

2. Byrne pushed these lies in collaboration with Sidney Powell, her client Michael Flynn, Rudy Giuliani, MyPillow’s CEO Mike Lindell, and others. To manufacture a fake report that could be marketed as evidence against Dominion, Byrne engaged Russell Ramsland, a “Deep State” conspiracy theorist who had peddled a false story about Dallas’s 2018 congressional election and Kentucky’s 2019 gubernatorial election that Byrne and his collaborators deliberately revised and repurposed for use against Dominion. Specifically, Ramsland had falsely claimed that those elections had been rigged by voting machines using Venezuelan election-stealing software controlled by a George Soros operative and that votes had been sent to CIA-funded databases in Spain where they were changed and sent back to the United States. Byrne later intentionally revised this false story to fit his preconceived narrative and falsely claimed that Dominion had rigged the Dallas 2018 election—even though Dominion machines were not used in that election or Kentucky’s 2019 gubernatorial election.

3. After flying to Michigan on Byrne’s jet at Rudy Giuliani’s behest, Ramsland’s team produced a fake “forensic report” that falsely claimed that Dominion’s voting systems had been “intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results,” which Byrne would later publish on his blog. The report was debunked by the county’s Republican clerk, Michigan’s Secretary of State, and the Republican-led Michigan Senate Oversight Committee, which was “appalled” at the “*willful* ignorance or avoidance” of the truth by those behind the report, and recommended an investigation into “those who have been utilizing misleading and false information about Antrim County to raise money or publicity for their own ends.”

4. Undeterred, Byrne and his allies recently ran a play out of the same playbook used in Michigan: Byrne and Lindell helped bankroll another “Deep State” conspiracy theorist—Doug Logan and his “Cyber Ninjas”—to conduct a sham “audit” in Arizona.

5. Byrne has also falsely represented that a convicted felon and college drop-out was in fact a mathematician who had mathematical proof that Dominion machines had stolen the election in Philadelphia—even though Dominion machines were not used in Philadelphia. Byrne even featured the claims of a purported “military intelligence analyst” who was Ramsland’s associate, and who had in fact flunked out of the military’s entry-level training course and later admitted that the affidavit Sidney Powell’s team had written for him to sign was “misleading.”

6. Byrne bankrolled and promoted these facially implausible conspiracy theorists and their fake reports even though he knew that votes are not sent abroad over the internet, but recorded on *paper ballots* that are stored by local bipartisan election officials in the United States. He knew, or at least recklessly disregarded, that the election fraud myth had originated from Ramsland’s Dallas 2018 election story and had been conclusively disproven by independent audits, hand counts of paper ballots, bipartisan election officials, election security experts, federal judges, DOJ, DHS, the FBI, then-Attorney General Bill Barr, then-Director of the U.S. Cybersecurity and Infrastructure Security Agency (“CISA”) Chris Krebs, Election Assistance Commissioner Ben Hovland, Republican Georgia Governor Brian Kemp, Republican Georgia Secretary of State Brad Raffensperger, and Republican former Colorado Secretary of State Wayne Williams.

7. To explain away why so many knowledgeable sources had rebutted these lies, Byrne and his collaborators falsely claimed that Trump appointees, Republican officials, DHS, DOJ, the FBI, and Chief Justice John Roberts were all in on a massive conspiracy to cover up the theft of the election, that Dominion had bribed elected officials, and that Dominion had shredded

ballots to cover up the election fraud scheme. During an in-person meeting at the White House, even then-President Donald Trump’s own senior advisors forcefully rejected these lies and told Byrne, Powell, and Flynn how inherently improbable and ridiculous they were, after which Byrne lost access to Trump. Undeterred, Byrne dispatched his so-called “cyber experts” to give MyPillow CEO Mike Lindell the fake spreadsheet containing fake MAC addresses that Lindell has publicly (and falsely) touted as “absolute proof” against Dominion in a series of films he and OAN broadcast.

8. Yet despite being put on notice of the facts by Trump’s own senior advisors and Dominion itself—Byrne continues to stick to his manufactured, inherently improbable, profitable, and demonstrable lies. In televised appearances, a blog series, a book, and a film, Byrne continues pushing the election fraud myth about Dominion to this day.

9. Byrne was not hoodwinked by the ex-con or the conspiracy-theorists-for-hire. He is far too intelligent to buy the nonsense he has been selling to the American public. He is a Dartmouth-educated Marshall Scholar with a PhD from Stanford who, until he was pushed out in disgrace in 2019, had a national platform as the CEO of a multi-billion-dollar company. By lying about the 2020 election, Byrne catapulted himself back into the national spotlight, where he promoted himself as an “us-against-the-world” hero, and won access to the highest echelons of political power, including an in-person meeting with Trump at the White House.

10. But attention and access may not be the only benefits Byrne has gained by lying about the election. He previously invested millions of dollars in—and continues promoting—blockchain voting technology, which can succeed only if voters and elected officials reject the auditable paper-based voting systems currently provided by Dominion. It may be plausibly

inferred that Byrne is currently financially invested in—or otherwise connected to those who stand to gain from—the rejection of Dominion in favor of blockchain technology.

11. This is not the first time that Byrne “engaged in a calculated and ruthless campaign to inflict as much damage on [his victim’s] reputation as [he] could achieve” and “conduct[ed] a vendetta in which the truth...was of no consequence” and in which his victim “became a convenient means” to the end Byrne wanted to achieve.¹ No, Byrne is a serial liar who was previously court-ordered to pay an approximately \$1 million judgment for defaming a Canadian businessman.²

12. Byrne will not stop lying. But he can be held accountable for his lies. Dominion brings this defamation lawsuit to hold Byrne accountable, to set the record straight, to vindicate its rights, and to recover damages for the devastating economic harm Byrne has done.

Parties and Relevant Non-Parties

13. Plaintiff US Dominion, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado. It is majority-owned by a private equity firm whose principal place of business is in New York, New York.

14. Plaintiff Dominion Voting Systems, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado, and has maintained an office in New York since July 2009. It is a wholly owned subsidiary of US Dominion, Inc.

15. Plaintiff Dominion Voting Systems Corporation is a for-profit Ontario corporation with its principal place of business in Toronto, Ontario. It is a wholly owned subsidiary of US

¹ *Reasons for Judgment* at 97, *Nazerali v. Mitchell*, No. 2016 BCSC 810 (Sup. Ct. B.C. Nov. 14, 2016), <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc810/2016bcsc810.pdf>.

² *Id.*

Dominion, Inc. (US Dominion, Inc., Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation are collectively referred to as “Dominion.”)

16. Defendant Patrick Byrne is an individual who is a resident of Utah and who spent at least three months in Washington, D.C. waging a defamatory disinformation campaign against Dominion in collaboration with Sidney Powell, General Michael Flynn, Rudy Giuliani, MyPillow CEO Mike Lindell, and others. Byrne claims to have served as the CEO of Sidney Powell’s fundraising website, Defending the Republic, Inc. (“DTR”) for approximately three weeks in March 2021 before resigning in April 2021. During his purported three-week tenure as the CEO of DTR, Byrne signed an affidavit in support of the Defendants’ motion to dismiss in *US Dominion, Inc. v. Sidney Powell*, 1:21-cv-00040-CJN (D.D.C.).

17. General Michael Flynn is a retired U.S. Army lieutenant general and former National Security Advisor under President Trump. In December 2017, Flynn pleaded guilty to the felony of “willfully and knowingly” making false statements to the FBI.³

18. Sidney Powell is an attorney and the author of a self-published book that purports to be a seminal work in “exposing ‘the Deep State.’” While representing Flynn, Powell wrote to then-Attorney General Bill Barr seeking his assistance in exonerating Flynn.⁴ At Barr’s direction, the DOJ moved to drop all charges against Flynn.⁵ Trump pardoned Flynn on November 25,

³ Jeremy Herb, Katelyn Polantz, Evan Perez, & Marshall Cohen, *Flynn pleads guilty to lying to FBI, is cooperating with Mueller*, CNN (Dec. 1, 2017), <https://www.cnn.com/2017/12/01/politics/michael-flynn-charged/index.html>.

⁴ Letter from S. Powell to W. Barr & J. Rosen (June 6, 2019), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.191592/gov.uscourts.dcd.191592.122.2.pdf>.

⁵ Eric Tucker & Michael Balsamo, *Flynn dismissal a surprise? AG Barr in sync with Trump*, AP (May 9, 2020), <https://apnews.com/article/virus-outbreak-donald-trump-us-news-ap-top-news-politics-ae1ad252bb13490db2ceffc5d17b6d92>.

2020.⁶ The same day that Trump pardoned her client, Powell filed the first of several lawsuits claiming that the election had been stolen from Trump, but all of her cases had been dismissed by December 9, 2020. Judges across the country dismissed Powell's lawsuits, which were based on affidavits from Byrne's and Ramsland's associates, and said Powell's claims were "nothing but speculation and conjecture"⁷ and "largely based on anonymous witnesses, hearsay, and irrelevant analysis of unrelated elections,"⁸ and characterized those witnesses and so-called "experts" as having "reach[ed] implausible conclusions, often because they are derived from *wholly unreliable sources*."⁹ As result of one of Powell's frivolous election fraud lawsuits, she currently faces potential sanctions in Michigan. During a hearing on the sanctions motion, Powell's co-counsel admitted that Ramsland's affidavit contained errors, and the presiding federal judge observed that the "volume" of Powell's purported evidence did not "equate with legitimacy or veracity" and that Powell had submitted "fantastical" evidence in support of her claims.

19. Rudy Giuliani is the former mayor of New York City who has more recently found work as a YouTube podcast host, a radio show host, and an attorney to Trump and the Trump Campaign. Despite making false claims about Dominion on television, Giuliani never signed any complaint concerning the 2020 election—whether for the Trump Campaign or anyone else—that contained any allegations about Dominion. Indeed, in court filings he disclaimed any allegation of fraud. Nonetheless, Giuliani helped orchestrate Ramsland's production of the bogus "forensic report" on Antrim County. On June 24, 2021, New York suspended Giuliani's law license for

⁶ Spencer H. Hsu & Ann E. Marimow, *Michael Flynn judge says pardon doesn't mean ex-national security adviser is innocent*, Wash. Post (Dec. 8, 2020), https://www.washingtonpost.com/local/legal-issues/michael-flynn-case-dismissed/2020/12/08/31abb5de-0975-11eb-a166-dc429b380d10_story.html.

⁷ Op. & Order at 34, *King v. Whitmer*, No. 20-cv-12134 (E.D. Mich. Dec. 7, 2020) [Dkt. 62].

⁸ Order at 24-25, *Bowyer v. Ducey*, No. 2-20-cv-02321 (D. Ariz. Dec. 9, 2020) [Dkt. 84].

⁹ *Id.*

making “*knowing* false and misleading factual statements to support his claim that the presidential election was stolen from his client [Donald Trump].”¹⁰ On July 7, 2021, Washington, D.C., suspended Giuliani’s law license as well.¹¹

20. Mike Lindell is the founder and CEO of My Pillow, Inc. (“MyPillow”). Lindell has been called “one of the most prominent peddlers of bogus conspiracy theories” about the 2020 election, which include the lies about Dominion.¹²

Jurisdiction and Venue

21. 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 as to each Plaintiff exceeds \$75,000.00, exclusive of interest and costs.

22. This Court has personal jurisdiction over Byrne pursuant to § 13-423 of the District of Columbia Code because Byrne (i) transacted business within the District of Columbia, including by promoting his personal brand and blockchain voting technology by making numerous defamatory statements from within the District of Columbia; staying in the District of Columbia from at least November 5, 2020, through December 24, 2020, and then again from January 4, 2021, through January 8, 2021, to collude with Powell and Flynn, among others, in support of the defamatory campaign against Dominion; appearing on television and radio shows broadcast from

¹⁰ See Order, *In re Giuliani*, No. 2021-00506 (N.Y. Sup. Ct. June 24, 2021), [https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20\(2021-00506\)%20PC.pdf](https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20(2021-00506)%20PC.pdf); <https://apnews.com/article/rudy-giuliani-new-york-law-license-suspended-c67f4504a22f8642d6096f29e3a5c51e>.

¹¹ Katelyn Polantz, *Rudy Giuliani suspended from practicing law in Washington, DC*, CNN (July 7, 2021), <https://www.cnn.com/2021/07/07/politics/rudy-giuliani-suspended-law-washington/index.html>.

¹² Matt Gertz, *Pillow Fight: The right-wing media competition for Mike Lindell’s affection (and money)*, Media Matters for America (Feb. 5, 2021), <https://www.mediamatters.org/fox-news-pillow-fight-right-wing-media-competition-mike-lindells-affection-and-money>.

the District of Columbia, including *InfoWars* with Alex Jones and the *Pete Santilli Show*, during which he carried out the defamatory campaign against Dominion; and speaking at rallies and events held in Washington, D.C.; (ii) caused tortious injury by acts committed within the District of Columbia, including and specifically by making false and defamatory statements about Dominion within the District of Columbia; 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. As further evidence of his strong ties to this District: Byrne spent much if not all of the month of November 2020 as a guest at the Trump Hotel in Washington, D.C.; joined Rudy Giuliani's team for Thanksgiving dinner at a D.C. restaurant on November 26, 2020;¹³ visited the White House, including posting photographs of himself inside and outside the White House on December 20, 2020;¹⁴ and, as detailed throughout, filmed many video appearances and wrote many of his blog posts from within the District, including, on information and belief, all defamatory statements published between November 5, 2020, and December 24, 2020,¹⁵ and then again from January 4, 2021 through January 8, 2021.

¹³ Patrick Byrne, *How DJT Lost the White House, Chapter 1: All the President's Teams (11/3-12/17)*, Deep Capture (Jan. 27, 2021), <https://www.deepcapture.com/2021/01/november-3-december-23-all-the-presidents-teams/> (Ex. 349). Exhibit numbers referenced within are consecutively numbered with related cases *Dominion v. Powell*, No. 21-cv-00040-CJN (D.D.C. Jan. 8, 2021), *Dominion v. Giuliani*, No. 21-cv-00213-CJN (D.D.C. Jan. 25, 2021), and *Dominion v. My Pillow*, No. 21-cv-00445-CJN (D.D.C. Feb. 22, 2021).

¹⁴ Patrick Byrne (@Patrick Byrne), Twitter (Dec. 20, 2021, 5:58 pm), *previously available at* <https://twitter.com/PatrickByrne/status/1340839110139932673> [<https://web.archive.org/web/20210107043540/https://twitter.com/PatrickByrne/status/1340839110139932673>].

¹⁵ See Patrick Byrne, *How DJT Lost the White House, Introduction: Why I was Involved Before November 3 & What I Learned Because I Was*, Deep Capture (Jan. 24, 2021, <https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-introduction-why-i-was-involved-before-november-3-and-what-i-learned-by-doing-so/>) (Byrne writing on his blog *Deep*

23. Requiring Byrne 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 that Byrne made about Dominion from within the District of Columbia. Byrne availed himself of numerous privileges in the District of Columbia, including those set forth above.

24. 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 Byrne is subject to the Court's personal jurisdiction in this District.

FACTUAL ALLEGATIONS

John Poulos Finds and Builds a Company That Allows Local Election Officials to Easily Audit Paper Ballots

25. Until the defamatory attacks starting after the 2020 Election, Dominion was a thriving voting technology company and one of the fastest-growing technology companies in North America. While Dominion was known within the voting machine industry and supplied machines in 28 states, it was little-known to the public at large. It was founded in 2002, when John Poulos came up with an idea to help people with vision impairments vote independently on paper ballots. Poulos founded the business out of his basement in Toronto as Dominion Voting Systems Corporation. From the beginning, Dominion's objective has been accurate, transparent, and accessible elections. All Dominion systems are capable of producing paper records and are 100% auditable, with testing, reviews, audits, and recounts subject to oversight and verification by

Capture that he arrived in Washington, D.C., about a week after the election); *The Deep State's Front Gate*, Quite Frankly (Nov. 27, 2020), <https://soundcloud.com/quite-frankly-podcast/the-deep-states-front-gate-ft-patrick-byrne-112720> (Byrne speaking on the podcast *Quite Frankly*, saying he came to Washington, D.C. two days after the election and "posted up.").

all political parties. Indeed, Dominion has been at the forefront of developing the technology to produce auditable paper records.

26. 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”), which is located in Washington, D.C., 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.

27. Dominion Voting Systems Corporation procured its first U.S. contract in July 2009, to provide voting machine technology to over 50 counties in the state of New York. After procuring that contract, Dominion Voting Systems Corporation established a New York office, hired 20 employees, set up a manufacturing supply in New York, and by the end of July, incorporated a subsidiary company, Dominion Voting Systems, Inc., in Delaware. Poulos voluntarily worked with the Committee on Foreign Investment in the United States (“CFIUS”) to ensure it knew who he was and who was invested in Dominion. For the next several years, Dominion’s systems were manufactured in the State of New York.

28. In June 2010, Dominion relocated its headquarters to Denver, Colorado. Dominion continues to maintain an office and significant operations in New York to this day, and the State of New York remains Dominion’s longest-standing and second most valuable customer (behind Georgia).

29. 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.

30. Dominion contracts with state and local governments to provide its voting systems and services in a majority of states across the country. Those contracts typically have multi-year

terms and range in value 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. As of the 2020 election, Dominion had contracts to provide voting machine technology in 28 states including, for example, the more than 50 counties in New York.

31. Dominion does not run elections—local election officials run them. Dominion’s voting machines are used by local election officials to accurately tabulate votes from county-verified voters using a durable paper ballot controlled and secured by those local election officials. In other words, Dominion’s voting machines are a tool used by local election officials to *count paper ballots*, and in that process *create a fully auditable paper trail* that allows for complete hand recounts to confirm and verify election results.

32. By objective measures, the performance of Dominion’s machines was a huge success in the 2020 election. Across the jurisdictions using Dominion’s voting machines—in the midst of a pandemic—hand-count audits conducted as part of the vote certification process repeatedly confirmed the accuracy of the Dominion machine vote tallies. As former President Trump’s own Attorney General, Bill Barr, stated in his own words, Dominion’s machines were just “counting machine[s], and they save everything that was counted. So you just reconcile the two. There had been no discrepancy reported anywhere, and I’m still not aware of any discrepancy.”¹⁶

¹⁶ Jonathan D. Karl, *Inside William Barr’s Breakup with Trump*, The Atlantic (June 27, 2021), <https://www.theatlantic.com/politics/archive/2021/06/william-barrs-trump-administration-attorney-general/619298/>.

***Patrick Byrne Blows Up His Previous Career
By Having An Affair With a Russian Spy***

33. Patrick Byrne attended Dartmouth College, where he received his B.A. in Chinese studies. He then attended Cambridge University as a Marshall Scholar, where he earned a master's degree, before studying cryptography and mathematical logic while earning his PhD in Philosophy from Stanford University. Byrne then served as a teaching fellow at Stanford University before moving into the corporate world. In 1999, after leading two smaller companies, Byrne became the CEO of Overstock.

34. On August 22, 2019, following the revelation that Byrne had had a romantic affair with the now-notorious 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,¹⁷ Byrne resigned from Overstock in disgrace after the company's insurance carrier presented an ultimatum: it would not renew its policy as long as Byrne was in charge.¹⁸ The insurance carrier cited concerns about the board's ability to manage Byrne's "personality and public comments."¹⁹

Byrne Has Invested In and Promoted Blockchain Voting Technology

35. Years ago, Byrne began investing in blockchain technology and has aggressively promoted blockchain technology to be used in elections even though such technology has been

¹⁷ Michael Corkery, *Overstock C.E.O. Takes Aim at 'Deep State' After Romance With Russian Agent*, N.Y. Times (Aug. 15, 2019), <https://www.nytimes.com/2019/08/15/business/overstock-paul-byrne-maria-butina-affair.html>.

¹⁸ Abha Bhattarai, *Inside Overstock.com, where a firebrand CEO and 'Deep State' intrigue took center stage*, Wash. Post (Sept. 27, 2019), <https://www.washingtonpost.com/business/2019/09/26/inside-overstockcom-where-firebrand-ceo-deep-state-intrigue-took-center-stage/>.

¹⁹ *Id.*

“shown to be gravely vulnerable” and, unlike Dominion’s voting systems, does not provide a fully auditable paper trail allowing for hand recounts of paper ballots.²⁰

36. Starting in 2014, Byrne directed Overstock’s investments in a half-dozen blockchain-based companies in areas such as voting.²¹ By 2016, Byrne and Overstock had invested in SettleMint, a company with a blockchain application for voting.²²

37. On March 7, 2019, Byrne announced that Overstock’s blockchain portfolio company Voatz planned to “introduce a pilot program for the upcoming Denver municipal elections allowing voters to use their own smartphones to cast votes.” Unfortunately for Byrne, Voatz—like the other blockchain voting systems that have been tried—demonstrated “serious security vulnerabilities enabling attackers to monitor votes being cast and to change or block ballots at large scale, unnoticed by voters and election officials.”²³

38. By September 2019, Byrne, through Overstock’s Medici Ventures, had invested around \$200 million into blockchain technology.²⁴

²⁰ See Sunoo Park, Michael Specter, Neha Narula, & Ronald Rivest, *Going from Bad to Worse: From Internet Voting to Blockchain Voting*, MIT (Nov. 6, 2020), <https://people.csail.mit.edu/rivest/pubs/PSNR20.pdf>; Pierrick Gaudry & Alexander Golovnev, *Breaking the Encryption Scheme of the Moscow Internet Voting System*, <http://fc20.ifca.ai/preproceedings/178.pdf>.

²¹ Sheelah Kolhatkar, *A Tycoon’s Deep-State Conspiracy Dive*, *The New Yorker* (Dec. 14, 2020), <https://www.newyorker.com/magazine/2020/12/14/a-tycoons-deep-state-conspiracy-dive>.

²² Rob Marvin, *Overstock CEO Patrick Byrne Talks Blockchain and Making History with t0*, *PC Mag* (Dec. 22, 2016), <https://www.pcmag.com/news/overstock-ceo-patrick-byrne-talks-blockchain-and-making-history-with-t0>.

²³ See Sunoo Park, Michael Specter, Neha Narula, & Ronald Rivest, *Going from Bad to Worse: From Internet Voting to Blockchain Voting*, MIT (Nov. 6, 2020), <https://people.csail.mit.edu/rivest/pubs/PSNR20.pdf>; Michael A. Specter, James Koppel, & Daniel Weitzner, *The Ballot is Busted Before the Blockchain: A Security Analysis of Voatz, the First Internet Voting Application Used in U.S. Federal Elections*, MIT (Aug. 2020), <https://www.usenix.org/conference/usenixsecurity20/presentation/specter>.

²⁴ Billy Bambrough, *Bitcoin ‘Messiah’ Goes To War With The ‘Deep State,’* *Forbes* (Sept. 22, 2019), <https://www.forbes.com/sites/billybambrough/2019/09/22/bitcoin-messiah-goes-to-war-with-the-deep-state/?sh=2888eb232bbd>.

39. While the current size of Byrne’s investment in blockchain voting technology—and his connections to those who stand to profit from such technology—remains unknown, Byrne continues promoting blockchain voting technology, including as recently as June 2021.

Byrne Commits to the Preconceived Narrative that the Election Will Be Stolen and Bankrolls a Team to Manufacture the “Evidence” to Support His Claim

40. Byrne is a serial defamer with a history of lying to get what he wants: He was previously ordered to pay an approximately \$1 million defamation judgment for falsely accusing a Canadian businessman of being connected to “Osama bin Laden’s favorite financier,” the Colombian drug cartel, the Russian mafia, and al Qaeda’s Golden Chain.²⁵ The court concluded that Byrne and his collaborators had “engaged in a calculated and ruthless campaign to inflict as much damage on [his victim’s] reputation as they could achieve. It is clear on the evidence that their intention was to conduct a vendetta in which the truth ... was of no consequence. Their mission was to expose what they conceive to be corrupt business practices ... [Their victim] became a convenient means to that end, even when he himself could not be demonstrated to be corrupt.”²⁶

41. Byrne had already committed to the preconceived narrative that the 2020 election would be stolen months before the election had even happened. Byrne has publicly admitted on numerous occasions that he was predicting a “stolen election” as early as August 2020, and before the election, had “reverse engineered” how it was going to happen.²⁷

²⁵ *Reasons for Judgment* at 97, *Nazerali v. Mitchell*, No. 2016 BCSC 810 (Sup. Ct. B.C. Nov. 14, 2016), <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc810/2016bcsc810.pdf>.

²⁶ *Id.*

²⁷ Patrick Byrne, *How DJT Lost the White House, Introduction: Why I Was Involved Before November 3 & What I Learned Because I Was (1.3)*, Deep Capture (Jan. 24, 2021), <https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-introduction-why-i-was-involved-before-november-3-and-what-i-learned-by-doing-so/>; *Tech Millionaire Funds*

42. In August 2020, Byrne met with Russell Ramsland of Allied Security Operations Group (“ASOG”) to discuss the task of reverse engineering the “evidence” needed to support their preconceived narrative about the election.

43. After a telephone call with Sidney Powell’s client, Michael Flynn—whom Byrne knew had previously pled guilty to lying to the FBI about his contacts with Russian agents—Byrne set up an operation in Washington, D.C. to manufacture the evidence they would need to mislead people into believing that the election had been stolen.

