

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, CO 80202</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>ERIC COOMER, Ph.D., Plaintiff</p> <p>vs.</p> <p>DONALD J. TRUMP FOR PRESIDENT, INC., et al., Defendants</p>	
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<p style="text-align: center;">PLAINTIFF'S AMENDED SUBMISSION OF VIDEO CLIP PAGE/LINE DESIGNATIONS FOR OCTOBER 13-14, 2021 HEARING ON DEFENDANTS' SPECIAL MOTIONS TO DISMISS PURSUANT TO C.R.S. § 13-20-1101</p>	

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Eric Coomer, Ph.D. (Dr. Coomer) files amended page/line designations of depositions taken in this case and submits the video clips used or designated for use during the hearing on Defendants' Special Motions to Dismiss Pursuant to C.R.S. § 13-20-1101. For the Court's and the parties' convenience, Plaintiff also includes the transcribed testimony in this amended designation (in addition to the previous page/line reference). This amended designation contains six additional clips that were added during the hearing.

Plaintiff will be submitting an external hard drive containing the clips described in this filing to the Court under separate cover. A link containing the video clips may be accessed here: [Plaintiff's video clips](#).

DONALD J. TRUMP FOR PRESIDENT, INC.

August 9 Deposition

CLIP 1 Video 1, 30:10 28:9-22¹

Q So I'm going to show you Exhibit 64. This comes out right around the same time, a tweet from President Trump saying, They're trying to steal the election. Was there -- was there a decision within the campaign to start alleging there was fraud before knowing all the facts?

A Other -- I mean, there was -- like I said before, legal counsel decided to investigate I think it was Dominion in 2020, like the summer of 2020, in preparation -- or in anticipation of litigation. So I don't know all the facts and what came of that. So I'm not too sure what facts did come of that, as the campaign.

¹ Video start; page/line designation.

CLIP 2 Video 1, 33:25; 30:11-31:9

Q So funds were still being raised after election day for what?

A Recount and litigation, sir.

Q And would all funds raised after election day go toward actual litigation costs?

A What was that last part, sir? Litigation --

Q Would all -- would all funds raised after November 3rd go toward actual litigation costs?

A I mean, it -- for us, there was -- I believe there was debt on the campaign and litigation. So the funds that are raised to a recount fund are raised for litigation. And any funds that are raised to pay off debt would only be paid -- to pay off debt. So a campaign can no longer raise funds for a campaign after an election.

Q So if the campaign is raising funds for challenging the election results or a recount or litigation, would a portion of those be used to retire debt from the campaign?

A You can't do that, sir. No.

Q So that was not done here?

A No, sir.

CLIP 3 Video 1, 36:12; 32:6-24

Q So I guess that's what I'm asking: If there were fundraising emails that said, you know, a portion of that campaign contribution could be used to retire debt from the campaign, is that something that was still happening after November 3rd?

A portion of a donation -- if someone donated and the disclaimer said that these funds would go to the campaign or DJTFP, and it was -- no. The issue -- I think it gets a little bit more in the weeds on it. It's not like a blanket statement of: If someone donated to a campaign, would it be split between recount or the -- the debt on the campaign? The campaign itself, raising funds would go towards recount; but you also have other people that would donate to debt retirement. So if you show a debt at the end of the campaign but -- you can use funds raised, as long as they're not allocated to recount, for debt retirement.

CLIP 4 Video 1, 44:39, 37:18-24

Q Did the campaign issue any kind of correction or statement clarifying the things that Rudy Giuliani just stated in that minute?

A Not to my knowledge.

Q Was the campaign paying attention to these sort of statements?

A Yes, sir.

CLIP 5 Video 1, 52:38, 42:20-43:22

Q (By Mr. Bowman) So let me scroll down to the actual memo that's attached to that email that says, Dominion, Smartmatic, Sequoia, and Venezuela. Just a few of the core findings here appear to be Dominion and Smartmatic are independent companies that split from each other. There's no

apparent relationship between Smartmatic and the Spanish company Indra. Dominion has not direct ties, or should be no direct ties, to Venezuela. And scrolling down, There's no evidence that Dominion's CEO or any other leader of the group has ties to Antifa. And this is referring specifically to an Internet rumor that Dominion's director of product safety, Dr. Eric Coomer, had ties to Antifa. But there it concludes: There's no evidence Coomer is a member or has any ties to Antifa. Did I identify some of those key points correctly?

A Yes, sir.

Q So who was this memo ultimately circulated to?

A In the time frame, in -- November 13th; was it?

Q Thirteenth and 14th.

A Thirteenth and 14th. I would -- I would say it went to our comms team and I would -- I would think the legal team as well.

CLIP 6 Video 2, 00:13, 48:9-49:11

Q (By Mr. Bowman) So, Mr. Dollman, I wanted to revisit what we were just talking about. You said it was standard practice for a memo like this to -- would it go to comms and then to legal, or what exactly was the standard practice?

A With a memo like this, it would be comms -- so research is actually in the comms department. So it would stay within its department, but it would go to normally the director of comms.

Q And can you tell me --

A And --

Q -- tell me the director of comms again.

A Tim Murtaugh.

Q So it would go to Mr. Murtaugh. And then what?

A And then normally -- I mean, if it was something like this and it involved legal, I would think it -- normally it would go to legal, if it had this type of information in it on the research side. But it would be up to Tim Murtaugh within comms to either delve in to make sure it gets to legal or legal needs to see it or something.

Q And the purpose of getting it to comms and legal would be to ensure that any statements made by the campaign had this information available, right?

A Yeah, I would think with comms for sure. Legal -- well, you guys know it usually takes a lot longer to get something back from legal.

CLIP 7 Video 2, 28:26; 67:14-18

Q (By Mr. Bowman) Okay. Did the campaign agree with this statement: that Mr. Coomer was recorded on a call saying he rigged the election for Joe Biden?

A Not to my knowledge.

CLIP 8 Video 2, 35:31; 72:7-73:7

Q The campaign was still raising funds, right?

A Yeah, like we discussed, Mr. Bowman. That was for recount, right? So we have individuals who continue on the campaign to assist in recount matters. Some people, after a campaign, they leave. They find other jobs. They go back home. They have time frames. They have apartments that, you know, ended a lease. There's -- there's no guarantee that all the individuals would stay on. But in the sense of raising funds, you still had that recount account, where you were using it for litigation.

Q Did it help the campaign raise funds to let people like Sidney Powell speak freely?

MR. ZAKHEM: Object to form.

A Yeah, I wouldn't -- I wouldn't have an answer to that. If it helped to raise funds because of a single individual? I think there was a lot of people within the United States that were -- wanted answers and wanted to entrust their funds and their money to the campaign, to look into it, right? They had nowhere -- not nowhere else to turn, but the President and the campaign was an entity that they put their donations and money behind before.

CLIP 9 Video 2, 38:55; 74:10-18

Q (By Mr. Bowman) Well, if you had stopped contesting the election, it would have been harder to continue raising funds, correct?

A If there was a reason to stop contesting the election, we would no longer raise funds for it. So not harder; it just wouldn't have happened.

Q And did the Trump campaign ever concede the election?

A Not to my knowledge.

CLIP 10 Video 2, 40:19; 75:4-6

Q Did Eric Coomer influence the outcome of the election?

A I don't know.

CLIP 11 Video 2, 42:50; 76:15-77:23

Q Was this a document [the CISA Report] that was considered by the Trump campaign around November 12th regarding its own allegations of election fraud?

A Was this -- was this document circulated around November 12th in the Trump campaign? Is that what you're saying?

Q I'm asking if the Trump campaign read this and considered it.

A Not to my knowledge.

Q Why would they not have read this if it comes from the U.S. Government?

MR. ZAKHEM: Object to form and foundation.

A Why would they not read this document on election integrity from the U.S. Government?

Q (By Mr. Bowman) Yes.

A Was it sent to them? Like, I don't know -- I mean, what -- how did you find it? You know, did you have to go in and look it up or review it and -- I mean, I don't think it was mailed to them. I just don't know why the Trump campaign would go seek out -- who -- who wrote it?

Q Well, all the authors are stated there. Your testimony is that you're not aware of the campaign ever receiving this document; is that correct?

A To my knowledge.

Q Do you agree that the Elections Infrastructure Coordinating Council would be a source worth considering if you're going to advance theories of election fraud?

MR. ZAKHEM: Object to form and foundation. And, Counsel, I'm running on two minutes.

A I think that all things need to be considered. When --

August 13 Deposition Sean Dollman Deposition

CLIP 12 21:09; 25:10-14

Q Were any lawsuits ever filed by the Trump Campaign that actually alleged that Dr. Eric Coomer had played a role in rigging the election?

A Not to my knowledge.

Q And did the campaign ever file any lawsuits alleging that Dominion Voting Systems had played a role in rigging the election?

A Not to my knowledge.

CLIP 13 29:23; 32:14-33:3

Q There's a statement here by -- about Mike DuHaime, the Republican National Committee's former political director, tweeting on Sunday that "The party must pull down its tweet endorsing Powell's remarks now that she's been removed from representing Trump or the campaign. "This is crazy/embarrassing to promote," he retweeted." Were there any discussions amongst the campaign about pulling down any publications or statements or issuing any corrections at this time?

MR. ZAKHEM: Object to form and instruct the witness not to answer to the

extent it would reveal any privileged information.

THE WITNESS: Not to my knowledge.

CLIP 14 36:12; 38:6-39:19

Q At the time that the campaign -- or let me back up. At the time that Donald Trump, Eric Trump, Rudy Giuliani and Sidney Powell were advancing theories of election fraud deriving from Joseph Oltmann's statements, was the campaign aware that Oltmann was a conservative podcast host?

MR. ZAKHEM: Object to form.

THE WITNESS: What time frame was this?

BY MR. BOWMAN:

Q November of 2020.

A I don't know.

Q Was the campaign aware that Oltmann had an ownership interest and a financial interest in his podcast?

MS. HALL: Object to form, Andrea Hall.

THE WITNESS: Are you asking if he had a for-profit business?

BY MR. BOWMAN:

Q I'm asking if the campaign was aware of that in November of 2020?

A I don't know.

Q Was the campaign aware that he was a Trump supporter who had held rallies in support of former President Trump?

A I don't know.

Q Was the campaign aware that he had made unsubstantiated allegations of election fraud even before the election?

MR. ZAKHEM: You broke up on that. Can you say it again?

BY MR. BOWMAN:

Q Yes. Was the campaign aware that Joseph Oltmann had made unsubstantiated allegations of election fraud even leading up to the election?

MR. ZAKHEM: Object to form.
THE WITNESS: Not to my knowledge.

CLIP 15 37:59; 39:21-25

Q And you're aware that the original statements asserting that Dr. Coomer was part of an Antifa conference call and rigged the election originated with Joseph Oltmann, correct?

A Correct.

CLIP 16 40:53; 42:5-22

Q You stated at your prior deposition that you had reasons to doubt that, but you wouldn't share exactly why. Has the fact that Mr. Oltmann has now refused to appear for his deposition changed your opinion on the truth of these statements?

MR. ZAKHEM: Object to form.

THE WITNESS: My opinion hasn't changed, sir.

BY MR. BOWMAN:

Q Wouldn't the fact that he's failed to appear and support his statements corroborate the statements here that there's no evidence Coomer is a member or has any ties to Antifa?

MR. ZAKHEM: Object to form.

THE WITNESS: I don't know why Mr. Oltmann would not show up or why he would not be there. That's something you would have to ask Mr. Oltmann.

CLIP 17 43:09; 44:2-12

Q My question was, in your Motion to Dismiss, the Trump Campaign's Motion to Dismiss, you state that you had every reason to rely on the accuracy of Joseph Oltmann's reports regarding Plaintiff. But today as you sit here as a representative of the campaign, you cannot testify as to any reason you're relying on the accuracy because that would intrude upon privilege; is that your position?

A Yes.

DEFENDING THE REPUBLIC

August 4 Deposition

CLIP 18 Video 1, 12:54; 14:11-19

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

A. Yes, she is.

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

A. Currently?

Q. Yes.

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

CLIP 19 Video 1, 27:20; 21:23-22:13

Q. And then you'll see here, there was a "donate below" button here. Do you know whether donations in the time period from November 10, 2020, to the actual formation of the entity DTR in December 1, 2020 -- do you know whether those donations went to another organization, the Legal Defense Fund for the American Republic?

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

MR. REAGOR: Object to form. Go ahead and answer. Pardon me.

A. I don't know where they went, but they did not go to Defending the Republic. And there were a number of other or similarly named organizations at this time, and subsequently, that had been collecting funds. And there has been some confusion among donors.

CLIP 20 Video 1, 33:52; 25:7-24

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

A. I believe donations were made on that website. They must have gone to another entity, because they could not have gone to DTR. I -- I don't know the amount. I don't know the procedure. But I have no reason to believe donations were not accepted.

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

MR. REAGOR: Object to form.

A. I -- I don't know.

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

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

CLIP 21 Video 1, 42:00; 29:14-30:15

Q. Approximately how many attorneys are either individual contractor -- independent contractors or otherwise working on behalf of DTR?

A. That's really hard to answer. We have a number of outside counsel that are -- and law firms that are working with us. So I really -- I don't know the number.

Q. If you -- if you take those away, I would assume, with the outside counsel, DTR has a traditional engagement with those firms?

MR. REAGOR: Object to form.

A. Could you define what you mean by a "traditional engagement?"

Q. (By Mr. Skarnulis) Yeah, sure. So DTR has engaged outside counsel to assist it in certain matters. Does DTR enter into engagement agreements with those firms?

A. Yes.

Q. Okay. And DTR pays for those firms' fees?

A. Yes.

Q. Okay. Other than those outside firms that DTR deals with, does DTR have independent contractors that -- who are attorneys that DTR uses internal?

A. Yes.

Q. Okay. Approximately how many are -- are the -- how many of those attorneys does DTR have?

A. It varies, but maybe somewhere between six and eight.

CLIP 22 Video 1, 49:20; 33:9-24

Q. Okay. Topic No. 4 is "Any investigation you conducted or directed into the allegations about Dr. Coomer obtained prior to or following your publication." And I'll -- I'll stop right there. That's -- that's a little more concise. I noted in the response to Request for Production No. 4, was documents evidencing any investigation into the allegations that are the subject of the lawsuit in Denver. Do you recall that?

MR. REAGOR: Object to form.

A. I guess I don't understand the question. But my understanding of that topic is that allegations are limited to the statements made November 19th, 20th, 2020. And our response is we did not investigate the statements made on those dates.

CLIP 23 Video 1, 51:21; 34:18-25

Q. Has DTR done anything, to present day, to investigate the allegations about Dr. Coomer made by Mr. Oltmann?

A. DT -- no, DTR has not.

Q. Why not?

A. Well, DTR has never made any statements or reposted, published, transmitted Oltmann's statements. So we -- there was no reason to.

CLIP 24 Video 1, 1:31:52; 56:11-18

Q. (By Mr. Skarnulis) If she is -- if she is selling a T-shirt to viewers on Lindell TV that is produced by DTR, is she acting as a representative of DTR?

MR. REAGOR: Object to form.

A. I honestly do not know much about the merchandise. Maybe we could go to the website and see what merchandise is posted. I don't even know if there is, to be honest with you.

CLIP 25 Video 1, 1:33:26; 57:6-24

Q. (By Mr. Skarnulis) Would a solicitation of donations for DTR by Ms. Powell indicate that she is appearing as a representative of DTR?

MR. REAGOR: Object to form.

A. My understanding that when she appears, she is -- by "solicitation of donations," do you mean give us money?

Q. (By Mr. Skarnulis) Yes.

A. I -- I don't know that -- it's possible. I don't know if, in her media appearances, she typically says, Please donate to DefendingTheRepublic.org. I -- I think, typically, she may say, you know, If you want to learn more, go to DefendingTheRepublic.org. And if you go to the website, as clearly you have, there's -- there are a number of content pages; for example, COVID and election integrity. There is a separate, you know, site or -- not site -- page for donations that is not linked to any specific content.

CLIP 26 Video 1, 1:46:22; 63:16-24

Q. Does DTR contend that Dr. Coomer influenced the outcome of the 2020 presidential election?

MR. REAGOR: Object to form.

A. DTR supports the four lawsuits that were filed, in the sense that, you know, the allegations are credible. They -- they need to be investigated. I

can't say whether DTR has a specific position on Dr. Coomer. We are providing information pursuant to our educational mission.

GIULIANI

November 15 Interview w/Maria Bartiromo

<https://caincloud.egnyte.com/dl/POiP5yjG53/?>

CLIP 27 2:45

RG: "This Dominion company is a radical left company. One of the people there is a big supporter of Antifa and has written horrible things about the president for the last three, four years."

November 19 Press Conference

<https://caincloud.egnyte.com/dl/lfitWYD WpK/?>

CLIP 28 0:00

RG: "Good afternoon and thank you very much for coming. This is representative of our legal team. We're representing President Trump and we're representing the Trump campaign. When I finish, Sidney Powell and then Jenna Ellis will follow me. And we will present, in brief, the evidence that we've collected over the last – I guess it is two weeks. Also, Joseph and Jennifer, Victoria Toensing here with me. There are a lot more lawyers working on this, but where the – I guess we're the senior lawyers."

CLIP 29 1:07:59

RG: "By the way, the Coomer character, who is close to Antifa, took off all of his social media, haha, but we kept it. We've got it. The man is a vicious, vicious man. He wrote horrible things about the president. He is completely – he is completely biased. He is completely warped. And, he specifically says, that they are going to fix this election. I don't know what you need to wake up, to do your job, and inform the American people, whether you like it or not, of the things they need to know. This is real. It is not made up. It is not - there is nobody here that engages in fantasies. I've tried a hundred cases. I've prosecuted some of the most dangerous criminals in the world. I know crimes. I can smell them. You don't have to smell this one. I can prove it to you eighteen different ways. I can prove to

you that he won Pennsylvania by 300,000 votes. I can prove to you that he won Michigan by probably 50,000 votes.”

August 14 Deposition

CLIP 30 Video 1, 33:55; 40:10-20

Q. So can you think of, Mr. Giuliani, as you sit here, what media reports you remember seeing, either an article or a media, any kind of statement?

A. I can remember seeing what I would call online media, meaning -- meaning not the Washington Post or The New York Times or the New York Post or NBC, CBS. More like -- not necessarily them but more like The Daily Caller or that category, Breitbart.

CLIP 31 Video 1, 36:20; 42:8-43:9

A. He [Phil Waldron] would come back to me at various times with many, many things and in it he said -- he said at some point Coomer came up, he said we have a -- we've got this -- there's a witness now, there's a witness now that says -- there's an identifiable witness who says this conversation took place before the election. He said this guy Coomer -- sometimes I go and look myself online when stuff comes up. This time I didn't have the time to do it. I was virtually working 22 hours a day. But he had. He said this guy, you're not going to find anything right now because they took down a lot of his media, a lot of his social media stuff, and it looks like Dominion is trying to hide him but either he or -- he said some people captured a good deal of what he had been posting and it's awful. He said there's really all kinds of crazy S-H-I-T. I said like what? Things like he has to be removed, things suggesting he's crazy. I said any violence? He said you'd have to really interpret that, you would know that better than I would.

CLIP 32 Video 1, 52:15; 54:20-55:12

Q. As I'm hearing your testimony, in terms of eyes on information about Dr. Coomer, we've got some media reports that you generally described and then you looked at some Facebook postings that you described?

A. I don't remember if it was Facebook. Those social media posts get all one to me.

Q. I apologize.

A. Facebook, Instagram, Twitter.

Q. Social media postings.

A. I think it was Facebook.

Q. Anything else that you laid eyes on?

A. Right now, I can't recall anything else that I laid eyes on.

CLIP 33 **Video 1, 53:03; 55:13-57:17**

Q. So you mentioned obviously you were a former prosecutor. If you were back in the day of prosecuting crimes and you had this fact scenario come up where you had an individual who allegedly made a statement on a conference call or some sort of similar situation and you had other folks that were listening in on that call, how would you go about actually investigating if that occurred or not?

A. First I'd want to -- hey, this is -- this is hypothetical now.

Q. It is.

A. We're okay with that?

MR. SIBLEY: If you can answer, yeah.

THE WITNESS: I can answer it. Hypothetically. And also this is what I think I would do. You never know what you really will do.

BY MR. CAIN:

Q. Right.

A. I think what I would have done is I would have initiated a preliminary investigation and tried to find out more about him and about the people he was with, and usually that culminates, if it doesn't culminate in an arrest because you don't find even more incriminating evidence, it usually culminates in a visit with him basically telling him what are you doing. If you come to the conclusion that he's spouting off and out of control, if he's spouting off and not an imminent threat, it's very, very common for the Secret Service to visit the person, show him this stuff and say we're looking at you, it calms them down. Did this rise to that level? To tell you the truth, I can't honestly tell you. It was right at the -- here's a real lawyer's answer. A reasonable Secret Service agent could refer it or not. I wouldn't say that somebody who didn't refer it was acting irresponsibly, I wouldn't say that somebody who did. It was almost a gut instinct. I think maybe what would have gotten me to do it at that point was it was a very volatile period we were in. There was a lot of anger out there and just exactly the time you don't want statements like this hanging out there.

CLIP 34 **Video 1, 57:00; 59:5-60:5**

Q. But in effect -- let's drill down on this a little bit. In effect, the statement that Dr. Coomer supposedly made, if you were going to investigate whether that occurred and whether Dr. Coomer confessed to a crime in a conference call like this, wouldn't you want to find out who else was on the call as a corroborating witness and talk to them?

MR. SIBLEY: Objection, form.

THE WITNESS: In an ideal world, sure. I couldn't do it but in an ideal world I would. I didn't have subpoena power, I didn't have search warrant power.

I certainly wasn't going to talk to him at that point. There would be no way I could follow up on it. You're asking me a hypothetical question if I had one of the most powerful positions in government and could move a grand jury, subpoenas, 14,000 FBI agents, so when you're on the other side of it where I was, you've got to work with what you've got.

