

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 22-cv-01129-NYW-SBP

ERIC COOMER,

Plaintiff,

v.

**MICHAEL J. LINDELL;
FRANKSPEECH, LLC; and
MY PILLOW, INC.,**

Defendants.

**REPORTER'S TRANSCRIPT
(JURY TRIAL - DAY 5)**

Proceedings before the HONORABLE NINA Y. WANG,
Judge, United States District Court, for the District of
Colorado, commencing at 8:37 a.m. on the 6th day of June,
2025, Alfred A. Arraj United States Courthouse, Denver,
Colorado.

A P P E A R A N C E S

FOR THE PLAINTIFF:

DAVID MATTHEW BELLER, Recht & Kornfeld, P.C., 1600 Stout
Street, Suite 1400, Denver, CO 80202
CHARLES JOSEPH CAIN, BRADLEY ADAM KLOEWER, Cain &
Skarnulis PLLC, P. O. Box 1064, Salida, CO 81201
ASHLEY N. MORGAN, Cain & Skarnulis PLLC, 303 Colorado
Street, Suite 2850, Austin, TX 78701

FOR THE DEFENDANTS:

JENNIFER DEMASTER, DeMaster Law LLC, 361 Falls Road, Suite
610, Grafton, WI 53024
JAMES JOSEPH DUANE, Regent University School of Law, 1000
Regent University Drive, Robertson Hall Room 353B,
Virginia Beach, VA 23464
CHRISTOPHER I. KACHOUROFF, Dominion Law Center PC, 13649
Office Place, Suite 101, Woodbridge, VA 2219

*DARLENE M. MARTINEZ, RMK, CRR
United States District Court
For the District of Colorado*

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1 **JUNE 6, 2025**

2 (Outside the presence of the jury.)

3 THE COURT: Thank you. Please be seated.

4 On the record in 22cv1129-NYW-SBP, Coomer v.

5 Lindell, et al.

6 Could I have appearances of counsel, and introduce
7 anybody at the table with you.

8 MR. CAIN: Good morning, Your Honor, same lineup,
9 Charlie Cain, Brad Kloewer, David Beller, and Ashley
10 Morgan, with Dr. Coomer.

11 MR. KACHOUROFF: Good morning, Your Honor, Chris
12 Kachouroff, Jennifer DeMaster, James Duane, and not yet,
13 Mike Lindell, who will be here in a few minutes.

14 THE COURT: Please be seated.

15 MR. KACHOUROFF: Your Honor, I have a few
16 preliminary things I want to add on to what I said
17 yesterday, not much but very brief.

18 THE COURT: All right.

19 MR. KACHOUROFF: At close of our business
20 yesterday, we made our argument to you very quickly, and I
21 want to take just a few minutes to recapture those for you
22 to ensure I explained our position. Plaintiff has alleged
23 ten defamatory statements, intentional infliction of
24 emotional distress, and conspiracy, all based on Mike
25 Lindell's statements about voting machines.

1 Those statements initially ranged from a date of
2 apparently May 3, 2021, to the present, which they now
3 have expanded well before that date, and they have now
4 expanded to the present day, and that is what they have
5 introduced in this case.

6 In so doing, they are not only arguing over the
7 Antifa and BLM call that we talked about at the bench,
8 they are arguing whether there was fraud in the 2020
9 election. So there are two things at issue for us;
10 whether Eric Coomer was on a phone call, the factual
11 stuff, and/or whether a phone call even occurred, quite
12 frankly; and it is also that one of our clients is being
13 accused of reckless intentional conduct.

14 So witnesses were put forward to say that
15 Mr. Lindell had not apologized. As someone who has a
16 belief that they have done nothing wrong, need not
17 apologize. But because of this impact, the witnesses must
18 be given an opportunity to state what their beliefs are,
19 state the basis for their beliefs, and explain how they
20 came to those beliefs.

21 And so the ultimate issue in this case, what the
22 jury is going to decide, is whether the statements that
23 they allege were true, and that he believed that they were
24 true at the time that he made them, or he acted with
25 reckless disregard to their truth or falsity.

1 And that is why the Court has been so generous with
2 plaintiff's witnesses who are allowed to testify for hours
3 about why defendants know this is what propagated falsity
4 about the basis for why the machines shouldn't be melted
5 down.

6 The jury has heard this testimony from Mr. Coomer,
7 from Mr. Hursti, from Matt Crane, who was not an expert
8 witness but who was allowed to testify about government
9 categories of speech; disinformation, misinformation, and
10 malinformation, and this was over our objections, Your
11 Honor.

12 And so after all of the testimony you have allowed
13 in about the Cyber Symposium and the clips played about
14 Joe Oltmann, I am asking the Court to give us a little
15 latitude to explain why our clients and witnesses said the
16 things that they did at the time they said them.

17 And if the Court is concerned that the testimony
18 sounds like expert opinion testimony, I assure the Court
19 it is not. I believe the Court can easily obviate the
20 concern with a limiting instruction. Thank you.

21 THE COURT: All right. Anything further from
22 plaintiff on this issue?

23 MR. KLOEWER: Sure, Your Honor, a couple things.
24 As we addressed yesterday, the issue is whether the story
25 about Dr. Coomer participating on an Antifa call, whether

1 it was true at the time when it was stated and whether
2 there was valid basis to believe that it was true.

3 Anything that happened subsequent to those events
4 that was, frankly, probably conducted in an effort to
5 justify those beliefs in the first instance, is not
6 relevant to whether they were plausible at the time when
7 the alleged events occurred.

8 So with the focus on the credibility as a basis for
9 the beliefs, it needs to be with respect to the time that
10 the claims about the Antifa call occurred. So we think
11 the focus should be there.

12 Also, the defendants, it is their state of mind
13 that is relevant here with respect to whether it was
14 plausible or not to believe these claims. So I think we
15 addressed this yesterday more thoroughly. I don't think
16 statements by Mr. Kachouroff this morning alter the
17 discussion of the argument we had on these matters.

18 THE COURT: All right. So the first issue pending
19 before the Court is whether or not defense witnesses,
20 including Mr. Oltmann, will be able to testify about the
21 basis of their opinions that the 2020 election was subject
22 to fraud or some sort of tampering.

23 Defendants argue that the plaintiff has been given
24 latitude with respect to that type of information because
25 the theory of defamation and intentional infliction of

1 emotional distress has been expanded by plaintiff through
2 the plaintiff's presentation of direct testimony.

3 This Court respectfully disagrees that the scope of
4 testimony has expanded the core allegations in this case
5 that the defamation arose from Dr. Coomer's connection
6 with any sort of fraud or tampering of the election. To
7 the contrary, both the final pretrial order and the
8 evidence that this Court has allowed on direct evidence
9 has to do with the statements that were made either at the
10 Cyber Symposium or on other platforms associated with
11 Mr. Lindell or with Mr. Lindell himself.

12 And, in addition, the Court's ability to police or
13 weigh the probative value of some of this evidence has had
14 to be made during realtime. I will say, however, I am
15 going to give a little bit of latitude with respect to
16 these witnesses, including Mr. Oltmann, to testify about
17 general information or the basis of their research as to
18 fraud that is caused or connected to Dr. Coomer.

19 That has really been the scope that the Court has
20 allowed in direct testimony, whether or not it is
21 information about generally how the systems work, because
22 one of the allegations with respect to the defamation
23 claim is that on May 9, 2021, Mr. Lindell appeared in an
24 interview that appeared on Frankspeech where he made the
25 following statement, "It is over Dominion. It is too late

1 to close the gate. The cows are out of the barn.
2 Dominion, you did your best and Smartmatic to take our
3 country through China. You did your best to corrupt
4 people. You tried to suppress our voice. You did it but
5 you failed. And I am telling you Coomers of the world,
6 what's his name -- Eric Coomer. If I'm you right now I am
7 instead of going over and making deals at Newsmax, if I am
8 you I am turning myself in and turning in the whole
9 operation so maybe just maybe that you get immunity and
10 only get to do, I don't know, 10, 20 years."

11 So that's really been the basis for me to allow
12 some additional testimony about the systems, themselves.
13 As we all know, I don't think it actually pertains to the
14 actual malice, because as plaintiff's counsel points out,
15 actual malice deals with the state of mind of these
16 individual defendants, not the state of mind of
17 Mr. Oltmann. And Mr. Oltmann has testified clearly that
18 he did not tell Mr. Lindell the basis of his opinions.

19 However, as we all know, falsity or truth is an
20 element of defense in terms of any defamation claims. And
21 to the extent that the defendants have not abandoned a
22 truthfulness claim, this type of evidence will be
23 permitted in a limited form.

24 But let me be very clear with respect to my ruling,
25 this is not a ruling with respect to general alleged

1 election fraud in the 2020 election, it is only evidence
2 that can be sufficiently tied and given a nexus to either
3 Dominion Voting Systems and Dr. Coomer, as alleged, or
4 stated in these various alleged defamatory statements.
5 Does that make sense to everyone?

6 MR. KACHOUROFF: Yes, Your Honor.

7 THE COURT: So, Mr. Kloewer, I would expect that if
8 you think it is going out of that scope, you would make an
9 objection.

10 MR. KLOEWER: Certainly, Your Honor. On that note,
11 multiple times yesterday we raised 702 objections.

12 THE COURT: Those will also be entertained.

13 MR. KLOEWER: Okay. Thank you.

14 THE COURT: All right. I also understand there is
15 a second issue that defense counsel contacted chambers
16 about, the email around 11:45 p.m. last night.

17 MS. DEMASTER: Yes, Your Honor. Would you prefer I
18 go to -- yes, Your Honor, there is an issue with one of
19 the witnesses for both sides, for plaintiff and defense
20 counsel, Max McGuire has flown to be here. Now, the issue
21 that was raised is that he has been listed on both
22 parties' witness lists since the parties' initial pretrial
23 motions, including the final pretrial order.

24 And we were -- we hadn't heard from Mr. McGuire
25 when the Court asked us to have the notice of deposition

1 testimony, we hadn't confirmed the date he would arrive,
2 and that was confirmed yesterday around 5:00 p.m. He did
3 take an airplane to be here and is here in person ready to
4 testify.

5 We reached out and conferred with plaintiff's
6 counsel. They have declined the invitation to engage in
7 that. But as of May 29, 2025, as of last week,
8 Mr. McGuire was listed on our in-person testimony list,
9 and the defendants have taken lots of step to ensure that
10 witnesses will be here, some of which are also on
11 plaintiff's witness list.

12 And we can see today that both Mr. McGuire, and in
13 a few hours, Kurt Olsen, will be here in person.

14 THE COURT: All right. Let me hear from
15 plaintiff's counsel.

16 MS. MORGAN: Good morning, Your Honor. We are
17 opposed for a number of reasons. We believe that putting
18 Mr. McGuire on live is inefficient at best and
19 gamesmanship at worse. And I don't say that lightly, but
20 I want to give some context, and part of this will relate
21 to another issue, which is Mr. Montgomery's deposition
22 designations, so permit me a little bit to go into the
23 background.

24 But the Court's Pretrial Order, Docket 265, on
25 October 2, 2024, gave some deadlines for designations and

1 counter-designations. Designations were due on March 3rd,
2 counter-designations were due on March 10th. There were
3 no designations or counter-designations for Mr. McGuire.

4 Last night, when we gave our witness list for today
5 to defense counsel at 6:00 p.m., and gave them the list of
6 the witnesses, they did not say anything about Mr. McGuire
7 coming in live today, despite defense counsel's
8 representation to the Court in their nearly midnight email
9 last night saying that they knew around 5:00 p.m. that
10 Mr. McGuire was going to be appearing.

11 We made multiple efforts to confer with defense
12 counsel about which witnesses would be appearing live at
13 trial, including multiple email strands, which I have here
14 with me to the extent we need to get into them, from May
15 21, May 25, May 29, that all indicate that the only
16 witnesses they were working on travel arrangements for
17 would be Howse and Olsen.

18 Nothing was said about Mr. McGuire may be coming
19 in, may be flying in today. So we, to the extent we are
20 able to make decisions about which witnesses to put on and
21 how to present our case to the jury, have made decisions
22 in reliance on the understanding that, as we represented
23 to the Court in our May 29th filing, that joint notice
24 regarding trial witnesses, that Mr. McGuire would be
25 appearing via deposition.

1 His deposition tape is about 25 minutes long. We
2 have made decisions about how long to put on witnesses
3 that have already testified, and what content to include
4 with those witnesses in reliance on the joint
5 representations we made to the Court about who would be
6 appearing live.

7 The other relevant factor, as far as my claim of
8 potential gamesmanship, is that last night, when we gave
9 our witness list, defense counsel represented that they
10 were not prepared for Mr. Lindell to testify today. So I
11 believe that this is an attempt to delay things today to
12 make it so that Mr. Lindell does not go on the stand, and
13 that's problematic.

14 Under Federal Rule of Evidence 611, the Court has
15 discretion to exercise control over the mode and order of
16 examining witnesses and presenting evidence. And some of
17 the things to consider with that are making sure the
18 procedure is effective for determining the truth, and not
19 just wasting my time, Your Honor, but the Court's time in
20 deciding on the designations and the objections to the
21 designations, but most importantly the jury's time,
22 because we are delaying getting them here to hear evidence
23 today to talk about this issue when we shouldn't have.

24 Federal Rule of Civil Procedure 32 permits the use
25 of deposition testimony at trial. I will represent to the

1 Court that I did a search, and I couldn't find any binding
2 case law that specifically addresses this issue, but I
3 would point the Court to the case law that we cited in our
4 motion to strike their designation of entire deposition
5 transcripts, not including Mr. McGuire's, and that would
6 be *Commodities Futures Trading Communication v. Brockbank*,
7 at 316 Fed. Appx. 707, 713-14, that is a Tenth Circuit
8 case from 2008, where the Court found that the trial court
9 did not abuse its discretion to impose sanctions against a
10 party who failed to obey a scheduling or pretrial order,
11 and the Court ultimately prohibited that party from
12 presenting a witness or exhibit at trial because they did
13 not timely file their witness or exhibit list.

14 So the Court is well within its discretion to
15 disallow the defense from putting on testimony from
16 Mr. McGuire when they didn't designate any part of his
17 deposition, and failed to tell anyone that he was going to
18 be coming live until the middle of trial. So that is the
19 reason that I am opposed, Your Honor.

20 I'd also note that we didn't find out that
21 Mr. McGuire might be live today until nearly 8 o'clock, so
22 about two hours after we sent our witness list to the
23 other side, three hours after they represented to the
24 Court they knew he was coming. So that is the reason I am
25 opposed, Your Honor.

1 THE COURT: Thank you.

2 MS. DEMASTER: May I briefly respond, Your Honor?

3 THE COURT: You may.

4 MS. DEMASTER: With respect, Your Honor, we don't
5 believe that there has been any gamesmanship here. We
6 reject that allegation. In fact, we believe, we contend
7 that plaintiff's counsel has sandbagged us. We haven't
8 known -- in fact, some of the emails that were referenced
9 earlier this week were from us, myself specifically,
10 asking what order they plan to call witnesses. Many of
11 these witness are traveling from out of town, and they
12 have known that.

13 We are a very small resourced operation here for
14 the defense, and we are trying to ensure travel
15 arrangements and make sure everybody is here on time and
16 in person to be heard to move these proceedings along.

17 The witness list currently in possession of the
18 Court from the plaintiff had Mr. Lindell scheduled to
19 provide his testimony on May 9-10.

20 THE COURT: June.

21 MS. DEMASTER: I am sorry June 9-10, apologies, and
22 we never said or indicated we were not prepared for that.
23 We are prepared for any of that, but to tell us at 6:00
24 p.m. last night, despite their witness list that said they
25 would call Max McGuire, Brannon Howse, and Kurt Olsen,

1 which they have said to us many times, not only in written
2 filings, but in conferencing and in emails, were all going
3 to be within this three-day period, June 4 through June 6.
4 And that was again, Olsen, Howse, and McGuire, and that is
5 how we have tried to prepare, because we were relying on
6 certain representations.

7 That is not bad faith, it is not gaming, it is
8 stating that as of one week ago -- and, again, Mr. McGuire
9 has been on our in-person witness list for a couple months
10 now. But as of May 9th, given the Court's request that
11 there be a notice, but we had not heard back, we hadn't
12 confirmed it, but now we have confirmed it, and we are
13 just asking for the Court's leave for his in-person
14 testimony. We feel that is more fair, not only to the
15 jury, but to all parties and to these proceedings. Thank
16 you.

17 THE COURT: All right. As counsel noted, under
18 Rule 611 of the Federal Rules of Evidence, the Court
19 should exercise reasonable control over the mode and order
20 of examination of witnesses, and presenting witnesses so
21 as to make the procedures effective for determining the
22 truth, avoid wasting time, and protect witnesses from
23 harassment or undue harassment.

24 As you all know, I raised this issue in the final
25 pretrial/trial preparation conference as to how people

1 were going to appear in this case, because it was unclear
2 to me, given the fact that some of the witnesses were
3 listed both as individuals who would be present and
4 individuals who may be present, and individuals who needed
5 to be presented by deposition testimony at trial because
6 they were outside of the subpoena power of the court.

7 Mr. McGuire was one of those individuals.

8 Mr. McGuire is listed on defendants'
9 who-will-be-present-at-trial list, that's at Docket 308,
10 page 10. He was also listed as an individual who might
11 give deposition testimony by the plaintiff. That is
12 Docket Entry 308, at 13.

13 With those different statements, I asked the
14 parties whether or not they were intending to present
15 certain people at trial. As you all recall, the issue of
16 Brannon Howse came up because Mr. Howse is scheduled to
17 appear in person, and then on the first day of trial
18 defense counsel indicated that Mr. Howse had COVID, that
19 he wouldn't be able to be here in person, or he was
20 seeking to testify remotely pursuant to Rule 43.

21 Pursuant to Rule 43(a), the preferred method or the
22 expected method of presentation at trial is in person.
23 And defense counsel also asked to designate additional
24 deposition testimony of Mr. Howse if he was not present.

25 I indicated at that time, because I had been told

1 that Mr. Howse was going to be present, that he could be
2 present or the parties would have to live with their
3 deposition designations, which as plaintiff's counsel
4 indicated, we had some trouble procuring from the parties.

5 There was Docket Entry No. 345, I believe -- let me
6 just get to it. Sorry, 296, all on March 13, 2025, that
7 granted the plaintiff's motion to strike defendants'
8 counter-designations of four witnesses because the
9 defendants had designated the depositions in their
10 entirety.

11 The case law from district courts in this circuit
12 and other circuits indicate that counter-designations must
13 be made by page and line citation, and because they had
14 not, the Court sua sponte extended the deadline for
15 defendants to submit any deposition counter-designations
16 to plaintiff, identified by page and line number the
17 portion of transcripts that defendants intended to use at
18 trial, and extended the deadline for the parties to submit
19 deposition objections to the Court by a certain date.

20 In that order, the Court also ordered that any
21 counter-designations must fall within the scope of
22 plaintiff's affirmative designations because defendants
23 had not availed themselves by the deadline of designating
24 affirmative designations.

25 So that brings up Mr. McGuire's testimony, that's

1 the focus of this court. The Court then ordered the
2 parties to indicate to the Court who was going to appear
3 in person and who the Court needed to rule on within the
4 deposition designation.

5 On May 29, 2025, a joint notice was filed by the
6 parties in this case, it is signed by both Ms. DeMaster
7 and Mr. Kachouroff, which indicates, and I quote, "The
8 parties anticipate that the following witnesses will
9 appear by deposition at trial," and Max McGuire is listed
10 as a video deposition. That is Docket Entry No. 345, at
11 1.

12 Pursuant to Rule 611, I am going to bind the
13 parties to that representation. The Court has spent time
14 reviewing the designations of these various individuals
15 who were designated to appear by video. I am going to
16 hold the parties to that. As you all know, we are on a
17 tight schedule, and the parties have to make decisions
18 with respect to trial presentations based on what they
19 know.

20 And based on this representation that is signed by
21 all parties, both for the plaintiff and the defendants,
22 Mr. McGuire will be presented at this trial through his
23 deposition testimony.

24 All right. Do we have anything else before we can
25 bring in the jury?

1 MR. KACHOUROFF: Your Honor, I would like to have
2 at least two-days' notice from now on, something more than
3 12 hours, 5 o'clock the evening before, who the witnesses
4 are going to be. I never get that information from my
5 colleagues across the aisle.

6 I think it is fundamentally unfair to expect us to
7 prepare witnesses on the fly. Literally after court I get
8 that, 6:00 p.m. For instance, I didn't know Heidi Beedle
9 was going to testify today until yesterday they told me.

10 Everything we had, for instance, was Mr. Lindell
11 was going to be on Monday. So the gamesmanship that I
12 have to deal with is that. So when we talk about, can we
13 get somebody here, can we not, it is a little absurd.

14 THE COURT: Ms. Morgan.

15 MS. MORGAN: With all due respect, they have known
16 who the trial witnesses have been for months, and I
17 believe that the Court specifically asked us to confer and
18 let the other side know who would be available at the end
19 of the day each day. Everything has been changing based
20 on the amount of side-bar conversations we have had at the
21 bench with the Court and various witness availability and
22 lack of availability, so we have had to be flexible.

23 I don't believe that is gamesmanship respectfully.

24 THE COURT: All right. So I think it is fine for
25 it to be noon the day before, but these are all organic.

1 My general trial practice is for the parties to alert the
2 other side at 5:00 p.m. the night before because things
3 change, and timing changes. So I am going to adhere --
4 I'll ask them to give you the witnesses by lunchtime the
5 day before so you have a little extra time and you can
6 think about it. But two days in advance, the way trials
7 work, I just don't think is practicable.

8 MR. KACHOUROFF: Your Honor, I appreciate what the
9 Court is saying, but this is not a three-day trial or a
10 four-day day trial, we are talking about a ten-day trial
11 with multiple witnesses. They should have them lined up
12 already, and that enables me to plan for my case-in-chief,
13 if I ever get there, although I only have one witness, and
14 I have got to do it the same time, as the Court has
15 indicated, when they call a witness that I have also
16 identified.

17 THE COURT: Right. I understand that. So I will
18 set that as noon, 12:30, every day when we break for
19 lunch.

20 MR. KACHOUROFF: That raises the question of today,
21 what do we do about Mr. Lindell? He's supposed to
22 testify, according to them, when I had every expectation
23 that he was going to be on Monday. I have had zero time
24 to prepare.

