Exhibit 314

February 4, 2021

Via Email & Federal Express

Mike Lindell
Founder and CEO
My Pillow, Inc.
343 E 82nd Str #102
Chaska, MN 55318
mlindell@mypillow.com

  Re: False Claims About Dominion

Mr. Lindell:

  For months, you have been lying about Dominion in order to financially enrich yourself and My Pillow, Inc. by selling more MyPillow products to Trump supporters who tuned in or attended rallies because they wanted to hear that the election had been stolen and that Trump would have another term in office.[1] In support of your defamatory marketing campaign—which we understand has boosted your sales considerably—you have repeatedly claimed to have "evidence" and "100% proof" of your false claims. But you have never produced any real evidence because it doesn't exist.

  Recently, you announced your intention to release a "documentary" with the "evidence" of your false claims about Dominion. We write to put you on formal written notice of the facts so that there is absolutely no doubt at a future date about what was known to you before you published that documentary. As set forth in Dominion's complaint and exhibits against Sidney Powell (which we sent you on January 8) and Dominion's complaint and exhibits against Rudy Giuliani (which we have attached),[2] purported "evidence" that has previously been put forward in support of false claims about Dominion was manufactured, misrepresented, and cherry picked by unreliable sources. These people lack any relevant expertise about voting machines and election security, and they are determined to promote a false preconceived narrative about the 2020 election. In light of this, you are well aware that there are countless people willing to put forward fake "evidence" of fraud in the 2020 election and that any "evidence" must therefore be carefully scrutinized for reliability *before* you choose to broadcast it to a global internet audience.
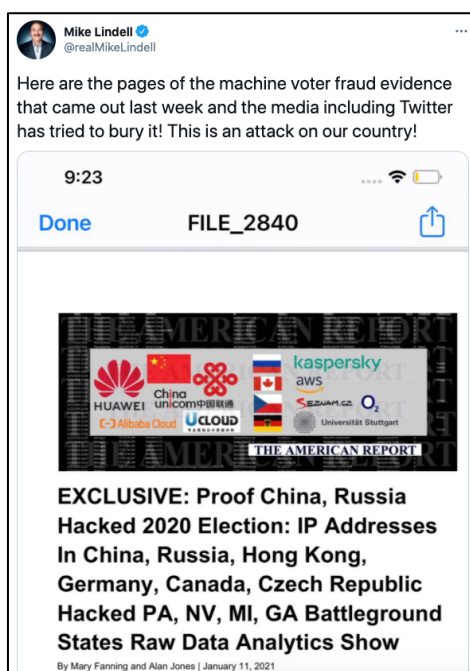
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[1] "Dominion" refers to US Dominion Inc. and its subsidiaries, Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation.

[2] A copy of the Giuliani Complaint is available here: https://www.washingtonpost.com/context/dominion-voting-systems-defamation-lawsuit-against-lawyer-rudy-giuliani/91600fbd-9526-46ef-b951-b6f9b89950fc/.

I.   **Despite Knowing Your Claims About Dominion Are False, You Doubled Down on Your Smear Campaign and Promoted Fabricated Evidence to Support Your Accusations.**

Independent audits, hand recounts of paper ballots, bipartisan governmental officials, Trump's Department of Justice, local election officials, election security experts, and high-profile Trump loyalists have repeatedly, forcefully, and publicly disproven and rebutted the false claim that Dominion machines were hacked or that Dominion flipped, weighted, or otherwise manipulated vote counts to steal the 2020 election.

Purposefully disregarding the paper ballot recounts and knowledgeable sources, you have continued to falsely accuse Dominion on the basis of facially unreliable sources and nonsense from the dark corners of the internet. For instance, you tweeted disinformation from a blog known for promoting conspiracy theories, writing: "Here are the pages of the machine voter fraud evidence that came out last week and the media including Twitter has tried to bury it! This is an attack on our country."[3] Your tweet included a document with the headline "EXCLUSIVE: Proof China, Russia Hacked 2020 Election: IP Addresses in China, Russia, Hong Kong, Germany, Canada, Czech Republic Hacked PA, NV, MI, GA Battleground States Raw Data Analytics Show."[4] This January 11 story from *The American Report* purports to list "[r]aw data analytics *exclusively* obtained by *The American Report* show[ing] that during the 2020 presidential election" random IP addresses across the globe hacked into IP addresses in four key battleground states.

