

**DISTRICT OF COLUMBIA
COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
AD HOC HEARING COMMITTEE**



In the Matter of Rudolph W. Giuliani,
Bar No.: 237255

Respondent,

A Temporarily Suspended Member of the Bar of the
District of Columbia Court of Appeals.

Admitted: December 2, 1976

NOTICE OF MOTION

DDN 2020-D253

DDN: 2020-D253

PLEASE TAKE NOTICE THAT, upon the annexed Affirmation of John M. Leventhal, Esq. and Barry Kamins, Esq., the undersigned counsel will move this hearing panel for an Order (1) to disqualify Matthew Sanderson Esq. as an expert witness, whom D.C. Disciplinary Counsel intends to testify on its case in chief; (2) granting such other and further relief as to this hearing panel seems just and proper.

Dated: October 21, 2022
New York, New York

Barry Kamins
Aidala, Bertuna & Kamins, P.C.
*Attorneys for the Respondent
Rudolph W. Giuliani*
546 Fifth Avenue, 6th Floor
New York, New York 10036
(212) 486-0011
judgekamins@aidalalaw.com

Respectfully Submitted,

John M. Leventhal
Aidala, Bertuna & Kamins, P.C.
*Attorneys for the Respondent
Rudolph W. Giuliani*
546 Fifth Avenue, 6th Floor
New York, New York 10036
(212) 486-0011
judgeleventhal@aidalalaw.com

To: Hamilton P. Fox, Esq.
Disciplinary Counsel
Office of Disciplinary Counsel
515 5th Street, NW
Building A, Room 117
Washington, D.C. 20001
FoxP@dcodc.org

**DISTRICT OF COLUMBIA
COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
AD HOC HEARING COMMITTEE**

In the Matter of Rudolph W. Giuliani, Esq.
Bar No.: 237255

Respondent,

A Temporarily Suspended Member of the Bar
of the District of Columbia Court of Appeals.

Admitted: December 2, 1976

Affirmation

BDN: 22-BD-027

DDN: 2020-D253

1. We are the attorneys for the Respondent Rudolph W. Giuliani in this disciplinary matter and affirm the following to be true under the penalties of perjury.
2. We submit this affirmation in support of the motion (1) to disqualify Matthew Sanderson Esq. as an expert witness, whom D.C. Disciplinary Counsel intends to testify on its case in chief; (2) granting such other and further relief as to this hearing panel seems just and proper.
3. Our investigation has revealed that, for a long period of time, Mr. Sanderson has demonstrated actual bias against respondent Rudolph W. Giuliani.
4. For example, on January 30, 2021, Mr. Sanderson wrote a derogatory letter to Mr. Giuliani, accusing him of defamation, calling him a liar and threatening him with a lawsuit (see letter from Mr. Sanderson attached as Exhibit 1).
5. During an extended period of time from at least October 25, 2020 to at least March 3, 2022, Mr. Sanderson has repeatedly and extensively formed an opinion and expressed animus towards Mr. Giuliani personally primarily because of his representation of then

President Donald J. Trump (see numerous tweets by Mr. Sanderson attached as Exhibit 2).

6. Some examples of these animus-based tweets are as follows: Tweet dated November 22, 2020 (“Did...did the Venezuelans get to Rudy and @JennaEllisEsq too?”); Tweet dated December 2, 2020 (“...Because then Rudy might have some liability for failing to tell the truth.”); Tweet dated January 7, 2021 (“Is there anyone whose standing in society has fallen more over the last few years than Rudy Giuliani? Bill Cosby maybe?”) (See Exhibit 2)
7. In addition, Mr. Sanderson is counsel to the Lincoln Project, an American Political action committee whose mission is to prevent the reelection of Donald J. Trump.
8. When a court or hearing panel accepts the testimony of an expert witness, the expectation is that he or she will give an unbiased and objective opinion, testimony and evidence for the matter or case at hand.
9. When a judge or hearing panel is able to determine that the expert witness has leaned to one way in his or her testimony, opinion, or evidence, the court or hearing panel may consider the expert biased.
10. A biased expert should be disqualified based on factual evidence. Here there is factual evidence that Mr. Sanderson is biased against Respondent, and as counsel to the Lincoln Project, has an actual conflict of interest in serving as a neutral and objective expert witness.
11. If an expert witness is unable to comply with his or her sworn duties, he or she should not be able to give admissible testimony and should be considered disqualified from the case.