25 THE COURT: All right.

1 MR. KACHOUROFF: That was the representation from
2 the plaintiff, so I relied on the representation.

3 MS. MORGAN: If I may, Your Honor. I don't
4 anticipate we are going to get to his cross. So there is
5 really, other than objecting, there is not a whole lot
6 Mr. Kachouroff will have to do with respect to
7 Mr. Lindell's testimony today. We have enough of a lineup
8 that he's probably going to be back on on Monday.

9 THE COURT: Well, I think it is fair -- Mr. Lindell
10 is the defendant in this case. And I'm looking at the
11 witness list, and it does say that he is going to appear
12 June 9th through 10th, 2025. As I've bound them to their
13 representations, I need to bind plaintiff's counsel to
14 their representations.

15 So you are going to need to juggle and fill that
16 time with someone else or lose that time for the day,
17 which I wouldn't suggest. We will see how far we get, but
18 I think that it is only fair that Mr. Lindell, if you want
19 to take him first thing on Monday morning, you can, but
20 that he is not listed for today.

21 So, again, I understand the pieces are moving and
22 things -- we didn't even know whether or not Mr. Oltmann
23 was going to appear live or not, and we certainly didn't
24 know how long his testimony was going to last and what
25 kind of issues that we were going to have to deal with.

1 So I understand that we are all just trying to adjust.

2 But given the fact that Mr. Lindell is a named
3 defendant in this case, I think it is appropriate, because
4 the witness list says that he is going to be testifying on
5 June 9th and 10th, that he does testify on June 9th and
6 10th.

7 So you all should consider whether or not there is
8 another deposition or something that you can play in that
9 timeframe.

10 MS. DEMASTER: With respect, Your Honor, we just
11 wanted one more point of clarification. We have confirmed
12 Mr. Howse will be here in person on Monday. He will be
13 available throughout the week.

14 THE COURT: All right. Anything else before we
15 bring the jury in?

16 MR. KACHOUROFF: One final point, Your Honor.

17 MR. DUANE: Briefly, if I may confer with counsel.

18 THE COURT: Okay.

19 MR. KACHOUROFF: Mr. Duane has asked me to tell you
20 to reconsider perhaps on Max McGuire's just limited
21 cross-examination. We would abide by the Court's time
22 limits it imposes.

23 THE COURT: Overruled.

24 Anything else, or can we bring the jury in?

25 MR. CAIN: Yes, Your Honor.

1 MR. KACHOUROFF: Yes, Your Honor.

2 THE COURT: I think we have to figure out where the
3 jurors are, so we will be in recess.

4 (A break is taken from 9:06 a.m. to 9:15 a.m.)

5 THE COURT: Thank you. Please be seated. All
6 right, are we ready for the jury?

7 MR. KACHOUROFF: Yes, Your Honor.

8 THE COURT: Madam deputy.

9 (In the presence of the jury.)

10 THE COURT: Thank you. Please be seated.

11 Mr. Oltmann, I remind you, you are still under
12 oath.

13 **JOE OLTMANN**

14 having been previously duly sworn, testified as follows:

15 THE WITNESS: Yes, ma'am.

16 **CROSS-EXAMINATION (Cont'd)**

17 **BY MR. KACHOUROFF:**

18 Q. Do you have any knowledge of anything Dr. Coomer has
19 said relating to this case or the allegations in this
20 case?

21 A. Yes.

22 Q. What is that?

23 A. There is a video related to him talking about the
24 adjudication process.

25 Q. What does he say in that video?

1 A. That you can actually switch votes inside the
2 machines.

3 Q. Did he explain how that was done in the video?

4 A. He did.

5 Q. I will move on now and show you a Facebook post by
6 Dr. Coomer and see if you have seen this before.

7 MR. KACHOUROFF: Counsel, Exhibit 9, at 72.

8 Q. (BY MR. KACHOUROFF) Have you seen this before?

9 A. I have.

10 Q. And what is the date of this post on Exhibit 9?

11 A. June 2, 2020.

12 Q. Why is that Facebook post important -- the date of
13 that Facebook post important?

14 A. It was a few days before the Antifa manifesto was
15 made public in news agencies, but only a day or two before
16 it was actually released from Antifa.

17 Q. How do you know that?

18 A. Because I did research on it.

19 Q. What type of research did you do?

20 A. I went to the internet to look at what kind of
21 correspondence was out there publicly about Antifa and
22 where it came from and its origins and when people started
23 talking about it.

24 Q. And what were the origins of this post?

25 A. The Antifa organization based out of, I guess,

1 Germany.

2 Q. So you know that Dr. Eric Coomer did not write the
3 post here.

4 A. He did not.

5 Q. But he did repost it.

6 A. He did repost it, yes, along with a lot of really
7 other disgusting stuff.

8 MR. KACHOUROFF: Okay. Let's turn to Exhibit 25,
9 counsel.

10 Q. (BY MR. KACHOUROFF) I want to be clear for the jury,
11 so would you remind us, these were taken -- you took these
12 notes personally.

13 A. I did.

14 Q. And you took these notes personally on what day?

15 A. Around the September 26, 27, in that range, that
16 week.

17 Q. So you are not exactly certain on which date, you
18 know it was about that time.

19 A. Yes.

20 Q. Had you seen the Facebook post that Dr. Coomer posted
21 before you took these notes?

22 A. I had not.

23 Q. When did you learn about Dr. Coomer's Antifa Facebook
24 post?

25 A. On November 6th, when I was up elk hunting in

1 Cuchara, Colorado.

2 Q. Okay. Do you remember when you were questioned
3 yesterday, while under oath, by Mr. Kloewer, one of the
4 attorneys for the plaintiff? Do you remember? Is that a
5 yes?

6 A. Yes, I am sorry.

7 Q. Do you remember he asked you a long series of
8 questions about your recollection and your notes about a
9 meeting among Antifa activists in the fall of 2020?

10 A. Yes.

11 Q. Do you remember Mr. Kloewer asking you to admit some
12 of the details you are unwilling to share is because you
13 were making it up and because the meeting never happened?

14 A. Correct.

15 Q. Was that true?

16 A. No, it was not true.

17 Q. Just to be clear, what is the date of the meeting we
18 are talking about?

19 A. The week of the 27th-ish. I mean, it is clear that
20 it was within a few days of that.

21 Q. And did this meeting actually take place?

22 A. It did take place.

23 Q. And how did it take place? Was it in person, was it
24 by phone?

25 A. It was on a Zoom call.

1 Q. Are you certain?

2 A. I am certain.

3 Q. Do you remember Mr. Kloewer asking you to confirm his
4 suspicions that we had no choice but to take your word for
5 it because there was nobody else who could corroborate the
6 essential details of your recollection and your notes --

7 A. Yes.

8 Q. -- at that meeting?

9 A. Yes.

10 Q. Is that true?

11 A. No, it is not.

12 Q. Is there someone else who has been able to
13 corroborate your testimony from yesterday or most of the
14 details?

15 A. Yes.

16 Q. And when did you first learn this?

17 A. Last night.

18 Q. And who was that individual?

19 A. Tay Anderson.

20 Q. What did you find out about Tay Anderson?

21 A. I found out that since about 3-and-a-half years ago
22 they have been sitting on an affidavit from Tay Anderson
23 that basically corroborates all of the evidence.

24 MR. KLOEWER: Objection, Your Honor, hearsay. Can
25 we approach?

1 THE COURT: Sustained.

2 MR. KACHOUROFF: Your Honor, may we approach?

3 THE COURT: Approach.

4 (A bench conference is had.)

5 MR. KACHOUROFF: So, Your Honor, this is admissible
6 because they just filed this on Monday. It is an adoptive
7 admission by them. They filed the affidavit, otherwise it
8 would be hearsay. But when an opponent, pursuant to
9 801(d)(2)(B), when a sworn affidavit is filed that is
10 submitted by a party to a federal court, that party has
11 manifested an adoption or belief in its truth, and that
12 affidavit is therefore admissible against the party under
13 Federal Rule of Evidence 801(d)(2)(B). And I have several
14 cases we picked out if you want case authority on it, but
15 it is an adoptive admission.

16 THE COURT: How is it coming in through
17 Mr. Oltmann?

18 MR. KACHOUROFF: Because he read it last night and
19 realized it was -- for the first time -- because they
20 filed the trial brief against him when he was invoking the
21 reporter's privilege. They chose to do that.

22 THE COURT: Mr. Kloewer.

23 MR. KLOEWER: Your Honor, first of all, the
24 affidavit was submitted for different purposes. It is not
25 in evidence. It is hearsay for purposes of this hearing.

1 Furthermore, interestingly, they state he just became
2 aware of it. This affidavit was submitted in a case
3 against Joe Oltmann in September 2021.

4 And following that, two weeks later, he filed
5 another affidavit from his friend, Tig Tiegen, based on a
6 call on a separate date. So if we are going to get into
7 this, we will need to go into further, further hearsay
8 about his own subsequent admissions, placing the call on a
9 different date than is even here.

10 So this is getting far into the weeds. It's
11 objectively false testimony. And it's hearsay straight
12 up, and this has never been admitted, he is not on the
13 list, and we don't have an opportunity to call
14 Mr. Anderson to speak to the contents of that affidavit.

15 MR. KACHOUROFF: Your Honor, it is an exception to
16 the hearsay rule. They filed it. It is an adoptive
17 admission. It's fairly simple.

18 THE COURT: What about the 401, 403 analysis?

19 MR. KACHOUROFF: What is the concern on the 403
20 analysis, Your Honor?

21 THE COURT: I mean, to the extent that it hasn't
22 been vetted at all as a piece of evidence with respect to
23 this issue, how is the probative value --

24 MR. KACHOUROFF: Well, it has been vetted, Your
25 Honor, actually they vetted it. They procured the

1 affidavit from Mr. Tay Anderson. They were using it
2 actively in the case, and they sat on it. I could not
3 have used it but for the fact they get it. They are the
4 ones that produced the affidavit, they had him sign it.

5 THE COURT: I have not focused on this affidavit at
6 all, so I want you to move to a different area of
7 examination until I have a chance to evaluate this. So
8 what document number is that?

9 MR. KLOEWER: In conjunction with the --

10 THE COURT: Has it been filed in this case?

11 MR. KACHOUROFF: Yes, with the trial brief.

12 THE COURT: Can you tell me what docket number?

13 MR. KLOEWER: Not off the top of my head. The
14 trial brief.

15 MR. KACHOUROFF: I think it is 349, and the actual
16 affidavit is at 15, Your Honor.

17 THE COURT: Okay. So this issue is reserved. So I
18 need you to move on to a different topic and then let me
19 evaluate this, then you can come back to it if I overrule
20 the objection.

21 (In the hearing of the jury.)

22 Q. (BY MR. KACHOUROFF) Mr. Oltmann, we are going to
23 come back to this affidavit in just a few moments.

24 A. Okay. I don't understand.

25 Q. It is okay.

- 1 A. Your Honor --
- 2 Q. The Court has to have a chance to look at this,
- 3 Mr. Oltmann. Just give me a second.
- 4 A. Okay.
- 5 Q. If you would, let's go through your handwritten notes
- 6 just briefly.
- 7 A. Okay.
- 8 Q. Exhibit 25.
- 9 A. Yes.
- 10 Q. All right. You have -- is this the first page of
- 11 that exhibit, to your knowledge?
- 12 A. It is the last page.
- 13 Q. Okay. Let's scroll down until we get to what should
- 14 be the first page.
- 15 A. Okay. That is the first page.
- 16 Q. How many pages are in these notes?
- 17 A. Four pages.
- 18 Q. Okay. So they are not exactly stacked in order, so
- 19 we will try to go through them in the correct order so we
- 20 can see that. You note the name "Heidi." Can you circle
- 21 Heidi Beedle there?
- 22 A. Yes (indicating).
- 23 Q. You have something like "Independent. Definitely
- 24 journalist," down below. What does that refer to?
- 25 A. The Colorado Springs Independent. Heidi Beedle was

1 writing for the Colorado Springs Independent. It is
2 called the Indy.

3 Q. Who is "Chrissy or Chris"?

4 A. I don't know.

5 Q. And it's okay, I am not asking -- you don't have to
6 know.

7 A. I don't remember.

8 Q. Do you see the name "Eric??"?

9 A. Yeah, I do.

10 Q. Can you underline that for me, and "Dominion guy"
11 down below it.

12 A. (Indicating.)

13 Q. I did not understand your testimony today when you
14 said "Guy is a Jedi." What does that mean exactly?

15 A. In the hyperbolic statements that were being made,
16 when you say something about being able to affect the
17 outcome of the election. And there is Obi-Wan Kenobi, who
18 says to the people, "these are not the droids you are
19 looking for." So it is kind of a reference to Jedis; that
20 they can make things just happen.

21 Q. And can you show us where you say that this guy Eric
22 made a statement?

23 A. Yeah, "Trump is not going to win."

24 Q. If you can just bracket that so we can see that.

25 A. (Indicating.)

1 Q. All right. And then go to the next one, is it
2 "Micmanis"?

3 A. "Nicknames."

4 Q. "Nicknames."

5 A. Sorry. I have terrible handwriting.

6 Q. You say "who is 243." What does that mean?

7 A. I didn't know who that was. In reference to one of
8 the things that somebody said about "243," and I think I
9 looked down or might have looked down, and it was one of
10 the things on the video.

11 Q. Can you tell us about "friendlies"?

12 A. Yeah, so they talk about "media friendlies," like
13 people on the call. People they have in media that they
14 feed information to, people like Kyle Clark, sitting in
15 the back there. "Friendlies." Guys that slander and
16 defame people regularly and target people.

17 MR. KLOEWER: Your Honor, objection.

18 THE COURT: Sustained.

19 Mr. Oltmann --

20 THE WITNESS: It is the truth.

21 THE COURT: Mr. Oltmann, you need to answer the
22 question.

23 THE WITNESS: Okay.

24 Q. (BY MR. KACHOUROFF) Then what about this line
25 "Doxing Business Owners." Was there some discussion in

1 the Antifa call of putting people's names and information
2 out on the internet --

3 A. Yes, there was.

4 Q. -- in prominent places for people to see?

5 A. Yes.

6 Q. What is the purpose of doxing somebody that way?

7 A. To create or instill in people in the community that
8 they don't speak up or talk about things that are
9 happening in their communities.

10 Q. I see down below next to -- well, can you read that
11 for me, "next targets."

12 A. "Next targets," yes, talking about the fact they were
13 going to have more targets, more people that they would
14 target that were working against their interests with this
15 movement.

16 Q. And it says -- the next one, if you can put a little
17 square around that, "19 on call."

18 A. Yes.

19 Q. Is there anything to the next line, "CTR??? Media?
20 No idea." What does that means?

21 A. So "CTR," I was able to figure out means Colorado
22 Times Recorder, which is another news outlet, a friendly.

23 Q. A friendly to Antifa?

24 A. Yes, and beyond.

25 MR. KACHOUROFF: Let's go ahead and go to the next

1 page. Can we see the very top of that page.

2 Q. (BY MR. KACHOUROFF) "Contact." Can you read that
3 for us. "Contact this Joey." Is that what that says?

4 A. Yes.

5 Q. Underline "Joey" for me.

6 A. (Indicating).

7 Q. Did you know when you heard this name who Joey was?

8 A. I did not.

9 Q. And this next "rat," what does "rat" mean?

10 A. They called him a "rat."

11 Q. So this phone call was in part about Joey.

12 A. Yes.

13 Q. And the next line says "Tay." Who was that?

14 A. Tay Anderson.

15 Q. Did you know that was Tay Anderson at the time?

16 A. Yeah.

17 Q. How do you know Tay Anderson?

18 A. He has as distinct a voice as Mr. Coomer.

19 Q. Or Dr. Coomer.

20 A. Dr. Coomer, excuse me.

21 Q. Is Tay Anderson also BLM or Antifa?

22 MR. KLOEWER: Objection, lacks foundation.

23 THE COURT: Sustained.

24 Q. (BY MR. KACHOUROFF) How do you know Tay is part of
25 the BLM or Antifa movement?

1 A. He has openly talked about being a part of the
2 organization.

3 Q. Do you know how old he is?

4 A. Approximately today probably 26, 27 years old. He
5 was 21 when he was elected to the Denver Public School
6 board.

7 Q. Underline "Tay" for me real quick. Then the
8 "connection to PSL/Antifa BLM," what does that mean?

9 A. I believe that is a socialist organization. PSL is a
10 socialist organization. Antifa is basically the
11 militarized arm of BLM.

12 Q. Okay. And that is what your understanding is.

13 A. I think that is pretty widely known by most of the
14 population.

15 MR. KLOEWER: Objection, Your Honor, lacks
16 foundation.

17 THE COURT: Overruled.

18 Q. (BY MR. KACHOUROFF) It says "organizing for event."

19 A. Then that is a name.

20 Q. Can you tell me what that name is?

21 A. "Breonna Taylor."

22 Q. "Breonna Taylor." Can you underline that, as well.

23 A. (Indicating).

24 Q. Who is Breonna Taylor?

25 A. She was murdered by police in Aurora, Colorado. So

1 she was a victim of a no knock, I believe, and they came
2 in and were looking for someone else and ended up killing
3 her.

4 Q. The next line says, "last protest a success." So it
5 looks like they are doing logistical operations here,
6 would you agree with that?

7 A. Yes.

8 Q. "Food -- water -- cars."

9 A. Yes.

10 Q. "Recon." So "recon" is what?

11 A. I think the "recon" is just the logistics of what was
12 going on at the event for, you know, other organizations
13 that may be against the protest, police.

14 Q. It is short for reconing the area to find out what it
15 is like, et cetera?

16 A. Yeah.

17 Q. Then it says "vandalize. Blame on Proud Boys." And
18 you have the word "Whoa!!"

19 A. Yeah. So basically they talked about what operations
20 they could do that they could get the friendlies or
21 different media to cover that would blame that on the
22 "Proud Boys," which I also didn't have any association
23 with.

24 Q. Who are the "Proud Boys"?

25 A. An organization -- that's a right-wing organization.

1 Q. Have they caused any problems in your neck of the
2 woods?

3 A. No.

4 Q. Are they active in your area?

5 A. Not in my area, no.

6 Q. And then you write "how they communicate?"

7 A. Yeah. So this is where they talked about making sure
8 they had security and, you know, how they were going to
9 communicate with each other while they were at the event.

10 Q. Right next to that it says -- the next line,
11 "security coms." "Coms" is short for communications?

12 A. Yes.

13 Q. "Phones Reddit." So this is all how they are
14 communicating.

15 A. Yes.

16 Q. Right next to that it says, "wait other" -- I can't
17 read your writing. It looks like "other way."

18 A. "Other way BLM." I don't remember, I don't recall
19 the reason behind that. I think that has more to do with
20 how they communicate between the organization.

21 Q. You have mentioned "BLM" twice on this page.

22 A. I have, yes.

23 Q. Go ahead and underline both parts where you see that.

24 A. (Indicating).

25 Q. So the last thing you did is underline those two

- 1 BLMs. So "Reddit" is social media.
- 2 A. Yes.
- 3 Q. "Slack," is that social media, as well?
- 4 A. Yeah, I don't know why anyone would start a Slack
- 5 group to do coms.
- 6 Q. What is that?
- 7 A. It is a business tool, a tool you would use, my guess
- 8 is because it is just not something you would typically --
- 9 you can make groups inside Slack. I think most courts
- 10 have Slack. Most business have Slack.
- 11 Q. Then "Pueblo" to "Denver." Looks like they are
- 12 bringing people in from there.
- 13 A. Yes.
- 14 Q. They "need rides," correct?
- 15 A. Yes.
- 16 Q. "Peeps coming in 10 to 2-3." That's the time of day.
- 17 A. Yes, and it might be dates.
- 18 Q. Okay.
- 19 A. I think those are dates, and that they have some
- 20 "good press." Again, people who write press.
- 21 Q. "Organizer says 'unknown.'" Who is the "organizer"
- 22 that was talking, do you know?
- 23 A. No.
- 24 Q. Is it "stays unknown" or "says unknown"?
- 25 A. No, it is "says unknown."

1 MR. KACHOUROFF: If we can go to the next page. It
2 should be down. All right. Let's start there.

3 Q. (BY MR. KACHOUROFF) "'Fortify' training." Can you
4 tell us what that is all about, if you recall?

5 A. Yes, so the "fortify" is just to fortify, making sure
6 they have enough people and how they moved their
7 operations around; that they made sure they fortified the
8 area, making sure there weren't any infiltration that
9 would happen by other groups counter-protesting and/or the
10 police interfering with what they were doing.

11 Q. And then the next line is "PSL-comrades."

12 A. A recommendation was made that they could, you know,
13 bring other people, people from PSL to the -- I had to
14 look it up, PSL to the event. They kept referring to them
15 as "comrades."

16 Q. The name "Brian."

17 A. Yes.

18 Q. And "Tank -- Minneapolis." What does that refer to?

19 A. They spoke about a guy named Tank coming from
20 Minneapolis. So from Minneapolis down to Colorado to
21 participate in the events.

22 Q. Who is "Brian," do you know that?

23 A. No, I don't know. I don't recall.

24 Q. Can you try to explain the next five or six lines,
25 "possible coverage. Stick to plan. What is the plan?

1 Rhetoric is incredible."

2 A. "Rhetoric is incredible." It became a little bit of
3 a frenzy for a little bit.

4 Q. How so, on the phone call?

5 A. Yeah. The back and forth and talking over each
6 other. But once they got it settled it was very well
7 organized. Like they organize well what they were getting
8 ready to do. They had some idea of logistics.

9 Q. Just prior to this, we saw on the last page where you
10 mentioned that there was this guy Eric on the call. So
11 your attention seems to be more focused on what their
12 activities are for logistics, is that fair to say?

13 A. Yeah. So they wanted to -- are you talking about the
14 part "Targets -- 'fascist events'?"

15 Q. This whole area says "possible coverage. Stick to
16 plan. What is the plan? Rhetoric is incredible." They
17 didn't say "rhetoric is incredible," you did.

18 A. I said the rhetoric was incredible, and it is just to
19 remember what was happening on the call.

20 Q. Where do you have the arrow coming down?

21 A. That is coverage for the events. So they started
22 talking about something, then it got a little bit, you
23 know, wonky, as far as the conversation. Then they went
24 to making sure that they had people that were going to be
25 at these events, at these "fascist events."

1 Q. We are talking Tay Anderson is the one on the Zoom
2 call; correct?

3 A. Yes.

4 Q. Would you agree with us that Tay Anderson is also
5 Antifa, apparently? Or what was he purporting to be?

6 A. I don't think I delineate between Antifa or Black
7 Lives Matter, not in its current state, rather than what
8 it was intended to be when they started it.

