

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



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

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

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

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

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

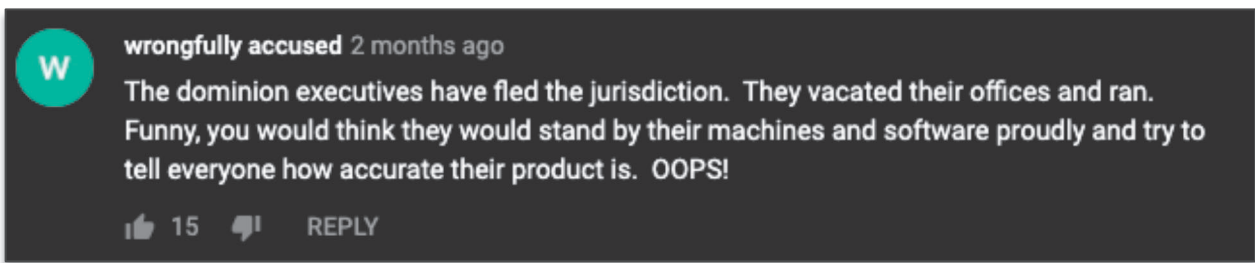
Yeah, good afternoon. Fuck you, fucking scumbags. *We’re gonna blow*

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

your fucking building up. Piece of fucking shit.

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

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



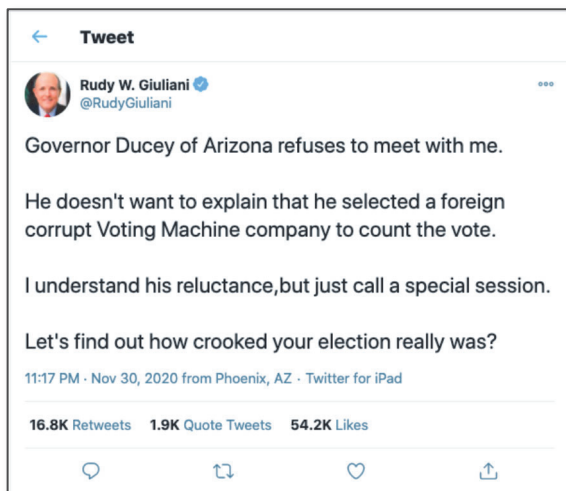
128. As a direct result of the viral disinformation campaign, Dominion has been forced to make significant expenditures in an attempt to mitigate the harm to its reputation and business. To date, Dominion has incurred expenses of more than \$1,170,000 to that end.

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

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

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

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



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

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



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

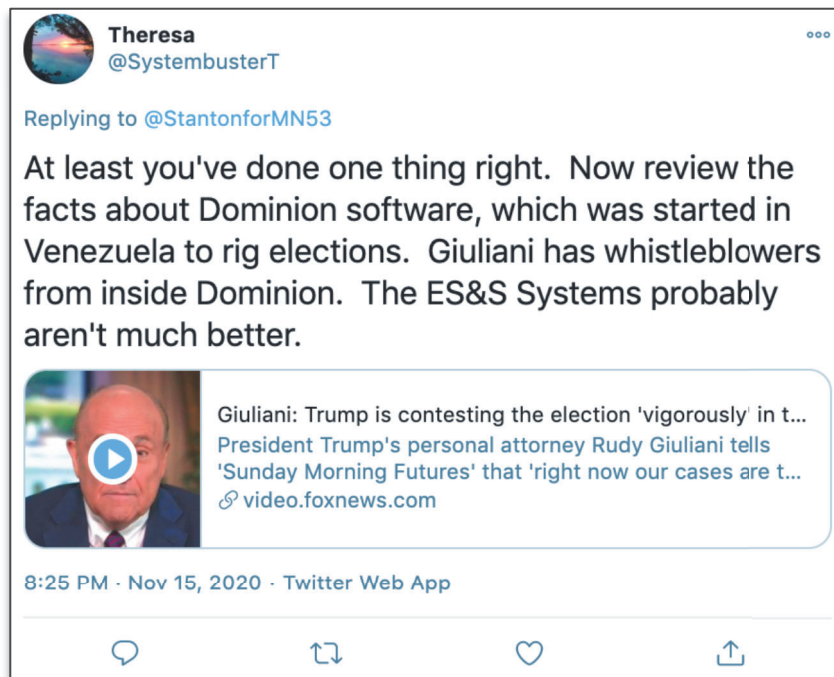
133. One person wrote to California Congressman Devin Nunes and stated: “Our voting machines are owned by Canada The Dominion company has a parent company called Softmatic, developers are from Venezuela. ... This is a TOTAL STOLEN ELECTION. SOURCE: Rudy Giuliani on Lou Dobbs.”¹³¹