44. Approximately one week after the election, Byrne met with Sidney Powell in an office building just outside Washington, D.C.²⁸ Despite having met Powell at that meeting approximately one week after the election, the following week, on November 16, 2020, Byrne falsely claimed that he had never met her.²⁹

45. When Byrne decided to engage him, Ramsland was on the record publicly claiming that the “Deep State” was formed in the 1930s in Nazi Germany by George Soros, George H.W. Bush’s father, the Muslim Brotherhood, and “leftists.” (Soros was born in 1930.)³⁰ Ramsland

Hacking Team 2020 Election was 100% Rigged, OAN (Nov. 23, 2020), previously available at <https://www.oann.com/tech-millionaire-funds-hacking-team-20-election-100-rigged/> [<https://app.criticalmention.com/app/#clip/view/67795b8f-2934-4361-81bd-710b2250575a?token=37f52d99-127d-4b48-b8dc-e5e99babfaaa>] (Ex. 350); *Patrick Byrne: Dissecting The Electronic Steal*, Operation Freedom Insider Insight (Nov. 24, 2020), www.youtube.com/watch?v=5fs3tKtmiEA.

²⁸ Patrick Byrne, *How DJT Lost the White House, Introduction: Why I Was Involved Before November 3 & What I Learned Because I Was (1.3)*, Deep Capture (Jan. 24, 2021), <https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-introduction-why-i-was-involved-before-november-3-and-what-i-learned-by-doing-so/>.

²⁹ *Smackin’ the Kraken*, Dark to Light with Frank & Beanz (Nov. 16, 2020), <https://radioinfluence.com/2020/11/16/dark-to-light-smackin-the-kracken/>.

³⁰ John Savage, *Texas Tea-Partiers Are Freaking Out over Deep-State Conspiracy Theories*, Vice (Sept. 20, 2018), <https://www.vice.com/en/article/mbwgxx/texas-tea-partiers-are-freaking-out-over-deep-state-conspiracy-theories>.

does not have any technical degrees, let alone one that would confer any expertise in voting machines or election security.

46. But Ramsland had another qualification that prompted Byrne to hire him and his team: Ramsland had already committed to the preconceived narrative that Byrne wanted to promote and convert into the lie that Dominion had rigged the 2020 election. Before the 2020 election, Ramsland had publicly promoted the lie that the 2018 Dallas election and the 2019 Kentucky gubernatorial race had been rigged by voting machines using Venezuelan election-stealing software controlled by a George Soros operative and that votes had been sent to CIA-funded databases in Spain where they were changed and sent back to the United States.³¹ In pushing the lie about the Dallas 2018 election, Ramsland had insinuated that Texas's governor, lieutenant governor, attorney general, and secretary of state—*all of whom are Republicans*—were in on the conspiracy to coverup the steal and to prevent the use of paper ballots.³²

47. As Byrne knew before hiring Ramsland, Ramsland's claims about the 2018 Dallas election are demonstrably false: Texas does not send votes to Spain, but uses *paper ballots* that remain in the possession of Texas election officials and can be recounted by hand.

48. In short, Ramsland's willingness to tell brazen lies about paper-based voting systems—and his willingness to insinuate that everyone who rejects his lies are in on the

³¹ Russ Ramsland, *ACWT Interview 12.3.19*, America Can We Talk? (Dec. 3, 2019), <https://www.youtube.com/watch?v=JiuaZlPqIW4>; *Election Fraud Exposed – Part 1*, Economic War Room with Kevin Freeman (May 9, 2020), https://www.youtube.com/watch?v=y_HQD5Rjw-g.

³² Ironically, although Texas's Attorney General Ken Paxton saw Ramsland's machine fraud conspiracy theory about the Dallas 2018 election for what it was, he later signed on to a frivolous Supreme Court petition seeking to undo the result of the 2020 election by challenging election procedures in swing states that Trump lost.

conspiracy—made him almost perfect for the task Byrne wanted him to perform. But collaborating with Ramsland presented a few problems that Byrne needed to solve:

- ***First, Dominion machines were not used in the 2018 Dallas election or the 2019 Kentucky election that Ramsland claimed were stolen.*** Those elections used machines made by other companies. But, as Byrne quickly figured out, falsely accusing those companies of stealing elections would have done him no good because, in order to support the preconceived narrative that the 2020 election had been stolen, he would need to target Dominion. Dominion was the company whose machines had been used in the six swing states that had determined the outcome of the 2020 election. Indeed, if Ramsland’s claims about the machines in Texas and Kentucky were true, that would cast doubt on Trump’s wins in those states and several other states that used those machines in the 2020 election. But since that fact undermined the false preconceived narrative that the 2020 election was stolen from Trump, Byrne deliberately revised Ramsland’s story to fit his false preconceived narrative, falsely claiming that Dominion’s machines had been used in the 2018 Dallas election.³³
- ***Second,*** people might doubt the voting machine fraud claims of a failed Republican congressional candidate and “Deep State” conspiracy theorist with no technical degree or expertise in voting machines or election security, especially when Texas Attorney General Paxton—who continues to be a staunch Trump supporter and who himself signed on to a Supreme Court petition challenging the 2020 election—decided not to pursue Ramsland’s far-fetched claims. So Byrne lied about the

³³ See, e.g., *Former CEO of Overstock Says He Has Proof The Election Was Rigged, Can Overturn Biden’s Win*, Populist Press (Nov. 24, 2020), <https://populist.press/former-ceo-of-overstock-says-he-has-proof-the-election-was-rigged-can-overturn-bidens-win/> (Ex. 351) (“In 2018 in Dallas, Texas, there was an election with some irregularities. The state government of Texas hired some local cybersecurity experts. And they’re very good, with military intelligence and federal law enforcement backgrounds, a very high-end cybersecurity group, to study the 2018 Dallas election, to study these the irregularities. They found— and it had been run by Dominion election systems.”); *Tech Millionaire Funds Hacking Team 2020 Election was 100% Rigged*, OAN (Nov. 23, 2020), previously available at <https://www.oann.com/tech-millionaire-funds-hacking-team-20-election-100-rigged/> [<https://app.criticalmention.com/app/#clip/view/67795b8f-2934-4361-81bd-710b2250575a?token=37f52d99-127d-4b48-b8dc-e5e99babfaaa>] (Ex. 350); *Patrick Byrne says evidence of election fraud is real*, Economic War Room with Kevin Freeman (Dec. 2, 2020), https://youtu.be/PD_BHZQcmMI; *Patrick Byrne: Dissecting the Electronic Steal*, Operation Freedom Insider Insight (Nov. 24, 2020), www.youtube.com/watch?v=5fs3tKtmiEA (Ex. 353).

credentials of the team he was bankrolling, deliberately misrepresenting that Ramsland’s group “was not just a ragtag bunch of misfits,” but “professionals with extensive federal backgrounds, with all kinds of experiences and certifications in matters cyber”³⁴ who had been hired by the state of Texas to investigate so-called “irregularities” in the 2018 Dallas election, even though Byrne knew that it was *not* the State of Texas that had hired them, but—according to Ramsland himself—some unidentified “citizens group” that had purportedly done so.³⁵

- **Third**, Ramsland had presented his voting machine fraud claims to DHS, but they did not find his claims credible enough to take action.³⁶ So to explain this away, Byrne lied again, expanding

³⁴ Patrick Byrne, *How DJT Lost the White House, Introduction: Why I Was Involved Before November 3 & What I Learned Because I was (1.3)*, Deep Capture (Jan. 24, 2021), <https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-introduction-why-i-was-involved-before-november-3-and-what-i-learned-by-doing-so/>.

³⁵ See, e.g., *Tech Millionaire Funds Hacking Team 2020 Election was 100% Rigged*, OAN (Nov. 23, 2020), previously available at <https://www.oann.com/tech-millionaire-funds-hacking-team-20-election-100-rigged/> [<https://app.criticalmention.com/app/#clip/view/67795b8f-2934-4361-81bd-710b2250575a?token=37f52d99-127d-4b48-b8dc-e5e99babfaaa>] (Ex. 350); *Interview with Patrick Byrne, Glenn Beck* (Dec. 1, 2020), <https://www.youtube.com/watch?v=pTZsBotGRgU&feature=youtu.be> (noting that ASOG was “hired by the state of Texas”); *Patrick Byrne has been working with Ramsland and Merritt*, BizTV (Nov. 18, 2020), <https://www.youtube.com/watch?v=PbAi7GhaSY8> (Ex. 352) (claiming that the state of Texas hired the firm Byrne is working with to investigate the 2018 Dallas Election); *Former CEO of Overstock Says He Has Proof The Election Was Rigged, Can Overturn Biden’s Win*, Populist Press (Nov. 24, 2020), <https://populist.press/former-ceo-of-overstock-says-he-has-proof-the-election-was-rigged-can-overturn-bidens-win/> (Ex. 351) (“In 2018 in Dallas, Texas, there was an election with some irregularities. The state government of Texas hired some local cybersecurity experts. And they’re very good, with military intelligence and federal law enforcement backgrounds, a very high-end cybersecurity group, to study the 2018 Dallas election, to study these the irregularities. They found. And it had been run by Dominion election systems.”)

³⁵ See e.g., *Patrick Byrne says evidence of election fraud is real*, Economic War Room with Kevin Freeman (Dec. 2, 2020), https://youtu.be/PD_BHZQcmMI; *Patrick Byrne: Dissecting The Electronic Steal, Operation Freedom Insider Insight* (Nov. 24, 2020), <https://www.youtube.com/watch?v=5fs3tKtmiEA&feature=youtu.be> (Ex. 353).

³⁶ Sarah Al-Arshani, *Trump’s election-fraud claims can be traced back to a Texas businessman who spent years falsely asserting that electronic voting machines manipulated votes*, Business Insider (May 10, 2021), <https://www.businessinsider.com/trump-election-fraud-claims-can-be-traced-back-texas-businessman-2021-5>.

the scope of his coverup and conspiracy to include DHS.³⁷

49. After Byrne engaged him, Ramsland set out to manufacture evidence to support the election fraud narrative that Byrne and his collaborators continue to promote to this day. He began by submitting an affidavit in support of Sidney Powell’s sham election litigation in Michigan, falsely claiming that there had been overvoting in *Michigan* based on figures from *Minnesota*; Ramsland’s misrepresentation was publicly reported by December 4, 2020, and a court determined that Ramsland’s affidavit contained “materially false information.”³⁸

50. Meanwhile, Byrne—acting at the behest of Rudy Giuliani—dispatched Ramsland’s team on Byrne’s jet to Antrim County, Michigan to manufacture a bogus report that could be falsely advertised and marketed as evidence against Dominion. Of course, this was a scam to generate more lies, a playbook that was later used by Byrne and others throughout the country to create disinformation and to further promote those lies.

51. Antrim County, Michigan had gained national attention on Election Night when the unofficial result indicated a win for Joe 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

³⁷ Patrick Byrne, *How DJT Lost the White House, Chapter 4: The Christmas Doldrums (December 23- noon January 6)*, Deep Capture (Feb. 4, 2021), <https://www.deepcapture.com/2021/02/how-djt-lost-the-white-house-chapter-4-the-christmas-doldrums-december-23-noon-january-6/> (Ex. 354) (insinuating that DHS was part of the conspiracy).

³⁸ Rule to Show Cause, *Page v. Oath Inc.*, No. S20C-07-030 (Del. Super. Ct. Dec. 18, 2020); Clara Hendrickson, *Affidavit in Michigan lawsuit seeking to overturn election makes wildly inaccurate claims about vote*, PolitiFact (Dec. 4, 2020), <https://www.politifact.com/factchecks/2020/dec/04/russell-james-ramsland-jr/affidavit-michigan-lawsuit-seeking-overturn-electi/>.

canvass process, well before the election result was made official. The official results were never impacted by the clerk's promptly corrected mistakes. Officials quickly confirmed that the reporting error was indeed human and was not caused by Dominion's voting machines. 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."³⁹ And a few days later, a spokesperson for 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."⁴⁰ Antrim County Clerk Sheryl Guy, a Republican, confirmed there was no malfunction of the Dominion machines in Antrim County: "There was no malice, no fraud here, just human error."⁴¹

52. Intentionally disregarding the fact that the Antrim County issue had been caused by the human error of the Republican county clerk, Ramsland delivered the bogus report he had been commissioned to produce, falsely claiming that "Dominion Voting System is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results. The system intentionally generates an enormously high number of ballot errors."⁴² Byrne

³⁹ The Office of Secretary of State Jocelyn Benson, *False claims from Ronna McDaniel have no merit* (Nov. 6, 2020), https://www.michigan.gov/sos/0,4670,7-127-1640_9150-544676--,00.html.

⁴⁰ 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), <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html>.

⁴¹ Ali Swenson, *Posts falsify ties between election tech firm and Democrats*, AP (Nov. 10, 2021), https://apnews.com/article/election-2020-joe-biden-us-news-media-michigan-43bdaa186e3b8d9d897cae3bd0c6cdc0?utm_medium=APFactCheck&utm_campaign=SocialFlow&utm_source=Twitter.

⁴² Patrick Byrne, *BOMBSHELL: Antrim County Computer Forensic Report*, Deep Capture (Dec. 14, 2020), <https://www.deepcapture.com/2020/12/antrim-county-computer-forensic-report/> (Ex. 355).

promptly published the Ramsland report on his blog under the headline, “BOMBSHELL: Antrim County Computer Forensic Report,” which stated: “You wanted the evidence. Here is the evidence.”⁴³ In touting the Ramsland report, Byrne intentionally concealed a number of material facts from readers in order to mislead them into believing the lie that the election had been stolen. **First**, he concealed that the report was not an independent analysis, but had been manufactured by someone who had already committed to the machine fraud narrative before gaining access to Dominion machines. **Second**, voters in Antrim County, Michigan had voted by hand marking paper ballots, such that the machine counts could be easily checked against the paper ballots in the possession of the Republican county clerk—rendering claims of a vote-flipping algorithm or enormous “error rate” in counting ballots inherently improbable because, if true, such features would be easily discovered. **Third**, Byrne intentionally concealed that he had previously invested in (and continues to promote) blockchain voting technology that competes with the paper-based voting systems that he engaged Ramsland to disparage. **Fourth**, Byrne concealed that he himself had dispatched Ramsland’s team to Michigan to prepare the report.

53. The Ramsland report that Byrne commissioned and touted is a total sham, prepared by people who lack basic familiarity with voting machines and election security and who were determined to support the preconceived narrative that the 2020 election was stolen. For example:

- The report references the “allowable election error rate established by the Federal Election Commission.” As any real election security expert knows, the Federal Election Commission regulates campaign finance, not voting machines or software. The EAC—Election Assistance Commission—certifies voting machines and software, and of course had certified Dominion’s technology well in advance of the 2020

⁴³ *Id.*

election.⁴⁴

- The Ramsland report also claims that a “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.
- The Ramsland report falsely claims that “all adjudication log entries for the 2020 election cycle are missing” and must have been “manually removed.” But Antrim County neither purchased nor used—nor possessed the hardware required to use—Dominion’s adjudication software, so obviously no “log entries” had been “removed”—they never existed in the first place because Antrim County did not use them.⁴⁵
- The Ramsland report’s claim of a 68% “error rate” evidences a fundamental misunderstanding of election software. The report bases that so-called “error rate” off the tabulation logs. But the tabulation logs do not reflect the machine’s tabulation of votes; they record activities logged by the machine during the tabulation process. So the report’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, the authors of the report grossly misrepresented what the logs show. While the report asserts that a huge percentage of machine activity reflected in the tabulation logs were “errors” or “warnings,” it offers no explanation of how its authors identified or defined an “error” or “warning.” The report 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.” Similarly, just because the tabulator recorded, for example,

⁴⁴ *How the U.S. Election Assistance Commission Facilitates Fair and Secure Elections*, EAC (Dec. 3, 2020), <https://www.eac.gov/news/2020/12/03/how-us-election-assistance-commission-facilitates-fair-and-secure-elections/>; Certificate of Conformance, EAC (Sept. 14, 2018), https://www.eac.gov/sites/default/files/voting_system/files/DSuite55_CertConf_Scope%28FINAL%29.pdf.

⁴⁵ See *Declaration of Ryan Macias*, FactCheck.org, https://cdn.factcheck.org/UploadedFiles/Rebuttal_ASOG-Antrim_Report.pdf.

“divert” does not mean that there was an error with the ballot or the vote; precisely the opposite—it means that the machine operated properly in response to that ballot.

54. The Ramsland report was swiftly and publicly debunked as the sham that it is. Antrim County officials announced that it was “riddled with false and unsupported claims, baseless attacks, and incorrect use of technical terms”⁴⁶ and the former acting director of the Election Assistance Commission’s Voting System Testing and Certification program—who is actually an expert in election voting systems—determined that it showed a “grave misunderstanding” of Antrim County’s voting system and “a lack of knowledge of election technology and process.”⁴⁷ 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.”⁴⁸

55. On June 23, 2021, Republican and Trump-supporting Michigan State Senator Ed McBroom, the Chairman of the Republican-led Michigan Senate Oversight Committee, released the results of an investigation that again confirmed the accuracy of the vote counts in Dominion machines in Antrim County. Senator McBroom’s investigation determined that the conclusions in the sham report were “indefensible” and based on “willful ignorance or avoidance” of the proof, and recommended that the Michigan Attorney General consider investigating “those who have

⁴⁶ See Ali Swenson, *Report spreads debunked claims about Dominion machines in Michigan county*, AP (Dec. 15, 2020), <https://apnews.com/article/fact-checking-afs:Content:9847904839>.

⁴⁷ See Todd Spangler, *Former election security chief for Trump knocks down Antrim County report*, The Detroit Free Press (Dec. 16, 2020), <https://www.freep.com/story/news/politics/elections/2020/12/16/antrim-county-report-debunked-by-former-trump-election-official/3923499001/>.

⁴⁸ *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), https://www.michigan.gov/ag/0,4534,7-359-92297_47203-547422--,00.html.

been utilizing misleading and false information about Antrim County to raise money or publicity for their own ends.”⁴⁹

56. Despite knowing from the public reporting and his own interactions with Ramsland that the Antrim County issue was caused by human error, that Ramsland is not a reliable source, and that his report showed a grave misunderstanding of the technology in question and has been thoroughly debunked by Republicans, Byrne (who, again, is a sophisticated Dartmouth-educated Marshall Scholar with a PhD from Stanford) continues to tout the Ramsland report as evidence proving his lies about Dominion.

57. Even though the Republican-led Senate committee exposed the Antrim County “forensic report” for the fraud that it was, millions of people were fooled into believing it. Having found tremendous success with the fake report on Antrim County, Michigan, Byrne and his collaborators are now deploying the Michigan strategy in Maricopa County, Arizona—funding another “Deep State” conspiracy theorist who pre-committed to the election fraud narrative to conduct a fake “audit” that can be marketed by Byrne and his collaborators as additional evidence of election fraud. In fact, this blueprint for creating fear and disinformation is being deployed across the country.

Independent Audits, Hand Recounts, Trump Appointees, and Republican Officials Disprove and Debunk the False Election Fraud Narrative Promoted by Byrne and His Collaborators

58. On November 9, 2020, Maricopa County, Arizona, completed a hand audit of paper ballots as required by state law that showed a 100% match with the counts from the Dominion

⁴⁹ *Report on The November 2020 Election in Michigan*, Michigan Senate Oversight Comm. (last visited Aug. 5, 2021), https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport.pdf.

machines used in Maricopa County. The count was overseen by Republican, Libertarian, and Democratic officials.⁵⁰ The results were widely reported.⁵¹

59. Also on November 9, 2020, Georgia Voting System Implementation Manager Gabriel Sterling held a press briefing where he rebutted inaccurate claims made about an update to machines on the eve of the election, confirming that “nothing was done to the . . . system after [October 31],” when voter files were updated as part of normal procedure. He explained that claims of voter fraud were “nonsense. Don’t buy into these things. Find trusted sources.”⁵²

60. On November 10, 2020, *The New York Times* reported: “Election officials in dozens of states representing both political parties said that there was no evidence that fraud or other irregularities played a role in the outcome of the presidential race . . .” *The Times* contacted the offices of the top election officials in every state. Notably, all 29 Republican secretaries of state were surveyed, most responding directly to *The Times*. None reported any major voting issues, refusing to back up claims of a fraudulent election.⁵³

61. Also on November 10, 2020, Kansas Secretary of State Scott Schwab declared: “Kansas did not experience any widespread, systematic issues with voter fraud, intimidation,

⁵⁰ *Summary of Hand Count Audits - 2020 General Election*, Arizona Secretary of State (last updated Nov. 17, 2020), <https://azsos.gov/election/2020-general-election-hand-count-results>.

⁵¹ Brian Trusdell, *Arizona AG Confident Few, If Any, Election Anomalies*, Newsmax (Nov. 11, 2020), <https://www.newsmax.com/politics/brnovich-arizona-election-anomalies/2020/11/11/id/996643/>.

⁵² *News Conference on Georgia Vote Count*, C-SPAN (Nov. 9, 2020), <https://www.c-span.org/video/?477943-1/news-conference-georgia-vote-count>.

⁵³ 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), <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html>.

irregularities or voting problems. ... We are very pleased with how the election has gone up to this point.”⁵⁴ Kansas used Dominion machines during the 2020 election.

62. On November 11, 2020, *The New York Times* published an article titled, “No, Dominion voting machines did not delete Trump votes,” which quoted an election-technology expert who explained that “[m]any of the claims being asserted about Dominion and questionable voting technology is misinformation at best and, *in many cases, they’re outright disinformation.*”⁵⁵

63. On November 12, 2020, CISA confirmed that there was “***no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.***”⁵⁶ This widely-reported public announcement from the Trump Administration’s own experts on election security disproved the election-rigging lies about Dominion.

64. On November 13, 2020, Michigan Judge Timothy Kenny made clear that the attempts to allege fraud in the election were “***not credible.***” Judge Kenny rejected an attempt by Trump allies to block the certification of the vote in Wayne County, Michigan, in *Constantino v. City of Detroit*. Judge Kenny rejected the Plaintiffs’ claims of election fraud and unequivocally concluded: “Plaintiffs’ interpretation of events is incorrect and not credible.”⁵⁷

⁵⁴ *Id.*

⁵⁵ Jack Nicas, *No, Dominion voting machines did not delete Trump votes.*, N.Y. Times (Nov. 11, 2020), <https://www.nytimes.com/2020/11/11/technology/no-dominion-voting-machines-did-not-delete-trump-votes.html>.

⁵⁶ Cybersecurity & Infrastructure Security Agency, *Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees* (Nov. 12, 2020), <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

⁵⁷ Op. & Order, *Constantino v. City of Detroit*, No. 20-014780 (Mich. 3d Jud. Cir. Ct. Wayne Cty. Nov. 13, 2020), <http://cdn.cnn.com/cnn/2020/images/11/13/costantino.et.al.v.wayne.boc.et.al.opinionorder.pdf>.

65. On November 16, 2020, fifty-nine specialists in election security publicly and forcefully rebutted the lies about Dominion, explaining that “*no credible evidence* has been put forth that supports a conclusion that the 2020 election outcome in any state has been altered through technical compromise.”⁵⁸ “Anyone asserting that a US election was ‘rigged’ is making an extraordinary claim, one that must be supported by persuasive and verifiable evidence. ... We are aware of alarming assertions being made that the 2020 election was ‘rigged’ by exploiting technical vulnerabilities. However, in every case of which we are aware, these claims either have been unsubstantiated or are technically incoherent.”⁵⁹

66. On November 17, 2020, the Republican chairman of the Maricopa County Board of Supervisors reported that in Arizona, there was no evidence of voter fraud, the evidence overwhelmingly showed the results were accurate, and the Dominion equipment met mandatory requirements during logic and accuracy testing before the Presidential Preference Election, the Primary Election, and the General Election. The Chairman also stated that “after each of these 2020 elections, *the hand count audit showed the machines generated an accurate count.*”⁶⁰ That same day, the Maricopa County Board of Supervisors published a letter to voters about election

⁵⁸ Nicole Perlroth, *Election Security Experts Contradict Trump’s Voting Claims*, N.Y. Times (Nov. 16, 2020), <https://www.nytimes.com/2020/11/16/business/election-security-letter-trump.html>.

⁵⁹ 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*, Joseph Hall (Nov. 16, 2020), <https://josephhall.org/papers/Experts-Statement-on-the-US-2020-General-Election-16NOV2020-1057.pdf>.

⁶⁰ 12 News, *Republican Maricopa County Chairman Says ‘No Evidence of Fraud or Misconduct’ in Presidential Election*, Fox 61 (Nov. 17, 2020), <https://www.fox61.com/article/news/politics/elections/maricopa-county-chairman-says-no-evidence-of-fraud-or-misconduct-in-presidential-election/75-6aba1803-850a-460f-8f86-b185a41f4708>; Letter from Clint Hickman to Maricopa County Voters (Nov. 17, 2020), <https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters>.

results, confirming “[m]ore than 2 million ballots were cast in Maricopa County and *there is no evidence of fraud or misconduct or malfunction.*”⁶¹

67. Also on November 17, 2020, the Associated Press released a report debunking the claim that Smartmatic owns Dominion Voting Systems: “Both Dominion and Smartmatic have released statements saying no ownership relationship exists between the two competing firms. Indra Sistemas, a Spanish company, told The Associated Press in an email it has never developed any project or had a commercial, contractual or corporate relationship with either firm.”⁶²

68. The same day, *The Wall Street Journal* reported that “Dominion Voting Systems Corp., a little-known voting-machine supplier that has come under criticism from President Trump, was a linchpin in the 2020 election that federal and state officials praise as being free from tampering.”⁶³ The article continued: “A phalanx of federal agencies, state officials across the country overseeing elections and voting-equipment vendors said last week that ‘there’s no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.’”⁶⁴

69. The Editorial Board for *The Wall Street Journal* also published a piece that same day that refuted false claims about Dominion and stated, “there’s no good evidence of voting problems that would come close to” calling into question Biden’s leads in the swing states.⁶⁵

⁶¹ *Id.*

⁶² Ali Swenson, *Smartmatic does not own Dominion Voting Systems*, AP (Nov. 17, 2020), <https://apnews.com/article/fact-checking-afs:Content:9740535009>.