CLIP 35 Video 1, 58:41; 60:19-61:13

Q. Who at your team spoke to the source and who do you understand the source to be?

A. The person who talked to him for sure was Phil. Others did. I'm not certain if Sidney did or she had someone else do it but Sidney could have also spoken to the source.

Q. And who do you understand the source to be?

A. Well, I found out later, I'm not sure we put a name -- we must have put a name on it at this point but I'm not sure. We found out later his name is Olzheimer and he had additional information about Coomer who I guess for quite some time had been a -- in that hate Trump sort of movement. Seemed to me it was more emotion and anger than the usual.

CLIP 36 Video 2, 13:28; 81:21-83:7

A. And then we had a report that the heads of Dominion and Smartmatic, somewhere in the mid teens, 2013, '14, whatever, went down to Venezuela for a get-to-know meeting with Maduro so they could demonstrate to Maduro the kind of vote fixing they did for Chávez.

Q. You say the heads of Dominion and Smartmatic?

A. Yes, that's what I was told.

Q. And the report you're referring to is what?

A. The report is -- the report of a confidential informant, and before the press conference I was told about it. What I don't recall is did I read it, actually read it before the press conference or did I read it after the press conference. I did subsequently read it and it says exactly what he told me it says. But I can't tell you for sure because at the very end I rushed into this and I'm not sure I read it. I had it with me and the guy was --

Q. Had it with you when?

A. Had it with me probably in my bag, in the papers to read. I just hadn't had the chance I don't think to go through it in the kind of detail I like to. But I saw some of the statements so I was pretty comfortable that it was there under oath. So that's the background. That's what I knew when I made -- I think I mentioned Coomer's name once out of numerous pages.

CLIP 37 **Video 2, 15:58; 83:21-84:3**

Q. Like if I asked you what your theory is on what Dr. Coomer may or may not have done, you wouldn't have a response to that?

A. No, I think it would be unfair. I mean I could guess but it would not be an educated guess.

CLIP 38 **Video 2, 25:28; 92:14-94:12**

Q. I was going to ask you, I assumed you were referring to this discussion you had with Charles Herring.

A. Yes, the rules that we made with Charles were that he would defer to us to whatever our needs were, that he couldn't give it to us permanently but he could loosen up her assignments for the next couple of months, therefore she wouldn't be working all that much for OAN, so the conflict thing wouldn't come up all the time, that she would agree that any communication she had, OAN would be treated for that purpose the way any other news organization is, and then if she did develop a discrete, good story, she would have to run it past us so it didn't violate any of our rules or whatever. And I was pretty comfortable they would live by it because they had before. And I knew she had tremendous enthusiasm for doing this and I always like to hire people with enthusiasm because they work harder.

Q. And so that serves as kind of the background --

A. That's how we got her. And she got very active in gathering evidence and eventually ended up focusing a lot on Arizona, Michigan which she helped to clean up, Nevada.

Q. Okay.

A. Someplace else that I can't remember.

Q. And I take from your testimony the promise from Mr. Herring about what the relationship would be was just an oral agreement between --

A. It was, yes.

Q. -- between you two, okay. And that agreement didn't expressly prevent her from reporting on the election?

A. She had to get permission.

Q. She just had to get permission, okay, thank you. All right. You can set that aside. I think we're done with that for now.

CLIP 39 **Video 2, 44:58; 108:16-109:7**

Q. Okay. The question focused on whether, when you say he was no longer the key player, my question was whether he was ever a player in the lawsuits that the campaign filed. And I'll tell you this, I'll make this representation, I've got every lawsuit that has been filed by the campaign

and we've analyzed them, we have not seen anything about Dr. Coomer mentioned –

A. You're talking about lawsuits that come after the press conference?

Q. Yes, sir. So --

A. That doesn't surprise me.

Q. Okay. That's all I'm asking.

A. Kind of makes sense.

CLIP 40 Video 2, 46:16; 109:24-111:7

Q. Well, you know that's been debunked by the Michigan republicans.

MR. SIBLEY: Object to form.

THE WITNESS: It hasn't been debunked at all. That's a matter of litigation that it's been debunked. Michigan republicans have done everything they can to try to cover this up.

BY MR. CAIN:

Q. Have you seen the report?

A. Of course I have.

Q. Why have they covered it up?

A. Everything they say there isn't true, none of it's true. There wasn't a glitch. They don't even locate the glitch. They just say it. It's like the new 1984 we live in. The court in Philadelphia, you walk in and you say the law says we have to be present. Okay, you can be present. 70 yards away you don't get to see anything. That isn't what present means. That's what it means in 1984. A good deal of the Michigan republican party is not in support of Donald Trump, has never been. They are very much influenced by their loyalties to -- to the governor, former governor and the report is completely self-serving. The report goes nowhere in explaining the key facts.

CLIP 41 Video 2, 57:20; 119:19-122:13

Q. Maybe it's where you weren't looking that matters to my client. In the sense of Mr. Oltmann who says he was on this call, I take it from your testimony you or your team didn't interview him about that call?

A. I didn't interview him.

Q. Okay.

A. I can't tell you if somebody on the team didn't interview him.

Q. And you've mentioned the word credibility.

A. I think somebody interviewed him.

Q. You said the story was credible and then you gave your reasons. Do you have any knowledge about this source, Mr. Oltmann, that led you to believe he was credible?

A. No, I didn't have any information that he wasn't. I mean the way it works in a fast-moving case, I used to do liable cases, right, it's not my job in a fast-moving case to go out and investigate every piece of evidence that's given to me, otherwise you're never going to write a story, you never come to a conclusion. There was nothing presented to me that suggested that he wasn't telling the truth and it wasn't a situation where I was the head of the FBI and I could go subpoena his records, his files, send out five agents and go see him. I had to rely on what I was getting and what I was getting was the picture of a man who hated the president, sure as heck seems like the kind of guy that would love to see a case fixed, works for a company that has a reputation for fixing cases that has the capacity to do it. He works for the worst company you can work for, Sequoia, the one that was tossed out. Why the heck wouldn't I believe him? I would have to have been a terrible lawyer that would like to exercise -- rather than giving my client the benefit of the doubt, I'd like to exercise every single thing I could against my client, gee, let's go find out it's untrue. I didn't have the time to do that, and there was nothing that said to me I should do it. There's no red flag that came up that said wait a second, this guy is a boy scout. I'm constrained by time. Constrained by time, I don't mean the press conference time, I mean the realistic time. The caucus had already run it, the election's over, press is closing down, the censorship is unconstitutional, oppressive, almost fascist in the way it was done. You couldn't get on NBC, you couldn't get on CBS, because they decided this shouldn't be presented and they knew none of the facts. All they knew was we're going to screw Trump and we're going to put Biden in. I wasn't living in a dream world, I was living in the real world we live in.

CLIP 42 Video 3, 00:31; 133:2-134:15

Q. But number one, you never talked to Joe Oltmann directly; correct?

A. I don't believe so.

Q. You never reviewed or listened to a recording of the Antifa conference call; correct?

A. I don't think so. I don't think so. I guess I wouldn't be shocked if I did but I don't recall.

Q. You never talked to any of the other folks that were allegedly on this call, the other witnesses?

A. The Antifa people?

Q. Yes, sir.

A. No, I didn't talk, nor do I think it was even conceivable they would talk to me.

Q. You never reviewed any of the notes that were taken by Mr. Oltmann of the call, did you?

A. Not unless they showed it to me. I mean they would know better. They showed me something about the call, some pieces of paper about it so I can't tell you if I did or I didn't.

Q. You don't know?

A. I don't know. I did review some, could have been their memo, it could have been notes but they had something they were briefing me from written down.

Q. Neither you nor your team attempted to contact Dr. Coomer?

A. Not that I know of.

Q. Neither you nor your team attempted to contact Dominion for response about Dr. Coomer?

A. No.

CLIP 43 Video 3, 12:44; 144:6-20

A. I mean I've been involved in many, many presidential campaigns. This campaign had checked out three weeks earlier and they undermined -- I even have memos --

MR. SIBLEY: Let's not talk about memos.

A. -- from Republican National Committee people and from other people on the campaign telling people not to cooperate with us, Jenna and me, because the republican party will do better if Trump loses, they'll collect more money. There was no question there was a major effort to undercut what we were doing.

CLIP 44 Video 3, 23:30; 154:23-157:9

Q. Is this Trump campaign memo consistent with your theory of the case?

MR. SIBLEY: Objection, form.

THE WITNESS: This Trump campaign memo is useless. I would not have relied on this. I had to fire people in the Trump campaign for being spies and double-cross -- Eric Reamer was the general counsel. Eric Reamer, I have a text saying don't cooperate with Jenna and Rudy, it's over, it will hurt our getting a job. Oh, and by the way, we raise more money when Trump loses. This could very well have been written to help the opposition.

BY MR. CAIN:

Q. Any of these folks on, if you'll go back to the front, Zach Parkinson, Matt VanHyfte, H-Y-F-T-E, Jacki -- I'm going to butcher her last name -- Kotkiewicz --

A. Yeah, nobody I know.

Q. Dean Cleary.

A. I knew the people closest to Trump and they don't fit in that category.

Q. Okay.

A. These are people who had no relationship with Trump. These are people who could have been pulled out of the DNC and the DNC had more than a few memos indicating they were trying to undercut this entire effort. And there are a couple of things here that are kind of stupid, like they create straw men. No one suggested that Poulos was a member of Antifa. So you prove that Poulos isn't a member of Antifa. Come on, that's a phony job. I can pick that out in a second. I used to pull these apart. I know what this is. It's hard to believe but there was within the RNC in particular a never-Trumper group and they had to be fired. Right down to the end they were undercutting, including this guy Reamer.

Q. Well, this memo was on November 14th so they hadn't been fired at least as of the time you came on; right?

A. No, I don't know who these people are which indicates to me they are also fairly low level.

Q. So these low-level folks --

A. There's also a lot of work for them to put together which means to me it was probably fed to them. If you want a really good, solid investigatory conclusion, this is a put-up job. They didn't do this work. They didn't have the time to do this work

CLIP 45 Video 3, 28:29; 159:18-160:7

Q. I don't understand why they would want to mislead either you or any other campaign -A. Because there are memos saying they wanted to. I don't have to -- I don't have to speculate about it. I can show you memos saying they wanted to undercut what we were doing because they wanted Trump to lose because they could raise more money. Some of them thought Trump should never win in the first place. I mean how about the people in the administration that wrote those ridiculous letters that turned out to be untrue.

CLIP 46 Video 3, 29:16; 160:17-162:12

Q. You were at one point, unofficially at least, on Trump's cybersecurity advisory committee; right?

A. I was.

Q. And you were there when CISA was created, weren't you?

A. Um-hum.

Q. Is that a yes?

A. Yes, yes, yes.

Q. And CISA, I mean you remember the report they issued about election security, it was right around this time. I think it was November 12th.

MR. ZAKHEM: Objection to form.

THE WITNESS: Yeah, it was so filled with contradictions and holes and things they didn't investigate and information they didn't even bother to share or get, questions they didn't ask, witnesses that they wouldn't listen to. They refused to investigate. They just wrote. That was a totally phony report.

BY MR. CAIN:

Q. Okay. So you --

A. It isn't worth the paper it was written on. This could be the same thing. This looks to me like something that Dominion prepared for these guys. They wouldn't write it this way. This is a corporate type report.

Q. Okay. So you discount --

A. And in the period of time they had, in the period of time they had, they could not have acquired all this information. This information had to be given to them. They are not smart enough to have acquired all this information, nor did they have enough time to do it. I've never seen such a professional work coming out of that operation. And I've seen lots of corporate stuff. This is a corporate document. This was done for Dominion to cover its ass.

CLIP 47 Video 3, 31:21; 163:10-19

Q. And you didn't ask for it obviously?

A. I didn't know it existed. How could I have -- would you give me the document I don't know exists.

Q. You can go ask anybody in the campaign, is there any information or research on Dr. Coomer or Dominion?

A. You think I had the time for that?

CLIP 48 Video 3, 32:37; 165:5-24

Q. Is there anybody that was in the United States government during this time period that you thought was authoritative about election security issues?

A. Sure.

Q. But not CISA?

A. Absolutely not.

Q. Not the Department of Homeland Security?

A. Department of Homeland Security was afraid to investigate this. They were afraid that Congress would come down so hard on them they wouldn't be able to exist. Everybody was afraid to -- everybody figured if they investigated this, what is being done to me would be done to them and they were afraid to do it. What would be done to them, they would be -- they would be attacked by the local bar association.

CLIP 49 Video 3, 37:46; 171:18-174:22

Q. Well, I'm just asking you, there's some quotes that are attributed to you and I want to know if they're true or not.

A. What was the quote?

Q. The first one was just say that we won to Mark Meadows, et al.

A. Who said I said that?

MR. SIBLEY: We're asserting privilege.

THE WITNESS: Tell me who said I said that.

BY MR. CAIN:

Q. You're quoted. I don't know who said you said. You were in the room with Mark Meadows, Bill Stepien and Jason Miller.

MR. SIBLEY: Don't disclose whatever you said to them.

THE WITNESS: Someone has to have said Rudy Giuliani said -- I didn't say that so I'm trying to figure out who's lying.

BY MR. CAIN:

Q. Another quote was --

A. You're not going to tell me?

Q. I don't know. I'm just quoting you as you were quoted. I don't know who said you said.

A. Who quoted me?

Q. It's a quote of you.

A. Somebody has to write it down.

Q. No.

A. Where does it appear?

Q. In a book about this issue.

A. Who does the book attribute the quote to?

Q. To you.

A. In other words, he was there, the author was there and heard me say it.

Q. I'm sure he interviewed a witness that was there.

A. That's what I'm asking you.

Q. It doesn't disclose that, who said you said. I'm just asking you if you said it.

A. But you've got to give me the context. It's not fair to say did you say something you didn't say.

Q. I don't know if you said it or not, sir, that's why I'm asking.

A. But I'm asking you for the details of what you're asking.

Q. That's what I can give you, and your counsel has already instructed you not to answer it so we don't need to deal with it.

A. Well, there's nothing privileged about that. You just asked me a question.

Q. I agree.

A. There's a quote in a book attributing to me that I said to people --

Q. Just say we won.

A. Now who said that?

Q. We've already been through this.

A. You don't know.

Q. You were quoted as being in a room and saying that to Mark Meadows -
-

A. In order to evaluate the credibility of a quote, I have to know who said it. There's not a tape recording of it.

Q. No, nor was there one of Dr. Coomer's alleged call, was there?

MR. ZAKHEM: Object to form.

THE WITNESS: It was a totally different thing.

CHARLES HERRING

July 30 Deposition

CLIP 50 Video 1, 13:19; 17:9-21

Q. (By Mr. Cain) So in connection, then, with this "Dominion-izing the Vote" piece, who at Dominion Voting Systems did OAN speak to prior to running the piece on, I believe, November 21?

A. I don't believe that we spoke with anybody at Dominion. The focus was to highlight voter irregularities that were highlighted by other known legitimate media sources, I believe, dating back as far as 2000 all the way up into the summer of 2020.

Q. Okay. So the answer to my question is, OAN did not contact Dominion Voting Systems prior to running this particular report?

A. Not to my knowledge.

CLIP 51 Video 1, 14:55; 18:11-24

A. I made the request of Chanel Rion to make an effort to reach out to Dr. Coomer. My understanding is she was unsuccessful in reaching out and -- and unable to speak with Dr. Coomer.

Q. Can you be any more specific as to Ms. Rion's attempts to reach Dr. Coomer?

A. I instructed her to reach out and try to get his side of the story. She had communicated to me that she believed he was in hiding at that time; that his Facebook had been scrubbed, social media was scrubbed; that names were being removed from the Dominion websites. And I'm not exactly sure what reach-out she made, but I encouraged her to try to get his side of the story.

CLIP 52 Video 1, 16:25; 19:9-14

Q. Are you aware of any written requests to either Dominion or to Dr. Coomer for comment on this piece?

A. I'm aware of some discussions about trying to reach out to Dr. Coomer and potential avenues, but I'm not aware of any documents that show that a reach-out was actually done.

CLIP 53 Video 1, 17:32; 20:2-11

Q. And when, prior to the publication of the -- the report, when did OAN request copies of Mr. Oltmann's notes?

A. I'm not aware of us requesting copies of the notes.

Q. Have you seen -- I know you did -- you said you didn't request, or OAN didn't request, copies of those notes. Have you subsequently requested copies of the notes following the publication?

A. Not to my knowledge.

CLIP 54 Video 1, 19:51; 21:1-11

Q. Is there a reason OAN didn't ask for further corroboration of the Antifa conference call in the form of the notes that were taken?

A. I think we had sufficient information and were comfortable that it was credible to report in the manner that we did and use the segment in "Dominion-izing the Vote". There's always things in hindsight that we could go back and do if we'd had a little more time, more resources. But I think we had a pretty good idea, and we were comfortable that what was being said was credible.

CLIP 55 Video 1, 21:53; 22:10-15

Q. (By Mr. Cain) But, again, you -- you have now told us that you had sufficient information regarding corroborating the story without actually seeing copies of those notes; correct?

A. We were comfortable that the information that we used was credible, substantial, newsworthy.

CLIP 56 Video 1, 23:39; 23:16-24:9

Q. But also fair to say that OAN was aware that there were other people on this call that were in a position to hear the alleged statements. Is that fair?

A. That is fair.

Q. What efforts did OAN make, if any, to reach out to the other individuals that were part of this Antifa call?

A. We didn't make any efforts. The Antifa call -- as I understand it, was a clandestine, secretive call, and to expect any of them to try to engage with us, I think that would have been futile.

Q. The last word you used was what?

A. Was an attempt at futile, would have been unsuccessful.

Q. Well, success or not, you didn't make the effort, so you're not in a position to know whether you would be successful if you had made that effort; fair?

A. That -- that's fair. We didn't have the names, so we didn't know who the individuals were.

CLIP 57 **Video 1, 28:38; 26:18-27:8**

A. So why we thought we had sufficient information is Mr. Oltmann provided about a two-hour video explaining the process he went through step by step and what he was trying to do. It was clear to me that Mr. Oltmann was really trying to investigate Antifa. He wasn't trying to investigate Dr. Coomer or Dominion at that time. Based on the knowledge that I had, that made sense. I know that Antifa, along with BLM, was going into suburban areas and causing issues, and that there was a lot of tension between Antifa and people with a center-to-right lean in Denver in general. The credibility of Mr. Oltmann had to be taken into consideration. He made himself available to a number of interviews at the time we reported. He made himself [sic] to at least three interviews with no restrictions.

CLIP 58 **Video 1, 34:07; 30:5-22**

A. He seemed like a credible individual. He was -- according to him, he received an Entrepreneur of the Year award. He explained that his father was black; that he's mixed race; that his brother was killed by a police officer. So he had probably some reasons to, perhaps, have some concerns with police. He just seemed to really put himself out and expose himself. As far as exposing himself, he was operating, according to his claims, Conservative Daily, the videos that are shown on Facebook, and streamed audio on other outlets for 11 years. He didn't seem like he was trying to get publicity. He says he's an introvert. He talked about this with Michelle Malkin; that he wasn't trying to monetize or get publicity, but he was trying to expose Antifa. And it seemed clear to me that Antifa led him to Dr. Eric Coomer, not that he was seeking out Dr. Eric Coomer or Dominion.

CLIP 59 **Video 1, 41:26; 35:3-9**

Q. Okay. And I didn't see a copy of anything relating to the Dominion position in the investigation file that OAN had. Do you know whether or

not this information was considered by OAN before it issued its report called "Dominion-izing the Vote"?

A. I don't. I don't have any information either way.

CLIP 60 Video 1, 48:30; 39:9-23

Q. I know you -- you explained why this -- why Mr. Oltmann, in your view, might have posted something like this. But in light of the fact that he did so, is it still your view and OAN's view that Mr. Oltmann should be considered a credible and unbiased source for this story?

A. Credible, yes; and unbiased, no. I think he has a bias. I think most people have a bias. And I was aware of that when I was reviewing his information going into the weekend and through the weekend. And I'm a little shaky on the date. I think the Sunday is the 15th -- the 14th, 15th, 16th time frame where I was doing a deep dive. I was aware that he had a bias, and that needed to be taken into consideration. And I think that's the case with just about anyone.

CLIP 61 Video 1, 1:01:43; 46:21-47:6

Q. And OAN, as -- as it sits here today, has no evidence that Dr. Coomer, even if he made these statements, followed through on the boast that he had rigged the 2020 presidential election?

A. That is correct. He never stated that he actually impacted the 2020 election. And we felt he had the means. He had -- he had the technical expertise. He was in a position to do so. But we've never made -- made that statement. And we've been pretty careful with that respect, in my opinion.

CLIP 62 Video 1, 1:28:45; 63:10-21

Q. What vetting did OAN do concerning Ron Watkins' qualifications to comment on these topics prior to putting him on this piece?

A. I don't know.

Q. Who does?

A. Chanel Rion would know.

Q. In your company's file -- investigation file, however it's maintained, is there any information that you've seen to support the idea that Mr.

Watkins should be commentating on computer issues, I think as you called it, with respect to this -- this particular program?

A. I haven't seen anything along those lines.

CLIP 63 Video 1, 1:58:12; 79:5-80:11

Q. You recognize that the glitch that Ms. Rion referred to has been both explained as an error by the particular county clerk and not as a software issue relating to Dominion Voting Systems; you know that to be true now?

A. I believe it's disputed.

Q. So as you sit here July 30, 2021, you believe that issue is still a live issue that hasn't been put to bed?

A. That's the last information that I had on it. It was still being disputed. I believe the lawsuit was dismissed. And I don't recall if it was for standing or another reason.

