# Dominion v. Fox

DOMINION

VOTING

**MSJ Hearing** 

March 21, 2023

# Dominion Satisfies all Elements of a Defamation Claim



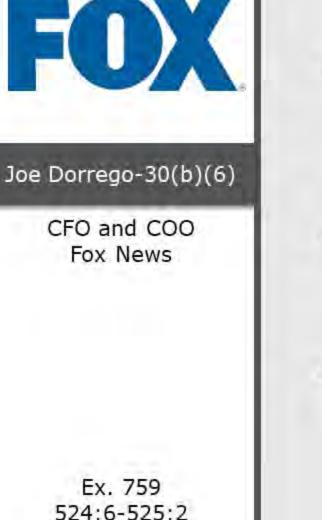
#### Fox Corp Binding Admission: It Was Wrong If Executives In the Chain of Command Knew Allegation Was False

Joe Dorrego-30(b)(6) CFO and COO Fox News

> Ex. 759 526:8-20

Q. Does Fox Corporation believe it was wrong to air the claim that Dominion rigged the 2020 presidential election if Fox News hosts or executives in the chain of command knew it was false?

A. Again, if they knowingly covered the allegations and held them out as true after such point that we—that Fox News executives and talent and hosts knew that they were false, that would be wrong. Fox Corp Binding Admission: It's Wrong To Air Knowingly False Claims



Q. And it would be wrong at the executive level to the extent that they know it's false and allow it to happen, correct?

A. At the time that you have received proof or, actually, lack of proof supporting any claims, knowing certainly that they're false, you continue to air or aired these types of claims would be wrong.

- Q. When they know, when the executives know that it's false, it would be wrong to allow these claims to continue to be aired, right?
- A. Right. If there's no evidence received, then—and we know that—and the executives knew there was no evidence going to be produced, that would be wrong.

#### Expectation of Making Clear That Claims Have No Support

Joe Dorrego-30(b)(6)

Ξ(),

CFO and COO Fox News Q. Fox Corporation also has the expectation for Fox News executives when it delegates to Fox News executives that if there is unverifiable or information that they don't know whether is true or not, the host point that out to the audience, correct?

A. There would be an expectation that they would make it clear they're— they have not been provided support for the claims.

Ex. 759 510:25-511:10

# Fox Corp Binding Admission: Must Instantly Correct

Joe Dorrego-30(b)(6)

CFO and COO Fox News

> Ex. 759 364:4-14

Q. ...You would agree generally with the notion that if you are going to air an allegation that you know is false, it is important to instantly tell the audience that the allegation is false, correct?

A. So if at the time you knew the allegation was false, I think that is something that we would have expected, yes.

#### "I Beat Her Back on Dominion Saying We Would Have to Tell The Truth"

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#### "Rife With Conspiracy Theories and BS"

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But now come the president a lawyers porteing to an organized criminite enterprise especially in other controlled and completelity democratis. Come the president's law, company called dominion which starthet in Venezuela with Cuben money and with the assistance of unwinnee. They allege are capable through a back doot of tlipping votes through software. Come the president's lawyers alleging that American votes in a presidential electron are actually counted in threigh countries.

The midia has no interest many of this but i do and you should as well 73 million Americanis valled for Donald

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> Ex.152 FNN001\_00001256

Andrews, Jerry </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=90388908B14441C9BAAB5657EBE9487D-ANDREWS, JE> Cooper, Meade (Fox); Clark, David 11/20/2020 12:36:16 PM FW: open

The brainroom is going through this now. Jeanine dictated it to Tim. It's rife w conspiracy theories and bs and is yet another example why this woman should never be on live television.

#### Everyone Understood What Powell and Giuliani Would Say

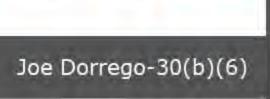
E(I) Joe Dorrego-30(b)(6) CFO and COO Fox News

> Ex. 759 308:18-309:6

Q. Okay. Well, let me ask a general question then. People within Fox, either Fox News or Fox Corporation, were aware of what Sidney Powell was going to say when she appeared anywhere on air, right?

A. Just the dynamic of live television, you can't be 100% certain of what a guest will say. But, you know, certainly, I think the shows that chose to book her would have had an idea what she was – at least the themes that she was coming on to discuss.

## Fox Knew What Powell and Giuliani Would Say



E(I)

CFO and COO Fox News Q. My question to you, sir, is: During this time frame of November and December 2020, putting aside Fox News, Newsmax, whatever, do you agree that people within Fox Corporation had a general awareness of what Sidney Powell or Rudy Giuliani would say?

A. I think there was a general awareness that they were supporting President Trump's election rigging claims.

Ex. 759 312:19-313:6

#### Fox Admits They Aired the Allegations Knowing What the Guests Would Say

#### IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS CORPORATION. C.A. No. N21C-03-257 CONSOLIDATED Plaintiffs CONFIDENTIAL -FILED UNDER SEAL FOX NEWS NETWORK, LLC. Defendant US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS C.A. No. N21C-11-082 CORPORATION. Plaintiffs. FOX CORPORATION. Defendant DEFENDANT FOX NEWS NETWORK, LLC'S BRIEF IN S ITS RULE 56 MOTION FOR SUMMARY JUDGM YOU ARE IN POSSESSION OF A DOCUMENT FIL THE SUPERIOR COURT OF DELAWARE THAT IS CONFIDENTIAL AND FILED UNDER SE If you are not authorized by Court order to view or retrieve this document THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL. REVIEW AND ACCESS TO THIS DOCUMENT IS PROHIBITED EXCEPT BY PRIOR COURT ORDER.

#### C. Fox News' Coverage of the 2020 Presidential Election.

Given the unquestionable newsworthiness of a sitting President's effort to

challenge the result of a presidential election, several Fox News Channel and Fox

Business Channel hosts, including Maria Bartiromo, Lou Dobbs, Jeanine Pirro, and

Sean Hannity, interviewed Giuliani and Powell in the weeks following the election

so that viewers could hear about the allegations straight from the source. Bartirono

12

FNN MSJ p.23

## "Any Day with Rudy and Sidney is Guaranteed Gold"

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### Carlson to Powell: "Cruel and Reckless"

PARTICIPANTS: Sidney Powell -	Tucker Carlson -
PARTICIPARTS: Series share: The Contract -	
Sent 2020-11-17 01:43:51 PM UTC FROM; Tucker Ca	arlson -
	ons of votes were changed by the software. I hope you will prove that Trump will win. If you don't have conclusive evidence of kless thing to keep saying.

# "Shockingly Reckless"

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15

#### Carlson: "Lou Was Reckless"

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-		Sent 2021-02-07 05:03:32 PM UTC FROM: Tucker Carlson -
		I think this will give energy to CNN and other forces seeking to kill us
	ucked. Lou was reckless. But we should be as aggressive a	

### Proving Actual Malice – This Is The Unique Case

Normally plaintiffs prove defendants' actual malice—whether they knew it was false or "in fact entertained serious doubts as to the truth of the statement"—"by inference, *as it would be rare for a defendant to admit such doubts*."

Solano v. Playgirl, Inc., 292 F.3d 1078, 1085 (9th Cir. 2002) (citation omitted).

# "Setting the Record Straight" Emails Demonstrates Actual Malice

DOMINION

VOTING

### November 12 "Setting the Record Straight"

From: Dominion Voting Systems < Sent: Thursday, November 12, 2020 12:36 PM

To: Field, Jeff

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Research, John (Rodinson, M1/12/01/20/3-23-45-PM

ELECTION 2020; SETTING THE RECORD STRAIGH

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It is committed to set the record sharehit on FACTS version RUMORS.

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November 13 2020

Sent: Thomas Navambre 11. To Fuld, full Subject: [EXTERNAL] Election 2020: Setting The Record Straight

**ELECTION 2020: SETTING THE RECORD STRAIGHT** 

November 12, 2020

Dominion Voting Systems and its thousands of election customers across the nation are committed to ensuring voter confidence in the U.S. electoral process. This year, despite the fact that voting has proceeded smoothly in all 28 states where our systems are used, close vote counts in several battleground states coupled with delayed results reporting have created the opportunity for a number of company-focused rumor and disinformation campaigns to spread online.

It is essential to set the record straight on FACTS versus RUMORS:

Ex. 338

# Nov 12 - Knowledge of STRS and Underlying Facts



Thomas Lowell

Executive VP and Managing Editor of News



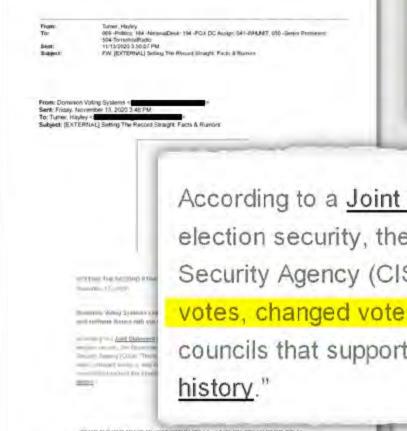
Ex. 128 412:23-413:24, Ex. 331

- Q. You would agree that many people received notice of the fact that Dominion was refuting allegations of voting fraud, correct?
- A. Many people received that [November 12] email.
- Q. And, in fact, as well that same day many people received the underlying statement from CISA's Elections Infrastructure Government Coordinating Council that there was no evidence that any voting system deleted or lost votes, changed votes or was in any way compromised, correct?
- A. As noted before, there was general awareness about the CISA statement.
- Q. It wasn't just general awareness, sir, right? It was the fact that they received the statement themselves, correct?

20

A. Sure.

## November 13 "Setting the Record Straight"



From: Dominion Voting Systems <media@dominionvoting.com> Sent: Friday, November 13, 2020 3:48 PM

To: Turner, Hayley

Subject: [EXTERNAL] Setting The Record Straight: Facts & Rumors

According to a <u>Joint Statement</u> by the federal government agency that oversees U.S. election security, the Department of Homeland Security's Cybersecurity, & Infrastructure Security Agency (CISA): "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised." The government & private sector councils that support this mission called the 2020 election "the most secure in American history."

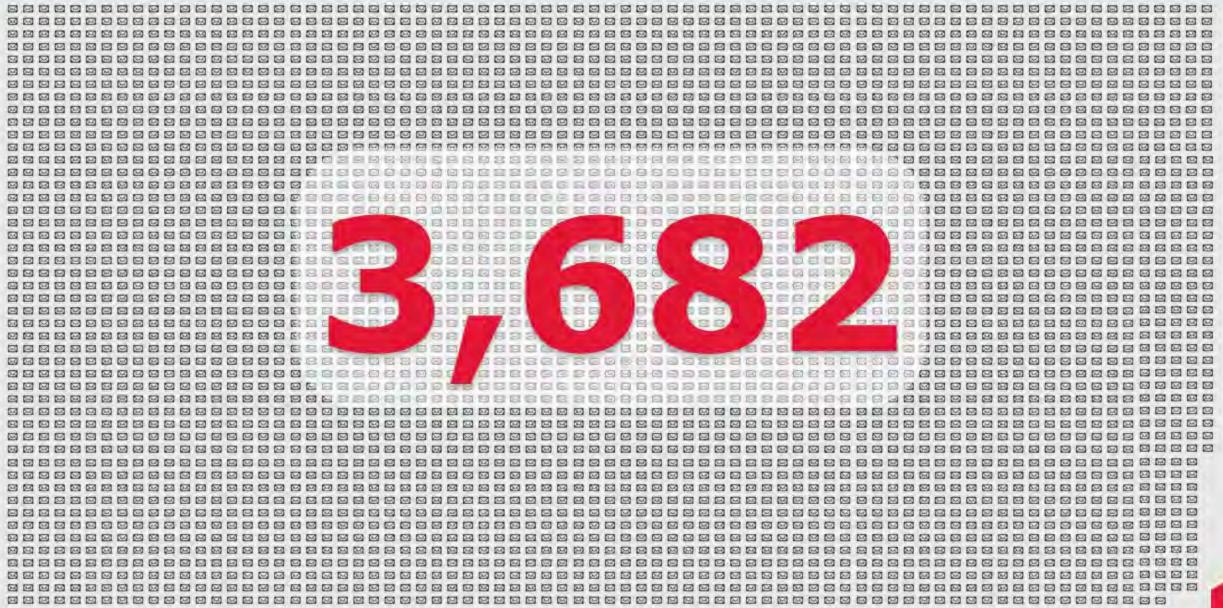
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## STRS "Tattooed on My Body"

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lack - SVP. Fox News	Sent: Saturday, November 14, 2020 7:02 PM
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need of technic party and a second se	Subject: Re: Setting The Record Straight Update: Facts & Rumors
round and in some shaft.	Oh I have it tattooed on my body at this point. I woke up after too much vodka and there it was!
	David Clark - SVP, Fox News

Ex.234 FNN007\_00019085

#### Dominion sent 3,682 emails to Fox recipients



# DOMINION

# "Brainroom" Fact Checks Demonstrates Actual Malice

Slug	Writer	Create Date	Andie	Modify Dat
Background: Dominion Voting Systems & Criticism / Accusations + Fact Checks	baldurev	1013/2011/35:06	ing.	11/13/20 13:37:41
CATEGORY				UNIT

Background: Dominion Voting Systems & Criticium / Accusations - Fact Checks

Contents 1) Background: Dominion Visting Systems 2) Orticismi / Accusations - Pact Chricks

#### i) Background: Dominion Voting Systems

Founded in 2007, Dominion Vising Systems is a leading supplier of election technology across the U.S., counts and globally

Based in Derver, CO

Serves more than 40% of U.S. voters

Customers at 28 states and Poerro Rico

) Has 2504 employees supporting hundreds of elections annually

 Provides initial project implementation through election set-up, ballot layout, multiple log sochane advap and system testing.

 Also provides testing. Election Day support, training, preventative maintenance, project in ongoing election consulting.

Partnered with more than 1,300 jurisdictions including 9 of the largest counties in the U.S.

() Continual contribution others with 13 Election Assistance Commission certified versions certifications.

U.S. Election Assistance Commission Registered Manufacturen DOMINION VOTINU SYSTEMS CORP — https://www.car.psi/voting-equipment/registrated-manufacturenvidminian-orong-syste

[] Every Dominism system is confifted by federal and store electron automatics for use, and De continuous improvements in its products throughout their lifecycle

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#### Ex.168 FNN015\_00132222

Slug	Writer	Create Date	Audio Time	Modify Date	Modified By
Background: Dominion Voting Systems & Criticism / Accusations - Fact Checks	balducci	11/13/20 13:35:06	11:17	11/13/20 13:37:41	balducci
CATEGORY				UNIT	STORY

#### FACT

Claims about Dominion switching or deleting votes are 100% false. Dominion systems continue to reliably and accurately count ballots, and state and local election authorities, as well fact checkers, have publicly confirmed the integrity of the process.

#### FACT

Dominion has no company ownership relationships with any member of the Pelosi family, the Feinstein family, or the Clinton Global Initiative. Dominion works with all political parties; our customer base and our government outreach practices reflect this nonpartisan approach.



#### From: Balducci, Leonard Sent: Friday, November 13, 2020 3:26 PM To: Ilievski, Megan Cc: Ward, Kevin <

Subject: BRAINROOM: Background: Dominion Voting Systems & Criticism / Accusations - Fact Checks

Background: Dominion Voting Systems & Officism / Accusations - Fact Overka

Contents 1) Background: Dominion Vol 2) Ontenin / Accutations - Fi

1) Background: Dominion V Pounded in 2003, Common and globally Distance in Comute: CO Biblioner more than 40% of U Di Customers in 26 states and

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() Alto provides testing. Each

D Partnered with more than 1

Continual certification effort

U.S. Enclose Assertance Con Registered Manufacturen DOMINICH VOTING SYSTE TRUMP: "REPORT: DOMINION DELETED 2.7 MILLION TRUMP VOTES NATIONWIDE. DATA ANALYSIS FINDS 221,000 PENNSYLVANIA VOTES SWITCHED FROM PRESIDENT TRUMP TO BIDEN. 941,000 TRUMP VOTES DELETED. STATES USING DOMINION VOTING SYSTEMS SWITCHED 435,000 VOTES FROM TRUMP TO BIDEN."

THE FACTS: There's no evidence of widespread fraud in the 2020 election, or of major problems with Dominion's systems. Election officials from both political parties have stated publicly that the election went well, and international observers confirmed there were no serious irregularities.

The Very Dominion systems is certified by federal and salide emicsion; addictions for use, and Dominium makes cardinateur emprovements to its products broughout their ifforcide.

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> Ex.158 FNN001\_00000578

### Testimony of Alan Komissaroff



Alan Komissaroff

Senior Vice President, News and Politics



Ex. 126 79:23-80:6 Q. Part of the editorial team's job is when somebody is coming on with unsubstantiated allegations that have no evidence is to do some research, use the Brain Room, find out the information on what's going to be alleged to determine whether it should be put on the air; is that fair?

A. I agree, that's fair.

### Bartiromo Relies on Brain Room



Maria Bartiromo

Host of Sunday Morning Futures with Maria Bartiromo



Ex. 98 33:25-34:10 Q. Do you know Fox's policy for fact-checking claims made by hosts?

- A. Well, we have what's called the Brain Room where we check on facts.
- Q. And you regularly use the Brain Room; correct?
- A. Yes. The producers usually are in touch with the Brain Room, so I will talk with producers about what we are checking and they do it, more so then I'll do it myself.

### Testimony of David Clark



Q. If the brain room had concluded that the charges were, in fact, false, they never should have been aired, correct?

A. Yes.

EX. 106 at 272:17-23

# Widespread Knowledge and Purposeful Avoidance Demonstrates Actual Malice

DOMINION

#### "I Beat Her Back on Dominion Saying We Would Have to Tell The Truth"

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	Sent 2020-11-12 07:07:35 PM UTC FROM; Ron Mitchell
	How is it going the kooks? I just sent a story that's great La
	Sent 2020-11-12 07:08:20 PM UTC FROM: Tommy Firth -
THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL FIDENTIAL DASCORSSNIGLARSINGLISTED EXCEPT BY PRIOR COURT ORDER NINOS3_044331	I beat her back on dominion saying we would have to tell the truth and this make the president look like an idiot and expose you and maybe fox to his continued wrath

## "Does Anyone Do A Fucking Simple Google Search"?

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	Jesus Christ. Does anyone do a fucking simple google search or read emails?
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#### NY Appellate Division Affirms Smartmatic's Suit Against Fox

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> 2023 WE 1974442, Supreme Court, Appellate Disosien, First Department, New York

SHARTHATE PAA CORP. visk. Plantile Reprodum: Appellant

FOX CORPORATION, et al., Determine Appellante, de spandente, Januar Parte, Defendante de spandente, Jadas a Possetti Defendante.

17049

Index No 151136(2)

(mc So 2022-00291

Entered Fernary 14, 2023

Attemps and Las Firms

Minica & Gold LLP, New York (Sies an G. Minic of counsel), and Clement & Murphy. PLLC, Alexandria, VA (Paul Clement of the bas of the District of Cohembra, admined pro hac vice, of commely, for Fox Corporation, Fox News Network LLC, Lou Dobbs and Manu Bartnerne, appellaussrespondents, and Yeanne Parto, respondent.

Resse Lim LLC, New York (Adam S, Kate of counsel), for Rudolph Guilant, appellant-respondent.

Benesch: Pitoflankler, Coplan & Arourff, LLP, New York (Edward C. Wopers and Joel Enk Country of the har of the State of Thuson, admitted pro law vice of assumeds for respondents-appellants.

Acusta, P.J., Willies. Meshnat. Shalman, Higgin, JJ

Oplation

THE R. D. M.L.

<sup>14</sup>1 Onlin: Superior Court. New York Courty (David II: Cohen, J.), interection or about March 8, 2022, which, to the existen appealed from (1) granted defendant leastney Purely motion in durinis all causes of action assented against her. (2) granted, in just, defendant Rudolph Gialian's motion to distance all causes of action avained against him to the evices of domining the third, fifth and much causes of actions. For Corporation, Fox Sciwe Network LLC, Low Debbs, and Maria

Biotroponi to dismuss all causes of action asserted spaties liters, unarimensily modified, on the law, to dismuss the causes of action awared against defordant Fox Corporation without prejudice to repleading, and to reamage the causes of action that were distained as against defordants Giuliani and Pinny, and offers us affirmed.

Supreme Court correctly declined to discuss the defaustation chains assemb against Fox News, Dobbs: Bortmonic, and Gulania. Under News York's Arth-SLAPP seamle (Civil Highes Law, 4): 76–61 (Hall, 12)), to wathstand discussed under (DOLP, 72 (HgV1), the chains pleaded must have "a intraaming hasis in law, "which requires 'such relevant plots in reasonable mind may accept as adequate as support a intechnique (PLC), 105 ALD AL 707, 710–714, 128 NYS 54 M [24 Dept. 2015]). The intechnique detailed complaint sumful disc requirements of OS 0. (DULGO)

The causes of action for defanation were based on sumfrom allegations that defendant Giuliani (and defendant Powell, against when the action has been dismused) made defanistory statements about plaintiffy involvement in the 2020 Presidential election while knowing that the statements were false, or at least with recklets disregard for the traffic Those causes of action also allege that defendants Fox News. Dobbs, and Barniromo did not marchy report the new sworths fact this the President's campage lawyers were tecklowly making statements conveying failse information. Rather, the complaint alleges in detailed fashion that in their coverage and commentary, Fox News, Dobbs, and Bartronio effectively. endorsed and participated in the statements with reckless. disregard foi, or serious doubts about, whether the assertions. or implications that plaintiff's hid participated in election fraud had any have in treth or were supported by any reliable evidence

Smartmatic USA Corp. v. Fox Corp., 2023 WL 1974442, at \*1 (N.Y. App. Div. Feb. 14, 2023)



#### NY Appellate Division Affirms Smartmatic's Suit Against Fox



Fox News, Dobbs, and Bartiromo stated that Smartmatic's election technology and software were widely used in the 2020 election and in Dominion machines to switch votes, when they actually knew, or easily could have known had they not purposefully avoided publicly available knowledge, that in 2020, the Smartmatic technology was used only in Los Angeles County and that the vote switching claims otherwise had no support

Smartmatic USA Corp. v. Fox Corp., 2023 WL 1974442, at \*1 (N.Y. App. Div. Feb. 14, 2023) "[T]he fact that in this case the truth was both generally known and generally available is further circumstantial evidence of 'actual malice."

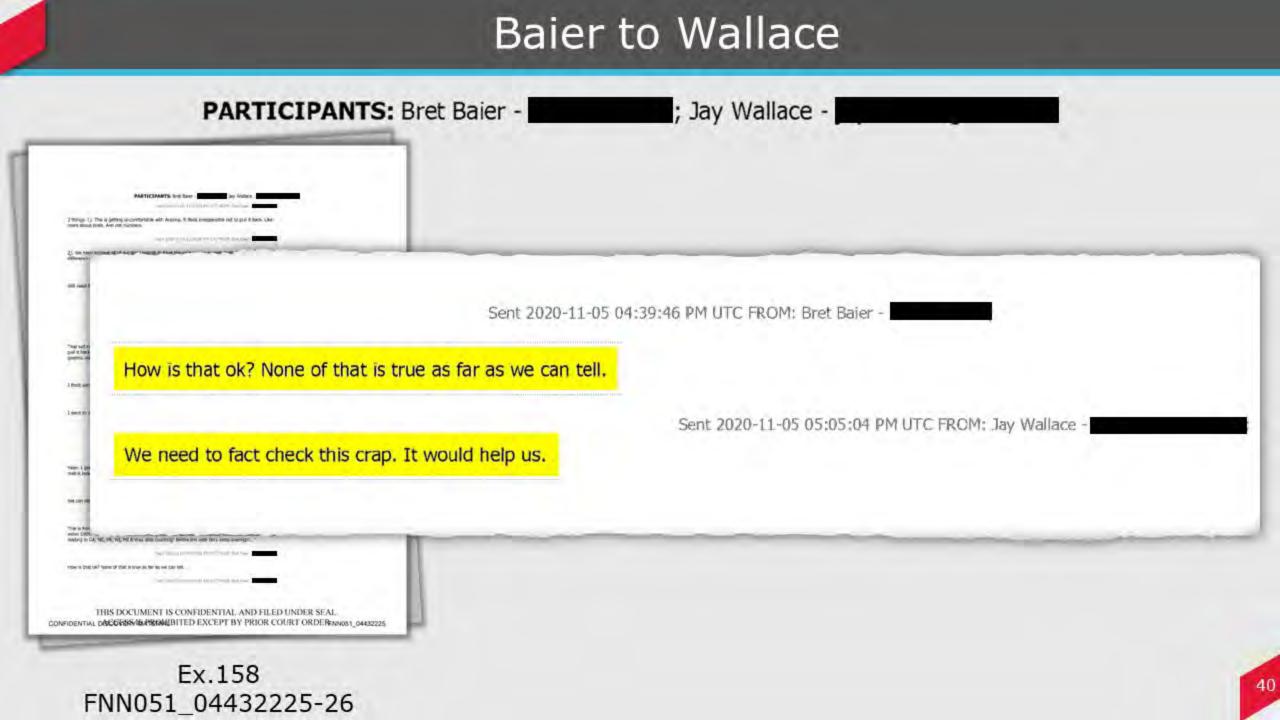
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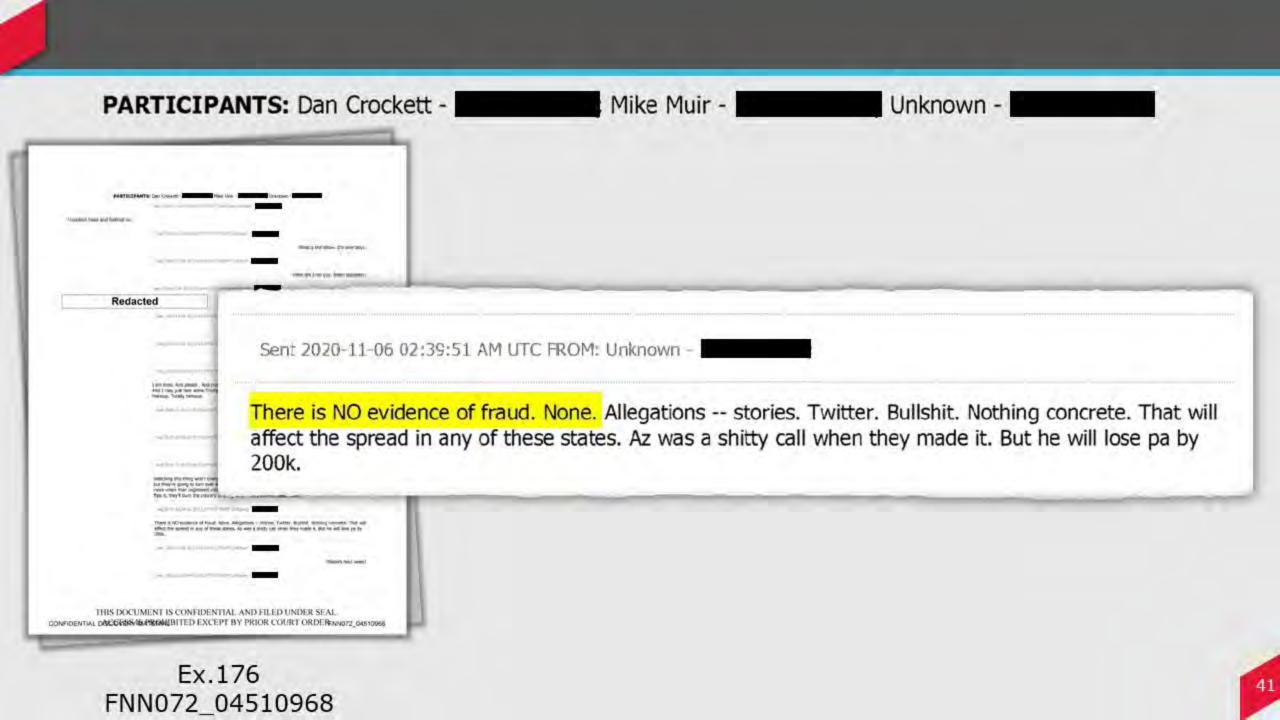
"[R]eliance on anonymous or *unreliable* sources without further investigation may support an inference of actual malice.", citing St. Amant, 390 U.S. at 732, 88 S.Ct. 1323.