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

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



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



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

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

After Dominion Seeks a Retraction, Giuliani Doubles Down

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

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

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

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

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

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

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

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

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

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

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



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

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

¹³⁹ *Id.* at 13:30.

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



¹⁴⁰ *Id.* at 21:17.

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

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

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

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

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



¹⁴² *REVEALED: Sworn Evidence of Pervasive Voter Fraud*, Rudy Giuliani's Common Sense (broadcast from Washington, D.C., Nov. 13, 2020), available at, https://www.youtube.com/watch?v=sd-5Xm5PFmg&list=PLlMn0a7NgIUZIGjQVofrk1M3Ulqdc7_-4&index=15 (last visited Jan. 19, 2021) (Ex. 112).

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

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

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

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

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

¹⁴⁵ *Id.*

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



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

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

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

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

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



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

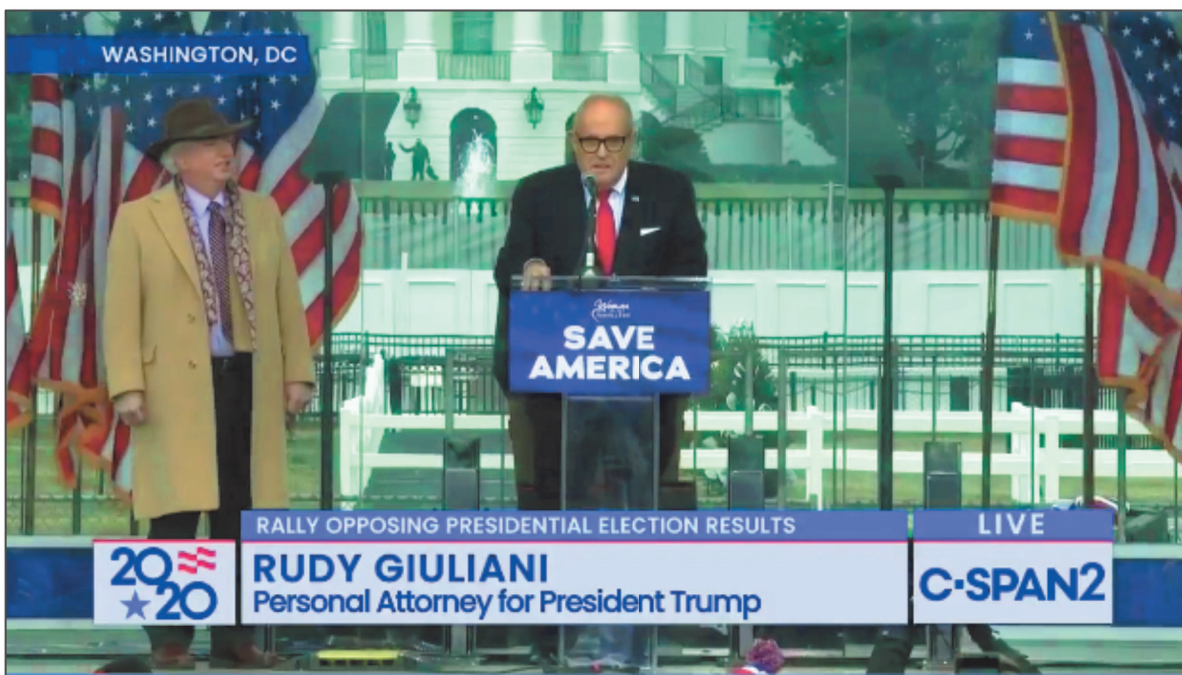
151. At 10:31 a.m., Giuliani retweeted his January 5 *Common Sense* YouTube podcast, repeating the Big Lie about Dominion.¹⁵¹

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

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

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

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



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

¹⁵² *Rudy Giuliani Speaks at Washington DC Save America Rally*, YouTube (Jan. 6, 2021), available at, <https://www.youtube.com/watch?v=YNIrYv3PW8> (last visited Jan. 19, 2021) (Ex. 182).