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[3] Mike Lindell (@MikeLindell), Twitter (Jan. 15, 2021), available at https://twitter.com/realMikeLindell/status/13502 97812668477441.

[4] Mary Fanning and Alan Jones, *EXCLUSIVE: Proof China, Russia Hacked 2020 Election: IP Addresses in China, Russia, Hong Kong, Germany, Canada, Czech Republic Hacked PA, NV, MI, GA Battleground States Raw Data Analytics Show*, The American Report (Jan. 11, 2021), available at, https://theamericanreport.org/2021/01/11/exclusive-proof-china-russia-hacked-2020-election-ip-addresses-in-china-russia-hong-kong-germany-canada-czech-republic-hacked-pa-nv-mi-ga-battlegro und-states-raw-data-analytics-show/.

But the story you posted doesn't contain any details about how the supposed hacking took place. The story also does not say that votes were "flipped." The story does mention Alibaba founder Jack Ma before discussing the "Soviet military intelligence service," and also naming "Amazon Data Services" without explaining why. And while the story falsely states that "Dominion Voting Services is based in Toronto,"—it is based in Denver, Colorado—it does not contain any reference to machine voter fraud.

Near the end of the story, the purported "raw data analytics" appear in a pixelated pdf of a spreadsheet embedded to the page as a shareable Pinterest pin. The pdf contains fields purporting 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.

Notably, while the native spreadsheet itself would contain metadata revealing highly relevant information about its creation (when the spreadsheet was created, *etc.*) the spreadsheet was converted into a pdf, concealing data about its creation. Nor does the story itself reveal any information about who created the spreadsheet—the implication is that it's from an expert in voting machines or election security, but it could have been created by a Trump supporter with no experience in voting machines or election security, or a hostile foreign actor looking to undermine confidence in the American election—or their expertise or motives for doing so. This alone is a giant red flag signaling that the spreadsheet is not reliable and that its creator wanted to conceal its origins.

Further adding to the implausibility of the story, *The American Report's* theory appears to be that votes were tampered with at transfer points of the state election computer system and external third-party data election result vaults. But this theory is nonsensical. ***First,*** votes are first captured at the local level, and then precincts 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.

Turning back to the "raw data analytics" you tweeted, even they do not support your claims. The pdf identifies a total of 56,395 votes that were supposedly stolen from Donald Trump. Even if the pdf were accurate—it isn't—the number of votes at issue would not have changed the outcome of the election. Other obvious problems in the pdf include:

- The "deleted votes" would not have changed the winner of the election. Even assuming the pdf were correct, the electoral votes in favor of Trump would total 248, which is 22 votes short of the 270 required for victory.

- 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 pdf did not even use Dominion machines in the 2020 election.

- It alleges 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 pdf 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 the state official. Moreover, this target is the only one without an IP address listed – a series of asterisks is present in the IP address field.

II.   Proven Liars, Conspiracy Theorists, and Non-Experts Are Not Reliable Sources of Information.

Despite constantly stating that you have "done [your] due diligence," and "seen the evidence" yourself, the only evidence you have ever delivered is the nonsensical and facially unreliable *American Report*.[5] Indeed, after an interview with NBC News, when asked if you could produce **any** evidence, you replied: "All the evidence against Dominion is before the Supreme Court . . . Here is one page of the proof."[6] NBC reported that "[t]he email did not include an attachment. When asked if the omission was a mistake, you sent another email with an empty attachment and a third with screenshots of illegible text."[7]

Later you said that you "helped to organize some of the leading experts" to include in your "big documentary" about Dominion. Because there is no legitimate evidence, we understand that you are planning to amplify perjurers, con artists, non-experts, and other facially unreliable sources in support of your false and defamatory marketing campaign. And although you have not disclosed which experts you plan to feature in your glorified MyPillow infomercial, facts readily available to you demonstrate the obvious and facial unreliability of those who have propagated falsehoods about Dominion:

1. **Russell Ramsland.** Russell Ramsland is a "Deep State" conspiracy theorist in cahoots with Sidney Powell who was selected not because Ramsland has election security expertise, but because he was committed to promoting the false preconceived narrative that the election had been fixed. Ramsland has been peddling "rigged election" conspiracy theories for years. And he has publicly claimed, among other things, that

