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Exhibit B

<p style="text-align: center;">DISTRICT COURT FOR THE CITY AND COUNTY OF DENVER, COLORADO</p> <p>Address of Court: 1437 Bannock Street Denver, CO 80202</p>	
<p>Plaintiff: ERIC COOMER, Ph.D.</p> <p>v.</p> <p>Defendants: DONALD J. TRUMP FOR PRESIDENT, INC., <i>et al.</i></p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for defendants Herring Networks, Inc., d/b/a One America News Network, and Chanel Rion: Richard A. Westfall, No. 15295 Westfall Law, LLC 5842 W. Marquette Drive Denver, Colorado 80235 Telephone: (720) 904-6022 Email: rwestfall@westfall.law</p> <p>Blaine C. Kimrey (<i>Pro Hac Vice</i>) Jeanah Park (<i>Pro Hac Vice</i>) Bryan K. Clark (<i>Pro Hac Vice</i>) Vedder Price P.C. 222 N. LaSalle Street, Suite 2600 Chicago, Illinois 60601 Telephone: (312) 609-7500 Facsimile: (312) 609-5005 Email: bkimrey@vedderprice.com jpark@vedderprice.com bclark@vedderprice.com</p>	<p>Case Number: 2020CV034319</p> <p>Courtroom: 409</p>
<p>DECLARATION OF BLAINE C. KIMREY</p>	

I, Blaine C. Kimrey, hereby swear, under oath, to the following:

1. I am over 18 years of age. I am a Shareholder at Vedder Price P.C. in Chicago, Illinois, and I represent as lead counsel Herring Networks, Inc., d/b/a One America News Network (“OAN”), and Chanel Rion (“Rion,” together with OAN, the “OAN Defendants”) in this litigation. I have been involved in litigating this case since September 2021.

2. I graduated from the University of Texas School of Law in 1998, with honors. I graduated from the University of Kansas William Allen White School of Journalism, Kappa Tau Alpha and Phi Beta Kappa, in 1992.

3. I served as a member of the Board of Directors for the Chicago Bar Foundation for six years, and I was awarded the U.S. Northern District of Illinois/Federal Bar Association Award for Excellence in Pro Bono and Public Interest Service in 2012.

4. I have been a lawyer in good standing with all of the jurisdictions in which I practice since 1998.

5. I am currently admitted to practice in the following jurisdictions:

- Illinois
- Missouri
- Kansas (inactive status)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Fourth, Sixth, Seventh, Eighth, and District of Columbia Circuits
- U.S. District Court for the District of Columbia
- U.S. District Courts for the Northern and Central Districts of Illinois
- U.S. District Courts for the Eastern and Western Districts of Missouri
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Eastern District of Michigan

6. I also have appeared on a *pro hac vice* basis in at least the following jurisdictions:

- Colorado
- Michigan
- Mississippi
- New Jersey
- North Carolina
- South Carolina
- Texas
- Wisconsin
- U.S. District Courts for the Northern and Middle Districts of Alabama
- U.S. District Court for the District of Arizona
- U.S. District Courts for the Southern, Central, Eastern, and Northern Districts of California
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Eastern District of Louisiana
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the District of Maryland
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the District of Columbia
- U.S. District Courts for the Southern and Middle Districts of Florida
- U.S. Bankruptcy Court for the Northern District of Georgia
- U.S. District Court for the District of Nevada
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the District of Utah

- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Washington

7. During my 23-year career as a lawyer, I have never been subject to disbarment or discipline or had a client sanctioned.

8. I have never previously sought recusal of a judge, and neither has anyone else on our legal team.

9. As lead counsel for the OAN Defendants, I am personally familiar with all events that have occurred in this case since I entered my appearance, and I have carefully reviewed the docket, all pleadings, all orders, and all transcripts predating my appearance.

10. On June 8, 2021, the Court reversed Judge Rappaport's May 21, 2021 Order rejecting anti-SLAPP discovery. The Court not only allowed discovery, but allowed sweeping discovery that included significant document productions and depositions of every defendant.

11. In a hearing on July 2, 2021, the Court found, before holding an evidentiary hearing, "probable falsity" as to defendant Joseph Oltmann's statements regarding the antifa conference call. *See* Transcript of July 2, 2021 Hearing, Docket No. FAD883C25BE15, at Exh. 12, 38:5.

12. In a hearing on July 7, 2021, the Court found that Oltmann was "not credible" and reiterated that his statements regarding the antifa conference call were "probably false." *See* Transcript of July 7, 2021 Hearing, Docket No. 8B34C83EB522E, at Exh. 1, 91:1-7.

13. On August 10, 2021, the Court ordered Oltmann to appear in person for his deposition on August 11, 2021.

14. On August 23, 2021, the Court denied certain defendants' request for reciprocal discovery.

15. On August 29, 2021, the Court sanctioned Oltmann and his counsel for his failure to appear at the deposition on August 11, 2021, and other discovery missteps, but the Court changed its position on whether the deposition had to occur in person and allowed the rescheduled deposition to occur virtually.