⁶³ Alexa Corse, *Voting Machine Supplier Criticized by Trump in Spotlight on Election Integrity*, Wall Street Journal (Nov. 17, 2020), https://www.wsj.com/articles/voting-machine-supplier-criticized-by-trump-in-spotlight-on-election-integrity-11605624361?mod=searchresults_pos17&page=2.

⁶⁴ *Id.*

⁶⁵ The Editorial Board, *Rage Against the Voting Machine*, Wall Street Journal (Nov. 17, 2020), <https://www.wsj.com/articles/rage-against-the-voting-machine-11605656036>.

70. On November 20, 2020, Georgia announced the results of its hand count of 100% of the paper ballots cast in Georgia's election. As Georgia Secretary of State Raffensperger announced, this audit "upheld and reaffirmed the original outcome produced by the machine tally of votes cast. Due to the tight margin of the race and the principles of risk-limiting audits, this audit was a full manual tally of all votes cast. The audit confirmed that the original machine count accurately portrayed the winner of the election."⁶⁶ This hand recount verified the accuracy of the Dominion machine counts and conclusively disproved the accusations against Dominion.

***Byrne's Collaborator Sidney Powell is Called Out for Failing to Produce Evidence
and the Trump Campaign Disavows Her***

71. On November 20, Fox News's Tucker Carlson publicly called out Byrne's collaborator Sidney Powell for failing to produce any evidence to support the outlandish and incredible claims that she had been making about Dominion.⁶⁷ Despite his invitation to Powell to appear on his show and present her evidence, "she never sent [] any evidence, despite a lot of requests ... not a page." When he and his staff kept pressing Powell to present evidence, "she got angry" and told them stop contacting her. So Carlson and his staff checked with others in and around the Trump Campaign and people in positions of authority, who said that Powell had "never given them any evidence either." Carlson concluded that Powell "never demonstrated that a single actual vote was moved illegitimately by software from one candidate to another. Not one."

72. On November 22, 2020, the Trump Campaign itself publicly disavowed Powell by issuing the following statement: "Sidney Powell is practicing law on her own. ... She is not a

⁶⁶ *Historic First Statewide Audit Of Paper Ballots Upholds Result Of Presidential Race*, Georgia Secretary of State (last visited Aug. 5, 2021), https://sos.ga.gov/index.php/elections/historic_first_statewide_audit_of_paper_ballots_upholds_result_of_presidential_race.

⁶⁷ Tucker Carlson, *Time for Sidney Powell to show us her evidence*, Fox News (Nov. 19, 2020), <https://www.foxnews.com/opinion/tucker-carlson-rudylgiuliani-sidney-powell-election-fraud>.

member of the Trump Legal Team. She is also not a lawyer for the President in his personal capacity.”⁶⁸

Intentionally Disregarding the Independent Audits, Hand Recounts, Trump Appointees, and Republican Elected Officials That Debunked His False Election Narrative, Byrne Goes on Television to Promote His Lies

73. Even though Byrne was well aware that the Ramsland report was a sham and even after independent audits, hand recounts, Trump appointees, and Republican officials had confirmed the accuracy of the vote counts from Dominion machines in the 2020 election, and even after the Trump Campaign itself had disavowed Sidney Powell because of the outlandish and embarrassingly evidence-free lies she had been pushing, Byrne continued to promote the false preconceived narrative that Dominion had stolen the election. In an effort to explain away why DHS and Republican elected officials had rebutted his false claims, Byrne began falsely accusing them of being in on the conspiracy.

74. On November 17, 2020, Byrne appeared on Newsmax’s National Report and falsely claimed that “the outcome [of the election] was rigged,” the rig “was very strategic” by targeting “five counties,” and that explained Biden’s “come-from-behind victory” in those counties.⁶⁹ Byrne knew these claims were false, not only from the information available in the public record, but also from Byrne’s own “investigation,” which had failed to turn up any credible evidence to support his false claims. Nonetheless, Byrne also falsely told Newsmax’s audience that Ramsland’s team had been hired by the State of Texas to investigate the Dominion voting

⁶⁸ Maggie Haberman & Alan Feuer, *Trump Team Disavows Lawyer Who Peddled Conspiracy Theories on Voting*, N.Y. Times (Nov. 22, 2020), <https://www.nytimes.com/2020/11/22/us/politics/sidney-powell-trump.html>.

⁶⁹ Patrick Byrne, *NewsmaxTV Breaks Cone of Silence, Millions Hear Story There First*, Deep Capture (Nov. 17, 2020), <https://www.deepcapture.com/2020/11/newsmaxtv-breaks-cone-of-silence-millions-hear-story-there-first/> (Ex. 363).

machines which “ran” the Dallas’s 2018 election. He did so even though Byrne knew that: (1) Dominion’s voting machines had not been used in Dallas’s 2018 election; (2) the State of Texas had not hired Ramsland’s team to investigate Dallas’s 2018 election; and (3) Ramsland’s outlandish claims and purported evidence had already been investigated and rejected by DHS.

75. On November 23, 2020, Byrne appeared on *Operation Freedom Insider Insight* and repeated the false claims Newsmax broadcast, falsely claiming that “[t]his election was completely rigged” and that Dominion’s software had been built to cheat.⁷⁰ And later that day, Byrne appeared on OAN and announced that he was on a mission to save the country from “widespread machine and software election fraud.” To explain away the fact that DHS—then led by a Trump appointee—had already evaluated Byrne’s evidence and found his outlandish claims to be meritless, Byrne pushed the inherently improbable lie that DHS was in on a massive conspiracy and had “crammed down” the evidence “from high levels.”⁷¹ And before going on the air, Byrne repeated the lie to OAN’s Chanel Rion that Ramsland’s team had been hired by the State of Texas to investigate the Dominion voting machines used in Dallas’s 2018 election. He did so intending, expecting, and reasonably foreseeing that Rion would repeat his lies on the air. When Rion foreseeably repeated Byrne’s lies on the air, Byrne did not correct the record, but endorsed the lies he had planted.⁷²

76. Because Georgia’s 100% hand recount—conducted under a Republican governor and a Republican secretary of state—had conclusively debunked Byrne’s false claim that the vote

⁷⁰ *Patrick Byrne: Dissecting The Electronic Steal*, Operation Freedom Insider Insight (Nov. 24, 2020), <https://www.youtube.com/watch?v=5fs3tKtmiEA&feature=youtu.be> (Ex. 353).

⁷¹ *Tech Millionaire Funds Hacking Team 2020 Election was 100% Rigged*, OAN (Nov. 23, 2020), previously available at <https://www.oann.com/tech-millionaire-funds-hacking-team-20-election-100-rigged/> [<https://app.criticalmention.com/app/#clip/view/67795b8f-2934-4361-81bd-710b2250575a?token=37f52d99-127d-4b48-b8dc-e5e99babfaaa>] (Ex. 350).

⁷² *Id.*

tallies in Dominion machines had been manipulated, Byrne knew he needed to do something to discredit their recount. So, on November 24, 2020, he began falsely accusing Dominion of bribing them, saying: “I think it’s going to turn out that one of these Republicans at a state level may have gotten ‘election insurance.’ The promise they would keep being elected. The sum involved to purchase Dominion machines was \$100 million. Every state that uses Dominion—we should investigate who signed the order to bring it in.”⁷³ Byrne never presented any evidence of this claim because it is false and was obviously manufactured to discredit the results of the hand recount of paper ballots.

77. On November 29, 2020, Byrne appeared on an episode of *The Naked Truth Report* in a segment titled “Founder of Overstock, Patrick Byrne: Caught 100 Percent Rigged Election,” again claiming that the election was “rigged, very strategically,” with “100% certainty” using algorithms in the voting machines, and Byrne specifically pointed to Dominion software, which he falsely asserted were “Venezuelan systems.”⁷⁴

78. On December 1, 2020, Trump-appointee and then-U.S. Attorney General Bill Barr publicly announced: “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.”⁷⁵

⁷³ *Former CEO Of Overstock Says He Has Proof The Election Was Rigged, Can Overturn Biden’s Win*, Populist Press (Nov. 24, 2020), <https://populist.press/former-ceo-of-overstock-says-he-has-proof-the-election-was-rigged-can-overturn-bidens-win/> (Ex. 351).

⁷⁴ #TNTR, *Founder of Overstock, Patrick Byrne: Caught 100 Percent Rigged Election*, *The Naked Truth Report* (Nov. 29, 2020), <https://www.youtube.com/watch?v=UPtHWITuji4> (Ex. 356).

⁷⁵ Michael Balsamo, *Disputing Trump, Barr Says No Widespread Election Fraud*, AP (Dec. 1, 2020), <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

79. On December 7, 2020, a *second* Georgia recount once again confirmed the results and the accuracy of the Dominion system.

80. On December 8, 2020, Byrne appeared on another broadcast of *Operation Freedom Insider Insight* titled, “Patrick Byrne: Blowing Open the Election Steal,” where he again falsely claimed that the 2020 election was hacked by Dominion machines using software that had been created by Hugo Chavez to rig elections.⁷⁶ And, in an effort to excuse the Supreme Court’s inevitable rejection of the meritless election fraud lawsuits being pushed by Byrne’s allies, Byrne sought to discredit Chief Justice John Roberts by falsely insinuating that Roberts is a pedophile who may be “compromised” because, Byrne claimed, his name appeared on the log book for Jeffrey Epstein’s “Lolita Express.”

81. In that same broadcast, Byrne alleged that Dominion had rigged the 2016 Democratic Primary and stole it from Senator Bernie Sanders on behalf of Hillary Clinton, and as part of a cover up of that steal, Dominion had orchestrated the murder of former DNC employee Seth Rich because Dominion “could not have let a guy who had the kind of knowledge that we’re now talking about, to walk around. They couldn’t let him walk around if he was not on board.”⁷⁷ Not only was that claim completely ludicrous on its face, Byrne has never offered a shred of evidence supporting this wild accusation. In fact, claims of some sort of conspiracy surrounding Mr. Rich’s tragic death had been widely and thoroughly debunked years before Byrne made his wild and false claims.⁷⁸ Fox News had retracted its story claiming that there were any

⁷⁶ *Patrick Byrne: Blowing Open the Election Steal*, Operation Freedom Insider Insight (Dec. 8, 2020), <https://www.youtube.com/watch?v=8lGdRb8lZKA> (Ex. 365).

⁷⁷ *Id.*

⁷⁸ See, e.g., Colleen Shalby, *How Seth Rich’s death became an Internet conspiracy theory*, L.A. Times (May 24, 2017), <https://www.latimes.com/business/hollywood/la-fi-ct-seth-rich-conspiracy-20170523-htmlstory.htm>; Lauren Carroll, *The baseless claim that slain DNC staffer*

conspiratorial elements to Mr. Rich's tragic death more than three years earlier,⁷⁹ and had settled claims against it by Mr. Rich's parents two weeks before Byrne's statements.⁸⁰

82. On December 12, 2020, Byrne spoke at a MyPillow-sponsored rally in Washington, D.C., where he again pushed the election fraud myth and referred the audience to his televised appearances. That same day, Byrne tweeted an image of a fake TIME magazine cover with the false accusation that "Dominion Voting System" was "Changing America's Votes."

Seth Rich gave emails to WikiLeaks, PolitiFact (May 23, 2017), <https://www.politifact.com/factchecks/2017/may/23/newt-gingrich/claim-slain-dnc-staffer-seth-rich-gave-emails-wiki/>.

⁷⁹ *Statement on coverage of Seth Rich murder investigation*, Fox News (May 23, 2017), <https://www.foxnews.com/politics/statement-on-coverage-of-seth-rich-murder-investigation>.

⁸⁰ See David Folkenflik, *Fox News Settles With Seth Rich's Parents For False Story Claiming Clinton Leaks*, NPR (Nov. 24, 2020), <https://www.npr.org/2020/11/24/938545344/fox-news-settles-with-seth-richs-parents-for-false-story-claiming-clinton-leaks>.



President Trump's Own Senior Advisors Explicitly Inform Byrne and Powell That Their Accusations Are Nonsensical and Inherently Improbable

83. On the evening of Friday, December 18, 2020, Patrick Byrne, Sidney Powell, Michael Flynn, and Emily Newman (a lawyer on Powell's team) showed up at the White House unannounced and promoted their lies about Dominion to Trump and his senior advisors.⁸¹

84. Before the meeting, White House staff had spent weeks poring over the underlying affidavits and other claims of fraud being promoted by Powell, Byrne, and their allies. Trump's

⁸¹ Jonathan Swan & Zachary Basu, *Bonus episode: Inside the craziest meeting of the Trump presidency*, Axios (Feb. 2, 2021), <https://www.axios.com/trump-oval-office-meeting-sidney-powell-a8e1e466-2e42-42d0-9cf1-26eb267f8723.html>.

team had done its due diligence and knew the specific details of what was being alleged. They found that the allegations fell apart under basic scrutiny.

85. During the meeting at the White House, Trump’s own advisors made it abundantly clear that the election fraud accusations being promoted by Powell, Byrne, and Flynn were nonsensical and entirely dependent on the inherently improbable premise that federal judges, the FBI, the DOJ, and Trump appointee and Attorney General Bill Barr were all corrupt and in on a massive conspiracy with Dominion, foreign governments, and bipartisan election officials across the country. For example, White House staff secretary Derek Lyons pointed out that Powell had lost every election fraud lawsuit she had brought. To excuse away those losses, Powell argued that “[e]very judge is corrupt.” White House senior advisor Eric Herschmann responded, “That’s your argument? Even the judges *we* appointed? Are you out of your fucking mind?”⁸²

86. Powell and Flynn then began trashing the FBI, the DOJ, and Attorney General Bill Barr, arguing that they could not be trusted and that they should be fired and replaced, and that Powell should be appointed as a “special counsel” to investigate election fraud.⁸³ White House counsel Pat Cipollone responded that they were totally wrong and aggressively defended the DOJ and FBI, saying they had looked into every major claim of fraud that had been reported. Herschmann concurred, pointing out that Powell had received exculpatory Brady material in Flynn’s case “from the exact same people in the Department of Justice that you’re now saying are corrupt.”⁸⁴

87. When Byrne argued that “guys with big guns and badges” should seize Dominion’s voting machines around the country, Herschmann responded, “What are you, three years old?”

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

After Lyons and Trump Campaign attorney Matt Morgan (by speakerphone) expressed skepticism toward the proposal, Trump patched in national security advisor, Robert O'Brien, who said that he saw no evidence to support the notion of declaring a national emergency to seize voting machines.⁸⁵

88. Before he left the White House, Byrne was not able to resist snapping and posting a selfie online to prove that he had gotten access:



***After Trump's Senior Advisors Reject Byrne's False Claims,
Byrne Continues Pushing the Disinformation Campaign,
and Encourages People to Take Action on January 6***

89. Four days after Trump's own senior advisors had pointed out the nonsensical and inherently improbable nature of Byrne's claims, Byrne doubled down during an episode of *Steel*

⁸⁵ *Id.*

Truth with Ann Vandersteel.⁸⁶ He told viewers he had been living in Washington, D.C. for the last three months assembling evidence of election fraud, and he urged viewers to come join him “by the 5th and even the 4th” to fight alongside him because “we cannot bend the knee to this ... transparently rigged election.” While he stated that he did not “want any violence” and “I hope nobody gets killed,” he also declared to the viewers that they “have a duty there too. It’s telling, you know, that your grandfathers waded ashore at Normandy. ***You can get your butt off the couch on January 6.***”⁸⁷

90. On January 5, 2021, during a speech at a “Stop the Steal” rally in Washington, D.C. with his collaborator Flynn, Byrne told the crowd that “if we let this go down, we are crossing that line [from a Republic into an authoritarian regime] and we will never recover;” that the American people won’t “get a chance to change it, your children won’t get another chance to change it, and their children won’t get another chance;” that he “know[s] what’s coming for us” because he lived in communist China; and that “the Left” has “eroded many of our freedoms over recent decades.” He also said that the “mainstream people are doing everything they can to normalize this craziness, this imposter president that they have created,” urged the crowd to never “put up with a rigged election,” and said “we have a lot of hope for tomorrow ... there’s a lot of ways this can go.”⁸⁸

91. The next day, on January 6, 2021—the day that the United States Congress convened to certify the results of the 2020 U.S. Presidential Election—Byrne attended a MyPillow-sponsored rally on the Ellipse outside the White House where Byrne had intended to speak and

⁸⁶ *Ann Vandersteel & Patrick Byrne 12_22_2020*, Steel Truth (Dec. 22, 2020), <https://rumble.com/vc5rtr-ann-vandersteel-and-patrick-byrne-12-22-2020-steel-truth.html> (Ex. 357).

⁸⁷ *Id.*

⁸⁸ *General Michael Flynn, Patrick Byrne speaking at Trump protest on Jan. 5th, 2021*, YouTube (Jan. 5, 2021), <https://www.youtube.com/watch?v=DB2PdQOixGI> (beginning at 7:55).

where Rudy Giuliani and other speakers promoted the lies that Byrne and his collaborators had been pushing for months. Rallygoers marched from that rally to the United States Capitol and a mob pushed through the barricades, smashed windows, broke down doors, and stormed into the halls of the Capitol. The Capitol was placed on lockdown, buildings were evacuated, and Congress’s certification of the election was temporarily halted. A banner at the riot read:

NO
Machine
DOMINION
STEALS!



*After Losing Access to the President,
Byrne Passes a Fake Spreadsheet To Mike Lindell*

92. On January 9, 2021, realizing that he “didn’t have any more access to the President” but that MyPillow CEO Mike Lindell did, Byrne sent his team of so-called “white-hat hackers” to give Lindell the “proof”—a fake spreadsheet with fake MAC addresses—that Lindell later touted

as “absolute proof” that will cause the Supreme Court to rule 9-0 that Trump should be reinstated as president.⁸⁹

93. Although both Byrne and Lindell have falsely claimed that the spreadsheet proves the hacking and manipulation of vote tallies *in Dominion machines*, the IP addresses in the “Target” IP address field of the spreadsheet are not the IP addresses of Dominion voting machines at all, but the IP addresses of county websites; those IP addresses are publicly available in free online databases where anyone can copy them and paste them into a spreadsheet. Whoever copied and pasted those publicly available county website IP addresses into the spreadsheet also populated the spreadsheet with fake MAC addresses, identified in the sheet as the “ID” columns.⁹⁰ As Byrne surely knew from his technical background and interest in election hacking, the first six digits of a MAC address are called an organizational unique identifier (“OUI”), which identifies the manufacturer of the device,⁹¹ and OUIs and MAC addresses are registered with and administered by the Institute of Electrical and Electronics Engineers (“IEEE”).⁹² A basic MAC address and OUI search, with which Byrne is familiar, confirms that the IDs in the spreadsheet are fake.

94. Although Byrne claimed that the spreadsheet was sourced from the “best cyber-forensics specialist” he had ever met, it appears to have been sourced from a conspiracy theory

⁸⁹ *Billionaire Patrick Byrne Talks About Being Enlisted by a Federal Agency To Bribe Hillary Clinton*, The Eric Metaxas Radio Show (July 6, 2021), <https://rumble.com/vjihax-patrick-byrne-announces-his-brand-new-documentary-on-2020-election-fraud-th.html>.

⁹⁰ Philip Bump, *Mike Lindell’s ‘fraud’ allegations are even more ridiculous than you might think*, Wash. Post (June 4, 2021), <https://www.washingtonpost.com/politics/2021/06/04/mike-lindells-fraud-allegations-are-even-more-ridiculous-than-you-might-think/>.

⁹¹ See *Definition, Organizational Unique Identifier*, PC Magazine (last visited Aug. 5, 2021), <https://www.pcmag.com/encyclopedia/term/oui>.

⁹² See *IEEE SA – Registration Authority*, IEEE Standards Association (last visited Aug. 5, 2021), <https://standards.ieee.org/products-services/regauth/index.html>.

blog, *The American Report*. *The American Report* is run by people identified as “Mary Fanning” and Alan Jones, who are facially unreliable for many reasons, including:

- Neither “Mary Fanning” nor Alan Jones have any apparent background in cybersecurity or intelligence.
- Before the identity of its registrant was concealed through the use of a proxy service, *The American Report*’s website was originally registered by someone identified as Mary Kirchhoefer. Federal Election Commission contribution records reveal that Mary Fanning Kirchhoefer made a number of contributions to the Trump Campaign, the Republican National Committee, and other conservative causes and politicians from 2000-2020, first identifying herself as a “homemaker” and then, beginning in 2016, as “retired.” A LinkedIn profile for “Mary Fanning Kirchhoefer” reveals no education, no credentials, no expertise, and no work history, except that it claims Kirchhoefer is the “owner” of “Roper Brown,” a purported interior design firm with no company website.
- Alan Jones, for his part, is a self-described “musician and film composer.”
- For years, “Fanning” and Jones have pushed outlandish conspiracy theories, such as claiming in 2015 that the United States government had been infiltrated by the Muslim Brotherhood.
- In 2017, “Fanning” and Jones began spewing a new conspiracy theory: people within the U.S. intelligence community had used a “supercomputer” called the “Hammer” to spy on then-candidate Donald Trump.
- In August 2020, “Fanning” and Jones self-published a book claiming that people in the Obama Administration had commandeered the “supercomputer” in order to spy on political opponents, including Trump, and that the investigation that resulted in the Mueller Report and President Trump’s first impeachment was a “Deep State” coverup for the alleged domestic surveillance done using the “supercomputer.”
- As the 2020 presidential election neared, “Fanning” and Jones repurposed their conspiracy theory for the upcoming election, claiming that the “Hammer” and a software program called “Scorecard” would be used to steal the election from Trump.
- “Fanning” and Jones relied on Dennis Montgomery as the source for the “Hammer and Scorecard” conspiracy theory they promoted. Montgomery is a facially unreliable source for a number of reasons, including but certainly not limited to:
 - Montgomery claims to have invented the so-called “Hammer” supercomputer and the “Scorecard” software. But he also claimed to

U.S. intelligence agencies that he had invented software that could decode secret messages in Arabic-language news broadcasts. After his too-good-to-be-true technology was revealed to be exactly that, he is now considered to be the “maestro behind what many current and former U.S. officials and others familiar with the case now believe was one of the most elaborate and dangerous hoaxes in American history.”⁹³

- Montgomery also convinced disgraced former Maricopa County Sheriff Joe Arpaio to pay him \$120,000 for “computer data” that Montgomery claimed would “show an illegal conspiracy between the U.S. Department of Justice and federal judges,” a claim that was deemed by local officials to be “bogus.”
- The “Hammer and Scorecard” conspiracy theory sourced from Montgomery and promoted by “Fanning” and Jones on *The American Report* blog was publicly debunked by Trump appointee and election security expert Chris Krebs and other credible sources.

After Being Banned from Twitter and Failing to Prevent Joe Biden’s Inauguration, Byrne Publishes a Blog Series Featuring Fake Evidence and Discredited Experts

95. On January 13, 2021, Byrne was suspended from Twitter for the first time for spreading disinformation about election fraud.⁹⁴

96. On January 20, 2021, Joe Biden was inaugurated as the 46th President of the United States.

97. From January 27, 2021 to February 9, 2021, Byrne published a six-part series on his Deep Capture blog entitled: “How DJT Lost the White House.” In the series, Byrne brags about his role propagating the disinformation campaign and about how he, Powell, and Flynn had gotten access to the White House. He also repeats the lie that the 2020 election had been stolen as part of a massive international conspiracy among China, Venezuelan and Spanish companies, the DOJ, the DHS, the FBI, and Dominion, whose voting systems, Byrne falsely claimed using the

⁹³ Travis Daub, *How a Reno casino con man duped the CIA and pulled one of the ‘most dangerous hoaxes’ in American history*, PBS (Oct. 14, 2014), <https://www.pbs.org/newshour/nation/reno-casino-conman-pulled-greatest-hoax-american-history>.

