

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

US DOMINION, INC., et al.,

*Plaintiffs,*

v.

HERRING NETWORKS, INC., et al.,

*Defendants.*

No. 21-cv-02130-CJN-MAU

**DEFENDANT CHRISTINA BOBB'S MOTION FOR PARTIAL STAY AND  
MEMORANDUM OF LAW IN SUPPORT THEREOF**

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## I. INTRODUCTION AND SUMMARY OF ARGUMENT

When confronted with parallel criminal proceedings, the court retains broad discretion to issue an order staying the civil action in the interest of justice and based on the circumstances of the case. (*Sec. & Exch. Comm'n v. Dresser Indus., Inc.*, 628 F.2d 1368, 1375 (D.C. Cir. 1980).) In the present matter, the significant factual overlap between this civil action and the recent criminal indictment against defendant Christina Bobb (“Defendant”) merits a partial stay of discovery in this case.

On April 23, 2024, defendant Christina Bobb was indicted, along with 17 others, on felony charges in the Arizona criminal case titled *State of Arizona v. Kelli Ward, et al.*, Case No. CR2024-006850-016 (Superior Court, County of Maricopa) (the “Criminal Case”). Ms. Bobb and her alleged co-conspirators are accused of organizing efforts to prevent the lawful transfer of the presidency in order to keep former president Donald J. Trump in office by various means, including challenging the voting machines used in Arizona (i.e., the Dominion voting machines). (Exh. A, pgs. 29-30.)

Similarly, in this case, plaintiffs allege that Ms. Bobb defamed them by promulgating narratives of election fraud by Dominion while working for OAN. (Doc. 1 – Complaint, pg. 4, ¶ 6.) Additionally, plaintiffs allege that Ms. Bobb was simultaneously consulting with the Trump Campaign, Rudolph Giuliani (an indicted co-conspirator in the Criminal Case) and the Trump legal team on how to overturn the 2020 Presidential election, precisely what she is accused of doing in Arizona. (Doc. 1 – Complaint, pg. 5, ¶ 9; 10-11, ¶ 22; 70, ¶ 141.) Plaintiffs also allege that Ms. Bobb raised money to challenge the election results specifically in Maricopa County, Arizona, the venue of the Criminal Case. (*Id.*)

In short, there exists a factual overlap between the criminal indictment and this civil action, as both contain allegations regarding Ms. Bobb's post-election conduct in challenging the results of the 2020 Presidential Election. Considering the substantial factual overlap between these cases, coupled with the issues inherent to contemporaneous criminal and civil litigation, Ms. Bobb respectfully moves this court for a partial stay of discovery for **120 days** with the option to renew should the criminal proceeding remain unresolved upon expiration of this initial stay. Specifically, Ms. Bobb moves for an Order temporarily staying her discovery obligations in this action, including all written demands or deposition notices issued to her, and precluding further or compelled responses to any previously served discovery, including without limitation, plaintiffs' first set of requests for production, which, notably, plaintiffs waited until after Ms. Bobb was indicted and *nearly a year after service of her responses* to pursue meet and confer efforts.

Absent a stay, Ms. Bobb is faced with a substantial dilemma – either fully defend this civil action by waiving her Fifth Amendment rights and responding to discovery, thereby potentially jeopardizing her criminal defense, or invoke her Fifth Amendment privilege and consequently undermine her prospects in this civil action. This predicament places Defendant in the untenable position of having to choose between jeopardizing her criminal case or jeopardizing her defense in this case. It is “not fair to force [a] party to choose between [the] Fifth Amendment privilege and the civil action.” (*Doe v. Sipper*, 869 F. Supp.2d 113, 117 (D.D.C. 2012) (citing *Whelton v. Columbia Broad. Sys.*, 608 F.2d 1084, 1088-89 (5<sup>th</sup> Cir. 1979).)

In deciding whether to impose a stay, this Court has identified four factors to consider, all of which favor Ms. Bobb's request for a stay. They are:

1. **Close Relationship.** There is a significant factual overlap between the two actions warranting a stay.
2. **Burden on the Court (i.e., judicial efficiency).** A brief and limited stay would prevent unnecessary litigation (e.g., avoid a constant stream of privilege battles) and promote better judicial efficiency.
3. **Hardship on the Parties.** There is minimal hardship on plaintiffs or any other party if the stay is granted because the duration of the stay is brief and discovery may continue as between the remaining parties. However, the hardship on Ms. Bobb will be great if she is forced to choose between her Fifth Amendment privilege and defending this suit.
4. **Duration of Stay Requested.** Ms. Bobb's request for a brief 120-day stay is "relatively insignificant" and allows for discovery to continue as between the other parties.

(*See Lee v. Trump*, 2024 WL 1872489, at \*1 (D. D.C. 2024).)

Based on the foregoing, Defendant respectfully requests that the Court grant this motion and stay Ms. Bobb's discovery obligations for **120 days**, with the option to renew if necessary.

## **II. STATEMENT OF RELEVANT FACTS**

### **A. Arizona Criminal Case Allegations**

The criminal indictment against Defendant and the allegations set forth in the present civil complaint share factual parallels – namely, Ms. Bobb's efforts to contest the outcome of the 2020 Presidential Election, including challenges to the results tallied by the Dominion voting machine.

On April 23, 2024, defendant Christina Bobb was indicted, along with 17 others, on charges of conspiracy, fraud and forgery in the Criminal Case. (See Exh. A.)<sup>1</sup> After the general election on November 3, 2020, the criminal defendants allegedly raised “claims of widespread election fraud in Arizona to pressure election officials to change the outcome of a democratic election” in favor of Donald J. Trump.<sup>2</sup> (Exh. A, pg. 13.) The indictment, like the complaint in this action, references Christina Bobb’s position as an attorney for the Trump Campaign, and her work with Rudy Giuliani, an alleged co-conspirator and defendant in this case.<sup>3</sup> (Exh. A, pg. 20.)

The factual underpinnings of the nine counts further demonstrate the overlap between the criminal and civil case. For example, the indictment references, as the civil complaint does, Ms. Bobb’s claims of election fraud in Arizona. (Exh. A, pg. 32.) In December 2020, some of the co-conspirators joined efforts to obtain access to Maricopa County’s voting machines and ballots. (Exh. A, pg. 29-30.) Additionally, lawsuits were filed by various indicted and unindicted co-conspirators challenging, among other things, the accuracy of the votes tallied in Arizona. (See, e.g., Exh. A, pgs. 25-26.) The indictment goes on to detail plans to contest the election results in six other states. (Exh. A, pg. 38-39.)

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<sup>1</sup> Christina Bobb has been indicted on nine felony counts: count one for conspiracy in violation of A.R.S. § 13-1003; count two for fraudulent schemes and artifices in violation of A.R.S. § 13-2310(A); count three for fraudulent schemes and practices in violation of A.R.S. § 13-2311 and counts four through nine for forgery in violation of A.R.S. § 13-2002(A). (See Exh. A.)

<sup>2</sup> Unidentified Co-conspirator 1 is former President Donald J. Trump. (See, e.g., Exh. A, pg. 14 “Unidentified Co-conspirator 1 ran for reelection with then-Vice President Pence against now-President Biden and now Vice-President Harris”, see also, pg. 21.)

<sup>3</sup> Defendant “(012)” is described as “the Mayor” and is known to be Rudy Giuliani. (Exh. A, pg. 20)

**B. Allegations In This Case Demonstrating a Significant Factual Overlap with the Criminal Case**

Plaintiffs' allegations of defamation against Ms. Bobb in this case arise out of her work as a television broadcaster for the OAN network after the November 2020 Presidential election. Plaintiffs allege that between November 2020 and January 2021, *the same time frame at issue in the Criminal Case*, OAN, Ms. Bobb and Ms. Rion began raising money to fund an audit of the voting machines used during the 2020 Presidential election in Maricopa County, Arizona, the venue at issue in the Criminal Case. (Doc. 1, pg. 5, ¶ 9.) Plaintiffs contend that OAN and Ms. Bobb helped fund activities, such as those in Arizona, that generated false claims about Dominion. (Id. at pg. 122-123, ¶ 230.) Ms. Bobb and Ms. Rion also launched Voices & Votes, an organization formed to fight for an Arizona election audit. (Id. pg. 125, ¶ 234.) Ms. Bobb's efforts to challenge the election results in Maricopa County, Arizona are at the heart of the Criminal Case, as detailed above.

Plaintiffs reference Ms. Bobb's role as an advisor to the Trump Campaign in their complaint. Plaintiffs allege that Ms. Bobb was advising the Trump Campaign on how to overturn the 2020 election while simultaneously making statements on OAN about Dominion rigging the election and sowing the seeds of doubt in the election results. (Doc. 1, pg. 70, ¶141, pg. 121-122, ¶ 228.)<sup>4</sup>

These are some of the allegations demonstrating the significant factual overlap between the allegations in this case and the criminal action.

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<sup>4</sup> The complaint contains allegations that are immaterial and extraneous to plaintiffs' claim of defamation, such as Ms. Bobb's efforts to raise money for an audit of the election results. To the extent such allegations are referenced herein, Defendant does not concede their relevance or ultimate admissibility.

### **C. Status of Criminal Case**

Ms. Bobb was indicted on April 23, 2024, served on May 4, 2024, and arraigned on May 21, 2024. (Jacobs Dec., ¶ 3.) A decision has yet to be made whether Ms. Bobb will pursue a speedy trial. (Id.) Pursuant to Arizona Rules of Criminal Procedure, the deadline for a speedy trial is October 2024. (Id.) However, Thomas Jacobs, Ms. Bobb's criminal attorney, intends to file a dispositive anti-SLAPP motion pursuant to A.R.S. § 12-751 by the end of June 2024, which is expected to be heard by the end of September 2024. (Id. at ¶ 4.) If successful, Ms. Bobb will be dismissed from the Criminal Case. (Id.) If unsuccessful, given the nature of the allegations and the number of defendants, trial could proceed as late as January 2025. (Id. at ¶ 3.)

### **D. Status of Discovery Relating to Bobb**

Minimal prejudice will result if a partial stay of discovery is imposed in this case. Ms. Bobb has already provided responses to plaintiffs' first and second sets of interrogatories (served on July 14 and August 30, 2023), plaintiffs' first set of requests for admission (served on August 30, 2023), and plaintiff's first and second sets of requests for production of documents (served on June 22 and August 30, 2023). (Haggerty Dec., ¶ 2.) There are no known outstanding issues concerning the sufficiency of the foregoing responses, aside from Ms. Bobb's responses to plaintiffs' first set of requests for production (the "RFPs"), the response to which was served on June 22, 2023, *a year ago*. (Id.)

Indeed, it was not until *after* Ms. Bobb was indicted that plaintiffs sought to meet and confer in earnest regarding the sufficiency of Ms. Bobb's RFP responses. (See Exh. B; Haggerty Dec., ¶ 3.)

On May 17, 2024, Ms. Bobb's new attorney, William C. Haggerty, conferred telephonically with plaintiffs' counsel regarding the RFPs. During the call and subsequently

confirmed in writing, Mr. Haggerty raised concerns about the impact of the RFPs on Ms. Bobb's pending criminal case and the need to confer with Ms. Bobb's criminal counsel before producing any materials, given the clear impact of some of the requests on Ms. Bobb's Fifth Amendment rights. (Haggerty Dec., ¶ 4 and Exh. C.)

After conferring with Ms. Bobb's criminal counsel, Thomas Jacobs, Mr. Haggerty sent a letter to plaintiffs' counsel on May 28, 2024, advising that Ms. Bobb would seek an order staying discovery. (Haggerty Dec., ¶ 5 and Exh. C.) Mr. Haggerty explained that Mr. Jacobs expressed concern about the negative impact of the discovery process in this case, including the RFPs, on Ms. Bobb's pending criminal case. (Id.) Mr. Jacobs believes that if a discovery stay is not granted, the scope of discovery in this case, including the RFPs, could and likely would impair Ms. Bobb's Fifth Amendment privilege against self-incrimination, extend criminal discovery beyond the limits set forth by Arizona law, potentially expose Ms. Bobb's theory to the prosecution in advance of trial, and otherwise prejudice her criminal case. (Jacobs Dec., ¶ 5.) Despite the intention to stay the matter, Mr. Haggerty continued efforts to meet and confer regarding the scope of the RFPs to facilitate a response when given. (Exh. C.)

On June 6, 2025, Christina Dieckmann, plaintiffs' counsel, responded, stating unequivocally that the Dominion plaintiffs would not consent to stay proceedings against Ms. Bobb. (Exh. D.) Ms. Dieckmann demanded dates for Ms. Bobb's deposition and production of documents immediately. (Id.) Ms. Dieckmann refused to meet and confer regarding narrowing the scope of the production, as requested by Mr. Haggerty, absent a blanket agreement to produce documents immediately. (Id.)

Thereafter, the parties continued to confer, culminating with an email on June 21, 2024, wherein Mr. Haggerty provided the authority requested and made a final attempt to reach an

agreement regarding the requested stay. (Haggerty Dec., ¶ 7 and Exh. D.) As of the time of filing this motion, no response had been received. (Haggerty Dec., ¶ 7.)

The discovery sought by plaintiffs in this case relates directly to the issues raised in the Criminal Case and potentially implicates Ms. Bobb's Fifth Amendment rights. For example, plaintiffs' RFPs include the following:

- **No. 71:** All Documents and Communications with or concerning any member of the Arizona State Senate, including but not limited to Karen Fann, from January 1, 2020 to the Present.
- **No. 72:** All Documents and Communications with or concerning any member of the Arizona Republican Party, including but not limited to Kelli Ward, from January 1, 2020 to the Present.
- **No. 31:** Documents and Communications between Christina Bobb, Donald Trump, and the TRUMP ADMINISTRATION, including but not limited to call logs, from January 1, 2020 to the present. This request includes all Documents and Communications related to Christina Bobb's role as advisor or consultant to the Trump Campaign or Trump Legal Team, whether that role was formal or informal in nature.
- **No. 7:** All Documents and Communications with or concerning Rudolph Giuliani, and any agreements or draft agreements with Rudolph Giuliani, from January 1, 2018 to the Present.
- **No. 44:** Documents and Communications concerning evidence or lack thereof that DOMINION deleted, lost, changed, or compromised votes in connection with the 2020 PRESIDENTIAL ELECTION or any other election, including all sources for

such evidence, and including statements from the Trump Administration Cybersecurity & Infrastructure Security Agency, the Trump Administration Election Assistance Commission, the Michigan Secretary of State, the Georgia Secretary of State, the Maricopa County Board of Supervisors, then-United States Attorney General William Barr, Sean Spicer, Chris Christie, any election security expert, and DOMINION. There is no time limit on this Request.

- **No. 45:** Documents and Communications concerning the alleged disappearance of President Trump’s early voting leads in the 2020 PRESIDENTIAL ELECTION. There is no time limit on this Request.
- **No. 52:** Documents that YOU contend support, establish, demonstrate, or show that the DEFAMATORY STATEMENTS are substantially true, accurate, not misleading, and/or not defamatory. There is no time limit on this Request.
- **No. 53:** Documents and Communications concerning any investigations undertaken by OAN<sup>5</sup> relating to DOMINION, THE 2020 PRESIDENTIAL ELECTION, or voter fraud. There is no time limit on this request.
- **No. 55:** Documents on which you intend to rely at any hearing or trial of this ACTION. There is no time limit on this Request.
- **No. 58:** Documents and Communications concerning DOMINION provided to OAN by any OAN ON-AIR PERSONALITIES, the TRUMP ADMINISTRATION, Rudolph Giuliani, Sidney Powell, Michael Lindell, Patrick Byrne, Russell Ramsland, Joe Oltmann, Edward Solomon, Ron Watkins, any source, or any of their counsel. There is no time limit on this Request.

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<sup>5</sup> “OAN” is defined in the RFPs to include Christina Bobb. (Exh. E, pg. 6, No. 15.)

- **No. 67:** All Documents and Communications regarding any fundraising efforts undertaken by OAN, Christina Bobb, or Chanel Rion on behalf of, or for the benefit of, VOICES AND VOTES, or any efforts related to any CyberNinjas’ audit relating to the 2020 PRESIDENTIAL ELECTION.
- **No. 69:** All Documents and Communications with or concerning any PERSON who donated or contributed money to VOICES AND VOTES between January 1, 2020 and the Present.
- **No. 70:** All Documents and Communications sufficient to show all monies received or collected by OAN, Christina Bobb, or Chanel Rion to support any efforts to investigate or challenge DOMINION voting machines and technology or the results of the 2020 PRESIDENTIAL ELECTION from January 1, 2020 to the Present.

(Exh. E.)

These represent a sample of the requests that implicate the Criminal Case and potentially Ms. Bobb’s Fifth Amendment rights.

### **III. THE COURT HAS AUTHORITY TO ISSUE THIS NARROWLY TAILORED STAY REQUESTED**

“It is well established that a district court has discretionary authority to stay a civil proceeding pending the outcome of a parallel criminal case when the interests of justice so require.” (*Kurd v. Republic of Turkey*, 2022 WL 17961245, at \*1 (D.D.C. 2022); see also *Landis v. North American Co.*, 288 U.S. 248, 254 (1936) (court has inherent power to control disposition of causes).) This authority allows a court “to stay civil proceedings, postpone civil discovery, or impose protective orders or conditions ‘when the interests of justice...require such

action.’ ” (*Securities and Exch. Comm’n v. Dresser Indus., Inc.*, 628 F.2d 1368, 1375 (D.C. Cir. 1980) (*Dresser*) (quoting *United States v. Kordel*, 397 U.S. 1, 12 n. 27 (1970)).)

Generally, “the strongest case for deferring civil proceedings until after completion of criminal proceedings is where a party under indictment for a serious offense is required to defend a civil or administrative action involving the same matter.” (*Dresser, supra*, 628 F.2d at 1375-76.) This is because “the denial of a stay could impair a party’s Fifth Amendment privilege against self-incrimination, extend criminal discovery beyond the limits set forth in Federal Rule of Criminal Procedure 16(b), expose the defense’s theory to the prosecution in advance of trial, or otherwise prejudice the criminal case.” (*Kurd, supra*, 2022 WL 17961245, at \*1.)

In determining whether to stay a civil proceeding pending the outcome of parallel criminal litigation, courts in this District weigh the following four factors: “ ‘1) the relationship between the civil and criminal actions; 2) the burden on the court; 3) the hardships or inequalities the parties would face if a stay was granted; and 4) the duration of the requested stay.’ ” (*Id.*, citing *Doe v. Sipper*, 869 F. Supp.2d 113, 116 (D.D.C. 2012) (*Sipper*)). “The factors serve as only a ‘rough guide’ for a court as it exercises its discretion. The Court may give each factor as much weight as it determines to be necessary.” (*Sipper*, 869 F. Supp.2d at 116 (internal citations omitted).) Each of these factors, individually and collectively, weigh in favor of the requested stay here.

It is important to note that Ms. Bobb’s request is narrowly tailored and of a limited duration to prevent any unnecessary hindrance or delay of discovery processes between the remaining parties involved in the Dominion litigations, ensuring plaintiffs can continue pursuing prosecution of those action unimpeded. (See *Gala Enters., Inc. v. Hewlett Packard Co.*, 1996 WL 732636, at \*2 (court reasoned that individually tailored relief, allowing discovery to proceed

against uninvolved litigants, better balanced the needs of the criminal defendant, other litigants and the court); see also *Fid. Funding of California v. Reinhold*, 190 F.R.D. 45, 52 (E.D.N.Y. 1997) (granting stay of discovery for one party following his criminal indictment but permitting discovery to proceed for other litigants); *Trustees of Plumbers & Pipefitters Nat. Pension Fund v. Transworld Mech., Inc.*, 886 F.Supp. 1134, 1139 (S.D.N.Y. 1995) (staying civil case following party's indictment.)