Q. Have you reviewed the Antrim County report that was issued by, among others, Dr. Halderman?

A. I've reviewed some reports on Antrim County. I've reviewed some expert reports. But I don't believe -- and I don't recognize his name.

Q. Okay. Surely, though, you've seen the report by the republican senate relating to these Antrim County issues that debunked both this issue and the other alleged voting irregularities? Have you seen that --

A. I don't -- I don't know if I've seen that report.

Q. Let me see if I can refresh your recollection. I'm not going to mark it, because I don't have it in my marked file. It's this report by the Michigan Senate Oversight Committee on the election in Michigan. The committee members include the republican chair, Senator McBroom. And it's roughly 50 pages.

A. Yeah. I don't recall seeing this report.

CLIP 64 Video 1, 2:01:03; 80:12-16

Q. And to be clear, in terms of the "Dominion-izing the Vote" piece, OAN has not either clarified its reporting or retracted any of the reporting that it made on November 21; fair?

A. Correct. Yes.

CLIP 65 Video 1, 2:14:55; 87:17-25

Q. And you're not doubting, as you sit here today, that OAN would have been able to, in preparing to fact-check this particular piece, review, at least, Dominion's public position on some of these topics; fair?

A. If it was available on their website, we could have easily accessed it. I noticed that the Wayback Machine was used. So I'd question that a little bit, if it was available. But I just don't know.

CLIP 66 Video 2, 11:23; 97:7-20

Q. (By Mr. Cain) I want to know what OAN was aware of with respect to airing the Facebook pages on this segment. Was OAN aware that these Facebook posts were part of a private group, as opposed to a public group?

A. That was our understanding.

Q. Was OAN told by Mr. Oltmann how he was able to gain access to private Facebook posts?

A. I know he made the statements -- I think he indicated this in an email. I would want to go back and check to be sure -- but that he was able to access them through legitimate means. Other than that, I -- I don't know how he was able to access the Facebook private posts.

CLIP 67 Video 2, 13:49; 97:24-98:2

Q. As it relates to this notion that Dr. Coomer has an anti-Trump bias, is it fair to say that OAN has a pro-Trump bias?

A. I think that's a fair statement.

CLIP 68 Video 2, 19:21; 101:4-15

Q. [W]hat is OAN's working theory, as it sits here today, as to how he actually could have, in theory, rigged the 2020 election?

A. Well, "could have" means speculation. I'm glad to speculate all day long on how he could have done it. But I'll give you one theory. The machines could have been set up. "Could have." I'm not saying this was done. And we have no evidence that Mr. Coomer or Dominion did anything that impacted the 2020 election. But he could have increased the percentage of the votes that were sent to adjudication.

CLIP 69 Video 2, 27:32; 106:10-107:15

Q. Well, again, the ability is different than, perhaps, the actual facts. It would be inherently improbable for Dr. Coomer to be have done any of these things, either inject himself into the adjudication process or otherwise, without detection; true?

A. I wish that was the case, but I can't agree with that. If somebody was going to get away with something like this, it's going to be somebody that has expertise. And again, forgetting about Dr. Coomer for a minute, but it's going to be somebody who has the expertise and understands the process and how the voting equipment has been designed. They'll need to know it inside and out. Very similar to a bank robber; you're going to be looking for somebody who understands the security aspects of it and how the equipment -- in this case, maybe the safes -- are set up. You gotta to have

the access, you have to have the knowledge, and you have to have the motivation. And those are the three boxes that get checked. Whether he actually did it or not, I -- we don't know. We don't have the evidence of that.

Q. Yeah. And at least with respect to the "Dominion-izing the Vote" piece, the individual that OAN put on its -- on its investigation for how this could have happened, whether it was inherently improbable or not, was Mr. Watkins; right?

A. I think he's one of the examples that we put out there.

HOFT/TGP

November 16 Audio Interview w/Joe Oltmann

<https://caincloud.egnyte.com/dl/yge3QU12Yi/>?

CLIP 70 0:15

JH: "Joe was on an antifa line where they were speaking with Eric Coomer. And when was that, Joe?" JO: "It was end of September, so I think it was around the 27th of September."

CLIP 71 1:40

JO: "At the time, I'm on, I'm listening, Eric is talking, somebody asks who Eric is, and then somebody answers 'Eric is the Dominion guy.' So I'm just keeping notes. And then somebody says go ahead Eric, and someone interrupts almost immediately again and says 'What are we going to do if Trump wins?' He said some expletives. And Eric responds, 'Don't worry about the election. Trump is not going to win. I made f-ing sure of that. Haha' And people are like 'f-ing right.'"

CLIP 72 13:18

JH: "You have information that's truthful that should be released and is very much, there's nothing wrong with it and they're going to just shut you down because you're exposing absolute fraud." JO: "Yeah, and frankly Twitter then has whitewashed all of Twitter and taken down everything that's Eric Coomer."

CLIP 73 15:58

JH: “And you think, from our previous conversation, you think this Coomer is just nuts, huh?” JO: “Look, I don’t know of anybody with sensibilities that would talk the way he talks, act the way he acts, yet maintain his composure when he’s, you know, you’ve seen some of the videos where he’s talking, very intelligent.” JH: “Sure. Comes off very professional.” JO: “But when he gets behind closed doors, he’s a lunatic.” JH: “Wow. Scary.” JO: “He comes unhinged.”

August 10 Deposition

CLIP 74 Video 1, 25:15; 20:25-22:7

Q. Does The Gateway Pundit typically attempt to get a response from a person who is the subject of a story it publishes?

A. Yes.

Q. Did The Gateway Pundit do that with Dr. Coomer?

A. We reached out to the originator of the piece, and that was Joe Oltmann at the time.

Q. Did you reach out to Dr. Coomer to hear from him?

A. We’d reached out to Dr. Coomer -- well, we’ve reached out to Dominion. I don’t believe we’ve heard back from them except in a -- their attorneys at times.

Q. When did -- and -- and I’m blurring the lines a little bit here between you and TGP. When did TGP reach out to Dominion for comment?

A. I’d have to look back. I know we did as recently as this past week.

Q. Did TGP reach out to Dominion for comment prior to publishing its first story related to Dominion Voting?

A. Prior to that, no.

Q. Did TGP reach out to Dominion for comment prior to publishing its first story on Dr. Eric Coomer?

A. No.

Q. Why not?

A. I don’t have the access to Eric Coomer. We did reach out to the person who wrote the story. Again, I spoke extensively with Joe Oltmann.

Q. Okay. Why did TGP not reach out to Dr. Coomer for his comment?

A. We were reporting on Joe Oltmann’s report. That’s what we were reporting on. And so we reached out to Joe to get his -- what -- what -- the information that he had.

CLIP 75 Video 1, 26:56; 21:20-22:7

Q. Did TGP reach out to Dominion for comment prior to publishing its first story on Dr. Eric Coomer?

A. No.

Q. Why not?

A. I don't have the access to Eric Coomer. We did reach out to the person who wrote the story. Again, I spoke extensively with Joe Oltmann.

Q. Okay. Why did TGP not reach out to Dr. Coomer for his comment?

A. We were reporting on Joe Oltmann's report. That's what we were reporting on. And so we reached out to Joe to get his -- what -- what -- the information that he had.

CLIP 76 Video 1, 35:51; 26:13-27:12

Q. All right. So other than the video, what'd you do to -- online to investigate Eric Coomer?

A. He also had posted his Facebook page items about the Antifa manifesto and his comments -- anti-Trump comments.

Q. How did you come into possession of those?

A. So that was posted at Joe Oltmann's Twitter page at the time.

Q. Did you contact Mr. Oltmann to discuss how he came into possession of those posts?

A. I contacted Mr. Oltmann on the 14th or 15th and spoke with him.

Q. Okay. Had you -- well, did you do that prior to publishing your first story about Dr. Coomer?

A. We used his information as a source.

Q. Well, my question --

A. So -- so -- so, no, I had not reached out to him. I do know that he had reached out to me, I believe. But I did not know that at the time.

Q. So you were relying on Joe Oltmann as a source through his social media publications; right?

A. At the time. And also relying on -- it was -- it was a newsworthy story that was going viral online. And several people were reporting on it, and we -- we posted that this was out there.

CLIP 77 Video 1, 41:25; 29:17-30:15

Q. Okay. In your first conversation with Joe Oltmann, what did the two of you talk about?

A. So I -- I did an interview -- held an interview with Joe. And it was on Sunday night. I believe it was at least a half hour. I believe it's still posted online. And we spoke about his experience in Denver, his experience

investigating Antifa, and his experience with what he discovered on Mr. Coomer.

Q. All right. And in having this interview with Mr. Oltmann, were you assessing his credibility?

A. Yes.

Q. What about this conversation with Mr. Oltmann made you believe he was a credible source?

A. Several things. Several things. Well, I knew he had spoken with Michelle Malkin, a conservative journalist who has an impeccable reputation, who is a columnist. And so I knew that had happened. And I searched a little bit on -- on his -- who he was online. And I had looked, like I said, at his social media.

Q. Okay. Did you investigate Mr. Oltmann's background at all?

A. Not extensively.

CLIP 78 Video 1, 47:12; 32:17-33:12

Q. Did you ask to see Mr. Oltmann's notes?

A. No.

Q. Why not?

A. He was telling me everything -- as far as I was concerned, he was telling me what he knew at that time.

Q. As -- were you acting as a journalist in interviewing Mr. Oltmann?

A. Yes.

Q. As a journalist, wouldn't it be important to corroborate Mr. Oltmann's story?

A. Yes.

Q. And wouldn't his notes have provided some corroboration?

A. Among other things.

Q. What did you do to corroborate Mr. Oltmann's story about the Antifa conference call?

A. Again, I spoke with him directly. I knew that he had spoken with -- he had been speaking about this incident for several days at that time. And I knew that he had already had an interview with, as I said, Michelle Malkin, who was very credible.

CLIP 79 Video 1, 51:15; 35:4-18

Q. Now I'm kind of asking you mechanics. Did you ask Mr. Oltmann how it was that he got the number or got the dial-in for the call?

A. No. No. And he may have told me that.

Q. When you say he may have told you, do you have any recollection of him telling you that?

A. Well, he described a bit of his research, so I'd have to look back and look exactly at what he said.

Q. As you sit here today, what is your recollection of Mr. Oltmann's research that he described to you?

A. I felt it was thorough. I felt it was, obviously, an explosive story. It was his -- it was his story we were reporting on. It was his accusations we were reporting on. And it was going viral online. I wanted to hear more about it.

CLIP 80 Video 1, 52:25; 35:19-36:10

Q. Did you ask Mr. Oltmann the names of any of the attendees on this call?

A. No. No.

Q. Why not?

A. He may -- he may have mentioned a couple names, but I didn't ask him about the names on the call.

Q. Why would you --

A. I believe he said that some of them -- again, I believe he said some of them are anonymous, but I'll -- I'd have to check back at his exact words on that.

Q. For any of the names Mr. Oltmann may have mentioned, did you attempt to contact those people?

A. No.

Q. Why not?

A. My story was about the -- it was about Oltmann's accusations, and I wanted to hear his story. And so I did not reach out to any Antifa activists at that time.

CLIP 81 Video 1, 53:42; 36:11-37:13

Q. Did you ask Mr. Oltmann for the name of the person who gave him access to this call?

A. No.

Q. Why not?

A. I trusted him. He -- he appeared to be a -- a credible witness.

Q. You'd never met Mr. Oltmann prior to speaking with him about this; right?

A. Correct.

Q. And this story was the first conversation you'd ever had with Mr. Oltmann; right?

A. As far as I know, yeah. I mean, we set it up, and I'm not sure exactly -- I don't recall how exactly we set it up. I think it was through text message. But as far as a conversation, I believe that was our first conversation.

Q. And this first conversation was a phone call?

A. It was a phone call interview.

Q. So you were not able to observe Mr. Oltmann's demeanor or expressions?

A. I had seen his -- you know, I've seen, since then, his demeanor and expressions. And I don't think we did a -- no, we didn't do a video interview. We do several of those at Gateway Pundit. I think it was a phone conversation.

Q. Okay. But you were not able to observe Mr. Oltmann's demeanor or expressions on the phone; right?

A. I don't -- I don't recall.

CLIP 82 Video 1, 56:30; 38:3-15

Q. Did you ask Mr. Oltmann whether there was a recording of the call?

A. I don't recall.

Q. Did Mr. Oltmann ever tell you that he had a recording of the call?

A. I don't recall.

Q. Would it -- would it be important if there had been a recording of the call for you to listen to it to corroborate Mr. Oltmann's story?

A. Yes.

Q. Is so, wouldn't that be something that you'd ask Mr. Oltmann to hear?

A. That makes sense.

CLIP 83 Video 1, 1:00:35; 40:10-17

Q. Did you attempt to reach out to Georgia officials to learn about what you saw on the video about accessing the machines?

A. I don't recall. I don't believe so.

Q. Why not?

A. Well, we've reached out to Georgia officials on numerous reports. I don't know if we did on this report. I don't believe we did.

CLIP 84 Video 1, 1:10:25; 46:15-17

Q. You have no evidence that Dr. Coomer interfered with the 2020 presidential election; right?

A. Correct.

CLIP 85 Video 1, 1:10:52; 46:18-20

Q. Okay. And you ultimately relied on Joe Oltmann as TGP's source for your reporting on Dr. Coomer; right?

A. Correct.

CLIP 86 Video 1, 1:11:25; 47:1-48:10

Q. Okay. Did he tell you that he had an ownership interest in the conservative podcast?

A. No.

Q. Were you aware that he could have financially benefited from statements made on his podcast?

A. No.

Q. Were you aware prior to publishing stories about Dr. Coomer that Joe Oltmann was a vocal supporter of former President Trump?

A. Not specifically, no.

Q. Prior to publishing stories about Dr. Coomer, were you aware that Joe Oltmann, through his organization FEC United, held rallies in support of former President Trump?

A. No.

Q. Were you aware that Joe Oltmann had raised funds in support of former President Trump?

A. No.

Q. Prior to publishing your first stories about Dr. Coomer, did you know anything about Joe Oltmann's organization, FEC United?

MR. BURNS: Object to form. John Burns.

MR. SKARNULIS: That's fine.

Q. (By Mr. Skarnulis) And you can go ahead and answer.

A. No.

Q. Prior to publishing your first story about Dr. Coomer, were you aware that Mr. Oltmann had made allegations of election fraud about the 2020 election?

A. No.

Q. Prior to publishing your story about -- your first story about Dr. Coomer, were you aware that Joe Oltmann, on his podcast, had discussed the possibility of election fraud prior to November 3rd?

A. No.

CLIP 87 Video 1, 1:19:07; 51:6-10

Q. Okay. Do you have currently a working theory as to how Eric Coomer could have affected the outcome of the 2020 election?

MR. BURNS: John Burns. Same objection.

A. I'd say no.

CLIP 88 Video 1, 1:20:15; 51:23-52:10

Q. Prior to publishing the first story about Dr. Coomer, were you aware of any federal government -- governmental body that had determined the results of the presidential election were fraudulent?

A. Prior to Coomer?

Q. Yes, sir.

A. The president had said it was -- the executive branch had said it was a fraudulent election, something he still considers.

Q. Okay. Other than the president, were you aware of a federal governmental body that had determined the results of the 2020 presidential election were fraudulent?

A. We -- no, not a government body.

CLIP 89 Video 1, 1:21:12; 52:11-53:23

Q. Were you aware before you published your first story about Dr. Coomer that the Cybersecurity and Infrastructure Security Agency reported on November 12, 2020, there was no evidence that the 2020 presidential election was fraudulent?

A. We reported on that.

Q. Did you disagree with that conclusion of CISA?

A. Yes.

Q. Why?

A. We did not believe it was a thorough investigation.

Q. You were aware that Chris Krebs was the one who was the head of CISA; right?

A. Absolutely.

Q. And you were aware that he had been appointed by President Trump; right?

A. Absolutely.

Q. Did you not find Chris Krebs to be credible?

A. I believe we've written about Chris Krebs, and I -- we have doubts about his expertise.

Q. Were you aware prior to publishing stories about Dr. Coomer that 59 election scientists had signed a letter finding that there was no credible evidence of computer manipulation of the 2020 presidential election?

A. No.

Q. Were you aware that U.S. Attorney General William Barr stated on December 1, 2020, there was no evidence that the 2020 presidential election was fraudulent?

A. We reported on that.

Q. Did you point that out in reporting on Dr. Coomer?

A. No.

Q. Do you believe Joe Oltmann more than CISA as to how the 2020 presidential election was run?

A. I -- I don't compare those two in the same category. CISA's a agency. Joe Oltmann is a private citizen.

CLIP 90 Video 1, 1:23:57; 53:24-54:10

Q. If you were to learn that your reporting on Dr. Coomer was in any way inaccurate, would The Gateway Pundit retract or correct its reporting?

A. We make corrections with our reporting all the time. We have no problem making a correction if we are found that it wasn't correct or accurate.

Q. And you would do that if you came to learn that your reporting on Dr. Coomer was somehow inaccurate?

A. Yes.

Q. But you have not retracted or corrected your publications concerning Dr. Coomer at this point; right?

A. Correct.

CLIP 91 Video 1, 1:32:24; 58:15-23

Q. Well, what I'm asking about is, were you aware that all the states except Louisiana used machines that produce paper ballots?

A. I wasn't aware of that.

Q. So that if the machines were compromised, there are paper ballots to verify. Were you aware of that?

MR. CORPORON: Objection. Asked and answered.

Q. (By Mr. Skarnulis) You can go ahead and answer.

A. I wasn't aware of that.

CLIP 92 Video 1, 1:37:23; 61:15-62:17

Q. Okay. Were you aware -- in considering the -- the probability of Mr. Oltmann's allegations against Dr. Coomer, were you aware of the extensive preelection security measures that are in place with all 50 states?

MR. BURNS: John Burns. Object to form.

A. I'm not familiar with what each state has as its security measures.

Q. (By Mr. Skarnulis) Were you aware that before the election, the U.S. Election Assistance Commission certified voting equipment?

A. I'm not familiar with that commission.

Q. Were you aware that all 50 states and thousands of lower jurisdictions had joined the Elections Infrastructure Information Sharing Analysis Center prior to the 2020 presidential election?

A. Could you repeat that?

Q. Sure. Have you ever heard of the Elections Infrastructure Information Sharing Analysis Center?

A. I don't believe so.

Q. So you were not aware prior to publishing statements about Dr. Coomer that all 50 states had joined that?

A. Correct.

Q. And you don't know what the -- what measures the Elections Infrastructure Information Sharing Analysis Center has in place to secure the election?

A. Again, I'm not familiar with that commission or that agency.

CLIP 93 Video 1, 1:39:22; 62:18-63:18

Q. Did The Gateway Pundit publish any stories suggesting that there might be election fraud prior to November 3, 2020?

A. We -- yes.

Q. What -- what stories did The Gateway Pundit publish regarding election fraud prior to the election?

A. Yes. We questioned the activity of several secretaries of state in -- in numerous battleground states who had changed the election law unilaterally, when this was a -- this was the power of the legislative branch, and here these -- these officials were changing the rules before the election. It was something we had not seen before, and it raised -- certainly, it made us think that this was not -- this was a nefarious act.

Q. Prior to the November 3, 2020, election, did The Gateway Pundit publish any stories regarding potential computer or technological manipulation of the election?

A. We've written about voting systems several times in the past.

Q. Did you do so immediately prior to the November 3, 2020, election?

A. I don't recall.

Q. Did The Gateway Pundit publish any story about the Hammer and Scorecard theory?

A. We may have.

CLIP 94 Video 1, 1:58:35; 73:18-74:20

Q. (By Mr. Skarnulis) Okay. But was there any benefit to it?

A. The benefit would be that we are, I believe, in many -- in the eyes of many, we're -- we're seen as more credible today. We're seen as more -- seen as more reputable. We're seen as, certainly, grassroots leaders. And we're also seen as pro-Trump.

Q. How does The Gateway Pundit make money?

A. We make money off of subscriptions. We make money off of advertising.

Q. Did you see an increase in subscriptions following publishing stories regarding election fraud?

A. We started our subscription services in the spring, so it's hard to say.

Q. Well, didn't you have, like, for example, a monthly average leading up to the election?

A. Oh. Like traffic-wise?

Q. Yes, sir.

A. Our traffic has grown every year for the past seven years. Every single year -- we had a huge jump in 2016. We also -- election year 2016. We also have grown every year since then. We had a huge jump last year, another election year. But we've continued to grow every year, and it looks like we'll continue to grow this year as well.

Q. Okay. Did you -- have you seen an increase in views following the election?

A. Well, yes.

MALKIN

November 13 - #Malkin Live Interview

<https://caincloud.egnyte.com/==dl/hennfbXRd9/>?

CLIP 95 1:20

MM: "You were zapped last night by Twitter, and so I wanted to let you use this platform to explain what you've discovered about Dominion, and one figure, very key figure in particular, and then get your thoughts on the deplatforming and censorship that's going on on people who are telling the truth."

CLIP 96 3:51

JO: "[S]o I listened for a while and then somebody named Eric came on and started -- started talking, and so he's talking about what they need to do next, they need to make sure that you hold on to, you know, fortify and that we need to -- you know, add constant pressure, and so on and so forth. And so as he starts to talk, someone says, who's Eric? And then someone answers, Eric is the Dominion guy. So obviously I'm taking notes, right? And I'm a copious note taker. So I took these notes and I had Eric, Dominion, and then we're in Denver, Colorado, because they're talking about Denver, they're talking about Colorado Springs. But I wasn't really focused on him. So then Eric

responds, you know, keeps speaking and then someone interrupts and says, what are we going to do if F'ing Trump wins? And he responds with, and I'm going to paraphrase this because obviously I didn't write exactly what he wrote, right? Is, don't worry about the election. Trump is not going to win, I made F'ing sure of that, ha-ha-ha, right? And then somebody responded, F'ing right, right?"