⁹⁴ Byrne was later permanently banned from Twitter on March 1, 2021.

conclusion of the sham Ramsland report he commissioned, had been “intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results.” In an effort to fool his readers into believing the lie, Byrne also featured the fake spreadsheet he had passed along to MyPillow CEO Mike Lindell, as well as other fake evidence and discredited experts that he apparently discovered in the dark corners of the internet while scouring for anything he could find to support his false preconceived narrative that had, by that time, been conclusively disproven by independent audits and hand recounts and powerfully rejected by Trump’s own appointees and senior advisors. For example:

98. **The fake spreadsheet.** Byrne posted the fake spreadsheet that he had given to MyPillow CEO Mike Lindell, falsely claiming that it documented the flipping of 299,567 votes via attacks on election systems across Pennsylvania, Michigan, Wisconsin, Arizona, Nevada, and Georgia.⁹⁵ Even after being specifically notified of the above information and independent evidence proving that the spreadsheet is a fake, Byrne did not remove the spreadsheet from his blog or retract his demonstrably false claim that the spreadsheet reflected “packet traffic on Election Day 2020” from a “cyber-forensic specialist” who had “documented vote-flipping in the Problematic 6 states amounting to 299,567 votes, just enough in each state to flip the election.”⁹⁶

99. **The misleading photograph.** Byrne posted a photograph and falsely claimed that it proved that Dominion voting machines are manufactured in China. Byrne wrote: “On the dictum

⁹⁵ Patrick Byrne, *How DJT Lost the White House, Chapter 2: Was there Foreign Interference in this Election? You Make the Call.*, Deep Capture (Jan 31, 2021), <https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-chapter-2-was-there-foreign-interference-in-this-election-you-make-the-call/> [<https://web.archive.org/web/20210220160932/https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-chapter-2-was-there-foreign-interference-in-this-election-you-make-the-call/>] (Ex. 358).

⁹⁶ *Id.*

that ‘a picture is worth 1,000 words,’ I will start with something to end debate on whether Dominion machines are made in China,” followed by a photograph of boxes stamped “Dominion Voting” and “Made in China.”⁹⁷ But, as Byrne is well aware—*and as Dominion specifically pointed out to him in a letter on March 31, 2021*—the photo depicts boxes of *transport bags* used to transport Dominion machines. While the transport bags are made in China and a small number of subcomponents are sourced from China (just as microchips in many Americans’ cell phones and computers are sourced from China), the voting machines are not. Although the words “Transport Bag” were partially obscured behind a metal beam, part of those words can be made out on the boxes, just to the right of the navy and ivory beam on the left side of the photo:



⁹⁷ *Id.*

100. After it was specifically pointed out to Byrne that the photograph depicts boxes of transport bags rather than voting machines, the photograph was removed from Byrne’s blog, but Byrne has never retracted his false claim that there was photographic evidence that “Dominion machines are made in China,” a claim Byrne offered as evidence in support of his broader defamatory accusation that Dominion stole the 2020 election.⁹⁸

101. **The convicted felon.** Byrne also promoted and published videos by Edward Solomon, whom Byrne falsely represented was a “mathematician.”⁹⁹ In the videos, Solomon plays with spreadsheets and claims they contain mathematical proof that algorithms in Dominion machines manipulated votes, stealing the election from Trump in Philadelphia and elsewhere. Information that was readily available in the public domain before Byrne published Solomon’s videos shows Dominion machines were not even used in Philadelphia in the 2020 election.¹⁰⁰ And far from being a “mathematician,” Mr. Solomon is an “installer” at Creative Playthings (a swingset construction company) and a “Carpenter/Labor” at Racanelli Construction, Inc.¹⁰¹ His LinkedIn

⁹⁸ March 31, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 359); Patrick Byrne, *How DJT Lost the White House, Chapter 2: Was there Foreign Interference in this Election? You Make the Call.*, Deep Capture (Jan 31, 2021), <https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-chapter-2-was-there-foreign-interference-in-this-election-you-make-the-call/> [<https://web.archive.org/web/20210220160932/https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-chapter-2-was-there-foreign-interference-in-this-election-you-make-the-call/>] (Ex. 358).

⁹⁹ Patrick Byrne, *How DJT Lost the White House, Chapter 1: All the President’s Teams (11/3-12/17)*, Deep Capture (Jan. 27, 2021), <https://www.deepcapture.com/2021/01/november-3-december-23-all-the-presidents-teams/> (Ex. 349).

¹⁰⁰ March 31, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 359) (citing Verified Voting, <https://verifiedvoting.org/verifier/#mode/search/year/2020/state/42/county/101>); Ali Swenson, *Philadelphia does not use Dominion Voting Systems technology*, AP (Nov. 22, 2020), <https://apnews.com/article/fact-checking-afs:Content:9798361760>.

¹⁰¹ Mr. Solomon’s personal Facebook page contains details about his work and education. Mr. Solomon’s Facebook is available here: https://www.facebook.com/solomonscourage/about_work_and_education.

profile says he “attended” Stony Brook University, but does not indicate that he graduated.¹⁰² As publicly available records reflect, Mr. Solomon pled guilty to a felony charge of “criminal sale of a controlled substance” and—according to records from New York’s Department of Corrections—Solomon served seven months and five days in jail for his crime.¹⁰³ Yet even after Byrne was specifically notified of all these facts and the publicly available evidence proving them, he did not remove Solomon’s videos from his blog or retract his false representation that Solomon was a “clear-speaking mathematician” who had uncovered mathematical proof that Dominion had stolen the election, as opposed to a college dropout and convicted felon who made the demonstrably false claim that Dominion machines had been used in Philadelphia in the 2020 election.¹⁰⁴

102. **The failed treasure hunter.** Byrne’s blog also put forward as “experts” Jovan Pulitzer and an unidentified purported “senior corporate security expert” and published the lie—apparently sourced from them—that “someone from China Telecom had come through the Internet onto the Smart Thermostat in order to connect to” a “tabulating machine” in Georgia.¹⁰⁵ Pulitzer is not an expert in voting machines, and his claims have been disproven by independent forensic analysis conducted by a testing laboratory certified by the U.S. Election Assistance Commission

¹⁰² See Mr. Solomon’s LinkedIn is available here: <https://www.linkedin.com/in/edward-solomon-965842145/>.

¹⁰³ See *People v. Solomon*, 162 A.D.3d 912, 912, 80 N.Y.S.3d 81, 82 (2018).

¹⁰⁴ March 31, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 359); Patrick Byrne, *How DJT Lost the White House, Chapter 1: All the President’s Teams (11/3-12/17)*, Deep Capture (Jan. 27, 2021), <https://www.deepcapture.com/2021/01/november-3-december-23-all-the-presidents-teams/> (Ex. 349).

¹⁰⁵ Patrick Byrne, *How DJT Lost the White House Chapter 4: The Christmas Doldrums (December 26- noon January 6)*, Deep Capture (Feb. 4, 2021), <https://www.deepcapture.com/2021/02/how-djt-lost-the-white-house-chapter-4-the-christmas-doldrums-december-23-noon-january-6/> (Ex. 354).

and recommended by the National Institute of Standards and Technology, which found “no evidence of the machines being tampered.”¹⁰⁶ As explained by Georgia’s Secretary of State:

[F]ailed treasure hunter, J. Hutton Pulitzer, or Commander Pulitzer (no record of military experience), claimed that he had “hacked” Georgia’s voting system. The treasure hunter provided no evidence ... that he had done so, only claiming it had happened. ... In another election disinformation-filled hearing, a small group of Republicans in the Georgia State Senate featured the claims of failed inventor and failed treasure hunter J. Hutton Pulitzer as a star witness. In his presentation, Hutton Pulitzer, formerly J. Jovan Philyaw, claimed without providing any evidence that he had “hacked” a poll pad. He then went on to claim that meant that the entire voting system was compromised even though the poll pad, like the poll books which they have replaced, are never connected to the rest of the voting system.

Hutton Pulitzer was the inventor of CueCat, a cat shaped device that, when connected to the computer, allowed users to scan barcodes on ads that would bring up the website where they could purchase the advertised product. The device attracted \$185 million in investment before becoming “an anathema of the tech industry and a cautionary tale for investors.” In 2006, it was listed as one of the “25 worst tech products of all time” by PC World magazine.

Hutton Pulitzer later became a treasure hunter, searching unsuccessfully for the Ark of the Covenant and later claiming that a sword, that was likely a fake, not only had “‘magical’ magnetic properties” but was also a sign that ancient Romans had visited North America by 200 A.D.

His published work is comprised largely of “Commanders Lost Treasures” books, a separate one for many states in the U.S., and includes “How to Cut Off Your Arm and Eat Your Dog.”

...

In a statement, poll pad creator KnowInk said: “The assertions made about unauthorized access to our systems are patently false. The man claiming that someone ‘got into’ our systems did not happen according to our forensic analysis. There was no ‘hack,’ there was no ‘back door’ entry, there was no ‘pump and dump,’ and there was no access through a ‘thermostat’

¹⁰⁶ *Secretary Raffensperger Announces Completion of Voting Machine Audit Using Forensic Techniques: No Sign of Foul Play*, Georgia Secretary of State (last visited Aug. 5, 2021), https://sos.ga.gov/index.php/elections/secretary_raffensperger_announces_completion_of_voting_machine_audit_using_forensic_techniques_no_sign_of_foul_play.

located hundreds of miles away in Savannah.”¹⁰⁷

103. Yet even after Byrne had been put on specific written notice of the above facts and supporting evidence, Byrne has not retracted his false claim—sourced from the failed treasure hunter and debunked by forensic analysis and Georgia’s Republican Secretary of State—that a Dominion machine had been hacked through a thermostat.¹⁰⁸

104. **The misleading affidavit from the former mechanic who failed out of an entry-level training course on military intelligence.** Also in support of his false claims against Dominion, Byrne touted the affidavit of an anonymous purported “military intelligence analyst” as “evidence” that the “election was rigged.”¹⁰⁹ Byrne’s purported “military intelligence analyst” has since been identified as Josh Merritt, an associate of Russell Ramsland who has admitted that he never actually worked in military intelligence and that the declaration that Powell’s team wrote for him to sign is “misleading” and he “was trying to backtrack” on it.¹¹⁰ Far from being a “military intelligence analyst,” Merritt is an IT consultant and former mechanic who washed out of the military’s entry-level training course on intelligence.¹¹¹ Yet, even after being put on specific written notice of the above facts and supporting evidence, Byrne did not remove Merritt’s affidavit

¹⁰⁷ Georgia Secretary of State, *Fact Check: Georgia Senate Masquerades Failed Treasure Hunter as Hacker and Election Security Expert*, https://sos.ga.gov/index.php/elections/fact_check_georgia_senate_masquerades_failed_treasure_hunter_as_hacker_and_election_security_expert.

¹⁰⁸ March 31, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 359); Patrick Byrne, *How DJT Lost the White House, Chapter 4: The Christmas Doldrums (December 23- noon January 6)*, Deep Capture (Feb. 4, 2021), <https://www.deepcapture.com/2021/02/how-djt-lost-the-white-house-chapter-4-the-christmas-doldrums-december-23-noon-january-6/> (Ex. 354).

¹⁰⁹ Patrick Byrne, *Evidence Grows: ‘20 Election Was Rigged*, Deep Capture (Nov. 24, 2020), <https://www.deepcapture.com/2020/11/election-2020-was-rigged-the-evidence/> (Ex. 360).

¹¹⁰ Emma Brown, Aaron C. Davis, & Alice Crites, *Sidney Powell’s secret ‘military intelligence expert,’ key to fraud claims in election lawsuits, never worked in military intelligence*, Wash. Post (Dec. 11, 2020), https://www.washingtonpost.com/investigations/sidney-powell-spider-spyder-witness/2020/12/11/0cd567e6-3b2a-11eb-98c4-25dc9f4987e8_story.html.

¹¹¹ *Id.*

from his blog or retract the false claim that the affidavit was a “fine, heavily-documented affidavit from a Military intelligence analyst concerning Chinese, Iranian, and Russian penetration of Dominion Voting” that constituted “evidence” that the “election was rigged.”¹¹² Nor has Byrne ever disclosed to his audience that Merritt is a member of the Oath Keepers, an anti-government group that has been identified as “one of the ... most dangerous extremist groups in the country.”¹¹³

105. **The video “evidence” of ballot shredding that does not show any ballots or shredding.** In an obvious attempt to discredit Georgia’s 100% hand recount of paper ballots that had confirmed the accuracy of the vote counts from Dominion’s machines, Byrne published the demonstrably false claim that Dominion paid to have 3,000 pounds of ballots in Georgia destroyed by “super-duper military-grade shredding,” that the shredding truck was intercepted, and that the partially-shredded ballots were dumped onto the floor of a local police station, along with Chinese print shop receipts and shipping labels on the outside of the boxes that held the ballots.¹¹⁴ Apparently, to explain away the fact that no police officers have ever come forward to corroborate this outlandish lie, Byrne piled on another false and inherently improbable accusation: that DHS initially took over the investigation but was pressured to back off the investigation so that the FBI—who Byrne is also apparently accusing of being in on the (nonexistent) sweeping

¹¹² March 31, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 359); Patrick Byrne, *Evidence Grows: ‘20 Election Was Rigged*, Deep Capture (Nov. 24, 2020), <https://www.deepcapture.com/2020/11/election-2020-was-rigged-the-evidence/> (Ex. 360).

¹¹³ Mike Giglio, *The Secret Source Who Helped Fuel Trump’s Big Lie*, The New Yorker (July 28, 2021), <https://www.newyorker.com/news/american-chronicles/the-secret-source-who-helped-fuel-trumps-big-lie>; Ronan Farrow, *A Former Marine Stormed The Capitol As Part Of A Far-Right Militia*, The New Yorker (Jan. 14, 2021), <https://www.newyorker.com/news/news-desk/a-former-marine-stormed-the-capitol-as-part-of-a-far-right-militia>.

¹¹⁴ Patrick Byrne, *How DJT Lost the White House, Chapter 4: The Christmas Doldrums (December 23- noon January 6)*, Deep Capture (Feb. 4, 2020), <https://www.deepcapture.com/2021/02/how-djt-lost-the-white-house-chapter-4-the-christmas-doldrums-december-23-noon-january-6/> (Ex. 354).

international conspiracy involving Dominion and bipartisan election officials across the country—could take over and finish the shredding.

106. Although Byrne falsely claimed that this ludicrous conspiracy theory was “documented in photos and film,”¹¹⁵ he has never produced any such photos or film, nor even a shred of evidence from the alleged *ton and a half* of ballots and Chinese shipping labels on the floor of the police station, nor any other credible evidence to corroborate this ridiculous lie. Instead, the only “evidence” he put forward is a video of innocuous footage of parking lots and cars coming and going, *without any footage of ballots being moved or shredded*, along with a voice-over of an enthusiastic conspiracy theorist simply asserting—*without any photographic or video evidence whatsoever*—that the cars in the video were suspicious (they were not).¹¹⁶

107. This fake evidence is all Byrne has put forward because, as Byrne knows, he has no real evidence to support the ballot-shredding lie. No such evidence exists because the tale is a fantasy, plainly fabricated out of whole cloth to explain away the fact that Georgia’s 100% hand recount of paper ballots conclusively disproved the lie that the tallies in Dominion machines had been manipulated. Bipartisan election officials—*including Trump-supporting Republicans*—have repeatedly confirmed the vote tallies and debunked the ballot-shredding lies. As reported by *The New York Times* a month before Byrne published the ballot-shredding lie on his blog:

“There is no shredding of ballots going on,” Mr. Sterling said with clear annoyance. “That’s not real. It’s not happening.”

Workers did shred secrecy envelopes: the blank envelopes that protect the privacy of a voter’s absentee ballot and go inside an outer envelope. It’s the outer envelope that voters have to sign, and election officials have kept those outer envelopes as required by law. The secrecy envelopes, however, “have no evidentiary value,” Mr. Sterling said, because by definition, they

¹¹⁵ *Id.*

¹¹⁶ *Id.*

have no identifying information on them.¹¹⁷

108. Similarly, as reported by PolitiFact a month before Byrne published the ballot-shredding lie on his blog:

State election officials rejected the claim, as did election officials from Fulton County, who identified the pieces of paper as the waste from the envelopes that absentee ballots come in.

“There are no shredded ballots. We’ve had no credible reports of this happening anywhere,” Mr. Sterling told PolitiFact. “It’s a federal crime to shred ballots. It’s not happening, and if there was evidence as such, law enforcement would be called and there would be an investigation.”¹¹⁸

109. Even after Byrne was specifically notified of the above facts and supporting evidence, he did not retract his false claim that Dominion had paid to shred ballots in Georgia.¹¹⁹ Nor did he come forward with the “photos and film” evidence that he claimed to have. If Byrne actually had *evidence*—as opposed to anonymous hearsay and a video that does not show what he claim it shows—that a federal crime had occurred, he would have provided it to law enforcement and included it in his blog posts and book. The fact that he has not done so proves that he does not have the evidence he claims to have.

¹¹⁷ Maggie Astor, *A Georgia election official debunked Trump’s claims of voter fraud, point by point*, N.Y. Times (Jan. 4, 2021), <https://www.nytimes.com/2021/01/04/us/politics/trump-georgia-election-fraud.html>.

¹¹⁸ Samantha Putterman, *Facebook posts Says shredded ballots were found in Dell boxes in Georgia*, PolitiFact (Jan. 6, 2021), <https://www.politifact.com/factchecks/2021/jan/06/facebook-posts/no-there-were-no-shredded-ballots-found-during-geo/>.

¹¹⁹ March 31, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 359); Patrick Byrne, *How DJT Lost the White House, Chapter 4: The Christmas Doldrums (December 23- noon January 6)*, Deep Capture (Feb. 4, 2021), <https://www.deepcapture.com/2021/02/how-djt-lost-the-white-house-chapter-4-the-christmas-doldrums-december-23-noon-january-6/> (Ex. 354).

110. On February 17, 2021, Byrne repackaged his blog series—with additional fabrications about Dominion and the 2020 election—as a self-published book that retails on Amazon for \$7.99.¹²⁰

Byrne Becomes the Purported Chairman and CEO of Sidney Powell’s Fundraising Website Just Long Enough to Submit an Affidavit to This Court

111. On March 15, 2021, after Dominion had sued Sidney Powell for defamation and alleged that her fundraising website, Defending the Republic, Inc. (“DTR”), was her alter ego, Byrne signed an affidavit claiming that he was “currently” serving as the Chairman and CEO of DTR. (DTR’s public corporate records from March 15, 2021 did not show Byrne holding any position with DTR, and Byrne’s affidavit conspicuously omitted any mention of when he purportedly began serving as the Chairman and CEO of the company.) Powell and DTR submitted that affidavit in support of their motion to dismiss Dominion’s defamation complaint on March 22, 2021. In April 2021, Byrne purportedly resigned as DTR’s Chairman and CEO after less than one month in the purported positions.

Byrne Repeats the Antrim County Strategy in Maricopa County

112. On March 31, 2021, although Byrne was already well aware that the lies he was spreading were patently false and based on wholly unreliable and discredited sources, Dominion sent a letter notifying Byrne of facts and supporting evidence cited above and pointing Byrne to pre-election reporting from Fox News discouraging Republicans from voting by mail (which explained why later-counted mail-in ballots leaned heavily for Biden).¹²¹ Dominion also put Byrne

¹²⁰ Patrick Byrne, *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him* (2021) (Ex. 361); *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him*, Amazon (last visited Aug. 5, 2021), <https://www.amazon.com/Deep-Rig-Election-Fraud-Donald-ebook/dp/B08X1Z9FHP>.

¹²¹ March 31, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 359).

on formal written notice about key details of Dominion’s history that Byrne had intentionally twisted and misrepresented after reading relevant corporate and legal documents, explaining:

Dominion and Smartmatic are competitors; neither is owned by the other. To be sure, as you know, Dominion and Smartmatic once both serviced an election in the Philippines, in which Dominion’s software was licensed to Smartmatic for use in the Philippines—*not the other way around*. And, after the Department of Justice blocked Smartmatic’s acquisition of an American voting machine company, Sequoia Voting Systems, Dominion purchased *Sequoia’s* assets, which did *not* contain any Smartmatic software, source code, or “algorithms.” But as you are well aware from your admitted review of the relevant corporate and legal documents, Smartmatic’s software and source code was not used in Dominion’s machines in the 2020 election. Your attempts to falsely tarnish Dominion with the Chávez-election-rigging accusations about Smartmatic demonstrate that you understood the relevant documents and that you know your accusations about Dominion are false.¹²²

113. Based on the evidence and facts, Dominion demanded that Byrne retract his demonstrably false claims. Rather than retracting or removing the fake spreadsheet or the debunked claims of the convicted felon or treasure hunter from his blog, Byrne decided to double down on his lies about Dominion.

114. Having successfully fooled tens of millions of people with the Ramsland report on Antrim County, Michigan, Byrne and his collaborators set out to repeat their Michigan strategy in Arizona: find someone with zero experience in election security who has already committed to the preconceived narrative that the election was stolen, and pay them to manufacture evidence to support that conclusion.

115. Byrne and his collaborators found exactly what they were looking for in Doug Logan and his “Cyber Ninjas.” While the Cyber Ninjas had no previous experience conducting an official election recount and were not accredited by the United States Election Assistance

¹²² *Id.*

Commission, they had the one qualification that mattered: they were already committed to Donald Trump and the lie that Dominion had stolen the election from him. Logan had previously promoted the #stopthesteal movement and proclaimed that he “wholeheartedly support[s] Trump.”¹²³ In tweets that he has since deleted, Logan had previously concluded that votes had been switched by machine and that there were glitches with Dominion software; Logan had also retweeted the suspected originator of the QAnon conspiracy theory (Ron Watkins) and Byrne’s collaborator, Sidney Powell’s client Michael Flynn:



¹²³ See Jeremy Duda, *Arizona Senate hires a ‘Stop the Steal’ advocate to lead 2020 election audit*, Ariz. Mirror (Apr. 1, 2021), <https://www.azmirror.com/2021/03/31/arizona-senate-hires-a-stop-the-steal-advocate-to-lead-2020-election-audit/>.

 Doug Logan Retweeted

 **General Flynn**  @GenFlynn · 30 Dec 2020 

How many overseas connections are we talking about involved in our 3 NOV election? Are there any foreign countries NOT interfering in our elections? China, Serbia, Italy, Germany, Iran. WTH!

The electronic voting machines are NOT suppose to be connected to the internet (Period).

 3.5K  41K  97K

 **Doug Logan** @securityvoid · 6h 

Meanwhile in the US....

Where is that tweet? [#stopthesteal](#) [#fightback](#) [#HoldTheLine](#)

The parallels between the statistical analysis of Venezuela and this year's election are astonishing. I'm ashamed about how few republicans are talking about it.

Rick Scott  @SenRickScott

Ortega in #Nicaragua just took another step to cling to power by making it impossible to hold truly free elections.

We must continue to denounce Ortega's increasing control and human...

Show this thread

   3

 Doug Logan Retweeted

 **Ron** @CodeMonkeyZ · Dec 14 

Hint: After auditing the adjudicated ballots and corresponding AuditMarks, you may discover Trump got 200k more votes than previously reported in Arizona.

Dr. Kelli Ward   @kelliwardaz

Over 200,000 #Dominion "digitally adjudicated" ballots in Maricopa County, #Arizona. We haven't been able to examine even ONE. #ElectionIntegrity
twitter.com/michaeljohns/s...

 365  12K  31K

 **Doug Logan** @securityvoid · Nov 22 

Statistical analysis showing how votes are switched in a clear pattern, (aka a machine):

 **Doug Logan** @securityvoid · Nov 22 

Software glitches are "normal" with Dominion Software:

 1   1

116. Republican chairman of the Maricopa County Board of Supervisors, Jack Sellers, rightly called the Cyber Ninjas' work in Arizona "a grift disguised as an audit."¹²⁴ It was a total sham for reasons beyond Logan's and his companies' bias and complete lack of experience, though, including:

- There were no "bipartisan counting boards" set up for the hand counts, as required.
- The group implemented forensic reviews of ballots for watermarks (based on the false belief that actual ballots in Arizona have watermarks—they do not), bamboo fibers (based on the false belief that 40,000 ballots were flown in from China and would therefore have bamboo fibers in them), and for folds or other markings (on the false belief that if a ballot has a fold or a food or coffee stain, it is invalid).
- The group falsely claimed that "Maricopa County deleted a directory full of election databases from the 2020 election cycle days before the election equipment was delivered to the audit," when in fact the group was just too incompetent to "locate files on a copy they made of the County's server."
- The group claimed that the "chain of custody of ballots" had been broken, when in fact the Republican former Arizona Secretary of State Ken Bennett had approved the actual Chain of Custody Document that demonstrated it had never been broken.
- Vote counters were given blue pens—which "can be read by ballot marking devices and could be conceivably used to ruin or falsify ballots"—to mark ballots rather than red pens, breaking a cardinal rule of election audits that Cyber Ninjas' head Doug Logan did not know.
- The group left security gates and ballots unattended and brought unauthorized pens and cell phones near the ballot counting areas.
- The group refused to publicly disclose its procedures for ensuring voter privacy, despite being ordered by a Maricopa County Superior Court to do so.¹²⁵

¹²⁴ Michael Wines, *In Arizona, G.O.P. senators defend their vote review but retract claims of deleted election data.*, N.Y. Times (May 18, 2021), <https://www.nytimes.com/2021/05/18/us/arizona-election.html>.

¹²⁵ See Ralph Neas, Richard A. Gephardt, et al., *How the Arizona Senate Audit in Maricopa County Is an Assault on Voting Rights*, The Century Found. (last visited Aug. 5, 2021), <https://tcf.org/content/report/arizona-senate-audit-maricopa-county-assault-voting-rights/?session=1>.