**A. The Close Relationship Between the Civil and Criminal Actions Favors A Stay**

“[T]he D.C. Circuit Court has recognized that ‘the strongest case for deferring civil proceedings until after completion of criminal proceedings is where,’ as here, ‘a party under indictment for a serious offense is required to defend a civil or administrative action involving the same matter.’” (*Kurd* at \*2, cutting *Dresser, supra*, 628 F.2d at 1375-1376.) “If both cases proceeded at the same time, this could implicate Defendant’s Fifth Amendment rights.” (*Sipper, supra*, 869 F.Supp.2d at 116.) Where there is a “close relationship” between the civil and criminal actions that implicates a defendant’s Fifth Amendment rights, the necessity of a stay is most compelling. (*Sipper, supra*, 869 F.Supp.2d at 116.) This first factor is “often viewed as the most significant factor in the balancing test,” (See *Estate of Aaither ex rel Gaither v. D.C.*, 2005 WL 3272130, at \*4 (D.D.C. 2005) (*Gaither*)), and it weighs heavily in favor of a stay.

First, as a threshold matter, it is important to note that Ms. Bobb has already been indicted. (See *Gaither, supra*, 2005 WL 3272130, at \*4 (where “there has been an indictment secured against criminal defendants...the case for a stay [is] a stronger one than had that not been the case.”).) This bodes heavily in favor a stay.

Furthermore, as detailed above, there is a significant factual overlap between the civil and criminal matters, demonstrating a “close relationship” between the case. The Criminal Case

alleges that Ms. Bobb conspired with Rudy Giuliani, Trump, the Trump Campaign and others to overturn the 2020 Presidential Election and, in doing so, targeted Dominion voting machines in Maricopa County, Arizona. At issue in both cases is Ms. Bobb's communications and conduct after the November 2020 Presidential Election, particularly the time period between November 3, 2020 and January 6, 2021, as it relates to the results of the 2020 election. This presents a significant factual overlap between the two cases.

Moreover, many of the acts identified in the indictment to substantiate the nine felony counts against Ms. Bobb have been identified in plaintiffs' complaint. For example, the indictment details the efforts by various alleged co-conspirators, including Giuliani, to access Dominion voting machines in Maricopa County, Arizona as part of an effort to overturn the 2020 election. (Exh. A, pg. 29-30.) Similarly, the complaint alleges that Ms. Bobb sought to access the voting machines and raised money for an audit of the 2020 Presidential Election in Maricopa County, Arizona. (Doc. 1, ¶9, 243.)

The indictment and the complaint also both highlight Ms. Bobb's role as advisor to the Trump Campaign and her work with Rudy Giuliani. (Exh. A, pg. 20; Doc. 1, ¶¶ 141, 228.) Plaintiffs allege that Ms. Bobb worked in concert with Giuliani (a co-conspirator in the indictment) and the Trump Campaign to promote a false narrative about the 2020 election in an effort to overturn the election, including allegations that Dominion rigged the election. (Doc. 1, ¶¶ 141, 213, 228, 243.) Indeed, the complaint details specific acts taken by Ms. Bobb in concert with, or at the behest of, Giuliani to obtain an audit of the Presidential Election in Arizona. (Doc. 1, ¶ 243 ("Bobb was not only working with the Trump Campaign to generally overturn the election, but was working directly with Giuliani to encourage and facilitate the sham Arizona audit.")) These allegations clearly overlap factually with the allegations of the Criminal Case.

The “close relationship” between the two cases is further demonstrated by the scope of the discovery Plaintiffs seek from Ms. Bobb. (See RFPs listed above.) Not only do the RFPs factually overlap the Criminal Case, but any deposition of Ms. Bobb would also undoubtedly touch on issues material to Ms. Bobb’s criminal case and implicate her Fifth Amendment rights.

Plaintiffs’ allegations and the discovery they have propounded and will propound to Ms. Bobb (e.g., a deposition notice) overlap factually with and implicate the Criminal Case and her Fifth Amendment rights. Given the “close relationship” between the civil and criminal actions, this factor weighs in favor of the requested stay.

#### **B. The Absence of Burden On the Court Weighs In Favor of A Stay**

The brief and narrowly tailored stay requested promotes judicial economy and preserves judicial resources. Employing a stay will avoid anticipated discovery disputes, assertions of privilege and protective orders. (*Gaither*, 2005 WL 3272130, at \*5 (maintaining stay when lifting it “would – in all likelihood—result in a significant amount of discovery-related litigation relating to motions for protective orders, claims of privilege, and conflicts over witness availability”).)

Furthermore, “a stay of discovery in a civil case until resolution of a criminal case may well later streamline discovery in the civil case.” (*Kurd*, at \*2; *see also Sipper*, 869 F. Supp.2d at 117.) Here, some of the discovery plaintiffs’ seek may be produced in the criminal litigation, thereby removing related disputes.

Thus, there is no additional burden on the court by granting the stay and this factor weighs in favor of a stay.

**C. The Weight of Any Hardship or Inequities if Stay is Granted Is Minimal**

The balance of the hardships faced by the parties should a stay be granted favors Ms. Bobb for one main reason: discovery in this case could impact the criminal case to a significant degree. (*See Kurd* at \*2 (finding balance of hardship in favor of defendant where the discovery could significantly impact the criminal case).) The discovery in this case could implicate Ms. Bobb’s Fifth Amendment rights, which courts have recognized to be a “significant dilemma.” (*Sipper*, 869 F. Supp.2d at 117; see *Jacobs Dec.*, ¶ 5.) Having to respond to discovery and sit for deposition in this case requires Ms. Bobb to choose whether to waive or assert her rights under the Fifth Amendment; in other words, Ms. Bobb would be forced to choose between jeopardizing her defense in this case or the criminal case. If Ms. Bobb were to invoke her Fifth Amendment right and decline to answer, for example, deposition questions, her invocation could be used against her to establish civil liability. (*Sipper*, 869 F. Supp.2d at 117-118, citing *Louis Vuitton Malletier S.A. v. LY USA, Inc.*, 676 F. 3d 83, 98 (2<sup>nd</sup> Cir. 2012).) Courts have recognized that placing a defendant in this position is unfair. (*Wehling v. Columbia Broad. Sys.*, 608 F2d 1084, 1088-1089 (5<sup>th</sup> Cir. 1979) (concluding it is unfair to force a party to choose between Fifth Amendment privilege and civil action).)

Additionally, satisfying Ms. Bobb’s current discovery obligations in this matter would require Ms. Bobb and her criminal defense attorney to divert their attention from the quickly approaching criminal trial to prepare responses and testimony in this case, which poses yet another hardship.

Furthermore, allowing discovery to proceed would not only implicate Ms. Bobb’s Fifth Amendment rights, it would improperly extend criminal discovery beyond the limits set forth by Arizona law, could expose the defense’s theory to the prosecution in advance of trial, or

otherwise prejudice the criminal case. (*Kurd, supra*, 2022 WL 17961245, at \*1; Jacobs Dec., ¶ 5.)

On the other hand, the brief 120-day stay requested by Ms. Bobb is narrowly tailored and will result in little harm to any other party. Indeed, discovery may proceed among all other parties. Many of the documents sought from Ms. Bobb have already been produced by OAN and Ms. Bobb has already responded to all other discovery.<sup>6</sup> (Haggerty Dec., ¶ 2.)

Any argument by plaintiffs that a delay harms their case falls flat. Plaintiffs waited nearly a year to meet and confer regarding the sufficiency of Ms. Bobb's responses to their first set of requests for production. (Haggerty Dec., ¶ 2-3 and Exh. B.) Indeed, plaintiffs waited until Ms. Bobb was indicted before attempting to meet and confer in earnest regarding the responses. (*Id.*) Therefore, any claim of harm resulting from further delay would be disingenuous.

The requested 120-day stay is brief and does not result in any undue hardship or prejudice. This factor weighs in favor of the requested stay.

#### **D. The Brief Duration of the Stay Bodes In Its Favor**

The final factor, the duration of the stay requested, also bodes in favor of granting a stay. Ms. Bobb requests a brief and finite stay for 120-days. (*See, Kurd*, 2022 WL 17961245, at \*4 (court finding short duration of stay requested weighed in favor of granting stay); *Sipper*, 896 F. Supp.2d at 118 (“A stay with a limited duration, as presented here, is more likely to be granted than an indefinite one.”).)

#### **IV. CONCLUSION**

Based on the foregoing, Ms. Bobb respectfully requests that the Court grant this motion and stay Ms. Bobb's discovery obligations for 120 days, precluding any party from propounding

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<sup>6</sup> Plaintiffs served an identical set of requests for production on OAN, Rion and Ms. Bobb.

any discovery or deposition notices on Ms. Bobb, compelling responses to any outstanding discovery and relieving Ms. Bobb of any obligations to respond to any outstanding or previously served discovery until termination of the stay. Ms. Bobb requests leave to renew the stay should the Criminal Case remain ongoing at the conclusion of 120 days.

**FORD, WALKER, HAGGERTY &  
BEHAR**

By: /s/ *William C. Haggerty* \_\_\_\_\_  
William C. Haggerty, CA Bar No. 76652  
(admitted *pro hac vice*)  
Katherine M. Harwood, CA Bar No. 225202  
(admitted *pro hac vice*)  
One World Trade Center, 27<sup>th</sup> Floor  
Long Beach, California 90831  
Tel: (562) 983-2500  
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bill@fwhb.com  
kharwood@fwhb.com

*Attorneys for Defendant Christina Bobb*

**CERTIFICATION PURSUANT TO LCvR 7(m)**

Pursuant to LCvR 7(m), the undersigned counsel contacted counsel for plaintiffs and conferred regarding this motion to stay. Plaintiffs do not consent to the relief requested in this motion for a partial stay.

*/s/ William C. Haggerty* \_\_\_\_\_  
William C. Haggerty, Esq. (*pro hac vice*)  
FORD, WALKER, HAGGERTY &  
BEHAR  
One World Trade Center, 27<sup>th</sup> Floor  
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Fax: (562) 983-2555  
bill@fwhb.com  
kharwood@fwhb.com

*Attorneys for Defendant Christina Bobb*

**CERTIFICATION OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of June 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which automatically serves email notification of such filing to all attorneys of record.

/s/ William C. Haggerty  
William C. Haggerty, Esq. (*pro hac vice*)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

US DOMINION, INC., et al.,

*Plaintiffs,*

v.

HERRING NETWORKS, INC., et al.,

*Defendants.*

No. 21-cv-02130-CJN-MAU

**EVIDENCE AND EXHIBITS IN SUPPORT OF**  
**DEFENDANT CHRISTINA BOBB'S MOTION FOR PARTIAL STAY**

**INDEX OF EVIDENCE AND EXHIBITS**

<b>DECLARATION</b>	Declaration of Thomas Jacobs
<b>DECLARATION</b>	Declaration of William C. Haggerty
<b>EXHIBIT A</b>	Criminal Indictment
<b>EXHIBIT B</b>	Email – Initial Request to Meet and Confer (5/6/24)
<b>EXHIBIT C</b>	Letter – Meet and Confer (5/28/24)
<b>EXHIBIT D</b>	Email – Meet and Confer (6/6/24 and 6/21/24)
<b>EXHIBIT E</b>	Plaintiff’s First Set of Requests for Production to C. Bobb

Dated: June 24, 2024

**FORD, WALKER, HAGGERTY & BEHAR**

By: /s/\_\_\_\_\_

William C. Haggerty, CA Bar No. 76652

(admitted *pro hac vice*)

Katherine M. Harwood, CA Bar No. 225202

(admitted *pro hac vice*)

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*Attorneys for Defendant Christina Bobb*

**CERTIFICATION OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of June 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which automatically serves email notification of such filing to all attorneys of record.

/s/ William C. Haggerty  
William C. Haggerty, Esq. (*pro hac vice*)

**DECLARATION OF THOMAS F. JACOBS, ESQ.**

I, Thomas F. Jacobs, Esq., declare as follows:

1. I am an attorney at the Law Offices of Thomas Jacobs and licensed to practice law by the State of Arizona. I am counsel of record for CHRISTINA BOBB in the Arizona criminal case, captioned *State of Arizona v. Kelli Ward, et al.*, Case No. CR2024-006850-016 (Superior Court, County of Maricopa) (the “Criminal Case”). I make this declaration in support of Ms. Bobb’s Motion to Stay. The information stated herein is true and correct and of my personal knowledge, unless stated on information and belief. If called as a witness, I could and would testify competently to the matters declared herein.

2. I have worked as a criminal defense attorney for more than 20 years in Arizona.

3. Ms. Bobb was indicted on April 23, 2024, served on May 4, 2024, and arraigned on May 21, 2024 in the Criminal Case. The attorneys for the criminal defendants will soon meet to discuss, among other things, whether to pursue a speedy trial in the Criminal Case. If a motion for speedy trial is filed, trial would likely proceed in mid-October 2024. If a speedy trial is not invoked, given the number of defendants and the nature of the allegations, trial could proceed as late as January 2025. Nonetheless, under these circumstances, a reasonable estimate for conclusion of this case is by the end of October 2024.

4. I intend to file a dispositive anti-SLAPP motion on Ms. Bobb’s behalf in the criminal case by the end of June. The hearing on the anti-SLAPP motion will likely be held by September 2024 and, if successful, result in Ms. Bobb’s dismissal from the Criminal Case.

5. I have reviewed the complaint in this matter, as well as plaintiffs’ first set of requests for production addressed to Ms. Bobb. Based on my understanding of the nature and scope of the civil case, my review of the complaint in this action and the criminal charges against

Ms. Bobb, I have concluded that there exists a factual overlap between this civil case and the pending Criminal Case. In my professional opinion, if a discovery stay is not granted, the scope of discovery in this civil case, particularly but without limitation, the requests for production and any deposition of Ms. Bobb, could and likely would impair Ms. Bobb's Fifth Amendment privilege against self-incrimination, extend criminal discovery beyond the limits set forth by Arizona law, potentially expose Ms. Bobb's theory to the prosecution in advance of trial, and otherwise prejudice her criminal case.

6. Attached hereto as **Exhibit A** is a true and correct copy of the criminal indictment against Ms. Bobb in the Criminal Case.

I hereby declare and affirm under penalty of perjury under the laws of the United States that the foregoing statements are true and correct. Executed on this 24th day of June, 2024.

A handwritten signature in black ink, appearing to read 'Thomas F. Jacobs', written in a cursive style.

Thomas F. Jacobs, Esq.

**DECLARATION OF WILLIAM C. HAGGERTY, ESQ.**

I, William C. Haggerty, Esq., declare as follows:

1. I am an attorney duly authorized and licensed to practice law before all courts of the State of California and this court via admission *pro hac vice*. I am an attorney with the law firm of Ford, Walker, Haggerty & Behar, counsel of record for defendant CHRISTINA BOBB (“Defendant” or “Ms. Bobb”) in the above-captioned matter. The information stated herein is true and correct and of my personal knowledge, unless stated on information and belief. If called as a witness, I could and would testify competently to the matters declared herein.

2. Based on my review of the discovery propounded to Ms. Bobb in this case, Ms. Bobb has provided responses to plaintiffs’ first and second sets of interrogatories (served on July 14 and August 30, 2023), plaintiffs’ first set of requests for admission (served on August 30, 2023), and plaintiff’s first and second sets of requests for production of documents (served on June 22 and August 30, 2023). To my knowledge, there are no outstanding issues concerning the sufficiency of the foregoing or any other responses, aside from Ms. Bobb’s responses to plaintiffs’ first set of requests for production (the “RFP”), the response to which was served on June 22, 2023, *a year ago*.

3. On May 9, 2024, I received an email from plaintiffs’ counsel, Christina Dieckmann, that included a forwarded email chain, dated May 6, 2024, between her and Ms. Bobb’s counsel as that time, Greg Singer, asking to schedule a conference call to discuss Ms. Bobb’s objections to plaintiffs’ first set of requests for production. Attached hereto as **Exhibit B** is a true and correct copy of the foregoing May 9, 2024 email that I received from Ms. Dieckmann. To my knowledge there were no prior meet and confer communications, verbally or in writing, regarding Ms. Bobb’s RFP responses.

4. On May 17, 2024, I conferred telephonically with plaintiffs’ counsel, Ms. Dieckmann and Jonathan Ross, regarding the RFPs. During the call, I raised concerns about the impact of the RFPs on Ms. Bobb’s pending criminal case, my need to confer with Ms. Bobb’s

criminal counsel before producing any materials, the impact of the RFPs on Ms. Bobb's Fifth Amendment rights, the recent transfer of the file from prior counsel, and the large volume of materials to review.

5. On May 28, 2024, after speaking with Ms. Bobb's criminal counsel and in an effort to meet and confer, I sent a letter to Ms. Dieckmann reiterating the foregoing and advising of our intention to pursue a stay of discovery against Ms. Bobb given the impact of discovery, including the RFPs, on Ms. Bobb's Fifth Amendment rights. Attached hereto as **Exhibit C** is a true and correct copy of my May 28, 2024 letter to Ms. Dieckmann.

6. On June 6, 2024, Ms. Dieckmann responded to my letter via email, stating that plaintiffs would not agree to a stay of proceedings against Ms. Bobb, and requested legal authority for the relief requested.

7. Thereafter, the parties continued to confer. On June 21, 2024, I sent an email to Ms. Dieckmann providing the authority requested and making one final attempt to reach an agreement regarding the requested stay. As of the time of filing this motion, I had received no response. Attached hereto as **Exhibit D** is a true and correct copy of Ms. Dieckmann's June 6<sup>th</sup> email and my June 21<sup>st</sup> email conferring about the subject stay.

8. Attached hereto as **Exhibit E** is a true and correct copy of plaintiffs' first set of requests for production propounded on Ms. Bobb in this case.

I hereby declare and affirm under penalty of perjury under the laws of the United States that the foregoing statements are true and correct. Executed on this 24<sup>th</sup> day of June, 2024.



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William C. Haggerty, Esq.

## **EXHIBIT A**

CLERK OF THE  
SUPERIOR COURT  
FILED  
A HIGUERA, DEP

24 APR 23 PM 12: 00

KRISTIN K MAYES  
Attorney General  
Firm Bar No. 14000

NICHOLAS KLINGERMANN  
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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA,  
  
Plaintiff,

v.

