

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., DOMINION)	
VOTING SYSTEMS, INC., and)	
DOMINION VOTING SYSTEMS)	
CORPORATION)	
c/o Cogency Global)	
1025 Vermont Ave, NW, Ste. 1130)	
Washington, DC 20005,)	
)	
Plaintiffs,)	
)	
v.)	Case No. _____
)	
RUDOLPH W. GIULIANI)	
45 East 66 th Street, Apt. 10W)	
New York, NY 10065,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

1. During a court hearing contesting the results of the 2020 election in Pennsylvania, Rudy Giuliani admitted that the Trump Campaign “doesn’t plead fraud” and that “this is not a fraud case.” Although he was unwilling to make false election fraud claims about Dominion and its voting machines in a court of law because he knew those allegations are false, he and his allies manufactured and disseminated the “Big Lie,” which foreseeably went viral and deceived millions of people into believing that Dominion had stolen their votes and fixed the election. Giuliani reportedly demanded \$20,000 per day for that Big Lie. But he also cashed in by hosting a podcast where he exploited election falsehoods to market gold coins, supplements, cigars, and protection from “cyberthieves.” Even after the United States Capitol had been stormed by rioters who had been deceived by Giuliani and his allies, Giuliani shirked responsibility for the consequences of his words and repeated the Big Lie again. This defamation action follows.

2. Dominion was founded for the purpose of creating a fully auditable paper-based vote system that would empower people with disabilities to vote independently on verifiable paper ballots.¹ As it grew, Dominion developed technology to solve many of the technical and voter-intent issues that came to light as a result of the 2000 election. Its systems are certified under standards promulgated by the U.S. Election Assistance Commission (“EAC”), reviewed and tested by independent testing laboratories accredited by the EAC, and were designed to be auditable and include a paper ballot backup to verify results. Indeed, recounts of paper ballots have repeatedly shown that Dominion machines accurately counted votes in the 2020 election—conclusively disproving the election-fixing claims promoted by Giuliani and his allies.

3. As a result of the defamatory falsehoods peddled by Giuliani—in concert with Sidney Powell, Russell Ramsland, L. Lin Wood, Mike Lindell, Patrick Byrne, Lou Dobbs, Fox News, Fox Business, Newsmax, One America News Network (“OAN”), *The Epoch Times*, and other like-minded allies and media outlets determined to promote a false preconceived narrative about the 2020 election—Dominion’s founder and employees have been harassed and have received death threats, and Dominion has suffered unprecedented and irreparable harm.

4. Dominion brings this action to set the record straight, to vindicate the company’s rights under civil law, to recover compensatory and punitive damages, and to stand up for itself, its employees, and the electoral process.

¹ “Dominion” refers to Plaintiffs, US Dominion, Inc. and its subsidiaries, Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation.

PARTIES

5. Plaintiff US Dominion, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado.

6. Plaintiff Dominion Voting Systems, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado.

7. Plaintiff Dominion Voting Systems Corporation is a for-profit Ontario corporation with its principal place of business in Toronto, Ontario.

8. Defendant Rudolph Giuliani was formerly the mayor of New York City, the Associate Attorney General of the United States, and a United States Attorney for the Southern District of New York. He is now a YouTube podcast host, a radio show host, a media figure, and the personal attorney to Donald J. Trump. He is domiciled in New York but has spent most of his time in Washington, D.C., during the events giving rise to this case.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiffs and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10. This Court has personal jurisdiction over Giuliani pursuant to § 13-423 of the District of Columbia Code because Giuliani: (i) transacted business within the District of Columbia, including by demanding \$20,000 per day to represent Donald J. Trump in his efforts to overturn the 2020 election and by selling advertisements that were featured in his defamatory broadcasts about Dominion; (ii) caused tortious injury by acts committed within the District of Columbia, including and specifically by making false and defamatory statements about Dominion from within the District of Columbia on Twitter, on his podcast and radio shows, on televised media appearances, and at the “Save America” rally before the storming of the

U.S. Capitol on January 6, 2021; and (iii) caused tortious injury by acts committed outside the District of Columbia while regularly doing business within, engaging in persistent conduct within, and deriving substantial revenue from services rendered within the District of Columbia.

11. Requiring Giuliani to litigate these claims in the District of Columbia does not offend traditional notions of fair play and substantial justice and is permitted by the Due Process Clause of the United States Constitution. Dominion's claims arise in part from defamatory statements Giuliani made about Dominion from within the District of Columbia, and Giuliani avails himself of numerous privileges in the District of Columbia, including those set forth above.

12. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims in this Complaint occurred in this District and, as discussed above, because Giuliani is subject to the Court's personal jurisdiction in this District.

FACTUAL ALLEGATIONS

Giuliani Enriches Himself by Falsely Claiming That Dominion Fixed the Election— A Claim He Was Not Willing to Make in Court Because He Knew It Was False

13. By at least Election Day 2020, Giuliani had decided to claim that Donald Trump had won the election, regardless of the facts. Sitting in the White House just after midnight on election night, Giuliani ranted to top campaign aides: “[t]here’s no way he lost; this thing must have been stolen. Just say we won Michigan! Just say we won Georgia! Just say we won the election! He needs to go out and claim victory!”²

14. The day after the election, Patrick Byrne got in touch with Rudy Giuliani and Sidney Powell in Washington, D.C., and told them that he had known months earlier that “goons”

² Jonathan Swan & Zachary Basu, *Off the Rails: Episode 1: A premeditated lie lit the fire*, Axios (Jan. 16, 2021), available at, <https://www.axios.com/trump-election-premeditated-lie-ebaf4a1f-46bf-4c37-ba0d-3ed5536ef537.html> (Ex. 108). Exhibit numbers referenced within are either used in or consecutively numbered with a related case, *Dominion v. Powell*, No. 21-cv-000040 (D.D.C. Jan. 8, 2021).

were going to steal the election, that he had started funding a plan in August, that he “had this plotted out what they were going to do,” and that he had “reverse engineered” how the election was stolen.³

15. The next day, Giuliani and Powell showed up at the Trump Campaign’s headquarters and Powell started pressing the campaign to focus suspicion on Dominion, saying that the Dominion strategy was ideal because it would draw into question the accuracy of the vote in so many states.⁴ At least one Trump Campaign official was surprised by Powell’s sudden involvement and observed that Powell did not seem interested in having evidence.⁵ When Trump Campaign attorneys Justin Clark and Matt Morgan sought evidence from Powell, she produced none. They then told others that they should not present the Dominion theory because there was no evidence for it.⁶ Indeed, Byrne later explained that while Powell had been “totally super receptive” to his election-fixing claims about Dominion, his claims were “a little farfetched for other people in Washington” and Giuliani “came at this a bit differently.”⁷

³ *Patrick Byrne Explains Trump Path to Victory*, Corsi Nation (Dec. 24, 2020), available at, <https://www.stitcher.com/show/corsi-nation-by-jerome-r-corsi-phd/episode/dr-corsi-news-12-24-20-patrick-byrne-explains-trump-path-to-victory-80388895> (last visited Jan. 18, 2021) (Ex. 22). Byrne was previously the CEO of Overstock.com, but abruptly resigned his board seat and position as CEO after it was revealed that he had had a romantic affair with a Russian agent, Maria Butina, who was sentenced to 18 months in prison after being indicted by federal prosecutors for trying to infiltrate powerful political circles in the United States at the direction of the Russian government. See Michael Corkery, *Overstock C.E.O. Takes Aim at ‘Deep State’ After Romance With Russian Agent*, N.Y. Times (Aug. 15, 2019), available at, <https://www.nytimes.com/2019/08/15/business/overstock-paul-byrne-maria-butina-affair.html> (Ex. 21).

⁴ Aaron C. Davis, Josh Dawsey, Emma Brown & Jon Swaine, *For Trump Advocate Sidney Powell, a playbook steeped in conspiracy theories*, Wash. Post (Nov. 28, 2020), available at, https://www.washingtonpost.com/investigations/sidney-powell-trump-kraken-lawsuit/2020/11/28/344d0b12-2e78-11eb-96c2-aac3f162215d_story.html (Ex. 23).

⁵ *Id.*

⁶ *Id.*

⁷ Ex. 22.

16. People close to Trump have said that Giuliani encouraged Trump to believe a number of conspiracy theories about voting machine irregularities, and some Trump allies feared that Giuliani was encouraging Trump to continue the fight because he saw financial advantage for himself.⁸ Multiple people briefed on the matter said that Giuliani asked the Trump Campaign to pay him \$20,000 a day.⁹

17. On November 9, 2020, the Trump Campaign filed a complaint challenging the legitimacy of mail-in ballots and the conduct of election officials in Pennsylvania.¹⁰ ***Notably, although Dominion machines were used in Pennsylvania in the 2020 election, the Trump Campaign’s complaint did not include any allegations about Dominion.***

18. A few days later, Giuliani gave a televised interview on *Lou Dobbs Tonight*, falsely telling a global audience that Dominion is owned by Smartmatic and that Smartmatic was formed “in order to fix elections” by “three Venezuelans who were very close to ... the dictator Chávez of Venezuela.” He also claimed that “Smartmatic, the company that owns Dominion” was being run by one of the people who was number two or three in George Soros’s organization.¹¹ The next day, on his weekday radio show, Giuliani falsely told his audience that “Dominion software ... really is Venezuelan ... it’s called Smartmatic.”¹² The day after that, Giuliani falsely tweeted that

⁸ Michael S. Schmidt & Maggie Haberman, *Giuliani Is Said to Seek \$20,000 a Day Payment for Trump Legal Work*, N.Y. Times (Jan. 14, 2021), available at, <https://www.nytimes.com/2020/11/17/us/politics/giuliani-trump-election-pay.html> (Ex. 113).

⁹ *Id.*

¹⁰ Verified Complaint for Declaratory and Injunctive Relief, *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-02078 (M.D. Pa. Nov. 9, 2020) [Dkt. 1].

¹¹ *Lou Dobbs Tonight*, Fox Business (Nov. 12, 2020), available at, <https://twitter.com/LouDobbs/status/1327024215887851521> (last visited Jan. 20, 2021) (Ex. 109).

¹² *Chat with the Mayor: Major Challenges*, 77WABC (broadcast from Washington, D.C., Nov. 13, 2020), available at, <https://wabcradio.com/episode/major-challenges-11-13-2020/> (last visited Jan. 18, 2021) (Ex. 110).

Dominion is “a front for Smartmatic.”¹³ His tweet was liked over 81,000 times and was foreseeably retweeted over 32,000 times.

19. On November 13, 2020, Giuliani posted an episode of his podcast, in which he capitalized on publicity he was receiving because of the Big Lie about Dominion. Along with the false accusation that Dominion had stolen the election “technologically,” Giuliani warned his viewers about “cyberthieves” stealing home titles “online,” and threw his arms in the air as if to emphasize the obvious danger of entrusting important matters to technology.¹⁴

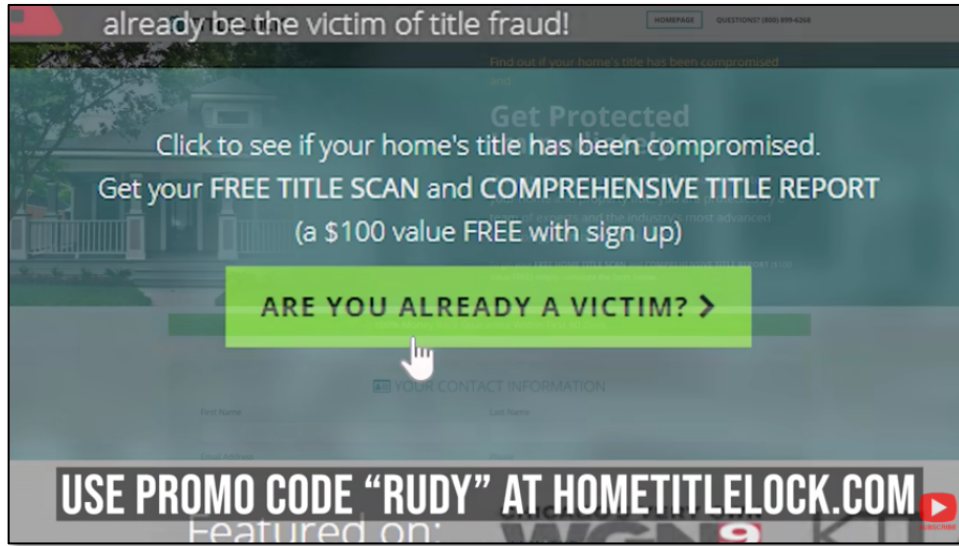


20. Giuliani then pitched his viewers on a service they could buy to protect themselves for just \$596 for the 4-year service if they used the promo code “Rudy” when ordering.¹⁵

¹³ Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 14, 2020), available at, <https://twitter.com/RudyGiuliani/status/1327616396939948032> (last visited Jan. 20, 2021) (Ex. 111).

¹⁴ *REVEALED: Sworn Evidence of Pervasive Voter Fraud*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Nov. 13, 2020), available at, https://www.youtube.com/watch?v=sd-5Xm5PFmg&list=PLIMn0a7NgiUZIGjQVofrk1M3Ulqdc7_-4&index=15 (last visited Jan. 19, 2021) (Ex. 112).

¹⁵ *Id.*



21. Also during that defamatory podcast, Giuliani claimed supplements would cure his viewers' achy joints and muscles and implored them to "stop wasting money and switch."¹⁶ He instructed them to use his name when ordering and said they could get a second bottle free if they ordered "now."



¹⁶ *Id.* at 21:00.



22. On November 14, Donald Trump tweeted: “I look forward to Mayor Giuliani spearheading the legal effort to defend OUR RIGHT to FREE and FAIR ELECTIONS! Rudy Giuliani, Joseph diGenova, Victoria Toensing, Sidney Powell, and Jenna Ellis, a truly great team, added to our other wonderful lawyers and representatives!”¹⁷ The tweet went out to Trump’s then-88 million followers, was retweeted over 66,000 times, and received over 325,000 likes.



¹⁷ Donald J. Trump (@realDonaldTrump), Twitter (Nov. 14, 2020), previously available at, <https://twitter.com/realdonaldtrump/status/1327811527123103746> (last visited Jan. 4, 2021) (Ex. 106).

23. The next day, on November 15, the Trump Campaign filed an amended complaint in the Pennsylvania case, mistakenly withdrawing certain counts.¹⁸ *The amended complaint did not contain any allegations about Dominion.*

24. That same day, during his radio show and a televised interview on Fox News's *Sunday Morning Futures with Maria Bartiromo*, Giuliani repeated the falsehoods the Trump Campaign had twice declined to make under penalty of Rule 11 sanctions in court, namely, that Dominion "uses Venezuela[] company software that's been used to steal elections in other countries," that Dominion uses software by Smartmatic, a company "that was founded by Chávez and by Chávez's two allies who still own it," that "it's really being run by people that are close to Maduro and Chávez," that the company "has tried and true methods for fixing elections," and that Dominion "notifies" election officials when they are too far behind so they can add in fake ballots.¹⁹



¹⁸ First Amended Verified Complaint for Declaratory and Injunctive Relief, *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-02078 (Nov. 15, 2020) [Dkt. 125].

¹⁹ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan: Voter Fraud*, 77WABC (Giuliani's appearance broadcast from Washington, D.C., Nov. 15, 2020), available at, <https://wabcradio.com/podcast/uncovering-the-truth-with-rudy-giuliani-maria-ryan/> (last visited Jan. 18, 2021) (Ex. 114); *Giuliani: Trump is contesting the election 'vigorously' in the courts*, Fox News (Giuliani's interview broadcast from Washington, D.C., Nov. 15, 2020), available at, <https://video.foxnews.com/v/6209933935001> (last visited Jan. 20, 2021) (Ex. 115).

25. On November 17, Giuliani filed a petition for *pro hac vice* admission in the Trump Campaign’s Pennsylvania lawsuit and, the following day, filed and signed a motion for leave to file a second amended complaint and the proposed second amended complaint itself.²⁰ By signing the various iterations of the complaint, Giuliani and the Trump Campaign’s other attorneys certified that, to the best of their knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaints had evidentiary support. *See* Fed. R. Civ. P. 11. ***Notably, not a single one of the three complaints signed and filed by Giuliani and other attorneys for the Trump Campaign in the Pennsylvania action contained any allegations about Dominion.***²¹

26. The day after Giuliani had signed and filed the Trump Campaign’s second amended complaint in the Pennsylvania action—which again, contained **zero** allegations about Dominion—Giuliani took to his weekday radio show to repeat the false accusation that “Dominion ... is originally a company from Venezuela that was put together in order to help Chávez win in Venezuela” and “has expertise in subtly changing the vote.”²²

27. Later that day, Giuliani broadcast an episode of his podcast, again repeating false accusations about Dominion and again airing his direct-to-camera pitch for protection from

²⁰ Petition for *Pro Hac Vice* Admission by Rudolph Giuliani, *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-02078 (M.D. Pa. Nov. 17, 2020) [Dkt. 156]; Second Amended Complaint, *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-02078 (M.D. Pa. Nov. 18, 2020) [Dkt. 172].

²¹ Although a Missouri-based attorney representing the Trump Campaign signed his name to a pleading falsely alleging that Dominion machines were at fault for the initial misreporting of election results in Antrim County, Michigan, he did not allege that Dominion had fixed the election or been created in Venezuela for the purpose of rigging elections. *See Donald J. Trump for President, Inc. v. Benson*, No. 1:20-cv-01083 (W.D. Mich. Nov. 11, 2020) [Dkt. 1].

²² *Chat with the Mayor: Those are the Facts*, 77WABC (broadcast from Washington, D.C., Nov. 18, 2020), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 18, 2021) (Ex. 116).

cyberthieves.²³ After decriing how an American election had been fixed by a Venezuelan-owned company, Giuliani marketed cigars from an “American-owned” company, offering “\$20 off orders over \$100” if his viewers used the code “Rudy20” when ordering.²⁴



28. Giuliani also tweeted out that YouTube podcast (and its ads) to his more than one million followers, garnering more than 9,000 retweets and more than 25,000 likes.²⁵

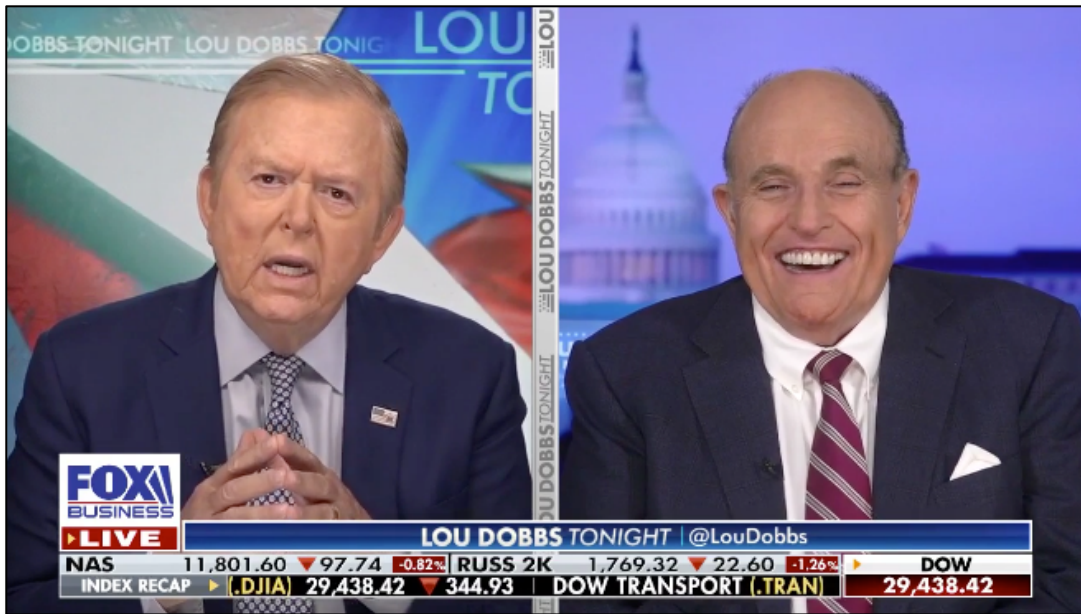


²³ *American Votes Tallied in Foreign Countries*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Nov. 18, 2020), available at, <https://www.youtube.com/watch?v=VOG1yOjSAd4> (last visited Jan. 18, 2021) (Ex. 117).

²⁴ *Id.* at 21:43-23:13.

²⁵ Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 18, 2020), available at, <https://twitter.com/RudyGiuliani/status/1329208126931955715> (last visited Jan. 18, 2021) (Ex. 118).

29. The same day he released that episode, Giuliani appeared for a televised interview on the Fox Business show *Lou Dobbs Tonight*. He repeated his lies about Dominion and falsely represented that Congresswoman Maloney wrote a letter supporting his false claims.²⁶ In reality, the Maloney letter said nothing about Dominion.²⁷



30. On November 19, Donald Trump invited more than 88 million Twitter followers to tune in for an “Important News Conference today by lawyers on a very clear and viable path to victory. Pieces are very nicely falling into place. RNC at 12 p.m.”²⁸ At noon that day, despite the fact that U.S. Cybersecurity & Infrastructure Security Agency (“CISA”) director and Trump appointee Chris Krebs had already publicly confirmed a week earlier that there was no voting

²⁶ *Giuliani returns to court to argue Trump campaign’s election case*, Fox Business (Giuliani interview broadcast from Washington, D.C., Nov. 18, 2020), available at, https://video.foxbusiness.com/v/6210778333001?playlist_id=933116636001 (last visited Jan. 18, 2021) (Ex. 119).

²⁷ Letter from Congresswoman Maloney to Henry M. Paulson (Oct. 6, 2006), Complaint at Ex. 24, *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-24], available at, https://defendingtherepublic.org/?page_id=986.

²⁸ Donald J. Trump (@realDonaldTrump), Twitter (Nov. 19, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1329408856733184008> (last visited Jan. 4, 2021) (Ex. 31).

machine manipulation in the 2020 election,²⁹ Giuliani gave a televised press conference alongside Sidney Powell and Jenna Ellis at the Republican National Committee headquarters in Washington, D.C., in which he peddled the falsehoods that he and other Trump Campaign attorneys were apparently unwilling to make in their own court filings, namely, that Dominion provided a “Venezuelan voting machine” and “is owned by two Venezuelans who were allies of Chávez, are present allies of Maduro,” and “whose Chairman is a close associate and business partner of George Soros.”³⁰



Standing with Sidney Powell and Jenna Ellis, Rudy Giuliani speaks during a televised press conference from the Republican National Committee headquarters in Washington, D.C., on November 19, 2020.

31. In addition, Giuliani held Sidney Powell out as representing Donald Trump and the Trump Campaign, even though he knew she would tell a global television audience the same lies

²⁹ Cybersecurity & Infrastructure Security Agency, *Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees* (Nov. 12, 2020), available at, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election> (Ex. 19).

³⁰ *Trump Campaign News Conference on Legal Challenges*, C-SPAN (Nov. 19, 2020), available at, <https://www.c-span.org/video/?478246-1/trump-campaign-alleges-voter-fraud-states-plans-lawsuits> (last visited Jan. 18, 2021) (Ex. 32).

about Dominion that Giuliani himself was unwilling to make in court, but which Giuliani had been promoting on television and online. Standing with Giuliani, Powell falsely claimed that Dominion was “created in Venezuela at the direction of Hugo Chávez to make sure he never lost an election,” that Dominion flipped votes from Trump to Biden by running an algorithm that automatically flips all the votes, and that George Soros’s “number two person” Lord Malloch Brown was “one of the leaders of the Dominion project.” Based on these false assertions of fact, Powell stated, “[t]here should never be another election conducted in this country... using a Dominion machine ...”³¹ Later that day, Giuliani used his weekday radio show to promote those falsehoods about Dominion.³²

32. Video of the D.C. press conference was foreseeably tweeted by the GOP and by Giuliani’s client, Donald Trump, to his more than 88 million followers, garnering over 240,000 likes and over 24,000 comments, and being foreseeably retweeted over 58,000 times—instantly and irreparably damaging Dominion’s reputation and business to a global audience and putting the lives of Dominion employees in danger.³³

33. The same day as the press conference, Fox News’s Tucker Carlson reported that, despite his explicit requests, neither Sidney Powell nor “others around the Trump campaign” had provided any evidence to support the claims that had been made against Dominion. Instead,

³¹ *Id.*

³² *Chat with the Mayor: Fraud and Lies*, 77WABC (broadcast from Washington, D.C., Nov. 19, 2020), available at, <https://wabcradio.com/episode/those-are-the-facts-11-18-2020/> (last visited Jan. 19, 2021) (Ex. 120).

