

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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US DOMINION, INC., DOMINION	)	
VOTING SYSTEMS, INC., and	)	
DOMINION VOTING SYSTEMS	)	
CORPORATION	)	
c/o Cogency Global	)	
1025 Vermont Ave, NW, Ste. 1130	)	
Washington, DC 20005,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. _____
	)	
MY PILLOW, INC. and	)	
MICHAEL J. LINDELL	)	
343 E 82nd Str #102	)	
Chaska, MN 55318,	)	
	)	
Defendants.	)	

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. After hitting the jackpot with Donald Trump’s endorsement for MyPillow and after a million-dollar bet on Fox News ads had paid out handsome returns, Michael Lindell exploited another chance to boost sales: marketing MyPillow to people who would tune in and attend rallies to hear Lindell tell the “Big Lie” that Dominion had stolen the 2020 election. As when MyPillow previously faced legal action for deceptive marketing campaigns, Lindell knew there was no real “evidence” supporting his claims. And he is well aware of the independent audits and paper ballot recounts conclusively disproving the Big Lie. But Lindell—a talented salesman and former professional card counter—sells the lie to this day because the lie sells pillows. MyPillow’s defamatory marketing campaign—with promo codes like “FightforTrump,” “45,” “Proof,” and “QAnon”—has increased MyPillow sales by 30-40% and continues duping people into redirecting their election-lie outrage into pillow purchases.

2. Bipartisan election officials, judges, 59 election security experts, Attorney General Bill Barr, Trump appointee Chris Krebs, Georgia’s Republican Governor Brian Kemp, Georgia’s Republican Secretary of State Brad Raffensperger, Colorado’s former Republican Secretary of State Wayne Williams, and others have rebutted Lindell’s false claims about Dominion.<sup>1</sup>

3. Most importantly though, paper ballots are the hard evidence conclusively disproving Lindell’s claims. If the vote tallies in Dominion machines had been manipulated, the machine tallies would not match the number of votes on the paper ballots. In fact, they do match, as independent audits and hand recounts have repeatedly proven. The contrary “evidence” put forward by Lindell’s allies—including Sidney Powell, L. Lin Wood, and others—was deliberately misrepresented, manufactured, cherry-picked, and sourced from con artists and conspiracy theorists who were judicially determined to be “wholly unreliable.” Lindell knows all of this because Dominion wrote to him multiple times, put him on formal written notice of the facts, and told him that Dominion employees were receiving death threats because of the lies.

4. Instead of retracting his lies, Lindell—a multimillionaire with a nearly unlimited ability to broadcast his preferred messages on conservative media—whined that he was being “censored” and “attacked” and produced a “docu-movie” featuring shady characters and fake documents sourced from dark corners of the internet.

5. Through discovery, Dominion will prove that there is no real evidence supporting the Big Lie. Dominion brings this action to vindicate the company’s rights, to recover damages, to seek a narrowly tailored injunction, to stand up for itself and its employees, and to stop Lindell and MyPillow from further profiting at Dominion’s expense.

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<sup>1</sup> “Dominion” refers to Plaintiffs, US Dominion, Inc. and its subsidiaries, Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation.

**PARTIES**

6. Plaintiff US Dominion, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado.

7. Plaintiff Dominion Voting Systems, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado.

8. Plaintiff Dominion Voting Systems Corporation is a for-profit Ontario corporation with its principal place of business in Toronto, Ontario.

9. Defendant My Pillow, Inc. (“MyPillow”) is a for-profit Minnesota corporation with its principal place of business in Chaska, Minnesota.

10. Defendant Michael J. Lindell is the founder and CEO of MyPillow. Lindell is a resident of Minnesota. At all relevant times during the defamatory marketing campaign at issue in this case, Lindell was acting as MyPillow’s agent.

**JURISDICTION AND VENUE**

11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiffs and Defendants, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

12. This Court has personal jurisdiction over all Defendants pursuant to § 13-423 of the District of Columbia Code because Lindell, who at all relevant times during the defamatory marketing campaign at issue in this case acted as an agent for MyPillow: (i) transacted business within the District of Columbia, including by sponsoring and marketing MyPillow at rallies in Washington, D.C. on December 12, 2020, January 5, 2021, and January 6, 2021; by regularly advertising MyPillow at these events and through internet, television, and radio ads directed at residents of the District of Columbia; and by selling MyPillow products to residents of the District of Columbia; (ii) caused tortious injury by acts committed within the District of Columbia,

including and specifically by making false and defamatory statements about Dominion at rallies in Washington, D.C. on December 12, 2020 and January 5, 2021, and during media appearances from within the District of Columbia; and (iii) caused tortious injury by acts committed outside the District of Columbia while regularly doing business within, engaging in persistent conduct within, and deriving substantial revenue from services rendered within the District of Columbia.

13. Requiring Defendants to litigate these claims in the District of Columbia does not offend traditional notions of fair play and substantial justice and is permitted by the Due Process Clause of the United States Constitution. Dominion's claims arise in part from defamatory statements that Lindell, while acting as an agent for MyPillow, made about Dominion from within the District of Columbia. Defendants avail themselves of numerous privileges in the District of Columbia, including those set forth above.

14. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims in this Complaint occurred in this District and, as discussed above, because Defendants are subject to the Court's personal jurisdiction in this District.

### **FACTUAL ALLEGATIONS**

#### ***Through Aggressive Marketing, Mike Lindell Builds a Multimillion-Dollar Company***

15. In 2004, Lindell founded the MyPillow company, which he later incorporated as My Pillow, Inc. A talented salesman, Lindell personally starred in MyPillow infomercials, which claimed that MyPillow would help people suffering from fibromyalgia, insomnia, migraines and headaches, sleep apnea, snoring, TMJ, and restless leg syndrome—claims that prosecutors alleged

were “untrue or misleading.”<sup>2</sup> Rather than defending the truthfulness of MyPillow’s claims in court, Lindell opted to pay \$995,000 in civil penalties.<sup>3</sup>

16. Three years later, MyPillow found itself in legal trouble for “disseminating false and misleading advertisements.”<sup>4</sup> Rather than defending the truthfulness of MyPillow’s claims, Lindell opted to pay \$100,000 in civil penalties.<sup>5</sup>

17. In 2016, consumers filed a class action lawsuit alleging that MyPillow’s infomercials targeted people with sleep-related ailments and falsely held out Lindell as a “sleep expert” even though he has no expertise in sleep science or medicine.<sup>6</sup> Again, rather than defending the truthfulness of his company’s claims, Lindell paid to make the case go away.<sup>7</sup> Similarly, the Better Business Bureau revoked the accreditation of MyPillow and lowered its rating to an “F” based on a pattern of complaints by consumers.<sup>8</sup>

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<sup>2</sup> See Complaint, *California v. My Pillow, Inc.*, No. HG16836619 (Ca. Super. Ct., Alameda Cty. Oct. 26, 2016).

<sup>3</sup> See Final Judgment, *California v. My Pillow, Inc.*, No. HG16836619 (Ca. Super. Ct., Alameda Cty. Oct. 31, 2016); see also *MyPillow Fined \$1M for Phony Ads*, NBC L.A. (Nov. 4, 2016), available at, <https://www.nbclosangeles.com/news/national-international/mypillow-fined-1-million-for-phony-ads/106508/>.

<sup>4</sup> See Complaint, *California v. My Pillow, Inc.*, No. RG 19037519 (Ca. Super. Ct., Alameda Cty. Oct. 2, 2019).

<sup>5</sup> See Final Judgment, *California v. My Pillow, Inc.*, No. RG 19037519 (Ca. Super. Ct., Alameda County Oct. 23, 2019).

<sup>6</sup> See Complaint, *Amiri v. MyPillow, Inc.*, No. DS1606479 (Ca Super. Ct. San Bernardino Cty. Apr. 25, 2016).

<sup>7</sup> See Amended Settlement Agreement and Release, *Amiri v. MyPillow, Inc.*, No. DS1606479 (Ca Super. Ct. San Bernardino Cty. Aug. 8, 2016).

<sup>8</sup> My Pillow, Better Business Bureau, available at, <https://www.bbb.org/us/mn/chaska/profile/pillows/my-pillow-inc-0704-96152336> (Ex. 228). Exhibit numbers referenced within are either used in or consecutively numbered with related cases, *Dominion v. Powell*, No. 21-cv-00040 (D.D.C. Jan. 8, 2021) and *Dominion v. Giuliani*, No. 21-cv-00213 (D.D.C. Jan. 25, 2021).

***Lindell Scores a Valuable Product Endorsement from Donald Trump and Advertises Heavily on Conservative Media Platforms***

18. Despite MyPillow’s history of run-ins with the law, the company became successful and its revenue exceeded \$300 million in 2019 alone.<sup>9</sup>

19. In large part, MyPillow’s success is due to a gamble Lindell made on Fox News years ago.<sup>10</sup> Lindell went all in and spent his last \$2 million buying airtime for MyPillow ads on Fox News.<sup>11</sup> The bet paid off, yielding \$8.19 million in returns.<sup>12</sup> In the first three quarters of 2020, MyPillow spent more than \$62 million on television ads, with nearly 99% of it going to cable channels like Fox News.<sup>13</sup> In the first half of 2020, MyPillow ads made up about 37.8% of the advertising revenue for Tucker Carlson’s show and 15% of the advertising revenue for Sean Hannity’s show—making MyPillow one of Fox’s biggest sponsors.<sup>14</sup>

20. As Tucker Carlson has stated on his show on Fox News: “If you have been watching this channel at all even for a moment you will recognize this man – probably the most famous face on Fox News, Mike Lindell, he created a product that you are familiar if you watch television or if you sleep at night. Mike, I cannot resist asking you for the famous words of yours that we’ll

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<sup>9</sup> Sapna Maheshwari & Tiffany Hsu, *MyPillow C.E.O’s Trump Conspiracy Theories Put Company on the Spot*, N.Y. Times (Feb. 5, 2021), available at, <https://www.nytimes.com/2021/01/27/business/mike-lindell-mypillow.html> (Ex. 230).

<sup>10</sup> Mike Lindell, *What are the Odds?* 351-54 (2019).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Tiffany Hsu, *As Corporate America Flees Trump, MyPillow’s C.E.O. Stands by Him*, N.Y. Times (Jan. 12, 2021), available at, <https://www.nytimes.com/2021/01/12/business/media/mypillow-mike-lindell-trump.html> (Ex. 231).

<sup>14</sup> Haley Victory Smith, *Thirty-eight percent of Tucker Carlson’s advertising came from MyPillow in 2020, data firm estimates*, Wash. Examiner (July 7, 2020), available at, <https://www.washingtonexaminer.com/news/thirty-eight-percent-of-tucker-carlsons-advertising-came-from-mypillow-in-2020-data-firm-estimates> (Ex. 232).

remember.” After Lindell responded by plugging “MyPillow,” Carlson gushed that it is “the most successful sleep product in the history of sleep.”<sup>15</sup>

21. MyPillow also advertises heavily on Newsmax, where it has spent tens of thousands of ad dollars in one week alone.<sup>16</sup>

22. In addition to MyPillow’s advertising on Fox News, Newsmax, and other conservative networks, Lindell’s vocal support for Donald Trump over the years has been “very good for business.”<sup>17</sup> In July 2017, Lindell sat right next to Trump at a White House event and got “about the most valuable endorsement an American can possibly get.”<sup>18</sup> President Trump, with a MyPillow an arm-length away, endorsed MyPillow on national television, saying, “I actually bought a couple of pillows and they’re very good. They’re great. I’ve slept so much better ever since.”<sup>19</sup> Lindell has repeatedly touted the endorsement, including during a purported interview on a Fox Business program.<sup>20</sup>

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<sup>15</sup> Tucker Carlson Hosts MyPillow Guy, One of His Few Remaining Advertisers, For Fawning Interview, YouTube (Dec. 22, 2020), available at, <https://www.youtube.com/watch?v=xXlx1Uz4Ujs&feature=youtu.be> (Ex. 233).

<sup>16</sup> Tiffany Hsu, *As Corporate America Flees Trump, MyPillow’s C.E.O. Stands by Him*, N.Y. Times (Jan. 12, 2021), available at, <https://www.nytimes.com/2021/01/12/business/media/mypillow-mike-lindell-trump.html> (Ex. 231).

<sup>17</sup> Betsy Klein, *How Mike Lindell, the MyPillow guy, became a midterm messenger*, CNN (Nov. 4, 2018), available at, <https://www.cnn.com/2018/11/03/politics/donald-trump-mike-lindell-mypillow-midterms/index.html> (Ex. 234); *Why Now is the Time to Stand Up for America*, ThriveTime Show (Dec. 23, 2020), available at, <https://www.thrivetimeshow.com/business-podcasts/mike-lindell-the-my-pillow-founder-why-now-is-the-time-to-stand-up-for-america-the-freedoms-we-enjoy-and-president-donald-j-trump/> (Ex. 235); *see also FlashPoint: Stand Firm! Mike Lindell, Hank Kunneman and Mario Murillo*, The Victory Channel (Dec. 23, 2020), available at, <https://www.youtube.com/watch?v=kPhpPLknmBw> (Ex. 236); *MyPillow CEO Mike Lindell Joins John Di Lemme LIVE on the Biden Scam Series*, Conservative Business Journal (Dec. 11, 2020), available at, <https://www.conservativebusinessjournal.com/podcast/mypillow-ceo-mike-lindell-biden-scam-series/> (Ex. 237).

<sup>18</sup> *My Pillow gets endorsement from President Trump*, YouTube (July 20, 2017), available at, [https://www.youtube.com/watch?v=tSv\\_cGUhHOI](https://www.youtube.com/watch?v=tSv_cGUhHOI) (Ex. 238).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*



Donald Trump endorses MyPillow during a nationally televised White House meeting on July 19, 2017.



Lindell touts Trump’s endorsement during an interview on Fox Business’s *After the Bell* on July 20, 2017.

23. After receiving Trump’s endorsement for MyPillow, Lindell sought Trump’s endorsement for another product in which he had a financial stake—an extract from a poisonous shrub that Lindell has held out as a “miracle” and a “cure” for COVID-19.<sup>21</sup> During a televised interview, Lindell claimed the product was an “amazing cure that works for everybody” that “had been tested by over a thousand people to be safe.”<sup>22</sup> When pressed to provide evidence supporting his claims, Lindell was unable to do so, but claimed that there had “absolutely” been Phase 1 and

<sup>21</sup> Heather Murphy, *Drug Pitched to Trump for Covid-19 Comes From a Deadly Plant*, N.Y. Times (Aug. 20, 2020), available at, <https://www.nytimes.com/2020/08/20/health/covid-oleandrin-trump-mypillow.html> (Ex. 239).

<sup>22</sup> *Anderson Cooper to MyPillow CEO: How do you sleep at night?*, CNN Business (Aug. 18, 2020), available at, <https://www.cnn.com/videos/business/2020/08/18/mike-lindell-anderson-cooper-coronavirus-therapeutic-mypillow-sot-vpx.cnn> (Ex. 240).



Phase 2 testing (there had not) and that it will “get[] approved by the FDA” (it did not). Rather than approving Lindell’s plant extract as a treatment for COVID-19, the FDA issued a warning letter to its marketers, writing that the product was “unapproved” and was being sold in violation of the law, and requesting that they “take immediate action to cease the sale” of the product, which “is not generally recognized as safe and effective for use under the conditions prescribed, recommended, or suggested in its labeling.”<sup>23</sup>

***Lindell is a Gifted “Numbers Guy”***

24. Lindell did not accumulate a personal net worth of over \$300 million simply by being an aggressive salesman and advertiser: he was always “good at math” and “numbers came easily” to him, including “[p]ercentages, ratios, odds.”<sup>24</sup>

25. Over the course of three decades, Lindell was a professional card counter with a penchant for solving real-time mathematical equations necessary for beating the odds.<sup>25</sup> While hunkered down at the blackjack table, he would feign a drunken stupor while hundreds of different number combinations ran through his mind like a “computerized algorithm,” enabling Lindell to calculate his bets based on the patterns he observed coming from the dealer’s hand.<sup>26</sup>

26. Lindell “especially loved game theory—the idea that success in making choices depends on understanding the choices of others.”<sup>27</sup> Lindell’s success is due in part to his aptitude for understanding the choices of others—in particular what can motivate others to buy MyPillow products.

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<sup>23</sup> FDA Warning Letter to Phoenix Biotechnology Inc. (Dec. 15, 2020), available at, <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/phoenix-biotechnology-inc-612178-12152020> (Ex. 241).

<sup>24</sup> Mike Lindell, *What are the Odds?* 32 (2019).

<sup>25</sup> Lee Weeks, *With God All Things Are Possible*, Decision Mag. (June 1, 2020), available at, <https://decisionmagazine.com/with-god-all-things-are-possible/> (Ex. 242).

<sup>26</sup> *Id.*

<sup>27</sup> Mike Lindell, *What are the Odds?* 32 (2019).

27. As a former professional card counter and self-described “numbers guy,” Lindell “look[s] at numbers every single day” at MyPillow.<sup>28</sup>

***Lindell Understood What Really Happened on Election Night***

28. In the months leading up to the 2020 election, while Democrats were encouraging people to vote by mail to minimize the spread of COVID-19 at polling places on Election Day, Donald Trump—whom Lindell followed on Twitter until Trump was banned—repeatedly discouraged his supporters from voting by mail and encouraged them to vote in person instead.<sup>29</sup>

29. Lindell knew that Trump had discouraged his supporters from voting by mail, as evidenced by the fact that Lindell himself retweeted two of Trump’s tweets doing so.<sup>30</sup>

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<sup>28</sup> *President Trump’s not going anywhere. Mike Lindell with Sebastian Gorka on AMERICA First* at 5:27, America First with Dr. Sebastian Gorka (Dec. 3, 2020), available at, <https://www.facebook.com/watch/?v=438439460653478> (Ex. 243) (“I’m a numbers guy.”).

<sup>29</sup> Donald J. Trump (@realDonaldTrump), Twitter (Apr. 8, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1247861952736526336>; Donald J. Trump (@realDonaldTrump), Twitter (Apr. 11, 2020), previously available at, [https://twitter.com/realDonaldTrump/status/1249132374547464193?ref\\_src=twsrc%5Etfw](https://twitter.com/realDonaldTrump/status/1249132374547464193?ref_src=twsrc%5Etfw); Donald J. Trump (@realDonaldTrump), Twitter (May 26, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1265255835124539392?s=20>; Donald J. Trump (@realDonaldTrump), Twitter (June 22, 2020), previously available at, [https://twitter.com/realDonaldTrump/status/1295385113862090753?ref\\_src=twsrc%5Etfw](https://twitter.com/realDonaldTrump/status/1295385113862090753?ref_src=twsrc%5Etfw); Donald J. Trump (@realDonaldTrump), Twitter (Aug. 23, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1297495295266357248>; Donald J. Trump (@realDonaldTrump), Twitter (Sept. 25, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1309455713882828802>; Donald J. Trump (@realDonaldTrump), Twitter (Sept. 28, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1310585397630689280>; Donald J. Trump (@realDonaldTrump), Twitter (Sept. 30, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1311328767395205124> (Ex. 244).

<sup>30</sup> Mike Lindell (@realMikeLindell), Twitter (May 10, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1259509365448437760> (Ex. 245); Mike Lindell (@realMikeLindell), Twitter (July 27, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1287542589483364354> (Ex. 246).

30. Meanwhile, election officials in many states were prohibited from counting mail-in ballots before Election Day—meaning that Democratic-leaning mail-in ballots would not be counted until after Republican-leaning in-person voting had been completed.<sup>31</sup>

31. Precisely as one would expect under these circumstances—and as many media outlets and election officials had, in fact, predicted beforehand—Trump’s early leads in swing states were overtaken when Democratic-leaning mail-in ballots were counted as polls across the country closed on Election Day.<sup>32</sup>

32. From Lindell’s retweeting of Trump’s tweets discouraging his supporters from voting by mail, Lindell was well aware of the circumstances leading to Trump’s early leads being overtaken by Democratic-leaning mail-in ballots.

33. While Trump falsely claimed that the election had been stolen from him, by November 12, 2020, Trump’s own Cybersecurity & Infrastructure Security Agency (“CISA”)—

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<sup>31</sup> Anthony Izaguirre, *Delays in verifying mail-in ballots will slow election tally*, Associated Press (Oct. 4, 2020), available at, <https://apnews.com/article/virus-outbreak-election-2020-donald-trump-elections-voting-2020-b382942a72809ab70a32d7dc1a93ee40> (Ex. 247) (In Pennsylvania, “Republican state lawmakers there have not allowed additional time to process ballots that arrive before Election Day, despite pleas from local election officials.”); Katie Wedell & Kyle Bagenstose, *Still waiting for a winner? Blame outdated mail-in ballot counting laws in seven states*, USA Today (Nov. 4, 2020), available at, <https://www.usatoday.com/story/news/investigations/2020/11/04/who-won-mail-ballots-rules-delay-election-results-key-states/6152470002/> (Ex. 248) (“But the laws in seven states prevented election officials from counting many of them until Election Day. Votes that could have been tallied in advance sat in unopened envelopes until Tuesday morning.”).

<sup>32</sup> See e.g., Holly Otterbein, *‘The math is pretty simple’: Trump’s lead shrinks in Pennsylvania*, Politico (Nov. 4, 2020), available at, <https://www.politico.com/news/2020/11/04/pennsylvania-results-trump-biden-434124> (Ex. 249) (“There were more than 1 million mail ballots left to be counted ... So far, 78 percent of mail ballots have broken for Biden and 21 percent have been won by Trump.”); Jenny Jarvie, *Trump’s lead in Georgia shrinks to below 1,000 votes*, L.A. Times (Nov. 4, 2020), available at, <https://www.latimes.com/politics/story/2020-11-04/election-trump-margin-narrows-georgia> (Ex. 344) (“Trump’s lead in Georgia shrinks to below 1,000 votes”).

then led by a Trump appointee Chris Krebs—confirmed that there was “no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.”<sup>33</sup>

***Mike Lindell Cons People into Buying Pillows  
By Telling Them the “Big Lie” About Dominion and the Election***

34. Lindell purposefully disregarded CISA’s announcement—and the natural consequence of Trump discouraging his supporters from voting by mail—to exploit an opportunity to market MyPillow. Lindell had MyPillow sponsor Women for America First’s “March for Trump” bus tour, which was dedicated to promoting the Big Lie that the election had been stolen.<sup>34</sup> In exchange for sponsoring the bus tour, MyPillow received advertising on the tour bus and Lindell—known as “the MyPillow Guy”—was given a platform to speak on the tour.



The Women for America First “March for Trump” bus featured MyPillow’s logo toward the front of the bus.

<sup>33</sup> Cybersecurity & Infrastructure Security Agency, *Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees* (Nov. 12, 2020), available at, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election> (Ex. 19).

<sup>34</sup> Women for America First was cofounded by former tea party activist Amy Kremer and her daughter Kylie Jane Kremer, who together created the “Stop the Steal” Facebook group. See Craig Silverman, Jane Lytvynenko & Pranav Dixit, *How ‘The Women For America First’ Bus Tour Led To The Capitol Coup Attempt*, BuzzFeed News (Jan. 25, 2021), available at, <https://www.buzzfeednews.com/article/craigsilverman/maga-bus-tour-coup> (Ex. 252).

35. Lindell promoted MyPillow’s sponsorship of the “March for Trump” bus tour on Twitter and helped disseminate the Big Lie about the election by speaking at rallies and telling a fable that there were “algorithms” in Dominion machines programmed to steal votes from Trump and that the fraud was discovered in an “election night miracle” when Trump’s lead was so great that it broke the algorithms.<sup>35</sup>

36. The website for the MyPillow-sponsored “March for Trump” bus tour also promoted the January 6 rally in Washington, D.C. by saying, “we will do whatever it takes to ensure the integrity of this election ...”<sup>36</sup>



The “March for Trump” bus tour website invited people to join the January 6, 2021 rally in Washington, D.C.

<sup>35</sup> Mike Lindell (@realMikeLindell), Twitter (Nov. 29, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1333094936758153219> (Ex. 253); *Mike Lindell mentions possible ‘civil war’ during pro-Trump rally at U.S. Capitol on January 5, 2021* at 1:54-2:12 (Tr. at 3:14- 15), YouTube (Jan. 5, 2021), previously available at, <https://www.youtube.com/watch?v=s7nIFVLrdIE&feature=youtu.be> (last visited Jan. 28, 2021) (Ex. 254) (“At 11:15 on election night, this is when the miracle happened.”); *Women for America First Rally* at 2:51:08-38 (Tr. at 4:14-22), C-SPAN (Dec. 12, 2020), available at, <https://www.c-span.org/video/?507234-1/women-america-rally> (Ex. 255) (“On election night, at 11:15 p.m., all the algorithms that were set across our country in the machines ... all broke.”); *Mike Lindell opens the Jericho March, Dec 12* at 6:59-7:09 (Tr. at 7:4-7), Jericho March (Dec. 12, 2020), available at, <https://app.videosquirrel.app/watch/1812> (Ex. 256) (“at 11:15 the algorithms of these machines that cheated our whole country could not keep up...it broke the algorithms.”).

<sup>36</sup> Trump March, available at, <https://web.archive.org/web/20210106224955/https://trumpmarch.com/> (Ex. 257).

37. The “March for Trump” campaign spent the weeks leading up to the January 6 rally on a 20-city bus tour, spreading the Big Lie across the country.<sup>37</sup>

***Lindell Sets Out to Find and Manufacture “Evidence” to Support His Defamatory Marketing Campaign and False Preconceived Narrative***

38. Lindell also set out in search of “evidence” he could use to support the false preconceived—but profitable—narrative that the election had been stolen. Sidney Powell and L. Lin Wood offered Lindell the purported “evidence” he was looking for—which they posted on a fundraising website in support of a defamatory media tour falsely alleging that Dominion stole the election by manipulating votes through the use of an algorithm. Lindell helped finance Powell’s and Wood’s defamatory media campaign.