CLIP 97 5:15

JO: "So then I went away and I did my research and I was able to uncover 13 Antifa journalists, not just through that call but through other things, and so I did the research on Eric. And so it was really simple, this is what I did, right? I put in "Eric" into a Google search, "Eric, Dominion, Denver, Colorado." Not very clever, right? That's how it all started. And it came up with this gentleman named Eric Coomer. So Eric Coomer is the director of strategy at security at Dominion Voting Systems."

CLIP 98 13:40

JO: "But Dominion is in 40 states. They handle most of the election – elections in 28 states." MM: "Yes. So people need to -- I just wanted to underscore that and put an exclamation point because the market share of Dominion is why this reaches from conspiracy theory to conspiracy truth." JO: "It is truth, a hundred percent truth. I mean, I'm betting everything on it. I'm betting everything on it. I'm going to tell you right now, I'm betting everything on it."

CLIP 99 15:59

JO: "Look, Michelle, this is not -- I am not making any of this up. This capture that you have is his Facebook page. And by the way, if he's not guilty, why is he scrubbing the internet? Why did he take down everything from Dominion showing up on his --even like lead candy that shows up who's actually executives and environments, taking that down."

CLIP 100 22:00

MM: "And again, just to repeat for people, if you're just tuning in. This is Eric Coomer. He is a top official and Joe you've mentioned now, he is a shareholder --" JO: "Yes." MM: "--in Dominion Voting Systems. This is not some 19-year-old liberal undergrad at Harvard, this is a patent holding nuclear physicist who was leading conference calls -- planning calls, essentially. JO: "Yeah." MM: "And, you know, stoking calls, right? I guess, you know, cheerleading calls for Antifa types, and you infiltrated these

calls before election day. We're talking about-" JO: "Yeah." MM: "-- late September when these were happening, and you got to hear the unhinged rantings of this lunatic in charge of security at Dominion Voting Systems." JO: "And it gets worse." MM: "It gets worse."

CLIP 101 28:47

JO: "You're either the one that's responsible for it -- which is what it looks like -- or you have other people that need to take the fall with you, and that might lessen the opportunity for you to get the death penalty because frankly, I think that treason is punishable by death, if you actually are the linchpin in all this. Now, I'm not telling you what to do, but if I were you, I definitely wouldn't just be scrubbing the internet, I would be getting your butt in there and having a conversation with the feds, with the Department of Justice."

CLIP 102 31:06

MM: "By the way, for those who are just joining or if you joined in late, all of this stemmed from Joe trying to understand the journalists who are essentially Antifa operatives, and there have been a couple of other really brave people who have infiltrated, like you did, other rings and rackets between Antifa and the media."

November 28 – Sovereign Nation Interview

<https://caincloud.egnyte.com/dl/gxXpzUgtW6/?>

CLIP 103 0:10

MM: "Welcome to Sovereign Nation. I'm Michelle Malkin. Our focus today: Hacking the vote. News flash. It has already happened around the world. That's what the propagandists of the feckless Fourth Estate in America don't want you to know."

CLIP 104 6:05

MM: "Who has control over our elections? Who has dominion over our votes? Is it we the people or is it the electronic voting oligarchs? Without full election transparency, there can be no election peace. Next up, Denver businessman Joe Oltmann joins me to discuss his shocking discoveries about Dominion vice president of strategy and security, Eric Coomer, plus much more. Stay tuned."

CLIP 105 10:34

MM: “Well, I appreciate all you’re doing. You’ve done a lot of research on a very key figure at Dominion Voting Systems. Dominion of course ducked out of a Pennsylvania State legislative hearing. And so I want you to tell our audience at Sovereign Nation who exactly Eric Coomer is and why it matters in these ongoing battles against election fraud across the country.”

CLIP 106 10:58

JO: “So Eric Coomer is the director of strategy and security for Dominion Voting Systems. He’s also affiliated with or a part of the Antifa movement, and frankly, he has the ability – he has a doctorate in nuclear physics and has the ability to put his finger on the scale and has, I believe, put his finger on the scale of the election across our country.”

CLIP 107 11:23

MM: “So one of the things that just happened, whether it’s providentially or by fate, is that in the course of the work you do, political activism and research, back in October you happened to be on a phone call of local Denver area Antifa organizers, and that’s where you heard the name Eric Coomer. Tell us what you heard on that phone call.” JO: “So it was actually in mid to late September I actually heard that, I was on that call.” MM: “Gotcha.”

CLIP 108 11:55

JO: “And it started off with somebody saying -- or Eric talking and then somebody saying, well, who’s Eric? And then somebody else responded, Eric is the Dominion guy. So from there, the conversation ensued and they started talking about – somebody actually said, what are we going to do if Trump wins, when – if Trump wins? And Eric responded, don’t worry about the election. Trump’s not going to win. I made F’ing sure of that.”

CLIP 109 12:45

MM: “Right. And the reason why this is so alarming -- and it’s obvious, but it should be spelled out -- is that this is one of the highest ranking officials at Dominion Voting Systems, which has penetrated our election system across the country and of course around the world, and I interviewed an attorney in the Philippines, a watchdog who has been monitoring and investigating these people for ten years, and all of these incestuous links raise a lot of questions, and the

business partnerships, the labyrinth of shell companies between and among Dominion, Smartmatic, and Sequoia; and one of the things you found out and reported on is the link that Eric Coomer represents between Dominion and Sequoia. Can you tell us more about that?”

CLIP 110 14:21

JO: “So he truly is the mastermind. And the further I got into it, the more I started to discover he’s a large shareholder in Dominion Voting Systems that the – Sequoia was acquired and they had a relationship with Smartmatic. So they’ve gone out and said that Sequoia – that when Sequoia was actually purchased, that there was no affiliation with Smartmatic and Dominion Voting Systems, but that’s just not true.”

CLIP 111 15:05

MM: “Now, I think it’s important to make explicit that at this point, at least publicly, there’s no evidence that Eric Coomer made good on his threat. The point is that given all of the patents that he’s held, the enormous amount of experience that he’s had in the voting software and automated voting machine industry at both Sequoia and Dominion, certainly suggests that he has the ability to carry out on this threat or this braggadocio that you heard directly on this Antifa phone call. And as a reward for the whistleblowing and the reporting that you’ve done, you were banned on Twitter or suspended. Tell us about that.”

CLIP 112 16:03

JO: “So I decided I was going to actually come forward, put all the information forward, call out Eric Coomer specifically, and as soon as I did that, I actually -- you caught wind of the story, you posted it, people started following me on Twitter, I started releasing even more information that I had, and Twitter came back and said that I had multiple Twitter accounts that I was using in an effort to harm others.”

CLIP 113 16:52

JO: “Everything that we’re dealing with right now, you know, why did Eric Coomer swipe everything off of the internet? Why did Dominion take him off the board? Why did they -- why is Twitter and other social platforms taking down anything related to Eric Coomer? Why did they clean out their office in Denver and why did they clean out their office in Toronto? Why is it that George Soros’s nonprofit that’s on the same floor as they do

in Toronto?” MM: “Yes. So many questions.” JO: “I mean, these are –”

MM:

“So many questions, Joe, and we’re only getting started. It’s the tip of the iceberg. Thank you so much for all the investigation, and keep shining your light.”

July 27 Deposition

CLIP 114 Video 1, 6:29; 10:13-15

Q. Were you a listener to his podcast, The Conservative Daily, before you interviewed him?

A. No.

CLIP 115 Video 1, 6:52; 10:21-23

Q. Were you aware of Mr. Oltmann’s efforts to infiltrate Antifa prior to the interview he gave?

A. Nope.

CLIP 116 Video 1, 17:09; 17:8-17

Q. (By Mr. Cain) Let -- let me ask you this way. Did you know before he came on your live stream that he was going to discuss a so-called Antifa conference call where he identified Eric Coomer as being someone who made a statement regarding fixing or rigging the 2020 presidential election?

A. I did not know what he was going to talk about. He did send me two zip files related to screenshots of Facebook posts that were posted, he says, by Eric Coomer, and that was the main focus and thrust of the interview.

CLIP 117 Video 1, 26:20; 23:14-24

Q. (By Mr. Cain) Ma’am, let’s go back to my question. Did you ever ask Mr. Oltmann if he had a recording of the Antifa conference call?

A. I did not.

Q. And you didn’t think that was important in terms of corroborating his version of this call?

A. During the live stream, he described the phone call, and we then proceeded to go into detail about the Facebook screenshots. If he had a recording of the phone call, I think, at the time, he probably would have released it.

CLIP 118 Video 1, 29:05; 25:22-25

Q. Did you talk to him before he went on your live stream about how he was able to access this Antifa conference call?

A. I did not.

CLIP 119 Video 1, 32:38; 28:1-15

Q. (By Mr. Cain) Do you -- as of this period of time on November 13th, do you -- do you have any recollection as to why Twitter was suspending accounts such as Mr. Oltmann's?

A. In general, my recollection is that many users who were tweeting about election integrity were getting suspended or banned.

Q. And you know it was because -- or Twitter has said that it's because the information that was being disseminated by these Twitter account holders was either misinformation, disinformation, or flat false. You know that; right?

A. Yes --

MR. QUEENAN: Object to form and foundation.

A. Yes, I do.

CLIP 120 Video 1, 35:18; 29:22-30:4

Q. So is it -- is it fair to say that at this point, you really hadn't had the time to thoroughly vet Mr. Oltmann's story as to what he was going to come on to your live stream to say. Is that true?

MR. QUEENAN: Object to form.

A. Yes. Whatever information I could have gleaned the night before or the morning of, I was denied that information because his Twitter account was nuked.

CLIP 121 Video 1, 58:20; 43:17-22

Q. All right. And he also mentioned that he was taking copious notes. You heard that; right?

A. Yes.

Q. Did you ever ask to see the notes that he took of this Antifa conference call?

A. No.

CLIP 122 Video 1, 59:54; 44:9-19

Q. (By Mr. Cain) Let -- let me ask you this way. Do you believe that you have a responsibility as a journalist to put verifiable facts out, facts that can be verified?

MR. QUEENAN: Object to form and foundation.

A. I believe that I have an imperative to broadcast stories that are not being covered and to give a platform to people who are being censored for disseminating what is considered dangerous or dissident information but that is of high public interest. And election integrity certainly was at that particular time and now.

CLIP 123 Video 1, 1:03:08; 46:18-47:5

Q. What if what he was saying was false, ma'am? Do you have a responsibility as a journalist, even if it's breaking news, to -- to correct the record if false facts are said in this context?

MR. QUEENAN: Object to form and foundation.

A. I do correct the record if it comes to light that what I have said or broadcast is false.

Q. And that's -- that's an -- that's an ethical duty that a journalist has; right? That's a fair statement, isn't it?

A. Yes.

MR. QUEENAN: Object to form and foundation.

A. Yes.

CLIP 124 Video 1, 1:38:48; 70:15-22

Q. Had you gone on to the Dominion website to look to see what their position was with respect to election integrity issues by this point?

MR. QUEENAN: Object to form.

A. I can't recall that I went on their website specifically. But there had been a spate of news coverage of Dominion, and -- and where they stood in the -- defending their company.

CLIP 125 Video 1, 1:40:20; 71:8-22

Q. Okay. Do -- do you recall approaching Dominion either for comment -- well, for comment during this interim period?

A. I don't recall that, no.

Q. Okay. And did you reach out to Dr. Coomer to get, potentially, his side of the story?

A. I did not.

Q. And did you ask Mr. Oltmann if he knew of – of the identities of anybody else that was on this alleged call?

A. I did not.

Q. So you didn't then independently try to determine who was -- who -- who may have been on the call other than Mr. Oltmann and potentially Eric Coomer?

A. I did not.

CLIP 126 Video 1, 1:41:54; 72:7-24

Q. Okay. You see it's got a little contact button here to contact Dominion directly. But you didn't hit -- you didn't hit that button, did you --

A. No.

Q. -- prior to the -- okay. Thank you. And did you reach out to any of their media? I know I asked Dominion in general, but any of their public relations people or media people prior to interviewing Oltmann the second time?

A. I did not.

Q. And the FAQs that they had posted in response to what they considered to be disinformation concerning the election, you didn't review those before interviewing Mr. Oltmann, did you?

A. Not this specific page, no.

Q. Okay. Well, any page on the Dominion site.

A. Like I said, I was familiar that -- with news stories in which Dominion was defending itself.

CLIP 127 Video 1, 1:43:02; 73:1-16

Q. But as of the 25th, as Dominion is reporting on their website, CISA -- you know who CISA is; right?

A. I do. I had tweeted about CISA's statement.

Q. This statement here that "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised." You tweeted about that statement?

A. Yes. And I believe the nature of my response was that CISA itself was a conflict -- conflicted entity in itself, because many of these same private companies that it's supposed to watchdog were members of committees of CISA itself.

Q. Okay. So you don't believe CISA is an authoritative group as it relates to this issue due to

conflicts of interest; is that fair?

A. Yes.

CLIP 128 Video 2, 1:02; 79:14-22

Q. Okay. And in the prior session, I asked you what you did between -- in the two weeks to investigate this story further before going to the -- to the Newsmax taping, and you answered me.

18 Is there anything else that, as you sit here, you can think of you did to investigate this Antifa call or Dr. Coomer?

MR. QUEENAN: Object to form.

A. Not that I recall.

CLIP 129 Video 2, 10:27; 85:21-86:18

Q. But at the time that you did the Sovereign Nation piece, that's your -- that was the show that you had on Newsmax; right?

A. Correct.

Q. Is that -- is that show still running?

A. No.

Q. All right. At the time that you were doing the Sovereign Nation program, did you have a financial arrangement with Newsmax for them to be able to run that show on their air way -- airwaves?

A. I did.

Q. And I don't really care how much money you made or didn't make, but is it -- is it based on a per-episode formula or just -- how is that generally structured?

A. I had a contract with Newsmax to produce a show and to appear on other shows.

Q. And is that based, though, on the number of appearances and shows you produce? That was my question.

A. I had an agreement to produce a -- a -- my half-hour weekend show, and there was a -- a set number of shows that I had agreed to do, as well as appearances for other shows. That -- that's the general nature of the contract.

CLIP 130 Video 2, 15:01; 88:15-89:3

Q. (By Mr. Cain) And I think I checked this box, but let me just make sure. You're not here sitting today telling either Judge Moses or the jury that you have some evidence that -- that Dr. Coomer actually made good on his threats and had some role in rigging the election; fair?

MR. QUEENAN: Form.

A. Can you just restate it? Because I just want to make sure that I answer it correctly. Just -- it was just -- could you say it over again?

Q. (By Mr. Cain) You have no evidence that Dr. Coomer rigged the election, do you?

A. That is correct. And that's what I stated on Newsmax, and that is what I believe today.

CLIP 131 Video 2, 39:39; 102:22-103:1

Q. So as you sit here, you cannot cite to the Court one working theory as to how Eric Coomer could have rigged the 2020 presidential election; isn't that true?

MR. QUEENAN: Object to form.

A. That is true.

CLIP 132 Video 2, 49:36; 108:2-9

Q. Did you reach out to Dominion after you produced that particular show and it aired?

A. I did not.

Q. As it relates to -- and you didn't go to their FAQ site either, either before the show or after, did you?

A. You asked me that before, and as I said, I had seen news stories in which they defended themselves, and quotes from this website were included.

CLIP 133 Video 2, 52:12; 109:14-110:2

Q. There's a statement here that "The U.S. Department of Homeland Security Cyber Security Division has confirmed that it is not possible for a bad actor to change election results without detection." Do you see that?

A. Yes.

Q. Okay. Were you not aware of that statement or confirmation by Homeland Security; that it would not have been possible for a bad actor, such as Dr. Coomer, to -- to change results without detection?

A. I don't recall this specific statement. But in general, just as I mentioned with CISA, I'm not going to take at face value any statement that was made by any government agency about the election at that time.

CLIP 134 Video 2, 58:24; 113:15-114:10

Q. (By Mr. Cain) Okay. Well, let's -- let's stick to the United States for the time being. I'm asking you, you don't consider CISA or the Department of Homeland Security to be authoritative in this respect, and I just want you to name a group that you consider that's not Mr. Chong in the Philippines to be authoritative.

A. Yeah. So as I mentioned, there -- I can't recall off the top of my head the name of the groups that have been red-flagging problems with Dominion and Sequoia and Smartmatic for years prior to Election 2020. But they have

websites that have documented many of these problems. I -- I can go back and find the actual names of them, but people who have been tracking many of these issues. And then I think a lot of the elected officials who have elected not to use these types of products because of -- of concerns. I believe that Chicago Democrats had raised issues about some of these systems, for example, and other municipalities that elected not to use them.

CLIP 135 Video 2, 1:05:20; 118:6-15

A. When I stated that he had the ability to have an influence on the election, I did not spell out, nor did I have any particular theory about how he might have done that. Joe Oltmann apparently did, and others did. And you can ask them to spell out how exactly they believe it happened. But as I stated on the show, I had no evidence at the time that he acted on that threat, and that's what I told my audience.

CLIP 136 Video 2, 1:18:35; 126:8-20

Q. (By Mr. Cain) You recognize, ma'am, that if -- if what Mr. Oltmann claims is true, then there are other witnesses to this event. You recognize that fact; right?

MR. QUEENAN: Object to form.

A. To which event are you referring?

Q. (By Mr. Cain) The supposed Antifa call that Dr. Coomer was on.

A. Yes, that would be true.

Q. Right. And none of those witnesses have been interviewed by you; correct?

A. Correct.

Q. Or anyone, to your knowledge, working for you?

A. I don't have anyone working for me.

METAXAS

November 24 Interview w/Joe Oltmann

<https://caincloud.egnyte.com/dl/vhrAua5fNx/>

CLIP 137 0:18

EM: “But some of you had heard the story of Joe Oltmann, Joe Oltmann, O-L-T-M-A-N-N was all over the news not long ago talking about how he came across a guy named Eric Coomer who is affiliated with Dominion and how this Eric Coomer also seems to be so viciously, insanely anti-Trump that Eric Coomer of Dominion is also involved with Antifa. We just thought we’d get Joe Oltmann to tell the story. Joe Oltmann, welcome to this program.”

CLIP 138 4:58

JO: “And so I found myself on this phone call, this conference call and, you know, this guy named Eric started talking and then somebody asked who Eric was and they said Eric is a Dominion guy. Right? And so I just kind of –” EM: “Now, excuse me, were you – at this point, were you yourself or were you kind of lurking on an Antifa meeting?” JO: “They had no idea I was there.” EM: “Okay. So that’s the key. So you’re kind of hiding, you’ve infiltrated Antifa, and you’re watching the meeting, it’s an Antifa meeting. This guy Eric Coomer comes into the meeting, somebody says who is Eric - - one of these Antifa people says who’s Eric Coomer and they say, oh, he’s with Dominion.” JO: “So they never said the word “Coomer”. Right? It was just Eric, who’s Eric? And then Eric is the Dominion guy, so I just wrote Dominion Eric. I just wrote that down. I really wasn’t looking for him. I didn’t know the significance of him at all. I still, even after I got off of that call didn’t know the significance of it.”

CLIP 139 5:57

JO: “But then he started, you know, tell him that he can keep going on, go ahead, somebody interrupts. What are we going to do if Trump wins? Something to that effect, and I’m paraphrasing this, right? So I didn’t write down word for word what he said, but Eric responds, “Don’t worry about the election. Trump’s not going to win. I’ve made effing sure of that.” So –” EM: “Okay. He made effing sure of that; effing means very, very. Now let me ask you, for my audience, who is Eric Coomer now? Publicly who is this guy?” JO: “So he is the Director of Strategy and Security for Dominion Voting Systems.” EM: “Okay. Stop. That’s the

headline. Right? He's not some guy with Dominion, he is the head of, say it again?" JO: "Dominion Voting Systems." EM: "No, but he is the head of?" JO: "Oh, sorry, he is the Director of Strategy and Security at Dominion Voting Systems."

CLIP 140 8:21

EM: "I mean, this is top, top, top level coding and that stuff. So this guy, Eric Coomer, this genius you discover was the guy who said on this Antifa call, "Don't worry about Trump, there's no way he's going to win"? JO: "Yeah, and I've also tied him to Our Revolution, the movement. I've tied him to other things but even at that point I did not understand what I was looking at."

CLIP 141 9:48

EM: "Joe Oltmann, you're a little tough to describe, but I guess the point is you're an entrepreneur, you build businesses, but you're also a patriot, a man of faith. You got involved in some stuff and you understood that Antifa was a threat to America. You infiltrated Antifa meetings which is utterly heroic and fascinating and wonderful and thrilling and inspirational to everybody listening, frankly. And in the course of that you come across this guy named Eric Coomer whom you've described. Director of Strategy and Security at Dominion Voting Systems. The man is pro-Antifa, despises not just Donald Trump but it seems to me if you're pro-Antifa despises America."

CLIP 141b 13:50

JO: "I got behind his Facebook account and it was then when I got actually behind and started looking at the posts on his Facebook account that everything kind of came together that we were dealing with a person that could put his finger firmly on the American voice and tip the scale of the election very easily. And that frankly that he was doing it."

CLIP 142 14:52

EM: "Well, I was going to say, you know, when you're smart enough to get a Ph.D. in nuclear physics it, you know, reminds me of the Unabomber. There's some people that they're learning or rather their brains can really, they'll flirt with insanity and violence and it sounds like you're dealing with somebody who at least begins to fall into that category. I mean, we know that Antifa is evil, that they are anti-American, that they are effectively Marxist shock troops at this point. But to have a man with this

kind of power, the director of strategy and security at Dominion, huge, powerful international company. This is big news.”

CLIP 143 16:13

EM: “Just to reprise and forgive me always for reprising, but Joe, you are a businessman who because of your faith and your love of country you got involved in trying to see what’s going on with Antifa and as a result of your efforts you came across this dude named Eric Coomer whom -- who you had no idea until later was the director of strategy and security for Dominion Voting Systems who is all in for Antifa.”