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[5] *See e.g.*, Newsmax, *Mike Lindell to Newsmax TV: 'President Trump will Prevail'* (Dec. 17, 2020), available at, https://www.newsmax.com/newsmax-tv/mike-lindell-election-fraud-mypillow-ceo/2020/12/17/id/1002145/ ("I know what evidence is out there, plus I've done my own due diligence."); The Victory Channel, *FlashPoint: Stand Firm! Mike Lindell, Hank Kunneman and Mario Murillo* (Dec. 23, 2020), available at, https://www.youtube.com/watch?v=kPhpPLknmBw ("What I've seen and what I know ... I declare this, just go get the machines.").

[6] Elisha Fieldstadt, *My Pillow 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/mypillow-ceo-mike-lindell-says-products-were-dropped-major-retailers-n1254676

[7] *Id.*

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." [8] Mr. Soros was born in 1930.

Before he released his nonsense "forensics report," Ramsland had been publicly discredited for making false claims of overvoting in Michigan, which Ramsland based on vote counts from an entirely different state—Minnesota.[9] Indeed, a Delaware judge determined that Ramsland provided "materially false information" in support of his claims of vote manipulation[10] when he referenced and cited locations in Minnesota when alleging voter fraud in Michigan—something that is readily verifiable through a basic Google search.[11]

Ramsland's so-called "forensics report" of the Dominion machines in Antrim County, Michigan, contains a staggering number of inaccuracies; obvious misunderstandings of election procedures, hardware, and software; and other indicia of unreliability. Even though Ramsland cites to "experts" upon whom he purportedly relied in creating his report, he does not identify a single one. Nor does he identify any of their credentials or prior experience—other than the vaguest reference to a handful of government agencies—to justify their designation as "experts."[12] And Ramsland does not identify any experience that he, or any of his so-called "experts," have in elections or election hardware or software. The rag-tag team of "experts" associated with Ramsland don't have any relevant experience analyzing voting machines or vote tabulations. A Republican county clerk in Michigan complained about one of Ramsland's team members—who runs a brewery outside of Austin after working as an account manager at a pharmaceutical company—for failing to "understand how election results are updated on county websites."[13]

Additionally, Ramsland references the "allowable election error rate established by the Federal Election Commission." The Federal Election Commission does not regulate voting machines or software. It regulates campaign finance.[14] Ramsland confused—or

[8] 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 .
[9] 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/; *see also*, Louis Jacobson & Noah Y. Kim, *Giuliani cites affidavit with crucial errors in press conference*, PolitiFact (Nov. 20, 2020), available at, https://www.politifact.com/factchecks/2020/nov/20/rudy-giuliani/giuliani-cites-affidavit-crucial-errors-press-conf/.
[10] Rule to Show Cause, *Page v. Oath Inc.*, No. S20C-07-030 (Del. Super. Ct. Dec. 18, 2020).
[11] Hendrickson, n. 9.
[12] Pet. Notice of Suppl. Authority, *King v. Whitmer*, No. 20-815 (S. Ct. Dec. 13, 2020), available at, https://www.supremecourt.gov/DocketPDF/20/20-815/163875/20201215164905775_Final%20Michigan%20Notice%20of%20Supplemental%20Authority.pdf.
[13] Craig Mauger, *Why 8 claims from Rudy Giuliani's Michigan witnesses don't add up*, The Detroit News (Dec. 4, 2020), available at https://www.detroitnews.com/story/news/politics/2020/12/04/why-8-claims-rudy-giulianis-michigan-witnesses-dont-add-up/3824210001/.
[14] *Mission and history*, FEC, available at, https://www.fec.gov/about/mission-and-history/.

did not bother to research the differences between—the FEC and the EAC. [15] Dominion's election voting system suite is, of course, certified by the EAC.[16]