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



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

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

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

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

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

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

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

¹⁵⁵ Ex. 181.

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

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

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

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

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

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

¹⁶⁰ *Id.*

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

¹⁶² *Id.*

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

¹⁶⁴ *Id.*

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

¹⁶⁶ *Id.*

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



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

¹⁶⁸ Ex. 185.

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



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



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

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

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

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

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

¹⁷¹ Ex. 184.

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

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

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

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

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

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

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

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

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

¹⁷⁶ Ex. 181.

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

¹⁷⁸ Ex. 181.

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

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



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

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

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

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

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

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

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

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

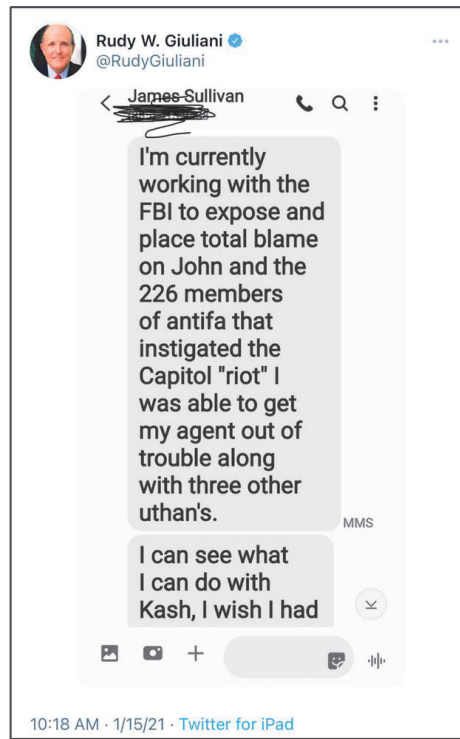
¹⁸¹ Veronica Stracqualursi, *Former Trump communications director says President lied about 2020 election and should consider resigning*, CNN (Jan. 8, 2021), available at, <https://www.cnn.com/2021/01/08/politics/alyssa-farah-trump-lied-resignation-cnntv/index.html> (Ex. 194).

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

¹⁸³ *Id.*

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

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



Giuliani Refuses to Retract His False Accusations About Dominion

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

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

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

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

COUNT ONE – DEFAMATION *PER SE*

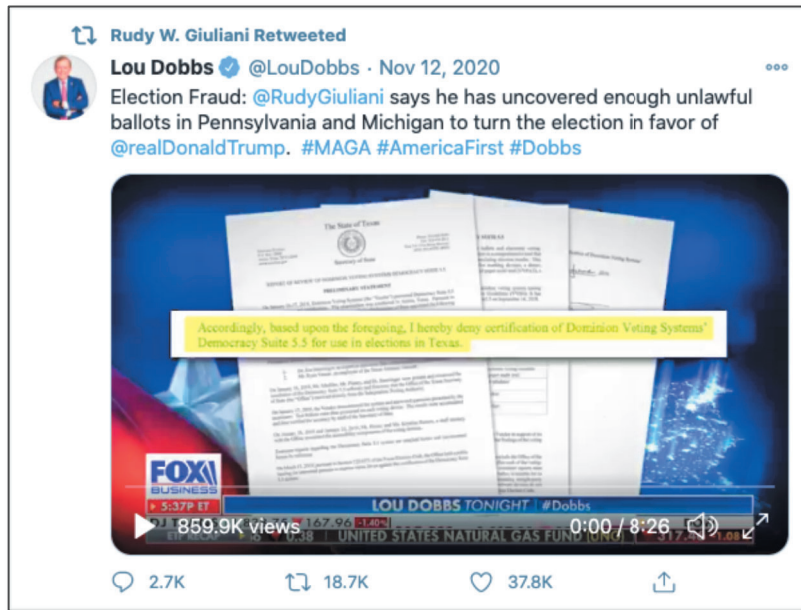
177. Dominion repeats and re-alleges each of the forgoing paragraphs as if set forth fully herein.

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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