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| <p>DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street Denver, CO 80202</p> | <p>DATE FILED: October 8, 2021 10:18 PM FILING ID: 5B0319E9E2B3E CASE NUMBER: 2020CV34319</p> |
| <p>ERIC COOMER, <i>Plaintiff,</i></p> <p>vs.</p> <p>DONALD J. TRUMP FOR PRESIDENT, INC., et al., <i>Defendants.</i></p> | <p>▲ COURT USE ONLY ▲</p> |
| <p>John C. Burns, #21PHV6433 BURNS LAW FIRM P.O. Box 191250 Saint Louis, MO 63119 Telephone: 314-329-5040 Facsimile: 314-282-8136 E-mail: tblf@pm.me</p> <p>Randy B. Corporon, Esq. Beth Chambers, Esq. Law Offices of Randy B. Corporon, P.C. 2821 S. Parker Rd., Suite 555 Aurora, CO 80014 Telephone: 303-749-0062 Email: rbc@corporonlaw.com</p> <p><i>Attorneys for Defendants James Hoft and TGP Communications d/b/a The Gateway Pundit</i></p> | <p>Case No. 2020CV34319 Div. 409</p> |
| <p>DEFENDANTS JAMES HOFT AND TGP COMMUNICATIONS, LLC d/b/a THE GATEWAY PUNDIT’S MOTION FOR THE COURT TO HEAR FORTHWITH THEIR REQUEST FOR THE FORTHCOMING 13-14 OCTOBER 2021 ANTI-SLAPP HEARING TO BE LIVE-STREAMED ON WEBEX FOR THE BENEFIT OF THE AMERICAN PEOPLE</p> | |

Defendants James Hoft and TGP Communications, LLC d/b/a The Gateway
(collectively, “**TGP Defendants**”), by and through undersigned counsel, hereby submit their

request for the Court to hear forthwith their Motion for the Court to Live-Stream the Hearing of 13-14 October 2021, and in support of said Motion, state as follows:

“Free speech carries with it some freedom to listen.”¹

Defendants Hoft and TGP are conduits for the American People to observe their government and hold it accountable. Every single party to this case has made use of the media to amplify statements related to the litigation in this suit – this includes TGP Defendants, who have been highly critical of this Court, **as well as Plaintiff**, who has sought refuge in various media outlets for favorable PR for his cause and character.² Plaintiff brought this suit to expose the “defamatory lies” the Defendants have published against him, and has repeatedly used the media to amplify his message.³ Defendant are either all media or persons who otherwise command great media attention. In short, every party to this case (on their own behalf) has failed to seek a protective order in this case. Because of this, there is no reason for the Court to obstruct the People’s ability to observe the hearing on 13-14 October 2021 online, via WebEx. The instant suit is a high-profile case and the People of Colorado and every other State have an interest in observing the Court and the events transpiring at the hearing. Plaintiff has argued for sunshine. We ask that he be granted exactly what he *says* he wants.

In the event the Court deems some individual declarants at risk, portions of the hearing could be muted or otherwise censored for the protection of the declarants. However, TGP Defendants object to any censorship of any aspect of the declaration of Auontai “Tay” Anderson

¹ *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 575 (1980)

² Susan Dominus, “He was the ‘Perfect Villain’ for Voting Conspiracists,” *New York Times Magazine*, 24 August 2021, updated 21 September 2021. (<https://www.nytimes.com/2021/08/24/magazine/eric-coomer-dominion-election.html>) (last accessed, 8 October 2021).

³ Eric Coomer, “Guest Commentary: I work for Dominion Voting Systems. I did not commit voter fraud. The attacks against me need to stop.” *The Denver Post*, 8 December 2020. (<https://www.denverpost.com/2020/12/08/dominion-voting-systems-fraud-claims-false-election-2020/>) (last accessed 8 October 2021).

because he is a member of the Denver Public Schools Board of Education, a public official, and the People are entitled to know of any involvement by him in any aspect of this case. Further, Mr. Anderson has voluntarily entered the arena of this highly public conflict by submitting an affidavit – notwithstanding the fact that TGP Defendants stand with OAN and Chanel Rion in asking the Court to strike his and all other affidavits submitted by Plaintiff in Response to Defendants’ Special Motions to Strike (anti-slapp).

The Public and the Press each have an important and independent right to observe the upcoming Anti-SLAPP hearing on 13-14 October, 2021. The Courts have been open to the American People for as long as there have been *American People*. The purpose was to permit the People (or the Media, as the People’s conduit) to observe their government in action and, frankly, to provide accountability for the judiciary. “The Bill of Rights was enacted against the backdrop of the long history of trials being presumptively **open**. Public access to trials was then regarded as an important aspect of the process itself; the conduct of trials ‘before as many of the people as chuse to attend’ was regarded as one of ‘the inestimable advantages of a free English constitution of government.’ *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 575 (1980) (internal citations to original English texts, omitted; emphasis added).

“In guaranteeing freedoms such as those of speech and press, the First Amendment can be read as protecting the right of everyone to attend trials so as to give meaning to those explicit guarantees. The First Amendment goes beyond protection of the press and the self-expression of individuals to prohibit government from limiting the stock of information from which members of the public may draw. **Free speech carries with it some freedom to listen.** In a variety of contexts this Court has referred to a First Amendment right to ‘receive information and ideas.’ What this means in the context of trials is that the First Amendment guarantees of

speech and press, standing alone, prohibit government from summarily closing courtroom doors which had long been open to the public **at the time that Amendment was adopted**. For the First Amendment does not speak equivocally. It must be taken as a command of the broadest scope that explicit language, read in the context of a liberty-loving society, will allow.” *Id.* (internal citations and quotations omitted; emphasis added).

Defendants don’t wish to belabor this, but the point is that the openness of a courtroom to the People is a sacred, Constitutionally protected right, which may be restricted in only the most extreme circumstances and for the most extreme reasons. Nearly every aspect of this case is an objectively public dispute, and the People of Colorado and the United States all have a right to observe the forthcoming proceedings. Not only this, but all parties have a right to the protection attendant to public scrutiny, understood for hundreds of years and even before the founding of America to be one of the “inestimable advantages of a free English constitution of government.”

For the reasons above, TGP Defendants request that the Court determine forthwith the present Motion and to open the forthcoming Anti-SLAPP hearing to the public via WebEx live stream. In the alternative, TGP Defendants request the same relief, but with censored segments to protect the safety of any endangered witnesses/declarants.

Respectfully submitted on October 8, 2021.

Respectfully submitted,
BURNS LAW FIRM

/s/ John C. Burns

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CERTIFICATE OF SERVICE

I certify that on October 8, 2021, a true and accurate copy of the foregoing has been e-served via ICCES on all counsel of record.

/s/ John C. Burnes