39. Because he spoke with Powell at least twice a day,<sup>38</sup> Lindell was well aware that Powell had been kicked off Trump’s legal team.<sup>39</sup>

40. And, from the “due diligence” he admits he performed,<sup>40</sup> Lindell also knew that on December 1, 2020, after Powell and Wood had posted their “evidence” to their fundraising website, Trump appointee and then-U.S. Attorney General William Barr rebutted their false claims against Dominion, stating, “There’s been one assertion that would be systemic fraud and that would be the claim that machines were programmed essentially to skew the election results. And

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<sup>37</sup> Ex. 252.

<sup>38</sup> *RSBN’s Exclusive with Mike Lindell Part 2* at 15:54, RSBN (Jan. 18, 2021), available at, <https://rumble.com/vczx1t-rsbn-exclusive-interview-with-mike-lindell-part-2.html> (Ex. 258) (“Her and I talk at least twice a day.”).

<sup>39</sup> Maggie Haberman & Alan Feuer, *Trump Team Disavows Lawyer Who Peddled Conspiracy Theories on Voting*, N.Y. Times (Nov. 22, 2020), available at, <https://www.nytimes.com/2020/11/22/us/politics/sidney-powell-trump.html> (Ex. 259).

<sup>40</sup> *Mike Lindell to Newsmax TV: ‘President Trump will Prevail,’* Newsmax (Dec. 17, 2020), available at, <https://www.newsmax.com/newsmax-tv/mike-lindell-election-fraud-mypillow-ceo/2020/12/17/id/1002145/> (Ex. 260) (“I’ve done my own due diligence”); Ex. 235 (“done my own due diligence”).

the DHS and DOJ have looked into that, and so far, we haven't seen anything to substantiate that."<sup>41</sup>

41. Indeed, the "evidence" put forward by Powell and Wood did *not* substantiate their false accusations, but had been deliberately misrepresented, manufactured, and cherry-picked. For example:

- (a) Powell and Wood posted the declaration of an anonymous "military intelligence expert" code-named "Spyder," who has since been identified as Josh Merritt.<sup>42</sup> That "military intelligence expert" has now admitted that he never actually worked in military intelligence and that the declaration Powell's team wrote for him to sign is "misleading" and he "was trying to backtrack" on it.<sup>43</sup>
- (b) Powell and Wood cherry-picked Princeton professor Andrew W. Appel's statements about a decades-old machine not designed by Dominion, which was not used in the 2020 election in any of the swing states being challenged by Powell and Wood. Powell and Wood posted Professor Appel's cherry-picked statements to their fundraising website as though Professor Appel's expertise was "evidence" supporting the election-rigging claims against Dominion. In reality, Professor Appel and 58 other specialists in election security have forcefully rebutted Powell's and Wood's claims, explaining that they "have never claimed that technical vulnerabilities have actually been exploited to alter the outcome of any US election."<sup>44</sup> They further explained that "no credible evidence has been put forth that supports a conclusion that the 2020 election outcome in any state has been altered through technical compromise."<sup>45</sup>
- (c) On their fundraising website, Powell and Wood also claimed that Georgia's Republican Governor Kemp and Secretary of State Raffensperger had "rushed"

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<sup>41</sup> Michael Balsamo, *Disputing Trump, Barr says no widespread election fraud*, Associated Press (Dec. 1, 2020), available at, <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d> (Ex. 43).

<sup>42</sup> Complaint at Ex. 7, *Pearson v. Kemp*, No. 12-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-9], available at, [https://defendingtherepublic.org/?page\\_id=986](https://defendingtherepublic.org/?page_id=986).

<sup>43</sup> Emma Brown, Aaron C. Davis & Alice Crites, *Sidney Powell's secret 'military intelligence expert,' key to fraud claims in election lawsuits, never worked in military intelligence*, Wash. Post (Dec. 11, 2020), available at, [https://www.washingtonpost.com/investigations/sidney-powell-spider-spyder-witness/2020/12/11/0cd567e6-3b2a-11eb-98c4-25dc9f4987e8\\_story.html](https://www.washingtonpost.com/investigations/sidney-powell-spider-spyder-witness/2020/12/11/0cd567e6-3b2a-11eb-98c4-25dc9f4987e8_story.html) (Ex. 2).

<sup>44</sup> See Tony Adams, Prof. Andrew W Appel, et al., *Scientists say no credible evidence of computer fraud in the 2020 election outcome, but policymakers must work with experts to improve confidence*, Matt Blaze (Nov. 16, 2020), available at, <https://www.mattblaze.org/papers/election2020.pdf> (Ex. 47).

<sup>45</sup> *Id.*

through the purchase of Dominion voting machines and software, noting that the Dominion certification from the Secretary of State was “undated,” and attaching a copy of an undated Dominion Certification. In reality, the authentic certificate is dated August 9, 2019—more than a year before the November 2020 election—and is publicly available online at the Georgia Secretary of State’s website.<sup>46</sup> Upon information and belief, Powell, Wood, or someone reporting to them downloaded the authentic certificate from the Secretary of State’s website and cut off the date, seal, and signature before posting the doctored document to their fundraising website. Other government records prove that Dominion won the Georgia contract after scoring the highest in a *competitive* bid process during which it competed against Election Systems & Software (“ES&S”) and Smartmatic; those records are also publicly available on the very same webpage where, upon information and belief, Powell, Wood, or someone reporting to them downloaded the dated Dominion Certification before doctoring it.<sup>47</sup>

42. Despite the glaring problems with Powell’s and Wood’s purported “evidence,” and two days *after* Barr’s announcement that there was no evidence to substantiate accusations of machine fraud, Lindell continued promoting the Big Lie.

43. On December 3, 2020, Lindell appeared on *America First* with Sebastian Gorka. During that interview, Lindell told a global television audience that he, Powell, and Wood were “getting the word out on this election fraud” and that they were trying to get these “Dominion machines.”<sup>48</sup>

44. Having been given a platform to promote the Big Lie, Lindell also took the opportunity to market MyPillow, saying that the “President loves” MyPillow and that people

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<sup>46</sup> Georgia Secretary of State, *Elections Security Is Our Top Priority: Security-Focused Tech Company, Dominion Voting to Implement New Verified Paper Ballot System*, available at, <https://sos.ga.gov/securevoting/> (Ex. 1); compare Complaint at Ex. 5, *Pearson v. Kemp*, No. 1:20-cv-04809 (N.D. Ga. Nov. 25, 2020) [Dkt. 1-6], available at, [https://defendingtherepublic.org/?page\\_id=986](https://defendingtherepublic.org/?page_id=986) with Georgia Secretary of State, Dominion Certification (Aug. 9, 2019), available at, [https://sos.ga.gov/admin/uploads/Dominion\\_Certification.pdf](https://sos.ga.gov/admin/uploads/Dominion_Certification.pdf) (Ex. 10).

<sup>47</sup> Ex. 1.

<sup>48</sup> *President Trump’s not going anywhere. Mike Lindell with Sebastian Gorka on AMERICA First* at 4:4-6, 6:42-44 (Tr. at 5:8-9, 7:19), *America First with Dr. Sebastian Gorka* (Dec. 3, 2020), available at, <https://www.facebook.com/watch/?v=438439460653478> (Ex. 243).



should go to MyPillow.com and use promo code “Gorka.”<sup>49</sup> During the interview, the MyPillow logo, website, and phone number were also prominently displayed for viewers.<sup>50</sup>



The MyPillow logo, website, and phone number are shown during a Mike Lindell interview on *America First* with Sebastian Gorka on December 3, 2020.

45. By December 7, Georgia had conducted an independent audit and hand count of 100% of the ballots—all of which were paper ballots—conclusively disproving the lie that Dominion’s tabulating machines had miscounted votes or rigged the election. Indeed, Georgia conducted *three counts* confirming the result of the presidential election.<sup>51</sup>

46. By December 9, Powell’s and Wood’s sham litigations in Georgia, Arizona, Michigan, and Wisconsin had been dismissed.

47. The United States District Court for the Eastern District of Michigan found that Powell and Wood had submitted “nothing but speculation and conjecture that votes for President Trump were destroyed, discarded or switched to votes for Vice President Biden.” Op. & Order at 34, *King v. Whitmer*, No. 20-cv-12134 (E.D. Mich. Dec. 7, 2020) [Dkt. 62].

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<sup>49</sup> *Id.* at 2:51-52, 3:09-21 (Tr. at 4:10, 4:16-19).

<sup>50</sup> *Id.* at 3:01-19.

<sup>51</sup> Georgia Secretary of State, *Historic First Statewide Audit of Paper Ballots Upholds Result of Presidential Race*, available at, [https://sos.ga.gov/index.php/elections/historic\\_first\\_statewide\\_audit\\_of\\_paper\\_ballots\\_upholds\\_result\\_of\\_presidential\\_race](https://sos.ga.gov/index.php/elections/historic_first_statewide_audit_of_paper_ballots_upholds_result_of_presidential_race) (Ex. 11).

48. And the United States District Court for the District of Arizona found that the evidence they put forward was “largely based on anonymous witnesses, hearsay, and irrelevant analysis of unrelated elections,” and includes “expert reports” that “reach implausible conclusions, often because they are derived from *wholly unreliable sources*.” Order at 24-25, *Bowyer v. Ducey*, No. 2-20-cv-02321 (D. Ariz. Dec. 9, 2020) [Dkt. 84] (emphasis added).

49. Despite the fact that Powell’s and Wood’s “evidence” and sources had been discredited and their cases had been dismissed, Lindell persisted with the Big Lie.

50. On December 11, 2020, he appeared on the Conservative Business Journal and described what he dubbed the “election night miracle”—falsely telling his audience that at 11:15 p.m. on election night, Trump got so many votes that he “broke the algorithm” in the Dominion machines that had been programmed to give “1.3 to Biden and 0.7 to the president” for each vote cast.<sup>52</sup>

***Lindell Uses the Big Lie to Market MyPillow at Rallies in Washington, D.C.***

51. On December 12, 2020 in Washington, D.C., Lindell spoke at a Women for America First rally that MyPillow had sponsored. The rally was nationally broadcast on C-SPAN, which identified Lindell as “MyPillow CEO.”<sup>53</sup> During his speech, Lindell repeated the lie that “the algorithms” in the machines broke.<sup>54</sup> Despite the fact that Georgia had already confirmed the vote tallies from the Dominion machines by hand counting all the paper ballots, Lindell told the nationwide audience that “we cannot ... let them use these machines” in the Georgia Senate run-off races.<sup>55</sup>

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<sup>52</sup> Ex. 237 at 05:26-37 (Tr. at 5:21-23).

<sup>53</sup> *Women for America First Rally*, C-SPAN (Dec. 12, 2020), available at, <https://www.c-span.org/video/?507234-1/women-america-rally> (Ex. 255).

<sup>54</sup> *Id.* at 2:51:08-38, 2:52:07-09, 2:57:44-46 (Tr. at 4:15-22, 5:7, 9:16-17).

<sup>55</sup> *Id.* at 2:58:22-26 (Tr. at 10:1-2).



Mike Lindell speaks at the Women for America First rally in Washington, D.C., on December 12, 2020.

52. Also on December 12, 2020 in Washington, D.C., Lindell spoke at the Jericho March, which MyPillow had sponsored.

53. The Jericho March website states that “[j]ust as Joshua was instructed to march around the walls of Jericho, Jericho Marchers march around at a specific place and time until that darkness is exposed, and the walls of corruption fall down.”<sup>56</sup>

54. In the biblical account of Jericho, after the horns had blown and the walls of Jericho had fallen down, armed soldiers sacked and destroyed the city.<sup>57</sup>

55. At the Jericho March, Eric Metaxas introduced Lindell and told the crowd to use the promo code “ERIC” to buy a MyPillow; this was followed by a MyPillow ad featuring Lindell on the broadcast of the march on Right Side Broadcasting Network (“RSBN”).<sup>58</sup>

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<sup>56</sup> *Id.*

<sup>57</sup> *See* Joshua 6:1-24.

<sup>58</sup> Ex. 256.



Mike Lindell appears in a MyPillow ad on RSBN alongside Eric Metaxas speaking during the Jericho March in Washington, D.C., on December 12, 2020.

56. Lindell then took the stage and bellowed, “Everything I’ve been telling you for three weeks now is true. I have seen it. The fraud is 100%.”<sup>59</sup> Lindell continued, “Georgia ... better have a fair election and not use those machines.”<sup>60</sup>



Mike Lindell speaks at the Jericho March in Washington, D.C. on December 12, 2020.

57. Later, the RSBN broadcast of the Jericho March again cut to a split screen. The left half of the screen featured failed congressional candidate Leon Benjamin yelling that “the

<sup>59</sup> *Id.* at 00:49-1:00 (Tr. at 1:11-13).

<sup>60</sup> *Id.* at 08:28-33 (Tr. at 8:9).

Jericho walls must come down!” while Lindell advertised MyPillow on the right half of the screen.<sup>61</sup>



Mike Lindell appears in a MyPillow ad on RSBN alongside Leon Benjamin speaking at the Jericho March in Washington, D.C. on December 12, 2020.

58. Along with Lindell and MyPillow marketing, the Women for America First rally and the Jericho March also featured Ali Alexander, who had spoken alongside Lindell’s allies Sidney Powell and Lin Wood at the so-called “Stop the Steal Rally” in Alpharetta, Georgia ten days earlier. During that rally, Powell and Wood had falsely accused Dominion of rigging the election and bribing Georgia’s Governor. Alexander had referred to the crowd as “foot soldiers,” and Wood had instructed them to surround the governor’s house and blow their horns.<sup>62</sup>

***Dominion Repeatedly Demands Retraction of the Big Lie Being Spread by Lindell and His Allies but Lindell Repeatedly Doubles Down***

59. On December 16, 2020, Dominion sent a 15-page retraction demand letter to Lindell’s ally, Sidney Powell. The letter outlined the falsity of the claims that Powell and Lindell

<sup>61</sup> *Jericho March Live from Washington, D.C.* at 2:19:42-21:02, Right Side Broadcasting (Dec. 12, 2020), available at, <https://www.facebook.com/rsbnetwork/videos/vb.414280728767306/188101792958083/?type=2&theater> (Ex. 261).

<sup>62</sup> *Sidney Powell, Lin Wood attend ‘Stop the Steal’ rally in Georgia*, YouTube, (Dec. 2, 2020), available at, [https://www.youtube.com/watch?v=pq-\\_B5z3QIA](https://www.youtube.com/watch?v=pq-_B5z3QIA) (last visited Feb. 3, 2021) (Ex. 44).

had been making about Dominion.<sup>63</sup> The letter made headlines in *The New York Times*, *The Washington Post*, *Forbes*, and other national media outlets.<sup>64</sup> Because of the amount of press surrounding the letter, and the fact that Lindell bankrolled Powell’s defamatory media campaign and speaks to Powell at least twice a day,<sup>65</sup> Lindell was likely aware of the letter’s contents on or shortly after December 16, 2020.<sup>66</sup>

60. On December 18, Dominion sent retraction demand letters to various media outlets including One America News Network (“OAN”), Newsmax, and *The Epoch Times*. The next day, Newsmax aired a segment purporting to clarify its coverage of Dominion and the election.<sup>67</sup>

61. A few days after Dominion sent the letter to Newsmax, Lindell appeared on *Greg Kelly Reports*, hosted by Sebastian Gorka. Lindell started to describe what had purportedly

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<sup>63</sup> Letter from T. Clare and M. Meier to S. Powell (Dec. 16, 2020) (Ex. 3).

<sup>64</sup> Alan Feuer, *Dominion demands that Sidney Powell retract ‘baseless and false allegations’ about voting machines*, N.Y. Times (Dec. 17, 2020), available at, <https://www.nytimes.com/2020/12/17/us/dominion-demands-that-sidney-powell-retract-baseless-and-false-allegations-about-voting-machines.html> (Ex. 154); Emma Brown, *Dominion sues pro-Trump lawyer Sidney Powell, Seeking more than \$1.3 billion*, Wash. Post (Jan. 8, 2021), available at, [https://www.washingtonpost.com/politics/dominion-sues-pro-trump-lawyer-sidney-powell-seeking-more-than-13-billion/2021/01/08/ebe5dbe0-5106-11eb-b96e-0e54447b23a1\\_story.html](https://www.washingtonpost.com/politics/dominion-sues-pro-trump-lawyer-sidney-powell-seeking-more-than-13-billion/2021/01/08/ebe5dbe0-5106-11eb-b96e-0e54447b23a1_story.html) (Ex. 167); Alison Durkee, *Dominion Demands Sidney Powell Retract ‘Knowingly Baseless’ Voting Machine Conspiracy Theory*, Forbes (Dec. 17, 2020), available at, <https://www.forbes.com/sites/alisondurkee/2020/12/17/dominion-demands-sidney-powell-retract-knowingly-baseless-voting-machine-conspiracy-theory/?sh=4cc7cd453db0> (Ex. 168); Kaitlan Collins, Kevin Liptak & Pamela Brown, *Trump campaign told to preserve all documents related to Sidney Powell and Dominion Voting Systems*, CNN (Dec. 19, 2020), available at, <https://www.cnn.com/2020/12/19/politics/trump-campaign-sidney-powell-dominion-voting-systems/index.html> (Ex. 169).

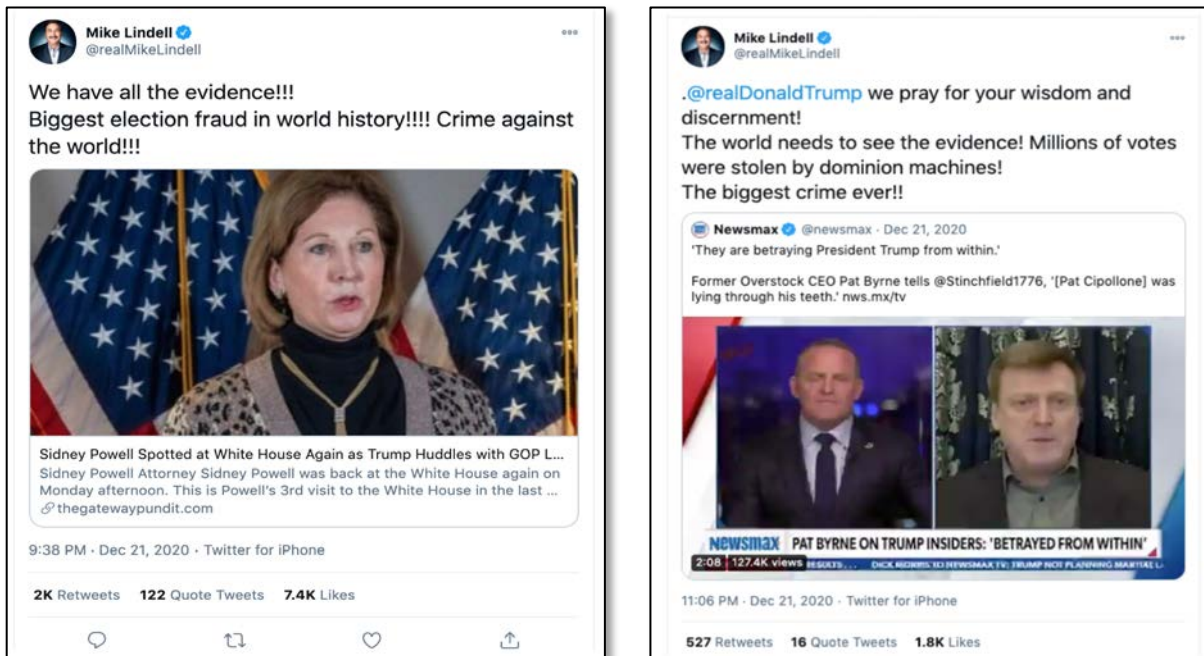
<sup>65</sup> *RSBN’s Exclusive with Mike Lindell Part 2* at 15:52-54 (Tr. at 15:1-2), RSBN (Jan. 18, 2021), available at, <https://rumble.com/vcxl1t-rsbn-exclusive-interview-with-mike-lindell-part-2.html> (Ex. 258) (“[Sidney] has been working night and day. Her and I talk at least twice a day.”).

<sup>66</sup> *Id.* (“[Sidney] has been working night and day. Her and I talk at least twice a day.”).

<sup>67</sup> John Whitehouse (@existentialfish), Twitter (Dec. 21, 2020), available at, <https://twitter.com/existentialfish/status/1341078245878472706> (Ex. 262).

happened “at 11:15 on election night.” Gorka cut him off, telling him they were not going to discuss that.<sup>68</sup>

62. Later that day, after being cut off by Gorka on Newsmax, Lindell used Twitter to disseminate the Big Lie about Dominion, including that “We have all the evidence!!! Biggest election fraud in world history!!!! Crime against the world!!!”<sup>69</sup> and “Millions of votes were stolen by dominion machines!”<sup>70</sup>



Mike Lindell tweets from December 21, 2020.

63. Two days later, on December 23, 2020, Dominion sent Lindell a letter demanding that Lindell stop making false claims about Dominion.<sup>71</sup>

<sup>68</sup> Mike Lindell to Newsmax TV: ‘American Dream’ is on the Line at 03:38-47 (Tr. at 5:2-6), Newsmax (Dec. 21, 2020), available at, <https://www.newsmax.com/newsmax-tv/mike-lindell-election-lawsuits-american-dream/2020/12/21/id/1002635/> (Ex. 263).

<sup>69</sup> Mike Lindell (@realMikeLindell), Twitter (Dec. 21, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1341211411771498496> (Ex. 264).

<sup>70</sup> Mike Lindell (@realMikeLindell), Twitter (Dec. 21, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1341233672729583617> (Ex. 265).

<sup>71</sup> Letter from T. Clare and M. Meier to M. Lindell (Dec. 23, 2020) (Ex. 266).

64. On December 27, 2020, four days after receiving Dominion’s letter, and almost three weeks after Georgia state officials had reaffirmed the results of the election again, Lindell tweeted: “The truth of all the election fraud is all going to come out! 1.2 Biden... .80 President Trump (biggest election crime ever!) Everyone will then know @realDonaldTrump won by 6m votes!”<sup>72</sup>



Mike Lindell tweet from December 27, 2020.

***Lindell Speaks at and Sponsors Rallies in Washington, D.C. the Day Before and the Day of the Storming of the United States Capitol***

65. On January 5, 2021, Lindell spoke at the Moms for America “Save the Republic Rally” in front of the United States Capitol in Washington, D.C. At that rally, Lindell repeated the Big Lie, claimed that “algorithms” in “Dominion machines” counted Biden votes as 1.26 and counted Trump votes as 0.74, and said there will not be a “civil war *if* the truth comes out.”<sup>73</sup>

<sup>72</sup> Mike Lindell (@realDonaldTrump), Twitter (Dec. 27, 2020), previously available at, <https://twitter.com/realDonaldTrump/status/1343199095863832577> (Ex. 267).

<sup>73</sup> Mike Lindell mentions possible ‘civil war’ during pro-Trump rally at U.S. Capitol on January 5, 2021 at 1:32, 2:11-12, 2:44-50, 5:28-30 (Tr. at 3:5, 3:19-4:2, 9:13), Moms for America “Save the Republic” Rally (Jan. 5, 2021), previously available at, <https://www.youtube.com/watch?v=s7nIFVLrdIE&feature=youtu.be> (last visited Jan. 28, 2021) (Ex. 254).





Mike Lindell speaks at the Moms for America “Save the Republic Rally” in front of the United States Capitol in Washington, D.C. on January 5, 2021.

66. The next day, on January 6, 2021, after a MyPillow-sponsored “Save America Rally” where Donald Trump and Rudy Giuliani repeated the Big Lie about Dominion, a mob marched from the White House to the United States Capitol, pushed through barricades, smashed windows, broke down doors, and stormed into the halls of the House and the Senate. The Capitol was put on lockdown, buildings were evacuated, and Congress’s certification of the vote was temporarily halted. As the mob stormed the Capitol, Lindell posted a Facebook Live video and claimed that “the riots you are seeing on TV, that’s a joke.... Don’t believe what you are seeing on the news ... there was some stuff early on with Antifa. I think they were plants.”<sup>74</sup>

67. While Lindell was on Facebook blaming Antifa for the storming of the Capitol by people shouting “Fight for Trump,” MyPillow was offering discounts to people who used the promotional code “FightForTrump” at checkout.<sup>75</sup>

<sup>74</sup> Mike Lindell, Facebook Live at 00:21-24, 3:53-4:15 (Tr. at 2:6-7, 5:2-10) (Jan. 6, 2021), available at, <https://www.facebook.com/realMikeLindell/videos/244547557235289/> (Ex. 268).

<sup>75</sup> Ex. 231.

68. In the days that followed, MyPillow appeared on 16 television networks, with 44% of its spending going to Fox News, Fox Business, and Fox Sports.<sup>76</sup> MyPillow also spent tens of thousands of ad dollars on Newsmax in the week following the Capitol riot.<sup>77</sup>

***Following the Storming of the United States Capitol,  
Dominion Again Asks Lindell to Stop Lying About Dominion***

69. Two days after the storming of the Capitol, on January 8, 2021, Dominion sent another retraction demand letter to Lindell.<sup>78</sup> This letter put Lindell on formal written notice of specific, detailed information and evidence in the public domain demonstrating the falsity of the Big Lie about Dominion, including the defamation complaint and exhibits that Dominion had filed against Lindell's ally Sidney Powell.

70. From January 10 to February 2, despite having been specifically directed to the evidence and sources disproving the Big Lie, Lindell knowingly lied about Dominion to sell more pillows to people who continued tuning in to hear what they wanted to hear about the election.

For example:

- On January 10, Lindell advertised MyPillow in a tweet<sup>79</sup> with a link to a January 7 interview of himself in Trump International Hotel in Washington, D.C., during which he again repeated the “miracle of election night” fable, falsely telling his audience that “on election night at 11:15 ... the machines broke, because the algorithms broke, because Donald Trump would have won anyways despite all of the fraud.”<sup>80</sup>

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<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> Letter from T. Clare and M. Meier to M. Lindell (Jan. 8, 2021) (Ex. 269).

<sup>79</sup> Mike Lindell (@realMikeLindell), Twitter (Jan. 10, 2021), previously available at, <https://twitter.com/realMikeLindell/status/1348287073967595521> (Ex. 270).

