IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS CORPORATION, *Plaintiffs*, v. PATRICK BYRNE, *Defendant*.	No. 1:21-cv-02131-CJN-MAU Judge Carl J. Nichols Hon. Magistrate Moxila A. Upadhyaya

SUPPLEMENTAL BRIEF IN SUPPORT OF DOMINION'S CURRENTLY PENDING MOTION TO DISQUALIFY AND MOTION TO ENFORCE PROTECTIVE AND STATUS QUO ORDERS

Plaintiffs US Dominion Inc., Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation (collectively, "Dominion") file this supplemental brief in support of their pending Emergency Motion for Protective Relief and to Disqualify Counsel (Dkt. 75) and Motion to Enforce the Protective and Status Quo Orders (Dkt. 108) because Defendant Patrick Byrne and his counsel Stefanie Lambert appear to have violated this Court's orders yet again.

Previously unknown to Dominion or this Court, a Colorado attorney named John Case, who is working with Ms. Lambert on Mr. Byrne's defense in this case, has reviewed Dominion Discovery Material.[1] Mr. Case is also currently defending Mesa County, CO clerk Tina Peters on criminal charges. In a recent public filing in that criminal case, he purported to reference and

[1] "Discovery Material" is defined in the Protective Order as "documents, testimony (in any form whether by affidavit, declaration, or deposition), exhibits, transcripts, written discovery requests, interrogatory responses, responses to requests for admission, responses to requests for documents, and any other information or material produced, given, or exchanged, including any information contained therein or derived therefrom." Dkt. 79 at 2; Dkt. 46 at 1 (same).

incorrectly characterized Dominion Discovery Material. Mr. Case is the same attorney who subpoenaed the production of Dominion Discovery Material from Ms. Lambert, as set forth in Dominion's Motion to Enforce (Dkt. 108). Yet neither Mr. Byrne nor Ms. Lambert notified the Court of these facts, just as neither has done anything to stop Mr. Case.

Ms. Lambert's and Mr. Byrne's seemingly collusive efforts to defy orders entered by this Court are harmful to Dominion. They are also destructive to the integrity of the judicial process, including to Dominion's ability to litigate this case. Based on the entirety of the record to date, as supplemented by these additional facts, Dominion asks the Court to disqualify Ms. Lambert and enter the other protective relief detailed in Dominion's proposed order on its Motion to Disqualify (Dkt. 75-24). Dominion also asks the Court to grant Dominion's Motion to Enforce the Protective and Status Quo Orders (Dkt. 108-24). Any lesser remedy will not suffice.

I.

This Court is familiar with the record of Ms. Lambert's and Mr. Byrne's non-compliance with the Status Quo Order and Protective Order, and Dominion incorporates that extensive record by reference. *See* Dkt. 75, Motion to Disqualify (Mar. 15, 2024); Dkt. 82, Reply in Support of Motion to Disqualify (Mar. 22, 2024); Dkt. 102, Supplemental Declaration of Davida Brook (May 17, 2024); Dkt. 105, Response to Order of Court (May 21, 2024); Dkt. 108, Motion to Enforce (July 5, 2024).

Mr. Byrne and Ms. Lambert appear to continue to violate both orders. Last week, Dominion learned that yet another person working with Ms. Lambert—other than those Ms. Lambert previously disclosed to this Court—accessed Dominion Discovery Material. This happened even though at the March 18 hearing, the Court told Ms. Lambert in no uncertain terms, "I am going to order that no one have access to those documents until we can sort this issue out."

Ex. 1, March 18, 2024 Hearing Transcript ("March 18 Tr."), 54:23-24. And at two separate hearings, the Court and counsel for Dominion sought to get a complete picture from Ms. Lambert as to who is working with her on this case and who has access to Dominion's documents. *See, e.g.*, Ex. 1, March 18 Tr., 31:15-37:17; Ex. 2, May 16, 2024 Hearing Transcript ("May 16 Tr."), 14:8-15:21.[2] Yet, at neither the March 18 hearing nor May 16 hearing, nor in any brief, has Ms. Lambert disclosed that she is working with Mr. Case or that he accessed Discovery Material.

On June 10, 2024, while representing Ms. Peters on criminal charges ("the Peters Criminal Case"), Mr. Case made a filing that attached a declaration admitting that he ***"reviewed" emails produced by Dominion in this case***. In his filing, Mr. Case also ***purported to discuss the contents of Dominion's emails***. Mr. Case made this filing in opposition to a motion to quash the subpoena to testify and produce documents his office had served on Dominion's former General Counsel Mike Frontera.

Mr. Case is the same attorney who signed the subpoena to testify and produce documents issued in the Peters Criminal Case to Ms. Lambert. *See* Dkt. 108-4, Subpoena to Lambert. He also signed the subpoena to testify issued in the Peters Criminal Case to Dominion's CEO John Poulos. And as recounted in Dominion's Motion to Enforce, Mr. Poulos was served with that subpoena last month as he entered a building to be deposed in this case, and Mr. Byrne posted a video of Mr. Poulos being served to his X account. *See* Dkt. 108, Motion to Enforce at 5-8.

[2] At the March 18 hearing, the Court questioned Ms. Lambert extensively about all known locations of Dominion Discovery Material. At that time, Ms. Lambert responded that she was not aware of any location she had not previously disclosed. Ex. 1, March 18 Tr., 36:18-23, 37:12-17 ("THE COURT: Okay. All right. Any other places that you think that any of this confidential information is located either between you or your counsel -- you or your client of which you're aware? MS. LAMBERT JUNTTILA: No. Not that I'm aware of that I can recall at this time.").

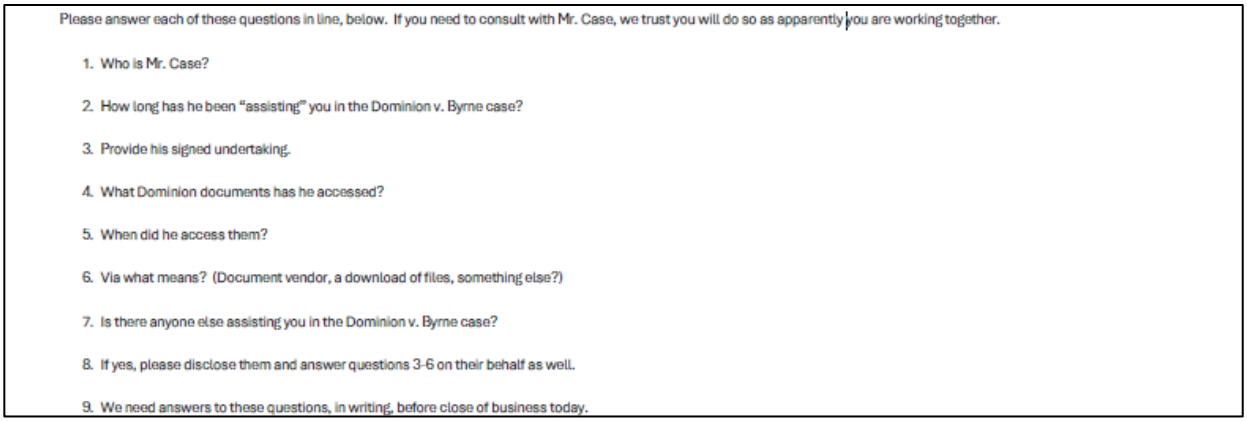
Despite the fact that Ms. Lambert clearly knows Mr. Case, clearly knows Mr. Case accessed Dominion documents, and clearly knows about the filing in which Mr. Case (inaccurately) purported to describe what the documents show, she never told this Court about any of this.

Mr. Case's statements in his July 10 filing are damning to Ms. Lambert, Mr. Byrne, and his legal team. Mr. Case admits he has "already seen many of the documents relevant to Clerk Peters' defense that were produced by Dominion Voting Systems Inc. in case number 1:21-cv-02131 (CJN), U.S. District Court for the District of Columbia, captioned *U.S. Dominion Inc., et al v. Byrne*." Ex. 3, Response to Motion to Quash Subpoena, *People of the State of Colorado v. Tina Peters*, Case No. 22CR371 (July 10, 2024) ("Response to MTQ") at ¶ 2.

Then, in an accompanying declaration, he admits he is "assisting Stefanie Lambert in her defense of Patrick Byrne" in this case, has signed the Protective Order's Undertaking, and has "reviewed emails produced by Dominion in 1:21-cv-02131." Ex. 4, Declaration of John Case in Support of Response to Motion to Quash ("Decl. of John Case") at ¶ 3.

He then falsely asserts that the documents somehow "corroborated" long-debunked conspiracy theories, *inter alia*, that Dominion's voting systems "are capable of manipulating ballots and vote tabulations, which violates federal and state law," and "show, in [his] opinion, that Dominion was aware it was violating election laws." Ex. 4, Decl. of John Case at ¶ 2.

On July 11, 2024, as soon as Dominion's team learned of Mr. Case's filing, Dominion's counsel emailed Ms. Lambert seeking additional information:

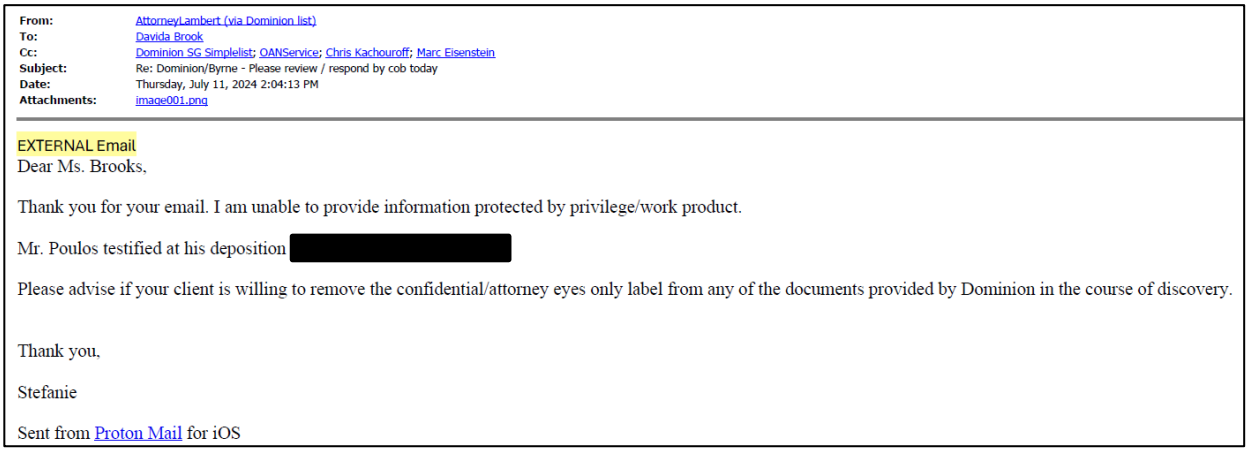


Please answer each of these questions in line, below. If you need to consult with Mr. Case, we trust you will do so as apparently you are working together.

1. Who is Mr. Case?
2. How long has he been "assisting" you in the Dominion v. Byrne case?
3. Provide his signed undertaking.
4. What Dominion documents has he accessed?
5. When did he access them?
6. Via what means? (Document vendor, a download of files, something else?)
7. Is there anyone else assisting you in the Dominion v. Byrne case?
8. If yes, please disclose them and answer questions 3-6 on their behalf as well.
9. We need answers to these questions, in writing, before close of business today.

Ex. 5, July 11, 2024 Email from Davida Brook to Stefanie Lambert ("July 11 Brook Email").

When she replied, Ms. Lambert tellingly did not profess to be unaware of Mr. Case's access to Discovery Material, but instead simply refused to provide any of the information Dominion requested:



From: AttorneyLambert (via Dominion list)
To: Davida Brook
Cc: Dominion SG Simplelist; OANService; Chris Kachouroff; Marc Eisenstein
Subject: Re: Dominion/Byrne - Please review / respond by cob today
Date: Thursday, July 11, 2024 2:04:13 PM
Attachments: image001.png

EXTERNAL Email
Dear Ms. Brooks,

Thank you for your email. I am unable to provide information protected by privilege/work product.

Mr. Poulos testified at his deposition [redacted]

Please advise if your client is willing to remove the confidential/attorney eyes only label from any of the documents provided by Dominion in the course of discovery.

Thank you,

Stefanie

Sent from Proton Mail for iOS

Id.

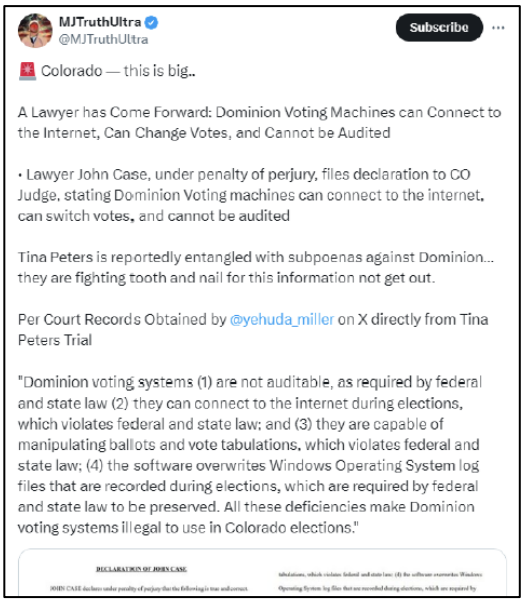
Already, the Colorado court has rejected the merits of Mr. Case's opposition to the motion to quash the subpoena to Mr. Frontera. On July 12, the Colorado court granted the motion to quash and noted, "I do not find the requested materials are evidentiary or relevant." Ex. 6, Order Re: Motion to Quash SDT (filed July 12, 2024) ("Order on MTQ") at 4. The Court identified as a

"reoccurring theme" Mr. Case's use of the criminal proceeding to argue conspiracy theories against Dominion:

> The issue herein seems to be a reoccurring theme: Defendant wanting to make the case about the security of voting machines, purported collusion between Dominion and government authorities, and the like. This Court has yet to see an evidentiary basis for the admission of this type of evidence. And as I have said before, it appears the only basis for the admission of such evidence is not to show that Defendant didn't do what she is charged with, but rather to make the focus of the trial something separate from what the jury will be charged with deciding. This makes the information sought irrelevant, misleading, and likely to confuse the issues.
>
> Accordingly, the motion to quash is **GRANTED**.

Ex. 6, Order on MTQ at 5-6. But the Colorado court's order quashing the subpoena to Mr. Frontera will not stop ***Ms. Lambert*** from ***voluntarily*** complying with the subpoena to produce documents and testify that Mr. Case served on her for Dominion Discovery Material. That possibility is the primary focus of Dominion's pending Motion to Enforce. *See* Dkt. 108, Motion to Enforce.

Dominion's concerns are well founded. The public's response to Mr. Case's mischaracterization of Dominion Discovery Material in his filing was quick. For example, one popular X account posted Mr. Case's declaration online, noting it was obtained by Yehuda Miller:



Ex. 7, MJTruthUltra, https://twitter.com/MJTruthUltra/status/1811755146633675036.

The post has over 400k views. Individuals quickly responded to the MJTruthUltra posting with comments such as "Hang them all for treason JMO…" and other anti-Dominion sentiment:

Ex. 7, MJTruthUltra, https://twitter.com/MJTruthUltra/status/1811755146633675036.

Nor did the events of last week end with those postings. At 2:06pm CT Friday, July 12, Dominion's counsel received an email from Ms. Lambert stating that she had "received a request for the transcript of Mr. Poulos testimony at deposition" from a "Michigan State Representative." Ex. 8, July 12, 2024 Email from Stefanie Lambert to Davida Brook ("July 12 Lambert Email"). Within ten minutes, Dominion's counsel Jonathan Ross responded, stating, "We object to your sharing any Discovery Material in this litigation with anyone, as both the protective order and the Court's other orders prohibit. That includes Mr[.] Poulos's deposition transcript and video and any other transcripts/videos." Ex. 9, July 12, 2024 Email from Jonathan Ross to Stefanie Lambert ("July 12 Ross Email") at 2-3. Hearing nothing, Mr. Ross followed up again at 3:41pm CT: "Please confirm you will not share." *Id.* at 2.

Ms. Lambert replied, incorrectly, that this was "not a person requesting the transcript in his individual capacity. This is a request by the government. The Michigan legislature." *Id.* at 2. As explained below, that was untrue. Regardless, Dominion's counsel asked again that Ms. Lambert confirm she would abide by the Protective Order. Ms. Lambert's next response was a demand that Dominion "advise by close of business if Dominion intends to review the transcript and de-designate it as confidential pursuant to the protective order." *Id.* at 1. Mr. Ross's answer again reminded Ms. Lambert of the Court's orders that prohibit her from sharing Discovery Material regardless of whether designated "confidential"; designated the transcript as confidential to avoid any confusion; and, for a third time, requested Ms. Lambert's confirmation that she would "not disseminate it." *Id.* Ms. Lambert did not respond.

Of course, Ms. Lambert's statement that the Michigan legislature requested Mr. Poulos's deposition transcript is false. The request came from Michigan State Representative James DeSana. Ex. 8, July 12 Lambert Email. The difference is important. Mr. DeSana does not say he is making a request for the Michigan legislature. He claims to need the transcript for his proposed "criminal complaint against John Poulos." And in fact, Mr. DeSana and a few other current and former state legislators already asked that a criminal complaint be brought against Mr. Poulos and, nearly three months ago, the Michigan Attorney General declined their request. Ex. 10, *Press Release: AG Nessel Rejects Call from Conspiracist Legislators for Renewed 2020 Election Investigation*, Apr. 25, 2024, https://www.michigan.gov/ag/news/press-releases/2024/04/25/ag-nessel-rejects-call-from-conspiracist-legislators-for-renewed-2020-election-investigation.

Regardless, Ms. Lambert full well knows that a request by the government does not vitiate this Court's orders, including because she asked about precisely this scenario at the May 16 hearing, and the Court made clear that she must "follow the mechanism in the protective order":

> MS. LAMBERT: Your Honor, if Dr. Byrne is requested by Congress or the DOJ or law enforcement to cooperate with an investigation, how should he proceed?
>
> THE COURT: ***Well, if it involves discovery material in this case, follow the mechanism in the protective order for bringing it to the Court's attention, and, if it's confidential, you can seek to file something before this Court.***
>
> But I'll just be very clear, some of the actions that appear to have been taken in the name of law enforcement aren't entirely supported, so that's why I'm saying you need to follow the strict guidelines of Judge Nichols' order and come to the Court if there are any such requests.
>
> MS. LAMBERT: Thank you, Judge.

Ex. 2, May 16 Tr., 62:12-24 (emphasis added).

Lest there be doubt, this Court confirmed the same in its July 12, 2024 Minute Order:

> MINUTE ORDER: As the Court has repeatedly ordered, Counsel and Parties are expressly prohibited from sharing any discovery materials subject to the Protective Order, ECF No. [79], outside of this case unless expressly authorized by this Court or in the relevant orders. ***To avoid any doubt, Defendant and Defendant's Counsel are expressly prohibited from sharing with any third party the deposition transcript or testimony that is the subject of the Parties' emails to the Court today pending briefing and further order of the Court.*** There are no exceptions. Violation of this Order may subject the party or counsel to the full range of available sanctions, including potential sanctions for contempt of court. SO ORDERED. Signed by Magistrate Judge Moxila A. Upadhyaya on 07/12/2024

July 12, 2024 Minute Order, *U.S. Dominion Inc. v. Patrick Byrne*, 1:21-cv-02131-CJN-MAU (emphasis added).

II.

These events indicate at least four apparent violations by Mr. Byrne and his counsel of the letter and spirit of the Court's orders, for which they must be held to account:

1. **Status Quo Order, Paragraph 6**: None of Mr. Byrne's attorneys or Mr. Byrne notified the Court that Mr. Case accessed Dominion documents, which means they failed for an unknown period of time to abide by the Status Quo Order's requirement at Paragraph 6 that

Mr. Byrne and his counsel "immediately notify the Court" of any "Dominion Litigation Documents, ***existing in any form whatsoever***" that were "not already accounted to the Court on March 18, 202[4]" discovered to be in the possession any "associate" or "affiliate" of Ms. Lambert. Dkt. 77, Status Quo Order at ¶ 6 (emphasis added). The language of the Court's order would include Mr. Case, who is supposedly "assisting" Ms. Lambert "in her defense of Patrick Byrne." Ex. 4, Decl. of John Case at ¶ 3.

2. **Status Quo and Protective Orders, Paragraph 1**: Despite admitting that he has signed the Protective Order's Undertaking as part of his assistance to Ms. Lambert with Mr. Byrne's representation, Mr. Case is purporting to use information about Discovery Material in a public filing outside this litigation. Ex. 3, Response to MTQ at ¶ 2; Ex. 4, Decl. of John Case at ¶ 2. Not only does his false assertion of what that Discovery Material "shows" violate the spirit of Paragraph 1 of the Status Quo Order, it also reflects a concerted effort by Mr. Byrne's legal team to defy Paragraph 1 of the governing Protective Order. That provision states that "no Receiving Party will provide Discovery Material to any person or entity (including for any other litigation) or make any Discovery Material public except as permitted by this Order and in this Litigation." Dkt. 79, Protective Order at ¶ 1.