CLIP 144 17:45

EM: “I mean, this is globalist stuff. This is like everybody’s worst nightmare of deep state George Soros, the idea that a man of this level at a place like Dominion which is operating all around the globe in elections which got started in Venezuela that somebody like that who despises America and who, you know, if you despise America by definition you become allied with these globalist forces which are effectively fascist Marxists, you know, that this guy has this kind of power. I mean, it’s scary even just having this conversation with you thinking about this and if I didn’t have a strong faith, I really would be scared but I’m not.”

CLIP 145 19:15

EM: “So at what point does this get picked up and who picked it up? JO: “So then Michelle Malkin picked it up, she picked it up and I did an interview with her. Then Twitter shut down my Twitter feed. Eric Coomer started basically scraping the Internet of his name. I mean, literally taking everything Eric Coomer off the Internet -- everything. And Dominion took them off their website, they took them off of LeadCandy. They basically went into archives to delete his information in places you didn’t think were possible.” EM: “Has anybody reported this? Who has reported this?” JO: “So I reported it, Michelle has reported it. Some other people have reported it. I got in touch with the Trump campaign and the Trump attorneys. I talked to people like Sidney Powell. Actually, I talked to Sidney Powell. But getting as much of this information in their hands as possible. I’ve been in constant contact with the Trump attorneys. I’ve done probably a dozen or so video interviews and probably two or three dozen radio interviews. I continually push that information out and give that information.”

CLIP 146 23:36

EM: “Look, that’s exactly why I’m so exercised. About this, the idea that anyone would dare to try to mess with our elections, many patriots have died, suffered and died so that we could have what we have, and I cannot think of anything more despicable and more worthy of our doing everything we can, including give our lives if necessary to fight for this. And so that’s why I’m so glad to be speaking with you and getting this information out. People need to understand. I keep saying we need a thousand Paul Revere’s to get this information out. This is utterly unacceptable. There’s no way that anyone will accept the presidency of Joe Biden under this black cloud now unless they can prove that this was a fair election, there is no way the American people with all this evidence coming out are going to accept it.”

CLIP 147 26:34

EM: “Folks, I’m talking to Joe Oltmann, O-L-T-M-A-N-N, two Ns at the end there. Okay, Joe, you uncover something so huge. You weren’t looking for this. You stumble onto the fact that a guy named Eric Coomer is the director of strategy and security for Dominion Voting Systems. Absolutely monstrous job. You’ve got to be a super genius to understand that world of fraud and coding and all this different stuff and then you discover that that guy is all in for Antifa, wants to do anything he can with his tremendously powerful position to make sure Donald Trump is not elected. He effectively succeeds because we wake up on the 4th of November and find out that, hey, what happened? What happened? And then this stuff leaks out and that kind of leads you on your path.”

CLIP 148 28:44

EM: “Eric Coomer, has he gone into hiding? What is he thinking? Does he know he’s going to go to prison for the rest of his life?”

CLIP 149 30:57

JO: “Why if there is no fraud against the American people has Eric Coomer disappeared? Why are they redacting information all over the Internet? Why is Dominion packing up their offices? They packed up their Denver office, they packed up the Toronto office. The Toronto office is actually one -- is on the same floor as Soros’ nonprofit. So this isn’t all made up. This isn’t hyperbole that we’re just throwing out there. This is absolute fact.”

CLIP 150 31:35

EM: “Well, there’s levels of stupidity and evil and we know that not everybody is on the same level, that there are some people that they just hate Trump but then there are other nefarious actors like Mr. Coomer and others who, you know, they’re -- it’s hard to know what to say other than there is wickedness, there is evil here because nothing that they’re doing, even if you hate Trump, I have many friends who hate Trump, but they would never do what we’re talking about. What we’re talking about is evil. In fact, let’s just say this. It’s extremely criminal and these folks know they’re going to go to jail for the rest of their lives. Doesn’t matter how rich or smart they are, that they are in the process of being caught thanks to God because you were just -- you just stumbled across this. God chose you to stumble across this to get this information out. I’m very encouraged by your mere existence, Joe Oltmann, just to know that you are who you are and doing what you’re doing. I’m really encouraged as I say. It seems to me that there’s a lot more here. Maybe we’ll save this for another time when you’re not pheasant hunting, but I just – I thank God for you. I know my audience thanks God for you and for knowing what’s going on and it gives us a lot of hope for these lawsuits that lie ahead. Thank you.”

August 13 Deposition

CLIP 151 11:07; 15:22-16:9

Q: Okay. In preparing to do a show, do you – do you or your team perform some sort of investigation?

A: Unfortunately, no, we don’t. It’s – I’m kind of a fly by the seat of my pants guy in that we don’t have the budget or the bandwidth or the time to do anything like that. So usually, it’s like, that seems interesting. That book seems interesting.

And I kind of respond in the moment, so it’s not – it wouldn’t be my inclination to do that. But we – I don’t think we would be able to do that anyway, you know.

CLIP 152 13:22; 17:8-15

Q: Would it be fair to say that at least when you have guests on related to politics, that your show is more conservative?

A: It would be fair to say that. I try very hard not to be – not to be parochial, not to – not allow myself to be categorized. In other words, I take particular pride in thinking for myself and trying to represent other sides.

CLIP 153 19:02; 21:10-23:1

Q: Okay. So prior to having Mr. Oltmann on your show, had you ever heard of him?

A: I had heard of him, as I said, in the news. You know it's funny. I may – actually, no. I had not heard of Joe Oltmann. I'm sorry. I thought you meant Eric Coomer. I had not heard of Joe Oltmann, no. I had no idea who he was.

Q: All right. I mean, other than in the news prior to having him on the show, were you –

A: No. No. No. No. No. And, I mean, I literally don't – I don't think I would recognize him if he walked into the room. And I don't – I don't know anything about him except that this friend of a friend said he – he's the guy who, you know, was on that Zoom call or something like that. So I knew – I knew of him only in the context of this, what we're talking about.

Q: You've never seen his video podcast, Conservative Daily?

A: No, I have not. And I wasn't even aware that he had that until Tom mentioned it to me the other day. I – yeah. I'm just not aware of him.

Q: Have you talked to Mr. Oltmann since the show?

A: No. No, I have not.

Q: Was that the only time you talked to him?

A: I really – I'm pretty sure that would have been the only time I had any communication with him was during the 30 or 40 minutes of the show, yeah.

Q: Before you went on air, did you do some sort of interview with him?

A: We don't do that. It's just not – it's usually not necessary. I just want to kind of have a free flowing conversation, and I want the guest to kind of tell my audience the story.

So we don't have the time or the inclination to kind of get the story before the story, so I just kind of jumped in. So I didn't have any conversation with him, no.

CLIP 154 22:20; 24:1-8

Q: If you get something wrong on the show, is it your practice to correct this?

A: I – I care deeply about my audience, and so if I felt the need to correct something, I would probably. Well, I would certainly do that if – if I felt it rose to the level of my audience should know that, you know, I said the house was green and it was blue or – or whatever it is, yeah.

CLIP 155 22:57; 24:9-17

Q: Okay. So you – you have Mr. Oltmann on the show. Did you find him credible?

A: Oh, yeah, I did. I did. And of course, that's important to me. If I had a guest on that didn't seem credible to me, on behalf of my audience, I would ask them some tough questions, like wait a minute, you know, that doesn't sound right. Or why are you saying that. So, yeah, that's important to me. And I did, yeah.

CLIP 156 27:11; 28:7-30:20

Q: ...But prior to starting the show, did you ask him for the names of any of the participants or the person who introduced him to the call?

A: I didn't have any conversation with him prior to my radio interview. So – so the answer would be no. I didn't ask him anything.

Q: You'd – you'd agree with me today that that would be important corroborating evidence to know other participants on the call and hear what they heard, right?

MR. QUINN: Object to form.

THE WITNESS: I wouldn't agree with you.

BY MR. SKARNULIS:

Q: Why not?

A: That just not my – I don't see that as my job. I just kind of jump into a conversation with somebody. They seem generally credible. And I – and I have a conversation. I don't have time in the interview, you know, to go back into all that stuff. I think he gave me enough general context that I, you know, just willing to suspend my disbelief and let him talk.

Q: Were you surprised that Mr. Oltmann did not have a recording of the Antifa conference call?

A: It actually never occurred to me until you just mentioned it this second.

Q: And you'd agree with me that that would be important evidence that this conference all occurred, right?

MR. QUINN: Object to form.

BY MR. SKARNULIS:

Q: Why not?

A: I wouldn't. I – I just don't know enough about anything that we're talking about to know what – what is important or unimportant, frankly. It strikes me that I don't live in a world of, you know, phone calls or recorded phone calls.

And so it's just not the kind of thing that would occur to me. He seemed credible, and there's no reason for me to doubt what he was saying. And as far as I know, maybe he does have a recording of it. So I – I simply wouldn't know how to answer that.

Q: Did you reach out to Eric Coomer to verify Mr. Oltmann's story?

A: No.

MR. QUINN: Object to form.

BY MR. SKARNULIS:

Q: Did you at any point contact Dominion Voting Systems to verify Mr. Oltmann's cal?

MR. QUINN: Object to form.

THE WITNESS: No. We – we don't – we just don't have the bandwidth to do anything even approaching that kind of corroboration, I guess, would be the word. We're not – we're just not able to do that. I just have guests on, I talk to them, and I kind of respond in the moment. So I'm not a journalist. So I just – it's just not something that would occur to me.

CLIP 157 29:51; 30:22-31:10

Q. Do you believe that Dr. Coomer personally influenced the outcome of the 2020 presidential election?

MR QUINN: Object to form.

THE WITNESS: Can you ask that again?

BY MR. SKARNULIS:

Q. Yeah. Sure.

Do you believe that Dr. Coomer personally influenced the outcome of the 2020 presidential election?

A: I honestly have no idea. I – I have no – I have no idea. I wouldn't know. I couldn't know, so I couldn't even answer yes or no. I don't know.

CLIP 158 34:51; 34:20-22

Q: Have you learned anything since the show that corroborates Mr. Oltmann's story?

A: I don't believe so.

CLIP 159 35:58; 35:13-25

Q: And I think I know the answer, but were you aware that Mr. Oltmann did a number of podcasts regarding other theories of election fraud other than Dr. Coomer?

A: No.

Q: Did you know that Mr. Oltmann first revealed the story about Dr. Coomer on November 9th?

A: I don't believe so.

Q: Does the fact that he came up with the story six days after the election, affect your assessment of Mr. Oltmann's credibility today?

MR. QUINN: Object to form.

THE WITNESS: Not at all.

CLIP 160 38:10; 37:11-17

Q: At the time you hosted the show with Mr. Oltmann, were you aware that he had an ownership interest in the conservative podcast?

A: No.

Q: Were you aware that he financially benefited from his conservative podcast?

A: No.

CLIP 161 39:09; 38:8-39:9

Q: When you had Mr. Oltmann on your show, were you aware that he was a vocal supporter of former President Trump?

A: I don't believe so.

Q: Did you know that through an organization, his nonprofit, he held rallies in support of President Trump?

A: I don't believe I knew that.

Q: Were you aware that Mr. Oltmann formed, basically, a paramilitary group in Colorado?

MR. QUINN: Object to form.

MS. HALL: Andrea Hall, object to form.

THE WITNESS: I was not aware of that, no.

BY MR. SKARNULIS:

Q: Were you aware that before making his allegations regarding Dr. Coomer, Mr. Oltmann had made a number of other election fraud allegations?

A: No.

Q: Prior to having Mr. Oltmann on your show, did you look at any of his social media?

A: No.

Q: Do you know if any of your staff reviewed his social media?

A: I can say pretty confidently that they probably didn't.

CLIP 162 41:18; 39:15-41:11

Q: Sure. At the time you had the show, November 24, 2020, did you know of any federal agency that had determined the 2020 presidential election was fraudulent?

A: No.

Q: Were you aware that Chris Krebs with the Cybersecurity and Infrastructure Security Agency had reported on November 12, 2020 that there was no evidence of fraud in the 2020 presidential election?

A: Was I aware of that? No.

Q: Were you aware that 59 election computer scientists issued an open letter on November 16, 2020, stating that there was no credible evidence of computer fraud in the presidential election?

MR. QUINN: Objection to form.

A: When did they do that?

Q: November 16, 2020.

A: No, I don't believe so.

THE COURT REPORTER: Did you have an objection a couple of questions ago?

MR. QUINN: I did. Thank you.

BY MR. SKARNULIS:

Q: Did you hear that on December 1, 2020, then-U.S. Attorney General Bill Barr stated there was no evidence of fraud in the 2020 presidential election?

A: I did.

Q: Did you report that on your show?

A: I may have mentioned it in passing, or a guest may have mentioned it in passing. I don't – I don't know, but certainly we – we might have mentioned it.

Q: Did you disagree with Mr. Barr's statement at that time?

MR. QUINN: Object to form.

THE WITNESS: In my opinion, there's nothing more controversial, then or now, than what happened in the 2020 election. So I think a lot of people were trying to process where folks like Barr, whoever, were getting their information to make those kinds of determinations, and then to comment on it publicly.

So I – to this day, I find it confusing.

CLIP 163 49:09; 46:6-47:7

Q: Again, at the – at the time of the show, were you aware that all states, with the exception of Louisiana, having voting machines that produce paper ballots as backups?

MR. QUINN: Object to form.

THE WITNESS: I – I've heard that, and it all sounds vague enough to be meaningless. So, you know, that – I may have heard that. But I don't even know that I heard it. But if I have heard it, it just sounds to me like, you know, something that – that doesn't mean anything particularly significant.

BY MR. SKARNULIS:

Q: When you had Mr. Oltmann on your show, were you aware of the – all states' pre- and post-election security measures?

A: I don't believe so.

Q: Were you aware that all states participated in the U.S. Election Assistance Commissions Certification?

A: No.

Q: Did you know that when you had the show, that all 50 states and thousands of local jurisdictions participated in the Elections Infrastructure Information Sharing Analysis Center?

A: I don't even know what that means, so the answer would be no.

CLIP 164 57:08; 52:2-5

Q: So would it – would it be fair to say that when Mr. Oltmann came on your show, you had very little knowledge of him?

A: Yeah.

CLIP 165 1:12:06; 62:8-18

Q: All right. If you'll turn to Page 12. And if you'll go down to line 8 on Page 12, Mr. Oltmann says, "I went elk hunting on Friday, and I'm up elk hunting in southern Colorado in the mountains. And I get a text message from someone with an article."

Do you see that?

A: Yeah.

Q: Have you ever seen a text message that Mr. Oltmann received with an article attached?

A: No. Nor have I ever been elk hunting.

CLIP 166 1:20:21; 68:10-16

WITNESS: I have to be honest. I am usually taking my guest at their word. I'm not an adversarial interviewer, and he didn't give me any reason to believe that he's blowing smoke. If I ever thought anyone were blowing smoke, especially on an issue this important, I think I would ask them some hard questions.

CLIP 167 1:22:46; 69:22-70:2

Q: Did the fact that Michelle Malkin had interviewed Mr. Oltmann affect your assessment of his credibility?

A: She's more of a newsy person who gets into the details of this kind of stuff on a daily basis, so probably it – it would have.

CLIP 168 1:33:14; 76:22-25

Q: Other than your follow-up questions to Mr. Oltmann, you did no investigation to verify his allegations, right?

A: I – we just don't do that.

OLTMANN

November 5 Conservative Daily Podcast

https://www.youtube.com/watch?v=rB_m9DJ6vZg&t=4s

CLIP 169 18:08

MM: “Now this doesn’t mean that there are illegitimate ballots, it means that they were probably harvested. You had people going to entire apartment blocks, collecting all the ballots, right?” JO: “And then filling them out themselves. That’s what they did. I mean, you want to talk about extensive? That’s what they did. You don’t get to be the minority in this country, steal an election, and then expect that we’re going to let Biden be president. There’s no way we’re going to let Biden be president. There’s no way we’re going to let Biden be president. Biden will not be president. I’m going to say it again, he will not be president. You are not going to destroy the democracy of this country.” MM: “If he gets inaugurated, he’s going to be an illegitimate president. He’s also going to be a lame duck.” JO: “I’m telling you, there are hundreds of millions, hundreds of millions of people in this country who literally will overrun that inauguration. You will not be able to stop the wave that comes. You won’t be able to stop it. They won’t even be able to have an inauguration. I promise you. I promise you they will not be able to have one. They won’t.”

CLIP 170 42:53

JO: “This Our Revolution movement that they, that the Project Veritas undid for Kristopher Jacks, that’s a real thing. I mean, the person that was standing right next to Kristopher Jacks on the stage, when they had their Our Revolution deal, is a, is the person that runs Colorado Springs Antifa, right, on the other end of the city. The other end of the front range. I mean, these people, literally, and she’s a journalist. Acting as a journalist, by the way. She, he, whatever.”

CLIP 171 49:25

JO: “The wrath of God will come down on this country like never before, like you’ve never seen before, if we don’t step in and do something. I actually think that, as this goes through the court system, that they’re going to, they’re going to have to do one of two things, declare President Trump the victor, right, send in the National Guard, squish this whatever you want to call it. Send them back to their basement. That’s number one. Or number

two, have another election where people can actually show up, right, in person, and vote. Period. End stop. Those are going to be your only two, and I promise you, if you did it in Colorado, you'd see 20% of the vote are fraudulent, just in Colorado. 20%. I bet you Donald Trump would have won this election had it not been for this string of people in this Our Revolution deal, these communists that are in Colorado.”

CLIP 172 56:55

MM: “I don’t like saying it, but if this jury box does not, if we cannot get resolution, the next box on the list of four boxes is unfortunately the ammo box. And I hope that everyone has been stocking up, because it’s gonna get froggy.”

November 6 Conservative Daily Podcast

https://www.youtube.com/watch?v=BXpCE_3SgEo&t=7s

CLIP 173 12:16

JO: “We’re not conceding. No retreat, no surrender. And that’s the whole battle call of this country. First of all, our seventy million will beat their seventy million every day of the week. But you’ve gotta stand up, so there’s a couple things that have to happen. First, if you can give to Donald Trump’s you know, uh, battle campaign fund, you know his legal fund, please do. Give five dollars, give ten dollars, you don’t have to give a lot, but just go to the Donald Trump website and give to his legal fund. I’ll actually put it in the comments here. We want to do everything we can to support him, right?”

CLIP 174 43:30

[Referring to Trump poll watchers who allegedly weren’t granted access in Detroit] JO: “Why didn’t they break down the door?” MM: “Yeah, that’s the question.” JO: “Why didn’t they break down the door? I wouldn’t have gone to a judge. I would have broke down the damn door. That’s what I would have done.” MM: “I think people are generally peaceful. I think Trump supporters are generally peaceful. We’re not like antifa. We’re not going to start breaking windows and climbing through.” JO: “Yes we are. Yes we are. Yes are. By force. By any means necessary, right? No surrender, no retreat. Come on, guys, what are we? We want to be peaceful because we don’t want to be [airquotes] “seen,” we don’t want the “optics” that we’re not peaceful? Are you serious? So we let them do what they’re doing now and we do nothing about it? Come on!”

November 9 Conservative Daily Podcast

<https://caincloud.egnyte.com/dl/SrpiUTrg4Q/>?

CLIP 175 1:32

JO: “Let’s not sugar coat this, we’re going to expose someone inside of Dominion Voting Systems specifically related to Antifa and related to someone that is so far left and is controlling the elections, and his fingerprints are in every state. So I want you guys to understand that what we’re about to show you, you have to share.”

CLIP 176 4:44

JO: “Listen, I just want to be really clear that right now, we 100% know that the election was rigged. I don’t 5% know, and I want Facebook to understand this. The walkaway movement, hashtag walkaway, for 100 million conservatives is a real thing. We 100% know, 100% know that this election was rigged, and that the Americans voice will never be heard through this election. Never be heard. Now what we’ve done is we’ve actually found a smoking gun. So they say there’s no proof. I’m going to tell you right now, I 100%, this information I’m about to tell you right now is 100% validated. And it’s serendipitous that I actually was doing other work to uncover things in Colorado. It’s serendipitous that one of their offices is actually in Colorado. The things that I found out people, I’m telling you right now, you’re going to want to hit the share button. More importantly, you’re going to want to make sure that every news source out there gets infiltrated with this information. So I’ve already sent it out to Project Veritas, I’ve sent it to D.C. Drainos, I’ve sent it to Joe Rogan, I’ve sent it to everyone.”

CLIP 177 10:53

JO: “First of all, I want to talk about who Dominion is. What this is going to concentrate on is Dominion. So who runs the company and why is that important? The conversation will be about a man named Eric Coomer. C-O-O-M-E-R.”

CLIP 178 16:01

JO: “As the call carried on, a person who called himself Eric was on the call. Now I can’t tell you if it was the same Eric but I’m going to tell you how it led me to gather the rest of this information.”

CLIP 179 16:20

JO: “He adds, basically, I have a bunch to add, this is the Eric speaking, “We have prepared for the new future where we put down the fascist F’s – I’m not going to use the word because I want everyone to be able to hear this. Someone interrupts, “Who’s Eric?” and someone else answers “Eric is the Dominion guy.” The fact that Antifa knows that he’s a Dominion guy and everyone is like, “Oh, he’s the Dominion guy, okay, so go ahead Eric” came from somebody else. So Eric responds, so actually somebody interrupts first and says “What are we going to do if effing Trump wins?” right, as in, somebody is frustrated and they’re talking on this call, and he responds, and I’m paraphrasing this, right, “Don’t worry about the election. Trump is not gonna win. I made f-ing sure of that. Hahahaha.” And everyone’s like, “yeah,” and someone else responds “f-in right.”