<sup>80</sup> *Exclusive Interview with Mike Lindell today* at 1:10-40 (Tr. at 2:20-3:6), Shiloh Tabernacle Church (Jan. 7, 2021), previously available at, <https://vimeo.com/498963091> (last visited on Jan. 25, 2021) (Ex. 271).



Mike Lindell tweet from January 10, 2021.

- On January 16, Lindell appeared for a televised interview on RSBN and falsely claimed that “these machines ... are corrupt, they built them to cheat.”<sup>81</sup> Although he did not produce any evidence, he also falsely claimed there were “thousands of pages” of evidence where you can see “how many votes were flipped.”<sup>82</sup> During that interview, host Brian Glenn told “everyone watching right now to go to MyPillow.com ... promo code RSBN and get up to 66% off.” Lindell then echoed Glenn and told the listeners, “we have 110 products now and you can get savings up to 66% off with that promo code RSBN.”<sup>83</sup> That same day, MyPillow began offering a promotion where if customers entered the promo code “QAnon” at check out, they would receive a \$45 discount—a not-so-subtle nod to the 45<sup>th</sup> President of the United States.<sup>84</sup> Around the same time, MyPillow also offered discounts for promo codes “Q” and “storm”—terms regularly used by QAnon devotees.<sup>85</sup>

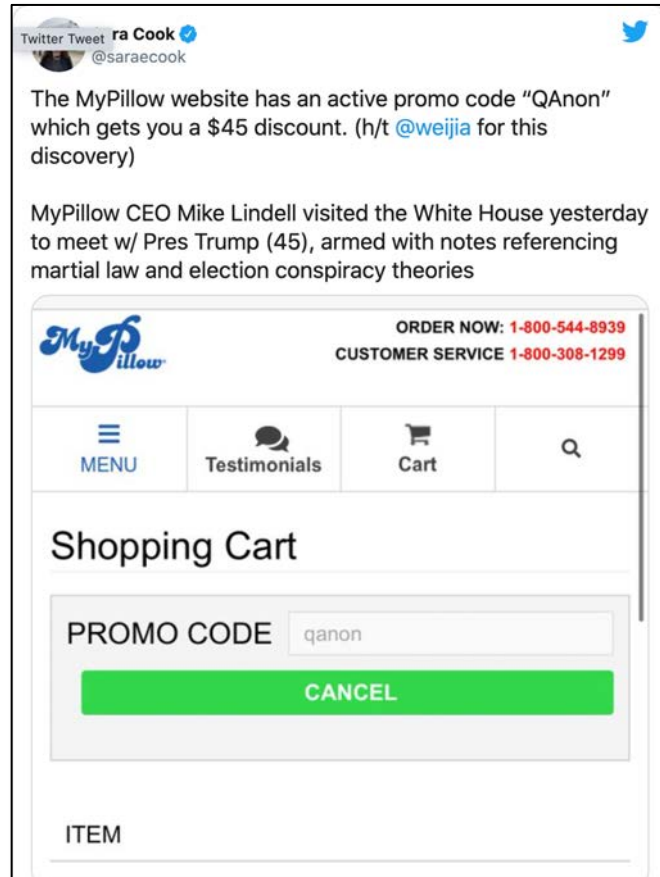
<sup>81</sup> RSBN (@RSBNetwork) at 7:12-15 (Tr. at 7:9), Twitter (Jan. 16, 2021), available at, <https://twitter.com/RSBNetwork/status/1350559453343490048> (Ex. 272) (“RSBN’s @brianglenntv exclusive interview with @realMikeLindell on his White House visit and the next 4 years”).

<sup>82</sup> *Id.* at 3:59-4:08 (Tr. at 4:23-25).

<sup>83</sup> *Id.* at 24:40-55, 25:28-37 (Tr. at 21:21-25, 22:10-12).

<sup>84</sup> Taylor Telford, *MyPillow CEO says Bed Bath & Beyond, Kohl’s, Wayfair are dropping his products*, Wash. Post (Jan. 19, 2021), available at, <https://www.washingtonpost.com/business/2021/01/19/my-pillow-ceo-lindell/> (Ex. 273).

<sup>85</sup> See Zachary Petrizzo, *MyPillow Now Offering Discounts With Codes Like ‘QAnon’ and Other Assorted Insanity*, Mediaite (Jan. 16, 2021), available at, <https://www.mediaite.com/news/mypillow-now-offering-discounts-with-codes-like-qanon-and-other-assorted-insanity/> (Ex. 274).



Tweet by Sara Cook of CBS News depicting use of the “QAnon” promo code on MyPillow’s website.

- On January 18, Lindell appeared for an interview on RSBN and falsely claimed that “these ... machines” were “corrupt” and “the biggest problem in the history of the whole world” because “they were built to cheat” and “steal elections” and algorithms are “embedded in the machines,” flipping “26,000 votes” ... “just in Georgia, Fulton County alone.”<sup>86</sup> Host Brian Glenn told the audience to “go to MyPillow.com ... and click away and shop.”
- On January 23, Lindell appeared on The JoePags Show and falsely claimed that “evidence came out about machine voter fraud by Dominion.” Meanwhile, host Joe Pagliarulo (a.k.a. “Joe Pags”) told his listeners “I have MyPillow. Sleep on it every night,” and introduced Lindell as “the CEO of MyPillow, a pillow that I sleep on every night. My wife sleeps on every night. We love it.” The chyron read “Mike Lindell, My Pillow – CEO.”<sup>87</sup>

<sup>86</sup> Ex. 258 at 3:02-10, 6:38-41, 25:14-20, 28:28-31 (Tr. at 4:9-10, 6:23-24, 19:23, 22:5-6, 24:19).

<sup>87</sup> *Sen Ted Cruz – Mike Lindell – Rudy Giuliani – Let’s Go!* at 2:31:15, 2:35:44-48, 2:36:07-10 (Tr. at 2:8-9, 7:9-10, 7:22-24), *The JoePags Show* (Jan. 23, 2021), available at, <https://www.twitch.tv/videos/885060174> (Ex. 275).



Mike Lindell appears for an interview on the JoePags Show and the chyron reads “Mike Lindell, My Pillow – CEO.”

- On February 2, Lindell appeared on the Worldview Weekend Broadcast Network and falsely claimed that on November 4 he saw “deviations” in “the Dominion machines,” “we have 100% proof now,” and that “on election night” the “algorithms broke in these machines.” During his interview, the chyron directed viewers to “Go to mypillow.com” and “Use Promo Code WWV to Receive 66% Off.”<sup>88</sup>



Mike Lindell appears for an interview on the WWV Broadcast Network and the chyron reads “Go to mypillow.com. Use Promo Code WWV to Receive 66% Off.”

<sup>88</sup> *Breaking News: Mike Lindell, Brannon Howse, Mary Fanning, Dr. Shiva, Jovan Pulitzer Announce New Documentary on Cyber-Coup* at 6:18-20, 6:37-7:04, 8:17-20 (Tr. at 7:1-2, 7:9-11, 8:22-23), WWV Broadcast Network (Feb. 2, 2021), available at, <https://www.worldviewweekend.com/tv/video/breaking-news-mike-lindell-brannon-howse-mary-fanning-dr-shiva-jovan-pulitzer-announce-new> (Ex. 276).

71. Lindell knew these claims were false when he made them because Dominion's January 8, 2021 letter and the enclosed Powell complaint and exhibits had specifically directed him to credible evidence and knowledgeable sources from the public domain that disproved and rebutted the Big Lie. That evidence included, among other things:

- A hand recount of paper ballots in Antrim County, Michigan confirmed that "Dominion's voting machines accurately tabulated the votes cast for president in Antrim County."<sup>89</sup>
- Following a bipartisan investigation into the vote in Antrim County, Michigan, the state's Republican Senate Majority Leader Mike Shirkey announced, "Our investigation, which has been very intense, discovered none, none of the allegations and accusations against Dominion [are] true."<sup>90</sup>
- A spokesperson for the Michigan Secretary of State confirmed, "We have not seen any evidence of fraud or foul play in the actual administration of the election ... What we have seen is that it was smooth, transparent, secure and accurate."<sup>91</sup>
- Georgia officials conducted a "hand re-tally, a 100 percent re-tally of the ballots," and confirmed that the results from those audits validated the integrity of Dominion's machines and software.<sup>92</sup>
- At the request of the Trump Campaign, in addition to the hand audit, Georgia also conducted a machine recount, which again affirmed the original outcome of the presidential race in Georgia.<sup>93</sup>

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<sup>89</sup> See Powell Complaint attached to Letter from T. Clare and M. Meier to M. Lindell (Jan. 8, 2021) (Ex. 269) (citing *Trump still wins small Michigan county after hand recount*, Associated Press (Dec. 17, 2020), available at, <https://apnews.com/article/election-2020-joe-biden-donald-trump-michigan-elections-07e52e643d682c8033a0f26b0d863387> (Ex. 15)).

<sup>90</sup> See *id.* (citing Abigail Censky, *How Misinformation Lit The Fire Under A Year Of Political Chaos In Michigan*, NPR (Jan. 1, 2021), available at, <https://www.npr.org/2021/01/01/952528193/how-misinformation-lit-the-fire-under-a-year-of-political-chaos-in-michigan> (Ex. 17)).

<sup>91</sup> See *id.* (citing Nick Corasaniti, Reid J. Epstein & Jim Rutenberg, *The Times Called Officials in Every State: No Evidence of Voter Fraud*, N. Y. Times (Nov. 10, 2020), available at, <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html> (Ex. 16)).

<sup>92</sup> See *id.* (citing Amy Gardner & Paulina Firozi, *Here's the full transcript and audio of the call between Trump and Raffensperger*, Wash. Post, (Jan. 3, 2021), available at, [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html) (Ex. 13)).

<sup>93</sup> See *id.*

- Georgia Secretary of State Raffensperger explained after a signature match audit affirmed the outcome of the 2020 presidential race in Georgia for a third time, “The Secretary of State’s office has always been focused on calling balls and strikes in elections and, in this case, three strikes against the voter fraud claims and they’re out.”<sup>94</sup>
- An official from Georgia’s Secretary of State’s office explained, “Let’s just go to the other ridiculous claims, that Dominion voting machines are somehow using fractional voting or flipping votes. Again, by doing the hand tally, it shows none of that is true. Not a whit.”<sup>95</sup>
- In Arizona, the Maricopa County Board of Supervisors Chairman Clint Hickman, a Republican, stated there is “no evidence of fraud or misconduct.”<sup>96</sup> Hickman also released a statement explaining, “The evidence overwhelmingly shows the system used in Maricopa County is accurate and provided voters with a reliable election ... The Dominion tabulation equipment met mandatory requirements during logic and accuracy testing before the Presidential Preference Election, the Primary Election and the General Election. And after each of these 2020 elections, the hand count audit showed the machines generated an accurate count.”<sup>97</sup>
- The Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees released a joint statement confirming that there is “no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.” The Joint Statement was signed and endorsed by, among others, the National Association of State Election Directors, National Association of Secretaries of State, and CISA—then led by a Trump appointee, Chris Krebs.<sup>98</sup>
- Attorney General Bill Barr stated, “There’s been one assertion that would be systemic fraud and that would be the claim that machines were programmed essentially to skew

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<sup>94</sup> See *id.* (citing Georgia Secretary of State, *3<sup>rd</sup> Strike Against Voter Fraud Claims Means They’re Out After Signature Audit Finds No Fraud*, [https://sos.ga.gov/index.php/elections/3rd\\_strike\\_against\\_voter\\_fraud\\_claims\\_means\\_theyre\\_out\\_after\\_signature\\_audit\\_finds\\_no\\_fraud](https://sos.ga.gov/index.php/elections/3rd_strike_against_voter_fraud_claims_means_theyre_out_after_signature_audit_finds_no_fraud) (Ex. 12)).

<sup>95</sup> See *id.* (citing *WATCH: Georgia election officials reject Trump call to ‘find’ more votes*, PBS (Jan. 4, 2021), available at, <https://www.pbs.org/newshour/politics/watch-live-georgia-secretary-of-states-office-holds-press-conference> (Ex. 14)).

<sup>96</sup> See *id.* (citing *Republican Maricopa County chairman says ‘no evidence of fraud or misconduct’ in presidential election*, 12 News, (Nov. 17, 2020), available at, [www.wqad.com/article/news/politics/elections/maricopa-county-chairman-says-no-evidence-of-fraud-or-misconduct-in-presidential-election/75-6aba1803-850a-460f-8f86-b185a41f4708](http://www.wqad.com/article/news/politics/elections/maricopa-county-chairman-says-no-evidence-of-fraud-or-misconduct-in-presidential-election/75-6aba1803-850a-460f-8f86-b185a41f4708)).

<sup>97</sup> See *id.* (citing Letter from Clint Hickman to Maricopa County Voters (Nov. 17, 2020), available at, <https://www.maricopa.gov/DocumentCenter/View/64676/PR69-11-17-20-Letter-to-Voters> (Ex. 18)).

<sup>98</sup> See *id.* (citing Ex. 19).

the election results. And the DHS and DOJ have looked into that, and so far, we haven't seen anything to substantiate that.”<sup>99</sup>

- The “experts” Powell and Wood put forward on their fundraising website are conspiracy theorists, con artists, and otherwise unreliable sources. For example, Russell Ramsland is a failed Republican congressional candidate and conspiracy theorist who has publicly claimed, among other things, that George Soros helped form the “Deep State” in Nazi Germany in the 1930s—along with President George H. W. Bush’s father, the Muslim Brotherhood, and “leftists.”<sup>100</sup> (Mr. Soros was born in 1930.) Ramsland’s views on these points have been a matter of public record since at least 2018. A Delaware judge determined that Ramsland provided “materially false information” in support of his claims of vote manipulation<sup>101</sup> when he referenced and cited locations in Minnesota when alleging voter fraud in Michigan.<sup>102</sup> Antrim County officials determined that Ramsland’s report on Dominion machines in Antrim County was “riddled with false and unsupported claims, baseless attacks, and incorrect use of technical terms.”<sup>103</sup> Similarly, the former acting director of the Election Assistance Commission’s Voting System Testing and Certification program—who is actually an expert in voting systems—said that Ramsland’s report showed a “grave misunderstanding” of Antrim County’s voting system and “a lack of knowledge of election technology and process.”<sup>104</sup> Michigan’s Attorney General and Secretary of State issued a joint statement that Ramsland’s report was “critically flawed, filled with dramatic conclusions without any evidence to support them.”<sup>105</sup> And, conclusively disproving Ramsland’s report, a hand recount of paper ballots in Antrim County

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<sup>99</sup> See *id.* (citing Michael Balsamo, *Disputing Trump, Barr says no widespread election fraud*, Associated Press (Dec. 1, 2020), available at, <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d> (Ex. 43)).

<sup>100</sup> John Savage, *Texas Tea Partiers Are Freaking Out Over ‘Deep State’ Conspiracy Theories*, Vice (Sept. 20, 2018), available at, <https://www.vice.com/en/article/mbwgxx/texas-tea-partiers-are-freaking-out-over-deep-state-conspiracy-theories> (Ex. 56).

<sup>101</sup> Rule to Show Cause, *Page v. Oath Inc.*, No. S20C-07-030 (Del. Super. Ct. Dec. 18, 2020).

<sup>102</sup> Clara Hendrickson, *Affidavit in Michigan lawsuit seeking to overturn election makes wildly inaccurate claims about vote*, PolitiFact (Dec. 4, 2020), available at, <https://www.politifact.com/factchecks/2020/dec/04/russell-james-ramsland-jr/affidavit-michigan-lawsuit-seeking-overturn-electi/> (Ex. 57).

<sup>103</sup> See Ali Swenson, *Report spreads debunked claims about Dominion machines in Michigan county*, Associated Press (Dec. 15, 2020), available at, <https://apnews.com/article/fact-checking-afs:Content:9847904839> (Ex. 58).

<sup>104</sup> See Todd Spangler, *Former election security chief for Trump knocks down Antrim County report*, The Detroit Free Press (Dec. 16, 2020), available at, <https://www.freep.com/story/news/politics/elections/2020/12/16/antrim-county-report-debunked-by-former-trump-election-official/3923499001/> (Ex. 59).

<sup>105</sup> *AG, SOS: Plaintiff’s Report in Antrim County Election Lawsuit Demonstrates Lack of Credible Evidence in Widespread Fraud or Wrongdoing*, Michigan Dep’t of Attorney General (Dec. 14, 2020), available at, [https://www.michigan.gov/ag/0,4534,7-359-92297\\_47203-547422-,00.html](https://www.michigan.gov/ag/0,4534,7-359-92297_47203-547422-,00.html) (Ex. 42).



confirmed that “Dominion’s voting machines accurately tabulated the votes cast for president in Antrim County.”<sup>106</sup>

***Determined to Stick to His False Preconceived Narrative,  
Lindell Promotes Fake “Evidence” From a Conspiracy Theory Blog  
After Powell, Wood, and Their Evidence Have Been Discredited***

72. In addition to their “evidence” having been debunked as set forth above, Powell and Wood have themselves been thoroughly discredited. For example:

- In early December, Bill Barr told Trump that the legal team of which Powell was a part was “clownish.”<sup>107</sup>
- On December 15, the city of Detroit asked a federal judge to sanction Powell with fines and a ban from practicing in the Eastern District of Michigan.<sup>108</sup>
- The next day, seven attorneys in Arizona filed an ethics complaint against Powell, alleging she brought “utterly meritless cases.”<sup>109</sup>
- On January 1 and 4, Lindell’s ally Wood falsely accused Chief Justice John G. Roberts of being a child-murdering pedophile and called for Vice President Mike Pence to be executed by “firing squad” for “treason.”<sup>110</sup>

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<sup>106</sup> See *Trump still wins small Michigan county after hand recount*, Associated Press (Dec. 17, 2020), available at, <https://apnews.com/article/election-2020-joe-biden-donald-trump-michigan-elections-07e52e643d682c8033a0f26b0d863387> (Ex. 15).

<sup>107</sup> Jonathan Swan, *Episode 4: Trump turns on Barr*, Axios (Jan. 18, 2021), available at, [https://www.axios.com/trump-barr-relationship-off-the-rails-b33b3788-e7e9-47fa-84c5-3a0016559eb5.html?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=newsletter\\_axiosam&stream=top](https://www.axios.com/trump-barr-relationship-off-the-rails-b33b3788-e7e9-47fa-84c5-3a0016559eb5.html?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosam&stream=top) (Ex. 277).

<sup>108</sup> Darragh Roche, *Detroit Seeks Fine and District Ban for ‘Kraken’ Lawyer Sidney Powell*, Newsweek (Dec. 12, 2020), available at, <https://www.newsweek.com/detroit-fine-ban-kraken-lawyer-sidney-powell-1555137> (Ex. 278).

<sup>109</sup> Joe Dana, *Bar complaint filed against Trump attorneys in Arizona*, 12 News NBC (Dec. 17, 2020), available at, <https://www.12news.com/article/news/politics/bar-complaint-filed-against-trump-attorneys-in-arizona/75-857a2dd9-9e96-47b1-83f5-f9782bd875fb> (Ex. 279).

<sup>110</sup> Lin Wood (@LLinWood), Twitter (Jan. 1, 2021), previously available at, <https://twitter.com/LLinWood/status/1345067881319587840>; Lin Wood (@LLinWood), Twitter (Jan. 4, 2021), previously available at, <https://twitter.com/LLinWood/status/1345991175690457091>; LinWood (@linwood), Parler (Jan. 4, 2021), previously available at, <https://parler.com/post/99be4095510747c2928ed02a4bc41a18> (Ex. 9).

- The day after the Capitol attack, on January 7, Twitter permanently banned Wood for “inciting violence” and violating Twitter’s rule on “ban evasion” when, after he was temporarily banned, he threatened to continue tweeting from a second account.<sup>111</sup>
- The next day, Twitter permanently banned Powell “in line with [Twitter’s] policy on Coordinated Harmful Activity.”<sup>112</sup>
- Wood was denied the privilege of representing ex-Trump aide Carter Page in Delaware after the judge found that Wood’s conduct “exhibited a toxic stew of mendacity, prevarication and surprising incompetence.”<sup>113</sup>
- In late January, Nicholas Sandmann, who had been represented by Wood in defamation cases based on a viral video of Sandmann facing off with a Native American activist while wearing a “Make America Great Again” hat, publicly fired Wood.<sup>114</sup>
- On February 1, Michigan Attorney General Dana Nessel, Governor Gretchen Whitmer, and Secretary of State Jocelyn Benson filed a complaint seeking to disbar Powell and her colleagues for “violat[ing] their oath and the ethical rules to which they are bound.”<sup>115</sup>
- A few days later, Georgia reported that Wood was under investigation for voter fraud.<sup>116</sup>

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<sup>111</sup> Ryan Mac, *Trump-Supporting Lawyer Lin Wood Has Been Permanently Banned From Twitter* (Jan. 7, 2020), available at, <https://www.buzzfeednews.com/article/ryanmac/twitter-bans-lin-wood> (Ex. 280).

<sup>112</sup> Ben Collins & Brandy Zadrozny, *Twitter bans Michael Flynn, Sidney Powell in QAnon account purge*, NBC News (Jan. 8, 2021), available at, <https://www.nbcnews.com/tech/tech-news/twitter-bans-michael-flynn-sidney-powell-qanon-account-purge-n1253550> (Ex. 281).

<sup>113</sup> Katherine Fung, *Pro-Trump Attorney Lin Wood Not of ‘Sufficient Character’ to Practice Law, Decides Judge*, Newsweek (Jan. 12, 2021), available at, <https://www.newsweek.com/pro-trump-attorney-lin-wood-not-sufficient-character-practice-law-decides-judge-1560898> (Ex. 282).

<sup>114</sup> Jan Wolfe, *Pro-Trump Lawyer Lin Wood Fired by Teen Who Faced off With Native American in Viral Video*, U.S. News (Jan. 25, 2021), available at, <https://www.usnews.com/news/us/articles/2021-01-25/pro-trump-lawyer-lin-wood-fired-by-teen-who-faced-off-with-native-american-in-viral-video> (Ex. 283).

<sup>115</sup> Norman Eisen & Joanna Lydgate, *The lawyers who pushed Trump’s falsehoods may soon be done lawyering*, Wash. Post (Feb. 3, 2020), available at, <https://www.washingtonpost.com/outlook/2021/02/03/powell-wood-accountability-lawyer/> (Ex. 284).

<sup>116</sup> April Siese, *Pro-Trump lawyer Lin Wood reportedly under investigation for voter fraud*, CBS News (Feb. 3, 2021), available at, <https://www.cbsnews.com/news/lin-wood-investigation-voter-fraud/> (Ex. 285).

73. Although his allies had been discredited and their evidence had been debunked, Lindell remained determined to make the “evidence”—*any* “evidence”—conform to the false preconceived narrative supporting MyPillow’s defamatory marketing campaign.

74. Lindell found the “evidence” he had been searching for in a dark corner of the internet on a conspiracy theory blog called *The American Report*, which is run by people identified as “Mary Fanning” and Alan Jones, who are facially unreliable for multiple reasons, including, but certainly not limited to:

- Before the identity of its registrant was concealed through the use of a proxy service, *The American Report*’s website was originally registered by someone identified as Mary Kirchhoefer. Federal Election Commission contribution records reveal that Mary Fanning Kirchhoefer made a number of contributions to the Trump Campaign, the Republican National Committee, and other conservative causes and politicians from 2000-2020, first identifying herself as a “homemaker” and then, beginning in 2016, as “retired.”<sup>117</sup> A LinkedIn profile for “Mary Fanning Kirchhoefer” reveals no education, no credentials, no expertise, and no work history, except that it claims Kirchhoefer is the “owner” of “Roper Brown,” a purported interior design firm with no company website.<sup>118</sup>
- Alan Jones, for his part, is a self-described “musician and film composer.”<sup>119</sup>
- Neither “Mary Fanning” nor Alan Jones have any apparent background in cybersecurity or intelligence.
- For years, “Fanning” and Jones have pushed outlandish conspiracy theories, such as claiming in 2015 that the United States government had been infiltrated by the Muslim Brotherhood.<sup>120</sup>

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<sup>117</sup> See *Mary Kirchhoefer Individual Contributions*, Federal Election Commission, available at, [https://www.fec.gov/data/receipts/individual-contributions/?data\\_type=processed&contributor\\_name=mary+kirchhoefer](https://www.fec.gov/data/receipts/individual-contributions/?data_type=processed&contributor_name=mary+kirchhoefer).

<sup>118</sup> Mary Fanning Kirchhoefer, LinkedIn, available at, <https://www.linkedin.com/in/mary-fanning-kirchhoefer-583a181b/>.

<sup>119</sup> Alan Jones, LinkedIn, available at <https://www.linkedin.com/in/alan-jones-07a69b5/>.

<sup>120</sup> *The Betrayal Papers*, *The American Report* (March – April 2015), available at, <https://theamericanreport.org/the-betrayal-papers/> (Ex. 286).

- In 2017, “Fanning” and Jones began spewing a new conspiracy theory: people within the U.S. intelligence community had used a “supercomputer” called the “Hammer” to spy on then-candidate Donald Trump.<sup>121</sup>
- In August 2020, “Fanning” and Jones self-published a book claiming that people in the Obama Administration had commandeered the “supercomputer” in order to spy on political opponents, including Donald Trump, and that the investigation that resulted in the Mueller Report and President Trump’s first impeachment was a “Deep State” coverup for the alleged domestic surveillance done using the “supercomputer.”<sup>122</sup>
- As the 2020 presidential election neared, “Fanning” and Jones repurposed their conspiracy theory for the upcoming election, claiming that the “Hammer” and a software program called “Scorecard” would be used to steal the election from Trump.<sup>123</sup>
- “Fanning” and Jones relied on Dennis Montgomery as the source for the “Hammer and Scorecard” conspiracy theory they promoted.<sup>124</sup> Montgomery is a facially unreliable source for a number of reasons, including but certainly not limited to:
  - Montgomery claims to have invented the so-called “Hammer” supercomputer and the “Scorecard” software. But he also claimed to U.S. intelligence agencies that he had invented software that could decode secret messages in Arabic-language news broadcasts. After his too-good-to-be-true technology was revealed to be exactly that, he is now considered to be the “maestro behind what many current and former U.S. officials and others familiar with the case now believe was one of the most elaborate and dangerous hoaxes in American history.”<sup>125</sup>
  - Montgomery also convinced disgraced former Maricopa County Sheriff Joe Arpaio to pay him \$120,000 for “computer data” that Montgomery claimed

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<sup>121</sup> Mary Fanning & Alan Jones, *THE HAMMER is the Key to the Coup “The Political Crime of the Century”*: How Obama, Brennan, Clapper, and the CIA spied on President Trump, General Flynn ... and everyone else (Aug. 19, 2020), available at, <https://www.amazon.com/HAMMER-Coup-Political-Crime-Century-ebook/dp/B08GCC689D> (Ex. 287).