3. **Protective Order, Paragraph 27**: Further, contrary to Paragraph 27 of the Protective Order, Ms. Lambert has not taken "reasonable efforts to prevent disclosure" by "each unauthorized person who receives the information." Dkt. 79, Protective Order at ¶ 27. Having obtained access to leaked Discovery Material, Mr. Case then publicly stated that at trial in the Peters Criminal Case he "intend[s] to offer as exhibits emails authored by Dominion officers . . . ." He "understand[s] that these emails were produced by Dominion and its counsel in U.S. Dominion Inc. et al v. Byrne." Ex. 4, Decl. of John Case at ¶ 13. Ms. Lambert and Mr. Byrne have not raised

any objection—in the criminal proceeding or to this Court—to Mr. Case doing so. They had a duty to do so under Paragraph 27 of the Protective Order, just as they had a duty under Paragraph 26 of the Protective Order to object to the subpoena Ms. Lambert received from Mr. Case, as detailed in Dominion's Motion to Enforce. *See* Dkt. 108, Motion to Enforce.

4. **Status Quo Order, Paragraph 1**: Finally, it appears Ms. Lambert may have understated to the Court at the March 18 hearing the universe of those who had access to Dominion Discovery Material. Alternatively, it is possible Mr. Case later accessed leaked documents, possibly under the guise of "assisting" Ms. Lambert for Mr. Byrne. We do not know which is the case because Ms. Lambert has not informed the Court or Dominion about the facts of Mr. Case's access and instead has (improperly) claimed "privilege / work product" over that information. Ex. 5, July 11 Brook Email. By whatever means Mr. Case accessed the documents, Ms. Lambert violated the spirit of Paragraph 1 of the Status Quo Order because she is allowing a member of Mr. Byrne's legal team to "shar[e], distribut[e], provid[e] access to or discuss[] any Discovery Material received in connection with" this case. Dkt. 77, Status Quo Order at ¶1.

Simply put, Ms. Lambert and Mr. Byrne both confirmed to this Court that they understood and would comply with the Court's orders. *See* Ex. 1, March 18 Tr., 44:6-46:12 (Ms. Lambert promising the Court she will "come directly to the Court" instead of violating the Protective Order); Ex. 2, May 16 Tr., 61:5-62:4 (Ms. Lambert and Mr. Byrne re-confirming they understood the Status Quo Order and would comply); *see also* Dkt. 84, Verifications. Yet not once over the past four months has Ms. Lambert informed the Court about Mr. Case or updated any of her prior statements. She has had ample opportunity to do so—including in hearings and as part of her various written submissions. Instead, it appears that she and Mr. Byrne have found brazen new ways to try to defy the Court's orders.

III.

Dominion respectfully asks that this Court disqualify Ms. Lambert, grant the other protective relief Dominion has sought in its Motion to Disqualify, and enforce compliance with the Protective and Status Quo Orders.

It is appropriate that a litigant's choice of counsel may be overridden in just these circumstances where "the client's selection . . . impede[s] or disrupt[s] the orderly administration of justice." *Douglas v. United States*, 488 A.2d 121, 143 (D.C. Ct. of App. 1985) (quoting *Harling v. United States*, 387 A.2d 1101, 1104 (D.C. Ct. of App. 1978)). The history of the case demonstrates that "truly egregious misconduct [is] likely to infect future proceedings." *Koller v. Richardson-Merrell, Inc.*, 737 F.2d 1038, 1056 (D.C. Cir. 1984), *vacated on other grounds*, 472 U.S. 424 (1985); *see Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–45 (1991) (a "primary aspect" of a court's inherent power "is the ability to fashion an appropriate sanction for conduct which abuses the judicial process"). Significantly, this Court already warned Ms. Lambert that evidence of violations of the Status Quo Order would be taken into account in support of Dominion's Motion to Disqualify: "I want to make it very clear that ***going forward if I see any evidence that violates this order, I'm going to take that into account in my final resolution.***" Ex. 2, May 16 Tr., 60:24-61:2 (emphasis added).

Here, Mr. Byrne and Ms. Lambert's violations and attempts to circumvent the Court's orders have been a danger and a distraction. And they have further confirmed exactly what Dominion feared and predicted in the May 16 hearing on the pending Motion to Disqualify Ms. Lambert:

> Counsel for Dominion: Your Honor, I'll be blunt. My concern is this: If she's not removed from this case, all that will have happened is they will have gotten smarter about how to do this leak in the future.

Ex. 2, May 16 Tr., 24:21-24.

A lesser remedy will not suffice. *See In re BellSouth*, 334 F.3d 941, 963 (11th Cir. 2003) (upholding the disqualification of defendant's counsel after finding that the lawyer, a close relative of the judge, had been brought on for the sole purpose of forcing the judge's recusal).

The other relief Dominion has sought in its Motion to Disqualify is also vitally important as Dominion needs to understand the extent of Mr. Byrne's and Ms. Lambert's misdeeds, which is a gating issue to containing them. For example, we now know that at least Mr. Byrne, Ms. Lambert, and Mr. Case appear to have colluded with the wrongful purpose of disseminating Dominion Discovery Material. Their actions reinforce the need not only for disqualification but also for all the protective relief Dominion sought in its Proposed Order on its Motion to Disqualify (Dkt. 75-24), including a full accounting, in the form of sworn affidavits from Mr. Byrne and Ms. Lambert, that provide:

- The date of any fee agreement between Lambert and Byrne and the scope of representation or, if no such agreement exists, the date on which Lambert and Byrne understand that a lawyer/client relationship;
- A complete and accurate list of all Dominion-produced documents and information Byrne reviewed and the method and date of access;
- An accounting from Byrne's outside vendor showing what documents Byrne and or Lambert accessed, on what date, and whether they were downloaded; as well as any other data the vendor indicates may be helpful to Dominion's or this Court's efforts to understand the breach;
- A complete and accurate list of all Dominion-produced documents and information Lambert received and the method and date of access;
- An account of every step Lambert, Byrne's prior counsel from the McGlinchey firm, has already undertaken or that is underway to determine the scope of the breach and to ensure it is not continuing; and
- An accounting attesting (i) to whom Lambert and/or Byrne leaked, released, or otherwise disclosed documents or information protected by the Protective Order (including in court filings in any cases outside of this case); (ii) how and when they

provided it; (iii) every occasion on which they did so; and (iv) for each such instance, what specifically was leaked, released, or otherwise disclosed.

Dkt. 75-24, Proposed Order on Motion to Disqualify.

Finally, enforcement of this Court's Status Quo Order and Protective Order is necessary and appropriate to stop Ms. Lambert and Mr. Byrne from continuing to find new ways to try to disseminate Dominion Discovery Material and to protect the integrity of the judicial process.

IV.

Dominion respectfully and urgently requests that this Court enter an order (1) disqualifying Ms. Lambert and granting the protective relief sought in Dominion's Motion to Disqualify (Dkt. 75-24), (2) enforcing the Court's Status Quo Order and Protective Order (Dkt. 108-24), and (3) granting supplemental relief to account for the new factual developments in this filing.

Dated: July 23, 2024

Respectfully submitted,

By: */s/ Davida Brook*

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which I understand to have served counsel for the parties.

/s/ Davida Brook

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

* * * * * * * * * * * * * * * * * * * *	)	
U.S. DOMINION, INC., et al.,	)	Civil Action
	)	No. 21-00445
Plaintiffs,	)	
	)	
vs.	)	
	)	
MY PILLOW, INC., et al.,	)	Washington, D.C.
	)	March 18, 2024
Defendants.	)	3:08 p.m.
	)	
* * * * * * * * * * * * * * * * * * * *	)	

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U.S. DOMINION, INC., et al.,	)	Civil Action
	)	No. 21-02131
Plaintiffs,	)	
	)	
vs.	)	
	)	
PATRICK BYRNE,	)	Washington, D.C.
	)	March 18, 2024
Defendant.	)	3:08 p.m.
	)	
* * * * * * * * * * * * * * * * * * * *	)	

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U.S. DOMINION, INC., et al.,	)	Civil Action
	)	No. 21-02130
Plaintiffs,	)	
	)	
vs.	)	
	)	
HERRING NETWORKS, INC., et al.,	)	Washington, D.C.
	)	March 18, 2024
Defendants.	)	3:08 p.m.
	)	
* * * * * * * * * * * * * * * * * * * *	)	

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

* * * * * * * * * * * * * * * * * *	)	
U.S. DOMINION, INC., et al.,	)	Civil Action
	)	No. 21-00445
Plaintiffs,	)	
	)	
vs.	)	
	)	
SIDNEY POWELL, et al.,	)	Washington, D.C.
	)	March 18, 2024
Defendants.	)	3:08 p.m.
	)	
* * * * * * * * * * * * * * * * * *	)	

TRANSCRIPT OF STATUS CONFERENCE
(TRANSCRIBED FROM THE FTR-GOLD AUDIO RECORDING)
BEFORE THE HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE

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THE COURTROOM DEPUTY: Good afternoon, your Honor. This is Civil Case No. 21-445, U.S. Dominion, Inc., et al., versus My Pillow, Inc., et al.

This is Civil Case No. 21-2131, U.S. Dominion, Inc., et al., versus Byrne; Civil Case No. 21-2130, U.S. Dominion, Inc., et al., versus Herring Networks, Inc., et al.; and Civil Case No. 21-40, U.S. Dominion, Inc., et al., versus Powell, et al.

All four matters are set for a status conference.

Parties, please introduce yourselves for the record, stating with Plaintiffs' counsel.

MS. BROOK: Good afternoon, your Honor. May it please the Court, Davida Brook of Susman, Godfrey on behalf of the Dominion Plaintiffs. And with me are my colleagues Stephen Shackelford, Jonathan Ross and Christina Dieckmann.

THE COURT: Good afternoon, counsel.

MR. CASARINO: Good afternoon, your Honor. Marc Casarino of Kennedys CMK on behalf of the Powell Defendants. And I have with me my partner, Joshua Mooney.

THE COURT: Good afternoon.

MR. KAPLAN: Good afternoon, your Honor. Abraham Kaplan of the law firm Parker, Daniels, Kibort on behalf of My Pillow and Mike Lindell.

And I'm joined by counsel Chris Kachouroff and Deborah McIlhenny of the law firm McSweeney, Cynkar &

Kachouroff, whose admission before this Court is pending.

THE COURT: Okay. Good afternoon, counsel.

MS. LAMBERT JUNTTILA: Good afternoon, your Honor. Stefanie Lambert Junttila appearing on behalf of Mr. Byrne.

THE COURT: Good afternoon, Ms. Lambert.

MR. TOBIN: Good morning, your Honor. David Tobin on behalf of Defending the Republic.

THE COURT: Good afternoon, Ms. Tobin.

MR. TOBIN: Nice to see you, your Honor.

THE COURT: I believe I know you from a prior life.

MR. TOBIN: I believe so.

MR. SINGER: Good afternoon, your Honor. Greg Singer on behalf of Defendant Christina Bobb.

THE COURT: Good afternoon.

Mr. Babcock?

MR. BABCOCK: Good afternoon, your Honor. Chip Babcock representing Herring Networks and Robert Herring, Sr., Charles Herring and Chanel Rion, who we refer to as the OAN Defendants.

THE COURT: Okay.

MR. BABCOCK: And I've got some bad news.

I know how much you appreciate listening to me. But today, my partners Minoo Blaesche and Jonathan Neerman will be addressing the Court. And hopefully I'll sit in the

back row and keep my mouth shut.

THE COURT: That would be a great event if that were to happen.

MR. BABCOCK: I knew you would approve of that way of proceeding. Thank you, your Honor.

THE COURT: Thank you, sir.

Thank you, counsel.

Does everyone who is going to be speaking today have a seat at counsel table? Or are you all comfortable? Okay. Mr. Neerman? Okay.

All right. Anyone else?

Okay. It's my preference to try to have just one counsel per party addressing the Court. And we're going to do this in a very orderly fashion today. I know there's a lot of filings that have been happening and some issues that the parties wish to bring to my attention. We'll do it, as I mentioned, very orderly. And I'm not necessarily going to be hearing extended argument today, but we will set a procedure for how to handle some of these matters going forward.

So the first issue on the agenda just by virtue of the fact that it's the most recently raised is Dominion's request for emergency relief pursuant to an alleged violation of the protective order.

So, Ms. Brook, I'll have you approach, and just

very briefly you can address it; and I'll give Ms. Lambert an opportunity to respond as well.

Again, I'm not having full argument, but what I would like to know from the parties -- and I'll have questions for both of you -- is while we take this matter under advisement what, if any, interim relief is Dominion seeking, so that the Court can take up this issue in an orderly fashion and give both sides an opportunity to fully address this in oral argument.

MS. BROOK: Thank you, your Honor.

Again, Davida brook on behalf of Dominion. I'll try to keep my remarks to a few minutes or less.

Your Honor, it has been nearly four years. When does it stop? Dominion brought these very lawsuits to stop the spread of false information about it, false information which transformed a previously unknown voting machine company into a household name that more than half of our country associates with treason. False information that gutted Dominion's business, false information that resulted in horrific threats to Dominion employees, that prompted an armed man to attempt to gain access to Dominion's Denver offices to do God knows what.

These wrongs are what these lawsuits were designed to address, to stop the lies, to end the threats of violence. And yet Patrick Byrne and his attorney,

Ms. Lambert, are now using these very lawsuits to perpetuate more wrongs against Dominion. They are using documents produced in this litigation to spread yet more lies and to cause yet more harm.

More, Mr. Byrne and Ms. Lambert are saying it wasn't them. To the contrary, rather than taking the weekend to respond to Dominion's request for an accounting of who they shared Dominion's information with and when, they spent it on the internet proudly taking credit for what they'd done.

They have made clear, including by virtue of the responsive brief that was filed just before this hearing, which we have had an opportunity to review, that they took these actions intentionally, that they don't care that this Court's order provides for the contrary and that they have no intention of stopping, regardless of what it means to our national trust in our elections or the safety of Dominion employees and anyone associated with Dominion.

There should be zero tolerance for these acts. Zero.

So as our motion put forth, we are asking that Stefanie Lambert be promptly disqualified from this case. And it needs to be prompt, because her acts are continuing.

THE COURT: Disqualification is a severe remedy. Under the law of this circuit, the Court does not consider

disqualification lightly, doesn't take that lightly. And however promptly Dominion may wish for the Court to consider a motion to disqualify, it's something that the attorney who's being sought to be disqualified has the right to respond and be heard.

And, you know, I don't think this is something that the Court can do on a day's notice.

MS. BROOK: Dominion agrees, your Honor. We agree with everything your Honor just said, including that disqualification is a severe remedy and that it shouldn't be handed out lightly. But if ever there was a case that called for it, Dominion thinks this is the case.

The reason for which we think that the action does have to be prompt -- and we recognize it's not going to be today -- is because the bad acts are continuing.

THE COURT: Is the sole basis for Dominion's request to disqualify Ms. Lambert the violation of the protective order or are there -- the alleged violation of the protective order or are there other reasons?

MS. BROOK: I would say, your Honor, as the numerous alleged violations of the protective order, which we think are ongoing. As recently as the last 24 hours, sheriff Dar Leaf, who Ms. Lambert has admitted to giving the Dominion documents to, has essentially created a Twitter account, because he did not have one prior to these leaks,

and he's made approximately 40 posts featuring Dominion's documents. And these tweets have been viewed -- I checked before entering the courthouse -- more than 150,000 times. And we all know what's going to happen next in the comments and the comments and comments to those posts.

So for all of these reasons, as well as the reasons articulated in the motion, we are asking the Court to enter an order for disqualification after full consideration of the issues as well as, as the Court mentioned in its opening remarks, some interim relief to protect the status quo in the meantime.

And to answer your Honor's question directly, the specific interim relief that we are seeking is laid out in the proposed order that we filed and provided to the Court on Friday. And I'm happy to go through those specific things now, if it would be helpful.

THE COURT: Is there a reason you did not file that -- file that motion under seal, as Ms. Lambert alleges must be done under the protective order?

MS. BROOK: I disagree with Ms. Lambert's reading of that provision of the protective order and frankly most of the protective order, your Honor.

The provision she cites says that if you are challenging whether or not a document was appropriately marked "confidential," then of course you shouldn't blast

that document publicly throughout the world.

This is not a case where Dominion brought a motion because Mr. Byrne or any of the other Defendants in this case stamped something as confidential or AEO and Dominion wanted to challenge that, and therefore in putting the document before the Court should absolutely have filed it under seal so that the Court has an opportunity to consider the confidentiality designation before it becomes public.

This is a situation where Dominion was addressing a breach of the protective order relating to Dominion's own documents that have already been made public. The cat's out of the bag.

THE COURT: Well, why don't you recount what Dominion would request that the Court order as interim relief pending the resolution of the motions.

Now, the motion for disqualification, having just been filed, has not been referred to me. There is a question as to whether the breach of the protective order -- I do think that likely falls within a discovery issue that Judge Nichols has referred. But as of today, the motion for disqualification has not yet been referred to me.

But in light of the allegation that -- and I will hear -- as I said, I will hear from Ms. Lambert and give her a full and fair opportunity to respond. If alleged confidential information has been disseminated, there should

be a way to prevent any further bleeding, so to speak, or further dissemination pending a resolution on the motion for sanctions or the motion for disqualification.

So what does Dominion propose for the Court's consideration?

MS. BROOK: Thank you, your Honor.

And Dominion of course will take up the issue in whatever way the Court prefers.

Dominion has suggested six specific things in order to maintain the status quo while the Court takes up the question of whether or not Ms. Lambert should be disqualified.

The first is, we have asked for the date of any fee agreement between Ms. Lambert and Mr. Byrne and the scope of representation or, if no such agreement exists, the date on which Lambert and Byrne understood that a lawyer-client relationship exists. And this is relevant to whether or not it was proper to share the documents with Ms. Lambert in the first place under the protective order.

THE COURT: Well, that's not going to -- that doesn't help you get to stopping any additional dissemination.

MS. BROOK: No, your Honor. Our goals with these six specific requests are twofold. One is, as your Honor pointed out, to stop any additional dissemination.

The other is to fully understand what went wrong so that, as the Court evaluates Dominion's request for sanctions and as Dominion previewed in its motion, to the extent Dominion seeks additional requests for sanctions, whether relating to Ms. Lambert or others, we have the most and best information possible.

THE COURT: Okay. Well, go ahead. But I don't think that this is -- I don't think that that's -- I'm looking at measures to try to stop further dissemination and to try to understand where and in whose possession confidential information currently is.

So --

MS. BROOK: Let me focus on those, then, your Honor.

So we have asked for a complete and accurate list of all Dominion-produced documents and information that Patrick Byrne or Ms. Lambert had access to.

We've asked for an accounting from Mr. Byrne's outside vendor showing what documents he and Ms. Lambert had access to, on what date, whether they were downloaded as well as any other data the vendor indicates may be helpful in understanding exactly the issue the Court just addressed.

We've asked for a complete and accurate list of all Dominion-produced documents and information that Ms. Lambert received and the method and date of access.

We've asked for an account of every step Ms. Lambert or Mr. Byrne's prior counsel from the McGlinchey firm has already undertaken or that is underway to determine the scope of the breach and to ensure it is not continuing.

And we've asked for an attestation under oath from both Mr. Byrne and Ms. Lambert for to whom Lambert and/or Mr. Byrne leaked, released or otherwise disclosed documents or information protected by the protective order, how and when they provided it, every occasion on which they did so and, for each such instance, what specifically was leaked, released or otherwise disclosed.

As the Court knows from the briefing, we have also sent letters to both the original outside document vendor for Mr. Byrne and the current outside document vendor for Mr. Byrne. Our understanding is that the documents are in the process of being migrated from one outside vendor to the other, asking them not to provide Ms. Lambert or Mr. Byrne with access to those documents unless and until this Court decides this issue.

THE COURT: And about what's the volume of the documents?

MS. BROOK: Dominion has produced more than a million documents in this case, your Honor.

THE COURT: No, no. What's the volume of the documents that have been released to a third party as far as

you know?

MS. BROOK: The short answer is, I don't know, because despite the protective order requiring that such information be shared if and when there is an alleged breach, Ms. Lambert nor Mr. Byrne's prior counsel have not provided that information.

So what I do know, your Honor, from the public tweeting is that I believe as of today -- and my team will correct me if I have it wrong -- 2700 pages of Dominion's confidential information have been publicly tweeted out.

I will say that Sheriff Leaf -- sorry. I have my little dyslexia. It's 2,173. I flipped the seven and the one. 2,173 pages have been publicly tweeted. To be clear, what Sheriff Leaf did is he literally made them available for download via a Google Drive on the internet that people can click on and download. So those 2,173 pages have been shared God knows how many times at this point.