9 Q. Okay. "Targets -- 'fascist events.'" What do they
10 mean by that?

11 A. Protests that would be happening at the Capitol,
12 things that would be happening, they would want to show up
13 to.

14 Q. The next line, "Cover up -- turn over intel
15 pictures."

16 A. Yeah. So they were talking about who would be the
17 one to take on all of the pictures. So the pictures they
18 would take at events they could identify people later at,
19 who was going to take that, who was going to be the person
20 that got that information. So you had people talking
21 about how they would coordinate that information offline.

22 Q. And what does "Sam" refer to? Is that a person, an
23 acronym? What is that?

24 A. "Sam" was a person. "Give" it to "Sam." I don't
25 think I was able to identify who Sam was.

1 Q. Next one, "Jojo."

2 A. So they were pretty fixated on Joey Camp.

3 Q. Is that the name they gave him, "Jojo"?

4 A. Yes.

5 Q. "Who is this guy? They hate this guy!!"

6 A. Yeah.

7 Q. Do you recall what they were saying about him?

8 A. They wanted him to die. They literally were like

9 somebody needs to off that guy. There was no hiding any

10 disdain or distaste for that man.

11 Q. Did you later come to find out why they disliked Joey

12 Camp so much?

13 A. Yeah. He trolled them pretty well, and he was one of

14 the guys that would, you know, get involved in Antifa

15 rallies.

16 Q. He would show up?

17 A. I think he did more than show up. He disrupted

18 things pretty heavily. He would show up for just the

19 straight ability to create chaos in those environments,

20 then he would take videos of it and post those videos and

21 things in a bad light.

22 Q. I will not have you do anymore red lines, I think we

23 all get the point, well, let's just red line "Jojo" and

24 "Joey Camp" there.

25 A. Yes (indicating).

1 Q. All right. Can we go to what I think would be the
2 last page.

3 A. It is the first page.

4 Q. The very first page in this exhibit is the last page?

5 A. We mixed those up. The second page and third page I
6 think were mixed up in this, or the first page and third
7 page, excuse me.

8 Q. So your notes afterwards -- well, is this while on
9 the call you are doing this, or just kind of a recap?

10 A. Well, it's while I am finishing up.

11 Q. You say, "Who is Eric Dominion guy? Brian. Denver?"
12 Did you find out who Brian was?

13 A. No.

14 Q. Looks like there is another name "Bev."

15 A. Yeah. I didn't figure out who Bev was either.

16 Q. And "Yan-ni."

17 A. Yeah. He is -- he was pretty well known in the
18 Antifa/BLM world. So I think everybody knew who he was.

19 Q. You have "woman on call" and you assume that was
20 "Heidi."

21 A. Yes.

22 Q. And there you have "Jojo Joey Camp." What is "hit
23 this guy"?

24 A. It was a note to myself to reach out and figure out,
25 basically to hit him up, to figure out who this guy was.

1 I wanted to dig into the information he had, because if he
2 is coming up with a bunch of journalists and people like
3 that, maybe he would be useful.

4 Q. Yesterday you had a screen shot, and the implication
5 was that you were somehow lying about the screen shot
6 showing your search on Google. Do you remember that?

7 A. Yes.

8 Q. I think things may have gotten a little bit confused,
9 so I want to take a moment. We went over this yesterday;
10 correct?

11 A. Yes. I think I showed you how to do it yesterday.

12 Q. Right. What is missing from this screen shot that
13 you can't see here?

14 A. The top bar. So if you go into Google you will have
15 a part where it will shows "All," "Images," "Videos."
16 There is like a bar that goes across the top of it.

17 Q. Okay. And just while we are here, just one more
18 time, you were asked about "Eric Schussler" and "Old
19 Dominion."

20 A. Yes.

21 Q. "Eric worked as a physical therapist for 10 years
22 prior to completing a Ph.D. at Ohio State University. His
23 current research interests include concussion
24 compression." Is that the type of Eric from Dominion you
25 were looking for?

1 A. No. It is in a different state, in Virginia, which
2 is about 1,800 miles away.

3 Q. So you had no reason to click on that link.

4 A. Right.

5 Q. I have a Google search page on my screen. So the
6 search was for "Dominion Voting Systems." Do you see
7 that?

8 A. Yes.

9 Q. And you can see the bar "All," "News," "Images,"
10 "Shopping," "Videos," "Short Videos," "News Forums." Do
11 you see that?

12 A. Yes.

13 Q. That wasn't shown on your snapshot, was it?

14 A. No, it was not.

15 Q. So tell me how to make this look like the snapshot.

16 A. Just move up your bar real quick, it will give you
17 access to more of the stuff. Keep going. There you go.
18 Stop.

19 Q. Why did you take a screen shot that way?

20 A. So I could get more of the information that was on
21 the screen at the time.

22 Q. So if I can pull this back down, there is the bars.
23 So that is a feature within the browser.

24 A. Yeah. Like a Wayback machine. If you have a Wayback
25 machine, you can go back and look at sources. This allows

1 you in the Wayback machine to go in a similar source, a
2 similar fashion, it allows you to go back and create dates
3 and look at the information that would have populated on
4 those particular dates on Google.

5 Q. Just so we know, to get to that point you have to do
6 a custom search where you hit the tool bar.

7 A. Yeah. So first you have to search for it, then you
8 hit the tool bar, and then under "tools," then you hit --
9 if you go to hit that button, then you do "custom range."
10 So you can go to any hour, 24 hours, a week, a month, then
11 you put in the custom range. Typically it is better to
12 put it in for just one day, then you get the information
13 that collects on that one day.

14 So you have the 26th or 28th, or whatever day it
15 is, it will give you that information that populated in
16 that search on a previous search for that same
17 information.

18 Q. Okay. So when you were creating that screen shot,
19 you were not intending to create any kind of lie, you were
20 trying to create a fuller picture of the links you saw --

21 A. Correct.

22 Q. -- because you wanted to keep it on one page.

23 A. Yeah. There are many more pages, but if you run that
24 same search today, it will come up with zero. There is
25 nothing that will come up under that search.

1 Q. Okay. Having --

2 A. In other words, if you were to run "Eric Dominion
3 Denver Colorado" it would be completely different today
4 because they completely wiped the internet; every video,
5 every link, there is nothing -- like nothing ever existed
6 with Eric Coomer prior to that that existed at all in any
7 capacity. It is like they took everything down, which is
8 nearly impossible. It is like --

9 Q. Can you bring up the screen shot. And just if you
10 can, when this stabilizes itself, show us where the menu
11 would have been. Show us with a red line.

12 THE COURT: What is the exhibit number?

13 MR. KACHOUROFF: I apologize, Your Honor, 26.

14 THE COURT: Are you intending to publish this to
15 the jury?

16 MR. KACHOUROFF: Yes, Your Honor.

17 THE COURT: Okay.

18 MR. KACHOUROFF: Thank you, Your Honor. I am
19 sorry, I thought everything was being published to the
20 jury. My mistake. I apologize.

21 Q. (BY MR. KACHOUROFF) So there was a menu bar that
22 appeared where that red line is; correct?

23 A. Yes.

24 Q. Just by scrolling the page up, that menu bar
25 disappears.

1 A. Yes.

2 Q. Okay. And then you have those links.

3 A. Yes.

4 MR. KACHOUROFF: Your Honor, may I have permission
5 to show that on my computer to the jury, to publish that
6 in realtime, or no?

7 THE COURT: No.

8 MR. KACHOUROFF: Okay. All right. Your Honor, can
9 we take a brief recess to address the issue we talked
10 about at the bench?

11 THE COURT: You all can -- we can take a -- we will
12 take a brief recess.

13 Ladies and gentlemen of the jury, there is one
14 issue that I need to resolve with the attorneys outside
15 the presence of the jury. We will take a quick 10-minute
16 recess now. We may have an additional recess this morning
17 given these issues. So, thank you.

18 (Outside the presence of the jury.)

19 THE COURT: Thank you. Please be seated.

20 Anything else before we take a brief recess? Okay.
21 We will be in recess.

22 After I resolve this issue, how much more do you
23 have?

24 MR. KACHOUROFF: About an hour total.

25 THE COURT: Okay.

1 (A break is taken from 9:54 a.m. to 10:19 a.m.)

2 THE COURT: Back on the record. The Court took a
3 recess in order to ascertain whether or not the issue that
4 was raised at side bar was -- the admissibility of the
5 evidence discussed at side bar. And I understand the
6 parties may have reached an agreement.

7 MR. KACHOUROFF: Yes, Your Honor.

8 THE COURT: All right. So we don't need to go into
9 that agreement now, I just assume you will offer, there
10 won't be an objection, and we can proceed.

11 Is everyone ready for the jury to come back in?

12 MR. KACHOUROFF: Yes, Your Honor.

13 THE COURT: Just one comment. I haven't forgotten,
14 Ms. DeMaster, your request to admonish the jurors about
15 their obligations as jurors. And so I just thought it
16 would be more appropriate to do so at the lunch break when
17 they have been with us for a little bit.

18 MS. DEMASTER: Thank you, Your Honor.

19 (In the presence of the jury.)

20 THE COURT: Thank you. Please be seated.

21 Mr. Oltmann, I remind you that you are still under
22 oath.

23 THE WITNESS: Yes, ma'am.

24 Q. (BY MR. KACHOUROFF) Mr. Oltmann, I would like to
25 take us back to that section of our discussion a few

1 minutes ago where I asked you if you remember Mr. Kloewer
2 asking you to confirm his suspicions that we had no choice
3 but to take your word for it because there was nobody else
4 that could corroborate your story. Do you recall that?

5 A. I do.

6 Q. Okay. So, first of all, is that true? Is there no
7 one else to corroborate your story?

8 A. That is not true.

9 Q. Is there someone else who has been able to
10 corroborate your story? I asked you that question, too.

11 A. Yes.

12 Q. Who was that person?

13 A. Tay Anderson.

14 Q. Who is Tay Anderson?

15 A. He was the head of the Denver Public Schools -- I am
16 sorry, he sat on the board for the Denver Public Schools,
17 and a BLM/Antifa member.

18 Q. When did you first learn -- or when did you first
19 learn of the need to corroborate your story, was it
20 yesterday on the stand?

21 A. On the stand here.

22 Q. Last night your attorney showed you a memorandum;
23 correct?

24 A. Yeah. It stated there was a document, a pretrial
25 order that was accompanied by a stack of, I think 30 or 40

1 different exhibits -- well, I don't know what the amount
2 was, but a pretty big stack of documents.

3 Q. Over a hundred pages?

4 A. Yes.

5 Q. And in the motion, do you recall reading the part
6 where the plaintiff had a year-long effort monitoring your
7 publications, et cetera?

8 A. The trial brief?

9 Q. Yeah. And that these monitorings led them -- led the
10 plaintiff to identify three other individuals. Do you
11 remember that?

12 A. Yes.

13 Q. One was Heidi Beedle.

14 A. Yes.

15 Q. The other was Erik Maulbetsch.

16 A. Yes.

17 Q. And the other one is A-U -- Auotai, A-U-O-T-A-I,
18 Anderson.

19 A. Yeah.

20 Q. So that led you to Google -- is it Auotai Anderson?

21 A. I think so, yeah.

22 Q. Is that Tay Anderson?

23 A. It is.

24 Q. How did you figure that out?

25 A. Google.

1 Q. Okay. That was filed by the attorneys in this case.

2 A. It was, on Monday.

3 MR. KACHOUROFF: All right. Your Honor, I would
4 like to hand a copy of the exhibit to the witness.

5 THE COURT: You may. 266?

6 MR. KACHOUROFF: Yes, Your Honor.

7 THE COURT: All right.

8 Q. (BY MR. KACHOUROFF) Take a moment to familiarize
9 yourself with that, please. Do you recognize that?

10 A. I do.

11 MR. KACHOUROFF: Move to admit.

12 MR. KLOEWER: No objection, Your Honor.

13 THE COURT: So admitted.

14 (Exhibit No. 266 is admitted.)

15 MR. KACHOUROFF: May I publish to the jury, Your
16 Honor?

17 THE COURT: You may.

18 MR. KACHOUROFF: Is it published?

19 COURTROOM DEPUTY: Yes.

20 Q. (BY MR. KACHOUROFF) Very top, it says "Tay
21 Anderson." Can you go ahead and underline or circle "Tay
22 Anderson." Do you see that?

23 A. Yes, "Tay Anderson."

24 Q. And that "Tay Anderson" is in your handwritten notes
25 on the day of the call?

1 A. Yes.

2 Q. All right. He says, "I am the at-large director of
3 the Denver Public School Board of Education and was
4 elected to this position in 2019." Do you see that?

5 A. Yes.

6 Q. Paragraph 3, "Throughout the Spring and Summer of
7 2020, the Black Lives Matter Protest Movement grew rapidly
8 in Colorado, specifically in Denver following the murder
9 of George Floyd. Moving your attention to similar issues
10 here in Denver, specifically with respect to concerns
11 about police brutality." Do you see that?

12 A. I do.

13 Q. Okay. So paragraph 4, "Through my consistent vocal
14 involvement in the Black Lives Matter movement" -- would
15 you underline "Black Lives Matter"?

16 A. (Indicating).

17 Q. -- "my public persona grew and I assumed both formal
18 and informal leadership roles within the movement."

19 Let's skip down to paragraph 6. "One of the
20 individuals to target of Black Lives Matter activists was
21 Joseph A. Camp." Could you quickly underline that.

22 A. (Indicating.)

23 Q. All three of these little notations are contained in
24 your handwritten notes.

25 A. Yes.

1 Q. We will flip over to the next page, page 3.

2 Paragraph 7 complains about his presence; right?

3 A. Yes.

4 Q. And then "On September 23, 2020" he -- "attended a
5 protest in Denver that I" -- meaning Tay -- "had helped
6 organize to demand justice for the murder of Breonna
7 Taylor." Would you put a line under "Breonna Taylor."

8 A. (Indicating).

9 Q. And so the affidavit says in paragraph 9, "As a
10 result of Camp's increasingly aggressive and potentially
11 violent conduct, many members of the Denver progressive
12 community, including myself, were deeply concerned for our
13 own personal safety," et cetera.

14 Underline the next line and read that to me in
15 paragraph 9.

16 A. "We scheduled a conference call to address these
17 concerns on September 25, 2020."

18 Q. I want you to go ahead and underline that.

19 A. (Indicating).

20 Q. You stated the call was on or about September 27th.

21 A. Yes.

22 Q. That was an approximate timeframe.

23 A. Within a week or so before that.

24 Q. This shows there is a call; correct?

25 A. Yes.

1 Q. And it corroborates your story that there was a call.

2 A. Yes.

3 Q. Go down to the next paragraph. "On September 25,
4 2020, I participated in a Zoom conference call with
5 roughly 15 to 20 other Denver activists where we discussed
6 the escalating threat of violence from Camp and how best
7 to counter his tactics peacefully." Do you see that?

8 A. Yes.

9 Q. So underline "Zoom." And then "roughly 15 to 20
10 other activists."

11 A. (Indicating).

12 Q. How many activists did you say were on the phone
13 call?

14 A. At one time there were 19 people on the phone call.

15 Q. You also testified it was a Zoom call.

16 A. Yes.

17 Q. This also corroborates your story, does it not?

18 A. Yes.

19 Q. Another source.

20 A. Yes.

21 Q. Now, one part of this affidavit does not corroborate
22 your side of the story, does it?

23 A. Yes.

24 Q. And what is that?

25 A. No. 11, "During that call, no one mentioned 'Eric

1 from Dominion' and I am not familiar with anyone who would
2 meet that description."

3 Q. So you disagree on that point.

4 A. I do. There is another part that is not consistent,
5 and that is who is visible during the call, because they
6 were not.

7 Q. Okay. One moment. I want to go back up to paragraph
8 10 just for a second. Do you see where it says, last
9 sentence, "as the administrator of the call" --

10 A. Yes.

11 Q. -- "I was generally familiar."

12 A. Yes.

13 Q. Right there. "Generally familiar with all of the
14 call participants," correct?

15 A. Correct.

16 Q. So he may not have been familiar with all of them, he
17 was just generally familiar.

18 A. Correct.

19 MR. KLOEWER: Objection, calls for speculation.

20 THE COURT: Sustained.

21 Q. (BY MR. KACHOUROFF) The affidavit says what it says;
22 right, "generally familiar."

23 A. Yes.

24 Q. Tay Anderson claims he does not know Eric Coomer, nor
25 has he ever met him.

1 A. Yes.

2 Q. That is not consistent with what you have said, is
3 it?

4 A. It is not. And many of the other people that were on
5 the call didn't know who Eric was either, which is why
6 somebody clarified who Eric was.

7 Q. And they asked "who is this guy?"

8 A. Yes.

9 Q. One of your other friends has also given an affidavit
10 in this case; has he not?

11 A. Yes.

12 Q. That would be Tig Tiegen.

13 A. John Tig Tiegen.

14 MR. KACHOUROFF: I will mark the next exhibit as
15 267, and I will show the witness from the ELMO. I just
16 want to make sure it is not published yet.

17 Q. (BY MR. KACHOUROFF) Do you recognize this
18 affidavit -- or declaration, I should say?

19 A. Yeah. It has been a few years since I have seen it
20 but, yes.

21 Q. This is Tig Tiegen.

22 A. Tiegen.

23 MR. KACHOUROFF: Move to admit.

24 MR. KLOEWER: No objection, Your Honor.

25 THE COURT: So admitted.

1 (Exhibit No. 267 is admitted.)

2 Q. (BY MR. KACHOUROFF) He says -- well, who is Tig
3 Tiegen?

4 A. He is a Benghazi war hero and ex-marine.

5 Q. So he was at the embassy in Benghazi.

6 A. He was.

7 Q. It says he was an independent contractor for 10 years
8 for the CIA and president of the USADF, a humanitarian
9 organization. Do you see that?

10 A. Yes.

11 Q. He says he has "direct personal knowledge that Antifa
12 is an organization. When a group of people have meetings,
13 social media accounts, organized protest marches, drives,
14 and they march under a flag and go after people like
15 myself as one group, it is an organization." Do you see
16 that?

17 A. Yes.

18 Q. Do you agree with Mr. Tiegen that that is what it is?

19 A. Yes.

20 Q. Paragraph 7. "Antifa members were urged to appear at
21 Black Lives Matter events and push BLM members to do
22 violence, attack people, and destroy things." Do you
23 agree with that?

24 A. A hundred percent.

25 Q. "Since July 2020, Antifa journalists have been

1 attacking both me and Mr. Oltmann in newspaper articles
2 they offer." Is that true?

3 A. Yes, it is.

4 Q. On September 20, he says, "I received a billing
5 statement from Antifa at my home address, which was
6 clearly fraudulent and designed to frighten and intimidate
7 me to Antifa's knowledge of my home address." Do you have
8 any knowledge about that?

9 A. Yes.

10 Q. What happened with that billing statement? What was
11 the purpose of it?

12 A. The billing statement was sent -- ultimately this is
13 a culmination that led to the divorce of John Tiegen and
14 his wife.

15 Q. "Due to safety concerns for myself and my family I
16 immediately contacted local police and informed them of my
17 concerns." Do you see that?

18 A. Yes.

19 Q. He then says, "Immediately after I received
20 communication from Antifa, I told Mr. Oltmann, who
21 informed me that he had an opportunity to infiltrate an
22 Antifa phone call to find out more about Antifa
23 journalists, Mr. Oltmann invited me to attend and listen
24 to the call."

25 And then in 13 he says, "I was not able to be on

1 this call because I had to be out of town in Orlando,
2 Florida, which I flew to on September 17th and returned on
3 September 21st." Do you see that?

4 A. Yes.

5 Q. Now, that doesn't exactly line up with what you said
6 or what Tay Anderson has said, which is the call occurred
7 on the 25th.

8 A. Correct.

9 Q. Why would John Tiegen put the 17th through the 21st
10 of September on that affidavit?

11 MR. KLOEWER: Objection, calls for speculation.

12 THE COURT: Sustained.

13 Q. (BY MR. KACHOUROFF) Do you have personal knowledge
14 of why he put September 17th through 21st on that
15 affidavit?

16 A. I do.

17 Q. And what is that personal knowledge from?

18 A. A conversation with John Tiegen.

19 Q. What did he tell you?

20 MR. KLOEWER: Objection, hearsay.

21 THE COURT: Sustained. You can approach.

22 MR. KACHOUROFF: Yes, can we approach?

23 (A bench conference is had.)

24 MR. KACHOUROFF: Under the rules it is perfectly
25 acceptable to impeach someone, even a declarant, a hearsay

1 declarant on prior inconsistent statements, and that is
2 what we are doing with Mr. Oltmann, because I won't have a
3 chance to recross, you will not let me recross him after
4 Brad gets to him next.

5 So my response to the objection that it is hearsay
6 is that is not hearsay because it is being offered for
7 impeachment purposes.

8 THE COURT: Mr. Kloewer.

9 MR. KLOEWER: I think it is speculative as to what
10 Mr. Tiegen knew or why, why he said the things he did,
11 so --

12 MR. KACHOUROFF: Just a prior inconsistent
13 statement, we are not trying to speculate. We laid the
14 foundation. You heard the statement.

15 THE COURT: All right. Overruled.

16 (In the hearing of the jury.)

17 Q. (BY MR. KACHOUROFF) Tell us why he chose -- what he
18 said to you about choosing September 17th and returning on
19 the 21st.

20 A. He just picked a part of the calendar that he had --
21 that was -- where he recalled it closely related. He came
22 in on -- left on the 17th and came back on the 21st, and
23 left again and came back. So he just said, it probably
24 happened during that time there.

25 Q. So he wasn't trying to be as precise as you would

1 like?

2 A. No, he was not.

3 Q. "After my return, Mr. Oltmann and I discussed it, and
4 he talked about Heidi Beedle as either being on the call
5 or mentioned on the call." Is that accurate?

6 A. It is.

7 Q. "Mr. Oltmann informed me that he also heard something
8 to the effect that 'Trump wouldn't win, they were going to
9 take care of it' and thought journalists were trying to
10 get out some propaganda." Is that true?

11 A. It is.

12 Q. It is not exactly the way you said it; right?

13 A. No. No.

14 Q. As messages begins to get delivered from person to
15 person, it tends to change, doesn't it?

16 A. Yeah. He is just matter of fact.

17 Q. And he says below, "I am not generally involved in
18 politics or political issues and do not typically watch
19 Conservative Daily." So he wasn't a fan.

20 A. No.

21 Q. Once Mr. Oltmann started receiving death threats,
22 members of the UADF --

23 COURT REPORTER: Please slow down.

24 MR. KACHOUROFF: I am sorry, ma'am.

25 Q. (BY MR. KACHOUROFF) Once Mr. Oltmann started

1 receiving death threats, members of UADF watched over
2 Mr. Oltmann when he was out in public to ensure his
3 safety; right?