<sup>122</sup> *Id.*

<sup>123</sup> Mary Fanning & Alan Jones, *Biden Using SCORECARD and THE HAMMER To Steal Another U.S. Presidential Election – Just Like Obama And Biden Did In 2012*, The American Report (Oct. 31, 2020), available at, <https://theamericanreport.org/2020/10/31/biden-using-scorecard-and-the-hammer-to-steal-another-u-s-presidential-election-just-like-obama-and-biden-did-in-2012/> (Ex. 288).

<sup>124</sup> *Id.*

<sup>125</sup> Travis Daub, *How a Reno casino con man duped the CIA and pulled on the of the ‘most dangerous hoaxes’ in American History*, PBS (Oct. 14, 2014), available at, <https://www.pbs.org/newshour/nation/reno-casino-conman-pulled-greatest-hoax-american-history> (Ex. 289).

would “show an illegal conspiracy between the U.S. Department of Justice and federal judges,” a claim that was deemed by local officials to be “bogus.”<sup>126</sup>

- The “Hammer and Scorecard” conspiracy theory sourced from Montgomery and promoted by “Fanning” and Jones on *The American Report* blog was publicly debunked by Trump appointee and election security expert Chris Krebs and other credible sources.<sup>127</sup>

75. Nevertheless, despite the obvious unreliability of the sources, in a pair of January 15, 2021 tweets, Lindell cited *The American Report* conspiracy theory blog and claimed, “Here are the pages of the machine voter fraud evidence that came out last week”<sup>128</sup> and “Here is one page of hundreds that prove President Trump got around 79m votes to 68m votes for Biden!”<sup>129</sup>

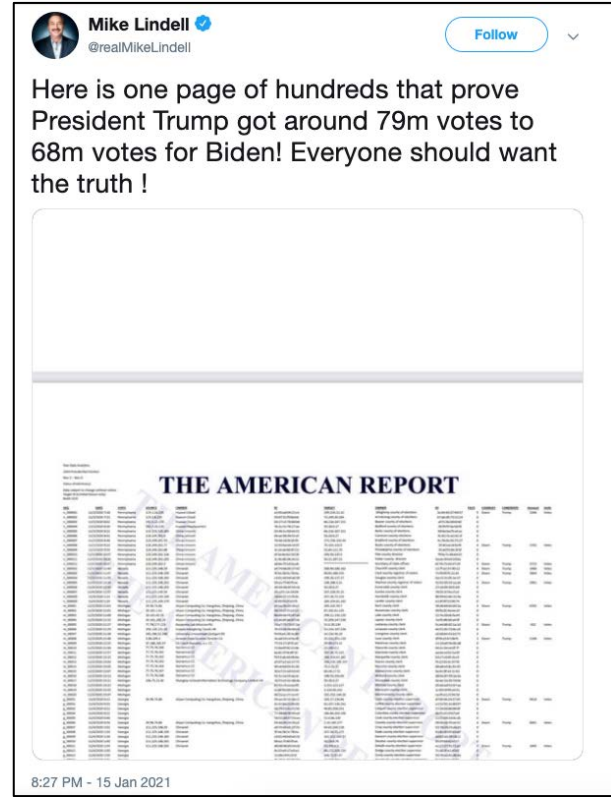
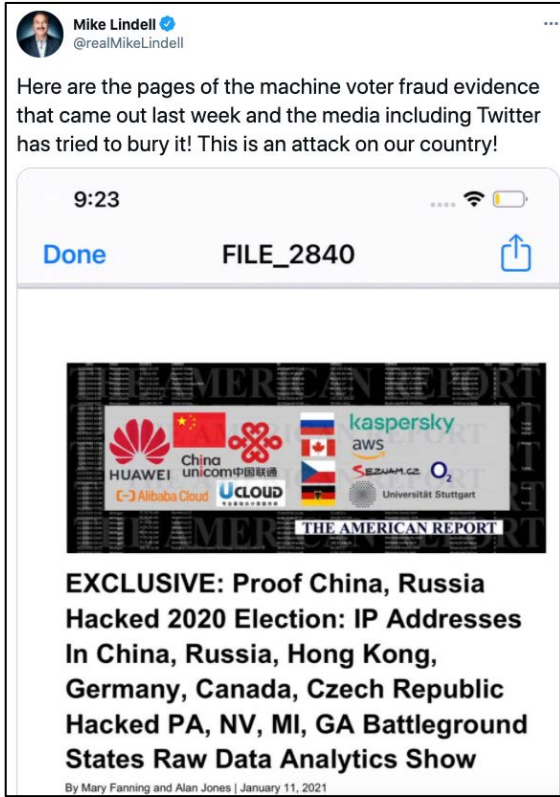
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<sup>126</sup> Morgan Loew, *Emails show Arpaio paid informant at least \$120,000 for ‘bogus data,’* AZFamily (Oct. 6, 2016), available at, [https://www.azfamily.com/news/investigations/emails-show-arpaio-paid-informant-at-least-120-000-for-bogus-data/article\\_0a36974b-8dda-525f-ad83-8ccdc385609.html](https://www.azfamily.com/news/investigations/emails-show-arpaio-paid-informant-at-least-120-000-for-bogus-data/article_0a36974b-8dda-525f-ad83-8ccdc385609.html) (Ex. 290); Will Sommer, *Infamous ‘Hoax’ Artist Behind Trumpworld’s New Voter Fraud Claim*, The Daily Beast (Nov. 8, 2020), available at, <https://www.thedailybeast.com/infamous-hoax-artist-behind-trumpworlds-new-voter-fraud-claim> (Ex. 291).

<sup>127</sup> Chris Krebs (@CISAKrebs), Twitter (Nov. 7, 2020), available at, <https://twitter.com/CISAKrebs/status/1325188644966117376> (Ex. 292); Jon Greenberg, *Debunking the ‘Hammer and Scorecard’ election fraud conspiracy theory*, PolitiFact (Nov. 10, 2020), available at, <https://www.politifact.com/factchecks/2020/nov/10/pamela-geller/debunking-hammer-and-scorecard-election-fraud-cons/> (Ex. 293); Angelo Fichera & Saranac Hale Spencer, *Bogus Theory Claims Supercomputer Switched Votes in Election*, FactCheck.org (Nov. 13, 2020), available at, <https://www.factcheck.org/2020/11/bogus-theory-claims-supercomputer-switched-votes-in-election/> (Ex. 294).

<sup>128</sup> Mike Lindell (@realMikeLindell), Twitter (Jan. 15, 2021), previously available at, <https://twitter.com/realMikeLindell/status/1350297812668477441> (Ex. 295).

<sup>129</sup> Mike Lindell (@realMikeLindell), Twitter (Jan. 15, 2021), previously available at, <https://twitter.com/realMikeLindell/status/1350298525549137921> (Ex. 296).



Mike Lindell tweets from January 15, 2021.

76. *The American Report* story and purported “evidence” referenced in Lindell’s tweets are not the “proof” or “evidence” of “machine voter fraud” that Lindell falsely claimed they were. While the story falsely claims that “Dominion Voting Services [*sic*] is based in Toronto”—in fact, Dominion Voting *Systems* is based in Denver, Colorado—it does not contain any reference to machine voter fraud. Near the end of the story, purported “raw data analytics” appear in a pixelated screenshot of a spreadsheet. The screenshot purports to show IP addresses of election hackers and their targets, locations of allegedly compromised machines, the time each hack allegedly took place, and the number of votes that were allegedly stolen from Donald Trump in the hack.

77. Notably, while the native spreadsheet itself would contain metadata, potentially revealing highly relevant information about its creator and creation, all of that metadata has been concealed from viewers of the screenshot. Nor does *The American Report* story itself reveal any

information about who created the spreadsheet or their expertise or motives for doing so. And while Lindell's tweets falsely suggest that the "analytics" were generated by an expert in voting machines and election security, the intentional concealment of the source and metadata strongly suggests that the purported "analytics" were actually manufactured by someone with dubious motives they did not want revealed.

78. As best as it can be made out, *The American Report's* theory appears to be that votes were tampered with at transfer points between the state election computer system and external third-party data election result vaults. But that theory does not hold up: **First**, votes are first captured at the local level, and then local jurisdictions report their votes to the state. If hacking had taken place at the state level, it would have been detected because those numbers are verified by the local results and documented on paper ballots. **Second**, every ballot tabulator is required by law to produce a paper printout summarizing the vote totals for the ballots it counted. So if fraud had affected the reporting process, it would have been detected by reviewing the paper printouts from the tabulators.

79. Other obvious problems with *The American Report's* "analytics" include:

- Of the 13 purported "hacks," only one instance of supposed vote switching would have changed the candidate who received the most votes in any given county. That locality is Leelanau County, Michigan, where 8,795 votes were cast in favor of Biden, and 7,916 were cast for Trump.
- Almost 20% of the counties listed in the screenshot did not even use Dominion machines in the 2020 election.
- The screenshot claims that 1,108 votes were stolen from Trump in Luce County, Michigan, and switched to Biden. In reality, Trump received the majority of votes in this county, and Biden's vote total was only 556 – approximately half the number of votes that were supposedly switched to him.
- Trump received the majority of votes in four of the counties where the screenshot purports to show votes being stolen: Churchill County, Nevada; Douglas County, Nevada; Luce County, Michigan; and Coweta County, Georgia.

- One of the “targets” that supposedly owned the relevant machines was the “secretary of state offices.” As a preliminary matter, voting machines are in local voting precincts and not with the state official. Moreover, this target is the only one without an IP address listed – a series of asterisks are present in the IP address field.
- Dominion’s voting machines were not connected to the internet during the vote tabulation process, and therefore it is impossible for there to have been any network traffic between them and any other device during vote tabulation.

80. But *The American Report*’s “raw data analytics” screenshot is not merely flawed—it is **fraudulent**. The “data” in that screenshot was apparently manufactured by identifying the publicly available IP addresses for various government websites and publicly available international IP addresses of visitors to those websites on or around election day, by generating fake MAC addresses using a free online service, and by making up totals of flipped votes in those counties.

81. First, the IP addresses in the “Target” IP address field are falsely represented as IP addresses for **voting machines** in counties where votes were allegedly flipped. But in reality, each “Target” IP address in *The American Report* screenshot is the IP address of either the main website or a sub-website of a county in a swing state—information that is publicly available using any number of widely available and free online databases—and not any voting machine or device.

82. Second, the IP addresses in the “Source” IP address field are falsely represented as IP addresses for the location where alleged vote manipulation originated. But just as with the “Target” IP addresses, the “Source” IP addresses can be found using any number of publicly available subscription services designed to monitor and provide reports of website traffic—including the IP addresses of visitors—to specific websites. *The American Report* screenshot’s “Source” IP address field was apparently populated with cherry-picked international IP addresses from one such subscription monitoring service’s website traffic report or from traffic reports from unrelated entities, and not with actual instances of hacks or vote manipulations.



83. Next, *The American Report* screenshot was populated with completely fabricated media access control (MAC) addresses,<sup>130</sup> identified in the sheet as the “ID” columns, for both the “Source” device—where the supposed hack originated—and “Target” device—the supposed voting machine that was hacked. The first six digits of a MAC address are called an organizationally unique identifier (OUI), which identifies the manufacturer of the device,<sup>131</sup> and OUIs and MAC addresses are registered with and administered by the Institute of Electrical and Electronics Engineers (IEEE).<sup>132</sup>

84. A basic MAC address and OUI search of each of the “IDs” noted in this report shows that *none of them are real*.

85. The first Source ID noted on the screenshot is a3:95:ad:69:22:c4 and the first “Target” ID—allegedly owned by “Allegheny county of elections” in Pennsylvania—is 2e:b5:65:57:b9:57. A search of IEEE’s registration database yields no search results for either MAC address.<sup>133</sup> And in any event, Allegheny County did not use Dominion machines in the 2020 election.

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<sup>130</sup> A MAC address is a unique hardware identification number for a specific device on a specific network and cannot be changed. MAC addresses are made up of six two-digit hexadecimal combinations of the numbers 0-9 and letters a-f separated by colons. *See MAC Address Definition*, TechTerms, available at, <https://techterms.com/definition/macaddress> (Ex. 297).


<sup>131</sup> *See* Definition, Organizational Unique Identifier, PC Magazine, available at, <https://www.pcmag.com/encyclopedia/term/oui> (Ex. 298).

<sup>132</sup> *See* IEEE SA – Registration Authority, available at, <https://standards.ieee.org/products-services/regauth/index.html> (Ex. 299).

<sup>133</sup> *See* IEEE Registration Authority: Assignments, Search Results, available at, <https://regauth.standards.ieee.org/standards-ra-web/pub/view.html#registries> (Ex. 300).



Q SEARCH RESULTS


a3:95:ad:69:22:c4  

ALL MAC (MA-L, MA-M, MA-S) SEARCH RESULTS 

Assignment	Assignment Type	Company Name
No assignments were found.		

Q SEARCH RESULTS

2e:b5:65:57:b9:57  

ALL MAC (MA-L, MA-M, MA-S) SEARCH RESULTS 



Assignment	Assignment Type	Company Name
No assignments were found.		


86. While it is possible that a MAC address may not exist in IEEE's database, every OUI (which identifies the manufacturer of the device and would be identified by the first 6 digits of each "ID") must be registered with IEEE. For the first "Source" and "Target" on the "raw data analytics" screenshot, those OUIs are a3:95:ad and 2e:b5:65, respectively. However, just like with the MAC addresses, a search of IEEE's database shows that these OUIs are fake.<sup>134</sup>

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<sup>134</sup> See *id.*



Q SEARCH RESULTS


a3:95:ad  

ALL MAC (MA-L, MA-M, MA-S) SEARCH RESULTS 

Assignment	Assignment Type	Company Name
No assignments were found.		

Q SEARCH RESULTS

2e:b5:65  

ALL MAC (MA-L, MA-M, MA-S) SEARCH RESULTS 

Assignment	Assignment Type	Company Name
No assignments were found.		

87. Furthermore, no two OUIs in *The American Report*'s screenshot are the same. In other words, according to *The American Report*'s "data," every Dominion machine on the list was manufactured by a different (nonexistent) manufacturer.

88. There are numerous online tools available to create mass amounts of fake MAC addresses. For example, the website [macaddress.io](https://macaddress.io) has a "MAC address generator" that allows any visitor to the website to "Generate random MAC addresses with specified parameters," including "How many" fake MAC addresses the user wants to generate, the "Format," and even the "Letter case" of the fake addresses.<sup>135</sup>

<sup>135</sup> See MAC address generator, [macaddress.io](https://macaddress.io), available at, <https://macaddress.io/mac-address-generator>.

## MAC address generator

Generate random MAC addresses with specified parameters. You can preview the results or download them in the CSV format. If you are interested in an API providing random MAC addresses, [contact us](#).

How many?

Format

Letter case  Uppercase  Lowercase

Size  48 bit  64 bit

Transmission type  Unicast  Multicast

Administration type  LAA  UAA

Prefix   Registered only  One prefix for all

100 MAC addresses generated

87-96-01-01-62-81	27-ef-13-40-03-2a	bf-01-f9-18-28-5f	d3-7f-1b-82-0b-f4
5f-06-cb-a4-08-c3	3b-e7-54-f5-ff-d4	cb-a2-92-f3-df-2f	93-db-12-06-b3-8a
0b-f0-a5-9f-e5-15	6b-b6-0b-75-6e-ba	af-ba-4a-5f-c6-b7	6b-01-71-19-ca-b5
97-78-53-1e-36-8c	17-3f-c5-f5-f8-41	17-fa-5b-2a-d0-c7	57-c0-5f-3e-d9-16
23-6a-94-f4-db-d5	db-08-d6-dc-a8-41	9b-9c-94-83-a2-e8	cb-8c-86-fb-8f-40
d3-7e-75-a9-6b-d3	eb-aa-09-c3-6d-6a	43-a3-f1-71-7d-0d	bb-3c-e3-d6-3c-aa
d7-a8-14-ed-74-1d	ef-9c-09-75-7a-0b	63-af-1b-33-13-0c	77-ea-8b-fb-ac-35
ef-34-53-30-e3-0f	f7-31-36-7e-71-32	e3-aa-69-6b-0b-37	17-5a-42-8e-76-1a
67-44-11-6a-7a-56	93-fb-53-ad-a5-4d	d7-3d-3b-6b-3d-bf	8f-da-11-c1-07-f9
8b-17-5b-2d-d1-69	57-6d-47-9f-ab-83	9b-d6-dd-7c-12-d9	4f-1e-9f-a8-5e-02
03-7f-d4-a8-3f-e4	ef-07-d3-ec-71-17	df-c3-4d-3a-20-c6	3b-9e-c3-f9-8f-cd
07-05-da-86-c9-65	5b-97-c2-3c-6a-a9	63-9a-f2-ec-f6-55	d3-c3-1c-e5-2d-54
3f-6d-cf-79-8d-43	e3-6c-e2-68-02-16	af-26-4a-eb-39-13	4b-89-3f-81-f9-cc
cb-d1-fd-ba-97-17	13-e4-45-84-d9-85	7b-4d-88-d2-36-bb	9b-40-da-f8-67-20
2f-09-3e-47-7e-c1	5f-63-1b-49-62-47	1b-ed-f1-07-37-6f	df-d6-2a-9a-a1-4d

89. Instead of MAC addresses for actual voting machines, *The American Report*'s "raw data analytics" screenshot is populated with fake MAC addresses.

90. Finally, *The American Report* screenshot is populated with the "amount" of votes that were supposedly stolen. Of course, having been populated with fake MAC addresses for both

the “Source” and “Target” devices and publicly available IP addresses of county government websites (not any voting machines), these “amounts” are also fraudulent.

91. Despite the fact that he has “done his own due diligence,” “hired his own experts,” and “seen the evidence himself,” Lindell has repeatedly failed to produce any evidence—other than the fraudulent “analytics” screenshot from *The American Report* conspiracy theory blog.<sup>136</sup> Indeed, following an interview with NBC News, when asked to produce evidence supporting his claims, Lindell replied in an email: “All the evidence against Dominion is before the Supreme Court. ... Here is one page of the proof.”<sup>137</sup> NBC reported that “[t]he email did not include an attachment. When asked if he had mistakenly omitted it, Lindell sent another email with an empty attachment and a third with screenshots of illegible text.”<sup>138</sup>

***News Outlets That Receive Ad Dollars from MyPillow Give Mike Lindell a Global Platform Even Though They Know His Claims About Dominion Are False***

92. After the Big Lie had been repeatedly disproven by hand recounts of paper ballots and after some of Lindell’s allies—like Sidney Powell and Rudy Giuliani—had been de-platformed by Fox News for peddling the lie,<sup>139</sup> several media outlets—including Fox News—continued to give Lindell a global platform because they wanted to receive MyPillow ad dollars.

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<sup>136</sup> See e.g., Ex. 260 3:58-4:02 (Tr. at 6:2–3) (“I know what evidence is out there, plus I’ve done my own due diligence.”); Ex. 236 at 41:18–24 (Tr. at 37:10–13) (“What I’ve seen and what I know ... I know what evidence is there.”).

<sup>137</sup> Elisha Fieldstadt, *MyPillow CEO Mike Lindell says products were dropped from major retailers after voter fraud claims*, NBC News (Jan. 19, 2021), available at, <https://www.nbcnews.com/news/us-news/my-pillow-ceo-mike-lindell-says-products-were-dropped-major-retailers-n1254676> (Ex. 301).

<sup>138</sup> *Id.*

<sup>139</sup> See e.g., Jeremy Barr, *Rudy Giuliani and Sidney Powell have disappeared from Fox airwaves*, Wash. Post (Jan. 14, 2020), available at, <https://www.washingtonpost.com/media/2021/01/14/giuliani-sidney-powell-fox-dominion/> (Ex. 302) (“Rudy Giuliani and Sidney Powell have disappeared from Fox airwaves”); Cullen Paradis, *What Happened To Sidney Powell And Rudy Giuliani? Fox Drops Lawyers Amid Lawsuits*, Int’l Bus. Times (Jan. 15, 2021), available at, <https://www.ibtimes.com/what-happened-sidney-powell-rudy-giuliani-fox-drops-lawyers-amid->

93. On January 20, 2021—Inauguration Day—Lindell gave a televised interview on the Victory Channel’s *FlashPoint*, falsely claiming he had seen “machine fraud” and that “just in Fulton County, it shows 24,000 votes flipped inside the machine.”<sup>140</sup> During that interview, Lindell also promoted MyPillow and offered viewers a promo code “MIKE,” which he assured viewers would provide up to 66% off and allow Lindell to use the profits “for good.”<sup>141</sup>



Mike Lindell appears on the Victory Channel’s *FlashPoint* on January 20, 2021, and a chyron promoted the use of the promo code “MIKE” on MyPillow.com.

94. The day after the inauguration, during a podcast interview on Steve Bannon’s *War Room: Pandemic*, Lindell falsely claimed that Dominion machines were “the biggest cheat, the biggest steal.”<sup>142</sup> When asked what level of confidence he had in the evidence in his possession, Lindell responded “One hundred percent. I told the president I’d take everything I have in the world and put it on the line.” Bannon retorted: “Note to self, you are putting it all on the line.”

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[lawsuits-3123327](#) (Ex. 303) (“After weeks of pushing an election fraud narrative, Fox News abruptly dropped Trump lawyers Sidney Powell and Rudy Giuliani.”).

<sup>140</sup> *FlashPoint: Do Not Give Up! SPECIAL with Hank Kunneman, Dutch Sheets and Mike Lindell!* at 24:50–55, 31:28–31 (Tr. at 22:6–7, 28:14, 35:14), The Victory Channel (Jan. 20, 2021), available at, <https://www.youtube.com/watch?v=25BAJnfkAQA&t=1s> (Ex. 304).

<sup>141</sup> *Id.* at 38:43–52 (Tr. at 35:14).

<sup>142</sup> *The My Pillow Movement* at 34:48–54 (Tr. at 30:23–24), *War Room: Pandemic* (Jan. 21, 2021), available at, <https://pandemic.warroom.org/2021/01/21/ep-672-pandemic-the-my-pillow-story-w-mike-j-lindell/> (Ex. 305).

Bannon continued, cautioning Lindell that “ever since Dominion has started dropping lawsuits” Lindell’s “cohort” has been silent. Lindell responded that he welcomed a lawsuit from Dominion.<sup>143</sup> Lindell did not produce the evidence he claimed to be “one hundred percent” confident in.

95. On January 26, 2021, Lindell was banned from Twitter.<sup>144</sup> The following week, MyPillow’s Twitter account was banned because Lindell had tried to use it to evade the ban on his personal account.<sup>145</sup>

96. Despite the fact that Fox News’s Tucker Carlson had previously acknowledged that Lindell’s ally, Sidney Powell, had failed to produce any evidence of machine fraud in the election, on January 26, 2021, Fox News and Tucker Carlson knowingly broadcast that same lie to a global audience by inviting Lindell—one of their biggest financial backers—to repeat the lie on *Tucker Carlson Tonight*. In exchange for MyPillow ad dollars, Fox News and Tucker Carlson introduced Lindell as “the CEO of MyPillow” and endorsed Lindell’s lies that he “found” the “machine fraud” and “ha[s] all the evidence”—which Lindell did not produce on the show.<sup>146</sup> In addition, Lindell falsely claimed that Dominion had “hired hit groups, bots and trolls” to “cancel” him; Tucker Carlson—without asking for any evidence for that false claim or otherwise fact-checking it in any

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<sup>143</sup> *Id.* at 35:40–36:03, 37:30–47, 39:50–53 (Tr. at 31:24–32:7, 34:6–15, 37:1).

<sup>144</sup> Braktkon Booker, *My Pillow CEO Mike Lindell Permanently Suspended From Twitter*, NPR (Jan. 26, 2021), available at, <https://www.npr.org/2021/01/26/960679189/my-pillow-ceo-mike-lindell-permanently-suspended-from-twitter> (Ex. 306).

<sup>145</sup> Nicole Lyn Pesce, *Twitter has permanently banned the corporate MyPillow account after founder Mike Lindell posted it*, Market Watch (Feb. 2, 2021), available at, <https://www.marketwatch.com/story/twitter-has-permanently-banned-the-corporate-my-pillow-account-after-founder-mike-lindell-posted-from-it-11612286764> (Ex. 307).

<sup>146</sup> *Tucker Carlson Tonight*, Fox News at 18:35–42 (Tr. at 6:11–12) (Jan. 26, 2021), available at, <https://video.foxnews.com/v/6226912408001/#sp=show-clips> (Ex. 308).

way—unquestioningly accepted and endorsed his biggest sponsor’s lie before Fox News broadcast it to millions of viewers.



Mike Lindell appears on *Tucker Carlson Tonight* on Fox News on January 26, 2021, and a chyron reads “MyPillow CEO.”