**KELLI WARD (001),**  
*Counts 1-9*

**TYLER BOWYER (002),**  
*Counts 1-9*

**NANCY COTTLE (003),**  
*Counts 1-9*

**JACOB HOFFMAN (004),**  
*Counts 1-9*

**ANTHONY KERN (005),**  
*Counts 1-9*

Case No: **CR 2024 - 006850 - 016**

93 SGJ 81

**INDICTMENT**

CHARGING VIOLATIONS OF:

**COUNT 1: CONSPIRACY**, a Class 2 Felony,  
in violation of A.R.S. § 13-1003

**COUNT 2: FRAUDULENT SCHEMES AND  
ARTIFICES**, a Class 2 Felony, in violation  
of A.R.S. §13-2310(A)

**COUNT 3: FRAUDULENT SCHEMES AND  
PRACTICES**, a Class 5 Felony, in violation  
of A.R.S. § 13-2311

**JAMES LAMON (006),**  
*Counts 1-9*

**ROBERT MONTGOMERY (007),**  
*Counts 1-9*

**SAMUEL MOORHEAD (008),**  
*Counts 1-9*

**LORRAINE PELLEGRINO (009),**  
*Counts 1-9*

**GREGORY SAFSTEN (010),**  
*Counts 1-9*

**MICHAEL WARD (011),**  
*Counts 1-9*

**(012),**  
*Counts 1-9*

**JOHN EASTMAN (013),**  
*Counts 1-9*

**BORIS EPSHTEYN (014),**  
*Counts 1-9*

**JENNA ELLIS (015),**  
*Counts 1-9*

X **CHRISTINA BOBB (016),**  
*Counts 1-9*

**MICHAEL ROMAN (017),**  
*Counts 1-9*

**COUNTS 4-9: FORGERY, Class 4 Felonies,**  
in violation of A.R.S. § 13-2002(A)

**MARK MEADOWS (018),**  
*Counts 1-9*

Defendants.

The 93rd State Grand Jury accuses **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)**, charging on this 23rd day of April, 2024, that in or from Maricopa County, Arizona:

**I. CHARGES.**

**COUNT 1**  
**CONSPIRACY, A CLASS TWO FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012),**

**JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018),** with the intent to promote or aid in the commission of an offense, agreed with one and/or more persons **KNOWN** and/or **UNKNOWN**, that at least one of them or another person would engage in conduct constituting one or more of the following offenses, in particular:

- 1) **FRAUDULENT SCHEMES AND ARTIFICES**, in violation of A.R.S. § 13-2310(A);
- 2) **FRAUDULENT SCHEMES AND PRACTICES**, in violation of A.R.S. § 13-2311(A),
- 3) **FORGERY**, in violation of A.R.S. § 13-2002(A)(1) & (A)(3);
- 4) **CHANGING VOTE OF ELECTOR BY CORRUPT MEANS OR INDUCEMENT**, in violation of A.R.S. § 16-1006(A)(3);
- 5) **TAMPERING WITH A PUBLIC RECORD**, in violation A.R.S. § 13-2407(A)(3);
- 6) **PRESENTMENT OF FALSE INSTRUMENT FOR FILING**, in violation of A.R.S. § 39-161.

In furtherance of this conspiracy and to effect the foregoing objects thereof, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009),**

**GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018),** and their co-conspirators did commit one or more of the following overt acts, including but not limited to. the overt acts described in Counts 2 through 9, and Section II of this Indictment (which is incorporated herein by reference as if set forth in full), in violation of A.R.S. §§ 13-1003, 13-2310(A)(1), 13-2311(A), 13-2002(A)(1) & (A)(3), 16-1006(A)(3), 13-2407(A)(3), 39-161, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314

**COUNT 2**  
**FRAUDULENT SCHEMES AND ARTIFICES, A CLASS TWO FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018),** pursuant to a scheme or artifice to defraud, knowingly obtained any benefit by means of false

or fraudulent pretenses, representations, promises, or material omissions, to wit: preventing the lawful transfer of the presidency of the United States, keeping President Donald J. Trump in office against the will of Arizona voters, and depriving Arizona voters of their right to vote and have their votes counted under the United States Constitution, Arizona Constitution Article 7, and Arizona Revised Statutes, Title 16, by means involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2310(A), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT 3**  
**FRAUDULENT SCHEMES AND PRACTICES, A CLASS FIVE FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, in a matter related to the business conducted by any department or agency of this state or any political subdivision thereof, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)**, pursuant to a scheme or artifice to defraud or

deceive, knowingly falsified, concealed or covered up a material fact by any trick, scheme or device or made or used any false writing or document knowing such writing or document contained any false, fictitious or fraudulent statement or entry, to wit: two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Arizona Secretary of State, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2311(A), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT 4**  
**FORGERY, A CLASS FOUR FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)** falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that

contained false information, to wit: a certificate of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the President of the United States Senate, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT 5**  
**FORGERY, A CLASS FOUR FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)**, falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: one of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona

Republican electors with the Arizona Secretary of State, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT 6**  
**FORGERY, A CLASS FOUR FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)**, falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: the second of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Arizona Secretary of State, involving, but not limited to, the acts described in Section II, in violation of A R S. §§ 13-2002(A)(1) & (A)(3),

13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT 7**  
**FORGERY, A CLASS FOUR FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)**, falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: one of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Archivist of the United States, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT 8**  
**FORGERY, A CLASS FOUR FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)**, falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: the second of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Archivist of the United States, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

**COUNT 9**  
**FORGERY, A CLASS FOUR FELONY**

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), (012), JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and MARK MEADOWS (018)**, falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: a certificate of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Chief Judge of the Federal District Court for the District of Arizona, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314

## **II. THE CONSPIRACY AND SCHEME.**

In Arizona, and the United States, the people elected Joseph Biden as President on November 3, 2020. Unwilling to accept this fact, Defendants and unindicted coconspirators schemed to prevent the lawful transfer of the presidency to keep **Unindicted Coconspirator 1** in office against the will of Arizona's voters. This scheme would have deprived Arizona voters of their right to vote and have their votes counted.

After the general election on November 3, 2020, Defendants raised false claims of widespread election fraud in Arizona to pressure election officials to change the outcome of a democratic election. Those efforts failed when the Maricopa County Board of Supervisors, Secretary of State, and Governor certified Arizona's election. Republican Presidential Elector Defendants then voted for President Donald Trump and Vice President Michael Pence on December 14, 2020, falsely claiming to be the "duly elected and qualified Electors for President and Vice President of the United States from the State of Arizona."

Defendants deceived the citizens of Arizona by falsely claiming that those votes were contingent only on a legal challenge that would change the outcome of the election. In reality, Defendants intended that their false votes for Trump-Pence would encourage Pence to reject the Biden-Harris votes on January 6,

2021, regardless of the outcome of the legal challenge. When combined with the six other States where Republican electors sent in uncertified votes for Trump-Pence, Defendants wanted Pence to either declare **Unindicted Coconspirator 1** the winner of the election, delay the proceeding and have individual state legislatures determine their electors, or have Congress resolve any claimed uncertainty about the validity of election results in Arizona and six other states in **Unindicted Coconspirator 1's** favor. The scheme failed when Vice President Michael Pence accepted all certified Biden-Harris votes on January 6, 2021.

**A. Background on Presidential Election Procedures.**

Defendants deceived the public by arguing the scheme to have Republican electors vote for Trump-Pence in Arizona and six other states was legal. Thus, background on presidential election laws is necessary to understand the scheme.

Presidential elections happen on the first Tuesday of November, following the first Monday, every four years. In 2020, the Presidential Election fell on November 3, 2020. **Unindicted Coconspirator 1** ran for reelection with then-Vice President Pence against now-President Biden and now-Vice President Harris.

The popular vote does not determine the President. Instead, the Constitution of the United States provides that "Electors" select the President and Vice President of the United States. This system is known as the Electoral College.

In the Electoral College, each state and the District of Columbia determines how Presidential Electors are selected, and each state's Presidential Electors equals the number of that state's congressional delegation. With the exception of Maine and Nebraska, all states award their entire allotment of Presidential Electors to the person who won the popular vote in that state. A simple majority of Presidential Electors then selects the President and Vice President. There are 538 electors, so it takes 270 votes to win.

The Electoral Count Act of 1887 (ECA), which was in place in 2020, provides the procedure for selecting the President and Vice President in the Electoral College. The ECA first required that each state determine the Presidential Electors at least six days before the electors' vote. The determination is called a "certificate of ascertainment" and must be issued by the executive officer of each state

Under the ECA, each state's Presidential Electors meet and vote "on the first Monday after the second Wednesday in December " In 2020, the electors met and voted on December 14. This also meant the last date for the certificate of ascertainment was December 8, 2020. The electors must send the certificates of their votes, along with the certificate of ascertainment, as follows: one copy to the President of the Senate; two copies to the chief election officer of their state;

two copies to the Archivist of the United States; and one copy to the Chief Judge of the federal District Court where the electors assembled.

The ECA then provided that the Vice President, sitting as the President of the Senate, hold a joint session of Congress on January 6 following the election. At that joint session, the Vice President was directed to open the Presidential Elector votes in alphabetical order by state so the votes could be counted. After the votes are counted, the Vice President declares the next President and Vice President.

Arizona has nine congressional seats and two senators, so it has 11 votes in the Electoral College. Each political party selects its own Presidential Electors, and State law provides that Arizona's Presidential Electors are awarded based on the winner of the popular vote in Arizona. The law provides that Presidential Electors cannot vote for anyone other than the certified winner of the election. Arizona law first requires that counties count the votes in their respective counties following the election. Determining the vote count is called a canvass. Once complete, the county boards of supervisors must certify the canvass and report the results to the Secretary of State. The Secretary of State must then determine the statewide vote totals and certify the winner of all general elections on the "fourth Monday following the general election." In 2020, that date was November 30.

On November 30, the Arizona Secretary of State certified Biden-Harris as the winners of Arizona's popular vote. That same day, Governor Ducey issued a certificate of ascertainment, listing the Biden-Harris electors as Arizona's Presidential Electors. Accordingly, the Biden-Harris electors assembled, voted, and mailed their votes on December 14, 2020, consistent with the ECA.

### **B. Defendants – Arizona Fake Electors.**

In 2020, the following Defendants were selected as Arizona Republican Party Presidential Electors:

- **KELLI WARD (001). WARD (001)** was the chair of the Arizona Republican party. She organized the fake electors' vote on December 14, 2020, and voted for Trump-Pence as a fake elector, falsely stating that she was "duly elected and qualified." After voting, **WARD (001)** declared the Arizona Republican electors as the "true electors." She later urged Pence to accept false electoral votes for Trump-Pence on January 6, 2021. She did not withdraw her vote even though no legal challenge successfully changed the outcome of Arizona's 2020 Presidential Election.
- **TYLER BOWYER (002) BOWYER (002)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was "duly elected and qualified." After voting, **BOWYER (002)** made statements indicating that he intended to have Pence accept the false electoral votes for Trump-Pence on January 6, 2021. **BOWYER (002)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona's 2020 Presidential Election.
- **NANCY COTTLE (003). COTTLE (003)** was the chairperson of the Arizona Republican Presidential Electors. She voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that she was "duly elected

and qualified.” **COTTLE (003)** did not withdraw her vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.

- **JACOB HOFFMAN (004)**. **HOFFMAN (004)** was a representative-elect in the Arizona Legislature in November 2020. **HOFFMAN (004)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” Following his vote as an Arizona Republican elector, **HOFFMAN (004)** urged Pence, in a letter dated January 5, 2020, to delay accepting Arizona’s certified Democrat elector votes on January 6, 2021, during the Joint Session of Congress in Washington D.C. **HOFFMAN (004)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **ANTHONY KERN (005)**. **KERN (005)** was a member of the Arizona Legislature who had lost his bid for reelection in the November 2020 election. **KERN (005)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified ” Following December 14, 2020, **KERN (005)** continued to urge Arizona officials and Pence to accept the Arizona Republican electors’ votes on January 6, 2021. **KERN (005)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **JAMES LAMON (006)**. **LAMON (006)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” **LAMON (006)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **ROBERT MONTGOMERY (007)**. **MONTGOMERY (007)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” **MONTGOMERY (007)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **SAMUEL MOORHEAD (008)**. **MOORHEAD (008)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly

elected and qualified ” **MOORHEAD (008)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.

- **LORRAINE PELLEGRINO (009)**. **PELLEGRINO (009)** was the Secretary of the Arizona Republican fake presidential electors She voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” **PELLEGRINO (009)** did not withdraw her vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **GREGORY SAFSTEN (010)**. **SAFSTEN (010)** was the Executive Director of the Arizona Republican Party. He helped **KELLI WARD (001)** organize the fake electors’ vote on December 14, 2020, and voted for Trump-Pence as a fake elector, falsely stating that he was “duly elected and qualified.” **SAFSTEN (010)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **MICHAEL WARD (011)**. **WARD (011)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified ” **WARD (011)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.

### **C. Defendants.**

Defendants’ attempts to declare **Unindicted Coconspirator 1** and Pence the winners of the 2020 Presidential Election contrary to voter intent and the law, involved numerous other charged and uncharged coconspirators. The following is a brief summary of the remaining Defendants’ roles in the scheme to keep **Unindicted Coconspirator 1** in office against the will of Arizona voters:

- **(012)**. An attorney for **Unindicted Coconspirator 1** who was often identified as “the Mayor.” He spread false claims of election fraud in Arizona and nationally shortly after November 3, 2020. He presided over a “hearing” in downtown Phoenix on November 30, 2020, where he falsely claimed that Arizona’s election officials “have made no effort to find out” if the results of the recent presidential election were accurate. He pressured the Maricopa County Board of Supervisors and Arizona legislators to change the outcome of Arizona’s election, and he was responsible for encouraging Republican electors in Arizona and in six other contested states to vote for Trump-Pence on December 14, 2020.
- **JOHN EASTMAN (013)**. **EASTMAN (013)** was an attorney who encouraged the Republican electors to vote on December 14, 2020, and spread false claims of widespread election fraud. He also pressured the legislature in Arizona and six other states to change the outcome of the election. For example, on January 4, 2021, **EASTMAN (013)** pushed then-Arizona Speaker of the House Rusty Bowers to convene a Special Session to decertify Arizona’s presidential electors, telling him to “just do it and let the court sort it out.” Bowers declined to do so. Also on January 4, **EASTMAN (013)** met at the White House with **Unindicted Coconspirator 1**, Pence, and others to convince Pence to reject or at least delay the confirmation of the lawfully chosen electors two days later at the Joint Session of Congress.
- **BORIS EPSHTEYN (014)**. **EPSHTEYN (014)** was an attorney and was an advisor to the Trump Campaigns in 2016 and 2020. **EPSHTEYN (014)** assisted **(012)** in implementing the scheme to submit false Republican electors’ votes for Trump-Pence in Arizona and to obstruct the certification process during the January 6, 2021, Joint Session of Congress in Washington D.C.
- **JENNA ELLIS (015)**. **ELLIS (015)** was an attorney for the Trump Campaign and worked closely with **(012)** She made false claims of widespread election fraud in Arizona and in six other states. **ELLIS (015)** encouraged the Arizona Legislature to change the outcome of the election. She also encouraged Pence to accept the false Arizona Republican electors’ votes on January 6, 2021.

- **CHRISTINA BOBB (016).** BOBB (016) was an attorney for the Trump Campaign and worked closely with (012). BOBB (016) lobbied Arizona's Republican legislators after the 2020 presidential election to disregard the popular vote in Arizona. She additionally helped organize the false Arizona Republican electors' votes on December 14, 2020
- **MICHAEL ROMAN (017).** ROMAN (017) was the Director of Election Day Operations for the Trump Campaign. He worked closely with (012), EPSHTEYN (014), Unindicted Coconspirator 4, and others to organize the false Republican electors' votes in Arizona and in six other states.
- **MARK MEADOWS (018).** MEADOWS (018) was Unindicted Coconspirator 1's Chief of Staff in 2020. He worked with members of the Trump Campaign to coordinate and implement the false Republican electors' votes in Arizona and six other states. MEADOWS (018) was involved in the many efforts to keep Unindicted Coconspirator 1 in power despite his defeat at the polls.

#### **D. Unindicted Co-Conspirators.**

The following individuals are included as unindicted members of the conspiracy:

- **Unindicted Coconspirator 1.** A former president of the United States who spread false claims of election fraud following the 2020 election.
- **Unindicted Coconspirator 2.** A former member of the Arizona Legislature who spread false claims of election fraud following the 2020 election. Unindicted Coconspirator 2 helped organize and distribute a false document on December 14, 2020, titled, "Joint Resolution of the 54<sup>th</sup> Legislature."
- **Unindicted Coconspirator 3.** A former member of the Arizona Legislature who spread false claims of election fraud following the 2020 election. Unindicted Coconspirator 3 helped organize a "hearing" at a hotel in Phoenix on November 30, 2020, that both (012) and

**JENNA ELLIS (015)** attended. **Unindicted Conspirator 3** additionally signed the false December 14, 2020, “Joint Resolution of the 54<sup>th</sup> Legislature.”

- **Unindicted Coconspirator 4.** An attorney for the Trump Campaign who drafted memos that encouraged having the fake Republican electors vote on December 14, 2020. **Unindicted Coconspirator 4** helped plan and organize the fake electors’ vote on December 14, 2020, in Arizona, Georgia, Michigan, Pennsylvania, Nevada, New Mexico, and Wisconsin
- **Unindicted Coconspirator 5.** An Arizona attorney who worked for the Trump Campaign. **Unindicted Coconspirator 5** helped organize the Arizona Republican electors’ vote on December 14, 2020, and previously represented the Republican Party, and **KELLI WARD (001)** in a lawsuit against the certified Arizona Democrat electors.

#### **E. The 2020 Presidential Election.**

The 2020 Presidential Election occurred during a global pandemic. In response to the pandemic, many states had expanded mail-in voting and that expanded mail-in voting delayed the final vote.

##### *1. Background.*

As states continued to count votes after election day on November 3, 2020, it became apparent that Biden would win, and **Unindicted Coconspirator 1** would lose the election **Unindicted Coconspirator 1** had suggested before the election that expanded mail-in voting was “very dangerous” because mail-in ballots are “fraudulent in many cases.” Those statements turned into claims of outright fraud immediately following the election.

While **Unindicted Coconspirator 1** himself was unwilling to accept that he lost the election, **MEADOWS (018)** had confided in a White House staff member in early November 2020 that **Unindicted Coconspirator 1** had lost the election. Nevertheless, **Unindicted Coconspirator 1** wanted to keep fighting the election results, and **MEADOWS (018)** wanted to “pull this off” for **Unindicted Coconspirator 1**

Arizona was ultimately decided by 10,457 votes or 0.31% of the ballots cast. Biden won by small margins in five other states: (1) Georgia, 11,779 votes or 0.24%; (2) Michigan, 154,188 votes or 2.78%; (3) Nevada, 33,596 votes or 2.39%, (4) Pennsylvania, 81,555 votes or 1.16%; and (5) Wisconsin, 20,681 votes or 0.63%. Excluding Nevada, these states all had Republican-controlled Legislatures in 2020. New Mexico, where Biden won by a wider margin—99,720 votes or 10.79%, also had a Democrat-controlled legislature in 2020. These seven states became the focus of legal challenges and false claims of widespread election fraud.

*ii. Arizona Election Lawsuits.*

In Arizona, multiple parties filed election lawsuits after November 3, 2020. All were unsuccessful, but some were still pending on December 14, 2020, when

the Arizona Republican electors assembled to vote. None of these lawsuits would have changed the outcome of the election

The first suit, *Aguilera v. Fontes*, Maricopa County Superior Court No. CV2020-014562, was filed the day following the election, based on complaints about electronic ballot counting from two voters. It was dismissed by the court on November 29, 2020, for failure to state a claim on which relief could be granted. An appeal was filed on December 29, 2020, which was eventually denied on June 15, 2021, for lack of jurisdiction.