4 A. Yes.

5 Q. This affidavit was signed October 21st. Do you see
6 that?

7 A. October 4th --

8 Q. October 4th.

9 A. -- of 2021.

10 Q. Okay. So these documents were actually filed in your
11 case years ago.

12 A. Yes.

13 Q. Did you recall them when they were shown to you last
14 night?

15 A. Yes.

16 Q. But you'd forgotten about them.

17 A. I had, yes.

18 Q. Last night you remembered they were there.

19 A. Yeah. I had never read the Tay Anderson affidavit, I
20 just knew it existed.

21 Q. So these were filed in your case in 2021.

22 A. Yes.

23 Q. And do you consider these affidavits as corroborating
24 your story?

25 A. Among other things, yes. Can I expand on that?

1 Q. Yeah, sure. "Among other things," what you do mean
2 by that?

3 A. So the information that you have in a realtime, is
4 realtime information. So the more information you get
5 destroys the confirmation bias. You are always looking
6 for information to make sure what you actually have is
7 validated so you are not trying to just make a story up in
8 your head.

9 So as you go into 2020, there is an amount of
10 information I had in December, and there were doubts based
11 on what happened, what happened in the election. As we
12 got further into November and December and the things
13 being done either to me or around me --

14 MR. KLOEWER: Objection, Your Honor, getting into a
15 narrative.

16 THE WITNESS: Your Honor, there is --

17 THE COURT: Hold on. Counsel, approach.

18 (A bench conference is had.)

19 MR. KACHOUROFF: I will control him a little bit.

20 THE COURT: I allowed him to answer the
21 corroboration statement, but that is getting a little
22 close to a legal conclusion of whether or not something is
23 proper or not. So he needs to move on from this.

24 MR. KACHOUROFF: We will move on. Thank you.

25 (In the hearing of the jury.)

1 Q. (BY MR. KACHOUROFF) I would like to turn just
2 briefly to your general knowledge, general information
3 about how the voting systems work --

4 A. Yes.

5 Q. -- and the basis for your research and why you
6 believed it. Tell us how you got started doing -- just to
7 begin, what made you decide to look at the voting
8 equipment?

9 A. Eric wrote an article in the Denver Post that stated
10 that I had lied and that he did not have a Facebook page
11 and he did not have a Twitter page, and that I --

12 Q. Made stuff up?

13 A. No, that I impersonated him. And so with that came
14 massive new death threats, and those death threats led to
15 the lawsuit that I was served about a week-and-a-half
16 later. And that led me to go, okay, so we first started
17 off with Eric Coomer --

18 Q. Let me stop you. Approximately what date was the
19 lawsuit filed against you?

20 A. End of December.

21 Q. Of what year?

22 A. 2020.

23 Q. Okay. So we have got your involvement with your
24 movement in July of 2020, FEC.

25 A. Yes.

1 Q. And then you have the Antifa/BLM conference call that
2 occurred on or about September 25, 26, 27, of 2020.

3 A. Yes.

4 Q. And you have got the affidavits that speak to the
5 call.

6 A. Well, I have a video that speaks to the call, as well
7 that was published by not me, but by a journalist outfit.
8 So it was on October 16th, the day after I had a meeting,
9 which coincidentally they found all of the people that are
10 a part of this Antifa journalist group and had them all
11 write affidavits.

12 Q. Let me ask you a question. There was an article
13 published October 15th.

14 A. With a video of me talking about infiltrating Antifa
15 on October 15, long before the election. Nobody knew what
16 was going to happen at the election. Nobody knew. Yes,
17 it was a polarizing event. There were a lot of things
18 happening right there. I actually don't think that anyone
19 knew how they really felt based on all of the stuff they
20 dealt with with COVID, PTSD stuff there.

21 Q. October 15th through the general election in
22 November, November 3 --

23 A. November 3, yes.

24 Q. -- anything happen in between that timeframe?

25 A. Just -- yeah, information getting people together. A

1 lot of the things we were concentrated on was just getting
2 people in the community to just stand together.

3 Q. I'm trying to help us have a timeline so that when
4 the jury goes back to look at these things they can go to
5 these dates. So we started with July, the September call,
6 October 15 meeting. Then you have the general election,
7 then you have you were elk hunting November 6th.

8 A. November 6th I was elk hunting with my friend, Gordon
9 Beckstead, 88 years old. He has been my best friend
10 forever.

11 Q. On that day on November 6th, you got a text; correct?

12 A. I did.

13 Q. What was the text?

14 A. It was just, "hey, you need to look at this article."

15 Q. What did the article contain?

16 A. Stories about what was going on in Georgia related to
17 Dominion Voting Systems, obviously three days after the
18 election. The election had not been decided yet, it
19 wasn't decided until the 7th.

20 Q. Did you read the article?

21 A. I did.

22 Q. Whose name appeared in the article?

23 A. Eric Coomer's.

24 Q. And is that the first time, on November 6th when you
25 got that text, that you linked up whom you believed was

1 Eric Coomer with the Antifa call?

2 A. Yes.

3 Q. Had you seen the Facebook posts at that point?

4 A. I had not seen anything at that point related to any
5 social media.

6 Q. You were reminded of the call, and you thought you
7 remembered it because you remembered the name Eric Coomer.

8 A. Yes. Actually I remembered not Eric Coomer, I
9 remembered the research I did. And what led me to
10 actually look at it was the video that -- you know, Eric
11 has a distinctive voice. So I linked up the videos. I
12 knew it was him. Then I went to do what I do, which is
13 collect data; get as much information as I possibly can to
14 corroborate whether or not he was or was not on that call.

15 Then what he said became very significant. Prior
16 to that I wasn't looking for him, I was looking for Antifa
17 journalists. I would never even talk about him because
18 frankly it was hyperbolic to me, it didn't seem real.
19 There was no part of what he was saying that I thought to
20 myself, this guy could really take an election. I don't
21 think anybody did.

22 Q. Then you have the November 9 podcast where you
23 mention him for the first time; correct?

24 A. Yes.

25 Q. Okay. So you have all these events. What leads you

1 to start looking at the election machines themselves?

2 A. Getting sued. I wanted to know whether or not the
3 elections could be stolen, and if they could be stolen,
4 how did it get stolen. Since I am a system architect, I
5 just dug into it. I read all of the manuals, got into all
6 of the information, collected all of that stuff, then took
7 it from different states, turned it sideways, compressed
8 it, then looked at the similarities of the system across
9 states to find vulnerabilities.

10 At that point, I thought I had the Holy Grail of
11 how they were going to steal the 2021 runoff election, the
12 senate runoff election in Georgia, with two senators they
13 had a secondary election. So I picked up the phone and
14 called --

15 Q. A "runoff election." And I don't want to go too far
16 afield, I want to focus on general information about how
17 you know the machines worked. You believed that there are
18 deviations shown in the vote records.

19 A. So it is not -- it's -- the election system is a very
20 complex system, and Dominion is basically the head. Then
21 from Dominion it goes to an organization called Sivar.
22 Sivar then transfers it to Edison. Edison then provides
23 that information to the general public.

24 So it is what you see on the TV that gets
25 transmitted to the media environment, but prior to that,

1 you have this sophisticated system, the EMS system,
2 tabulators. It is --

3 Q. EMS stands for Election Management Server.

4 A. Yes.

5 Q. And what is a tabulator? This is the dry stuff.

6 A. You feed the ballots through the tabulator.

7 Q. So it kind of counts.

8 A. It is supposed to count ballots. Counts the results
9 of the ballots.

10 Q. If the machine doesn't count it, your understanding
11 is it goes to --

12 A. -- adjudication.

13 Q. Which Dr. Coomer would have invented, or co-invented;
14 right?

15 A. Yes. He holds the patent to the adjudication
16 process. And when I went through the machines and turned
17 them on their side, you start out with information that is
18 backed up by his character and what he is doing and his
19 connections to Antifa. And then from there you start to
20 build on that and collect more information on things that
21 Eric Coomer does specifically and what he has access to.

22 So you get into the adjudication process, and you
23 figure out -- you read all of the patents for that, and
24 other patents that he holds, as well, and then you read
25 the manuals, the Democracy Suite manuals. And what

1 happened, that we were able to see from November 3, 4, and
2 5 on the election in 2020, then from there you build a
3 model. And then that model I sent to Washington.

4 Q. I don't want you to go into any other voting machine
5 company, we will limit this to just Dominion.

6 A. This is Dominion. Just Dominion.

7 Q. Tell me about deviations and the impact of
8 deviations.

9 A. Some of the base deviations that we saw and which
10 supported --

11 Q. First of all, what does a "deviation" mean?

12 A. It is a -- you know, you have normal operations, then
13 you have deviations; things that should not occur inside
14 of any system, any computer system. So a deviation is
15 when you turn on your computer is that your password
16 disappeared. Like when you have to put your password in,
17 it is not there, that is a deviation, and that leads you
18 to believe something is wrong with your system or that it
19 is operating differently than it would have operated had
20 you had normal operation. Or your cellphone, when you go
21 to open your cellphone and it no longer has a password
22 protection, that would be a deviation.

23 Q. Do you feel that you saw deviations in the November
24 2020 general election?

25 A. Massive deviations in the election. It wasn't

1 related to the deviation of people, because people are
2 going to do things that are going to be different in
3 different areas. In other words, there are different
4 competency levels of people; like sending ballots through
5 a tabulator over and over and over again. That doesn't
6 necessarily mean what they did was wrong.

7 The deviations I looked for were deviations in the
8 systems, themselves, how they operate, and then looked at
9 behavior around that that would stop people from getting
10 access to that information.

11 Q. Okay. Let's move on from there. Let's talk about --
12 you're currently in the cyber IT world; is that fair to
13 say?

14 A. Yes.

15 Q. You know computer systems generally.

16 A. Generally.

17 Q. Can they be hacked without anybody knowing?

18 A. Yes.

19 Q. Are the voting machines essentially computers?

20 A. They are computers. It is a sophisticated system
21 that has turned, what should be an easy calculation, into
22 something very sophisticated and very, very, very, very
23 untransparent.

24 Q. Now, there is going to be the testimony of one of
25 your former colleagues in just a few moments, named Max

1 McGuire. Do you know who he is?

2 A. I do.

3 Q. Who is he?

4 A. He is an incredible guy. He was my friend and worked
5 for me under Conservative Daily doing advocacy for about 8
6 years, 9 years before the --

7 Q. You had a falling out for about 6 months; correct?

8 A. Yeah. We had a falling out that lasted longer than 6
9 months for sure. But I know that they deposed him about 6
10 months after, and it was still pretty raw.

11 Q. And he is going to say that you sometimes embellish
12 with, we will call it fishermen tales. Is that correct to
13 say?

14 MR. KLOEWER: Objection, calls for speculation.

15 THE COURT: Sustained.

16 THE WITNESS: Max knows everything about me.

17 THE COURT: Mr. Oltmann, the objection has been
18 sustained, so you can't answer the question.

19 Q. (BY MR. KACHOUROFF) You said Max knows everything
20 about you.

21 A. He does.

22 Q. You all are friends to this day.

23 A. I would consider him a friend for sure.

24 Q. Okay. I want to talk to you about Mr. Lindell. You
25 and Mr. Lindell have talked about deviations before and

1 things like the cast-vote records; the votes that have
2 actually been cast; correct?

3 A. Yes.

4 Q. And that is something that you both agree on
5 happened.

6 A. Absolutely.

7 Q. Yesterday you talked about this guy Dennis
8 Montgomery. You called him a fraud, and didn't believe a
9 word that he said.

10 A. He is a con man for sure.

11 Q. You know Mr. Lindell disagrees with you. You have
12 personal knowledge he disagrees with you.

13 A. I get it, but he is wrong.

14 Q. Let me ask you this. Does Mr. Lindell rely only on
15 Dennis Montgomery, or the 30 or 40 other experts he talked
16 to?

17 MR. KLOEWER: Objection, Your Honor.

18 THE COURT: Sustained.

19 Q. (BY MR. KACHOUROFF) Do you know the name Dr. Walter
20 Daugherity?

21 A. I do.

22 Q. What do you think of Walter Daugherity?

23 A. He is a computer scientist, an ex-professor, probably
24 one of the smartest men you will find.

25 Q. Does he espouse positions on the election of 2020?

1 A. He does.

2 MR. KLOEWER: Objection, Your Honor.

3 THE COURT: Sustained. Counsel, approach.

4 (A bench conference is had.)

5 THE COURT: Mr. Kachouroff, you can make your
6 record as you need to, and plaintiff's counsel can make
7 the objections so we can preserve them, but I have
8 sustained every single question that is improper vouching
9 as to another witness and what that witness may or may not
10 testify to, which has not been admitted into evidence yet.

11 MR. KACHOUROFF: I am not at all having any
12 vouching, I am just trying to set the broader context,
13 because we had a guy come in named Matt Crane, who talked
14 at length about a private club of election officials who
15 were determining -- they were the tsars of free speech,
16 determining what is misinformation, what is
17 disinformation, what is malinformation.

18 And then we talked about voting machines generally
19 and how safe they were, vouching for them. They were not
20 even the producer of the machine. You know, they worked
21 on them. And all I am doing is having Mr. Oltmann testify
22 about the broad universe of beliefs that existed on this
23 side of the fence. That is it.

24 THE COURT: All right. Mr. Kloewer.

25 MR. KLOEWER: Your Honor, they are using it as a

1 way to back door expert testimony. They have no experts
2 admitted. He is trying to get in statements from people
3 we don't have an opportunity to take their testimony. It
4 is all hearsay. So we object to this line of questioning.

5 MR. KACHOUROFF: You can issue a limiting
6 instruction, Your Honor.

7 THE COURT: I am going to stick with my prior
8 ruling, and you have made your record.

9 MR. KACHOUROFF: Okay.

10 (In the hearing of the jury.)

11 Q. (BY MR. KACHOUROFF) Have you seen Mr. Lindell
12 talking to other experts?

13 A. I have.

14 Q. A fair number of them.

15 A. Yes.

16 Q. A fair number that you know of.

17 A. Yes.

18 Q. With credentials that equal professors and --

19 MR. KLOEWER: Objection, Your Honor.

20 THE WITNESS: Yes.

21 MR. KACHOUROFF: I am finished, Your Honor.

22 THE COURT: All right.

23 MR. KACHOUROFF: Nothing further. I pass the
24 witness.

25 THE COURT: Mr. Kloewer.

REDIRECT EXAMINATION

2 **BY MR. KLOEWER:**

3 Q. Mr. Oltmann, I believe you stated this morning that
4 you just became aware of an affidavit from Tay Anderson.
5 Did I hear you correctly?

6 A. No, that is not what I said. I said I became aware
7 it was inside of this case, because I was given that
8 information by my attorney.

9 Q. Let's pull -- let's take a look at that affidavit for
10 Mr. Anderson, if we could.

11 MR. KLOEWER: Is that Exhibit 265?

12 THE COURT: 266.

13 Q. (BY MR. KLOEWER) Take a look at 266 please. And
14 let's go to the second page of this document. Do you see
15 that blue text in the top right corner that says "Date
16 Filed."

17 A. Yes.

18 Q. That says September 17th of 2021; right?

19 A. Yes.

20 Q. And on the left-hand side, we see that is Eric Coomer
21 v. Donald Trump.

22 A. Yes.

23 Q. That is a case where you are a defendant.

24 A. Yes.

25 Q. Down below that we see attorneys for plaintiff. Do

1 you see that?

2 A. Yes.

3 Q. Okay. So that means that this affidavit was filed in
4 that case by Eric Coomer; right?

5 A. Yes.

6 Q. Okay. And we had a hearing in that case for about
7 two days in October. Do you remember that?

8 A. I do not.

9 Q. You were in the courthouse for two days at the
10 anti-SLAPP hearing.

11 A. Is that a question?

12 Q. Right?

13 A. I assume. If you say that, I will assume it is a
14 fact.

15 Q. When we discuss this evidence that Dr. Coomer had
16 submitted against you, you were there?

17 A. If you say I was, yes.

18 Q. So this information about Mr. Anderson is not a
19 surprise to you.

20 A. Actually, I didn't say that. I said that I had not
21 read it, and I did not read it until last night.

22 Q. Let's take a look at some of the substance of this
23 document.

24 A. Okay.

25 Q. Let's look at paragraph 10 here. On page 3,

1 "September 25, 2020, I participated in a Zoom conference
2 call with roughly 10 to 20 other activists" --

3 A. It says "15 to 20 other activists."

4 Q. -- "where we discussed the escalating threat of
5 violence from Joey Camp and how best to counter his
6 tactics peacefully. We discussed this" -- and he says --
7 "as the administrator of the call, I was generally
8 familiar with all of the call participants who were
9 visible during the call," right?

10 A. Yes.

11 Q. So that can't be the call that you discussed
12 yesterday, could it?

13 A. It could actually.

14 Q. Well, you testified that none of the participants
15 were visible; right?

16 A. Yes, I did.

17 Q. Okay. So these must be different calls.

18 A. Well, so you got an affidavit written by the guy that
19 is the head of BLM who is accused of 62 counts of hurting
20 children.

21 THE COURT: Mr. Oltmann, could you just answer the
22 question.

23 THE WITNESS: You have a pedophile that literally
24 said --

25 THE COURT: Mr. Oltmann --

1 THE WITNESS: I am answering the question.

2 MR. KLOEWER: Your Honor, objection.

3 THE COURT: I am going to strike that last
4 statement.

5 THE WITNESS: Oh, my gosh.

6 THE COURT: Mr. Oltmann, can you answer
7 Mr. Kloewer's question, please. The question was, "So
8 these must be different calls." And if your answer is no,
9 then your answer is no.

10 THE WITNESS: My answer is it's highly coincidental
11 that Eric Coomer would go and find someone that was on the
12 call --

13 MR. KLOEWER: Objection, non-responsive.

14 THE WITNESS: -- and have all of this --

15 THE COURT: Mr. Oltmann -- can we have a side bar.
16 (A bench conference is had.)

17 THE COURT: So, Ms. Hall, I really do not want to
18 have to admonish Mr. Oltmann in front of the jury, that is
19 not my intent. He needs to answer the question.

20 To the extent, Mr. Kachouroff, you need very, very
21 limited recross, since he is also your witness, I will
22 permit that. But, again, we just need to keep moving and
23 he needs to answer to question. Again, I do not want to
24 have to admonish him.

25 MR. KACHOUROFF: Did she tell him to just answer

1 the question?

2 THE COURT: If he wants to come up here I am happy
3 to instruct him.

4 MR. KACHOUROFF: Can she do that?

5 THE COURT: Again, I want to make it clear I am not
6 trying to prejudice or bias anyone, I just need him to
7 focus on the question.

8 MS. HALL: I understand. May I ask him to come to
9 the bench?

10 THE COURT: Yes.

11 Mr. Oltmann, I am not trying to prevent you from
12 saying what you feel like you need to say in response to
13 the question, but if you can listen to the question and
14 answer the question, things will go faster.

15 I told Mr. Kachouroff he will have an opportunity
16 to do some limited recross within the scope of
17 Mr. Kloewer's examination of you. So if you can just
18 listen to Mr. Kloewer's question and please answer it.

19 I am not trying to admonish you in front of the
20 jury. I don't want to do that.

21 THE WITNESS: Yes, ma'am. Thank you.

22 (In the hearing of the jury.)

23 THE COURT: All right. Could you re-ask the
24 question, please.

25 MR. KLOEWER: Yes, Your Honor.

1 Q. (BY MR. KLOEWER) So Mr. Anderson is describing
2 different circumstances, yes?

3 A. Yes.

4 Q. Paragraph 11, "During that call, no one mentioned
5 Eric from Dominion. I am not familiar with anyone who
6 would meet that description." Do you see that?

7 A. Yes.

8 Q. It goes on to state, "I do not know Eric Coomer, nor
9 have I ever meet him." Did I read that correctly?

10 A. Yes.

11 Q. Paragraph 13, "In all my time working in the Denver
12 community, specifically with members of the community that
13 are or have been administratively involved in the Black
14 Lives Matter movement or other related movements through
15 Social Justice, I have never heard the name Eric Coomer or
16 had any interactions with anyone who claimed to know him."
17 Do you see that?

18 A. I do.

19 Q. And this was filed, as we have already established,
20 on September 17, 2021; right?

21 A. Yes.

22 Q. All right. Let's take a look at the affidavit of
23 Mr. Tiegen. Let's get that pulled up, that is Exhibit
24 267. And we talked a bit about Mr. Tiegen. You described
25 him as "a friend," correct, Mr. Oltmann?

1 A. I would, yes.

2 Q. Okay. And let's take a look at the date this was
3 filed if we could. Top right corner. Top right-hand
4 corner I am looking at the date of this document. Is that
5 legible there? Can you read that, Mr. Oltmann?

6 A. Yes.

7 Q. What date is that? October 4, 2021; right?

8 A. Oh, the blue marks at the top, the date filed is
9 October 4, 2021.

10 Q. So about two-and-a-half weeks after you received a
11 copy of Mr. Anderson's declaration in that proceeding is
12 when you submitted an affidavit from your friend,
13 Mr. Tiegen?

14 A. What was the date of the previous one?

15 Q. September 17th.

16 A. Okay. Yes.

17 Q. In this affidavit, if we look at paragraph 13. Let's
18 take a look at paragraph 13 there. He says, "I was not
19 able to be on this call because I had to be out of town in
20 Orlando, Florida, which I flew to on September 17th and
21 returned on 21st." Did I read that correctly?

22 A. Yes.

23 Q. So two-and-a-half weeks after you became aware of
24 Mr. Anderson's affidavit, your friend filed an affidavit
25 that, for the first time, placed the date of the call as

1 much as 10 days prior to what you had claimed in your
2 sworn testimony; right?

3 A. Yes.

4 Q. And placing the call between September 17th and
5 September 21st, means it can't have been the call that
6 Mr. Anderson described in his affidavit; right?

7 A. Well, we couldn't be sure of what the dates were, and
8 to John Tiegen I said, pick a date somewhere in there that
9 you had a trip, and it was within that time period. So
10 there are lots of time he was out of town, he just said, I
11 think it was between this. I told him to tell the truth
12 of what he could recall.

13 Q. We can assume he told the truth.

14 A. I am sorry.

15 Q. We can assume he told the truth; right?

16 A. Yes.

17 Q. Okay. Mr. Oltmann, I believe you provided sworn
18 testimony yesterday that you did not have any personal
19 animus toward Eric Coomer. Did I hear you correctly?