97. On January 28, 2021, one of MyPillow’s other financial beneficiaries—Newsmax—jumped to curry favor with its patron, claiming Lindell was being “targeted” because “[d]uring the election he stood up for what he believed,” and telling its viewers to “support him by buying one of his great pillows or related products.”<sup>147</sup>

98. Five days later, Newsmax gave Lindell an interview to discuss the fact that Twitter had banned Lindell’s account for spreading election disinformation and then had banned MyPillow’s corporate account because Lindell had used it to circumvent the ban on his personal account. Newsmax knew that the discussion of those bans was an invitation to have Lindell repeat the Big Lie that had gotten Lindell banned from Twitter in the first place. For weeks prior to that, Newsmax had broadcast defamatory falsehoods about Dominion. And Newsmax was fully aware at this point that the Big Lie was in fact a lie, as evidenced by Newsmax’s own prior “clarifying”

<sup>147</sup> *Mike Lindell Targeted, Help Him Today!*, Newsmax (Jan. 28, 2021), available at, [https://www.newsmax.com/newsfront/mike-lindell-mypillow-boycott/2021/01/28/id/1007643/?dkt\\_nbr=6F1212ijpd0s](https://www.newsmax.com/newsfront/mike-lindell-mypillow-boycott/2021/01/28/id/1007643/?dkt_nbr=6F1212ijpd0s) (Ex. 309).



segment on the topic.<sup>148</sup> Newsmax had broadcast that segment because it was worried about being sued for defamation—not because it cared about the truth. If Newsmax cared about the truth, it would not have broadcast the Big Lie again after issuing the “clarifying” segment. But, unwilling to lose MyPillow ad dollars and seeking to protect its credibility with people it had already misled into believing the election was stolen, Newsmax bowed to the pressure and gave its financial backer a global platform to repeat the Big Lie that Newsmax knew was false—and to market MyPillow. Foreseeably, Lindell—introduced with the chyron “CEO, MyPillow”—said “we have all this election fraud with these Dominion machines. We have 100% proof.” Newsmax anchor Bob Sellers interjected by reading a legal disclaimer that was clearly drafted beforehand by Newsmax lawyers in a calculated attempt to shirk responsibility for what Newsmax knew Lindell would say on air. Lindell shouted over Sellers, saying that Twitter had banned him “because I’m reviewing all the evidence on Friday of the election fraud with all these machines.” Despite Sellers’s on-air plea to Newsmax to “get out of here,” Newsmax did not cut Lindell’s mic, and Sellers walked off set.<sup>149</sup>



Mike Lindell appears on Newsmax on February 2, 2021 where, after a few minutes, Bob Sellers walks off set.

<sup>148</sup> *Facts About Dominion, Smartmatic You Should Know*, Newsmax (Dec. 19, 2020), available at, <https://www.newsmax.com/us/smartmatic-dominion-voting-systems-software-election/2020/12/19/id/1002355/> (Ex. 310).

<sup>149</sup> Christopher Cadelago (@ccadelago), Twitter (Feb. 2, 2021), available at, <https://twitter.com/ccadelago/status/1356724249201938433?s=20> (Ex. 311).

99. Later that night, Newsmax invited Lindell back to smooth things over, market MyPillow, and lend further credibility to Lindell and the Big Lie about Dominion. Rob Schmitt acknowledged the earlier interview and told Lindell, “obviously you were on the network earlier in the day and we made some waves there. We’ll leave it at that. But you and Newsmax have always had a good relationship.”<sup>150</sup> Newsmax again promoted the Big Lie by giving Lindell a platform to say, in reference to the earlier interview where he had said he had “100% proof” of “fraud with the Dominion machines,” that he would have “something coming out on Friday that is going to really help, a documentary I have put together.” When asked how the Twitter ban had impacted MyPillow’s business, Lindell said “Everyone is buying, and we are so busy, we are so busy, we are hiring. We have over 102 products, it is not just pillows anymore. Customers have always stepped up right now. It’s amazing. Just like Newsmax did.” Schmitt responded, “No kidding, my parents have one of your pillows in fact.” Lindell then pitched MyPillow and told viewers they could still use “the promo code ‘Newsmax’ on MyPillow.com to save up to 66%.”<sup>151</sup>



Mike Lindell appears on *Rob Schmitt Tonight* on Newsmax on February 2, 2021, and tells viewers to visit “MyPillow.com” and use promo code “Newsmax.”

<sup>150</sup> *Rob Schmitt Tonight* at 28:54-29:00 (Tr. at 6:12-13), Newsmax (Feb. 2, 2021), available at, [https://www.newsmaxtv.com/Shows/Rob-Schmitt-Tonight/vid/1\\_q1nk8yyd](https://www.newsmaxtv.com/Shows/Rob-Schmitt-Tonight/vid/1_q1nk8yyd) (Ex. 312).

<sup>151</sup> *Id.* at 26:34-38, 28:00-13 (Tr. at 3:9-13, 5:7-15).

100. In a further show of Newsmax’s priorities—groveling fealty to big sponsors over regard for the truth—Newsmax also broadcast a segment of Bob Sellers calling Lindell “a friend of this network” and referencing “vote fraud in the recent election,” “a topic we have covered extensively on Newsmax.”<sup>152</sup> Sellers continued: “In hindsight, there is no question I could have handled the end of the interview differently... Mike also made clear he thinks Newsmax is great—his words—and I can tell you he will continue being an important guest on Newsmax.”<sup>153</sup> Newsmax then replayed a portion of Lindell’s “interview” by Rob Schmitt the night before, including the portion where Lindell plugged his forthcoming “documentary” promoting the Big Lie about Dominion.

***Lindell Produces and OAN and RSN Broadcast a Sham “Docu-movie,”  
Knowing Full Well That the Film is Full of Lies About Dominion***

101. On February 4, 2021, Dominion sent Lindell a letter detailing numerous red flags and flaws in the “raw data analytics” from *The American Report* conspiracy theory blog, and again putting Lindell on formal written notice of numerous specific facts discrediting Russell Ramsland and his bogus “forensics report” on Antrim County, Michigan.<sup>154</sup> The letter also referred Lindell to Dominion’s defamation complaint against Rudy Giuliani, which set forth the flaws in Ramsland’s Antrim County report in greater detail and also explained in detail how a series of human errors by the Antrim County Clerk—not machine fraud—had caused the unofficial result in that county to indicate a win for Biden before the mistake was promptly caught as part of the normal canvass process.<sup>155</sup>

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<sup>152</sup> *Newsmax TV’s Bob Sellers addresses the Mike Lindell situation* at 0:08–0:26 (Tr. at 2:7-14), YouTube (Feb. 3, 2021), available at, <https://www.youtube.com/watch?v=NoQXsgv8UUM&feature=youtu.be> (Ex. 313).

<sup>153</sup> *Id.* at 0:32–0:57 (Tr. at 2:16–3:1).

<sup>154</sup> Letter from T. Clare and M. Meier to M. Lindell (Feb. 4, 2021) (Ex. 314).

<sup>155</sup> *Id.* citing *Dominion v. Giuliani* at paras. 55-70.

102. Later that day, *after* receiving and reading Dominion’s letter, Lindell appeared for a televised interview on *FlashPoint* and claimed he was being attacked “because I have all this evidence coming out ... When I went on there, the Dominion people had threatened Newsmax. Nobody could go on there and talk about all this evidence that I have or talk about the machines. ... Well, everything that’s been attacking me in my whole life right now is because I’ve got this documentary coming out with all the evidence. ... They’ve threatened networks ... to suppress what actually happened in our country that was attacked from another country. And it’s all coming out tomorrow.”<sup>156</sup> Later in the program, the host promoted MyPillow, saying, “We want to put up a promo code. ... We want you to go support Mike Lindell. MyPillow.com use promo code ‘FLASH.’ ... You want to make sure you go there and support. We’ve got to support patriots, folks. This is where, when I said earlier in the monologue, ‘We have to stand up’ – this is part of standing. I don’t care if you don’t need a pillow. Go order one and give it to somebody else. But we’ve got to support each other because this is the life and death of America....”<sup>157</sup>

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<sup>156</sup> *FlashPoint: Absolute Truth, You NEED to Hear This! with Mike Lindell, Doug Wead, and Mario Murillo* at 26:18–27:54 (Tr. at 2:9–3:20), The Victory Channel (Feb. 4, 2021), available at, <https://www.youtube.com/watch?v=LxYh24Zd0Cs&amp%3Bfeature=youtu.be> (Ex. 343).

<sup>157</sup> *Id.* at 32:34–33:09 (Tr. at 8:20–9–5).



MyPillow is promoted during an interview of Mike Lindell on FlashPoint on February 4, 2021.

103. After the *FlashPoint* host had implored people to buy a MyPillow to prevent the “death of America,” Lindell continued by describing the “raw data analytics” from *The American Report* conspiracy theory blog.<sup>158</sup> He knew that document was not reliable because, earlier that day, he had received and read Dominion’s letter pointing out red flags and numerous errors in it. Despite knowing that, Lindell knowingly deceived the audience, falsely claiming the document was “a cyber footprint from inside the machines” that was “going to show that Donald Trump won.”<sup>159</sup> Lindell also claimed that he was being attacked because he was going to show the evidence in a two-hour documentary called “ABSOLUTE PROOF” the following day, and encouraged people to share the documentary as widely as possible.<sup>160</sup>

<sup>158</sup> *Id.* at 34:10-35:42 (Tr. at 10:8-11:20).

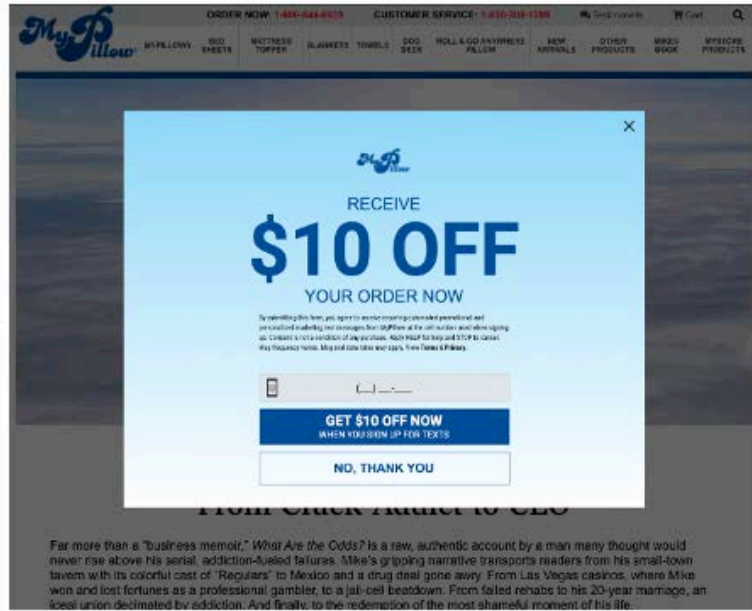
<sup>159</sup> *Id.* at 35:23-26, 37:34 (Tr. at 11:12-13, 13:15-16).

<sup>160</sup> *Id.* at 36:31-37:08 (Tr. at 14:13-19).



Mike Lindell promotes his forthcoming documentary “ABSOLUTE PROOF” during an episode of *FlashPoint* on February 4, 2021.

104. The next day, on February 5, 2021, Lindell broadcast the sham “docu-movie” that he had previously advertised on Newsmax and *FlashPoint*, and for which he was an executive producer. Lindell posted the “docu-movie” to his own website, michaeljlindell.com, and posted directly beneath the embedded video an ad for viewers to purchase his book, *Against All Odds*, with the “Promo Code *PROOF*.” The ad linked directly to the MyPillow website, where visitors were met with a “\$10 OFF” coupon and could receive 40% off a MyPillow by using the promo code “Proof.”



105. In an attempt to disseminate the disinformation to the largest possible audience, Lindell also purchased 26 hours of airtime on OAN to broadcast the film thirteen times from February 5 to February 8, 2021. In addition, Lindell teamed up with Steve Bannon and OAN for an “OAN Special on Election Fraud,” in which, on February 11, 2021, OAN broadcast “ABSOLUTE PROOF” again, interspersed with an interview of Lindell by Bannon.

106. OAN was fully aware that Lindell’s “docu-movie” was full of lies, but—like Fox News, Newsmax, and others—was content to deceive its viewers in exchange for ad dollars. In a calculated attempt to avoid defamation liability for the lies it was about to knowingly broadcast to a global audience, OAN played a disclaimer effectively admitting that OAN knew Lindell’s claims were false but trying to pass them off as “opinions” and brazenly claiming—contrary to months of OAN’s false reporting on Dominion, which had caused millions of Americans to question the results of the Presidential election—that the assertions in the sham “docu-movie” were not adopted or endorsed by OAN. The disclaimer read:

DISCLAIMER

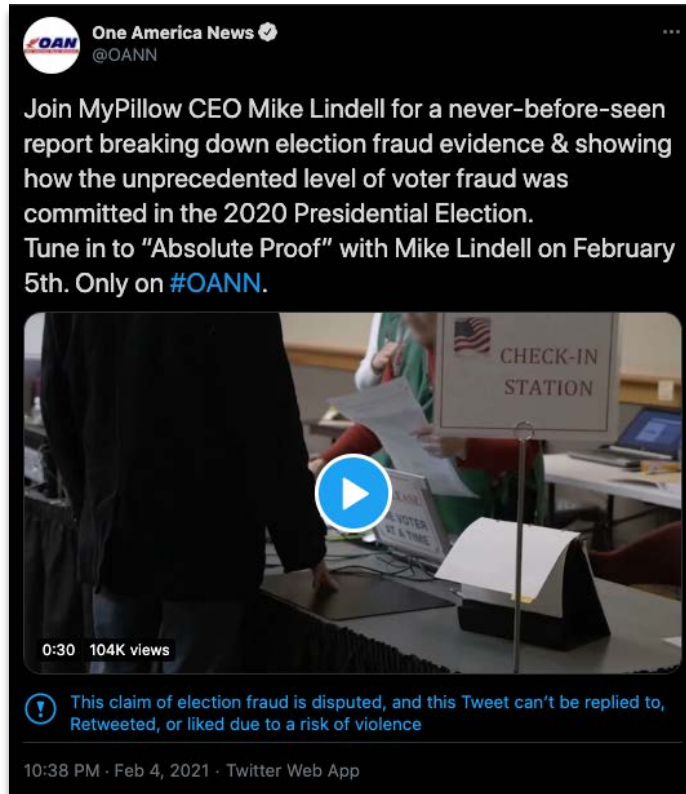
Michael James Lindell has purchased the airtime for the broadcast of this program on One America News (“OAN”) network. Mr. Lindell is the sole author and executive producer of this program and is solely and exclusively responsible for its content. The topic of this broadcast is the 2020 election. OAN has undertaken its own reporting on this topic. This program is not the product of OAN’s reporting. The views, opinions and claims expressed in this program by Mr. Lindell and other guests, presenters, producers, or advertisers are theirs, and theirs alone and are not adopted or endorsed by OAN or its owners. In particular, OAN does not adopt or endorse any statements or opinions in this program regarding the following entities or people: US Dominion, Inc. (and any related entities); Smartmatic USA Corp; Brian Kemp; Brad Raffensperger; or Gabriel Sterling. Further, the statements and actions expressed in this program are presented at this time as opinions only and are not intended to be taken or interpreted by the viewer as established facts. The results in the 2020 Presidential election remain disputed and questioned by millions of Americans who are entitled to hear from all sides in order to help determine what may have happened.

107. In stark contrast to OAN’s barely legible fine-print disclaimer that the film contained “opinions” “not intended to be taken or interpreted by the viewer as established facts,” on its official Twitter feed, OAN explicitly endorsed and promoted the film as a “*report* breaking down election fraud *evidence* & showing how the unprecedented level of voter fraud was committed in the 2020 Presidential Election.”<sup>161</sup>

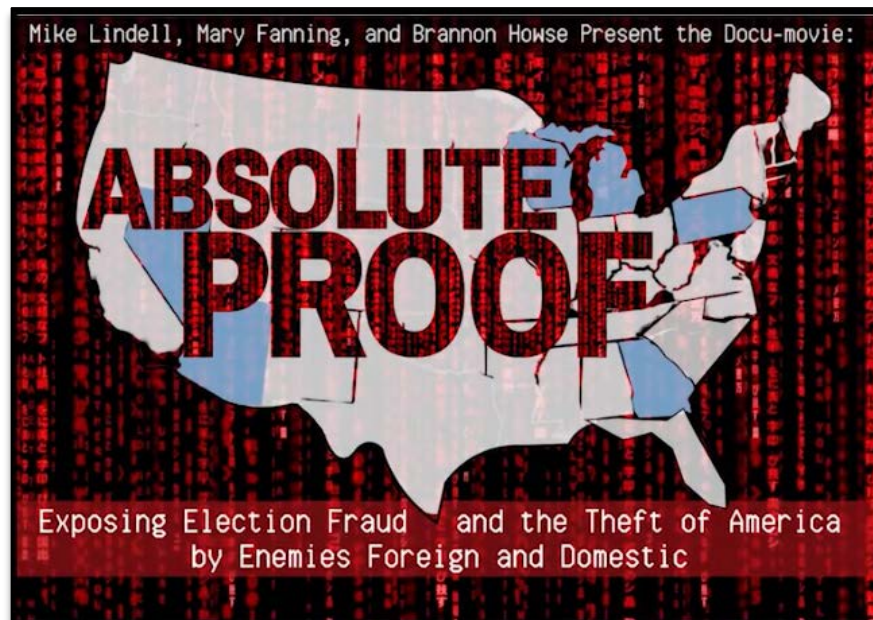
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<sup>161</sup> One America News (@OANN), Twitter (Feb. 4, 2021), available at, <https://twitter.com/OANN/status/1357533963707842560> (Ex. 315) (emphasis added).

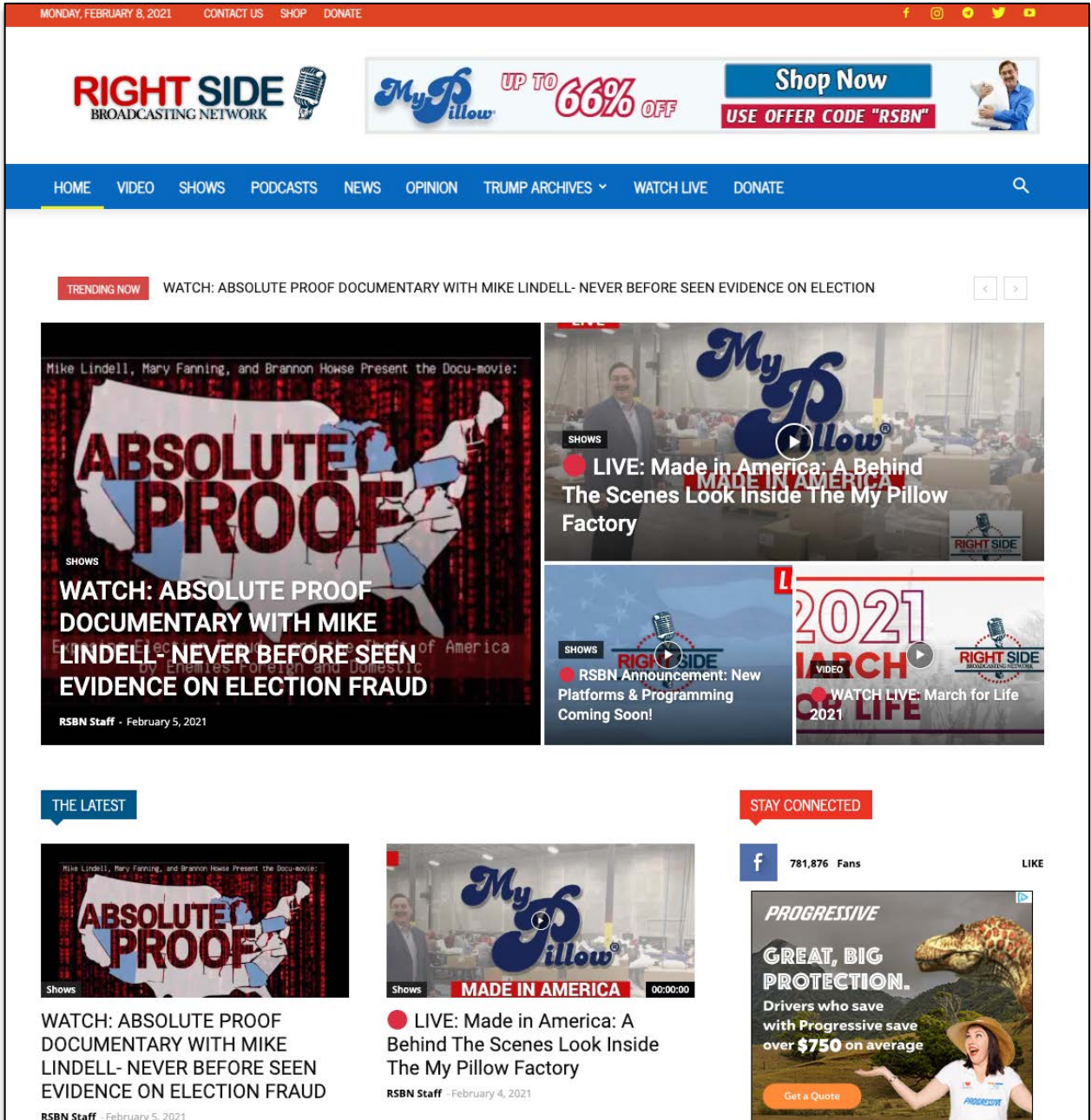




108. Moreover, the film's title proclaimed to viewers that it contained "ABSOLUTE PROOF" "Exposing Election Fraud and the Theft of America by Enemies Foreign and Domestic."



109. RSNB also accepted MyPillow ad dollars to deceive its viewers, and posted Lindell’s “ABSOLUTE PROOF” film to its homepage along with a MyPillow ad and a “Behind The Scenes Look Inside the My Pillow Factory.”<sup>162</sup>



RSNB’s homepage on February 8, 2021, features a MyPillow banner ad, Lindell’s “ABSOLUTE PROOF” film, and a “Behind the Scenes Look Inside The My Pillow Factory.”

<sup>162</sup> Right Side Broadcasting Network, <https://rsbnetwork.com/>.

110. In addition to being broadcast on OAN, RSBN, and michaeljlindell.com, the “docu-movie” was also broadcast by the WWV Broadcast Network and posted to Lindell’s Facebook account, where Lindell promoted the production and implored viewers to “Watch and share with everyone!!”<sup>163</sup>



111. “ABSOLUTE PROOF” opens with a MyPillow pitch dressed up as a grievance by Lindell—who has a personal net worth of \$300 million and whose MyPillow business is the busiest it has ever been—that he and MyPillow were being “boycott[ed]” and “attacked” “relentlessly.”

<sup>163</sup> Mike Lindell, Brannon Howse And Mary Fanning Present: *Absolute Proof: Exposing Election Fraud and The Theft of America by Enemies Foreign and Domestic*, World View Weekend (Feb. 5, 2021), available at, <https://www.worldviewweekend.com/tv/video/mike-lindell-brannon-howse-and-mary-fanning-present-absolute-proof-exposing-election-fraud>; <https://www.worldviewweekend.com/absolute-proof> (Ex. 316); Michael J Lindell, Facebook (Feb. 5, 2021), available at, <https://www.facebook.com/realMikeLindell/posts/1192536854534936> (Ex. 317).

The obvious implication of the message is that viewers should buy MyPillow products to stick it to “cancel culture” and to support Lindell’s efforts to overturn the election.



Scenes from the beginning of “ABSOLUTE PROOF.”

112. The MyPillow “docu-movie” continues with Lindell saying that the “deviations that happened on election night” did not “ma[ke] any sense,” despite the fact that Lindell knew that Trump had discouraged his supporters from voting by mail while Democrats had done the opposite and that there had been human error by the county clerk—not machine fraud—in Antrim County.<sup>164</sup>

113. Then—despite the fact that Dominion had previously written to him and specifically pointed out red flags and errors in the fake “raw data analytics” screenshot from the conspiracy theory blog—Lindell knowingly lied to his audience about that document, claiming it was “a piece of evidence that’s 100% proof, it’s like a print of inside the machine with the timestamp that showed other countries attacking us, hacking into our election through these machines, and it shows the votes flipped.”<sup>165</sup>

<sup>164</sup> *Absolute Proof – Mike Lindell Election Documentary (FULL)* at 00:55-1:00 (Tr. at 2:20-21), Rumble (Feb. 5, 2021), previously available at, <https://rumble.com/vdlb17-absolute-proof-mike-lindell-election-documentary-full.html> (Ex. 319).

<sup>165</sup> *Id.* at 1:19-35 (Tr. at 3:5-9).

114. Knowing full well that claims of widespread election fraud had been rebutted by Trump appointee and then-Attorney General Bill Barr following investigations by the Department of Justice and the Department of Homeland Security, Lindell and his featured guests in “ABSOLUTE PROOF” seek to discredit Barr by repeatedly and falsely claiming there had been no investigation and by insinuating that Barr was “corrupt” and had been “compromised.”<sup>166</sup>

115. And, despite the fact that Dominion had previously written to Lindell and pointed out specific facts from the public domain thoroughly discrediting the “Deep State” conspiracy theorist Russell Ramsland, Lindell’s “docu-movie” also features Ramsland claiming—against a backdrop of ominous music—that it was a “stolen election.”<sup>167</sup>



116. Notably, Russell Ramsland appears to be one of the earliest promoters of the kinds of lies that are now being told about Dominion: he began making similar claims years before the 2020 election, when Pete Sessions—a staunch Trump supporter—lost to a Democrat in a 2018 election in Dallas, Texas. While Ramsland had in 2015 been the leading contender to challenge

<sup>166</sup> *Id.* at 21:06-20, 46:40-55, 1:54:43-47 (Tr. at 21:22-22:5, 45:23-46:1, 124:24-125:3).

<sup>167</sup> *Id.* at 31:15-22 (Tr. at 31:15-19).