CLIP 180 17:10

JO: “So Eric continues to fortify, so this person Eric continues to fortify groups and recruiting and he was eccentric and very boisterous compared to what I remember hearing in his other videos. I think it’s a match but I can’t be sure so I’m going to put that out there, but I can be sure of everything else I’m about to share with you.”

CLIP 181 23:04

JO: “Some of the information that he put on his Facebook page, no state in this entire country should use Dominion Voting Systems ever again, once they hear this. Once they go through this. And I promise you this is going to get out to everyone. It’s going to get out to every single network out there. They’re going to say, ‘oh my gosh, this is the guy that’s responsible for Dominion Voting Systems security. This is the guy that writes code.’ And it’s even more than that. He has his fingerprints in every city.”

CLIP 182 52:52

JO: “Let me put this all together for you guys, so you have a guy that is actually going to an antifa meeting that tells somebody else, supposedly, that he’s got the election in hand,” MM: “Well not supposedly, you heard it. Not supposedly, you heard it. You’re an eye witness.” JO: “But I didn’t see him, right? They identified him as Eric from Dominion, but I didn’t, I mean, I have to basically say that there could be, maybe it’s a different guy, but that led me to all the other things that I got, which is, getting access to Facebook, getting access to this information.”

CLIP 183 1:05:00

JO: “I’m going to build an entire dossier of all of this guy’s Facebook posts. He’s going to have to answer for it. How does an unamerican guy, a guy that is completely unamerican, that wants to basically kill the president. And that, you can say whatever you want about it, that was the reason behind the post. That wants to kill the president, is responsible for the voting in this country! Keep that in mind, guys. Keep that in mind! Max, you said smoking gun. I don’t need to see someone fire the gun, I don’t need to see someone, the damage done by the gun. All I need to see is the guy had the intent and the ability to do it and it’s fruit of the poison tree.”

CLIP 184 1:37:22

“Look, here’s what I think. I think if individually, if we individually talk about Eric Coomer, that’s one thing. But I’m going to tell everyone on this call, if I were you, I’d be calling your state rep, where you are, we’re going to put something out. I’d be calling Dominion Voting Systems. I don’t think Eric Coomer should ever work in elections again, ever. I don’t think he can. You can’t have someone like that that has any sort of integrity in what they’re doing. I’m sorry, it doesn’t exist.”

November 10 Conservative Daily Podcast

<https://www.youtube.com/watch?v=zJKuk5-xLFE>

CLIP 185 28:39

JO: “The fact that we haven’t actually turned that over. The fact that the Department of Justice (DOJ) isn’t involved in this, they haven’t raided Eric Coomer’s house and they haven’t raided Dominion Voting Systems’ business, and the fact that the FBI is sitting on their hands, this all shows of a coup against the American people. The American voice is not being heard, period. You can say whatever you want, but your vote didn’t matter.”

CLIP 186 42:42

JO: “So there is good news that everyone should know about, and that is, um, I have been in touch with someone who has put us in touch with the Trump attorneys. We will be having a conversation with them. What I said, what I heard on that call in late October is not hearsay because I heard it. I heard it.”

November 11 Conservative Daily Podcast

<https://www.youtube.com/watch?v=63QYoCoqowA>

CLIP 187 31:20

JO: “And by the way the guy that knows nuclear physics, and that actually is coding, is probably one of the most dangerous people in the world. That’s why I know, if you look at everything, that Eric is involved. I’m not guessing that he’s involved, I know he’s involved in this. And that’s why as he starts talking about things, as we start hearing about Eric Coomer in the media, he’s hiding right now. He’s hiding. Right now, he is hiding out there. He knows what I’m saying, and he knows what other people are saying about Dominion. He is literally scared for his life, because what we’re talking about people, is sedition. We are talking about sedition. We are talking about people going to prison for the rest of their lives, and, or being sentenced to death. When you interfere with the country’s election, when you put your finger on the scale of the voting of the people, the American voice, you are subject to being put to death. I want you to know how big this is.”

November 14 Audio Interview w/Randy Corporon

<https://caincloud.egnyte.com/dl/Qalgqo3Vyn/?>

CLIP 188 10:15

RC: “Joe, what you have done and exposed may save the republic, or at least save the possibility of having an honest outcome to this election. People’s heads roll up and they say, okay, maybe there were a few machines that made a mistake or whatever. You have exposed the Antifa basis to the man who has the knowledge and the influence on this company that has these machines and this software in battleground states around the country. He actually made a statement that he had solved this problem for Antifa and the left of getting rid of Donald Trump, and that adds seriousness to what we’re already concerned about.”

November 16 Conservative Daily Podcast

<https://www.youtube.com/watch?v=HWMzhGQtEXM>

CLIP 189 3:48

JO: “I don’t know how the Department of Justice [DOJ], nor, I don’t know how they can ignore the information that we’ve uncovered about Eric Coomer. And I don’t know how tech companies are white washing this and trying to take away the ability of the American people to hear the truth about an Antifa member, actually leader, that is also running our elections. It’s pretty scary stuff.” MM: “Yeah. It really is.”

CLIP 190 10:20

JO: “If all of that is not proof, then how about the proof that the man that has his fingerprints on everything, say his name. Eric Coomer. Hashtag Eric Coomer. Everything that you put out there. Facebook, Google, put it out there on Twitter. I can’t now, and I’m not going back to Twitter, by the way.” MM: “Hashtag Eric Coomer, hashtag Joe Crush.”

November 30 Conservative Daily Podcast

<https://caincloud.egnyte.com/dl/ovosoSNTnc/>

CLIP 191 29:55

JO: “I’m out here screaming from the top of the highest building that we have an antifa member, right, that is running an election system. And he’s not only running it, he’s a major shareholder. Not only is he a major shareholder, but he owns the patents. Not only does he own the patents, but he has separate shell corporations that are off shore, foreign corporations that he happens to own. See, these people think that we’re stupid. And by the way, why does the FBI, why is the DOJ not involved? If I can find shell companies, of which he is an owner, or part of, if I can find this information, why can’t they? And if I can tell you who Eric Coomer’s hanging out with, that are bad people, why can’t they? Why can’t they show you the connection between George Soros and Eric Coomer? I can. It took me all of fifteen minutes. Ok that’s not true. It took me a couple hours.”

December 3 Conservative Daily Podcast

<https://caincloud.egnyte.com/dl/wOLgh2RTiY/?>

CLIP 192 47:24

JO: “Eric Coomer, the Eric Coomer that’s actually a musician sent me a thing saying ‘I’m getting people screaming at me,’ and I’m like ‘Ok, so you got one person screaming at you?’ and he’s like, ‘Well, yeah.’ And I’m like, ‘Ok, so what do you want me to do?’ And he goes, ‘Well stop talking about Eric Coomer.’ I’m not going to do that. I’m gonna say Eric Coomer Eric Coomer Eric Coomer Eric Coomer. I want everybody to put on their social media account, ‘Where is Eric Coomer?’

CLIP 193 48:21

JO: “I know that he drives a truck. I know his truck’s parked at his house.”
MM: “No, no. Be careful.” JO: “I didn’t say anything.” MM: “Be very careful.” JO: “I just want him to know while he’s listening to this show, because I know he’s listening to this show, I want him to know that we know where he is. And we know that everyone around him thinks that he’s a nutball. That’s truth.” MM: “I’m not doing this to be argumentative, I’m doing this truly because I have your best interests at heart. There are lines that you don’t want to cross.” JO: “I didn’t cross any lines.” MM: “You don’t want to give them an argument that you’re going after the guy personally. That’s all I’m saying.” JO: “He personally put his fingers on the scales of this election. He has dummy accounts and dummy organizations all over the country, all over the world, right? He has done the same thing that Biden did. Creating shell corporation where he hides money that’s actually transferred from one company to the next. There’s forensic auditors that are coming out right now that are actually following the money of Eric Coomer. There are people in the government that are doing that investigation right now, right under the nose of the DOJ because the DOJ won’t do their job. That’s why.”

December 14 Conservative Daily Podcast

<https://caincloud.egnyte.com/dl/xsvmmmy6Z7l/?>

CLIP 194 42:56

JO: “And I’ve got to tell you, the fact that we’re not having a conversation about Eric Coomer every single day, he should be a household name. He should never be allowed to leave his house, at all, without everybody

knowing who he is, where he is. I have people in Salida that literally are following him around and saying alright, Joe. Here's where he's at next. Here's where he's at next. I found him. He's staying in this basement, up here. Oh, he's at his house now. You know why? Because people in his own town think the guy is an absolute, terrible human being. Alright, listen, the stories that I was told about he terrorized someone who has been a lifetime member of the community in Salida, that's third generation, and how he terrorized that person, is unbelievable. And I was like, will you go on the record? And he was like, yes. And I was like, great, let's go on the record. So I may have him on here so you can see what kind of a terrible human being Eric is. He's terrible. Eric Coomer is terrible. I think Eric Coomer is a terrible human being. Terrible."

January 5 Rally at Freedom Plaza, Washington D.C.

<https://twitter.com/RSBNetwork/status/1346558504576794624?s=20>

CLIP 195 4:15:40

John Baker: "My only job here is to introduce the man who broke the case with evidence you've not yet heard. And why haven't we heard it? Because the law has protected the machines. Believe it or not, state officials entered into contracts that prevented them from looking at the software in the machines. That is where the steal took place. Only because of Antrim County and Georgia did we get the information. The man who put it all together is not a lawyer. He's a businessman, a data expert, and most importantly, the guy who found and fingered Eric Coomer. I give you Joe Oltmann."

JO: "Hey! FEC United! You're right, 100%. So my name is Joe Oltmann, and I'm like you. I'm a patriot. So, what I'm going to show you is going to require all of your attention. Sorry, I wrote this down. It's been largely kept out of the public eye, but it's going to require you to understand that all of these so called allegations is actually proof that the mainstream media and the tech companies have together weaponized themselves against America.

September 8 Deposition of Joe Oltmann

CLIP 196 Video 1, 13:13; 15:18-16:1

Q: Was this a Zoom? Was this a Zoom call?

A: Yes.

Q: So you could see the name of the participants that had logged into the call, at least with respect to Bev, right?

A: Yes.

Q: Okay. Did you see Eric Coomer on the Zoom call reflected?

A: No.

CLIP 197 Video 1, 1:11:03; 56:13-22

A: I think that they do that on purpose where they hide their identities on these calls. If you'll look at subsequent disclosures of antifa communication across the country, this is – what I'm telling you right now about their communication on this particular call, and how they spread out communication across different devices and different platforms, is that they often use either names – code names or don't use any names at all in order to – in order to have those conversations as anonymous as possible.

CLIP 198 Video 1, 1:12:50; 57:24-58:4

Q: I want to know, other than yourself, and as you claim Dr. Coomer, is there anyone that you can say was on the call with certainty?

A: I mean, I know for certainty that other people were on the call, yes. But I don't know for certainty the direct identity of those people.

CLIP 199 Video 1, 1:51:50; 85:19-86:22

Q. All right. So who did -- who did you get the screenshots of the Facebook pages from?

A. I got those screenshots from someone who had access to that legally.

Q. Yeah. And you've said that.

A. Can we take a quick break? I need to use the restroom. I just drank a bunch of water.

Q. Well, let me -- let me ask you a follow-up, then we can take the break, it relates to the question that I just asked you.

A. All right. I'll answer it.

Q. The -- the question was whose -- who gave you -- this is along the lines of the other question about the conduit, RD -- who is the person who gave you access to the Facebook pages by giving you screenshots?

A. Someone that had legally -- legal access to those screenshots.

Q. I'm asking you for the name.

A. I won't give you the name. I will not answer that question.

Q. You've been ordered by the Court to answer that question.

A. I understand. I also understand the consequences that come from not answering that question.

Q. What's the basis for refusing to answer the question?

A. Eric Coomer's lack of control, and his ability to and desire to hurt those that speak out against him.

Q. How has --

A. There's -- let me -- let me actually finish that. There's also another problem in that that person is not protected under any protection order. And at the point that he would be protected under a protection order, I would seek that that protection order also prohibit Eric Coomer from having access to that information as well.

Q. In the hearing, we stipulated that the protective order would be covered by the Facebook conduit as well. So they are protected, and that's our position and stipulation. So --

A. It is my position that that has not been stipulated. It is also my position that having Eric Coomer have access to this individual would be a danger to this person, given Eric Coomer's history with antifa.

Q. Sir, you're -- I just want to make sure that you understand what you're doing. The Court has ordered you to provide that information to us. And -- and you are aware that there's an order in place to that effect, right?

A. I also understand that on --

Q. But just answer that question first. Can you answer that?

A. I'm answering that question for you right now. On December 8th, Mr. Coomer said specifically that those posts were fabricated. He furthermore said that he had no -- never had any sort of desire to push out anything that would be politically motivated or biased. That was, I think, paragraph 3. So as far as Mr. Coomer is concerned, I fabricated those. Now, you want me to come forward with the person that gave me access to that information. Even given the history of Mr. Coomer even as -- as recently as a couple months ago where he got in a bar fight. So, I mean, you want me to give you information related to this individual to a person who has a history of flying off the -- off the handle, and I don't think that that is appropriate. So given that, I understand the consequences. I understand we'll go back in front of the Court. I will not divulge that information unless I feel that that person is safeguarded against Mr. Coomer specifically.

MS. HALL: Charlie, and I'm going to at this point say we need to take a break and go off the record.

MR. CAIN: I'm not agreeing to it. I mean, you can do what you want, but I want to get to the bottom of this.

MS. HALL: And I understand -- there's no question posed, and he asked for a break about four questions ago. So I'm asking for a break.

A. Just a quick break just to use the restroom, and I'll be right back.

Q. (By Mr. Cain) You're going to do it no matter what. I'm just saying I'm in the middle of a topic, and so I'm not -- it's not an agreed-upon break.

MS. HALL: Okay. Break. We'll come back in a few minutes. Thank you.

THE DEPONENT: I'm just going to use the restroom. I'll be right back.

THE VIDEOGRAPHER: Going off the record. The time is 12:26 p.m.

CLIP 200 Video 2, 59:23; 135:1-19

Q: Do you or do you not know how Dr. Coomer flipped the Election?

A: I believe I know how the election was influenced and/or stolen, yes.

Q: And I – you used a passive. I asked – I said Dr. Coomer. You know how Dr. Coomer, at least according to your – your analysis, how he was involved in flipping the election, true?

A: I know that Coomer was a director of strategy and security for Dominion Voting Systems, and in that capacity and owning the adjudication process in – in that system, I know where the election was – was affected, yes. I know where it was compromised. And Eric Coomer is responsible for those things, and therefore, I think that I know – actually I know that I know – how Dominion was able to affect or leave open vulnerabilities to allow for the election to be stolen.

CLIP 201 Video 2, 1:07:09; 140:18-22

Q: All right. By the way, while I'm thinking about it, you – do you hold yourself out as an election security expert?

MS. HALL: Objection. Relevance.

A: No, I'm a data guy.

September 9 Deposition of FEC United

CLIP 202 17:03; 18:5-20

Q: Well, does FEC United advertise on Conservative Daily?

A: It has, yes.

Q: Okay. Does it now?

A: From time to time I will talk about FEC United, but we do not have any formal agreement at this time.

Q: Did FEC United have a formal agreement?

A: Yes, it did.

Q: From when to when?

A: I believe it was from August to November or December.

Q: Okay.

A: Six months or four months.

Q: Was that a written contract?

A: Yes.

CLIP 203 34:07; 29:11-17

Q: And you also wanted to grow the membership in November of 2020, right?

A: I wanted to grow the membership since the inception of the organization, and I continue to this day to want to grow the membership of this organization. We've had immense growth across multiple states as a result of this over the last 12 months or so.

CLIP 204 36:18; 30:20-31:20

Q. Now, Ms. Malkin gave publicity to FEC United, right?

A. Yes.

Q. And was that one of the goals that FEC United had on you appearing on Ms. Malkin's show?

A. No. They asked me what I do for a living, so I answered that I work with FEC United.

Q. Let me fast-forward a little bit here.

(Video playing.)

Q. Now, Ms. Malkin devoted a significant portion of the end of her show to FEC United. Do you recall that?

A. I don't, but I – I appreciate it, for sure.

Q. And this is good publicity if FEC United is trying to increase its membership, right?

A. Yes.

Q. And you appeared on a number of other shows that garnered publicity for FEC United; is that right?

A. Yes.

Q. For example, you own [sic] the Eric Metaxas show, and Mr. Metaxas devoted some time to discussing FEC United with you, right?

MR. KIMREY: I object to this entire line of scoping. It's beyond the scope of limited anti-SLAPP discovery. It's completely irrelevant. Form.

CLIP 206 40:23; 33:15-34:10

Q. (By Mr. Skarnulis) FEC United was discussed with Eric Metaxas on his nationwide syndicated show, right?

A. Yes. I – probably, yes.

Q. Okay. FEC United has been discussed on other shows such as Steve Bannon's podcast, right?

A. I don't know that. I don't recall.

Q. FEC United has garnered publicity at events like Mike Lindell's cyber symposium, right?

THE REPORTER: I'm sorry. I didn't hear the objection.

MR. KIMREY: Objection. Beyond the scope. Blaine Kimrey, OANN, Chanel Rion.

Q. (By Mr. Skarnulis) Prior to the allegations that Joe Oltmann made about Dr. Coomer, FEC United was not getting publicity, such as Ms. Malkin's show and Mr. Metaxas's show, right?

A. That is not true.

Q. Okay. What other publicity had FEC United been receiving?

A. Lots of publicity.

CLIP 207 44:11; 35:23-37:7

Q. (By Mr. Skarnulis) Prior to the allegations that you made about Dr. Coomer, had FEC United ever appeared on an OANN segment?

MR. KIMREY: Objection. Beyond the scope.

A. Do I answer it?

Q. (By Mr. Skarnulis) Yes, you can answer.

A. No.

Q. Prior to the allegations you made about Dr. Coomer, had FEC United ever been featured on Eric Metaxas's show?

A. FEC United was never featured on any of these shows.

Q. Okay. Had FEC United, to your knowledge, ever been mentioned on Mr. Metaxas's show?

A. I don't recall. I haven't seen it in months.

Q. Prior to your allegations against Dr. Coomer, had FEC United ever been mentioned on Newsmax, to your knowledge?

A. I don't – I don't – I don't know. We've been mentioned all over the country prior to November election.

CLIP 208 47:14; 38:23-39:13

Q. (By Mr. Skarnulis) Mr. Oltmann, has anyone associated with FEC United performed any independent investigation about the allegations you've made regarding Dr. Coomer?

A. No.

Q. Why not?

A. I don't even know how to answer that question.

Q. Has anyone at FEC United attempted to identify RD who got you on the antifa Zoom?

A. No.

Q. Has anyone with FEC United attempted to find evidence that Dr. Coomer was involved in any organizations you would contend are affiliated with antifa?

A. No. It's not their job.

September 9 Deposition of CD Solutions

CLIP 209 31:50; 25:21-26:12

Q. As part of the allegations that were made on Dr. Coomer, on November 9, 2020, and beyond, had CD Solutions investigated the claims against Dr. Coomer?

A. I'm not sure I understand the question.

Q. Okay. We know -- we know your testimony individually. But did anyone on the team at CD Solutions conduct additional investigation into the allegations against Dr. Coomer?

A. Well, I am the one that runs CD Solutions. It's -- I'm the CEO of the organization and, you know, it's not a huge organization at all. So I'm the one that did all of the examination, you know, looking into Eric Coomer specifically.

Q. Okay.

A. I'm the one that authorized all the podcasts. I'm the one that authorized getting out there on Monday. I made that authorization.

CLIP 210 36:09; 28:15-31:22

Q. Has anyone involved with CD Solutions considered or evaluated the -- the reports prepared by CISA and others finding that the election was free and fair?

A. As in the capacity of Conservative Daily -- or say that again. You're going to have to repeat that question.

Q. Yes. Has Conservative Daily considered the fact that -- well, let me just go down the list -- that Chris Krebs with CISA came out and said that the election had no signs of computer fraud?

A. Chris Krebs also invited Eric Coomer to speak at a conference directly a couple years ago. Chris Krebs is a lawyer who knows nothing about data, knows nothing about code, knows nothing about the election systems that he's representing were the safest in American history. And rather than looking into those allegations, Chris Krebs came out less than a week later after the election and said there's nothing to see here without -- without doing any sort of investigation on the credibility of all the witnesses. And I think there was probably, what, 10 or 20,000 across the country that filed affidavits under penalty of perjury? Eric Coomer didn't even sign the original complaint. It's not even a verified complaint. So Chris Krebs, telling me that there's nothing to see here, holds no weight, zero weight on what happened on the election. As we're seeing come out of Mesa County, where they went in and changed the bios; as we're seeing in Antrim County where log file were deleted; as we're seeing in Maricopa County where they've been able to do a canvass and match up to the information

in the report, which shows there are massive vulnerabilities inside of Dominion Voting Systems and massive issues as it relates to those systems being hooked even to the internet. So, no, Chris Krebs has no credibility. He has no credibility, as does many of the people that are tied to an organization or a company where we don't even know who owns it. That should have answered your question.

MR. SKARNULIS: Objection. Nonresponsive.

Q. (By Mr. Skarnulis) I take it that CD Solutions has -- does not consider CISA -- C-I-S-A -- to be authoritative when it comes to evaluating the elections?

A. Well, you do know that CISA did not actually issue any sort of statement. It was a group, a board, that is made up and contains both Smartmatic, Dominion Voting System, and ES&S, and that that board is the one -- oh, then you obviously don't -- I mean, based on your facial expressions, you didn't do your research. But that board is the one that came back and said this was the safest election in U.S. history. True story. I can find it for you if you want me to it and I can put it up on the screen.

Q. You're aware that that was a joint statement, right?

A. It was a statement created and crafted by that board independent of CISA.

Q. Does CD Solutions not consider attorney gen- -- then-Attorney General Bill Barr's Department of Justice evaluation of the election to be authoritative?