20 A. Yeah.

21 Q. All right. I will ask you a few yes or no questions
22 here. If we can go to Exhibit 34. This is a Parler post
23 attributed to Joe Oltmann. And let's zoom in on that last
24 paragraph and the image, if we could, please. "So it is
25 up to you. Blow this shit up. Share, put his name

1 everywhere. No rest for this shitbag. Eric Coomer, Eric
2 Coomer, Eric Coomer. This shitbag and the corrupt asshats
3 in Dominion Voting systems must not steal our election and
4 our country! Eric we are watching you..." You posted
5 that.

6 A. Actually, I don't think I did.

7 Q. Mr. Oltmann, you posted this, didn't you?

8 A. I don't think I did. As a matter of fact, there is
9 no record of it, and we went all of the way through and
10 looked it up and went to Parler. And you came up with
11 this, but it is not a record that they were able to
12 corroborate at all.

13 Q. Mr. Oltmann, we have discussed this before.

14 A. And I was very consistent in what I said before. It
15 would have been something I said, and that is what happens
16 when you have people come to your house with guns and you
17 have people that try to do harm to your family and go to
18 your wife's work and try to do harm to her, and go to your
19 children, who have nothing to do with --

20 MR. KLOEWER: Objection, non-responsive.

21 THE WITNESS: I was responsive in telling you
22 exactly what happened during --

23 THE COURT: Mr. Oltmann, do you remember our
24 discussion at side bar?

25 THE WITNESS: Yes, ma'am. Sorry.

1 THE COURT: Thank you.

2 Q. (BY MR. KLOEWER) Let's pull up Exhibit 238, please.
3 This is a Telegram post from April 6th. Do you see that,
4 Mr. Oltmann?

5 A. Yes.

6 Q. And this is the day after Mr. Lindell was served with
7 this lawsuit. I am going to read this first paragraph
8 here. You recognize this.

9 A. I don't, but I probably wrote it.

10 Q. "Eric piece of crap Coomer sued Mike Lindell for
11 'hanging out with Joe Oltmann'..." -- and we have a few
12 laughing emojis here -- "truth is a bitch isn't it Eric.
13 I am going to eviscerate you. At least by your own
14 admission we know what restaurant in Salida to NOT do
15 business with. You own the Fritz, right?" You wrote
16 that?

17 A. I did.

18 Q. Let's look at the last portion of this message.
19 "Yeah you are a righteous guy... shitbag. Your attorneys
20 and you need to know... I will chase the truth till the
21 end. I don't grow tired and I don't care what the
22 consequences are. I will make sure you are held
23 accountable. Because of you and Dominion, Millions of
24 Americans are suffering today. You and your trash company
25 are the reason we have a shitbag in the White House who

1 drools on himself and can barely finish a sentence. A
2 reckoning is coming..." You wrote that, didn't you?

3 A. I did.

4 Q. Let's take a look at what is marked as Exhibit 216.
5 You see this image, Mr. Oltmann.

6 A. I do.

7 Q. It appears to be you on a Conservative Daily podcast.

8 A. Yes.

9 MR. KLOEWER: Move to admit Exhibit 216.

10 MR. KACHOUROFF: Without objection.

11 THE COURT: So admitted.

12 (Exhibit No. 216 is admitted.)

13 (Exhibit 216 played in open court.)

14 MR. KLOEWER: No further questions.

15 THE COURT: Re-cross?

16 **RECROSS-EXAMINATION**

17 **BY MR. KACHOUROFF:**

18 Q. In that last video you said, "should be held
19 accountable."

20 A. Yes.

21 Q. Did you mean held accountable in the justice system,
22 as we are in this type of situation today?

23 A. Yeah. The penalty for treason is the death penalty.

24 Q. Okay. But that would not be something that you would
25 enact.

1 A. No.

2 Q. How would that -- how could that possibly happen?

3 A. Through the judiciary.

4 Q. The court system; correct?

5 A. Yes. Look, in -- can I expound on this?

6 MR. KLOEWER: Objection, Your Honor.

7 THE COURT: No.

8 Mr. Kachouroff, ask a question.

9 MR. KACHOUROFF: Your Honor, I have nothing further
10 at this time.

11 THE COURT: Mr. Oltmann, you may step down, you are
12 released from your subpoena.

13 THE WITNESS: Thank you.

14 THE COURT: Counsel, is plaintiff ready to call
15 their next witness?

16 MS. MORGAN: Plaintiff calls Max McGuire by video
17 deposition.

18 THE COURT: All right.

19 (Videotaped deposition of Max McGuire played in
20 open court but not reported.)

21 THE COURT: All right. Mr. Cain, are you ready to
22 call your next witness?

23 MR. CAIN: We are.

24 MR. KLOEWER: Plaintiff calls Heidi Beedle.

25 Your Honor, we are trying to find the witness.

1 This may be a good opportunity for a slight break.

2 THE COURT: Why don't we take a slight break. We
3 will be back on the record when we can find the witness.

4 (A break is taken from 11:38 a.m. to 11:54 a.m.)

5 THE COURT: Thank you. Please be seated.

6 Are you ready for the jury?

7 MR. KLOEWER: Yes, Your Honor.

8 THE COURT: Madam deputy.

9 (In the presence of the jury.)

10 THE COURT: Thank you. Please be seated.

11 Mr. Kloewer.

12 MR. KLOEWER: Thank you, Your Honor. Plaintiff
13 calls Heidi Beedle.

14 COURTROOM DEPUTY: Ms. Beedle, if you can stand up
15 here, please.

16 **HEIDI BEEDLE**

17 having been first duly sworn, testified as follows:

18 THE WITNESS: I do.

19 COURTROOM DEPUTY: Please be seated.

20 Please state your name, and spell your first and
21 last name for the record.

22 THE WITNESS: Heidi Beedle. H-E-I-D-I B-E-E-D-L-E.

23 **DIRECT EXAMINATION**

24 **BY MR. KLOEWER:**

25 Q. Good morning. Thank you for being here today.

1 Can you tell the jury what it is you do for a
2 living.

3 A. A journalist reporter for the Colorado Times
4 Recorder.

5 Q. Do you cover any specific subject matter for the
6 Colorado Times Recorder?

7 A. I am a reproductive justice reporter for the Colorado
8 Time Recorder. So I cover abortion and reproductive
9 rights and issues around that. The Colorado Times
10 Recorder is a statewide politics blog which focuses on
11 kind of right-wing extremism and general state-level
12 politics.

13 So I cover both reproductive justice issues and
14 then also, you know, just general politics, mixed media,
15 that sort of thing.

16 Q. How long have you been working there?

17 A. Since February of 2022.

18 Q. Okay. And were you working -- how long have you been
19 working as a journalist more broadly?

20 A. Since roughly 2017.

21 Q. Before that time, did you ever serve in the military?

22 A. I did. I was in the military for 8 years, from 2003
23 to 2011.

24 Q. And during that time, were you ever deployed abroad?

25 A. Yes. I spent a year in Korea, then three deployments

1 to Iraq.

2 Q. Combat deployments.

3 A. Yes.

4 Q. And where did those deployments occur?

5 A. My first deployment was in the Anbar Province in
6 between Ramadi and Fallujah. My second was in Bagdad, in
7 Sadr City. And my last deployment was in Basra.

8 Q. And what sort of work were you doing on those
9 deployments?

10 A. I was in the infantry, so patrols and raids and
11 infantry kind of things.

12 Q. Did you receive any awards during your time in
13 service?

14 A. Yeah. I was awarded the Combat Infantry Badge, the
15 Bronze Star, a couple of Army Commendation Medals, an Army
16 Achievement Medal, and like a bunch of other service
17 ribbons, kind of random things they give everybody.

18 Q. I won't go into all of those, but you mentioned a
19 Combat Infantry Badge.

20 A. It is an award given to infantry soldiers who have
21 been engaged in ground combat with opposing forces.

22 Q. And are you still in the Army?

23 A. No. I left the service in 2011.

24 Q. Were you honorably discharged?

25 A. I was, yes.

1 Q. What was your rank at the time?

2 A. Sergeant E5.

3 Q. Okay. That was 2011 you said.

4 A. Yes.

5 Q. And you began working as a journalist, I understand
6 about 2017?

7 A. 2017, yes.

8 Q. Okay. And in your reporting over the years you
9 mentioned a bit of the topics you covered. Do you know
10 the name Joe Oltmann?

11 A. I do, yes.

12 Q. And how do you know the name Joe Oltmann?

13 A. He founded the conservative activist group called FEC
14 United, and he made claims about Dominion Voting Systems
15 stealing the 2020 election. He has been involved in a
16 variety of different activities, both in -- both, kind of
17 state level, like Colorado politics, as well as kind of
18 national events.

19 He worked for Clay Clark for a while. He has a
20 podcast, and has had various figures from the political
21 right, guys like Patrick Byrne, Jovan Pulitzer are sort of
22 who -- people who are MAGA right or extreme right
23 throughout the last 5 or 6 years.

24 Q. Have you written stories on Mr. Oltmann?

25 A. I have, yes.

1 Q. What was the first story you wrote on Mr. Oltmann?

2 A. The first story on Mr. Oltmann was in October of
3 2020, following this "Patriot Muster" event that took
4 place in downtown Denver in which one of the participants
5 was killed by a security guard hired by 9News.

6 Q. Was Mr. Oltmann involved in planning that?

7 A. Yes. He was one of the organizers and speakers at
8 the event.

9 Q. Since that time, have you written additional stories
10 on Mr. Oltmann?

11 A. I have, yes.

12 Q. Do you know how he feels about your reporting?

13 A. I am aware, yes.

14 Q. You mentioned you are familiar with Mr. Oltmann's
15 claims about Eric Coomer; right?

16 A. Yes.

17 Q. And are you familiar with Mr. Oltmann's claim about
18 an Antifa conference call?

19 A. Yes.

20 Q. Were you on that call?

21 A. I was not.

22 Q. What do you know about the call? Let's back up and
23 start there.

24 MR. KACHOUROFF: Objection, Your Honor, lacks
25 personal knowledge. She said she doesn't know about the

1 call.

2 THE COURT: Overruled.

3 Q. (BY MR. KLOEWER) What do you know about
4 Mr. Oltmann's claim about the call?

5 A. I know the claims that he, himself, made and that
6 have been republished, and claims that he made that was in
7 the affidavit that he filed with the Sidney Powell lawsuit
8 seeking to overturn the 2020 election. Mr. Oltmann
9 essentially claimed that he was approached --

10 MR. KACHOUROFF: Objection, Your Honor.

11 THE COURT: Approach.

12 (A bench conference is had.)

13 THE COURT: So, Mr. Kachouroff, can you state your
14 objection?

15 MR. KACHOUROFF: It is hearsay within hearsay.
16 First of all, referring back to the court record, she has
17 no personal knowledge, she is reciting what she thinks she
18 read in the court record.

19 MR. KLOEWER: She has been reporting on Mr. Oltmann
20 for years, and she has knowledge of the claims alleged
21 against her, as well as Dr. Coomer.

22 THE COURT: So she can talk about what she knows
23 and how she reported. I am not going to have her sit on
24 the stand and recite hearsay. I didn't let Mr. Oltmann do
25 it, I will not let her do it.

1 MR. KACHOUROFF: Thank you, Your Honor.

2 (In the hearing of the jury.)

3 Q. (BY MR. KLOEWER) Ms. Beedle, has Mr. Oltmann accused
4 you of being on that Antifa call?

5 A. He has.

6 Q. How did you become aware of that?

7 A. Well, through the affidavit that I have been shown
8 and through various pronouncements and posts he has made
9 on social media and on his podcasts.

10 Q. I asked you before, but were you ever on an Antifa
11 call?

12 A. No.

13 Q. Were you on any conference call with a group of
14 activists around late 2020?

15 A. No.

16 Q. What were you doing for a job at the time?

17 A. I was working for the Colorado Springs Independent as
18 a general assignment reporter.

19 Q. But prior to that time -- I do want to talk about
20 Antifa in general a little bit. You, yourself, have been
21 associated with this concept of Antifa; right?

22 A. That's correct.

23 Q. And how have you been associated with Antifa?

24 A. Starting in late 2016, I was an activist in Colorado
25 Springs, and I started a blog called Colorado Springs

1 Anti-Fascists, and I documented individuals and groups
2 that were organizing on the far right that were generally
3 kind of white nationalists and sort of extremists in
4 character, such as the Proud Boys, Identity Evropa, the
5 Traditionalist Worker Party, and later Patriot Front.

6 Q. Have you been involved in activism outside of that?

7 A. No.

8 Q. During that time, were you involved with any other
9 sort of activist groups?

10 A. No.

11 Q. I will just ask you directly, do you know Eric
12 Coomer?

13 A. I do not, no.

14 Q. Have you ever met him?

15 A. No.

16 Q. Never spoken to him.

17 A. No.

18 Q. Have you ever been involved in any group that
19 Mr. Coomer is associated with, as far as you are aware?

20 A. Not that I am aware of.

21 Q. Are you aware of, through your reporting on this
22 issue, this idea -- or this Facebook posting of the Antifa
23 manifesto?

24 A. I have heard of it, yes.

25 Q. And have you had an opportunity to review that

1 through your reporting?

2 A. Not particularly. And I can explain why if you would
3 prefer.

4 Q. Yeah.

5 A. I mean, I will point out, I was one person in
6 Colorado Springs. I had a blog. I had some friends, and
7 we did activism. Other people in other states operated
8 kind of similarly, you know, and the blog is anonymous,
9 and people can say and do whatever they want. They can
10 claim whatever they want to claim, and people, you know --
11 there are lots of kind of content that is shared that is
12 popular in certain kind of activist circles. And some of
13 it is authentic, and some of it was like taken from some
14 other place.

15 So I -- to my knowledge, there is no, like,
16 official manifesto. Like, there is no, like, Antifa
17 instruction manual. There are various kind of, like,
18 blogs and activists who have, like, some best practices
19 and some ideas around things. But even within the idea of
20 Antifa or anti-fascist activism, it is very much like a
21 multi-tendency kind of thing.

22 So you will have, like, anarchists and, like,
23 Marxists, Leninists, and Maoists, and just general
24 liberals. It is a wide spectrum of people with differing
25 kinds of perspectives on leftist activism in general. And

1 the thing that kind of ties them together is the
2 opposition to the far right, white nationalist, kind of
3 explicitly sort of Nazi political organizing.

4 Q. Have you covered -- I think your prior statement --
5 well, have you covered right-wing movements in Colorado?

6 A. I have, yes.

7 Q. And have you also covered Black Lives Matter
8 movements?

9 A. I have.

10 Q. You mentioned before the affidavit that Mr. Oltmann
11 had filed. Did you read that document?

12 A. I did, yes.

13 MR. KACHOUROFF: Objection, Your Honor.

14 THE COURT: I will overrule the objection on that.
15 Go ahead, Mr. Kloewer.

16 MR. KLOEWER: I can move on, Your Honor.

17 Q. (BY MR. KLOEWER) Are you aware of Mr. Oltmann
18 associating you with Antifa?

19 A. I am, yes.

20 Q. How did you become aware of that?

21 A. Through, again, posts and commentary that he made on
22 his podcast.

23 Q. And have you ever heard him associate you with any
24 other organizations?

25 A. He has claimed that I have taken part in a group

1 called Our Revolution.

2 Q. What is Our Revolution, as you understand it?

3 A. As I understand it, it got started as kind of like a
4 support organization for Bernie Sanders during his
5 campaign in 2016. And it is just kind of a general, like,
6 left liberal progressive sort of political advocacy group
7 at this point.

8 Q. And how did you become aware he was associating you
9 with Our Revolution?

10 A. Because he posted a photo of me. In kind of October
11 2020, the media company, Project Veritas, which is kind of
12 a right wing, hidden camera, sort of gotcha journalism
13 outlet run by James O'Keefe, had talked to some organizer
14 in Our Revolution, I think here in Colorado, and the guy
15 had said some crazy things about, like, guillotines and
16 just kind of ridiculous far-left rhetoric.

17 And so Our Revolution then became this kind of
18 fixation on the right, as like this is the real Antifa
19 organization. And around that time, shortly after those
20 Project Veritas clips came out, Mr. Oltmann posted like a
21 screen shot from one of them, or a photo that he got from
22 somewhere, and said that I was in the photo.

23 Q. Well, are you associated with Our Revolution?

24 A. No.

25 Q. Were you at the time?

1 A. No.

2 Q. Have you ever been associated with Our Revolution?

3 A. No.

4 Q. And were you at that event that he claimed you were
5 at?

6 A. I was not.

7 Q. Are you able to confirm you weren't there?

8 A. Yes. Because he posted this thing about me, I was
9 able to track down the source of that picture on the Our
10 Revolution Facebook page, and during that time -- I mean,
11 it's obviously not me in the photo. But also during that
12 time I was working at the Humane Society. I had a regular
13 schedule working 11:00 a.m. to 7:00 p.m. I was at work on
14 that day, and I was not in that photo.

15 Q. Well, let's take a look at that photo since we are
16 discussing it.

17 MR. KLOEWER: Can we pull up what is marked as
18 Exhibit 22, please.

19 Q. (BY MR. KLOEWER) Do you see that image on the
20 screen, Ms. Beedle?

21 A. I do.

22 Q. Is this an image of the event you were discussing?

23 A. Yes.

24 Q. Are you in this image anywhere?

25 A. I am not.

1 Q. Do you see the person that Oltmann claimed was you?

2 A. I do, yes.

3 Q. Which individual is that?

4 A. The one with the circle on the right.

5 Q. And I know you stated that is not you. Do you know
6 who that is?

7 A. I do, actually.

8 Q. Who is that?

9 A. That is Grace Freud. They were a Denver area
10 comedian transgender person. I followed them on Twitter
11 at the time.

12 Q. And did you ever speak with Ms. Freud about this?

13 A. I did send her a Twitter DM, and I asked if it was
14 her. She is like, oh, yes, that's me. And then I advised
15 her that this photo was being spread with these kind of
16 concerning accusations around Our Revolution in these
17 right-wing spheres.

18 MR. KLOEWER: I will pass the witness.

19 THE COURT: All right. Mr. Kachouroff.

20 MR. KACHOUROFF: Yes, ma'am -- yes, Your Honor,
21 sorry.

22 **CROSS-EXAMINATION**

23 **BY MR. KACHOUROFF:**

24 Q. Good morning.

25 A. Good morning.

1 Q. I have a clogged sinus cavity, so I apologize in
2 advance if I am not clear.

3 You were in the Army.

4 A. I was.

5 Q. Was your military occupational specialty 11 Bravo?

6 A. It was.

7 Q. What was your specialty within your company?

8 A. I held various positions within my company, and of
9 course it changes as I went up through ranks. First
10 deployment I was a machine gunner. My second deployment,
11 I worked a variety of odd jobs because I was put into the
12 headquarters company. So I ran this, like, aerostats kind
13 of detail for a couple of months. Then I was a team
14 leader in the headquarters company. And then in my final
15 deployment, I was a team leader in an infantry company.

16 Q. From one 11 Bravo to another, thank you for your
17 service.

18 A. Don't thank me, thank my recruiter.

19 Q. You stated that your work focused on right-wing MAGA
20 groups, MAGA extremism; right?

21 A. That's correct.

22 Q. Why do you focus on right-wing MAGA extremism?

23 A. Because it's prevalent and it's relevant. I did have
24 a background in it from my years as an activist, and I
25 have seen how those connections kind of blend over into

1 conventional mainstream politics even.

2 Q. Why do you not focus on left-wing extremism?

3 A. I do, to the extent that it is in the news. I have
4 covered, you know, the Black Lives Matter protests and
5 various other kind of -- the Palestine activists and
6 different groups that are going on.

7 Q. So BLM would be left extremism?

8 A. I mean, it is often associated with left extremism.

9 Q. Okay. And your view is right-wing extremism is
10 disgusting, is a deplorable belief system. Is that fair
11 to say?

12 A. Those aren't the words I have used. There is some
13 concerning aspects to it, certainly.

14 Q. What would be the concerning aspect to it?

15 A. The tendency towards authoritarianism, the kind of
16 ethnic nationalism, particularly within like the White
17 Identity movement. The support for, you know, the police
18 state. The interconnection between kind of paramilitary
19 groups such as The Oath Keepers and the Three Percenters
20 and law enforcement agencies, things of that nature.

21 Q. Well, what makes those things bad, an authoritarian
22 state?

23 MR. KLOEWER: Objection, Your Honor, relevance.

24 THE COURT: Sustained.

25 Q. (BY MR. KACHOUROFF) You said authoritarianism,

1 nationalism, the police state. That could be Soviet
2 Russia; right?

3 A. It could. It could also --

4 MR. KLOEWER: Objection, Your Honor.

5 THE WITNESS: -- be Nazi Germany.

6 Q. (BY MR. KACHOUROFF) It could also be Nazi Germany.

7 I am trying to understand what the distinction is, why you
8 think that is not a left wing ideal as well. Could you
9 explain that?

10 MR. KLOEWER: Objection, Your Honor, relevance.

11 THE COURT: Sustained. Approach.

12 (A bench conference is had.)

13 THE COURT: Where are you going with this?

14 MR. KACHOUROFF: She opened the door in calling
15 these things right-wing MAGA extremism. She flagged the
16 bad things. And I just want to see if she is unbiased. I
17 am going towards her propensity for bias in this case, and
18 whether she can be -- she poses as an impartial
19 journalist, and I just want to show that she is not.

20 MR. KLOEWER: That is not what is at issue in this
21 dispute. She is here as a witness to speak to her
22 knowledge of the facts that are at issues; namely the
23 identification by Joe Oltmann, her familiarity with Eric
24 Coomer, and her familiarity with the facts surrounding
25 Antifa.

1 THE COURT: Well, I think she opened the door to
2 some of this by her testimony on direct with respect to
3 her focus, particularly the question with respect to what
4 she identified as a right-wing extremism, and the question
5 of what she identified as left-wing extremism.

6 I will allow you to ask a few other questions to
7 test her credibility, but I am not going to let you go
8 very far with this.

9 MR. KACHOUROFF: I don't plan on going very far.
10 Thank you.

11 (In the hearing of the jury.)

12 Q. (BY MR. KACHOUROFF) Do you believe that right-wing
13 extremists pose a special or unusual threat of violence?

14 A. Yeah.

15 Q. You started the Antifa group for Colorado Springs,
16 did you not?

17 A. Yes, I was involved in its formation.

18 Q. Initially you denied that until people began to
19 clamor and out you as the founder of Antifa for Colorado
20 Springs.