117. Unsurprisingly, Republican and independent election experts have completely discredited the Cyber Ninjas circus as the sham that it is. For example, former Kentucky Republican Secretary of State Trey Grayson and Dr. Barry C. Burden of the Elections Research Center at the University of Wisconsin-Madison—both “eminent election experts”—declared as follows:

The ongoing review of ballots from the November 2020 general election in Maricopa County as ordered by the Arizona State Senate and executed by their inexperienced, unqualified contractor, Cyber Ninjas, does not meet the standards of a proper election recount or audit. Although the scope of the undertaking is notable, the private firms conducting it are ill-equipped to conduct it successfully and produce meaningful findings about the 2020 election. In contrast to official procedures in Arizona and best practices around the country, the Cyber Ninjas review suffers from a variety of maladies: uncompetitive contracting, a lack of impartiality and partisan balance, a faulty ballot review process, inconsistency in procedures, an unacceptably high level of error built into the process, and insufficient security. A general lack of transparency and communication also makes it difficult to evaluate the review fully as one would an official recount or audit, and it undermines rather than establishes confidence in the election system and the review itself. Because it lacks the essential elements of a bona fide post-election analysis, the review currently underway in Maricopa County will not produce findings that should be trusted.¹²⁶

118. And most recently, an independent analysis by the Associated Press determined that “out of more than 3 million ballots cast in last year’s presidential election” in Arizona, the “Arizona county election officials have identified fewer than 200 cases of potential *voter* fraud”—*i.e.*, fraud by individual voters, not fraud by Dominion—only four of which “have led to

¹²⁶ Dr. Barry C. Burden & Sec’y Trey Grayson, *Report on the Cyber Ninjas Review of the 2020 Presidential and U.S. Senatorial Elections in Maricopa County, Arizona*, States United Democracy Ctr. (June 22, 2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/06/6.22.21-SUDC-Report-re-Cyber-Ninjas-Review-FINAL.pdf>.

charges”—“two involved Democratic voters and two involved Republicans”—and “No person’s vote was counted twice.”¹²⁷

119. Nonetheless, Byrne and his collaborators have raised and contributed millions of dollars¹²⁸ to have the Cyber Ninjas do in Maricopa County, Arizona what Byrne had dispatched Ramsland to do in Antrim County, Michigan: manufacture fake evidence that would convince a lot of people to demand that their elected officials dump Dominion in favor of something else—such as the competing blockchain voting technology in which Byrne previously invested and continues to promote, including at a June 2021 conference.¹²⁹ The largest named donor to the Cyber Ninjas’ efforts in Maricopa County is The American Project, an organization led by Byrne, with \$3,250,000 in donations.¹³⁰ Also in June 2021, Byrne “called for Blockchain technology to be used to overhaul the US electoral system” and argued that the U.S. should use only either “blockchain or paper ballots” because, he falsely claimed, “you can’t cheat” a blockchain voting system.”¹³¹

¹²⁷ Bob Christie & Christina A. Cassidy, *Few AZ voter fraud cases, discrediting Trump’s claims*, AP (July 16, 2021), <https://apnews.com/article/business-government-and-politics-arizona-election-2020-e6158cd1b0c6442716064e6791b4c6fc>.

¹²⁸ *Trump Supporters Raise \$5.7M for Arizona Election Audit*, Newsmax (July 29, 2021), <https://www.newsmax.com/newsfront/election-2020-arizona-audit/2021/07/29/id/1030492/> (reporting that “By far the largest funder is The America Project, led by Byrne, which Logan said has so far contributed \$3.25 million. America’s Future, which lists Flynn as its chairman, contributed just over \$976,000. Voices and Votes, led by OANN correspondents Christina Bobb and Chanel Rion, contributed \$605,000; and Powell’s Defending the Republic gave \$550,000. Election Integrity Funds for the American Republic, which Logan said is led by attorney Matthew DePerno, contributed \$280,000.”).

¹²⁹ *Bitcoin 2021: Patrick Byrne*, Bitcoin Mag. (June 14, 2021), <https://www.youtube.com/watch?v=dG86DLJKmNA>.

¹³⁰ Mia Jankowicz, *Cyber Ninjas says it has received \$5.7 million in private donations to fund the Arizona ballot audit*, Bus. Insider (July 29, 2021), <https://www.businessinsider.com/cyber-ninjas-says-received-private-donations-fund-arizona-ballot-audit-2021-7>.

¹³¹ Billy Bambrough, *Pro-Trump Fundraiser Calls For A Radical Overhaul Of The U.S. Voting System Using Blockchain*, Forbes (June 10, 2021),

Byrne's Lies Are Again Debunked by Respected Republicans

120. On June 23, 2021, a Trump-supporting Republican Michigan Senator and the Republican-led Michigan Senate Oversight Committee released their 55-page report, which concluded: “The Committee found no evidence of widespread or systemic fraud in Michigan’s prosecution of the 2020 election” and expressed total confidence that the state’s 2020 election outcome “represent[s] the true results of the ballots cast by the people of Michigan.”¹³²

121. Then, on June 27, 2021, even more evidence emerged demonstrating that former Attorney General Bill Barr’s public statement on December 1, 2020 that the DOJ “had uncovered no evidence of widespread voter fraud that could change the outcome of the 2020 election” was just the tip of the iceberg. Further reporting revealed that Barr had “received two briefings from cybersecurity experts at the Department of Homeland Security and the FBI” about the allegations of rigged voting machines, after which he and his team at the DOJ “realized from the beginning it was just bullshit.” Barr further disclosed that “even if the machines somehow changed the count, it would show up when they were recounted by hand,” and that Dominion’s machines were just

<https://www.forbes.com/sites/billybambrough/2021/06/10/former-trump-advisor-calls-for-a-radical-overhaul-of-the-us-voting-system-using-blockchain/?sh=450b9bb32d9a>; *Blockchain benefits: from reforming Wall Street to limiting how Google uses your information*, Operation Freedom Insider Insight (June 7, 2021), https://www.youtube.com/watch?v=HlhbZgOV_Ak.

¹³² *Report on The November 2020 Election in Michigan*, Michigan Senate Oversight Comm. (last visited Aug. 5, 2021), https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport.pdf; David Eggert, *Michigan Senate GOP probe: No systemic fraud in election*, ABC News (June 23, 2021), <https://abcnews.go.com/Politics/wireStory/michigan-senate-gop-probe-systemic-fraud-election-78445547>; Clara Hendrickson & Dave Boucher, *Michigan Republican-led investigation rejects Trump’s claim that Nov. 3 election was stolen*, Detroit Free Press (June 23, 2021), <https://www.freep.com/story/news/politics/elections/2021/06/23/michigan-senate-investigation-election-trump/5035244001/>.

“counting machine[s], and they save everything that was counted. So you just reconcile the two. There had been no discrepancy reported anywhere, and I’m still not aware of any discrepancy.”¹³³

122. And on August 3, 2021, a federal judge in Colorado disciplined two lawyers who filed a frivolous lawsuit based on lies against Dominion following the election, concluding that the case was frivolous and brought in bad faith. In his 68-page opinion, Judge N. Reid Neureiter concluded: “Albeit disorganized and fantastical, the Complaint’s allegations are extraordinarily serious and, if accepted as true by large numbers of people, are the stuff of which violent insurrections are made.”¹³⁴

Byrne Creates a Defamatory Film About Dominion

123. On June 18, 2021, Dominion sent Byrne another letter putting Byrne on specific written notice of more verifiable evidence disproving his lies and discrediting his sources, including that:

- On November 12, 2020, 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 any way compromised.”
- On November 16, 2020, fifty-nine specialists in election security issued a statement that “no credible evidence has been put forth that supports a conclusion that the 2020 election outcome in any state has been altered through technical compromise.”
- On December 1, 2020, Trump appointee and then-U.S. Attorney General Bill Barr confirmed that the Department of Justice and the Department of Homeland Security “haven’t seen anything to substantiate” allegations that “machines were programmed essentially to skew the election results.”

¹³³ Jonathan D. Karl, *Inside William Barr’s Breakup with Trump*, The Atlantic (June 27, 2021), <https://www.theatlantic.com/politics/archive/2021/06/william-barrs-trump-administration-attorney-general/619298/>.

¹³⁴ Order Granting Defendants’ Motions for Sanctions, at 6, *O’Rourke et al. v. Dominion Voting Systems, Inc., et al.*, No. 20-cv-03747 (D. Colo. Aug. 3, 2021), available at <https://context-cdn.washingtonpost.com/notes/prod/default/documents/779f6d9a-5696-4bdf-8d1b-a63d7f08d51a/note/892ae5bb-664f-4125-af38-1cb1151ba5d0.#page=1>.

- Joe Oltmann, on whom Byrne heavily relies to support many of his lies, has no experience in elections or cybersecurity. He is a Twitter-banned political activist and leader of a Colorado militia who has ludicrously and falsely claimed that he infiltrated an Antifa conference call where a Dominion employee said he would rig the election.¹³⁵

124. Byrne intentionally disregarded the facts and evidence cited in Dominion’s letter and, on June 27, 2021, premiered his *Deep Rig* film that defamed Dominion again, repeating the debunked lies of the Ramsland report, Joe Oltmann, and Doug Logan, the CEO of the Cyber Ninjas Byrne had helped bankroll to conduct the sham audit in Maricopa County, Arizona. The day before the premiere, Byrne notified his audience that his film would employ the very technology he hoped would replace Dominion—”the new blockchain technology ... to combat digital attack.”¹³⁶

125. Separate and apart from any financial or personal interest in the success of blockchain voting technology, Byrne has capitalized on his lies about Dominion in other ways. In addition to Byrne’s book and film—which he charges people to access—Byrne also started a website where, as one article put it: “Overstock Founder Will Sell You Election Fraud for \$5 Per Month.”¹³⁷

Dominion Has Suffered Enormous Harm

126. As a result of the false accusations initiated and perpetuated by Byrne and his collaborators, Dominion has suffered unprecedented harm and its employees’ lives have been put in danger.

¹³⁵ June 18, 2021 Letter from T. Clare and M. Meier to P. Byrne (Ex. 362).

¹³⁶ Patrick Byrne (@PatrickByrne), Locals (June 24, 2021), <https://patrickbyrne.locals.com/post/792105/after-a-mighty-struggle-with-the-new-blockchain-technology-we-re-using-to-combat-digital-attack-w>.

¹³⁷ Will Sommer, *Overstock Founder Will Sell You Election Fraud for \$5 Per Month*, Yahoo (May 24, 2021), <https://currently.att.yahoo.com/att/overstock-founder-sell-election-fraud-074214466.html>.

127. After hearing the lies that Byrne and his collaborators manufactured and promoted, countless people believed and began spreading Byrne’s defamatory falsehoods about Dominion across social media. And as a result of the disinformation campaign against Dominion, the company and its employees have been targeted and have received death threats and calls for jail time.

128. For example, one person posted, “Why isn’t every single Dominion employee in jail for their election fraud?!!!!!!!!!!”¹³⁸



129. Another person posted, “jail dominion find them...ask allies to track them down.”¹³⁹



¹³⁸ Woody James (@WoodsonTJames), Twitter (Dec. 9, 2020, 12:35 pm), *previously available at* <https://twitter.com/WoodsonTJames/status/1336726130771038208>.

¹³⁹ Proud zionist conservative (@leonkhanin1234), Twitter (Dec. 8, 2020, 9:26 pm), <https://twitter.com/leonkhanin1234/status/1336497514598555650>.

130. Arizona State Senator Wendy Rogers recently tweeted calling for “solitary confinement cells” for “the execs at the fraud machine company”:¹⁴⁰



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

132. 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.

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

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

Yeah, good afternoon. Fuck you, fucking scumbags. ***We’re gonna blow your fucking building up.*** Piece of fucking shit.

¹⁴⁰ Wendy Rogers (@WendyRogersAZ), Twitter (Aug. 2, 2021, 5:40 PM), <https://twitter.com/wendyrogersaz/status/1422326523177148416?s=21>.

135. 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 \$600,000 on private security for the protection of its people.

136. 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 business. To date, Dominion has incurred expenses of more than \$700,000 to that end.

137. 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, licensing software, and providing related services to elected officials from both political parties. It contracts with state and local governments to provide its voting systems, software licenses, and services in a majority of states across the country. Those contracts are typically 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. As a direct result of the disinformation campaign, Dominion has suffered enormous and irreparable economic harm.

138. As illustrated in the examples above, the disinformation campaign unfairly subjected Dominion to the hatred, contempt, and distrust of tens of millions of American voters. The elected officials who are Dominion's actual and potential customers have received emails, letters, and calls from their constituents demanding that they cease and avoid contracting with Dominion or using Dominion machines.

139. Dominion has suffered harm nationwide. For example, since the beginning of the disinformation campaign against Dominion, state legislators in various states in which Dominion

has contracts—including California, Colorado, Florida, Michigan, Ohio and Pennsylvania—are reviewing or have stated their intent to review and reassess those contracts. They have done so because of pressure from constituents and donors as a direct result of the lies peddled by Byrne and his collaborators.

140. For example, prior to the 2020 election, Louisiana had issued Dominion an “Intent to Award Letter,” noting its intent to accept Dominion’s bid to provide Louisiana with its voting systems beyond the 2020 election. But in March 2021, Louisiana retracted that “intent” and issued a “Notice of Cancellation” on the Request for Proposal on the State’s reassessment and bid process, essentially reneging on awarding Dominion the \$100-million-plus contract with the state.¹⁴¹

141. This cancellation was due to the lies about Dominion. One Louisiana radio host, Jeff Crouere, declared: “Tell Kyle we don’t want a Dominion voting machine lawsuit here like they had in Georgia ... Call Kyle and tell him to get honest voting machines.”¹⁴² “Kyle” refers to Louisiana’s Republican Secretary of State, Kyle Ardoin. Secretary Ardoin attributed the changed circumstances to “the damage to voter confidence done by those who willfully spread misinformation and disinformation.”¹⁴³ On July 2, Louisiana passed a bill that reworks “Louisiana’s method for selecting its next voting system.” Trump supporters in Louisiana have called “to block Louisiana’s current voting machine vendor, Dominion Voting Systems, from

¹⁴¹ *Louisiana Ends Search for New Voting Machines Amid Criticism*, KATC 3 (Mar. 3, 2021), <https://www.katc.com/news/covering-louisiana/louisiana-ends-search-for-new-voting-machines-amid-criticism>.

¹⁴² Sam Karlin, *How Louisiana’s bid for new voting machines fell apart amid baseless fraud allegations*, The Advocate (Mar. 7, 2021), https://www.theadvocate.com/baton_rouge/news/politics/elections/article_fc7c4008-7e14-11eb-b1d7-3734976f1a47.html.

¹⁴³ *Louisiana Ends Search for New Voting Machines Amid Criticism*, KATC 3 (Mar. 3, 2021), <https://www.katc.com/news/covering-louisiana/louisiana-ends-search-for-new-voting-machines-amid-criticism>.

participating in an open bid process for the new multimillion-dollar contract” because they “blame” Dominion “for Trump’s loss in key swing states.”¹⁴⁴

142. Because Dominion’s contracts are often long-term, the harm to Dominion will continue to play out over the next years. Nevertheless, since the November 2020 election, Dominion already has seen further evidence of damage in addition to the Louisiana contract described above. Indeed, Dominion has not received numerous contracts as a result of the lies spread by Byrne and others. As of July 23, 2021, these contracts were worth a combined \$90 million over 53 separate potential contracts. Election officials have even told Dominion that Dominion is losing business “because of the ‘Dominion’ name.” Together with the Louisiana contract, these add up to at least \$70 million in net profits lost. Even many rational elections administrators who reject the lies are unwilling to deal with the political blowback from many of their constituents—blowback that only exists due to the lies spread about Dominion.

143. On June 8, 2021, as a result of the disinformation campaign, the Georgia Republican Party Convention passed a resolution launching an investigation into Dominion: “Formal action shall be taken by the Georgia General Assembly to appoint an independent investigatory committee not controlled by the Executive Branch to conduct an investigation into the procurement, implementation, management and oversight of Dominion Voting machines and their software.”¹⁴⁵ The stated goal of the resolution is “[r]eplacing all Dominion voting systems with secure hand marked paper ballots which should be scanned and tabulated using a device that

¹⁴⁴ Melinda Deslatte, *Analysis: Louisiana to have new approach for voting machines*, AP (July 11, 2021), <https://apnews.com/article/technology-government-and-politics-louisiana-voting-election-2020-0517ded61aa9bd507240eb593ca995a2>.

¹⁴⁵ Georgia GOP, *2021 Convention Resolutions Committee Report* (last visited Aug. 5, 2021), <https://gagop.org/2021-convention-resolutions-committee-report/>

is not connected to the internet, and to do so with the passage of legislation for the governor to sign prior to the start of the candidate qualifying beginning March 7, 2022.”¹⁴⁶

144. Officials in San Luis Obispo County, California, have also rejected Dominion machines as a result of the disinformation campaign. As one official wrote in an email: “I don’t trust Dominion Voting Systems at all.”¹⁴⁷

145. These are just some specific examples of the damage Dominion has suffered as a result of the defamation campaign against Dominion. Regardless of the ultimate outcomes, these examples illustrate the stark difficulty that Dominion will have in the months and years ahead.

146. The damage to Dominion is not limited to the review and potential cancellation of Dominion’s contracts, either. Byrne’s defamatory campaign has spurred sham audits, which continue to harm Dominion, including the sham audit in Maricopa County, Arizona, detailed above. The continuing coverage of this sham audit reinforces the harm and emphasizes how Dominion will forever be tainted with false claims of fraud. A recent article noted that an Arizona legislator supporting the sham audit was exploring alternatives to Dominion voting machines.¹⁴⁸ “There’s a lot of push nationally to get rid of the machines because people feel like they can be manipulated.”¹⁴⁹ Indeed, in many circles, the word “Dominion” is now falsely associated with election fraud, and the sustained attack on Dominion now means that people falsely relate even general references to “election fraud” or similar phrases to Dominion.

¹⁴⁶ *Id.*

¹⁴⁷ Peter Johnson, *SLO County to revert to ‘traditional’ election model following supervisor vote*, New Times SLO (May 6, 2021), <https://www.newtimeslo.com/sanluisobispo/slo-county-to-revert-to-traditional-election-model-following-supervisor-vote/Content?oid=11001664>.

¹⁴⁸ Kyra Haas, *Some lawmakers want to eliminate voting machines*, Ariz. Capitol Times (June 3, 2021), <https://azcapitoltimes.com/news/2021/06/03/some-lawmakers-want-to-eliminate-voting-machines/>.

¹⁴⁹ *Id.*

147. As the County Recorder in Maricopa County, Arizona said, “[O]rdinary people, the ones who are showing up on a Wednesday night at a political meeting, I believe they really believe it. And that’s super sad.”¹⁵⁰ He also stated: “We can’t indulge these insane lies any longer. ... As a party. As a state. As a country.”¹⁵¹

148. Nevertheless, across the country, other jurisdictions are attempting to pursue their own sham audits. For example, Fulton County, Pennsylvania—which Trump won by an “almost seven-to-one” margin over Biden—hired Wake TSI, one of the same technology companies used in Maricopa County with virtually no election auditing experience, to conduct a sham audit of Fulton County ballots.¹⁵² As a result of this sham audit, Pennsylvania’s Secretary of State was forced “to decertify” the Dominion machines leased by the County because “the inspection violated state law ... was done in a manner that ‘was not transparent or bipartisan’ and the firm had ‘no knowledge or expertise in election technology.’”¹⁵³

149. Political candidates are now running campaign platforms based on the lies that Byrne manufactured, published, and republished.¹⁵⁴

150. As a result of the radioactive falsehoods spread by Byrne and his allies, elected officials, insurers, and potential investors have been deterred from dealing with Dominion, putting

¹⁵⁰ Josh Dawsey & Rosalind S. Helderman, *Trump has grown increasingly consumed with ballot audits as he pushes falsehood that election was stolen*, Wash Post (June 2, 2021), https://www.washingtonpost.com/politics/trump-2020-election-audits/2021/06/02/95fd3004-c2ec-11eb-8c34-f8095f2dc445_story.html.

¹⁵¹ *Id.*

¹⁵² Marc Levy & Mark Scolforo, *Pennsylvania decertifies county’s voting system after audit*, AP (July 21, 2021), <https://apnews.com/article/technology-joe-biden-business-government-and-politics-pennsylvania-93c5f0b03167971d4dc5919e68949c51>.

¹⁵³ *Id.*

¹⁵⁴ Austin Chenge (@AustinChenge), Twitter (Feb. 2, 2021, 11:21 am), <https://twitter.com/AustinChenge/status/1356638816921128962/photo/1>.

Dominion's contracts in more than two dozen states and hundreds of counties and municipalities at risk and significantly hampering Dominion's ability to win new contracts.

151. 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, conservative projections show lost profits from existing customers of over \$463 million and from potential new customers of over \$68 million. In addition, the viral disinformation campaign has irreparably damaged Dominion. It has decimated Dominion's goodwill and destroyed the enterprise value of a business that was worth potentially more than \$1 billion (based on updated EBITDA and multipliers of comparable companies) before the viral disinformation campaign.

COUNT ONE – DEFAMATION PER SE

152. Dominion repeats and re-alleges the foregoing paragraphs as if set forth fully herein.

153. Byrne published the following false and defamatory statements of fact about Dominion, including by publishing them himself and by republishing, affirming, endorsing, repeating, and agreeing with the statements of others, including during interviews and in his blog, social media accounts, self-published book, and self-produced movie:

- (a) On November 17, 2020, Byrne appeared on the Newsmax show, National Report, with host Emma Rechenberg. That same day, Byrne posted his appearance on Newsmax to his website, Deepcapture.com, as a blog post titled, "NewsmaxTV Breaks Cone of Silence, Millions Hear Story There First." On that show and on his blog post, Byrne made the following false statements about Dominion:

Emma Rechenberg: If you don't mind, kinda breakdown how you're connected to this Dominion machine voting system and why you have some concerns about it.

...

Byrne: ... This election was hacked. This election was hacked, the outcome

has been rigged. I was a, I did not vote for Trump. I'm a libertarian, a small-l-libertarian, never voted Republican or Democrat for president in my life. I'm saying this election was rigged. I'm a CEO who built a \$2 billion tech company. I was, I don't mean to sound like I'm beating my chest, I was national entrepreneur of the year, you go back a decade, for a billion-\$2billion a year tech company, Overstock. I know what I'm talking about. Yeah, I'm also a PhD from Stanford, I'm a Marshall scholar in science. I'm putting all that credibility on the line. This election was hacked, the outcome was rigged and should be completely ignored or discounted, I mean through the court system, the courts should throw it out. How that happened and how I know this is this.

Rechenberg: Right, so you sound like Trump's, right, you sound like Trump's legal team right now. So we're all on the same page, you sound like what their claims are as well. And clearly you have the experience and the expertise in regards to maybe shedding some light on how you know that to be true.

Byrne: Ok, here's how I know that. I'm backing, I have the data incidentally, the data, the electronics, everything. I have been backing and supporting some cyber security experts, a number of different groups. This is how it came about. In 2018, the Dallas election had irregularities. The Texas state government hired a elite cyber security company to go in and study what had happened in 2018. And they reverse engineered it, and when you reverse engineer something that's when you take the final product and you sorta get a bunch of people to study and they unscr-, you know they break it apart and figure out how you built it so they can copy it. These guys reverse engineered the 2018 irregularities, which turned out to be a hack. Dominion, Dominion ran it. It was Dominion's technology that ran it.

...

Byrne: And I'm putting my, I was a Marshall scholar, a PhD from Stanford, I've built a \$2 billion company, I'm putting it all on the line. This entire election was hacked. It's easier, far easier to have hacked this than a PayPal or your Venmo account. No comparison.

Rechenberg: Sure, and we've seen hacks on major social media outlets before, in this year alone. My mind goes to Twitter. But, are you in touch with the Trump campaign and would you advise when they are pursuing these lawsuits, specifically about Dominion, that they would bring on board someone who would be able to prove that they could in fact change votes for Donald Trump to Joe Biden? Would that be provable in court if you brought on the right person?

Byrne: Absolutely provable. We have the data, we have the data. You do not have to worry. The only question is how quickly can the process intake it versus how quickly the goons are trying to shut down the process so they can seal this all in cement. And I'm worth saying this again, I did not vote for Mr. Trump, I

respect him, he got elected President, so this isn't a Trump supporter coming out and saying this. I'm a tech CEO, national entrepreneur of the year for building a tech company, if you go back to Ernst & Young about 10 years ago. I know what I'm talking about. And his thing is child's play to have beaten. It's embarrassing. And Trump is actually correct, his campaign is correct. I'm completely independent.

Rechenberg: Have they reached out to you?

Byrne: Listen, I'm one step in front of the sheriff myself, because of the fact that I've come out about some things. So I don't work for them, I'm not a donor to them. I've been using my own resources to try and unscramble this and I'm trying to feed it into the system. Yes, the system is taking it in, they have their other sources. But we have all the goods. They're absolutely correct.

Rechenberg: And do you believe it was millions of votes that were, again, flipped from Donald Trump to Joe Biden?

Byrne: Well, the main event is not the total number of millions. It was not widespread deep. It was narrow and deep. It was very strategic.

Rechenberg: In select states, you're saying?

Byrne: Select counties.

Rechenberg: OK.

Byrne: Five counties that really matter. And they realize if you hack these five, well, that there are a small number of places that if you defeated the election, you could flip the states, and you can flip the- from that you could flip the electoral college. And how it was done, I mean people can see this in news they already know if you think about this. Doesn't seem a little odd that Mr. Biden was behind in states 800-, 600,000 votes, and then he has this come-from-behind victory and wins by 14,000.