A. Please tell me when that -- that statement was issued by the Department of Justice? And also -- I don't know if you're aware of this, but Bill Barr himself actually precluded other attorneys underneath the Department of Justice from looking into the voter fraud. As a matter of fact, stood in the way of that, and that is out there in the internet as well. You can actually Google it. I think it even still shows up on Google.

Q. Okay. It was December 1st that Attorney General Barr made the statement that there was no evidence of election -- of widespread election fraud. Do you consider that statement to be not authoritative?

A. I consider that statement to be not credible based on the mounting evidence around the entire country of the election fraud that was perpetrated on the American people and the voice of the American people being stolen by companies like Dominion Voting Systems and others.

CLIP 211 49:11; 36:11-24

Q. (By Mr. Skarnulis) Did CD Solutions perform any investigation to determine whether Dr. Coomer actually owned shares in Dominion Voting Systems?

A. Did -- Conservative Daily as a company did not.

Q. Did you?

A. I did.

Q. And you determined that Dr. Coomer was a large shareholder of Dominion Voting Systems?

A. I was told by someone that was credible that sent me a thing – I think provided that in the information that I sent to you. I believe it was researcher, that he is a shareholder in Dominion Voting Systems.

CLIP 212 51:49; 37:25-38:4

Q. Okay. Does CD Solutions possess any evidence indicating that Eric Coomer has very large amounts of shares in Dominion Voting Systems?

A. CD Solutions does not have that information.

CLIP 213 1:02:48; 44:15-45:15

Q. (By Mr. Skarnulis) All right. CD Solutions published claims that Dr. Coomer owns foreign companies. What was the basis for that?

A. The information that they got from an investigation of people that sent information about Eric Coomer.

Q. Who did they get the information from?

A. From a gentleman that goes by the researcher.

Q. No name?

A. He was pretty anonymous when he started sending over information. But he was able to provide information related to Mongolia, related to massive amounts of travel by Eric Coomer to multiple places. He was – he was pretty – pretty thorough.

Q. Okay. Does the researcher have a name?

A. He did not sign the email, and I did provide that inside of the discovery.

Q. CD Solutions has published claims that Dr. Coomer has shell companies. What is the basis for that?

A. The same information that came from the researcher, who also provided the information based on a dossier of Eric Coomer and his illicit activities going back decades.

CLIP 214 1:05:33; 46:13-47:1

Q. If we go back to the researcher, is it your testimony as a representative of CD Solutions that it published allegations about Dr. Coomer based off the anonymous claims of a nameless person who sent an unsolicited email?

A. That's not what happened.

Q. What happened?

A. Well, what you said did not happen. That was not what happened.

Q. So what happened?

A. Well, CD Solutions is not the one that did the research. I did. That information came to me from a researcher outside – I do believe outside of Conservative Daily.

CLIP 215 1:21:22; 55:13-56:7

Q. As a representative of CD Solutions, did you not testify prior that you relied on what you considered a credible source from the researcher for information about shell companies owned by Eric Coomer?

A. You'll have to repeat that question. I'll try to break it down.

Q. Allegations were made – we watched some video just a little while ago –

A. Yes.

Q. – that Eric Coomer owned shell corporations, right? What investigation did CD – or what was the basis for CD Solutions allowing for that statement to be published?

A. Information we got from credible sources.

Q. Including the researcher, right?

A. I'm the one that did the research. Conservative Daily, CD Solutions, was the platform by which we got that information – or pushed that information out to the public.

POWELL/POWELL P.C.

November 2 Audio Interview w/Steve Bannon

<https://caincloud.egnyte.com/dl/MTh7l9oNVZ/?>

CLIP 216 28:30

SB: “Why is this not cuckoo?” SP: “Well, General McInerney has been talking about this for at least three years. A separate source came to me, completely unconnected, out of Dallas, that had identified computer replacement of votes, and there's a story out about that from more than a year ago. And then now it's all coming up again. We've got more verification. The point is, and the reason this is all happening is because there are trillions of dollars at stake. The globalists, the communists, the Marxists, the Chinese communist party, they want to control the world, and the power, the dollars that go with it. And they have to destroy the independence of we the people, and the freedom and leadership of the United States to do that.”

CLIP 217 48:59

SB: “You going to be able to stop Hammer and Scorecard?” SP: “Oh we intend to stop Hammer and Scorecard.” SB: “If Sidney Powell says it, you can take that to the bank. Future FBI Director Sidney Powell. I can’t wait for that confirmation hearing.”

November 7 Interview w/Lou Dobbs

<https://caincloud.egnyte.com/v/dl/BBS5zh1WM6/?>

CLIP 218 0:37

SP: “I think there are any number of things they [the DOJ] need to investigate, including the likelihood that 3% of the vote total was changed in the pre-election voting ballots that were collected digitally by using the Hammer program and a software program called Scorecard. That would have amounted to a massive change in the vote that would have gone across the country and explains a lot of what we’re seeing. In addition, they ran an algorithm to calculate votes they might need to come up with for Mr. Biden in specific areas. I think that explains what happened in Michigan, where a computer glitch resulted in a change of votes of about 5,500 in favor of President Trump, just in one of 47 districts. All those districts need to be checked for that same “software glitch.” That would change the results in Michigan dramatically.”

CLIP 219 3:30

LD: “Well, Sidney, let’s go back to Hammer and Scorecard. Are those the names that you just used for those programs? What’s being done about it and how broadly were they used by vote counters in various states?” SP: “I think they were very broadly used, but not by the vote counters. They were used by the forces in the Democratic operatives that had access to these programs through the government access points that they have, and used it illegally to change votes in this country. It’s got to be investigated probably by the president’s most trusted military intelligence officials who can get into the system and see what was done. But we do have some evidence that that is exactly what happened. And they’ve used it against other entities in other countries. It’s just been turned recently against our own citizens to change election results. It’s absolutely appalling that that can be done. And whether it’s called computer glitches or something else, somebody has actually gone into the system and changed voting results.”

November 19 Press Conference

<https://caincloud.egnyte.com/dl/lfitWYDWpK/?>

CLIP 220 45:00

SP: “Speaking of Smartmatic’s leadership, one of the Smartmatic patent holders, Eric Coomer I believe his name is, is on the web as being recorded in a conversation with Antifa members, saying that he had the election rigged for Mr. Biden, nothing to worry about here, and he was going to, they were going to f— Trump. His social media is filled with hatred for the President, and for the United States of America as a whole, as are the social media accounts of many other Smartmatic people.”

November 20 Interview w/Howie Carr

<https://caincloud.egnyte.com/dl/vhmMxlpZFG/?>

CLIP 221 11:52

HC: “Let me ask you about this guy Eric Coomer. He works for Dominion, he’s a Berkeley, California, University of California grad. He’s the one who was allegedly, there’s a, he was on a conference call or something, a zoom with Antifa. And he said, supposedly, don’t worry about Trump, I’ve already made sure he’s going to lose the election. Is that true, for starters?” SP: “Yes.” HC: “It’s true. You have that?” SP: “It’s true. We have an affidavit to that effect and I think we have a copy of the call.” HC: “Where is Eric Coomer now?” SP: “He has disappeared. And also Dominion has shuttered up both of their offices in Canada where they shared an office floor with a George Soros entity, and they have moved their office in Denver. And of course I’m sure there was a lot of document shredding and things quote lost end quote in that process. The FBI should have moved on all of this immediately. All of the voting machines should have already been impounded. The software should have been secured and examined. I am so livid with law enforcement in this country that I can’t see straight.”

CLIP 222 13:12

HC: “So what happens when you mention Coomer and he or his lawyers says, ‘Well he was just bragging. You have no proof that he actually fixed the election. He just, that’s just bar room talk.’ What are you going to say?”

What's the comeback?" SP: "Well it's called a confession in a court room. It's called a confession."

November 20 Interview w/Maria Bartiromo

<https://caincloud.egnyte.com/dl/VPH1p1g53y/>

CLIP 223 4:10

SP: "We've got Eric Coomer, as you said, admitting on tape that he rigged the election for Biden and hated Trump. We've got their social media posts. We've got all kinds of evidence that is mathematically irrefutable."

July 20 Deposition

CLIP 224 Video 1, 8:50; 12:2-9

Q. So as you sit here today, you have no evidence that Dr. Coomer, in any way, changed the outcome of the 2020 presidential election; right?

MR. ARRINGTON: Object to form. And foundation.

A. As I sit here today, I have no knowledge of the entire role of Dr. Coomer. We have knowledge of certain -- certain aspects of his involvement, but I can't say he flipped a switch himself.

CLIP 225 Video 1, 13:22; 14:21-15:2

Q. (By Mr. Skarnulis) Have you asked Joe Oltmann about the methods that Dr. Coomer allegedly used to influence the outcome of the election?

A. No.

Q. Why not?

A. At least not that I recall.

Q. Okay.

CLIP 226 Video 1, 29:47; 26:7-27:4

Q. (By Mr. Skarnulis) Did you assess the credibility of Joe Oltmann prior to asking for an affidavit?

MR. ARRINGTON: Object to form. Foundation.

A. I watched the video with Michelle Malkin.

Q. (By Mr. Skarnulis) Other than that, did you do any research into who Mr. Oltmann was?

A. I don't recall.

Q. Had you heard of him before seeing the Michelle Malkin YouTube video?

A. Not that I recall.
Q. Did you know anything about what he did for a living at that point?
A. Not that I recall.
Q. Did you have anyone look into Mr. Oltmann and his background?
A. Not --
MR. ARRINGTON: Object to form. Go ahead.
A. Not that I recall as I sit here now.
Q. (By Mr. Skarnulis) Did you ask him for evidence other than an affidavit?
A. Not that I recall.

CLIP 227 Video 1, 39:24; 32:3-32:20

Q. Do you know what Mr. Oltmann's tech company does?
A. I have no recollection.
Q. What is FEC United?
A. I have no recollection.
Q. Did you ask Mr. Oltmann about FEC United and what it is?
A. I don't remember anything specific about my phone call with Mr. Oltmann.
Q. Okay. "through this organization FEC" -- this is in the fourth paragraph -- "I became a target of journalists who began to slander both me and my organization." Do you see that?
A. I do.
Q. Did you -- did you look up anything about FEC United or -- or Joe Oltmann's tech company?
A. I have no recollection.

CLIP 228 Video 1, 42:12; 34:5-35:20

Q. Okay. At the bottom of Exhibit 2, the affidavit, in the last paragraph, Mr. Oltmann writes, "Then I honed in among other conversations key actors in the organization who worked for local and state news publications. One such person of interest was Heidi Beedle, identified leader of Our Revolution in El Paso County and Antifa leader of the same area." Do you see that?
A. I do.
Q. Have you ever asked Ms. Beedle whether the allegations made by Mr. Oltmann in his affidavit are correct?
A. I have not spoken with Ms. Beedle, to my knowledge.
Q. Do you know whether she is identified as a leader of Our Revolution in El Paso County?
A. I do not know anything about Ms. Beedle.

Q. Do you know -- okay. So you don't know whether she's associated or is somehow a leader with Antifa; right?

A. I don't know what Ms. Beedle would claim about anything. I have not spoken with Ms. Beedle.

Q. Wouldn't it be important to verify Mr. Oltmann's affidavit by talking to persons mentioned by him, like Ms. Beedle?

MR. ARRINGTON: Object to form. Foundation. Go ahead.

A. A trial or an evidentiary hearing is the crucible in which different assertions are tested. Drafting an affidavit or using an affidavit stands for what it says in the affidavit. It's not a trial.

Q. (By Mr. Skarnulis) Okay. So that is why you did not attempt to contact Ms. Beedle to ask her whether this was true?

A. There were countless reasons why I wouldn't have contacted Ms. Beedle. I wasn't the person contacting witnesses.

Q. Okay. Who was?

A. There were any number of people out and around trying to collect evidence.

Q. Okay.

CLIP 229 Video 1, 1:01:22; 46:20-23

Q. Have you -- have you seen Joe Oltmann's notes?

A. No, I haven't.

Q. Did you ask him to see his notes?

A. Not that I recall.

CLIP 230 Video 2, 0:19; 49:6-19

Q. Okay. This is Mr. Oltmann's affidavit. And I want to start here just above Bates Number 209: "I started digging into the code irregularities and tying all of the pieces together with the irregularities and the Dominion uses in the disputed states." Do you know what "code irregularities" Mr. Oltmann refers to here?

A. I have no idea.

Q. Do you know whether Mr. Oltmann is an expert in analyzing computer code?

A. I do not know.

Q. Do you know what irregularities Mr. Oltmann says he tied all the pieces together with are?

A. I don't recall any of those specifics.

CLIP 231 Video 2, 2:19; 50:16-23

Q. You understand what hearsay is; right?

A. Yes.

Q. How is this not hearsay, Exhibit 2?

MR. ARRINGTON: Object -- object to form. Foundation. Relevance. Go ahead.

A. I didn't evaluate Mr. Oltmann's affidavit for hearsay.

CLIP 232 Video 2, 12:53; 58:4-19

Q. Did you or anyone on your team reach out to Dr. Coomer to ask him whether the statements made by Joe Oltmann were true?

A. I did not. I don't know whether anyone else did or not.

Q. Why not?

A. I don't know, other than the press of time and the information reflected in his social media post would not indicate that he would be cooperative in any way, shape, or form.

Q. Well, he never got the opportunity to, did he?

MR. ARRINGTON: Object to form.

A. He could have contacted us like any other concerned citizen did that wanted to get to the truth of the matter. He certainly could have contacted us and given us an affidavit. That's what other people did.

CLIP 233 Video 2, 25:31; 65:18-21

Q. (By Mr. Skarnulis) If you believed a recording existed, why didn't you ask to hear it?

A. Apparently, I thought I had heard it. But, again, it's my misunderstanding.

CLIP 234 Video 2, 32:30; 70:13-71:5

Q. Since that time, you've gotten more information; right?

A. Yes.

Q. Why haven't you publicly corrected some of your misstatements about Dr. Coomer at this point?

MR. ARRINGTON: Object to form.

A. Well, until you showed me the reference to Smartmatic, I didn't even remember that. And with respect to the recording, I believe we corrected it in our amended Michigan complaint in which we included a lot more information about Dr. Coomer that had come to light.

Q. (By Mr. Skarnulis) But you had the ear of a number of conservative media outlets. Why did you not ask to provide a statement correcting that - the misstatement that you had a recording?

MR. ARRINGTON: Object to form.

A. That didn't seem to be the material part of the inquiry.

CLIP 235 Video 2, 50:25; 81:3-82:15

Q. You'll note on the screen, the chyron here, your introductory profile here says "Attorney for President Trump." Do you see that?

A. I do see that.

Q. Did you do anything to correct that?

A. I don't know whether I corrected that one or not. I don't know whether I saw it. I mean, we were so busy during that time period, I wasn't seeing my own clips or anything. We corrected a number of them when we saw them.

Q. You corrected a number of references to you as attorney for President Trump or the Trump campaign?

A. Yes.

Q. Where did you do that?

A. I couldn't tell you now.

Q. Okay. I'm going to play a little bit more of this video. I have a couple -- (The video was played.)

Q. (By Mr. Skarnulis) Okay. Again, that's incorrect. There wasn't a tape; right?

A. Correct.

Q. And you didn't say "supposedly" or "allegedly" in that statement, did you?

A. No.

Q. You said you had it on tape; right?

A. I think I said someone had it on tape.

Q. We can go back a little bit.

A. Well, I meant "we" in the -- in the royal sense, not me personally.

Q. Fair enough. Again, putting this out on national TV, that would be a huge piece of evidence to have the Dominion Voting Systems key employee on a tape recording saying what he's alleged to have said; right?

A. Right, which is why Mr. Oltmann immediately corrected it to all the news media that he was speaking with that there was no tape, and we corrected it as soon as we possibly could in our Michigan filing.

CLIP 236 Video 2, 53:32; 82:24-83:10

Q. You did not have mathematically irrefutable evidence showing that Dr. Coomer changed even one vote, did you?

MR. ARRINGTON: Object to form.

A. I don't know what Dr. Coomer did personally.

Q. (By Mr. Skarnulis) Well, you know now that you don't have any mathematical evidence regarding specific conduct of Eric Coomer; right?

A. Actually, I -- I don't know.

Q. Okay. You don't -- you aren't aware of any, are you?

A. Not as I sit here right now.

CLIP 237 Video 2, 1:00:37; 86:21-87:13

Q. Were you aware that Joe Oltmann ran his conservative podcast as a for-profit business?

MR. ARRINGTON: Object to form. Relevance. What -- what -- what relevance does that have to the -- to the limitation on the deposition, Mr. Skarnulis?

MR. SKARNULIS: The reliability of Joe Oltmann as a source. He had a financial interest in spreading this story.

MR. ARRINGTON: Go ahead and answer his question if you can, Ms. Powell.

A. I don't recall knowing that Mr. Oltmann had a podcast of any kind.

Q. (By Mr. Skarnulis) You were not aware that Joe Oltmann, prior to the election, had been making statements suggesting that the election's outcome might be fraudulent?

A. I do not recall knowing about Mr. Oltmann's statements, preelection, at all.

CLIP 238 Video 3, 9:20; 94:18-95:3

Q. Prior to making statements about Dr. Coomer in public, were you aware of any federal governmental agency, department, any governmental entity that had determined the results of the 2020 presidential election were fraudulent?

A. No. I can't think of any as I sit here now.

Q. Prior to making statements about Dr. Coomer, did you have any information that a state had determined that the results of the 2020 presidential election were fraudulent?

A. Not that I can think of right now.

CLIP 239 Video 3, 10:14; 95:9-96:3

Q. (By Mr. Skarnulis) Were you aware that Chris Krebs and this Cybersecurity and Infrastructure Security Agency had reported on November 12, 2020, that there was no evidence the 2020 presidential election was fraudulent?

MR. ARRINGTON: Object to form.

A. I knew statements about that had come out at some time. I have no recollection of the timeline as to when that statement was made.

Q. (By Mr. Skarnulis) Were you aware that Attorney General William Barr on December 1st said there was no evidence that the 2020 presidential election was fraudulent?

MR. ARRINGTON: Object to form.

A. Again, I remember hearing that Attorney General Barr had said that, but I do not recall the time frame, nor would I expect any government agency to admit the gross malfeasance if itself would have been responsible for failing to have done its job to secure this election.

CLIP 240 Video 3, 12:44; 97:2-5

Q. (By Mr. Skarnulis) Do you disagree with the assertions of Brad Raffensperger and Gabe Sterling that Georgia's elections were fair?

A. I vehemently disagree with those assertions.

CLIP 241 Video 3, 20:56; 101:16-102:6

Q. Okay. DefendingTheRepublic.org -- you're familiar with that; right?

A. Yes. It's a (c)(4).

Q. Okay. And donations have been solicited for that entity; right?

A. Donations have certainly been made to it.

Q. Okay. And does Sidney Powell, P.C., expect to receive compensation through the donations made to Defending the Republic?

MR. ARRINGTON: Object to form.

A. I -- I certainly hope we will.

Q. (By Mr. Skarnulis) Do you have -- does Sidney Powell, P.C., have an arrangement with Defending the Republic for the payment of fees?

MR. ARRINGTON: Object to form.

A. No, we don't have an agreement yet.

CLIP 242 Video 3, 26:17; 104:25-105:24

Q. Well, do you recall on -- ever making a statement that you had verification that a supercomputer called Hammer was capable of running a program called Scorecard that was created to switch 3 percent of the votes?

MR. ARRINGTON: Object to form.

A. I do have a recollection of having information about Hammer and Scorecard, yes.

Q. (By Mr. Skarnulis) Explain to me what Hammer and Scorecard -- what those are.

A. Well, there's a debate about whether they exist or not, but the information I was given was that they -- whatever the computer is does

exist, and it has a capability of, essentially, hacking the election system and changing votes.

Q. Do you know whether that happened in the 2020 presidential election?

A. I think that's still being investigated.

Q. Is Hammer tied into Dominion Voting Systems in any way?

MR. ARRINGTON: Object to form.

A. I don't know.

Q. (By Mr. Skarnulis) Do you know who controls this Hammer and Scorecard?

A. I do not.

CLIP 243 Video 3, 28:48; 106:18-107:10

Q. Okay. That's not my question, though. Prior to the November 3rd election, you had talked on at least one occasion about this Hammer and Scorecard; right?

MR. ARRINGTON: Object to form.

A. According to the information you just gave me, yes.

Q. (By Mr. Skarnulis) Okay. And the claim about Hammer and Scorecard is that a computer would be used to switch votes; right?

A. I'd have to go back and listen to or see the transcript of what I said then.

Q. Okay. And yet we can -- we can let that speak for itself. You'd agree that -- that the claim that you have made about Dominion Voting Systems is that the Dominion Voting Systems computers were used to change votes; right?

A. Yes.

CLIP 244 Video 3, 56:23; 124:8-16

Q. (By Mr. Skarnulis) Was there someone on your team who was responsible for attempting to corroborate Joe Oltmann's affidavit?

A. Well, I think -- I think when Sam Faddis and Chris Smith went to -- or wound up in Colorado, that they may have done some of that. I really don't recall. And I know, to some extent, I spoke to Mr. Oltmann. But, again, I don't remember any of the specifics of that.

CLIP 245 Video 3, 58:20; 125:13-21

Q. (By Mr. Skarnulis) Okay. Well, you'd agree that if an affiant has a financial motive, that goes to potentially showing that person's bias; right?

A. That would be fodder for cross-examination at any hearing or trial.

Q. Okay. Did you not consider the possibility of any bias of Mr. Oltmann?

A. Again, that would be a matter for cross-examination at any hearing or trial.

CLIP 246 Video 3, 58:51; 125:22-126:13

Q. Were you aware prior to making statements about Dr. Coomer yourself that Joe Oltmann was giving speeches in support of President Trump?

MR. ARRINGTON: Object to form. Go ahead.