21 A. No, that is not true. As soon as someone connected
22 me -- like I was initially doxed by an anonymous account
23 on Twitter sometime in 2019. It was while I was working
24 at the Humane Society, and it was after I had stopped
25 having anything to do with any activism. But at that time

1 on social media I admitted it.

2 While I had been working as a journalist, any time
3 I wrote a story that had to do kind of with activism or
4 politics, it included a disclosure that I was a former
5 activist involved in anti-fascist work. The first one I
6 think was in 2018, when I covered an Occupy ICE event, and
7 they ran that disclosure then. There had been multiple
8 subsequent disclosures run by the Colorado Springs
9 Independent during my tenure there.

10 Q. I am going to show you an exhibit. You just said
11 doxing is bad; right?

12 A. I said I was doxed.

13 Q. Okay. It is a bad thing, though, don't you agree?

14 A. There are problems with it certainly.

15 Q. Just problems. What is good about it?

16 MR. KLOEWER: Objection, Your Honor, relevance.

17 THE COURT: Can you approach, please.

18 (A bench conference is had.)

19 THE COURT: Where are you going?

20 MR. KACHOUROFF: Again, she just said that
21 doxing -- she said that she was doxed. And I am showing
22 an exhibit where she posts online that she was attempting
23 to dox somebody and saying this is a person we should go
24 after, in order to show that she is still engaged in
25 activism even now as we speak. I have to establish the

1 date of the Tweet, but I was getting ready to show her
2 that.

3 THE COURT: Mr. Kloewer?

4 MR. KLOEWER: This is getting pretty far afield of
5 what's at issue here. As far as what is relevant to the
6 facts of this case, I don't think her statement about
7 being doxed gives rise to anything that is going to assist
8 the jury on whether she was on an Antifa call, what Joe
9 Oltmann had to say about it, or whether she knows Eric
10 Coomer.

11 MR. KACHOUROFF: They opened the door for the
12 right-wing extremism, Judge, I didn't. They talked about
13 it, I let it go on, and I have the right to respond.

14 MR. KLOEWER: Well, he opened the door to the word
15 doxed.

16 THE COURT: All right. The objection is sustained.

17 Q. (BY MR. KACHOUROFF) You have actually doxed people
18 yourself, or tried to.

19 A. I have.

20 MR. KLOEWER: Objection, Your Honor.

21 THE COURT: Overruled.

22 Q. (BY MR. KACHOUROFF) And you appeared as late as
23 December of 2022, after you started doing journalism, you
24 appear in Tweets online with an Antifa flag behind you.

25 A. That's true, yes.

1 Q. And in one of your posts, you wrote about how proud
2 you are that you made a bunch of people miserable. You
3 called them "assholes," right?

4 A. That's true, yes.

5 Q. If you could go back in time, you would do it again?

6 A. That is true, yes.

7 Q. You have also, as late as December of 2022, were
8 asked if you support violence, and you said you did;
9 right?

10 A. I did, yes.

11 Q. And so would it be fair to say you are still an
12 activist, but you are also writing articles as a
13 journalist?

14 A. No, I am not involved in any kind of activist
15 activity. And I have since recanted and repented of the
16 more violent aspects of my activism. And I would say that
17 it is important to kind of consider those statements and
18 that activism in the context of the kind of, I guess,
19 sectarian, for lack of better word, kind of confrontations
20 between leftist activists and right-wing activists, like
21 the Proud Boys, likes these white nationalist
22 organizations.

23 You know, I was an activist during the 2017 Unite
24 the Right rally. I wasn't there, but that was something
25 on everybody's mind, when a white nationalist plowed his

1 car into a crowd of protesters, when the Proud Boys were
2 engaging in running street fights with activists in
3 Portland, Oregon.

4 And you know the people that I was engaging with,
5 the people that I, as you pointed out, referred to as
6 "assholes" were people who believed that the United States
7 should become a white ethnostate.

8 Q. Let me stop you one second. You mentioned Portland.
9 The Proud Boys didn't burn down Portland, did they?

10 A. Did anyone burn down Portland?

11 MR. KLOEWER: Objection.

12 THE COURT: Counsel, approach.

13 (A bench conference is had.)

14 THE COURT: All right. So I am going to invite
15 Ms. Beedle up, and I will give her the same admonition I
16 gave Mr. Oltmann. These questions, these follow-up
17 questions are not relevant as to whether she is credible
18 about whether or not she was on an Antifa call with
19 Mr. Oltmann or that Dr. Coomer was on that call.

20 I understand she is running, for lack of a better
21 word, amuck a little bit. She doesn't have her own
22 attorney here. So I am just going to ask -- to call her
23 up and do the same admonition that I gave Mr. Oltmann.

24 Ms. Beedle, would you step up here for one moment.

25 So, Ms. Beedle, I am going to ask you -- you need

1 to listen to the question and answer the question. I know
2 it is a very unusual pattern of communication that we have
3 here in court, but it will make things go quicker, and it
4 will develop less objections that I have to rule outside
5 of the context of the jury.

6 THE WITNESS: I understand.

7 THE COURT: All right. Thank you.

8 MR. KACHOUROFF: I have 5 minutes.

9 Q. (BY MR. KACHOUROFF) You posted online that a big
10 part of gravitating toward Antifa was the same excitement
11 of being in the Army; everything was heavily
12 unit-by-small-unit tactics. Did you go to jump school?

13 A. No.

14 Q. Ranger school?

15 A. No.

16 Q. You said it was fun to be part of a team and to "fuck
17 shit up again," right?

18 A. Yes.

19 Q. I don't say that in a derogatory way, that is the way
20 the military talks; right?

21 A. That's true.

22 Q. You have very low tolerance for the rights' use of
23 faux military aesthetics.

24 A. Yes.

25 Q. Fair to say somebody who is committed to the cause

1 and considers the far right their enemy, would say and do
2 just about anything to make sure they didn't advance?

3 MR. KLOEWER: Objection, Your Honor.

4 THE COURT: Sustained.

5 MR. KACHOUROFF: I have nothing further, Your
6 Honor.

7 THE COURT: Mr. Kloewer.

8 MR. KLOEWER: Just a few questions.

9 **REDIRECT EXAMINATION**

10 **BY MR. KLOEWER:**

11 Q. Let's get back to a few important questions. You say
12 you don't know Dr. Coomer.

13 A. Correct.

14 Q. Never met -- you say you've never met him.

15 A. Never met him.

16 Q. You say you've never spoken to him.

17 A. No.

18 Q. Is Eric Coomer, based on your experience with these
19 left-wing activist groups, is he what you might consider a
20 typical Antifa member?

21 MR. KACHOUROFF: Objection, lacks personal
22 knowledge.

23 THE COURT: Sustained.

24 Q. (BY MR. KLOEWER) Would a corporate executive, such
25 as Eric Coomer, be someone who would stand out in Antifa?

1 MR. KACHOUROFF: Objection, Your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: It would be odd, yes.

4 MR. KLOEWER: No further questions, Your Honor.

5 THE COURT: All right. Ms. Beedle, you may step
6 down, you are released.

7 Ladies and gentlemen of the jury, it is almost
8 12:30, so you are released for lunch for 45 minutes. We
9 will see you back here at 1:15. I do have a longer
10 general admonition to you because we are about midway
11 through the trial, and also because there has been more
12 interest in this trial from the public than our normal
13 civil trial.

14 So do not talk to each other about the case or
15 anyone involved in the case until the end of trial when
16 you go to the jury room to decide your verdict. Outside
17 the courtroom, do not let anyone tell you anything about
18 the case or about anyone involved in it until the trial
19 has ended. If someone should try to talk to you about the
20 case during the trial, please report it to the courtroom
21 deputy immediately.

22 During the trial, you should not talk with or speak
23 to any parties, lawyers, or witnesses involved with the
24 case, you should not even pass the time of day with any of
25 them. It is important not only that you do justice in

1 this case, but that you also give the appearance of doing
2 justice.

3 Do not read any news stories or articles about the
4 case or about anyone involved in it or listen to any radio
5 or television reports about the case or about anyone
6 involved in it. Do not do any research, such as checking
7 dictionaries or making any investigation about the case on
8 your own.

9 Do not make up your mind during the trial about
10 what the verdict should be. Keep an open mind until after
11 you have gone to the jury room to decide the case and you
12 and the other jurors have discussed all of the evidence.

13 If you need to tell me something, just let the
14 courtroom deputy know, and I will address it once she lets
15 me know. All right. Thank you very much.

16 (Outside the presence of the jury.)

17 THE COURT: All right. Thank you. Please be
18 seated.

19 Counsel, anything to address outside the province
20 of the jury?

21 MR. CAIN: I don't think so. There are a few
22 things we are talking about.

23 MR. KACHOUROFF: Nothing, Your Honor.

24 THE COURT: So if we are going to talk about
25 anything before we bring the jury back, if you all can be

1 back here a little earlier, we can talk about that,
2 otherwise we are holding the jury up. I am not leaving or
3 going anywhere, so you can just come back to the courtroom
4 and let my courtroom deputy know, and please also make
5 sure defense counsel knows what time to come back also.

6 All right. We will be in recess.

7 (Lunch break is taken from 12:31 p.m. to 1:27 p.m.)

8 THE COURT: Thank you. Please be seated.

9 All right. Are we ready for the jury?

10 MS. MORGAN: Yes, Your Honor. We discussed it, and
11 we think it is best to wait to address the Montgomery
12 issue until after the jury is dismissed for the day.

13 THE COURT: Okay.

14 MS. DEMASTER: After the next two witnesses?

15 MS. MORGAN: Yes.

16 THE COURT: Madam deputy.

17 And I just remind you that because of the jury's
18 request, we have a hard stop at 4:30 today.

19 (In the presence of the jury.)

20 THE COURT: Thank you. Please be seated.

21 All right. Counsel, are you ready to call your
22 next witness?

23 MR. KLOEWER: Yes, Your Honor. Plaintiff calls
24 Kurt Olsen.

25 COURTROOM DEPUTY: Mr. Olsen, if you could stand up

1 here, please. If you will stand up here and I will swear
2 you in.

3 **KURT OLSEN**

4 having been first duly sworn, testified as follows:

5 THE WITNESS: I do.

6 COURTROOM DEPUTY: Please be seated.

7 Please state your name, and spell your first and
8 last name for the record.

9 THE WITNESS: My name is Kurt, K-U-R-T, Olsen,
10 O-L-S-E-N.

11 **DIRECT EXAMINATION**

12 **BY MR. KLOEWER:**

13 Q. Good afternoon, Mr. Olsen. You are one of Mike
14 Lindell's lawyers; right?

15 A. Correct.

16 Q. And you are his personal lawyer; is that correct?

17 A. I represent Mike Lindell, yes.

18 Q. Okay. Your practice is based out of the Maryland and
19 Washington, D.C. area; is that right?

20 A. Correct.

21 Q. And how long have you been practicing law?

22 A. Since 1992. So coming up on 33 years.

23 Q. And prior to 2020, you had no experience -- or, well
24 you had no experience working in election law; is that
25 correct?

1 A. That's correct.

2 Q. But in early 2021, you left the firm you were at and
3 switched your work to election work.

4 A. My focus shifted in November 2020, before I left the
5 firm.

6 Q. Okay. And subsequent to that time, is it fair to say
7 you focused your efforts on election-related litigation?

8 A. Correct.

9 MR. KLOEWER: Let's pull up Exhibit 57 for the
10 witness, if we could, please. Do you recognize this
11 document, Mr. Olsen?

12 A. Yes.

13 Q. It has -- it indicates "Olsen Law, P.C." at the top.
14 Do you see that?

15 A. Yes.

16 Q. The date is February 25, 2021.

17 A. Yes.

18 Q. Is this the Retainer Agreement you entered into with
19 Mr. Lindell?

20 A. Yes.

21 MR. KLOEWER: Move to admit Exhibit 57.

22 THE COURT: Any objection?

23 MR. KACHOUROFF: No objection.

24 THE COURT: So admitted.

25 (Exhibit No. 57 is admitted.)

1 Q. (BY MR. KLOEWER) I would like to look at a couple
2 aspects of this document for a minute. So we already
3 noted that date there at the top, February 25, 2021. That
4 is accurate; right?

5 A. Yes.

6 Q. And the top left corner there it says "Mike Lindell.
7 CEO My Pillow, Inc.," do you see that?

8 A. Yes.

9 Q. You don't represent My Pillow, do you?

10 A. I do not.

11 Q. And as he has indicated here, it is just because you
12 associated him with My Pillow at the time when you entered
13 into this.

14 A. I think pretty much everybody associates Mike with My
15 Pillow, yeah.

16 Q. Great. So you would agree that -- well, let me see
17 here, let's talk about some of the substance of this. The
18 subject title up top here indicates the scope of your
19 representation. And I want to look at the portion that
20 starts with "Engagement." Do you see that?

21 A. Yes.

22 Q. It says "Engagement Agreement to defend, investigate
23 and/or bring potential claims for election law
24 violations." Would you agree that that sort of sets the
25 parameters of your representation?

1 A. Yes.

2 Q. And did you -- well, let's scroll down a little bit,
3 I want to take a look at the second paragraph, about the
4 fourth line down, "Attorney Fees." I will draw your
5 attention, that begins with the sentence "Given." Do you
6 see that about four lines down?

7 A. Yes.

8 Q. "Given the significant public interest in uncovering
9 the election fraud that has taken place, I am reducing my
10 hourly rate from \$955 to \$500 per hour for my services in
11 connection with this agreement." Did I read that
12 correctly?

13 A. Yes.

14 Q. And you agreed to reduce your rate for Mr. Lindell
15 because you take a personal interest in these issues; is
16 that fair?

17 A. As stated, given the significant public interest at
18 the time; correct.

19 Q. And prior to representing Mr. Lindell, you
20 represented President Trump directly, didn't you?

21 A. I have an attorney/client relationship, yes.

22 Q. And he is who introduced you to Mr. Lindell
23 originally.

24 A. Yes.

25 Q. You ultimately have pursued litigation pursuant to

1 this agreement, right?

2 A. Yes.

3 Q. He filed lawsuits in Arizona, for example.

4 A. Yes.

5 Q. And through those lawsuits, you made various efforts
6 over the years to identify any source of election fraud;
7 is that fair?

8 A. Yes.

9 Q. Do you still represent Mr. Lindell pursuant to this
10 agreement?

11 A. The agreement is still in effect, that's correct.

12 Q. You still consider yourself to be his counsel.

13 A. Correct.

14 Q. You never brought any claim against Eric Coomer,
15 though, have you?

16 A. No.

17 Q. I want to talk about the Cyber Symposium, and that is
18 the issue that I'm primarily interested in hearing your
19 testimony on today. But I want to start by first looking
20 at some of the communications that preceded that event.

21 MR. KLOEWER: So can you pull up Exhibit 61,
22 please.

23 Q. (BY MR. KLOEWER) Do you see the email in front of
24 you, Mr. Olsen?

25 A. I do.

1 Q. And it is from maryfanning@protonmail. Do you see
2 that?

3 A. Yes.

4 Q. On March 11, 2021.

5 A. Yes.

6 Q. We see this email address kurtols@protonmail.com. Is
7 that your email address?

8 A. Yes.

9 MR. KLOEWER: Move to admit Exhibit 61.

10 THE COURT: Any objection?

11 MR. KACHOUROFF: Without objection.

12 THE COURT: So admitted.

13 (Exhibit No. 61 is admitted.)

14 Q. (BY MR. KLOEWER) Okay. Mary Fanning is the
15 co-producer of Mike Lindell's film *Absolute Proof*; right?

16 A. I don't know that to be a fact.

17 Q. You know she was involved in the production of that
18 movie.

19 A. That is my recollection; that she was involved, yes.

20 Q. Okay. And Mary Fanning has provided you a variety of
21 information over the years; correct?

22 A. Well, yes.

23 Q. Primarily related to election fraud concerns.

24 A. Mary Fanning writes a column and has articles on
25 various national security issues and elections. So it

1 would be broader than just to say elections.

2 Q. And this email, at the top indicates "attachments,"
3 it says "20210204 Dominion Letter to the American Report."
4 Do you see that?

5 A. Yes.

6 Q. Who is the American Report?

7 A. The American Report is the publication that Mary
8 Fanning authors.

9 Q. Did you ever represent the American Report?

10 A. No.

11 Q. And she starts off by, "Dear, Kurt. Thought you
12 might enjoy this letter I have attached from Clare Locke."
13 Do you see that?

14 A. I do.

15 Q. Who is Clare Locke?

16 A. I believe the law firm that is representing Dominion
17 in, among other actions, the defamation cases.

18 Q. We can set this exhibit aside. I would like to focus
19 on the attachment she references also as having been
20 provided with that email.

21 MR. KLOEWER: Can you pull up Exhibit 49.

22 Q. (BY MR. KLOEWER) All right. Mr. Olsen, do you
23 recognize the document in front of you?

24 A. I probably saw it, but I don't have a specific
25 recollection at this point. But if you give me a second,

1 maybe I can look at it and refresh a little bit.

2 Q. Sure.

3 A. Okay.

4 Q. And in the bottom right-hand corner it says "Olsen
5 000222." Do you see that?

6 A. Yes.

7 Q. And that indicates it is a document you produced to
8 us pursuant to the subpoena we issued; right?

9 A. Most likely, yes.

10 Q. The subject line of this email at the top says
11 regarding "False Statements About Dominion and Its Role in
12 the Recent Elections." Do you see that?

13 A. Yes.

14 Q. I want to draw your attention -- obviously we have
15 established that you don't represent the American Report.
16 Is it fair to say this was a retraction demand sent to
17 that publication and shared with Ms. Fanning? Is that
18 your understanding of the document?

19 A. That appears what it is.

20 Q. Let's look at the last paragraph of that first page,
21 then we will start looking at the second page after that.

22 MR. KLOEWER: If we can zoom in there real quick.

23 Have I admitted this exhibit yet?

24 THE COURT: You have not.

25 MR. KLOEWER: I move to admit Exhibit 49, if I

1 could.

2 THE COURT: Any objection?

3 MR. KACHOUROFF: I do have an objection, Your
4 Honor.

5 THE COURT: All right.

6 MR. KACHOUROFF: I said I have an objection.

7 THE COURT: Can you approach, please.

8 (A bench conference is had.)

9 MR. KACHOUROFF: I didn't want to stop the
10 examination. I can't see the monitor when exhibits are
11 coming up, and actually what I was going to object to was
12 concerning attorney/client privilege grounds, but this is
13 an objection to relevance. He has to be able to tie it up
14 that somebody else saw Clare Locke.

15 Clare Locke telling Mary Fanning about a retraction
16 has nothing to do with Mike Lindell.

17 MR. KLOEWER: It goes to the defendants' knowledge
18 of the falsity of the claims. Mr. Olsen was an authorized
19 representative of the defendants throughout the Cyber
20 Symposium. This is a document that alerted him to the
21 falsity of claims surrounding Dominion Voting Systems. It
22 speaks to their knowledge at the time of the publications.

23 MR. KACHOUROFF: It doesn't go to falsity at all.
24 It has nothing to do with falsity. That is an opinion
25 from a law firm that -- it is a retraction demand.

1 MR. KLOEWER: It provides links to various sources
2 that can disprove the allegations of election rigging.

3 MR. KACHOUROFF: If you want to open that door, it
4 will lead to extensive discussion from Mr. Olsen about
5 what he knows about Dominion.

6 MR. DUANE: Slow down.

7 MR. KACHOUROFF: If he opens that door there will
8 be extensive discussions from Mr. Olsen about what he
9 knows about Dominion and will go in-depth into what he
10 knows and how he knows it. The allegations in this case
11 are defamation from Mike Lindell. It is not Dominion, but
12 Mr. Coomer.

13 MR. KLOEWER: Your Honor, if we are going to open
14 the door to Dominion claims, I asked Mr. Olsen about this
15 in his deposition, he asserted objections to
16 attorney/client privilege and work product. If now he is
17 going to raise those --

18 THE COURT: Sustained.

19 (Exhibit No. 49 is refused.)

20 (In the hearing of the jury.)

21 Q. (BY MR. KLOEWER) All right. We will take a look at
22 some of your other communications with Ms. Fanning.

23 MR. KLOEWER: Can you pull up what has been marked
24 as Exhibit 66, please.

25 Q. (BY MR. KLOEWER) Do you see this email, Mr. Olsen?

1 A. Yes.

2 Q. And that is your email address at the top.

3 A. Correct.

4 Q. Dated April 6, 2021, to Mary Fanning. Do you see
5 that?

6 A. Yes.

7 Q. And, again, bottom right-hand corner, we see this was
8 produced by you to us; is that correct?

9 A. Yes.

10 MR. KLOEWER: I move to admit Exhibit 66.

11 THE COURT: Any objection?

12 MR. KACHOUROFF: Objection, relevance.

13 THE COURT: Overruled.

14 (Exhibit No. 66 is admitted.)

15 Q. (BY MR. KLOEWER) This is April 2021, a few months
16 before the Cyber Symposium, that you state, "Hi, Mary. Do
17 you know anyone else threatened with a lawsuit by
18 Dominion/Smartmatic/Coomer?"

19 A. Yes.

20 Q. As of April 2021, you personally were aware of
21 Dr. Coomer's other litigation, fair?

22 A. The email says what it says. As I am sitting here
23 today, I don't know when I learned of Coomer. There was a
24 lot of the litigation that was beginning and threats of
25 litigation. At the time there were -- Dominion, I think,

1 bragged about sending out 150 cease and desist letters.

2 And part of the reason for this is because Dominion
3 was sending cease and desist letters to witnesses
4 threatening them with litigation for things that had
5 nothing to do with Dominion, they just happened to file --
6 do an affidavit that was attached to a complaint that
7 didn't even say anything about Dominion.

8 But the reason why I am asking her, though, and I
9 know how to answer your question, is because Dominion took
10 a shotgun approach to threaten lawsuits against anybody,
11 whether or not they had anything to do with it. We were
12 investigating to do a lawsuit against Dominion, a class
13 action, which we did bring.

14 THE COURT: Mr. Olsen, just the jury has heard this
15 a few times, I have told a few witnesses, if you can
16 listen to the question that Mr. Kloewer is asking you and
17 just answer that question, defense counsel will have an
18 opportunity to cross-examine you, as well. But it makes
19 our proceeding --

20 THE WITNESS: I will do my best, Your Honor.

21 THE COURT: -- go more efficiently. Thank you.

22 Q. (BY MR. KLOEWER) But at this time you didn't make
23 any effort to pull the defamation complaint that
24 Dr. Coomer had filed against Joe Oltmann, for example.

