Associated Press, Sept. 29, 2020. (https://apnews.com/article/technology-voting-georgia-senate-elections-election-2020-af357b7ab7145033f11ee34a1bbf4a3c) (last accessed, Oct. 3, 2021).
[11] Defendants all believe that his (J. Alex Halderman) affidavit should be struck as inadmissible for a variety of reasons.

By virtue of his high-profile role in administering elections systems nationwide – traditionally a public function which has, in recent decades, been outsourced to private firms – let alone his voluntary decision to enter into the **elections integrity** controversy in Georgia,[12] Plaintiff voluntarily entered the arena. Once there, it's hard to complain about getting mauled by a lion. And this is all separate and apart from Plaintiff's incendiary Facebook posts which he himself admits would raise suspicion **in any Republican voter**, and which he admitted to the New York Times gave – at a minimum – the appearance of substantial impropriety.[13]

Oltmann's allegations – that there was a phone call, that a man on the call identified himself as "Eric from Dominion," that Oltmann did not record the call, the explanation of the process by which he happened upon Plaintiff's Facebook posts (which Plaintiff initially disavowed, but more recently has admitted were his), and his discovery and preservation of the Facebook posts themselves – all relate to the preexisting controversy of elections integrity into which Plaintiff voluntarily entered by virtue of his position with Dominion and his affirmative efforts to affect the outcome of the Georgia lawsuit. Plaintiff is, at a minimum, a limited purpose public figure. Defendants have met the *Times* standard.

IV. PLAINTIFF FAILED TO ADDUCE EVIDENCE OF ACTUAL MALICE.

Because of this, Plaintiff was obliged to adduce admissible evidence of **actual malice** – either that TGP Defendants knew what they were saying was factually wrong, or that they published despite having serious doubts as to the truth of what they wrote. TGP Defendants' deposition clearly demonstrate that they published articles because of newsworthy events outside of their control but in the interest of their readers (and themselves), that they believed Joe Oltmann's allegations (corroborated by Plaintiff's extremely vitriolic, violent, and shocking

[12] This was high-profile because Georgia was a battleground state in 2020.
[13] See note and quotes, *infra*.

Facebook posts[14]) at the time of publication, and that they continue to believe Oltmann's allegations. Plaintiff's Ex. E-1 (Hoft Depo), p. 100-143. If anything, TGP Defendants' belief in Oltmann's allegations has *increased*. This is because of Plaintiff's admission that a September 25, 2020 Antifa conference call **DID** occur,[15] Plaintiff's deposition considered as a whole,[16] as well as Plaintiff's lame and incredible attempts to explain away his obvious efforts to mislead the public regarding his Facebook posts. *See* Plaintiff's deposition at pages 45 – 64 (however, the written text doesn't do justice to the actual video of the deposition, which is infinitely worse for Plaintiff).

Plaintiff has no concrete evidence of actual malice, and his arguments are unavailing. Plaintiff's primary argument is an *invitation* to the Court to rule based on its subjective beliefs about the *probability* of election fraud during the 2020 election. This is not only improper, it's totally irrelevant; and it certainly isn't clear, convincing, and admissible evidence. Actual malice

