

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

COMPLAINT AND DEMAND FOR JURY TRIAL

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

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

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

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

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

PARTIES

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

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

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

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

JURISDICTION AND VENUE

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

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

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

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

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

FACTUAL ALLEGATIONS

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

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

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

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

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

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

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⁵ *Id.*

⁶ *Id.*

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

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

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

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

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

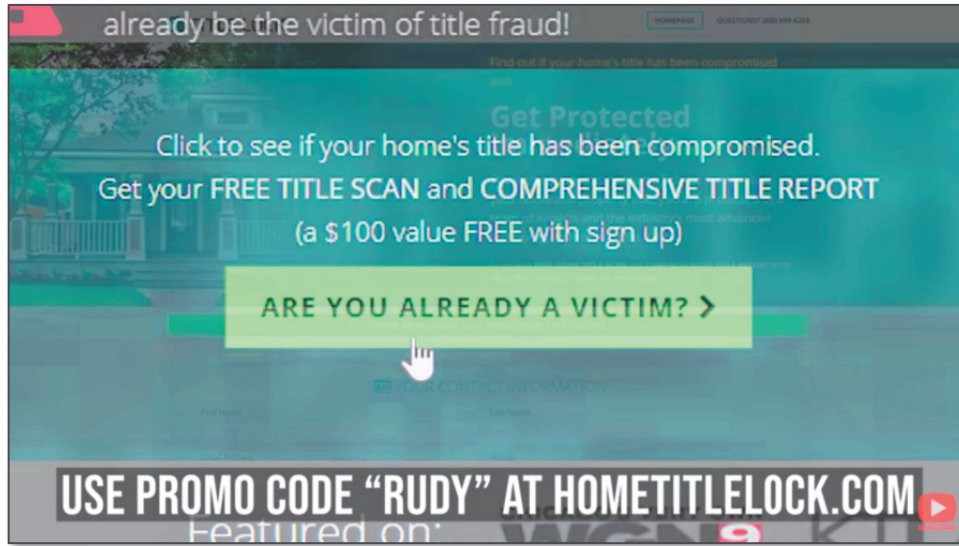


20. Giuliani then pitched his viewers on a service they could buy to protect themselves for just \$596 for the 4-year service if they used the promo code “Rudy” when ordering.¹⁵

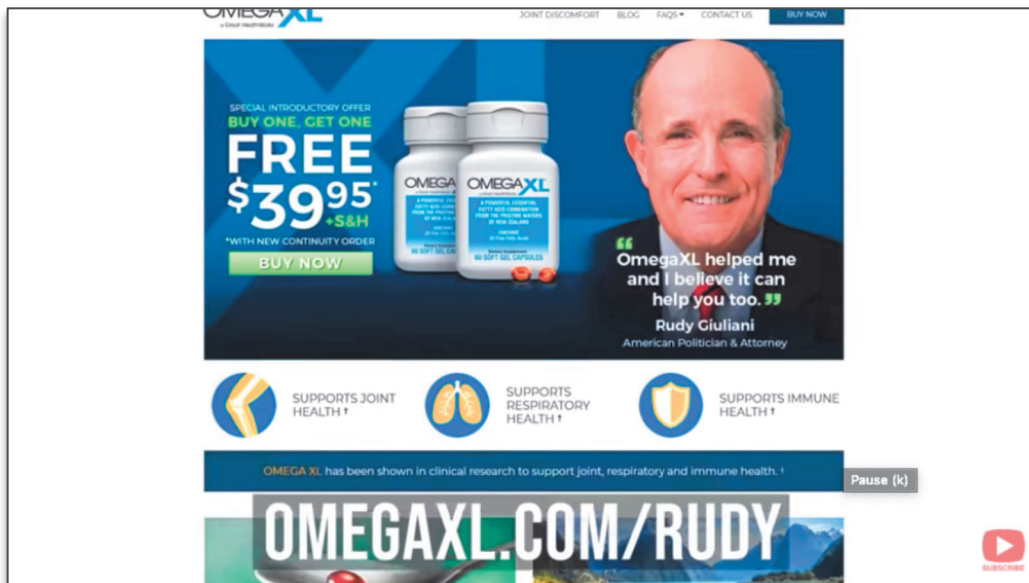
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21. Also during that defamatory podcast, Giuliani claimed supplements would cure his viewers' achy joints and muscles and implored them to "stop wasting money and switch."¹⁶ He instructed them to use his name when ordering and said they could get a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