Rechenberg: I know, hey, that's what so many people are asking. That is what a lot of people are asking.

Byrne: And then another state it's 800,000 and a come-from-behind victory.¹⁵⁵

(b) On November 18, 2020, Patrick Byrne made the following false statements:

Byrne: [I]n the Dallas election in 2018 had irregularities in it. The State of Texas hired a cybersecurity firm to study it. That firm—and it was Dominion

¹⁵⁵ Patrick Byrne, *NewsmaxTV Breaks Cone of Silence, Millions Hear Story There First*, Deep Capture (Nov. 17, 2020), <https://www.deepcapture.com/2020/11/newsmaxtv-breaks-cone-of-silence-millions-hear-story-there-first/> (Ex. 363).

Voting Systems. They've had two years to deconstruct and reverse engineer how to hack an election with Dominion Voting Systems.¹⁵⁶

- (c) On the November 23, 2020 broadcast of *OAN Breaking News Live with Patrick Hussion* in a segment titled "Tech Millionaire Funds Hacking Team: '20 Election 100% Rigged," Byrne made, endorsed, and adopted the following false statements:

Chanel Rion: Patrick Byrne, founder and former CEO of Overstock.com has long considered himself a libertarian tech entrepreneur. Byrne now finds himself more than entrepreneur. He's on a mission to save the Republic from a deadly virus, widespread machine and software election fraud. He's doing this by funding a niche group of experts and the Trump legal team has been listening. You've put together a group of individuals who are trying to crack down on the fraud that is Dominion. Tell us more about what you've been doing.

Byrne: Yes. Well, I funded a team of hackers and cyber sleuths and other people with odd skills. We've been on this since August, one side story to be pursued someday is this, the DHS was warned of all this in August and September. We tried very hard and it was all crammed down. And I mean, from high levels.

Rion: The experts Byrne is funding is an elite cyber security team that has been hired by the state of Texas to investigate a series of irregularities in the Dallas elections of 2018. The team consisted of members with backgrounds in military intelligence and federal law enforcement. Byrne says the election irregularities in Dallas, 2018 was rooted in Dallas's use of Dominion voting machines. This group has been on Dominion's trail over two years.

Byrne: I've been up there with them since August and expanding and funding further and deeper investigations. So we really, I felt kind of had the answer when everyone woke up November 4th and saying what happened? We couldn't quite believe we couldn't get anyone to listen.

Rion: Their findings included detailed list of impossibilities, Dominion machines processing more ballots than is physically possible, real-time data showing Biden vote dumps that are statistically impossible, and dozens of backdoor ways in which votes by the thousands could be changed, manipulated or deleted.

Byrne: When you get talking about, you know, thousands of votes in a row for one candidate, just to give you the mathematical odds against it, if you're talking about a group that has a 96% percent affinity for Biden. So imagine we're talking about very heavily Biden ward, the chance of having a hundred votes in a row for Biden. If it's not, if the chance of every vote is 96% for

¹⁵⁶ *Patrick Byrne has been working with Ramsland and Merritt*, BizTV (Nov. 18, 2020), <https://www.youtube.com/watch?v=PbAi7GhaSY8> (Ex. 352).

Biden, the chance he would have a hundred in a row is about 1.6%. The chances you would have a thousand in a row goes to it's about a quad, um, a couple quadrillion to one, and the chances that you would have the kinds of numbers we were seeing, where there were places where there were tens of thousands of votes in a row for Biden, the chances of that are quadrillions and quadrillions and quadrillions against that could ever happen in nature.¹⁵⁷

- (d) On a November 24, 2020 broadcast of *Operation Freedom Insider Insight* in a segment titled "Patrick Byrne: Dissecting the Electronic Steal," Byrne made, endorsed, and adopted the following false statements:

Byrne: [T]his election machinery, especially Dominion's, is a joke. ... This election was, in fact, rigged. ... This election was completely rigged ... The evidence for this is overwhelming. ... It absolutely was rigged. I'm going to give 3 buckets so it's easier to understand. Bucket number 1, the functionality built into these systems, especially Dominion, by now everyone knows the story, that it was Hugo Chavez that wanted some election software built that he could goon. ... [T]his Dominion software was built so that the election officials could use it to cheat.

...

In 2018, the Dallas, Texas elections had "irregularities," much like the irregularities we're now hearing about. The Texas state government hired a cybersecurity group to investigate these odd facts about the Dallas election that had been managed on Dominion equipment. That cybersecurity group went in and discovered about ten different ways the systems could be cheated, ten different ways in which the Dominion stuff is garbage. And, in fact, in Texas, outlawed it in Texas as a result of that audit. . . . So that group was on it for two years and has had two years to reverse-engineer the way to rig an election using Dominion.¹⁵⁸

- (e) On November 24, 2020, Byrne published on his website, Deepcapture.com, a blog post titled, "Evidence Grows: '20 Election Was Rigged." In that blog post, Byrne published false claims that Dominion was created in Venezuela for the express purpose of rigging elections, and in fact rigged the 2020 election. Those false claims were supported by an affidavit by a man Byrne claimed was a "Military intelligence analyst," who was actually an individual named Joshua Merritt with no

¹⁵⁷ *Tech Millionaire Funds Hacking Team 2020 Election was 100% Rigged*, OAN (Nov. 23, 2020), previously available at <https://www.oann.com/tech-millionaire-funds-hacking-team-20-election-100-rigged/> [<https://app.criticalmention.com/app/#clip/view/67795b8f-2934-4361-81bd-710b2250575a?token=37f52d99-127d-4b48-b8dc-e5e99babfaaa>] (Ex. 350).

¹⁵⁸ *Patrick Byrne: Dissecting The Electronic Steal*, Operation Freedom Insider Insight (Nov. 24, 2020), <https://www.youtube.com/watch?v=5fs3tKtmiEA&feature=youtu.be> (Ex. 353).

such expertise. Byrne republished that affidavit via a hyperlink in this blog post, as well as the following false statements about Dominion:

Decisive (but targeted, non-ubiquitous) election fraud occurred on November 3. What follows is an explanation and the evidence behind it.

1. Starting in 1997, **Smartmatic** systems were developed in Venezuela with built-in functionality permitting precinct administrators to override security features it appeared to incorporate. Among the extraordinary privileges it gave administrators were abilities to:
 - shave votes continuously from one candidate to another;
 - batch ballots for later “adjudication” but which instead became a pool of votes that the administrator could simply assign to the candidate of choice;
 - generate blank ballots.
2. Through a series of licensing agreements, bankruptcies, and corporate mergers and acquisitions, that code ended up in various US election systems (e.g., Dominion, ES&S) which (branding aside) still derive from Smartmatic (a.k.a. Sequoia). Thus, they brought to US elections not only the generous functionalities permitting manipulation by administrators, but porous security, extending such powers to those abroad.
3. Since 2006 the fact that systems developed for Hugo Chavez were managing any US elections began striking some prescient Americans as unfortunate. Their trepidation was well-placed: on November 3, 2020 those systems were used strategically & aggressively to rig our election.
 - It was strategic in that it was not “widespread” but targeted at six locations which, if flipped, also would flip the swing states in which they are found (and thus, the electoral college);
 - It was aggressive for the simple reason that Trump broke their algorithm, because he was on his way to a win that exceeded their ability to overcome through minor cheats alone.

...

PENETRATION OF ELECTION BY CHINA, IRAN, & RUSSIA:

Download this fine, heavily-documented affidavit from a Military intelligence analyst concerning Chinese, Iranian, and Russian penetration of Dominion Voting: [hyperlink to November 23, 2020 Joshua Merritt, aka Spyder,

Declaration, which contained the following false statements about Dominion]

Merritt: In my professional opinion, this affidavit presents unambiguous evidence that Dominion Voter Systems and Edison Research have been accessible and were certainly compromised by rogue actors, such as Iran and China. By using servers and employees connected with rogue actors and hostile foreign influences combined with numerous easily discoverable leaked credentials, these organizations neglectfully allowed foreign adversaries to access data and intentionally provided access to their infrastructure in order to monitor and manipulate elections, including the most recent one in 2020.¹⁵⁹

- (f) On November 24, 2020, Byrne falsely accused Dominion of bribing elected officials and again rigging the election, including in Dallas, Texas in 2018, where Dominion did not operate, saying:

Byrne: In 2018 in Dallas, Texas there was an election with some irregularities. The state government of Texas hired some local cyber security experts, very good with military intelligence and federal law enforcement kinds of backgrounds and a very high end cybersecurity group to study the 2018 Dallas election. They studied these irregularities. It had been run by Dominion Election System. They've had two years to study and unwind what the rest of America has had two weeks to try to figure out. Over those two years, they figured out 10 ways—there are at least 10 ways to hack an election, which uses this Dominion equipment, ten.

...

Byrne: They picked, and they went narrow and deep in these very strategic ways in these five counties, flipped them, flipped the states. So we're talking about, you know, places where Trump lost by 10,000. He may — there may be 300,000 fake illegal votes for Biden, so it isn't even close. This isn't even close. What they did was, it's being called drop and roll, an election fraud technique, where at a certain moment in time, you figure out anywhere.

...

Byrne: Cities were Atlanta, Philadelphia, Milwaukee, Detroit, and Maricopa County, Phoenix, which Maricopa, Arizona which is Phoenix.

...

Byrne: At a certain point in the election counting they basically freeze and they see how much their candidate is behind. And then they drop. They shut the

¹⁵⁹ Patrick Byrne, *Evidence Grows: '20 Election Was Rigged*, Deep Capture (Nov. 24, 2020), <https://www.deepcapture.com/2020/11/election-2020-was-rigged-the-evidence/> (Ex. 360) (footnotes omitted).

ballots, the voting down, and they drop a big stack of ballots to get their man up over the guy who's actually winning. And then from then on, they just sit. Whatever new batch comes in is prefigured. There's some examples where 53 batches in a row, and this is all revealed in data and charts that will be becoming public tomorrow, these big voter drops to have Biden catch up and surpass Trump, and then from then on sort of fixed — they just roll the difference forward. 53 batches in a row come in, and every batch measures exactly 51.2% for Biden and 48.8% for Trump, and they roll that difference forward until it's over, so drop and roll. That's what they did here, but it was done. It was done within — it was done both in a combination of actual physical balance and with chicanery within the software.

Chris McDonald: Are you aware, and we've got people on the show coming up this week that there's basically have Rudy came out this weekend. Sidney Powell came out Friday and said, look, we've got proof. We've got affidavits. We got sworn testimony that people have seen what you've described. Are you confident that this, this is going to get to the courts in time to get this stopped? Because you said something to me before the show, you feel like there's a way we can fight this out here in the public too.

Byrne: Oh yeah. This isn't even close. Yes. I'm aware of all, all those whistle, a lot of, lot of whistleblowers and data has been coming to me and I've been feeding it towards them. I'm not part of them in any way, but I have a way to hype it to them. Uh, and they've been respond, responding. Yeah. This absolutely needs to be fought out in the courts. Any anybody, any vote, uh, election official in the country, given what has come out and given graphs I'll be putting up tonight or tomorrow morning, anyone who signs a certification has personal legal liability. You have, and especially in any of their states, it's nuts. If anyone signs anything to certify, and they have no understanding of how this was done, it was much, much deeper than ways in the past. And by the way, one thing I want to mention at the heart of all this. Yeah. My, I post things on DeepCapture.com at the heart of all this is software that was developed in Venezuela, by Hugo Chavez for him to rig his elections. It's called Smartmatic that in that software from 97 came into Florida and about 2002. And then since it's from a series of corporate mergers and acquisitions, it has emerged as the core of two, uh, two of the brands of election machinery out there. One of them being Dominion and the guts of it includes all this functionality and software that was actually from Venezuela to help a dictator rig his elections. That's how crazy this is.

...

Byrne: [T]here were Republicans in on this. You're going to find — I believe you're going to find two senior Republican officials at the state level in two different states, took efforts to get this Dominion software accepted. In one case on a \$100 million dollar contract was paid, and the Republican who did that, I think it's going to turn out that they got "election insurance," which

means they were told if you help this Dominion stuff get in there, we'll fix it so you never get out of office. There may have been gifts given to family members and such, but every state who uses Dominion, and there's 29 of them, should be investigating who was it that chose to bring the software in.¹⁶⁰

- (g) On a November 29, 2020 episode of *The Naked Truth Report* in a segment titled "Founder of Overstock, Patrick Byrne: Caught 100 Percent Rigged Election," Byrne made, endorsed, and adopted the following false statements:

Kathleen Wells: You say it was 100% certainty that the election was rigged. Talk to us about that.

Byrne: ***It was rigged, very strategically.*** ... [N]o doubt in my mind that the election was stolen in a coordinated strategic way. ... [A]nd the other thing that happened is Trump broke their algorithm. There's ways, basically there are dials in the machine, so to speak, that they can turn that shift and change votes, but he won by a margin bigger than their ability to cheat that way. ... So Smartmatic turned into a company called Sequoia, and then somewhere between bankruptcies and licensing agreements and mergers and acquisitions and divestitures, that core functionality and software ended up in the heart of at least two of the major brands of commercial machines offered in the U.S., and ***those are Dominion and ES&S. The same software inside them both, or software that has the same genetic lineage. So it really is Venezuelan systems.***¹⁶¹

- (h) In a December 1, 2020 interview with Glenn Beck, which was broadcast and posted to YouTube, Byrne made, endorsed, and adopted the following false statements:

Byrne: Great. Yeah, the truth is I've been on this. I did go overseas and head out for about six months. Came back. I've been working on this since August. Truth is there's this is what's happened. In November of 2018, there was an election in Dallas that had irregularities and the state government of Texas hired a blue ribbon governor's commission, studied it, hired a top flight cybersecurity team filled with military intelligence and federal law enforcement and those kinds of people. And they'd been studying what happened in Dallas for two years. And how do you hack an election running on Dominion servers. They came up with a dozen ways.¹⁶²

¹⁶⁰ *Former CEO Of Overstock Says He Has Proof The Election Was Rigged, Can Overturn Biden's Win*, Populist Press (Nov. 24, 2020), <https://populist.press/former-ceo-of-overstock-says-he-has-proof-the-election-was-rigged-can-overturn-bidens-win/> (Ex. 351).

¹⁶¹ #TNTR, *Founder of Overstock, Patrick Byrne: Caught 100 Percent Rigged Election*, *The Naked Truth Report* (Nov. 29, 2020), <https://www.youtube.com/watch?v=UPtHWITuji4> (Ex. 356).

¹⁶² *Why cyber experts are checking fraud in these six counties*, Glenn Beck (Dec. 1, 2020), <https://www.youtube.com/watch?v=pTZsBotGRgU> (Ex. 364).

- (i) On a December 8, 2020 broadcast of *Operation Freedom Insider Insight* in a segment titled “Patrick Byrne: Blowing Open the Election Steal,” Byrne made, endorsed, and adopted the following false statements:

Byrne: Our election got hacked. ... Hugo Chavez came to power in ‘98. ... Now, meanwhile, a group of Venezuelan young scientists, computer scientists, moved to Florida and started Smartmatic in Boca Raton, and they went over to Italy and they got some Dominion. They, I’m sorry, they got some Olivetti, lottery machines. And they converted them into, they converted them into voting machines, using, uh, software that, that created a system that Hugo Chavez could cheat. ... And the December ‘03 election that got it all down, went down and ran the election. Hugo Chavez ended up winning 60-40. And of course they’ve never lost anything since then. And thus was born this system. ... Uh, and it’s been on, it’s been propagating since then. They have licensed their software to Dominion. ... When you have a Dominion machine that the machine is Dominion, but the software inside is the Smartmatic and it’s under licensed to them. And they tried to hide that forever. Finally in like 2015, they came out and had to acknowledge it. ... This election is so dirty. ... You know, this, you can look up Google, Smartmatic and scandals, and you will discover that everywhere Smartmatic has been used from Africa to the Philippines Smartmatic is embroiled in these scandals, because everywhere -- it’s basically when you have a dirty politician who wants to remain in power, he can bring in Smartmatic/Dominion, know that he can cheat and keep himself in power.

...

Byrne: What was Seth Rich doing within the DNC? ... What was Seth Rich, before he got killed, he was doing -- he had a particular position in the DNC, that would have put him in a position to know all the things you’re now hearing, that you can use Dominion machines to steal elections or primaries. Look up - - find out what his position was in the DNC, and you will now understand—he understood Hillary had cheated Bernie out of the primary, not just because of some emails. ... Find out what Seth Rich, before he was killed, what was his role in the DNC? And it was a role that I’m asserting would put him in a position to have known everything that we’re now saying, that the Dominion servers had been used in the primaries to steal from Bernie to give to Hillary. ... They could not have let a guy who had the kind of knowledge that we’re now talking about, to walk around. They couldn’t let him walk around if he was not on board. ...

...

Byrne: [W]e can’t accept this. This is the end. ... So you can’t accept this. If you do, it is your last free election. Just look at what happened in Venezuela since then. You’ll never beat -- you’ll have Dominion everywhere. You’ll never be able to vote them out. You’ll never be able to vote the goons out, and

the same guys who are running around the streets and beating people up in restaurants are the ones who are going to be in charge.¹⁶³

- (j) On December 14, 2020, Byrne published a blog post to his Deepcapture.com website titled, “BOMBSHELL: Antrim County Computer Forensic Report.” In that blog post, Byrne republished a December 13, 2020 report by the Allied Security Operations Group titled, “Antrim Michigan Forensics Report, Revised Preliminary Summary, v2,” which Byrne had helped fund and direct. That report and Byrne’s blog post included the following false statements about Dominion:

B.2. We conclude that the Dominion Voting System is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results. The system intentionally generates an enormously high number of ballot errors. The electronic ballots are then transferred for adjudication. The intentional errors lead to bulk adjudication of ballots with no oversight, no transparency, and no audit trail. This leads to voter or election fraud. Based on our study, we conclude that The Dominion Voting System should not be used in Michigan. We further conclude that the results of Antrim County should not have been certified.

...

B.4. The Antrim County Clerk and Secretary of State Jocelyn Benson have stated that the election night error (detailed above by the vote “flip” from Trump to Biden) was the result of human error caused by the failure to update the Mancelona Township tabulator prior to election night for a down ballot race. ***We disagree and conclude that the vote flip occurred because of machine error built into the voting software designed to create error.***

B.5. Secretary of State Jocelyn Benson’s statement on November 6, 2020 that “[t]he correct results always were and continue to be reflected on the tabulator totals tape” was false.

B.6. The allowable election error rate established by the Federal Election Commission guidelines is of 1 in 250,000 ballots (.0008%). We observed an error rate of 68.05%. This demonstrated a significant and fatal error in security and election integrity.

B.7. The results of the Antrim County 2020 election are not certifiable. This is a result of machine and/or software error, not human error.

B.8. The tabulation log for the forensic examination of the server for Antrim County from December 6, 2020 consists of 15,676 individual events, of which 10,667 or 68.05% of the events were recorded errors. These errors resulted in

¹⁶³ Patrick Byrne: *Blowing Open the Election Steal*, Operation Freedom Insider Insight (Dec. 8, 2020), <https://www.youtube.com/watch?v=8lGdRb8IZKA> (Ex. 365).

overall tabulation errors or ballots being sent to adjudication. This high error rates proves the Dominion Voting System is flawed and does not meet state or federal election laws.

B.9. These errors occurred after the Antrim County Clerk provided a re-provisioned CF card with uploaded software for the Central Lake Precinct on November 6, 2020. This means the statement by Secretary Benson was false. The Dominion Voting System produced systemic errors and high error rates both prior to the update and after the update; meaning the update (or lack of update) is not the cause of errors.

...

B.11. It is critical to understand that the Dominion system classifies ballots into two categories, 1) normal ballots and 2) adjudicated ballots. Ballots sent to adjudication can be altered by administrators, and adjudication files can be moved between different Results Tally and Reporting (RTR) terminals with no audit trail of which administrator actually adjudicates (i.e. votes) the ballot batch. This demonstrated a significant and fatal error in security and election integrity because it provides no meaningful observation of the adjudication process or audit trail of which administrator actually adjudicated the ballots.

B.12. A staggering number of votes required adjudication. This was a 2020 issue not seen in previous election cycles still stored on the server. This is caused by intentional errors in the system. The intentional errors lead to bulk adjudication of ballots with no oversight, no transparency or audit trail. Our examination of the server logs indicates that this high error rate was incongruent with patterns from previous years. The statement attributing these issues to human error is not consistent with the forensic evaluation, which points more correctly to systemic machine and/or software errors. The systemic errors are intentionally designed to create errors in order to push a high volume of ballots to bulk adjudication.

...

B.15. Significantly, the computer system shows vote adjudication logs for prior years; but all adjudication log entries for the 2020 election cycle are missing. The adjudication process is the simplest way to manually manipulate votes. The lack of records prevents any form of audit accountability, and their conspicuous absence is extremely suspicious since the files exist for previous years using the same software. Removal of these files violates state law and prevents a meaningful audit, even if the Secretary wanted to conduct an audit. We must conclude that the 2020 election cycle records have been manually removed.

...

B.19. The only reason to change software after the election would be to obfuscate evidence of fraud and/or to correct program errors that would de-

certify the election. Our findings show that the Central Lake Township tabulator tape totals were significantly altered by utilizing two different program versions (10/23/2020 and 11/05/2020), both of which were software changes during an election which violates election law, and not just human error associated with the **Dominion Election Management System**. This is clear evidence of software generated movement of votes. The claims made on the **Office of the Secretary of State** website are false.

...

B.21. Because the intentional high error rate generates large numbers of ballots to be adjudicated by election personnel, we must deduce that bulk adjudication occurred. However, because files and adjudication logs are missing, we have not yet determined where the bulk adjudication occurred or who was responsible for it. Our research continues.

B.22. Research is ongoing. However, based on the preliminary results, we conclude that the errors are so significant that they call into question the integrity and legitimacy of the results in the Antrim County 2020 election to the point that the results are not certifiable. Because the same machines and software are used in 48 other counties in Michigan, this casts doubt on the integrity of the entire election in the state of Michigan.

...

B.24. Michigan resident Gustavo Delfino, a former professor of mathematics in Venezuela and alumni of University of Michigan, offered a compelling affidavit [Exhibit 2] recognizing the inherent vulnerabilities in the SmartMatic electronic voting machines (software which was since incorporated into Dominion Voting Systems) during the 2004 national referendum in Venezuela (see attached declaration). After 4 years of research and 3 years of undergoing intensive peer review, Professor Delfino's paper was published in the highly respected "Statistical Science" journal, November 2011 issue (Volume 26, Number 4) with title "Analysis of the 2004 Venezuela Referendum: The Official Results Versus the Petition Signatures." The intensive study used multiple mathematical approaches to ascertain the voting results found in the 2004 Venezuelan referendum. Delfino and his research partners discovered not only the algorithm used to manipulate the results, but also the precise location in the election processing sequence where vulnerability in machine processing would provide such an opportunity. According to Prof Delfino, the magnitude of the difference between the official and the true result in Venezuela estimated at 1,370,000 votes. Our investigation into the error rates and results of the Antrim County voting tally reflect the same tactics, which have also been reported in other Michigan counties as well. This demonstrates a national security issue.

...

D.13. On Sunday December 6, 2020, our forensics team visited the Antrim County Clerk. There were two USB memory sticks used, one contained the software package used to tabulate election results on November 3, 2020, and the other was programmed on November 6, 2020 with a different software package which yielded significantly different voting outcomes. The election data package is used by the **Dominion Democracy Suite** software & election management system software to upload programming information onto the Compact Flash Cards for the **Dominion ImageCast Precinct** to enable it to calculate ballot totals.

D.14. This software programming should be standard across all voting machines systems for the duration of the entire election if accurate tabulation is the expected outcome as required by US Election Law. This intentional difference in software programming is a design feature to alter election outcomes.

...

D.19. The **Secretary of State Jocelyn Benson's** statement is false. Our findings show that the tabulator tape totals were significantly altered by utilization of two different program versions, and not just the **Dominion Election Management System**. This is the opposite of the claim that the **Office of the Secretary of State** made on its website. The fact that these significant errors were not caught in ballot testing and not caught by the local county clerk shows that there are major inherent built-in vulnerabilities and process flaws in the **Dominion Election Management System**, and that other townships/precincts and the entire election have been affected.

...

J.1. We reviewed the Tabulation logs in their entirety for 11/6/2020. The election logs for Antrim County consist of 15,676 total lines or events.

- Of the 15,676 there were a total of 10,667 critical errors/warnings or a 68.05% error rate.
- Most of the errors were related to configuration errors that could result in overall tabulation errors or adjudication. These 11/6/2020 tabulation totals were used as the official results.

...

J.3. A high "error rate" in the election software (in this case 68.05%) reflects an algorithm used that will weight one candidate greater than another (for instance, weight a specific candidate at a 2/3 to approximately 1/3 ratio). In the logs we identified that the RCV or Ranked Choice Voting Algorithm was enabled (see image below from the Dominion manual). This allows the user to apply a weighted numerical value to candidates and change the overall result. The

declaration of winners can be done on a basis of points, not votes. [Image 8]:

choice voting results are evaluated on a district per district basis and each district has a set number of points (100). Elimination and declaration of winners is done on basis of points, not votes.