³³ Donald J. Trump (@realDonaldTrump), Twitter (Nov. 20, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1329760015314464770?s=20> (last visited Jan. 4, 2021) (Ex. 34).

Carlson reported, others around the Trump Campaign and “people in positions of authority” said that “Powell ha[d] never given them any evidence either.”³⁴

34. Despite the lack of evidence expressly acknowledged by Tucker Carlson and others at Fox News, Fox News gave Giuliani a platform on Sean Hannity’s show that very evening to make the false accusation that “a Dominion employee” in Detroit on election night had been “notified by Smartmatic in Frankfurt that Biden was way behind.”³⁵ Giuliani warned, “[t]hese people want to destroy us. They are very, very bad people. ... Somehow, the Democrat party was highjacked by Clinton, and since then, it’s gone more corrupt and more corrupt and more corrupt.” Then, making a throat-slashing motion, Giuliani instructed viewers: “Somebody’s got to cut the head off.”³⁶



³⁴ *MUST-SEE: Tucker Carlson ABANDONS Trump’s election fraud case on air*, YouTube (Nov. 19, 2020), available at, <https://www.youtube.com/watch?v=BspHzH6RRxo> (last visited Jan. 18, 2021) (Ex. 33).

³⁵ *Giuliani: Dems plotted ‘national conspiracy’ to steal 2020 election*, Fox News (Giuliani’s interview broadcast from Washington, D.C., Nov. 19, 2020), available at, https://video.foxnews.com/v/6211099886001?playlist_id=930909813001 (last visited Jan. 19, 2021) (Ex. 121).

³⁶ *Id.*

35. On November 20, 2020, after a hand count of 100% of the paper ballots cast in Georgia's election verified the accuracy of the counts from Dominion machines, Georgia's Republican Governor Kemp and Secretary of State Raffensperger certified the state's election results.³⁷ That same day, Giuliani doubled down on the disproven lies about Dominion on his weekday radio show,³⁸ and then on his podcast, falsely claimed that Dominion "interfered with the vote" and "this election was stolen."³⁹ Sidney Powell called the Georgia certification a "farce" and falsely accused Dominion of bribing Georgia's governor and secretary of state.⁴⁰

36. On November 22, during an interview on ABC News's *This Week*, Trump loyalist Chris Christie gave an interview in which he stated "[i]f you've got the evidence of fraud, present it. ... The conduct of the president's legal team has been a national embarrassment. ... If you're unwilling to come forward and present the evidence, it must mean the evidence doesn't exist."⁴¹

37. That same day, Giuliani issued the following statement: "Sidney Powell is practicing law on her own. She is not a member of the Trump Legal Team. She is also not a lawyer for the President in his personal capacity."

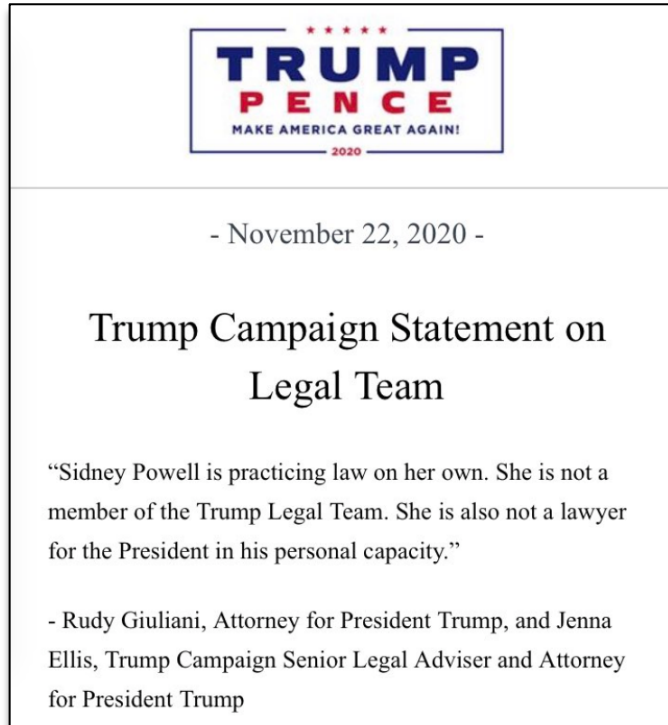
³⁷ See Kate Brumback, *Georgia officials certify election results showing Biden win*, Associated Press (Nov. 20, 2020), available at, <https://apnews.com/article/georgia-certify-election-joe-biden-ea8f867d740f3d7d42d0a55c1aef9e69> (Ex. 35).

³⁸ *Chat with the Mayor: The Mob Was Easier to Deal With*, 77WABC (broadcast from Washington, D.C., Nov. 20, 2020), available at, <https://wabcradio.com/episode/the-mob-was-easier-to-deal-with-11-20-2020/> (last visited Jan. 19, 2021) (Ex. 122).

³⁹ *Legal Strategy: Multiple Pathways to Victory*, Rudy Giuliani's Common Sense (broadcast from Washington, D.C., Nov. 20, 2020), available at, <https://www.youtube.com/watch?v=H0h6sRuC8bQ> (last visited Jan. 19, 2021) (Ex. 123).

⁴⁰ *Sidney Powell: It will be BIBLICAL*, Newsmax TV (Nov. 21, 2020), available at, <https://www.youtube.com/embed/Y68pEknYyCM?rel=0&start=0> (last visited Jan. 4, 2021) (Ex. 36).

⁴¹ Paul Kane & Felicia Sonmez, *Chris Christie calls the conduct of Trump's legal team a 'national embarrassment'*, Wash. Post (Nov. 22, 2020), available at, https://www.washingtonpost.com/politics/republicans-christie-trump-concede/2020/11/22/05c280e6-2cda-11eb-bae0-50bb17126614_story.html (Ex. 37).



Knowing That the Claims Against Dominion Were False, Rudy Giuliani and the Trump Campaign Decline to Sign on to the Sham Litigations Filed by Sidney Powell and L. Lin Wood

38. On November 25, Powell and her Georgia-based ally and co-counsel L. Lin Wood filed lawsuits together in federal courts in Georgia and Michigan. (Wood is known for using Twitter—until his account was permanently suspended on January 6, 2021—and Parler—before it was de-platformed—to falsely accuse Chief Justice John G. Roberts of being a child-murdering pedophile and to call for Vice President Mike Pence to be executed by “firing squad” for “treason.”⁴²) In their lawsuits, Powell and Wood alleged “massive election fraud” in the 2020 election, claiming that Dominion was “founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote manipulation to whatever level was needed to make certain

⁴² Lin Wood (@LLinWood), Twitter (Jan. 1, 2021), previously available at, <https://twitter.com/LLinWood/status/1345067881319587840>; Lin Wood (@LLinWood), Twitter (Jan. 4, 2021), previously available at, <https://twitter.com/LLinWood/status/1345991175690457091>; LLinWood (@linwood), Parler (Jan. 4, 2021), previously available at, <https://parler.com/post/99be4095510747c2928ed02a4bc41a18> (Ex. 9).

Venezuelan dictator Hugo Chávez never lost another election.”⁴³ The following week, on December 1 and 2, 2020, Powell and Wood filed similar lawsuits in federal courts in Wisconsin and Arizona, repeating their false claims of “massive election fraud.”

39. Neither Giuliani nor any of the Trump Campaign’s other lawyers joined or signed their names to any of the pleadings in any of Powell’s and Wood’s sham election litigations; they knew there was no evidence to support the claims being made about Dominion in those cases. Indeed, two days after Powell and Wood filed their lawsuits alleging “massive election fraud” in Georgia and Michigan—and after Giuliani had repeatedly gone on television and online to falsely accuse Dominion of election fraud—Giuliani admitted during a court hearing in Pennsylvania that the Trump Campaign “doesn’t plead fraud” and that “this is not a fraud case.”⁴⁴

40. On December 1, Trump appointee and then-U.S. Attorney General Bill Barr publicly stated, “There’s been one assertion that would be systemic fraud and that would be the claim that machines were programmed essentially to skew the election results. And the DHS and DOJ have looked into that, and so far, *we haven’t seen anything to substantiate that.*”⁴⁵ That same day, Barr told Trump that the theories about the election being stolen were “bullshit,” and

⁴³ Complaint at ¶ 5, *Pearson v. Kemp*, No. 12-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1], available at, <https://defendingtherepublic.org/wp-content/uploads/2020/11/COMPLAINT-CJ-PEARSON-V.-KEMP-11.25.2020.pdf>; Complaint for Declaratory, Emergency, and Permanent Injunctive Relief at ¶ 5, *King v. Whitmer*, No. 20-cv-13134 (E.D. Mich. Nov. 29, 2020) [Dkt. 6], available at, <https://defendingtherepublic.org/wp-content/uploads/2020/11/Michigan-Complaint.pdf>.

⁴⁴ Opinion, *Donald J. Trump for President v. Sec’y Commonwealth of Pa.*, No. 20-3371 (3d. Cir. Nov. 27, 2020), available at, <https://www2.ca3.uscourts.gov/opinarch/203371np.pdf> (citing to Mot. to Dismiss Hr’g Tr. 118:19–20, 137:18) (Ex. 124).

⁴⁵ Michael Balsamo, *Disputing Trump, Barr says no widespread election fraud*, Associated Press (Dec. 1, 2020), available at, <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d> (Ex. 43) (all emphases added unless otherwise noted).

that the legal team advancing those claims was “clownish.”⁴⁶ Barr continued: “I’m a pretty informed legal observer and I can’t fucking figure out what the theory is here.”⁴⁷ Giuliani issued a press release falsely accusing Barr of failing to investigate.⁴⁸

41. By December 9, 2020, all four of the election lawsuits Powell and Wood had filed together had been dismissed.

42. The United States District Court for the Eastern District of Michigan found that Powell and Wood had submitted “nothing but speculation and conjecture that votes for President Trump were destroyed, discarded or switched to votes for Vice President Biden.” Op. & Order at 34, *King v. Whitmer*, No. 20-cv-12134 (E.D. Mich. Dec. 7, 2020) [Dkt. 62].

43. The United States District Court for the District of Arizona found that the evidence put forward by Powell and Wood was “largely based on anonymous witnesses, hearsay, and irrelevant analysis of unrelated elections,” and includes “expert reports” that “reach implausible conclusions, often because they are derived from *wholly unreliable sources*.” Order at 24-25, *Bowyer v. Ducey*, No. 2-20-cv-02321 (D. Ariz. Dec. 9, 2020) [Dkt. 84]. The “wholly unreliable sources” put forward by Powell and Wood in that case included Russell Ramsland and an anonymous purported Venezuelan military officer who claimed to have previously served under the now-deceased Venezuelan dictator Hugo Chávez.

⁴⁶ Jonathan Swan, *Off the Rails: Episode 4: Trump turns on Barr*, Axios (Jan. 18, 2021), available at, <https://www.axios.com/trump-barr-relationship-off-the-rails-b33b3788-e7e9-47fa-84c5-3a0016559eb5.html> (Ex. 125).

⁴⁷ Matt Naham, *Bill Barr Apparently Told Trump the Stolen Election Lie Was a ‘Bullsh*t’ Theory That He Could Not F***ing Figure Out*, Law & Crime (Jan. 18, 2021), available at, https://lawandcrime.com/2020-election/bill-barr-apparently-told-trump-the-stolen-election-lie-was-a-bullsh-t-theory-that-he-could-not-fing-figure-out/?utm_source=mostpopular (Ex. 126).

⁴⁸ See Maggie Haberman (@maggieNYT), Twitter (Dec. 1, 2020), available at, <https://twitter.com/maggieNYT/status/1333862557740888068> (Ex. 127).

44. Even after Powell’s and Wood’s sham litigations had been dismissed, Giuliani continued propagating the demonstrable falsehoods they had advanced. By way of example only, on December 12, 2020, he appeared for a televised interview on *Fox and Friends* and falsely claimed that the “Dominion machine ... was developed to steal elections and [was] being used in the states that are involved.”⁴⁹

Starting with the Claims of a Facially Unreliable Purported Venezuelan Military Officer, Giuliani Deliberately Embellishes His Claims and Misrepresents the Relationship Between Dominion and Smartmatic to Support His Defamatory Falsehoods About Dominion

45. Some of Giuliani’s false claims about Dominion are apparently based on the declaration of an anonymous purported Venezuelan military officer, whose declaration was submitted by Sidney Powell and L. Lin Wood in support of their sham litigations.⁵⁰

46. There are several obvious reasons why Giuliani knew that source was unreliable.

47. **First**, the “anonymous witness’s” explanation for why he purportedly came forward was a near-verbatim recitation from another declaration put forward by Powell, proving that those witnesses did not each write their declarations independently and raising serious questions about the role that Powell and her team played in drafting the declarations.

⁴⁹ *Rudy Giuliani on Trump election fight: We have ‘1,000 affidavits from witnesses in 6 different states,’* Fox News (Dec. 12, 2020), available at, https://video.foxnews.com/v/6215882367001?playlist_id=930909787001 (last visited Jan. 19, 2021) (Ex. 128).

⁵⁰ Declaration of an anonymous source claiming to have been selected for the “national security guard detail of the President of Venezuela,” *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-2 at ¶ 4], available at, https://defendingtherepublic.org/?page_id=986; Complaint at Ex. 1, *King v. Whitmer*, No. 20-cv-13134 (E.D. Mich. Nov. 25, 2020) [Dkt. 1-1], available at, https://defendingtherepublic.org/?page_id=1015.

<p>Declaration of an anonymous source claiming to have been selected for the “national security guard detail of the President of Venezuela,” <i>Pearson v. Kemp</i>, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-2 at ¶ 4].</p>	<p>Statement by Ana Mercedes Díaz Cardozo, <i>Pearson v. Kemp</i>, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-3 at ¶ 3].</p>
<p>“I want to alert the public and let the world know the truth about the corruption, manipulation, and lies being committed by a conspiracy of people and companies intent upon betraying the honest people of the United States and their legally constituted institutions and fundamental rights as citizens. This conspiracy began more than a decade ago in Venezuela and has spread to countries all over the world. It is a conspiracy to wrongfully gain and keep power and wealth. It involves political leaders, powerful companies, and other persons whose purpose is to gain and keep power by changing the free will of the people and subverting the proper course of governing.”</p>	<p>“I want to alert the public and let the world know the truth about corruption, manipulation, and lies being committed through a conspiracy of individuals and businesses with the intention of betraying the honest people of the United States and its legally constituted institutions and fundamental rights as citizens. This conspiracy began more than a decade ago in Venezuela and has spread to countries all over the world. It is a conspiracy to unjustly gain and maintain power and wealth. It involves political leaders, powerful companies, and other persons whose purpose is to gain and maintain power by changing people’s free will and subverting the proper course of governing.”</p>

48. **Second**, his declaration has been redacted to conceal his identity and key details about his background.

49. **Third**, even if he were who he purports to be, there are serious reasons to doubt the outlandish claims of someone *who worked for a dictator with an interest in undermining confidence in American democracy*.

50. **Fourth**, American Trump appointees like Chris Krebs and Bill Barr—who, unlike the anonymous Venezuelan military officer, have never worked for a Venezuelan dictator—have confirmed that there was no widespread voter fraud in the 2020 election.

51. But even if one were to credit the incredible claims of the associate of a foreign dictator, even his declaration does not actually claim that Dominion was created in Venezuela for the purpose of rigging elections for Hugo Chávez. Rather, his declaration makes that claim about

Dominion’s competitor, Smartmatic. Although his declaration blithely asserts that Smartmatic software is “in the DNA” of every vote tabulating company’s software and system, it fails to provide any credentials, expertise, or factual basis whatsoever from which the declarant could possibly determine what is “in the DNA” of proprietary software he never even claims to have had access to, which is operated by multiple voting machine companies he never even claims to have worked for.⁵¹ Moreover, as is shown from information readily available in the public domain, voting machine companies’ source code is reviewed by third-party labs that are federally accredited by the EAC and the National Institute of Standards and Technology (“NIST”).⁵² As such, Giuliani knew or recklessly disregarded that that claim was obviously baseless and false.

52. In addition, if the anonymous purported Venezuelan military officer were in fact Leamsy Villafaña José Salazar—as has been reported by the Associated Press and the Caracas Chronicles—that would raise other serious doubts about the veracity of his declaration. After serving Hugo Chávez, Salazar worked for Diosdado Cabello, the alleged head of a Venezuelan drug cartel, before cooperating with the United States Drug Enforcement Agency. He

⁵¹ Declaration of an anonymous source claiming to have been selected for the “national security guard detail of the President of Venezuela,” *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-2 at ¶ 4], available at, https://defendingtherepublic.org/?page_id=986.

⁵² See, e.g., *How the U.S. Election Assistance Commission Facilitates Fair and Secure Elections*, EAC, available at, <https://www.eac.gov/news/2020/12/03/how-us-election-assistance-commission-facilitates-fair-and-secure-elections/> (Ex. 141) (“Before voting machines and election management systems are used in elections, the systems undergo rigorous hardware and software testing by laboratories accredited by the EAC and the National Institutes of Standards and Technology (NIST). The testing encompasses security, accuracy, functionality, accessibility, usability, and privacy based on requirements in the EAC’s Voluntary Voting System Guidelines (VVSG)”); *Frequently Asked Questions*, EAC, available at, <https://www.eac.gov/voting-equipment/frequently-asked-questions> (Ex. 129) (“the test labs will examine the source code to ensure compliance with the voluntary voting system guidelines”); *Testing & Certification Program Manual, Version 2.0*, EAC (May 31, 2015), available at, https://www.eac.gov/sites/default/files/eac_assets/1/28/Cert%20Manual%207%208%2015%20FINAL.pdf (Ex. 219) (the [Voting System Test Laboratory] must complete the source code review of the software delivered from the manufacturer for compliance with the [Voluntary Voting System Guidelines]”).

is quoted in a 2016 book titled *Boomerang Chávez: The Fraud that Led to Venezuela's Collapse*, which alleges that Smartmatic (not Dominion) was involved in rigging elections for Hugo Chávez in Venezuela. That book makes no mention of Dominion. If Salazar actually believed the Smartmatic software were “in the DNA” of Dominion and every other American voting machine company, surely that explosive accusation would have been mentioned in the book for which he was a source, and surely he would have come forward when he arrived in the United States approximately five years ago, instead of waiting until after Trump had lost the presidential election.

53. In any event, Giuliani deliberately embellished the anonymous declarant’s obviously false accusation that Smartmatic software is “in the DNA” of Dominion’s systems, claiming, for example, that “Dominion is a company that’s owned by another company called Smartmatic,”⁵³ that Dominion is “a front for Smartmatic”⁵⁴ and “a shell for Smartmatic,”⁵⁵ and that “Dominion sends everything to Smartmatic.”⁵⁶

54. As evidenced by records on the Georgia Secretary of State’s website and other public information that was readily available to Giuliani before he falsely claimed that Dominion

⁵³ *Lou Dobbs Tonight*, Fox Business (Nov. 12, 2020), available at, <https://twitter.com/LouDobbs/status/1327024215887851521> (last visited Jan. 20, 2021) (Ex. 109).

⁵⁴ Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 14, 2020), available at, <https://twitter.com/RudyGiuliani/status/1327616396939948032> (last visited Jan. 18, 2021) (Ex. 111).

⁵⁵ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan: Voter Fraud*, 77WABC (Giuliani’s appearance broadcast from Washington, D.C., Nov. 15, 2020), available at, <https://wabcradio.com/podcast/uncovering-the-truth-with-rudy-giuliani-maria-ryan/> (last visited Jan. 18, 2021) (Ex. 114).

⁵⁶ *Giuliani: Trump is contesting the election ‘vigorously’ in the courts*, Fox News (Giuliani’s interview broadcast from Washington, D.C., Nov. 15, 2020), available at, <https://video.foxnews.com/v/6209933935001> (last visited Jan. 20, 2021) (Ex. 115).

was owned by Smartmatic and was a front for Smartmatic, Dominion is Smartmatic's *competitor*, not its subsidiary.⁵⁷

Giuliani Intentionally Misrepresents What Happened in Antrim County, Michigan to Bolster His False Preconceived Narrative About Dominion

55. On election night, the unofficial result from Antrim County, Michigan, indicated a win for Biden. That happened because of a series of human errors by the Antrim County Clerk: contrary to the instructions provided to her, she mistakenly failed to update all of the voting machines' tabulator memory cards and failed to perform the pre-election logic and accuracy testing that would have caught her first mistake. Because of the checks and balances in place to catch human errors, her mistakes were promptly caught as part of the normal canvass process before the election result was made official. The official results were never impacted by the clerk's promptly corrected mistakes.

56. On November 6, 2020, the Office of Michigan's Secretary of State publicly announced that the "erroneous reporting of unofficial results in Antrim county was a result of accidental error on the part of the Antrim County Clerk. The equipment and software did not malfunction and all ballots were properly tabulated."⁵⁸ And a few days later, a spokesperson for

⁵⁷ See e.g., Georgia Secretary of State, *Elections Security Is Our Top Priority: Security-Focused Tech Company, Dominion Voting to Implement New Verified Paper Ballot System*, available at, <https://sos.ga.gov/securevoting/>; [https://sos.ga.gov/securevoting/#:~:text=Elections%20Security%20is%20Our%20Top%20Priority&text=\(ATLANTA\)%20%2D%2D%20After%20a%20competitive,new%20verified%20paper%20ballot%20system](https://sos.ga.gov/securevoting/#:~:text=Elections%20Security%20is%20Our%20Top%20Priority&text=(ATLANTA)%20%2D%2D%20After%20a%20competitive,new%20verified%20paper%20ballot%20system) (Ex. 1); (listing separate bids from Dominion and Smartmatic for Georgia's voting systems contract, listing Georgia's separate evaluations of Dominion and Smartmatic, and listing the finalized August 9, 2019 contract between Georgia and Dominion); U.S. Election Assistance Commission, *Registered Manufacturers*, available at, <https://www.eac.gov/voting-equipment/registered-manufacturers> (last visited Jan. 20, 2021) (Ex. 130) (listing Dominion Voting Systems Corp. and Smartmatic USA Corporation as *separate* entities with separate addresses).

⁵⁸ The Office of Secretary of State Jocelyn Benson, *False claims from Ronna McDaniel have no merit* (Nov. 6, 2020), available at, https://www.michigan.gov/sos/0,4670,7-127-1640_9150-544676--,00.html (Ex. 131).

the Michigan Secretary of State confirmed, “We have not seen any evidence of fraud or foul play in the actual administration of the election ... What we have seen is that it was smooth, transparent, secure and accurate.”⁵⁹

57. Intentionally disregarding the announcement from the Secretary of State, Giuliani seized on the mundane reality of the clerk’s human error and intentionally distorted it to fit the false preconceived narrative that Dominion had fixed the election. For example, he falsely claimed that a “Dominion machine flipped 6000 votes from Trump to Biden” in Antrim County, Michigan and that the “[s]pike of votes by Dominion happened all over the state.”⁶⁰ He also falsely claimed that the error in the county’s initial reported results “[h]ad nothing to do with human error,”⁶¹ that “the machine switched the votes based on some kind of pre-programming,”⁶² and that the Dominion machines in Antrim County were “62% inaccurate,”⁶³ had a “68% error rate” and an “81.9% rejection rate” showing that “the election in Michigan for sure was a fraud,” and that the machines “don’t count ballots” but “calculate ballots” and have “algorithms” that “recalculate” votes to be “half a vote” or a “third of a vote.”⁶⁴ Similarly, he claimed that “Dominion ... machines ... in Michigan produced a 62 percent inaccuracy rate, and an 84 percent adjudication rate which

⁵⁹ Nick Corasaniti, Reid J. Epstein & Jim Rutenberg, *The Times Called Officials in Every State: No Evidence of Voter Fraud*, N. Y. Times (Nov. 10, 2020), available at, <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html> (Ex. 16).

⁶⁰ Rudy W. Giuliani (@rudylgiuliani), Twitter (Dec. 4, 2020), available at, <https://twitter.com/RudyGiuliani/status/1335014224532221952> (last visited Jan. 19, 2021) (Ex. 132).