The Trump Campaign next filed a suit on November 8, 2020, in *Trump v. Hobbs*, Maricopa County Superior Court No. CV2020-014248. The claims relating to the Presidential election were dismissed five days later because the lawsuit would not have changed the outcome of the election. That prompted **KELLI WARD (001)** to text **MEADOWS (018)**, “WTH,” and ask **MEADOWS (018)** “[a]re our lawyers in AZ afraid of being blackballed by the left,” and conclude “[i]t sounds like that’s a total cop out.”

The Arizona Republican Party sued Adrian Fontes, then the Maricopa County Recorder, on November 12, 2020, in *Arizona Republican Party v. Fontes*, Maricopa County No. CV2020-014553. The court dismissed the claim six days

later, finding the “Arizona Republican Party’s case was meritless.” It was not appealed.

**KELLI WARD (001)** sued all eleven Democrat Party electors on November 30, 2020, in *Ward v. Jackson*, Maricopa County Superior Court No. CV2020-015285. Phoenix-based Trump Campaign attorney **Unindicted Coconspirator 5** told all eleven Arizona Republican electors, “[p]lease be aware that while I will be representing you ‘in name’ as presidential electors, I am also the attorney for the Arizona Republican Party and Donald J Trump for President, Inc ” and that he was waiting on “ [sic] to personally approve” the lawsuit. All eleven electors agreed to join the suit, but for “legal/optical reasons, Kelli [was] . the only plaintiff ”

The court dismissed the suit on December 4, 2020, finding that Maricopa County election officials followed the process for signature verification “faithfully in 2020” and found “no misconduct, no fraud, and no effect on the outcome of the election.” The court additionally found that “the evidence did not prove illegal votes, much less enough to affect the outcome of the election” and that **KELLI WARD (001)**, “has not proven that the Biden/Harris ticket did not receive the highest number of votes.”

**KELLI WARD (001)** appealed to the Arizona Supreme Court on December 4, 2020. The court denied her appeal, writing that the allegations in the suit were not “sufficient to call the election results into question,” that “there are no allegations of any violation of the EPM [Elections Procedures Manual] or any Arizona law,” and that “the challenge fail[ed] to present any evidence of ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive the highest number of votes for office,’ let alone establish any degree of fraud or a sufficient error rate that would undermine the certainty of the election results.” At the request of the Trump Campaign, **Unindicted Coconspirator 5** expedited an appeal to the United States Supreme Court before December 14, 2020. He later wrote to a Pennsylvania attorney, “Also just FYI—I recall now there was a rush to file our petition in order to give legal ‘cover’ for the electors in AZ to ‘vote’ on the 14<sup>th</sup> . . . .”

All eleven Arizona Republican electors and others sued Governor Doug Ducey on December 2, 2020, in Arizona Federal District Court Case *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH. The court dismissed their complaint on December 9, 2020, finding that the plaintiffs’ claims, “fail in their particularity and plausibility” and that their “‘expert reports’ reach implausible conclusions, often because they are derived from wholly unreliable sources.” The plaintiffs appealed

to the Ninth Circuit the following day, and the appeal was dismissed on April 13, 2021.

Two other election lawsuits were filed in Arizona, *Stevenson v. Ducey*, Maricopa County Superior Court No. CV2020-096490, and *Burk v. Ducey*, Pinal County Superior Court No. CV2020-01869. The plaintiffs in *Stevenson* voluntarily dismissed their case on December 7, 2020. Both the trial court, on December 15, 2020, and later the Arizona Supreme Court, on January 5, 2021, concluded that the plaintiff in *Burk* lacked standing to sue because she was not registered to vote.

#### **F. Pressure on Arizona Election Officials.**

In Arizona, Defendants, unindicted coconspirators, and others pressured the three groups of election officials responsible for certifying election results to encourage them to change the election results: (1) Maricopa Board of Supervisors; (2) the Arizona Legislature; and (3) the Governor. This pressure campaign was initially focused on the Maricopa County Board of Supervisors. As it became clear that they would not change the election results, the pressure campaign moved to the Arizona Legislature and Governor Ducey.

##### ***1 Maricopa County Board of Supervisors.***

The Maricopa Board of Supervisors oversees elections in Maricopa County. In 2020, the Maricopa County Board of Supervisors had five members, four of which were Republican: Steve Chucri, Bill Gates, Clint Hickman, and Jack Sellers.

Almost immediately after the election, **KELLI WARD (001)** sent messages to each of the Republican members suggesting serious election fraud and malfeasance had occurred. **KELLI WARD (001)** urged the supervisors to delay certifying Maricopa County's results, and she urged the Republican supervisors to contact lawyers associated with the Trump Campaign about the alleged election fraud.

**(012)**, unindicted coconspirators, and others also tried to contact the Republican Supervisors. For example, an Arizona Congressional Representative sent a text message to **MEADOWS (018)** on November 8, 2020, that he had "placed some calls to the board of supervisors without connecting so far," later writing, "I can give you some idea what's going on with the county supervisors." **KELLI WARD (001)** sent **MEADOWS (018)** a text message on November 13, 2020, "Just talked to POTUS He may call the Chairman of the Maricopa Board of Supervisors," who was then Clint Hickman. Hickman later

received a call from the White House Switchboard on New Year's Eve, but he did not answer.

By mid-November, the Tea Party Phoenix Metro, sent an email to its subscriber list, which included **SAFSTEN (010)**, stating, "By the way, if the electoral college doesn't result in 270 electoral votes for either Presidential candidate, the 12th amendment is exercised, and guess what . . . Trump wins (because the House didn't go the way the Dems counted on it going), and our republic is saved from globalists!!" It then encouraged members to rally at the Maricopa County Board of Supervisors building to a "Stop the AZ Steal' protest rally against the County Board of Supervisors certifying the election results."

The Maricopa County Board of Supervisors unanimously certified the results of the election in November 2020. Some Defendants posted on social media urging others to contact the Maricopa County Board of Supervisors about delaying certification of the election. Following such posts, others publicly attacked the Republican Board of Supervisors, including threatening the Supervisors and their families.

On December 15, 2020, the Senate Judiciary Committee subpoenaed Maricopa County's voting machines. **(012)** was interviewed about the subpoena and stated that it was intended to "start forensically examining the

voting machines in Arizona.” The Board of Supervisors sued to quash the subpoenas on December 18, 2020, in *Maricopa v. Fann*, Maricopa County Superior Court CV2020-016840. All eleven Republican electors moved to join the suit on behalf of the Legislature, recognizing that a possible goal of the subpoenas was to “ensur[e] that their rivals, the Democratic Party’s electors, are not considered by Congress.” After filing the motion to intervene, **KERN (005)** wrote, “[g]reat move AZ GOP Electors! All 11 of us ;),” promoting a post by the Republican Party of Arizona arguing that “the Legislature should use its power to hold them [the Board of Supervisors] in contempt and throw them in jail.”

Throughout December, **(012)** then urged the Republican members of the Board of Supervisors to assist in obtaining access to vote-counting machines and ballots. In a voice message to Gates on Christmas Eve, for example, **(012)** asked to get access to the vote counting machines and ballots, stating, “[y]ou know, I really think it’s a shame that Republicans sort of are both in this, kind of, situation.” That day he also called Sellers and left the following message: “We’re all Republicans, I think we all have the same goal. Let’s see if . . . we can get this done outside of the court.”

*ii. Arizona Legislature.*

Russell “Rusty” Bowers served in the Arizona Legislature from 2015 until the beginning of 2023. He was elected in 2019 to a two-year term as the House and was Speaker of the House in 2020.

Bowers reported extensive pressure to take action after the election. He noted on November 11, 2020, “getting hundreds of emails demanding that I do my constitutional duty and name electors that will vote for Trump” and “very strange and unsettling phone calls telling me to do my duty and vote to elect electors who will vote for Trump.” On November 20, 2020, he wrote, the situation was “very stressful—attacks and tens of thousands of emails to intimidate me.”

Bowers received a call from the White House on November 22, 2020. In that call, (012) explained he understood there was a law in Arizona that would allow the legislature to meet and if there was sufficient doubt about the legality of the election, the legislature could vote to disallow Biden’s electors and put in Trump’s electors. (012) alleged Arizona had 14,000 dead people voting, 4,000 or 5,000 military ballots stolen, and 200,000 non-citizens voting. Bowers asked for evidence. (012) said he had the names and would give the names to Bowers.

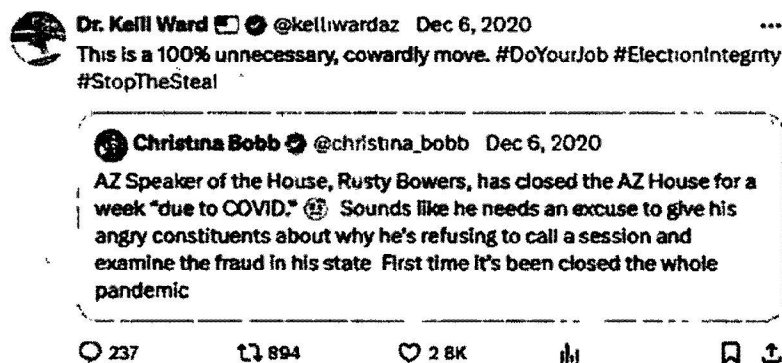
On December 1, 2020, (012) held a meeting at the Arizona Legislature with three associates, including JENNA ELLIS (015). Also present at the

meeting were several Republican legislators, including Bowers. (012)

and his team asked Bowers to hold a committee hearing on the election. When Bowers asked for any proof of election fraud, (012) said he had proof, but ELLIS (015) advised that it was left back in the hotel room. Bowers left the meeting shortly thereafter. The alleged proof was never provided to Bowers.

Bowers issued a press release on December 4, 2020, rebutting the allegations of election fraud. The next day he wrote, “threats and intimidation all day—thousands of demanding emails, everyone is a constitutional scholar which I am not. I just will not change the rules after the people voted!” On December 14, 2020, the day the Arizona Republican electors voted, Bowers wrote, “Hard days. . . Their hatred is pronounced,” referring to outside emails.

**CHRISTINA BOBB (016) and KELLI WARD (001)** posted on social media on December 6, 2020 the following.



On January 4, 2021, Bowers spoke with attorney **JOHN EASTMAN (013)**. In the conversation, **EASTMAN (013)** explained that a supermajority was not needed to convene a committee of the legislature. On January 6, 2021, Bowers spoke with an Arizona Congressional Representative. That Representative asked Bowers to support decertification of the election. Bowers declined because he did not believe the election was fraudulent.

*iii. Governor Doug Ducey.*

At the end of 2020, Arizona's Governor was Doug Ducey. On the day that then-Governor Ducey signed the certificate of ascertainment, which certified the vote, Governor Ducey received a call from the White House, which he did not answer. That day, **Unindicted Coconspirator 1** posted a series of tweets berating Governor Ducey for certifying the election. On the night of the certification, **(012)** posted on Twitter that Governor Ducey should not have certified the vote.

**G. The Fake Electors Scheme.**

Discussions about using the Republican electors to change the outcome of the election began as early as November 4, 2020. Those plans evolved during November based on memos drafted by Trump Campaign attorney **Unindicted Coconspirator 4**.

As an example, the then-United States Secretary of Energy texted **MEADOWS (018)** on November 4, 2020, “HERE’s an AGRESSIVE STRATEGY: Why can’t the states of GA NC PENN and other R controlled state houses declare this is BS (where conflicts and election not called that night) and just send their own electors to vote and have it go to the SCOTUS.”

Similarly, **MEADOWS (018)** received a text on November 5, 2020, that **Unindicted Coconspirator 1** should “urge GOP officials in close states to expose shenanigans and, if necessary, to refuse to seat Biden electors in the event of a fake count.” That same day, **Unindicted Coconspirator 1’s** son texted **MEADOWS (018)** a more developed plan revolving around the electors: “It’s very simple If through our lawsuits and recounts the Secretary of States on each state cannot ‘certify’ that states vote the State Assemblies can step in and vote to put forward the electoral slate Republicans control Pennsylvania, Wisconsin, Michigan, North Carolina etc. we get Trump electors.”

An Arizona Congressional Representative similarly texted **MEADOWS (018)** on November 6, 2020:

I’m sure you have heard of this proposal. It is to encourage the state legislatures to appoint a look doors [sic] in the various states where there’s been shenanigans. If I understand right most of those states have Republican Legislature’s [sic]. It seems to be

comport with glorified [sic] Bush as well as the Constitution. And, well highly controversial, it can't be much more controversial than the lunacy that were sitting out there now. And it would be pretty difficult because he would take governors and legislators with collective will and backbone to do that. Is anybody on the team researching and considering lobbying for that?

**MEADOWS (018)** responded, "I love it."

*i. Unindicted Coconspirator 4's Memos and the Trump Campaign's Response.*

**Unindicted Coconspirator 4** began working as an attorney for the Trump Campaign on a pro bono basis in mid-November 2020. He prepared three memos outlining how to use fake electors to overturn the election: (1) the November 18, 2020, memo; (2) the December 6, 2020, memo; and (3) the December 9, 2020, memo.

**Unindicted Coconspirator 4** claimed that under the ECA the electors needed to vote on December 14, 2020, to be counted. **Unindicted Coconspirator 4** argued that if there was a pending legal challenge that could change the outcome of the election from Biden-Harris to Trump-Pence, the Republican electors were required to meet and vote on December 14, 2020. If they did not, then the Vice President could not count the votes for Trump-Pence on January 6,

2021, even if **Unindicted Coconspirator 1** and Pence won a lawsuit that changed the outcome the election

As support, **Unindicted Coconspirator 4** cited the Hawaii election from 1960. There, initial election results showed that Richard Nixon and Henry Cabot Lodge won the popular vote during the presidential election, defeating John Kennedy and Lyndon Johnson by just 140 votes. Nixon was certified the winner by the Governor in November of 1960. A Hawaii court ordered a recount on December 13, 1960, which was pending on December 19, 1960, when the electors were required to meet and vote.

The Nixon-Lodge electors met and voted on December 19, 1960. On that day, the Kennedy-Johnson electors also met and voted. On December 30, 1960, Hawaii's courts determined that Kennedy-Johnson won the popular vote. The Governor then certified the Kennedy-Johnson electoral votes on January 4, 1961, and Congress received them on January 6, 1961. Nixon, who was the Vice President, and therefore Senate President, accepted the Kennedy-Johnson elector votes.

None of **Unindicted Coconspirator 4's** memos suggested that Republican electors precisely follow what occurred in the 1960 Hawaii election. Trump-Pence had lost in Arizona, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and

Wisconsin. **Unindicted Coconspirator 4** suggested that in each of these seven states the Trump Campaign should have the Republican electors vote on December 14, 2020, although none had a pending recount. As it became apparent that no election challenge would succeed by January 6, 2021, **Unindicted Coconspirator 4** departed further from the Hawaii example. Each memo is summarized below.

- November 18, 2020: This seven-page memo discussed only the Wisconsin Trump-Pence electors. In it, **Unindicted Coconspirator 4** concluded that the Trump-Pence electors must vote on December 14, 2020, in the event “a court decision (or, perhaps, a state legislative determination) rendered after December 14 in favor of the Trump-Pence slate of electors” changed the outcome of the Wisconsin election.
- December 6, 2020: This six-page memo argued that the Trump-Pence electors in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin should meet and vote on December 14, 2020. It appeared to depart from the November 18, 2020 Memo in parts by suggesting that only a pending lawsuit, rather than a decision in favor of Trump-Pence, was necessary for the Vice President to reject the Biden-Harris electors on January 6, 2021 **Unindicted Coconspirator 4** outlined the general procedure the Republican Electors needed to follow when voting. In the December 6, Memo. **Unindicted Coconspirator 4** claimed he was “not necessarily advising this course of action” and that it was “a bold, controversial strategy.”
- December 9, 2020: This five-page memo outlined the Electoral Count Act procedure requirements for

presidential electors. It additionally discussed the state law requirements for presidential electors in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin.

A Wisconsin attorney working on election challenges for the Trump Campaign, sent **Unindicted Coconspirator 4's** analysis to Trump Campaign Deputy Manager Justin Clark on November 25, 2020. Clark and other campaign officials supported **Unindicted Coconspirator 4's** recommendation to have the Republican electors vote in Wisconsin because they believed the lawsuit in Wisconsin could change the outcome of Wisconsin's election. Following both the ECA and the 1960 Hawaii election models, Campaign officials concluded that the Wisconsin Republican electors should vote on December 14, 2020, for Trump-Pence in the event their lawsuit succeeded.

**Unindicted Coconspirator 4** later insisted that Clark receive a copy of his December 6, 2020 Memo, writing a Wisconsin attorney, "I feel this memo—on why it's important all electors vote in all 6 contested states should vote on Dec. 14—should get to Justin Clark and others involved with national strategy ASAP." A Wisconsin attorney forwarded that memo, telling **Unindicted Coconspirator 4**, "I have bypassed Justin and am tryouts [sic] no [sic] to get it circulated at the White House." A Wisconsin attorney then sent **Unindicted Coconspirator 4's** December 6, 2020 Memo to **BORIS EPSHTEYN (014)**.

The memo eventually made its way to members of the Trump Campaign, some who questioned **Unindicted Coconspirator 4's** plan to have the Republican electors vote in all six listed states. With the exception of Wisconsin and possibly Georgia, they concluded that there were no pending lawsuits that could change the outcome of the election in the remaining six states. Trump Campaign officials also had general concerns about (012) efforts. For example, Advisor Jason Miller wrote **MEADOWS (018)** on December 6, 2020, "[a]ll guidance appreciated, as the legal turf war thing is new to me!"

ii. (012) takes control of the Fake Electors Scheme.

(012) and his team disagreed with the other's concerns, and their effort was bolstered by Texas' decision to sue Georgia, Michigan, Pennsylvania, and Wisconsin on December 8, 2020, to temporarily prevent the presidential electors from voting in those states, in *Texas v. Pennsylvania*. On December 9, 2020, **EPSHTEYN (014)** moved forward with having Republican electors vote in the seven contested states, including Arizona, by writing a Wisconsin attorney and **BOBB (016)**, "Question per Mayor-do you think you could prepare a sample elector ballot for Wisconsin." If so, **EPSHTEYN (014)** then asked if **Unindicted Coconspirator 4** would prepare sample ballots for "PA, Georgia, Michigan, AZ,

Nevada and New Mexico,” which was the first time New Mexico was listed for challenges. **Unindicted Coconspirator 4** responded, “[O]h absolutely” and that he “will do a memo on specifics of each state.” By December 11, 2020, **Unindicted Coconspirator 4** and a Wisconsin attorney had prepared a draft press release following the Trump-Pence elector voting plan, which they emailed to **EPSHTEYN (014)**, **MICHAEL ROMAN (017)**, and Joshua Findlay.

On December 11, 2020, the United States Supreme Court dismissed *Texas v. Pennsylvania*. At that point, some Trump Campaign officials determined the fake elector plan was legally unsound, but **(012)** wanted “to keep fighting.” Campaign attorneys then passed “everything off” to **Unindicted Coconspirator 4**. Clark emailed **Unindicted Coconspirator 4** that morning, “Josh [Findlay] has been running point on our contacts with electors. He can provide an update and hand off what he has to you this morning.” Findlay told **Unindicted Coconspirator 4**, “[i]t is my understanding from **(012)** team that you are now running point on this. I am happy to hand off what has been done so far.”