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[14] Notably, Coomer initially lied to the public that the Facebook posts were "fabricated." *See* **Ex 609** *Guest Commentary: I work for Dominion Voting Systems. I did not commit voter fraud. The attacks against me need to stop*. Eric Coomer, The Denver Post, Dec. 8, 2020. ("Additionally, **any** posts on social media channels purporting to be from me have also been fabricated") (emphasis added) (https://www.denverpost.com/2020/12/08/dominion-voting-systems-fraud-claims-false-election-2020/ last accessed October 3, 2021). However, he eventually came clean in a New York Times puff piece. *See* **Ex. 610**, *He was the 'Perfect Villain" for Voting Conspiracists*, Susan Dominus, New York Times, August 24, 2021. (https://www.nytimes.com/2021/08/24/magazine/eric-coomer-dominion-election.html, last accessed October 3, 2021) ("As Coomer watched the video, though, he felt a second strong emotion: a powerful sense of regret – because the Facebook posts were, in fact, authentic … **Coomer could imagine how his words would sound to just about any Republican**, let alone someone already hearing on Fox News that Dominion was switching votes for Biden … when colleagues later asked him what he was thinking, he was frank: **He had screwed up** … Coomer had given conspiracy theorists a valuable resource, a grain of sand they could transform into something that had the feel … of proof") (emphasis added).
Notably, prominent Colorado attorney and radio personality and Colorado **Republican** National Committee Chairman Randy Corporon attested to the character and credibility of Oltmann when speaking with TGP Defendants about Oltmann's claims. *See*, *for e.g.*, Plaintiff's Ex. E-1, PX 75-85. Presumably, this is precisely the sort of **Republican** Mr. Coomer had in mind when giving this quote to the New York Times.

[15] *See* Plaintiff's Omnibus Response and Ex. U thereto (which we argue should be struck as inadmissible hearsay).

[16] In his deposition, **Ex. 605** attached hereto, Plaintiff presented himself as **precisely** the sort of emotionally unstable and unprofessional person who would author violent Facebook posts evidencing an enormous political bias – all while being the chief of development and security at one of the largest voting systems companies in the US, and which managed presidential voting in at least 28 states. Said another way, Mr. Coomer is his own worst enemy. Notably, in the New York Times article referenced in note, *supra*, Coomer himself **admits** that his Facebook posts alone, in conjunction with his public role within Dominion, would look extremely suspect to "just about any Republican."

is an analysis of the subjective intent of the defendant. Plaintiff marshals **no evidence** suggesting that TGP Defendants EVER possessed any knowledge or entertained any doubt of the veracity of the Joe Oltmann, or the conference call, or the Facebook posts. On the contrary, Plaintiff proves that a conference call of political extremists did in fact occur during the time period Oltmann identified.

Actual malice exists where a party publishes a defamatory statement [1] with actual knowledge that it was false or [2] with reckless disregard of whether it was false or not. *New York Times Company v. Sullivan*, 376 U.S. 254, 280 (1964). Although reckless disregard "cannot be fully encompassed in one infallible definition," *St. Amant v. Thompson*, 390 U.S. 727, 730 (1968), the Supreme Court has made clear that "[t]he mere failure to investigate cannot establish reckless disregard for the truth." *Gertz v. Robert Welch, Inc*., 418 U.S. 323, 332, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974). Rather, there must be "sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication." *St. Amant*, 390 U.S. at 731. This inquiry is "a subjective one—there must be sufficient evidence to permit the conclusion that the defendant actually had a 'high degree of awareness of ... probable falsity.'" *Harte–Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 688 (1989). Reckless disregard "is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing." *St. Amant*, 390 U.S. at 731.

St. Amant makes quite clear that *New York Times* actual malice standard requires "either deliberate falsification or reckless publication 'despite the publisher's awareness of probable falsity." *Id*., at 731. Actual malice is a *subjective* inquiry; it is not based on whether a "reasonably prudent" person would have conducted further investigation prior to publishing. *Harte–Hanks Communications,* 491 U.S. at 688. Because Plaintiff fails to

offer *any* evidence concerning defendant's subjective state of mind, the Court has before it no "concrete evidence from which a reasonable juror could return a verdict in his favor." *See Anderson v. Liberty Lobby,* 477 U.S. 242, 256 (1986).