36

## Ingraham to Carlson and Hannity

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#### Murdoch's Own Outlets Reported on Lies Told About Dominion

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	yesterday em	phasizing a complete lack of evidence to support recent claims against		
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## Responsibility is Shared, Up and Down the Chain of Command



Viet Dinh

Chief Legal and Policy Officer Fox Corporation



Ex. 601 287:12-19, 316:5-25 Q. If any of the people in that chain of command who had the power to exercise control over Lou Dobbs' show knew that what Sidney Powell was alleging was false, <u>didn't they have an obligation to</u> <u>prevent her from coming on the show to tell those lies?</u>

A. Yes.

\* \* \*

- Q. But when the executives at Fox News know that hosts of shows are broadcasting allegations that the executives know or believe to be false, in that situation, the executives have an obligation to act, right?
- A. If they are within the chain of command and if they -- and if they come to that knowledge, yes.
- Q. And by "act," that means to put a stop to it, right? <u>They have an</u> <u>obligation under those circumstances, the executives do, in the</u> <u>chain of command, to put a stop to those broadcasts, right, sir?</u>

51

A. Yes, to prevent and correct known falsehoods.

# David Clark (SMF, JJP)



David Clark

Senior Vice President for Weekend News and Programming



Ex. 106 22:7-17 Q. And indeed, you often consulted with both Sunday Morning Futures with Maria Bartiromo and Justice with Judge Jeanine on who would appear on their shows during this timeframe, correct?

#### A. Yes.

Q. And you also consulted with both shows on the content of what would appear on both shows during this timeframe, correct?

A. Yes, to some extent.

# David Clark (SMF, JJP)



David Clark

Senior Vice President for Weekend News and Programming



Ex. 106 150:20-151:1; 155:22-156:2 Q. By November 6, sir, you did know that there were false conspiracy theories circulating generally, correct?

A. I am going to say yes.

\*\*\*

- Q. To the best of your knowledge, on November 6, 2020, you did not believe that the election was being stolen, did you?
- A. I did not.

## Clark Cancels Pirro Show: "I Don't Trust Her To Be Responsible" and "Going Off on Her Conspiracy Tangent"

I have a 130 news call but need to talk JJP right after. Bottom line - I don't trust her to be responsible tomorrow. Her guests are all going to say the election is being stolen and if she pushes back at all it wil just be a token.
Sent 2020-11-06 01:44:23 PM EST FROM: David Clark -
Despite what she said to Jerry and me she's now going off on her conspiracy tangent on a show staff call.

## STRS "Tattooed on My Body"

ext OFE Suring The Record Straight (Jan	HI FEILLA PROPERTY
r Clod, Devel Sanatho, November 14 (2020 7:02 PM) from 6 Frid yet: R.: Some The Record Strangh Update: Frain &	From: Clark, David
haren et fatteoerd on my budy af this potait. I verhage I Clark - SVP, Foy News	Sent: Saturday, November 14, 2020 7:02 PM
Stars for Sanda, November 14, 2020,7500,18 PM, are, David	To: Shawn, Eric
r: Sotting The Record Straight Update: Facto & Rom 9 need to keep the bands panentses of	Subject: Re: Setting The Record Straight Update: Facts & Rumors
Annuncia Victori Systems molte, Netranice 14, 3(2):4-54 PM	
(EXTERNAL) Setting The Record Straight Update	Oh I have it tattooed on my body at this point. I woke up after too much vodka and there it was!
	David Clark - SVP, Fox News

Ex.234 FNN007\_00019085

## Clark Relied on Pre-tape for Nov 8 Show

	TARTERA	ITS: Abby Grossberg -		nknown - a
		Sent 2020-11-07 06:44:	6 PM EST FROM: Abby Grossberg -	
	Maria is calling you now			
		Sent 2020-11-07 06:4	:42 PM EST FROM: David Clark -	
nte anne el papa to a la al Tix par				Yes. We're keeping him
Service we read to lear idea address Parry.		Sent 2020-11-07 06:51:	3 PM EST FROM: Abby Grossberg -	
( ) the class finance well (	Got it. She's going to call him i anyway, she'll tell him it's inap	in the morning and ask him to p propriate	lease not criticize fox on the air. If h	e does
		Sent 2020-11-07 06:5	58 PM EST FROM: David Clark -	
			Right. And she	will push him on concrete evidence of fraud etc
		Sent 2020-11-07 06:55:	B PM EST PROM: Abby Grossberg -	will push him on concrete evidence of fraud etc
	That's why we booked him. If a presenting along with them.			
ENTIAL AND FILED UNI	That's why we booked him. If a presenting along with them.	they're dropping suits on Mond	3 PM EST PROM: Abby Grossberg -	
AND FILED UN FPRIOR COURT	presenting along with them.	they're dropping suits on Mond Sent 2020-11-07 06:56:	3 PM EST PROM: Abby Grossberg -	ey're

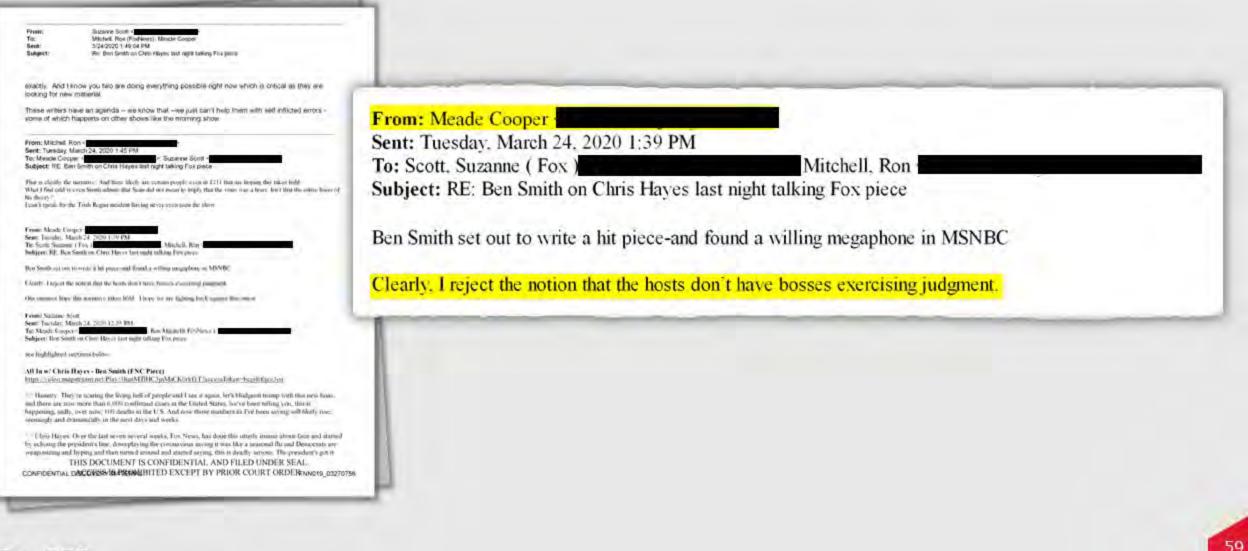
## **Clark Watches the Pre-Tapes**



## Clark Tells Bartiromo To Stop Booking Rudy and Sidney

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	Here Birt is 20.7	
-	. Antirig (which Down	
atterna tali terma	er ant to lange body before your	
nin Allangi di semipenti di st nan yangangi di di Yuni M	Sent 2020-12-14 10:10:56 F	M UTC FROM: Abby Grossberg -
		"There are 3 guests fox is banning because of legal reasons and your hosts and Ellis, Sidney." Said it's bc of snartmatic suit. I don't think Rudy hasn't
	mentioned dominion small	tmatic or machines since Sidney split off on her own.

#### Meade Cooper (Justice with Judge Jeanine, Hannity, Tucker Carlson Tonight)



## "Very Hard to Credibly Claim Foul Everywhere"

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From: Mundoch, Rupert Seni: Friday, November 6, 2020 6.36 AM To: Scott, Sizarana Subject: Polls. Theory total taking legal across but in calmer vose: Enventing averne to be revering to Bolica and if (Danag balances is were lower we thend watch Sam expectably and others don't researd the same. Not there exit, but address are expectedly and others don't researd the same. Not there exit, but address to mark the same set of the same of the same. Not there exit, but address consider power semilities. If Holes folds is a Nevada, Georges and Re constitutions with Four and Frenchic seconds power semilities. If Holes folds is a Nevada, Georges and Re constitutions with Four and the same and the same. Privat instrumes halt address and the same plane, of threads in Vescender, CNN lead none. Here we instrud at Sand frame on illinois:	From: Murdoch, Rupert Sent: Friday, November 6, 2020 6:36 AM To: Scott, Suzanne Subject: Polls.		
EDWFRIENTIAL DISCOVERY MATERIAL	we should watch Sean especi- Not there yet, but a danger.	ang to Biden and if Trump becomes a sore loser cially and others don't sound the same d Friends sounds pretty sensible. If Biden holds Az, Nevada, Georgia and Pa <mark>very hard to e.</mark>	
Ex.747	Finally got Fox on here and	nice to see plenty of breaks! Yesterday CNN had none. But so biased as to be unwatchable!	

## **Testimony of Meade Cooper**



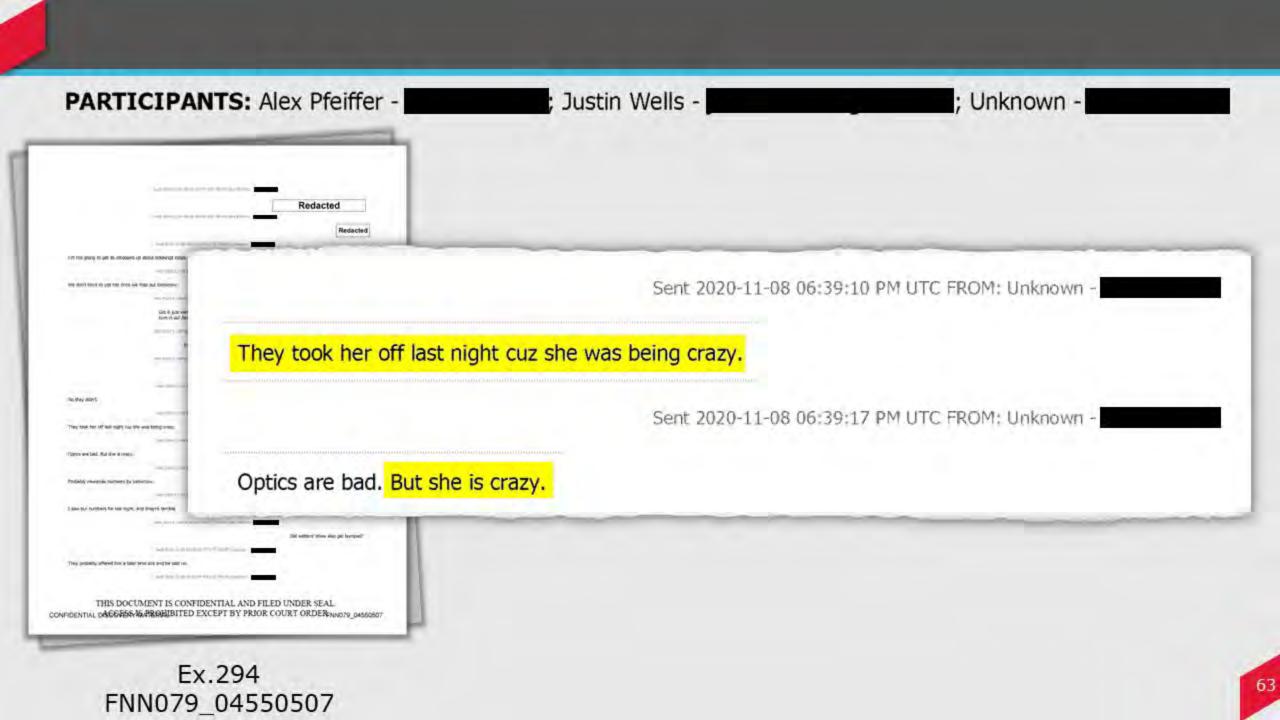
Meade Cooper

Vice President of Prime-Time Programming



Ex. 108 194:1-6 Q: Do you believe as of November 6 that going on television to say that the election is being stolen would be a conspiracy theory?

A: I agree that that would not be based in fact at that point.



# Ron Mitchell (Hannity, Tucker Carlson Tonight)



Ron Mitchell

Senior VP of Prime Time Programming and Analytics



Ex. 129 19:3-10 Q. And your current title is senior vice president of Fox News Channel prime time; is that right?

#### A. Prime time programming and analytics, yes.

- Q. As part of that job, is it fair to say you have some level of editorial oversight over those prime time broadcasts?
- A. Yes.

#### "I Beat Her Back on Dominion Saying We Would Have to Tell The Truth"

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	This dominion shit is going to give me a fucking aneurysm - as many times as I've told Laura it's bs, she sees shit posters and trump tweeting about it - she wanted to invite an 8chan poster on about this
The by the BM Components by a spectry wave Read	Sent 2020-11-12 02:14:51 PM UTC FROM: Tommy Firth
Nor a 1 ping (ni kanin) <sup>1</sup> ( pin pint i niny) (ni 1) pin tana.	Might need help today
) see he bed at an even when a work here to the the set as the pairs to prove the pressing table lies an exit each even when and marke to the command watt	Sent 2020-11-12 02:22:53 PM UTC FROM: Ron Witchell
No tech or all try to and in	This is the Bill Gates/microchip angle to voter fraud.
The part of the period survey.	Sent 2020-11-12 02:23:50 PM UTC FROM: Tommy Firth
	Ron - an 8chan poster
	Sent 2020-11-12 07:07:35 PM UTC FROM: Ron Mitchell
	How is it going the kooks? I just sent a story that's great Laura,
	Sent 2020-11-12 07:08:20 PM UTC FROM: Tommy Firth
THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL. NFIDENTIAL DACCORSNIG. MREMARINE DE EXCEPT BY PRIOR COURT ORDERINNOS3_044332	I beat her back on dominion saying we would have to tell the truth and this make the president look like an idiot and expose you and maybe fox to his continued wrath

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[14.07.29] Well, they would take it to yourt. They well is yould be where the attrements were ordy. I downs, three starepresits were made publicly and vidine have a friendly versue someplace where they could bring that on the acculations. These acculations have been mail thornelves or on behalf of the president's companie. prove these allegations or withdraw. You can't have it is just sort of Jaisyo it there and not and not do what p they're accurate, that the American prophydremy're deal with the outcome of the electron if they're false indus the credibility of Mircor Gulane and his pal. In Score and Hillary Cloton engaged in an effort with th anticents. Madoro, to somehow rashes underness the a controlized plot of todespread cores fraud in hig preone one way or the other. And throughout all of data a serve the coorny by bring has and unsupported and a their case. That's why they've lost, I think, virtually a ctains dead to sights that they some knepsity these Repar To: Sent: Subject:

From:

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at the conference who put us in a terrible place.

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What Dana said would never have been picked up if for Fisher. And I'm not mad at either of them: I'm mad at those clowns

From: Mitchell Ren : Sent: Theodory Societies 19, 2020.1 (4 PM Tec Allows, Meyers ) Subject IV \*\* Wood dot\*\* Tackitch to part Transport

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Yes. But those clowns put us an awkward place where we're going to need to thread the needle.

From: Firth, Thomas <t< th=""><th></th></t<>	
Sent: Thursday, November 19, 2020 2:43 PM	
To: Mitchell, Ron < P	
Subject: RE: Prelim Ingraham Rundown - 11/19	

Haha nope --- basically want to wrangle the argument away from the crazy that was today --- its easy to dismiss legitimate complaints when you can lump them in with the circus

#### From: Mitchell, Ron <

Sent: Thursday, November 19, 2020 2:40 PM

To: Firth, Thomas

Subject: RE: Prelim Ingraham Rundown - 11/19

Will you be mentioning the international crime conspiracy to steal the election featuring Soros, Maduro, Chavez, Antifa, Cuba and China?

#### Lauren Petterson (Lou Dobbs Tonight; Sunday Morning Futures)



Lauren Petterson

President of Fox Business



Ex. 133 243:20-25 Q. You do have the power to approve whether a guest appears on any show, correct? On Fox Business.

A. I do.

## Petterson and Schreier See an Opening

	PARTICIPANTS: Gary Schreier - Lauren Petterson -
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exercises dans and people to go to reactions. 	Facebook starts telling people to go to newsmax.
	Sent 2020-11-08 01:09:19 AM UTC FROM: Gary Schreier -
and a constant of a constant o	You know though between us. This is a problem for the channel yes. But if we keep doing what we d fbn will get a bunch of the disenfranchised folks too.
Dia (The R Land The	Sent 2020-11-08 01:10:27 AM UTC FROM: Lauren Petterson -
100 percent. I	was talking about exactly that with my husband last night. It's actually an opening for us
chain the Royal page of the electron - i know Bit	Sent 2020-11-08 01:10:53 AM UTC FROM: Gary Schreier

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United States

From:

10:11pm November 07, 2020 EST CHATTER

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Coordination on 4chan calls on users to spread claims that Dominion voting systems were used to commit voter fraud: Local Source via 4chan.

Dataminr Urgent <alert@dataminr.com>

Petterson, Lauren

View on 4chan

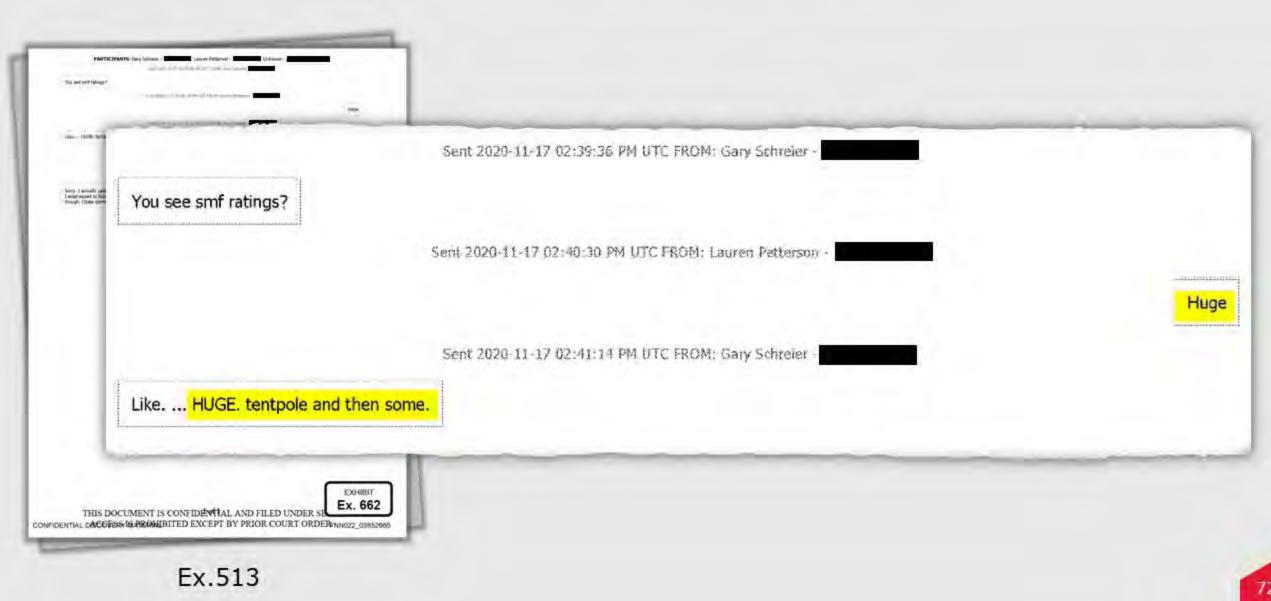
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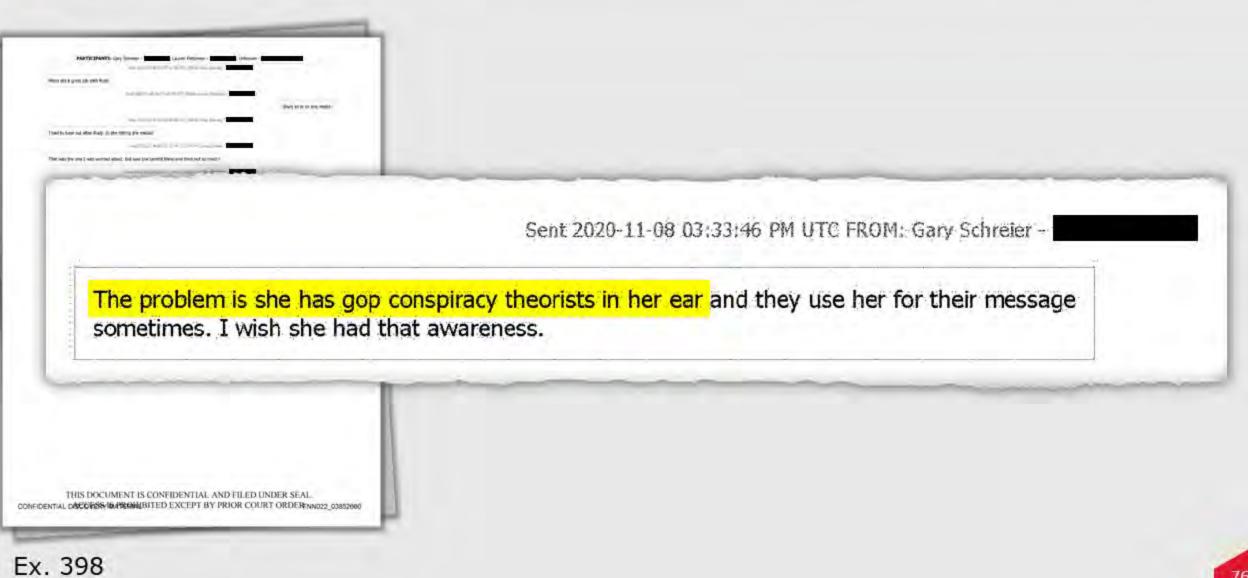
United States

Ex.285 FNN012 00119269

## Schreier and Petterson on SMF



#### Nov 8: Bartiromo Has "GOP Conspiracy Theorists In Her Ear"



## "Tons of Crazy" in the Nov 8 Broadcast



## David Clark and Jay Wallace



David Clark

Senior Vice President for Weekend News and Programming



Ex. 106 43:22-44:6, 46:4-18,

- Q. How does the process work within Fox or how did it work during this timeframe from September 2020 through April of 2021, regarding the decision not to book a particular guest?
- A. I would say it was done it could be done just by me. It would be done by me in consultation with people such as Jay Wallace. I am just trying to think of anybody else that may have affected Sunday Morning Futures. But it also could have just been my judgment call that this person was not a right fit or the right kind of guest for that show at that time.

## Clark: Wallace and Cooper are My Superiors



David Clark

Senior Vice President for Weekend News and Programming



Ex. 106 133:6-22 Q. Why did you let Mr. Wallace and Ms. Cooper know that there was push back that Ms. Bartiromo was allowing Qanon conspiracy theories to be aired on her show?

A. Very simply, they were my – two of my superiors.

## Rebroadcasts: Clark, Petterson, Schreier, Scott, Wallace



David Clark

Senior Vice President for Weekend News and Programming



Ex. 106 39:9-41:19

- Q. Who would have authority to edit out false claims from a broadcast of Sunday Morning Futures before it was rebroadcast on Fox Business Network at 6:00 p.m. or later on that evening?
- A. It was -- I believe, the original repeat is at 6:00 p.m. Eastern, I don't know if that's still the case, but I can only assume that it would be Lauren Petterson who was the president of Fox Business or under her direction.
- Q. When you say under the direction of somebody else, who would that be?
- A. It could be me. I suppose it could be Lauren Petterson, although I don't know if that ever happened. But it would have to be senior programming executive of some type.
- Q. Senior programming executives of some type would include yourself, correct?
- A. Yes.
- Q. Senior programming executive of some type would include Jay Wallace, correct?
- A. Yes.
- Q. Senior programming executive of some type would include Suzanne Scott, correct?
- A. Yes, in my opinion, yes.