Trump Campaign officials then deferred much of the Republican elector plan to **(012)**, **EPSHTEYN (014)**, and **Unindicted Coconspirator 4**. **Unindicted Coconspirator 4** had emailed party officials in several of the contested states that he “talked with . . . **(012)** [sic], who is focused on doing

everything possible to ensure that that all the Trump-Pence electors vote on Dec. 14.” **Unindicted Coconspirator 4** included instructions for voting and a certificate of the vote template, concluding “Pretty simple!”

*iii ROMAN (017) refuses to add contingency language to the Republican electors’ vote certificates.*

During a conference call on December 12, 2020, a Pennsylvania attorney expressed concern that the certificate of vote falsely claimed that the Republican electors were the “duly elected and certified electors.” He requested adding language to the certificates indicating that the Trump-Pence electors’ votes were contingent on being certified the duly elected and qualified electors.

Based on that call, **Unindicted Coconspirator 4** texted **ROMAN (017)**, “Mike, I think the language at start of certificate should be changed in all states. Let’s look at the language carefully.” **ROMAN (017)** responded, “I don’t.” **Unindicted Coconspirator 4** then offered to “help with drafting in a couple hours,” but **ROMAN (017)** responded “fuck these guys.”

Pennsylvania insisted on the language. **Unindicted Coconspirator 4** prepared a draft and sent **ROMAN (017)** and Findlay the following email on December 13, 2020:

Mike, here is my suggested language for dealing with the concern raised in the PA conference call about

Electors possibly facing legal exposure (at the hands of a partisan AG) if they seem to certify that they are currently the valid Electors.

Easily fixed . . . .

It strike [sic] me that if inserting these few words is a good idea for PA, it might be worth suggesting to Electors in other states.

Pennsylvania attorneys eventually added the following introduction to their elector vote certificates:

**WE, THE UNDERSIGNED, on the understanding that if, as a result of a final non-appealable Court Order or other proceeding prescribed by law, we are ultimately recognized as being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Pennsylvania, hereby certify the following . . .**

**By December 12, 2020, Unindicted Coconspirator 4 had prepared documents for each state except New Mexico. ROMAN (017) asked Unindicted Coconspirator 4 to prepare New Mexico He did, and included his drafted contingency language as follows, “WE, THE UNDERSIGNED, on the understanding that it might later be determined that we are the duty elected and qualified Electors . . . .”**

*iv. Trump Campaign members refuse to support the Fake Electors Scheme*

The following day, Jason Miller texted Justin Clark, White House attorney Eric Herschmann, and campaign communications director Tim Murtaugh:

Just got a call from

-He said tomorrow our local counsels in four states are filing federal cases to keep the effort going (I didn't understand merits of cases), and that POTUS was aware of this.

-He said he's optimistic we win in Wisconsin state court tomorrow.

-He also said Boris [Epshteyn] has been coordinating state elector whip effort and I should connect with he and Christina BOBB.

All I know tomorrow is Elector Voting Day and that train you hear coming down the track isn't Burlington Northern.

Murtaugh had prepared the following statement for December 14, 2020, "As election contests continue in various states, the only prudent course was to have the President's electors vote in those places to preserve the campaigns [sic] rights " During the text conversation, Clark responded, "Now, I am not sure what is telling the president on this stuff so I'm not sure what his expectations are . . . Here's the thing the way this has morphed it's a crazy play so I don't know who wants to put their name on it," referring to the statement Murtaugh

prepared. (012) scheduled a conference call to discuss with BOBB (016), ELLIS (015), and others, which was shared in the text message thread, to which Herschmann responded, “[c]ertifying illegal votes.” Murtaugh eventually wrote that he was “not comfortable putting that statement out. . . . I can’t stand by it. From the looks of it, neither can any of you.” Clark responded, “I cannot. They need to put their names on it. Boris and Jenna.” Herschmann responded, “I agree.”

*v. EASTMAN (013) Pressures Pence to Change the Vote on January 6.*

On December 23, 2020, EASTMAN (013) wrote a memo laying out a scenario for January 6, 2021. In that memo, he recommended that Pence refuse to count Arizona’s certified Democratic electors because there were “multiple slates.” After refusing to accept the six other states with fake Republican electors, Pence would determine Unindicted Coconspirator 1 the winner of the election because Unindicted Coconspirator 1 would have had the majority of the remaining votes: “232 votes for Trump, 222 votes for Biden. Pence then gavel[s] President Trump as re-elected.”

EASTMAN (013) circulated a lengthier memo on January 3, 2021, discussing the “January 6 scenario” and “War Gaming the Alternatives.” EASTMAN’s (013)

clear intention was to change the result of the 2020 Presidential election on January 6, 2021, writing, “[t]he stakes could not be higher.” Without action from Pence, **EASTMAN (013)** concluded that “the sovereign people no longer control the direction of their government” and “will have ceased to be a self-governing people ”

**EASTMAN (013)** met with Pence and members of his staff on January 4, 2021, telling Pence that he could reject electoral votes or delay the vote count and ask state legislatures to reexamine the election to declare a winner. Pence rejected those ideas, but on January 5, 2021, **EASTMAN (013)** again met with Pence’s Chief Counsel, Greg Jacob, to ask Pence to reject the certified Biden-Harris electors during the counting of the electoral vote at the Joint Session of Congress. During that meeting, **EASTMAN (013)** admitted that his plan would lose if it went before the U.S. Supreme Court.

#### **H. Arizona Republican Electors Involvement in the Fake Electors Scheme.**

On December 8, 2020, a Wisconsin attorney sent **Unindicted Coconspirator 4** and a Trump Campaign staffer, an email that said, the Trump Campaign staffer “is in touch With [sic] White House, Arizona and PA. They are interested I am copying them so they can work directly with you and link to the other States.”

That day, **Unindicted Coconspirator 5** called **Unindicted Coconspirator 4** to discuss having the Arizona Republican electors vote on December 14, 2020, prompting a Wisconsin attorney to text **Unindicted Coconspirator 4**, "Heard et al are pushing this and you spoke to Arizona Congratulations "

**Unindicted Coconspirator 4** responded:

Hi, I talked to [**Unindicted Coconspirator 5**] in Arizona, and emailed him info, including a draft of the footnote explaining that both electoral slates voting is not an odd thing

He told me [redacted] is really pushing this, and he was trying to understand exactly why

He asked if I talked to [redacted] I said Jim did, and also apparently read the memo

I got across that unless the Arizona Trump votes are sent to Congress on time, there's no real excuse to debate Arizona

He also gets that Biden making the safe harbor doesn't prevent Congress from debating, or the Senate from voting as it wants, though the Electoral Count Act obviously is politically problematic

I told him we might file in WI Supreme Court with that footnote by Saturday, which could help with messaging

Feel free to pass this on to [redacted] It sounds like the states will do this if [redacted] insists, especially if the President has specifically asked [redacted] to make sure this happens. If any

state is uncertain, maybe a call from the President would be worthwhile. Sounds like he's really hands on!

Arizona GOP Director **GREGORY SAFSTEN (010)** called **Unindicted Coconspirator 4** on December 10, 2020, to discuss “the logistics of the electors voting on Dec 14.” That prompted **Unindicted Coconspirator 4** to email **SAFSTEN (010)** and **Unindicted Coconspirator 5** the documents he prepared for the Arizona Republican electors.

**KELLI WARD (001)** organized Arizona Republican electors for December 14, 2020, and worked directly with **SAFSTEN (010)**, **Unindicted Coconspirator 4**, and a Republican National Committee attorney for planning. **Unindicted Coconspirator 4** emailed **Unindicted Coconspirator 5** on December 11, 2020, to confirm that he still planned to file an appeal in *Ward v. Jackson*, writing:

Reason is that Kelli Ward & [**Unindicted Coconspirator 2**] just spoke to the Mayor about the campaign’s request that all electors vote Monday in all contested states.

Ward and [**Unindicted Coconspirator 2**] are concerned it could appear **treasonous** for the AZ electors to vote on Monday if there is no pending court proceeding that might, eventually, lead to the electors being ratified as the legitimate ones.

Which is a valid point—in the Hawaii 1960 incident, when the Kennedy electors voted there was a pending recount.

**Unindicted Coconspirator 4** followed, “Just spoke with [**Unindicted Coconspirator 5**]. I now [sic] longer see cause for concern. His Supreme Court filing is at the printer ” **Unindicted Coconspirator 5** confirmed, “Correct. The attached are being ‘e-filed’ as we speak . . . .”

On December 13, 2020, **KELLI WARD (001)** sent **Unindicted Coconspirator 4** an email with concerns that certified Democratic electors for Biden-Harris would not be voting in the state capitol building. **Unindicted Coconspirator 4** responded that Arizona law did “not specify a location for the vote” and that voting did not need “to be in the capitol bldg.”

The Arizona Republican electors met on December 14, 2020, at the Arizona Republican Party Headquarters, posting a picture to twitter.com. The Arizona Republican electors additionally recorded themselves voting and posted the video to social media websites, prompting **KELLI WARD (001)** to write, “Oh yes we did! We are the electors who represent the legal voters of Arizona! #Trump2020 #MAGA ” The Arizona Republican Party’s official statement was largely copied from a template that **Unindicted Coconspirator 4** and a Wisconsin attorney prepared for all states. The party claimed it was following what happened in 1960 in Hawaii until there was “a final resolution of Arizona’s 11 electoral votes ”

In late December 2020, the Trump Campaign had Pennsylvania attorney Bruce Marks and **EASTMAN (013)** file an appeal to the United States Supreme Court regarding Pennsylvania's election in *Trump v. Boockvar*. Following that decision, Marks emailed a Wisconsin attorney, "[t]he Campaign wants us to work together with professor eastman to file an Article II cert petition from Wisconsin." Related to that discussion, Marks emailed **Unindicted Coconspirator 5** asking questions about his Supreme Court appeal in *Ward v. Jackson*. That prompted **Unindicted Coconspirator 5** to respond, "(Also just FYI – I recall now that there was a rush to file our petition in order to give legal 'cover' for the electors in AZ to 'vote on the 14<sup>th</sup> . . . that discussion is below, as well as [**Unindicted Coconspirator 4's**] comments on the petition.)"

Marks responded by questioning how *Ward v. Jackson* would change the outcome of the election:

Even if the court erred in not allowing further examination, what is the argument that reason further discovery would have led to changing the election, if the error rate is 2%, the higher number, and the ballots at issue is 450,000?

The petition does not argue that these ballots (9,000 at my estimate) were improperly counted for Biden when they should have been counted for Trump.

Thanks, we are trying to understand this in formulating the [Supreme Court] strategy.

All 11 Arizona Republican electors, **KELLI WARD (001)**, **TYLER BOWYER (002)**, **NANCY COTTLE (003)**, **JACOB HOFFMAN (004)**, **ANTHONY KERN (005)**, **JAMES LAMON (006)**, **ROBERT MONTGOMERY (007)**, **SAMUEL MOORHEAD (008)**, **LORRAINE PELLEGRINO (009)**, **GREGORY SAFSTEN (010)**, and **MICHAEL WARD (011)**, joined then-Texas Congressional Representative Louie Gohmert in suing Pence on December 27, 2020. Their complaint alleged that “Gohmert will object to the counting of Arizona electors voting for Biden, as well as to the Biden electors from the remaining Contested States.” The plaintiffs attempted to have the court declare that Pence could “exercise the exclusive authority and sole discretion in determining which electoral votes to count for a given State.” **KELLI WARD (001)** explained the purpose of the suit on twitter:



**Dr. Kelli Ward** @kelliwardaz · Dec 30, 2020

“Friendly” In that we are in the same political party - but know this: we are suing VP Pence to ensure he understands that he has the power to do his constitutional duty on January 6. And we expect him to do it. That’s it.



**The Epoch Times** @EpochTimes · Dec 30, 2020

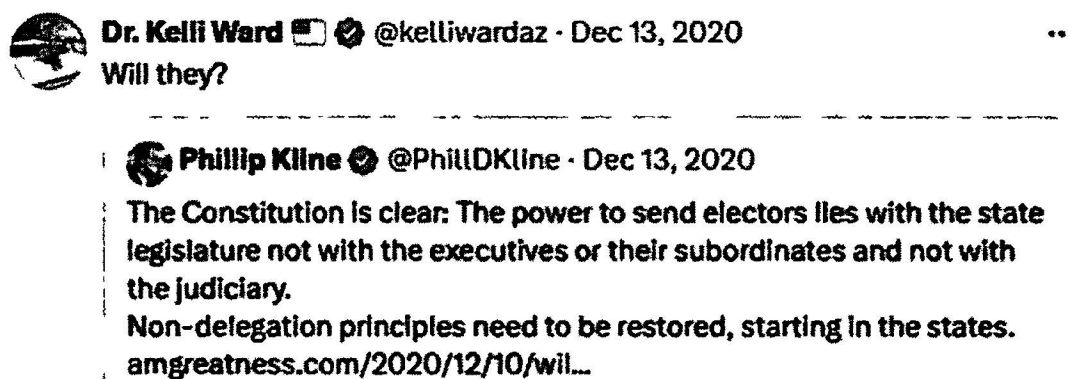
#Arizona GOP Chairwoman @KelliWardAZ, a co-plaintiff in a lawsuit against VP @Mike\_Pence, described the suit as a “friendly” one.

The lawsuit, according to Ward, argues that the “Constitution takes precedent over statute.” [theepochtimes.com/arizona-gop-ch...](https://theepochtimes.com/arizona-gop-ch...)

In addition to their lawsuit against Pence, other Arizona Republican electors made statements directly contradicting any intention that their votes would only be used if they succeeded in a legal challenge that changed the outcome of Arizona's election.

*i. KELLI WARD (001).*

The day before voting as a Republican elector, **KELLI WARD (001)** posted to twitter indicating that her goal was to have the Arizona Legislature certify the fake Republican electors' votes:



On December 15, 2020, **KELLI WARD (001)** posted a video explaining why she and the other "true" electors had voted for **Unindicted Coconspirator 1** on December 14, 2020. She stated, "We believe that we are the electors for the legally cast votes here in Arizona."

Leading up to January 6, 2021, **KELLI WARD (001)** continued calling for the Arizona Legislature to change the outcome of the election. She published Pence's

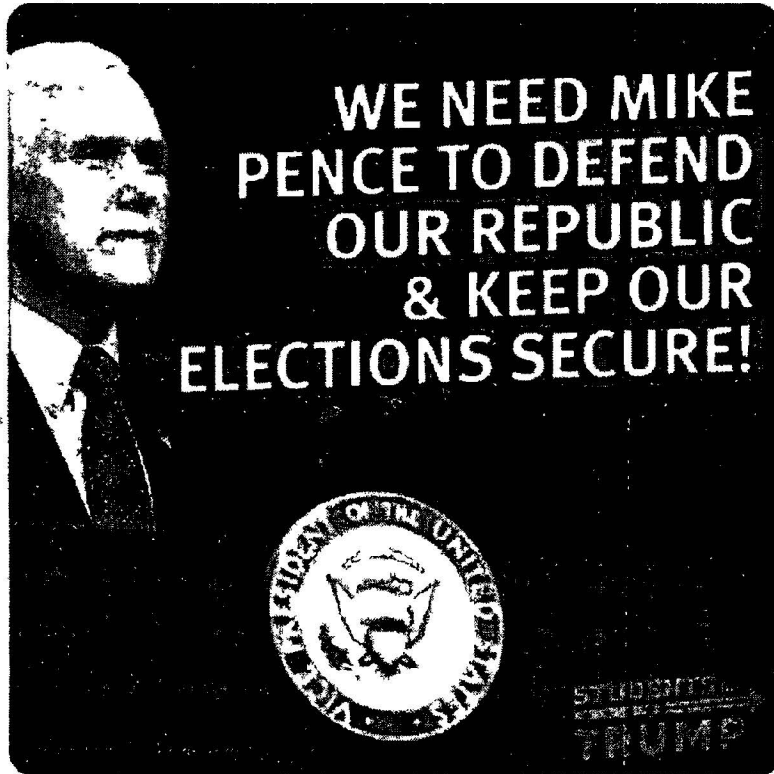
January 6, 2021, letter explaining that he would accept the certified Democratic electors for Biden-Harris on January 6, 2021, and wrote, “Pray that @VP @Mike\_Pence doesn’t send our Republic to it’s [sic] demise—crashing and burning into socialism, communism, & tyranny” Later that day, she thanked Arizona Congressman for objecting to Arizona’s certified Democratic electors’ votes during the Joint Session of Congress. And when Congress adjourned because the January 6, 2021 rioters breached the Capitol, she wrote, “Congress is adjourned. Send the elector choice back to the legislatures.”

*ii. TYLER BOWYER (002).*

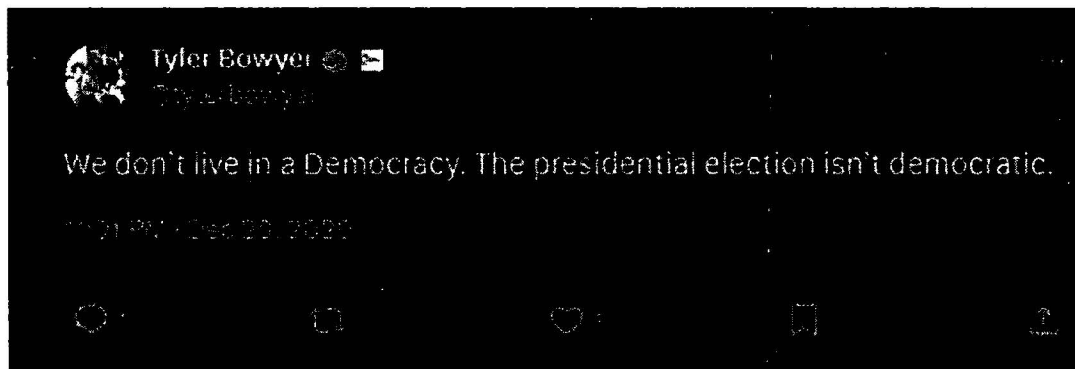
**BOWYER (002)** made public statements demonstrating the contingency plan was cover for his attempt to change the outcome of the election. On November 27, 2020, he wrote, “#BidenCheated” and “Americans deserve the true election results.”

On December 15, 2020, after voting for Trump-Pence, **BOWYER (002)** wrote, “this just gives potential ground to not accept electors from states with competing electors.” **BOWYER (002)**, after *Gohmert v. Pence* was filed, posted to twitter:

**Tyler Bowyer** @tylerbowyer · Dec 28, 2020  
It's pretty simple: The President of the United States Senate (VP) has the awesome power of acknowledging a specific envelope of electoral votes when there are two competing states— or none at all.  
The 12th amendment covers dispute resolution when it occurs in the House of Reps.



He followed with:



**iii JACOB HOFFMAN (004).**

**HOFFMAN (004)** signed the fake December 14, 2020, “Joint Resolution of the 54<sup>th</sup> Legislature” declaring that “the Legislature is required to exercise its best judgment as to which slate of electors the voters prefer” and requesting “that the alternate 11 votes electoral votes be accepted for to Donald J. Trump or to have all electoral votes nullified completely until a full forensic audit can be conducted.”

On January 5, 2021, **HOFFMAN (004)** sent a letter to Pence asking him to “delay the certification of the election results and instead seek clarification from the Arizona Legislature as to which slate of Presidential Electors are proper and accurate.” **HOFFMAN (004)** was later interviewed by a reporter on January 11, 2021. When asked about voting as an elector, he responded

In unrepresented times, unprecedented action is occurred. There is no case law, there’s no precedent that exists as to whether or not an election that is currently being litigated in the courts has due standing. Which is why, we felt it appropriate to provide Congress and the Vice President with dueling opinions.