And when Sheriff Leaf made that tweet, he referred to it as the, quote, "first tranche."

THE COURT: Okay. How could the Court do anything to prevent that further dissemination by Sheriff Leaf?

MS. BROOK: I don't believe the Court necessarily can. To the extent the Court believes it has any authority over Sheriff Leaf, we welcome it to take any actions.

But what the Court does have authority over is

Ms. Lambert, her client, Mr. Byrne, and the previous attorneys who can at least provide fulsome information about what was shared and when and why.

THE COURT: Okay. Thank you, ma'am.

Ms. Lambert.

MS. LAMBERT JUNTTILA: Thank you.

THE COURT: Can I ask, is Mr. Driscoll in the courtroom? And is Mr. Byrne in the courtroom, Ms. Lambert?

MS. LAMBERT JUNTTILA: [Indiscernible.]

THE COURT: Okay. Thank you.

Ms. Lambert, you may respond. I'd like to understand in addition to anything you'd like to say in response -- I'm not entertaining full argument right now, but anything you'd like to say in response. I'd like to understand where these documents are currently located and in whose possession as far as you're aware.

But why don't you first respond to the argument that --

MS. LAMBERT JUNTTILA: Thank you, your Honor.

Your Honor, my client, Mr. Byrne, did not bring this lawsuit; Dominion did. And when Dominion sued Mr. Byrne, they sued a national intelligence asset.

Mr. Byrne has an obligation, as do I as an officer of the Court, to report criminal activity. In this discovery, your Honor --

THE COURT: So you don't deny that you disseminated documents marked "confidential" in this litigation after filing -- after signing an undertaking --

MS. LAMBERT JUNTTILA: Your Honor --

THE COURT: -- correct?

MS. LAMBERT JUNTTILA: -- I did turn the documents over to law enforcement. And there is no law that would prevent me from turning documents under a protective order to law enforcement as I'm reviewing them. It's law enforcement's job to determine if there's a crime that's been committed, investigate it and pursue it. Just as if Dominion had provided to me documents along with a dead body, I'd be required to turn that in to the police as well and not hide it and conceal it in a closet under a protective order.

There's a different analysis with what is --

THE COURT: What's your best authority for that proposition?

MS. LAMBERT JUNTTILA: I've done research, your Honor. There is no law that I can find that would prevent me from turning in evidence of a crime. And that is because law enforcement needs to investigate that, and a civil process should never interfere with it.

The Court can look at case law -- and I can provide that when I do full argument -- that analyzes

contracts. For example, in contract, if you waive criminal liability, that's not a valid term of a contract.

The criminal aspect is entirely separate.

So when Dominion sued --

THE COURT: Ms. Lambert, hold on. I'd just -- I'd like to get a few things on the timing --

MS. LAMBERT JUNTTILA: Sure.

THE COURT: -- down.

So you entered your appearance in this case -- I believe it was the 11th or the 12th.

MS. LAMBERT JUNTTILA: I'm not sure of the exact date, your Honor. But when I have an opportunity to do full argument before Judge Nichols, I think it would be appropriate to decide first what is protected by attorney-client privilege and what information that the Court can obtain regarding Mr. Byrne's representation.

THE COURT: Okay. My understanding is that you entered your appearance on the 12th. And you did sign an undertaking pursuant to the protective order, did you not?

MS. LAMBERT JUNTTILA: I did, your Honor.

THE COURT: Okay. And what date is the date of the undertaking that you signed?

MS. LAMBERT JUNTTILA: I don't have that with me, your Honor. But I think that's where the judge would need to do an analysis as to -- at what point -- what information

would be available for the Court that's not protected by attorney-client privilege.

I think that we need to have a determination there as to whether anything regarding the retainer and the representation for Mr. Byrne --

THE COURT: Yes. I'm not talking about the retainer. What I'm trying to understand -- does anyone -- Ms. Brook, do you have the date of the undertaking that Ms. Lambert signed?

MS. BROOK: I can find it. Yes. It's an exhibit to our motion.

THE COURT: Okay.

MS. LAMBERT JUNTTILA: And for the record, your Honor, I did not provide that to counsel. That must have been provided by Mr. Byrne's previous counsel. And I'm not waiving attorney-client privilege with regards to documentation provided by counsel.

THE COURT: Okay. You're claiming that the undertaking that you signed, which is an exhibit to the protective order in this case, in which you certified as an officer of the Court that you would keep all documents confidential and/or comply with the terms of the protective order, you're claiming attorney-client privilege over that document?

MS. LAMBERT JUNTTILA: No, your Honor.

I did sign a protective order. What I'm -- there has been communication that I believe is inappropriate from Mr. Byrne's previous counsel after they'd been terminated with Dominion's counsel.

THE COURT: Okay. I don't -- I'm not privy to those communications. I don't know which communications you're referring to. And I don't want to wade into any attorney-client-privileged communications if there are any that you're referring to.

I'm trying to get a timeline here. I'd like to know the date -- so there is no dispute that you signed an undertaking. I'd like to know the date that you signed the undertaking.

Ms. Brook seems to have it.

And, Ms. Brook, before you say on the record, please give Ms. Lambert an opportunity to look at it to confirm that that is her signature.

MS. LAMBERT JUNTTILA: Sure. And I can expedite this for the Court. I signed a protective order. And after signing the protective order, I reviewed very thoroughly the discovery turned over --

THE COURT: Ma'am, I just want to know the date.

MS. LAMBERT JUNTTILA: Okay. Right.

THE COURT: Let's just take this step by step.

MS. LAMBERT JUNTTILA: And then I turned it over

to law enforcement.

THE COURT: Okay. Well, we're going to get to that part in a second. Okay?

But I need to know the date of this undertaking.

MS. BROOK: That's correct. December 12th, your Honor.

THE COURT: Okay. And that is your signature?

MS. LAMBERT JUNTTILA: Yes.

THE COURT: All right. This is the copy that has been sent to the Court; is that correct?

MS. BROOK: Correct, your Honor. It is Exhibit 2 to Dominion's brief. And it says December 12th, 2023.

THE COURT: Okay. So on that date, you were not counsel of record for Mr. Byrne. Correct?

MS. LAMBERT JUNTTILA: Mr. Byrne had hired me and I was in the process of taking over for the previous firm.

THE COURT: Okay. But given that you entered your appearance in this case about three months later, you were not counsel of record at that time.

MS. LAMBERT JUNTTILA: Correct.

THE COURT: So do I understand it correctly that after that time that you signed the undertaking, you then gave I don't know how many pages of documents, but a tranche of documents that were clearly marked "confidential" in this case, to a third party?

MS. LAMBERT JUNTTILA: To law enforcement, your Honor.

THE COURT: Okay. To whom specifically?

MS. LAMBERT JUNTTILA: I've given it to sheriff's departments and it's under review through Mr. Byrne by the United States Attorney's Office.

THE COURT: I need names.

MS. LAMBERT JUNTTILA: Sheriff Dar Leaf.

THE COURT: And when did you give that information over to Sheriff Dar Leaf?

MS. LAMBERT JUNTTILA: I'm not sure exactly of the date. I'd have to review the records.

THE COURT: Month?

MS. LAMBERT JUNTTILA: No. More recent than that.

THE COURT: No; I'm saying, do you know the month that you gave it over?

MS. LAMBERT JUNTTILA: Oh. This month, your Honor.

THE COURT: This month?

MS. LAMBERT JUNTTILA: Yes.

THE COURT: Okay. Who else did you give the information over to?

MS. LAMBERT JUNTTILA: I've given it to -- Mr. Byrne has it. And he is working with the U.S. Attorney's Office.

THE COURT: So which --

MS. LAMBERT JUNTTILA: And I don't have the names.

THE COURT: Which district?

MS. LAMBERT JUNTTILA: I'm not sure. That would be a question for Mr. Byrne.

THE COURT: He's your client, ma'am. And you are -- and you have the obligation to be apprised of what is happening with --

MS. LAMBERT JUNTTILA: I --

THE COURT: -- this confidential -- let me finish, please.

MS. LAMBERT JUNTTILA: Yes.

THE COURT: And I'm just going to say this to everyone: I know everyone's heated. I know there's a lot going on. But you've got to let the Court finish so that we have a good transcript. You'll thank me later.

So you don't know to whom Mr. Byrne has disclosed this information other than --

MS. LAMBERT JUNTTILA: To the government, your Honor.

THE COURT: Okay. Well, to the --

MS. LAMBERT JUNTTILA: And I don't know -- I don't have that information with me and I don't know that I'll be able to provide it, given that it's an ongoing confidential investigation.

THE COURT: Okay. Who else did you give this information to other than Sheriff Dar Leaf?

MS. LAMBERT JUNTTILA: No one.

THE COURT: Okay. Did you attempt to give it to any members of the press?

MS. LAMBERT JUNTTILA: No.

THE COURT: Have you attempted to give this information to any other law enforcement officers?

MS. LAMBERT JUNTTILA: No, your Honor.

And -- but Mr. Leaf, Sheriff Leaf, is working with other sheriffs doing an investigation, as he's entitled to do. That's his job: to investigate crime. And he has -- there's a misrepresentation of Mr. Leaf posting on social media. It's not a mere post on social media. Your Honor, he wrote a letter to Congress asking Congress to do a very serious investigation in light of what was in his possession and to immediately take testimony given the public interest involved in what was in his file.

THE COURT: Ms. Lambert, you are aware that there is a mechanism if you disagree that the information should not be kept confidential. There is a mechanism for you to challenge that information and to come to this Court and seek de-designation of that information, are you not?

MS. LAMBERT JUNTTILA: Your Honor, I believe that's for the civil lens on the information.

I don't believe that's appropriate with anything criminal. If it were literally a dead body, I don't think I'd bring the dead body to the Court and ask the Court what to do --

THE COURT: That's such a hyperbole. Okay? We're talking about documents that are clearly covered by a protective order of this Court or at least were designated. I'm not deciding today whether the documents were in fact covered. Okay?

But you have cited no authority, you can cite no authority to this Court, that you can unilaterally disclose this information without seeking to at least come to this Court and have those documents de-designated for the purpose of disseminating them. And the analogy of the dead body, it just -- it rings hollow to me, because there are exigencies when you have a dead body.

Was there a particular exigency that required you to go disclose this information right this instant --

MS. LAMBERT JUNTTILA: Well, your Honor --

THE COURT: -- as opposed to seeking emergency review by this Court and challenging the documents and seeking the Court's permission to disclose these documents outside of the parties that are subject to the protective order?

MS. LAMBERT JUNTTILA: Absolutely, your Honor.

The evidence reflects -- and I can't go through all of it; it's over a million documents -- but it reflects foreign nationals entering our election system in realtime while votes are being counted, being directed and tasked by U.S. Dominion employees. It reflects the honest services fraud, where certain equipment and software was represented to the EAC while they're communicating and lying and providing a different product to --

THE COURT: When did you get the documents? December?

MS. LAMBERT JUNTTILA: No.

THE COURT: Well, you signed the undertaking in December. When --

MS. LAMBERT JUNTTILA: Correct. It took quite some time, much after the holidays, when I received the documents.

THE COURT: Okay. So sometime in January?

MS. LAMBERT JUNTTILA: I would have to look, your Honor. I'm not exactly sure. But I went through them.

And it's very important that Congress and law enforcement immediately start investigating everything that's contained in this -- in these files, because there's ongoing elections that would absolutely be impacted throughout this country by what is in the file.

THE COURT: The elections that are forthcoming in

November? Is that what you're referring to?

MS. LAMBERT JUNTTILA: Well, there's primary elections, your Honor. There's local elections being run.

THE COURT: So you received --

MS. LAMBERT JUNTTILA: It's a national public --

THE COURT: Ma'am, you received the documents in -- sometime in January or sometime after the holidays. It took you two months or several weeks to disclose them to law enforcement.

You mean to tell me you couldn't come to this Court and seek a challenge or make a challenge to the confidential designation of these documents? One of the arguments you make -- and I haven't had an opportunity, since you just filed your response about an hour ago or about an hour and a half ago -- that one of the arguments you make is that they -- that the documents themselves or the protective order is only meant to cover trade secrets.

And if you really had an issue with these documents and did not think they were confidential, the protective order gives you a full and fair opportunity to challenge that and bring that before the Court and let the Court decide.

MS. LAMBERT JUNTTILA: With all due respect, your Honor, I think that's asking the Court to function in a dual role: one, preside over the civil matter; and, two, act as

law enforcement and evaluate whether or not in a narrow scope whether or not the Court believes that it be a crime, when there's already active investigations going on with law enforcement that would have a full picture to evaluate the evidence that's corroborating it.

THE COURT: No. No. What it does is if you have authority, which you don't have right now or can't point the Court to right now that the documents could be released to a third party, then you could have cited that to the Court; you could have sought emergency relief; you could have taken the position as you do now that these documents don't constitute trade secrets or other sensitive confidential -- or commercial information.

But you didn't do any of that. You had the documents for several weeks and then you released them without any notice. In fact, you didn't even notify any other party to the protective order. It was your predecessor counsel that did so.

MS. LAMBERT JUNTTILA: Well, that would result in obstruction of justice, your Honor. And that's exactly what happened.

The minute that the Dominion attorneys found out that law enforcement was backing up and preserving the files, they obstructed that investigation and notified the vendor to lock me as counsel out. I'm currently locked out

of the vendor. I have no access to my client's discovery to continue to defend him.

And I think that the reason there's no authority to cite to the Court, it's essentially asking me to find authority that water is wet. I don't believe it's ever appropriate for a civil court to interfere or evaluate a criminal investigation that is separate.

And I believe that's why that authority doesn't exist.

THE COURT: Okay. Well, I think the authority doesn't exist for another reason. But I'm not going to prejudge that right now.

I will allow you all to make your arguments and consider whether it's me or whether it's Judge Nichols to consider the motion for sanctions and motion to disqualify. As I mentioned, that is a severe remedy. The law of this circuit is clear. So that's something that the Court needs to do taking its time and thinking very seriously about that.

But what I would like to know now on the record is where -- I'd like you to walk me through, ma'am, where the documents currently are located -- all the places in your possession that these documents are currently located, because while the Court takes this issue under advisement and holds a hearing or sets a hearing on the motion, we need

to ensure that the status quo is maintained. And it may very well be after full hearing and argument that you're right.

But until that time, these documents need to be, to the extent they can be, we need to prevent any further disclosure because they are marked "confidential" and because you did not challenge their confidentiality designation before the Court. We could have been in a much different position if you had actually come to the Court and challenged their designation. But be that you didn't do that and didn't follow that procedure, I have to at least try to stop any further dissemination by you or your client while this issue is taken up and while we hear further argument.

So first walk me through, Ms. Lambert, where and on what devices you have these documents in your possession.

MS. LAMBERT JUNTTILA: I am currently locked out of the vendor site, your Honor. So --

THE COURT: Do you have any documents printed out anywhere?

MS. LAMBERT JUNTTILA: The documents have been provided to law enforcement, and they are now locked out of the vendor site as well.

THE COURT: When you say they are locked out, law enforcement?

MS. LAMBERT JUNTTILA: Correct.

THE COURT: When you say law enforcement, can you be more specific? Do you mean Sheriff Leaf?

MS. LAMBERT JUNTTILA: Correct.

THE COURT: Okay. Did you print out any documents at any time?

MS. LAMBERT JUNTTILA: I have printed out some documents.

THE COURT: And where are they located?

MS. LAMBERT JUNTTILA: They're in my home.

THE COURT: Okay. And about how many documents did you print out? Or do you know which specific documents you printed out?

MS. LAMBERT JUNTTILA: Some of the discovery. I don't know which ones, your Honor. I viewed them and they're in possession of Dar Leaf. So I -- I did not print many documents. I have a small --

THE COURT: Can you give me a ballpark of how many?

MS. LAMBERT JUNTTILA: Maybe 50.

THE COURT: 50.

And who has access to those documents in your home?

MS. LAMBERT JUNTTILA: Just me.

THE COURT: Are they kept in a safe?

MS. LAMBERT JUNTTILA: No. They're kept locked in my office.

THE COURT: Okay. Does anyone have a key to that office --

MS. LAMBERT JUNTTILA: No.

THE COURT: -- other than you?

MS. LAMBERT JUNTTILA: No.

THE COURT: And it's a home office?

MS. LAMBERT JUNTTILA: Yes.

THE COURT: Okay. Do you have a laptop?

MS. LAMBERT JUNTTILA: I do.

THE COURT: And do you have any of the documents downloaded on any laptop or desktop anywhere?

MS. LAMBERT JUNTTILA: No.

THE COURT: Nowhere?

MS. LAMBERT JUNTTILA: No.

THE COURT: Not even one page?

MS. LAMBERT JUNTTILA: No. No. I've had laptop issues lately.

THE COURT: Okay. Do you have any documents downloaded on your phone or any tablet or any electronic device?

MS. LAMBERT JUNTTILA: I don't think they're downloaded. I viewed the documents.

THE COURT: Okay. Through the repository?

MS. LAMBERT JUNTTILA: Yes.

THE COURT: Okay. And that's the one that you don't have access to right now?

MS. LAMBERT JUNTTILA: Correct.

THE COURT: Do you have any notes of these documents that you've kept of these documents reflecting confidential information?

MS. LAMBERT JUNTTILA: I -- yes. I've taken work-product attorney-client-privileged notes.

THE COURT: And where are those notes?

MS. LAMBERT JUNTTILA: In my private communications.

THE COURT: Okay. Where are they stored? I don't want the contents. I don't want the contents of your work product. I just --

MS. LAMBERT JUNTTILA: On my device.

THE COURT: Which device?

MS. LAMBERT JUNTTILA: My phone.

THE COURT: Okay. How many phones do you have, ma'am?

MS. LAMBERT JUNTTILA: I have one phone.

THE COURT: Okay. And are there any -- and those are just notes that you took after reviewing the documents or --

MS. LAMBERT JUNTTILA: Correct.

THE COURT: -- while reviewing the documents?

Does anyone have access to those notes?

MS. LAMBERT JUNTTILA: My legal team.

THE COURT: Okay. When you say your legal team, who are you referring to? Your staff?

MS. LAMBERT JUNTTILA: Anyone working for me. Yes.

THE COURT: And how many staff members do you have?

MS. LAMBERT JUNTTILA: Well, I have one assistant and...

THE COURT: What's the assistant's name?

MS. LAMBERT JUNTTILA: And another attorney.

THE COURT: Okay. That's in your law practice?

MS. LAMBERT JUNTTILA: Correct. Yes.

THE COURT: And they have access to your notes?

MS. LAMBERT JUNTTILA: The attorney I don't think has access to the notes. No.

THE COURT: What's your assistant's name?

MS. LAMBERT JUNTTILA: Stephanie.

THE COURT: Last name?

MS. LAMBERT JUNTTILA: Scott.

THE COURT: And is that P-H-A-N-I-E?

MS. LAMBERT JUNTTILA: Yes.

THE COURT: Okay. And so she has the ability to

get into -- excuse me -- your notes on your phone?

MS. LAMBERT JUNTTILA: No. We've exchanged information.

THE COURT: Okay. And the attorney in your office's name?

MS. LAMBERT JUNTTILA: Russell.

THE COURT: Okay. Can you give me a last name?

MS. LAMBERT JUNTTILA: Newman.

THE COURT: Sorry?

MS. LAMBERT JUNTTILA: Yes. Newman.

THE COURT: Newman?

MS. LAMBERT JUNTTILA: Yes.

THE COURT: Is that the traditional spelling?

MS. LAMBERT JUNTTILA: Yes.

THE COURT: Okay. And you don't believe that Mr. Newman has access to those notes?

MS. LAMBERT JUNTTILA: No. I don't believe so.

THE COURT: Okay. Are there any other places that either any of the confidential information, any other place where the confidential information is located or notes about the confidential information is located?

MS. LAMBERT JUNTTILA: Not that I can recall at this time.

THE COURT: Okay. Do you know whether Mr. Byrne has printed out any documents?

MS. LAMBERT JUNTTILA: I don't know.

THE COURT: Okay. Have you spoken to him about it?

MS. LAMBERT JUNTTILA: I've spoken to him about the discovery, yes.

THE COURT: Okay. Do you know whether he has given the information to any third party?

MS. LAMBERT JUNTTILA: I believe law enforcement.

THE COURT: Okay. The U.S. Attorney's --

MS. LAMBERT JUNTTILA: And I have no further information about that at this time.

THE COURT: Okay. All right. Any other places that you think that any of this confidential information is located either between you or your counsel -- you or your client of which you're aware?

MS. LAMBERT JUNTTILA: No. Not that I'm aware of that I can recall at this time.

THE COURT: I'll ask you to just have a seat, ma'am, while I'll ask Ms. Brook whether she has any questions about where there might be any other additional information.