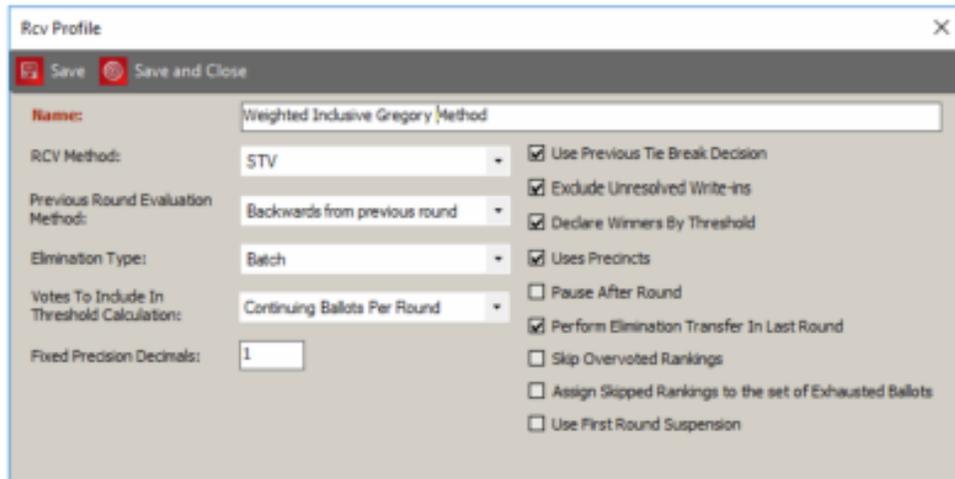


Figure 11-3: RCV Profile screen

J.4. The Dominion software configuration logs in the Divert Options, shows that all write-in ballots were flagged to be diverted automatically for adjudication. This means that all write-in ballots were sent for “adjudication” by a poll worker or election official to process the ballot based on voter “intent”. Adjudication files allow a computer operator to decide to whom to award those votes (or to trash them).¹⁶⁴

- (k) On a December 22, 2020 broadcast of *Steel Truth* with Ann Vandersteel, Byrne made, endorsed, and adopted the following false statements:

Byrne: I am still in DC and the, the drapes behind me. It seemed to the, the careful Watchers on the internet and figured out where I am, and this is the Trump hotel, it has nothing to, that implies no endorsement from Donald Trump.

...

Byrne: But I can tell you a Microsoft certified security guy has given us the photographs and the hard documentary or evidence of a Dominion vote counting machine tabulation machine in a swing state that had a, has a, I mean,

¹⁶⁴ Patrick Byrne, *BOMBSHELL: Antrim County Computer Forensic Report*, Deep Capture (Dec. 14, 2020), <https://www.deepcapture.com/2020/12/antrim-county-computer-forensic-report/> (Ex. 355).

we have the photographs, everything has a wireless card inside it. And the forensics show that it connected to a wireless network in the thermostat of the room, there was a wireless network that connected into this machine... through a thermostat wireless into the wireless card on the vote counting machine. ... [T]hey were accessing through the internet, through a hidden port in a thermostat in the room, getting on the Dominion machine.

...

Byrne: [I]t's election fraud, the election officials and the machinery is what cheated.

...

Byrne: It was stolen.

...

Byrne: I've been living here for about three months, and that's three months more of my life than I spent in Washington, D.C.¹⁶⁵

- (1) On a December 24, 2020 broadcast of *The Pete Santilli Show*, in a segment titled "Patrick Byrne Says China (CCP) Accessed Dominion Voting Machines Via Wireless Modems," Byrne made, endorsed, and adopted the following false statements:

Pete Santilli: Is there evidence that China — CCP — has had a hand in meddling in our 2020 election?

Byrne: Yes there is. Just yesterday — last evening — I reviewed information, information, data, photographs, IP addresses and such, that demonstrated a counting machine — a Dominion counting machine — a counting operation in a swing state having — that was directly hacked, that was directly accessed through, there was through an appliance in the room, and that machine had a wireless card in it, and an appliance in the room that had an internet of things. If you know what that is? An internet of things: wireless access itself was accessed from China and from a subsidiary in China from a certain IP address that is belongs to one of the companies whose name has come up as one of the as a company that's really just a front for the Chinese military, Chinese national government. And from that company through some various leaps it got to an appliance that was in the room and then leaped onto — leapt — onto a Dominion mobile device that had a wireless card in it. And the IPs — the entire thing super to nuts — is documented — on that fact alone, on that fact alone, I

¹⁶⁵ *Ann Vandersteel & Patrick Byrne 12_22_2020*, Steel Truth (Dec. 22, 2020), <https://rumble.com/vc5rtr-ann-vandersteel-and-patrick-byrne-12-22-2020-steel-truth.html> (Ex. 357).

think that should trigger all kinds of things. That’s just one counting operation in one county in one swing state.¹⁶⁶

- (m) On December 26, 2020, on Twitter, Byrne retweeted—and specifically “vouch[ed]” for—a story falsely stating that a Dominion voting machine had been hacked during the 2020 Election, and made, endorsed, and adopted the following false statements:

I vouch for this. I have seen the photographs, the computer forensics, the IP traces back to China. To a corporation whose name has long been linked to CP: “Exam Indicates Georgia Tabulating Machine Sent Results to China”:



- (n) On January 27, 2021, Byrne published on his website Deepcapture.com, a blog post titled, “How DJT Lost the White House, Chapter 1: All the President’s Teams (11/3

¹⁶⁶ Patrick Byrne Interview: CCP China Accessed Dominion Via Wireless Modem, The Pete Santilli Show (Dec. 24, 2020), <https://rumble.com/vek5z3-patrick-byrne-the-deep-rig-book-interview-12242020-pete-santilli-china-domi.html> (Ex. 366).

¹⁶⁷ Patrick Byrne (@PatrickByrne), Twitter (Dec. 26, 2020), *previously available at* <https://twitter.com/PatrickByrne/status/1342897929279987714?s=20> [<https://web.archive.org/web/20210225031802/https://twitter.com/PatrickByrne/status/1342897929279987714?s=20>] (Ex. 367).

– 12/17).” Byrne then republished that same blog post in his book as “Chapter 5: November 9 - December 17: All The President’s Teams.” In that blog post, Byrne described and published the contents of meetings and conversations with, among others, Sidney Powell and Michael Flynn, during which he and they falsely claimed they had evidence that Dominion machines were created for the purpose of rigging elections, and in fact rigged the 2020 election to steal it from Donald Trump. Byrne also republished false claims by Edward Solomon that Dominion machines flipped votes in favor of Biden and rigged the election results against Trump in Philadelphia and Atlanta. Byrne likewise linked to and republished his false December 14, 2020 blog post, “BOMBHELL: Antrim County Computer Forensic Report.” In his January 27, 2021 blog post, Byrne published the following false statements of fact to support those false claims:

Byrne: For example, the clear-speaking mathematician Edward Solomon gave two public presentations, one dissecting Georgia’s results, one Philadelphia’s (both below). The patterns and puzzles you see Solomon unraveling in these two videos were precisely what our own cyber-ninjas were doing inside our group (to give you a feel for their work).

[The embedded video title, “Edward Solomon – Geometric Proof for Georgia,” included the following false statements and graphics about Dominion]

Edward Solomon: I shall present to you geometric proof that the 2020 presidential election was stolen in the city of Atlanta and the state of Georgia. Geometrical proof supersedes any statistical argument or counterargument.

...

Solomon: So how do I know that something terrible happened in Atlanta? Well, there would be sets of precincts, we’ll call them elementary schools, uh, where exact discrete integer ratios, because votes are supposed to be integers, right? They would appear for Trump to the total. So let’s say Trump would get 40 out of every 100 votes exactly, and this would happen in several precincts at once. ... Then they would abandon the ratio, this algorithm would release control of them, and let them continue to tabulate their votes naturally without any more interference. ... So for all of the ratios or the percentages in this case to come out to exactly 40.000% or Trump gets exactly 4 out of 10 votes in each precinct is absurd. ... So let’s take a look, this is coming off my spreadsheet here for Atlanta, and the 5.5555% for Trump, which is the 1 to 18 ratio, 4 to 72.



Edward Solomon
588 subscribers

See his investigative work here:
<https://bit.ly/3mmitHcE>

GEORGIA, YOU WERE SCAMMED!

ASK YOUR PRECINCT FOR VOTE COUNTS NOW AND SEE FOR YOURSELF!

Nov 4th Nov 5th

12:56:34 AM	01:23:55 AM	02:33:11 AM	02:52:55 AM	03:24:10 AM	03:51:55 AM	03:55:17 AM	04:15:38 AM	09:36:30 PM	12:16:44 AM	10:52:28 AM
Fulton Pct 16J 72 Votes Biden 68 Trump 4	Fulton Pct RW07A 72 Votes Biden 68 Trump 4	Fulton Pct 02S 144 Votes Biden 134 Trump 8	Fulton Pct 03S 90 Votes Biden 85 Trump 5	Fulton Pct SC15 846 Votes Biden 795 Trump 47	Fulton Pct 06Q 180 Votes Biden 169 Trump 10	DeKalb Pct SMC 188 Votes Biden 102 Trump 6	Fulton Pct 09B 90 Votes Biden 84 Trump 5	Fulton Pct 12L 252 Votes Biden 237 Trump 14	Fulton Pct SC10 756 Votes Biden 709 Trump 42	Fulton Pct 04X1 1062 Votes Biden 998 Trump 59
Pet SC211 180 Votes Biden 169 Trump 10				Pet SC23B 188 Votes Biden 100 Trump 6	Pet 12L 216 Votes Biden 203 Trump 12			Pet SC30A 90 Votes Biden 84 Trump 5		Pet 756 756 Votes Biden 708 Trump 42
5.5555%	5.5555%	5.5555%	5.5555%	5.5555%	5.5555%	5.5555%	5.5555%	5.5555%	5.5555%	5.5555%

$72 \div 4 = 18$

The stealing algorithm gave Trump 1 vote for every 18 total votes.
(5.5555%)

Link to hundreds more examples:
<https://imgbb.com/m5YG58c>

THIS IS NOT NATURAL!

THESE ARE COMPUTER GENERATED RESULTS!

Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD
380	30	11	1	0		110	78	1	188		16		
380	30	15	11	1		110	142	2	281		16		
380	30	15	11	1		110	171	2	320		16		
380	34	30	11	1		110	34	2	118		16		
380	41	34	30	15		110	43	3	133		16		
380	47	41	34	30		110	161	3	309		16		
380	47	41	34	30		110	172	3	323		16		
380	52	47	41	34		110	65	4	166		16		
380	64	47	41	34		110	100	3	218		16		
380	61					110					16		
380	61					110					16		
380	91					110					16		
380	91	86	69	64		110	175	8	327		16		
380	97	91	86	69		110	157	3	304		16		
380	104	10				110					16		
380	104	10				110					16		
166	15	1				54	154	1	111		15		
166	30	11	1	0		54	153	1	299		15		
166	34	11	1	0		54	169	1	317		15		
166	15	11				54					15		
166	34	30				54					15		
166	41	34				54					15		
166	61	52	47	41		54	154	3	300		15		
166	64	61	52	47		54	84	3	196		15		
166	64	61	52	47		54	175	6	327		15		
166	67	64	61	48		54	9999	9999	63		15		
166	67	64	61	52		54	166	3	314		15		

TRUMP WAS ASSIGNED 5.5556% OF THE VOTE IN 16 PRECINCTS OVER THE TIME SERIES

Precinct	Precinct	Mgmt	Gblot	Blot	Ptot	Nat	Nat #	Future Status	Present Status	Prior Status	Penultimate	Rollins
10J	559	46710	72	68	4	5.556%	2380	30	11	1	0	11
RW07A	701	46715	72	68	4	5.556%	2380	30	15	11	1	11
SC211	756	46716	180	168	10	5.556%	2380	30	15	11	1	11
02S	455	46759	144	134	8	5.556%	2380	34	30	11	1	11
03S	471	46763	90	85	5	5.556%	2380	41	34	30	15	11
SC15	744	46770	846	795	47	5.556%	2380	47	41	34	30	11
SC23B	759	46771	108	100	6	5.556%	2380	47	41	34	30	11
06Q	510	46782	180	169	10	5.556%	2380	52	47	41	34	11
12L	590	46783	216	203	12	5.556%	2380	64	47	41	34	11
Stone Mtn Champion	381	46784	108	102	6	5.556%	2380	61	48	1	0	11
09B	538	46797	90	84	5	5.556%	2380	61	52	47	41	11
12L	590	46826	252	237	14	5.556%	2380	91	86	69	64	11
SC30A	72	33090	24	22	1	4.167%	1166	34	11	1	0	54
SC10	86	33088	24	22	1	4.167%	1166	15	11	1	0	54
04X1	101	33089	24	23	1	4.167%	1166	30	11	1	0	54
SC17C	749	33043	756	706	47	5.556%	2380	30	101	100	98	11
CP06A	628	33088	24	22	1	4.167%	1166	15	11	1	0	54
SC08E	732	33089	24	23	1	4.167%	1166	30	11	1	0	54
SC19A	753	33090	24	23	1	4.167%	1166	34	11	1	0	54
SC211	756	33091	120	113	5	4.167%	1166	15	11	1	0	54
12N	592	33134	96	90	4	4.167%	1166	34	30	11	1	54
10C	551	33142	384	364	16	4.167%	1166	41	34	30	15	54
SC08F	733	33149	240	227	10	4.167%	1166	61	52	47	41	54
11E2	568	33158	408	390	17	4.167%	1166	64	61	52	47	54
SC30A	763	33159	72	69	3	4.167%	1166	64	61	52	47	54
Miller Grove	322	33164	960	917	40	4.167%	1166	67	64	61	48	54
SC18A	750	33165	264	250	11	4.167%	1166	67	64	61	52	54

Seconds	Time#	County	Precinct
89,794	11	Fulton	10J
91,435	15	Fulton	RW07A
91,435	15	Fulton	SC211
95,591	30	Fulton	02S
96,775	34	Fulton	03S
98,650	41	Fulton	SC15
98,650	41	Fulton	SC23B
100,315	47	Fulton	06Q
100,315	47	Fulton	12L
100,518	48	DeKalb	Stone Mtn Champion
101,739	52	Fulton	09B
164,190	86	Fulton	12L
164,190	86	Fulton	SC30A
173,805	91	Fulton	SC10
211,948	101	Fulton	04X1
211,948	101	Fulton	SC17C
89,794	11	Fulton	CP06A
89,794	11	Fulton	SC08E
89,794	11	Fulton	SC19A
89,794	11	Fulton	SC211
95,591	30	Fulton	12N
96,775	34	Fulton	10C
101,739	52	Fulton	SC08F
105,845	61	Fulton	11E2
105,845	61	Fulton	SC30A
107,869	64	DeKalb	Miller Grove
107,869	64	Fulton	SC18A

Trump is assigned 5.556% of the vote wherever the algorithm hits

This happened hundreds of times from Nov 4th - Nov 11th

Solomon: When the algorithm was running in all the, in the 371 precincts in Atlanta that we seized, Trump was only getting 14.65% of the vote. But when the algorithm stopped operating, Trump started to receive 23.57% of the vote for all these precincts.

...



25,000 votes stolen
In Atlanta alone...

...

[The embedded video title, “Smoking Gun: ES&S Transferring Vote Ratios between Precincts in PA.,” included the following false statements and graphics about Dominion]

Solomon: I have all the data from Philadelphia and all the tabulations done

over time for the entire week after Election Day and I have discovered the way Dominion actually distributes the vote and it transfers.. fractions between precincts. ... I discovered that the fraction logic what it does is sets a specific number of votes that Trump is allowed to get... and then it puts a minimum on Biden. Before I get into the Dominion vote-switching. ... This is how I finally figured out how Dominion works. ... I think Dominion has a certain number of votes it needs to flip. ... Because Trump had such a huge margin, let's say it needs to flip them and needs to make sure that Biden gets 66 votes to every 33 votes that Trump gets. ... What it does, it just splits into blocks, these fractional blocks. This is what Dominion does, I'm going to split this into three precincts and change the amount of votes that come in.

...

Byrne: Days later a judge read it, and found it alarming enough that he gave a court order for a formal exploitation of the Antrim County voting machines. The Bad News Bears returned to Antrim County and this time, with a proper court order in their pocket, they were able to image hard drives, and returned to base camp with those images. By working in staggered shifts around the clock, over the next four days they performed a month's worth of work, first breaking the security on the imaged hard drives, then reconstructing the files, then analyzing them. That was all fed up through the system, and emerged about a week later as an eye-opening report that created a national stir, known as the Antrim County Computer Forensics Report.

[Hyperlink to December 14, 2020 blog post titled, "BOMBHELL: Antrim County Computer Forensic Report," which includes the false statements quoted in paragraph 137(j), above]¹⁶⁸

- (o) On January 31, 2021, Byrne published on his website Deepcapture.com, a blog post titled, "How DJT Lost the White House, Chapter 2: Was there Foreign Interference in this Election? You Make the Call." Byrne then republished a modified version of that same blog post in his book as "Chapter 3: Election 2020 Foreign Interference." In that blog post, Byrne posted a photo of what he purported to be proof that "Dominion machines are made in China," which was actually a photo of boxes of transport bags and not any machines. Byrne also linked to a spreadsheet that was populated with fake MAC addresses and irrelevant IP addresses and published contents of a declaration by a purported "retired senior military officer" in order to falsely claim that votes were flipped from Trump to Biden using Dominion machines and that Dominion was "owned and controlled by foreign

¹⁶⁸ Patrick Byrne, *How DJT Lost the White House, Chapter 1: All the President's Teams (11/3-12/17)*, Deep Capture (Jan. 27, 2021), <https://www.deepcapture.com/2021/01/november-3-december-23-all-the-presidents-teams/> (Ex. 349); Patrick Byrne, *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him* (2021) (Ex. 361).

entities.” In this blog post, Byrne published the following false statements of fact to support those false claims:

On the dictum that “a picture is worth 1,000 words,” I will start with something to end debate on whether Dominion machines are made in China:



The cyber-specialists to whom I refer, who has access to such tools (and even more arcane ones), has documented vote-flipping in the Problematic 6 states amounting to 299,567 votes, just enough in each state to flip the election. 43% of that activity came from China. For people who wish to study the data behind this claim, click here: [US Election Fraud 2020_General](#) (hyperlinks to the following spreadsheet listing “TARGETS STATES” and alleged “CHANGES” in “VOTES” through Dominion’s machines)

US ELECTION FRAUD 2020												
FOREIGN INTERFERENCE												
US COUNTIES (2-995)												
PRELIMINARY DATA												
SOURCE DATE	SOURCE IP	SOURCE OWNER	SOURCE ID	TARGET IP	TARGET STATE	TARGET OWNER	TARGET ID	INTRUSION METHOD	SUCCESS	TRACE LOG	CHANGES VOTES	
11/5/20 1:45	78.108.241.28	NETWORK FOR NEEDS OF INTERCONTINENTAL -	27:a2:33:8d:f4:94	143.95.252.43	GEORGIA	BLECKLEY COUNTY ELECTION	ee:b8:1e:a8:03:9a	*	Y	N		
11/4/20 12:00	150.70.172.105	JP JAPAN NETWORK INFORMATION CENTER	cc:02:80:a5:92:d6	192.189.6.133	GEORGIA	CHEROKEE COUNTY ELECTION	79:0f:cf:5a:35:cd	FIREWALL	U			
11/5/20 2:00	139.0.0.134	PT. FIRST MEDIA, TBK BROADBAND INTERNET S	fb:39:c2:88:1d:2b	35.194.94.20	GEORGIA	JASPER COUNTY ELECTION	d1:5e:ea:2f:04:42	FIREWALL	N			
11/5/20 1:23	144.76.183.41	HETZNER ONLINE GMBH DATACENTER FSNI-DC11	46:2c:fb:02:db:f7	104.18.21.238	ARIZONA	PINAL COUNTY ELECTION	e3:20:3b:75:74:e0	FIREWALL	N			
11/5/20 3:47	5.9.127.154	HETZNER ONLINE GMBH DATACENTER FSNI-DC7	e2:a2:7d:e3:61:23	99.83.200.251	GEORGIA	COLQUITT COUNTY ELECTION	a7:08:4b:0d:82:9e	BOTH	Y	N		
11/5/20 2:41	202.46.50.47	SHENZHEN SUNRISE TECHNOLOGY CO.,LTD. 200	9d:47:da:67:e1:4b	198.108.253.104	MICHIGAN	DELTA COUNTY	01:e1:76:88:30:6a	BOTH	Y	Y	TRUMP: DOWN 3215	
11/4/20 15:44	5.10.83.101	SOFTLAYER DUTCH HOLDINGS BV PAUL VAN VLI	ba:1f:f3:6b:a5:17	65.254.227.240	GEORGIA	TALBOT COUNTY ELECTION	6f:21:e0:65:21:46	CREDENTIALS		N		
11/5/20 7:59	220.255.1.218	SINGNET PTE LTD 2 STIRLING ROAD # 03-00	14:77:e3:45:f2:c8	207.38.74.12	GEORGIA	LAURENS COUNTY ELECTION	38:ec:06:43:91:63	CREDENTIALS		Y		
11/5/20 0:25	193.203.48.46	PE IVANOV VITALIY SERGEEVICH 42-A TOBOLS	21:68:2e:a9:d1:31	69.163.171.94	GEORGIA	TAYLOR COUNTY ELECTION	dc:dc:45:f7:12:3c	FIREWALL	Y	N		
11/3/20 19:44	194.42.67.37	BUREAU VAN DIJK ELECTRONIC PUBLISHING GB	ca:52:65:86:70:95	207.38.74.204	GEORGIA	LUMPKIN COUNTY ELECTION	06:b3:2e:05:00:32	FIREWALL	U			
11/4/20 11:01	92.17.224.223	CARPHONE WAREHOUSE BROADBAND SERVICES GB	75:ee:c4:e2:e7:76	199.224.22.10	PENNSYLVANIA	ALLEGHENY COUNTY	6e:1e:dd:93:dd:3a	BOTH	Y	N	TRUMP: DOWN: 67,033	
11/3/20 21:55	202.46.63.149	SHENZHEN SUNRISE TECHNOLOGY CO.,LTD. 200	91:8b:65:a1:e7:3d	35.242.251.130	MICHIGAN	HURON COUNTY	94:28:16:4a:c7:c5	*	N			
11/5/20 4:27	218.30.103.214	CHINANET IDC CENTER CHINA TELECOM BEIJIN	57:9d:80:07:2c:c6	162.221.183.17	GEORGIA	WORTH COUNTY ELECTION	36:59:19:3a:95:a9	BOTH		Y		
11/4/20 20:31	217.69.133.169	MAIL.RU SERVICES RU	ed:a4:ec:60:07:8a	65.254.227.224	GEORGIA	HARALSON COUNTY ELECTION	d2:f3:8d:75:71:db	*	N			
11/4/20 5:22	180.76.5.116	BEIJING BAIDU NETCOM SCIENCE AND TECHNOL	ca:b5:4a:84:da:22	52.84.112.70	PENNSYLVANIA	PHILADELPHIA COUNTY	02:34:0a:af:a0:1b	*		Y	TRUMP: DOWN 44,905	
11/5/20 7:36	180.76.5.20	BEIJING BAIDU NETCOM SCIENCE AND TECHNOL	36:c1:e1:04:e6:cc	66.70.225.58	GEORGIA	MARION COUNTY ELECTION	08:31:70:f1:98:0b	*	N			
11/4/20 23:21	150.70.97.87	JP JAPAN NETWORK INFORMATION CENTER	32:a7:67:c0:8a:0b	192.252.144.26	MICHIGAN	MONTMORENCY COUNTY	82:c1:14:18:6d:11	FIREWALL	Y	N		
11/5/20 14:59	118.97.67.186	ID PT TELKOM INDONESIA'S CUSTOMER.	23:a5:9e:c9:a5:2c	99.83.200.251	MICHIGAN	CHARLEVOIX COUNTY	6e:ca:a4:31:33:51	*	N	Y		
11/4/20 21:15	70.76.132.222	SHAW COMMUNICATIONS INC. SUITE 800 630 -	4a:2d:09:48:06:14	207.38.75.62	MICHIGAN	CASS COUNTY	7b:19:95:aa:38:0b	CREDENTIALS	N	N		
11/5/20 10:26	188.40.35.194	HETZNER ONLINE GMBH DATACENTER FSNI-DC8	b7:06:4a:c6:e4:76	13.82.40.73	GEORGIA	FULTON COUNTY ELECTION	6a:f3:a0:59:f4:71	CREDENTIALS	Y	N	TRUMP: DOWN 18,409	
11/4/20 10:58	94.23.13.153	Ovh SAS 2 RUE KELLERWANN 59100 ROUBAIX F	3e:d4:a3:4c:ee:6d	12.13.22.68	GEORGIA	FORSYTH COUNTY ELECTION	17:8f:96:29:c3:05	CREDENTIALS				
11/3/20 18:55	110.77.209.190	10 FL. 72. CAT TELECOM TOWER BANGRAK BAN	0d:f9:67:57:ca:31	192.185.148.130	GEORGIA	HARRIS COUNTY ELECTION	4c:fb:57:ea:9a:cd	BOTH	Y	Y		
11/4/20 23:03	31.186.87.46	ECO-ATMAN-PL	6e:6d:d7:5c:95:34	168.235.110.102	GEORGIA	BERRIEN COUNTY ELECTION	54:95:51:50:56:d1	*	U	Y		
11/4/20 5:44	176.31.14.28	DEDICATED SERVERS FR	48:e0:d2:7c:af:d9	104.196.221.200	GEORGIA	UNION COUNTY ELECTION	f5:cf:3e:a5:b3:62	*	Y			
11/5/20 6:02	123.125.71.46	YBV CN	3d:39:24:38:26:cc	159.233.2.2	ARIZONA	PIMA COUNTY ELECTION	10:2e:49:35:68:fa	CREDENTIALS	Y	Y	TRUMP: DOWN 33,066	

For those who shudder at the thought of opening an Excel spreadsheet, this 1 minute video shows hundreds of foreign entities (many in China) who, on November 3, 2020, were conducting Man-in-the-Middle attacks on election system across these states of Pennsylvania, Michigan, Wisconsin, Arizona, Nevada, and Georgia in order to flip votes.