**iv. ANTHONY KERN (005).**

On December 15, 2020, **KERN (005)** was interviewed by a reporter for Epoch Times. He was asked about the Republican electors voting on December 14, 2020. He responded:

So yesterday, as you know, December 14, the electors cast their vote for the presidential, uh, elect. In Arizona and several other states, the Biden electors voted for Biden and the Trump electors at the same time voted for President Trump. So both those slates of electors went to the Capitol. And uh and on January 6, Vice President Mike Pence gets a choice on which electors he's going to choose, and I'm, I'm almost positive that the, uh that, on January 6 there going to be a contested uh electoral process and if that's contested there's going to be a debate, and once there's debate, they're going to come back and vote, and it's going to be just a nice constitutional lesson for all America to see

On December 17, 2020, **KERN (005)** posted on social media, "I'm calling on @SpeakerBowers and @dougducey to call an emergency session to decertify the Biden electors Then I want a grand jury convened based on the evidence brought to light today. The Coup cannot hide in the darkness." He later suggested that Americans "[c]all or email" certain US Senators "and ask to object to the Biden electoral ballots," and he falsely claimed on December 31, 2020, that "[a] majority of legal Arizona voters chose @realDonaldTrump for a second term. #J6 #DoNotCertify."

On January 5, 2021, **KERN (005)** spoke at “Stop the Steal” rally in D.C., claiming **Unindicted Coconspirator 1** was the “true winner” of the election, and would be named President the following day at the Joint Session of Congress

**v. SAMUEL MOORHEAD (008).**

On June 18, 2022, **MOORHEAD (008)** wrote on Twitter.com:

We need to take some action about the 2020 election. I advocate in AZ the legislature decertify the slate of Biden Electors and certify the slate of Trump electors I would hate to go to my grave knowing the electoral vote I cast was not counted.”

**vi. MICHAEL WARD (011).**

Before voting as a fake elector, **MICHAEL WARD (011)** accompanied his wife, **KELLI WARD (001)**, to Washington D.C., where he posted a picture of Kelli talking to **Unindicted Coconspirator 1**:



Following his vote on December 14, 2020, **MICHAEL WARD (011)** posted to Facebook.com:



As late as May 2022, **MICHAEL WARD (011)** continued to reinforce that the election was stolen, writing on Twitter: “Hey #J6 FU.”

Based on the above, and other information reviewed, Defendants and their unindicted coconspirators deceived the public with false claims of election fraud in order to prevent the lawful transfer of the presidency, to keep **Unindicted Coconspirator 1** in office against the will of Arizona’s voters, and deprive Arizona voters of their right to vote and have their votes counted. By sending in false

electoral votes, they obtained a benefit under Arizona law by creating the opportunity for Pence to reject the legitimate certified Democratic elector votes for Biden-Harris and declare **Unindicted Coconspirator 1** the winner of the 2020 Presidential election.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Maricopa County, Arizona.

True Bill  
(A "True Bill")

KRISTIN K. MAYES  
ATTORNEY GENERAL  
STATE OF ARIZONA

Dated: 4/23/2024

Nicholas Klingerman  
NICHOLAS KLINGERMAN  
Assistant Attorney General

Foreperson of the Grand Jury  
Foreperson of the Grand Jury

## **EXHIBIT B**

RE: Dominion v. OAN/Bobb - M&C re: Dominion's 1st RFPs

Christina Dieckmann <CDieckmann@susmangodfrey.com>

Thu 5/9/2024 3:28 PM

To: Greg Singer <gsinger@laurosinger.com>; John Lauro <jlauro@laurosinger.com>

Cc: Jonathan Ross <JROSS@SusmanGodfrey.com>; William Haggerty <bill@fwhb.com>; Katherine Harwood <kharwood@fwhb.com>

📎 1 attachments (478 KB)

2023-06-22 Dominion-OAN Christina Bobb Resp to Dominion 1st RFP (Nos. 1-76).pdf;

Thanks Greg.

Bill and Katherine, nice to meet you over email. Would next Thursday or Friday work for you to meet & confer about Bobb's objections and responses to Dominion's 1st RFPs? Jonathan and I are available on Thursday 5/16, except not between 2-3pm ET, and Friday 5/17, but not between 1-3pm ET.

If nothing on those two days works for you, please let me know what would work for you and we'll find another time.

Best,  
Christina

Christina M. Dieckmann | Susman Godfrey LLP  
One Manhattan West, 50th Flr | New York, NY 10001  
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[cdieckmann@susmangodfrey.com](mailto:cdieckmann@susmangodfrey.com) | [www.susmangodfrey.com](http://www.susmangodfrey.com)

---

**From:** Greg Singer <gsinger@laurosinger.com>

**Sent:** Thursday, May 9, 2024 6:00 PM

**To:** Christina Dieckmann <CDieckmann@susmangodfrey.com>; John Lauro <jlauro@laurosinger.com>

**Cc:** Jonathan Ross <JROSS@SusmanGodfrey.com>; William Haggerty <bill@fwhb.com>; Katherine Harwood <kharwood@fwhb.com>

**Subject:** RE: Dominion v. OAN/Bobb - M&C re: Dominion's 1st RFPs

EXTERNAL Email

Hi Christina,

Bill Haggerty and Katherine Harwood are taking over Ms. Bobb's defense and I will be exiting once their pro hac admissions are granted. To ensure the M&C is productive, I think it is best that you schedule it with them directly. They are copied on this email.

Thanks so much,

Greg

Gregory M. Singer

Partner | Admitted FL

[gsinger@laurosinger.com](mailto:gsinger@laurosinger.com)

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**From:** Christina Dieckmann <[CDieckmann@susmangodfrey.com](mailto:CDieckmann@susmangodfrey.com)>  
**Sent:** Thursday, May 9, 2024 1:42 PM  
**To:** Greg Singer <[gsinger@laurosinger.com](mailto:gsinger@laurosinger.com)>; John Lauro <[jlauro@laurosinger.com](mailto:jlauro@laurosinger.com)>  
**Cc:** Jonathan Ross <[JROSS@SusmanGodfrey.com](mailto:JROSS@SusmanGodfrey.com)>  
**Subject:** RE: Dominion v. OAN/Bobb - M&C re: Dominion's 1st RFPs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Greg,

Re-surfacing the below. Let me know what time works for you and I will send an invite.

Thanks,  
Christina

---

**From:** Christina Dieckmann <[CDieckmann@susmangodfrey.com](mailto:CDieckmann@susmangodfrey.com)>  
**Sent:** Monday, May 6, 2024 9:57 PM  
**To:** Greg Singer <[gsinger@laurosinger.com](mailto:gsinger@laurosinger.com)>; John Lauro <[jlauro@laurosinger.com](mailto:jlauro@laurosinger.com)>  
**Cc:** Jonathan Ross <[JROSS@SusmanGodfrey.com](mailto:JROSS@SusmanGodfrey.com)>  
**Subject:** Re: Dominion v. OAN/Bobb - M&C re: Dominion's 1st RFPs

Hi Greg,

We are available on either of those dates, except between 2-3pm ET. Let me know what works for you and I will send an invite.

Thanks,  
Christina

---

**From:** Greg Singer <[gsinger@laurosinger.com](mailto:gsinger@laurosinger.com)>  
**Sent:** Monday, May 6, 2024 5:50 PM  
**To:** Christina Dieckmann <[CDieckmann@susmangodfrey.com](mailto:CDieckmann@susmangodfrey.com)>; John Lauro <[jlauro@laurosinger.com](mailto:jlauro@laurosinger.com)>  
**Cc:** Jonathan Ross <[JROSS@SusmanGodfrey.com](mailto:JROSS@SusmanGodfrey.com)>  
**Subject:** RE: Dominion v. OAN/Bobb - M&C re: Dominion's 1st RFPs

EXTERNAL Email

Hi Christina – my schedule is a bit tight for the next several days. Are you available on 5/16 or 5/17?

Gregory M. Singer  
Partner | Admitted FL  
[gsinger@laurosinger.com](mailto:gsinger@laurosinger.com)

**Tampa** 400 N. Tampa St. 15th Floor|Tampa, FL 33602  
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**From:** Christina Dieckmann <[CDieckmann@susmangodfrey.com](mailto:CDieckmann@susmangodfrey.com)>  
**Sent:** Monday, May 6, 2024 2:39 PM  
**To:** Greg Singer <[gsinger@laurosinger.com](mailto:gsinger@laurosinger.com)>; John Lauro <[jlauro@laurosinger.com](mailto:jlauro@laurosinger.com)>  
**Cc:** Jonathan Ross <[JROSS@SusmanGodfrey.com](mailto:JROSS@SusmanGodfrey.com)>  
**Subject:** Dominion v. OAN/Bobb - M&C re: Dominion's 1st RFPs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
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Greg,

We are reaching out to schedule a meet & confer regarding Ms. Bobb's objections to Dominion's 1st RFPs. Please advise if any of the following days this week work for you:

Tuesday – between 10am-noon CT  
Wednesday – before 11:30 CT or after 3:30pm CT  
Thursday – anytime but 1-2:30 CT  
Friday – before noon CT

Best,

Christina M. Dieckmann | Susman Godfrey LLP  
One Manhattan West, 50th Flr | New York, NY 10001  
212-729-2014 (office) | 617-877-1232 (cell)  
[cdieckmann@susmangodfrey.com](mailto:cdieckmann@susmangodfrey.com) | [www.susmangodfrey.com](http://www.susmangodfrey.com)

## **EXHIBIT C**

LAW OFFICES  
**FORD, WALKER, HAGGERTY & BEHAR**

LIMITED LIABILITY PARTNERSHIP  
SOUTHERN CALIFORNIA  
LONG BEACH  
ONE WORLD TRADE CENTER  
27<sup>TH</sup> FLOOR  
LONG BEACH, CALIFORNIA 90831-2700  
TELEPHONE (562) 983-2500  
FACSIMILE (562) 983-2555  
WEBSITE: WWW.FWHB.COM

COUNSEL  
TIMOTHY L. WALKER  
WILLIAM C. HAGGERTY  
DONNA ROGERS KIRBY  
STEPHEN W. MOORE  
KATHERINE M. HARWOOD  
VICTORIA A. SILCOX  
MARY B. PENDLETON  
ARTHUR J. CASEY  
NEIL S. TARDIFF  
JOHN W. RANUCCI  
OLIVIA J. PALMIERI

RETIRED  
G. RICHARD FORD  
TIMOTHY P. McDONALD  
THEODORE P. SHIELD (1920 – 2010)

\* ADMITTED IN NEVADA  
\*\* ALSO ADMITTED IN NEVADA

May 28, 2024

WRITER'S EMAIL ADDRESS

bill@fwhb.com

WRITER'S DIRECT DIAL NUMBER

(714) 335-2101

WRITER'S DIRECT FAX NUMBER

(562) 983-2555

JEFFREY S. BEHAR  
PATRICK J. GIBBS  
JAMES D. SAVAGE  
ROBERT L. REISINGER  
TINA I. MANGARPAN  
SHAYNE L. WULTERIN\*\*  
JOHN K. PAULSON  
CHARLES J. SCHMITT  
JON A. HAMMERBECK  
WILLIAM O. WOODLAND  
SEAN GANDHI\*\*  
TEJAS B. PATEL  
STACY A. BRADFIELD  
JENNIFER L. RUSSELL  
ARMEN A. AVAKIAN  
JEET SEN  
JUAN C. DELGADO  
MARK P. LaSCOLA  
DANIEL N. STEIN  
JENNIE L. HERTZOG  
WIN D. DOAN  
MICHAEL S. AYERS  
KEVIN R. LAZAR\*  
MICHELE M. MESSENGER  
RENEE E. JENSEN\*\*  
MARGARET K. SHELTON  
MICHAEL D. GOODMAN  
ENNY VAN WANG  
SHIRLEY C. BRIDWELL  
ASHLEY S. LOEB  
JOSHUA S. DIXON  
KRISTINE M. GAMBOA  
STEPHANIE MARIE BLACK  
MARK W. FLORY  
LINH T. CAO  
LILI MOSTOFI  
KIMBERLY A. MUELLER  
JOHNNY T. PARSEGHIAN  
JEANETTE D. LAWRENCE  
BEN G. GAGE  
ALYSSA G. CAPUTO  
EMILY T. ZINN-MCBRIDE  
ANTHONY L. LIVESAY  
CHRISTINE A. WILTON  
ROBERT L. BOOKER II

JOHN R. WATERMAN  
MELISSA E. FISCHER  
GABRIELA MARQUEZ  
BRYAN D. PYLES  
ERIC M. HOKANA  
JASON D. AHDOOT  
ROBERT W. LAWTON  
BATKHAND ZOLJARGAL  
JANE E. RANDOLPH  
CHRISTY LYN M. GALLIHER\*  
ARTHUR W. SCHULTZ  
ERNE G. FIGUEROA  
TINA C. PARK  
DAVID J. MENDOZA  
DAVID Y. HUA  
GIULIANA REGINA  
BRANDON M. MATAMOROS  
JIM M. MIKHAIL  
DON H. OHNOKI  
MARK P. NELSON  
ISLAM A. BAHHUR  
PETRA RADUSIC  
JORGE A. LOPEZ HERRERA  
CHRISTIANA S. CARTER  
MICHAEL H. TAFARELLA  
CORNELO V. DILAG  
CHRISTOPHER E. PHELPS  
CARLA VILLARREAL  
SCOTT H. BARBAG\*\*  
KATRINA WANG  
ROCHELLE R. DE GOLIER  
MICHAEL J. MERMELSTEIN  
PEDRO J. MONCAYO  
NUPUR APTE  
THERESA T. NGUYEN  
SAMANTHA M. SANNES  
N. JESSICA YIN  
ANIK A. SINGH  
R. WYLIE LOWE  
ASHIA SHERDSURIYA  
GWYNNETH L. THOMAS  
ERWIN A. NEMOCUCENO  
MYUNG J. KIM  
SPENCER GAVIN  
DANIELLE M. JOHNSON

Sent Via Email Only  
cdieckmann@susmangodfrey.com

Christina Dieckmann, Esq.  
SUSMAN GODFREY LLP  
One Manhattan West  
Ste 50th Floor  
New York, NY 10001

Re: ***Dominion v. Herring Networks, Inc., et al.***  
Our File No: 1MM24 012

Dear Ms. Dieckmann:

It was a pleasure speaking with you and Mr. Ross on Friday, May 17th. I received your email regarding our conference call and want to take this opportunity to respond.

Regarding the document production addressed to Ms. Bobb, as we discussed during our recent call, we have only recently received the client file from prior counsel and have not yet completed our review. A complicating factor in this case is the recent indictment of Ms. Bobb. On our call, I expressed concern about how these requests for production could impact

FORD, WALKER, HAGGERTY & BEHAR

Christina Dieckmann, Esq.  
***Dominion v. Herring Networks, Inc., et al.***  
May 28, 2024  
Page 2

Ms. Bobb's pending criminal case. I advised that I need to consult with Ms. Bobb's criminal counsel before providing a substantive response to the requests.

Upon conferring with Ms. Bobb's criminal counsel, he believes that the discovery process in this civil case, including the requests for production at issue, may implicate Ms. Bobb's Fifth Amendment rights against self-incrimination. In light of this, we intend to file a motion to stay the proceedings as to Ms. Bobb pending resolution of the criminal case against her. We will also move to sever the claims against Ms. Bobb from those against the other defendants.

Please note that our discussion on Friday, May 17th, was primarily intended as an introductory call to make our acquaintances and gain a general understanding of the status of discussions regarding the requests for production, as well as to ascertain the nature of the documents plaintiffs are seeking. I want to clarify that given the circumstances I outline above, I am not in a position to make any representations about the scope or timing of any further supplemental response to the requests for production at this time. While I had initially hoped to provide a rolling production of responsive, non-privileged documents to the extent required by the applicable rules over the next 30 days, and to identify any requests to which no further response would be provided, this appears to have been overly optimistic, given the circumstances outlined above. At the very least, we will need to have the stay motion heard before proceeding with any document production or further response.

Lastly, during our call, Mr. Ross and I identified several requests for production that plaintiff no longer intended to pursue from Ms. Bobb. These requests were overbroad and requested documents that were not in the custody and control of Ms. Bobb and/or had already been produced by OAN. The requests that plaintiff potentially identified as no longer requiring a response from Ms. Bobb were (according to my notes from our telephone conversation) Nos. 3, 20-29, 36, 37, 38, 40, 41, 43, 49, 50 and 62. Can you please confirm that this narrows the scope of what is currently being requested from Ms. Bobb and that it accurately reflects plaintiff's position concerning these enumerated requests?

Thank you for your cooperation. I look forward to working with you on this case.

Very truly yours,

*William C. Haggerty*

WILLIAM C. HAGGERTY  
Of FORD, WALKER, HAGGERTY & BEHAR

WCH:db  
ce-Dieckmann.01

## **EXHIBIT D**

Re: Dominion v. Herring Networks, et al. Our File No: 1MM24 012

William Haggerty <bill@fwhb.com>

Fri 6/21/2024 11:03 AM

To: Christina Dieckmann <CDieckmann@susmangodfrey.com>

Cc: Katherine Harwood <kharwood@fwhb.com>; Neil@tardiffllaw.com <Neil@tardiffllaw.com>; Dominion SG Simplelist (dominion@simplelists.susmangodfrey.com) <dominion@simplelists.susmangodfrey.com>

Dear Christina,

In further response to Dominion's clear position that it will not stipulate to any stay of this civil action against Christina Bobb because of her Arizona criminal indictment, we are forced to bring a motion for stay so that the Court can rule on this issue. We intend to file our motion on Monday. Nevertheless, I am making a last-ditch effort to meet and confer on our request for a stay on all discovery, including all written demands and deposition notices, to Ms. Bobb for a reasonable period of 120 days until her criminal case is resolved. This would also include any outstanding or previously served discovery, including without limitation, plaintiff's first set of requests for production of documents. In consultation with Ms. Bobb's criminal attorney, we have no alternative but to seek this inclusive stay.

Finally, in further response to your email dated June 6, 2024, you requested authority for the relief Ms. Bobb seeks in seeking a stay of discovery based on her Fifth Amendment rights. "It is well established that a district court has discretionary authority to stay a civil proceeding pending the outcome of a parallel criminal case when the interests of justice so require." (Kurd v. Republic of Turkey, 2022 WL 17961245, at \*1 (D.D.C. 2022); see also Landis v. North American Co., 288 U.S. 248, 254 (1936) (court has inherent power to control disposition of causes.). This authority allows a court "to stay civil proceedings, postpone civil discovery, or impose protective orders or conditions 'when the interests of justice...require such action.' " (Securities and Exchange Comm'n v. Dresser Indus., Inc., 628 F.2d 1368, 1375 (D.C. Cir. 1980) (Dresser) (quoting United States v. Kordel, 397 U.S. 1, 12n. 27 (1970).). This remedy is in accord with federal practice where it has been consistently held that when both civil and criminal proceedings arise out of the same or related transactions, as is the case here, an objecting party is generally entitled to a stay of discovery in the civil action until disposition of the criminal matter. (See, e.g., Campbell v. Eastland (5th Cir. 1962) 307 F.2d 478, cert Den. 371 U.S. 955; Perry v. McGuire (S.D.N.Y. 1964) 36 F.R.D. 272; Paul Harrigan & Sons, Inc. v. Enterprise Animal Oil Co., Inc. (E.D.Pa. 1953) 14 F.R.D. 333; National Discount Corp. v. Holzbaugh (E.D.Mich. 1952) 13 F.R.D. 236.