Notably, the present case is very similar to *St. Amant*. There, a defendant was sued for relying upon, for his opinion, the statements of a man who had a sworn affidavit, and whom the the defendant knew to be placing himself at great personal danger by publicly airing the details of the dispute at issue. This case is no different. Unlike Plaintiff, who is proven to have lied about his Facebook posts and whose testimony demonstrates that he's emotionally unstable, Joe Oltmann's factual representations of his experiences, across dozens of interviews, speeches, podcasts, and affidavits, **have never wavered**.[17]

Oltmann is a successful businessman, whom – as this Court has heard testimony – has the resources to hire *around the clock professional bodyguards to protect him and his family from constant death threats from political extremists*. No one knowingly invites this sort of insanity into their lives. *Cf.* Hoft' Affidavit attached to his Special Motion to Dismiss. Prior to "coming out of the closet" and unmasking himself to bring forth his whistleblower claims, Oltmann's podcasts and political opinions were made incognito and under a *nome de plume*.[18] He specifically did this to protect his business and his reputation.[19] Oltmann specifically left his business to bring forth information about Eric Coomer, and he produced documentary evidence (the Facebook posts) which gave credence to suspicion (among at least, as Coomer admits, Conservatives) of Coomer, his motives, and his performance in his role as the presidential elections administrator for 28 states – a matter of extreme importance and interest to the public.[20]

[17] *See* Plaintiff's Exhibit B-1 through B-12.
[18] *Id*., at Ex. B-1, B-2.
[19] *Id*.
[20] *Id*.; *see also* TGP Def. Spec. Mot. Dism. at p. 2-5; **Ex. 602** Affidavit of Jim Hoft.

Further, Coomer himself admits he went into hiding and it remains to be seen how any of the Defendants – TGP Defendants could have found Coomer for comment. Plaintiff's Ex. A – Declaration of Eric Coomer, at par. 19; **Ex. 605** (Coomer Depo), p. 37-38. TGP Defendants did make inquiries on his whereabouts, but were unable to locate him. Plaintiff's Ex. E-1, PX-80.

Plaintiff's defamation claims against TGP Defendants should be dismissed because Plaintiff failed to adduce concrete, admissible, and clear and convincing evidence of actual malice.

V. PLAINTIFF'S CONSPIRACY CLAIM FAILS BECAUSE HE FAILED TO MAKE A PRIMA FACIE CASE OF DEFAMATION.

Constitutionally protected speech that renders a defamation claim nonactionable also serves to defeat a claim of conspiracy where the means allegedly employed to achieve that purpose are lawful. *Revell v. Hoffman*, 309 F.3d 1228, 1233 (10th Cir. 2002). Accordingly, because Plaintiff fails in his defamation claim, his civil conspiracy claim similarly fails. *Id*. For the same reasons, Coomer's claims for intentional infliction of emotional distress and injunctive relief also fail.

VI. CERTAIN OF PLAINTIFF'S EXHIBITS SHOULD BE STRUCK.

A number of Plaintiff's exhibits to his Response are improper. Some of these exhibits have already been addressed by TGP Defendants and other Defendants (e.g., the 9 declarations) in a Motion to Strike. However, TGP Defendants also ask the Court to strike Exhibits PX 87-88 (within E-1),[21] E-2 (completely irrelevant to any of Plaintiff's burdens in this Motion), E-4 through E-7 (not relevant to any of Plaintiff's burdens), E-15 and E-16 (do not even mention TGP Defendants and are totally irrelevant to this case or Plaintiff's burdens), and E-17 through E-20 (totally irrelevant to any of Plaintiff's burdens).

[21] The exhibits are irrelevant.

VII. CONCLUSION.

For the reasons set forth in TGP Defendants' Motion (and attachments thereto) as well as the arguments above (and related exhibits), Plaintiff's suit as to TGP Defendants should be entirely dismissed with prejudice.

Respectfully submitted on October 4, 2021.

Respectfully submitted,
BURNS LAW FIRM

s/ John C. Burns

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CERTIFICATE OF SERVICE

I certify that on October 4, 2021, a true and accurate copy of the foregoing has been e-served via ICCES on all counsel of record.

/s/ John C. Burnes