A. I -- I don't know what Mr. Oltmann was doing. I know what I saw in Dr. Coomer's social media posts.

Q. (By Mr. Skarnulis) Well -- and that's kind of what I'm asking you on the flip side. If Dr. Coomer's social media posts are some evidence of his bias and his potential for rigging the election, wouldn't Joe Oltmann appearances at conservative rallies and that sort of thing in support of President Trump go to some sort of bias on him as a witness?

A. That would be for you to point out on cross-examination of Mr. Oltmann.

RION

November 21 "Dominion-izing the Vote"

<https://caincloud.egnyte.com/dl/mcgepzvmV6/>?

CLIP 247 22:00

CR: "In September 2020, FEC United founder Joe Oltmann had infiltrated Antifa to uncover journalists who were active members of the Antifa group attacking his company in Colorado. Joe you infiltrated an antifa conference call this past September and accidentally came upon a top Dominion Voting Systems executive named Eric Coomer. Describe that call and what it led you to find." JO: "It was interesting how the call started. Somebody said 'Who's Eric?' He said, 'Eric is the Dominion guy.' Somebody said, 'You know, hey go ahead, told him to continue speaking, um, and someone interrupts and says, 'Hey what are we going to do if f-ing Trump wins, and Eric responds, and I'm paraphrasing this, by the way, 'Um, don't worry about the election, Trump is not going to win, I made f-ing sure of that.' And then they started laughing and someone says, 'f-ing right.' So I just put it, a simple Google search to start, which was 'Eric Dominion Denver Colorado.' And Eric Coomer came up immediately under Dominion Voting Systems."

CLIP 248 23:21

CR: "After the election, Oltmann was sent an article highlighting Eric Coomer from Dominion. Oltmann started looking into Eric again. Eric was

the Director of Strategy and Security at Dominion, and a shareholder in the company.” JO: “When I got into his Facebook page, that’s when things started to really come together for me. You know, that Eric Coomer was this, he wasn’t just Antifa, he was responsible for putting his finger on the scales of our election.”

CLIP 249 25:57

CR: “In Coomer’s case, he was in a position of power to actually act on his rage against Trump and Trump voters. What does he mean when he says, ‘Trump won’t win, I made effing suring of that’? Nothing? According to DHS’s former cyber security director Kris Krebs, this was our most secure election in history. Nothing to see here. Incidentally, Krebs’ now infamous most secure election in history memo was co-written with the endorsement of the election commission. Dominion is on that commission. Dare we dig deeper? We’ll be right back.”

CLIP 250 28:58

CR: “In the early 2000s, the election technology market had over twenty competitors. Twenty years later, Dominion and two others dominate the voting technology market in America. This is a problem, especially if their antifa drenched engineers are hell bent on deleting half of America’s voice. If they’re saying this in the open, what are they saying behind closed doors?”

August 9 Deposition

CLIP 251 Video 1, 20:23; 22:11-25

Q. As part of your investigation leading up to producing this report, did you speak to Professor Halderman?

A. I did not. But I used -- I used some of his work. I’ve read some of his testimony before Congress, I believe, in 2018. I also -- I used a clip of Professor Halderman in my piece.

Q. Let’s make sure we are talking about the same gentleman.

A. I believe Mr. Halderman was the individual who was able to -- I think he participated in the DEF CON events, hackathons, and he was -- he was a voice that New York Times, Axios, Congress -- they all relied on his expertise when it came to the hackability of the voting machines and our votes system in the United States.

CLIP 252 Video 1, 39:08; 34:10-35:4

Q. But you certainly -- it made news, and you certainly would have heard of this document being circulated on or around November 16 of 2020; right?

A. I don't remember. But I -- I know that the sentiment was certainly discussed as far as individuals who wanted to convince the public that our elections were perfect.

Q. And that's how you're characterizing this particular document, as the attempt to characterize the election as perfect?

A. I'm only judging it based on the headline that you've -- you've provided here. I'm assuming that this is "Scientists say no credible evidence of computer fraud in the 2020 election outcome, but policymakers must work with experts to improve confidence." That was a sentiment that, I think, news organizations affiliated with the left would push as well. We were -- we were simply questioning this logic, saying that the election was questionable in 2016, but suddenly perfect in 2020. So that's -- that was our position.

CLIP 253 Video 1, 48:08; 40:7-41:5

Q. Yeah. That's a lawyer word for -- are you -- are you paying any money in support of that audit, contributing to a fund?

A. I personally am not doing that.

Q. Are you aware of anyone at OAN contributing to that?

A. There's -- with my colleague, Christina Bobb -- she is the CEO of Voices and Votes. This is an organization has been raising funds to help provide for audit needs in Arizona or Maricopa County. As far as being personally compensated, none of us have been personally recompensated. All donations have been raised through Voices and Votes have gone towards -- towards the audit in Maricopa County.

Q. Have you personally contributed to Voices and Votes in support of that audit?

A. I have not in terms of monetary; but in terms of time, I have certainly contributed time and reportage on it.

Q. When you say "time," what do you mean by that?

A. I am the marketing director for Voices and Votes, providing some -- I'm providing the email updates for individuals who are subscribed to Voices and Votes.

CLIP 254 Video 1, 54:18; 44:1-11

Q. Now, in your report, "Dominion-izing the Vote," a claim is being made that Dr. Coomer was in a position to exploit technical vulnerabilities in the system; true?

A. I believe so.

Q. And your report indicates that Dr. Coomer, in fact, boasted about rigging the election himself; true?

A. As relayed to us through Joe Oltmann.

Q. Right. You aired Mr. Oltmann's statements about that episode; correct?

A. Correct. We interviewed Joe Oltmann for the piece.

CLIP 255 Video 1, 1:02:24; 49:14-19

Q. (By Mr. Cain) The question that you need to answer is, do you -- are you aware of any evidence that Dr. Coomer actually accessed any of the voting machines in the battleground states remotely during the election? Yes or no?

A. No.

CLIP 256 Video 1, 1:39:17; 74:12-16

Q. Well, we don't need to weigh the number. The statement in question that you actually put on Twitter comes through Mr. Oltmann. It's not -- you can't confirm that it's actually Dr. Coomer --

A. It comes through Mr. Oltmann. That's correct.

CLIP 257 Video 1, 1:43:37; 77:3-16

Q. So back to my -- my prior questions, other than what you testified to previously, what other corroboration, if any, do you have that Dr. Coomer actually made these statements, or this statement?

A. We were just matching up his -- his syntax, his Facebook posts, his sentiments on his Facebook posts, his title, his job title, and his education and background.

Q. Okay. And that's why I phrased my question "other than what you previously reported -- or testified to." Is there anything else beyond that that you used to corroborate this statement was made by Dr. Coomer?

A. I think that -- I think I've stated my answer. The answer I just gave you, I think, is the answer.

CLIP 258 Video 1, 1:48:03; 79:22-80:17

Q. Did you ask him to identify any other potential witnesses to the statement that was made, allegedly, by Dr. Coomer on this call?

A. I don't think so. My -- again, my focus was on the statement made by Eric Coomer and what Joe Oltmann had heard on this call. So I only wanted to focus on the -- on this portion of Mr. Oltmann's story.

Q. On -- I'm sorry. Which portion are you referring to?

A. The portion where he's talking about Eric Coomer.

Q. Okay. Well, I'm asking about the statement here on the exhibit we're looking at. My question was, did you ask him to identify any other witnesses that you could confirm, you know, that Dr. Coomer was actually on this call and made the statement?

A. No. That was not relevant to me. What was relevant to me was the statement that Oltmann was telling us that Eric Coomer had made on this call.

CLIP 259 Video 1, 1:49:20; 80:23-81:15

Q. But you had -- you had one source available to you, in the form of Mr. Oltmann, to confirm that Dr. Coomer actually made this statement; right?

A. Correct.

Q. And it's -- it's fair to say that if you -- if you wanted to fact-check that or verify it, that you had the potential to talk to other witnesses to confirm this story. But you didn't --

A. There's always -- yes, sir. Sorry.

Q. Okay. But you didn't -- you didn't do that?

A. There's always potential to talk to any number of witnesses in any given element of a story. Again, this -- the notes that Joe Oltmann had made about this call, this is not focus of our story about Eric Coomer. Our focus of the story was verified in the fact that we were looking at Dr. Coomer's role, title, and his own statements. So that was the part of the story that we were verifying.

CLIP 260 Video 1, 1:51:40; 82:18-83:1

A. This -- yeah. This statement is coming from a witness: Joe Oltmann. And any viewer can look at Joe Oltmann and decide for themselves whether or not they believe Joe Oltmann is telling the truth or not. We believed Joe Oltmann is telling the truth, in that he was on Antifa call; that he heard Eric from Dominion make the statement "Trump won't win." We believe -- we have no reason not to believe Joe Oltmann in this case.

CLIP 261 Video 1, 1:53:21; 84:1-13

Q. Mr. Oltmann was never asked by you or your organization for copies of those notes; correct?

A. Mr. Cain, with respect --

Q. Just answer my -- did you ask him for the notes or not?

A. His notes were about as relevant to me in this story as, say, Mike Tyson's bodyguard. It really was not the focus of the story regarding Eric Coomer. It was the spark that caused us to look deeper into Eric Coomer. And that's my answer.

Q. So did you ask for the notes or not?

A. I did not ask for the notes. I did not need the notes.

CLIP 262 Video 1, 1:59:48; 88:16-25

Q. What about his status as a -- as you put it, a conservative activist increased the credibility of Mr. Oltmann in your eyes?

A. It increased the credibility in that he was trying to expose Antifa, a radical leftist organization or a group-of-people movement. He was radically against Antifa. And this was stated in news articles that we had found, as I mentioned just now. That, for us, affirmed his credibility in that realm.

CLIP 263 Video 1, 2:01:15; 89:13-90:20

Q. And how about when you reached out to Dr. Coomer? Were you able to get a comment from him to either verify he was on this call or not?

A. I was unable to procure a comment from Dr. Coomer. Charles Herring called me about a day after the Michelle Malkin interview, right in the middle of my working on "Dominion-izing the Vote," and asked me if I could get a hold of Dr. Coomer. So I tried to find way to contact Dr. Coomer, and I did not succeed in that. As -- as -- as I would later experience and confirm, he became a ghost. He seemed to have scrubbed his profile online.

Q. How long did you try to contact him? And describe your efforts in detail.

A. I don't remember the span of time, but I remember putting an effort into finding him. I remember looking on all the social media platforms. I remember looking for his -- trying to find out what his middle initials were to find out if there was a way to find him on other sources. I don't remember all the ways, but I remember I put an effort, because it was a request from my boss, Charles Herring, to go find this guy. So I put in the effort. I just don't remember all of the methods that I did to try and find him. But he was -- I could not find him, at the end of the day.

Q. Did you task anyone else in your -- on your team to try to locate Dr. Coomer for a comment?

A. I don't recall that I did. I may have. I don't remember.

Q. Did you send any communications to Dominion asking that they make Dr. Coomer available for this story?

A. I did not.

CLIP 264 Video 1, 2:04:30; 91:21-93:1

Q. Okay. And it's -- we talked about Professor Blaze and Professor Halderman. In connection with the "Dominion-izing the Vote" story, specifically did you reach out to any election experts outside of, potentially, Mr. Watkins?

A. I used the statements from Professor Halderman, and I included that in my special. But I don't recall reaching out to the individuals -- I can't see all of the individuals on this list, so I can't answer with certainty. But I -- I don't -- I don't recall reaching out to Professor Halderman, that's what I can say for -- for sure. Because I was using his own report or his own statements from the New York Times opinion piece.

Q. Okay. Well, let's --

A. This is a long list.

Q. It is a long list. But you seem like a very bright and capable individual. Why don't you scan this list and just tell me if you -- outside of using, you know, some clips from Mr. Halderman in the prior piece, I'm asking you whether you specifically attempted to contact any of the -- the individuals on this letter.

A. I don't remember. I --

Q. I'll just, kind of, scroll down through it. There we are. As you sit here, can you think of any -- anyone, either on this list or off this list, that was an election expert that you contacted for this piece?

A. I can only identify Dr. -- Professor Halderman and using his -- his report or his statement in the New York Times opinion piece.

CLIP 265 Video 1, 2:36:18; 112:19-25

Q. I'll ask it a different way. Based on what you know about Mr. Watkins today, as you sit here, do you still believe that he's a credible source for your reporting on "Dominion-izing the Vote"? And if so, why?

A. Yes. To the extent that he commented in "Dominion-izing the Vote," I believe the analysis he provided to us was sound and stands to this day.

CLIP 266 Video 1, 2:38:30; 114:4-9

Q. But at the end of the day, it's fair to say that he is speculating about the ability to do that. He doesn't have any hard evidence that someone actually did so; is that true?

A. That's true.

CLIP 267 Video 1, 2:59:42; 127:19-128:2

Q. Mr. Herring identified OAN as a pro-Trump network. Would you agree with that characterization?

A. Sure. I would agree with the characterization, too, that we -- you know, as far as -- if you're asking about bias or what our leanings are, we don't hide the fact, or I don't hide the fact that I'm not a big fan of big tech or big government or extreme leftist activism. So if that's the bias you're asking about, then there is mine; and I'm quite open about that.

CLIP 268 Video 1, 3:00:34; 128:8-129:20

Q. So on this page, you're critical of Former Director Krebs because he's anti-Trump, I think, was your word. What about the Department of Homeland Security? Do you consider them to have been authoritative as it relates to issues concerning election integrity?

A. I don't -- I don't want to answer that now, because I know that there were some questions, also, in -- in the way that they -- that certain officials within DHS conducted themselves during the Trump Administration. And as far as Krebs's credibility, I want to qualify. It's not just that he was -- he seemed to be anti-Trump, but it was also that he had -- he also came back with a statement on his own Twitter account saying that he -- qualifying his statement, saying that he never said that there was no fraud at all. I'm paraphrasing, of course. But he also seemed to, kind of, hedge his own statement here: There is no evidence of voting system -- votes being lost. I think he qualified his own statement. So there's -- there's a lot in the air when it comes to CISA's credibility at this time under Chris Krebs. I believe he was also friends with Miles Tyler, or Miles Taylor the, alleged author of Anonymous, who was also pretty rabid anti-Trump figure. There's just -- there's definitely some questions when it comes to CISA's credibility and impartiality here. And that's where I stand.

Q. Where you stand is you have some questions about the credibility of Mr. Krebs, but you cannot identify any questions, in your mind, concerning the credibility of Ron Watkins, who made it into your -- your report?

A. I -- as -- as it stands here today, I do not question the analysis that Mr. Watkins provided for us in “Dominion-izing the Vote.” And I think that’s the relevant question here, and that’s what we relied on in our report.

CLIP 269 Video 1, 3:06:34; 131:6-23

Q. (By Mr. Cain) Actually, time out on that. You never got any actual documentation -- I know you requested it, but you never got any documentation of his status as a shareholder of the company; right?

A. Correct. That statement was based off of summarizing what Mr. Oltmann had told me in our interview.

Q. But you did ask him for it; right?

A. I did. But I had no reason not to believe that statement when he did not produce those documents. We were -- at this point, I had interviewed -- I think I have interviewed him for about 20 minutes, I think. And we talked about various topics. But I had asked that, I think, in retrospect via email.

Q. Okay. My question was you just never got -- you actually never got written confirmation of that?

A. No. No written confirmation. Just relying on Mr. Oltmann’s account of that. And, you know, we had no reason not to believe him at this point.

CLIP 270 Newsmax Retraction Video

“Since election day, various guests, attorneys, and hosts on Newsmax have offered opinions and claims about Dr. Eric Coomer, Director of Product Strategy and Security for Dominion Voting Systems. Newsmax would like to clarify its coverage of Dr. Coomer, and note that while Newsmax initially covered claims by President Trump’s lawyers, supporters, and others that Dr. Coomer played a role in manipulating Dominion Voting machines, Dominion Voting software, and the final vote counts in the 2020 presidential election, Newsmax subsequently found no evidence that such allegations were true. Many of the states whose results were contested by the Trump Campaign after the November 2020 election have conducted extensive recounts and audits and each of these states certified the results as legal and final. There are several facts that our viewers should be aware of. Newsmax has found no evidence that Dr. Coomer interfered with Dominion Voting machines or voting software in any way, nor that Dr. Coomer ever claimed to have done so. Nor has Newsmax found any evidence that Dr. Coomer ever participated in any conversation with members of Antifa, nor that he was directly involved with any partisan political organization. On behalf of Newsmax, we would like to apologize for any harm that our reporting of allegations against Dr. Coomer may have caused to Dr. Coomer or his family. For more on this,

please go to our website [Newsmax.com](https://www.newsmax.com), and read facts about Dominion and Smartmatic that you should know.”

**CLIP 271 OAN “Dominion-izing the Vote”
0:00-0:36**

CR: “In this edition of One America News Investigates, we look at Dominion Voting Systems and its role in the 2020 presidential elections. Glitches, errors, money trails to powerful Democrats, Dominion is just one of three major companies providing voting systems to America. But Dominion captured headlines when it was discovered that Dominion had “glitched” six thousand votes, giving Biden a fraudulent win. This was not an isolated event.”

**CLIP 272 OAN “Dominion-izing the Vote”
20:40-22:10**

CR: “Watkins says this is a task for the Feds.”

RW: “My recommendation is for data forensics teams, federal data forensic teams, to seize or subpoena the ICC image cast central vote tabulation machines, which are just Windows 10 off the shelf machines, and go through and see how many votes hit, or how many votes arrived in the folder which is specifically set up for anomalies. This one bug has to affect an entire election. And it’s not just a bug. It’s a feature.”

CR: “One that would allow enormous batches by the hundreds of thousands to be decided on by a few unmonitored workers.”

RW: “Your vote doesn’t matter in these districts with the Dominion machines in them because these two to six people trained by Dominion have ultimate control. It doesn’t take a genius to realize that setting the gamma levels incorrectly makes all the ballot become anomalies, which you can then go through later and adjudicate. If I was Trump, I would investigate those two to six people per county first.”

CR: “Watkins is of the opinion any competent hacker, thief, or paid off poll worker could game the Dominion system and alter hundreds of thousands of votes. But a bigger question lurks. To what extent was this actually designed by the top, on purpose? In September 2020, FEC United founder Joe Oltmann had infiltrated Antifa to uncover journalists who were active members of the Antifa group attacking his company in Colorado.”

CLIP 273 Deposition of Joe Oltmann, Sept. 8, 2021
Video 1 23:48-25:30; 22:3-24:3

Q. (By Mr. Cain) Who is RD? And I'm going to ask the Court for more time if this continues. I want responses to my questions.

A. I answered the question.

Q. Who is RD?

A. I'm asking for the truth, and you can't handle the truth. Or you don't care about the trust, which is obvious by how you act in a courtroom and how you lie in your proceedings.

Q. Who is RD? Are you going to answer my question or not? What does that stand for?

A. That stands for the individual that gave me access to the call.

Q. What's the name?

A. That's his name.

Q. RD is his name?

A. Is his name.

Q. What's his last name?

A. RD.

Q. No, sir. That -- that's not his name.

A. That's his --

Q. Give me the name.

A. That's the information I have on that individual.

Q. Pardon?

A. That is the information that I have on that individual.

Q. That's the entirety of the information. You know this person by RD, period?

A. I know that person by RD.

Q. And you don't know his first name?

A. I know that person by RD.

Q. Do you know his actual first name or not?

MS. HALL: Objection.

Q. (By Mr. Cain) Let's quit playing games.

MR. CAIN: Counsel, I'm asking a question.

MS. HALL: He's answered you three times.

A. I answered the question.

MS. HALL: You don't like the answer. He told you he knows the individual by the initials RD.

Q. (By Mr. Cain) Do you know his actual name, is the question.

A. His name is RD. That is his name.

Q. Do you know -- what's his last name?

A. RD is his name. If you know anything by --

Q. What is his last name, sir? What is his last name?

A. If you know anything about the antifa movement, everyone in antifa uses names -- other names. That is the name that he gave me.

CLIP 274 Deposition of Joe Oltmann, Sept. 8, 2021
Video 1 75:2-17

Q. Right. I understand you weren't on video.

3 But were other people on the call on video?

4 A. No.

5 Q. And the person RD, was he with you during
6 the course of this call?

7 A. For part of it.

8 Q. Okay. Explain which part he was with you.

9 Just to get you on the call?

10 A. No. He was here for part of the call.

11 Q. Okay. So you two were there in your office

12 and you started the call, and then he left?

13 A. I think he came in and out, yes.

14 Q. In and out.

15 Did he hear -- was he there during the time

16 that this conversation about Eric from Dominion occurred?

17 A. I believe so, yes.

CLIP 275 Deposition of Charles Herring, July 30, 2021
Video 1 27:14-28:5

14 Mr. Oltmann was trying to expose. And as the notes show,
15 he's trying to figure out who they are and their tie-in.
16 I had read about how he got on that call; and
17 although there's some missing pieces, I think I have a
18 good indication from his statements that he was engaged in
19 conversation, adversarial conversation, with a person by
20 the name of Heidi or Sean (phonetic) Beedle, and that the
21 loose lips, as he referred to Heidi Beedle, led him access
22 to this Antifa call, and I believe that's how he got on
23 the call.

24 So as far as being able to reach out to the
25 other individuals, it seemed like that would be near, if
1 not, impossible. It's a clandestine group. They're not
2 willing to come out and talk with the media and explain
3 that they're on the call, which is why he had to try to
4 figure out how to infiltrate Antifa. And, apparently, he
5 did by getting on this call.

Respectfully submitted,

 /s/ Charles J. Cain
Charles J. Cain, No. 51020

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Amended Submission of Page/Line Designations for October 13-14, 2021 Hearing on Defendants' Special Motions to Dismiss Pursuant to C.R.S. 13-20-1101 has been served on all parties receiving notice through ICCES on this 28th day of October 2021.

 /s/ Charles J. Cain
Charles J. Cain