Based on the above, it is our hope that we can reach an agreement to a temporary stay of discovery to Ms. Bobb so that there will not be a conflict with her criminal defense. Thank you for your cooperation and consideration.

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---

**From:** Christina Dieckmann <CDieckmann@susmangodfrey.com>

**Sent:** Thursday, June 6, 2024 1:28 PM

**To:** Diana Boyadjian <diana@fwhb.com>

**Cc:** William Haggerty <bill@fwhb.com>; Katherine Harwood <kharwood@fwhb.com>; Neil@tardiffllaw.com <Neil@tardiffllaw.com>; Dominion SG Simplelist (dominion@simplelists.susmangodfrey.com) <dominion@simplelists.susmangodfrey.com>

**Subject:** RE: Dominion v. Herring Networks, et al. Our File No: 1MM24 012

Mr. Haggerty,

I write in response to your letter dated May 28, 2024. Dominion's understanding from your letter is that—despite the fact that Dominion first served document requests on Ms. Bobb on May 9, 2023—Ms. Bobb does not intend to provide any discovery in response to Dominion's requests for production. Please provide us

with any relevant authority that supports Ms. Bobb's position that this is proper, including, in particular, any authority that a civil litigant may refuse discovery on 5th Amendment grounds. To be clear: Dominion does not consent to stay proceedings against Ms. Bobb or to sever Ms. Bobb's case.

Absent an order from the Court, with the substantial completion deadline now passed and the end of the fact discovery period fast approaching, it is Dominion's view that discovery from Ms. Bobb must proceed. Please confirm you will produce documents by June 18, 2024, and provide us with dates for Ms. Bobb's deposition, as Dominion originally requested on March 13, 2024.

In response to your question, Dominion is willing to meet and confer regarding narrowing the scope of certain requests, once we have received confirmation from Ms. Bobb that she will be producing documents.

Sincerely,

Christina M. Dieckmann | Susman Godfrey LLP  
One Manhattan West, 50th Flr | New York, NY 10001  
212-729-2014 (office) | 617-877-1232 (cell)  
[cdieckmann@susmangodfrey.com](mailto:cdieckmann@susmangodfrey.com) | [www.susmangodfrey.com](http://www.susmangodfrey.com)

---

**From:** Diana Boyadjian <diana@fwhb.com>  
**Sent:** Tuesday, May 28, 2024 6:20 PM  
**To:** Christina Dieckmann <CDieckmann@susmangodfrey.com>  
**Cc:** William Haggerty <bill@fwhb.com>; Katherine Harwood <kharwood@fwhb.com>; Neil@tardiffllaw.com  
**Subject:** Dominion v. Herring Networks, et al. Our File No: 1MM24 012

**EXTERNAL Email**

Please see attached correspondence. No hard copy to follow Thank you Diana

*Please be advised I am currently working remotely. Should you need to reach me by phone, please call my cell.  
Thank you.*

*Diana Boyadjian*

Legal Secretary to William C. Haggerty  
Legal Secretary to Katherine M. Harwood  
Legal Secretary to Neil S. Tardiff  
Legal Secretary to Joshua S. Dixon  
Legal Secretary to Arthur W. Schultz



One World Trade Center, 27th Floor  
Long Beach, California 90831  
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**Long Beach \*Orange County \*San Diego \*Corona \*San Francisco \*Silicon Valley \*Sacramento  
\*Nevada**

Ford, Walker, Haggerty & Behar One World Trade Center, 27th Floor Long Beach, California 90831-2700 (562) 983-2500  
Fax (562) 983-2555 Las Vegas \* Long Beach \* Sacramento \* San Diego \* San Francisco This e-mail (including any

attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this e-mail and any attachments and are hereby notified that any disclosure, copying, or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.

**EXHIBIT E**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

US DOMINION, INC., DOMINION	)	
VOTING SYSTEMS, INC., and DOMINION	)	
VOTING SYSTEMS CORPORATION	)	
c/o Cogency Global	)	
1025 Vermont Ave, NW, Ste. 1130	)	
Washington, DC 20005,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No. 1:21-cv-02130 (CJN)
HERRING NETWORKS, INC. d/b/a	)	
ONE AMERICA NEWS NETWORK	)	
101 Constitution Ave., NW	)	
Washington, DC 20001,	)	
	)	
CHARLES HERRING	)	
17353 Circa Oriente	)	
Rancho Santa Fe, CA 92067	)	
	)	
ROBERT HERRING, SR.	)	
4289 Rancho Las Brisas Trail	)	
San Diego, CA 92130	)	
	)	
CHANEL RION	)	
3211 Cherry Hill Lane, NW	)	
Washington, DC 20007,	)	
	)	
And	)	
	)	
CHRISTINA BOBB	)	
565 Pennsylvania Ave., NW	)	
Apt. 803	)	
Washington, DC 20001,	)	
	)	
Defendants.	)	

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**PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION**

Under Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs US Dominion, Inc., Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation (“Dominion”), by

and through their undersigned counsel, hereby serve the following Requests for Production of Documents (the “Requests”) on Defendants Herring Networks, Inc. d/b/a One America News Network; Charles Herring; Robert Herring, Sr.; Chanel Rion; and Christina Bobb.

Your responses to these Requests should be provided in accordance with the Federal Rules of Civil Procedure, which are fully incorporated herein, and shall be served together with all responsive documents within thirty (30) days of service. All documents requested shall be produced for inspection and copying at the offices of Susman Godfrey LLP, 1000 Louisiana Suite # 5100, Houston, Texas 77002, unless otherwise agreed by the parties.

### **DEFINITIONS**

The following terms shall have the meanings set forth below whenever used in any Request.

1. “2020 PRESIDENTIAL ELECTION” means and refers to the U.S. Presidential Election that occurred on November 3, 2020, and all voting (including mail-in voting) and related events up to and including OAN’s decision not to call the election on November 7, 2020.

2. “ACTION” refers to the case captioned *US Dominion, Inc., et al. v. Herring Networks, Inc., et al.*, Case No. 21-cv-02130 (CJN).

3. “COMPLAINT” means the Complaint filed on August 10, 2021 in this ACTION and any subsequently filed amended complaint.

4. “Communication” or “Communications” means a communication in any form, including, without limitation, notes, complaints, diaries, journals, datebooks, reports, calendars, telephone messages, letters, email messages, instant messages (such as, but not limited to, Signal, Cisco Jabber, IBM Sametime, Wickr, ICQ, Kik, BBM, Gchat, iMessage, Telegram, WhatsApp, Slack, and similar types of messages), cell phone text messages (SMS messages and

MMS messages), voicemail messages, Slack messages or other internal messaging system communications, social media communications or posting on sites including but not limited to Facebook, Twitter, YouTube, Instagram, Gab, or Parler (including any direct messages), website postings, internet chat-room postings, lists, correspondence, drawings, designs, telegrams, manuals, summaries or records of personal conversations, logs, minutes or records of meetings, minutes of any other type, transcripts of oral testimony or statements, affidavits, or summaries of investigations. For avoidance of doubt, the term “Communications” includes internal communications with any entity that employs or is affiliated with Powell, as well as communications with third parties.

5. “Concerning” means without limitation, containing, reflecting, referring to, discussing, relating to, describing, evidencing, supporting, or constituting.

6. “DEFAMATORY STATEMENTS” means and refers to the statements in Paragraph 305 of the COMPLAINT filed in this ACTION.

7. “DEFAMATORY BROADCASTS” means and refers to the broadcasts and complete shows in which any of the DEFAMATORY STATEMENTS appeared.

8. “Document” means any printed, written, typed, recorded, transcribed, taped, photographic, or graphic matter, however produced or reproduced, including, but not limited to: any letter, correspondence, or communication of any sort; electronic mail, either sent or received; file, print, negative, or photograph; sound or video recording; note, notebook, diary, calendar, minutes, memorandum, contract, agreement, or any amendment thereto; telex, telegram, or cable; summary, report, or record of any telephone conversation, personal conversation, discussion, interview, meeting, conference, investigation, negotiation, act, or activity; projection, work paper or draft; computer output or input; data processing card; opinion

or report of any consultant; request, order, invoice, or bill of lading; analysis, diagram, map, index, sketch, drawing, plan, chart, manual, brochure, pamphlet, advertisement, circular, newspaper or magazine clipping; press release; receipt, journal, ledger, schedule, bill, or voucher; financial statement, statement of account, bank statement, checkbook, check stubs or register, canceled check, deposit slip, charge slip, tax return, or requisition; file, study, graph, or tabulation; and all other writings and recordings of whatever nature, whether signed, unsigned or transcribed, and any other data compilation from which information can be obtained or translated. The term “document” also shall mean: the original and/or any non-identical original or copy, including those with any marginal note or comment or showing additions, deletions, or substitutions; drafts; attachments to or enclosures with any document; and any other documents referred to or incorporated by reference in the document. The term “document” also specifically includes all electronic documents, electronic Communications, and other “electronically stored information” (whether stored electronically or in the form of a hard-copy, print-out, or otherwise) and all attachments thereto.

9. “DONALD TRUMP” means and refers to the 45th President of the United States.

10. “DOMINION” means and refers to US Dominion, Inc., and its subsidiaries Dominion Voting Systems, Inc. and Dominion Voting Systems, and any and all representatives or individuals YOU understood to be acting on DOMINION’s behalf.

11. “DOMINION CORRECTIVE CORRESPONDENCE” means and refers to the DOMINION RETRACTION DEMANDS, and any other communications DOMINION sent to any person at OAN about its 2020 PRESIDENTIAL ELECTION coverage.

12. “DOMINION RETRACTION DEMANDS” means and refers to: (1) the December 18, 2020 Letter from Dominion to OAN Chief Executive Officer Robert Herring, Sr.,

President Charles Herring, and Executive Vice President Bruce Littman; (2) the December 22, 2020 Letter from Dominion to OAN Chief Executive Officer Robert Herring, Sr. and President Charles Herring; (3) the December 29, 2020 Letter from Dominion to OAN's outside counsel Eric P. Early; (4) the February 4, 2021 Letter from Dominion to Eric P. Early; (5) the February 12, 2021 Letter from Dominion to Christina Bobb; (6) the April 16, 2021 Letter from Dominion to Eric P. Early; (7) the May 12, 2021 Letter from Dominion to Eric P. Early; (8) the June 18, 2021 Letter from Dominion to OAN's outside counsel Bernard J. Rhodes; (9) the July 13, 2021 Letter from Dominion to Bernard J. Rhodes; (10) the August 4, 2021 Letter from Dominion to Bernard J. Rhodes; and any other letters from Dominion to You demanding retraction.

13. "Electronically stored information" or "ESI" refers to any portion of data available on a computer or other device capable of storing electronic data. "Electronically stored information" includes, but is not limited to, e-mail, spreadsheets, databases, word processing documents, images, presentations, application files, executable files, log files, and all other files present on any type of device capable of storing electronic data. Devices capable of storing electronically stored information include, but are not limited to: servers, desktop computers, portable computers, handheld computers, flash memory devices, wireless communication devices, pagers, workstations, minicomputers, mainframes, and any other forms of online or offline storage, whether on or off company premises. ESI includes instant messages (such as but not limited to Signal, Cisco Jabber, IBM Sametime, Wickr, ICQ, Kik, BBM, Gchat, iMessage, Telegram, WhatsApp, Slack, and similar types of messages), cell phone text messages (SMS messages and MMS messages), voicemail messages, and similar types of messages. ESI includes any records of such communications or messages, including phone records. ESI includes any social media communication (such as but not limited to Twitter, Facebook, Instagram, YouTube,

Parler, Gab, and Periscope), including any direct messages. For any document kept in electronic form, the term “document” includes any metadata associated with the document.

14. “MY PILLOW, INC.” means and refers to the pillow manufacturing company founded in 2009 by Michael Lindell and any owner, director, officer, employee, agent, trust, custodian, parent, subsidiary, affiliate, predecessor, successor, attorney, accountant, representative, or other person/s purporting to act on MY PILLOW, INC.’s behalf.

15. “OAN” means and refers to Herring Networks, Inc., d/b/a One America News Network, and its past or present subsidiaries, affiliates, attorneys, agents, representatives, or other persons acting on its behalf, including any regional affiliates or contributors, whether paid or unpaid, and including OAN’s websites, OAN’s social media accounts, and OAN’s other digital platforms and subscription services. It also specifically includes any employee or officer or Board member of OAN, and any affiliate or subsidiary of OAN involved with the production, broadcasting, hiring, or airing of programs or material at OAN, including but not limited to Charles Herring, Robert Herring, Sr., Chanel Rion, and Christina Bobb.

16. “OAN ACCUSED PROGRAMS” means and refers to “Absolute 9-0 with Mike Lindell,” “Absolute Interference with Mike Lindell,” “Absolute Proof with Mike Lindell,” *Breaking News Live with Patrick Hussion*, “Christina Bobb Interviews Rudy Giuliani,” “Dominion Exec: Trump Is Not Going To Win, I Made F\*\*\*\*ing Sure Of It,” “Dominion-izing the Vote,” *In Focus with Stephanie Hammill*, “Mathematician: Election Numbers Don’t Add Up,” “Mike Lindell Tackles Election Fraud,” *OAN Evening News with Shane Althaus*, *OAN News 8am with Stephanie Myers*, “One-on-One With Mike Lindell,” “Powell: Election Fraud Now Obvious Because Pres. Trump's Landslide Victory Broke Dominion ‘Vote-Switch’ Algorithm,” *Real America with Dan Ball*, “REPORT: DOMINION DELETED 2.7M TRUMP

VOTES NATIONWIDE,” “Scientific Proof with Mike Lindell,” *The Real Story with Natalie Harp*, *The Tipping Point*, and *The Weekly Briefing with Christina Bobb*.

17. “OAN DIGITAL” means and refers to any OAN websites, including but not limited to OANN.com, and OAN content aired on any digital media platforms, including but not limited to YouTube, Facebook, Twitter, Instagram, and KlowdTV.

18. “OAN EMPLOYEES” means and refers to any Person who is employed by, contracted by, or works in any capacity for OAN, regardless of whether that Person is employed by or has a contract with OAN or any of its affiliated or related entities.

19. “OAN ON-AIR PERSONALITIES” means and refers to Shane Althaus, Dan Ball, Stephen Bannon, Christina Bobb, Mike Dinow, Emily Finn, Stephanie Hammill, Natalie Harp, Patrick Hussion, Stephanie Myers, Chanel Rion, and Pearson Sharp.

20. “OAN PROGRAMS” means and refers to any programming on OAN, including but not limited to the OAN ACCUSED PROGRAMS and all OAN programs referenced in the COMPLAINT.

21. “OAN SOCIAL MEDIA” means and refers to the Twitter, Facebook, YouTube, and Instagram accounts operated by Newsmax, including but not limited to the Twitter accounts @OANN, @ChanelRion, @christina\_bobb, @RobHerring, @CharlesPHerring, and @DanNewsManBall, and OAN’s YouTube and Rumble accounts.

22. “OTHER NEWS ORGANIZATIONS” means and refers to any organization that provides news or reports on current events through mass media, whether print, television, radio, podcast, or any other form of print, broadcast, or Internet media, including but not limited to the Fox News Channel, the Wall Street Journal, ABC News, and Newsmax, and any and all news organizations and publications referenced in the COMPLAINT.

23. “Person” means any natural person or any legal entity, including, without limitation, any business or governmental entity or association.

24. “TRUMP ADMINISTRATION” means and refers to DONALD TRUMP, and/or (1) any of his agents, staff members, appointees, employees, campaign, campaign employees, advisors, attorneys, and family members, and (2) government agents, government staff members, government appointees, government employees, government advisors, and government attorneys while DONALD TRUMP served in his capacity as President of the United States.

25. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. “All” means “any and all”; “any” means “any and all.” “Including” means “including but not limited to.” “And” and “or” encompass both “and” and “or.” Words in the masculine, feminine, or neutral form shall include every gender.

26. “VOICES AND VOTES” means and refers to Voices and Votes, including any officers, directors, employees, agents, or others purporting to work on behalf of Voices and Votes.

27. “You” and “Your” means OAN, and any owner, director, officer, employee, agent, trust, custodian, parent, subsidiary, affiliate, predecessor, successor, attorney, accountant, representative, or other person/s purporting to act on OAN’s behalf, including but not limited to Charles Herring, Robert Herring, Sr., Chanel Rion, and Christina Bobb.

### **INSTRUCTIONS**

1. The Requests set forth below are continuing in nature. If, after responding, YOU obtain or become aware of any additional Documents responsive to these Requests, production of such additional Documents shall be made forthwith as required by Rule 34 of the Federal

Rules of Civil Procedure.

2. Each Request herein requires the production of all responsive Documents in the possession, custody, or control of YOU, or of any of YOUR respective attorneys, agents and any other persons acting or purporting to act on behalf of any of them, or of any other Person from whom YOU have the right to obtain Documents, whether in hard-copy or electronic form or in any other form or from any other source, wherever located and however managed, and whether active, in storage, or otherwise.

3. Each Document is to be produced (together with all drafts thereof) in its entirety, without redaction or expurgation of any kind or nature whatsoever.

4. All Documents are to be produced as kept in the usual course of business or organized and labeled to correspond to the specific Requests set forth below.

5. If a Request seeks the identification or production of Documents that are not within YOUR actual or constructive possession, custody or control, YOU shall so state and shall answer the Request based on the best information presently available. If YOU have knowledge or belief as to other Persons who have possession, custody or control of such Documents, YOU shall so identify, to the extent known and based on the best information presently available, such Persons.

6. If any Documents requested herein are withheld under claim of privilege or are not produced for whatever reason, YOU are requested at the time of responding to these Requests to separately state in writing and with specificity for each Document withheld from production (i) the claim of privilege or other reason asserted for withholding each such Document, and (ii) all information supporting the claim of privilege or other reason for withholding asserted as to each such Document, including without limitation the type or nature

of the Document withheld (e.g., letter, memorandum, email, etc.), its author and all recipients (including any and all addressees and Persons to whom the Document was copied or blind copied, as well as Persons to whom the Document was distributed or given or shown though not reflected on the Document as a recipient), the date of the Document, and a description of the substance of the Document, all in a manner sufficient to allow each Document to be described to the Court in order for the Court to rule on the claim of privilege or other reason asserted for withholding it from production. YOU are further requested to provide all requested information that is not subject to a claim of privilege, or other reason for nonproduction, by excising or otherwise protecting the portions for which a privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted.

7. Where there exists a good faith doubt as to the meaning or intended scope of a discovery request, and your sole objection would be to its vagueness or ambiguity, you are asked to contact Dominion's counsel in advance of asserting an objection. Dominion's counsel will provide whatever additional clarification or explanation may be needed.

8. Each of these definitions and instructions shall be fully applicable to each Request, notwithstanding that a definition or instruction above may, in whole or in part, be reiterated in a particular Request or that a particular Request may incorporate supplemental instructions or definitions.