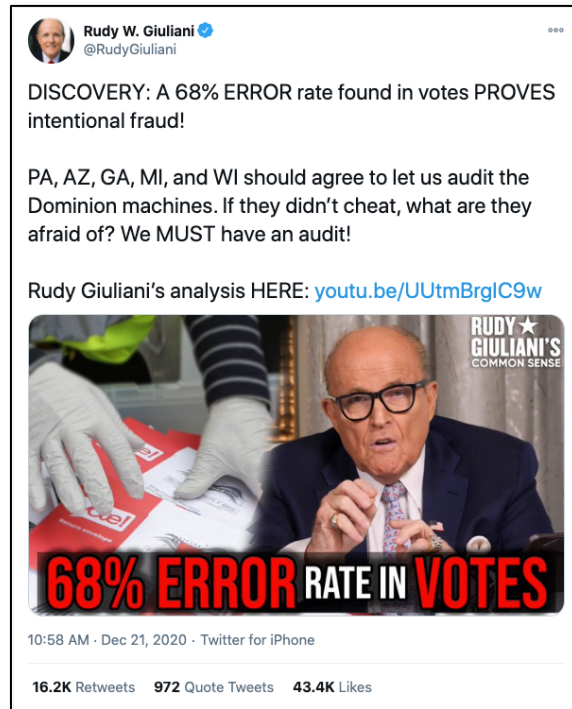
⁶¹ *Joe Pags Show*, Twitch (Dec. 14, 2020), available at, <https://www.twitch.tv/videos/837601732?filter=all&sort=time> (last visited Jan. 19, 2021) (Ex. 133).

⁶² *DISCOVERY: 68% ERROR Rate in Votes PROVES Intentional Fraud*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Dec. 18, 2020), available at, <https://www.youtube.com/watch?v=UUtmBrgIC9w> (last visited Jan. 19, 2021) (Ex. 134).

⁶³ *The Glenn Beck Program*, Blaze TV (Dec. 17, 2020), available at, <https://twitter.com/glennbeck/status/1339722041545555968> (last visited Jan. 19, 2021) (Ex. 135).

⁶⁴ Ex. 133.

means that only 16 percent of the votes in that county were actually cast by people.”⁶⁵ He also falsely proclaimed that, in Antrim County, “[t]he machine flipped the vote. In other words when you pressed down Biden, you got Trump, and when you pressed down Trump you got Biden.”⁶⁶ Giuliani repeated these false claims on his podcast,⁶⁷ his weekday radio show,⁶⁸ his Sunday morning radio show,⁶⁹ and Twitter, garnering over 16,000 retweets and over 43,000 likes.⁷⁰



⁶⁵ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan*, 77WABC (Dec. 20, 2020), available at, <https://wabcradio.com/episode/uncovering-the-truth-12-20-20/> (last visited Jan. 19, 2021) (Ex. 136).

⁶⁶ *Chat with the Mayor: Major Challenges*, 77WABC (broadcast from Washington, D.C., Nov. 13, 2020), available at, <https://wabcradio.com/episode/major-challenges-11-13-2020/> (last visited Jan. 18, 2021) (Ex. 110).

⁶⁷ See, e.g., Ex. 134; *This Has NEVER Occurred in U.S. History*, Rudy Giuliani’s Common Sense (Jan. 15, 2021), available at, <https://www.iheart.com/podcast/867-rudy-giulianis-common-sens-72908742/episode/this-has-never-occurred-in-us-76308324/> (last visited Jan. 19, 2021) (Ex. 137).

⁶⁸ *Chat with the Mayor: Capital Riot Aftermath*, 77WABC (broadcast from Washington, D.C., Jan. 8, 2021), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 138).

⁶⁹ Ex. 114.

⁷⁰ Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 21, 2020), available at, <https://twitter.com/RudyGiuliani/status/1341050325751492608> (last visited Jan. 21, 2021) (Ex. 139).

58. To bolster his lies about Dominion, Giuliani intentionally misrepresented that his accusations were supported by a “forensic examination” conducted by “forensic experts” with “a very reputable company.”⁷¹

59. As Giuliani was well aware when he made those false claims, the purported “forensic expert” was Russell Ramsland—a “Deep State” conspiracy theorist in cahoots with Sidney Powell who was selected not because Ramsland had election security expertise, but because he was determined to promote the false preconceived narrative that the election had been fixed.

60. Before Giuliani touted Ramsland’s expertise, Ramsland had publicly claimed, among other things, that George Soros helped form the “Deep State” in Nazi Germany in the 1930s—along with President George H.W. Bush’s father, the Muslim Brotherhood, and “leftists.”⁷² Mr. Soros was born in 1930.

61. Moreover, by the time Giuliani touted Ramsland as a “forensic expert” and specifically referenced the “forensic review” from Ramsland and his “very reputable company,”⁷³ Ramsland had been publicly discredited for making false claims of overvoting in Michigan, which Ramsland based on vote counts from an entirely different state—Minnesota.⁷⁴ Indeed, a Delaware judge determined that Ramsland provided “materially false information” in support of his claims

⁷¹ Ex. 134.

⁷² John Savage, *Texas Tea Partiers Are Freaking Out Over ‘Deep State’ Conspiracy Theories*, Vice (Sept. 20, 2018), available at, <https://www.vice.com/en/article/mbwgxx/texas-tea-partiers-are-freaking-out-over-deep-state-conspiracy-theories> (Ex. 56).

⁷³ Ex. 134.

⁷⁴ Clara Hendrickson, *Affidavit in Michigan lawsuit seeking to overturn election makes wildly inaccurate claims about vote*, PolitiFact (Dec. 4, 2020), available at, <https://www.politifact.com/factchecks/2020/dec/04/russell-james-ramsland-jr/affidavit-michigan-lawsuit-seeking-overturn-electi/> (Ex. 57); *see also*, Louis Jacobson and Noah Y. Kim, *Giuliani cites affidavit with crucial errors in press conference*, PolitiFact (Nov. 20, 2020), available at, <https://www.politifact.com/factchecks/2020/nov/20/rudy-giuliani/giuliani-cites-affidavit-crucial-errors-press-conf/> (Ex. 155).

of vote manipulation⁷⁵ when he referenced and cited locations in Minnesota when alleging voter fraud in Michigan—something that Giuliani either knew or recklessly failed to verify by reference through a basic Google search.⁷⁶

62. Ramsland’s report on the “forensic examination” of the Dominion machines in Antrim County contains a staggering number of inaccuracies; obvious misunderstandings of election procedures, hardware, and software; and other indicia of unreliability.

63. Even though Ramsland cites to “experts” upon whom he purportedly relied in creating his report, he does not identify a single one. Nor does he identify any of their credentials or prior experience—other than the vaguest reference to a handful of government agencies—to justify their designation as “experts.”⁷⁷ And Ramsland does not identify any experience that he, or any of his so-called “experts,” have in elections or election hardware or software.

64. Additionally, Ramsland references the “allowable election error rate established by the Federal Election Commission.” The Federal Election Commission does not regulate voting machines or software. It regulates campaign finance.⁷⁸ Ramsland confused—or did not bother to research the differences between—the FEC and the EAC.⁷⁹ Dominion’s election voting system suite is, of course, certified by the EAC.⁸⁰

⁷⁵ Rule to Show Cause, *Page v. Oath Inc.*, No. S20C-07-030 (Del. Super. Ct. Dec. 18, 2020).

⁷⁶ Ex. 57.

⁷⁷ Pet. Notice of Suppl. Authority, *King v. Whitmer*, No. 20-815 (S. Ct. Dec. 13, 2020), available at, https://www.supremecourt.gov/DocketPDF/20/20-815/163875/20201215164905775_Final%20Michigan%20Notice%20of%20Supplemental%20Authority.pdf.

⁷⁸ *Mission and history*, FEC, available at, <https://www.fec.gov/about/mission-and-history/> (Ex. 140).

⁷⁹ *How the U.S. Election Assistance Commission Facilitates Fair and Secure Elections*, EAC, available at, <https://www.eac.gov/news/2020/12/03/how-us-election-assistance-commission-facilitates-fair-and-secure-elections/> (Ex. 141).

⁸⁰ Certificate of Conformance, EAC (Sept. 14, 2018), available at, https://www.eac.gov/sites/default/files/voting_system/files/DSuite55_CertConf_Scope%28FINAL%29.pdf (Ex. 142).

65. Apart from these red flags indicating he is no expert at all, Ramsland also illustrates a gross misunderstanding of the machines and software in the details of his report. For example, he claims that his “forensics team” “perform[ed a] forensic duplication of the Antrim County Election Management Server running Dominion Democracy Suite 5.5.3-002.” But there is no Democracy Suite 5.5.3-002. Instead, 5.5.3-002 is the version of the ImageCast Precinct tabulator (*i.e.*, the actual scanner), not the election management server or software.⁸¹ This demonstrates that Ramsland is incapable of telling the difference between the relevant hardware, software, and servers involved—or simply did not take care to do so.

66. Ramsland also fails to understand the difference between—or intentionally distorted—adjudication software (which is an optional component of Dominion’s voting system suite) and the process of adjudicating a ballot. In fact, Antrim County only purchased (and therefore only used) certain components of Dominion’s voting system suite; critically, Antrim County neither purchased nor used—nor possessed the hardware required to use—the adjudication software.⁸² This did not prevent Ramsland from falsely claiming that “[b]allots sent to adjudication can be altered by administrators,” and that “all adjudication log entries for the 2020 election cycle are missing” and must have been “manually removed.”

67. Finally, Ramsland’s specific claim of a 68% “error rate” evidences a fundamental misunderstanding of election software. Ramsland claims to have used the tabulation logs as the source for his supposed “error rate.” But the tabulation logs do not reflect the machine’s tabulation of votes. They record activities logged by the machine during the tabulation process.⁸³ So

⁸¹ Declaration of Ryan Macias, FactCheck.org, available at, https://cdn.factcheck.org/UploadedFiles/Rebuttal_ASOG-Antrim_Report.pdf (Ex. 143).

⁸² *Id.*

⁸³ See, Paul Egan & Clara Hendrickson, *Trump tweet wrongly suggests there were defects with Michigan voting machines*, The Detroit Free Press (Dec. 15, 2020), available at, <https://www.free>

Ramsland’s claim that “these ... tabulation totals were used as the official results” is false (because they are a recording of machine activity, not votes). Simply put, Ramsland does not understand what he is looking at.

68. While Ramsland claims that a huge percentage of machine activity reflected in the tabulation logs were “errors” or “warnings,” he gives no explanation of how he identified or defined an “error” or “warning.”

69. Ramsland references three settings—“reverse,” “divert,” and “override”—as examples of these so-called “critical errors” or “warnings.” But these are not “errors.” They are parameters used in the tabulator to handle ballots that—for example—include write-in candidates or ballots that contain votes for two candidates for the same office. Calling these “errors” is analogous to claiming that the low fuel indicator light turning on in a car is an “error”—it is of course not an error; the car is operating precisely how it is supposed to. Similarly, just because the tabulator recorded, for example, “divert” does not mean that there was error with the ballot or the vote; precisely the opposite—it means that the machine operated properly in response to that ballot.⁸⁴ This shows that Ramsland does not understand—or did not take care to distinguish—the difference between an actual error and proper functioning.

70. Given Giuliani’s tenure as a federal prosecutor, he is well aware of how to evaluate the credentials of a purported expert and the reliability of a purported expert report; he realized beforehand that Ramsland was not an expert in the subject matter and that his opinion was worthless and designed from the outset to reach a conclusion to support a false preconceived

[p.com/story/news/politics/elections/2020/12/15/trump-fact-check-defect-voting-machines-michigan/3902951001/](https://www.washingtonpost.com/story/news/politics/elections/2020/12/15/trump-fact-check-defect-voting-machines-michigan/3902951001/) (Ex. 144).

⁸⁴ Angelo Fichera, *Audit in Michigan County Refutes Dominion Conspiracy Theory*, FactCheck.org (Dec. 18, 2020), available at, <https://www.factcheck.org/2020/12/audit-in-michigan-county-refutes-dominion-conspiracy-theory/> (Ex. 145).

narrative about the election. Despite these facts, Giuliani falsely passed Ramsland off as a reputable forensic expert with the expertise needed to produce a legitimate forensic report on Dominion's machines.

Even After Ramsland's Bogus Forensic Report Is Conclusively Disproven, Giuliani Persists in Promoting False Claims About Dominion

71. People who are actually knowledgeable about election security and procedures in Antrim County promptly, publicly, and forcefully rebutted Ramsland's report.

72. Antrim County officials determined—and publicly announced—that Ramsland's report was “riddled with false and unsupported claims, baseless attacks, and incorrect use of technical terms.”⁸⁵

73. Similarly, the former acting director of the EAC's Voting System Testing and Certification program said that Ramsland's report showed a “grave misunderstanding” of Antrim County's voting system and “a lack of knowledge of election technology and process.”⁸⁶

74. Michigan's Attorney General and Secretary of State issued a joint statement that Ramsland's report was “critically flawed, filled with dramatic conclusions without any evidence to support them.”⁸⁷

⁸⁵ See Ali Swenson, *Report spreads debunked claims about Dominion machines in Michigan county*, Associated Press (Dec. 15, 2020), available at, <https://apnews.com/article/fact-checking-afs:Content:9847904839> (Ex. 58).

⁸⁶ See Todd Spangler, *Former election security chief for Trump knocks down Antrim County report*, The Detroit Free Press (Dec. 16, 2020), available at, <https://www.freep.com/story/news/politics/elections/2020/12/16/antrim-county-report-debunked-by-former-trump-election-official/3923499001/> (Ex. 59).

⁸⁷ *AG, SOS: Plaintiff's Report in Antrim County Election Lawsuit Demonstrates Lack of Credible Evidence in Widespread Fraud or Wrongdoing*, Michigan Dep't of Attorney General (Dec. 14, 2020), available at, https://www.michigan.gov/ag/0,4534,7-359-92297_47203-547422--,00.html (Ex. 42).

75. The Republican county clerk who made the mistake that resulted in the inaccurate unofficial results stated that Ramsland’s report contained “many misleading statements” and was “simply not accurate.”⁸⁸

76. But there is no need for a battle of the experts: *the paper ballots in Antrim County were recounted by hand*—conclusively disproving the lie that Dominion machines had erroneously tabulated 68% of the votes.⁸⁹

77. Following a bipartisan investigation into the vote in Antrim County, Michigan, the state’s Republican Senate Majority Leader Mike Shirkey announced, “[o]ur investigation, which has been very intense, discovered none, none of the allegations and accusations against Dominion [are] true.”⁹⁰

78. Yet even after the hand recount confirmed that “Dominion’s voting machines accurately tabulated the votes cast for president in Antrim County,”⁹¹ Giuliani continued to repeat the lie. For example:

- (a) the day after the hand recount, Giuliani proclaimed on his podcast that the Dominion voting machines had “6,000 votes switched from Trump to Biden,” that the Dominion machines “switched the votes based on some kind of pre-programming,” and that there was a “68% error rate.”⁹²
- (b) On his December 20, 2020 radio show, Giuliani falsely claimed that “Dominion ... machines ... in Michigan produced a 62 percent inaccuracy rate, and an 84

⁸⁸ Craig Mauger, *Michigan election officials slam report on votes in Antrim County*, The Detroit News (Dec. 14, 2020), available at, <https://www.detroitnews.com/story/news/politics/2020/12/14/michigan-judge-allows-release-report-antrim-county-voting/6537394002/> (Ex. 146).

⁸⁹ See Ex. 15.

⁹⁰ Abigail Censky, *How Misinformation Lit The Fire Under A Year Of Political Chaos In Michigan*, NPR (Jan. 1, 2021), available at, <https://www.npr.org/2021/01/01/952528193/how-misinformation-lit-the-fire-under-a-year-of-political-chaos-in-michigan> (Ex. 17).

⁹¹ See *Trump still wins small Michigan county after hand recount*, Associated Press (Dec. 17, 2020), available at, <https://apnews.com/article/election-2020-joe-biden-donald-trump-michigan-elections-07e52e643d682c8033a0f26b0d863387> (Ex. 15).

⁹² *DISCOVERY: 68% ERROR Rate in Votes PROVES Intentional Fraud*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Dec. 18, 2020), available at, <https://www.youtube.com/watch?v=UUtmBrgIC9w> (last visited Jan. 19, 2021) (Ex. 134).

percent adjudication rate which means that only 16 percent of the votes in that county were actually cast by people ... the machine was 62 percent inaccurate. ... [T]hey belong to a crooked company called Dominion ... they've been caught cheating in so many elections These machines, you have to realize, come from a company that developed machines in order to cheat on elections. And that's why it can do things like change votes, have fractional votes.⁹³

- (c) On December 23, 2020, Giuliani said on his podcast, “[T]hese Dominion crooked machines are calculating machines. ... [W]e can go into the memory of the machine and we can show that Trump actually got 6,000 votes, and Biden actually got 3,000 votes; the way you cheated in Antrim County and got caught. You didn’t just do it in Antrim County, you did it throughout America in order to change the result of this election.”⁹⁴
- (d) On January 8, Giuliani again repeated the disproven claim on his weekday radio show.⁹⁵

As Repeatedly Proven by Independent Audits and Hand Recounts of Paper Ballots, Giuliani’s Claims About Dominion Fixing the Election Are False

79. Giuliani’s claims about Dominion fixing the election by manipulating vote counts are demonstrably false and have been repeatedly disproven by independent audits and hand recounts of paper ballots.

80. The voter-verified paper ballots are the hard evidence that can be easily used to verify the accuracy of the Dominion machine counts. If Dominion or anyone else had rigged the election by manipulating the vote counts in the Dominion machines, the number of paper ballots

⁹³ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan*, 77WABC (Dec. 20, 2020), available at, <https://wabcradio.com/episode/uncovering-the-truth-12-20-20/> (last visited Jan. 19, 2021) (Ex. 136).

⁹⁴ *Christmas is NOT CANCELLED, It’s Vital This Year*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Dec. 23, 2020), available at, https://www.youtube.com/watch?v=FkvvvtuVsyUA&list=PLIMn0a7NgIUZIGjQVofrk1M3U1qdc7_-4&index=5 (last visited Jan. 19, 2021) (Ex. 147).

⁹⁵ *Chat with the Mayor: Capital Riot Aftermath*, 77WABC (broadcast from Washington, D.C., Jan. 8, 2021), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 138) (“Dominion is an extremely sophisticated cyber-attack. And it, you know, it’ll, it’ll take a whole county and it will adjust the vote by 1%, 2%, in every, in every machine. It’s not going to, like, they made a mistake in Antrim county, Michigan where they got caught, where they made a 600, 6,000 switch, too fast in one machine ... and then you could see the numbers switched in the machine and you could see what phony machines Dominion machines are.”).

that were verified and cast by voters would not match the machine counts. In fact, independent 100% hand audits and recounts of paper ballots have repeatedly verified the accuracy of the vote counts from Dominion machines.

81. After a 100% hand audit of all the ballots cast in Georgia in the 2020 election, Georgia's Republican Secretary of State Brad Raffensperger explained that "Georgia's historic first statewide audit reaffirmed that the state's new secure paper ballot voting system accurately counted and reported results."⁹⁶

82. At the request of the Trump Campaign, in addition to the hand audit, Georgia also conducted a subsequent machine recount, which again affirmed the original outcome of the presidential race in Georgia.

83. As Secretary of State Raffensperger explained after a signature match audit affirmed the outcome of the 2020 presidential race in Georgia for a *third time*, "[t]he Secretary of State's office has always been focused on calling balls and strikes in elections and, in this case, three strikes against the voter fraud claims and they're out."⁹⁷

84. Similarly, as Secretary Raffensperger explained to Giuliani's client, Donald Trump, during a telephone call that was reported by *The Washington Post*, "I don't believe that you're really questioning the Dominion machines. Because we did a hand re-tally, a 100 percent re-tally of all the ballots, and compared them to what the machines said and came up with virtually the

⁹⁶ Georgia Secretary of State, *Historic First Statewide Audit of Paper Ballots Upholds Result of Presidential Race*, available at, https://sos.ga.gov/index.php/elections/historic_first_statewide_audit_of_paper_ballots_upholds_result_of_presidential_race#:~:text=2020%20Qualifying%20Packet-.Historic%20First%20Statewide%20Audit%20of%20Paper%20Ballots%20Upholds%20Result%20of,machine%20tally%20of%20votes%20cast (Ex. 11).

⁹⁷ Georgia Secretary of State, *3rd Strike Against Voter Fraud Claims Means They're Out After Signature Audit Finds No Fraud*, https://sos.ga.gov/index.php/elections/3rd_strike_against_voter_fraud_claims_means_theyre_out_after_signature_audit_finds_no_fraud (Ex. 12).

same result. Then we did the recount, and we got virtually the same result. So I guess we can probably take that off the table. I don't think there's an issue about that."⁹⁸

85. Similarly, in a press conference, an official from the Georgia Secretary of State's Office explained, "[l]et's just go to the other ridiculous claims, that Dominion voting machines are somehow using fractional voting or flipping votes. Again, by doing the hand tally, it shows none of that is true. Not a whit."⁹⁹

86. In Arizona, the Chairman of the Maricopa County Board of Supervisors released a statement explaining, "[t]he evidence overwhelmingly shows the system used in Maricopa County is accurate and provided voters with a reliable election. ... The Dominion tabulation equipment met mandatory requirements during logic and accuracy testing before the Presidential Preference Election, the Primary Election and the General Election. And after each of these 2020 elections, the hand count audit showed the machines generated an accurate count."¹⁰⁰

87. The Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees released a joint statement confirming that there is "*no evidence* that any voting system deleted or lost votes, changed votes, or was in

⁹⁸ Amy Gardner & Paulina Firozi, *Here's the full transcript and audio of the call between Trump and Raffensperger*, Wash. Post (Jan. 3, 2021), available at, https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html (Ex. 13).

⁹⁹ *WATCH: Georgia election officials reject Trump call to 'find' more votes*, PBS (Jan. 4, 2021), available at, <https://www.pbs.org/newshour/politics/watch-live-georgia-secretary-of-states-office-holds-press-conference> (Ex. 14).

¹⁰⁰ Letter from Clint Hickman to Maricopa County Voters (Nov. 17, 2020), available at, [https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters#:~:text=Here%20are%20the%20facts%3A&text=The%20evidence%20overwhelmingly%20shows%20the,voters%20with%20a%20reliable%20election.&text=As%20required%20by%20law%20\(A.R.S,used%20in%20any%20Arizona%20elections](https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters#:~:text=Here%20are%20the%20facts%3A&text=The%20evidence%20overwhelmingly%20shows%20the,voters%20with%20a%20reliable%20election.&text=As%20required%20by%20law%20(A.R.S,used%20in%20any%20Arizona%20elections) (Ex. 18).

any way compromised.”¹⁰¹ The Joint Statement was signed and endorsed by, among others, the National Association of State Election Directors, National Association of Secretaries of State, and CISA—then led by a Trump appointee, Chris Krebs.

***Giuliani Intentionally Disregards Hard Evidence and Reliable Sources
Including Trump Appointees, Republicans, and Election Security Experts
Who Rebut and Disprove His False Accusations About Dominion***

88. While endeavoring to make the facts conform to the false preconceived narrative that the election had been fixed by Dominion, Giuliani was confronted with a number of facts that rendered his outlandish claims inherently improbable, if not outright impossible.

89. For example, he has not explained how a decades-old international election-rigging conspiracy involving independent testing labs accredited by the EAC and thousands of bipartisan local election volunteers could have evaded detection for so long.

90. Giuliani also has not explained how—if Dominion were actually controlled by the associates of a Venezuelan dictator—it was permitted to operate in the United States by the Committee on Foreign Investment in the United States (“CFIUS”).

91. Nor has Giuliani explained how—if Dominion were willing and able to commit a massive fraud to deprive Trump of the presidency—Trump won the presidential election in 2016, when Dominion machines were used in 1,635 jurisdictions in more than two dozen “red” and “blue” states.

92. Yet, despite the inherent improbability of his lies, Giuliani continued to promote them even after Powell’s sham litigations had been dismissed and her witnesses—including the anonymous purported Venezuelan military officer and Russell Ramsland—had been judicially

¹⁰¹ Cybersecurity & Infrastructure Security Agency, *Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees* (Nov. 12, 2020), available at, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election> (Ex. 19).

determined to be “wholly unreliable,” and even after Giuliani’s false claims about Dominion fixing the election had been repeatedly, forcefully, and publicly rebutted and disproven by the hard evidence of independent audits and hand recounts of paper ballots and by reliable sources like Trump appointee Bill Barr, Trump appointee Chris Krebs, Georgia’s Republican Governor Brian Kemp, Georgia’s Republican Secretary of State Brad Raffensperger, federal judges, and 59 election security experts.¹⁰²

***As Shown from Publicly Available Records,
Giuliani’s Accusations About Dominion’s Origins Are False***

93. Publicly available records prove that Giuliani’s wild accusations about Dominion’s origins are also demonstrably false.

94. Dominion was not founded in Venezuela to fix elections for Hugo Chávez. It was founded in 2002 in John Poulos’s basement in Toronto to help blind people vote on paper ballots.¹⁰³

95. By 2009, Dominion’s business had grown in the United States, and a subsidiary company, Dominion Voting Systems, Inc., was incorporated in Delaware and headquartered in Denver, Colorado.¹⁰⁴ By 2018, the majority of the business’s customers and employees were in the United States, so Poulos sold the majority stake of the business to U.S. investors.¹⁰⁵

¹⁰² See Tony Adams, Prof. Andrew W. Appel, et al., *Scientists say no credible evidence of computer fraud in the 2020 election outcome, but policymakers must work with experts to improve confidence*, Matt Blaze (Nov. 16, 2020), available at, <https://www.mattblaze.org/papers/election2020.pdf> (Ex. 47).