Now let us turn to a statement by a retired senior military officer that lays things out rather clearly (there is a fair bit of “dolphin-speak” below, but if you read it slowly, most will make more sense to you than you may expect).

...

4. Dominion Voting Systems is owned and controlled by foreign entities. We lose control of the data when it goes to a foreign country. For example:

- The electronic information went to Germany, Barcelona, Serbia, and Canada
- Dominion Servers in Belgrade Serbia. P 82.117.198.54 (ASN Range: 82.117.192.0/19)
- Dominion Servers ftp.dominionvoting.com with IP 69.172.237.100 (ASN Range: 69.172.236.0/22) is located in Toronto, Canada
- www.scytl.com with IP 52.57.209.147 (ASN Range: 52.57.0.0/16) is (was) located in Frankfurt Germany
- support.scytl.com with IP 213.27.248.118 (ASN Range: 213.27.128.0/17) is located in Barcelona, Spain
- scytl-com.mail.protection.outlook.com with IP 104.47.10.36 (ASN Range: 104.40.0.0/13) is located in Ireland

- On election night the DE-CIX Frankfurt there was a 30% spike over the previous high rate of traffic. One stated probable cause was increased data flow to servers supporting the US Election.

Dominion Voting Systems and related companies are owned or heavily controlled and influenced by foreign agents, countries, and interests. The forensic report we prepared found that “the Dominion Voting System is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results”.

5. The system intentionally generates an enormously high number of ballot errors...The intentional errors lead to bulk adjudication of ballots with no oversight, no transparency, and no audit trail. This is the exact type of issue that leads to voter and/or election fraud.

6. The report found the election management system to be wrought with unacceptable vulnerabilities—including access to the internet—a key indicator to find evidence of fraud, and numerous malicious actions.

7. The numerous similarities will find that Dominion Voting Systems, Smartmatic, Electronic Systems & Software, and Hart Inter Civic, Clarity Election Night Reporting, Edison Research, Sequoia, Scytl, and similar or related entities, agents or assigns, have the same flaws and were subject to foreign interference in the 2020 election in the United States.

8. These systems bear the same crucial code “features” and defects that allowed the same outside and foreign interference in our election, in which there is the probability votes were in fact altered and manipulated contrary to the will of the voters.

...

8.c) With the various mergers, acquisitions, license agreements and partnerships the entire Election ecosystem in the United States is one and the same of any other Country where these systems are based, created, designed, used and so on. Namely Venezuela and their investment into Smartmatic.

8.d) Dominion’s purchase of Sequoia Voting Systems from Smartmatic has resulted in the same “Source Code” being used today.¹⁶⁹

¹⁶⁹ Patrick Byrne, *How DJT Lost the White House, Chapter 2: Was there Foreign Interference in this Election? You Make the Call.*, Deep Capture (Jan 31, 2021), <https://www.deepcapture.com/2021/01/how-djt-lost-the-white-house-chapter-2-was-there-foreign-interference-in-this-election-you-make-the-call/> [<https://web.archive.org/web/20210220160932/https://www.deepcapture.com/2021/01/how->

- (p) On February 4, 2021, Byrne published on his website Deepcapture.com, a blog post titled, “How DJT Lost the White House, Chapter 4: The Christmas Doldrums (December 23- noon January 6).” Byrne republished that blog post in his book as “Chapter 7: The Christmas Doldrums (December 23 – January 6 noon).” In that blog post, Byrne made the following false statements about Dominion:

The next day, a shredding company in a neighboring county got a phone call to pick up an assignment to shred. The truck pulled up, and loaded approximately 3,000 pounds of ballots. It has been confirmed to me that the order was paid for by someone with a credit card from “Dominion Voting”. The shredding truck pulled away. Through a mechanism I will not explain, that shredding truck was intercepted, its work stopped, and ultimately 10,000 pounds of shredded material was dumped out on the floor of a local police station, so there would be a chain-of-evidence. Roughly 3,000 pounds of the shredded material was the ballots (the other 7,000 was from prior customers). The shredding that had been order by the Dominion Voting employee had not been normal shredding (turning things into long strips); it had not been the special shredding (turning the material into confetti); it had been the super-duper military-grade shredding, where the ballots had been shredded then crushed down to spitballs. An Atlanta DHS agent arrived and took command. A discovery was made: some of the shredded ballots had not been completely shredded. In fact, a few had stuck to the walls of the bin, and were whole. Also found, I was told, were receipts and shipping labels from the outside of the boxes that held the ballots: these receipts and shipping labels were from a Chinese print shop in the south of China. The DHS agent acquired all of these (and that particular agent is one with an expertise in matters Chinese, I am told).

...

Various aspects of the story I told above are documented in photos and film.¹⁷⁰

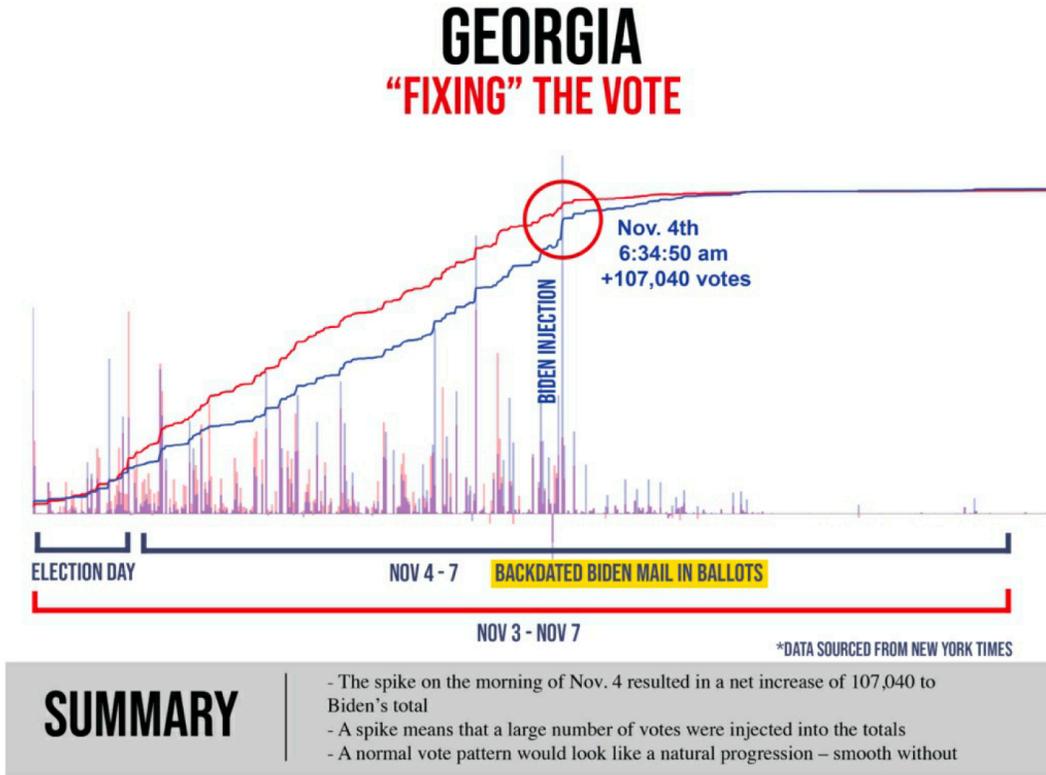
- (q) On February 17, 2021, Byrne published his book, *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him (Or, what to send to friends who ask, “Why do you doubt the integrity of the 2020 Election?”)*. In that book, Byrne republished the false statements about Dominion from his January 27, 2021, January 31, 2021, and February 4, 2021 blog posts, as

[djt-lost-the-white-house-chapter-2-was-there-foreign-interference-in-this-election-you-make-the-call/](#)] (Ex. 358); Patrick Byrne, *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him* (2021) (Ex. 361).

¹⁷⁰ Patrick Byrne, *How DJT Lost the White House, Chapter 4: The Christmas Doldrums (December 23- noon January 6)*, Deep Capture (Feb. 4, 2021), <https://www.deepcapture.com/2021/02/how-djt-lost-the-white-house-chapter-4-the-christmas-doldrums-december-23-noon-january-6/> (Ex. 354); Patrick Byrne, *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him* (2021) (Ex. 361).

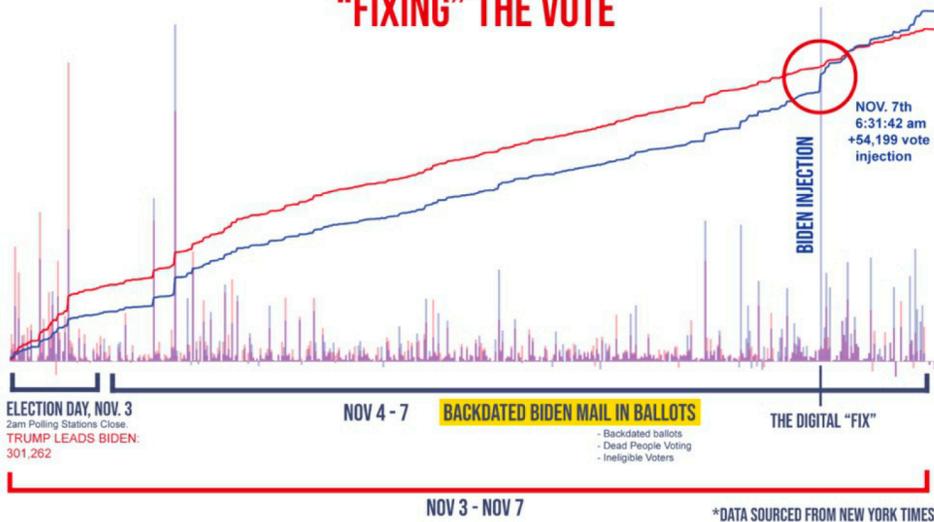
well as additional false statements about Dominion. Those additional false statements are:

Suspicion came to focus on Dominion Voting ... Within days, the cyber teams with whom I was working were coming up with data that showed what had happened in those windows where counting had been “stopped”: hundreds of thousands of ballots had been injected, often running 99.4% and even 100% Biden.



MICHIGAN

"FIXING" THE VOTE

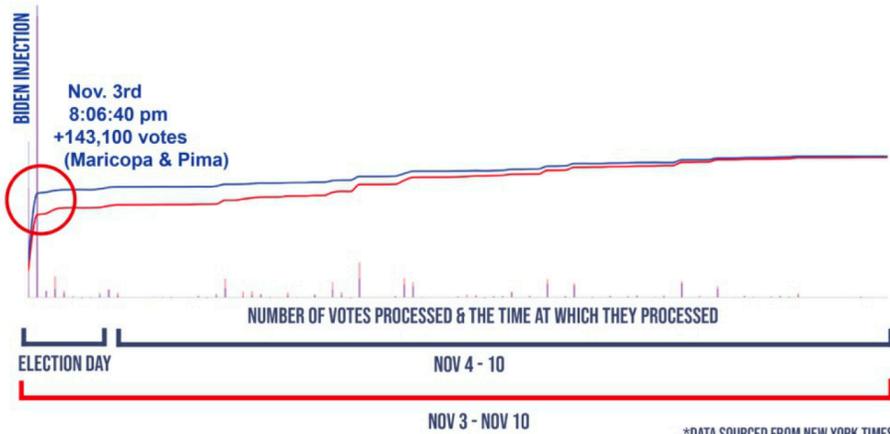


SUMMARY

- Trump wins on election night / Polling locations in Detroit shut down at 2am
- Ballot counters told to go home / Voting station windows covered
- Dominion Exec shows up in Detroit polling station after midnight
- Trump's election night lead disappears / Biden "INJECTION" appears

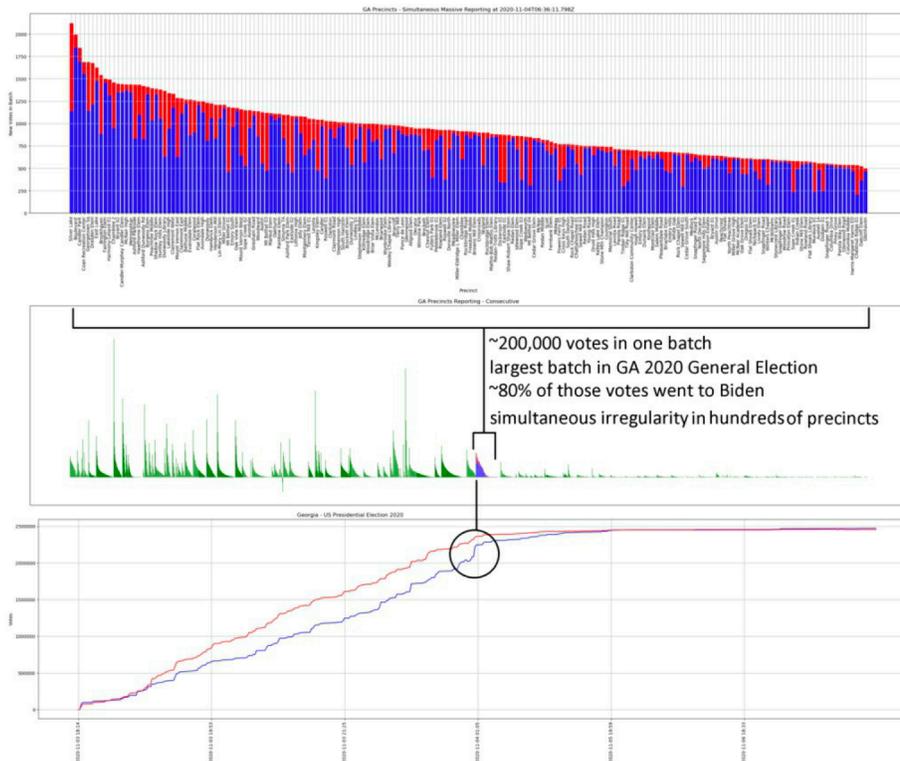
ARIZONA

"FIXING" THE VOTE



SUMMARY

- Mathematical evidence of the seeding "injection" of votes at the beginning
- A spike means that a large number of votes were injected into the totals
- A normal vote pattern would look like a natural progression – smooth without extreme jumps



Here is a good example of a statistically impossible event our dolphin-speakers noticed as they rummaged through the data. There were occasions where a group of precincts in a state would, in lockstep, begin counting all presidential votes 17/18 for Biden, 1/18 for Trump. A number of precincts, simultaneously, all did that together. Then after 90 minutes, their counting would go back to normal, but another set of precincts in the state would suddenly all flip to counting 17/18 votes for Biden, 1/18 for Trump. Precisely, for 90 minutes. Then they would flip to normal, and another set of precincts would pick up the Rig. Over and over around the state. That fact alone demonstrates that the entire election in that state must be discounted: it is 0% trustworthy.

One place (but not the only place) this happened was Georgia. A researcher named Edward Solomon reported on this oddity in Georgia:

Click to play video: Edward Solomon - Geometric Proof for Georgia

[The embedded video title, “Edward Solomon – Geometric Proof for Georgia,” included the false statements and graphics about Dominion quoted and excerpted in paragraph 137(n), above]

...

And then for Pennsylvania:

Click to play video: PA Edward Solomon has found *disturbing* signs of

statistically impossible patterns

[The embedded video title, “Smoking Gun: ES&S Transferring Vote Ratios between Precincts in PA.,” included the false statements and graphics about Dominion quoted and excerpted in paragraph 137(n), above]

...

Fulton County, Georgia defied a unanimous legislative mandate demanding a complete forensic audit. Instead, as I indicated, six hours after that mandate was given, Enterprise vans whisked ballots out of the warehouse, and the next day a shredding company in the next county was engaged to shred ballots, paid for by an employee of Dominion Voting with, I am informed, a company credit card.¹⁷¹

- (r) In *The Deep Rig*, the full-length documentary that Byrne wrote, directed, produced, and performed in; that Byrne premiered on June 26, 2021, in Maricopa County, Arizona; and that Byrne promoted to large audiences, Byrne made, endorsed, and adopted the following false statements:

Byrne: I had a ringside seat to events from November 3rd, 2020 to January 20th, 2021, and feel a duty to tell the world what happened. I will not be regurgitating the headline events everyone will have read, but we’ll aim to explain what was going on behind the scenes and give my best account of why things played out as they did. My only interest is honestly conveying the truth for historical purpose.

...

Matthew DePerno: These are the words of actual forensic scientists who reviewed the, reviewed the information and made a conclusion based on the data that they reviewed. What’s so important about this report and what was so stunning to everyone who read it was in the conclusion, which is in paragraph two of section B. And they stated, we conclude that the Dominion voting system is intentionally and purposely designed with inherent errors to create systemic fraud and influence election results. The system intentionally generates any normally high number of ballot errors. The electronic ballots are then transferred for adjudication. The intentional errors lead to bulk adjudication of ballots with no oversight, no transparency and no audit trail. This leads to voter

¹⁷¹ Patrick Byrne, *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him* (2021) (Ex. 361); Patrick Byrne, *The Deep Rig: How Election Fraud Cost Donald J. Trump the White House, By a Man Who did not Vote for Him (Or, what to send to friends who ask, “Why do you doubt the integrity of the 2020 Election?”)*, Deep Capture (Feb. 20, 2021), <https://www.deepcapture.com/2021/02/the-deep-rig-how-election-fraud-cost-donald-j-trump-the-white-house-by-a-man-who-did-not-vote-for-him-or-what-to-send-friends-who-ask-why-do-you-doubt-the-integrity-of-election-2020-4-99/> (Ex. 368).

or election fraud. Based on our study, we conclude that the dominion voting system should not be used in Michigan.

...

DePerno: So right before you get on the plane, essentially, we were essentially taking off everybody. Exactly, which is not. We'd also heard that the county administrator had called Dominion directly, uh, and that county administrator, uh, directed Dominion to get to Antrim County and that they may need to protect their equipment. December 4th, at 11:03 PM. Someone accessed the Antrim County election management system and removed files. They removed system logs and other files that would give us the opportunity and let us review what actually happened on election night. We want to see if anyone access that system on election night. We want to see if anyone used the modules within the system that allows them that are built into the system and allow them to manipulate and change votes. This isn't me making this up. This isn't conspiracy theory. These are actually procedures that are all outlined within the Dominion manual itself.

...

Joe Oltmann: And the ultimate outcome was they said that the system was either designed for or built to create fraud, to allow for a fraudulent outcome, no matter what, no matter what you say about Dominion voting system, Dominion is saying that it's a safe system, nothing to see here. And again, if everyone is telling you that there's nothing to see here, but all of the data tells you that there's fraud in the system. Which one are you supposed to believe?

...

Oltmann: So in September of 2020, I set out to infiltrate Antifa. And, uh, and I did so I had, I met a guy that was a part of Antifa and he said, I got to figure out a way to get out, but I'm too deep into the process. So I said, the first thing that we could happen is we could dismantle it. And the easy way to dismantle it is to uncover who's actually running Antifa. So he got me on a phone call. They were talking about how they needed to be fortifying, continue to do the things that they were doing, not just in Colorado Springs, but in Denver and all over Colorado. And a guy named Eric started speaking. And when Eric started speaking, he started talking again about how he did afford to fight, not give up. They asked who is Eric, right? Who's Eric. And, um, they, uh, somebody came back and said, oh, Eric said, Dominion guy. As he continued to speak, somebody else interrupted him and said, Hey, what are we going to do if Trump wins? And he responded, don't worry about the election. Trump's not going to win. I made sure of it. So I hung up the phone, started doing research on Eric. I didn't know Eric was Coomer. I just knew Eric. I'm kind of a research junkie. So I just went through and started gathering information, went and listened to YouTube, YouTube videos to make sure that the voice that I heard on the call

was the same voice that, um, uh, to match up to that particular individual. And so as I walked through this process and gathering information, I thought there's no way that a guy that has a PhD from Cal Berkeley is a part of Antifa. So I put it aside and figured out he had to work for the CIA FBI. One of the, the alphabets. I didn't think anything of Eric Coomer. I didn't think of anything about that phone call. I just knew something was wrong. November 3rd, we all know what happened. We went to sleep at night with President Trump being handily ahead. Um, we woke up the next morning that Biden had won and nothing to see here. And I'm sitting at the, uh, at my friend's place and I get this text message. It's like, Joe, you need to read this article. And I said, I went through the article and it talked about in Georgia in several precincts that the system during election, the election on election day actually went down. And there was a description inside of the article that said why it went down, that they had to do an update in the middle and it took it down for four hours. But the person that gave the update was Eric Coomer. And at that moment, my heart sank. That's what I knew. That's what I knew that there was a, you know, Dominion voting systems was in 28 states. That's when I started to realize that, you know, this guy, Eric Coomer when he said on that call, that don't worry about Trump. You know, he's not gonna win. Um, that's when I knew that there was a high probability that he affected the election.¹⁷²

154. As set forth above throughout this Complaint in detail, Byrne published these false statements about Dominion with actual malice, even though Byrne actually knew and recklessly disregarded that they were false.

155. Byrne'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.

156. Byrne's statements are false. Far from being created in Venezuela to rig elections for a now-deceased Venezuelan dictator, Dominion was created in Toronto, and its voting systems are certified under standards promulgated by the 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. Because of this backup, independent audits and hand recounts of paper

¹⁷² *The Deep Rig* (2021), <https://www.loom.com/share/36db4fc626df467b82f1fb9def1949af> (Ex. 369).

ballots have conclusively and repeatedly disproven the false claim that votes in Dominion machines were flipped, weighted, deleted, or otherwise manipulated by algorithms, software, cyber-attacks, or otherwise. Hugo Chávez’s elections were not run by Dominion, but were run by election officials using machines made by an entirely different company—Smartmatic, a competitor of Dominion. Dominion was not created in or for Venezuela, has never been located there, and is not owned by Smartmatic or Venezuelans. Dominion has never provided machines or software or technology to Venezuela, nor has it ever participated in any elections in Venezuela. It has no ties to the Venezuelan government or Hugo Chávez. Dominion does not use Smartmatic’s software or machines, and there was no Smartmatic technology in any of Dominion’s voting machines in the 2020 election. Dominion did not pay to shred ballots in the 2020 election. Dominion did not bribe Georgia officials or give them “election insurance.” Dominion is not a member of the CISA Board of Directors, nor is Dominion run by China or the Chinese Communist Party. Dominion did not rig the 2016 Democratic primary election to steal it from Senator Bernie Sanders, was not involved in the death of Seth Rich in any way, and was certainly not part of a conspiracy to murder Mr. Rich in order to cover up a steal of the 2016 Democratic Primary in favor of Hillary Clinton.

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

158. Byrne’s defamatory statements, whether taken individually or together in their cumulative impact, damaged Dominion in the various ways described herein.

159. Dominion is entitled to punitive damages because Byrne’s defamatory statements were accompanied with malice, wantonness, and a conscious desire to cause injury. Byrne

purposefully made the defamatory statements heedlessly and with reckless and willful indifference to Dominion's rights.

160. Dominion is entitled to punitive damages because Byrne published the defamatory statements about Dominion with actual malice.

161. Byrne's statements are defamatory *per se*, as they impute serious criminal conduct to Dominion and also malign Dominion in the conduct of its business or trade. Byrne's statements have exposed Dominion to the most extreme hatred and contempt. Byrne has accused Dominion of fraud, election-rigging, 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. Byrne's statements were calculated to—and did in fact—provoke outrage and cause Dominion enormous harm.

162. Byrne's viral disinformation campaign about Dominion reached millions of people worldwide and caused enormous economic harm to Dominion. As a result of that defamatory 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 goodwill and enterprise value have been irreparably damaged. Dominion is entitled to damages, including presumed economic damages, as a consequence of Byrne's conduct. These presumed damages include but are limited to the economic harm caused by Byrne that now has prevented Dominion from becoming a multi-billion-dollar company.

163. In view of the foregoing, Dominion is entitled to actual, presumed, punitive, and other economic 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 Patrick Byrne, as follows:

- (a) awarding Dominion general compensatory damages in amount to be determined at trial;
- (b) awarding Dominion damages for (1) lost profits of not less than \$600,000,000; (2) lost goodwill and enterprise value of not less than \$1,000,000,000; (3) security expenses of not less than \$600,000; and (4) expenses incurred combatting the disinformation campaign of not less than \$700,000;
- (c) awarding Dominion punitive damages in an amount to be determined at trial;
- (d) awarding Dominion pre- and post-judgment interest;
- (e) 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.

Dated: August 10, 2021

Respectfully submitted,

By: /s/ Megan L. Meier

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