As I mentioned, for now, the concern is while the Court considers the substantive issue as to whether you were entitled to disclose this information and have a full and fair argument on this and the motion for sanctions and

disqualification, the Court is concerned about maintaining the status quo.

So, Ms. Brook, is there any question that you have?

MS. BROOK: Briefly, your Honor.

THE COURT: Thank you, Ms. Lambert.

MS. BROOK: Thank you, your Honor.

Three quick points. This is the first -- well, first point. We were --

THE COURT: I'm sorry. Can you start with any followup questions that you have to ensure that I've captured the full universe of any documents in Ms. Lambert or Mr. Byrne's possession, custody or control, so that we can try to put a lock on those?

MS. BROOK: That's precisely my intent, your Honor.

THE COURT: Okay.

MS. BROOK: So the first question I have is, in an email to us from Mr. Byrne's exited attorneys, which is Exhibit 7 to our motion, they say that Stefanie Lambert -- and I quote -- "publicly disclosed by her as part of a filing she made in the criminal case styled *People of the State of Michigan versus Stefanie Lynn Lambert Junttila*, which is currently pending before the Sixth Circuit Court in Oakland county, Michigan, as case number" -- and then it

provides the case number, closed quote.

So they said that in addition to providing the documents to Sheriff Leaf, Ms. Lambert also herself filed these documents publicly in an action in which she is the Defendant.

So to the extent -- I would assume she has copies, electronic and otherwise, in her possession of that filing, where she attached some of these documents. So that's the first location, your Honor, that I know of that I don't think was provided for in the accounting that was just made by Ms. Lambert.

The second question I have, your Honor, if you'd like me to continue -- or I can pause there.

The second question I had, your Honor, Ms. Lambert's remarks today was the first I ever heard if I understood her correctly that they've actually provided a log-in and credentials to Sheriff Dar Leaf. We had not heard that before. If I heard correctly, she says that's currently closed off.

But did anyone else from the sheriff's office get a log-in and credentials? Who else has log-in and credentials to either the old or the new document repository so that we can make sure, as the Court said, the status quo is protected? We need to know that that is all turned off.

I had the --

THE COURT: Who --

MS. BROOK: -- same questions as the Court -- sorry?

THE COURT: Who controls the document repository?

MS. BROOK: Not Dominion, your Honor. It is a document repository paid for by Patrick Byrne, engaged by Patrick Byrne, I would imagine, unless he has someone else footing the bill.

THE COURT: Okay.

MS. BROOK: So it was her own filing which we were told she attached these documents to. It is a full accounting of who had access to the document repository, including whether the assistant and associate in her firm that she mentioned had access. We would think again it should all just be paused pending this Court's determination.

That answers the Court's questions that were directed to me.

And then I just had one other point I wanted to make very briefly, if allowed.

THE COURT: Yes.

MS. BROOK: I appreciate the Court's focus on the fact that these documents were marked "confidential." From what I have seen, most if not all of the documents that Ms. Lambert leaked were marked "confidential."

But I want to be clear that the governing protective order in this case doesn't allow the sharing of documents produced in discovery by any of the parties, regardless of whether they were marked "confidential" or not.

And the reason for that, your Honor, was plain: We did not want these cases to be litigated in the press. We wanted them to be litigated in the courtroom.

So I'll just briefly point the Court to Paragraph 1 of the protective order, which is Exhibit 6 to Dominion's motion. And it says, plain as day -- and this was a negotiated point between the parties: "Any discovery material produced in the litigation will be used except by the producing party solely for purposes of this litigation, and no receiving party will provide discovery material to any person or entity, including for any other litigation, or make any discovery material public except as permitted by this order and in this litigation."

So I just wanted to clarify that for the Court's reference.

THE COURT: Well, do you know whether the documents that were filed on the public record in the Michigan case were all marked "confidential"?

MS. BROOK: I don't know whether they all were. I know that some of them certainly were, your Honor.

THE COURT: Okay. Thank you.

MS. BROOK: Thank you.

THE COURT: Well, Ms. -- actually, Ms. Brook, what would -- other than returning or destroying the documents or placing them -- placing them in escrow with a third party, is there anything that Dominion is seeking for interim relief to -- just to maintain the status quo while the Court takes up this issue? Anything that Dominion is asking the Court to do with respect to, say, attorney notes which, you know, if they are work product, Dominion's not entitled to?

MS. BROOK: Your Honor, to answer your question directly, in terms of maintaining the status quo, we think it should be clear that neither Ms. Lambert nor anyone working with her as well as her client, Mr. Byrne, or anyone working with him should have access to any of the vendors right now.

And to the extent they've given these documents to experts or anyone, it should all be cut off, which is I think what the Court is trying to get at, frozen, during the pendency of this decision that the Court has before it.

The other request -- and I want to be clear, your Honor, that we think, Dominion thinks, that that order should apply with equal force to Ms. Lambert and her client, Mr. Byrne.

The other requests that I delineated earlier and

that are included in our proposed order, they go more towards understanding the harm versus maintaining the status quo.

I think there's information that's not attorney-client privileged, that's not work product, in the possession of, for example, the document vendors, in the possession of Mr. Byrne's now outgoing counsel and in the possession of Ms. Lambert and Mr. Byrne that would be helpful to all in understanding the scope of the breach here.

And those are the other requests delineated in our proposed order.

THE COURT: Okay. Thank you.

Ms. Lambert, who has control of this document repository?

MS. LAMBERT JUNTTILA: Your Honor, if I could respond to some of the things that counsel said.

THE COURT: Who has control of the document -- you can, but just --

MS. LAMBERT JUNTTILA: Right.

THE COURT: -- can you answer my question?

MS. LAMBERT JUNTTILA: No one has access to the documents at this time, your Honor.

And counsel misrepresented that I filed the documents in my own case. There was an affidavit from the

sheriff that he received a subpoena to provide the documents in a case, and he responded with an affidavit and attachments to the affidavit. That was not my filing; that was an affidavit from the sheriff.

So that was --

THE COURT: You gave the documents to the sheriff, did you not?

MS. LAMBERT JUNTTILA: And he had an open investigation, and he responded with an affidavit saying he was going to seek to quash the subpoena in a large extent.

So, your Honor, the sheriff's office, the appropriate chain of custody, the best chain of custody, would be to obtain the documents from my log-in.

I was giving an -- and I find it very ironic that Dominion sued the national intelligence asset and is complaining about a breach when he's turned in evidence of national security breaches done by Dominion.

Dominion had Serbian foreign nationals in our elections system that they admit in this documentation, your Honor, they couldn't do background checks on. These could be Serbian foreign military --

THE COURT: We're getting --

MS. LAMBERT JUNTTILA: -- and this is outrageous.

THE COURT: We're getting into the underlying --

MS. LAMBERT JUNTTILA: Sure.

THE COURT: -- underlying arguments, which I will -- Ms. Lambert, as I mentioned, I haven't had a chance to read the filing, which I do appreciate you making and --

MS. LAMBERT JUNTTILA: Sure.

THE COURT: -- and getting in today. But because it came in so late, I haven't had the opportunity to review everything except -- that's why I asked for your principal authority today --

MS. LAMBERT JUNTTILA: Sure.

THE COURT: -- as to what you were relying on, which I don't have any case that you're relying on that you say allowed you to do this. So I want to give you the opportunity to make your full argument at a later time, where you can present that.

But as far as the documents go, they're attached to an affidavit by the sheriff in your case in Michigan. Is there a way that you can confer with -- or your lawyers -- who are you represented by in that case?

MS. LAMBERT JUNTTILA: Daniel J. Hartman.

THE COURT: Sorry. Could you give me the --

MS. LAMBERT JUNTTILA: Daniel J. Hartman.

THE COURT: Okay. So those documents are on the public record in that case; is that correct? I know you say you didn't file them, but they were posted by the sheriff?

MS. LAMBERT JUNTTILA: I attached his affidavit to

a filing. Yes, I did. And it was an affidavit -- he had received a subpoena that he was -- that he needed to comply with. And he was stating in the affidavit to the Court that he was going to file a motion to quash and that he had a very serious investigation underway.

THE COURT: Did he -- all right. So everyone needs -- I need everyone to speak to me very directly, because you just led me to believe that you did not make the filing, that it was the sheriff who made the filing.

So it was a filing that you made or that your lawyers made on your behalf that attached the sheriff's affidavit? And then were the documents attached to his affidavit?

MS. LAMBERT JUNTTILA: They were exhibits to his affidavit.

THE COURT: Okay.

MS. LAMBERT JUNTTILA: Right. It's his affidavit, though, your Honor.

THE COURT: Okay. So they were filed by your counsel?

MS. LAMBERT JUNTTILA: Correct.

THE COURT: Okay. So those documents are currently in the public domain?

MS. LAMBERT JUNTTILA: Correct.

THE COURT: Okay. At a minimum, while this

dispute is underway, I'm going to order you to request that those documents be filed under seal or that those documents be made under seal for the pendency of this dispute. Okay?

MS. LAMBERT JUNTTILA: Yes, Judge.

THE COURT: Okay. And I need Mr. Byrne to appear at the next hearing in this case, because I need to understand the full scope of what he -- what, if any, dissemination he has made of confidential information. Again, this is an interim order to maintain the status quo until I can hear your arguments, hear his arguments and hear Dominion's arguments.

With respect to the documents that are -- I just want to take these one at a time.

So with respect to the documents that are the 50 or so documents that are printed out in your office, I will order you to -- they can stay in Ms. Lambert's office if you can verify that no one else will have access to them and that you will not be further disseminating --

MS. LAMBERT JUNTTILA: I keep my office locked, your Honor.

THE COURT: Okay. So I'm taking your representation as an officer of the Court that you are the only person that has a key to that office and that no other person is going to have access to that.

Is that -- is that sufficient for Dominion for

these 50 printed-out documents?

MS. BROOK: Yes, your Honor. That's fine.

THE COURT: Okay. With respect to the notes on your phone, ma'am, I'm going to ask that you direct Ms. Scott to destroy any communications that she had with you that reflect your impressions or your notes based on those documents.

And what would Dominion's request be with respect to that?

My inclination would be, ma'am, that you put that in a segregated file and that you have to -- that you cannot discuss, share, disseminate those notes or refer to them at all except with perhaps your counsel in your other case.

MS. BROOK: Your Honor, respectfully, if I may, I would -- Dominion would prefer that they not be destroyed but instead segregated. I don't want to jump ahead, but I do believe there might be a crime fraud issue here. And to the extent there are communications where individuals were talking about how to violate a court order or violate the law, then those documents should frankly be preserved, as they may become evidence in a future proceeding.

But we would request an oral order that Ms. Scott, Ms. Lambert and anyone else segregate them in a file and not access them again and of course not share them or disseminate them during the pendency of the Court's review.

THE COURT: Okay.

MS. BROOK: Can --

MS. LAMBERT JUNTTILA: Well, your Honor, I'll do whatever the Court asks me to do. But I take exception with that, given that Dominion has directed a vendor to obstruct an investigation. And I believe that Dominion has represented fraud to the Court with its defamation suit.

But I'll follow the Court's order.

THE COURT: Thank you.

Whatever arguments writ large either party has about obstruction or, you know, whether Dominion has instituted a fraud on the Court in the defamation case will play out in the course of this case. I can guarantee you that both I and Judge Nichols will allow those arguments to be played out and we'll consider all of those arguments seriously.

I'm dealing with the micro-issue of trying to ensure that this information that's in your possession, custody or control or that's in your client's possession, custody or control are not further disseminated pending the resolution so that I can consider your argument thoroughly and give time and attention to your argument, ma'am, because I do take it seriously.

MS. LAMBERT JUNTTILA: Thank you, Judge.

THE COURT: So just so that everyone's clear on

the record, the documents that you have with Ms. Scott, any communications that you have with your assistant, Ms. Scott, I'd like you to direct her to put that in a -- if she can, in a locked or password-protected file on her computer or on her phone, wherever they are located, wherever she was communicating with you. If they're both on a tablet -- or if they're on a tablet, a phone, a computer, they need to be locked down in all of those places. And the same with your side of the document -- or your side of the communications that you may have had with Ms. Scott.

I also would like you to verify that Mr. Newman does not have and never has had access to any of these documents or to any of your -- and was not subject to any communications or notes about these documents.

With respect to the documents in Michigan, I would like you to request that your counsel in the Michigan case speak with the prosecutor and explain the basis -- and I will give you a copy of an order -- explain the basis for the request of sealing of that filing pending further resolution of this dispute and that you make the effort to seal those documents pending further resolution of this dispute, as they are currently subject to the protective order, because, as I said before, you did not seek to challenge them and have them de-designated, which you could have easily come to this Court and done. But you did not do

that.

Okay. Now, with respect to the document repository, you don't have access -- you don't have --

MS. LAMBERT JUNTTILA: I'm currently locked out, your Honor.

THE COURT: Okay. But do you know who controls that? Dominion's saying that your client controls that repository.

MS. LAMBERT JUNTTILA: I believe that it's Relativity --

THE COURT: Okay.

MS. LAMBERT JUNTTILA: -- is the vendor.

THE COURT: Who is Relativity acting at the direction of in this -- for those documents?

MS. LAMBERT JUNTTILA: Well, the previous counsel was moving the documents over to a different vendor. So I'll have to take a look at the contract and see who currently has the documents with the vendor. But I'm locked out of both, the vendor that it was initially with, and then I never had access to the new vendor.

THE COURT: Okay. I need to get some clarity from the parties. So I would ask you all to file within -- it's 4:00 -- by 9:00 tomorrow morning some detail, because no one seems to know who's controlling this Relativity database.

MS. BROOK: I believe my colleague Mr. Ross may

have information relevant to that, if the Court would like to hear it.

THE COURT: Yes.

Mr. Ross?

Thank you, Ms. Lambert.

MR. ROSS: Thank you, your Honor. Jonathan Ross.

I'm the one who wrote the letters to the vendor, so I have some insight on this.

So my understanding is that they were -- one vendor was in the process of migrating the discovery in this case that had been produced to another vendor at the direction of Ms. Lambert's client.

I sent the letters Friday after having had conversations with prior counsel, who said that they couldn't do anything, and said, Please do not continue disseminating or allowing any dissemination of this information until we have a hearing on Monday and the Court can decide what the Court wants to do.

The vendor who originally had the information, who was in the process of migrating it, their chief operating officer called me on Friday and said: We have stopped the process. We are not giving anybody access, and we'll wait until the Court tells us what we should or should not do.

That's the status. The information is no longer available to anybody. It is no longer being migrated to the

new vendor. And they are awaiting this Court's ruling as to what, if anything, they should do.

THE COURT: Okay. So if there is, say, theoretically -- so do all of you have one repository or --

MR. ROSS: No.

THE COURT: -- each side has their own Relativity database?

MR. ROSS: Each party has their own vendor who then when we -- for example, when we produced to the D.C. Defendants, all of this group, they all get the production. They can then download it with whatever vendor they're using and then set it up in whichever type of database they choose to do.

THE COURT: Okay. But you only have an allegation against Mr. Byrne and Ms. Lambert. Correct?

MR. ROSS: Absolutely.

THE COURT: So that database -- are you saying that that database is -- no one has access to?

MR. ROSS: My understanding is that their original database vendor was migrating their information, unrelated to this issue today, to a new one.

I sent letters to both on Friday saying, Please stop until the Court can address this issue.

My understanding from my conversation with the COO of the initial database vendor, who was in the process of

doing the migrating, was that they have stopped, that nobody has access to the information and that they will await further instruction from us or the Court as to what they should or should not do.

THE COURT: Okay. So would that -- so just playing that out, if there is, say, some third party who has received a log-in and password for that database and that that third party has received a log-in, say, from Mr. Byrne -- I'm not saying that's what happened; I'm just hypothetically speaking, or Ms. Lambert -- that person cannot get into that database right now?

MR. ROSS: From my conversation -- and I did not have any understanding that they -- Ms. Lambert had actually given out passwords and access to other third parties. But from my understanding from my conversation with the COO, that he has stopped anyone from having access to these documents pending this hearing today.

THE COURT: Okay. All right. Thank you.

MR. ROSS: Thank you, your Honor.

THE COURT: Thank you.

All right. Ms. Lambert, I would -- I assume you have an objection to that database being under lock and key for now. But I am going to order that no one have access to those documents until we can sort this issue out.

Do you have any --

MS. LAMBERT JUNTTILA: I do, your Honor. I do have an objection [indiscernible].

THE COURT: I assumed you did. But that is the only way that the Court can understand -- or can at least stop further dissemination until the Court considers next steps. Okay.

What I would like -- now that I have an understanding of that, what I would like is for the parties to send me a proposed order.

I'm not going to at this time request -- grant Dominion's request to get information about the details of any fee arrangement or any fee agreement between Ms. Lambert and her client. That is not at this time, I think, what I'm focused on. I'm focused on trying to prevent -- trying to prevent any further dissemination while we figure this out.

And the -- Ms. Byrne [sic], you're going to have to direct your client to comply with this order as well. And I will seek a verification from lawyer and client that these steps were taken pending the resolution of this -- of this dispute, given that there is -- that you all -- that you've conceded that that information has been disseminated, although you do have an argument as to why. I will deal with the "why" later. But for now, I need to maintain the status quo.

MS. BROOK: Your Honor, may Dominion make one more

suggestion for that proposed order?

THE COURT: Yes.

MS. BROOK: We would also seek an instruction that Ms. Lambert, Mr. Byrne and anyone else under the Court's authority preserve all documents relating to this issue and this dispute, including Mr. Byrne's prior counsel, who the Court retains jurisdiction over under the protective order.

THE COURT: Yes. Again, please -- please draft a proposed order. I do want Mr. Driscoll and his firm covered by this if they have any documents.

Of course, I assume that Mr. Driscoll had -- he was entitled to review these documents. So the fact that prior counsel has them in their possession, I'm sure you have a mechanism if you withdraw as counsel as to any return of confidential information or destruction. But for now, I think any documents related to this dispute should be preserved.

But you're not making the argument that Mr. Driscoll was in possession of any documents improperly, are you?

MS. BROOK: No, your Honor.

And for the record, I would like to thank Mr. Driscoll for his prompt notification of the issue to Dominion.

THE COURT: Okay. Thank you.

I'd ask you to please draft that order to share with Ms. Lambert and submit it to the Court as soon as possible, no later than -- I will look at it tonight if I get it by tonight. But certainly no later than 9:00 tomorrow morning.

Okay. I reviewed -- as for some of the other issues on the agenda for today, here's what I'm going to do in terms of how I'm going to handle this:

With respect to the deposition protocol -- I appreciate you all sending in your Round 1 and Round 2 disputes.

With respect to the deposition protocol, all I would like to just know very briefly is: What is the remaining dispute about remote depositions? Because if I can resolve that now, I will. I understand that each party may have a different position. But I would just -- very briefly. Otherwise, I will do it on the papers. If it turns into full-blown argument, you'd better believe I'm going to stop it. So -- Mr. Babcock knows that for sure.

So can someone just tell me what the dispute is about remote depositions? Ms. Brook.

MS. BROOK: Yes, your Honor.

And I'm sorry. Before we move off the protective order issue, the Court had mentioned that it was also going to address a briefing schedule or anything like that. Is

there something the Court would like us to include in the draft proposed order?

THE COURT: The draft proposed order should address all the items we've discussed now about dealing with kind of just maintaining the status quo on the documents; and it should cover Mr. Byrne, Ms. Lambert and include the components I've stated on the record.

With respect to briefing, we have -- we have a response, which I do appreciate Ms. Lambert; I'm sure that was -- took a great effort on your part to get that in. So I do appreciate the response to the emergency motion.

To the extent that Dominion wishes to file a reply, I would order Dominion to do so by Friday at 5:00 p.m.

And then you will get a further order from -- I mean, at that point, the exigency in terms of the dissemination of documents to the extent it can be cabined has been -- will hopefully be done. And we can have a -- we'll set a briefing schedule -- I mean, oral argument, if necessary.

And it will -- at this time, I'm trying to deal with the emergency issue. I will -- it will be either before Judge Nichols or before me. He has not had the opportunity yet to decide whether this is a matter that will be referred to me.

MS. BROOK: Thank you, your Honor.

Switching hats, I will say it as briefly and hopefully, frankly, as neutrally as possible.

In order to schedule all the depositions that need to happen in this case, Dominion proposes that they be remote unless the Defendants ask and we oblige for them to be in person. And we've told them we're happy to do that for the ones that they want within reason.

They have the opposite request. They want the default to be in person, and they've said they'd oblige if we want them to be remote.

THE COURT: Why would there -- why would these depositions need to be remote?

MS. BROOK: Your Honor, Dominion's opinion is these depositions need to be remote because, if not, scheduling is going to preclude them getting done on the order set by the Court.

All Dominion wants is to move this case towards trial as quickly as possible and bothering the Court as little as possible.

As of today's date, standing before you right now, Defendants and Dominion have already collectively flagged 86 different depositions that they want to happen. Most of them, the majority, are requests from Defendants for Dominion witnesses.