Pete Sessions in a Republican primary for a congressional seat,<sup>168</sup> in 2018, Ramsland began alleging that his former rival had been deprived of his rightful seat in Congress by vote-flipping machines in that Dallas election. *Notably, though, that election was not handled by Dominion, but by its competitor, ES&S.*

117. In Lindell’s “docu-movie,” Ramsland repeats the story he began telling years ago—that voting machines in Texas flipped votes and stole the election from Pete Sessions in Dallas in 2018 and improperly purged votes in Dallas and Harris County just before the 2020 election. However, since ES&S and Hart InterCivic systems (not Dominion systems) had been used in Texas—and since Trump *won* Texas in the 2020 election—Lindell and Ramsland deliberately revised that story to make it fit the false preconceived narrative they wanted to tell about the 2020 election.<sup>169</sup>

118. In the film, Lindell and Ramsland also fail to address the fact that Ramsland’s story about the Texas voting machines actually *undermines* their current claim that Trump won the 2020 election: if Ramsland’s story were true, that would cast doubt on Trump’s wins in Texas and

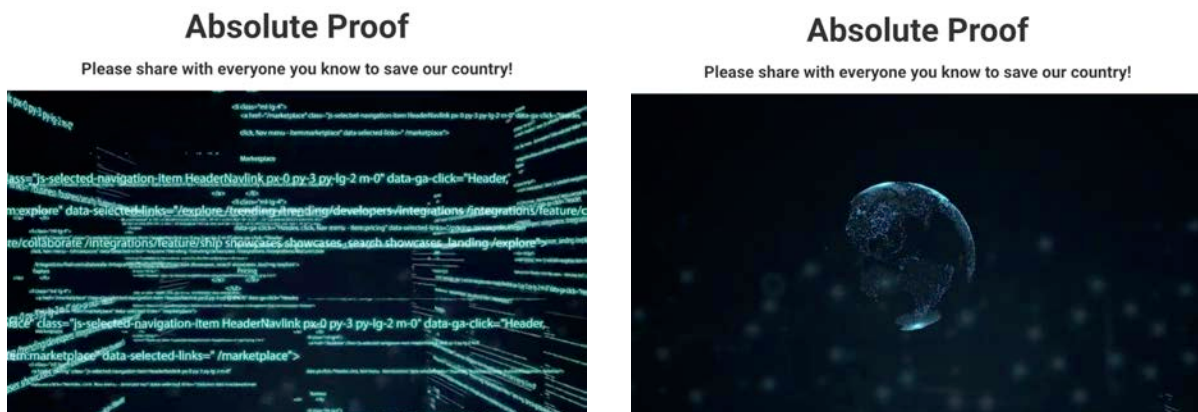
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<sup>168</sup> Gromer Jeffers, Jr., *Tea party activists mobilize for another shot at Pete Sessions*, The Dallas Morning News (July 9, 2015), available at, <https://www.dallasnews.com/news/politics/2015/07/09/tea-party-activists-mobilize-for-another-shot-at-pete-sessions/> (Ex. 318).

<sup>169</sup> *See, e.g., How the U.S. Election Assistance Commission Facilitates Fair and Secure Elections*, EAC, available at, <https://www.eac.gov/news/2020/12/03/how-us-election-assistance-commission-facilitates-fair-and-secure-elections/> (Ex. 141) (“Before voting machines and election management systems are used in elections, the systems undergo rigorous hardware and software testing by laboratories accredited by the EAC and the National Institutes of Standards and Technology (NIST). The testing encompasses security, accuracy, functionality, accessibility, usability, and privacy based on requirements in the EAC’s Voluntary Voting System Guidelines (VVSG)”; *Frequently Asked Questions*, EAC, available at, <https://www.eac.gov/voting-equipment/frequently-asked-questions> (Ex. 129) (“the test labs will examine the source code to ensure compliance with the voluntary voting system guidelines”; *Testing & Certification Program Manual, Version 2.0*, EAC (May 31, 2015), available at, [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/Cert%20Manual%207%208%2015%20FINAL.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/Cert%20Manual%207%208%2015%20FINAL.pdf) (Ex. 219) (the [Voting System Test Laboratory] must complete the source code review of the software delivered from the manufacturer for compliance with the [Voluntary Voting System Guidelines]”).

several swing states that used the same machines as Texas. But Lindell’s film does not attack the results in states that Trump won, of course; doing so would have undermined the false preconceived narrative that was helping him sell pillows. In addition, Ramsland’s claim—that Texas used corrupt vote-flipping machines—directly undermines the notion that Texas represents the gold standard for certifying voting machine companies or would otherwise have grounds to challenge how other states had conducted their elections, something which Texas sought to do until that frivolous bid was summarily rejected by the United States Supreme Court, including three Trump-appointed justices.

119. Lindell’s “docu-movie” also features Ramsland claiming “[w]e developed huge, tons of absolute proof on this, but no court case was ever allowed, ever allowed it to be presented... But it does exist. It’s out there. It’s unbelievable. It’s massive.” Instead of displaying the “huge, tons of absolute” “unbelievable” “massive” “proof” or referring to a website where the public and experts could scrutinize the “proof” for themselves, at this point, the film features animated graphics of green text moving quickly across a black screen and a stylized image of earth from space, along with a claim from Ramsland that he had seen undisclosed “data that is supposedly representative.”<sup>170</sup>



Graphics from Lindell’s “docu-movie” “ABSOLUTE PROOF.”

<sup>170</sup> Ex. 319 at 31:15-52 (Tr. at 32:23-33:3).

120. Despite the fact that Lindell was well aware from Dominion’s prior correspondence of the publicly available sources documenting what had really happened in Antrim County, Michigan (human error, not corrupt vote-flipping machines) and of numerous errors thoroughly debunking Ramsland’s credentials and his so-called “forensics report” on Antrim County, Lindell’s “docu-movie” deliberately deceives viewers by calling Ramsland’s debunked report “a perfect report,” falsely holding Ramsland out as a “forensic expert on these particular machines,” and deliberately lying about what had actually happened in Antrim County, Michigan, falsely claiming that “7,060” votes “were flipped from Trump to Biden... by the machines.”<sup>171</sup>

121. Lindell’s “docu-movie” also features Ramsland claiming to have information on “two other” unidentified counties that he claims were “even worse than Antrim” but—rather than disclosing that “proof”—claims “there are reasons we aren’t publishing that information right now.”<sup>172</sup> Lindell then jumps to explain: the reason Ramsland cannot disclose the information is “because every time something pops up, it gets buried out there,” and the information is getting “suppressed.”<sup>173</sup> (To this day, Lindell’s “docu-movie” remains publicly available on OAN, RSBN, the WVV Broadcast Network, michaeljlindell.com, and Lindell’s Facebook page, but it appears that Ramsland’s mystery “proof” on two other counties has not been posted to those websites.)

122. To further prop up his false claim that Dominion machines weighted votes against Trump, Lindell’s “docu-movie” features a person identified as “Dr. Shiva” and holds him out as the inventor of email.

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<sup>171</sup> *Id.* at 33:02-35:48, 1:16:54-56, 1:21:39-41, 1:13:24-35 (Tr. at 35:10-25, 87:9, 92:17, 82:16-83-4).

<sup>172</sup> *Id.* at 35:06-24 (Tr. at 35:10-16).

<sup>173</sup> *Id.* at 35:25-48 (Tr. at 35:17-25).





Shiva Ayyadurai appears in Lindell’s “docu-movie”  
“ABSOLUTE PROOF.”

123. “Shiva” is actually the first name of Shiva Ayyadurai. If Lindell’s “docu-movie” chyron had disclosed Ayyadurai’s last name to its viewers, they could have easily Googled “Shiva Ayyadurai” and gotten the same information that Lindell almost certainly knew from the “due diligence” Lindell repeatedly bragged about having performed. Specifically, while Shiva Ayyadurai’s personal website is *inventorofemail.com*, email was actually invented by the U.S. government’s Advanced Research Projects Agency when Ayyadurai was still in grade school.<sup>174</sup> “Dr. Shiva” is *not* a medical doctor, but he has urged people to treat COVID-19 with Vitamin C.<sup>175</sup> And while Ayyadurai claimed that “Massachusetts Destroy[ed] Over 1 MILLION ballots” in a race he lost in the 2020 Massachusetts Republican primary for U.S. Senate<sup>176</sup>—the

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<sup>174</sup> See *Statement from the National Museum of American History: Collection of Materials from V.A. Shiva Ayyadurai*, Smithsonian (Feb. 23, 2012), available at, <https://americanhistory.si.edu/press/releases/statement-national-museum-american-history-collection-materials-va-shiva-ayyadurai> (Ex. 320).

<sup>175</sup> See, e.g., Ryan Broderick, *A YouTube Video Accusing Dr. Anthony Fauci Of Being Part Of The Deep State Has Been Viewed Over 6 Million times In A Week*, BuzzFeed News (Apr. 15, 2020), available at, <https://www.buzzfeednews.com/article/ryanhatesthis/youtube-anthony-fauci-deep-state-coronavirus> (Ex. 321).

<sup>176</sup> See *Fact check: Massachusetts election officials have not destroyed ballots or committed election fraud*, Reuters (Oct. 2, 2020), available at, <https://www.reuters.com/article/uk-factcheck-election-ballot-massachuset/fact-check-massachusetts-election-officials-have-not-destroyed-ballots-or-committed-election-fraud-idUSKBN26N2AF?edition-redirect=uk> (Ex. 322).

fact is that, since 2000, the most votes cast in a single Republican Senate primary in Massachusetts was only 280,000.<sup>177</sup>

124. Lindell’s “docu-movie” also features Mellissa Carone, who previously gained international infamy because Rudy Giuliani had to “shush” her for leveling unhinged accusations at Republican officials in Michigan who asked her follow-up questions about her dubious claims. Before Lindell featured Carone in his “docu-movie,” a judge determined that Carone’s accusations were “simply not credible”<sup>178</sup> and Carone accepted a guilty plea after being charged with computer crimes and providing false information to law enforcement officers.<sup>179</sup>



Mellissa Carone appears in Lindell’s “docu-movie” “ABSOLUTE PROOF.”

125. Later in the “docu-movie,” Lindell states: “This Dominion. These machines are the biggest fraud in election—they stole this, but now the truth is all going to be revealed.”<sup>180</sup> An hour and a half into the program, Lindell states: “Well, everyone, this is the moment you’ve all

<sup>177</sup> See Secretary of the Commonwealth of Massachusetts, U.S. Senate Primary Election Results 2000 - 2020, available at, [https://electionstats.state.ma.us/elections/search/year\\_from:2000/year\\_to:2020/office\\_id:6/stage:Primaries](https://electionstats.state.ma.us/elections/search/year_from:2000/year_to:2020/office_id:6/stage:Primaries) (Ex. 323).

<sup>178</sup> See Op. & Order at 7, *Constantino v. City of Detroit*, No. 20-014780 (Mich. 3d Jud. Dist. Ct. Nov. 13, 2020).

<sup>179</sup> Mary Kay Linge, *GOP Michigan recount witness took plea deal on harassment charge: report*, N.Y. Post, (Dec. 5, 2020), available at, <https://nypost.com/2020/12/05/trump-witness-took-plea-deal-on-harassment-charge-report/> (Ex. 324).

<sup>180</sup> Ex. 319 at 1:30:55-31:04 (Tr. at 102:22-25).

been waiting for. What you're going to see now is 100% proof that we had upon our country, the biggest cyber-attack in history. And I'm going to bring on Mary Fanning to explain how it all happened and then show you the 100% proof."<sup>181</sup>

126. Mary Fanning Kirchhoefer—the Trump Campaign donor and retired homemaker behind *The American Report* conspiracy theory blog, who was also previously the registered agent for a now-dissolved Illinois entity called ABSOLUTEPROOF LLC—was, together with Lindell, an “executive producer” for the “ABSOLUTE PROOF” “docu-movie.” Unlike the other featured guests, she elected not to appear for the interview over video or photograph or otherwise show her face at any point during the program.

127. In the “docu-movie” for which they were both “executive producers,” Lindell and “Fanning” claim that they have “thousands of pages,” “100% proof,” and “historic proof” of “election fraud” and “foreign intrusion into our election.”<sup>182</sup> But rather than posting the “proof” in native spreadsheet form on a website where it—and its metadata—could be scrutinized by the public and real experts in election security, Lindell and “Fanning” chose to have the “docu-movie” show scrolling footage of the fake “raw data analytics” that “Fanning” had previously excerpted on her conspiracy theory blog and a purported representation of those “analytics”—a multi-colored cartoon animation of a world map, purporting to show votes being sent overseas and stolen in real-time.

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<sup>181</sup> *Id.* at 1:36:3-20 (Tr. at 108:12-18).

<sup>182</sup> *Id.* at 1:42:1-2, 1:43:06, 1:43:31-39 (Tr. at 113:13, 114:17, 115:3-5).



Scenes of the “100% proof” and “historic proof” from “ABSOLUTE PROOF.”

128. But just like with the “raw data analytics” screenshot posted to *The American Report* blog, this scrolling footage was comprised of the same doctored and fraudulent data—the extracted and publicly available IP addresses of county government websites and generated fake MAC addresses for both the “SOURCE” and “TARGET” owners.

129. As a former professional card counter and self-described “numbers guy” with experience with algorithms, Lindell was well aware that the “analytics” and cartoonish world map graphic were fake and did not show votes being sent overseas or manipulated. Lindell was also well aware—from Dominion’s correspondence citing reliable publicly available sources—that hand recounts of *paper ballots* had confirmed the accuracy of the vote tallies from Dominion machines, conclusively disproving the notion that the vote tallies in the Dominion tabulators had been manipulated overseas or otherwise. In addition, *before* Lindell had broadcast the “documentary,” Dominion had already written to him and pointed out numerous glaring red flags and errors in the purported “analytics;” Dominion also offered to review any purported “evidence” Lindell intended to offer in the documentary beforehand “so that we can point out the red flags and other obvious errors that have plagued all of the other purported ‘evidence’ that has been put

forward against Dominion.”<sup>183</sup> Lindell purposefully avoided giving Dominion an opportunity to review the world map cartoon before broadcast, plainly because he knew it was fake.

130. Toward the end of the program, Lindell implores his audience: “Now, you’ve all seen absolute proof of the biggest cyber-attack in history. We right now, it’s a takeover of our country. We all see it happening. And now you see the proof, where it came from, what happened. We all need to go out now each and every one of you and tell your friends, family, people, your social media, spread this out everywhere.”<sup>184</sup>

131. On February 19, 2021, Lindell appeared on Rudy Giuliani’s podcast to tout “ABSOLUTE PROOF,” boasting that it had been seen by 100 million people worldwide, with an average view time of one hour and 53 minutes.<sup>185</sup> Appearing with the chyron “Founder and CEO, MyPillow,” Lindell stated that he was coming out with two new movies, including a shorter version of “ABSOLUTE PROOF,” and bragged that his new videos “will be like whack-a-mole for ‘em.”<sup>186</sup> “ABSOLUTE PROOF” remains available online to a global internet audience in multiple locations.

***Lindell Benefits at Dominion’s Expense Because  
People Believed Lindell’s Fake “Proof” and Bought MyPillows Because of It***

132. Although the “proof” in Lindell’s “ABSOLUTE PROOF” “docu-movie” was mocked by many, countless people were duped by Lindell’s “proof” and sent the multimillionaire some of their hard-earned money for MyPillow products.

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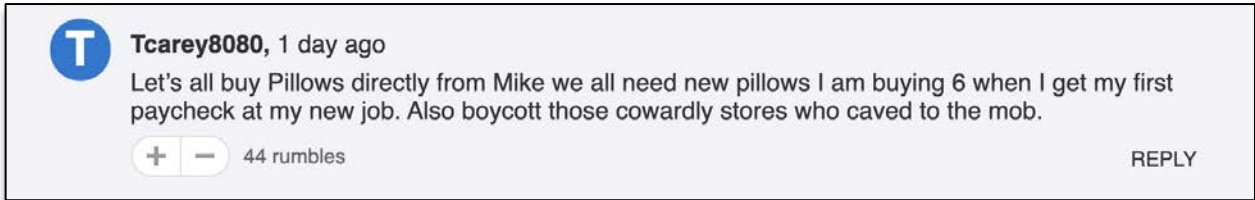
<sup>183</sup> Letter from T. Clare and M. Meier to M. Lindell (Feb. 4, 2021) (Ex. 314).

<sup>184</sup> Ex. 319 at 1:57:44-58:04 (Tr. at 128:4-11).

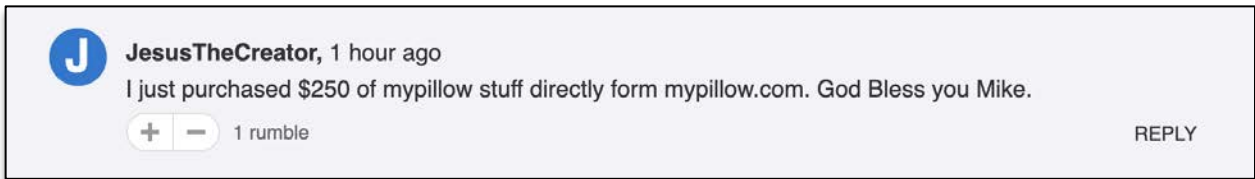
<sup>185</sup> *CANCEL CULTURE: Return Of The Salem Witch Trials?* at 27:14-41, Rudy Giuliani’s Common Sense (Feb. 19, 2021), available at, [https://www.youtube.com/watch?v=FkvvtuVsyUA&list=PLIMn0a7NgIUZIGjQVofrk1M3Ulqdc7\\_-4&index=5](https://www.youtube.com/watch?v=FkvvtuVsyUA&list=PLIMn0a7NgIUZIGjQVofrk1M3Ulqdc7_-4&index=5).

<sup>186</sup> *Id.* at 26:55-27:14.

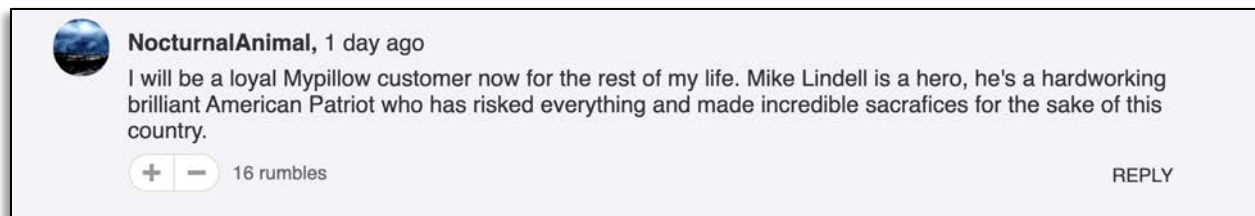
133. For example, on a Rumble post of Lindell’s “docu-movie” promoting the Big Lie about Dominion, one person wrote “Let’s all buy Pillows directly from Mike we all need new pillows I am buying 6 when I get my first paycheck at my new job.”<sup>187</sup>



134. Another viewer commented underneath the link to the film: “I just purchased \$250 of mypillow stuff directly from mypillow.com.”<sup>188</sup>



135. Another viewer commented on the film: “I will be a loyal Mypillow customer now for the rest of my life. Mike Lindell is a hero, he’s a hardworking brilliant American Patriot who has risked everything and made incredible sacrifices for the sake of this country.”<sup>189</sup>

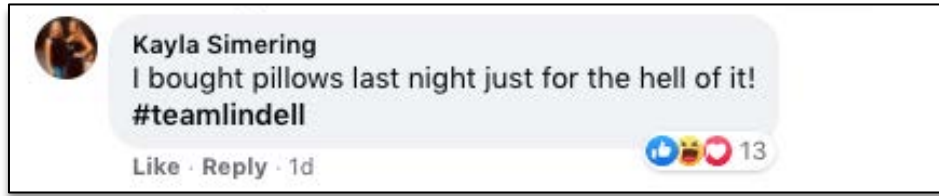


<sup>187</sup> Comments, *Absolute Proof – Mike Lindell Election Documentary*, Rumble (Feb. 5, 2021), previously available at, <https://rumble.com/vdlbl7-absolute-proof-mike-lindell-election-documentary-full.html> (Ex. 345).

<sup>188</sup> *Id.*

<sup>189</sup> *Id.*

136. On Lindell’s Facebook post of the “docu-movie,” one person wrote “I bought pillows last night just for the hell of it! #teamlindell.”<sup>190</sup>



137. After Facebook added a disclaimer that the contents of Lindell’s film contained “false information,” one person wrote “You’re the man Mike! FB is a liar! Oh and I bought 2 my pillows today! Don’t even care it’s going to take a while to receive them just happy to support your company...”<sup>191</sup>



138. On a tweet asking if anyone had watched Lindell’s film, one person commented: “Watched it earlier...It’s awesome and damning to the left. Praise God for Mike Lindell! Going to buy me a few pillows tonight. It is absolute proof.”<sup>192</sup>

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<sup>190</sup> Michael J Lindell, Facebook (Feb. 5, 2021), available at, <https://www.facebook.com/realMikeLindell/posts/1192536854534936> (Ex. 317).

<sup>191</sup> *Id.*

<sup>192</sup> Willi-73 (@Willi\_556), Twitter (Feb. 5, 2021), available at, [https://twitter.com/Willi\\_556/status/1357784366311763968](https://twitter.com/Willi_556/status/1357784366311763968) (Ex. 325).



139. Another person on Twitter commented “Let’s support the mypillow man the leftist want to silence since he has all the facts about the 2020 fraud. Watch Lindels documentary on wwvtv called Absolute Proof and share with everyone you know that Commy China changed our election results.”<sup>193</sup>



<sup>193</sup> Emma Right (@emmbeliever), Twitter (Feb. 5, 2021), available at, <https://twitter.com/emmbeliever/status/1357848819468095489> (Ex. 326).



140. Lindell began benefitting at Dominion’s expense even before producing and broadcasting his “ABSOLUTE PROOF” “docu-movie.” Indeed, every time Lindell was called out for making false claims about Dominion, his business “would go up anywhere from 10 to 30%” because, as Lindell has explained, “*everybody on the Right buys more, they buy more to support the cause.*”<sup>194</sup> As a result of the defamatory marketing campaign against Dominion, MyPillow sales are up 30 to 40% and MyPillow is the busiest it has ever been.<sup>195</sup>

141. After his January 16, 2021 appearance on RSBN where Lindell falsely claimed “[evidence] shows the number of votes flipped,” one Twitter user wrote: “I just bought a mypillow! ... Mike Lindell @realMikeLindell is a patriot and a man of God and he deserves our support. @RSBNetwork’s code gets you 60% off!”<sup>196</sup>

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<sup>194</sup> RSBN (@RSBNetwork) at 21:55-22:10 (Tr. at 19:15-17), Twitter (Jan. 16, 2021), available at, <https://twitter.com/RSBNetwork/status/1350559453343490048> (Ex. 272) (“RSBN’s @brianglenntv exclusive interview with @realMikeLindell on his White House visit and the next 4 years”).

<sup>195</sup> *RSBN’s Exclusive with Mike Lindell Part 2* at 12:03-04 (Tr. at 11:20-22), RSBN (Jan. 18, 2021), available at, <https://rumble.com/vcxl1t-rsbn-exclusive-interview-with-mike-lindell-part-2.html> (Ex. 258); *MyPillow CEO Mike Lindell Joins John Di Lemme LIVE on the Biden Scam Series* at 20:54-56 (Tr. at 20:22-23), *Conservative Bus. Journal* (Dec. 11, 2020), available at, <https://www.conservativebusinessjournal.com/podcast/my-pillow-ceo-mike-lindell-biden-scam-series/> (Ex. 237); *Why Now is the Time to Stand Up for America* at 8:12-18 (Tr. at 10:2-3), *ThriveTime Show* (Dec. 23, 2020), available at, <https://www.thrivetimeshow.com/business-podcasts/mike-lindell-the-my-pillow-founder-why-now-is-the-time-to-stand-up-for-america-the-freedoms-we-enjoy-and-president-donald-j-trump/> (Ex. 235).

<sup>195</sup> *Id.*

<sup>196</sup> Skyler (@TheTexasSky), Twitter (Jan. 16, 2021), available at, <https://twitter.com/TheTexasSky/status/1350579439504142336> (Ex. 327).



142. After Dominion asked Lindell to retract his false claims about the company, Lindell told the media he wanted Dominion to sue him, and another Twitter user wrote: “Support @realMikeLindell he is fighting for #theTruth with his time, and his own money... buy!! buy!! buy!! from #MyPillow at MyPillow.com.”<sup>197</sup>

<sup>197</sup> Is it #2024 yet (@sbrandel777), Twitter (Jan. 19, 2021), available at, <https://twitter.com/sbrandel777/status/1351573949319098375> (Ex. 328).



143. One person wrote, “I support Mike Lindell! @realMikeLindell was in every rally and in every event alongside the American people, he is a huge Patriot who is being hunted by the Democrats. We must support it!” Another person retweeted that tweet, writing: “We must try to support our fellow Patriots before supporting those who wish to enslave us like big tech and amazon. Buy something from mypillow guy!”<sup>198</sup>

<sup>198</sup> Patriots Resolve (@Lying\_MSM), Twitter (Jan. 17, 2021), available at, [https://twitter.com/Lying\\_MSM/status/1350669185399967744](https://twitter.com/Lying_MSM/status/1350669185399967744) (Ex. 329).



144. After his January 21, 2021 appearance on Steve Bannon’s *War Room: Pandemic*, where Lindell claimed he had “new evidence” of the “biggest steal,”<sup>199</sup> one person wrote: “@realMikeLindell #MyPillowGuy is on #SteveBannon #WarRoomPandemic right now. I think I’ll buy another #MyPillow and a set of sheets today.”<sup>200</sup>

<sup>199</sup> *The My Pillow Movement* at 34:55-35:02, 37:20-28 (Tr. at 34:1, 30:24), *War Room: Pandemic* (Jan. 21, 2021), available at, <https://pandemic.warroom.org/2021/01/21/ep-672-pandemic-the-my-pillow-story-w-mike-j-lindell/> (Ex. 305).

<sup>200</sup> Hoosier Mama (@Someth75740529), Twitter (Jan. 21, 2021), available at, <https://twitter.com/Somethi75740529/status/1352298967183339532> (Ex. 330).



145. Another person wrote: “Mike Lindell is defeating Satan with a pillow fight. He’s spending millions collecting evidence of dominion voting systems election fraud. New info keeps coming. Use code ‘Mike’ for a discount on mypillow.com.”<sup>201</sup>



146. Another wrote: “Mike Lindell’s message this morning about engaging the fight against the Dominion fraud is about getting involved. I ordered 10 of his books, to help him, and

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<sup>201</sup> President-Elect Dr. Julie (@Julie22319872), Twitter (Jan. 21, 2021), available at, <https://twitter.com/Julie22319872/status/1352295480395505666> (Ex. 331).

will send them to 10 friends. I'll encourage them to do likewise. EVERYONE can help Mike win this one! Get involved!"<sup>202</sup>



147. Similarly, another user wrote: “Mike Lindell of MyPillow is being targeted for his stand on voter fraud & Dominion voting machines. ... Go to MyPillow & use promo code Mike. Support him!”<sup>203</sup>



148. After Lindell’s January 26, 2021 appearance on the Fox News show *Tucker Carlson Tonight*, during which Lindell falsely claimed that Dominion hired “hit groups and bots” to go

<sup>202</sup> Richard J. Giordano (@drgioman), Twitter (Jan. 21, 2021), available at, <https://twitter.com/drgioman/status/1352331241438269443> (Ex. 332).