25 A. I didn't even know Joe Oltmann at this time. I don't

1 think I hadn't ever heard anything about him.

2 Q. That is not my question.

3 A. No, is the short answer.

4 Q. As an attorney, though, you do have access to court
5 filing systems and the ability to find complaints if you
6 wanted to; right?

7 A. Certainly in the federal system, yes.

8 Q. And you didn't reach out to Dr. Coomer in any way to
9 contact him about the validity of any claims against him,
10 did you?

11 A. No.

12 Q. You didn't reach out to myself, for example, or any
13 attorneys at this table requesting a copy of any
14 pleadings.

15 A. No.

16 Q. You didn't request any call to discuss any
17 allegations about Dr. Coomer.

18 A. No.

19 Q. And, in fact, you never -- you didn't read the
20 Complaint that Dr. Coomer filed against Mike Lindell, did
21 you?

22 A. I think at the time of my deposition I was asked
23 that, and I don't recall reading it before then, no.

24 Q. And just to be clear, your deposition took place on
25 June 15, 2023. Does that sound correct?

1 A. Yes.

2 Q. And I deposed you in your office in Washington, D.C.

3 A. Somebody's office.

4 Q. Okay. And just so we are clear on the timeline, the
5 lawsuit was served on Mike Lindell in April of 2022. Does
6 that sound accurate?

7 A. I believe so.

8 Q. So in the 15 intervening months, you hadn't made any
9 attempt to read the Complaint filed against your client,
10 Mike Lindell.

11 A. Correct.

12 Q. As you sit here today, have you made any effort to
13 familiarize yourself with the allegations against
14 Mr. Lindell?

15 A. I read the Complaint when there was some summary
16 judgment briefing that was being done. So this was maybe
17 a year ago, I think, or maybe eight months. It has been a
18 while. But I did read the Complaint at that time.

19 Q. Mid-2024; is that fair?

20 A. That sounds about right.

21 Q. So in the two-plus intervening years, you didn't make
22 any effort to familiarize yourself with the claims against
23 Mr. Lindell.

24 MR. KACHOUROFF: Objection, Your Honor, relevance.

25 THE COURT: Approach.

1 (A bench conference is had.)

2 THE COURT: All right. What is the relevance
3 whether or not he familiarized himself with the
4 allegations in this case?

5 MR. KLOEWER: Disregarding the truth, willful
6 avoidance of the truth, disregarding of reliable sources.
7 Actual malice factors, specifically Mr. Lindell's
8 knowledge of the claim.

9 We are going to share videos about when Mr. Lindell
10 relied on Mr. Olsen for his knowledge about election
11 systems, and his own representatives made no effort to
12 corroborate, to confirm, to investigate, or to verify the
13 claims at issue in this dispute.

14 THE COURT: All right.

15 MR. KACHOUROFF: Judge, as you know, Parker Daniels
16 Kibort represented Mr. Lindell in this suit, so they would
17 have been responsible for the suit. He's established no
18 foundation that Kurt was supposed to be looking at the
19 suit or that that was part of what he was being paid to
20 do.

21 THE COURT: Overruled.

22 (In the hearing of the jury.)

23 Q. (BY MR. KLOEWER) So in the more than 2 years after
24 filing of the lawsuit, you made no effort to familiarize
25 yourself with the allegations lodged by Dr. Coomer against

1 Mr. Lindell.

2 A. No, that would not be true.

3 Q. You made efforts to read the Complaint in this case
4 prior to that time?

5 A. I understood the allegations and the nature of the
6 allegations that were made against him. I didn't need to
7 specifically -- and I did read the Complaint, as I said
8 earlier. But all of the claims against Mike Lindell
9 relate to his statements about Dominion Voting Systems
10 being used to rig elections and whether there is evidence
11 of that. And so I spent the past 4 years looking at
12 evidence that shows just that.

13 Q. Evidence that Dr. Coomer --

14 A. Dr. Coomer, in his high position at the company, I
15 believe he was like chief of security and something, but
16 he was at a high level, and also has several patents on
17 voting systems, in my view would be responsible for the
18 architecture of these voting machines which are configured
19 to allow unauthorized access. And, so, yes.

20 Q. Let's talk a little bit about Mike Lindell's Cyber
21 Symposium. You were involved in the planning for Mike
22 Lindell's Cyber Symposium; right?

23 A. Yes.

24 Q. You partook in discussions about the schedule leading
25 up to that event.

1 A. Yes.

2 MR. KLOEWER: Can you pull up what has been marked
3 as Exhibit 86.

4 Q. (BY MR. KLOEWER) And this is an email dated
5 Wednesday, August 4th. Do you see that?

6 A. Yes.

7 Q. And under the -- from an individual named James Oaks.

8 A. Yes.

9 Q. With a "cc" to Mike Lindell and Kurt Olsen, as well
10 as a handful of others.

11 A. Yes.

12 Q. Do you see that?

13 MR. KLOEWER: Move to admit Exhibit 86.

14 THE COURT: Stipulated. So admitted.

15 (Exhibit No. 86 is admitted.)

16 Q. (BY MR. KLOEWER) The third page of this document --
17 I think this exhibit was split up. We have on the third
18 page here, an attachment of the schedule for the event.
19 Can you scroll down to the third page. This is for day
20 one.

21 MR. KLOEWER: I would like to show you also Exhibit
22 91, which is an extension of this document, if I could
23 pull that up.

24 Q. (BY MR. KLOEWER) Do you recognize this document,
25 Mr. Olsen?

1 A. I have no reason to doubt its authenticity. I
2 haven't seen it in 5 years. So, yes. Generally, yes.

3 Q. You do recall being part of the discussions planning
4 for the symposium, as we have established; right?

5 A. Yes.

6 Q. You were included on these discussions trying to
7 establish the schedule for speakers at that event.

8 A. Yes.

9 Q. Was this schedule ultimately adhered to at the Cyber
10 Symposium?

11 A. I don't think so.

12 Q. And that's because things got a bit hectic right
13 away; right?

14 A. Yes. Right away, being after the second day, Mike
15 lost his voice, and so he couldn't really speak, so things
16 became more chaotic, shall we say.

17 Q. And ultimately speakers were put on stage that hadn't
18 been vetted; right?

19 A. I don't know.

20 Q. You didn't vet Joe Oltmann's claims before you put
21 him on stage, did you?

22 A. I didn't put Joe Oltmann on stage, to my
23 recollection.

24 Q. You didn't make any effort to investigate Joe Oltmann
25 prior to the event, though; right?

1 A. No.

2 Q. And you did speak with him backstage at the event a
3 number of times; correct?

4 A. I recall speaking with him. I don't know if it was
5 one or two times or more, but I do recall speaking with
6 him.

7 Q. And as far as the event, itself, you also appeared on
8 stage at that event alongside Mr. Lindell; correct?

9 A. I think I only appeared onstage at the end.

10 Q. Well, let's pull up what has been marked as Exhibit
11 197. And we will -- I am sorry, I haven't -- apologize
12 Your Honor, I still haven't admitted 191 into evidence. I
13 move to admit that, please?

14 THE COURT: So admitted, as stipulated.

15 (Exhibit No. 191 is admitted.)

16 MR. KLOEWER: Let's pull up 197, if we could,
17 please.

18 Q. (BY MR. KLOEWER) I believe I heard you say you
19 appeared on the last day of the event.

20 A. That I recall, speaking at the close of the event,
21 yes.

22 MR. KLOEWER: All right. I move to admit Exhibit
23 197.

24 THE COURT: Any objection?

25 MR. KACHOUROFF: No objection.

1 THE COURT: So admitted.

2 (Exhibit No. 197 is admitted.)

3 MR. KLOEWER: Let's take a look at this clip here,
4 if we could.

5 (Exhibit 197 played in open court.)

6 Q. (BY MR. KLOEWER) So he called you his "vetter"
7 there. Did you hear that?

8 A. Yes.

9 Q. Would you agree with that characterization?

10 A. Sure.

11 Q. He said you would "sift through all Dominion stuff
12 and sort of flag what was important." Did you hear that?

13 A. I did.

14 Q. You never flagged any information about Eric Coomer
15 in those efforts, did you?

16 A. I don't recall Eric Coomer's name coming up, so, no.

17 Q. And he said a lot of the people you've seen
18 onstage -- we established this was at the end of the
19 event; right?

20 A. I'm not sure, to be honest, because I don't remember
21 what you just showed. I remember giving a speech to thank
22 Mike and everyone for attending. And I don't remember
23 exactly what I said to people. That could have been that,
24 or I am not sure if I spoke before.

25 Q. Okay.

1 A. I saw the date on there, it said August 18th, but
2 that was after the event. So, anyway --

3 Q. So during the event, you weren't on stage until that
4 point.

5 A. Yeah. My recollection was I did not come up on stage
6 until at the close, that is when I came up. That is my
7 recollection.

8 Q. For the remainder of the event you were backstage.

9 A. Correct.

10 Q. You were working with the other people who presented
11 on stage throughout that event.

12 A. No. Many of the people that were onstage I did not
13 work with for that. There were certain people, such as
14 was mentioned in that clip, Dr. Frank, Dr. Shiva, Phil
15 Waldron. I worked with our -- you know, we talked about
16 this at the deposition, but the Red Team that I put
17 together of cyber experts. So I was doing a lot of work
18 in that capacity, not -- it wasn't like vetting every
19 single person that was going to be stepping up on stage at
20 this symposium.

21 Q. One of the members of that Red Team was Josh Merritt;
22 right?

23 A. Yes.

24 Q. You spoke with Mr. Merritt several times backstage
25 throughout the event; correct?

1 A. At the event, whether backstage or not, but, yes.

2 Q. You spoke with Mr. Oltmann backstage several times,
3 too; correct?

4 A. Yes.

5 Q. And you didn't prevent Mr. Oltmann from going on
6 stage or making any efforts to prevent him from going on
7 stage, did you?

8 A. I don't recall him going up on stage. So the answer
9 is, no, I don't.

10 MR. KLOEWER: I want to take a look at what has
11 been marked as Exhibit 218. If we can pull that up,
12 please. And this is a video from March of 2023 that was
13 aired on Frankspeech of the Lindell Report. We move to
14 admit 218.

15 THE COURT: Any objection?

16 MR. KACHOUROFF: No objection.

17 THE COURT: So admitted.

18 (Exhibit No. 218 is admitted.)

19 MR. KLOEWER: All right. Let's take a look -- I
20 will represent before -- I understand it appears a bit
21 unclear, but this is the dimension of the screen as it was
22 originally published. So we only see half of
23 Mr. Lindell's face, but this is how the interview was
24 published in its original context. So let's take a look
25 and play that video 218.

1 THE WITNESS: Could you tell me the date again?

2 Q. (BY MR. KLOEWER) The date is March, I want to say
3 March 10 of 2023.

4 A. Thank you.

5 (Exhibit 218 played in open court.)

6 Q. (BY MR. KLOEWER) So he said "that was done by Kurt
7 Olsen." Mike Lindell was telling the truth when he said
8 that, wasn't he?

9 A. I think he may have assumed it was me. There was
10 another person, Dr. Janet Lynn, who was doing a lot of the
11 scheduling. We were working together. So I don't think
12 it would be a misstatement for him to think that that was
13 me, because we were working together. But I just don't
14 recall doing anything with Joe myself.

15 Q. You don't deny having put Mr. Oltmann on stage, do
16 you?

17 A. I just don't recall that I did; correct.

18 Q. You would agree it is possible you did?

19 A. If you don't recall, then I guess anything would be
20 possible.

21 Q. And you know about the \$5 million challenge that was
22 associated with Mr. Lindell's Cyber Symposium; right?

23 A. I do.

24 Q. You know someone took him up on that challenge.

25 A. Yes.

1 Q. And you know that Mike Lindell has been ordered to
2 pay that \$5 million by a court; correct?

3 A. No.

4 Q. You are not aware of the district court --

5 A. It was by an arbitration that ordered him, and it is
6 up on appeal.

7 Q. From the order of the district court.

8 A. Correct.

9 Q. Affirming the arbitration order.

10 A. Correct.

11 MR. KLOEWER: Pass the witness.

12 THE COURT: Okay. Mr. Kachouroff.

13 MR. KACHOUROFF: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 **BY MR. KACHOUROFF:**

16 Q. Would you tell the jury a little bit about your
17 background. Where did you go to college?

18 A. I was born and raised in Annapolis, Maryland.
19 Attended the U.S. Navy academy, as my father did, my
20 grandfather did. After that I spent five years as a Navy
21 Seal. Post that I went to law school.

22 Q. Where did you go to law school?

23 A. George Washington University.

24 Q. When you graduated, which firm did you get a job
25 with?

1 A. Worked at a firm called Kirkland & Ellis.

2 Q. A very small firm?

3 A. No, one of the top litigation firms, frankly, now in
4 the world, but at the time it was one of the top in the
5 country.

6 Q. What was the specialty that you practiced while you
7 were at Kirkland & Ellis?

8 A. At Kirkland & Ellis I represented General Motors and
9 Dow Corning in product liability litigation. So if
10 somebody -- alleged a product was defective; a General
11 Motors' case, seatbelts, fuel tanks, things like that. A
12 Dow Corning case, silicone implements, we would represent
13 them.

14 Q. How long have you been in private practice, total
15 time?

16 A. Coming up on 33 years.

17 Q. You were asked about this topic about Joe Oltmann and
18 you not recalling. What was the purpose of the Cyber
19 Symposium, was it to have people just go up on stage and
20 say their piece, or was the Cyber Symposium intended to
21 vet data?

22 A. It was intended to vet data, but also to get the word
23 out about what was happening, and to give people a place
24 to come together to discuss these topics. And so they
25 mentioned the arbitration award, there were about 30 other

1 cyber experts who were invited to attend who had been
2 vetted in terms, not by me, but we set up the parameters,
3 but somebody else checked their credentials.

4 So there are certain credentials that cyber
5 professionals carry, and these individuals who have those
6 credentials and qualified were invited to the symposium.
7 And it was a point to get real people, cyber
8 professionals, as well as lay people and election
9 officials and everybody else together under one roof to
10 discuss, you know, what we believed was going on with the
11 voting machines.

12 Q. And Mr. Oltmann was not on the schedule to speak.

13 A. Not to my knowledge.

14 Q. Not on any of the three days of the Cyber Symposium.

15 A. Not to my knowledge.

16 Q. It was asked and insinuated that -- whether you knew
17 that Mr. Oltmann was invited, and your answer was no. And
18 he said that Mike Lindell said that you would sift through
19 people and vet them. You weren't the only one doing it;
20 right?

21 A. Correct. The vetting was done by another gentleman
22 who was a cybersecurity professional that did the vetting
23 to make sure all these people who submitted
24 applications -- and, as I said, there were about 30 -- 30
25 attended. There were more that submitted. Those were the

1 people chosen to attend.

2 Q. You said the subject of Eric Coomer -- and he asked
3 you if you sifted through and found anything about Eric
4 Coomer, and you said Eric Coomer never came up. I want to
5 just talk about that.

6 A. I have no recollection about Eric Coomer.

7 Q. Was the Cyber Symposium intended to target Eric
8 Coomer?

9 A. No.

10 Q. Was the Cyber Symposium intended just to allow anyone
11 to say anything about what they were thinking?

12 A. No. It was there to bring forward credible evidence
13 to stimulate a discussion, to give a forum where people
14 could share their views, and to bring together evidence.

15 Q. So let's just give the jury a little context.
16 February the 5th there is a movie called *Absolute Proof*.
17 Are you aware of that?

18 A. I have heard about it in the past, yes.

19 Q. You didn't know Mike Lindell when that came out.

20 A. I had not been introduced to Mike Lindell.

21 Q. Okay. And once you got introduced to Mike Lindell --
22 would it be later, February of 2021.

23 A. Correct.

24 Q. Just a few weeks after the *Absolute Proof* video.

25 A. Correct.

1 Q. And you wanted to vet data from a gentleman named
2 Dennis Montgomery. Do you recall that?

3 A. Yes.

4 Q. And so you spent a fair amount of time trying to vet
5 that data; is that fair to say?

6 A. Not only vetting the data, but vetting who Dennis
7 Montgomery was as a person. Was he some guy off the
8 street? Did he have the experience and credentials that
9 would suggest what he was saying was true?

10 Q. And what did you determine about his credentials?

11 A. His credentials were completely accurate.
12 Mr. Montgomery worked for the government as a contractor,
13 CIA, and other agencies. He worked at a facility called
14 Fort Washington in Belvoir, Virginia. He worked on
15 classified programs involving data collection.

16 Q. Let me stop you. Data collection on whom?

17 A. Americans.

18 Q. Has that been determined to be, as far as you know,
19 legal or illegal?

20 A. At the time, it was illegal. He was -- at least it
21 has been alleged to be illegal. He also came forward with
22 litigation in 2014, alleging that Americans were being
23 unlawfully spied upon by NSA and the CIA, and submitted
24 data that is still, to my knowledge, preserved to this day
25 under seal.

1 So there were a number of data points when I looked
2 at Dennis Montgomery that validated that he did have the
3 experience to work on programs that involved hacking,
4 hacking any kind of equipment. Because voting machines
5 are just a computer. There is nothing special about them.
6 It is a Windows operating system for many of them, out of
7 date usually.

8 There was one other data point I did to validate
9 Dennis Montgomery.

10 Q. What was that?

11 A. A sworn declaration submitted in litigation in 2020
12 by a gentleman named --

13 MR. KLOEWER: Objection, hearsay.

14 MR. KACHOUROFF: I haven't asked him what the
15 affidavit said.

16 Q. (BY MR. KACHOUROFF) So just describe who made the
17 affidavit.

18 A. Dr. Navid Kashavazr-Nia, K-A-S-H-A-V-A-R-Z--N-I-A.
19 First name N-A-V-I-D.

20 Q. Before we go into Dr. Navid, I want to back up. You
21 have been trying to get in the information that Dennis
22 Montgomery had for quite some time, and you have remarked,
23 I think in your deposition, that he was reluctant to turn
24 it over.

25 A. So Mr. Montgomery is under a court-ordered state

1 secret privilege, signed by the then acting DNI, Nick
2 LaPonte.

3 Q. What does DNI mean?

4 A. Director of National Intelligence.

5 Q. Okay. And so you then fast forward to what is the
6 relevance of Dr. Navid's affidavit here?

7 A. He validated Dennis Montgomery -- the existence of
8 the program that Dennis Montgomery said he was working on
9 and the underpinnings of the data.

10 MR. KLOEWER: Objection, Your Honor, hearsay.

11 THE COURT: Sustained.

12 Q. (BY MR. KACHOUROFF) What is Dr. Navid's background?
13 Where does he work? You know him; right?

14 A. I do not know him personally. I did research his
15 background.

16 Q. Okay. What did your research reveal?

17 A. He is a contractor, a cyber professional, contracted
18 at Raytheon for the CIA, the NSA, the FBI. And part of my
19 research and due diligence on him, The New York Times came
20 out with an article before the election, before the
21 declaration he submitted, it was a 15-page exposé about a
22 fraud committed upon the CIA by another gentleman.
23 Halfway through the article, The New York Times article it
24 states --

25 MR. KLOEWER: Objection --

1 THE COURT: Sustained.

2 MR. KLOEWER: -- hearsay.

3 Q. (BY MR. KACHOUROFF) It's okay. Let's move on.

4 The purpose of the Cyber Symposium was really to
5 vet the Dennis Montgomery data, would you agree with that?

6 A. That was one purpose, yes.

7 Q. Did that get accomplished at the Cyber Symposium?

8 A. No. We were not able to determine whether it was
9 conclusive or not. We could neither prove or disprove it.
10 When I say "we," I am talking about the Red Team of cyber
11 professionals I brought in to evaluate the data. We were
12 given a slice -- or they were given a slice of the data,
13 and it could not be -- it was inconclusive.

14 Q. Josh Merritt was on that Red Team.

15 A. Correct.

16 Q. Is he a credible expert in your opinion to have made
17 it onto the team?

18 A. Well, so Phil Waldron is the one who helped put
19 together what I call the Red Team. And a Red Team is
20 somebody who is there to, like, do a gut check; is this
21 real? He brought in a number of folks, and including
22 Josh, who I did not know before. I had some other folks
23 that I had met that were part of it. I subsequently have
24 learned some things that would call into question his
25 credibility, yes.

1 Q. Do you believe him to be a credible expert on the
2 election data that you are looking at?

3 A. I think that he has certain technical capabilities
4 that are relevant. Whether he has the capabilities to
5 evaluate the data that was presented is another question.

6 Q. Did he ever tell Mike Lindell that Dennis
7 Montgomery's data was valid, to your recollection. Let me
8 strike that and I will rephrase.

9 Before the Cyber Symposium, do you recall whether
10 or not he had ever indicated that he believed that Dennis
11 Montgomery's data was valid?

12 A. I recall general conversations that we were having at
13 the time where that was communicated. I don't recall the
14 specifics. But going into the symposium, we had been --
15 we had been evaluating data in a couple weeks leading up
16 to it. And the team was -- there was some positive
17 developments that indicated that it was real, because it
18 is very complicated, and there were positive developments,
19 and there was a time when people were like, hey, this is
20 checking out, but we have got to do more due diligence.
21 And so, yes, that opinion I recall generally being
22 expressed.

23 Q. On direct examination there seemed to be some
24 indication that you knew about the Dominion equipment and
25 vulnerability in the Dominion equipment.

1 A. Yes.

2 Q. Are you aware of things happening and irregularities
3 happening in, like, Antrim, Michigan.

4 A. Yes.

5 Q. Williamson, Tennessee.

6 A. Yes.

7 Q. Pennsylvania.

8 A. Yes.

9 Q. Georgia.

10 A. Yes.

11 Q. And did you investigate all of those particular
12 jurisdictions?

13 A. Yes.

14 Q. I don't really care to go into them unless the
15 plaintiff would like you to, but were you in contact with
16 Mike about the vulnerability and things you had found?

17 A. Yes.

18 Q. Were those based upon experts that Mike Lindell had
19 hired and were working with you?

20 A. Not just experts, but in Dominion's own words, on an
21 investigation into an event in Williamson County,
22 Tennessee --

23 MR. KLOEWER: Objection, hearsay.

24 MR. KACHOUROFF: He is giving his investigation,
25 Your Honor, nothing else.

1 THE COURT: He can characterize his investigation,
2 he cannot state an out-of-court statement for the truth of
3 the matter asserted.