As you can see just practically, there are a lot of attorneys involved in these cases. There are a lot of attorneys located in a lot of different places involved in these cases. And if every time we schedule one of these depositions we're building in travel time and coordinating around so many different schedules that even with everyone operating in the utmost of best faith, I think it's fairly easy to predict that we're going to run into scheduling issues.

So remote deposition technology makes it perfectly able to do these depositions remotely. We took all but I think three of the depositions in the Dominion-Fox case remotely without any issues.

But like we said, if there are certain ones where they really want to sit down opposite these folks and talk to them, we'll work with them on that. But we think that because of that -- and frankly, your Honor, because of some of the trauma that the Dominion witnesses have suffered, there are some of them, too, that walking into a conference room with 30 attorneys sitting around it who they're naturally going to view as being hostile to them is a big ask.

THE COURT: Well, I can understand that. But this is your case. You've brought this case. And remote depositions are not the norm. So if you all -- if there are

parties that -- well, first of all, the only parties as far as I'm concerned that should be involved in dealing with scheduling is the party that noticed the deposition and the party that -- whose witness it is. Okay?

Any of the other parties, if they can make it, great. If not, as far as I'm concerned, I don't think other parties all get a say in every single deposition that's scheduled.

So if it's a Dominion -- let's say it's a Dominion witness and Mr. Lindell notices that deposition. The only two attorneys that should be conferring on that and when it takes place and where are Mr. Lindell's counsel and Dominion.

So is -- are you saying that everyone else is trying to get a say in on this?

MS. BROOK: Yes, as is their right, your Honor, under the deposition protocol that we've agreed to.

So we've agreed, to avoid putting disputes in front of your Honor, that they each get a certain number of hours for these witnesses. So even though OAN might have requested a specific witness, there's a protocol that everyone's agreed to, we worked out, where each of them can take a certain number of hours and our person will sit for that whole time so that we can get it done within one swoop right there and then.

So while you're absolutely right that it means just one Defendant who's the one making the specific request, they do all have a right to participate. And as we've begun to schedule depositions already, this is what's coming up. Someone can make it that day; someone can't, et cetera, et cetera.

And so again, your Honor, as evidenced in our briefing, our main reason for this is simply speed. There are a lot of depositions. There are going to be even more as we get into third parties and all of that. And there's no reason why they can't just default happen remote so that we're not frankly coordinating this many different schedules eight times a week.

And again, if there are certain people that they really want in person, we frankly invited them. We said: Hey, you've already noticed 13 depositions for April -- or requested, I should say -- 13 depositions for April. Which of those 13 would you really like in person? Let us know.

And we'll agree right here right now that those subset can be in person.

And their response to that was: We want all 13 in person.

So we're just trying to go fast, not bother the Court. And we think that having the default be remote is the way to do that, whereas if the default is in person,

we're going to be back before your Honor requesting extensions, which we don't want to do, Dominion does not want to do.

And perhaps, your Honor, the best evidence of this is we had a meet-and-confer on Friday. Dominion reached out to Defendants and said, Hey, we're all gearing up for this hearing. Is there anything else we can knock out and let the Court know we have figured it out like adults and don't need to bother her with?

And we talked about this.

And one of the counsel for Defendants themselves said: Well, if the Court grants Defendants' request for in-person depositions, then we'll need more time in the schedule in order to schedule all those depositions.

And so it's exactly our point, which is just that if they are in person, it's going to slow things down, whereas if they are remote, it will keep things moving. And we've made every assurance, and I say it here again on the record, that if there are specific ones they want in person, we're happy to oblige.

THE COURT: Okay. Thank you.

Is there one person that can speak on behalf of the Defendants, if that's possible --

MR. CASARINO: I'll try to do that --

THE COURT: -- on this issue.

MR. CASARINO: Marc Casarino for the Powell Defendants, your Honor.

So --

THE COURT: I'm sorry, sir. Which Defendants?

MR. CASARINO: For Sidney Powell and Sidney Powell, P.C.

THE COURT: Okay.

MR. CASARINO: Your Honor, in terms of the concern we just heard about, scheduling nightmares, that's an incredible red herring, because the protocol already addresses that. It addresses that dates are exchanged. If there can't be agreement on the dates, then the date of the -- counsel for the witness and the person requesting the deposition pick the date and everyone else has to show up or be foreclosed.

So everything we just heard is actually not a concern. I don't know where they got that from, because that's not actually what we agreed on in the protocol. We've already agreed on how to address that in the protocol, your Honor.

And your Honor is absolutely correct that in-person is the standard. We want to depose these people in person. They chose to bring these cases, six separate cases, against a bunch of Defendants in a very public way. We want to depose these witnesses in person. And that's the

default. And it's our right.

And if they have good cause for specific witnesses as to why they should be remote, we'll hear them and we'll meet and confer. And where -- on those few that we can't agree, if there is going to be those few that we can't agree, we'll come to the Court and get decisions.

THE COURT: Oh, if you come to the Court, I guarantee it will not go well for anybody.

MR. CASARINO: I --

THE COURT: If you're going to --

MR. CASARINO: I --

THE COURT: -- come to me about who gets taken over Zoom versus who gets to be taken in person, it's not going to be a good day for anybody.

MR. CASARINO: I've taken clear note of that, your Honor.

THE COURT: I spent the first several years of my career traveling to all manner of random places to take depositions. So I mean, you've just got to work this out.

MR. CASARINO: And on the defense side, we're perfectly happy to do that, your Honor. We're trying to do them in person. If they want to attend by remote or other people want to attend by remote, that's on them. That's fine. But my client wants me to take these depositions in person.

THE COURT: Well, I mean, if you have a one-hour deposition, do you really need that to be taken in person? You can't -- you can't confer and try to --

MR. CASARINO: Those --

THE COURT: -- see if you can get that done over Zoom?

MR. CASARINO: Those are the one-off situations where we'd meet and confer. But the default -- they want the default to be flipped on its head, the default to be remote, unless the Defendants come to the Court for good cause to --

THE COURT: No. The default is in person.

MR. CASARINO: Thank you, your Honor.

THE COURT: So that said, however, you all have the obligation under Federal Rule of Civil Procedure 1.

If anyone can tell what that rule says, you get brownie points, is probably the -- does someone know? Anyone?

UNIDENTIFIED SPEAKER: [Indiscernible.]

THE COURT: Thank you. Okay. Someone must have read a previous transcript.

UNIDENTIFIED SPEAKER: We did, your Honor.

THE COURT: Okay. Because usually not that many people can say it.

UNIDENTIFIED SPEAKER: All three.

THE COURT: So you all have the obligation to do that, as do I. And I take the concern seriously. I do. But the rules do allow in-person questioning. And being a former trial lawyer myself, there is a benefit to questioning someone in person.

However, if this is a minor witness, if there's a real reason that this person should not be taken in person, I expect the Defendants aren't doing this just for the sport of it. Okay?

If there is a particular trauma, you guys can talk amongst yourselves that maybe doing it by Zoom is not really going to yield any real benefit to Defendants and would be -- would yield a benefit to that particular witness, you know. You all need -- you all have the obligation to and need to talk about this in person.

And I expect that no one is going to be bringing a dispute such as whether a witness needs to be taken in person or over Zoom. And if it's a party, I really don't want to hear that dispute. Okay? If it's a party, a Defendant, a Plaintiff, that person gets to have their deposition taken however the noticing party requests it. Okay? Unless there's a compelling reason.

All right. So that issue is resolved --

MR. CASARINO: Thank you.

THE COURT: -- but with the asterisk that I'm

expecting counsel to be working cooperatively on those issues and not just doing this, you know, gratuitously. Okay?

MR. CASARINO: Understood, your Honor.

THE COURT: And I'm not saying anyone is. I'm just saying that --

MR. CASARINO: Understood.

THE COURT: Okay. All right. So then can I get the parties to send me a Word version of the deposition protocol with that change made? And if you all can send that jointly to chambers, I will review it and enter that deposition protocol order.

With respect to the discovery protocol, there are a number of issues that I will take up. It may be that I -- excuse me -- that I deal with these on the papers. If I need any argument, I will let you all know.

And then my understanding is that there are a number of disputes that are OAN-specific disputes. And so if there are still some live discovery disputes, I will set those down for a hearing.

And some of you all have appeared before me, so you know how this works. I don't allow full briefing if I can resolve the dispute short of full briefing. So I do have a template that I have created that I wish the parties to fill out jointly that's very -- should be hopefully not a

heavy lift, but essentially the request at issue, what the objection to the request is, and then each party gets the opportunity to say very briefly what their respective argument is.

I come from the school of thought that if you can't tell me in three pages why you need this discovery, then you're going to have a hard time convincing me to give you more space unless it's a particularly complicated issue. And then I will, you know, consider giving you more space.

So I will send that -- I will have my chambers send that template to you all so you all know how I like to have these briefed up. And that document gets submitted as a joint submission so that there's not back-and-forth briefing, which, you know, takes a lot of attorney time when I could just get to the heart of the matter by looking at that document and having a brief hearing.

So I will set a further hearing on that issue as well.

Are there any issues that have been mooted that weren't -- that were in the March 13th joint report? And I'll let anyone come up if they need to to address this.

MS. BROOK: I think, your Honor -- so first of all, we did read the previous orders and we were cognizant that if any major issue was mooted we would alert the Court so the Court did not waste its time.

I think one minor issue that was mooted was the privilege log provision in the disputed discovery protocol.

MR. CASARINO: That's correct.

MS. BROOK: It turns out we were seeing eye to eye and just talking past each other. So maybe if I can propose it, we will just send in Word doc or frankly in an email the exact language that the parties have agreed to as to that dueling provision.

THE COURT: Do you know which number -- this is in the discovery protocol?

MS. BROOK: Yeah. It's No. 9, I believe.

THE COURT: Okay. Very well.

MS. BROOK: And then there was further conferences before the discovery protocol.

Was there anything else?

MR. CASARINO: Your Honor, I do believe also at least for the Powell Defendants on the custodians we agreed on who the custodian would be: Ms. Powell.

THE COURT: Okay.

MR. CASARINO: A surprise.

THE COURT: There's the one custodian --

MR. CASARINO: A spoiler alert for your Honor.

THE COURT: Okay.

MR. CASARINO: Ms. Powell.

THE COURT: All right.

MR. CASARINO: So that one is off the list for Ms. Powell, anyway.

MS. BROOK: And I think unfortunately that was all that the parties were able to further resolve by virtue of the Zoom conference that we had on Friday.

THE COURT: Okay. Thank you.

And the request for a discovery deadline, it may have -- that has not yet been referred to me. It may very well be that Judge Nichols does refer it to me. But at this time, I will confer with him and decide how that's going to proceed forward.

And then I think the only -- I mean, unless I'm mistaken, the only party with specific discovery disputes is OAN. Is that correct? Mr. Neerman or Mr. Ross?

MR. ROSS: We submitted a joint email. Actually, it was to Judge Nichols -- excuse me -- the day he then referred everything to you. And then we resubmitted it to you.

THE COURT: Probably --

MR. ROSS: Four of those --

THE COURT: That's probably why he referred it --

MR. ROSS: It may have been the final match stick. But four out of the five are OAN concerns about things that we are objecting to.

The last one is our concern about something

they're objecting to, which will be familiar to you, because it has to do with financial information. That same issue is in front of you in the *Smartmatic* case. They've -- just so you know, they've also agreed and the parties have agreed based on your order in the *Smartmatic* case that anything that is produced in the *Smartmatic* case by OAN is being produced to us in this case and vice versa.

So your -- I think that motion is still pending in front of you in the *Smartmatic* case. And your resolution of that may resolve it for us as well.

THE COURT: Okay.

MR. ROSS: Because they're very similar. That's my only point.

THE COURT: Okay.

MR. ROSS: But at some point, when we do submit --

THE COURT: That's the financial document issue?

MR. ROSS: Correct.

THE COURT: Okay.

MR. ROSS: At some point, when we do submit it, we'll submit our views on it as well. But it may be moot by the time -- if you've already ordered that information, because then we're going to get it as well.

THE COURT: Okay. All right. I see. Well, that is a somewhat orderly way to deal with it.

But let me let Mr. Neerman or --

MR. ROSS: Of course.

THE COURT: Thank you.

If OAN wishes to respond.

MR. NEERMAN: Hi, Judge.

THE COURT: You finally get to say something.

MR. NEERMAN: I know.

THE COURT: Do you disagree with that?

MR. NEERMAN: Well, as much as I'd like to, I think Mr. Ross is correct. I know that we've been meeting and conferring on various issues, and I think there's a further meet-and-confer set for this Thursday to discuss OAN's issues.

And then with respect to the *Smartmatic* case that Mr. Ross referenced, OAN and Smartmatic are continuing to confer on that issue. So it's still before your Honor, but I don't think it's ripe yet because we're still conferring.

THE COURT: Oh, okay. Well, so then the issues that are there in the joint status report at the very end, the No. 5, OAN-specific disputes, those are issues you're still going to confer on on Thursday?

MR. NEERMAN: That is correct, your Honor.

THE COURT: Then can you all let me know, then, by Monday? So I won't actually take these under advisement yet or order further briefing yet until you all tell me which were still live issues.

MR. NEERMAN: I think that's right, your Honor.

THE COURT: Okay.

MR. NEERMAN: And I don't think -- I don't think we anticipated you being able to get to those today anyway because of the various issues you were dealing with.

THE COURT: Yes.

MR. NEERMAN: And so we're continuing to confer on those issues.

MR. ROSS: But we're happy to let you know the results. I think at best we may narrow them down a little bit. I think there may still be some information for you to take --

THE COURT: Well, some of you know how to deal with discovery and how I interpret the rules. So I hope that you all are able to resolve them.

And so I will not order the submission of those -- of that template document until I hear from you. So if you could let me know by Monday at 5:00 p.m. and just file a supplemental joint status report as to these OAN-specific disputes and let the Court know which ones are still live disputes.

MR. ROSS: Yes, your Honor.

THE COURT: Okay. Thank you.

MR. NEERMAN: Thank you, Judge.

THE COURT: Okay. Just a moment.

Mr. Babcock I knew --

MR. BABCOCK: [Indiscernible.]

THE COURT: Well, of course. I told you I didn't think it was --

MR. BABCOCK: I know you told me.

Just in fairness to Smartmatic, that's not here, we have been talking about the financial documents, but it's been in fits and starts with me on our side and different lawyers on their side.

I'm going to resolve myself next week to bite into that and see if we can't get it done. And I think we can. But...

THE COURT: Okay.

MR. BABCOCK: But I think if they were here they would say, Oh, no. He hasn't called us back.

THE COURT: Okay.

MR. BABCOCK: Which is fair.

THE COURT: Well, let's -- we won't wade too much into that since they're not here.

MR. BABCOCK: Okay.

THE COURT: But I appreciate that.

MR. BABCOCK: Thank you, your Honor.

THE COURT: Thank you.

Okay. Just a moment.

(Pause in the audio recording.)

THE COURT: Okay. Is there anything further, then, from Dominion?

MS. BROOK: Your Honor, if it's all right with the Court, can I just tick through the things that the Court is expecting from us so that we --

THE COURT: Yes.

MS. BROOK: -- are sure we're all on the same page before we leave here today?

THE COURT: Yes.

MS. BROOK: So the first one I have is that the parties are to draft a joint -- we're to draft a proposed order regarding the issue of Ms. Lambert and Mr. Byrne. We are to get that to the Court as soon as practicable, but in no event later than 9:00 a.m. tomorrow morning.

THE COURT: Yes.

MS. BROOK: The second one I have is that we are to get the Court a Word version of the depo protocol with the default set as the Court has ordered today.

The third one -- and we'll do that via email, I presume.

THE COURT: Yes. You can email my chambers.

MS. BROOK: Thank you.

The third one I have, which I'm going to expand a little with the Court's permission, is we will clarify again via an email to chambers the privilege log issue that the

parties have agreed on relating to the deposition -- the discovery protocol. And to the extent there are any other little things like custodians or timeframes which we're able to reach agreement on, we'll update the Court of that at that time as well.

The fourth one --

THE COURT: And that's by -- what date did you have?

MS. BROOK: I don't know that you gave us a timeline.

THE COURT: I don't think I set it. Yes. Wednesday?

MS. BROOK: That's fine.

THE COURT: 5:00 p.m. Does that work for you all?

MR. CASARINO: That works fine, your Honor. Thank you.

THE COURT: Okay. Thank you.

MS. BROOK: The next one I have is that the Court requested an update on the ongoing meets and confers with OAN so that the Court knows what issues are still in dispute or not. And we're meeting and conferring about that on Thursday. And so I believe we can provide the Court with an update on Friday or Monday, whenever is --

THE COURT: Yes. No later than Monday at 5:00 p.m.

MS. BROOK: Monday at 5:00 p.m.

THE COURT: Yes.

MS. BROOK: Thank you. I like rules.

THE COURT: So do I.

MS. BROOK: They help.

THE COURT: And now all of you know Rule 1, which just makes me very happy.

MS. BROOK: And then Dominion can file a reply brief on the Lambert-Byrne issue by no later than this Friday --

THE COURT: Right.

MS. BROOK: -- on those issues.

So then the only other housekeeping agenda item that Dominion has to raise with the Court, Docket No. 149 in the OAN case -- that's the 2130 case -- that is a fully agreed-upon amended protective order that we would appreciate the Court entering. And the only reason we're bugging you at all is because it has increased protections for third parties.

THE COURT: Yes.

MS. BROOK: And as we start doing third-party productions, we want to make sure we're all on the same page.

THE COURT: Right. And I was aware of that, and I will take that up in short order as well.

MS. BROOK: Thank you, your Honor.

THE COURT: Okay. Thank you.

Anything from Defendants? Anyone?

MR. CASARINO: No, your Honor. Thank you.

THE COURT: Thank you all for your time.

I'd like just to clear the courtroom, please, as soon as practicable except I have one unrelated matter with Ms. Lambert, if you could hang back. Thank you.

If there's any court personnel, they can stay.

Thank you all. Have a good day.

MR. CASARINO: Thank you, your Honor.

MR. ROSS: Thank you, your Honor.

THE COURT: Thank you.

(Proceedings concluded.)

CERTIFICATE

I, LISA EDWARDS, RDR, CRR, do hereby certify that the foregoing constitutes a true and accurate transcript of my stenographic notes, and is a full, true, and complete transcript of the proceedings produced to the best of my ability.

Dated this 20th day of March, 2024.

/s/ Lisa Edwards, RDR, CRR
Official Court Reporter
United States District Court for the District of Columbia
333 Constitution Avenue, Northwest
Washington, D.C. 20001
(202) 354-3269

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witness [7] - 61:4, 61:10, 61:21, 64:13, 67:6, 67:13, 67:17
witnesses [5] - 59:25, 60:18, 61:20, 64:25, 65:2
Word [3] - 68:9, 70:6, 76:17
work-product [1] - 34:9
works [2] - 68:22, 77:15
world [1] - 12:1
writ [1] - 49:10
wrongs [2] - 8:23, 9:2
wrote [2] - 25:15, 52:7

Y

years [2] - 8:13, 65:17
yield [2] - 67:12, 67:13
York [2] - 2:20
yourselves [2] - 5:10, 67:11

Z

zero [2] - 9:19, 9:20

Zoom [5] - 65:13, 66:6, 67:11, 67:18, 71:5

Exhibit 7

screenshot-twitter_com-2024_07_14-12_06_39
https://twitter.com/MJTruthUltra/status/1811755146633675036
14.07.2024

MJTruthUltra
@MJTruthUltra

Subscribe

🚨 Colorado — this is big..