<sup>203</sup> JesusisLord! (@LovemyNationUSA), Twitter (Jan. 21, 2021), available at, <https://twitter.com/LovemyNationUSA/status/1352424276721328130> (Ex. 333).

after his business, one person wrote: “Buy mypillow products today. The mypillow guy is being attacked by evil leftists. Go to mypillow.com and spend heavily.”<sup>204</sup>



149. Another user wrote: “ALL PATRIOTS go out and BUY 10 new @MyPillowUSA ... I LOVE #MyPillow!!! We LOVE @mikelindel.”<sup>205</sup>



150. MyPillow’s defamatory marketing campaign made such an impact, that one user wrote: “Made an executive decision today. IF another stimulus check is sent out, no matter how

<sup>204</sup> Peter Jongsma (@Peter\_Jongsma), Twitter (Jan. 26, 2020), available at, [https://twitter.com/Peter\\_Jongsma/status/1354116030558253058/photo/1](https://twitter.com/Peter_Jongsma/status/1354116030558253058/photo/1) (Ex. 334).

<sup>205</sup> Susan C (@SusanC95978943), Twitter (Jan. 27, 2021), available at, <https://twitter.com/SusanC95978943/status/1354515040473395209>(Ex. 335).

much it is, it's going to buy me a MyPillow Mattress Topper! Going to use some of that money to support Mike!"<sup>206</sup>



151. After the Newsmax interview where Bob Sellers walked off the set while Lindell repeated the Big Lie about Dominion, one user wrote: “Mike Lindell is a true Patriot and an American hero for standing up for the truth. I’m buying more pillows using discount code NEWSMAX #ElectonFraudHappened #MikeLindell #MyPillowGuy #MyPillow.”<sup>207</sup>

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<sup>206</sup> 2 Wheel Traveler (@2whltrvlr), Twitter (Feb. 2, 2021), available at, <https://twitter.com/2whltrvlr/status/1356805947180658688> (Ex. 336).

<sup>207</sup> Jason Campbell (@JasonSCampbell), Twitter (Feb. 3, 2021), available at, <https://twitter.com/ProMomLife/status/1356883540974198785> (Ex. 337).





152. In addition to using the Big Lie to sell pillows, Lindell has also sold about 300,000 copies of his book in the last three to four weeks alone.<sup>208</sup> The hardcover version of his book currently retails for \$19.99 on Amazon.<sup>209</sup>

<sup>208</sup> *CANCEL CULTURE: Return Of The Salem Witch Trials?* at 27:46-57, Rudy Giuliani's Common Sense (Feb. 19, 2021), available at, [https://www.youtube.com/watch?v=FkvvtuVsyUA&list=PLIMn0a7NgIUZIGjQVofrk1M3U1qdc7\\_-4&index=5](https://www.youtube.com/watch?v=FkvvtuVsyUA&list=PLIMn0a7NgIUZIGjQVofrk1M3U1qdc7_-4&index=5).

<sup>209</sup> *What are the Odds?*, Amazon, available at, [https://www.amazon.com/What-Are-Odds-Crack-Addict/dp/1734283408/ref=tmm\\_hrd\\_swatch\\_0?encoding=UTF8&qid=&sr=](https://www.amazon.com/What-Are-Odds-Crack-Addict/dp/1734283408/ref=tmm_hrd_swatch_0?encoding=UTF8&qid=&sr=).

153. In addition to boosting pillow and book sales, Lindell’s lies about Dominion have also likely yielded another benefit of extraordinary value: Trump’s expected endorsement of Lindell’s potential bid to be the governor of Minnesota, which Lindell is “99% sure” he will run for.<sup>210</sup>

***Dominion Suffers Enormous Harm***

154. As a result of the false accusations disseminated to a global audience by Lindell, his allies, and like-minded media outlets—who acted in concert to promote a false preconceived narrative about the 2020 election—Dominion has suffered unprecedented reputational and financial harm, and its employees’ lives have been put in danger.

155. Because of death threats and other threatening messages prompted by the lies told by Lindell and his allies, Dominion has made significant expenditures to protect its people from harm—including by employing on-site police and security. Since the beginning of the viral disinformation campaign, Dominion has spent more than \$565,000 on private security for the protection of its people.

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

157. Dominion is a for-profit company that provides local election officials with tools they can use to run elections. It generates revenue by selling voting technology services to elected

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<sup>210</sup> Jack Phillips, *MyPillow Creator Could Run for Governor of Minnesota, Claims Trump Endorsement*, The Epoch Times (Jan. 25, 2021), available at, [https://www.theepochtimes.com/my-pillow-creator-could-run-for-governor-of-minnesota-claims-trump-endorsement\\_3670725.html](https://www.theepochtimes.com/my-pillow-creator-could-run-for-governor-of-minnesota-claims-trump-endorsement_3670725.html) (Ex. 338); Theodore Bunker, *Mike Lindell to Newsmax TV: ‘99 Percent Sure’ About Running for Minnesota Governor* (Oct. 1, 2020), available at, <https://www.newsmax.com/newsmax-tv/mike-lindell-minnesota-governor-democrats/2020/10/01/id/989875/> (Ex. 339).

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

158. Dominion has suffered harm nationwide. For example, since the viral disinformation campaign began, state legislators in various states in which Dominion has contracts—including Florida, Louisiana, Michigan, and Pennsylvania—have stated their intent to review and reassess those contracts. They have done so because of pressure from constituents and donors. Indeed, Lindell himself recently stated that "70% of the people believe this was a fraudulent election."<sup>211</sup>

159. As illustrated in the examples above, as a result of the viral disinformation campaign, Dominion has been unfairly subjected to the hatred, contempt, and distrust of tens of millions of American voters, and the elected officials who are Dominion's actual and potential customers have received emails, letters, and calls from their constituents demanding that they avoid contracting with Dominion or using Dominion machines. As a result, elected officials, insurers, and potential investors have been deterred from dealing with Dominion, putting Dominion's contracts in more than two dozen states and hundreds of counties and municipalities in jeopardy and significantly hampering Dominion's ability to win new contracts. Based on

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<sup>211</sup> Ex. 272 at 14:38-40 (Tr. at 13:11-2).

Dominion’s historic financial track record, contract pipeline, retention and renewal rates, and new business capture rates, as well as the nature, severity, pervasiveness, and permanence of the viral disinformation campaign, current projections show lost profits of \$200 million over the next five years, when reduced to present value. In addition, the viral disinformation campaign has irreparably damaged Dominion’s reputation and destroyed the resale value of a business that was worth between \$450 million and \$500 million before the viral disinformation campaign.

***Lindell Has Given Dominion No Choice but to Bring This Lawsuit***

160. After Dominion repeatedly put Lindell on formal written notice of specific facts and evidence disproving his false claims, and let him know that the lies were putting people’s lives in danger, Lindell repeated his lies and said, “I welcome them to come after me because I’ve got all the evidence and then they’ll finally see it,”<sup>212</sup> and “I dare Dominion to sue me, because then it will get out faster.”<sup>213</sup>

161. Although Lindell has repeatedly claimed he has “evidence” proving that Dominion rigged the election, he has repeatedly failed to make any real evidence available for public scrutiny. Instead, as Dominion employees face death threats and hate mail and Dominion faces the potential destruction of its business, Lindell—a multimillionaire whose MyPillow sales have never been better—has put forward fake evidence and sought to enrich himself even more by claiming that he is the victim of “cancel culture” and that Dominion wants to hide the truth.

162. Enough. Facts matter. The truth matters. Dominion brings this lawsuit so that the truth—including Lindell’s knowing lies and dubious motives—can be proven in a court of law,

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<sup>212</sup> Ex. 258 at 12:47-50 (Tr. at 12:11-12).

<sup>213</sup> *Tucker Carlson Tonight* at 18:57-58 (Tr. at 6:19-20), Fox News (Jan. 26, 2021), available at, <https://video.foxnews.com/v/6226912408001/#sp=show-clips> (Ex. 308).

where rules of evidence apply and where allegations that find favor in the sphere of public gossip and innuendo are not a substitute for proof.

**COUNT ONE – DEFAMATION *PER SE***  
***(Against All Defendants)***

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

164. As set forth above in detail, in the course of his business as MyPillow’s CEO and agent, Lindell published false statements about Dominion with actual malice. By December 12, 2020 at the very latest, Lindell knew or recklessly disregarded that his statements about Dominion rigging the election and using algorithms to manipulate vote counts were false. Intentionally disregarding Trump’s tweets discouraging his supporters from voting by mail and CISA’s and Attorney General Bill Barr’s determination that there was no evidence of machine fraud in the election, Lindell set out to make the facts conform to a false preconceived narrative that the election had been stolen from Trump. Lindell pushed this false narrative even though there was no evidence to support it because he had learned from his knowledge of game theory and prior experience—scoring Trump’s endorsement for MyPillow, getting great returns on ad dollars spent on conservative media platforms, and profiting from deceptive ads making claims unsupported by evidence—that lying about Dominion would be good for MyPillow’s bottom line and would lead to other benefits, including, for example, Trump’s anticipated endorsement for Lindell’s run for governor of Minnesota. In search of “evidence” to bolster MyPillow’s defamatory marketing campaign, Lindell teamed up with Sidney Powell and Lin Wood, two facially unreliable sources who misrepresented, manufactured, and cherry-picked evidence to put on their fundraising website and whose sham litigation had all been dismissed—and whose sources were judicially determined to be “wholly unreliable”—by December 9, 2020. By January 8, 2021, Lindell actually knew that

his statements about Dominion using algorithms to manipulate vote counts were false because, in addition to the above evidence, his allies in the media (including networks where MyPillow advertises heavily) had de-platformed Powell and Giuliani for making those claims and purported to “clarify” their previous reporting on the Big Lie; in addition, Dominion had sent Lindell a letter and a copy of the Powell complaint and exhibits, specifically directing Lindell to the publicly available facts and evidence disproving the Big Lie. And, by February 4, 2021, Lindell actually knew—from Dominion’s letter—that the “raw data analytics” from *The American Report* conspiracy theory blog and the so-called “forensics report” from conspiracy theorist Russell Ramsland were riddled with red flags and glaring errors.

165. Despite all this, Lindell made the following false and defamatory statements of fact about Dominion:

- (a) On December 12, 2020, Lindell appeared as “MyPillow CEO” at the Women for America First rally in Washington, D.C., and falsely stated:

On election night, at 11:15 p.m., all the algorithms that were set across our country in the machines ... where Biden got like 1.2 votes for every vote and our president got .66. ... 80 million votes that came in for our great President ... broke the algorithms in the machines.<sup>214</sup>



<sup>214</sup> *Women for America First Rally* at 2:51:09-38 (Tr. at 4:14-22), C-SPAN (Dec. 12, 2020), available at, <https://www.c-span.org/video/?507234-1/women-america-rally> (Ex. 255).

- (b) On December 12, 2020, Lindell appeared as “My Pillow CEO” at the Jericho March in Washington, D.C., and falsely stated:

Everything that I’ve been telling you for three weeks now is true. I have seen it. The fraud is 100% and Donald Trump will be our president for four more years. ... They tried to steal this election. ... on election night at 11 o’clock. ... At 11:15, the algorithms of these machines that cheated the whole country could not keep up. Because he had got so many votes that broke the algorithms ... The technology of these Dominion machines ... it’s all going to be exposed in the future. ... Georgia, you better have a fair election and not use those machines.<sup>215</sup>



- (c) On December 17, 2020, Lindell appeared as “CEO, My Pillow, Inc.” on the Newsmax program, *Stinchfield*, with Newsmax personality Grant Stinchfield, and falsely stated:

[O]n election night. ... [a]t 11:15 ... they realized that all the algorithms broke in all those Dominion machines and that Donald Trump was going to win the election despite all of the cheating... this election was stolen ... It was stolen at 11:15 on election night. ... This is a complete fraud and Donald Trump will be our president. ...<sup>216</sup>

<sup>215</sup> *Mike Lindell opens the Jericho March, Dec 12* at 0:50-1:01, 6:32-8:20 (Tr. at 2:11-14, 6:20-25, 7:4-7, 7:20, 8:4-10), Jericho March (Dec. 12, 2020), available at, <https://app.videosquirrel.app/watch/1812> (Ex. 256).

<sup>216</sup> *Mike Lindell to Newsmax TV: ‘President Trump will Prevail’* at 0:50-1:08, 3:49-4:15 (Tr. at 2:19-25, 5:23, 6:6-7), Newsmax (Dec. 17, 2020), available at,



(d) On December 19, 2020, Lindell tweeted the following false statement:

These were the most corrupted states with the most machine vote theft! Yes Minnesota we actually won by 65,000 votes!<sup>217</sup>



<https://www.newsmax.com/newsmax-tv/mike-lindell-election-fraud-mypillow-ceo/2020/12/17/id/1002145/> (Ex. 260).

<sup>217</sup> Mike Lindell (@realMikeLindell), Twitter (Dec. 19, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1340500092462182400> (Ex. 341).



(e) On December 19, 2020, Lindell tweeted the following false statement:

The election was 1.2 for every Biden vote - .78 for every Trump vote!<sup>218</sup>



<sup>218</sup> Mike Lindell (@realMikeLindell), Twitter (Dec. 19, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1340493282011475968> (Ex. 340).

(f) On December 21, 2020, Lindell tweeted the following false statement:

Millions of votes were stolen by dominion machines!<sup>219</sup>



<sup>219</sup> Mike Lindell (@realMikeLindell), Twitter (Dec. 21, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1341233672729583617> (Ex. 265).

- (g) On December 21, 2020, Lindell appeared as “CEO, MyPillow” on the Newsmax program, *Greg Kelly Reports*, with Newsmax personality Sebastian Gorka, and falsely stated:

The biggest fraud is the Dominion machines.<sup>220</sup>



- (h) On December 23, 2020, Lindell appeared as “Inventor and CEO, MyPillow” on the Victory Channel’s *FlashPoint* and falsely stated:

Now, let’s talk about Dominion.... On election night, at 11:15, it broke the algorithms in those Dominion machines. Because they knew that the machines realized that even with them set at 1.2 and .8 for the President, Donald Trump was going to win anyways... it would have hit upwards of 80 million votes... the algorithms broke. ... And all of the deviations, some of them are mathematical impossibilities. ... This is the biggest crime ever committed in election history against our country and the world. ... I know all the fraud that’s there. It’s 100% the Dominion machines that flipped millions of votes, millions upon millions. ... Everybody needs to know that election fraud, that it was real, and that we are going to expose it.<sup>221</sup>

<sup>220</sup> *Mike Lindell to Newsmax TV: ‘American Dream’ is on the Line* at 3:29-32 (Tr. at 5:3-24), Newsmax (Dec. 21, 2020), available at, <https://www.newsmax.com/newsmax-tv/mike-lindell-election-lawsuits-american-dream/2020/12/21/id/1002635/> (Ex. 263).

<sup>221</sup> *FlashPoint: Stand Firm! Mike Lindell, Hank Kunneman and Mario Murillo* at 8:55-11:52, 29:57-30:05, 31:12-17 (Tr. at 9-11, 27:15-18, 28:19-21), The Victory Channel (Dec. 23, 2020), available at, <https://www.youtube.com/watch?v=kPhpPLkNmBw> (Ex. 236).



- (i) On December 23, 2020, Lindell appeared as the “MyPillow Founder” on the ThriveTime Show and falsely stated:

At 11:15 on election night. ... These guys had set up these machines, you know, whether it is 1.2 to Biden and .8 to Donald Trump. ... I don’t know the exact number within a — you know, within one point... So what happened was, because of our great President... [who received the] most votes ever for a sitting president in US history...As these votes poured in, these machines, he was going to win anyways despite of all the cheating... At 11:15, it broke the algorithms in the machine. ... That doesn’t count the Dominion machines. The Dominion machines which I’ve focused on. ... The biggest crime ever committed.<sup>222</sup>



<sup>222</sup> *Why Now is the Time to Stand Up for America* at 13:38-16:53 (Tr. at 17-19, 20:19-20, 21:14-15), ThriveTime Show, (Dec. 23, 2020), available at, <https://www.thrivetimeshow.com/business-podcasts/mike-lindell-the-my-pillow-founder-why-now-is-the-time-to-stand-up-for-america-the-freedoms-we-enjoy-and-president-donald-j-trump/> (Ex. 235).

(j) On December 27, 2020, Lindell tweeted the following false statement:

The truth of all the election fraud is all going to come out! 1.2 Biden... .80 President Trump (biggest election crime ever!) Everyone will then know @realDonaldTrump won by 6m votes!<sup>223</sup>



(k) On January 5, 2021, Lindell was advertised as the “Founder, My Pillow” and appeared at the Moms for America “Save the Republic Rally” in Washington, D.C. and falsely stated:

Here’s what happened on election night. ... There were 9 silos of fraud ... The biggest silo was the machines, the Dominion machines. ... Well on the night of the election the Dominion machines, and there’s these other machines too. They’re very related. ... Well on 11:15 on election night, this is when the miracle happened. The machines — Donald Trump, as he was — they underestimated all of you, myself, and everybody, the votes he was going to get. And these votes came in and at that moment in time, these machines the algorithms broke. ... what those machines were set at is like a 1.26 for Biden .74 for Donald Trump so you see that you know if every time you get a vote you know it was it was the teeter-totter went to this side. ... The fraud was blatant.<sup>224</sup>

<sup>223</sup> Mike Lindell (@realMikeLindell), Twitter (Dec. 27, 2020), previously available at, <https://twitter.com/realMikeLindell/status/1343199095863832577> (Ex. 267).

<sup>224</sup> Mike Lindell mentions possible ‘civil war’ during pro-Trump rally at U.S. Capitol on January 5, 2021 at 1:29-3:43 (Tr. at 2-4), YouTube (Jan. 5, 2021), previously available at,



- (l) On January 5, 2021, Lindell, who was introduced as the “Founder and CEO of MyPillow, Inc.,” appeared for an interview with Roy Fields, where he falsely stated:

Here, I’ll take it from the election night. ... what happened was the evil that set all this fraud up and this election fraud, they underestimated what he would get for votes, so by 11:15, all these were coming in, and the machines sensed that he was going to win this election. ... All of this fraud — and as evidenced, I’ve seen it. ... It’s the ... most corrupt election in history. ... If we don’t get this election fraud out in the open. ... They can do whatever they want with those machines. ... It was 1.26 for Biden and .74 for Donald Trump. ... 450,000 votes were flipped in Arizona. ... 320,000 votes in Minnesota that flipped.<sup>225</sup>

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<https://www.youtube.com/watch?v=s7nIFVLRdIE&feature=youtu.be> (last visited Jan. 28, 2021) (Ex. 254).

<sup>225</sup> Roy Fields Interviews the “MyPillow Guy” Mike Lindell, YouTube (Jan. 5, 2021), available at, part 1: <https://www.youtube.com/watch?v=VYYD49IoTU0>; part 2 at 1:10-5:10, 6:00-06, 12:44-46, 14:41-43, 15:14-27, 18:13-34 (Tr. at 42:21-43:10, 44-45, 56:18-19, 59:9-60:9, 63): <https://www.youtube.com/watch?v=ZBLf69TCcR8&t=1557s> (Ex. 346).



(m) On January 6, 2021, Lindell, from within Washington, D.C., posted a live video to his Facebook page, where he falsely stated:

I've seen it. It's — there's so much fraud that every state's going to be turned over. It was the biggest election corruption in the history. ... [The Georgia senate election] gave us a lot more evidence last night. They did the same exact thing with the machines. ... These Dominion Machines, the most corrupt thing in human history, what these machines do: 1.24 to Biden, .76 to Donald Trump.<sup>226</sup>



<sup>226</sup> Michael J Lindell, Facebook Live at 1:30-42, 3:02-05, 5:50-6:00 (Tr. at 3-4, 4:8-10, 6:17-20) (Jan. 6, 2021), available at, <https://www.facebook.com/realMikeLindell/videos/244547557235289/> (Ex. 268).

- (n) On January 7, 2021, Lindell appeared for an interview from Trump International Hotel in Washington, D.C., and falsely stated:

On election night at 11:15 ... the machines, they broke because the algorithms broke, because Donald Trump would have won anyways in spite of all the fraud.<sup>227</sup>



- (o) On January 16, 2021, Lindell, who was referred to as the “MyPillow Guy,” appeared on RSBN for an interview with Brian Glenn, and falsely stated:

And about 8 or 9 days ago, this proof came out. 100% footprints from the machines of the machine fraud. ... [T]his showed that Joe Biden lost, 79 million votes for Donald Trump and 68 million for Joe Biden. [The evidence] shows the number of votes flipped. ... You can see how many votes were flipped. ... I said this is just a sample, there’s thousands of pages. ... [T]his was the biggest election fraud and theft in the history of the world... When a person wins 79 million to 68 million, and you flip that... These machines. They are corrupt. They built them to cheat.<sup>228</sup>

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<sup>227</sup> *Exclusive Interview with Mike Lindell today* at 1:10-40 (Tr. at 2:20-3:6), Shiloh Tabernacle Church (Jan. 7, 2021), previously available at, <https://vimeo.com/498963091> (last visited on Jan. 25, 2021) (Ex. 271).

<sup>228</sup> RSBN (@RSBNetwork) at 0:29-7:17 (Tr. at 2-3, 4:22-25, 6:6-11, 7:8-9), Twitter (Jan. 16, 2021), available at, <https://twitter.com/RSBNetwork/status/1350559453343490048> (Ex. 272) (“RSBN’s @brianglenntv exclusive interview with @realMikeLindell on his White House visit and the next 4 years”).





- (p) On January 18, 2021, Lindell, who was introduced as the “CEO of MyPillow,” appeared for another interview on RSBN, and falsely stated:

This is a crime against humanity. ... the biggest problem in history to the whole world, and that’s these machines. ... You’ve got to start with these corrupt machines. ... Because these things are imbedded in the machines, but they were built to cheat. They were built to steal elections.<sup>229</sup>

<sup>229</sup> *RSBN’s Exclusive with Mike Lindell Part 2* at 0:04, 1:11, 4:09-24, 5:00-04, 6:09-14, 22:21-23, 25:17-20, 25:40-42, 26:45-07 (Tr. at 2:24-25, 5:5-10, 6:1-2, 23-25, 22:4-12, 23:10-18), RSBN (Jan. 18, 2021), available at, <https://rumble.com/vczx1t-rsbn-exclusive-interview-with-mike-lindell-part-2.html> (Ex. 258).



(q) On January 20, 2021, Lindell appeared as the “Inventor and CEO of MyPillow,” on the Victory Channel’s *FlashPoint*, and falsely stated:

On election night at 11:15, you know, when there were so many votes that came in for Donald Trump that they didn’t expect, it broke the algorithms in the machines. ... This particular sheet came from Fulton County, Georgia. ... Just in Fulton county it shows 24,000 votes flipped inside the machine. ... I[’ve] seen this machine fraud ... They can program how much you win by, how much you lose by. ... they had to change all the algorithms, because Donald Trump was going to win despite all the fraud.<sup>230</sup>

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<sup>230</sup> *FlashPoint: Do Not Give Up! SPECIAL with Hank Kunneman, Dutch Sheets and Mike Lindell!* at 20:39-51, 24:50–55, 31:30-35, 40:00-44 (Tr. at 22:6–7, 28:14, 35:14, 36:14-37:5), The Victory Channel (Jan. 20, 2021), available at, <https://www.youtube.com/watch?v=25BAJnfkAQA&t=1s> (Ex. 304).



- (r) On January 21, 2021, Lindell was introduced as the “CEO of MyPillow” on Steve Bannon’s *War Room: Pandemic*, and falsely stated:

About twelve days ago, this new evidence came out from this other that it was all done through these machines that the — that was the biggest cheat, the biggest steal.<sup>231</sup>

- (s) On January 23, 2021, Lindell appeared as the “My Pillow – CEO” on The JoePags Show, and falsely stated:

[N]ew evidence came out about machine-voter fraud by Dominion.<sup>232</sup>



<sup>231</sup> *The My Pillow Movement* at 34:52-35:05 (Tr. at 30:21-25), *War Room: Pandemic* (Jan. 21, 2021), available at, <https://pandemic.warroom.org/2021/01/21/ep-672-pandemic-the-my-pillow-story-w-mike-j-lindell/> (Ex. 305).

<sup>232</sup> *Sen Ted Cruz – Mike Lindell – Rudy Giuliani – Let’s Go!* at 2:35:44-48 (Tr. at 7:9-10), *The JoePags Show* (Jan. 23, 2021), available at, <https://www.twitch.tv/videos/885060174> (Ex. 275).

- (t) On January 23, 2021, Lindell tweeted a link to his defamatory interview on The Victory Channel’s *FlashPoint*, generating over 500 retweets and over 2,700 likes:<sup>233</sup>



- (u) On January 26, 2021, Lindell who was introduced as the “CEO MyPillow” appeared on Fox News’ *Tucker Carlson Tonight*, and falsely stated:

I have the evidence. ... I dare Dominion to sue me because then it will get out faster. ... They hired hit groups, bots and trolls went after all my vendors, all these box stores to cancel me out.”<sup>234</sup>



<sup>233</sup> Mike Lindell (@realMikeLindell), Twitter (Jan. 23, 2021), previously available at, <https://twitter.com/realMikeLindell/status/1352997395928211459> (Ex. 342).

<sup>234</sup> *Tucker Carlson Tonight* at 17:25-30, 18:38-58 (Tr. at 6:11-22, 5:5-7), Fox News (Jan. 26, 2021), available at, <https://video.foxnews.com/v/6226912408001/#sp=show-clips> (Ex. 308).