Apart from these red flags indicating he is no expert at all, Ramsland also illustrates a gross misunderstanding of the machines and software in the details of his report. For example, he claims that his "forensics team" "perform[ed a] forensic duplication of the Antrim County Election Management Server running Dominion Democracy Suite 5.5.3-002." But there is no Democracy Suite 5.5.3-002. Instead, 5.5.3-002 is the version of the ImageCast Precinct tabulator (*i.e.*, the actual scanner), not the election management server or software.[17] This demonstrates that Ramsland is incapable of telling the difference between the relevant hardware, software, and servers involved—or that he simply did not take care to do so. Ramsland also fails to understand the difference between—or he intentionally distorted—adjudication software (which is an optional component of Dominion's voting system suite) and the process of adjudicating a ballot. In fact, Antrim County only purchased (and therefore only used) certain components of Dominion's voting system suite; critically, Antrim County neither purchased nor used—nor possessed the hardware required to use—the adjudication software.[18] This did not prevent Ramsland from falsely claiming that "[b]allots sent to adjudication can be altered by administrators," and that "all adjudication log entries for the 2020 election cycle are missing" and must have been "manually removed."

And Ramsland's specific claim of a 68% "error rate" evidences a fundamental misunderstanding of election software. Ramsland claims to have used the tabulation logs as the source for his supposed "error rate." But the tabulation logs do not reflect the machine's tabulation of votes. They record activities logged by the machine during the tabulation process.[19] So Ramsland's claim that "these ... tabulation totals were used as the official results" is false (because they are a recording of machine activity, not votes). Simply put, Ramsland does not understand what he is seeing.

While Ramsland claims that a huge percentage of machine activity reflected in the tabulation logs were "errors" or "warnings," he gives no explanation of how he identified or defined an "error" or "warning." Ramsland references three settings— "reverse," "divert," and "override"—as examples of these so-called "critical errors" or "warnings." But these are not "errors." They are parameters used in the tabulator to handle ballots that—for example—include write-in candidates or ballots that contain votes for two candidates for the same office. Calling these "errors" is analogous to claiming that the low fuel indicator light turning on in a car is an "error"—it is of course

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[15] *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/.

[16] Certificate of Conformance, EAC (Sept. 14, 2018), available at, https://www.eac.gov/sites/default/files/voting_system/files/DSuite55_CertConf_Scope%28FINAL%29.pdf.

[17] Declaration of Ryan Macias, FactCheck.org, available at, https://cdn.factcheck.org/UploadedFiles/Rebuttal_ASOG-Antrim_Report.pdf.

[18] *Id.*

[19] *See* Paul Egan & Clara Hendrickson, *Trump tweet wrongly suggests there were defects with Michigan voting machines*, The Detroit Free Press (Dec. 15, 2020), available at, https://www.freep.com/story/news/politics/elections/2020/12/15/trump-fact-check-defect-voting-machines-michigan/3902951001/.

not an error; the car is operating precisely how it is supposed to. Similarly, just because the tabulator recorded, for example, "divert" does not mean that there was error with the ballot or the vote; precisely the opposite—it means that the machine operated properly in response to that ballot.[20] This is even more evidence that Ramsland does not understand—or that he did not take care to distinguish—the difference between an actual error and proper functioning.

Other people who are actually knowledgeable about election security and procedures in Antrim County promptly, publicly, and forcefully rebutted Ramsland's report. Antrim County officials determined—and publicly announced—that Ramsland's report was "riddled with false and unsupported claims, baseless attacks, and incorrect use of technical terms."[21] Similarly, the former acting director of the EAC's Voting System Testing and Certification program 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."[22] 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."[23] The Republican county clerk who made the mistake that resulted in the inaccurate unofficial results stated that Ramsland's report contained "many misleading statements" and was "simply not accurate."[24]

2. **Patrick Byrne.** Byrne was previously the CEO of Overstock.com, but abruptly resigned his board seat and position as CEO after it was revealed that he had had a romantic affair with the now-notorious Russian agent, Maria Butina, who was sentenced to 18 months in prison after being indicted by federal prosecutors for trying to infiltrate powerful political circles in the United States at the direction of the Russian government.[25] In 2016, a judge issued a $1 million judgment against Byrne after he was sued for defamation.

3. **The affidavit—and repurposed affidavit—of Josh Merritt aka "Spyder."** Josh Merritt, a top-secret witness code-named "Spyder" by Sidney Powell, knowingly signed, under penalty of perjury, an admittedly "misleading" declaration (that he "was trying to

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[20] Angelo Fichera, *Audit in Michigan County Refutes Dominion Conspiracy Theory*, FactCheck.org (Dec. 18, 2020), available at, https://www.factcheck.org/2020/12/audit-in-michigan-county-refutes-dominion-conspiracy-theory/.

[21] *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.

[22] *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/.

[23] 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.

[24] Craig Mauger, *Michigan election officials slam report on votes in Antrim County*, The Detroit News (Dec. 14, 2020), available at, https://www.detroitnews.com/story/news/politics/2020/12/14/michigan-judge-allows-release-report-antrim-county-voting/6537394002/.

[25] *See* Michael Corkery, *Overstock C.E.O. Takes Aim at 'Deep State' After Romance With Russian Agent*, N.Y. Times (Aug. 15, 2019), available at, https://www.nytimes.com/2019/08/15/business/overstock-paul-byrne-maria-butina-affair.html.

backtrack" on) claiming he was a "military intelligence expert" even though he has never worked in military intelligence.[26]

But since Merritt had been discredited, Powell has put his declaration forward as though it were written by someone else. Indeed, the only difference between the "new" declaration and Merritt's declaration is the information about the declarant's background; the rest of the declaration is substantively ***identical*** to Merritt's.[27]

4. **Terpsichore Maras-Lindemann.** Powell submitted Maras-Lindeman's affidavit in court filings as evidence without even bothering to speak to her, whether to assess her credibility or otherwise.[28] According to a publicly available court order, Terpsichore Maras-Lindeman is a serial liar and con artist.[29] After serving in the Navy for less than a year, Maras-Lindeman created a profile on an online veterans community called "Together We Served," and she falsely claimed to have had an extensive military career—including that she had reached the rank of lieutenant, served in the Office of Naval Intelligence and in combat zones in the Republic of Kosovo, Afghanistan, and Iraq, and was awarded multiple medals including a Purple Heart.[30] In a recent fraud case, attorneys for the state of North Dakota said that Maras-Lindeman falsely claimed to be a doctor. They also said she used multiple aliases and social security numbers and created exaggerated online resumes as part of what they called "a persistent effort … to deceive others."[31] They alleged that Maras-Lindeman organized a charitable event to raise funds for homeless shelters, a Catholic school, and a monument, but then used money she collected on purchases for herself at Wal-Mart, McDonald's, QVC, and elsewhere.[32] A judge ordered Maras-Lindeman to pay more than $25,000 after finding

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[26] 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

[27] *Compare* 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 *with* Defending the Republic, *Foreign Ties Affidavit*, (Dec. 16, 2020), available at, https://defendingtherepublic.org/wp-content/uploads/2020/12/foreign_ties_affidavit.pdf.

[28] "Maras-Lindeman told The Post she had never spoken directly to Powell or anyone working on her legal team. She said she distributed the affidavit widely to like-minded people and was unaware it had come to Powell's attention until it appeared as an exhibit in one of her cases." Jon Swaine, *Powell's secret intelligence contractor witness is a pro-Trump podcaster*, Wash. Post (Dec. 24, 2020), available at, https://www.washingtonpost.com/investigations/sidney-powells-secret-intelligence-contractor-witness-is-a-pro-trump-podcaster/2020/12/24/d5a1ab9e-4403-11eb-a277-49a6d1f9dff1_story.html.

[29] Findings of Fact, Conclusions of Law, and Order for Judgment, *State v. Maras*, No. 51-2018-CV-01339 (Dist. Ct. N. Central Jud. Dist., N.D. Sept. 11, 2020), available at, https://attorneygeneral.nd.gov/sites/ag/files/documents/Recent Actions/2020-09-14-MagicCityChristmas-Judgment.pdf; *see also* Jon Swaine, *Powell's secret intelligence contractor witness is a pro-Trump podcaster*, Wash. Post (Dec. 24, 2020), available at, https://www.washingtonpost.com/investigations/sidney-powells-secret-intelligence-contractor-witness-is-a-pro-trump-podcaster/2020/12/24/d5a1ab9e-4403-11eb-a277-49a6d1f9dff1_story.html.

[30] LT Terpsichore Lindeman, Together We Served, (Mar. 5, 2020), available at https://web.archive.org/web/20200305152810/https%3A/navy.togetherweserved.com/usn/servlet/tws.webapp.WebApp?cmd=SBVTimeLine&type=Person&ID=506419.

[31] *State v. Maras*, No. 51-2018-CV-01339 (Dist. Ct. N. Central Jud. Dist., N.D. Jul. 2, 2018).

[32] *Id.*

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that she violated consumer protection laws by misspending money she raised and soliciting donations while misrepresenting her experience and education.[33]

5. **Edward Solomon.** Edward Solomon paints himself as an expert "mathematician" whose statistical "analysis" determined that the results of the November 2020 election were "impossible," and that therefore "computer software must have used an algorithm to change the votes." He also concluded that the odds of the election results occurring naturally were "1 over 10 to an exponent so large there's not enough stars in the universe, there aren't enough atoms in the universe, to explain the number." Here's the problem: Solomon is not a "mathematician." Solomon is currently employed as an "Installer" at a swing set construction company. And he recently served six months in jail for selling drugs.

6. **Jovan Pulitzer.** Jovan Pulitzer is not the "QR code inventor" he purports to be, but a "failed treasure hunter" and "failed investor." [34] QR code was invented by Masahiro Hara in 1994, when he was an employee of the automotive components firm Denso Wave. As explained by Georgia's Republican Secretary of State Brad Raffensperger: "the treasure hunter provided no evidence" to support his claims. And Poll Pad creator KnowInk issued the following response to Pulitzer's tale about hacking their product: "The assertions made about unauthorized access to our systems are patently false. The man claiming that someone 'got into' our systems did not happen according to our forensic analysis. There was no 'hack,' there was no 'back door' entry, there was no 'pump and dump,' and there was no access through a 'thermostat' located hundreds of miles away in Savannah."[35]

7. **Dennis Montgomery.** Dennis Montgomery is a fraudster known for pulling off "one of the most elaborate and dangerous hoaxes in American history" after he tricked the federal government into paying millions of dollars for bogus terrorist-detection software.[36] In 2009 he was charged with obtaining money under false pretenses and theft after failing to repay Caesars Palace for nine checks totaling $1 million.[37] Setting that issue aside, Montgomery was "just another [] gambler in the casinos of Reno," but that all changed when he falsely claimed to have developed software to "decode secret messages" embedded in Osama bin Laden tapes broadcast on Al Jazeera.[38] Montgomery has been cited as the creator of the "powerful supercomputer system known as

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[33] *Id.*

[34] Georgia Secretary of State, *FACT CHECK: GEORGIA SENATE MASQUERADES FAILED TREASURE HUNTER AS HACKER AND ELECTION SECURITY EXPERT*, (Dec. 2020), available at, https://sos.ga.gov/index.php/elections/fact_check_georgia_senate_masquerades_failed_treasure_hunter_as_hacker_and_election_security_expert.

[35] Knowing Admin, *Georgia Runoff Election Update*, (Dec. 31, 2020), available at, https://knowink.com/georgia-runoff-election-update/.

[36] Travis Daub, *How a Reno casino con man duped the CIA and pulled one of the 'most dangerous hoaxes' in American history*, PBS News (Oct. 14, 2014), available at https://www.pbs.org/newshour/nation/reno-casino-conman-pulled-greatest-hoax-american-history.

[37] Tiffany Gibson, *Court date set for man with $1 million gambling debt*, Las Vegas Sun (Oct. 9, 2009), available at, https://lasvegassun.com/news/2009/oct/09/man-who-prompted-gibbons-probe-appear-court-casino/.

[38] Thomas E. Ricks, *Shameful Side of the War on Terror*, New York Times (Oct. 12, 2014), available at, https://www.nytimes.com/2014/10/13/arts/in-pay-any-price-james-risen-examines-the-war-on-terror.html.