4 MR. KACHOUROFF: Okay.

5 THE WITNESS: Your Honor, I am sorry, I didn't
6 catch the last part.

7 THE COURT: You can characterize your
8 investigation. I do not want you to testify to
9 out-of-court statements.

10 THE WITNESS: Okay.

11 MR. KACHOUROFF: Your Honor, we are not offering it
12 for its truth.

13 THE COURT: Can you approach if you are going to
14 make an argument.

15 MR. KACHOUROFF: I will continue, we will see if it
16 is a necessity.

17 THE COURT: All right.

18 THE WITNESS: There was a published report pursuant
19 to an investigation ordered by the Election Assistance
20 Commission into an event involving Dominion Voting Systems
21 in Williamson County, Tennessee, which was performed as an
22 investigation by Dominion.

23 MR. KLOEWER: Objection, hearsay.

24 THE WITNESS: That was part of --

25 THE COURT: Hold on. Counsel, approach.

1 (A bench conference is had.)

2 THE COURT: All right.

3 MR. KACHOUROFF: It is not offered for the truth,
4 it is being offered to show what Mr. Lindell -- what his
5 whole belief was, what his belief was based upon.

6 THE COURT: Mr. Kloewer.

7 MR. KLOEWER: Outside the scope, first of all. Not
8 relevant to claims about Eric Coomer.

9 THE COURT: Overruled.

10 (In the hearing of the jury.)

11 Q. (BY MR. KACHOUROFF) If I remember correctly, we were
12 asking about the Cyber Symposium, and we went through to
13 Dr. Navid, and you were talking about the Dominion
14 reports. Do you remember that?

15 A. You are asking did I just vet witnesses, and my
16 discussions with Mike involved more than just witnesses,
17 there were events that I investigated.

18 Q. We were talking about Williamson County, Tennessee.

19 A. Correct.

20 Q. You were describing a report from Williamson County,
21 Tennessee, with the EAC.

22 A. Correct.

23 Q. And the EAC is the Election Assistance Program?

24 A. Correct.

25 Q. And in that report that you read, did you determine

1 for yourself whether there were problems with Dominion's
2 code?

3 A. Yes.

4 Q. In fact, there was "erroneous code in Dominion's
5 systems," correct?

6 A. That is a quote.

7 Q. A quote from the report?

8 A. Correct.

9 Q. There were other problems, for instance, Atlanta,
10 Georgia, that you investigated.

11 A. In DeKalb County, yes.

12 Q. There were also software glitches; correct?

13 A. There was an election that had to be reversed after
14 it was discovered.

15 Q. Would it also be fair to say you and Mike discussed
16 all of this as a part of your investigation into what was
17 going on?

18 A. Absolutely.

19 Q. There was an allegation that you had not read the
20 Complaint by Dr. Coomer against Mike Lindell, My Pillow,
21 and Frankspeech. Do you know if My Pillow was ever
22 involved in targeting Eric Coomer?

23 A. Not to my knowledge, no.

24 Q. So it was not involved in targeting Eric Coomer.

25 A. No.

1 Q. Was Frankspeech involved in targeting Eric Coomer?

2 A. Not to my knowledge.

3 MR. KLOEWER: Objection, Your Honor, calls for a
4 conclusion.

5 THE COURT: Overruled.

6 Q. (BY MR. KACHOUROFF) Do you know whether Michael
7 Lindell ever targeted Eric Coomer? Do you have personal
8 knowledge whether he chose to?

9 A. No, I don't have any personal knowledge.

10 Q. As far as you know, Mike Lindell never targeted Eric
11 Coomer; correct?

12 A. Correct.

13 Q. Have you ever heard Mike say that Eric Coomer is
14 Antifa?

15 A. No.

16 Q. Have you ever heard Mike Lindell state that Eric
17 Coomer is personally responsible for rigging the 2020
18 election?

19 A. No.

20 Q. You know Mike is a pretty passionate guy; right?

21 A. That would be an understatement. But, yes.

22 Q. Do you have a sense of -- excuse me. Do you have an
23 opinion on his honesty?

24 A. Yes.

25 Q. And what is your opinion on his honesty?

1 A. I would trust Mike with my life, and I don't say that
2 lightly.

3 Q. If Mike found out that something that he believed in
4 was wrong or incorrect, is he the type of person that
5 would re-evaluate his position?

6 MR. KLOEWER: Objection, calls for speculation.

7 THE COURT: Sustained.

8 Q. (BY MR. KACHOUROFF) There was an indication that you
9 didn't contact Dr. Coomer or his attorneys at the time
10 before the lawsuit was filed.

11 A. Yes.

12 Q. Did you know who Dr. Coomer was before the lawsuit
13 was filed?

14 A. I had heard the name because it had been bantered
15 around.

16 Q. Why wouldn't you contact him?

17 A. I have no idea. I was focused on investigations.
18 That was my job. I looked at data and evidence and
19 interviewing experts. I was not involved in representing
20 specifically Mike in the litigation. I was not counsel of
21 record. I provided advice, but I was not counsel of
22 record in the various litigation.

23 Q. But before that ever came up, was there any reason
24 for you to contact, for instance, Charlie Cain, his other
25 attorney here?

1 A. No.

2 Q. Or Brad Kloewer, his other attorney.

3 A. No.

4 Q. The number of experts that were at the symposium that
5 didn't make claims against the \$5 million challenge, were
6 their credentials vetted by you, any of them?

7 A. Some, but we had a designated cyber expert to do the
8 vetting on the cyber experts.

9 Q. And who was that?

10 A. Todd Sanders (phonetic).

11 Q. And were Josh Merritt's credentials lower or higher,
12 would you say, from some of the participants you
13 encountered?

14 A. Definitely lower. That was different than for the
15 Red Team. Like I said, Phil Waldron helped put together
16 the Red Team for the invitees to the Cyber Symposium. We
17 had laid out specific credentials because we wanted people
18 of all sides. By the way, there were definitely people of
19 all political persuasions there, Harri Hursti being one of
20 them. That was done with a very deliberate effort to
21 bring in people with all points of view to evaluate the
22 data.

23 Q. How would you describe Mike Lindell's efforts from
24 what you know from February -- late February, when you met
25 him -- and what was his purpose. Because he, in your

1 opinion, was the lone voice arguing that the machines were
2 defective or what have you?

3 A. Yeah, I mean, after the 2020 election, Mike really,
4 particularly and starting with *Absolute Proof* and so
5 forth, was the lone voice calling out the issues with the
6 machines and keeping that discussion alive. And because
7 of that, we now know a heck of a lot more than we probably
8 would have because the people that have gotten involved
9 and continue to investigate continue to bring forward
10 evidence.

11 It needed a baseline, a board to spring off of.
12 And Mike, as you said -- and he is he is very passionate
13 and believes this is about saving the country for
14 everyone, it doesn't matter if you are left or right.

15 MR. KLOEWER: Objection, Your Honor.

16 THE COURT: Sustained.

17 Q. (BY MR. KACHOUROFF) Now, Mike received -- during
18 cross-examination there was an indication -- I guess there
19 was a video played where we had a spoke, kind of a hub,
20 where Mike was trying to create a hub for data coming in
21 that was being created. There was enormous amount of
22 information flowing in. Would that be fair to say?

23 A. That would, yes.

24 Q. And about how many sources were pouring in
25 information?

1 A. Well, I probably spent a good 10 to 12 to 16 to 18
2 hours a day on the phone in addition to evaluating data.
3 These were, at the time, extraordinary times. It was just
4 an extraordinary amount of data, some which was not
5 credible and was dismissed and is some which we pursued.

6 Q. Was Mike diligent and earnest in his desire to seek
7 out and consider all relevant evidence on both sides of
8 the issue?

9 A. Yeah. And I think that that is exemplified when you
10 look at the cyber experts that we invited to the Cyber
11 Symposium, they were from all political persuasions. It
12 was not one side. And I will talk about Harri Hursti, who
13 was well known to be on the left side of the spectrum.
14 And that's just one example. He is a very famous one. He
15 was in a movie called *Kill Chain*, a HBO production.

16 MR. KACHOUROFF: I have nothing further, Your
17 Honor.

18 THE COURT: Mr. Kloewer.

19 **REDIRECT EXAMINATION**

20 **BY MR. KLOEWER:**

21 Q. Mr. Olsen, I believe you described Mr. Lindell being
22 very honest; is that correct?

23 A. Yes. Yeah.

24 Q. Are you aware that My Pillow has an F accreditation
25 from the Better Business Bureau, and had that

1 accreditation revoked following a class action filed in
2 California?

3 A. So what? How does that affect somebody's honesty?

4 Q. I believe you said -- well, let's talk about Dennis
5 Montgomery, that topic. It is your position that Dennis
6 Montgomery is credible; correct?

7 A. It is my position that he is who he says he is, in
8 terms of the experience that he worked with -- at the
9 federal government, that he had access to the programs, if
10 not being the creator of the program.

11 Q. That is not my question. Is he a credible source of
12 information about election fraud?

13 A. Yes.

14 Q. You said a number of things that I would like to
15 circle back on. We were talking about the purpose of the
16 Cyber Symposium. You said it was to "get the word out."
17 Did I hear you correctly?

18 A. That would be one of the purposes, yes.

19 Q. To get everyone together.

20 A. To get people together from all sides of the
21 political spectrum, particularly with the cyber experts,
22 yeah.

23 Q. You would agree the intent was to reach new audiences
24 for the type of information that was being presented.

25 A. Sure.

1 Q. You would agree that Mike Lindell wanted as many
2 people as possible to watch the event.

3 A. Sure.

4 Q. And you are aware that, in fact, he had people
5 reaching out to every legislator across the country, at
6 state and national levels, to invite them to the
7 symposium.

8 A. Yes.

9 Q. And he invited media outlets from across the country.

10 A. I believe so.

11 Q. And he invited, as you indicated, various cyber
12 experts?

13 A. Yes.

14 Q. I believe you said Harri Hursti was invited by Mike
15 Lindell.

16 A. Yes. Or he submitted a request to attend.

17 Q. Okay. And I believe you also said that Mr. Lindell
18 was the lone voice keeping the discussion alive. Did I
19 hear that correctly?

20 A. Correct. That is what I said.

21 Q. And the symposium was intended to bring forward
22 credible evidence to start a conversation. I heard that
23 correctly, too; right?

24 A. Correct.

25 Q. Mr. Olsen, how much has your law firm been paid by

1 Mr. Lindell since you were retained in February of 2020?

2 A. I never submitted a bill to Mike that was referenced
3 in the Engagement Agreement. I did get payment from Mike
4 over the course of two years amounting to about \$200,000
5 just to keep afloat, yeah.

6 MR. KLOEWER: No further questions, Your Honor.

7 THE COURT: All right. Mr. Olsen, you are done.
8 You may step down.

9 Counsel, next witness.

10 MS. MORGAN: The next witness will be about an hour
11 long, Your Honor. I don't know if you want to take the
12 afternoon break or wait until after.

13 THE COURT: Well, my guess is that they would
14 rather take the afternoon break now, but I also want just
15 to be mindful of the 4:30 hard stop.

16 MS. MORGAN: Yes, Your Honor.

17 THE COURT: So let's take the afternoon break now
18 for 15 minutes and we will see you all back here.

19 (Outside the presence of the jury.)

20 THE COURT: All right. Thank you. Please be
21 seated. Anything that we need to address during the
22 break?

23 MR. KACHOUROFF: No, Your Honor.

24 THE COURT: All right. We will be in recess.

25 (A break is taken from 2:30 p.m. to 2:45 p.m.)

1 THE COURT: Thank you. Please be seated.

2 All right. Counsel, are we ready?

3 MS. MORGAN: Yes, Your Honor.

4 THE COURT: All right, madam deputy.

5 (In the presence of the jury.)

6 THE COURT: Thank you. Please be seated.

7 Ms. Morgan, are you ready to call your next
8 witness?

9 MS. MORGAN: Yes, Your Honor. Plaintiff calls
10 Joshua Merritt by video deposition.

11 (Videotaped deposition of Joshua Merritt played in
12 open court but not reported.)

13 THE COURT: All right. Counsel, it is almost 4
14 o'clock. Do we have the next witness?

15 MR. CAIN: May we approach briefly?

16 THE COURT: Yes.

17 (A bench conference is had.)

18 MR. CAIN: We have the Montgomery video, but we
19 have agreed that it would be better to release the jury
20 and for us to talk about a few of the Montgomery issues,
21 perhaps, if that is all right with Your Honor.

22 THE COURT: All right.

23 (In the hearing of the jury.)

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, there are a few things that I need to take care of

1 outside of the province of the jury, so it is your lucky
2 day, it is Friday afternoon, and you are getting released
3 before 4 o'clock.

4 I just remind you again, and not to repeat myself,
5 but I will, that you should not speak to anyone about this
6 case or what you are hearing about this case. You should
7 certainly not read any media or listen to any media or let
8 anyone talk to you about any media or be influenced or do
9 any sort of research that you otherwise would be able to
10 do if you were not on this case. Please do not do that.
11 Make sure outside the courtroom you do not allow anyone to
12 approach you about this case. You should not speak to any
13 of the parties, lawyers, witnesses, or anyone else about
14 this case.

15 I hope you have a very good weekend. It is
16 supposed to be sunny. If you can be back here again on
17 Monday by 8:45 a.m., I would appreciate it. And then we
18 will proceed from there.

19 (Outside the presence of the jury.)

20 THE COURT: All right. Thank you. Please be
21 seated.

22 So as I understand it, there are a few issues that
23 we need to take up outside the province of the jury. I
24 also wanted to issue just a recommendation. I know that
25 there are people in the gallery, members of the public,

1 other people here. I would really appreciate it if you
2 don't approach the witnesses or the jurors in any way that
3 you may see milling about. And when I say "witnesses,"
4 witnesses who have not yet testified because they are
5 under a sequestration order.

6 With respect to the jurors, there is, again, more
7 coverage about this trial, and I am just trying to protect
8 the integrity of our jury here. So if you can just give
9 them space that would be much appreciated.

10 All right. Counsel, what do we have to address?

11 MS. DEMASTER: Your Honor, we just wanted to
12 address again the Montgomery deposition transcript
13 portions. We provided and just a partial -- very partial
14 narrow reconsideration of that, just as to Rule 106 and
15 some of the -- whatever pertained to the plaintiff's
16 designations.

17 So the counter -- previously designated, we were
18 able to narrow down those a lot. We have conferred with
19 opposing counsel. Two of the ones we found -- and I did
20 not see this in the Court's order, but two of the
21 designations or counter-designations that we provided and
22 that were ruled on, opposing counsel said that they have
23 de-designated that.

24 I wasn't aware, I do not believe I saw that in the
25 Court's order, but I could be wrong. But if that is true,

1 we are willing to waive those. The only ones we have that
2 we would like to do --

3 THE COURT: Let me pause you there, Ms. DeMaster,
4 just so I make sure I understand what is happening about
5 those two. The only designations that I ruled on were the
6 ones after the de-designation. So I did not rule on
7 testimony that had been designated then was de-designated,
8 because that wouldn't have been an efficient use of my
9 time.

10 So are you saying that two of the things that you
11 would like to introduce are now moot because I didn't --
12 they have been de-designated and they're not part of the
13 testimony, at all?

14 MS. DEMASTER: Correct. There is just one.

15 THE COURT: So let's then just focus on whatever
16 else is left.

17 MS. DEMASTER: So basically it is the statements --
18 and this has come up in testimony today from several
19 witnesses, but the statements on a software program called
20 Hammer and Scorecard, or "Scorecard" specifically. A lot
21 of that kind of comes up in the middle, a lot of what was
22 designated on day two specifically comes -- it is very
23 incomplete with regard to specific elections at the
24 timeframe that may have been involved, or with specific
25 elections that may have been in Brazil or in Venezuela,

1 and doesn't really get into the context of how he knows
2 about that.

3 For example, portions of his deposition talk about
4 how he knows it, may have created it, and why he would
5 have known that information. Now, we do not have lots of
6 them, although we understand and believe much of it was
7 relevant, we were able to say that our counters would be
8 probably no more than five minutes, but it would just
9 provide context to a litany of information that was
10 provided without a lot of clarity or completeness.

11 THE COURT: All right. Ms. Morgan.

12 MS. MORGAN: Thank you, Your Honor. Just for
13 purposes of clarification, it is my understanding that the
14 two requested counter-designations at issue are page 51,
15 lines 6 through 9, and this is the first day of
16 Mr. Montgomery's deposition. And then the second section,
17 also from the first day, would be page 107, line 24,
18 through page 110, line 18. So about three pages worth of
19 testimony.

20 THE COURT: These are supposed to be counter -- and
21 maybe this is a better question for Ms. DeMaster. These
22 are counter-designations to designations that were already
23 made by the plaintiff?

24 MS. MORGAN: Yes, Your Honor. And, in essence,
25 these are counter-designations that -- to back up, were

1 made pursuant to the Court's order that they provide
2 designations that were more specific by March 17th, and --

3 THE COURT: So -- I am sorry to interrupt you,
4 Ms. Morgan, go ahead.

5 MS. MORGAN: I was just reminding the Court that
6 their initial counter-designation was the whole
7 transcript, we went through that this morning, so I won't
8 repeat. But I just wanted to point out that these
9 re-urged counter-designations fall within the ambit of
10 what the Court has already ruled on, and so we stand on
11 our objections, Your Honor. I don't believe that these
12 are necessary under Rule 106 to provide context to our
13 designations. So that is our position, Your Honor.

14 THE COURT: All right.

15 MS. DEMASTER: May I respond real quick, Your
16 Honor?

17 THE COURT: All right.

18 MS. DEMASTER: Respectfully, and this is just to
19 complete what I was going to say. These two, one from
20 page 51, and the one from 110 actually pertain to
21 plaintiff's designation 78, and this is on day one. So
22 day two, what the plaintiff has designated pertains to
23 plaintiff's designations on pages 78 through 79, 119
24 through 120.

25 THE COURT: Can you slow down, Ms. DeMaster.

1 MS. DEMASTER: I apologize.

2 135 through 141, 146 through 149, 156 through 158,
3 164 through 165, and 168 through 172, so a substantial
4 amount of pages, most of which kind of come in the middle,
5 asking him about specific elections or other things where
6 Scorecard might have been used, without the context of how
7 he would have had that information. And even within some
8 of those examples in day one, being able to provide how he
9 had that kind of access to the program or knowledge in the
10 use of it.

11 And this is a very short -- again, we agreed to
12 narrow it just to 51, three lines, and then less than
13 three pages from 107 to 110.

14 THE COURT: All right. So I will take that under
15 advisement. I obviously need some time to look at these
16 designations and consider your motion for reconsideration.

17 Let me just make sure the record is clear. All
18 right. I think it is clear enough.

19 All right. Anything else, counsel?

20 MR. CAIN: Just we had, and I think this is
21 unopposed, but Professor Halderman, who is our security
22 expert, is coming in, and intends to sit in on testimony
23 beginning on Monday. And Darlene has given us a few
24 realtime transcripts that I would like to have him review.
25 There has been some quasi technical testimony today, and

1 I'd like for him to have the opportunity to review that
2 under 615(a)(3), and I believe that is appropriate.

3 THE COURT: Mr. Kachouroff?

4 MR. KACHOUROFF: I don't care, Your Honor.

5 THE COURT: I will take that as unopposed.

6 MR. KACHOUROFF: That's right.

7 THE COURT: All right. That is fine, Mr. Cain.

8 MR. CAIN: That is all.

9 THE COURT: All right. So I just want to talk
10 about housekeeping and logistic matters. So obviously I
11 talked to you all about the charge conference and when the
12 best time for the charge conference might be. It sounds
13 to me like that might fall most logically -- but, again,
14 you all have to tell me what you have left -- on Tuesday
15 or Wednesday morning.

16 I just want to be thoughtful of what we need to
17 complete, how the Court will need to turn your arguments
18 and make decisions on final instructions, and I also want
19 to be mindful that I don't want to waste the jury's time
20 sitting there while we are doing these things.

21 MR. KACHOUROFF: Your Honor, I have spoken to
22 Mr. Cain, and we thought we would be finished by probably
23 Tuesday afternoon, maybe.

24 THE COURT: So Tuesday morning?

25 MR. KACHOUROFF: Maybe. I think we are trying to

1 figure out what the rest of the schedule looks like.

2 THE COURT: Right. So it sounds to me like you
3 have at least Mr. Halderman and Mr. Lindell on Monday, and
4 then --

5 MR. KACHOUROFF: Brannon Howse. And then Doug
6 Bania and Peter Kent, those two experts are really about
7 an hour, hour-and-a-half apiece, max.

8 THE COURT: Okay. So it may be that we either do
9 this -- do you think, Mr. Cain or Mr. Kachouroff, that we
10 are going to be done with all evidence by Tuesday
11 afternoon, so that you all would be moving into closings
12 on Wednesday, because if that is --

13 MR. KACHOUROFF: She is telling me no.

14 THE COURT: I am mindful that there are people here
15 that we need to accommodate, so we would be ready to go on
16 Monday afternoon if you think that is a better time. It
17 seems to me like Tuesday morning might be the better time
18 to do the charge conference.

19 MS. MORGAN: We would tend to agree, Your Honor.
20 And Monday, just for clarification, Halderman will be here
21 watching --

22 THE COURT: Oh, he will not be testifying then.

23 MS. MORGAN: Correct. And it will be Mr. Lindell
24 and Brannon Howse Monday.

25 THE COURT: So it sounds to me like perhaps Tuesday

1 morning would be the better time to tell our jury that
2 they can come in a little bit later so that we can get
3 through the charge conference, go through the instructions
4 and the verdict form. That would give the Court the day
5 to turn them, and then have them ready for you all if you
6 think you are going to closings on Wednesday.

7 MR. KACHOUROFF: Thank you, Your Honor.

8 THE COURT: All right. Anything else?

9 All right. So you know the drill. If something
10 comes up over the weekend, do your best to alert our
11 chambers of it so we are not flatfooted on Monday. I wish
12 you a good weekend, and we will see you back here at 8:30
13 a.m., or 9 o'clock, depending on if we have issues.

14 We will get to the Montgomery designations sooner,
15 rather than later, knowing that there are technical
16 issues. So you should be mindful and watch for a minute
17 order with respect to that.

18 All right. We will be in recess.

19 (Proceedings conclude at 4:06 p.m.)
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R E P O R T E R ' S C E R T I F I C A T E

I, Darlene M. Martinez, Official Certified Shorthand Reporter for the United States District Court, District of Colorado, do hereby certify that the foregoing is a true and accurate transcript of the proceedings had as taken stenographically by me at the time and place aforementioned.

Dated this 3rd day of August, 2025.

s/Darlene M. Martinez
RMR, CRR

*DARLENE M. MARTINEZ, RMR, CRR
United States District Court
For the District of Colorado*