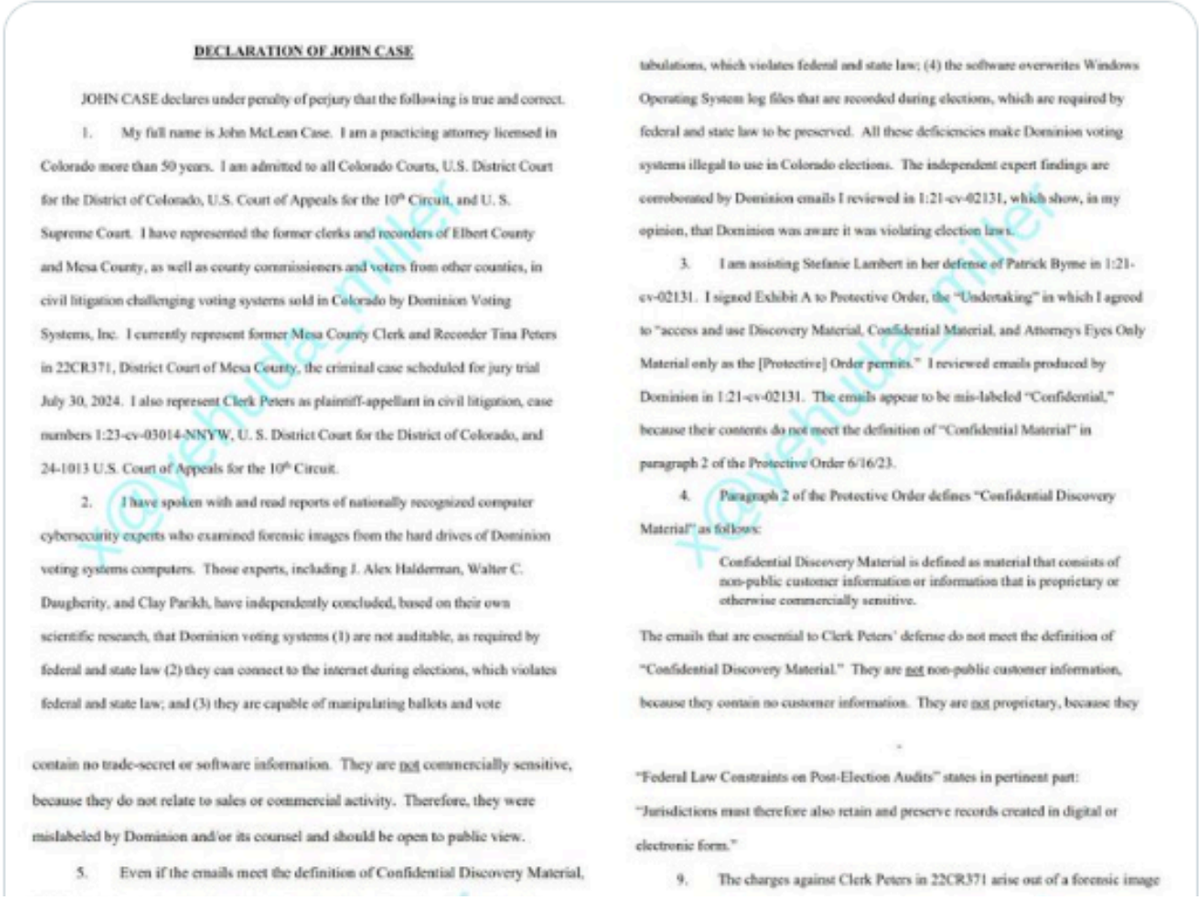
A Lawyer has Come Forward: Dominion Voting Machines can Connect to the Internet, Can Change Votes, and Cannot be Audited

• Lawyer John Case, under penalty of perjury, files declaration to CO Judge, stating Dominion Voting machines can connect to the internet, can switch votes, and cannot be audited

Tina Peters is reportedly entangled with subpoenas against Dominion... they are fighting tooth and nail for this information not get out.

Per Court Records Obtained by @yehuda_miller on X directly from Tina Peters Trial

"Dominion voting systems (1) are not auditable, as required by federal and state law (2) they can connect to the internet during elections, which violates federal and state law; and (3) they are capable of manipulating ballots and vote tabulations, which violates federal and state law; (4) the software overwrites Windows Operating System log files that are recorded during elections, which are required by federal and state law to be preserved. All these deficiencies make Dominion voting systems illegal to use in Colorado elections."



DECLARATION OF JOHN CASE

JOHN CASE declares under penalty of perjury that the following is true and correct.

1. My full name is John McLean Case. I am a practicing attorney licensed in Colorado more than 50 years. I am admitted to all Colorado Courts, U.S. District Court for the District of Colorado, U.S. Court of Appeals for the 10th Circuit, and U. S. Supreme Court. I have represented the former clerks and recorders of Elbert County and Mesa County, as well as county commissioners and voters from other counties, in civil litigation challenging voting systems sold in Colorado by Dominion Voting Systems, Inc. I currently represent former Mesa County Clerk and Recorder Tina Peters in 22CR371, District Court of Mesa County, the criminal case scheduled for jury trial July 30, 2024. I also represent Clerk Peters as plaintiff-appellant in civil litigation, case numbers 1:23-cv-03014-NNYW, U. S. District Court for the District of Colorado, and 24-1013 U.S. Court of Appeals for the 10th Circuit.

2. I have spoken with and read reports of nationally recognized computer cybersecurity experts who examined forensic images from the hard drives of Dominion voting systems computers. Those experts, including J. Alex Halderman, Walter C. Daugherity, and Clay Parikh, have independently concluded, based on their own scientific research, that Dominion voting systems (1) are not auditable, as required by federal and state law (2) they can connect to the internet during elections, which violates federal and state law; and (3) they are capable of manipulating ballots and vote tabulations, which violates federal and state law; (4) the software overwrites Windows Operating System log files that are recorded during elections, which are required by federal and state law to be preserved. All these deficiencies make Dominion voting systems illegal to use in Colorado elections. The independent expert findings are corroborated by Dominion emails I reviewed in 1:21-cv-02131, which show, in my opinion, that Dominion was aware it was violating election laws.

3. I am assisting Stefanie Lambert in her defense of Patrick Byrne in 1:21-cv-02131. I signed Exhibit A to Protective Order, the "Undertaking" in which I agreed to "access and use Discovery Material, Confidential Material, and Attorneys Eyes Only Material only as the [Protective] Order permits." I reviewed emails produced by Dominion in 1:21-cv-02131. The emails appear to be mis-labeled "Confidential," because their contents do not meet the definition of "Confidential Material" in paragraph 2 of the Protective Order 6/16/23.

4. Paragraph 2 of the Protective Order defines "Confidential Discovery Material" as follows:

> Confidential Discovery Material is defined as material that consists of non-public customer information or information that is proprietary or otherwise commercially sensitive.

The emails that are essential to Clerk Peters' defense do not meet the definition of "Confidential Discovery Material." They are not non-public customer information, because they contain no customer information. They are not proprietary, because they contain no trade-secret or software information. They are not commercially sensitive, because they do not relate to sales or commercial activity. Therefore, they were mislabeled by Dominion and/or its counsel and should be open to public view.

5. Even if the emails meet the definition of Confidential Discovery Material, "Federal Law Constraints on Post-Election Audits" states in pertinent part: "Jurisdictions must therefore also retain and preserve records created in digital or electronic form."

9. The charges against Clerk Peters in 22CR371 arise out of a forensic image

which they do not, the jury in Mesa County should be allowed to see them under appropriate instructions from the trial court, because they are essential to Clerk Peters' defense in a criminal case in which at least one Dominion employee has been listed as a "will call" witness by the prosecution, and she faces possible incarceration if convicted.

6. I have not disclosed the Dominion emails to my client Tina Peters, or to anyone else. I believe that I have an ethical obligation to disclose the emails to my client, and to present them as evidence in 22CR371, because the Dominion emails contain exculpatory material that is vital to Clerk Peters' defense.

7. Starting in December 2020, Mesa County voters, including County Commissioner Cody Davis, asked Clerk Peters to conduct audits of the November 2020 election results in Mesa County, and the April 2021 municipal election in Grand Junction. Constituents claimed the results tabulated on Dominion machines were improbable.

8. 52 U.S.C §20701 requires all officers of election, including Clerk Peters, to preserve election records for 22 months after any federal election. There is a criminal penalty for violating this statute. Department of Justice publication 7/28/21 titled

of the Mesa County election management server hard drive that was made on May 23, 2021. Colorado Deputy Secretary of State, Chris Beall, has admitted in sworn testimony that no statute or rule prohibited imaging the server at the time that the image was made.

10. Clerk Peters engaged a qualified cybersecurity consultant to make a forensic image of the server before the Trusted Build, then observe the Trusted Build, and make a second forensic image of the server after the Trusted Build. This was necessary to perform her public duty, under statutes and the U.S. and Colorado Constitutions, to preserve digital election records, and to investigate what Secretary of State personnel did to the Mesa County voting computers during the Trusted Build.

11. Imaging the server before the Trusted Build preserved all digital data still available on the hard drive that had been generated during the November 2020 election and the April 2021 Grand Junction municipal election. I say *still available on the server* because Dominion's recommended settings for its software causes Windows operating system log files to be overwritten during election ballot processing, which violates election record preservation laws. Comparison of the forensic image made before the

4

6:31 AM · Jul 12, 2024 · **433.7K** Views

448 14K 24K 2.1K

C Post your reply Reply

Gen Belisarius @GenBelisarius · Jul 12
@FoxNews Hey Fox, don't give Dominion another Billion dollars please.
17 89 769 14K

MJTruthUltra @MJTruthUltra · Jul 12
lol

In reality, it's just one hand exchanging money with the other, on the same body.
13 26 461 13K

SpudMemes 𝕏 @SpudMEMES · Jul 12
Bingo
1 8 414

JKash 🍊MAGA Queen @JKash000 · Jul 12
Get rid of all voting machines, especially Dominion.
10 77 569 8.8K

Heritage Foundation @Heritage Ad
If you're concerned about election fraud and want your representatives to investigate and prosecute anyone who seeks to undermine our elections, please click below to join other concerned citizens by completing our National Survey on Election Fraud now! >>

From heritage.org

122 84 226 136K

Pat1776 @Matka1776 · Jul 12

The truth was already uncovered in MI:

> **Patrick Byrne** @PatrickByrne · Feb 10
>
> THE DAM HAS BROKEN: PROSECUTOR ACCUSES DOMINION CEO OF LYING
>
> Listen to this leaked audio of 46 seconds. Explanation below.
>
> ...
>
> Show more
>
> **Stefanie Lambert** Host
>
> **MI Prosecutor Lucido: Dominion CEO John Poulos committed PERJURY!**
>
> 49K tuned in · Feb 9 · 0:46
>
> ▶ Play recording

3 89 284 8.8K

RedPill @AvanteSearch · Jul 12

The key take-away- "All these deficiencies make Dominion voting systems illegal to use in Colorado elections." - but will CO be forced to remove

them?

4 22 169 4.9K

Tod @TodRevolution · Jul 12

Same with all machines coming from ES&S. The machines have to go.

1) Hand Counting process fight in South Dakota.

From rumble.com

2 33 126 4.4K

Li'l Orwell - redeemed ghost @LilOrwell1984 · Jul 12

Who would've thunk it ? Allegedly ¯_(ツ)_/¯

10 227 546 8.7K

George Hatt @gohatt · Jul 12

No more DOMINION COMPUTERS!

VOTER ID
PAPER BALLOTS
SAME-DAY VOTING

3 38 217 2.7K

Tigerfan62🇺🇸NO DM's🚫No Crypto,No Porn. @tmobley052 · Jul 12

Dominion voting machines should be banned in all 50 states. Voter ID, proof of citizenship, hand counted paper ballots with a back up counter. Trust nothing . I truly hope citizens will report any thing they see and monitor the drop boxes which should not be legal.

2 51 173 2.5K

Michael Hustus 🇺🇸 @HustusMichael · Jul 12

That time Democrats in both House & Senate warned the country of the dangers of Dominion Voting Machines.

👇

> **Michael Hustus** 🇺🇸 @HustusMichael · Jun 24, 2021
>
> Replying to @Charlen60403930 @BigLance111 and 7 others
>
> Here it is
>
> Kamala Harris and other leading Democrats testifying about how easy it is to commit fraud using Dominion voting machines....
> Show more

4 53 86 2.4K

Cyber Hunter @Gene_SD · Jul 12

Here is a breakdown of the states that use Dominion Voting Systems' machines (Notice Anything):

Arizona: Dominion's machines are used in Maricopa County, which includes Phoenix and the surrounding areas.
California: Dominion's machines are used in several counties, including Los

Show more

8 41 63 2.2K

FancyNancy @SagesMonya · Jul 12

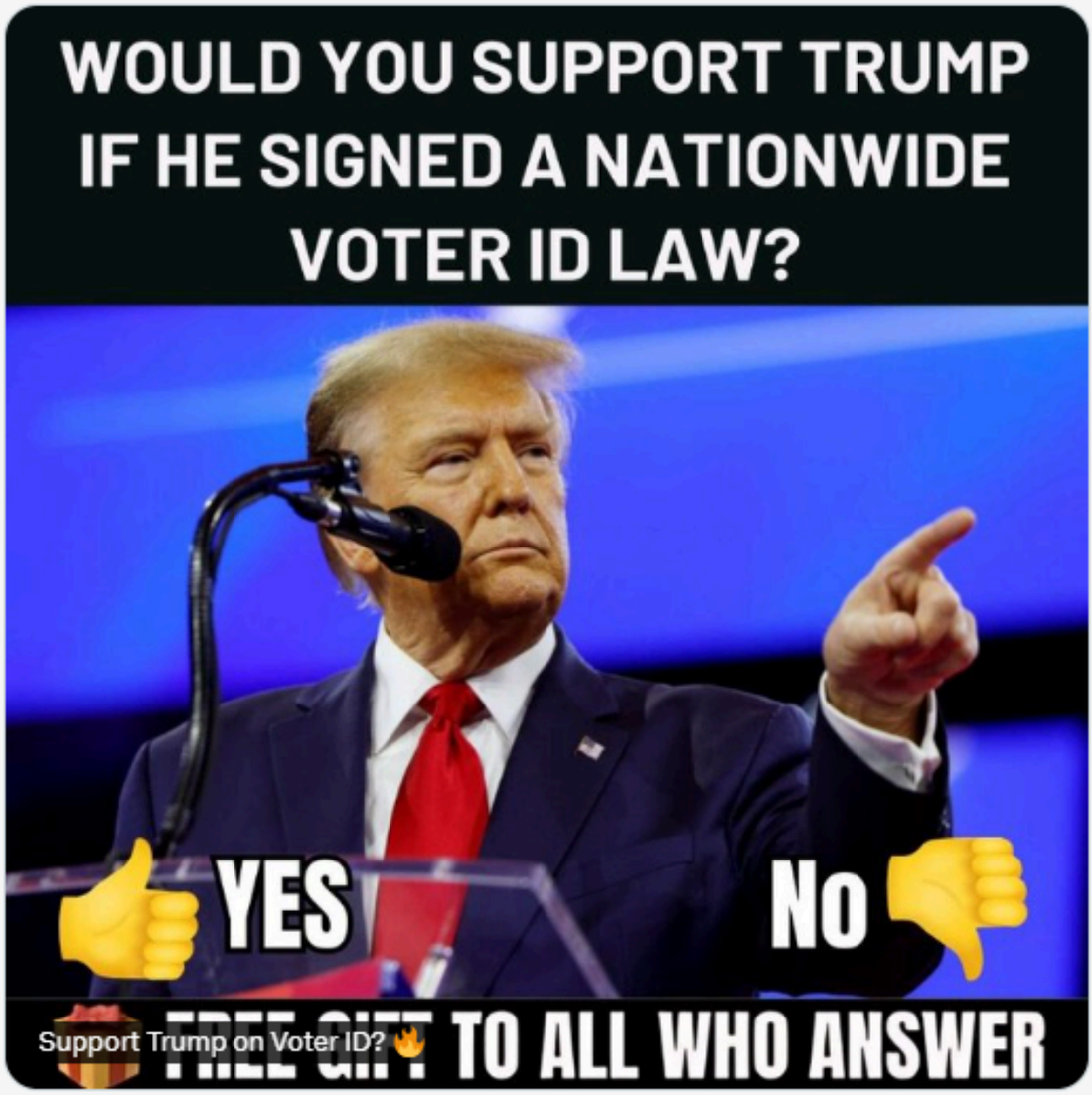
We all knew. Dens only can win by cheating. Stay frosty

2 5 73 3.4K

DailyNoah.com @DailyNoahNews Ad

🔥 Big question! Should Trump sign a voter ID law?

✅ TAP to take the poll! SHARE for others!
Vote Here: trump.typeform.com/to/wOw5BltD



From typeform.com

545 589 7K 2.4M

JustAmerican @JustFaithinaz · Jul 12

This is how they turned Colorado. THEY HAVE BEEN CHEATING FOR YEARS

2 9 83 2.3K

River over troubled bridges @JulietRedbird · Jul 12

It would be a real shame if someone were to disrupt internet service and jam all WiFi around point stations... Well, I guess that wouldn't have any impact at all if things are on the up and up.

Sacred Valley Podcast @CreteTara · Jul 12

Is it big though? We've all been watching the proof of the stolen election for 4 years now yet nothing has changed.

1 4 36 1.2K

Attention Disorder @atndisorde38643 · Jul 12

Then technically speaking, the hash# should change every time the file is changed but with an inability to audit, you'd never be able to tell.

2 10 1K

B Husker @blittle47 · Jul 12

Sadly, there are 10s of thousands of affidavits around the country just like this. The courts ignore all of them and claim standing. Until we fix the courts, you could have people write a million affidavits, and it will not matter.

11 174

hotStepper @ChuteShoot · Jul 12

The only reason machines would be designed this way is to facilitate cheating.

5 20 641

Wireman @The_Wireman · Jul 12

Why trust some computers with the sanctity of our elections?
Baffling.

5 35 1.9K

Venitta Ricci Ferguson @venitta · Jul 12

Now what? More truth yet each truth revealed is met with indifference refusing righteous consequence

3 13 509

Eric D. Jarman @EDJMrSanMan · Jul 12

Sounds to me like dominion voting machines are appliances with a back plane of server types and are internet edge nodes that connect back to the home network in Serbia.

3 10 456

Rupertgumpert96 @rupertgumpert · Jul 12

They will try to steal the election again. Vote. Don't believe it's in the bag.

1 6 20 517

Roger w @Prov1_31233 · Jul 12

No machines should be used for National or State elections, hand ballots only.

If those machines used were illegal who is going after the companies?

6 21 558

Hoodies Mom @MomHoodies · Jul 12

We've known this since 2020 in large part due to your telegram group MJ. You've help many of us open our eyes and connect to a community where we can share this information.

I hope that this situation will gain traction and we'll finally have some justice.

6 42 2K

Shadyblues117 @xDarklingx · Jul 12

We knew this a long time ago but I guess either people forgot or didn't care the first time they saw it. We have only ourselves to blame for all of this.

1 3 11 398

Valerie G @ValerieGoldst17 · Jul 12

That is exactly what they did the last time too. Even a kid can program it to do that.

3 453

Conservative Diva™ @1776Diva · Jul 12

@LauraLoomer

@TuckerCarlson
@dbongino
@RitaCosby
@deneenborelli
@tomborelli
@DineshDSouza

1 8 319

Wee Volunteer @WeeVolunteer · Jul 12
Well then, let's not use Dominion Voting Machines

1 272

IcanAmer @IcanAmer_MAGA · Jul 12
👀👀👀👀👀

1 274

Walts_Place @Revwwthompson · 18h
Dominion needs to be out of the voting. Period!!!

1 21

MikkyCanada @H6Mikky · Jul 12
WAKE UP OEOPLE

1 105

Tom Fabian @TomFabian17 · Jul 12
Old news....

2 551

Epoch Times—Southern California @EpochSoCal Ad
The California Supreme Court ruled 7–0 that police cannot detain people simply for avoiding contact.

From theepochtimes.com

315 1K 4.5K 6.7M

Nicky Lucky @N1ckyLucky · Jul 12
We're using a Windows operating system for our elections😭😭😭

3 532

Komrade @SirKomrade · 14h
@Timcast @philthatremains

9

AceyAC @ACCibock · Jul 12
@MikeLindellpage

367

Francisco de Miranda @Ernestonewage · Jul 12
MJ ... it is new for you? It's happening from 2006 bro ..!!

3 6 325

Spazcrypto @OnE1HuManitY · Jul 12
Nothing is going to ever become of this.

2 637

The Guy @RyanDay99 · Jul 12
@elon

2 278

Don Yoder @Yoder12Don · Jul 12
It'll be better when they finally get convicted
2 7 520

Conservative Caveman @ChiefPatriot70 · Jul 12
Will it matter? I would say doubtful
4 915

YORGOZAM @free2bnetwirx · Jul 12
This is SUCH OLD NEWS! Anyone watch 2000 Mules???
1 1 6 353

Robert H @a_mericandragon · Jul 12
Do different states have different laws regarding this specific topic? Is this a state by state kind of situation? Meaning...if this is illegal in Colorado... would this be illegal California? Probably should find out.
1 1 120

Dan F. Stokka @Sportacut · Jul 12
Soros in the making, this is unfolding beautifully epiQ.
1 3 331

YY 🇺🇸🍊🐸🙏 @Yibbieyo11 · Jul 12
Better late than never I suppose but maddening af.
2 469

Mattx15 @Mattx15x · Jul 12
1 80

Captain Mike @TheCaptain320 · Jul 12
Yep - I knew this years ago .
3 143

Queer Majority @QueerMajority Ad
"The @innocence Project states that at least 375 wrongful convictions have been overturned in the United States using DNA evidence." - @CJFerguson1111

queermajority.com
The Messy Truths About False Rape Allegations — Qu
The online kangaroo court of public opinion is where due process and women's safety go to die.

5 14 64 160K

JosephJS @JosephJS777 · Jul 12
I can't even... Paper ballots. Hand counting. I'll volunteer.