16. On September 7, 2021, the Court *sua sponte* designated Dr. Coomer's **entire deposition** confidential pursuant to the protective order, even though no party had requested such confidentiality.

17. On September 17, 2021, I made my first appearance before the Honorable Marie Avery Moses. The Court criticized me on the record for stating: "To us this is not like a summary judgment procedure, because anti-SLAPP motions, they're decided without any discovery and things that occurred since our motions were filed that we could not have known, . . . such as Mr. Coomer **imploding [in] the New York Times**." See Transcript of September 17, 2021 Hearing, Docket No. D98938CEAED81, 16:7-12.

18. At the September 17, 2021 hearing, the Court declined the OAN Defendants' request to extend the date for the anti-SLAPP hearing to allow for more discovery of Dr. Coomer because "with anti-SLAPP, the requirement is that we get this to hearing as quickly as possible." See Transcript of September 17, 2021 Hearing, Docket No. D98938CEAED81, at Exh. A, 11:15-16.

19. On September 22, 2021, the Court denied the defendants' request to take the depositions of **nine declarants** who were undisclosed by Dr. Coomer until their declarations were filed on September 17, 2021 in support of Dr. Coomer's omnibus anti-SLAPP response. The Court blamed the defendants for their "failure to pursue the available avenues of discovery in a timely manner," even though the identities (or even existence) of the declarants were not

know to the defendants until September 17, 2021. The Court also stated, without describing what information it was referring to, that the OAN Defendants' motion seeking discovery contained confidential information that was not redacted and stated that the briefing should have been filed as "suppressed."

20. On September 24, 2021, the Court *sua sponte* issued an order reiterating the designation of Dr. Coomer's *entire deposition* confidential, even though no party had requested such confidentiality.

21. On October 7, 2021, the Court denied the unopposed *pro hac vice* application of Vedder Price P.C. associate Julia Koechley because it was inadvertently filed by local counsel Richard Westfall's paralegal under seal. In its Order, the Court noted that multiple documents had been filed as "suppressed" by the OAN Defendants since October 1, 2021, and questioned whether this was a "clerical error, or if counsel is flagrantly misrepresenting the scope of the Omnibus Protective Order." As the OAN Defendants later explained in a motion for partial reconsideration, *see* Docket ID A59AB061BB54B, a clerical error by Mr. Westfall's paralegal led to the inadvertently suppressed filings, and there was no strategic advantage to be gained by filing, for instance, *pro hac vice* applications under seal.

22. On October 8, 2021, the Court entered an order *granting* in large part the OAN Defendants' motion to set aside the protective order and unseal documents, including lifting the protective order on Dr. Coomer's deposition, but used that same order to make its first threat to revoke the *pro hac vice* status of Vedder Price P.C. attorneys. The Court's Order claimed that the OAN Defendants (1) misrepresented the Court proceedings, (2) used their pleadings in an attempt to intimidate others, and (3) misapprehended the state-wide procedures regarding access to the Courts. In response, the OAN Defendants filed a motion for partial reconsideration

explaining these issues. *See* Docket No. A59AB061BB54B. With respect to the first point, the motion explained that because Mr. Westfall’s paralegal was new to the case, she filed some documents as “suppressed” that the attorneys at Vedder Price did not request to be “suppressed.” And because Vedder Price did not have full access to the docket, the OAN Defendants’ attorneys did not recognize that these documents had been suppressed by the paralegal at filing. Counsel thought that the Court and/or its Clerk had suppressed the documents. With respect to the second point, the OAN Defendants explained that their assertions of fact and law were simply advocacy, not intimidation. And with respect to the third point, the motion explained that counsel understood the state-wide requirements and despite the confusion caused by the paralegal’s inadvertent clerical error, there remained many documents on the docket that were improperly sealed.

23. On October 11, 2021, the Court entered its Civility Order, which included a list of words and phrases that Counsel should not say, such as “in an effort to mislead the court,” “outrageous,” “absurd,” and “ridiculous.”

24. Also on October 11, 2021, the Court entered an order again denying the defendants the right to take discovery of Dr. Coomer’s declarants before the anti-SLAPP hearing, claiming that defendants did not seek discovery in a timely manner, even though they had no way of knowing what witnesses Dr. Coomer would present and even though the defendants had sought discovery on at least three previous occasions, only to be denied by the Court. *See* ¶¶ 12, 15, 16. In the order, the Court adopted an incorrect evidentiary standard for the upcoming anti-SLAPP hearing, concluding that: “The Court will not be weighing the evidence presented by the parties or resolving conflicting factual claims. The Court’s inquiry is limited to whether Plaintiff has stated a legally sufficient claim and made a *prima facie* factual

showing sufficient to sustain a favorable judgment. ‘It accepts the plaintiff’s evidence as true, and evaluates the defendant’s showing only to determine if it defeats the plaintiff’s claim as a matter of law.’ *Baral v. Schnitt*, 1 Cal. 5th 376, 384–85, 376 P.3d 604, 608 (2016).”

25. On October 12, 2021, the Court sanctioned Oltmann for a second time, holding that “Defendant Oltmann shall not be permitted to contest Plaintiff’s evidence or claims regarding the source, manner or timing of Defendant Oltmann’s receipt of information regarding Plaintiff’s Facebook posts” and requiring him to pay attorneys’ fees and costs.

26. I appeared in person to represent the OAN Defendants at the hearing on defendants’ anti-SLAPP motions on October 13 and 14, 2021 in Denver, Colorado.

27. The Court allotted 6.5 hours of argument to the *single plaintiff* and 7.5 hours of argument to the *14 defendants*.

28. On October 14, 2021, the Court threatened me with the Civility Order for stating that OAN did not reach Dr. Coomer for comment because Dr. Coomer “was in hiding at the time, and if he went to his door, he’d show up with a shotgun,” *see* Transcript of anti-SLAPP Hearing Volume II, at 373:8-374:12,¹ despite the fact that Dr. Coomer has *admitted* to that fact and voluntarily put that information in a declaration that had been submitted to the Court. *See* Response in Opposition to anti-SLAPP Motion, Docket No. E9E5DD591D201, Exh. A, ¶ 20.

29. After the court reporter stopped transcribing on October 14, 2021, the Court had additional conversation with the parties off the record about evidentiary objections.

¹ This citation is to the unofficial transcript created by Veritext during the hearing, which we will make available upon request. The official transcript is not yet available.

30. I recall the content of these conversations, and I have confirmed my recollection by listening to recordings of the proceedings that were made by Colorado Public Radio pursuant to the Court's Orders of October 13, 2021.²

31. As we discussed the scope of the evidentiary objections, I noted that the chart being requested by the Court had the potential to be "like 500 pages."

32. The Court responded, "I'm so looking forward to it."

33. After further discussion, the Court asked, "How long is it going to take you all to make this gargantuan document?"

34. On October 25, 2021, the Court entered an Order allow Dr. Coomer *150 pages* for his proposed findings of fact and conclusions of law and limiting each group of defendants to *20 pages*, plus a 20-page supplemental joint filing for the defendants, if they could reach an agreement.

35. On November 3, 2021, the Court denied two motions by the OAN Defendants (including the October 11 motion for partial reconsideration, *see* Docket ID A59AB061BB54B) without explanation, simply stamping "Denied" on the top of the motions. Notably, the October 11 motion for partial reconsideration asked for the Court to instruct the clerk to unseal documents on the docket that remained improperly hidden from public view. This issue has not been resolved.

36. On October 29, 2021, Dr. Coomer served his 91-page chart of proposed evidence. My team has determined that the chart reflects 703 unique pieces of evidence.

² We have obtained a copy of these recordings from Colorado Public Radio and will make them available upon request.

37. Our firm's standard practice is to require all attorneys and paralegals to enter information daily in our billing system reflecting the time spent on each task, to the tenth of an hour, with a sufficient description to establish what work was done.

38. Vedder Price has reviewed the billing records from the 15-day period between when we received Dr. Coomer's chart and when we served our objections. We have determined that 10 timekeepers spent more than 467.7 hours carefully researching and analyzing all of Dr. Coomer's proposed evidence.

39. I personally reviewed each and every objection asserted in response to Dr. Coomer's chart and spent a total of 83.6 hours analyzing the proposed evidence and the OAN Defendants' objections.

40. The OAN Defendants served more than 5,000 objections on November 13, 2021.

41. As I anticipated at the hearing on October 14, 2021, it was necessary for us to serve a large set of objections because of the unusually large evidentiary submission by Dr. Coomer and his counsel.

42. All of the OAN Defendants' objections were asserted in good faith.

43. One of the reasons we served so many objections is that we wanted to assert specific objections for each piece of evidence to avoid any argument from Dr. Coomer that "omnibus" or "boilerplate" objections were waived.

44. Notably, the OAN Defendants also stipulated to 248 pieces of evidence from Dr. Coomer.

45. My team has reviewed the chart in the Court's November 21, 2021 Order and determined that the Court actually required Dr. Coomer to respond to 239 objections.

46. Because of the Court's threats in the November 21, 2021 Order, our legal team is faced with potentially having to compromise our appropriate, ethical, and well-founded advocacy for fear of having our admissions revoked to the unfair prejudice of the OAN Defendants.

47. The Court's orders have so severely threatened our ability to represent the OAN Defendants, Vedder Price P.C. is considering withdrawal because the Court's behavior threatens to make it impossible for Vedder Price P.C. to fulfill its ethical obligations to the OAN Defendants.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was executed by me on December 7, 2021, in Evanston, Illinois.

/s/ Blaine C. Kimrey
Blaine C. Kimrey