¹⁰³ Iain Marlow, *Selling Trust in Democracy*, Toronto Star (Nov. 2, 2009), available at, https://www.thestar.com/business/2009/11/02/selling_trust_in_democracy.html (Ex. 148).

¹⁰⁴ State of Delaware Entity Search, available at, <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx> (Ex. 149); Colorado Secretary of State, available at, https://www.sos.state.co.us/biz/BusinessEntityDetail.do?quitButtonDestination=BusinessEntityResults&nameTyp=ENT&masterFileId=20101359683&entityId2=20101359683&fileId=20101359683&srchTyp=ENTIT_Y (Ex. 150).

¹⁰⁵ *Dominion Voting Systems Acquired by its Management Team and Staple Street Capital*, PR Newswire (July 16, 2018), available at, <https://www.prnewswire.com/news-releases/dominion->

96. Today, Dominion’s business is organized as US Dominion, Inc. and its two wholly owned subsidiaries, Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation.¹⁰⁶

Dominion Suffers Enormous Harm

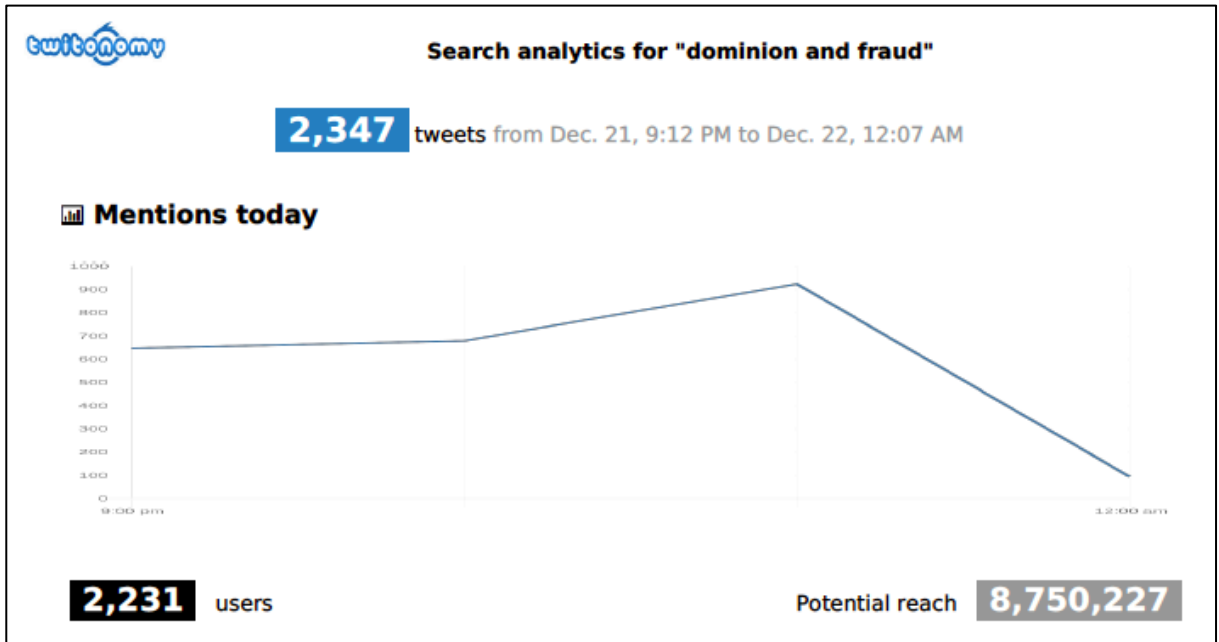
97. As a result of the false accusations disseminated to a global audience by Giuliani, his allies, and like-minded media outlets—who acted in concert to promote a false preconceived narrative about the 2020 election, despite the total lack of evidence to support it, and despite the mountains of paper ballots and the army of credible sources disproving it—Dominion has suffered unprecedented reputational and financial harm, and its employees’ lives have been put in danger.

98. Giuliani’s false tweets about Dominion were liked over 534,000 times and were foreseeably retweeted over 160,000 times. The retweets disseminated Giuliani’s false tweets to over 1.5 million Twitter accounts. Based on the average followers and the number of retweets overall, Giuliani’s false tweets about Dominion potentially reached more than 331 million Twitter accounts—or about the same number of accounts as the entire U.S. population.

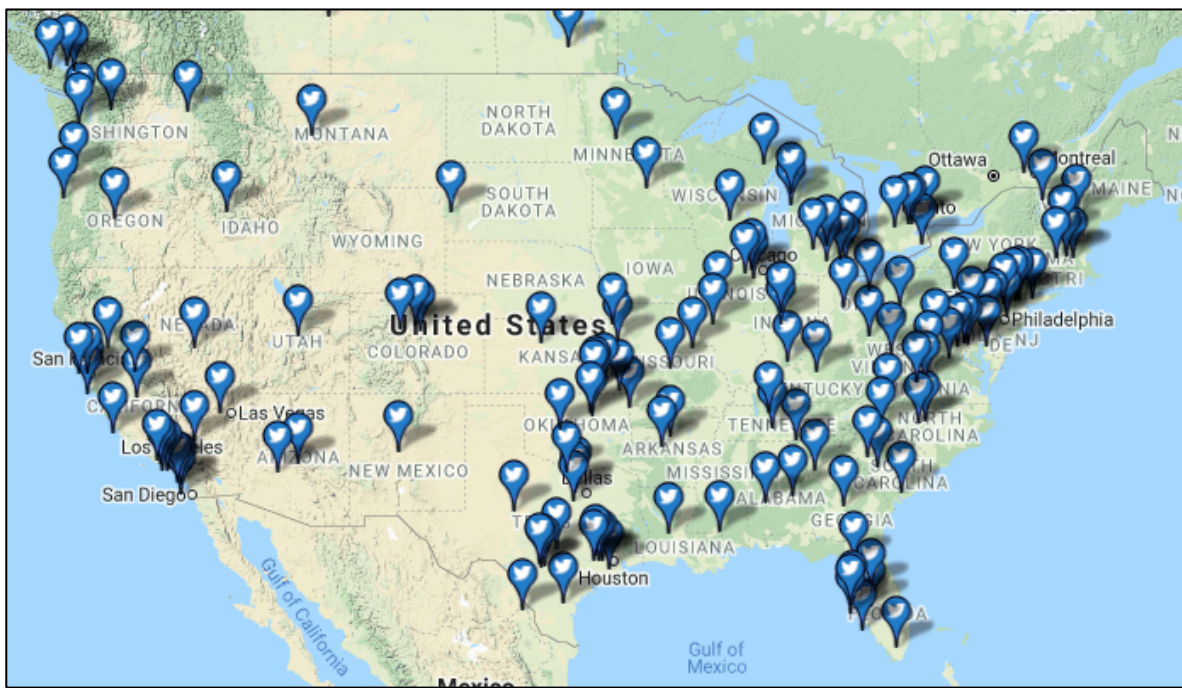
99. Over a *three-hour period* on December 21, 2020, the terms “dominion” and “fraud” were tweeted out together by more than **2,200** users with over **8.75 million** total followers.

[voting-systems-acquired-by-its-management-team-and-staple-street-capital-300681752.html](https://www.dominionvoting.com/press-releases/2020/12/21/dominion-voting-systems-acquired-by-its-management-team-and-staple-street-capital-300681752.html) (Ex. 151).

¹⁰⁶ Ex. 149.



100. Those over 2,200 Twitter users were located across the United States and in 17 countries around the world.



101. Among the hundreds of millions of people who were exposed to Giuliani's falsehoods about Dominion, one wrote "Giuliani said Dominion is owned by Venezuela's Maduro!"¹⁰⁷



102. Another wrote, replying to President Barack Obama and his over 128 million followers, "Giuliani reveals Dominion is a company owned by Smartmatic, whose founders were close to Chávez, dictator of Venezuela; its establishment was to fix the elections."¹⁰⁸

¹⁰⁷ SQepticalVal (@S_Quptic), Twitter (Nov. 13, 2020), available at, https://twitter.com/S_Quptic/status/1327465121577242624 (Ex. 220).

¹⁰⁸ Maula (@DaLi9177447), Twitter (Nov. 17, 2020), available at, <https://twitter.com/DaLi94877447/status/1328604803539333120> (Ex. 152).

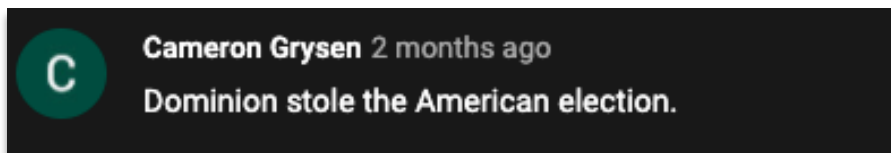


103. After listening to Giuliani’s November 15, 2020 interview on the radio show “The CATS Roundtable,” one person shared a link to the interview, and then foreseeably republished Giuliani’s defamatory falsehoods about Dominion, writing “DOMINON VOTING SYSTEM IS A FOREIGN SYSTEM OF TABULATION RUN BY CHINA AND VENEZUELA AND HAVE BEEN USED IN THE ‘STEALING’ OF VOTES IN SOUTH AMERICA FOR DICTATORS.”¹⁰⁹

¹⁰⁹ Ron Anthony (@ronanthonyone), Twitter (Nov. 15, 2020), available at, <https://twitter.com/ronanthonyone/status/1328013538678476800> (Ex. 153).

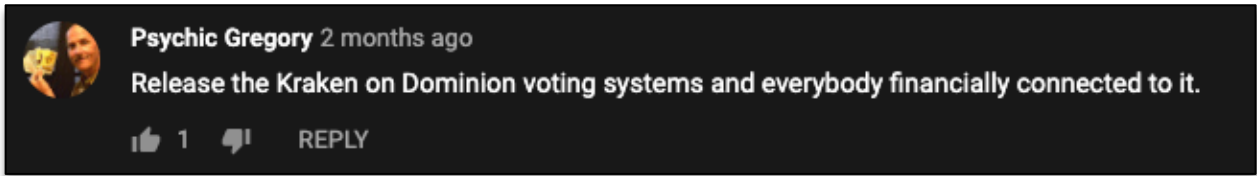


104. One commenter on Giuliani’s November 13 podcast wrote, “Dominion stole the American election.”¹¹⁰

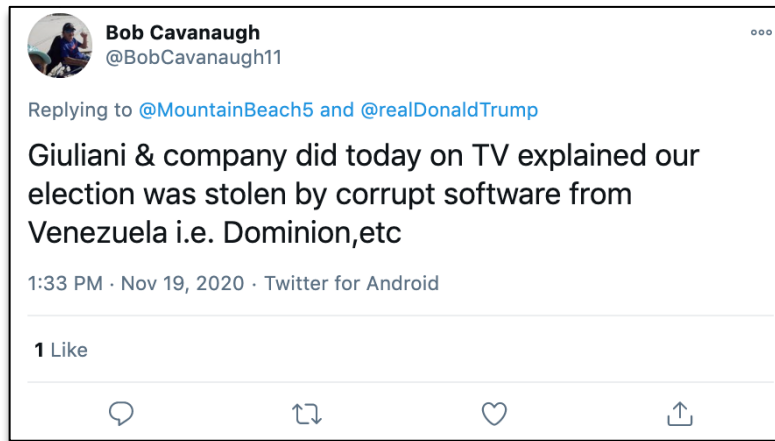


¹¹⁰ *REVEALED: Sworn Evidence of Pervasive Voter Fraud*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Nov. 13, 2020), available at, <https://www.youtube.com/watch?v=sd-5Xm5PFmg> (last visited Jan. 19, 2021) (Ex. 112).

105. Another wrote: “Release the Kraken on Dominion voting systems and everybody financially connected to it.”¹¹¹



106. Immediately after Giuliani’s November 19, 2020 Washington, D.C. press conference, countless people foreseeably began republishing his defamatory statements. For example, one person replied to Donald Trump and his over 88 million followers, “Giuliani & company did today on TV explained our election was stolen by corrupt software from Venezuela i.e. Dominion, etc.”¹¹²



107. Another person wrote: “did you listen to the Giuliani press conference, George Soros, crooked Dominion Software connections to Venezuela, dirty politics but we no longer have

¹¹¹ *Id.*

¹¹² Bob Cavanaugh (@BobCavanaugh11), Twitter (Nov. 19, 2020), available at, <https://twitter.com/BobCavanaugh11/status/1329493022946570241> (Ex. 156).

journalists, Trump suffered under deep state lies but he exposed them within our highest government agencies.”¹¹³



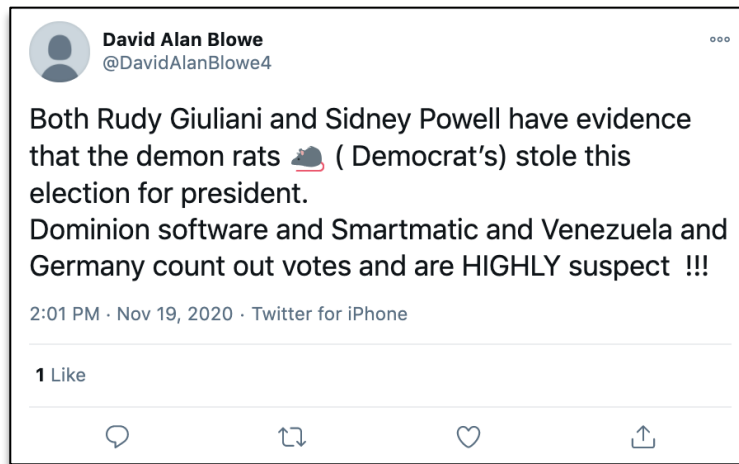
108. Another person claimed that they relied on the “evidence” Giuliani presented of massive voter fraud during the press conference, when in fact, he did not present a single shred of evidence supporting his defamatory statements: “Guess you missed the press conference where Giuliani presented evidence of mass voter fraud in multiple states. If you want to live in a Banana Republic where Dominion and Smartmatic software are allowed to overturn an election, MOVE TO VENEZUELA!!!!”¹¹⁴



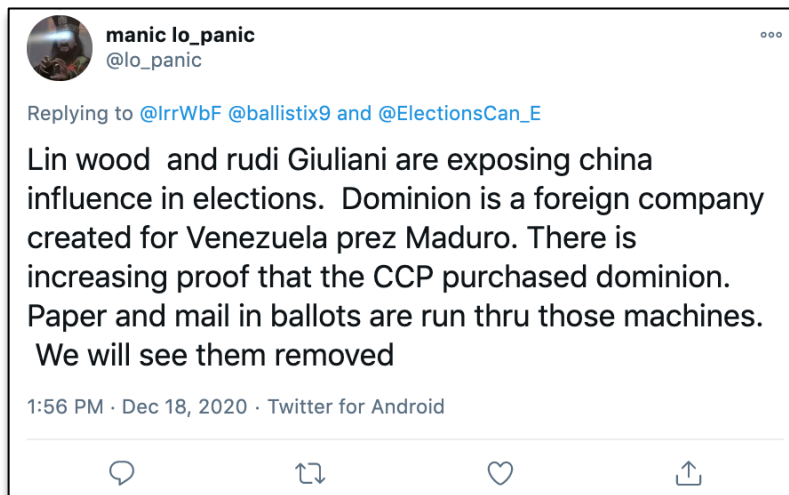
¹¹³ Ronnieh (@hcatfioe), Twitter (Nov. 19, 2020), available at, <https://twitter.com/hcatfioe/status/1329496142703439874> (Ex. 157).

¹¹⁴ Money in PJs (@moneyinpjs), Twitter (Nov. 19, 2020), available at, <https://twitter.com/moneyinpjs/status/1329487770260295682> (Ex. 158).

109. Another person foreseeably republished Giuliani’s defamatory falsehoods and touted the “evidence” he claimed to possess, writing “Both Rudy Giuliani and Sidney Powell have evidence that the demon rats (Democrat’s) stole this election for president. Dominion software and Smartmatic and Venezuela and Germany count out votes and are HIGHLY suspect !!!”¹¹⁵



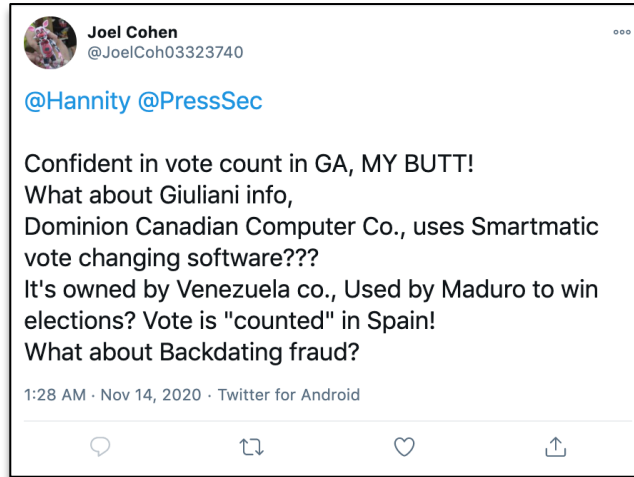
110. Another person wrote, “Lin wood and rudi Giuliani are exposing china influence in elections. Dominion is a foreign company created for Venezuela prez Maduro.”¹¹⁶



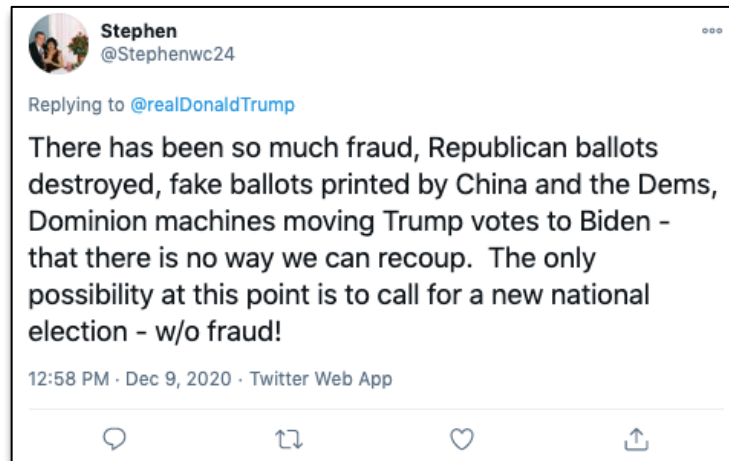
¹¹⁵ David Alan Blowe (@DavidAlanBlowe4), Twitter (Nov. 19, 2020), available at, <https://twitter.com/DavidAlanBlowe4/status/1329499960027570183> (Ex. 159).

¹¹⁶ Manic lo_panic (@lo_panic), Twitter (Dec. 18, 2020), available at, https://twitter.com/lo_panic/status/1340007958172725248 (Ex. 160).

111. One person wrote “Confident in vote count in GA, MY BUTT! What about Giuliani info, Dominion Canadian Computer Co., uses Smartmatic vote changing software??? It’s owned by Venezuela co., Used by Maduro to win elections?”¹¹⁷



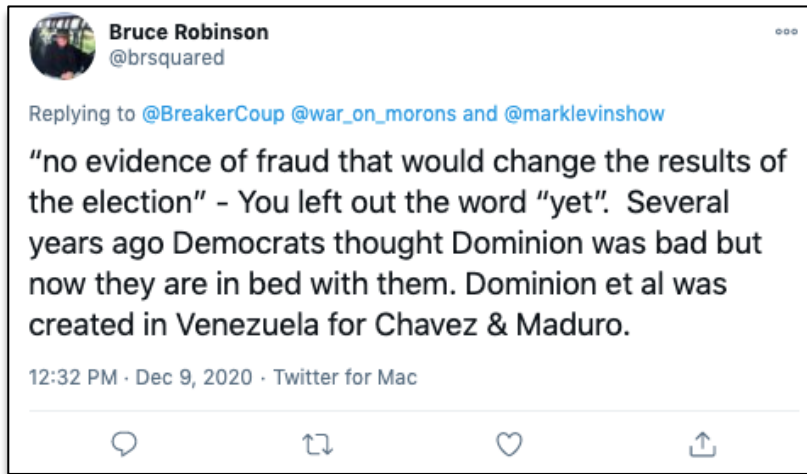
112. Another person who believed the defamatory falsehoods tweeted, “There has been so much fraud” including “Dominion machines moving Trump votes to Biden.”¹¹⁸



¹¹⁷ Joel Cohen (@JoelCoh03323740), Twitter (Nov. 14, 2020), available at, <https://twitter.com/JoelCoh03323740/status/1327498656694509568> (Ex. 161).

¹¹⁸ Stephen (@Stephenwc24), Twitter (Dec. 9, 2020), available at, <https://twitter.com/Stephenwc24/status/1336732043607068673> (Ex. 66).

113. One person tweeted, “Dominion et al was created in Venezuela for Chavez & Maduro.”¹¹⁹



114. Another person succinctly summarized the devastating harm that has been inflicted on Dominion’s commercial reputation, writing “Dominion is [a] fancy word for election fraud.”¹²⁰



115. As reflected in polling data about decreasing confidence in the legitimacy of the 2020 election, tens of millions of people believed the defamatory falsehoods about Dominion. For example, before the election, 44% of Trump supporters were “not very” or “not at all” confident

¹¹⁹ Bruce Robinson (@brsquared), Twitter (Dec. 9, 2020), available at, <https://twitter.com/brsquared/status/1336725318367911936> (Ex. 67).

¹²⁰ Ivo Boutros (@ivoboutros), Twitter (Dec. 8, 2020), available at, <https://twitter.com/ivoboutros/status/1336443509134548993> (Ex. 68).

in the national vote count.¹²¹ But after the viral disinformation campaign against Dominion, 81% of Trump voters believe that voter fraud influenced the election outcome.¹²²

116. Among Republicans generally, a November poll showed 68% are concerned that the election was “rigged,”¹²³ and a December poll showed 77% believe that “there was widespread voter fraud in the 2020 presidential election.”¹²⁴

117. As of January 7, 2021, a Google search of the terms “dominion,” “voting,” and “fraud” yields over 8.4 million results; a search of the terms “dominion,” “manipulate,” and “vote” yields over 1.9 million results; a search of the terms “boycott,” “dominion,” and “fraud” yields over 2.8 million results; and more focused searches like “who manufactures dominion voting machines” yields over 18.9 million results, just to name a few.

118. As a result of the viral disinformation campaign against Dominion, the company and its employees have been targeted and have received calls for jail time and death threats.

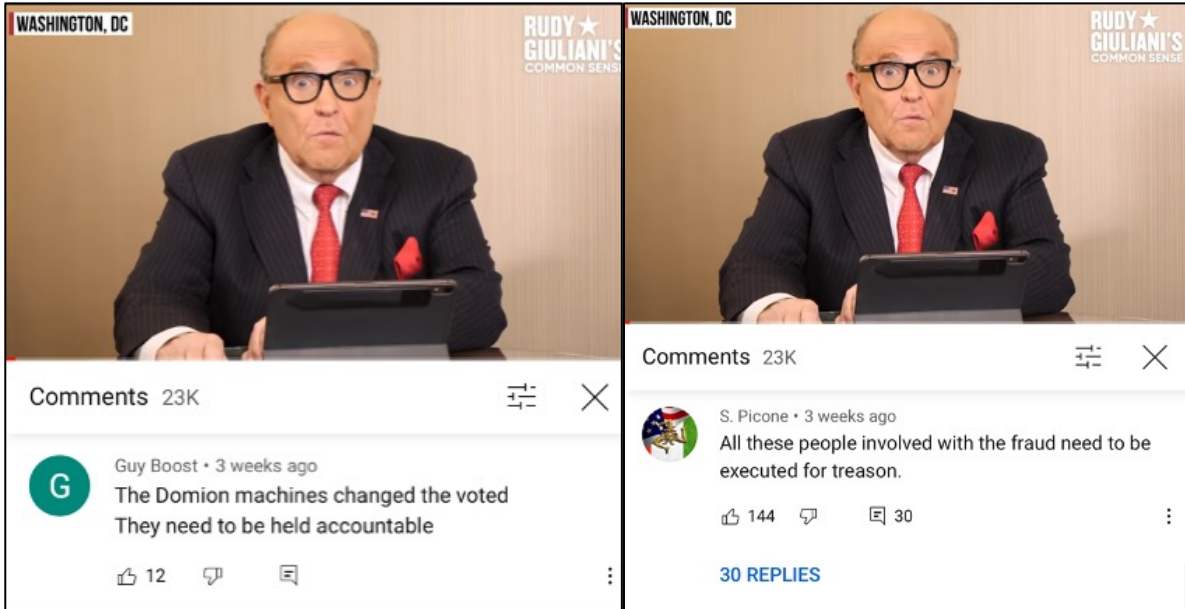
¹²¹ *A Democratic Stress Test – The 2020 Election and Its Aftermath*, Bright Line Watch (Nov. 2020), available at, <http://brightlinewatch.org/american-democracy-on-the-eve-of-the-2020-election/a-democratic-stress-test-the-2020-election-and-its-aftermathbright-line-watch-november-2020-survey/> (Ex. 71).