THE HAMMER" and related software called "SCORECARD that is capable of hacking into elections and stealing the vote."[39] When Montgomery was asked under oath whether his software was a "complete fraud," he answered, "I'm going to assert my right under the Fifth Amendment."[40] Authorities have described his "fantastic-sounding computer technology" as nothing more than a hoax after an intelligence commission concluded Montgomery's "technology was a fabrication."[41] Even Montgomery's co-workers told the FBI that he "repeatedly doctored test results at presentations for government offiials," and other co-workers "doubted Montgomery's software existed."[42] And witness interviews from U.S. Military investigations state "Montgomery's programming skills were not what he alleged," that "Montgomery was doing something other than what he was actually telling people he was doing," and that "Montgomery had not written significant software." Other witnesses said that "Montgomery was dishonest" and shared "suspicions that Montgomery was less technically competent than he led people to believe." A few years ago, Montgomery sued a journalist for accusing him of being a con man and for exposing some of his scams. But the court threw out the suit because Montgomery failed to prove that his software even existed, much less worked. In its dismissal order, the court explained, "This lawsuit . . . has been defined by the software's persistent absence."[43]

8. **Sidney Powell & Lin Wood**. The complaint we previously sent you explains in detail why Powell and Lin Wood are unreliable sources of information about Dominion. Without limitation, they misrepresented, manufactured, and cherry-picked evidence, and deliberately lied about having recordings and other proof that they never produced because it does not exist.

9. **Rudy Giuliani**. The enclosed complaint explains in detail why Rudy Giuliani is not a reliable source. In addition, the New York State Bar Association has described his claims as "baseless," and it admonished him for "commenc[ing] and prosecut[ing] [] court actions in multiple states without any evidentiary basis whatsoever."

But you don't have to take our word about the unreliable nature of these "experts." The United States District Court for the District of Arizona found this very same evidence impressive only for its volume and described the same conclusions you are promoting as "largely based on anonymous witnesses, hearsay, and irrelevant analysis of unrelated elections," and include "expert reports" that "reach implausible conclusions, often because they are derived from wholly unreliable

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[39] Mary Fanning and 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/?utm_source=ground.news&utm_medium=referral.

[40] Eric Lichtblau & James Risen, *Hiding Details of Dubious Deal, U.S. Invokes National Security*, N.Y. Times (Feb. 19, 2011), available at, https://www.nytimes.com/2011/02/20/us/politics/20data.html.

[41] Erich Lichtblau, *US regretting dubious deal with computer programmer Is now suspected of selling phony antiterror software*, New York Times (Feb. 20, 2011), available at, http://archive.boston.com/news/nation/articles/2011/02/20/us_regretting_dubious_deal_with_computer_programmer/.

[42] Eric Lichtblau & James Risen, *U.S. tech contractor seen as con man by some*, Statesman (Feb. 20, 2011), available at, https://www.statesman.com/article/20110220/NEWS/302209742.

[43] Op. at 2, *Montgomery v. Risen*, No. 16-7096 (D.C. Cir. 2017).
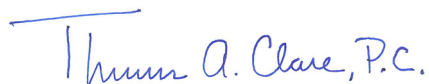
sources."[44] The United States District Court for the Eastern District of Michigan reached the same conclusion after it reviewed affidavits submitted by many of the characters listed above. That court described the submissions as "nothing but speculation and conjecture that votes for President Trump were destroyed, discarded or switched to votes for Vice President Biden."[45]

<div align="center">***</div>

Given the chorus of pretenders who have proven their willingness to manufacture fake evidence and to lie about Dominion, you are well aware that there is serious reason to doubt the credibility of the "evidence" you are planning to broadcast in your "documentary." If you were actually interested in the truth, you would tell us who you will be featuring in your "documentary" and give us a reasonable opportunity to review their purported "evidence" *before* you publish, 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.

We have no doubt that you will purposefully avoid this opportunity because you are not actually interested in the truth and—as you told CBS News—you want Dominion to sue you.[46] After all, positioning yourself as Dominion's enemy and a victim of "cancel culture" has been very good for My Pillow, Inc.'s bottom line.

Regards,

Thomas. A. Clare, P.C.

Megan L. Meier

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[44] Order at 24-25, *Bowyer v. Ducey*, No. 2-20-cv-02321 (D. Ariz. Dec. 9, 2020) [Dkt. 84].

[45] Op. & Order Den. Pl.'s Emer. Motion. for Decl., Emer., and Inj. Relief at 34, *King v. Whitmer*, No. 20-cv-12134 (E.D. Mich. Dec. 7, 2020) [Dkt. 62].

[46] Brian Dakss, *"My Pillow guy" Mike Lindell says he'd welcome suit from voting machines maker Dominion*, CBS News (Jan. 19, 2021), available at, https://www.cbsnews.com/news/mike-lindell-dominion-lawsuit-mypillow-ceo/.