2 95

Bill Campbell @trador58 · Jul 12
I'm in Mesa County. Although 2020 went our way in Mesa, the tests Tina performed were clearly showing problems with Dominion. We need to sanction them before November, so we can show what happens when you steal a landslide. This one will be so much bigger! I would love to see
Show more

1 1 95

Mashman @Mashman78748 · 22h
If they can connect to the internet, who and where are they connecting to?

I suspect that might become public later this month!

21

BrownsFan @TrumpWasRite · Jul 12
All this proof and nothing will change. In November they'll be rolling these easily corrupted, dumpster fires right back out hand the Dems another election

4 110

Rene Aensland @MyHeavener · Jul 13
Is there a different way to opt in to vote?

46

Jacob Smith @XrealJacobSmith · Jul 12
It could even be bigger

For 2024, just some questions here. NOTE: In order to understand this you're required to impersonate your iur enemy, the cheaters. You need to wonder what they would do at each step given the opportunity, then apply that knowledge against them:

- Will
Show more

2 6 121

John Ayres @JohnAyr12294351 · Jul 13

1 3 30

PaulPaulfusion @PaulPaulfusion · Jul 12

Get rid of them or lose the Republic !

3 6 358

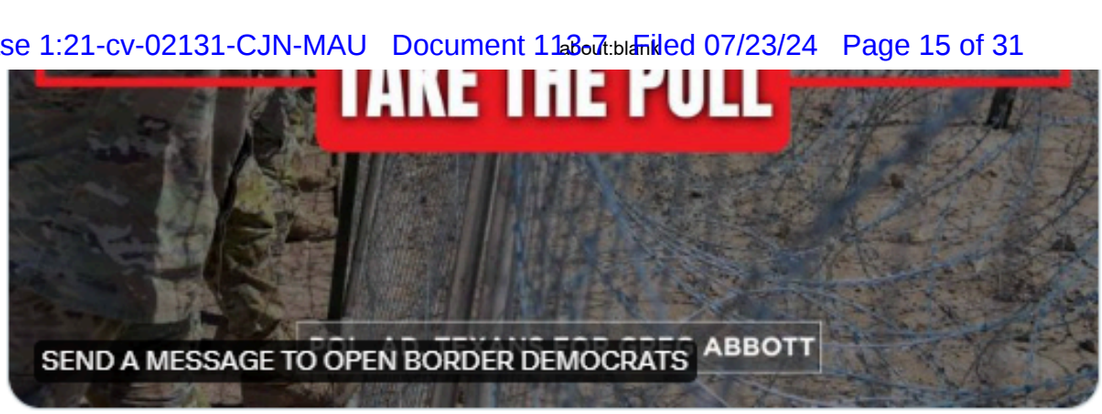
J (Froebel-Parker) @Froebel · Jul 12

@LWV @RNCVoteProtect

1 337

Texans for Abbott @AbbottCampaign Ad

Biden's ongoing lawsuits to BLOCK Texas from enforcing the laws should enrage every American! Help us send a LOUD message 👇



From winred.com

30 60 289 83K

Robert C. @bobjrfarm1 · Jul 13
Two different arguments. There should be a way to find the truth by forcing release of all research on these machines.

1 34

Tudahl Family Kathleen& Duane *** @tudahl55 · 23h
This is crazy stuff!! Stop the steal of our elections!!

14

Mega MAGA WebDiva playing with running @OlyWebDi · Jul 12
She's back! Go, Tina, go!!

83

Libs-R-Tards @PurpleK9000 · Jul 12
Too little, and WAY To LATE!!!!!!!!!

1 198

CorNpopSR. @JacaDullBoy1983 · 22h
#America this is big..

12

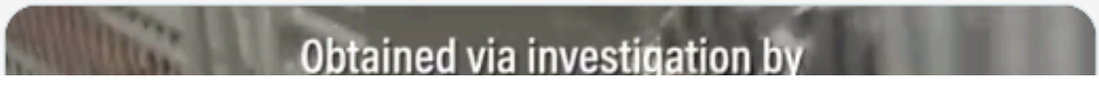
Darren Pelan @crocpelan · Jul 13
Wake up America, get out and vote

29

Person Here @PersonHere26624 · Jul 12
Everyone already knows this. This isn't the issue. The issue is there are no judges or prosecutors with any balls to do anything about it.

1 14 308

White Coat Waste Project @WhiteCoatWaste Ad
WCW Investigation: we've obtained disturbing new video & evidence of wasteful government spending on dog & puppy tests. Contact Congress to join the fight!



From whitecoatwaste.org

159 738 1K 818K

JoeM @General_JoeM · Jul 12

That was revealed years ago in Congressional hearings

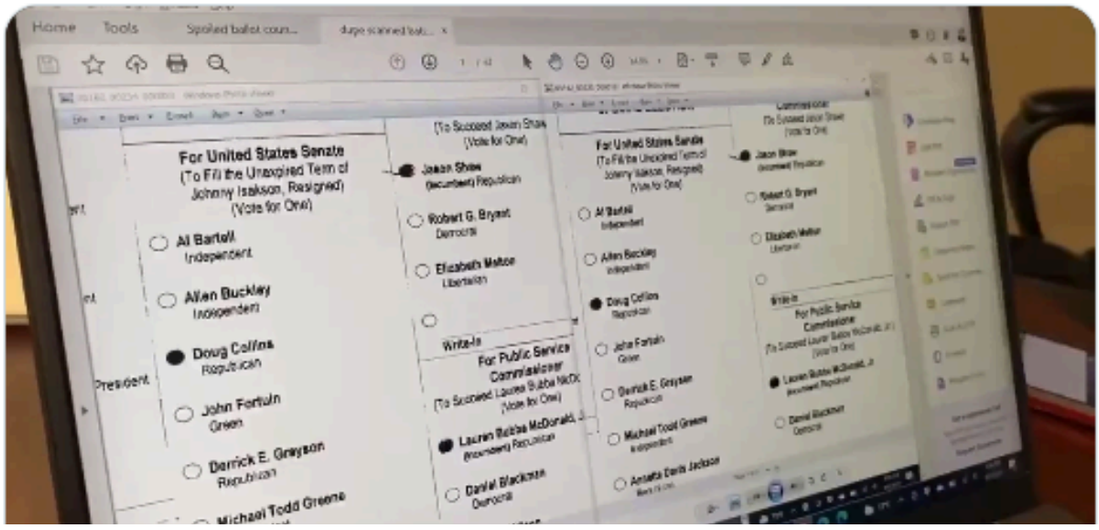
1 2 27 894

Christoph Engelhardt @ChristophE55272 · Jul 12

Corrupt Democrats and corrupt Democratic judges obviously don't care. And corrupt RINO judges don't want Antifa to firebomb their houses. We've known about the vulnerabilities of these machines for years, but corrupt election lawyer, Marc Elias, just loves them.

1 6 19 543

DDG43 @DDG43USN · Jul 12



4 3 99

Marlow62 @Marlow3456 · Jul 12

2 4 34

Random normie, I am too old for this. @amwick2 · Jul 12

annnnnnnnd that is what we use in GA, where I vote.

19

theFOX @the512FOX · Jul 12

So how did dominion win the lawsuit?

3 19

JP @ninja2k3 · Jul 12

@ScottPresler york county uses dominion just sayin

2 32

Random normie, I am too old for this. @amwick2 · Jul 12

Never trusted them.. Never.

15

Pappy Granruth @pappygranruth04 · Jul 12
NOW WHAT

1 24

❤️ Charda ❤️ @CharlPier · Jul 12
Let's pray this attorney does not disappear. 🙏

2 17

Texans for Abbott @AbbottCampaign Ad
Biden's ongoing lawsuits to BLOCK Texas from enforcing the laws should enrage every American! Help us send a LOUD message 👇

From winred.com

30 60 289 83K

Jack Jernigan @JackJernigan1 · Jul 12
Great. They are modern enough to connect to the internet. If needed.

2 31

Thought Criminal @Aether_Craft · Jul 12
Haven't we known this for years? It's just the people who are supposed to investigate these crimes are the ones who perpetuated them.

2 97

Rocky 7777777 @Rocky_7777777 · Jul 12

@realMikeLindell @CarolineWren @KariLake

1 73

William Barnard @William00075961 · Jul 12
I knew that 😄

2 29

mike @retributionsoon · Jul 12
Treason

2 14

Minuteman76 @nicknam02636181 · Jul 12
@GregAbbott_TX @KenPaxtonTX @DanPatrick #txlege

The #txlege has maneuvered TX into the spot where the state can and will be stolen electorally. The statistics demonstrate that across multiple counties. Are you prepared UP FRONT to defend TX from what you know is occurring?

4 9 259

American Summer @AmericanSummer4 · Jul 12
Interesting. I thought it was well know...here's Fulton County's Richard Barron talking about techs remotely accessing machines to fix issues in 2018.

> **American Summer** @AmericanSummer4 · Jul 17, 2021
> Techs had remote access and helped fix problems with machines in Fulton County according to Richard Barron #GAaudit #azaudit #ElectionIntegrity #electionaudit x.com/AmericanSummer...

2 4 10 249

Roger Redacted @AltPublishNow · Jul 12
Lawyers should be able to make bank suing dominion. So why aren't they?

2 15

Bryant Poland Sr @bryant_poland13 · Jul 12
I am sure the judge will throw it out for lack of evidence! 😞

2 1 9 325

John Blutarski @JimBeam96584868 · Jul 12
I think I see where "the plan" might be going.....Dominion getting 'outlawed' right before the election. No other method other than hand counting paper ballots at that point. Ability to rig severely curtailed....especially foreign electronic interference. 🤔 Panic.

1 3 9 216

White Coat Waste Project @WhiteCoatWaste Ad

WCW Investigation: we've obtained disturbing new video & evidence of wasteful government spending on dog & puppy tests. Contact Congress to join the fight!

From whitecoatwaste.org

159 738 1K 818K

Btowen81 @btowen81 · Jul 12

Aaaand nothing will happen

1 9 872

Sam Joslin @JoslinSam · Jul 12

Huuge!

4 68

Jeremy Murphy @jeremypmurphy · Jul 12

Yes it is. From Nebraska we're watching it.

3 49

luccasleo7 @luccasleo75 · Jul 12

how quickly will this attorney be charged and jailed with something

8 109

oldiron @oldiron4me2003 · Jul 12

2 5 42

Tim Reynolds @TimReynolds1911 · Jul 12

A University of Michigan Professor live in the courtroom, showed how to change votes only using a pen.

5 48

Jessica Horton @JessieIsHereNow · Jul 12

@elonmusk

1 5 164

Chris Mack @chrimack · Jul 12

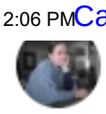
It's been like this since electronic voting machines first started being used. Closed source machines can do anything they like, and in any open and free country would not exist. At a very minimum, they need to be open-source and audit-able by anyone.

1 4 161

Dale @Knuss182 · Jul 12

I'm 8n Colorado. Praying for saftey for Tina Peter's and her team. This is HUGE

65



ThisIsMeIsThisU @AnMarie667 · Jul 12

We have known this for 3 yrs

12

Honest Elections Project Fund @HEP_Fund Ad

We're looking for Americans who stand for secure voting practices to share their thoughts on important aspects of voting integrity.

Will you take our Voter ID Poll now?

From honestelectionsprojectfund.org

15 39 128 120K

generationBip @generationBip · Jul 12

The Fox-Dominion trial was a farce meant to give the public the impression that Fox was wrong to accuse Dominion of cheating and stealing elections. I doubt any money even changed hands

16

wooop @horseisbro10576 · Jul 12

SHOCKER

10

Linda Tucker @LindaTu43720161 · Jul 12

Conservatives know this, digging deeper enough under the rocks is really difficult. Thanks to this brave and persistent truth seeker.

15

The Chad @BrentsChad · Jul 12
If this is true .. It's time to drop the Hammer ! Times a tickin

12

Botsreverywhere @botsrevery50446 · Jul 12
So we have know. This for 3+ years and done exactly what about it

66

Roger Thompson @oldDiver_rt · Jul 12
Well my pacemaker can connect as well..the connection is used to download software updates which are needed for every election..New races new candidates etc

1 24

Admiral Byrd @OPHighjump · Jul 12
We need 1 day paper only voting

96

Jan @Jan47280831 · Jul 12
And since no one's actually done anything about it expect the same thing to happen this presidential election as the last one

1 87

sheila @stbarnett1 · Jul 12
Now do California! Watch us turn RED!

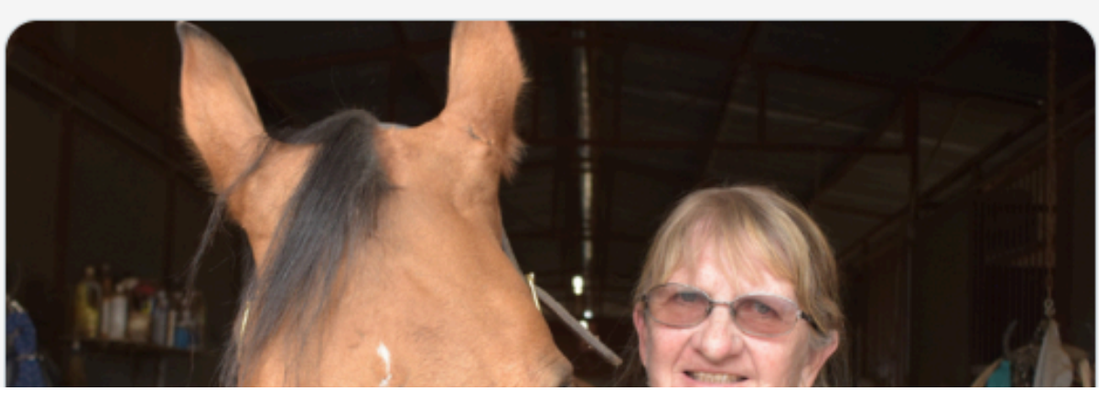
1 20

Ryan Lovins @lovins_ryan · Jul 12
We've known this for 4 years!

1 17

Mountain States Legal Foundation @MSLF Ad
Help! An elderly woman's home is being taken in Arizona over a $1,600 tax bill.

Will you stand with her by signing our petition?



From mslegal.org

86 279 748 954K

Katie @saintmarsk · Jul 12
Fix it Colorado!!

1 58

Eric Morrison @EMorrison2021 · 15h
🙏

2

Kim Ed @Kimislearning2 · 17h
It's about time this finally came out!

3

PatriotBob @PatriotBobGe03 · Jul 12
I dont expect it to matter

1 23

Jerry L @jlew52x · Jul 12
Nothing will happen and the beat goes on and on...

1 126

Debbie Butler @ibcruella · Jul 12
More evidence! Tina Peters case could bring Dominion down.

15

Patrick Riker @priker32 · Jul 12
Show me a maga lawyer that hasn't lied. I'll wait.

1 6

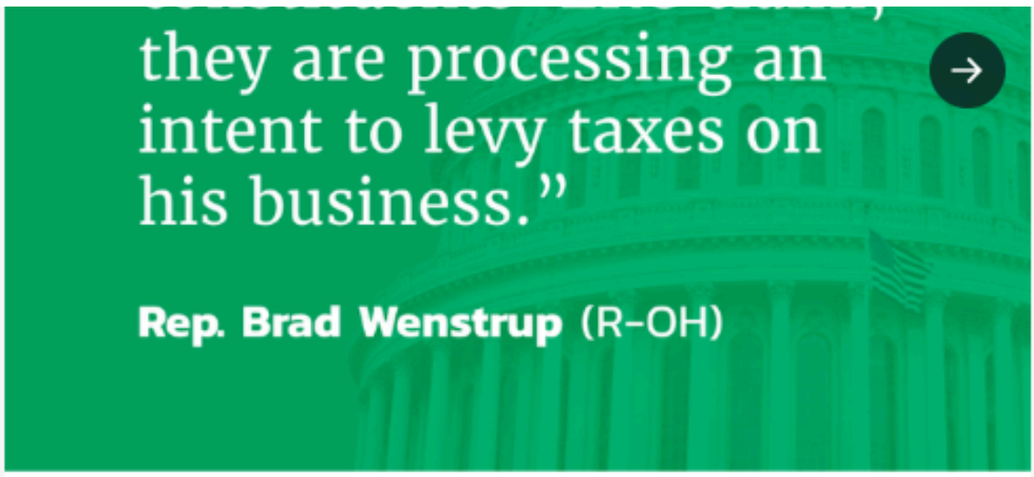
Matt Phillips @mip2982 · Jul 12
Is it 2020 again? Old news.
1 46

G0dfr0y @g0dfr0y · Jul 12
.@xai More info on the rigging operation...
1 46

Silver is Freedom @Freedomfiat · Jul 12

1 47

Coalition to Preserve American Jobs @PreserveJobs Ad
Urgent Action Needed: The IRS's delays are pushing small businesses to the brink. Join the chorus of voices imploring the IRS to do its job.



From ercsavesjobs.com

1 2 11 384K

Pete TX @XALONETX · Jul 12

🚨🚨🚨

We've known this for years.

3 63

C Huff @CHuff7654321 · Jul 12

Also with the top election machine seller in the US—ES&S let's not forget they lied regarding having "zero machines connected to the Internet"when many were found to be connected💥

1 1 51

Cap'n Sam 🎣 🚤 @SamFish04986338 · Jul 12

@elonmusk

1 19

Raul grump @RaulGrump · Jul 12

😡😡😡😡

1 10

Michael Frey @Michael57421494 · Jul 12

Or any election

1 21

Lady Chef BJ @BettyLake17 · Jul 12

😈👹😈

2 47

SanSunSucker SanSunSucker @sansonsucker · Jul 12

I've been saying this for years now. DOMINION HAS TO GO. Most of the world counts votes by hand. It's time we did! You REPUBLICANS BETTER GET TOUGHER. Make it happen or lose my support

2 16

Sharla Raider ₮ @Sharla62997527 · Jul 12
Ok. We knew that four years ago.

2 95

Truth Social @RedPill4America · Jul 12
@realMikeLindell

16

DumpTrump @owlmacarpenter · Jul 13
We shall see if that true

5

Mitchell Everman @MitchellEverman · Jul 12
Trump lost

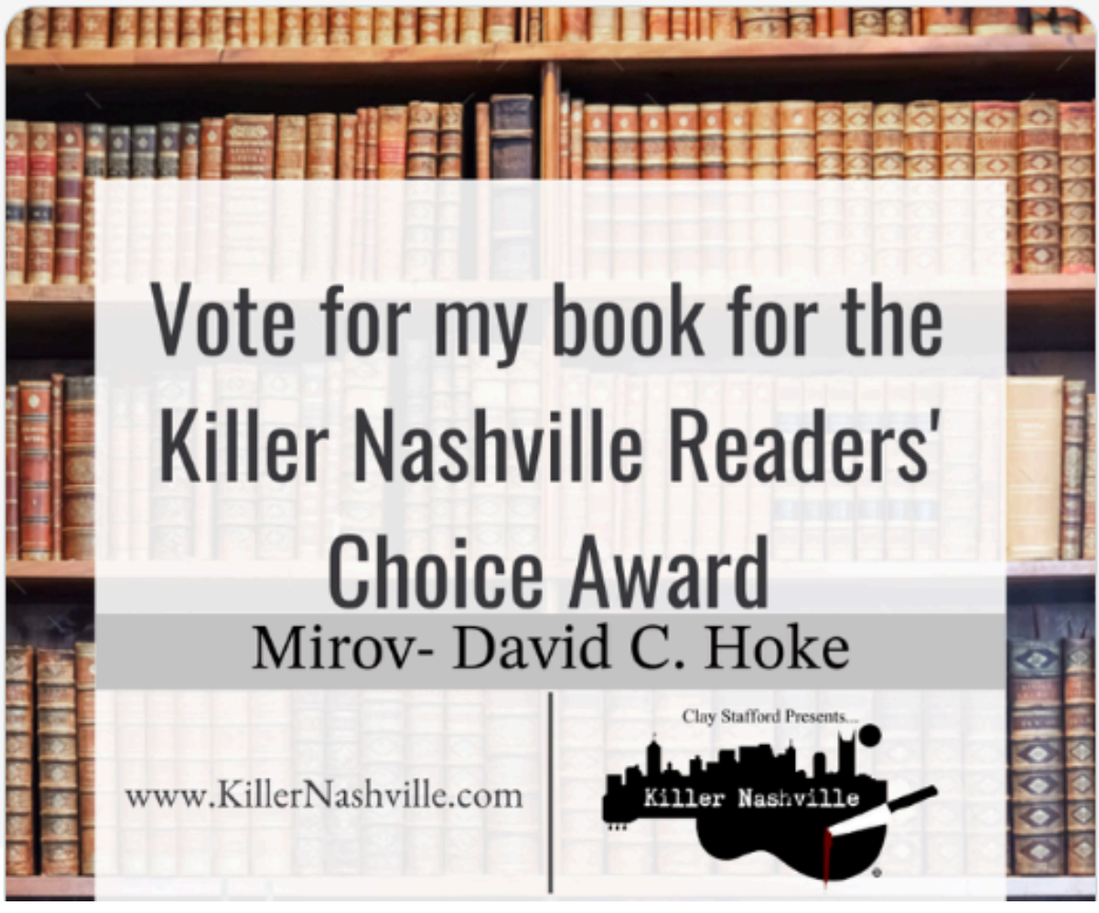
1 22

SJ @SJCO64 · Jul 12
@charliekirk11

25

Hoke @TheDavidCHoke Ad
Please vote for Mirov on the 2024 Killer Nashville Readers' Choice Ballot. I'm about halfway down the page. Thank you!

killernashville.forms-db.com/view.php?id=25...