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



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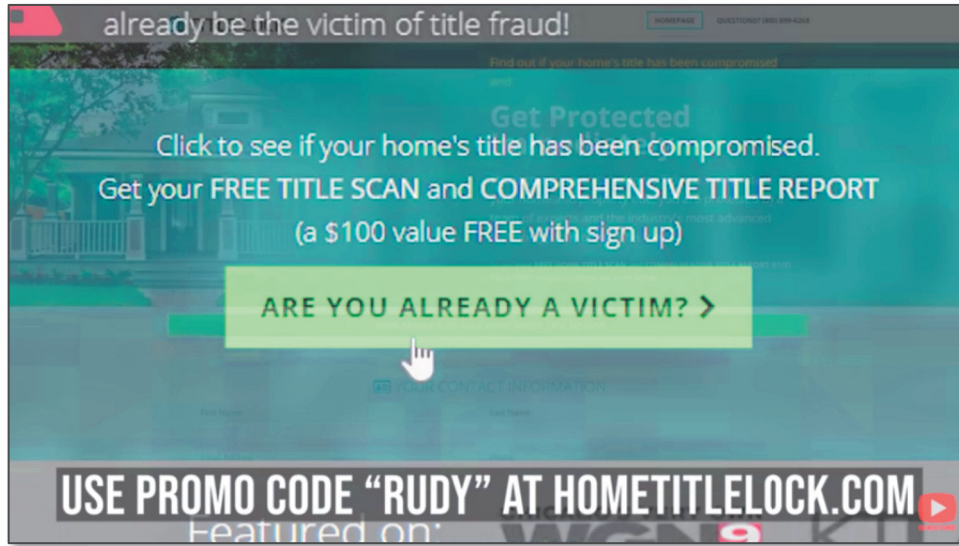


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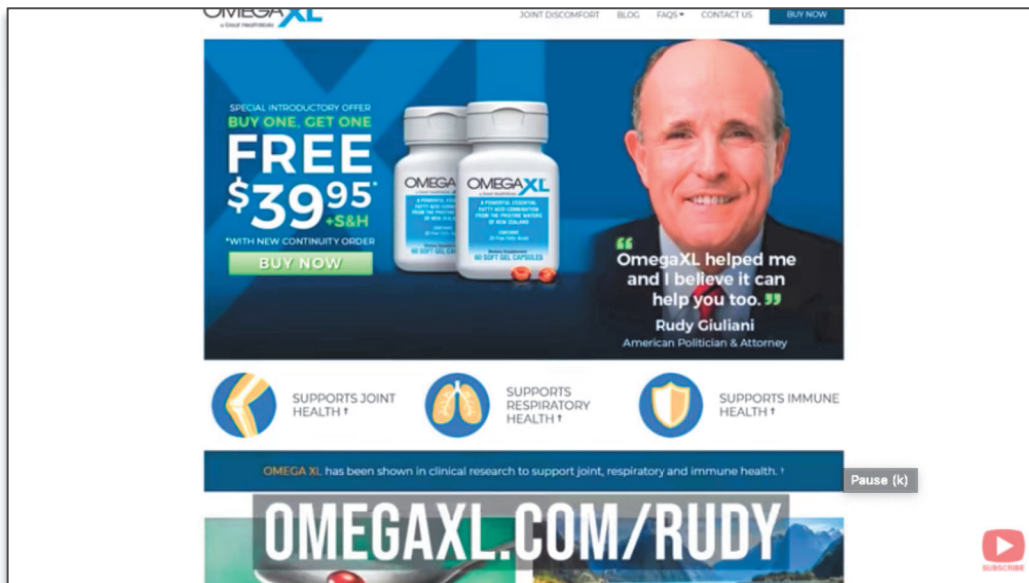
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23. The next day, on November 15, the Trump Campaign filed an amended complaint in the Pennsylvania case, mistakenly withdrawing certain counts.¹⁸ *The amended complaint did not contain any allegations about Dominion.*

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



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

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

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

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

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

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

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

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

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



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

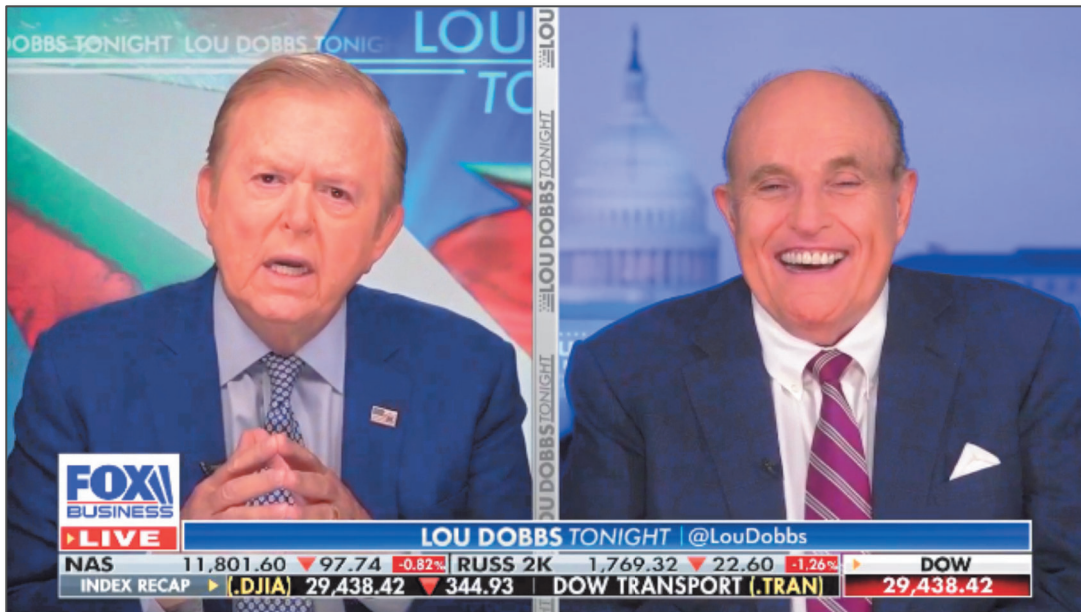


²³ *American Votes Tallied in Foreign Countries*, Rudy Giuliani’s Common Sense (broadcast from Washington, D.C., Nov. 18, 2020), available at, <https://www.youtube.com/watch?v=VOG1yOjSAd4> (last visited Jan. 18, 2021) (Ex. 117).

²⁴ *Id.* at 21:43-23:13.

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

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



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

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

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

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

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



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

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

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

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

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

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

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

³¹ *Id.*

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

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

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

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



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

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

³⁶ *Id.*

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

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

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

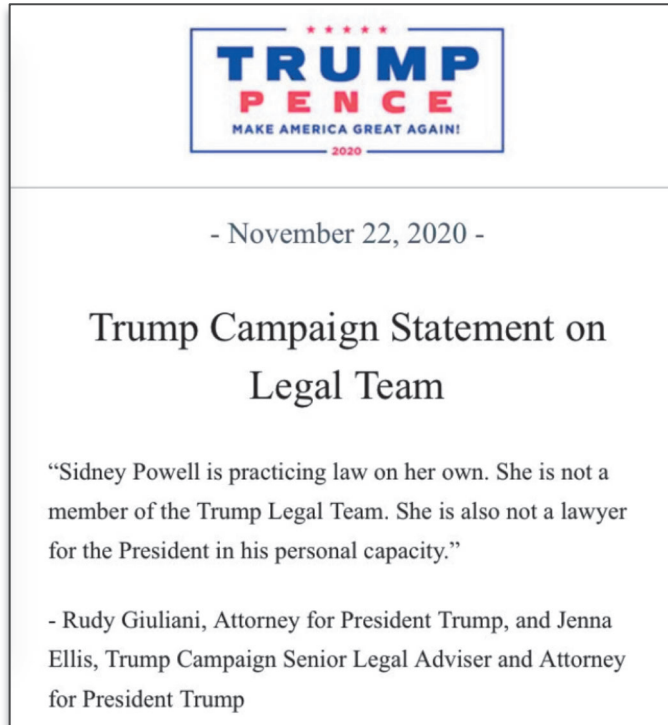
³⁷ See Kate Brumback, *Georgia officials certify election results showing Biden win*, Associated Press (Nov. 20, 2020), available at, <https://apnews.com/article/georgia-certify-election-joe-biden-ea8f867d740f3d7d42d0a55c1aef9e69> (Ex. 35).

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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