¹²² Candice Jaimungal, *Three-quarters of voters think fraud occurred during the election*, YouGov (Nov. 12, 2020) available at, <https://today.yougov.com/topics/politics/articles-reports/2020/11/12/voters-think-fraud-occurred-during-elec> (poll available at, <https://docs.cdn.yougov.com/9j7sr0my95/econTabReport.pdf>) (Ex. 72).

¹²³ Chris Kahn, *Half of Republicans say Biden won because of a ‘rigged’ election: Reuters/Ipsos poll*, Reuters (Nov. 18, 2020), available at, <https://www.reuters.com/article/us-usa-election-poll/half-of-republicans-say-biden-won-because-of-a-rigged-election-reuters-ipsos-poll-idUSKBN27Y1AJ> (poll available at, https://www.ipsos.com/sites/default/files/ct/news/document/s/2020-11/topline_reuters_post_election_survey_11_18_2020.pdf) (Ex. 73).

¹²⁴ *60% View Joe Biden’s 2020 Presidential Victory As Legitimate, Quinnipiac University National Poll Finds; 77% of Republicans Believe There Was Widespread Voter Fraud*, Quinnipiac University (Dec. 10, 2020), available at, <https://poll.qu.edu/national/release-detail?ReleaseID=3685> (Ex. 74).

119. For example, viewers of Giuliani’s Christmas Day podcast about Dominion commented on the video: “The Dominion machines changed the vote[]. They need to be held accountable” and “All these people involved with the fraud need to be executed for treason.”¹²⁵



120. Another person posted on social media, “Why isn’t every single Dominion employee in jail for their election fraud?!!!!!!!!!!”¹²⁶



¹²⁵ *WHO Will Be Our PRESIDENT? The Current State of Our Country*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Dec. 25, 2020), available at, <https://www.youtube.com/watch?v=NAzCECx8XeE> (last visited Jan. 19, 2021) (Ex. 162).

¹²⁶ Woody James (@WoodsonTJames), Twitter (Dec. 9, 2020), available at, <https://twitter.com/WoodsonTJames/status/1336726130771038208> (Ex. 75).

121. Another person posted, “jail dominion find them...ask allies to track them down”¹²⁷



122. One Dominion employee received text messages stating “*we are already watching you. Come clean and you will live.*”

123. One person left the following message on Dominion’s customer support line:

You’re all fucking dead, You’re all fucking dead. We’re bringing back the firing squad and you fuckers are all dead, everybody involved up against the wall you motherfuckers. We’re gonna have a fucking lottery to fucking give people a chance to shoot you motherfuckers you fucking wait you cocksuckers you commie pieces of shit. We’re going to fucking kill you all you motherfuckers. After a fair trial of course you pieces of shit. The American people are fucking coming for you this is the end of your fucking line guys your fucking days are numbered you better enjoy your Thanksgiving because you’ll never see another one you fucking cocksuckers. You will be gone soon. Happy Thanksgiving. Cock suckers. You’re almost done just watch and see what happens. Check out the executive order from September 12, 2018. You’ll see what’s going to happen. You’ll own nothing. You’ll be on the fucking 2030 plan because you’ll own nothing you fucking cocksuckers. It’s coming. Buckle your fucking seatbelts. Watch what’s going to happen next.

124. Another person sent a Dominion employee an email with the subject line, “***Time is up***” and with the message, “***You have 24 hours...***”

125. And another person left the following message on Dominion’s main office line:

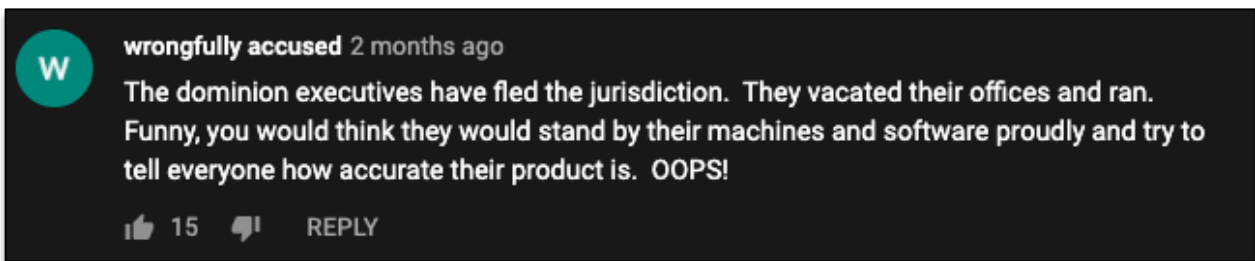
Yeah, good afternoon. Fuck you, fucking scumbags. ***We’re gonna blow***

¹²⁷ Lionslovestrump (@leonkhanin1234), Twitter (Dec 8, 2020), available at, <https://twitter.com/leonkhanin1234/status/1336497514598555650> (Ex. 76).

your fucking building up. Piece of fucking shit.

126. Because of these threats and numerous others, Dominion has made significant expenditures to protect its people from harm—including by employing on-site police and security. Since the beginning of the viral disinformation campaign, Dominion has spent more than \$565,000 on private security for the protection of its people.

127. As Dominion was coping with the barrage of death threats by hiring security and having employees work remotely, a commenter on one of Giuliani’s defamatory podcasts crowed, “The dominion executives have fled the jurisdiction. They vacated their offices and ran. Funny, you would think they would stand by their machines and software proudly and try to tell everyone how accurate their product is. OOPS!”¹²⁸



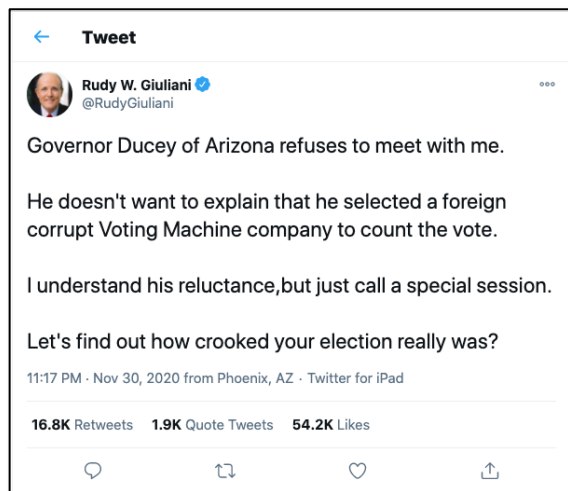
128. As a direct result of the viral disinformation campaign, Dominion has been forced to make significant expenditures in an attempt to mitigate the harm to its reputation and business. To date, Dominion has incurred expenses of more than \$1,170,000 to that end.

129. Dominion is a for-profit company that provides local election officials with tools they can use to run elections. It generates revenue by selling voting technology services to elected officials from both political parties. It contracts with state and local governments to provide its voting systems and services in a majority of states across the country. Those contracts are typically

¹²⁸ *REVEALED: Sworn Evidence of Pervasive Voter Fraud*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Nov. 13, 2020), available at, <https://www.youtube.com/watch?v=sd-5Xm5PFmg> (last visited Jan. 19, 2021) (Ex. 112).

multi-year contracts and range from tens of thousands of dollars to over a hundred million dollars, depending on the jurisdiction and scope of the contract. Given the nature of the U.S. election system and the voting services industry, Dominion’s contracts have historically been long term with high renewal rates. In 2020, state and local election officials and bipartisan poll workers in 28 “red” and “blue” states administered their elections by using Dominion’s tabulation devices to count paper ballots.

130. Giuliani has used his substantial Twitter following to leverage the false accusations about Dominion to exert overt political pressure on Governor Ducey of Arizona and Governor Kemp of Georgia.¹²⁹



¹²⁹ Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 30, 2020), available at, <https://twitter.com/RudyGiuliani/status/1333626364805533696> (last visited Jan. 19, 2021) (Ex. 163); Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 1, 2021), available at, <https://twitter.com/RudyGiuliani/status/1344876003840176128> (last visited Jan. 19, 2021) (Ex. 164).

131. Just one day after Giuliani’s and Powell’s Washington, D.C. press conference, Arizona state Congressman Warren Petersen tweeted, “I’m drafting legislation to ban the use of Dominion software and equipment from the state of Arizona. My constituents do not trust it...”¹³⁰



132. Similarly, since the viral disinformation campaign began, state legislators in various states in which Dominion has contracts—including Florida, Louisiana, Michigan, and Pennsylvania—have stated their intent to review and reassess those contracts.

133. One person wrote to California Congressman Devin Nunes and stated: “Our voting machines are owned by Canada The Dominion company has a parent company called Softmatic, developers are from Venezuela. ... This is a TOTAL STOLEN ELECTION. SOURCE: Rudy Giuliani on Lou Dobbs.”¹³¹

¹³⁰ Warren Petersen (@votewarren), Twitter (Nov. 20, 2020), available at, <https://twitter.com/votewarren/status/1329802399565770752> (Ex. 77).

¹³¹ Kim Melody (@u2cldknow), Twitter (Nov. 13, 2020), available at, <https://twitter.com/u2cldknow/status/1327429703414607874> (Ex. 165).



134. Another Twitter user commented on one Minnesota state official’s Twitter page: “Now review the facts about Dominion software, which was started in Venezuela to rig elections. Giuliani has whistleblowers from inside Dominion.”¹³²



¹³² Theresa (@SystembusterT), Twitter (Nov. 15, 2020), available at, <https://twitter.com/SystembusterT/status/1328147210203181056/> (Ex. 166).

135. As illustrated in the examples above, as a result of the viral disinformation campaign, Dominion has been unfairly subjected to the hatred, contempt, and distrust of tens of millions of American voters, and the elected officials who are Dominion's actual and potential customers have received emails, letters, and calls from their constituents demanding that they avoid contracting with Dominion or using Dominion machines. As a result, elected officials, insurers, and potential investors have been deterred from dealing with Dominion, putting Dominion's contracts in more than two dozen states and hundreds of counties and municipalities in jeopardy and significantly hampering Dominion's ability to win new contracts. Based on Dominion's historic financial track record, contract pipeline, retention and renewal rates, and new business capture rates, as well as the nature, severity, pervasiveness, and permanence of the viral disinformation campaign, current projections show lost profits of \$200 million over the next five years, when reduced to present value. In addition, the viral disinformation campaign has irreparably damaged Dominion's reputation and destroyed the resale value of a business that was worth between \$450 million and \$500 million before the viral disinformation campaign.

After Dominion Seeks a Retraction, Giuliani Doubles Down

136. On December 16, 2020, Dominion sent a 15-page retraction demand letter to Giuliani's ally, Sidney Powell, detailing the falsity of the claims that Powell and Giuliani had made about Dominion at the press conference and during their televised media tours.¹³³

137. The letter made headlines in *The New York Times*, *The Washington Post*, *Forbes*, and other national media outlets, and prompted the Trump Campaign, on December 19, to instruct its people to preserve and retain all materials that might become relevant in litigation relating to

¹³³ Retraction Demand Letter from T. Clare and M. Meier to S. Powell (Dec. 16, 2020) (Ex. 3).

the matter.¹³⁴ Because of this, Giuliani knew about—and likely read—the retraction demand letter to Powell—which set forth the falsity of the claims that Giuliani had also been making about Dominion—by at least December 19, 2020.

138. On December 22, Dominion also sent Giuliani a letter demanding that he cease and desist making false and defamatory claims about Dominion and instructing him to preserve all materials that might be relevant in litigation about the matter.¹³⁵

139. The letters seem to have had some effect on Giuliani—at least temporarily. On Twitter and in media appearances from December 21-23, Giuliani reframed his claims to avoid directly charging Dominion with fraud and election-fixing: instead, he falsely charged “crooked” election officials of “cheat[ing]” and “fool[ing] around with the machines” and “misus[ing]” the machines.¹³⁶ And, he claimed the company “has a history of making – let’s be generous – a lot of

¹³⁴ Alan Feuer, *Dominion demands that Sidney Powell retract ‘baseless and false allegations’ about voting machines*, N.Y. Times (Dec. 17, 2020), available at, <https://www.nytimes.com/2020/12/17/us/dominion-demands-that-sidney-powell-retract-baseless-and-false-allegations-about-voting-machines.html> (Ex. 154); Emma Brown, *Dominion sues pro-Trump lawyer Sidney Powell, seeking more than \$1.3 billion*, Wash. Post (Jan. 8, 2021), available at, https://www.washingtonpost.com/politics/dominion-sues-pro-trump-lawyer-sidney-powell-seeking-more-than-13-billion/2021/01/08/ebe5dbe0-5106-11eb-b96e-0e54447b23a1_story.html (Ex. 167); Alison Durkee, *Dominion Demands Sidney Powell Retract ‘Knowingly Baseless’ Voting Machine Conspiracy Theory*, Forbes (Dec. 17, 2020), available at, <https://www.forbes.com/sites/alisondurkee/2020/12/17/dominion-demands-sidney-powell-retract-knowingly-baseless-voting-machine-conspiracy-theory/?sh=4cc7cd453db0> (Ex. 168); Kaitlan Collins, Kevin Liptak & Pamela Brown, *Trump campaign told to preserve all documents related to Sidney Powell and Dominion Voting Systems*, CNN (Dec. 19, 2020), available at, <https://www.cnn.com/2020/12/19/politics/trump-campaign-sidney-powell-dominion-voting-systems/index.html> (Ex. 169).

¹³⁵ Retraction Demand Letter from T. Clare and M. Meier to R. Giuliani (Dec. 22, 2020) (Ex. 170).

¹³⁶ Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 21, 2020), available at, <https://twitter.com/RudyGiuliani/status/1340999931616768001> (last visited Jan. 19, 2021) (Ex. 171); *Rudy Giuliani to Newsmax TV: Pennsylvania Lawsuit First of Many Efforts*, Newsmax (Dec. 21, 2020), available at, <https://www.newsmax.com/newsmax-tv/rudy-giuliani-pennsylvania-scotus-lawsuit/2020/12/21/id/1002628/> (last visited Jan. 22, 2021) (Ex. 172).

mistakes” and having “a very, very questionable background.”¹³⁷ The change in Giuliani’s tone appears to have been intentionally calculated to go right up to the line where Giuliani could avoid defamation liability, while nevertheless reinforcing the falsehood that the election was stolen.

140. But Giuliani’s calculated caution did not last long. The day before Christmas Eve, he broadcast an episode of his *Common Sense* YouTube show, in which he falsely charged Dominion with fixing the election with crooked machines that flipped votes from Trump to Biden.¹³⁸ In addition to re-running his direct-to-camera advertisements for an “American-owned” cigar company, Giuliani also warned that a “socialist storm is brewing,” and pitched his audience on buying paid memberships—costing up to \$500 for a lifetime membership—in the “conservative alternative to the AARP.”¹³⁹ Giuliani instructed his viewers to use his name when signing up.



¹³⁷ *Cats At Night Special Guest Rudy Giuliani*, 77WABC (Dec. 23, 2020), available at, <https://www.youtube.com/watch?v=HZ37DcM-nCM&feature=youtu.be> (last visited Jan. 19, 2021) (Ex. 173).

¹³⁸ *Christmas is NOT CANCELLED, It's Vital This Year*, Rudy Giuliani’s *Common Sense* (broadcast from Washington, D.C. Dec. 23, 2020), available at, https://www.youtube.com/watch?v=FkvvtuVsyUA&list=PLIMn0a7NgIUZIGjQVofrk1M3Ulqdc7_-4&index=5 (last visited Jan. 19, 2021) (Ex. 147).

¹³⁹ *Id.* at 13:30.

141. Giuliani also touted his defamatory falsehoods about Dominion while marketing gold and silver coins to his viewers, saying “I accomplished a lot in 2020, exposing the truth,” and warning that “these are uncertain times” and that “[t]he one thing you can count on to protect what you have worked so hard for is physical gold and silver.”¹⁴⁰ He recommended that his viewers buy gold from “the company you can trust” and told them to “give them a call and tell them Rudy sent you.” And, Giuliani advised, “if you call them right now, they’ll give you up to \$1500 of free silver on your first order.”



¹⁴⁰ *Id.* at 21:17.

142. On January 2 and January 5, Giuliani again doubled down on his false claims about Dominion on OAN, his weekday radio show, and his YouTube podcast.¹⁴¹

***Incited by the Big Lie, a Mob Storms the United States Capitol
and Temporarily Halts the Certification of the 2020 U.S. Presidential Election***

143. By the night of the election, Giuliani had devised a plan to simply assert, without evidence, the Big Lie that the election had been stolen. Then, in a flurry of media appearances and on Twitter, Giuliani and his allies repeatedly told hundreds of millions of people that Dominion was the thief. Just as Giuliani and his allies intended, the Big Lie went viral on social media as people tweeted, retweeted, and raged that Dominion had stolen their votes. While some lies—little lies—flare up on social media and die with the next news cycle, the Big Lie was different. The harm to Dominion’s business and reputation is unprecedented and irreparable because of how fervently millions of people believe it. Indeed, hundreds of people believed the Big Lie about Dominion with such devotion that they took the fight from social media to the United States Capitol to #StopTheSteal. Americans with no prior criminal records booked hotel rooms, bought flights, and boarded planes to Washington, D.C., to attend the so-called “Save America” rally and to storm the Capitol to stop Congress from certifying the results of the “stolen” election. Having been deceived by Giuliani and his allies into thinking that they were not criminals—but patriots “Defend[ing] the Republic” from Dominion and its co-conspirators—they then bragged about their involvement in the crime on social media.

¹⁴¹ *Weekly Briefing Interview with Giuliani*, OAN (Jan. 2, 2021), available at, <https://app.criticalmention.com/app/#clip/view/74ed09be-0f2b-4c14-b9de-0ca0ad59952b?token=76f4002c-113c-4d95-b318-b3fe81b0c8b5> (Ex. 174); *Chat with the Mayor: Georgia Runoff Looms*, 77WABC (broadcast from Washington, D.C., Jan. 5, 2021), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 175); *WATCH THIS BEFORE January 6th*, Rudy Giuliani’s Common Sense (Jan. 5, 2021), available at, <https://www.iheart.com/podcast/867-rudy-giulianis-common-sens-72908742/episode/watch-this-before-january-6th-75890773/> (last visited Jan. 19, 2021) (Ex. 176).

144. A viewer of one of Giuliani’s defamatory podcasts had previously foreshadowed the violence that later foreseeably resulted from the Big Lie about Dominion, writing in the comments under Giuliani’s YouTube video: “the fact that this doesnt even include all the dominion stuff is telling how elaborate and great this fraud is. TRUMP 2020! ... if biden is inaugurated, theres a reason our founding fathers gave us the 2nd amendment.”¹⁴²



¹⁴² *REVEALED: Sworn Evidence of Pervasive Voter Fraud*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Nov. 13, 2020), available at, https://www.youtube.com/watch?v=sd-5Xm5PFmg&list=PLIMn0a7NgIUZIGjQVofrk1M3Ulqdc7_-4&index=15 (last visited Jan. 19, 2021) (Ex. 112).

145. A week before the January 6, 2021 certification, Giuliani’s client Donald Trump tweeted to his more than 88 million Twitter followers, “Big protest in D.C. on January 6th. Be there, will be wild!”¹⁴³

146. In the days leading up to the January 6 protest, people promoted the protest extensively on Facebook and Instagram, and more than 100,000 users posted hashtags affiliated with the movement, including #StopTheSteal, #FightForTrump, #DoNotCertify, and #WildProtest.¹⁴⁴ The day before the protest, Republican Party officials in Georgia, Texas, North Carolina, and Oregon circulated a meme calling for “Operation Occupy the Capitol” and promoting the hashtag #1776Rebel.¹⁴⁵

147. The evening before the certification and the “Save America” rally protesting it, Giuliani tweeted out a video, writing “WATCH This Before January 6th!”¹⁴⁶ The tweet garnered over 16,000 likes and 6,000 retweets. The video embedded in it was Giuliani’s January 5, 2020 *Common Sense* podcast, in which he falsely claimed that “the Dominion machines ... switched 6,000 votes ... in just one small area.”

¹⁴³ Donald J. Trump (@realDonaldTrump) Twitter, (Dec. 20, 2020), available at, <https://web.archive.org/web/20201219122053/twitter.com/realdonaldtrump> (Ex. 177).

¹⁴⁴ Elizabeth Dwoskin, *Facebook’s Sandberg deflected blame for Capitol riot, but new evidence shows how platform played role*, Wash. Post (Jan. 13, 2021), available at, <https://www.washingtonpost.com/technology/2021/01/13/facebook-role-in-capitol-protest/> (Ex. 178).

¹⁴⁵ *Id.*

¹⁴⁶ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 5, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346601024149188609> (Ex. 179); Ex. 176.



148. At 7:44 p.m. that evening, Giuliani tweeted “President Trump will be joining us tomorrow on The Ellipse in Washington, DC! SEE YOU THERE!”¹⁴⁷ The tweet generated over 25,000 likes.

149. On the morning of January 6, 2020, at 5:54 a.m., Giuliani retweeted a tweet that is no longer available and wrote “Hope to see you.”¹⁴⁸ At 10:28 a.m., he doubled down on the Big Lie that the election had not been honest, retweeting a video of “[H]istoric crowds in Washington DC in support of President Trump and honest elections.”¹⁴⁹

¹⁴⁷ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 5, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346618559108165633> (last visited Jan. 22, 2021) (Ex. 180).

¹⁴⁸ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 6, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346772109327032320> (last visited Jan. 19, 2021) (Ex. 181).

¹⁴⁹ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 6, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346841161349132289> (last visited Jan. 19, 2021) (Ex. 181).



150. At 10:29 a.m., Giuliani retweeted a tweet by Vernon Jones, who had spoken alongside Sidney Powell and L. Lin Wood at the “Stop the Steal” rally in Georgia on December 2, 2020.¹⁵⁰

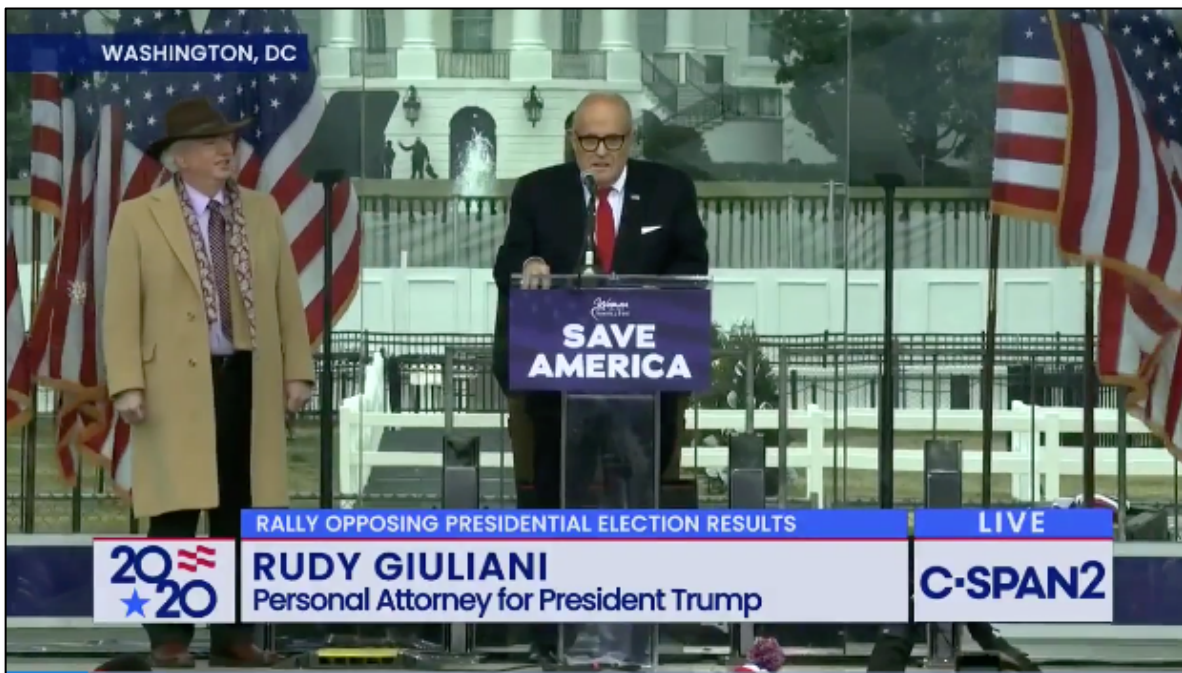
151. At 10:31 a.m., Giuliani retweeted his January 5 *Common Sense* YouTube podcast, repeating the Big Lie about Dominion.¹⁵¹

¹⁵⁰ Sidney Powell, Lin Wood attend ‘Stop the Steal’ rally in Georgia, YouTube (Dec. 2, 2020), available at, https://www.youtube.com/watch?v=pq-_B5z3QIA (last visited Jan. 19, 2021) (Ex. 44).

¹⁵¹ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 6, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346841734345592832> (last visited Jan. 19, 2021) (Ex. 181).

152. At 10:50 a.m., Giuliani took the stage at the “Save America” protest and doubled down on the Big Lie that he had first told about Dominion in early November, stating:

[W]e get to see the machines that are crooked, the ballots that are fraudulent. ... So, let’s have trial by combat. ... [O]ne of the experts who’s examined these crooked Dominion machines, has absolutely found what he believes is conclusive proof that in the last 10%, 15% of the vote counted, the votes were deliberately changed by the same algorithm that was used in cheating President Trump and Vice President Pence, same algorithm, same system, same thing was done with the same machines. ... This election was stolen.¹⁵²



153. Around noon, Donald Trump took the stage. Shortly after Trump started speaking, Giuliani again doubled down on the Big Lie, tweeting out a photo of him along with the caption, “The truly elected President!”¹⁵³ That tweet garnered over 10,000 retweets and over 46,000 likes.

¹⁵² *Rudy Giuliani Speaks at Washington DC Save America Rally*, YouTube (Jan. 6, 2021), available at, <https://www.youtube.com/watch?v=YNIiryv3PW8> (last visited Jan. 19, 2021) (Ex. 182).

¹⁵³ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 6, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346868458030571521> (last visited Jan. 19, 2021) (Ex. 181).



154. At 12:48 p.m., while Trump was still on stage, Giuliani tweeted, “The Save America March is to demand an examination of the machines and the ballots the crooks are concealing.”¹⁵⁴ The tweet was retweeted over 10,000 times and garnered over 37,000 likes. Three minutes later, at 12:51 p.m., while Trump was still on stage, Giuliani retweeted three tweets containing excerpts of his own rally speech and a fourth tweet that said, “I know the courage it

¹⁵⁴ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 6, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346876415476715524> (last visited Jan. 19, 2021) (Ex. 181).

takes to be out there.’ Thank you @RudyGiuliani and thank you PATRIOTS! God Bless the USA!”¹⁵⁵

155. During his speech, Trump foreseeably repeated the lies that Giuliani and his allies had told him, stating “there’s theft involved ... we will stop the steal.”¹⁵⁶ The crowd chanted, “FIGHT FOR TRUMP! FIGHT FOR TRUMP! FIGHT FOR TRUMP!”¹⁵⁷ Trump continued, “Rudy, you did a great job. He’s got guts. You know what? He’s got guts, unlike a lot of people in the Republican party. He’s got guts, he fights. He fights.”¹⁵⁸

156. Trump continued: “if Mike Pence does the right thing, we win the election... All Vice President Pence has to do is send it back to the States to recertify, and we become president ... We’re going to have to fight much harder and Mike Pence is going to have to come through for us. ... After this, we’re going to walk down and I’ll be there with you. ... We’re going to walk down to the Capitol. ... [Y]ou’ll never take back our country with weakness. You have to show strength, and you have to be strong.”¹⁵⁹

157. Trump also foreseeably repeated the Big Lie about Dominion that Giuliani, Powell, and Wood had fed him and—based on that lie—ordered his supporters to march to the Capitol:

We’ve amassed overwhelming evidence about a fake election. ... In addition, there is the highly troubling matter of Dominion voting systems. In one Michigan County alone, 6,000 votes were switched from Trump to Biden, and the same systems are used in the majority of states in our country. ... There is clear evidence that tens of thousands of votes were switched from President Trump to former Vice President Biden in several

¹⁵⁵ Ex. 181.

¹⁵⁶ *Donald Trump Speech “Save America” Rally Transcript January 6*, Rev.com (Jan. 6, 2021), available at, https://www.rev.com/transcript-editor/shared/7Nw_aFgSCwkywakGftVXzVw6NTJEvtBTes6rNigOo221hgTCjvDEnf_zvai7Hv5hmGYulmOca6TjcP2GuV0K1i_9pOY?loadFrom=PastedDeeplink&ts=3603.61 (last visited Jan. 23, 2021) (Ex. 183).

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

counties in Georgia. ... This is the most corrupt election in the history, maybe of the world. ... We must stop the steal. ... So we're going to, we're going to walk down Pennsylvania Avenue ... and we're going to the Capitol and we're going to try and give ... our Republicans, the weak ones, because the strong ones don't need any of our help, we're going to try and give them the kind of pride and boldness that they need to take back our country.¹⁶⁰

158. As Trump concluded his remarks, members of the crowd started marching toward the Capitol, chanting “STOP THE STEAL! STOP THE STEAL! STOP THE STEAL!”¹⁶¹ A man in the crowd later told the FBI that he and his cousin had begun marching toward the Capitol because “President Trump said to do so.”¹⁶²

159. At the end of their march, the horde descended on the Capitol, where lawmakers were assembled inside to count the Electoral College votes and where Republican Senate Majority Leader and Trump loyalist Mitch McConnell had called the claims that Giuliani, Powell, Wood, and their allies had been peddling for months “sweeping conspiracy theories”¹⁶³ that incited doubt “without any evidence.”¹⁶⁴

160. The mob outside harassed police officers posted at the barricades around the Capitol and started to get physical.¹⁶⁵ Others followed suit until they overwhelmed the police and breached the Capitol’s outer perimeter.¹⁶⁶ One man screamed at a police officer, “[w]e were

¹⁶⁰ *Id.*

¹⁶¹ Rosalind S. Helderman, Spencer S. Hsu & Rachel Weiner, *‘Trump said to do so’: Accounts of rioters who say the president spurred them to rush the Capitol could be pivotal testimony*, Wash. Post (Jan. 16, 2021), available at, https://www.washingtonpost.com/politics/trump-rioters-testimony/2021/01/16/01b3d5c6-575b-11eb-a931-5b162d0d033d_story.html (Ex. 184).

¹⁶² *Id.*

¹⁶³ *Senate Leaders McConnell and Schumer Remarks on Objection to Counting of Electoral College Votes*, CSPAN (Jan. 6, 2021), available at, <https://www.c-span.org/video/?c4933716/senate-leaders-mcconnell-schumer-remarks-objection-counting-electoral-college-votes>.

¹⁶⁴ *Id.*

¹⁶⁵ Lauren Leatherby, Arielle Ray, Anjali Singhvi, et al., *How a Presidential Rally Turned Into a Capitol Rampage*, N.Y. Times (Jan. 12, 2021), available at, <https://www.nytimes.com/interactive/2021/01/12/us/capitol-mob-timeline.html> (Ex. 185).

¹⁶⁶ *Id.*

invited here! We were invited by the President of the United States!”¹⁶⁷ Just before 2:00 p.m., rioters tore through scaffolding in front of the Capitol’s northwest steps and made their way closer to the building.¹⁶⁸



¹⁶⁷ Drew Harwell (@drewharwell), Twitter (Jan. 13, 2021), available at, <https://twitter.com/drewharwell/status/1349436733889404928?s=20> (Ex. 186).

¹⁶⁸ Ex. 185.

161. After breaching the final barrier on the northwest side of the Capitol, rioters broke into the building. One of the intruders—Eric Gavelek Munchel—made his way to the Senate chamber clad in military-style clothing and holding the type of zip ties that can be used as handcuffs in hostage situations.¹⁶⁹



162. Munchel had previously posted to Facebook a photograph of himself with a shotgun, an American flag, and Fox Business on a television screen in the background.¹⁷⁰ Fox Business had given Giuliani and Powell a global platform and endorsed the Big Lie about Dominion.



¹⁶⁹ Adam Goldman & Kate Benner, *The F.B.I. arrests two men who had carried plastic restraints into the Capitol*, N.Y. Times (Jan. 10, 2021), available at, <https://www.nytimes.com/2021/01/10/us/politics/capitol-zip-ties-arrest.html> (Ex. 187).

¹⁷⁰ Adam Goldman (@adamgoldmanNYT), Twitter (Jan. 10, 2021), available at, <https://twitter.com/adamgoldmanNYT/status/1348402331327598592> (Ex. 188).

163. Outside the Capitol, the mob grew and beat police officers. Robert Lee Sanford—a retired firefighter from Pennsylvania who was later charged with throwing a fire extinguisher at police officers—felt that Trump had instructed him to go to the Capitol.¹⁷¹ More than fifty police officers were injured in the melee, and Officer Brian Sicknick was struck with a fire extinguisher.¹⁷²

164. Although Giuliani had been active on Twitter throughout the day, tweeting and retweeting more than a dozen times between 5:54 a.m. and 12:51 p.m., he remained silent on Twitter for two hours while rioters brawled with police, smashed windows, and broke into the United States Capitol.¹⁷³ During those two hours—while Fox News, C-SPAN, and other networks were featuring live coverage of the mayhem—neither Giuliani nor Trump told the rioters to stand down or go home.¹⁷⁴

165. Instead, while rioters were chanting “Hang Mike Pence” and Vice President Mike Pence and other lawmakers were under siege inside the Capitol, Trump tweeted at 2:24 p.m.,

¹⁷¹ Ex. 184.

¹⁷² Peter Hermann & Julie Zauzmer, *Beaten, sprayed with mace and hit with stun guns: police describe injuries to dozens of officers during assault on U.S. Capitol*, Wash. Post (Jan. 11, 2021), available at, https://www.washingtonpost.com/local/public-safety/police-capitol-injures-trump/2021/01/11/ca68e3e2-5438-11eb-a08b-f1381ef3d207_story.html (Ex. 189).

¹⁷³ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 6, 2021), available at, <https://twitter.com/RudyGiuliani> (Ex. 181).

¹⁷⁴ *Live Updates*, Fox News, available at, <https://www.foxnews.com/politics/live-updates-pence-has-power-to-block-certification-trump-says>; *Protests at the U.S. Capitol*, C-SPAN (Jan. 6, 2021), available, <https://www.c-span.org/video/?507772-1/live-protests-us-capitol>; *Insurrection At The Capitol: Live Updates*, NPR (Jan. 6, 2021), available at, <https://www.npr.org/sections/congress-electoral-college-tally-live-updates>; *LIVE COVERAGE: Capitol overrun by pro-Trump mobs*, The Hill (Jan. 6, 2021), available at, <https://thehill.com/homenews/campaign/532854-live-coverage-pro-trump-protesters-gather-in-washington>; *WATCH: U.S. Capitol locked down as Trump supporters clash with police*, PBS (Jan. 6, 2021), available at, <https://www.pbs.org/newshour/politics/watch-live-u-s-capitol-locked-down-as-trump-supporters-clash-with-police>; *D.C. Protests Live Coverage*, Forbes (Jan. 6, 2021), available at, <https://www.forbes.com/sites/jemimamcevoy/2021/01/06/dc-protests-trump-pro-trump-rally-live-coverage/?sh=731763522339>.

“Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!”¹⁷⁵

166. At 2:52 p.m., implicitly acknowledging that he, Trump, and their allies had incited people to sack the United States Capitol, Giuliani tweeted:

To all those patriots challenging the fraudulent election,
POTUS wants you to EXPRESS YOUR OPINION PEACEFULLY,
We are the law and order party,
You are on the right side of the law and history.
Act with respect for all.¹⁷⁶

167. At 3:34 p.m., CBS reported that a woman was in critical condition after being shot in the neck inside the Capitol. The woman—who later died from her injuries—was Ashli Babbitt, a fervent Trump supporter who had attempted to break into the Speaker’s Lobby. Babbitt’s Twitter feed revealed that she watched Fox News and took inspiration from its hosts, commentators, and guests, retweeting them scores of times in the last year.¹⁷⁷

168. A little more than half an hour later, at 4:09 p.m., while congressional leaders were being evacuated from the Capitol, Giuliani retweeted a tweet linking to a Breitbart article about his speech earlier that day—during which he had repeated the Big Lie about Dominion that he had been peddling for months.¹⁷⁸

¹⁷⁵ Donald J. Trump (@realDonaldTrump), Twitter (Jan. 6, 2021), previously available at, <https://twitter.com/realDonaldTrump/status/1346900434540240897> (Ex. 190).

¹⁷⁶ Ex. 181.

¹⁷⁷ Ailsa Chang, *After Deadly Capitol Riot, Fox News Stays Silent On Stars’ Incendiary Rhetoric*, NPR (Jan. 13, 2021), available at, <https://www.npr.org/transcripts/955694096> (Ex. 191).

¹⁷⁸ Ex. 181.

169. At 4:17 p.m., Trump tweeted a video of himself saying that his supporters should “go home now,” but again repeated the Big Lie that the election had been “stolen from us.”¹⁷⁹

170. In the airport on their way home from Washington, D.C., after the attack on the Capitol, a crowd surrounded and harassed Congressman Lou Correa, screaming that he was a “fucking rat,” a “fucker,” a “motherfucker,” and an “elitist,” screaming “my children’s future is fucked because of motherfuckers like you,” and questioning the legitimacy of his election by demanding to know if the people who had voted for him had “use[d] Dominion.”¹⁸⁰



Giuliani Tries to Deflect Blame from Himself and Trump for the Riot

171. In the aftermath of the storming of the United States Capitol, many acknowledged that the Big Lie had led to the riot. For example, when Trump’s former White House

¹⁷⁹ *President Trump Tweets out video statement “Go Home in Peace,”* KATC News (Jan. 6, 2021), available at, <https://www.katc.com/news/national-news/president-trump-tweets-out-video-statement-go-home-in-peace> (Ex. 192).

¹⁸⁰ *Congressman Lou Correa stands up to Trump extremists in the airport,* YouTube (Jan. 11, 2021), available at, <https://www.youtube.com/watch?v=7rDIE2xpuAE> (Ex. 193).

communications director Alyssa Farah was asked if Trump lied, she said, “he did on the election, and ... people around him know better. We know that the results were not going to be overturned. ***We knew that it was a stunt to carry this on for days longer.***” And she lamented that “this runaway train of ‘the election was stolen’ got wind underneath it ... ***if you tell people their vote was stolen ... of course it’s going to end in violence and in riots.***”¹⁸¹

172. Although both Giuliani and Trump had implicitly acknowledged in their tweets that Trump supporters had attacked the Capitol, the next day, Giuliani reversed course and tried to deflect blame from himself and his client for inciting the violence.

173. On a January 7 episode of Giuliani’s radio show—while Officer Sicknick lay dying from injuries he sustained at the hands of rioters the day before—Giuliani blamed the police, ANTIFA, and D.C.’s mayor for the riot.¹⁸² While refusing to accept responsibility for the consequences of the Big Lie, Giuliani doubled down on it, falsely claiming the Dominion machines had “algorithms for moving votes” and that Dominion had “fixed the vote.”¹⁸³ The next day, Giuliani broadcast another episode of his talk radio show, again doubling down on the lie.¹⁸⁴

174. The following week, Giuliani inadvertently tweeted out—and then deleted—a screenshot of text messages he had apparently exchanged with people involved in the storming of

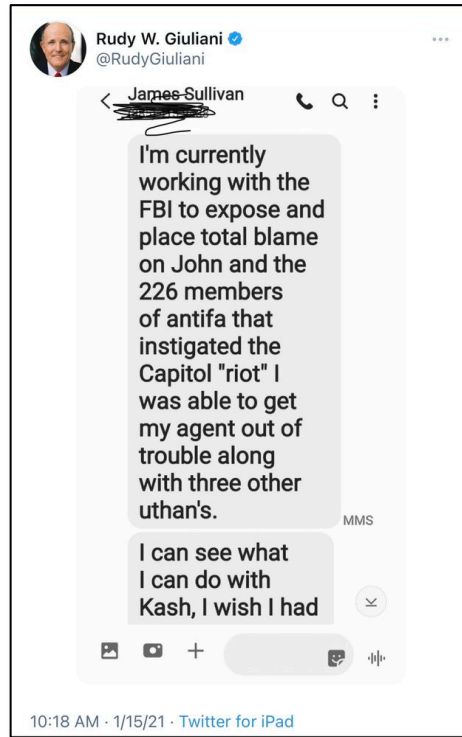
¹⁸¹ Veronica Stracqualursi, *Former Trump communications director says President lied about 2020 election and should consider resigning*, CNN (Jan. 8, 2021), available at, <https://www.cnn.com/2021/01/08/politics/alyssa-farah-trump-lied-resignation-cnntv/index.html> (Ex. 194).

¹⁸² *Chat with the Mayor: Violent Rioters Must be Condemned*, 77WABC (broadcast from Washington, D.C., Jan. 7, 2021), available at, <https://wabcradio.com/episode/violent-rioters-must-be-condemned-01-07-21/> (last visited Jan. 19, 2021) (Ex. 195).

¹⁸³ *Id.*

¹⁸⁴ *Chat with the Mayor: Capital Riot Aftermath*, 77WABC (broadcast from Washington, D.C., Jan. 8, 2021), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 138).

the Capitol, in an effort to “expose and place total blame” on “226 members of antifa that instigated the Capitol ‘riot.’”¹⁸⁵



Giuliani Refuses to Retract His False Accusations About Dominion

175. On January 10, 2021, Dominion sent Giuliani another retraction demand letter that laid out the facts, including that, as a result of Giuliani’s false accusations, Dominion had suffered enormous harm and its employees had been stalked, had been harassed, and had received death threats.¹⁸⁶

¹⁸⁵ Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 15, 2021), available at, https://web.archive.org/web/20210115152314if_/https://twitter.com/rudygiuliani/status/1350100097296691204 (Ex. 196).

¹⁸⁶ Second Retraction Demand Letter from T. Clare and M. Meier to R. Giuliani (Jan. 10, 2021) (Ex. 197).

176. Giuliani has not retracted his false claims about Dominion, and many of his false and defamatory television and radio appearances and tweets remain available online to a global internet audience. Indeed, to this day, he continues to double down on the Big Lie.

COUNT ONE – DEFAMATION *PER SE*

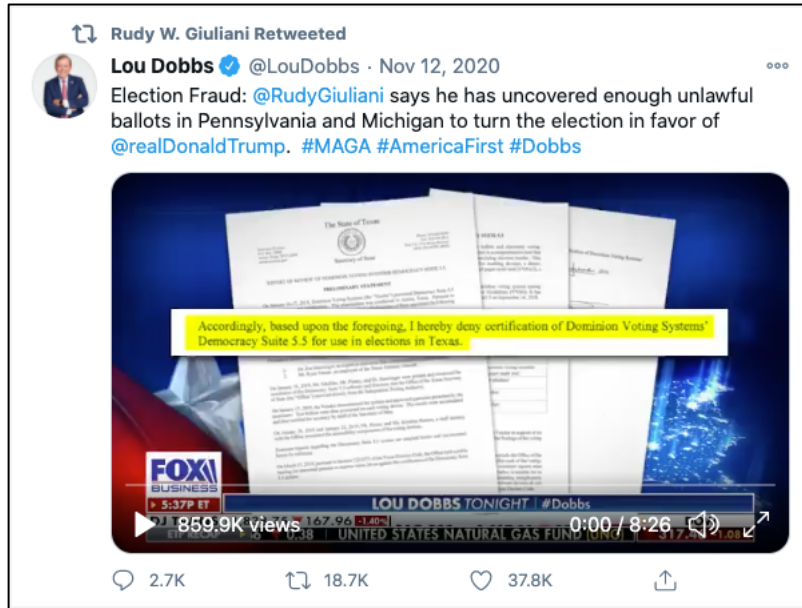
177. Dominion repeats and re-alleges each of the forgoing paragraphs as if set forth fully herein.

178. Giuliani made the following false and defamatory statements of fact about Dominion:

- (a) Beginning shortly after November 3, 2020, and continuing to the present day, Giuliani falsely claimed to numerous reporters, media outlets, and global audiences, in words or substance, that Dominion participated in a scheme to fix the 2020 presidential election by manipulating votes and the vote count, that Dominion is owned by or is a front for a company created in Venezuela to rig elections for Hugo Chávez, and that Dominion machines in Antrim County, Michigan flipped votes and had a 68% error rate and an 81.9% error rate, proving that the election in Michigan was a fraud. In making these false claims, Giuliani acted in concert with like-minded allies and media outlets that were determined to promote a false preconceived narrative about the 2020 election, and Giuliani expected, intended, foresaw, and facilitated the republication of his false statements to the broadest possible audience.
- (b) On November 12, 2020, Giuliani appeared on the Fox Business show “Lou Dobbs Tonight” with Fox personality Lou Dobbs. Dobbs tweeted an embedded video of the interview, which Giuliani retweeted. In the interview, Giuliani falsely stated:

Dominion is a company that’s owned by another company called Smartmatic, through intermediary company called Indra. Smartmatic is a company that was formed ... by three Venezuelans who were very close to, very close to the dictator, Chávez of Venezuela. And it was formed in order to fix elections. That’s the company that owns Dominion. ... [A]ll of its software is Smartmatic software ... So we’re using a ... company that is owned by Venezuelans who were close to – were close to Chávez, are now close to Maduro, have a history, they were founded as a company to fix elections ... I’ll give you another connection, Smartmatic, the company that owns Dominion, well the guy who was running it, was

one of the people who was number two or three in Soros’s change the world organization, Open Society.¹⁸⁷



- (c) On November 13, 2020, Giuliani hosted his radio show, “Chat with the Mayor” on 77WABC radio, from Washington, D.C., during which he falsely stated:

We have great concern over Dominion ... its software really is Venezuelan, it was called, it’s called Smartmatic. It was invented for, for Hugo Chávez to steal elections. ... And with a company owned by two people that are very close to a very big enemy of the United States, Hugo Chávez ... We do know in Antrim county, Michigan, ... the machine screwed up the vote. The machine flipped the vote. In other words when you pressed down Biden, you got Trump, and when you pressed down Trump you got Biden ... but flipping around the machine might not be, might also be a contributor when you consider that this company was expert in it, what it was invented to do.¹⁸⁸

- (d) On November 13, 2020, Giuliani published an episode of—and also tweeted a link to— his podcast “Rudy Giuliani’s Common Sense” from Washington, D.C., in which he falsely stated:

¹⁸⁷ *Lou Dobbs Tonight*, Fox Business (Nov. 12, 2020), available at, <https://twitter.com/LouDobbs/status/1327024215887851521> (last visited Jan. 20, 2021) (Ex. 109).

¹⁸⁸ *Chat with the Mayor: Major Challenges*, 77WABC (broadcast from Washington, D.C., Nov. 13, 2020), available at, <https://wabcradio.com/episode/major-challenges-11-13-2020/> (last visited Jan. 18, 2021) (Ex. 110).

Dominion Voting Services was the company that was selected to count the ballots It's going to turn out to be a very strange selection when you learn ... where these votes went so they could be manipulated. ... And then we'll take a look at Dominion, and we'll show you how technologically, they stole the election.¹⁸⁹



- (e) On November 13, 2020, Giuliani appeared on an episode of Steve Bannon's "War Room: Pandemic" podcast during which he falsely stated:

Dominion ... it really is a Venezuelan company, it depends completely on the software of Smartmatic. Smartmatic was a company that was developed ... to help Chávez steal elections. The software is intended to help to steal elections. And that's the software that's embedded within Dominion, and Smartmatic owns a

¹⁸⁹ *REVEALED: Sworn Evidence of Pervasive Voter Fraud*, Rudy Giuliani's Common Sense (broadcast from Washington, D.C., Nov. 13, 2020), available at, <https://www.youtube.com/watch?v=sd-5Xm5PFmg> (last visited Jan. 19, 2021) (Ex. 112); Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 13, 2020), available at, <https://twitter.com/RudyGiuliani/status/1327372367111335937> (last visited Jan. 21, 2021) (Ex. 198).

big piece of Dominion. The company ... its roots are Chávisa, Venezuelan roots.¹⁹⁰

- (f) On November 14, 2020, Giuliani tweeted the following false statement:

DOMINION ... was a front for SMARTMATIC, who was really doing the computing.¹⁹¹

- (g) On November 15, 2020, Giuliani hosted his Sunday radio show, “Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan” from Washington, D.C., and falsely stated:

There was a big pause. Now it looks like *it was instigated by Dominion*, and they probably got the word, we got to make up those ballots, and the cheating really went into high gear. And that’s when, at four in the morning, 100,000 votes show up in Michigan, 100,000 votes that show up in ash cans, and boxes ... the voting machine company ... Dominion isn’t what it appears to be. ... they use their software, by contract, with a company called Smartmatic. Smartmatic is founded in 2004 by two Venezuelans who were very close to Chávez. It was founded and put together for the specific purpose of stealing elections. It stole elections in Venezuela, stole elections in Argentina ... so Dominion is basically a shell for Smartmatic. It’s a company still owned by two Venezuelans, two Venezuelans very close to Maduro, the guy that we’re trying to overthrow in Venezuela. And our votes ... we don’t know what they’re doing with it. And here’s one of their specialties, which they did in an Argentinian election I believe, one of their specialties is if you’re going to lose, they immediately figure out where they gotta cut off the vote ... [O]ne of the things that Smartmatic specializes in, including, you know, warning you you’re falling too far behind, stop, reset, and start cheating even more, they also know how to spread a vote out, so if they have to catch you up, let’s say by 10,000 votes, they don’t do it just in one place, they sprinkle it in throughout a big city. And they, but they made a mistake in Michigan, that’s how it all started. ... [T]he machine had 6,000 votes switched from Trump to Biden. ... This is a ... entity that is rigging our election. This is a Venezuelan-owned company ... they may be registered in

¹⁹⁰ *Freakout*, War Room: Pandemic (Nov. 13, 2020), available at, <https://pandemic.warroom.org/2020/11/13/ep-499-pandemic-farce-w-john-fredericks-and-rudy-giuliani/> (last visited Jan. 22, 2021) (Ex. 221).

¹⁹¹ Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 14, 2020), available at, <https://twitter.com/RudyGiuliani/status/1327616396939948032> (last visited Jan. 18, 2021) (Ex. 111).

Delaware, but the people who own it and funded it are Venezuelans. They did it originally for Chávez. They work with Maduro now.¹⁹²

- (h) On November 15, 2020, Giuliani appeared on the Fox Business show “Sunday Morning Futures with Maria Bartiromo” with Fox personality Maria Bartiromo. Giuliani was interviewed from Washington, D.C., and falsely stated:

Giuliani: [T]he rigging ... went on ... [A] company that did the votes in 27 states ... uses Venezuela company software that’s been used to steal elections in other countries. ... [T]he software that they use is done by a company called Smartmatic, it’s a company that was founded by Chávez and by Chávez’s two allies who still own it. It’s been used to cheat in elections in South America. ... Dominion sends everything to Smartmatic. ... And this company has tried and true methods for fixing elections by calling a halt to the voting when you’re running too far behind. They’ve done that in prior elections. ... One of the chairmen of Smartmatic is a close business associate of George Soros. ... In Detroit, we have evidence that 100,000 ballots were brought in at 4:30 in the morning and counted and to the extent that our witnesses and there are four of them saw it, and one of them is an ex-employee of Dominion, and according to them every single ballot was for Biden and not only that whatever ballots they could see because they weren’t Republican so they could get closer, every ballot they could see just had Biden’s name on it, nobody else, not even another Democrat. Why does that happen? *It happens because* you know you’re behind, *Dominion notifies you*, you call off the counting and then you start doing ballots like this. ...

Bartiromo: ... One source says that the key point to understand is that the Smartmatic system has a back door, that allows it to be or that allows the votes to be mirrored and monitored allowing an intervening party a real-time understanding of how many votes will be needed to gain an electoral advantage. Are you saying the states that use that software did that?

Giuliani: I know I can prove that they did it in Michigan. I can prove it, with witnesses. ... We have people that I can’t really disclose, that can describe the hardware in great detail. We have some of the people, former government employees, our government employees, and others that were there at the creation of Smartmatic, they can describe it, they can draw it, they can show it, and then we have

¹⁹² *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan: Voter Fraud*, 77WABC (Giuliani’s appearance broadcast from Washington, D.C., Nov. 15, 2020), available at, <https://wabcradio.com/podcast/uncovering-the-truth-with-rudy-giuliani-maria-ryan/> (last visited Jan. 18, 2021) (Ex. 114).

proof that I can't disclose yet ... I mean, I can't imagine you'd give a contract to a company, if you went one step further and found out it's really being run by people that are close to Maduro and Chávez.¹⁹³



- (i) On November 18, 2020, Giuliani published an episode of—and also tweeted a link to—his podcast “Rudy Giuliani’s Common Sense” from Washington, D.C., in which he falsely stated:

Now let me tell you the history of Smartmatic. ... Smartmatic ... was founded by two Venezuelans, and two Venezuelans that were very close to the dictator in Venezuela, Chávez. And it was founded for the specific purpose of being able to fix elections. That’s right. The company that is calculating many of our votes in 27 states, the company that’s using the software to count those votes, was founded for the specific purpose of fixing elections. ... Dominion is a front for Smartmatic. ... Usually, according to the evidence that we have so far ... the way Smartmatic fixes an election is to very subtly change votes, so there isn’t some big change in any one particular voting place. So, let’s say you want to make up 50,000 votes in the city of New York. You don’t do it in one place. You don’t do it in two places, three. They use an algorithm in which they spread it out across the city, so they can get you a 2-3% difference over your opponent. This is the formula that they used in Venezuela. This is the formula they used in Argentina. This is the formula they’re known for. That is executed by the Smartmatic algorithms and the

¹⁹³ *Giuliani: Trump is contesting the election ‘vigorously’ in the courts*, Fox News (Giuliani’s interview broadcast from Washington, D.C., Nov. 15, 2020), available at, <https://video.foxnews.com/v/6209933935001#sp=show-clips> (last visited Jan. 20, 2021) (Ex. 115).

Smartmatic software, which, as I said, originates from Venezuela. In other words, we're using a Venezuelan system to calculate the votes in the United States. We're using a system that originates from a dictatorship... as the core of our vote calculation and a company whose expertise is subtle changes in votes. ... In Antrim County, Michigan, ... in one particular machine, they had switched, Dominion had, and Smartmatic, which is the ultimate software, had switched 6,000 votes, had switched 6,000 votes from Trump to Biden. So the poor people of Michigan who went into vote for Trump ended up voting for Biden because the machine and the software that originates with Venezuela, the dictatorship, changed their vote. ... One of the other things they do is, they warn you when you're falling too far behind when the count is going on. ...¹⁹⁴



- (j) On November 18, 2020, Giuliani broadcast his radio show, “Chat with the Mayor” on 77WABC radio, from Washington, D.C., during which he falsely stated:

But it isn't just about the results of the election, it's about the cheating that goes on in American, in American elections, it's

¹⁹⁴ *American Votes Tallied in Foreign Countries*, Rudy Giuliani's Common Sense (broadcast from Washington, D.C., Nov. 18, 2020), available at, <https://www.youtube.com/watch?v=VOG1yOjSAd4> (last visited Jan. 18, 2021) (Ex. 117); Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 18, 2020), available at, <https://twitter.com/RudyGiuliani/status/1329208126931955715> (last visited Jan. 21, 2021) (Ex. 118).

widespread, and then they use this company called Dominion, which is originally a company from Venezuela that was put together in order to help Chávez win in Venezuela and then Maduro. And it has expertise in subtly changing the vote. Subtle changes in vote. It has an algorithm where, let's say that want to change 10,000 votes in New York City; they do not do it all in one place. They do it in various places, so that it spreads out so that it's hard to find, so that it's 1,000 votes here or 500 votes there, 1,000 is probably too much, 250 somewhere, depending on the size of a district. And then they determine if an election is getting out of control like this one was, and they halt like they did here at 2:30 in the morning because Biden was going under, he was getting buried as they counted votes, so they stopped, they re-adjust things, they figure out how many phony mail in ballots they have to bring in...¹⁹⁵

- (k) On November 18, 2020, Giuliani appeared from Washington, D.C., on the Fox Business show "Lou Dobbs Tonight" with Fox personality Lou Dobbs. Dobbs tweeted an embedded video of the interview, which Giuliani retweeted. In the interview, Giuliani falsely stated:

Our votes in 27, 28 states that are counted by Dominion ... And the company counting it is not Dominion, it's Smartmatic, which is a company that was founded in 2005 in Venezuela for the specific purpose of fixing elections. That's their expertise, how to fix elections. They did it a number of times in Venezuela, they did it in Argentina ... Well, that's the company that was counting and calculating on election night. And they did all their old tricks. They stopped it, they also switched votes around, subtly, maybe 10 per district so you don't notice it. They got caught in Antrim county, which is how we found out about them ... We shouldn't be using this company that was founded by Chávez to call votes in America, because their specialty in Venezuela is cheating. ... And they're using a Venezuelan company as the vote counter which is known for changing votes.¹⁹⁶

¹⁹⁵ *Chat with the Mayor: Those are the Facts*, 77WABC (broadcast from Washington, D.C., Nov. 18, 2020), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 18, 2021) (Ex. 116).

¹⁹⁶ *Giuliani returns to court to argue Trump campaign's election case*, Fox Business (Giuliani interview broadcast from Washington, D.C., Nov. 18, 2020), available at, https://video.foxbusiness.com/v/6210778333001?playlist_id=933116636001 (last visited Jan. 18, 2021) (Ex. 119).



- (l) On November 19, 2020, Giuliani spoke at a Trump Campaign news conference in Washington, D.C., and falsely stated:

Dominion. ... we used largely a Venezuelan voting machine, in essence, to count our vote ... You couldn't possibly believe that the company counting our vote, with control over our vote is owned by two Venezuelans who were allies of Chávez, are present allies of

Maduro, with a company whose Chairman is a close associate and business partner of George Soros.¹⁹⁷

- (m) On November 19, 2020, Giuliani hosted his radio show, “Chat with the Mayor” on 77WABC radio, during which he falsely stated:

The company that does count the votes is a company called Smartmatic. Smartmatic is a Venezuelan product. It was invented to help fix elections in Venezuela, and it did so. And in Argentina. And it is currently owned by two Venezuelans who are close to Nicolás Maduro, the dictator of Venezuela, who we have for the last year and a half been trying to get out of power. ... [T]he company counting the votes for the nice people in Michigan are owned by friends of one of the greatest enemies of the United States, and that their specialty is stealing elections. And they were in 27 states. It’s amazing. ... [Y]our ballot ... goes into the hands of a company that is owned by one of the biggest enemies of the United States ... and that’s the state of Venezuela. ... I mean, Dominion, Dominion is the overall company that does the contracting, but the real guts of the operation is Smartmatic. And Smartmatic is owned by two Venezuelans who are loyal to Chávez and Maduro.¹⁹⁸

- (n) On November 19, 2020, Giuliani appeared, from Washington, D.C., on the Fox News show “Hannity” with Fox personality Sean Hannity. In the interview, Giuliani falsely stated:

At 4:30 in the morning, three or four big trucks pulled into the Detroit center. There were three people left behind who were honest. Two of our people and *a Dominion employee*. We have their affidavits. Here’s what they saw: they saw a big truck bringing in 100,000 ballots in garbage cans, in wastepaper baskets, in cardboard boxes, and in shopping baskets, and every single one of them was for Biden. And to the extent that they looked at them, it was only for Biden. No down ticket. Now why? Because they didn’t have time for a down ticket. All they had time for is Biden, Biden, Biden, Biden, Biden, Biden, because *they were being*

¹⁹⁷ *Trump Campaign News Conference on Legal Challenges*, CSPAN (Nov. 19, 2020), available at, <https://www.c-span.org/video/?478246-1/trump-campaign-alleges-voter-fraud-states-plans-lawsuits> (last visited Jan. 18, 2021) (Ex. 32).

¹⁹⁸ *Chat with the Mayor: Fraud and Lies*, 77WABC (Nov. 19, 2020), available at, <https://wabcradio.com/episode/those-are-the-facts-11-18-2020/> (last visited Jan. 19, 2021) (Ex. 120).

*notified by Smartmatic in Frankfurt that Biden was way behind, and they'd better come up with a lot more ballots ...*¹⁹⁹

- (o) On November 20, 2020, Giuliani hosted his radio show, “Chat with the Mayor” on 77WABC radio, from Washington, D.C., during which he falsely stated:

You know we used what are at base Venezuelan counting machines ... And I see that, I see that Dominion put out a statement saying that their machines were just wonderful ... Just a big lie. A big lie ... The owners of Dominion went to Venezuela to visit with the dictator there. They rely on Smartmatic, Dominion does, Smartmatic software ... Smartmatic specializes in algorithms that change elections, and bragged about it. ... Basically, the Smartmatic, the Smartmatic software, which is at the core of Dominion.²⁰⁰

- (p) On November 20, 2020, Giuliani published an episode of his podcast “Rudy Giuliani’s Common Sense” from Washington, D.C. —which he also shared via hyperlink on Twitter on November 23, 2020—in which he falsely stated:

And I haven’t gotten at all to the whole situation of Dominion and how the votes were counted in 27 different states by a machine built by a company that began, and continues to be, a company that specializes in voter fraud. ... A company that specializes in voter fraud The company that counted the ballots in Michigan and most of those states, is a company called Dominion ... Dominion doesn’t count the votes. A company called Smartmatic counts the votes. The company was founded in the early 2000s by two Venezuelans extremely close to Chávez, the dictator of Venezuela. They continue to own the company to this day. They were founded for the specific purpose of fixing elections in Venezuela. They fixed elections in Venezuela. They fixed elections in Argentina. ... The company is founded by communists who wanted to make sure Chávez and then Maduro were elected regardless of the will of the people ... We have a Venezuelan company with Venezuelan voter fraud technology counting our vote? ... [T]hey interfered with the vote ... [T]his election was stolen. ... A company that participated

¹⁹⁹ *Giuliani: Dems plotted ‘national conspiracy’ to steal 2020 election*, Fox News (Giuliani’s interview broadcast from Washington, D.C., Nov. 19, 2020), available at, https://video.foxnews.com/v/6211099886001?playlist_id=930909813001 (last visited Jan. 19, 2021) (Ex. 121).

²⁰⁰ *Chat with the Mayor: The Mob Was Easier to Deal With*, 77WABC (broadcast from Washington, D.C., Nov. 20, 2020), available at, <https://wabcradio.com/episode/the-mob-was-easier-to-deal-with-11-20-2020/> (last visited Jan. 19, 2021) (Ex. 122).

in the undermining of the vote, Smartmatic, which is a Venezuelan company built to cheat for Chávez and Maduro...²⁰¹



- (q) On November 23, 2020, Giuliani hosted his radio show, “Chat with the Mayor” on 77WABC radio, from Washington, D.C., during which he falsely stated:

[T]he ultimate calculator of our votes is a company owned by two Venezuelans, who founded that company for the specific purpose of fixing votes for Hugo Chávez. And have done so. And have a record of doing so. I imagine, in the one application that I saw, that when Dominion applies, they do not explain that they send the ballots ... to Smartmatic ... nor do they explain that they do business with a company, ... particularly with regard to these ballots, that is owned and run by two Venezuelans who supported Chávez, support Maduro [W]e’ll find out just how deep the intrusion of

²⁰¹ *Legal Strategy: Multiple Pathways to Victory*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Nov. 20, 2020), available at, <https://www.youtube.com/watch?v=H0h6sRuC8bQ> (last visited Jan. 19, 2021) (Ex. 123); Rudy W. Giuliani (@RudyGiuliani), Twitter (Nov. 23, 2020), available at, <https://twitter.com/RudyGiuliani/status/1330907010477535239> (last visited Jan. 21, 2021) (Ex. 199).

Dominion and Smartmatic was into our election. ... [T]hey're allied with Chávez and Maduro.²⁰²

- (r) On November 27, 2020, Giuliani appeared on an episode of Steve Bannon's "War Room: Pandemic" podcast during which he falsely stated:

Dominion is a company that specializes in stealing elections. That's their expertise. Their roots are Venezuelan. ... I think we'll be able to prove it, scientifically, that they are using Smartmatic software. Smartmatic is a company that was founded for Hugo Chávez to fix elections.²⁰³

- (s) On November 29, Giuliani hosted his Sunday radio show, "Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan" from Washington, D.C., During this show, Giuliani falsely stated:

[T]here are significant problems with the Dominion machines in Arizona, as there are in Michigan ... and in Georgia, very similar. ... The machines were loaded beforehand ... so this was a plan, you see, this was a plan or scheme.²⁰⁴

- (t) On December 2, 2020, Giuliani published an episode of—and also tweeted a link to—his podcast "Rudy Giuliani's Common Sense" from Washington, D.C., in which he falsely stated:

Smartmatic, which is a company started in Venezuela, and built for the purpose of stealing elections.²⁰⁵

²⁰² *Chat with the Mayor: Direct Violation*, 77WABC (broadcast from Washington, D.C., Nov. 23, 2020), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 200).

²⁰³ *Weather the Storm*, War Room: Pandemic (Nov. 27, 2020), available at, <https://pandemic.warroom.org/2020/11/28/ep-544-pandemic/> (last visited Jan. 22, 2021) (Ex. 222).

²⁰⁴ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan: Uncovering Voter Fraud*, 77WABC (Nov. 29, 2020), available at, <https://wabcradio.com/podcast/uncovering-the-truth-with-rudy-giuliani-maria-ryan/> (last visited Jan. 19, 2021) (Ex. 201).

²⁰⁵ *The ANSWER Exists in CONSTITUTION*, Rudy Giuliani's Common Sense (Dec. 2, 2020), available at, <https://www.youtube.com/watch?v=81hlgki4hk0> (last visited Jan. 19, 2021) (Ex. 202); Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 2, 2020), available at, <https://twitter.com/RudyGiuliani/status/1334286767080558592> (last visited Jan. 21, 2021) (Ex. 203).



- (u) On December 4, 2020, Giuliani tweeted the following false statement:

BIG WIN FOR HONEST ELECTIONS.

Antrim County Judge in Michigan orders forensic examination of 22 Dominion voting machines.

This is where *the untrustworthy Dominion machine flipped 6000 votes from Trump to Biden.*

*Spiking of votes by Dominion happenned [sic] all over the state.*²⁰⁶

- (v) On December 4, 2020, Giuliani appeared, from Washington, D.C., on the One America News Network show, “In Focus with Stephanie Hamill,” during which he made the following false statement:

Hamill: So Mayor, we were told this was like the most secure election in U.S. history by officials. What do you say to them?

²⁰⁶ Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 4, 2020), available at, <https://twitter.com/RudyGiuliani/status/1335014224532221952> (last visited Jan. 19, 2021) (Ex. 132).

Giuliani: Either they are the most incompetent officials we've ever had, or *they're in bed with Dominion and the phony companies who are involved in getting paid millions to help Biden win.*²⁰⁷

- (w) On December 6, 2020, Giuliani hosted his Sunday radio show, "Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan," from Washington, D.C., and falsely stated:

Caller: Regarding the Dominion voting machines, now we know they were designed to cheat with Hugo Chávez and Maduro in Venezuela. We know that they can flip votes because they did flip on one machine from Trump to Biden, 6,000 votes in one county or something.

Giuliani: Correct.²⁰⁸

- (x) On December 11, 2020, Giuliani hosted his radio show, "Chat with the Mayor" on 77WABC radio, from Washington, D.C., during which he falsely stated:

Dominion ... The machine fraud ... And this was a situation in which the machine fraud wasn't enough because he won by too much ... You know when he, so they cheated on the Dominion machines like crazy ... Dominion has a horrible history going back to Smartmatic, going back to a Venezuelan company that was built to fix elections, been involved in 8 or 10 fixed elections ... In this machine you can change the vote. You can change the vote after it's cast. You can change it. ... it's a complete fraud machine, and it's run by, it's run by two Venezuelans who were close to, close to Chávez, close to Maduro, fixed elections. ... This machine is a crooked machine ... Plenty of cheating in the machine ...²⁰⁹

- (y) On December 12, 2020, Giuliani appeared on the Fox News show, "Fox and Friends" from Washington, D.C. During this show, he falsely stated:

²⁰⁷ *In Focus with Stephanie Hamill*, OAN (Giuliani's interview broadcast from Washington, D.C., Dec. 4, 2020), available at, <https://app.criticalmention.com/app/#clip/view/70ebddad-8d73-4e94-8a7c-7a1897437d92?token=9667991d-a9cf-4554-89fc-7585a7734f37> (last visited Jan. 19, 2021) (Ex. 204).

²⁰⁸ *Uncovering the Truth with Rudy Giuliani and Dr. Maria Ryan: Uncovering Voter Fraud in Georgia*, 77WABC (broadcast from Washington, D.C., Dec. 6, 2020), available at, <https://wabcradio.com/podcast/uncovering-the-truth-with-rudy-giuliani-maria-ryan/> (last visited Jan. 19, 2021) (Ex. 205).

²⁰⁹ *Chat with the Mayor: Paxton's Fighting On*, 77WABC (broadcast from Washington, D.C., Dec. 11, 2020), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited on Jan. 19, 2021) (Ex. 206).

[W]e have a machine, the Dominion machine that ... was developed to steal elections and being used in the states that are involved.²¹⁰



- (z) On December 14, 2020, Giuliani appeared on “The Joe Pags Show” from Washington, D.C. During this appearance, Giuliani falsely stated:

It shows a 68% error rate of the votes cast in the federal election in Antrim county, Michigan by the Dominion machines. ... They don’t count ballots, they calculate ballots. ... Here, these machines calculate, they have algorithms, you can cast half a vote and a third of a vote, they can recalculate it as a third of a vote, and they do. ... The report says it was not human error, it was done by the machine. Completely done by the machine. Had nothing to do with human error. ... 68% error rate, no question. 81.9% rejection rate, no question you can go over it a thousand times if you want, that’s what it is. It shows without any doubt that the election in Michigan for sure was a fraud. And the numbers submitted by Michigan, by the Democrats there are false, fraudulent. They’re criminal.²¹¹

- (aa) On December 14, 2020, Giuliani appeared on Steve Bannon’s “War Room: Pandemic” podcast during which he falsely stated:

²¹⁰ *Rudy Giuliani on Trump election fight: We have ‘1,000 affidavits from witnesses in 6 different states,’* Fox News (Dec. 12, 2020), available at, https://video.foxnews.com/v/6215882367001?playlist_id=930909787001 (last visited Jan. 19, 2021) (Ex. 128).

²¹¹ *Joe Pags Show*, Twitch (Dec. 14, 2020), available at, <https://www.twitch.tv/videos/837601732?filter=all&sort=time> (last visited Jan. 19, 2021) (Ex. 133).

The Dominion machine ... you can change numbers ... they're not voting machines, they're calculators, and they're dishonest calculators built to fix elections.²¹²

- (bb) On December 15, 2020, Giuliani hosted his radio show, "Chat with the Mayor" on 77WABC radio, from Washington, D.C., during which he falsely stated:

What I want to mention is all of the revelations yesterday that you might not have absorbed completely about the corrupt Dominion voting system that was examined in Antrim county, Michigan. 22 machines, I still can't believe the error rate of 62%, 62% error rate. They reject 83% of the ballots, and send them to adjudication ... we will never know what happened to all those votes that were improperly cast in a machine that's made for cheating, that's, I mean, that's the whole purpose, the whole purpose of the Dominion system is to cheat [T]hey calculate, so you can get a half a vote for Trump, you can get a third of vote for Trump... You can do that if you were a machine that was made way back in Venezuela ... in order to help Hugo Chávez steal elections. And you keep that software, you've been thrown out of countries, you keep changing your name ... right now, the result in Michigan ... verging on really illegal and criminal. ... These Dominion machines ... they're calculators rather than counters ... And that's part of the way in which they get manipulated. Because algorithms are put in so for every three votes for Biden there's one vote for Trump. Or every four votes for Biden there's one vote for Trump They're using Dominion machines in most of the state So, the same faulty machines that don't count but calculate, that use algorithms to figure out the vote, and allow half votes, are being used to count the ballots in this election.²¹³

- (cc) On December 16, 2020, Giuliani hosted his radio show, "Chat with the Mayor" on 77WABC radio, from Washington, D.C., during which he falsely stated:

Caller: Because it's not just the Dominion machines, the election was really stolen with the fraudulent mail ballots.

²¹² *Crisis At Our Own Making*, War Room: Pandemic (Dec. 14, 2020), available at, <https://pandemic.warroom.org/2020/12/14/ep-582-pandemic-quest-for-justice-w-maggie-vandenberg-john-eastman-boris-epshteyn-phill-kline-ben-bergquam-mark-finchem/> (last visited Jan. 22, 2021) (Ex. 223).

²¹³ *Chat with the Mayor: We Will Keep Fighting*, 77WABC (broadcast from Washington, D.C., Dec. 15, 2020), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 207).

Giuliani: You're right, you're right. I would say, I would say 60/40, 70/30, yeah. Dominion machines contributed.²¹⁴

- (dd) On December 16, 2020, Giuliani appeared on Steve Bannon's "War Room: Pandemic" podcast during which he falsely stated:

The report earlier this week ... showed that the Dominion machines are completely fraudulent ... in the case of the machines we got to examine, 22 of them, they had a 68% error rate. ... Missing from them were all the corrections ... that would show the corrections that were made, which basically were to switch votes from Trump to Biden. ... The 22 machines that we got to examine that had a 68% error rate, that means they were wrong more than they were right.²¹⁵

- (ee) On December 17, 2020, Giuliani appeared on the "Glenn Beck Program" from Washington, D.C. During this appearance, Giuliani falsely stated:

[T]he machines in Michigan ... turned out to be 62% inaccurate.²¹⁶

²¹⁴ *Chat with the Mayor: Snow Troubles and a Possible Second Shutdown*, 77WABC (broadcast from Washington, D.C., Dec. 16, 2020), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 208).

²¹⁵ *One Person One Vote*, War Room: Pandemic (Dec. 16, 2020), available at, <https://pandemic.warroom.org/2020/12/16/ep-588-pandemic-one-person-one-vote-w-maggie-vandenberghe-john-fredericks-michael-leahy-rudy-giuliani/> (last visited Jan. 22, 2021) (Ex. 224).

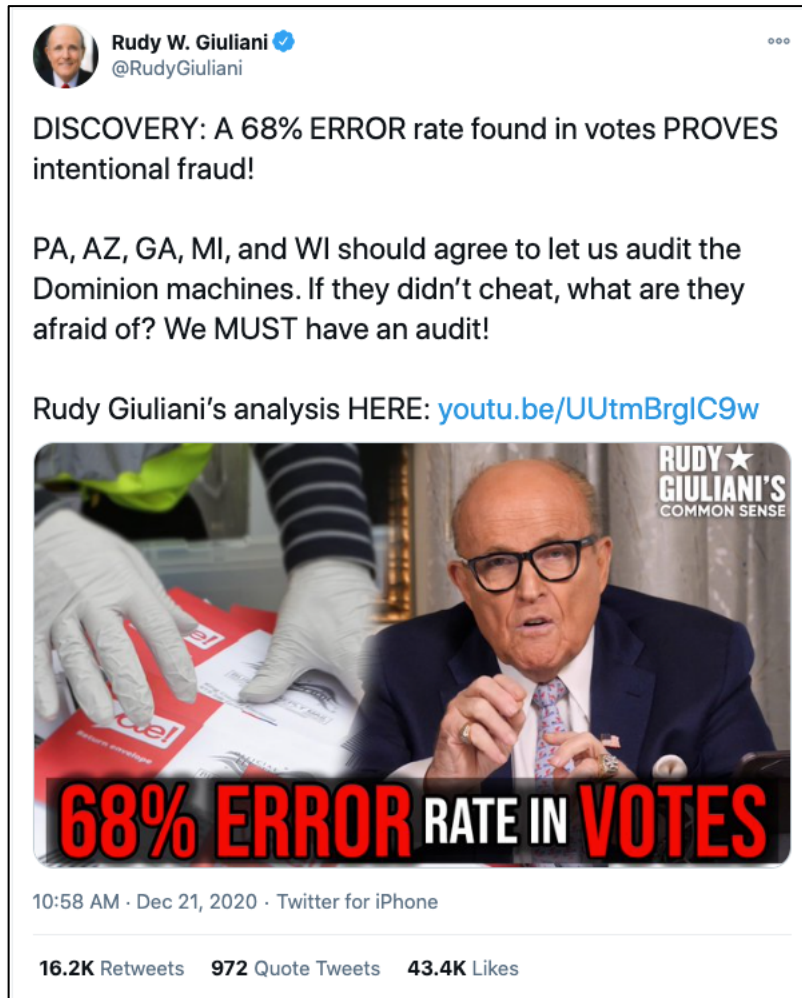
²¹⁶ *The Glenn Beck Program*, Blaze TV (Dec. 17, 2020), available at, <https://twitter.com/glennbeck/status/133972204154555968> (last visited Jan. 19, 2021) (Ex. 135).



(ff) On December 18, 2020, Giuliani published an episode of his podcast “Rudy Giuliani’s Common Sense” from Washington, D.C.—which he also shared via hyperlink on Twitter on December 21, 2020—in which he falsely stated:

So, based on the experts that we’ve had examine the Dominion machine, it’s basically operating on the original Smartmatic-Sequoia software, which was designed to not count a vote, but to calculate a vote. ... the barest of due diligence on Dominion voting systems, if you just went on here and Googled it, you would find everything I just told you, including the connection, historic connection to Venezuela and to Smartmatic. [In Antrim County, Michigan] 6,000 votes [were] switched from Biden, from Trump, rather, to Biden ... the county and the state of course lied and said that it was human error ... there was no human error. The machine switched the votes based on some kind of pre-programming. And apparently the machines throughout the state are programed to switch votes. The error rate for the votes cast on these machines was a 68% error rate. ... The federal election commission allows a rate of .0008%, so this error rate is, virtually means there was no election. ... There was an 81.96 reject rate in the votes cast. And in the machine, these are sent to adjudication. They go to adjudication files where somehow, magically based on

algorithms, they're recalculated. Why they have to be recalculated is, again, only because you want the flexibility to cheat. ... This is the purpose of the machine, the purpose of the machine is to calculate, and not count. ... [The vote] certified by those states using this fraudulent voting system are without any doubt false. ... [T]hese machines were programmed for insertion of votes [T]he machine was horribly manipulated to the point where the vote bears no relationship to anything having to do with reality. ... This machine is a fraudulent machine that produced a fraudulent vote.²¹⁷



(gg) On December 19, 2020, Giuliani appeared on Steve Bannon's "War Room: Pandemic podcast" where he falsely stated:

²¹⁷ *DISCOVERY: 68% ERROR Rate in Votes PROVES Intentional Fraud*, Rudy Giuliani's Common Sense (broadcast from Washington, D.C., Dec. 18, 2020), available at, <https://www.youtube.com/watch?v=UUtmBrglC9w> (last visited Jan. 19, 2021) (Ex. 134); Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 21, 2020), available at, <https://twitter.com/RudyGiuliani/status/1341050325751492608> (last visited Jan. 21, 2020) (Ex. 139).

This is a voting machine designed, way back in Venezuela, to fix elections.²¹⁸

- (hh) On December 20, 2020, Giuliani hosted his Sunday radio show, “Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan,” from Washington, D.C., and falsely stated:

Dominion machines ... that in Michigan produced a 62 percent inaccuracy rate, and an 84 percent adjudication rate which means that only 16 percent of the votes in that county were actually cast by people. ... [T]he machine was 62 percent inaccurate. ... [T]hey belong to a crooked company called Dominion that goes all the way back to a bunch of communists and they’ve been caught cheating in so many elections it’s ridiculous.... I know, for example in Atlanta, in four counties in Atlanta, the officials did not want to certify, because every time they re-ran the vote in the phony Dominion machines, the vote came back different. ... These machines, you have to realize, come from a company that developed machines in order to cheat on elections. ... And that’s why it can do things like change votes, have fractional votes.²¹⁹

- (ii) On December 22, 2020, Giuliani hosted his radio show, “Chat with the Mayor” on 77WABC radio, from Washington, D.C., during which he falsely stated:

Giuliani: Why won’t you let them examine the Dominion machines forthwith? Why? Because you know they’re crooked. ...

Caller: But no one ever mentions the Dominion machines. No one, is anyone going to check them for glitches and doing their fraudulent thing out there? Can you tell me?

Giuliani: ... the voting machine can’t repeat the election returns twice in a row or three times in a row. It’s not a voting machine, it’s a calculator.²²⁰

- (jj) On December 23, 2020, Giuliani appeared on an episode of 77WABC’s “Bernie & Sid in the Morning” during which he falsely stated:

²¹⁸ *America Under Attack*, War Room: Pandemic (Dec. 19, 2020), available at, <https://listen.warroom.org/e/ep-597-pandemic-america-under-attack-w-maggie-vandenberghe-tony-shaffer-rudy-giuliani-john-fredericks/> (last visited Jan. 22, 2021) (Ex. 225).

²¹⁹ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan*, 77WABC (Dec. 20, 2020), available at, <https://wabcradio.com/episode/uncovering-the-truth-12-20-20/> (last visited Jan. 19, 2021) (Ex. 136).

²²⁰ *Chat with the Mayor: Appoint New Electors*, 77WABC (broadcast from Washington, D.C., Dec. 22, 2020), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 209).

The Dominion machines ... we believe from what we saw in Michigan that the machines have an inaccurate vote, that they're programmed to give Biden somewhere between a 2 and 5% advantage.²²¹



- (kk) On December 23, 2020, Giuliani published an episode of—and also tweeted a link to—his podcast “Rudy Giuliani’s Common Sense” from Washington, D.C., in which he falsely stated:

We can come away and we can tell you how many votes they stole ... how many votes they actually did steal, how often they changed the vote around, what that algorithm was that they have in there, and what they were doing utilizing half votes and quarter votes. ... [T]hese Dominion crooked machines are calculating machines. ... [W]e can go into the memory of the machine and we can show that Trump actually got 6,000 votes, and Biden actually got 3,000 votes; the way you cheated in Antrim County and got caught. You didn't

²²¹ *Rudy Giuliani Gives An Update On The Election Lawsuits, Bernie & Sid in the Morning*, 77WABC (Dec. 23, 2020), available at, https://www.youtube.com/watch?v=gpIn2NXdAA4&feature=emb_logo (last visited Jan. 21, 2021) (Ex. 210); TalkRadio 77 WABC (@77WABCradio), Twitter (Dec. 23, 2020), available at, <https://twitter.com/77WABCradio/status/1341816433697828864> (last visited Jan. 21, 2021) (Ex. 211).

just do it in Antrim County, you did it throughout America in order to change the result of this election.²²²



- (II) On December 25, 2020, Giuliani published an episode of—and also tweeted a link to—his podcast “Rudy Giuliani’s Common Sense” from Washington, D.C., in which he falsely stated:

And then when we did see the machines in Michigan ... we found that 82%, 82% of the ballots that went into that machine didn't get registered immediately. They went off for adjudication because they were found to be not distinct enough. ... These machines are quite something, these Dominion machines. ... You can change

²²² *Christmas is NOT CANCELLED, It's Vital This Year*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Dec. 23, 2020), available at, <https://www.youtube.com/watch?v=FkvvtuVsyUA> (last visited Jan. 19, 2021) (Ex. 147); Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 23, 2020), available at, <https://twitter.com/RudyGiuliani/status/1341960025321795584> (last visited Jan. 21, 2021) (Ex. 212).

votes, you can recalculate votes, you can do things that you'd only want to do if you're cheating.²²³



(mm) On January 2, 2021, Giuliani appeared on the One America News Network show “Weekly Briefing” during which he falsely stated:

And, of course, the Dominion machines were the machines that we used, which are basically built to cheat. ... 68% error rate and an 82% rejection rate. ... You think you go in and vote for Biden or Trump, the machine decides it isn't clear enough, and it puts it in for adjudication. ... That was 82% in Antrim county. And, by the way, in counties surrounding Detroit, three counties, it was over 80%. So

²²³ *WHO Will Be Our PRESIDENT? The Current State of Our Country*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Dec. 25, 2020), available at, <https://www.youtube.com/watch?v=NAzCECx8XeE> (last visited Jan. 19, 2021) (Ex. 162); Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 25, 2020), available at, <https://twitter.com/RudyGiuliani/status/1342618055654875138> (last visited Jan. 21, 2021) (Ex. 213).

actually, only 20% of the people got the vote for sure that they made.²²⁴

- (nn) On January 4, 2021, Giuliani appeared on the Charlie Kirk Show podcast during which he falsely stated:

Those Dominion machines ... I'll show you how they manipulated those machines and changed the vote by 2, 3% ... you can actually change the vote. Why would you have a voting machine where you can change the vote, unless you wanted to cheat?²²⁵

- (oo) On January 5, 2021, Giuliani hosted his radio show, "Chat with the Mayor" on 77WABC radio, from Washington, D.C., during which he falsely stated:

And this is the way the machines, the Dominion machines cheat. They move the votes to adjudication, but now they're moving them to provisional ballots. ... If they don't do provisional ballots, they do something else with these cheating machines. 80% to 84% so far of every machine we've looked at in Georgia ... send 80% of the votes for adjudication. ... You only had a 20% chance of voting for him in Georgia because 80% of the ballots go to adjudication ... it shows you that it's a crooked voting machine.²²⁶

- (pp) On January 5, 2021, Giuliani published an episode of—and also tweeted a link to—his podcast "Rudy Giuliani's Common Sense" in which he falsely stated:

And expert witness examination of the Dominion machines, which, at least in the occasion of the 22 machines that have been examined, show that the machines were not only able to be changed in almost any way you wanted to, but in fact were changed, and switched 6,000 votes from Biden to Trump [sic], in just one small area.²²⁷

²²⁴ *Weekly Briefing Interview with Giuliani*, OAN (Jan. 2, 2021), available at, <https://app.criticalmention.com/app/#clip/view/74ed09be-0f2b-4c14-b9de-0ca0ad59952b?token=76f4002c-113c-4d95-b318-b3fe81b0c8b5> (Ex. 174).

²²⁵ *Flash Update with Mayor Rudy Giuliani*, The Charlie Kirk Show (Jan. 4, 2021), available at, <https://podcasts.apple.com/us/podcast/flash-update-with-mayor-rudy-giuliani/id1460600818?i=1000504332071> (last visited Jan. 21, 2021) (Ex. 214).

²²⁶ *Chat with the Mayor: Georgia Runoff Looms*, 77WABC (broadcast from Washington, D.C., Jan. 5, 2021), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 175).

²²⁷ *WATCH This BEFORE January 6th*, Rudy Giuliani's Common Sense (Jan. 5, 2021), available at, <https://www.iheart.com/podcast/867-rudy-giulianis-common-sens-72908742/> (last visited Jan. 19, 2021) (Ex. 176); Rudy W. Giuliani (@RudyGiuliani), Twitter (Jan. 5, 2021), available at, <https://twitter.com/RudyGiuliani/status/1346601024149188609> (last visited Jan. 21, 2021) (Ex. 179).



(qq) On January 6, 2021, Giuliani attended and spoke at the “Save America Rally” in Washington, D.C., and falsely stated:

[T]he machines ... are crooked ... [O]ne of the experts that has examined these crooked Dominion machines, has absolutely what he believes is conclusive proof that in the last 10%, 15% of the vote counted, the votes were deliberately changed by the same algorithm that was used in cheating President Trump and Vice President Pence, same algorithm, same system, same thing was done with the same machines. ... [T]hey programmed that machine from the outside to accomplish that. And they’ve been doing it for years to favor the Democrats. ... This election was stolen.²²⁸

(rr) On January 7, 2021, Giuliani hosted his radio show, “Chat with the Mayor” on 77WABC radio, from Washington, D.C., during which he falsely stated:

²²⁸ Rudy Giuliani Speaks at Washington DC Save America Rally, YouTube (Jan. 6, 2021), available at, <https://www.youtube.com/watch?v=YNIryv3PW8> (last visited Jan. 19, 2021) (Ex. 182).

22 Dominion machines ... fixed the vote. These machines moved 6000 votes from Trump to Biden. They have algorithms for moving votes.²²⁹

- (ss) On January 8, 2021, Giuliani hosted his radio show, “Chat with the Mayor” on 77WABC radio, from Washington, D.C., during which he falsely stated:

Dominion is an extremely sophisticated cyber-attack. And it, you know, it’ll, it’ll take a whole county and it will adjust the vote by 1%, 2%, in every, in every machine. It’s not going to, like, they made a mistake in Antrim county, Michigan where they got caught, where they made a 600, 6,000 switch, too fast in one machine ... and then you could see the numbers switched in the machine and you could see what phony machines Dominion machines are. ... [T]he thing is built to cheat. ... [W]hy would the state of Georgia ... pay them over \$100 million to get a machine that’s built to cheat? Because the people at the top, the governor, and that phony secretary of state, are part of this. They wanted the cheating. I don’t know what they got for it, but they got something for it. ... [T]hey have overwhelming evidence that he machines were rigged.²³⁰

- (tt) On January 10, 2021, Giuliani hosted his Sunday radio show, “Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan,” from Washington, D.C., and falsely stated:

[T]he Dominion machines ... were found to be crooked in Antrim, Michigan.²³¹

- (uu) On January 11, 2021, Giuliani appeared on “The Sara Carter Show” where he falsely stated:

[A]ny Dominion machine, I can show fixes votes, gets votes from Europe, actually was used to give Biden more votes than Trump.²³²

²²⁹ *Chat with the Mayor: Violent Rioters Must be Condemned*, 77WABC (broadcast from Washington, D.C. Jan. 7, 2021), available at, <https://wabcradio.com/episode/violent-rioters-must-be-condemned-01-07-21/> (last visited Jan. 19, 2021) (Ex. 195).

²³⁰ *Chat with the Mayor: Capital Riot Aftermath*, 77WABC (broadcast from Washington, D.C. Jan. 8, 2021), available at, <https://wabcradio.com/podcast/rudy-giuliani/> (last visited Jan. 19, 2021) (Ex. 138).

²³¹ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan*, 77WABC (Jan. 10, 2021), available at, <https://wabcradio.com/podcast/uncovering-the-truth-with-rudy-giuliani-maria-ryan/> (last visited Jan. 19, 2021) (Ex. 215).

²³² *Rudy Giuliani: Pres. Trump is going to speak to the American people*, The Sara Carter Show (Jan. 11, 2021), available at, https://www.spreaker.com/user/10614200/sara-carter-01112021-rudygiuliani-censor?utm_medium=widget&utm_source=user%3A10614200&utm_term=episode_title (last visited Jan. 19, 2021) (Ex. 216).

(vv) On January 15, 2021, Giuliani published an episode of—and also tweeted a link to—his podcast “Rudy Giuliani’s Common Sense” in which he falsely stated:

[C]ertain states actually voted for Trump, rather than for Biden ... for each one of those states I have enormous amount of proof that what I’m saying is true ... I have examinations of the crooked Dominion machines.²³³



(ww) On January 17, 2021, Giuliani hosted his Sunday radio show, “Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan,” from Washington, D.C., and falsely stated:

Caller: What do you make of the research from the MyPillow guy, Mike Lindell?

²³³ *This Has NEVER Occurred in U.S. History*, Rudy Giuliani’s Common Sense (Jan. 15, 2021), available at, <https://www.iheart.com/podcast/867-rudy-giulianis-common-sens-72908742/episode/this-has-never-occurred-in-us-76308324/> (last visited Jan. 19, 2021) (Ex. 137).

Giuliani: He's got a very, very important point. ... The reality is that Mr. Lindell and Colonel Waldron although slightly different methodologies, can point out that the machines were rigged to create a result. And there were even formulas that they can find, like for every 8 votes that Biden got, Trump got two. And machines were set differently in different places. Even fractions, so, I'll give you an example. In the parts of Atlanta where Trump was going to be a big winner, they couldn't make him a loser, but they took him down by three, four percent ... So you shave just four percent. Hard to notice. ... But then, it deprives you of the numbers in the rural areas that offset your loss in the city. That's the kind of stuff the Dominion machines does all over.²³⁴

(xx) On January 21, 2021, Giuliani appeared on "The Joe Pags Show" during which he falsely stated:

I'd love to take discovery on Dominion ... and then to show you how the machine works, where you can change votes, and where 80% of the votes end up in adjudication which means only 20% of the votes get registered the way you put it in.²³⁵

(yy) On January 22, 2021, Giuliani hosted his weekday radio show, "Chat with the Mayor," during which he falsely stated:

Dominion is a voting machine, I'll just tell you one thing about it, you can change the vote. If you can change the vote in a voting machine, then it's built for one purpose and one purpose alone, and that's to cheat. ... It computes votes, rather than just counts them ... so long as you have Dominion, there is a clear and present danger that there's going to be a bump of 2, 3, 4 percent for whomever they want to bump it for. The facts that there were votes stolen ... it has been proven ... that evidence is in the form of ... the things that are used to program these Dominion machines. It's evidenced by the examination of the machines in Antrim county, Michigan that showed 6,000 votes changed.²³⁶

²³⁴ *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan: Inauguration Security & Republican Party Future*, 77WABC (Jan. 17, 2021), available at, <https://wabcradio.com/podcast/uncovering-the-truth-with-rudy-giuliani-maria-ryan/> (last visited Jan. 21, 2021) (Ex. 217).

²³⁵ *Joe Pags Show*, Twitch (Jan 21, 2021), available at, <https://www.twitch.tv/videos/882795673> (last visited Jan. 22, 2021) (Ex. 226).

²³⁶ *Chat with the Mayor*, 77WABC (Jan. 22, 2021), available in relevant part at, <https://app.criticalmention.com/app/#clip/view/a6d28d7d-10df-4f50-b601-a9618d30dd27?token=c61d6a3e-e336-44f7-8438-b22c6611f7fb> and <https://app.criticalmention.com/app/#clip/view/cfa46023-a414-45c4-9107-bba054e13868?token=c61d6a3e-e336-44f7-8438-b22c6611f7fb> (last visited Jan. 23, 2021) (Ex. 227).

179. Giuliani's statements are reasonably understood to be statements of fact about Dominion, and were understood by people who saw, heard, and read them to be statements of fact about Dominion.

180. Giuliani had no applicable privilege or legal authorization to make these false and defamatory statements, or if he did, he abused it.

181. As set forth above in detail, Giuliani's statements are false.

182. As set forth above in detail, Giuliani published these statements with actual malice, knowing or recklessly disregarding that they are false, misrepresenting evidence to support his false accusations; purposefully avoiding or intentionally disregarding abundant and publicly available evidence, facts, and reliable sources rebutting and disproving his false claims; espousing inherently improbable accusations; forming and sticking to a false preconceived narrative in spite of the facts; relying on facially unreliable sources; and—when specifically put on notice of the truth and asked to retract—doubling down on and republishing his false accusations, all in furtherance of his plan to financially enrich himself, to maintain and enhance his public profile, and to ingratiate himself to Donald Trump for money and benefits he expected to receive as a result of that association, including, but not limited to, a reported \$20,000 per day fee.²³⁷

183. Dominion is entitled to punitive damages under D.C. law because Giuliani's defamatory statements were accompanied with spite, malice, ill will, recklessness, wantonness, willful disregard of Dominion's rights, and other circumstances tending to aggravate the injury.

²³⁷ See Michael S. Schmidt & Maggie Haberman *Giuliani Is Said to Seek \$20,000 a Day Payment for Trump Legal Work*, N.Y. Times (Jan. 14, 2020), available at, <https://www.nytimes.com/2020/11/17/us/politics/giuliani-trump-election-pay.html> (Ex. 113); Phillip Rucker, Josh Dawsey & Ashley Parker, *Trump is isolated and angry at aides for failing to defend him as he is impeached again*, Wash. Post (Jan. 13, 2021), available at, https://www.washingtonpost.com/politics/trump-isolated-impeachment/2021/01/13/0595675a-55b6-11eb-a931-5b162d0d033d_story.html (Ex. 218).

184. Giuliani's statements are defamatory and defamatory *per se*. They have exposed Dominion to the most extreme hatred and contempt. Giuliani has directly accused Dominion of fraud, election fixing, conspiracy, and bribery, which are serious crimes. For Dominion—whose business is producing and providing voting systems for elections—there are no accusations that could do more to damage Dominion's business or to impugn Dominion's integrity, ethics, honesty, and financial integrity. Giuliani's statements were calculated to—and did in fact—provoke outrage and cause Dominion enormous harm.

185. Acting in concert with allies and media outlets that were determined to promote a false preconceived narrative about the 2020 election, Giuliani launched a viral disinformation campaign about Dominion that reached millions of people and caused enormous harm to Dominion. As a direct, foreseeable, and intentional result of that viral disinformation campaign, Dominion has suffered the following single and indivisible injuries: Dominion employees have been stalked, have been harassed, and have received death threats; Dominion has been forced to make an expenditure of money to remedy the defamation and to protect the lives of its employees; Dominion has lost profits; and Dominion's reputation has been irreparably damaged.

186. In view of the forgoing, Dominion is entitled to actual, presumed, punitive, and other damages in an amount to be specifically determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Dominion respectfully requests that the Court enter an award and judgment in its favor, and against Giuliani, as follows:

- (a) awarding Dominion compensatory damages of not less than \$651,735,000;
- (b) awarding Dominion punitive damages of not less than \$651,735,000; and
- (c) such other and further relief as the Court deems appropriate.

JURY DEMAND

Plaintiffs demand a trial by jury on all claims and issues so triable.

Date: January 25, 2021

/s/ Thomas A. Clare, P.C.

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