From forms-db.com

2 6 43 465K

Chuck Roast @ChuckRo15976335 · Jul 12
Dominion, corrupt...???

I would've never guessed...

1 148

gambiny @VinceRock10 · Jul 12
wtf...

12

britt @britbrittbrit · Jul 12
@mrddmia @TomFitton @RepBoebert

4

Mathew Abides @DudeManMateo · Jul 13
'Kari Lake' level unlocked.

36

AJ @ajobean · Jul 12
This isn't new news.

6

B @AcerockJrod · Jul 12
This should be headline news and be stopped.

1 10

Michael @Get_Smart_086 · 21h
I lost half a million $ because of the stolen election. It would have changed my life.

7

Rose Knight @evilwoman1979 · Jul 12
Rudy Giuliani was ordered to pay two poll workers millions of dollars for exposing them. There is video evidence but with a woke judge, what did we expect? He is appealing and should win. He just needs to keep appealing.

1 1 3 41

Point Report @realPointReport Ad
Andrew Bailey Advocates for Stopping Radical Transgender Procedures for

Children on Real America's Voice — On a recent episode of Just the News No Noise aired on Real America's Voice, Missouri Attorney General Andrew Bailey voiced... continue reading at pointreport.org/article/andrew...

18 99 316 590K

Honored General @GeneralHonored · Jul 12

My God, I'm just noticing this..

1) "Dominion," a word that is the opposite of freedom and democracy.

2) "Changing the way people vote" - Literally changing votes.

3) The actual logo is a "red" vote going in, and coming out a "blue vote."

They put it right in our faces!

DOMINION VOTING

CHANGING THE WAY PEOPLE VOTE

1 15 19 345

Joshua Wild @JoshuaWild603 · Jul 12

This affidavit is hearsay also, it is not evidence.

1 1 36

Djedi MAstΣr @Djedi_Master · Jul 12

@elonmusk might be interested in reading this

1 1 135

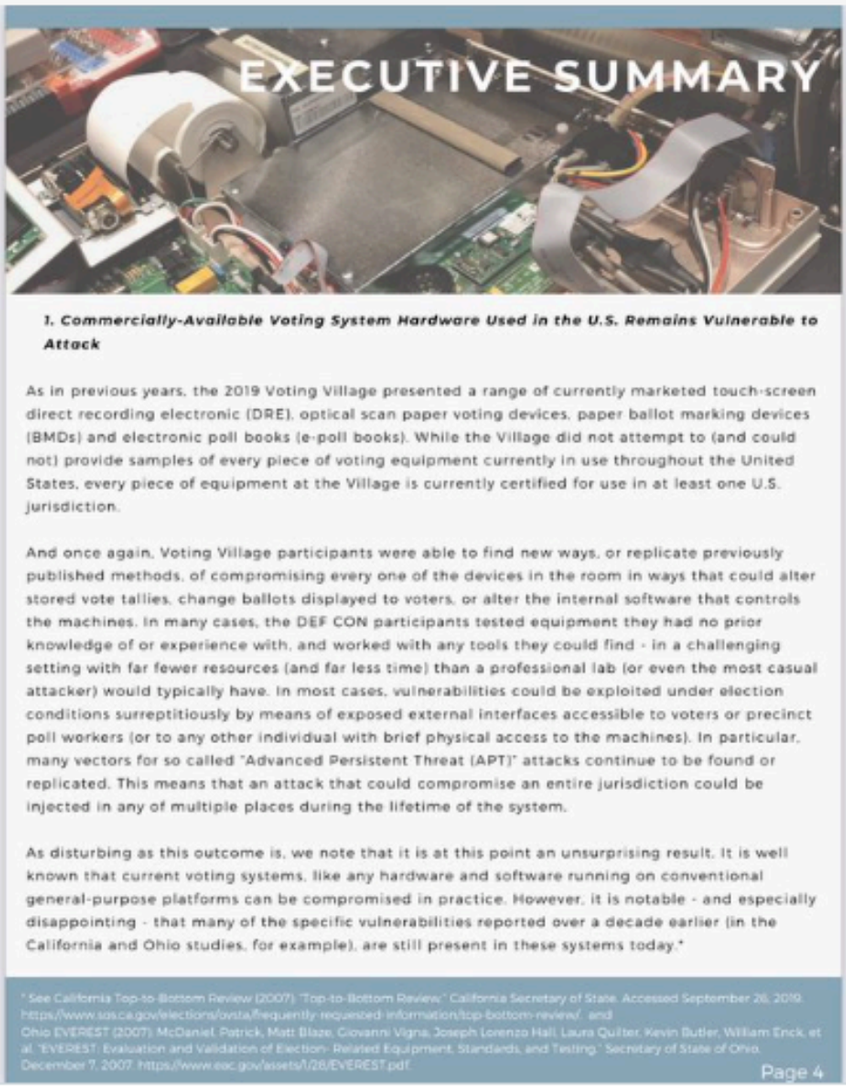
Kimberley Broadsword @KimBroadsword · 22h

This should affect the lawsuits they filed against the people who spoke out about them right?

5

me @twittybittybaby · 21h

> **Mike** @92michael · Nov 7, 2020
>
> Don't believe the media when they tell you that voting can't be hacked. Download this pdf and read for your self: media.defcon.org/DEF%20CON%2027...



10

StonkTrades @stonktrades · 14h

DOMINION SPECIAL THEY CALL IT. COMING TO AN ELECTION NEAR YOU

4

Jason Buster @paladinsruse · Jul 12

@idontexistTore already proved this YEARS ago and nobody listened. Why

not post her affidavit?

5 2 39

Mindoftheabyss @mindoftheabyss · Jul 13

We all know they “can” go online. But under EAC, during voting, they cannot be online. These devices are rigorously tested before and after voting. Any violation you could sue dominion to the ground. All lawsuits previously were thrown out or they won almost if not all suits.

1 6

TheHexBaron @thehexbaron · Jul 12

Great so who’s going to jail ? No one.

90

Jennifer @Jenniferwolfcr1 · Jul 12

My county in Colorado hand count ours twice. The whole county is only 800 ppl though.

45

Exhibit 8

From: owner-dominion@lists.susmangodfrey.com on behalf of AttorneyLambert
To: Dominion ListserveSusmanGodfrey; OANService; Chris Kachouroff; Marc S. Casarino; Davida Brook
Subject: Fw: Request for a copy of John Poulos Deposition Transcript
Date: Friday, July 12, 2024 2:05:21 PM

EXTERNAL Email

Dear Ms. Brooks,

I've received a request for the transcript of Mr. Poulos testimony at deposition.

Please advise if Dominion objects to my firm complying with the request to provide the transcript to the Michigan State Representative.

Thank you,

Stefanie

Sent from Proton Mail for iOS

---------- Forwarded message ----------
From: James DeSana <JDeSana@house.mi.gov>
Date: On Fri, Jul 12, 2024 at 2:54 PM
Subject: Fw: Request for a copy of John Poulos Deposition Transcript
To: attorneylambert@protonmail.com <attorneylambert@protonmail.com>
Cc:
July 11th, 2024

Subject: Request for a copy of John Poulos Deposition Transcript

Dear Attorney Lambert,

It is my understanding that you have recently deposed Dominion CEO John Poulos in connection with the Dominion Patrick Byrne lawsuit. As you may be aware. I joined other Michigan State Representatives and a former State Senator in filing a criminal complaint against John Poulos with several law enforcement authorities in Michigan. The criminal complaint alleges that Mr. Poulos committed 15 counts of perjury during his sworn testimony before the Michigan Senate on December 15th, 2020. We anticipate that the content of the referenced deposition would likely yield additional evidence relating to our complaint. In this light, could you please provide me and my colleagues with a copy of the transcript from your deposition of John Poulos at your earliest convenience.

Kind regards,

James DeSana
State Representative
29th District

Carleton, Michigan
734-626-1166 (M)

Get Outlook for iOS

This e-mail contains communication that may constitute attorney/client privileged information and/or attorney work product. If you received this message in error, please notify the sender and delete it immediately.

To unsubscribe from the DOMINION list, click here

Exhibit 9

From: owner-dominion@lists.susmangodfrey.com on behalf of Jonathan Ross
To: AttorneyLambert
Cc: AttorneyLambert; Dominion ListserveSusmanGodfrey; OANService; Chris Kachouroff; Marc S. Casarino; Davida Brook
Subject: Re: Request for a copy of John Poulos Deposition Transcript
Date: Friday, July 12, 2024 3:03:09 PM

EXTERNAL Email

All discovery material is to be used solely for this litigation. You are not allowed to disseminate it, either under the protective order or the other orders of this Court. Regardless, for now we designate the entire transcript as confidential. Please confirm you will not disseminate it.

Jonathan J. Ross
Partner & General Counsel
Susman Godfrey LLP
1000 Louisiana Suite 5100
Houston, Texas 77002
713-653-7813

> On Jul 12, 2024, at 2:57 PM, AttorneyLambert <AttorneyLambert@protonmail.com> wrote:
>
> EXTERNAL Email
>
> Please advise by close of business if Dominion intends to review the transcript and de-designate it as confidential pursuant to the protective order.
>
> Sent from Proton Mail for iOS
>
> On Fri, Jul 12, 2024 at 3:50 PM, Jonathan Ross <JROSS@SusmanGodfrey.com> wrote:
>
> > There is no confusion. Please confirm you will abide by the Protective Order which prohibits sharing any discovery in this case with outside parties.
> >
> > Jonathan J. Ross
> > Partner & General Counsel
> > Susman Godfrey LLP
> > 1000 Louisiana Suite 5100
> > Houston, Texas 77002
> > 713-653-7813

On Jul 12, 2024, at 2:46 PM, AttorneyLambert <AttorneyLambert@protonmail.com> wrote:

EXTERNAL Email

I believe there is some confusion. This is not a person requesting the transcript in his individual capacity. This is a request by the government. The Michigan legislature.

Please review the deposition transcript and advise which portions Dominion objects to providing to the Michigan legislature.

I will follow the protective order.

Stefanie

Sent from Proton Mail for iOS

On Fri, Jul 12, 2024 at 3:41 PM, Jonathan Ross <JROSS@SusmanGodfrey.com> wrote:

> Please confirm you will not share. Thanks.
>
> Jonathan J. Ross
> Partner & General Counsel
> Susman Godfrey LLP
> 1000 Louisiana Suite 5100
> Houston, Texas 77002
> 713-653-7813
>
> > On Jul 12, 2024, at 2:15 PM, Jonathan Ross <JROSS@susmangodfrey.com> wrote:
> >
> > We object to your sharing any discovery material in this litigation with anyone, as both the protective order and the Court's other orders prohibit.

That includes Mr, Poulos's deposition transcript and video and any other transcripts/videos.

Jonathan J. Ross
Partner & General Counsel
Susman Godfrey LLP
1000 Louisiana Suite 5100
Houston, Texas 77002
713-653-7813

> On Jul 12, 2024, at 2:06 PM, AttorneyLambert <00000164acadf1fb-dmarc-request@lists.susmangodfrey.com> wrote:
>
> EXTERNAL Email
>
> Dear Ms. Brooks,
>
> I've received a request for the transcript of Mr. Poulos testimony at deposition.
>
> Please advise if Dominion objects to my firm complying with the request to provide the transcript to the Michigan State Representative.
>
> Thank you,
>
> Stefanie
>
> Sent from Proton Mail for iOS

-
Forwarded
message

-
From:
James
DeSana
<JDeSana@house.mi.gov>
Date:
On Fri,
Jul 12,
2024 at
2:54
PM
Subject:
Fw:
Request
for a
copy
of John
Poulos
Deposition
Transcript
To:
attorneylambert@protonmail.com
<attorneylambert@protonmail.com>
Cc:
July
11th,
2024

Subject:
Request
for a
copy
of John
Poulos
Deposition
Transcript

Dear
Attorney
Lambert,

It is
my
understanding

that you have recently deposed Dominion CEO John Poulos in connection with the Dominion Patrick Byrne lawsuit. As you may be aware. I joined other Michigan State Representatives and a former State Senator in filing a criminal complaint against John Poulos with several law enforcement authorities in Michigan. The criminal complaint alleges that Mr. Poulos

committed 15 counts of perjury during his sworn testimony before the Michigan Senate on December 15th, 2020. We anticipate that the content of the referenced deposition would likely yield additional evidence relating to our complaint. In this light, could you please provide me and my colleagues with a copy of the transcript from your deposition of John Poulos at your

earliest convenience.

Kind regards,

James DeSana
State Representative
29th District
Carleton, Michigan
734-626-1166 (M)

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and/or attorney work product. If you received this message in error, please notify the sender and delete it immediately.

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Exhibit 10

AG Nessel Rejects Call from Conspiracist Legislators for Renewed 2020 Election Investigation

michigan.gov/ag/news/press-releases/2024/04/25/ag-nessel-rejects-call-from-conspiracist-legislators-for-renewed-2020-election-investigation

LANSING – Today, Michigan Attorney General Dana Nessel declined a request from Michigan State Representatives Neil Friske (PDF), James DeSana (PDF), and Steve Carra (PDF) to open a criminal investigation into Dominion Voting Systems CEO John Poulos' testimony before the Senate Oversight Committee in December 2020.

In her response, the Attorney General cited a comprehensive review of relevant materials by her department, including Poulos' recorded testimony, the Senate Oversight Committee's report on the November 2020 Election, individual letters from the state Representatives, former State Senator Patrick Colbeck's letter to the Michigan State Police, and alleged evidence against Poulos.

"Based on a thorough review of all relevant material, it is clear a criminal investigation is not warranted, and I respectfully decline your request," said Nessel in the letter.

Nessel also addressed the evidence provided by the three representatives, noting that the documents appeared to be a "carefully curated snippet" of over 2,000 documents publicly shared by criminal defendant Stefanie Lambert in violation of a protective order.

The Attorney General also referenced conclusions drawn by the Senate Oversight Committee in its own report (PDF) that dismissed claims of election fraud in Antrim County as “indefensible” and highlighted an appalling “willful ignorance” of public figures who continue to perpetrate such speculation.

Nessel reminded the representatives of the Senate Oversight Committee’s findings related to actions similar to sending these letters to the Department of Attorney General: that such actions were found by the Committee “to be misleading and irresponsible, diminishing the overall credibility of those asserting this conclusion.”

###

MI Newswire Attorney General Press Release Election

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS CORPORATION,	)	No. 1:21-cv-02131-CJN-MAU
Plaintiffs,	)	Hon.
v.	)	Magistrate Judge Moxila A. Upadhyaya
PATRICK BYRNE,	)	
Defendant.	)	

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion to Supplement Dominion's Currently Pending Motion to Disqualify and Motion to Enforce Protective and Status Quo Orders (the "Motion"), Defendant's response, Plaintiff's reply, and oral argument, if any, and deliberation given thereto, the Motion is hereby **GRANTED**.

(1) The Court **GRANTS** Dominion's Emergency Motion for Protective Relief and to Disqualify Counsel (Dkt. 75), and **ENTERS** Dominion's Proposed Order (Dkt. 75-24), attached hereto as **Attachment 1**.

(2) The Court **GRANTS** Dominion's Motion to Enforce the Protective and Status Quo Orders (Dkt. 108), and **ENTERS** Dominion's Proposed Order (Dkt. 108-24), attached hereto as **Attachment 2**.

(3) Further, Stefanie Lambert and Patrick Byrne are hereby **ORDERED** to provide in sworn affidavits to the Court within **seven (7)** days of this order:

- The identity of every person who has or is presently assisting, working with, or helping Ms. Lambert or Mr. Byrne in defense of Mr. Byrne in *US Dominion Inc. et al. v. Patrick Byrne*;

- The identity of every person Ms. Lambert or Mr. Byrne knows accessed Dominion Discovery Material and the date, manner, and means by which they accessed the documents (excluding the Court and counsel for other Defendants and Plaintiffs in the cases specified in Paragraph 1 of the Status Quo Order), and an accounting of which documents they accessed;

- The date when John Case began assisting, working with, or helping Ms. Lambert or Mr. Byrne in *US Dominion Inc. et al. v. Patrick Byrne*, and the date on which Mr. Case stopped assisting, if any;

- The date of any fee agreement between Mr. Byrne and Mr. Case and the scope of representation or, if no such agreement exists, the date on which Mr. Case and Mr. Byrne understand that a lawyer/client relationship formed, if so;

- A complete and accurate list of all Dominion-produced documents and information Mr. Case reviewed and the method and date of access; and

- An accounting attesting (i) to whom Mr. Case disclosed documents or information protected by the Protective Order (including in court filings in any cases outside of this case); (ii) to whom and when he disclosed such information; (iii) every occasion on which he did so; and (iv) for each such instance, what specifically was disclosed.

(4) The Court further hereby **ORDERS** that John Case must abide by the Protective Order and Status Quo to the same extent as Ms. Lambert.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2024

THE HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE

Attachment 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS CORPORATION, Plaintiffs, v. PATRICK BYRNE, Defendant.	)	Civil Action No. 1:21-cv-02131 (CJN) (MAU) Judge Carl J. Nichols Magistrate Judge Moxila A. Upadhyaya **JURY TRIAL DEMANDED**

[PROPOSED] ORDER GRANTING PLAINTIFFS' EMERGENCY MOTION FOR PROTECTIVE RELIEF AND TO DISQUALIFY COUNSEL

Upon consideration of Plaintiffs' Emergency Motion for Protective Relief and to Disqualify Counsel and deliberation given thereto, the Motion is hereby GRANTED.

Stefanie Lambert and Patrick Byrne are hereby prohibited from accessing any Dominion discovery materials and shall return or destroy any such materials in their possession. Lambert and Byrne are further ORDERED to each provide a full accounting, in the form of sworn affidavits to be provided no later than 5 pm on March 19, 2024, providing:

- The date of any fee agreement between Lambert and Byrne and the scope of representation or, if no such agreement exists, the date on which Lambert and Byrne understand that a lawyer/client relationship;
- A complete and accurate list of all Dominion-produced documents and information Byrne reviewed and the method and date of access;
- An accounting from Byrne's outside vendor showing what documents Byrne and or Lambert accessed, on what date, and whether they were downloaded; as well as

any other data the vendor indicates may be helpful to Dominion's or this Court's efforts to understand the breach;

- A complete and accurate list of all Dominion-produced documents and information Lambert received and the method and date of access;
- An account of every step Lambert, Byrne's prior counsel from the McGlinchey firm, has already undertaken or that is underway to determine the scope of the breach and to ensure it is not continuing; and
- An accounting attesting (i) to whom Lambert and/or Byrne leaked, released, or otherwise disclosed documents or information protected by the Protective Order (including in court filings in any cases outside of this case); (ii) how and when they provided it; (iii) every occasion on which they did so; and (iv) for each such instance, what specifically was leaked, released, or otherwise disclosed.

For the reasons set forth in Dominion's motion, it is further ORDERED that Stefanie Lambert is disqualified as counsel in this case.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2024

_____
THE HONORABLE CARL J. NICHOLS
UNITED STATES DISTRICT JUDGE

_____
THE HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE

Attachment 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS CORPORATION, Plaintiffs, v. PATRICK BYRNE, Defendant.	)	Civil Action No. 1:21-cv-02131-CJN-MAU Magistrate Judge Moxila A. Upadhyaya **JURY TRIAL DEMANDED**

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO ENFORCE THE PROTECTIVE AND STATUS QUO ORDERS

Upon consideration of Plaintiffs' Motion to Enforce the Protective and Status Quo Orders and deliberation given thereto, the Motion is hereby GRANTED.

Stefanie Lambert is hereby ordered to object to the subpoena issued to her in *People v. Tina Peters*, Case No. 2022-CR-371 (Colo. Dist. Ct), and to refrain from disseminating or producing any documents subject thereto. Ms. Lambert is further ordered to confirm in writing to Plaintiffs on or before 12:00 PM ET on July 8, 2024, that she has objected to the subpoena and has not produced any documents subject thereto and to provide a copy of her objection. Stefanie Lambert and Patrick Byrne are further ordered to preserve all documents relating to (1) the subpoena issued to Stefanie Lambert in *People v. Tina Peter*s, and (2) the subpoena issued in the same matter on John Poulos, including but not limited to its service by Yehuda Miller.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2024

THE HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE