

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



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

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

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

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



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

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

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

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

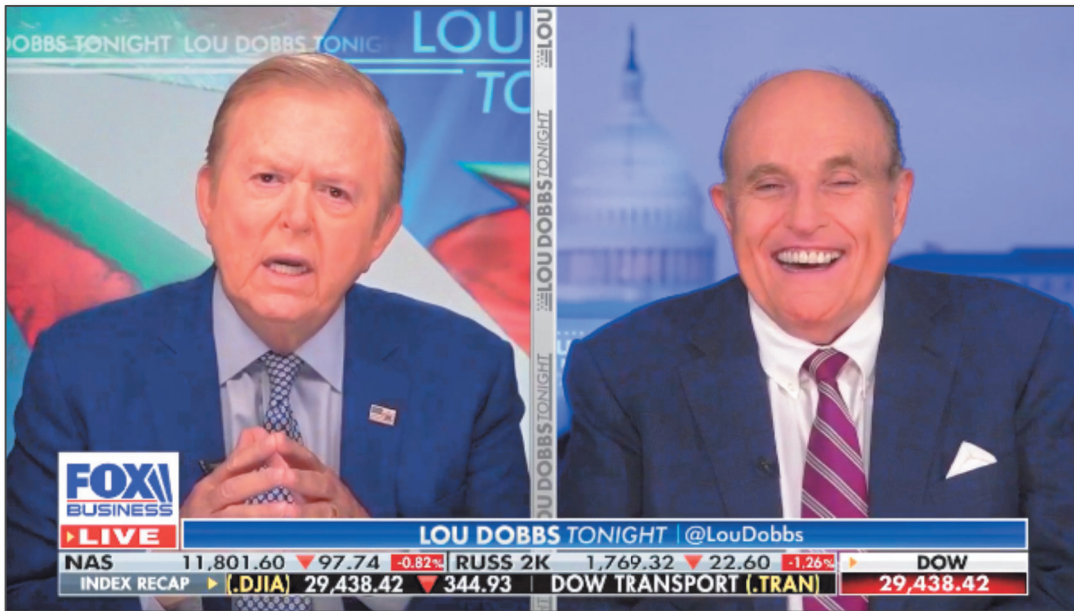
- (k) On November 18, 2020, Giuliani appeared from Washington, D.C., on the Fox Business show "Lou Dobbs Tonight" with Fox personality Lou Dobbs. Dobbs tweeted an embedded video of the interview, which Giuliani retweeted. In the interview, Giuliani falsely stated:

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

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<sup>195</sup> *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).

<sup>196</sup> *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](https://video.foxbusiness.com/v/6210778333001?playlist_id=933116636001) (last visited Jan. 18, 2021) (Ex. 119).



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>199</sup> *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](https://video.foxnews.com/v/6211099886001?playlist_id=930909813001) (last visited Jan. 19, 2021) (Ex. 121).

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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





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

BIG WIN FOR HONEST ELECTIONS.

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

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

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

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

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

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

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

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

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

Giuliani: Correct.<sup>208</sup>

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

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

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

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

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

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

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



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

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

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

<sup>210</sup> 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](https://video.foxnews.com/v/6215882367001?playlist_id=930909787001) (last visited Jan. 19, 2021) (Ex. 128).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

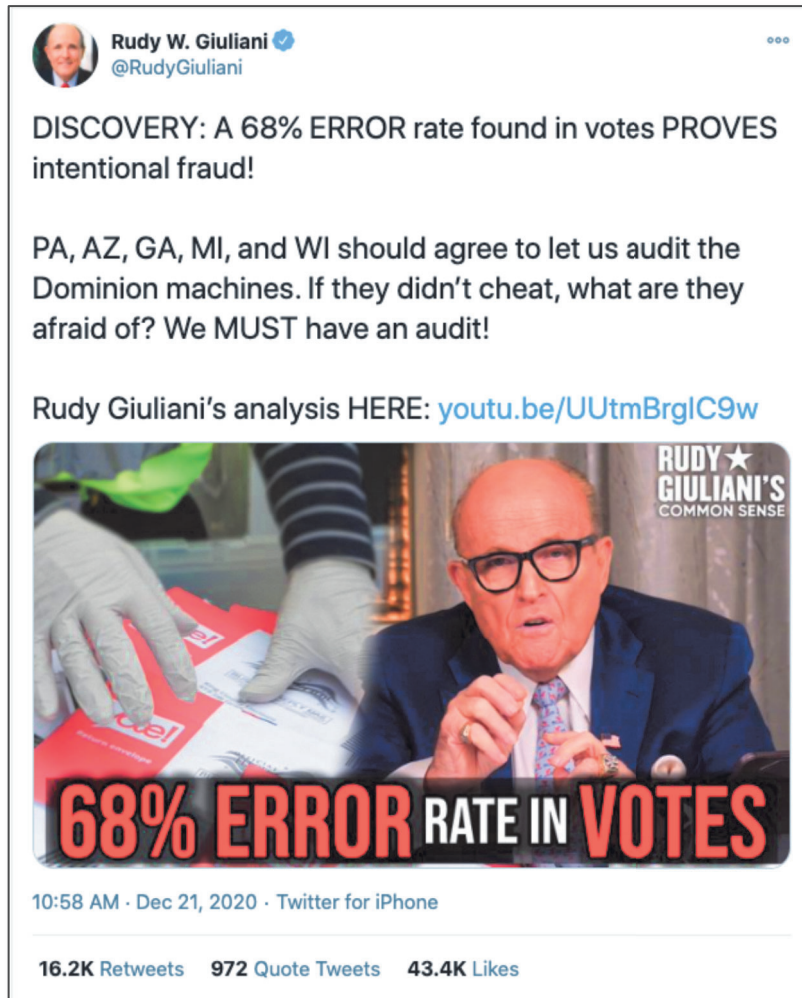
<sup>216</sup> *The Glenn Beck Program*, Blaze TV (Dec. 17, 2020), available at, <https://twitter.com/glennbeck/status/133972204154555968> (last visited Jan. 19, 2021) (Ex. 135).



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

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

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



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

<sup>217</sup> *DISCOVERY: 68% ERROR Rate in Votes PROVES Intentional Fraud*, Rudy Giuliani's Common Sense (broadcast from Washington, D.C., Dec. 18, 2020), available at, <https://www.youtube.com/watch?v=UUtmBrgIC9w> (last visited Jan. 19, 2021) (Ex. 134); Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 21, 2020), available at, <https://twitter.com/RudyGiuliani/status/1341050325751492608> (last visited Jan. 21, 2020) (Ex. 139).

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

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

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

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

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

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

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

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

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

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

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



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



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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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<sup>237</sup> See Michael S. Schmidt & Maggie Haberman *Giuliani Is Said to Seek \$20,000 a Day Payment for Trump Legal Work*, N.Y. Times (Jan. 14, 2020), available at, <https://www.nytimes.com/2020/11/17/us/politics/giuliani-trump-election-pay.html> (Ex. 113); Phillip Rucker, Josh Dawsey & Ashley Parker, *Trump is isolated and angry at aides for failing to defend him as he is impeached again*, Wash. Post (Jan. 13, 2021), available at, [https://www.washingtonpost.com/politics/trump-isolated-impeachment/2021/01/13/0595675a-55b6-11eb-a931-5b162d0d033d\\_story.html](https://www.washingtonpost.com/politics/trump-isolated-impeachment/2021/01/13/0595675a-55b6-11eb-a931-5b162d0d033d_story.html) (Ex. 218).

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

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

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

#### **PRAYER FOR RELIEF**

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

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

**JURY DEMAND**

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

Date: January 25, 2021

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

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