- (v) On February 2, 2021, Lindell appeared as “CEO, MyPillow” on Newsmax and falsely claimed:

[W]e have all this election fraud with these Dominion machines. ... I’m reviewing all the evidence on Friday of the election fraud with all these machines.<sup>235</sup>



- (w) On February 2, 2021, Lindell appeared as “CEO of My Pillow” on the Worldview Weekend Broadcast Network and falsely claimed:

We have 100% proof now ... on election night, when the algorithms broke on these machines. ... All the algorithms broke. ... the big attack, and that is through the machines ...<sup>236</sup>

<sup>235</sup> Christopher Cadelago (@ccadelago), Twitter (Feb. 2, 2021), available at, <https://twitter.com/ccadelago/status/1356724249201938433?s=20> (Ex. 311).

<sup>236</sup> *Breaking News: Mike Lindell, Brannon Howse, Mary Fanning, Dr. Shiva, Jovan Pulitzer Announce New Documentary on Cyber-Coup* at 6:18-20, 6:37-7:04, 8:17-20 (Tr. at 7:1-2, 7:9-11, 8:22-23), WVW Broadcast Network (Feb. 2, 2021), available at, <https://www.worldviewweekend.com/tv/video/breaking-news-mike-lindell-brannon-howse-mary-fanning-dr-shiva-jovan-pulitzer-announce-new> (Ex. 276).



(x) On February 4, 2021, Lindell appeared for a televised interview on *FlashPoint* and falsely stated:

They've threatened networks and stuff ... to suppress what actually happened in our country that was attacked from another country. ... They sent me a piece of this evidence. It was a cyber footprint from inside the machines. ... It shows the computer hacked in from, what the IP address was, where it went to, what it was hacked in, what was the IP, what was the computer ID. ... You're going to see what really happened to our country. This attack by foreign countries, starting with China, is 100% proof. ... This is the evidence. This is 100%. ... It's going to show that Donald Trump won 79,800,000 to 68,000,000 for Biden. I mean, this was an attack on our country. ... And the machines — all these machines that are set, they're set — it's called the "rated race" — "weighted race" feature. ... This is an entity that came into our country through election fraud and it came through the machines.<sup>237</sup>

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<sup>237</sup> *FlashPoint: Absolute Truth, You NEED to Hear This! with Mike Lindell, Doug Wead, and Mario Murillo* at 26:25-27:50, 35:20-40, 36:33-38:24, 41:27-31 (Tr. at 2:10, 2:25-3:1, 3:14-20, 11:11-20, 12:12-19, 13:5-7, 13:15-25), The Victory Channel (Feb. 4, 2021), available at, <https://www.youtube.com/watch?v=LxYh24Zd0Cs&feature=youtu.be> (Ex. 343).



- (y) Beginning on February 5, 2021, Lindell repeatedly broadcast his self-produced “docu-movie” titled “ABSOLUTE PROOF: Exposing Election Fraud and the Theft of America by Enemies Foreign and Domestic,” which contained the following false statements about Dominion:

Mike Lindell: ...these people – they brought me some – a piece of evidence that 100 percent proved – it’s like a – a print of – of inside the machine of a timestamp that showed another country – other countries attacking us hacking into our election through these machines, and it shows the votes flipped. ... tonight you’re going to see what they’re hiding. You’re going to see on this show, we have – we’re going to have cyber forensic experts. We’re going to have 100 percent – you’re going to see all this evidence ... these machines were used to steal our election by other countries, including China. ... on election at 11:15 at night, the – the algorithms of these machines broke. ... Donald Trump got so many more millions of votes that they didn’t expect, that they had they’re – they’re going to have to recalibrate. ... The biggest cyber attack ever. ... the biggest thing against humanity and our country is this attack through these machines. ... So what you’re going to watch during this show is 100 percent proof that the big thing was the theft by these other countries that came in to attack our country through these machines that are made to steal elections. ... These machines that were used to – to hack into our election and – and by foreign countries, including China. ...

Phil Waldron: Then you got a – the machine level, which is kind what you were talking about ... the algorithms that are directly input into the tabulators. And we have evidence of that in – in Ware County, Georgia, that – you know, X amount of ballots went

through, and they – they, basically, stole 13 percent of the vote from President Trump and put that 13 percent of the vote into the category for Former Vice President Biden, which made a 26 percent shift in the vote. ... And then if you look at the testing company, the only company that has code – access to the code, and the testing for Dominion is in Chongqing, China, it's a communist Chinese party company. The U.S. Government, the state governments, the county governments, they don't have access to Dominion code. ... a Chinese company that's run by the – the CCP does have access to the code. ... lot of movements of votes directly – direct to access to Pennsylvania, voting precincts, county tabulation centers, Wisconsin, Michigan, Nevada, Arizona, Georgia – all of that coming in directly from – from foreign countries; China being the predominate one, and through – through Pakistani ISI proxies. ...

Russell Ramsland: So what actually happened in this election, this stolen election ... You know, before we weren't seeing very many foreign servers come in and change votes. But in this election, of course we saw thousands from all over the world. ...

Mike Lindell: Had you seen – you seen thousands – all right. You've seen all these – these hacks. Have you actually seen that with your own eyes? ...

Russell Ramsland: We have seen the data that is ... representative of that. ... we thought there would be cheating through the actual voting companies themselves; whether it's them or someone else manipulating them. And we thought that there would be cheating from votes being injected from overseas. And that's exactly what we saw happen. ... And we developed huge – tons of absolute proof on this. ... But it does exist. It's out there. It's unbelievable. It's massive. ...

Mike Lindell: Right. For everybody out there, we've all heard this Antrim County in Michigan, and in the show here we've – you know, you've seen it, we've had – we've – this is – this is the reason it was talked about so much, because this is a small county and it was like 15,000-some people voted and it was 7,000 some votes flipped. ... Can I ask you this: So what you seen there is exactly what you knew was going to happen and now – were you able to look at other places what was different about Antrim County – now, we've all heard was you were able to get into the – the forensics of it and see all this, were you able – have you been able to do that in any other places in the United States since then or – you know, since this election ended on – in November?



Russell Ramsland: Actually, on a limited basis we have been able to go into other counties ... both of them had not only confirmed, they have confirmed that it's even worse in Antrim. ...

Mike Lindell: ... Russell can't disclose this, because what – every time something pops up, it gets buried out there. .... You're saying right now you have two other places and what you're seeing is even worse than you could ever imagine? ...

Russell Ramsland: Well, it's – it's – it's just like Antrim, only it's worse in many ways. ... Well, in – in Antrim we found ballot rejection rates of 82 percent. 82 percent. ...

Mike Lindell: And now – what you're talking about there, this isn't – this isn't one other way these machines can – that you can – that you can cheat through the – or cheat there. But this does not count what you're talking about earlier, the cyber forensics where it goes overseas to these servers that are all based over there, correct?

Russell Ramsland: That does not – that's a different issue all together.

Mike Lindell: Right. So both of them involved the machines everybody, one we've talked about in the show is here. But the cyber one you just heard from Russell, which he said earlier, this is all the attacks by the other countries that hacked in, which we're going to show you that proof now, that Russell doesn't even know, that we have that's going to show who did it, the time they did, the computer they did it off of, everything. ...

Mike Lindell: Okay. And you have seen this cyber – the cyber forensics that show that. ... [T]his wasn't just election fraud, this was a historical election fraud. This was coming from a elector – from machines – from these machines. ...

Matt DePerno: But if you look at certain townships, like Chestonia Township – Joe Biden got 197 votes on November 3rd ... [i]n reality he only got 93. ... So you could see Joe Biden on election night got 197, he got Donald Trump's 197 votes.

Mike Lindell: ... So let's just do this precinct. 392, this is done through the machines. And Donald Trump got 8. What? So here's the 392 to 8. But the real number was 198 to 392.

Matt DePerno: And if you see here, Echo Township, Joe Biden got 392 on the election ... in reality, those Donald Trump's votes. Those are the 392.

Mike Lindell: Right. They were just flipped. In order for that to be off – and you do the conclusion, which I would right now, 100 percent, how could that be off? It would be something wrong with what?

Matt DePerno: The machine.

Mike Lindell: The machines. The machines. And what we're showing here right now, what you're going to see, all this – that we've been talking about, this massive machine election fraud that went on, were countries hacked into our election, a nationwide – this is one little county in Northern Michigan, and these machines would do it right down to the precinct. And so what I want to tell you y'all, is this the perfect example – just so you know, right down to the precinct level what went on with these machines. ...

Matt DePerno: Well, you can look at like Kearney Township ... Joe Biden got 744 on election night. ... Those were Donald Trump's votes. He actually recorded 16 on election night. ...

Mike Lindell: this is – just a small county Northern Michigan, and they ended up flipping – we had 15,718 votes.

Matt DePerno: 15,718. Votes.

Mike Lindell: Votes. And 7,060 were flipped from Biden – from Trump to Biden; is that correct?

Matt DePerno: Yeah.

Mike Lindell: By machine – by machines, right?

Matt DePerno: By machine.

Mike Lindell: Probably done by the machines?

Matt DePerno: Absolutely by machines.

Mike Lindell: This little county in Northern Michigan, look at what the difference was, it was a net of 5,250 votes; is that correct?

Matt DePerno: That's a net for Donald Trump.

Mike Lindell: That's a net for Donald Trump. There was 7,000 – that's where you get the 7,060 votes. ...

Matt DePerno: And we then went in ... with a team of forensic scientists and data collection scientists, we – we captured the

forensic images of the Dominion – Dominion voting system. ...  
But the people got us in contact –

Mike Lindell: Contact with – with forensic experts on these particular machines?

Matt DePerno: That's correct.

Mike Lindell: These guys were experts.

Matt DePerno: In our case, what we found through the forensic study that was conducted, was that on November 4th, at 11:03 p.m., system files, adjudication files, and other source system files were deleted from the Dominion system in Antrim County. We know that for a fact. ... They were removed. We don't know who removed them or how they gained access to remove them.

Mike Lindell: Hold on. We do know. You'll see that later in the show. ...

Matt DePerno: But we do know that those files were removed on November 4<sup>th</sup> at 11:03. ... But what is actually, it's information that if revealed, would show that the CEO of Dominion Software, when he testified in front of the Michigan Senate, this information would show that he was not telling the truth about how the Dominion system works. ... And here's what we concluded ... when we released the report. This is what it states: We conclude that the Dominion Voting System is intentionally and purposely designed with inherent errors to create systemic fraud and influence election results. [W]hat they also found is that this machine in Antrim County generates errors at the rate of 68 percent, based on ballots that you put in the machine. ...

Mike Lindell: This Dominion – these machines is the biggest fraud in the election – they stole this. ... Well everyone this is the moment you've all been waiting for. What you're going to see now is 100 percent proof that we had upon our country the biggest cyber attack in history. And I'm going to bring out Mary Fanning to explain how it all happened, and the – show you the 100 percent proof. ...

Mary Fanning: But what we're seeing here is – if you look at this chart, that is where there were cyber security experts who began collecting information on November 1st, and – so this was before, during and after the election, that they were collecting documentation – in fact, they collected terabytes of information that document the election fraud the foreign intrusion into our election. This was collected as – in 2996 counties in the United States. This was collected in real time. All right. So if you go to the chart, what

you will see is that the documentation of foreign interference in the election. The first column – if you look at the chart – that shows that on 11/5/2020 at 7:43 and 38 seconds, we had a foreign intrusion, and it shows that the IP address, the Internet protocol address, that is the number of that protocol address of the hacker that entered into our election. The second column is the owner or source of that IP address. That shows the China net in Beijing province entered the election that shows an ID, that shows the unique address of a computer. That shows the exact computer using that IP source that entered into our election. The next is the target, that's the IP target; that's the Internet protocol address of the target. All right. And the next is, the target state. In this case it shows that it's Michigan. Where in Michigan? That's the next column. It shows that it's Emmet County, Michigan. Then the ID target, that is the unique address of another computer, in the United States, that that hacker has gone into. And then it shows the method of intrusion. Now, on some cases you're going to see that they used credentials, that means that they have fake credentials, because they were administrators that had been placed on the Secretary of State's computers. False administrators. And other cases it shows that they broke through the firewall. In some cases they did both. Now, in the next column it shows whether it was successful. You will see a Y. That shows that yes, it was successful. Now, oftentimes they're not successful and they have to go back and try for another intrusion, and then it shows whether that's, in fact, successful as well. Then in a final column, what you're seeing are votes changed. Now – and in this particular case, when they went into Emmet County, Michigan, the votes that were changed where they stole 3477 votes from Donald Trump. That's what you're looking at. Now, as you go through this document and you look at all the multiple intrusions into our election, what – what you'll notice that over 60 percent of these intrusions come from China. So that is over 66 percent is what the number is, over 66 percent of the intrusions into our election came from China. ...

Mike Lindell: Yeah. So what – so what you have here is – each one of these is its own timestamp that is 100 percent proof, because you have that – not only where it came from, you have – it's basically you have their identification, you have the – the – who they were attacking, their identification, this is what everybody would want, if you ever looked and did an audit or wanted to look into a computer and look what went on in cyberspace, this is what you would be looking for, correct?

Mary Fanning: This is forensic evidence of foreign footprints as they entered our election and cyber warfare attack on our election, and then it shows exactly what – you know, where did they come

from, which computer exactly, exactly the timestamp, exactly which computer they entered into, and – and what state, which county, the – the ID – the unique ID of the computer that they entered into; and then it shows how they entered using false credentials, or breaking through the firewall or both. ... Were they successful the first time, the second time. And then it shows the votes that they stole from Donald Trump. ... This is proof-positive, this is documentation of a cyber attack; but it also is documentation of the footprints of those who entered our election. ...

Mike Lindell: ... This was a – the biggest attack in history. And you have – and Mary you have – we have pages and pages, right? Thousands of these pages of every – every county, right? Or of – or every single attack?

Mary Fanning: There are thousands of pages of the documented footprints – the foreign intrusion into our elections – we see this as coming from China ... cloud service, from China Unicon, from uCloud, from China mobile T-tong, you know, this also came and – from Iran as well. ... This is a foreign intrusion. This is the theft of our vote, but it also is documenting exactly the votes – the vote totals that were stolen from Donald Trump. ...

Mike Lindell: This is their – these are the real numbers that were taken off and that were flipped. ...

Mary Fanning: ... This is a documentation, the proof positive, by cyber experts from within this country that began documenting the theft of our election. ... They put together the full documentation of every vote beginning on November 1st. So again, from before, during and after the election, they documented the footprints of the foreign intrusion into our election. That means that foreign adversaries really, because this was an act of war to come in and steal the election from the American people and decide who our foreign adversaries were going to put in the White House to rule or to be President of this country. ... Well, you're – the video – what you are watching is the surveillance system. In fact, this is the very surveillance system that was built by people inside this country, within the cyber security battle space that built some of this documentation – built some of these tools that were built to keep this country safe. But what you're watching is it – every line on that drawing, all those moving lines, they represent the IP addresses of what I just showed you on the chart. So – so when you understand the hackers IP address and the IP address of target and the votes that were stolen, every one of those lines that you're watching move across the chart. And showing whether they were successful and – and how many votes they stole, that documents that. Every red line,

as they turn red, as they finished stealing the vote, basically; the red lines are all China. So what you're seeing are the actual files being received and sent. That – that's a documentation of the real time theft our elections. ... So every – every line on the map, there's a corresponding line on the sheet. And the color and the line types represent the severity of the attack. Now, red has been the most severe attacks. Those lines are all coming out of China. Those are the most severe attacks on our election system. It's important to understand that there are prismatic scoring algorithms that they knew about, that entered the election and they steal the vote at the transfer points. So at the point where the election – the vote is leaving the Secretary of State's office, and these machines, that is the point at which the vote is stolen at the transfer points. That's what you're watching, those packets moving, is – is that's real time documentation of the theft of the vote from inside this country. And then the number is last column, those document exactly the numbers of votes, it shows – in some of cases Antrim County where the vote was stolen, and exactly the votes stolen at the exact timestamp of when they were stolen. ...

Mike Lindell: ... what you're seeing, every one of these lines – let's say we did take Antrim County, and we took that, we can pull out the timestamps for that county, and we can show the lines – the country that did it, we can show a line for every single hack or attack that we had in this election?

Mary Fanning: That's a right. ... So what you're watching is those objects moving are the actual files that are being received and sent.

Mike Lindell: These are – these are the squares here that are – that are being sent. So everybody out there, what you're looking at – I mean, this is the proof – so if any – if like Antrim County, that case is still open, you just go here you go. Now you know who did it, how many votes flipped, when they did it, what time they did it, the computer it came from, the country that attacked us. Look at right now, we got up on the screen, Georgia is just getting attacked. It was just getting attacked up here at that moment in time. And I – I suppose, you know, they didn't know what they were doing, they did the biggest attack – right here, look at everybody, Georgia and Michigan, getting bombarded. ...

Mary Fanning: Yes, because there is proof positive, there is documentation of all the foreign interference into our election showing exactly who stole the vote, how they stole the vote, from which computers, accessed to our election, to which computers they went into. So understand that cyber security experts that work for this country, put all this in place before the election even started to

make sure that they caught all of this information, so that foreign adversaries were not deciding our elections. ...

General McInerney: [A]nd we have not had one audit. This is the closest thing to an audit that has been conducted in America on this important election. ...

Mike Lindell: And we've – we've just shown everybody in the world 100 percent evidence that this was an attack on our country, and is still under attack by China and other countries through the use of these machines, used in our election.<sup>238</sup>

- (z) On February 10, 2021, Lindell gave a televised interview with Steve Bannon, which was interspersed with Lindell's "ABSOLUTE PROOF" "docu-movie" and aired on OAN on February 11, 2021. During the interview, Lindell made the following false statements about Dominion:

[T]he night of the election, 11:15 it broke the algorithms in the machine ... they didn't have enough track left to do the steal because he would have won anyway. ... what you see is 100% fact. ... Came through the machines and there was a massive flip and you will never have an election again if you use these machines. [T]hey're all liars. They're lying ... about it not going online. If you're Dominion... that's been proven 10 times over. ... I'm 100% that we have all the proof. ... Venezuela ... they did it through the use of these machines. ... But what they did, they filled up these fobs and they went down and they did a dump. They did ... 1,000 dump, boom. Just put into the machines you got you do that online ... it was just another way you can cheat with this machine. 770 or something like 7000 votes got flipped. ... forensic footprints of the machine, everything that happened that night, here's an interesting fact, though, that flip of 7,000 votes. ... [O]ne lie after another, connection to the internet ... Here you have evidence. ... These

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<sup>238</sup> *Mike Lindell, Brannon Howse And Mary Fanning Present: Absolute Proof: Exposing Election Fraud and The Theft of America by Enemies Foreign and Domestic*, World View Weekend (Feb. 5, 2021), available at, <https://www.worldviewweekend.com/tv/video/mike-lindell-brannon-howse-and-mary-fanning-present-absolute-proof-exposing-election-fraud>; <https://www.worldviewweekend.com/absolute-proof> (Ex. 316); Michael J Lindell, Facebook (Feb. 5, 2021), available at, <https://www.facebook.com/realMikeLindell/posts/1192536854534936> (Ex. 317); *Absolute Proof – Mike Lindell Election Documentary (FULL)* at 1:15-13:00, 15:00-17:44, 31:39-41: 48, 58:46-58:56, 1:10:00-1:23:03, 1:30:55-1:31:02, 1:36:04-1:49:18, 1:52:09-19, 1:53:52-1:54:09 (Tr. at 3:3-13:25, 15:20-17:23, 31:16-41:24, 63:7-10, 78:10-94:3, 102:21-24, 108:12-120:12, 122:19-21, 124:5-10), Rumble (Feb. 5, 2021), previously available at, <https://rumble.com/vdlbl7-absolute-proof-mike-lindell-election-documentary-full.html> (Ex. 319); *ABSOLUTE PROOF* (One America News Network Feb. 5-8, 2021); *ABSOLUTE PROOF: Interview Special with Steve Bannon*, One America News Network (Feb. 11, 2021) (Ex. 347).

machines would have to be online, absolutely 100%. ... They showed there were 7,300 votes flipped. ... These machines getting found out, it's an attack on our country. ... We have the absolute proof and the absolute truth will come out. ... They suppressed the machine vote or the machine so much, it's just coming out now ... I have 100% proof. ... It was the biggest crime against humanity and the world.<sup>239</sup>

(aa) On February 19, 2021, Lindell appeared on the St. George News radio show, *The Kate Dalley Show*, and falsely stated:

What happened to our country with this attack by China and other countries through these Dominion machines. ... First miracle is these machines are rigged. ... Broke the algorithms on election night at 11:15. That's why you had all these weird anomalies, these weird deviations. ... These were not mail order votes, mail in votes were counted in the morning of the 3<sup>rd</sup>. ... These machines have been around, were started in Venezuela in the early 2000's and they took that country within 2 years, they have a weighted race feature on these machines. ... 7,000 votes got flipped.<sup>240</sup>

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

167. Lindell's statements are false. Dominion's systems are certified under standards promulgated by the EAC, reviewed and tested by independent testing laboratories accredited by the EAC, and were designed to be auditable and include a paper ballot backup to verify results. Because of this backup, independent audits and hand recounts of paper ballots have conclusively and repeatedly disproven the false claim that Dominion machines were programmed with an

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<sup>239</sup> *ABSOLUTE PROOF: Interview Special with Steve Bannon*, at 23:14-28, 27:00-27:09, 26:32, 42:14-54, 1:13:04-18, 1:37:58-38:10, 1:48:33-42, 2:00:38-49, 2:05:48-50, 2:23:35-38, 2:23:56-24:07, 2:43:40-42, 2:44:14-18 (Tr. at 20:22-21:2, 24:4-6, 26:3-15, 49:24-50:3, 74:3-7, 83:23-84:1, 94:16-18, 98:4-5, 99:11, 111:19-20, 111:24-112:3, 128:7-8), One America News Network (Feb. 11, 2021) (Ex. 347).

<sup>240</sup> *The Kate Dalley Show* at 1:43-49, 5:21- 52, 6:47-55, 7:48-53, 8:41-43, 9:17-24, 24:38-39 (Tr. at 3:11-13, 6:12-17, 6:21-22, 7:19-22, 8:16-17, 9:11, 9:24-25, 19:21), St. George News Radio (Feb. 19, 2021) (Ex. 348).



algorithm—or were hacked—to weight votes, shift votes, or otherwise manipulate vote counts to steal the 2020 election.

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

169. Dominion is entitled to punitive damages under D.C. law because, as set forth in detail above, Lindell’s defamatory statements were accompanied with ill will, recklessness, wantonness, willful disregard of Dominion’s rights, and other circumstances tending to aggravate the injury, including but not limited to Lindell repeating his defamatory falsehoods even though he knew Dominion employees were receiving death threats because of them.

170. Lindell’s statements are defamatory and defamatory *per se*. Lindell’s statements have exposed Dominion to the most extreme hatred and contempt. Lindell himself called it the “biggest crime ever committed in election history against our country and the world.”<sup>241</sup> He has directly accused Dominion of fraud, election rigging, and conspiracy, which are serious crimes. For Dominion—whose business is producing and providing voting systems for elections—there are no accusations that could do more to damage Dominion’s business or to impugn Dominion’s integrity, ethics, honesty, and financial integrity. Lindell’s statements were calculated to—and did in fact—provoke outrage and cause Dominion enormous harm.

171. Acting in concert with allies and media outlets that were determined to curry favor with one of their biggest sponsors and to promote a false preconceived narrative about the 2020 election, Lindell launched a defamatory marketing campaign about Dominion that reached millions of people and caused enormous harm to Dominion. As a direct, foreseeable, and

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<sup>241</sup> *FlashPoint: Stand Firm! Mike Lindell, Hank Kunneman and Mario Murillo* at 10:50-56 (Tr. at 11:5-6), The Victory Channel (Dec. 23, 2020), available at, <https://www.youtube.com/watch?v=kPhpPLkNmBw> (Ex. 236).

intentional result of that defamatory marketing campaign, Dominion has suffered the following single and indivisible injuries: Dominion employees have been stalked, have been harassed, and have received death threats; Dominion has been forced to make an expenditure of money to remedy the defamation and to protect the lives of its employees; Dominion has lost profits; and Dominion's reputation has been irreparably damaged.

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

**COUNT TWO – DECEPTIVE TRADE PRACTICES**  
*(Against All Defendants)*

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

174. Lindell's false and defamatory statements, as described in detail above, constitute deceptive trade practices in violation of Minnesota law, M.S.A. Sec. 325D.44(8), as they disparage Dominion's goods and services by false and misleading representations of fact.

175. As alleged in detail above, despite knowing that his defamatory falsehoods about Dominion were deceptive, Lindell willfully made them in the course of his business as the CEO of MyPillow because he and his company could derive—and did in fact derive—financial benefits from making those false statements, namely, sales of MyPillow products that occurred because Lindell was exploiting and disseminating defamatory falsehoods about Dominion.

176. Lindell's statements have irreparably damaged Dominion and will, unless enjoined by this Court, further impair the value of Dominion's name, reputation, and goodwill.

177. Dominion is entitled to permanent injunctive relief requiring the removal of all the Defendants' statements that are determined to be false and defamatory and enjoining the

Defendants from repeating such statements or engaging in any further deceptive trade practices relating to Dominion.

178. Dominion is entitled to recover from Defendants its costs of litigation, including reasonable attorneys' fees, pursuant to M.S.A. Sec. 325D.45 Subd. 2.

**PRAYER FOR RELIEF**

WHEREFORE, Dominion respectfully requests that the Court enter an award of not less than \$1,303,470,000 and judgment in its favor, and against all Defendants jointly and severally, as follows:

- (a) awarding Dominion compensatory damages of not less than \$651,735,000;
- (b) awarding Dominion punitive damages of not less than \$651,735,000;
- (c) awarding Dominion all expenses and costs, including attorneys' fees;
- (d) granting a narrowly tailored permanent injunction requiring the removal of all the Defendants' statements that are determined to be false and defamatory and enjoining the Defendants from repeating such statements or engaging in any further deceptive trade practices relating to Dominion; and
- (e) such other and further relief as the Court deems appropriate.

**JURY DEMAND**

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

Date: February 22, 2021

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