### Schreier and Petterson Can Prevent Rebroadcasts on FBN



Gary Schreier

Senior Vice President of Programming Fox Business Network



Ex. 142 132:1-5 Q. So, Fox Business's management had the ability to say we're not going to rebroadcast a show on Fox Business; right?

A. We have that right.

#### Fox Corp Admits False Claims Should Not Be Rebroadcast

Joe Dorrego-30(b)(6)

CFO and COO Fox News Q. And the expectation of Fox Corporation when it does that is that Fox News executives will not allow false claims to be rebroadcast, sir, correct?

A. That is correct.

Ex. 759 510:16-21

## Testimony of Suzanne Scott



Suzanne Scott

CEO Fox News



Ex. 143 365:10-19 Q: [Y]ou believe, since at least the time that Fox News called the election on November 7th, that Joe Biden was legitimately elected the President of the United States, correct?....

A: Yes, I believe that.

## Scott Relays Murdochs' Instructions

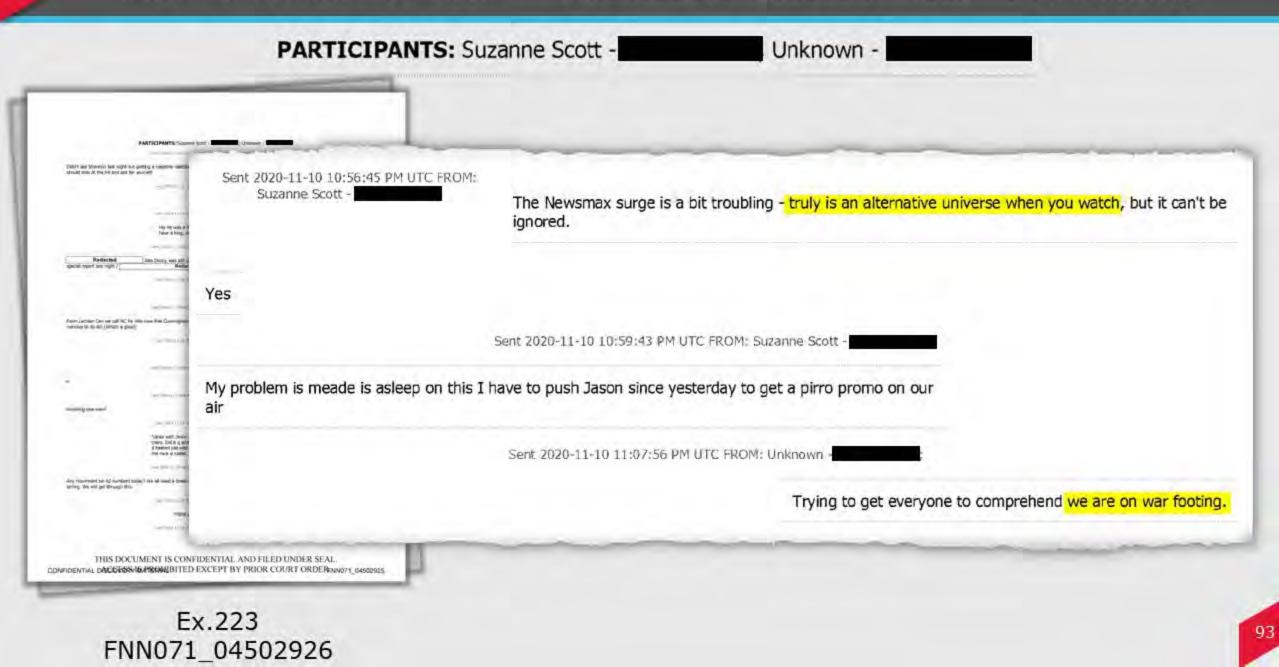
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### November 9: Scott to Lachlan

Yee. Her hav and makeup person only one wan contact bail both were insisted and she had extremely limited excessive to anyone else but we are doing all the protocole-inveryone here masked and social distancing we tender information available. https://www.news.com.au/vetertainment/oviebray-ille/aucklasts		Start DateNovember 9, 2020 1:09:46 PM ESTEnd DateNovember 9, 2020 11:56:50 PM EST	
<ul> <li>Kom fanis alfan kary peny kwoded about us sekctorshews dory felicitecore852/98/20021450a1903d</li> <li>Sung Statistication mentation fan fan Statistication fan de implaating boerne penis AE Amarina in the Electron Constitution (Constraints and the Constraints and the Constraints and the Constraints and the Constraints and the Constraints and the Constraints and the Constraints and and a department and an Alexandra and Constraints and the Constraints and the Constraints and the Constraints and a department and an Alexandra and Constraints and the Constraints and t</li></ul>		Chat     Suzanne Scott     Suzanne Scott       Accoun     Lachlan Murdoch     Message)>.       t     Scott     Sms)>, Lachlan Murdoch       Murdoch     Mms)>, Suzanne Scott	Suzanne Lachlan , Suzanne
I thought you'd be interested in this article Marthe was great with seaked	120.11	Scott < ms)>, Lachlan Murdoch	(ms)>
Success Scott -			
She wanted to show she taskid take on Deme			
Ni kendini informaticini kunalatidari			
Ni sender information avalation		It's two days after Biden was declared President elect. Viewers	21.40.12
	-distants	It's two days after Biden was declared President elect. Viewers	21:40:12
He didn't know what hit frim Check out the commente below tuckers post lonight on		It's two days after Biden was declared President elect. Viewers going through the 5 stages of grief. It's a question of trust - the	21:40:12
He don't know what hit him Check out the comments ballow tuckers post sanight on watagram.		going through the 5 stages of grief. It's a question of trust - the AZ was damaging but we will highlight our stars and plant flags	
He didn't know what hit film Check out the comments balow tuckers part tonight on matograin. Internet Scotl - Minimumpers. If is two days after bloch was because threadent earch. We add process the stages of grief if is a curves on o bust- A2 was demaging but we will highlight our stars and plant		going through the 5 stages of grief. It's a question of trust - the	

Ex.214 FoxCorp00056541

#### Nov 10 Wallace to Scott – "Alternative Universe" and "War Footing"



hoec	Subt. Submy -/D-EXCHANGELABSIOL/EXCHANGE ADMINISTRATIVE GROUP INVDIBOH7255/DLTyCN-RECIPENTS/D+650/2014/64/00040576010H3
To	Skitzens, kreine (Foolewe), Walteler, Jean (Foolewes)
Sent:	11/11/2020 0.50-20 AM
Subject:	Re: Pox News' betrayd - liferé is a grestion fungrig in the bit

Out talent must stop it mesercting the automice. What she did and their obatch think the American antience is summa usually to make a devotion for thermelive Toutible. If they don't get it they don't itumive the scale of our placfmu to this

Warran has been working on it with Borghton and with his not determined and them daily. Sandra should have addressed at this point - I would suggest she do where out the need, I and must breakfriter normalizing a gid a it already have been to look like we are constant to Bentbart if we do it holey. Not more one Alexa

Have on Faired out of to ad the? Mry damaging on many levels. This process Has Sandra addressed that". This impacts for relationship with the successolar

Sent: Wednesday, November 11, 2020 6 45 AM

To: Briganti, Irena (ForNews), Scott, Suzanne-

Expedid with Warner their marriage - they are descent. Will get to Alas 100 thertory. Rev.

Sent: Websender, New senters 11, 2021 0.20 A.M. Ta: Scott Stammer ( Forv') Cr: Wallass, Jay 1

Subject: Rr. You News' destinal - Bose's a specilies

On Nov. 11, 2020 of 9-15 AM, Scott, Samone

Get Outlook Int iUS From: Wallace, Jay +

Front Height from

to this

From:

To: Subject: RE. Fox News' betraysil - there's a sumstion hanging to the air Sent: Subject:

Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO> Briganti, Irena (FoxNews); Wallace, Jay (FoxNews) 11/11/2020 9:50:20 AM Re: Fox News' betrayal - there's a question hanging in the air - American Thinker

Out talent must stop disrespecting the audience. What she did and then what Neil did was worse. Neil doesn't think the American audience is smart s ought to make a decision for themselves in watching a press conference? Terrible. If they don't get it they don't deserve the scale of our platform to diminish our viewers.

Get Uhthick Siz (US

From: Broinsti Incha-Sent: Wednesday, November 11, 2020 5-82 AM Tec Kommaroff, Alart (For News) Cer Sort: Summer Wallner, Jay (ForNews) Subject: Re: Fou Neou' betraval - these's a question languag in the air - American Phisket

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> Ex.219 FNN019 03574669

## Nov 16: Dominion Reaches Out to Scott and Wallace

than Frank Wellison, Jay Wellin, Antonawa (Fary) Him6/2020 9 45 39 Adv ctr. We Mainling re Denator	
Name internet your thoughts. S	From: Tony Fratto
Tony Frato	Sent: Monday, November 16, 2020 9:24 AM
Sent: Monday, November 18, 2020 9:24 AM To: Scott Suzanne Subject Bunking re Dominion	To: Scott, Suzanne Wallace, Jay (FoxNews)
Suzanne and Jay - Tony Fratto twice from Hamaton Place Strategy	Subject: Briefing re Dominion
ent is Dortation Voling Systems which, as you know, has received aver and from the President. An encentrus amount of mainforms	
ble wrong information — is finding its way brief . I was examining ting an off-training coold briefing from Dominion to walk through this is	Hello, Suzanne and Jay Tony Fratto here from Hamilton Place Strategies.
a know if you want to decruss turther. Also, I hope you know I have it my usual way to go this route – I prefer to arways talk to on-air w tuation is crossing dangerous lines.	Thene, buzunne and buy Thene here non Hamilton Theore brategies.
46.Y	My client is Dominion Voting Systems which, as you know, has received a great deal of attention on
Tony Fratto Namilton Place Strategies	FoxNews and from the President. An enormous amount of misinformation actually, completely and
■ +1.202.4505 ■ +1.202.4505	verifiable wrong information is finding its way on-air. I was wondering if you both would consider
www.hamiltonpepointmengies.com e @bonyframo	accepting an off-the-record briefing from Dominion to walk through the business and our concerns.
- Harrad	
The first any action party of all addressed in any contain contrained at the manufact of it real the same and the party of how all any action merchanic the service and the service and any merci- net and any action of the party of the termination of the service and th	Let me know if you want to discuss further. Also, I hope you know I have many friends at FoxNews and
	it's not my usual way to go this route I prefer to always talk to on-air talent and producers, but I think
ressage and its attractionmits may commutively privileged or confidencial in most addresses(c). If you not one an influence milliameth in the measure (ar- ge to an addresses(c), you may not copy in deliver that message or its associ- usingly deliver that measure and its attractionmess and kindly writty the semin- ger and its associations of the does not indice to the official functions of For A errors are written advected by any of them. No representation or means are written advected.	this situation is crossing dangerous lines.

Ex.235 FNN008\_00022197

#### November 19: After the Press Conference

Scott Student Walking Jay DCI. Brigani, érena 11:16:2020 4 25 26 PM De, minten Patter today in the top of Dank y stress and Dana's comments on Dominion unhalpful area. concerns meds to talk to M From: Walace Jay 4 Sant: Thursday Movember 10, 2020 4 21 FM Ter Scott Sugarne -Cc: Brigard, Irena (Foshier Subject: Re Kristen Fisher today it the top of Darw's stor locally arrive. She has been spliken to - internet definishly selard spice if The New TV, SUDIL to 4 TV PAT Second Se The getting major incoming on her editorializing at the top of Dana's Initial and Nat indifference to the audience We need to manage this

I saw she just oid a ht in Cavalo. Htope she didn't divible down

I carril keep defending these reporters who don't understand our viewers and how

The exclusive feate like we crapped on and we have duringed then fould and been

We lost 25h subs from FOX NATION.

We can fix this but we cannot american our verwers any longer

5

This message and in scruchington mix released highly prelidiged or confidential information (in the cased difference) is two dark not or addresser endedled in this constant (or endedled the message to an addressed). Syon mix rist copy or defiver this message or also infidentiate absold parameterly different two message and on attachments and Undiff, usually the writer by content of the orienting and in a stachments that does not robust to the attach and as a addressed to a stachment of the stack of the orient of robust to the other of the other attached to the content of the orienting and in a stachments that does not robust to the other of the other other other. No representes end or up a membership may a which does not be observed by any of them. No representes

The emission and an articlements user remain headly enrodued or conditional information for the messed addresses(i). If even means an addresses indexided in this messes, the enrolling interactions of addresses(i) of the enrol of the interaction of a metal-messe should permanentify delaye this encouge and its studements and kindly wolff, the sender for THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER CONFIDENTIAL DAGESSAVA PROMIBILED EXCEPT BY PRIOR COURT OF On Nov 19, 2020, at 4:19 PM, Scott, Suzanne

I'm getting major incoming on her editorializing at the top of Dana's show and her dismissive tone and indifference to the audience.

We need to manage this.

I saw she just did a hit in Cavuto. I hope she didn't double down.

I can't keep defending these reporters who don't understand our viewers and how to handle stories.

The audience feels like we crapped on and we have damaged their trust and belief in us.

We lost 25k subs from FOX NATION.

We can fix this but we cannot smirk at our viewers any longer.

Ex.250 FNN008\_00022461

### "This Has to Stop Now. The Audience is Furious."

BUR, Summer-OreXOHANGELABS/OLIVEXOHANGE ADMINISTRATIVE GROUP FYDEOHF255FDLT) CNHREOPIENTS CMIEMPEMDA7504104888DA0F7ND10H438 ALCANNE SCO-Deeper, Milastr 12/2/2020 # 56 AC PM Subject Re. Fox News' Bile Billions Fact-Chicks Trang Dury Cleme

This has to stop one

The going to address this with you and far and Lowell temporary

This is had become and there cloudy is a lash of understanding what is impressing to these alrees.

The andresse is forens and wy are you feeding there unsertal

Red for Deserve

Get Outwill for iOS

From: Cooper Meade -Sent: Wednesday, December 2, 2020 8 54 PM To: Scott, Suzanne Subject: Re Fox News Eric Shawn Fast-Checks Truno 'Dunc' Clams. I any Eric Shown in their rendering contex and called atoms is Martha entity wanted into and their more going to work with time or mic editional. Why they would fact check a Hanny upon a beyond as: Sent from my illioni On Dev 2, 2020, in 8 45 PM, Scene, Sugar (in Outlook for iOS From: Whitnes, Jay 4 Sent: Wednesday December 2, 2020 8:44 PM To: Scott Samerine Cc: Lowell, Tom (FasNews) Subject: Re. For News' Eric Shawn Fact-Checks Trump 'Dump' Claims Printy size he wasn't assigned to in. Tom, way this a orthogent responsibly Marsha's show? On Dec 2, 2020, at 8/10 PM, Sonte Stammer

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#### Ex.254 FNN019 03561073

From:	Scott, Suzanne
	(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-
	SUZANNE.SCO>
To:	Cooper, Meade
Sent:	12/2/2020 8:56:46 PM
Subject:	Re: Fox News' Eric Shawn Fact-Checks Trump 'Dump' Claims

#### This has to stop now.

I'm going to address this with you and Jay and Lowell tomorrow.

This is bad business and there clearly is a lack of understanding what is happening in these shows.

The audience is furious and we are just feeding them material.

Bad for business.

## Scott Suggests Lindell

Franc Eugent Meable CO-EXCHANCELABSDURESCHARAGE ADMINISTRATUS (FYDEGOHE23SPOLT) CHARECHIENTECH-C2C076CBC2CEA01CB049E MADDL COORS Tol Lawell, Tom (Forders) CC: Soot Sutawer Pression, Lawen (Forders); CC: Soot Sutawer Pression, Lawen (Forders); Sent: 12/16/2003 10.31 A4 AM Subject: Rin Bookings	293D4ADC78-	
'll fer ynn knon a' ne haw any hack in Primetime		
ent from my throws		
ba Dec 10, 2020, at 9/23 AM, Lewisl, Tam /		
orkens sell me Sec Pampeo was exposed to C19 and is in quantime right now- e could not get Lindell on Sanday morning-show.		
in Dec 19, 2020 8.22 AM. "Seen, Stranow" -	On Dec 19, 2020 8:22 AM, "Scott, Suzanne"	wrote
tease let me know if we brok Pompeo and we Mile Lundell	Oli Dec 19, 2020 8.22 Aivi, Scott, Suzanne	wrote:
ary would hade get rannya.		
er Ourlack for IOS	Please let me know if we book Pompeo and/or Mike Lindell.	
in message and its attachments may contain legally privileged or confidential information the massed addressee (s). If you are not an addressee indicated in this message for resp.		
he message to an addressee), you may not copy or deliver this message or its attachment hould permanently delete this message and its attachments and kindly confy the sender)		
ontent of this message and its situationers that does not rolate to the official business of ubsidianes must be taken not the have been sent at endowed by any of them. No represen- mal or its attachments are writtent defect.	They would both get ratings.	
	FNN019_03671398	

#### Ex.668

### Jay Wallace (all shows)



Jay Wallace

President and Executive Editor of Fox News Media



Ex. 147 244:17-20, 171:9-13 Q. You were the executive editor with ultimate editorial control over the content of Fox News, right?

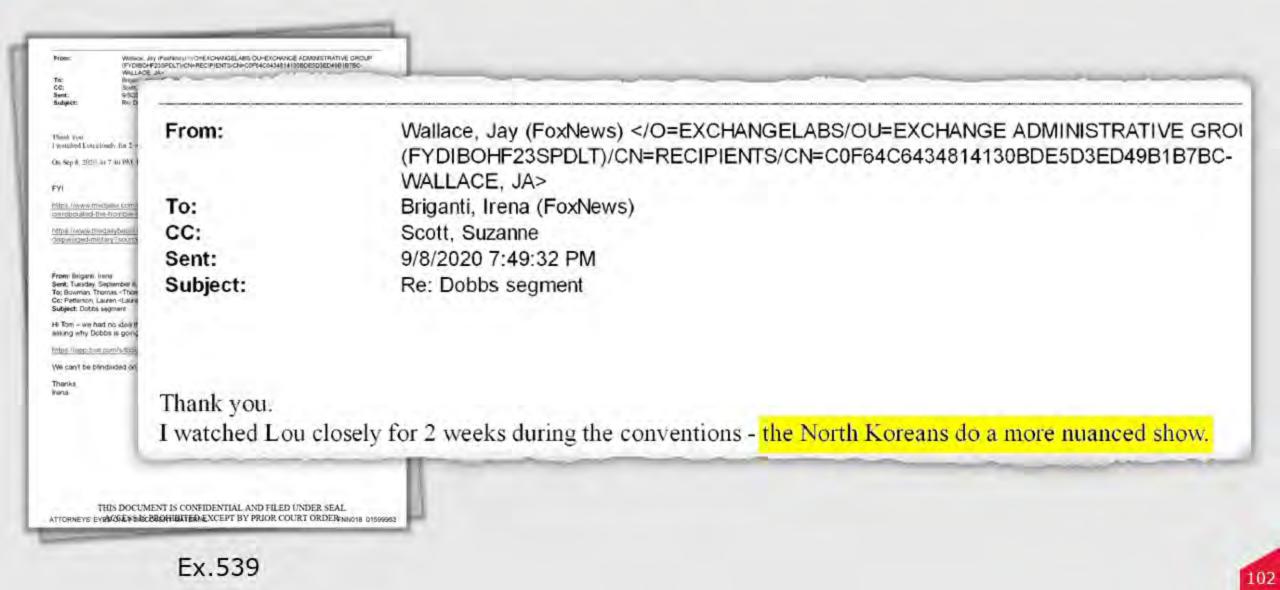
#### A. Right.

- \* \* \*
- Q. You had ultimate editorial oversight for the content broadcast on Fox News about the 2020 election, right?

A. Yes, ma'am.

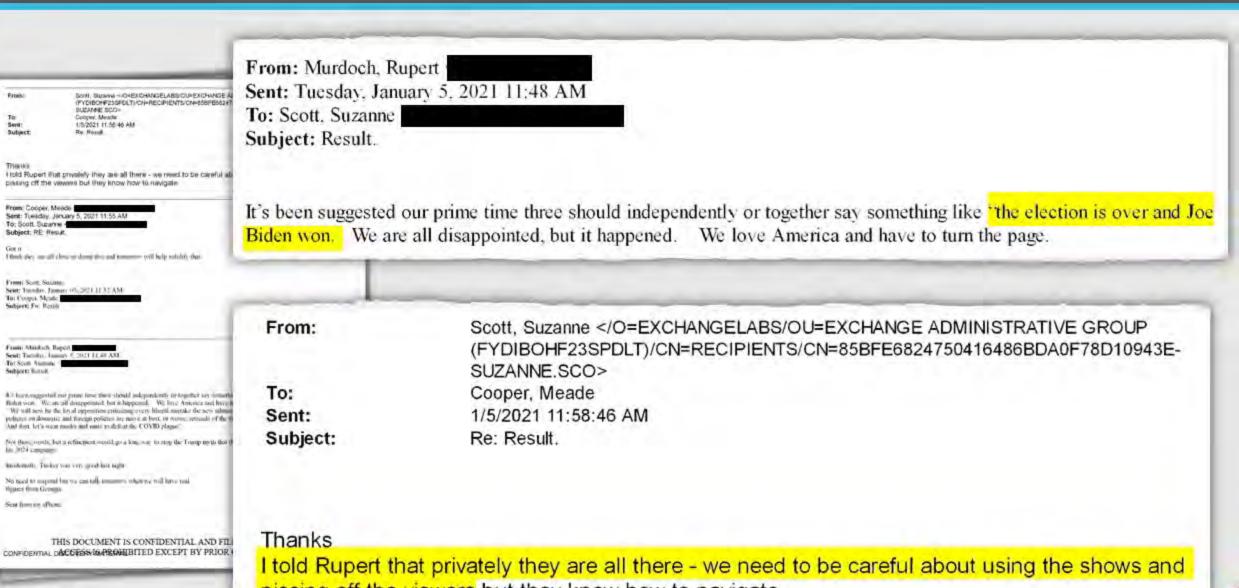


#### "The North Koreans Do A More Nuanced Show"



From: Brigard, Irina 4 To: Scott Sactaine: Walkion, Jay (Forlews) Sent: 12/1/2020 4:54:21 FM Subject: FW Washington Post Ingary	From: Barr, Jeren	ny <jeremy barray<="" th=""></jeremy>
and a second second second second	Sent: Tuesday, Do	ecember 1, 2020 1:45 PM
FY1 - we spoke with Laserst and Meade and there's sollows to ever	To: Ketner, Jessie	a Cronin, Caley
From: Bart, Joreny C Sent: Taesdar, December J., 2020 i 45 PM For Kruse, Jossia - La State States, Form, Cales, Subject, J.NTERNAL [Ouck, Oversion - Sidney Form]		NALJ Quick Question - Sidney Powell
Hi Jensica and Caley.		
As you may have seen, the attorney Sidney Powell appeared on hot last night	I wanted to ask:	does Fox News Media management have any concerns about the veracity of the claims that
Provell told Dobbs. "The system was set up to shave and this differe massive and fostorical egregous fraud the world has ever seen."		making on network shows? Is Sidney Powell welcome to appear on any Fox News Media show?
Powell fold Haunity: Voting machines "ran on algorithm that shave Baden," "used machines to trash large batches of votes that sheald I "used the prachine to inject and add massive quantities of votes for	Has Fox News M	fedia encouraged show hosts to fact-check claims about voter fraud? (I am aware, for example,
I oranted to ask: does Fox News Media management have noy com Pumull has been making or network shows? Its Salney Powell welce Has Ivec News Media encouraged show bosts to fact-closek claims or of Eric Shawn's continension on Sanda's alternoon about voter frond 3.	of Eric Shawn's	comments on Sunday afternoon about voter fraud.)
I am planning to write a story today about Powell's appearances on F the Triamp campaign distanced Powell from their legal operation on 5		
Thanks		
hormay This message and its attachments may contain legally privileged or-	From:	Briganti, Irena
for the named addressee. If you are not the addressee indicated in it message to the addressee), you may not copy or deliver this message	To:	Scott, Suzanne; Wallace, Jay (FoxNews)
should permanently delete this message and its attachments and kin content of this message and its attachments that does not relate to the	Sent:	12/1/2020 4:54:21 PM
Bioaness must not be taken to have been sets or endorsed by either emoil or its attachments are wellowt defact.		이 같은 사람이 있는 것 같은 것 같
	Subject:	FW: Washington Post Inquiry
ATTORNEYS EYES ONLY DISCOVERY MATERIAL		
-	FVI - we snoke	with Lauren and Meade and there's nothing to combat this, so we are not responding.

Ex.637



pissing off the viewers but they know how to navigate.

Ex.277

# Maria Bartiromo and Team Had Actual Malice

INION

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110

DO

#### Testimony of Maria Bartiromo



Maria Bartiromo

Host of Sunday Morning Futures with Maria Bartiromo



Ex. 98 152:17-153:4

- Q. And this is a common practice of yours, to jot down notes based on contemporaneous conversations that you are having with potential sources or individuals?
- A. Yes. I will write notes while I'm on the phone with the person to jot down what they're telling me.
- Q. Right. And do you recall writing these notes?

A. Yes.

Q. And were these notes based on a conversation you were having with Sidney Powell?

112

A. Yes.

#### Sunday Morning Futures with Maria Bartiromo

maria bartiromo From: Maria Bartiromoty, Grossberg, Abby To: 11/7/2020 5:18:57 PM Sent: Subject: [EXTERNAL] Sydney Powell Maria Barticonthy Ca 1/7/2020 5-18-57 PM We have to go to a full on war. They have used all systems to defraud. (EXTERNAL) Sydney Powell Hammer ore voting Bank. Want Tim To 1941 Party 294 NVI last all 194ad to better. The ibside in the vote total. the second secon paged hand he denoted many has been presed only incorporately haven treppense at mitta-strate in range president, in have re. Jake Jaco Jared says he doesn't want to hear about any Conspiracy theory. semilar by non-degain such-Everyone us excluding me from meetings. We have to file federal suits in every state. The periods to the Linearity in a regist of photo Could sufficient to him the la The Lowerty means of Angelia, but have to have this househow to be a set of the set of t campaign is not doing shit. The condition of the construct proton that will be directed by the construction of th They want to file 2 lawsuits in a couple of places. That's not going to solve the problem 4.4 the hort has made her little has blanced it the buddlement name The country needs to survive. We have to keep this president. Constants and a Wayer containing states in and they have abased by a ANDERY 10-11. The Property Analysis and a second state. Noone thinks anyway that people voted for Biden WTO RANGE CARD AND SHITTERAND. When the provider that carry well and a contract many for these .... The barrier of standing on the other senses, include, then determined of profil are be-Hammer meeting ( Flore and all A sophisticated computer system that allied site ration of votes. test (tow-ho thinks) Thete is also a dominion system that I didn't know about that has reported glitches & has been used in key states. And it adds on thousands of votes. Evidence- yes we have Statistical of impossibilities. And pictures of a man sticking thumb drives in voting machines. I go machine.a. The most imp points are 1) this was planned. It was sophisticated funded and orchestrated & uses all areas of fraud including digital We now know Nancy pelosi has an interest in it. \*\*\* It's directed also by Soros THIS DOCUMENT IS CONFIDENTIAL AND FILLED UNDER SE It's been used in 30 states. ATTORNEYS EVEN WERE SUBJECT OF DESCRIPTION OF DESCRIPTANTE OF DESCRIPTONOF DESCRIPTIONOF DESCRIPTIONOF OF DESCR It's not possible that 138 k votes come in all for Biden. None for trump. That doesn't happen.

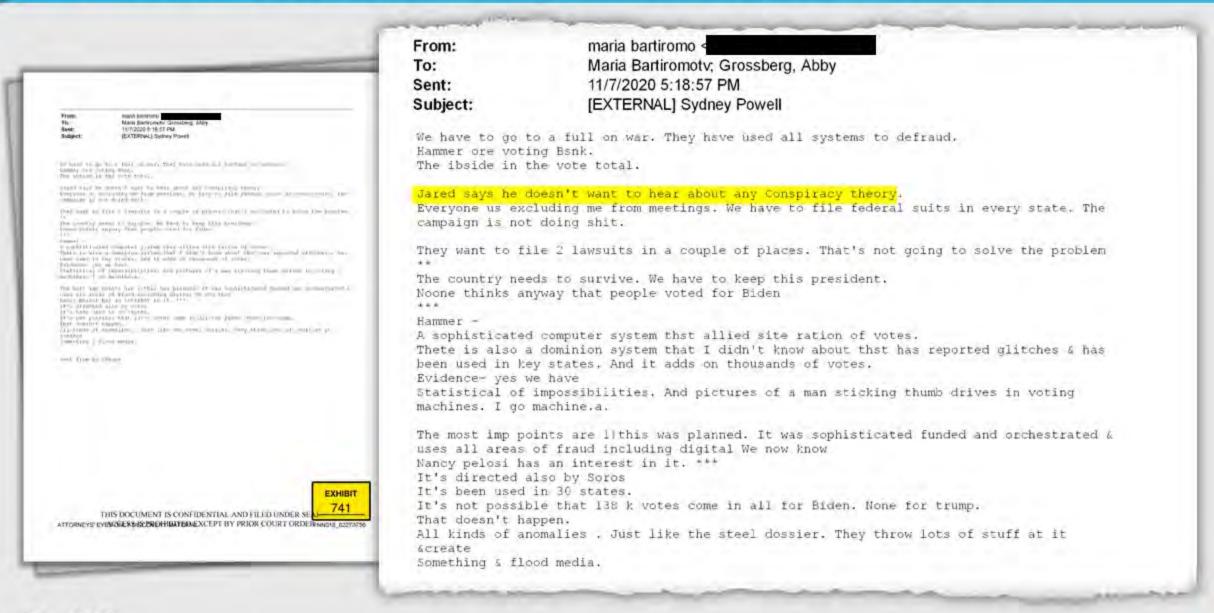
&create

Something & flood media.

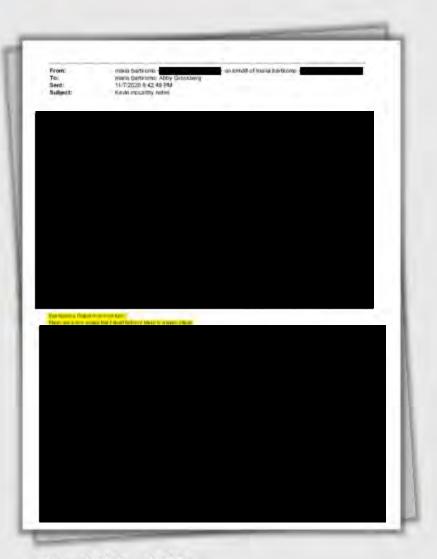
All kinds of anomalies . Just like the steel dossier. They throw lots of stuff at it

Ex. 207

#### Sunday Morning Futures with Maria Bartiromo



#### Nov 7: McCarthy Tells Bartiromo No "Mass Cheat"



From:	maria bartiromo
To:	maria bartiromo; Abby Grossberg
Sent:	11/7/2020 9:42:48 PM
Subject:	Kevin mccarthy notes

You believe Biden won won fair? There are a few issues but I don't believe there is a mass cheat.

From:	maria bartiromo
To:	Maria Bartiromotv; Grossberg, Abby (FoxNews)
Sent:	11/7/2020 5:42:14 PM
Subject:	[EXTERNAL] Kevin McCarthy raw notes

I've not seen any proof so far of the ballot fraud

Ex. 425, 426

#### The Email That Launched A Thousand Lies

From: Marlene Bourne <1

(secondly, Moundary 3, property FM 121). Lines Beard the Carrier Donal dis-I just spoke to Frit & add hart you gave very loop ando Seni from my (Phone On Nov 7, 2020, at 6-00 PM, Sidney Person Sidney Powell www.SidneyPewelLcom Federal appellate attorney and anthor of LICENSED TO LIE & re-unitor of CONVICTION MACHINI - Forstanded message From Marlene Boarne ( Date: Sat. Nov. 7, 2020. 5/07 PM phiet: Election Frmal Info Dear Mrs. Powell, Mr. Filters, and Mr. Dohlson I was told to email you the following pieces of information? Yon're probably already aware of voting irregularities in a number of states, which have one common thread: Dominion Voting Systems. Don't you find it curious that Nadram Elshami, Nancy Pelosu's longtime Chief of Staff is a key expensive there, and that Richard Blum, Senator Feinstein's hisband, is not only a significant shareholder of that company, but in Avid Technologies as well? As a point of reference. hack in 2009, Diebold sold their election machines division. An anti-trust sait was immediately filed that conveniently ensured that, in 2010. Dominism Voting Systems would acquire the assets "in order to restore competition". With the acquisition of mother large california election nuclaine company in the same timeframe, that gave Dominion an even bigger monopoly than Diebold ever had - yet no one has ever filed an anti-trust sust ugains them. Friends in high places indeed. But the monopoly ius't necessarily the issue - it's the software. A piece of code was inserted such that, once ballots were fed into the database for tabellation, up to 3% of votes for Mr. Trurns would assematically switch to Mr. Biden: this was capped at 3% because it was CONFIDENTIAL DOMINION-FOX00002 Date: Sat, Nov 7, 2020, 5:07 PM Subject: Election Fraud Info To: <<u>sidneypowell</u>, <<u>tfitton</u>, <<u>tfitton</u> <<u>lou</u>

Dear Mrs. Powell, Mr. Fitton, and Mr. Dobbs: I was told to email you the following pieces of information: You're probably already aware of voting irregularities in a number of states, which have one common thread: Dominion Voting Systems.

But the monopoly isn't necessarily the issue - it's the software. A piece of code was inserted such that, once ballots were fed into the database for tabulation, up to 3% of votes for Mr. Trump would automatically switch to Mr. Biden; this was capped at 3% because it was supposedly determined that anything higher than that would raise suspicions, but that 3% would be enough to tip a tight race.

Ex. 154

### Bartiromo Agrees It's "Nonsense"



Maria Bartiromo

Host of Sunday Morning Futures with Maria Bartiromo



Ex. 98 133:25-134:15, 141:21-24

- Q. Ms. Bartiromo, before you put Ms. Powell on your show, when you had this document in your possession and had sent it to your producer, did you confront Ms. Powell with this document and ask her anything about it?
- A. No. I have no idea what it even means. It's -- as I said, it's not evidence. I don't know what it is.
- Q. It's nonsense; correct?
- A. I don't know who this person is.
- Q. It's nonsense; correct?
- A. Yes, it looks that way.
- Q. Ms. Bartiromo, would you agree that this email is inherently unreliable?

#### A. It appears so.

#### **Testimony of Maria Bartiromo**



Maria Bartiromo

Host of Sunday Morning Futures with Maria Bartiromo



Ex. 98 141:18-24 Q. Ms. Bartiromo, would you agree that this email is kooky?

A. It's kooky, absolutely.

# Tucker Carlson and Team Had Actual Malice

INION

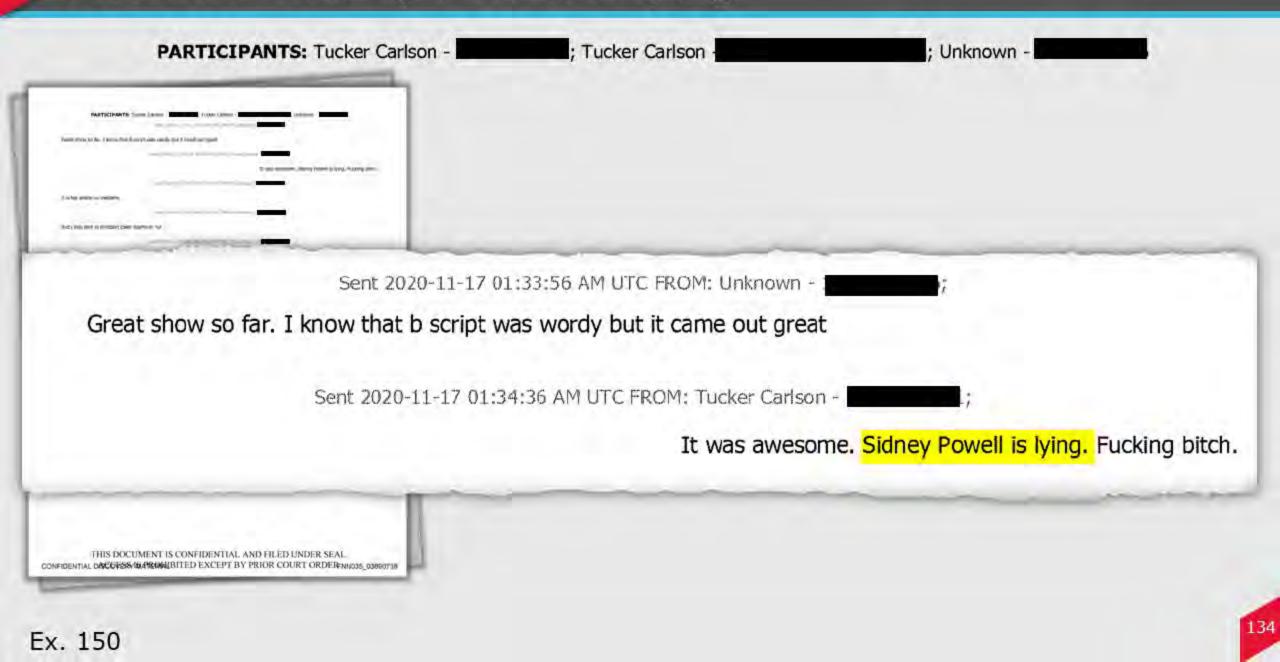
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DO

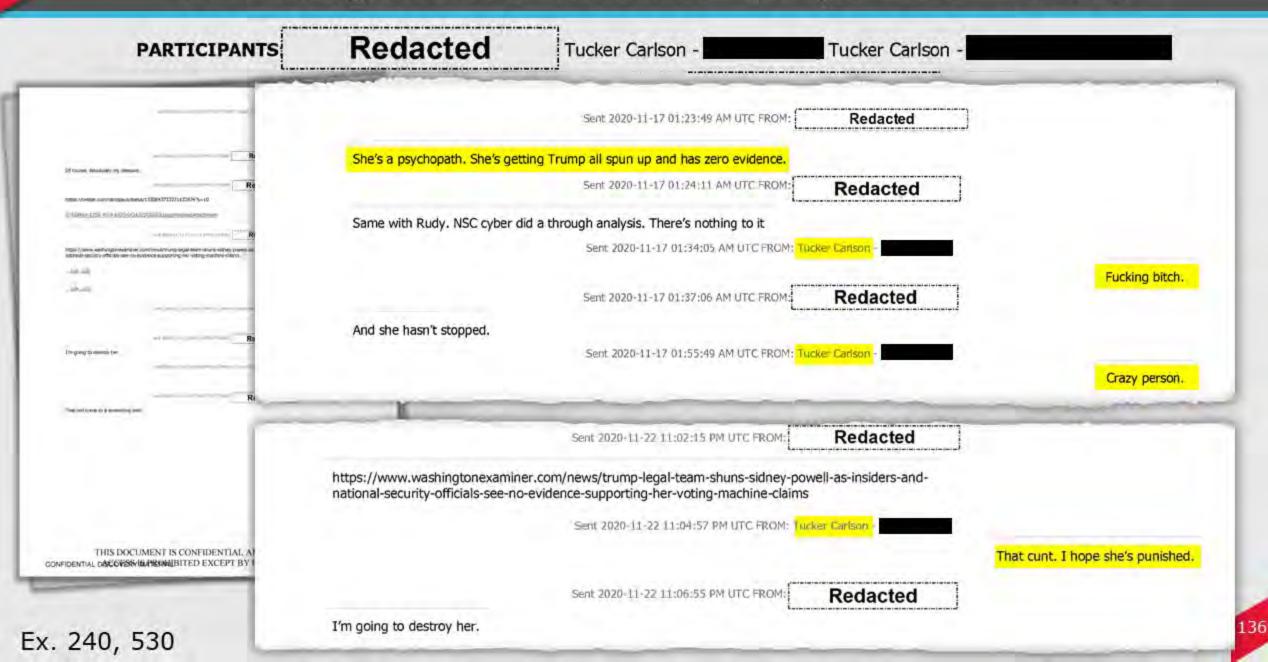
### "This software shit is absurd"

PARTICIPANTS Note Onton	Take Deer .		
and his mains always create local media ana/Al			
INTOK (E)		Sent 2020-11-09 06:58:44 PM UTC FROM: Unknown	
Presiden obituarie	rying to get the obits from trump ca	mpaign now for dead people	
campulane proline los Esserent Trump a la	5	ient 2020-11-09 07:05:45 PM UTC FROM: Tucker Carlso	n ·
conference What we whiteast h pieces of e		Yep. The software shit is absurd. This is a way	y to dismiss it. Half our viewers have seen the Maria o
the Triang ruless of y corruption there they set both	13		
	CONFIDENTIAL AND FILED UNDER SEAL. BITED EXCEPT BY PRIOR COURT ORDER:00035_03890641		

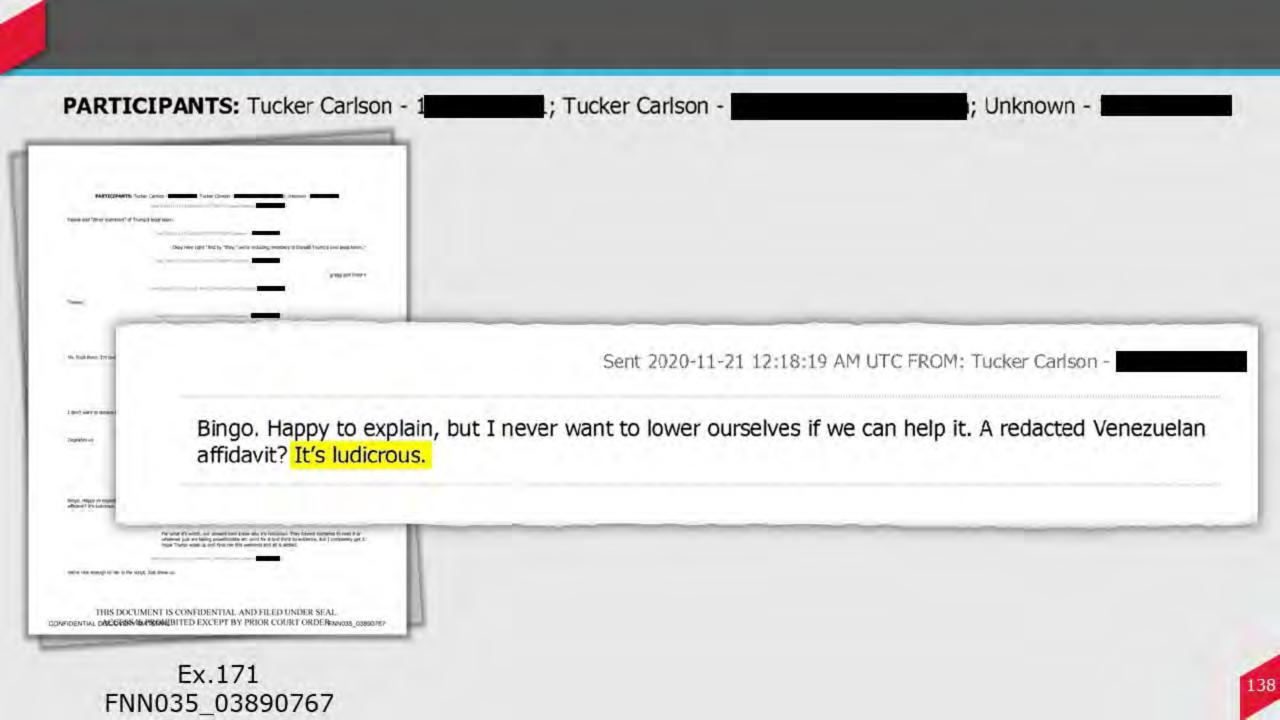
#### Carlson: "Sidney Powell is lying"



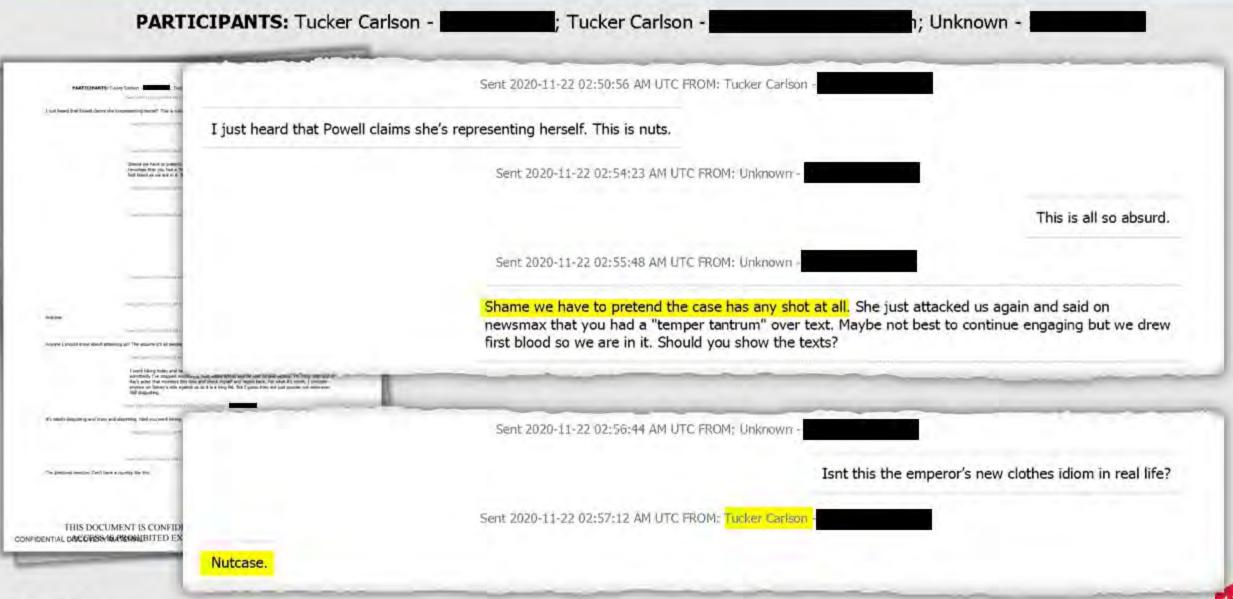
#### Fox's Argument: Carlson "Respected" Powell







#### "Shame We Have to Pretend the Case Has Any Shot At All"



### Carlson Knew What Lindell Would Say



Tucker Carlson

Host Tucker Carlson Tonight



Ex. 105 197:19-198:4

- Q. Did you tell your audience in that segment or any other that you had not seen – you personally had not seen the evidence that Mr. Lindell referenced on your show?
- A. As far as I know, Mike Lindell makes that same claim every single day of the year on his website and any interview that he does. I believe it is universally known by people who know anything about Mike Lindell that he believes this, and so it didn't strike me and does not strike me now as a topic that required more comment from me.





#### Carlson Team Discusses Lindell Broadcast

	Sent 2021-01-26 12:13:24 PM LITC FROM: Kelly McNally Emey +
ARTICIPANTS: Nexador McGald)	Good morning all! Mike Lindell was pitched last night, for stores having pulled his product, and Tucker approved it. I see the news this morning that his Twitter has been suspended. I just wanted to flag all of this, because is he someone we'd want to have on? Seems like something tucker could mention in the morning note so wanted to get ahead of it.
ood minimity 48 Mala Linden was plathet test lages, for states tensing patient fra probability, and Tache proved IL3 are to main the minimizing pertin la Tachen falle lown alargender1. S por variente to fits pail of m, because is ne tomeone woll want to fitse bit? fallens like admetring tuckler could infertoin in the criming note so wahred to get small of it.	Serit 2021-01-26 12;14:00 PM UTC FROM: Kelly McNally Emey
See you to it is it is the provide second on provide second on the provide second on the second seco	(Lindell seems to have really gone off the deep end)
much administry crossy that their W are a big story today. They're trying to comparely shut the give down	Sent 2021-01-26 12:15:39 PM UTC FROM: Thomas Fox -
Ma understating is that the network does not to mention this.	He's definitely crazy but this'll be a big story today. They're trying to completely shut the guy down
Name to memory	
Time wert conversations that happened reach higher they run.	Sent 2021-01-26 01:04:15 PM UTC FRDM: Unknown -
the # Starss furth is way bill get around it, thors Tucker, we call its unlikeling the angle the angle the star and the a vitry topic carrons.	I'm going to have a conversation w Raj in the next few minutes. I'll take the temperature there but for the time being — we should put the brakes on it.
Is me analysing help Tapler with memory again this memory	
3 between the (Innumy & Teld, line addention gived by the story, the line independent systel to the only summerse. Contramenty helps someone that 35th Holdby will blocks. Contracting at equilibrium them lending on equipment shares. But in head to see how Pills plays out.	Sent 2021-01-26 02:44:36 PM UTC PROM: Alexander McCaskill -
Im galage to have a conversation we hap in the next two memory. It take the temperature there but for the large time term, — we should put the branch on $\epsilon$	Copy. I know there's concern about Lindell being a conspiracy theorist now. But he has bailed us out loads of times when no one else would. I think there's a way we can concentrate on cancel culture rather than his wild claims.
III nations worke II guid workert to get indexet of any of their II wrow who pitches here would be keeper any invest any pitches were workered and III generating their. The early - I should have maked you shoul waterstay before letting it get to Tuczie.	Sent 2021-01-26 02:45:13 PM UTC FROM: Alexander McCaskill
To pomes	And he's also been moving to newsmax lately, Might be a good business move to signal that we wouldn't desert him.
THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL ENTIAL DACCESS 16 PROFIBITED EXCEPT BY PRIOR COURT ORDER: NN079_04552810	Sent 2021-01-26 02:45:49 PM UTC FROM: Kelly McNally Erney -
Ex.507	Yeah. I do see the point that more exposure of him also means more people dropping him potentially, And if no one is buying him, he loses money to be able to advertise with us. And then we lose our biggest advertiser!

### "WTF Is He Going to Say On Our Air"



### Rupert: "Wrong If He Didn't Contest It"



FOX

Ex. 600 345:4-8 Q. It was wrong for Tucker to host Mike Lindell to repeat those allegations against Dominion on January 26th, 2021; correct?

A. Wrong if he didn't contest it.

### "Do Not Think Tucker Pushed Back on the Fraud Claims"

From:         Business, Entry (Parkenss) -0.0-EXCHANGELABS-OWEXCHANGE ADMINISTRATIVE DROUP OF DIRICH 2019 EXC.           To:         DIRICH 2019 EXC.           Status         DIRICH 2019 EXC.           To:         Clancy, Texter (Potence), 100 -Merita Palament Sent:           Status         DIRICH 2019 EXC.           From:         DIRICH 2019 EXC.           Status         DIRICH 2019 EXC.           From:         DIRICH 2019 EXC.           Status         DIRICH 2019 EXC.	From:       Burnham, Emily (FoxNews)          To:       Glancey, Tessica (FoxNews); 100 -Media Relations         Sent:       1/26/2021 8;20:55 PM         Subject:       RE: Mike Lindell	
And the rent view Tucker publied limits on the final county but an re-sents, From: Dancey, Teasica		
To: 100 -Media Relations - Subject: Mile Lindel And said he has evidence of found and said that he dates Dominson to sue yes so that they can all find it out scorer. Comor, can you please pull the full segment?	He didn't – just wrapped. Thank you	
	From: Glancey, Tessica Sent: Tuesday, January 26, 2021 8:20 PM To: 100 -Media Relations - Subject: RE: Mike Lindell	
	Also, do not think Tucker pushed back on the fraud claims but will re-watch.	
	From: Glancey, Tessica Sent: Tuesday, January 26, 2021 8:20 PM To: 100 -Media Relations -	
Exhibit 3539 THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL	Subject: Mike Lindell	
COMPDENTIAL DAGGTON/IS.PROMIBITED EXCEPT BY PRIOR COURT ORDER NADOS_D4835177	Just said he has evidence of fraud and said that he dares Dominion to sue him so that they c sooner. Connor, can you please pull the full segment?	an all find it out
x.764; Ex. 759		

502:1-7

# Jeanine Pirro and Team Had Actual Malice

MINION

OTING

DO

### "Reckless Maniac"

Lu 534 PM 17		
P; Im News	From:	jerry.andrews
xender 13, 200	To:	Clark, David
WHE	Sent:	11/13/2020 5:51:56 PM
newage wor 10, 2050 at 5.2 eny" XTERNAL [ Se	Subject:	Re: [EXTERNAL] Setting The Record Straight: Facts & Rumors
amity toologi and		
Xan 436 PM. Ar		
include part of 0	Reckless maniac.	
rening:		
layley" -1 13. 2020 pt. 7-50-35 P	MEST 164 -Samouffleik Barrier 194	

#### Justice with Judge Jeanine

From	Intel, Suzave Or EXCHANGELASS/CLIMERCHANALE ADMINISTRATIVE GROAP<br (FYDISCHF2ISPOLT) CHARGORENTS CHAMBERE013411041040604071D101436-
	ILIZANNE SCO-
Ton: Sere:	Mardoch, Rigard 11/19/2020 1/09/58 PM
Barre:	Re Galeri
in the second se	
	even Pero agrees. e-Vr update you tombrow.
From Mudoch Sent Thurstay To: Sont Sken Subject: Gildar	November 19, 2020 5 08 PM
Luth will in	mmu eversissi. Line
Papiolds horizon Talk noncorrow \$1	services Research Planting
Soft from an illin	18. <sup>7</sup>
	THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL.

From: Murdoch, Rupert < Section 2000 Sent: Thursday, November 19, 2020 5:08 PM To: Scott, Suzanne Subject: Giuliani.

Terrible stuff damaging everybody, I fear. Probably hurting us too. Seems chaotic. Talk tomorrow I hope.

To: Sent: Subject:

From:

Scott, Suzanne </O=EXCl (FYDIBOHF23SPDLT)/CN SUZANNE.SCO> Murdoch, Rupert 11/19/2020 5:09:38 PM Re: Giuliani.

yes Sean and even Pirro agrees. spoke to Hope will update you tomorrow.

152

#### Ex. 181

From: (FYDI8OHF235POLT) CHHERICIPHINTSICH-A363A66C2ED0H15EA266CD MEIREWS JE-To: Jasingen Plane CC: Laws, Ten (Ftschmm), Clark, David (Frishleyn) From: Austin, Kerry-Ann Sert! 31/14/2020 2:43/11 PM Subject: TW. OFTN Sent: Saturday, November 14, 2020 2:41 PM To: Andrews, Jerry A lot of problems and not a tritle time to fix. Pla autorit accordingly and From: Auton nerry-em Subject: Re: OPEN Sent: Sahirday November 14, 2020 2-41 PM To: And/end, Jerry Subject Re OPEN Hi Jerry Just fireshed Hi Jerry Just finished Claim: On election right around miningle president humo new alread in Permylvania. Mining Misconnin and all of a sudden the counting stopped NCORRECT Accurding to any emailed but on election right from tau own reporters the court in at least 2.8 . midnight. Additionally, a transcript search shows that numbers from Michigan and Wisconsin da additionally all three states cours mail in basists last. Mail in ballots overwhelkningly flavored Viet -Ballot counters in Michigan disc assert that Republican poll watchers challenging "every ballot" CHIFF. Claim: On election night around midnight president trump was ahead in Pennsylvania, Michigan and Sae emails from Countrey Crawford & Alsha Havrie from Nov 4 12:20 irm and Nov 5 11 41 pt Factive Transcript search Chini Wisconsin and all of a sudden the counting stopped. NY Times in Distroit. Republican poli watchers are incouned of using basewas shallenges to de Mile Anymes rown copp01100 as #copic stance - republican potwarbles Advised to the second second second INCORRECT THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER CONFIDENTIAL DISCOUSS IG PROMIBITED EXCEPT BY PRIOR COURT OR Ex.461

#### Justice with Judge Jeanine

Prete: Avatives, Serry viCrED/CMARGELABS/OUELXCH-MARE ADMARESTMATIVE CAPOUR' (PYDBIO/07/2017/A), Col-PRED/PRENTSUCH-VOISSSSSBB11441CV8AABS657EBBH4TC-ANDREWS, JRD-Tot: Cooper, Massel (Pois): Clark, Deval Sent. 11102/02001 72 30: 18 PM Subject: FW open

From:

To:

Sent:

Subject:

The brandson is going through the now see yell recitive knows why the version Glocky

From: Lawer, Tim 1Tim Lawer@FOXNEWS1 Sent: Friday, November 20, 2020 11:45 AM To: Andrews, Jerry Herry andrews @FCX010 Subject: open

For four years we isten to unsupported allog presidential election. Thet Russia stole the e presidential election. Thet Russia stole the e ministration attief. And thet we must do eve ministration of the United Statem and the ministration of the United Statem attration evidence evidence they hild seen with bacasase America and democracy were of the

Helver liver not brick did we see a scrittlik the breakent and the country through hell as f us we were getting closer and closer to the to Hell/hed there was nothing.

And then the ministries took another show do each other with fantases of foreign interferen

But now come the president's lawyers portion especially in office pontrolled and compiled to company called dominion which started in Vie

they allege are capable through a back door of flipping voles through software. Come the president's lawyers alleging that American voles in a presidential election are actually counted in foreign capatries

The media has no interest in any of this but I do and you should as well. 73 million Americans voted for Donald

THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL ATTORNEYS EVENSION SUBJ DOCUMENT OF DESCRIPTION OF DOCUMENT OF DESCRIPTION OF DOCUMENT OF DOCUMENTS OF DOCUMENT OF DOCUMENT. Andrews, Jerry </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=90388908B14441C9BAAB5657EBE9487D-ANDREWS, JE> Cooper, Meade (Fox); Clark, David 11/20/2020 12:36:16 PM FW: open

The brainroom is going through this now. Jeanine dictated it to Tim. It's rife w conspiracy theories and bs and is yet another example why this woman should never be on live television.

#### Justice with Judge Jeanine

From:	Andrews, Jerry (Forkers) HOFEROHMIGELAEBOUREXCHARGE ADMINISTRATIVE GROUP (FYDBIOHE218PDLT) OWNEDFIENTSICHAMBOA6621554138A56602348173201-
To: Sent: Subject:	AUDREVES, Jo- Claim, Dante (Frankens) 11/20/2020 12:08-25 PM FW/ speer
The is consent	wy coary
From: Laure, Th	
Sent: Friday, 74 To: Andrews, J	overber 20, 2020 11:29 AM
Subject: ppon	
For four years v	w lister to unsupported wingeliform of a comparacy by a foreign government to interfere with our
presidential elec	thon that Russia stole the election of 2016 implanting their Russian asset Donald trump as
president of the	United States. For four years we wire foil transposes a put pupper
a Prussian in	set. And that we must do everything to get rid of Irim, Almost on a dely basis the democrat
manstrels in con	gress put on their conspiracy show as congressman like Adam Scriff bodied powficialed about

And then the meatrels look another show town to the sub-basement of the capitol where the mentals regaled , each other with fractasies of foreign interference in their impoiend star charither.

But now come the president's takyors pointing to an organized criminal enterprise... a comparacy by democratis micromally in units controlled and completel by democratis. Come the president's leavyors with allignitions of a company called dominion which started in Vereziaele with Cuben money and with the assistance of smarthetic taky alligh an capacity through a back door of flipping visits firstugh software. Come the president's leavyors alleging that amendan votes in a president electron are actually counted in foreign countries.

#### From:

To: Sent: Subject: Andrews, Jerry (FoxNews) </O=I (FYDIBOHF23SPDLT)/CN=RECI ANDREWS, JE> Clark, David (FoxNews) 11/20/2020 12:09:25 PM FW: open

This is completely crazy.

#### Fact Check of False Claim Prior to Nov 21 Show

Tu Swel: Assess mercy data
 Essentia, and Somparie, Barry (and Anale Somparies, Connect Johnson, Serger 1100/2010 2:15:11176
 Nor same

Here is ny part of the script check-

Chief that now come the president's lawyers pointing to an erganized comined underprive \_ a complexy by democratis supercluip in calles controlled and compared by democratis. Come the president's lawyers with adlegations of a company called dominion which started in Viverzula and this Callan movey and with the assistance of amartmatic they allege are capable through a back door of lipping votes through aothere. Come the president's lawyers alleging thet Amorican votes in a presidential election are actually counted in Relegation.

NOTRRECT/CANNUT DOMPINI

Dominium Voting Stynema did not begin in Skrieganda, in wes founded in Torunto in 2002. A different colorgi nachine firm Imprimetry was therefore by 3 Westbalance anges #9. Streatmatic Ask been accurate if hering cache fire to the Westbalance generatived.

According to Downeon. Structivetic and Dimension both purposes of pompetitives. The only unclearing two more than the two comparises in that "Structivetic and Dimension both purposes of Section Volting Dysteine a service U.S. Company all different times. Structivetic costs Sections in 2010 which by Cardyn Material mean relative purposes and purposed certain assess from Respons in 2010 micro, according to Dommun tellio Sametring them. Additionally, limitationals and units and in Los Angeles County in Section, according to Dommun tellio Sametring them. Additionally, limitationals and units and in Los Angeles County in this aimCount, according to a Company tepthesperiori. I cardiol teathmetheter can be "Respired Woody Ecolarity".

Mushriering Thomp Settles Uming Tech Familying Behage of Developed Cleaner Roy 17, 2020 (etc., sowy including compress/settleny/2020-11/17) unputs whether unputs your grade Amplitude personalities

Rep. Carryon Makiney. Senaminis nenounces Salk of Sequera Volng Systems Hax 6, 2007. https://micinty.found.accimedit-carringents-ministrativen-environces-nen-beaking-carryons statem

Dominist Uping, Earting The Record Earlight Flatte & Romon November 17, 2021 (Say News Companying upp)

From: 'Exchanger, Jarier' - Court of the 229 PM
 To: 'Schlapeter, Mary - Court of the 229 PM
 To: 'Schlapeter, Mary - Court of the 229 PM
 To: 'Schlapeter, Mary - Court of the 229 PM
 Court of the 229 PM
 'Andrews Jerry'
 Subject: FE guess

 Public of the court of the court of the court of the without on the court of the court o

From:	Austin, Kerry-Ann
To:	Escherich, John; Schlageter, Mary; Ward, Kevin; Stein Lesskis, Courtney; Andrews, Jerry
Sent:	11/20/2020 2:32:10 PM
Subject:	Re: open

#### Hi Jerry

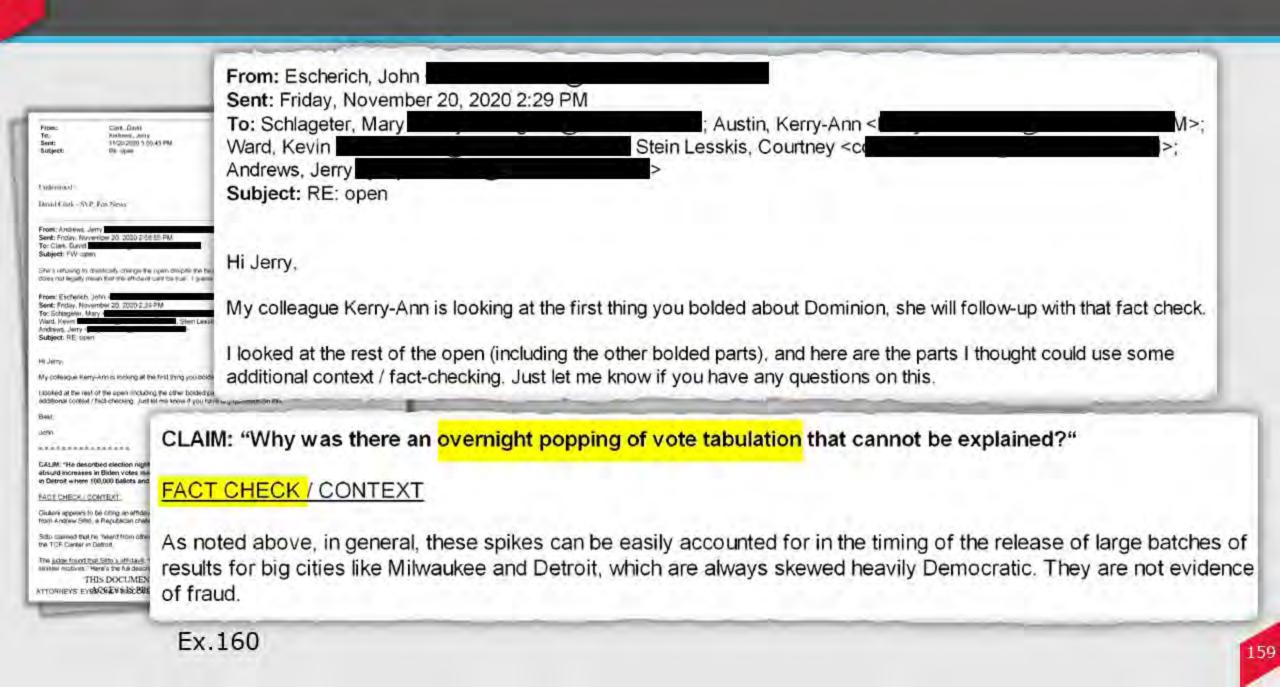
Here is my part of the script check.

<u>Claim</u>: But now come the president's lawyers pointing to an organized criminal enterprise... a conspiracy by democrats especially in cities controlled and corrupted by democrats. Come the president's lawyers with allegations of a company called dominion which started in Venezuela with Cuban money and with the assistance of smartmatic they allege are capable through a back door of flipping votes through software. Come the president's lawyers alleging that American votes in a presidential election are actually counted in foreign countries.

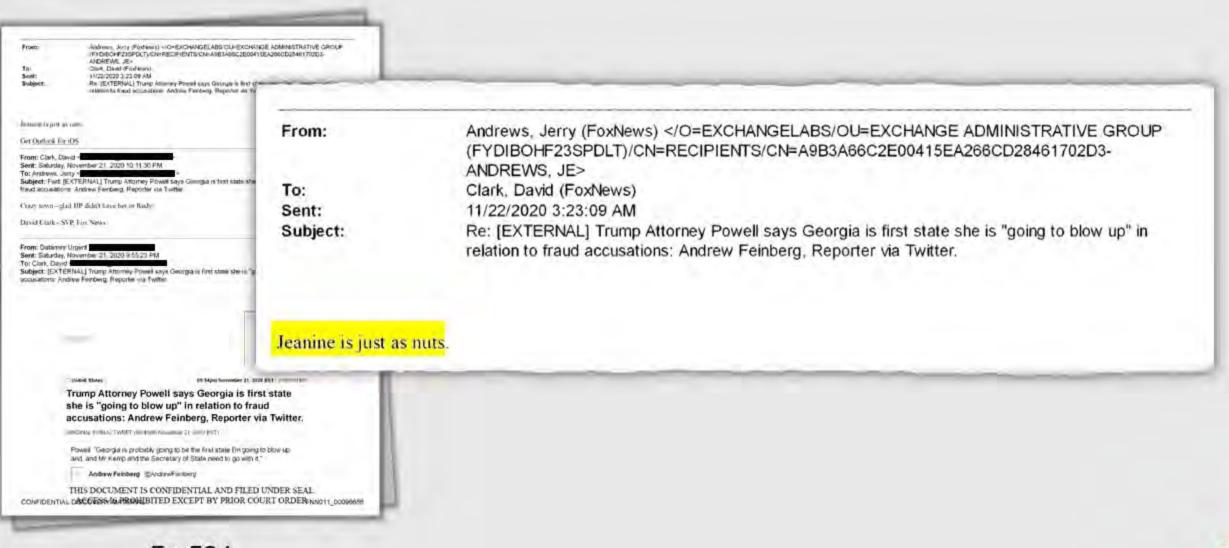
#### INCORRECT/CANNOT CONFIRM

Dominion Voting Systems did not begin in Venezuela, it was founded in Toronto in 2002. A different voting machine firm, Smartmatic was founded by 3 Venezuelan engineers. Smartmatic has been accused of having close ties to the Venezuelan government.

According to Dominion, Smartmatic is one of their "fiercest competitors". The only verifiable link between the two companies is that Smartmatic and Dominion both purchased Sequoia Voting Systems a private U.S. Company at different times. Smartmatic sold Sequoia in 2007 after Rep. Carolyn Maloney raised national security concerns. Dominion purchased certain assets from Sequoia in 2010 which according to Dominion led to Smartmatic suing them. Additionally, Smartmatic was only used in Los Angeles County in this election, according to a company spokesperson. I cannot confirm whether can be "flipped" through software.



### Andrews to Clark: "Jeanine Is Just As Nuts"



161

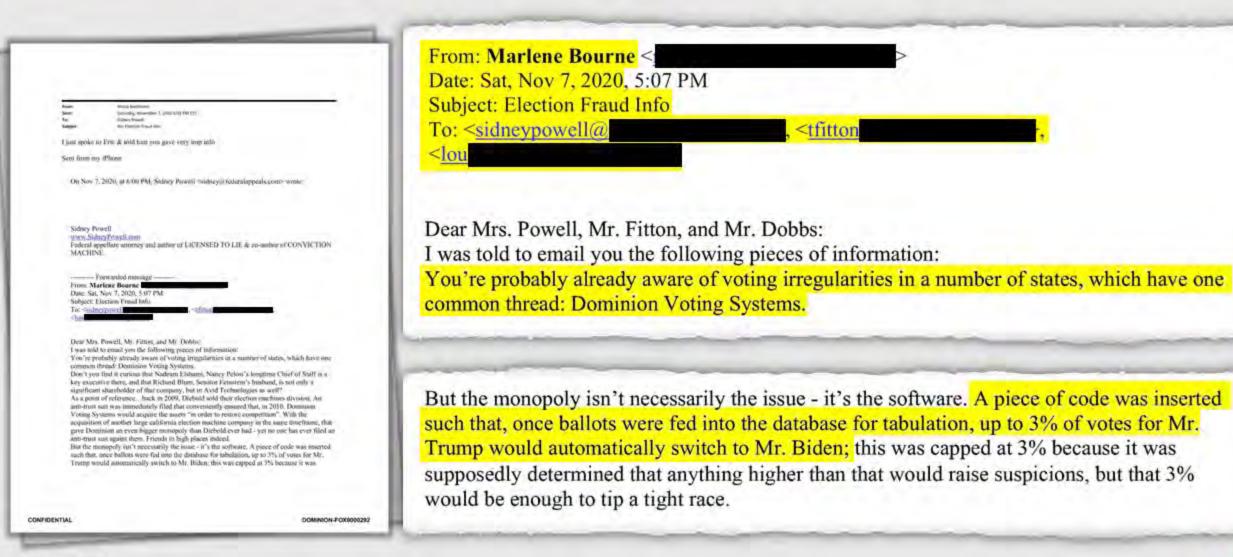
Ex.534

# Lou Dobbs and Team Had Actual Malice

DOMINION

OTING

### Dobbs Also Receives the "Wackadoodle" Email



#### Lou Dobbs Tonight



Lou Dobbs

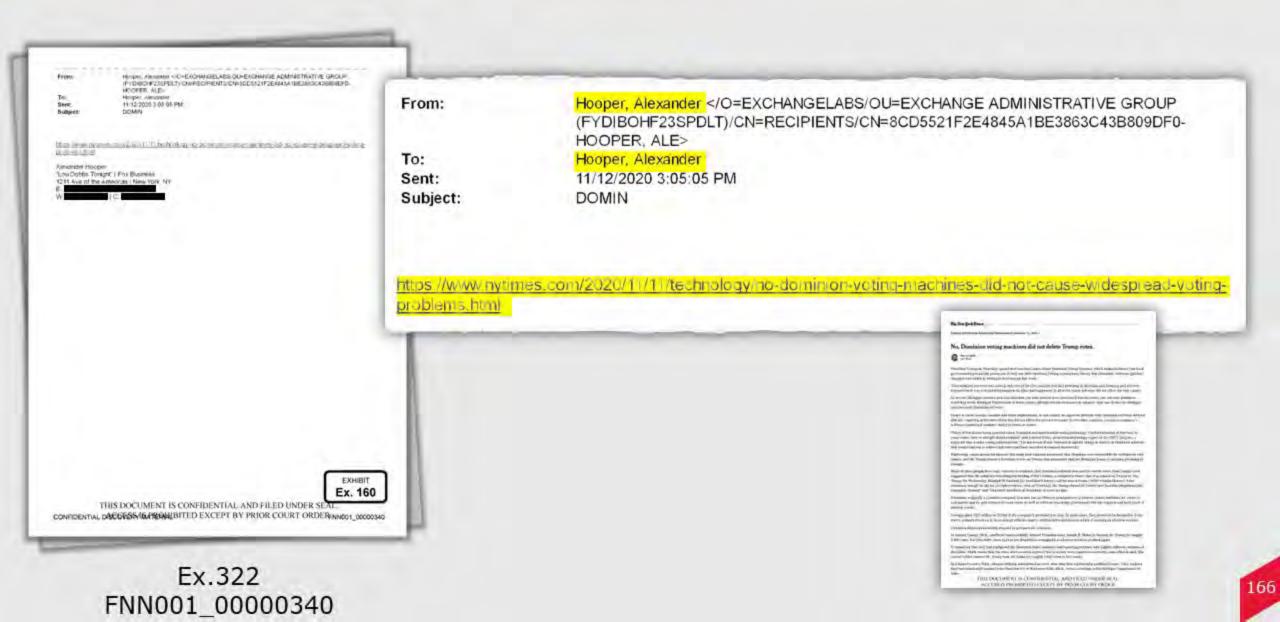
Host Lou Dobbs Tonight



Ex. 111 69:13-16 Q. Now, you, Lou Dobbs, had not seen verifiable, tangible support for any of those claims that I just read, had you?

A. Had I? No.

## November 12: Hooper Aware of NYT Fact Check



#### Dobbs' Team Investigated And Saw The Evidence of No Fraud



Alexander Hooper

Senior Producer



Ex. 124 86:22-92:20

- Q. So in doing so you or someone on the Lou Dobbs team would have clicked on all the links in those Setting the Record Straight emails; fair to say?
- A. It's fair to say that we would have gone through these, yes.

### November 16: Dobbs Team Sees AP Fact Check

II'V DICHT 25 DICHT CHHREIONENTS CHHRCBISTRA48024C0E3076AADABCARREN SCHAFTRE E- Freit, Jett Hoope, Alexandin 11/19/2020 12/20 14 PM Met AP ON WHO DVINS DOMINION	From:	Schaffer, Eric (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8CB0B78440324C0E8076A4DA6CA9F9E <sup>-</sup> SCHAFFER, E>
uningen werk. Scientigen Belden werd zum 2020 Spiege-Erbitten kunn einem Anterneinigen mit der mit die gemeinig Jaart Tijfen Stelliefen Ginn Zusen Orent zu die stellt.	To:	Field, Jeff; Hooper, Alexander
while here some not declare in francous. But in an April letter responding to a request by the e Committee on Administration, Dominion CEO Juhn Poulos said Dominion is 75 2% owned by the York-based private equity firm Staple Street Capital and that he, a Canadian cilizen, holds a 12%. No other investor owns more than a 5% state, he taid.	Sent: Subject:	11/16/2020 12:26:54 PM AP ON WHO OWNS DOMINION

Ex.439 FN001\_00001079

#### Nov 16: Dobbs and Team Receive Notice from Ed Rollins

From:         Modultar, Alive (Fundees) + ICPEXCH4MGELABS/CDPEXCH4MGE ADMIRASTRATIVE CARCUL IP/DBICO/F230/CDLT)-CPH/ECOPUBITS/CPH/680A31800F4405C658AcT010825AB44- MCCATTOR as           Fe:         Fundees: Except: Alexander (Fordewice Sent)         Fundees: Except: Alexander (Fordewice Sent)           Subject:         Fund (EXTERNAL) Target	From:	Mccarton, Anne (FoxNews) (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44- MCCARTON, A>
Anne McCunten Generi Roulav Five Dummer "K ou Debby Tomake" - now Live & Spin	To: Sent: Subject:	Field, Jeff (FoxNews); Hooper, Alexander (FoxNews) 11/16/2020 9:53:45 AM Fwd: [EXTERNAL] Tonight
High Remarked meanants  From: ED ROLLINS  Date: Nevraphing 10, 30:00 an 93101 AM EST  Tar: McCommon Anne <sup>2</sup> Subject: [ENTERNAL] Tanight  Anno,  I date i know when and if I are using on East is show again.  Let use spine when and if I are using on East is show again.  Let use spine when and if I are using on East is show again.  Let use spine when and if I are using on East is show again.  Let use spine when and if I are using on East is show again.  Let use spine when and if I are using on East is show again.  Let use spine when a directed This is all propagately and domaw to east the grain as process that I bakes or poor too the particular time of the software on east of the software of the software on east of the software on east of the software	To: "McCarton Subject: [EXT Anne, I don <sup>2</sup> t know wi Let me state wh theories put for	er 16, 2020 at 9:51:01 AM EST Anne" ERNAL] Tonight hen and if I am going on Lou's show again. hat I believe. Biden won the election. I have seen or heard of no evidence of fraud. The conspiracy th by Rudy and Sidney are all bullshit. She's never been near an election or a campaign in her life. st been elected. This is all propaganda and destructive to the political process that I have spent my
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Ex.440 FN012\_00108399

#### Nov 16: Dobbs and Team Receive Notice from Ed Rollins

ne Hit: dject	Mocarion: Anne (Fostewis) - CHEIRCHANSELABS-CONEXCHANGE ADMESTRATIVE GROUP (IYOTICCHE22470LT)/CNHEICHENTS-CHHRI00A3100CF4406CI88ACT0HE2234844 MICATTOL AN LOW DOBES HINK2520 10:21:55 AM Field (EXTERNAL) Tolgraf	From:	Mccarton, Anne (FoxNews) (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44- MCCARTON, A>		
	entering, started the enter	To:	LOU DOBBS		
Anany In the lense of a first state, we measure the matrix basis of the second state of the second stat		Sent:	11/16/2020 10:21:55 AM		
		Subject:	Fwd: [EXTERNAL] Tonight		
		Ed not right now obviously, sharing with you.			
This increases and has a the dimension and consists transition pulsification and dimension matrices. (1) (a) formation includes that the term term of pulsification (1) your and her term and ensure and the cospect of the dimension of the dimension (1) your and the dimension ( and the cospect of the dimension of the dimension of the matrix pulses, the dimension and the cospect of the dimension of the dimension of the dimension of the dimension of the dimension of the dimension of the dimension of the dimension of the dimension of the dimension of the dimension of the dimension of		On Nov 16, 2020, at 9:51 AM, ED ROLLINS <			
Babi. May -	ning) of their because we are also between that the barries and reading the the	>>> Anne,			
lapand by at 6 william de	This of them to expression of the in peak that 14(1, 300) to the distance of their	>>>			
		>>> Let me state what I believe. Biden won the election. I have seen or heard of no			
		evidence of fraud. The conspiracy theories put forth by Rudy and Sidney are all bullshi			
	She's never been near an election or a campaign in her life. Rudy has at least been elected. This is all propaganda and destructive to the political process that I have spe my life participating in. >>> I supported Trump and still support the principals of his administration. I also support valid challenges to anything that				
			per or illegal. To date I repeat I have not seen anything		
			s that measure.		
			e my beliefs and I'm not going to alter them without real evidence.		
1	HIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL	>>> Just want	ted to state my concerns. All my best /ed		

170

Ex.441 FNN018\_02359710

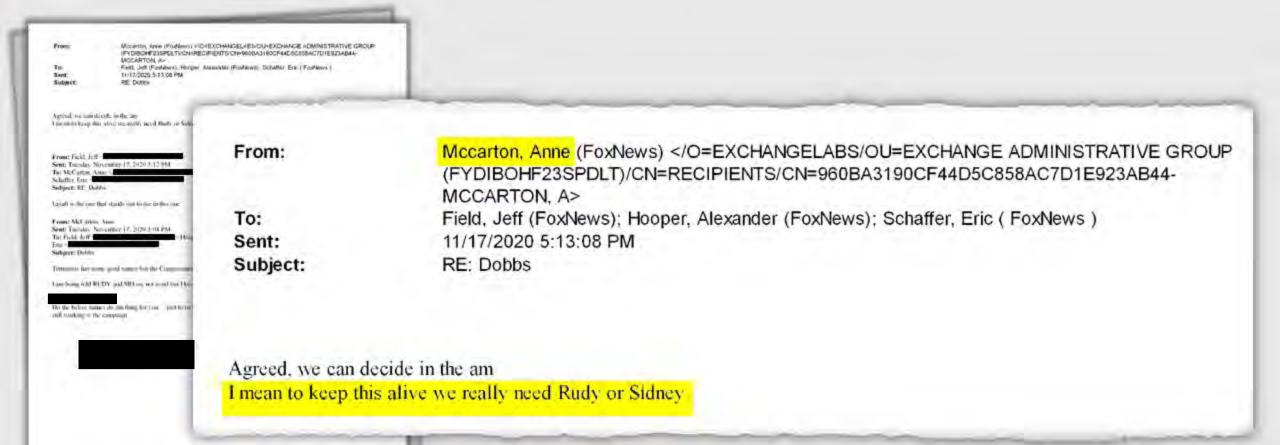
# Nov 16: Powell is "doing lsd and cocaine and shrooms"

119206-244 PM	Michael Biondi [FoxNews]
Hann D. Lybring House	Actually never mind still back to back. Fuck it
	I got Fitton and Jason
ti yudaad	Joe Shikhman
THE AND	File attachment with MIME type: application/octet-stream The kraken has gone into hiding
ng Puratuan Andráka art sand la landa narranna gana isanar prol 11 laint arta ya marta Andráka art sand la landa narranna gana isanar prol 11 laint arta ya marta	11/16/20, 5:06 PM Phone (182) (+1
151960, e48 Mi or more efficient to seal this to mild seal	Lmfaoo
Nei und MAR fran annual mainteachanna Tea gun mainteachanna Th' Mark 2 19 PM	Michael Biondi [FoxNews]
Index No Pa	Lmao
11/16/20, 6/06 PM	11/16/20, 5:06 PM iPhone (182) (+ 4) She's doing Isd and cocaine and heroin and shrooms
at milet all General Plying Incard Served Seller 1979 201, BBF PM present 1979 20, BBF PM 9.	11/16/20, 5:07 PM (Viewed 11/16/20, 5:08 PM)
Turidade Turidade State PR (Honord Yorkski), 200 PR (Honord Yorkski), 2	

71

Ex.442 Fawcett\_0002624

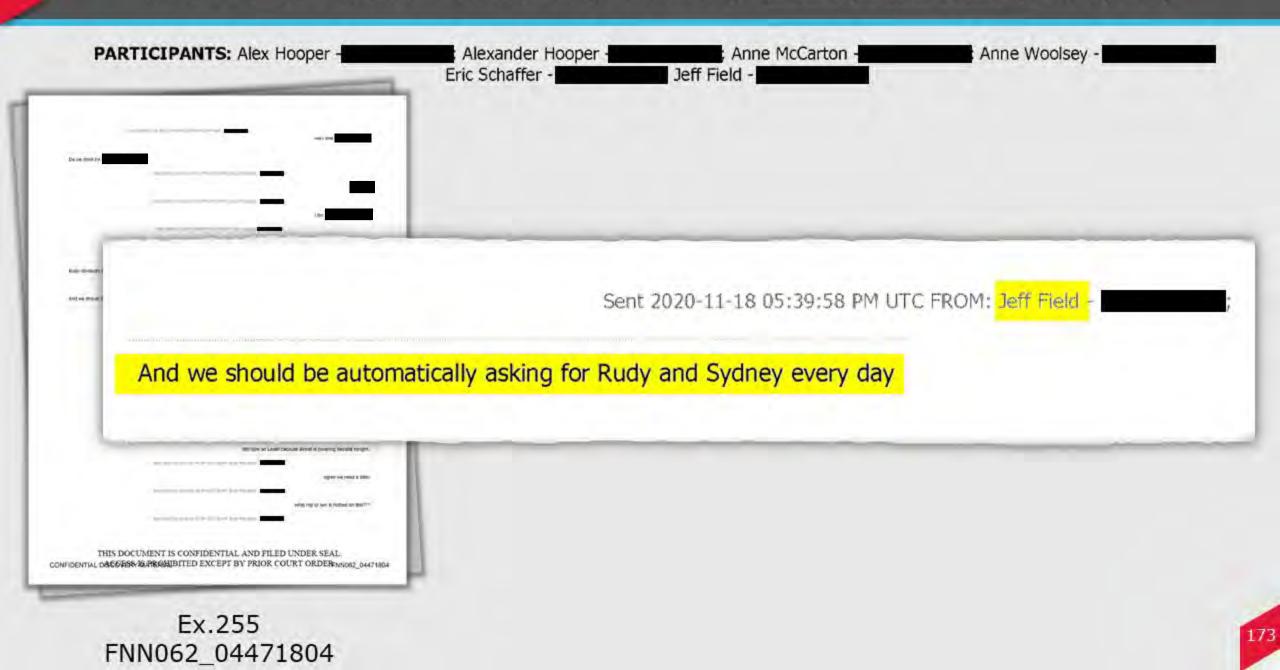
#### Nov 17: "To Keep This Alive We Really Need Rudy or Sidney"



172

> Ex.258 FNN019\_03561073

#### Nov 18: "We should automatically be asking for Rudy and Syndey Every Day"



#### Nov 22: Dobbs and Producer : "Uh oh."; "Calling Bullshit"

PARTICIPANTS: John Fawcett - 1

; Lou Dobbs -



#### Nov 23: "I honestly don't understand what she's thinking or doing"



#### Dec 9: Powell Lawsuits Dismissed

Lou Dobbs

Host Lou Dobbs Tonight



Ex. 111 198:1-200:12; Ex. 449 Q. Did the fact that all of Ms. Powell's lawsuits were dismissed and that court after court had noted that she had failed to provide the court with factual support for her extraordinary claims affect her credibility or reliability in your eyes?

...

#### A. Yes, I think.

### December 10



Ex.452 FNN001\_00003068 From: Field, Jeff Sent: Thursday, December 10, 2020 9:44 AM To: 179 - Lou Dobbs Tonight < Subject: Assignments, Grid, Stories

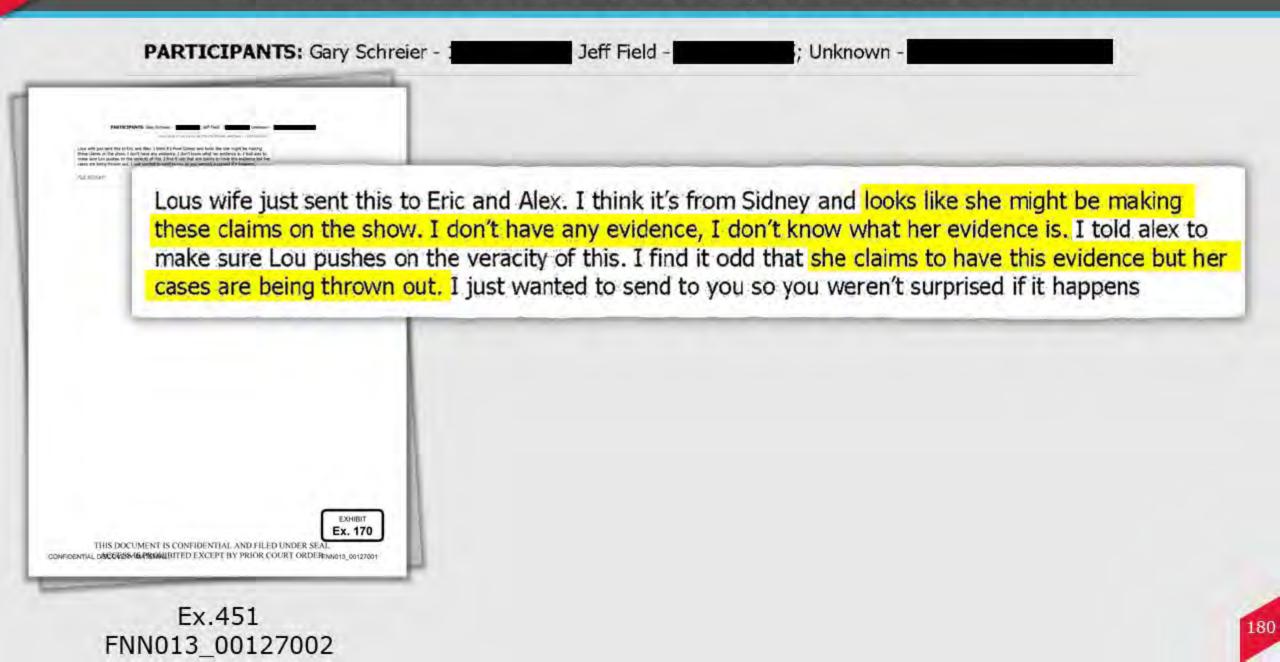
Not sure if Sidney comes through or not-her Kraken cases all dismissed.



## "Cyber Pearl Harbor"



# Schreier Learns Too of Cyber Pearl Harbor



### **Testimony of Alexander Hooper**



Alexander Hooper

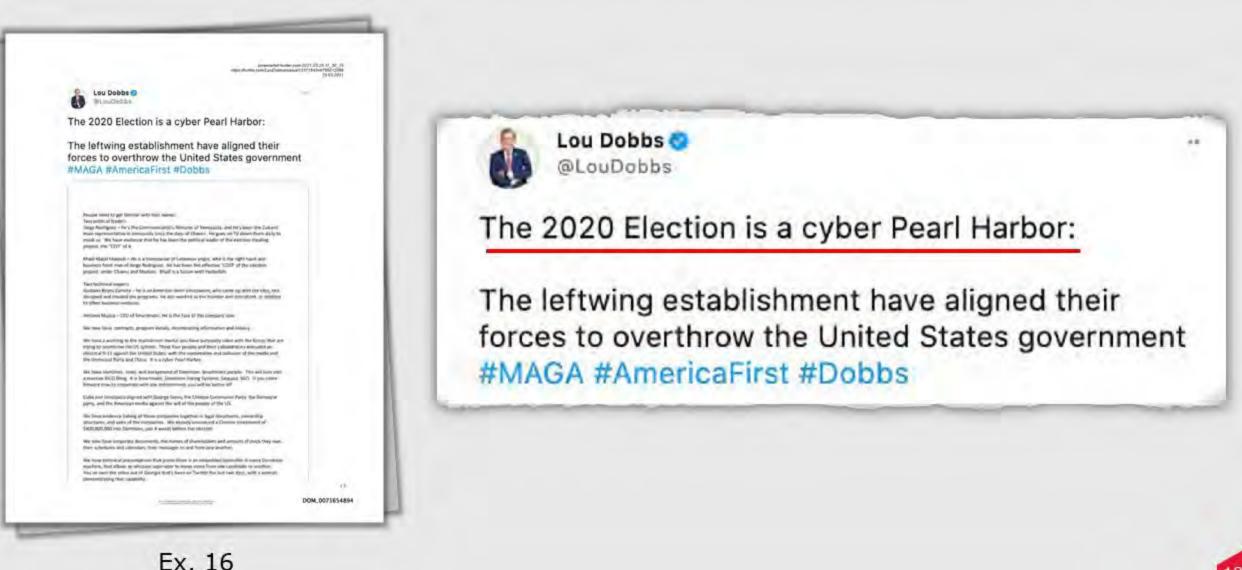
Senior Producer



Ex. 124 118:21-22 "I had reservations about putting it on air. I hadn't had time to look into the document, honestly."



# December 10 Tweet from Dobbs –Right Before Show



182

# Testimony of Lou Dobbs



Lou Dobbs

Host Lou Dobbs Tonight



Ex. 111 238:5-240:13 Q. The tweet states, The 2020 election is a cyber Pearl Harbor. The leftwing establishment have aligned their forces to overthrow the United States Government hashtag MAGA, hashtag America First, hashtag Dobbs; correct?



#### December 10 Tweet – Right After the Show

Lou Dobbs @LouDobbs Cyber Pearl Harbor: @SidneyPowell1 reveals groundbreaking new evidence indicating our Presidential election came under massive cyberattack orchestrated with the help of Dominion, Smartmatic, and foreign adversaries. #MAGA #AmericaFirst #Dobbs 8.51 PM Dec 10, 2020 - Twitter Made Bludie 7,403 Retweets 1,730 Quole Tweets 18.1K Likes 17. 11 0 C. DOM\_0071653962 Station & St.

Ex. 18



Cyber Pearl Harbor: @SidneyPowell1 reveals groundbreaking new evidence indicating our Presidential election came under massive cyberattack orchestrated with the help of Dominion, Smartmatic, and foreign adversaries. #MAGA #AmericaFirst #Dobbs



5:51 PM - Dec 10, 2020 - Twitter Media Studio

....

# Testimony of Lou Dobbs



Lou Dobbs

Host Lou Dobbs Tonight



Ex. 111 273:21-275:7 Q. In the moments after your 5:00 broadcast on December 10th, were you, Lou Dobbs, concerned that Sidney Powell had failed once again to meet the expectation of providing evidence to support her claims?

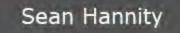
# A. I was disappointed, yes.

# Sean Hannity and Team Had Actual Malice

DOMINION

VOTING

# Hannity: "I did not believe it for one second"



Host The Hannity Show



Ex. 122 322:19-21

- Q. I was asking who else you considered in that group, sir, just names of the people that you considered to be F'ing lunatics at that point.
- A. Just the people that were -- anybody that was involved in pushing that whole narrative that Sidney was pushing. I did not believe it for one second...

# Testimony of Sean Hannity

Sean Hannity

Host The Hannity Show



Ex. 122 398:2-9

- Q. So, when she told you that because eyewitnesses to the vote rigging by Dominion were people who actually were threatened or in fear of something happening to them, and that's why they refused to give evidence, did you become even more skeptical of Sidney Powell because of that explanation?
- A. That was the nail in the coffin for me.

# Hannity Knew It Was False Prior to Broadcast



Sean Hannity

Host The Hannity Show



Ex. 122 417:3-6-13

- Q. Sir, I think you testified when she said that to you on your radio show that afternoon, that was the nail in the coffin for you; right?
- A. For me it was, yes. I felt like there was never going to be forthcoming evidence.
- Q. And with that knowledge, you brought her on your show to make those same allegations onto your Fox News Primetime show; right?
- A. I thought it was beyond newsworthy because she had never said that [Powell would not produce evidence] publicly that I am aware of prior to that.

# Hannity Knew What Powell Would Say



Sean Hannity

Host The Hannity Show



Ex. 122 294:17-21, 295:11-15

- Q. And you brought her on to talk both about the President's pardon of Michael Flynn and about her election fraud allegations; right?
- A. I knew I would hit both topics. She was on my radio show earlier in that day as well, sir.

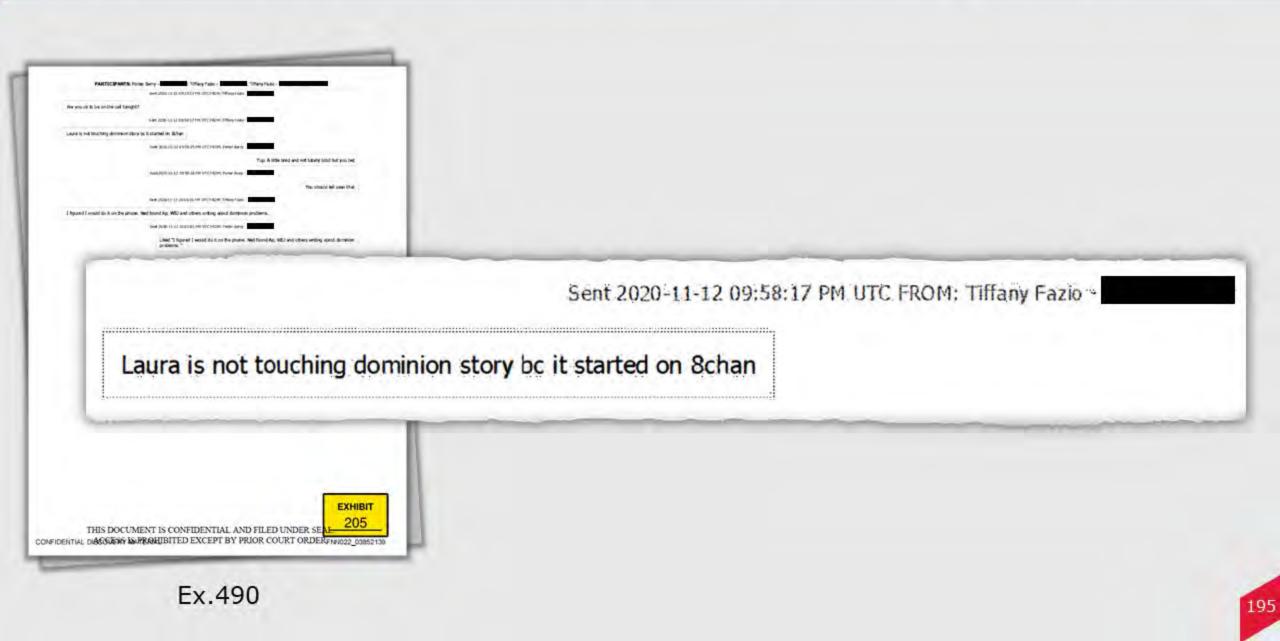
\* \* \*

- Q. So, the short answer is yes, you knew that when she came on your show that night, she was going to talk about her Dominion allegations?
- A. The short answer is I knew I would ask her about that, yes, sir.

#### "Respecting This Audience Whether We Agree or Not Is Critical"

r	Seet 2020, 11, 24 10/00/28 DM UTC EDOM: Seen Hannity			
l	Sent 2020-11-24 10:09:38 PM UTC FROM: Sean Hannity -			
l	Sent 2020-11-24 10:10:48 PM UTC FROM: Robert Samuel -			
	right, our best minutes from last week were on the voting irregula			
ur ne				

#### Fazio to Berry on Nov 12: "Laura Is Not Touching the Story bc It Started on 8chan"



# Hannity: "We Need to Own the Dominion Story"

ARTICIPANT	S: Porter Berry -	Robert Samuel - Fazio -	Sean Hannity -	Tiffany Fazio -	Tiffan
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The offering broken Tanaing en- inter de saat to see the dorders regime 1		5	ent 2020-11-12-09:24:44 PM	UTC FROM: Sean Hannity -	
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# Fox Corp Executives Participated in Accused Broadcasts

#### **Fox Corp Executives:**

1. Were in the chain of command



- 2. Knew the broadcasts were airing
- 3. Knew the claims about Dominion were false
- 4. Allowed the false broadcasts to continue



#### Seelman Treatise Section 141

#### CHAPTER VIII

#### LIABILITY

141. All Responsible. All who take part in the procurement, composition and publication of a libel are responsible in law and equally so. As was said in an early case:

"I can see no objection against maintaining a joint action against several libellers . . . But where several persons join in singing one and the same libellous song, it is an *entire offence* and one joint act done by them all."

After pointing out the distinction between slander and libel, it continues:

"But with respect to libels, if one repeat and another write, and a third approve what is written, they are all makers of the libel, for all persons who concur, and show their assent or approbation to the doing of an unlawful act are guilty; and in this respect the murdering a man's reputation, by a scandalous libel, has been compared to murdering his person; where all who are assisting and encouraging in the act, are guilty of homicide, though the stroke be given by one only (5 Mod. 177)."<sup>1</sup> But the publication of a joint libel is but a single injury. <sup>1a</sup>

# Wahlheimer v. Hardenbergh

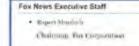
#### **Opinion of Justice Cardozo:**

It was not his duty to edit or to approve or even to read the work of the reporters. He cannot be held as a joint tort-feasor. If he had anything to do with the publication, the case would be different. But he had nothing to do with it.

217 N.Y. 264, 111 N.E. 826



# Fox News Executive Staff at Time of Filing



 La Yuan K. Murikari Executive Chairman and Chief Exercises Offices, Fus. Corporations

· Anna Sunt

Chief Erromite: Officer, POS Netes Modul

Time Blo.

An Derman

Executive Yor President, Chief Operating Officer and Chief Financial Officer, POX News Media

#### Fox News Executive Staff

Rupert Murdoch

Chairman, Fox Corporation

Lachlan K. Murdoch

Executive Chairman and Chief Executive Officer, Fox Corporation

Suzanne Scott

Chief Executive Officer, FOX News Media

#### View Bio

Joe Dorrego

Executive Vice President, Chief Operating Officer and Chief Financial Officer, FOX News Media



#### Fox Corp Admits Executives Have Obligation to Stop Wrongful Conduct

Joe Dorrego-30(b)(6)

CFO and COO Fox News



Ex. 759 307:5-23 Q. [I]f a Fox Corporation executive is made aware of wrongful conduct happening and that executive can stop it, there is an obligation to stop it, correct?

#### A. Right, if he is made aware of it.

Q. Okay. And the same is true, sir, for Rupert Murdoch. If Rupert Murdoch is aware that there is wrongful conduct happening and Rupert Murdoch can stop it, there is an obligation to stop it, correct?

A. If he's made aware of it, that's correct.



#### Fox Corp Admits Murdochs Have Understanding of What FNN Is Reporting



Ex. 759 488:23-489:15

- Q. You would agree with me that Mr. Rupert Murdoch has a broad understanding of what goes on at Fox News and the topics covered?
- A. I believe he has a broad understanding of the news that we're reporting. That Fox News is reporting, I'm sorry.
- Q. And same for Lachlan Murdoch, you would agree that Mr. Lachlan Murdoch has an understanding of what goes on in—at Fox News and the topics covered by Fox News?
- A. I believe Lachlan Murdoch also would have a broad understanding of the news stories that were covered.

209

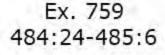
# Fox Corp's Binding Testimony: Fox Corp Aware

Joe Dorrego-30(b)(6)

CFO and COO Fox News Q. And as we discussed yesterday, senior Fox Corporation executives certainly were aware that on Fox News there were these allegations being made, right?

A. They were certainly aware that the allegations were being reported on Fox News.

211



#### Fox Corp Admits Senior Executives Knew False Claims Were Being Broadcast



Joe Dorrego-30(b)(6)

CFO and COO Fox News

Ex. 759 270:16-272:6

- Q. And both Rupert and Lachlan had an idea about the conspiracy theories that were being spread in the November and December time frame, correct?
- A. I think they were aware of President Trump's claims.

Q. And they were also aware, sir, that those claims were being aired on Fox News?

- A. I don't know to what extent they were aware of the coverage on Fox News. I'm sure they were aware that we were covering the president's claims.
- Q. And Mr. Viet Dinh was also aware of the fact that Fox News was covering the conspiracy allegations, correct?
- A. I would assume he was.
- Q. And as a general part of Mr. Dinh's job in his communications hat, he would have seen the pushback that was happening about the election call, for example?

212

A. I think as recipient of Raj's brand updates in those e-mails, he would be—as a recipient of that e-mail, he would have been aware.

#### Senior Fox Executives Made a Choice Not to Call The Claims False



Joe Dorrego-30(b)(6)

CFO and COO Fox News

Ex. 759 332:7-334:2

- Q. You would agree that, I think as we've discussed, the notion that these wild claims were out there and being made by people supporting the president was very much at the forefront of conversation, correct?
- A. Yes, it was certainly one of the more prominent news stories of the day during this time period.
- Q. And certainly Mr. Lachlan Murdoch could have said, even on broad level, to Ms. Scott: Let's stop giving a platform to those who are spreading these conspiracy theories, correct?
- A. Yeah, certainly, he could have—he could have provided that directive. Again, that would assume that he was aware that other shows were bringing Sidney Powell on.
- Q. And even at a general level, because I think you're aware from the testimony that it did rise to Mr. Rupert Murdoch, Mr. Lachlan Murdoch and Mr. Paul Ryan weighed in, that the question of how Fox should cover these allegations did rise to the level of senior executives such as Lachlan Murdoch and Rupert Murdoch and Suzanne Scott, correct?

213

- A. The coverage of the broader stories of the president's claims, yes, that is correct.
- Q. And how Fox should cover the claims of conspiracy rose to that level, correct?
- A. That-that's correct.

#### Senior Fox Executives Made a Choice Not to Call The Claims False



#### Joe Dorrego-30(b)(6)

CFO and COO Fox News

Ex. 759 350:10-351:20, 352:14-23 Q. And this is a text message from Paul Ryan to Rupert Murdoch and Lachlan Murdoch, correct?

#### A. Correct.

Q. And, sir, this is Mr. Ryan telling Mr. Lachlan and Mr. Rupert Murdoch that it is a key inflection point for Fox where the right thing and the smart business thing to do line up nicely, correct?

#### A. That-that's what's-he states in his text, correct.

Q. And he is advising Mr. Lachlan and Mr. Rupert Murdoch that there should be a solid pushback, including editorial, of the calls for overturning electors, et cetera, correct?

#### A. Correct.

Q. And you would agree with me that this is certainly an example of Mr. Rupert Murdoch and Mr. Lachlan Murdoch talking to a Fox board member about positioning Fox's coverage of baseless election claims, correct?

#### A. Yes, correct.

Q. Okay. And it rises to this level because this is not a normal programming decision when President Trump is calling for a delegitimization of the election, correct?

#### A. That's correct.

Q. ....I'm just asking that the reason why Mr. Ryan is sending this is because it goes to a strategic decision at the highest levels of the board about how Fox News should give a platform or whether Fox News should give a platform to baseless calls that the election was fraudulent, correct?

214

A. Correct.

### Rupert Knew Fox Was Airing These "Conspiracy Theories"



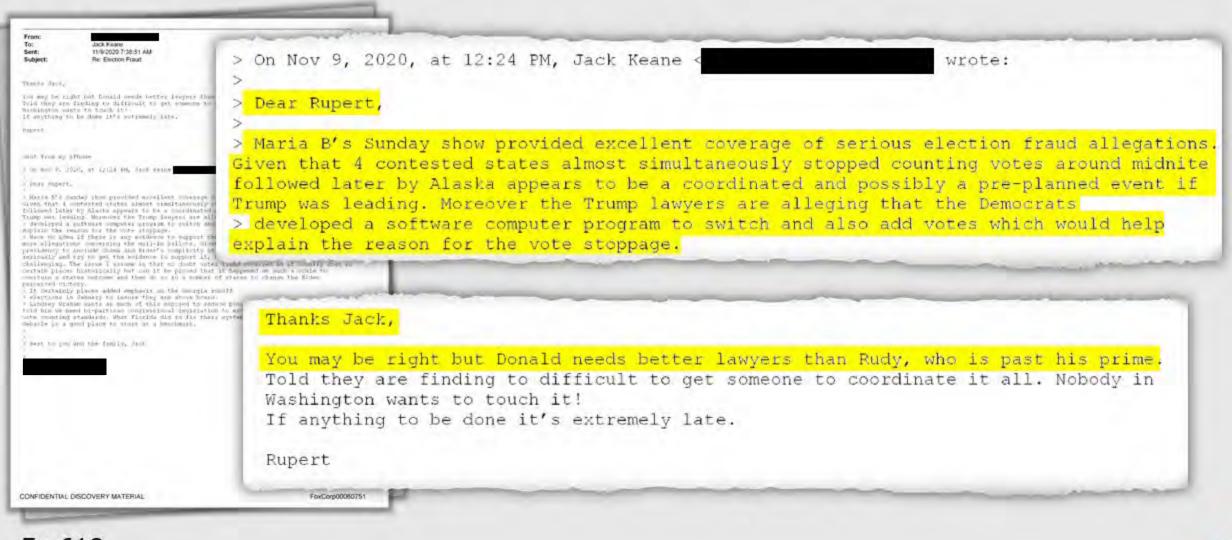
Rupert Murdoch

Co-Chairman Fox Corporation



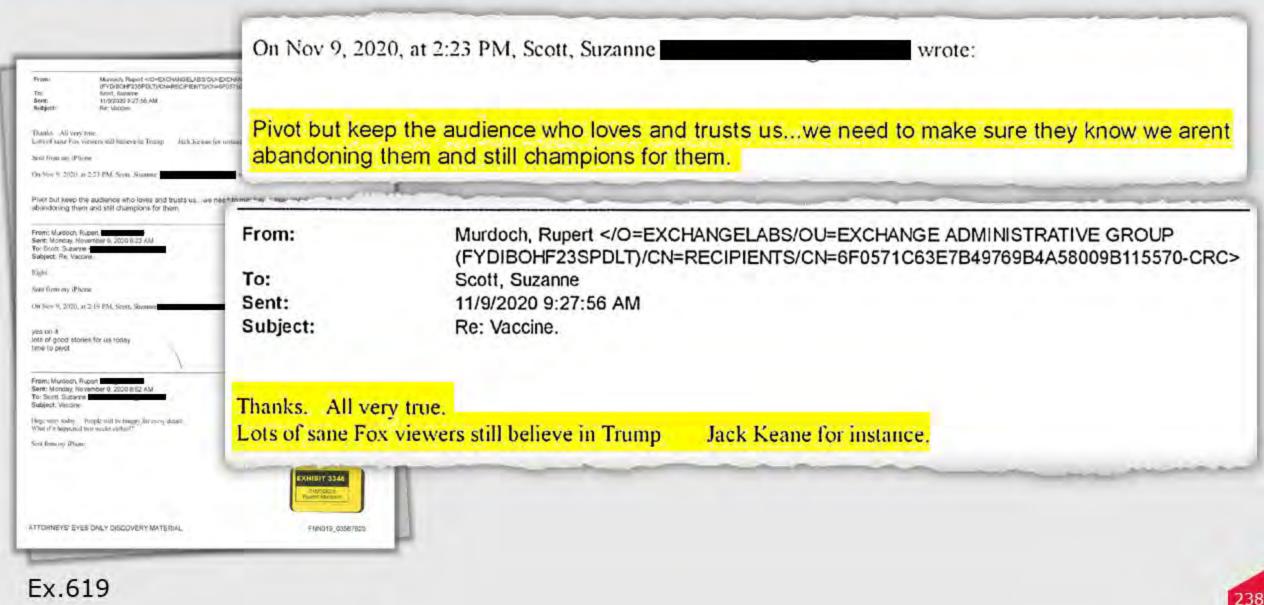
Ex. 600 139:14-22

- Q. Because you are trying to straddle the line between spewing conspiracy theories on one hand, yet calling out the fact that they are actually false on the other?
- A. Yes. We were treating it as news that the president and his lawyers were saying this. We were commenting on it to say it was nonsense, or Tucker was.



#### Ex.618

### "We need to make sure they know we aren't abandoning them"



#### Rupert Admits He Was Aware Fox News Was Airing These "Wild Claims"



Rupert Murdoch

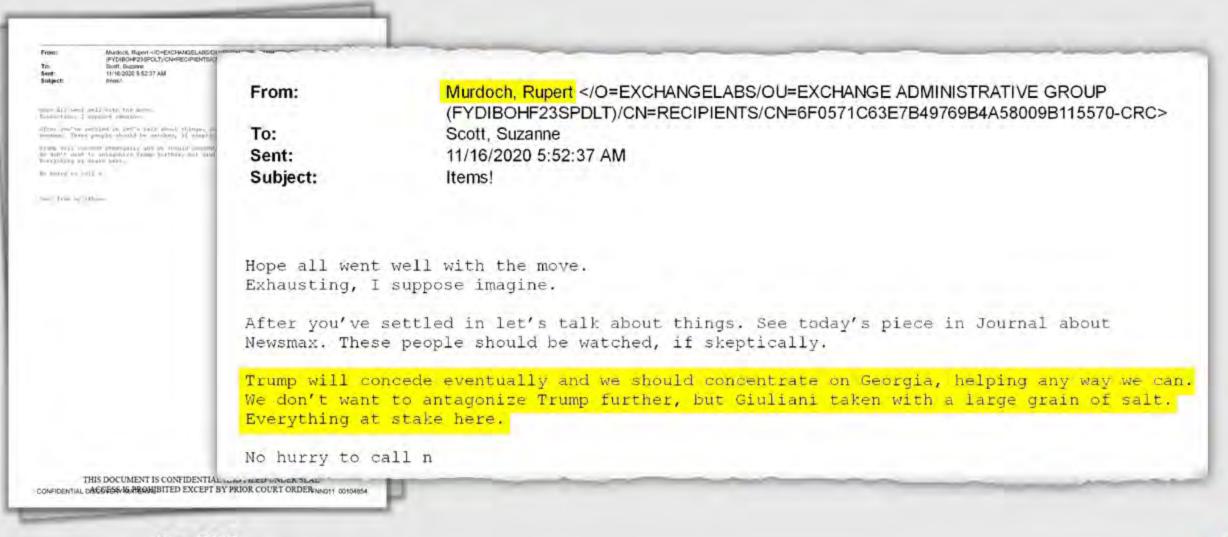
Co-Chairman Fox Corporation



Ex. 600 130:10-20

- Q. And you were aware that Fox News was having these people appear on the television under Fox's banner to spread these charges?
- A. We report the news, and we have dozens of people a day on the channels that are talking about the news. And this was big news. The President of the United States was making wild claims, but that is news.

### Rupert on November 16



Ex.239 FNN011\_00104854

#### Rupert Knew "Rudy" and Trump's "Lawyers" Were Appearing on Fox



Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 129:22-130:9, 316:4-8

- A. I think I was aware that maybe Alan Dershowitz had appeared and probably Rudy Giuliani.
- Q. You were aware that Rudy Giuliani was appearing on Fox?
- A. No. I just assumed he would be there.
- Q. Why did you assume that he would be there?
- A. Because he liked to appear, and he he was pushing something. We were just reporting that this is what Trump and his lawyers were saying. They were the ones saying it.

\* \* \*

Q. Did you actually investigate whether Sidney Powell or Rudy Giuliani was appearing on Fox News?

A. No.

Q. You knew that Fox --

A. I knew that – about Rudy.

## Testimony of Rupert Murdoch



Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 16:17-19 Q. I see. What are your newspapers?

A. The Wall Street Journal, The London Times, New York Post. Those are the only ones I follow.

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	Subject:	Re: Pollster: It's Curious How Biden Underperformed Hillary Clinton In Every City Except These
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	Ok. But where's the	evidence?

## November 17: WSJ Editorial



### **Rage Against the Voting Machine**

WSJ wsj.com/articles/rage-against-the-voting-machine-11605656036

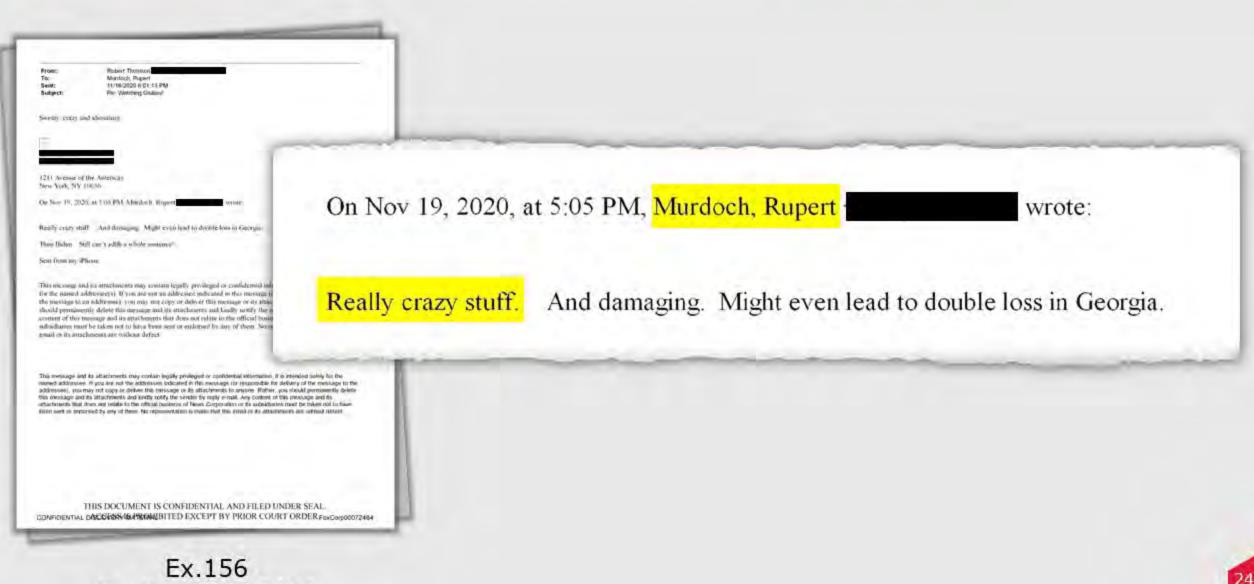
President Trump has so far been unwilling to concede to <u>Joe Biden</u>, and his latest argument is that the voting machines must have been rigged. Where's the evidence? Strong claims need strong proof, not rumors and innuendo on Twitter.

Volers rast hallots at the polling station in Atlanta, Ga., Nov. 3. Photo: Jessica McGowan/Getty-Images

President Tramp has so far been unwilling to concede to <u>Jog Eiden</u>, and his latest argument is that the voting machines must have been rigged. Where's the evidence? Strong elaims need strong proof, not runners and immendo on Twitter.

Chatter is ovirilog around Dominion Voting, a company that supplies equipment in some a8 states. What accuse to have launched this theory was an early micreport of results in Antrin County, Mich. In actio Mr. Trump won 62% of its 13,600 ballots, ao cychrows rose this year when the taitial fallies aboved Mr. Biden up by 3,000.

### November 19: "Really Crazy Stuff"



FoxCorp00072484

246

#### November 23: Fox News Identity Crisis Indulge Trump's Election Conspiracy or Reject It and Watch Its Audience Flee

Pronc. To: PRESTON PRODEN Sent: 11/22/02/01/2/29/55.PM Subject: Ris: Fox News Different: Indiage Trump's I	i Clanquesses /ir Lune' Verwans	
Mediate an old lefty enemy. Some north, but Diave been harmong unsemmon wi Tuche heur. And very good, somernies hritkant The way be called out that citizy would be lowyer really I think, generally, we are navigating it pretty well. And I have to hold our nerve and up our game!	On Nov 23, 2020, at 4:32 PM, PRESTON PADDEN <	wrote:
In inorther month Tempy will be becoming irrelevant and appointments - so far pretty dult. They told Kissenger first thing they if ze-sign the flawed i And they just looked blank? — Saudis: Gulf Arabs and for Newsmax not good people? — Being advised by Den in 'n imprograme behavior. Not one of our people will just in the Newsmax desperate for money. Scould the world, or for Sent from my iPhone.	https://www.mediaite.com/tv/fox-news-identity-crisis-ind	dulge-trumps-election-conspiracy-or-reject-it-and-watch-
On Nov 23, 2020; at 4 39 PMI, PRESTON PAILOEN - pp No warnes, 3G will be slow to roll out	its-audience-flee/	
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Many thanks. I with I understood all this 5G staff? Certain	indy revolutionary	
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Fox News Identity Crisis: Indulae Truma's Election Conspiracy or Reject It ... and

to <u>Colley Han</u>illon - gally 1000, is 10 and 9/19 community



Vicentration First Networks for Konstream if the structure, The pression for their conflorious is to from Network as projected **Joe. Riden** to intertormalizations, the network's superstant opinernational votes from the net theory that the olderstream votes frame. They have been one Simultaneously, the network's top-rated opinion hosts have continued to entertain the <u>increasingly loony conspiracy theory</u> that <u>the election was stolen from Trump</u> through <u>widespread voter fraud</u>.

This dissonance was neatly illustrated last weekend when **Maria Bartiromo**, a Fox News anchor and ardent Trump booster, who had just given the platform of her Sunday morning show to Trump lawyers **Rudy Giuliani** and **Sidney Powell**. Both <u>laid out wild and</u> <u>unproven conspiracy theories</u> and <u>claimed that Trump was the rightful winner of the</u> <u>election</u>. Bartiromo seemed pleased to hear the news and never once challenged her guests on their claims, simply accepting their claim that they had evidence as evidence enough. Fronc To: Sent: Subject:

Mediate an old leftly enemy. Some truth but Diave been harmoni amening in Tucky how And your good, accommon infiam The way he called out that eczay would be lawyes really.

RESTON PADDEN

11/25/2020 12:29:55 248

Ris Fox News Differing: Indulge Trang's Compension of Linte Venuero

From:

Sent:

Subject:

To:

I think, generally, we are navigating it pretty well. And i have to hold our nerve and up our gama!

to another month Temp will be becoming irrelevant and appointments - so far pretty doll.

They told Kissenger first thing they'd re-sign the flawed a And they just looked blank? Saudis Gulf Arabs and for

Newsmax not good people' Being advised by Don in's' impropriate behavior. Not ear of our people will join by Newsmax desperate for taony. Scoured the world, so the

Sent from my iPhone

On Nov 23, 2020, at 4.59 PM, PRESTON PADDEN - pp

No warnes. 5G will be slow to rall out

Preston Padden

202-329-4790

no-sanodstendante
FoxCorp6008085N

PRESTON PADDEN
11/23/2020 12:29:55 PM
Re: Fox News Dillema: Indulge Trump's Conspiracies or Lose Viewers

Mediate an old lefty enemy.

Some truth, but I have been listening sometimes to Tucker Carlson, our #1

hour. And very good, sometimes brilliant.

The way he called out that crazy would be lawyer really great. So much that Giuliani had to disown her.

# "Nobody Wants Trump As An Enemy"



Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 80:14-21 A. Nobody wants Trump as an enemy.

Q. Why not?

- A. Because he had a great following, big following.
- Q. And you didn't want to do anything to upset him?
- A. Seventy-five million people voted for him.

## **Testimony of Rupert Murdoch**



Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 291:15-20 Q. How so did Trump's crazy attacks on Fox hurt ratings?

A. Well, we all know that Trump has a big following. If he says, "Don't watch Fox News," maybe some don't.

# How Newsmax Appealed to Trump Viewers



#### Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 262:25-263:4; 263:11-24

- Q. Do you agree that the nutty right-wing sites like Newsmax have been in cahoots with Trump during this November and December and January time frame?
- A. Oh, yes. Yes.
  - \* \* \*
- Q. Well, what was the opportunity?
- A. To establish a news channel.
- Q. How so?
- A. By doing things which he thought would be popular with the Trump core.
- Q. Like what?
- A. Like supporting Trump.
- Q. Like airing baseless charges of election fraud?
- A. Yes.

# "All Making it Harder For Us to Straddle the Issue"

Good Seal from my (Pilone	
In Dec 1, 2000, at L2h PM, Sown, Skaanne	From: Murdoch, Rupert <
enn: Murdoch, Rupert	Sent: Monday, December 7, 2020 7:32 AM
c Scott, Suzanne - Bject: Could you call when convenient?	To: Scott, Suzanne <
same acyord on Triang, plan for transguestion (benefities and Fo- tanilor performance all reducing it harder for us to structure to a storage fails of the order. New addition of the should include faceban lanes a lanes.	Subject: Could you call when convenient?
et ferm en d'Arma	
	Axios report on Trump plan for inauguration (horrible) and Fox News reporting Barr thinking of early retirement plus his
	Saturday performance all making it harder for us to straddle the issue!
	We should talk this through. Very difficult
	and we should include Lachlan later.
	No hurry.

# Fox Board Member: Fox a "Megaphone" for Trump

_		1	
	Annay Dani Manatan, Jamiany (12, 2023 (2024 Anna 2010) Didgent Machael Mandala Mandala Yang Hi Sindy, Jangana Nasaan	From:	Anne Dias
hanne (Specific pro	(W) the bands on their generative time investment and from the framework (see ).	Sent:	Monday, January 11, 2021 11:01 PM EST
Dear Rupert. Sear Lachlan		To:	Ruppert Murdoch; Lachlan Murdoch
Freedom of speech is a pillar of free povernment. Yet, as I wrote to you earlier this work, I was relieved to read that the editorial board of the Wall Street Journal drew a clear line in the sand to sarction what is unacceptable speech and behavior by a President of the United States. Today, the Financial Times is asking Fox to draw such a line in the sand toe (sext at the end-of' the emails. And what the Financial Times is asking is what conservatives everywhere in America are asking: as Donald Trump toes withfully incide acts of violence and desceration, as to have		CC:	Viet D. Dinh; Jacques Nasser
		BCC:	pryan129
		Subject:	FW: The limits on free speech in the internet era from the Financial Times
		Subject.	rw. the limits of the speech in the internet era from the Financial filles

It would have been unthinkable just a few days ago that Fox News would be called upon to explain what represents abuse of power and what is unacceptable in a democracy. Yet, considering how important Fox News has been as a megaphone for Donald Trump, directly or indirectly, I believe the time has come for Fox News, or for you Lachlan to take a stance. It is an existential moment for the nation, for the nation, and for Fox News as a brand.



#### Rupert: Fox "Is Pivoting As Fast As Possible" But "Not As Easy As Might Seem"

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ient from my (Phone	Sent:	1/12/2021 4:36:40 AM
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roma: "Mondoch, Lacidan" Mer, January II, 2021 at 8:08:59 PM PST 6: "Murdoch, Rapert" abject: Fuid: The limits on free spoork in the interna-	Subject:	Re: The limits on free speech in the internet era from the Financial Times
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ive you	the second of the	
on trans my difference	Yes. Just tell her w	ve have been talking internally and we intensely along these lines, and Fox News, which
icgin forwarded message	I CONTRACTOR OF A CONTRACTOR OF	orrectly, is pivoting as fast as possible. We have to lead our viewers which is van not as easy
Friend, Antre Diga : Date: January 11, 2021 at 8001-22 PM PST Te: "Mardoch, Rapert" Ce: "Dink Version and the stream of the interest Subject: FW: The limits on free speech in the interest	as might seem	offeetry, is proting as fast as possible. We have to lead our viewers when is van not as easy
nen/on filmen/2NdiFe4	SUBJECT -	
hear Buspeart. Bear Lineldan		
Encodent of sporch is a pillar of from government. Yot a that the editorial bound of the Wild Survet Kannal drey a speech and behavior by a President of the United States		

### "The Alternate Reality Machine"



Ex.666

From: The Dispatch <morningdispatch@substack.com> Date: January 12, 2021 at 7:34:30 AM EST To: ryan112604@yahoo.com Subject: The Morning Dispatch: The Alternate Reality Machine Reply-To: The Dispatch <reply+imi5q&alyu5&&19c91506dded580680fe87021300f85daaf6cba1a03cdc28706f4e290fadc7e2@mg1.substa

#### The Morning Dispatch: The Alternate Reality Machine

A deadly riot's enablers. The Dispatch Staff Jan 12

#### The Alternate Reality Machine

In the roughly eight weeks between the election on November 3 and the Capitol riots on January 6, the populist-right media ecosystem created an alternative reality for those who<sup>3</sup>d come to rely on its outlets for news. On Jan 12, 2021, at 10:12 AM, Murdoch, Rupert <

wrote:

#### Thanks Paul,

1/12/0521 11 15:41 AM Ro: The Monving Disputot: The Alternate Resid Subject: Wake up call for Hannity, who has been privately disgusted by Trump for weeks, but was scared to lose viewers! I'll check out Levin and am really surprised by Brit Hume, about the steadiest of all our people. Thanks Paul Just talked at length with Suzane Scott. Everything changed last Wednesday. She thinks everyone is not hearted Moping to get some good voices on sir «Bill Bart, Pompeo and others. Am suggestions Trump's troubles multiplying. His businesses now mined. Who is going to throw a party at one of his golf clubs or hotels? Let alone a tournament. So he has more than just legal problems, had though they are The brand is now poisson? Who wants Ivanka's fashium lines, jewe Could he still resign and get Pence to pardon, then just disappearly Would Mike Pence aprec? On Jan 12, 2021, at 3:54 PM, Paul Ryan < > wrote: Sent from my iPhone And the sooner we can put down the echoes of falsehoods from our side, the faster we can get onto principled On Jan 12, 2021, at 3:54 PM. loyal opposition. I truly hope our contributors, along with Tucker, Laura, and Sean get that and execute. Hey Rupert. As is usual, Lauree wholeheartedly with Gruct's ed of the same. It really is in many ways a Biden test, and a measure oth eminant And the sconer we can put down the echoes of falsehoods from our ude, the faiter we can get onto principles loyal opposition. I mily hope car contributors, along with Tucker, Laura, and Seau get that and execute I feel very good about the Packers, particularly if we face dome: Southern tearan at Lambens Field. When the come to Green Bay in January, it is very unsettling for them. I was Best Paul Just talked at length with Suzanne Scott. Go Packers! Everything changed last Wednesday. She thinks everyone is now disgusted and previous supporters broken Seni from my iPa-On Jan 12, 2021, in 10-12 AM, Mundoch, Rupert hearted. Thanks Paul Rupert.

Ex.666

ATTORNEYS' EYES ONLY DISCOVERY MATERIAL

From: Tec: CC: Sent:

Rupert

## September: Rupert Discusses Fox Hosts With Trump

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Ni Sep 11, 2020.	ar 2 15 PM, Solidi, Susanne (
2 of them this	en averaging spoul 4 a week and we montor all of them and had already them most augh the week. We were told there would be nothing new in Sunday highl's new and idn't take that we but we kneed around clips. S

From: To: CC: Sent: Subject:

Murdoch, Rupert Scott, Suzanne Murdoch, Lachlan 9/15/2020 11:21:20 AM Re: Potus Rallies

Talked a little about a few things but he insisted on talking about our people! Loved twice over Lou Dobbs, loves Hannity, loves Maria B (known her for thirty years), but we have a bad

ATTORNEYS' EVES ONLY DISCOVERY MATERIAL

FNN019\_03402925

# Rupert Knew Dobbs Was an "Extremist"



Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 177:6-14, 172:19-22

- Q. When did you realize that Mr. Dobbs was an extremist?
- A. I guess in 2020.
- Q. What caused you to think that, sir?
- A. The call from Mr. Trump.
- Q. In September 2020? Okay. And, sir -
- A. And that was the only call he made me that year, apart from February.
  - \* \* \*
- Q. Sir, you could have suggested at any point to fire Lou Dobbs; correct?

261

A. Yes.



From: Murdoch, Rupert < Section > Sent: Saturday, January 16, 2021 12:17 PM To: Scott, Suzanne Subject: People



# Testimony of Rupert Murdoch

A.

Q.

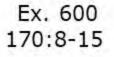
A.

263



Fox Corporation

FOX



## Fox Corp Admits Rupert Gave Instructions

Q. ....You see, sir, this is an e-mail from Rupert Murdoch to Suzanne Scott with a CC to Lachlan Murdoch, correct?

#### A. Correct.

- Q. And can you please read this e-mail to the jury starting in the second paragraph.
- A. Sure. "Trump insisting on the election being stolen and convincing 25% of Americans was a huge disservice to the country. Pretty much a crime. Inevitable it blew up on January 6th." Shall I continue?

Q. Please.

- A. "Best we don't mention his name unless essential and certainly don't support him. We have to respect people of principle and if it comes to the Senate, don't take sides. I know he is being over demonized but he brought it on himself."
- Q. Sir, this is Rupert Murdoch giving instructions on how to cover Donald Trump; is it not?
- A. He certainly sharing his suggestion with Suzanne.
- Q. And does Fox Corporation believe that convincing 25% Americans that the election was stolen was a huge disservice to the country?
- A. Rupert Murdoch as chair of Fox Corporation certainly does, so I would say yes.

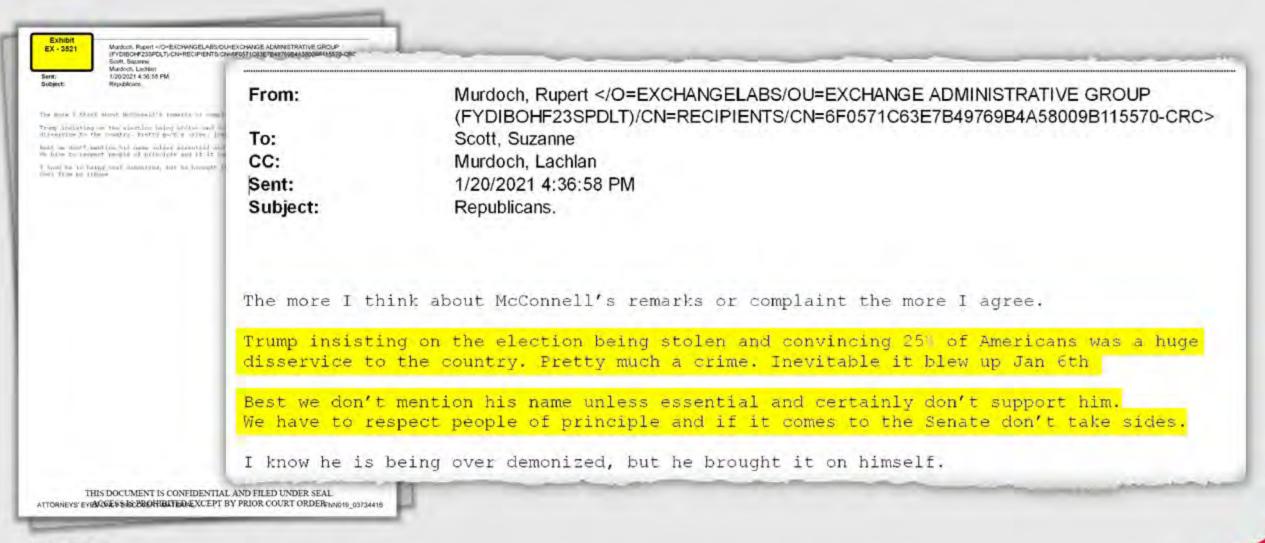
Ex. 759 401:12-402:23

Joe Dorrego-30(b)(6)

CFO and COO

Fox News

## Rupert: "Best we don't mention" Trump's name



## **Testimony of Rupert Murdoch**



Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 260:21-25 Q. In fact, you talked to Ms. Scott and said, "No more Trump appearances on the network."?

A. At some time, I certainly said that.

From: Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC> Murdoch, Rupert <: O+EXCHANGELABIS/0 From: FYDIBOHF23SPDLT) CN-RECIPIENTS C Scott, Suzanne To: Ter Robert Republished Sent: 1/28/2021 4:03 38 PM Subject: Ril McEnvira 1/26/2021 4:03:38 PM Sent: Re: McEnany Subject: Saw McDowell in semiething yestenlay and the looked and man 7.00 is a good time for a female lost If Minu does well all week we stand diettle for her. I think I know you plan to try Gowdy too. But he could be savuil for an Is two hours straight too much of Hamis? She's very seand and organized, but not a load of fun, like Dana Sent from my d'hone On Jan 26, 2021, at 8:47 PM, Scott, Suzanne - Suzanne Scott 24 Saw McDowell in something yesterday and she looked and sounded good. Dagan McDowell has been doing the morning show From Murdoch Rupert Sent: Tuesday, January 26, 2021 3:20 PM 7.00 is a good time for a female host. To: Scott, Sigame Subject: Re: McEnary If Maria does well all week we should settle for her. I think Maria is a funtastic worker- and bookart Gets great guests. Who's filling in FBN early morning." Thankfess upol-Britain today passed 199.000 Covid deaths? Per capita sheads But 12% vaccinated already and group storing. From: Murdoch, Rupert < US would need 2.5 in per day to parallel Now EU just baased vaccore exports which will cause one belly Sent: Tuesday, January 26, 2021 12:15 PM Sent from my iPhone To: Scott, Suzanne < On Jan 26, 2021, at 8:05 PM, Scott, Sagara Subject: Re: McEnany Pumpes on with Maria tonight as the 7p. Get Outlook For iUS From: Scott Suzanne I think she'll be a good addition. ATTORNEYS EYES ONLY DISCOVERY MATERIAL Ex.706 Just a couple of viewers, but both say Maria was great last night! Agree?

267

### Ryan: "Fox News Should Not Be Spreading Conspiracy Theories"



Paul Ryan

Fox Board Member



Ex. 620 317:10-25

- Q. You were conveying them during this timeframe to Lachlan and Rupert <u>that Fox News should not be spreading conspiracy theories</u>, right?
- A. Yeah, you know my opinions. I've made my opinions pretty clear.
- Q. Please tell us again what your opinions are about this.
- A. Conservative movement should move beyond Donald Trump for the sake and health of it and the country. And I think that's in Fox News' interest as well.

Q. And that's what you were telling Rupert and Lachlan at the time?

270

A. Uh-huh, yes.

## Testimony of Paul Ryan



Paul Ryan

Fox Board Member



Ex. 620 410:23-411:9 Q. And you've made suggestions about how Fox should be pivoting at this key inflection point during November 2020 through January 2021, correct?

A. Yes.

Q. And your advice was consistent throughout this timeframe to move on from Donald Trump and stop spouting election lies, correct?

A. Yes.



#### Fox Corp Admits Lachlan Can Weigh In

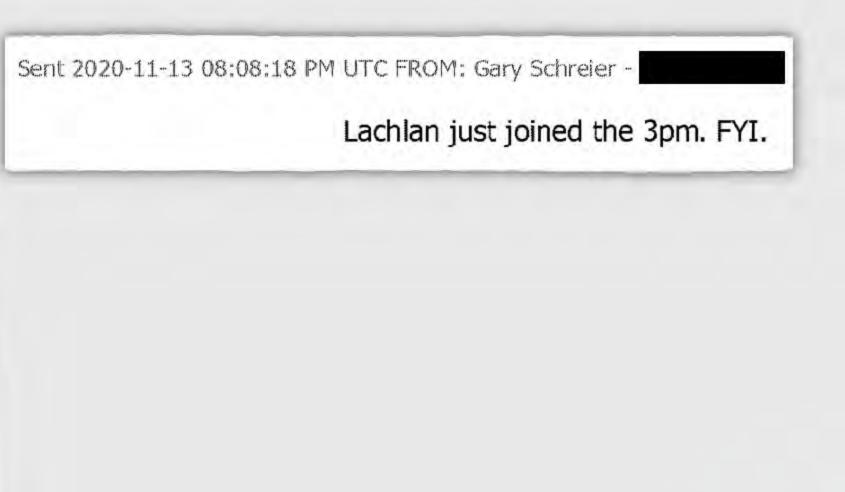


Q. You would agree with me that Lachlan Murdoch can weigh in on a particular guest, right?

A. Oh, he-certainly.

#### Lachlan Murdoch Attended Nov 13, 2020 3pm Editorial Call

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Ex. 748

#### Testimony of Lachlan Murdoch



Lachlan Murdoch

Co-Chairman and CEO Fox Corporation



Ex. 130 115:17-116:2

- Q. Yes. Back in the same time period, November 2020, you actually sometimes gave Suzanne Scott specific direction on both the tone and narrative of Fox's news coverage, didn't you, sir?
- A. I would make suggestions, yes.
- Q. And she would listen to you often, wouldn't she?
- A. I hoped she would listen, yes.

#### Lachlan a "News Junky"



Lachlan Murdoch

Co-Chairman and CEO Fox Corporation



Ex. 130 17:6-16, 101:10-12

## A.Like I said, I'm a news junky, so reading newspapers and watching news.



#### Lachlan Murdoch Follows the News Closely



Lachlan Murdoch

Co-Chairman and CEO Fox Corporation



Ex. 130 24:9-17, 25:6-12

- Q. Back in that time period, where did you get your own news personally?
- A. I read newspapers. I read -- I'm old-fashioned. I still read newspapers, paper form, whenever I can. I'll also read newspapers digitally as well. And then news, I'll watch Fox News and then when I can I'll watch our competitor CNN, MSNBC and others. Sometimes BBC and the like.

\* \* \*

Q. And back in the relevant time period and today, what newspapers do you typically read and rely on for your news?

280

A. The Wall Street Journal first and foremost, New York Times, the New York Post. To a lesser degree but sometimes the Washington Post, the Australian.

#### Lachlan Murdoch's Participation



Lachlan Murdoch

Co-Chairman and CEO Fox Corporation



Ex. 130 16:25-17:5

- Q. The story also said that you consult daily with Suzanne Scott, the chief executive of Fox News Media, and you sit on a daily morning call with her. Was that accurate?
- A. That's accurate, when I can, yes.

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From:	Scott, Suzanne 0=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP</th
	(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-
	SUZANNE, SCO>
To:	Murdoch, Lachlan
Sent:	11/9/2020 4:53:57 PM
Subject:	Fwd: Going forward

#### For discussion. S

Get Outlook for iOS

From: Carlson, Tucker Sent: Monday, November 9, 2020 4:37 PM To: Scott, Suzanne Subject: Going forward

#### Dear Suzanne.

Thanks for the conversation this morning. Even ever seen a reaction like this, to any media company. Kills me to watch it. But as dangerous as this moment is for us. I think it could be an opportunity to reestablish trust with our viewers. It's also a chance to solidify our position in digital, which I think everyone agrees we need to do.

#### Lachlan Watches Fox "As Much As I Can"



Lachlan Murdoch

Co-Chairman and CEO Fox Corporation



Ex. 130 22:2-12 Q. Do you ever watch Fox News, Mr. Murdoch?

A. Yes, I do.

Q. What shows do you like on Fox News?

A. I like The Five. I don't get to watch all the time. But I like The Five. I like Fox News Sunday, which is on our broadcast stations and also on Fox News. Primetime when I can watch it. Opinion. I watch as much as I can.

## Lachlan Watched Accused Broadcasts At the Time



Lachlan Murdoch

Co-Chairman and CEO Fox Corporation



Ex. 130 391:9-15, 24:4-8

- Q. Have you watched all the broadcasts that Dominion sued over?
- A. No, I haven't.
- Q. You haven't?
- A. No.
- Q. Have you watched any of them?
- A. At the time I would have, yes.
  - \* \* \*
- Q. So back in the relevant time period, did you ever watch Fox News broadcasting?
- A. I certainly would have in that broader time period, yes.

# Lachlan "Deeply Involved" In Reporting the Election



Lachlan Murdoch

Co-Chairman and CEO Fox Corporation



Ex. 130 97:11-98:6

- Q. But we're specifically in the handful of days after Election Day 2020. Is it fair to say that you were deeply involved in monitoring how Fox News was handling reporting on the election results?
- A. In the -- before the result -- the answer would be -- would I be involved? Yes. So yes.

Q. Including specifically--?

- A. This is after the election, you're saying?
- Q. After the election, yes. Including specifically how the network -how Fox News would report when Joe Biden surpassed 270 electoral votes, which would make him the winner of the election; right?
- A. That would have been -- I don't recall exactly, but that would have been important, yes.

# Dinh, Lachlan, and Scott's Participation



Viet Dinh

Chief Legal and Policy Officer Fox Corporation

> Ex. 601 91:12-19

- Q. Back in 2020 before the presidential election, Mr. Shah would send you weekly brand protection round-ups informing you of any threats to the Fox News brand, right?
- A. Yes, he would send that weekly, usually on a Saturday, to me, Lachlan Murdoch, and Suzanne Scott.



Ex. 612

Lachlan, Dinh, and Scott Receive Updates on Shah's Pushback Regarding Powell's "Outlandish Voter Fraud Claims"

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active//Suzanne/wet	To:	Murdoch, Lachlan; Dinh, Viet; Scott, Suzanne
her cristeren filom sociar media for Tucker's sagne Jrandsch joher haud chrimi, our consultanti, en t fministration pushback againtil her cleme	Sent:	11/23/2020 11:48:30 AM
hal excelated on Seturitay right when any grave	Subject:	Tucker/Sidney Powell Update
NevTICS SUMMARY occar media interactions were recidedly regime on Thursday right to Sunday Memoors, with 7.11 ang conservative structur and usit 7% being dete- lease memories have mixed to significantly less re- is of positive tocal media interactions per hour to	Lachlan/Suzar	ine/Viet,
Inegative social media interactions pre-hour base Aute menicons are inentifing in Tucker's deriction strate willing to believe just adapt anything LAN FORWARD	outlandish vote	rom social media for Tucker's segment questioning Attorney Sidney Powell's or fraud claims, our consultants and I coordinated an effort to generate Trump pushback against her claims.
Ar keep you aware of any developments handsi a	That escalated	on Saturday night when she gave a pretty wild interview on Newsmax.

289

#### Lachlan Could Have Stopped It

Joe Dorrego-30(b)(6)

CFO and COO Fox News

> Ex. 759 329:6-17

Q. I just want to make sure the record is clear on this point, that when Mr. Murdoch received an e-mail that Sidney Powell was making wild claims on another network, Newsmax, Mr. Lachlan Murdoch could have responded and said please make sure she's not making these same wild claims on Fox News, correct?

#### A. He could have responded in that manner.

#### **Testimony of Rupert Murdoch**



Rupert Murdoch

Co-Chairman Fox Corporation



Ex. 600 64:16-25 Q. It is fair to say you seriously doubted any claim of massive election fraud?

## A. Oh, yes.

Q. And you seriously doubted it from the very beginning? ...

A. Yes. I mean, we thought everything was on the up-and-up. I think that was shown when we announced Arizona. Madoch, Ropert «ICHEXCHANGELABS/OLHEX/CHANCE ADMINISTRATIVE GROUP (PYDRIDH#235PDLT)-CN-RE/CIPIENTS/CIPIERTS/C63ETBA9709B4A580098115570-CRC> DVIII-AMIN 116/2020 7:28 T9 AM

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and the state of the state of the

315

Half of what Donald said was good. The other half bullshit and damaging. Big media, big money and big tech all against him and his vote in spite of this a mighty achievement. But conspiracy with pollsters NO! Latter simply incompetent. Perhaps many run by Dems, but so what? Giving big money not a conspiracy!

Turns out mainly a waste.

FoxCorp0008262

With several states now disappointingly favoring Biden hard to claim foul everywhere.

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Jesse Watters di Eddie Perez, is a technology resea InterCivic). https://www.oset Lou Dobbs, Jear made	id a great job covering it a voting technology expert at the o arch and development nonprofit, t foundation.org/eddie-perez.	ormerly of an election machine v	endor (Hart

# "Neutral Reportage" Not Valid, Requirements Not Met



Meade Cooper

Vice President of Prime-Time Programming



Ex. 108 191:1-4, 284:8-14, 284:22-25

- Q. You agree that a token pushback is not really a fair reporting on either side; correct?
- A. That's correct.
  - \* \* \*
- Q. You would agree that you can cover the allegations and say that they are conspiracy theories and not true; correct?
- A. If that's the information that you have at the time, then yes.

\* \* \*

- Q. In other words, there are ways to cover the allegations without giving a platform to the people spewing lies; correct?
- A. Yes.

#### "It Won't Be Shows Like Dobbs, Hannity, etc."



Job & John Please pick one of you to compile and send to Tom.

THANK YOU ALL

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#### Ex.178 FNN033\_03873281

Te	p: Reynolds, Emily < I > I>; Davis, Andrew >
	and, Joseph 2010 >; Escherich, John <, 2010 >
	c: Lowell, Tom
S	ubject: Smartmatic Confidential Queue Question
н	i All.
Ir	received this question just now from Tom Lowell, cc'd here.
	FOX is looking at a potential legal dispute with Smartmatic. (Dominion voting-related.)
	We need to look at all the times Rudy Giuliani, Sydney Powell, Alan Dershowitz and Ronna McDaniel came on FNC/FBN and addressed the questions that were raised about Dominion voting and Smartmatic machines.
	The potential legal dispute is claiming that we <i>didn</i> 't challenge the narrative being put out by Giuliani. Powell et a that the Dominion vote machines / Smartmatic were responsible for switching votes and/or producing inaccurate results. Sensitives we didn't Put we are leaking for the times we <b>DID</b> shellows this powerties. It won't he
	results. Sometimes, we didn't. But we are looking for the times we DID challenge this narrative. It won't be shows like Dobbs. Hannity, etc. We need to specifically look at straight-er news shows.

#### **Testimony of Meade Cooper**



Meade Cooper

Vice President of Prime-Time Programming



Ex. 108 284:8-14 Q. You would agree that you can cover the allegations and say that they are conspiracy theories and not true; correct?

# A. If that's the information that you have at the time, then yes.

#### Testimony of Viet Dinh



Viet Dinh

Chief Legal and Policy Officer Fox Corporation

FOX

Ex. 601 314:3-9 Q. But if you believe it and know it to be false, you have a moral and ethical obligation to hold the President accountable by pointing that out to your viewers, right?

A. If you believe them to be false, yes.

# Fox Corp Binding Admission: Covering False Allegations

# Joe Dorrego-30(b)(6) CFO and COO Fox News Ex. 759 377:24-378:7

"If a claim was being made and it was not supported by evidence, you would want that noted."



# Fox Corp Binding Admission: Covering False Allegations

Joe Dorrego-30(b)(6)

CFO and COO Fox News Q. Does Fox Corporation believe that entities within its control should be broadcasting conspiracy theories?

A. No.

Ex. 759 127:20-24

# Fox Corp Binding Admission: Covering False Allegations

Joe Dorrego-30(b)(6)

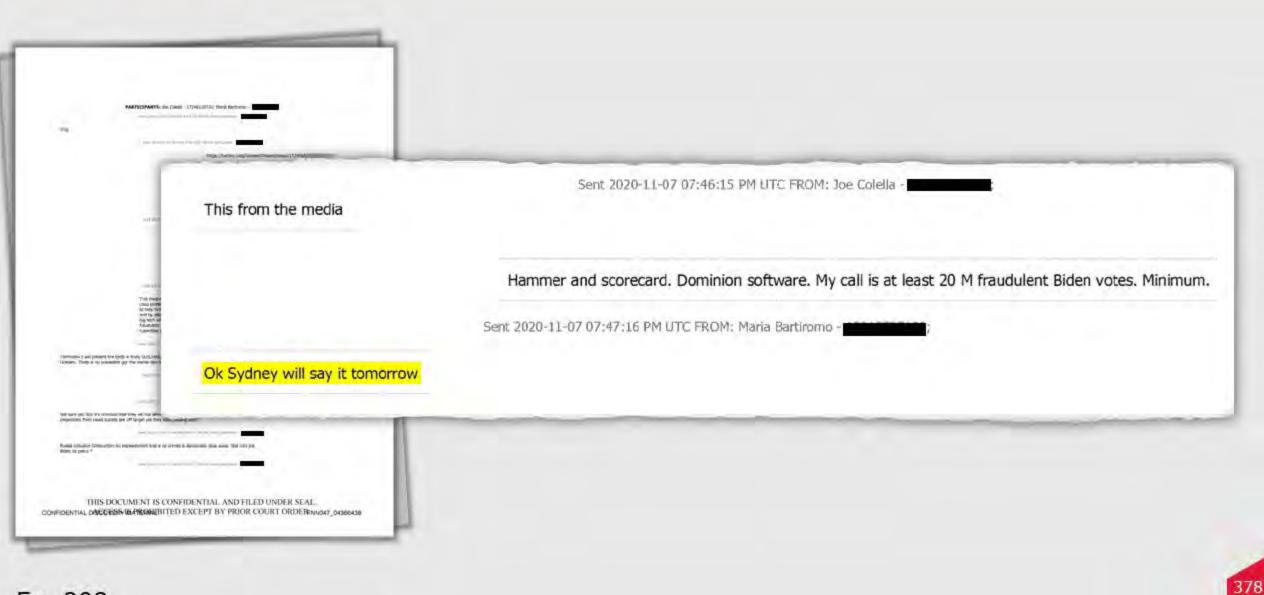
CFO and COO Fox News Q. Do entities within Fox Corporation's control have an obligation to tell the truth?

A. Yes.

Ex. 759 131:22-132:2

### "Our Viewers Are Good People And They Believe It"

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Ex. 208

#### Fox's Proposed Jury Question Makes No Sense

(Nov 14, 2020)

"I can hardly wait to put forth all the evidence we have collected on Dominion, starting with the fact it was created to produce altered voting results in Venezuela for Hugo Chavez."



#### Fox's Question to the Jury

Did "the press report the 'true' fact that the President made those allegations?"

¶179(c)

It is a "tautological proposition that evidence of managerial pressure to produce sensationalistic or high-impact stories with little or no regard for their accuracy would be probative of actual malice."

Tavoulareas v. Piro, 817 F.2d 762, 796-97 (D.C. Cir. 1987) (emphasis in original).

#### **Defamation Damages**

"In contrast to disparagement of goods, slander claims do not require specific itemization of damages."

"The amount of general damages 'must be supported by competent evidence concerning the injury, although there need be no evidence which assigns an actual dollar value to the injury."

Key requirement: "evidence of widespread dissemination" of the defamation

"we upheld a finding of damages for defamation based on an estimate of lost profits rather than an itemized list"

> Fashion Boutique of Short Hills, Inc. v. Fendi USA, Inc., 314 F.3d 48 (2d Cir. 2002)

#### **Corporate Defamation Damages**

#### Judge Easterbrook:

"[H]ow does [plaintiff] prove a counterfactual proposition about the behavior of persons who bought [its competitor's] services? [Plaintiff] was able to prove that lies had been told, but the extent of their effect was bound to be problematic. That's why general damages are available in the law of defamation."

> Israel Travel Advisory Serv., Inc. v. Israel Identity Tours, Inc., 61 F.3d 1250, 1255 (7th Cir. 1995).

"[T]his principle does not somehow become irrelevant for a corporate plaintiff; reputational damages are no easier to quantify for a corporate plaintiff than for an individual plaintiff."

Metro. Opera Ass'n, 2005 WL 1712241, at \*5.

#### Fox's Proposed "Falsity" Question

#### IN THE SUPERIOR COURT OF THE STATE OF DELAWAR

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS C.A. No. N21C-0 CORPORATION. CONSOLIDATE Plantiff CONFIDENTI FILED UNDER FOX NEWS NETWORK, LLC. Defensiont US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and C.A. No N2IGI DOMINION VOTING SYSTEMS CORPORATION Planniff FOX CORPORATION Defendant. DEFENDANT FOX NEWS NETWORK, LLC'S ANSW OPPOSITION TO PLAINTIFF'S MOTION FOR SUMM

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Fox Opp. to Dom. MSJ, p.67, n.15

<sup>15</sup> The Court should also reject Dominion's passing request for "partial" summary judgment on whether the President's allegations were true. Dom.MSJ.7. The question is whether the press reported the "true" fact that the President made those allegations. Issuing a judgment on whether the allegations themselves were true thus would do nothing to advance the resolution of this litigation. *See Page*, 270 A.3d at 846-47 (explaining that it was not the court's "role to determine whether the information in the Steele Dossier is true or false"); *Green*, 286 F.3d at 284 (explaining that in "cases involving media defendants … the defendant need not show the allegations are true, but must only demonstrate that the allegations were made and accurately reported").

## N.Y. Civ. Rights Law §75

"The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by any legally qualified candidate for public office whose utterances, under rules and regulations of the federal communications commission may not be subject to censorship by such owner, licensee or operator of such visual or sound radio broadcasting station or network of stations, or their agents or employees."

N.Y. Civ. Rights L. § 75(1)

#### Sidney Powell (Nov 14, 2020)

"I can hardly wait to put forth all the evidence we have collected on Dominion, starting with the fact it was created to produce altered voting results in Venezuela for Hugo Chavez."