9. ESI shall be produced in black and white single-page TIFF images at not less than 300 dpi resolution, along with associated document-level text files, image load files (.DII, LFP, and OPT) indicating appropriate document and family breaks, as well as metadata load files in delimited text format containing the fields required by this protocol. Each TIFF image must convey all the information the document contains, disclosing all track changes, hidden content,

notes, and any hidden slides, rows or columns, subject to any redactions. For ESI that does not contain redactions, the producing party shall produce an extracted text file for each electronic document where text can be extracted, and an optical character recognition (“OCR”) text file for each imaged paper document and each electronic document for which text cannot be extracted. For documents that contain redactions, the producing party shall provide an OCR text file for the unredacted portions of such documents.

10. Excel files, and audio and video files, shall be produced in the native format that is referenced in their Native Link field, along with a TIFF placeholder image that is named by the beginning Bates Number of the file, associated document-level text files, image load files (.DII, LFP, and OPT) indicating appropriate document and family breaks, as well as metadata load files in delimited text format containing the fields required by Paragraph 10. YOU shall maintain family groups together in one production and shall not break family groups apart in separate production volumes.

11. Non-Responsive family members must be produced together with the Responsive Family Members. In instances where YOU do not assert a privilege with respect to the entire family of documents, the producing party should replace any subset of privileged documents within the family for which it is claiming a privilege with slipsheets stating “Document Withheld as Privileged.” The slip sheet shall contain the “Document Withheld as Privileged” language in the center of the page, with any branding of the documents as confidential on the bottom left, and the bates number on the bottom right of the page. Each slip sheet should be re-OCR’d at time of production to remove any extracted text.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

All Documents and Communications concerning DOMINION. There is no time limit for this Request.

**REQUEST FOR PRODUCTION NO. 2:**

All Documents and Communications concerning OAN's coverage of the 2020 PRESIDENTIAL ELECTION, coverage of allegations of election fraud, or coverage of election fraud, including but not limited to OAN's decision not to call the election on November 7, 2020 or thereafter. This Request includes Documents and Communications concerning the actual or potential effect of any such coverage on OAN's viewership, advertising, and ratings, or on OAN's financial health. There is no time limit for this Request.

**REQUEST FOR PRODUCTION NO. 3:**

Documents and Communications concerning every mention of DOMINION on OAN (whether on any OAN PROGRAM, any OAN SOCIAL MEDIA platform, any OAN DIGITAL media platform, or otherwise) between November 1, 2018 and the present, including concerning Persons at OAN who were involved in any way with coverage of DOMINION between November 1, 2018 and the present, including those who investigated, wrote, edited, or produced segments on any OAN television programming discussing DOMINION, and those who managed or supervised the OAN ON-AIR PERSONALITIES and/or any other OAN employee or contributor involved in any coverage of DOMINION, and those who managed, reported, or produced programming that decided not to report about DOMINION or decided not to report inaccuracies about DOMINION, and any comments or opinions about OAN's coverage of Dominion by anyone at OAN.

**REQUEST FOR PRODUCTION NO. 4:**

Documents sufficient to show any and all employment agreements and/or contracts in effect for, and compensation paid to the following individuals from 2016 to the present: Shane Althaus, Dan

Ball, Stephen Bannon, Christina Bobb, Mike Dinow, Emily Finn, Stephanie Hammill, Natalie Harp, Charles Herring, Robert Herring, Sr., Patrick Hussion, Stephanie Myers, Chanel Rion, and Pearson Sharp.

**REQUEST FOR PRODUCTION NO. 5:**

Documents and Communications concerning job performance of the OAN ON-AIR PERSONALITIES from November 1, 2018 to the present, including but not limited to performance reviews, discussions of promotions, raises, demotions, pay increases or decreases or any other changes in employment status.

**REQUEST FOR PRODUCTION NO. 6:**

All Documents and Communications with or concerning Michael Lindell or MY PILLOW, INC., and any agreements or draft agreements with Michael Lindell or MY PILLOW, INC., from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 7:**

All Documents and Communications with or concerning Rudolph Giuliani, and any agreements or draft agreements with Rudolph Giuliani, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 8:**

All Documents and Communications with or concerning Sidney Powell, and any agreements or draft agreements with Sidney Powell, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 9:**

All Documents and Communications with or concerning Patrick Byrne, and any agreements or draft agreements with Patrick Byrne, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 10:**

All Documents and Communications with or concerning Ron Watkins, and any agreements or draft agreements with Ron Watkins, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 11:**

All Documents and Communications with or concerning Edward Solomon, and any agreements or draft agreements with Edward Solomon, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 12:**

All Documents and Communications with or concerning Joe Oltmann, and any agreements or draft agreements with Joe Oltmann, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 13:**

All Documents and Communications with or concerning Russell Ramsland, and any agreements or draft agreements with Russell Ramsland, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 14:**

All Documents and Communications with or concerning Phil Waldron, and any agreements or draft agreements with Phil Waldron, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 15:**

All Documents and Communications with or concerning Matthew DePerno, and any agreements or draft agreements with Matthew DePerno, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 16:**

All Documents and Communications with or concerning Dr. Shiva Ayyadurai, and any agreements or draft agreements with Dr. Shiva Ayyadurai, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 17:**

All Documents and Communications with or concerning Mary Fanning, and any agreements or draft agreements with Mary Fanning, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 18:**

All Documents and Communications with or concerning Gen. Thomas McInerney, and any agreements or draft agreements with Gen. Thomas McInerney, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 19:**

All Documents and Communications with or concerning Douglas Frank, and any agreements or draft agreements with Douglas Frank, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 20:**

Documents sufficient to show all appearances by Michael Lindell on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 21:**

Documents sufficient to show all appearances by Rudolph Giuliani on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 22:**

Documents sufficient to show all appearances by Sidney Powell on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 23:**

Documents sufficient to show all appearances by Patrick Byrne on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 24:**

Documents sufficient to show all appearances by Ron Watkins on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 25:**

Documents sufficient to show all appearances by Edward Solomon on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 26:**

Documents sufficient to show all appearances by Joe Oltmann on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 27:**

Documents sufficient to show all appearances by Russell Ramsland on OAN, from January 1, 2018 to the Present.

**REQUEST FOR PRODUCTION NO. 28:**

All Documents and Communications concerning the movies “Dominion-izing the Vote,” “Absolutely 9-0,” “Absolute Proof,” “Absolute Interference,” and “Scientific Proof,” and any other videos concerning DOMINION, the 2020 PRESIDENTIAL ELECTION, or election fraud. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 29:**

Documents and Communications concerning MY PILLOW, INC. advertising on any OAN platform and Documents sufficient to show all advertising revenue paid to OAN for airing or otherwise placing MY PILLOW, INC. ads on any OAN platform, including a breakdown of such revenue on a monthly basis, detail regarding total volume of such ads (under each of the metrics OAN uses to measure ad volume), on which platforms and (where applicable) which specific programs the ads were placed or aired, and what percentage of OAN’s overall advertising revenue MY PILLOW, INC. accounted for over time. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 30:**

Documents sufficient to show communications between OAN and the TRUMP ADMINISTRATION, including but not limited to call logs, from January 1, 2020 to the present.

**REQUEST FOR PRODUCTION NO. 31:**

Documents and Communications between Christina Bobb, Donald Trump, and the TRUMP ADMINISTRATION, including but not limited to call logs, from January 1, 2020 to the present.

This request includes all Documents and Communications related to Christina Bobb's role as advisor or consultant to the Trump Campaign or Trump Legal Team, whether that role was formal or informal in nature.

**REQUEST FOR PRODUCTION NO. 32:**

Documents and Communications between Charles Herring, Robert Herring, Sr., Chanel Rion, Donald Trump, and the TRUMP ADMINISTRATION, including but not limited to call logs, from January 1, 2020 to the present.

**REQUEST FOR PRODUCTION NO. 33:**

Documents and Communications concerning the TRUMP ADMINISTRATION's response to OAN's coverage of the 2020 PRESIDENTIAL ELECTION, including Tweets from DONALD TRUMP about OAN's coverage of the 2020 PRESIDENTIAL ELECTION. This Request includes Documents and Communications concerning the actual or potential effect of any such response on OAN's viewership, advertising, and ratings, or on OAN's financial health. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 34:**

Documents and Communications concerning any Tweets about OAN from @DonaldTrump,@realDonaldTrump, or any other Twitter handle used by DONALD TRUMP between November 1, 2020 to present, including Documents and Communications concerning the

actual or potential effect of any such Tweets on OAN's viewership, advertising, and ratings, or on OAN's financial health.

**REQUEST FOR PRODUCTION NO. 35:**

Documents and Communications concerning positive responses of third parties other than the TRUMP ADMINISTRATION to OAN's coverage of the 2020 PRESIDENTIAL ELECTION, including Documents and Communications concerning the actual or potential effect of any such responses on OAN's viewership, advertising, and ratings, or on OAN's financial health. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 36:**

Documents and Communications concerning competition with Fox News, Newsmax, and all OTHER NEWS ORGANIZATIONS related to OAN's coverage of the 2020 PRESIDENTIAL ELECTION, including Documents and Communications concerning the actual or potential effect of any such competition on OAN's viewership, advertising, and ratings, or on OAN's financial health. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 37:**

Documents sufficient to show the Persons responsible for creating, researching, writing, editing, verifying, or approving the content of OAN SOCIAL MEDIA from January 1, 2020 to the present.

**REQUEST FOR PRODUCTION NO. 38:**

All Documents and Communications concerning recordings and transcripts of any OAN PROGRAMS mentioning DOMINION, including but not limited to any live speeches, interviews, "Director's Cut" or other alternative versions of OAN PROGRAMS mentioning DOMINION, and all Documents and Communications including quotes from and other references to OAN PROGRAMS mentioning DOMINION.

**REQUEST FOR PRODUCTION NO. 39:**

Documents and Communications concerning all research or background prepared in advance of any OAN PROGRAMS concerning DOMINION.

**REQUEST FOR PRODUCTION NO. 40:**

Documents sufficient to show the reporting and oversight structure for each of the OAN ON-AIR PERSONALITIES from January 1, 2020 to the present.

**REQUEST FOR PRODUCTION NO. 41:**

Documents sufficient to show OAN's corporate governance structure from January 1, 2020 to the present. This Request includes the corporate governance structure of Herring Networks, Inc.

**REQUEST FOR PRODUCTION NO. 42:**

Documents sufficient to show each Person responsible for creating, researching, writing, editing, verifying, or approving the content of the OAN ACCUSED PROGRAMS including the OAN DEFAMATORY STATEMENTS from January 1, 2020 to the present.

**REQUEST FOR PRODUCTION NO. 43:**

Documents and Communications concerning appearances by Donald Trump, Rudolph Giuliani, Sidney Powell, Michael Lindell, Patrick Byrne, Russell Ramsland, Joe Oltmann, Edward Solomon, and Ron Watkins on OAN PROGRAMS between November 1, 2020 and the present, including any drafts, scripts, background materials, notes, treatments, guest packets, or other programming-related Documents, and any Documents or Communications concerning ratings associated with the broadcasts of these appearances.

**REQUEST FOR PRODUCTION NO. 44:**

Documents and Communications concerning evidence or lack thereof that DOMINION deleted, lost, changed, or compromised votes in connection with the 2020 PRESIDENTIAL ELECTION

or any other election, including all sources for such evidence, and including statements from the Trump Administration Cybersecurity & Infrastructure Security Agency, the Trump Administration Election Assistance Commission, the Michigan Secretary of State, the Georgia Secretary of State, the Maricopa County Board of Supervisors, then-United States Attorney General William Barr, Sean Spicer, Chris Christie, any election security expert, and DOMINION. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 45:**

Documents and Communications concerning the alleged disappearance of President Trump's early voting leads in the 2020 PRESIDENTIAL ELECTION. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 46:**

Documents and Communications concerning the connection or lack thereof between Smartmatic and DOMINION. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 47:**

Documents and Communications concerning the DOMINION CORRECTIVE CORRESPONDENCE. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 48:**

Documents and Communications concerning ratings and viewership of OAN PROGRAMS, OAN SOCIAL MEDIA, and OAN DIGITAL from January 1, 2020 to the Present.

**REQUEST FOR PRODUCTION NO. 49:**

Documents sufficient to show ratings and viewership of OAN PROGRAMS, OAN SOCIAL MEDIA, and OAN DIGITAL from January 1, 2018 to the present.

**REQUEST FOR PRODUCTION NO. 50:**

Documents and Communications concerning OTHER NEWS ORGANIZATIONS' coverage of allegations that voting systems (including DOMINION) deleted, lost, changed, or compromised votes in connection with the 2020 PRESIDENTIAL ELECTION, including any retractions issued regarding coverage about purported election fraud. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 51:**

Documents and Communications concerning the OAN PROGRAMS' reporting regarding mail-in voting in the 2020 PRESIDENTIAL ELECTION. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 52:**

Documents that YOU contend support, establish, demonstrate, or show that the DEFAMATORY STATEMENTS are substantially true, accurate, not misleading, and/or not defamatory. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 53:**

Documents and Communications concerning any investigations undertaken by OAN relating to DOMINION, THE 2020 PRESIDENTIAL ELECTION, or voter fraud. There is no time limit on this request.

**REQUEST FOR PRODUCTION NO. 54:**

Documents and Communications concerning OAN's policies regarding journalistic standards, journalistic ethics, journalistic integrity, fact-checking, guest appearances, internal review processes, investigation of stories, and responses to retraction requests between 2018 and the present.

**REQUEST FOR PRODUCTION NO. 55:**

Documents on which you intend to rely at any hearing or trial of this ACTION. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 56:**

Documents obtained (now or in the future) by YOU pursuant to any subpoena or discovery relating to this ACTION. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 57:**

All Documents and Communications produced in any subpoena, public information request, lawsuit, arbitration, or other proceeding concerning DOMINION or Smartmatic.

**REQUEST FOR PRODUCTION NO. 58:**

Documents and Communications concerning DOMINION provided to OAN by any OAN ON-AIR PERSONALITIES, the TRUMP ADMINISTRATION, Rudolph Giuliani, Sidney Powell, Michael Lindell, Patrick Byrne, Russell Ramsland, Joe Oltmann, Edward Solomon, Ron Watkins, any source, or any of their counsel. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 59:**

All Documents referenced in, identified by, responsive to, or relied upon in preparing Your Answer, Your Responses to Plaintiff's Interrogatories to You, and/or Your Responses to any other discovery requests, including but not limited to a 30(b)(6) request. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 60:**

Any agreement under which an insurance business or other Person or entity may be liable to satisfy all or part of a judgment in the ACTION or to indemnify or reimburse for payments made to satisfy a judgment in the ACTION.

**REQUEST FOR PRODUCTION NO. 61:**

Any joint defense or similar agreement between You and any other party or non-party to the ACTION concerning the ACTION.

**REQUEST FOR PRODUCTION NO. 62:**

All Documents concerning any policy regarding Document or data retention and/or preservation that OAN adopted, implemented, or followed, including but not limited to any policy concerning Document or data retention and/or preservation adopted in response to document preservation requests from DOMINION or its counsel.

**REQUEST FOR PRODUCTION NO. 63:**

Documents and Communications concerning any OAN social media policies or guidelines between 2016 and the present.

**REQUEST FOR PRODUCTION NO. 64:**

All Documents and Communications concerning Eric Coomer from January 1, 2018 to the Present, including any Documents and Communications relating to settlements of lawsuits between Eric Coomer and OTHER NEWS ORGANIZATIONS.

**REQUEST FOR PRODUCTION NO. 65:**

All Documents and Communications produced in response to any subpoena, public information request, lawsuit, arbitration, or other proceeding concerning Eric Coomer. There is no time limit on this Request.

**REQUEST FOR PRODUCTION NO. 66:**

All Documents and Communications with or concerning Doug Logan or CyberNinjas from January 1, 2018 to the Present, and any agreements or draft agreements with Doug Logan or CyberNinjas.

**REQUEST FOR PRODUCTION NO. 67:**

All Documents and Communications regarding any fundraising efforts undertaken by OAN, Christina Bobb, or Chanel Rion on behalf of, or for the benefit of, VOICES AND VOTES, or any efforts related to any CyberNinjas' audit relating to the 2020 PRESIDENTIAL ELECTION.

**REQUEST FOR PRODUCTION NO. 68:**

All financial records, Documents, and Communications sufficient to show the dates and amounts of all monies received or collected by OAN, Christina Bobb, or Chanel Rion in connection with VOICES AND VOTES, from January 1, 2020 to the Present.

**REQUEST FOR PRODUCTION NO. 69:**

All Documents and Communications with or concerning any PERSON who donated or contributed money to VOICES AND VOTES between January 1, 2020 and the Present.

**REQUEST FOR PRODUCTION NO. 70:**

All Documents and Communications sufficient to show all monies received or collected by OAN, Christina Bobb, or Chanel Rion to support any efforts to investigate or challenge DOMINION voting machines and technology or the results of the 2020 PRESIDENTIAL ELECTION from January 1, 2020 to the Present.

**REQUEST FOR PRODUCTION NO. 71:**

All Documents and Communications with or concerning any member of the Arizona State Senate, including but not limited to Karen Fann, from January 1, 2020 to the Present.

**REQUEST FOR PRODUCTION NO. 72:**

All Documents and Communications with or concerning any member of the Arizona Republican Party, including but not limited to Kelli Ward, from January 1, 2020 to the Present.

**REQUEST FOR PRODUCTION NO. 73:**

All Documents and Communications concerning the disclaimer posted at the beginning of any OAN ACCUSED PROGRAM. There is no time limit for this request.

**REQUEST FOR PRODUCTION NO. 74:**

All Documents and Communications concerning any story for which either Robert Herring, Sr. or Charles Herring had editorial control. There is no time limit for this request.

**REQUEST FOR PRODUCTION NO. 75:**

All Documents and Communications that contain a reference to “H Story.” There is no time limit for this request.

**REQUEST FOR PRODUCTION NO. 76:**

All Documents and Communications concerning any editorial meetings from November 1, 2020 through August 10, 2021, including but not limited to notes, meeting minutes, calendar entries, and calendar invitations.

Dated: May 9, 2023

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Respectfully submitted,

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*Attorneys for Plaintiffs-Counter Defendants*

**CERTIFICATE OF SERVICE**

I, Eve Levin, hereby certify that on May 9, 2023, true and correct copies of Plaintiffs' First Set of Requests for Production were served via email on counsel of record for every party in *US Dominion, Inc., et al. v. Herring Networks, Inc., et al.*, Case No. 21-cv-02130 (CJN).

/s/ Eve Levin  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

US DOMINION, INC., et al.,

*Plaintiffs,*

v.

HERRING NETWORKS, INC., et al.,

*Defendants.*

No. 21-cv-02130-CJN-MAU

**[PROPOSED] ORDER**

Having considered the papers filed in connection with defendant Christina Bobb's Motion for Partial Stay, it is hereby **ORDERED** that Ms. Bobb's Motion for Partial Stay is **GRANTED**. The Court hereby orders a temporary stay of Ms. Bobb's discovery obligations in this action for a period of 120-days, including all written demands or deposition notices issued to her, and precluding further or compelled responses from Ms. Bobb to any outstanding or previously served discovery, including without limitation, plaintiffs' first set of requests for production. Should Ms. Bobb's criminal case be unresolved at the conclusion of 120 days, she may apply to the court to extend the stay.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
U.S. District Judge Carl J. Nichols

**CERTIFICATION OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of June 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which automatically serves email notification of such filing to all attorneys of record.

*/s/ William C. Haggerty*  
William C. Haggerty, Esq. (*pro hac vice*)