

DISTRICT COURT, DENVER COUNTY, CO
1437 Bannock Street,
Denver, CO 80202

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CASE NUMBER: 2020CV34319

ERIC COOMER, Ph.D.,
Plaintiff

vs.

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

COURT USE ONLY

Case Number: 2020CV34319

Division Courtroom: 409

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**DECLARATION OF RUDOLPH GIULIANI IN SUPPORT OF
SPECIAL MOTION TO DISMISS
PURSUANT TO COLO. REV. STAT. § 13-20-1101**

RUDOLPH GIULIANI, hereby declares as follows pursuant to COLO. REV. STAT. § 13-27-106:

1. “My name is Rudolph Giuliani. I am one of the Defendants in the above-referenced cause.



2. “Just after the November 3, 2020 Election (“*Election*”), I was retained by Donald J. Trump for President, Inc (“*Trump Campaign*”). I was the head of the Trump Campaign’s legal team. I began the process of investigating what were perceived as voting irregularities in the Election. Prior to November 3, 2020, I was unfamiliar with Plaintiff Eric Coomer (“*Coomer*”), Dominion Voting Systems (“*Dominion*”), or Smartmatic (“*Smartmatic*”).
3. “At some point during our legal team’s investigation into the Election (which included voting security issues with Dominion and Dominion’s history with Smartmatic) we became aware of media reports circulating regarding Coomer and allegations that he had been overheard telling a radical leftist group words to the effect that he had ensured that Trump would lose the Election. I perceived this to mean that Coomer used his position at Dominion to rig the software or machines to manipulate the Election results. I was also made aware that Coomer was alleged to have ties to radical leftist groups, such as Antifa.
4. “Around this same time frame, we had learned many alarming facts about voting machines and voting technologies used in the 2020 Election: (1) information that Smartmatic had ties to Venezuela and the Chavez regime; (2) information that Smartmatic had attempted to operate in the U.S. through a subsidiary called Sequoia Voting (“*Sequoia*”); (3) information that the U.S. Government had raised concerns regarding Smartmatic operating Sequoia given its ties to Venezuela and unknown ownership; (4) information that Dominion had acquired Sequoia from Smartmatic after Smartmatic decided to divest from Sequoia rather than fully comply with an investigation by the U.S. Government and with Sequoia, also acquired Coomer who

worked for Sequoia as “Vice President of Research and Product Development”; (5) information that Dominion had a software licensing agreement with Smartmatic; (6) allegations of voting irregularities with Dominion machines/software that had switched votes from Trump to Biden; (7) evidence that Texas had rejected Dominion due to security concerns; and (8) evidence of significant nationwide concern over the security of Dominion machines and software that existed prior to the Election.

5. “I was aware of these facts prior to the November 19, 2020 press conference in Washington, D.C. (“*Press Conference*”) as a result of our legal team’s investigation into the Election. At the time I made the statements in the Press Conference regarding Coomer I believed them to be true. Although I do not believe I interviewed or talked to Mr. Oltmann (the person alleged to overheard Coomer make the statements in question) prior to the Press Conference, I had seen evidence of Coomer’s social media postings which were vehemently anti-Trump.
6. “Based on that corroborating evidence, I had no reason to doubt the credibility of the witness testimony that was being widely reported at the time regarding Coomer’s statements that he had programmed Dominion machines or software to rig the Election. I believed them to be true when I made the statements regarding Coomer at the Press Conference.
7. “In addition, at the time I made the statements in the Press Conference regarding Coomer, I had already filed a suit to challenge the Election and was planning to file more suits in contested states alleging, among other things, that the results of the Election were tainted based on security issues with Dominion machines and/or software. The alleged statements from Coomer were intended to be part of our legal

team's presentation of evidence to challenge the Election results. In fact, the entire purpose of the Press Conference was to announce an "opening statement" as to what we expected the evidence to show in the litigation over the Election we had already and were preparing to file in the contested states.

8. "I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 29th day of April, 2021 in New York, NY, United States of America.

Rudolph Giuliani

Rudolph Giuliani