12. Here, Mr. Sanderson's bias is demonstrably shown by his letter dated January 30, 2021, the numerous tweets where he has attacked respondent Rudolph W. Giuliani and in his role as counsel to the Lincoln Project.
13. "A federal court has the inherent power to disqualify an expert witness. *See Koch Ref. Co. v. Jennifer L. Boudreaux M/V*, 85 F.3d 1178, 1181 (5th Cir.1996). 'This power derives from the court's 'judicial duty to protect the integrity of the legal process.' *In re Ambassador Group*, 879 F.Supp. at 241 (quoting *Wang Labs., Inc. v. Toshiba Corp.*, 762 F.Supp. 1246, 1248 (E.D.Va.1991)); *see also Space Sys./Loral v. Martin Marietta Corp.*, No. 95-20122, 1995 WL 686369, at *2 (N.D.Cal.1995). That said, the instances of expert disqualification are rare, and courts have not developed the kind of bright line rules for expert disqualification as there are in attorney conflict cases. *See Koch*, 85 F.3d at 1181." *Grioli v. Delta International Machinery Corp*, 395 F.Supp.2d 11 (EDNY 2005)
14. The general rule is that an allegation of *potential* bias should not result in disqualification but that an expert should be subject to cross examination where the alleged bias can be elicited and the credibility of the expert will be evaluated by the fact finder be it the court, jury or hearing panel. *United States v. Carbone*, 798 F.2d 21,25 (1st Cir. 1986) cited by *Cruz-Vazquez v. Mennonite General Hospital*, 613 F.3d 54 (1st Cir. 2010) We understand that courts are generally reluctant to disqualify expert witnesses. *Palmer v. Ozbeck*, 144 FRD66, 67 (D.Md. 1992) cited by *W.R. Grace & Co. v. Gracecare Inc.*, 152 FRD 61 (D. Md. 1993) "Bias in an expert witness's testimony is usually a credibility issue for the jury." *Adams v. Laboratory Corp. of Am.*, 760 F.3d 1322, 1332 (11th Cir. 2014). As a result the defendant may explore any potential bias of the witness on cross-examination. *See United States v. Gayden*, 977 F.3d 1146, 1153 (11th Cir. 2020) (district court did not

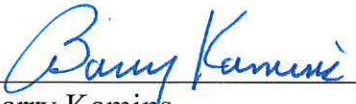
err in allowing expert witness to testify over defendant's challenge, where defendant had opportunity to cross-examine expert to demonstrate bias in formulating expert opinion.).

15. Where however, as in the matter before this hearing panel, an *actual* bias is clearly demonstrated at the outset, the expert witness should and must be disqualified.
16. This is one of those rare cases where *actual* bias has been clearly demonstrated at the outset. The hearing panel like a court has the inherent power to disqualify Mr. Sanderson especially where it is necessary "to preserve public confidence in the fairness and integrity of the [judicial] proceedings." *Paul v. Rawlings Sporting Goods Co.* 123 FRD 271,278 (S.D. Ohio); see also, *Williams v. TWA*, 588 F. Supp1037 (W.D. Mo. 1984)
17. To allow Mr. Sanderson to testify as an expert witness would clearly be an error of law and fact, as this hearing should not be based on a political bent but should be solely based on whether Mr. Giuliani violated Rule 3.1 of the Pennsylvania Rules of Professional Conduct while representing then President Donald J. Trump under the attendant facts and circumstances surrounding the litigation.

WHEREFORE, your affirmants respectfully request that this hearing panel grant Respondent's motion to disqualify Matthew Sanderson, Esq. as an expert witness and for such and further relief as to this hearing panel seems just and proper.

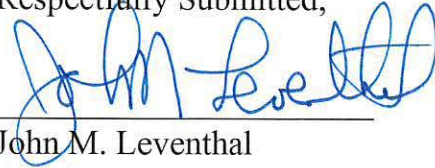
SIGNATURE ON NEXT PAGE

Dated: October 21, 2022
New York, New York



Barry Kamins
Aidala, Bertuna & Kamins, P.C.
Attorneys for the Respondent
Rudolph W. Giuliani
546 Fifth Avenue, 6th Floor
New York, New York 10036
(212) 486-0011
judgekamins@aidalalaw.com

Respectfully Submitted,



John M. Leventhal
Aidala, Bertuna & Kamins, P.C.
Attorneys for the Respondent
Rudolph W. Giuliani
546 Fifth Avenue, 6th Floor
New York, New York 10036
(212) 486-0011
judgeleventhal@aidalalaw.com

EXHIBIT 1

January 30, 2021

VIA CERTIFIED MAIL

Mr. Rudolph W. Giuliani
45 East 66th Street
New York, NY 10065

**Re: Your False and Defamatory Statements about The Lincoln Project
(with Accompanying Notice to Preserve All Relevant Documents, If Any)**

Mr. Giuliani:

You were once a respected and respectable figure.

Your unfortunate, self-inflicted decline has been a public spectacle. You wanted to “lock her up.”¹ You panhandled foreign interests.² You defended porn-star payoffs in eye-popping media appearances.³ You revealed sleazy schemes in butt-dialed voicemails.⁴ You gave a mattress-top interview to someone you thought was a journalist “looking for more,” but turned out only to be a comedian who showed you to be an easy mark.⁵ You represented the President of the United States in a parking lot press conference held right outside Four Seasons Total Landscaping, Fantasy Island Adult Bookstore, and Philadelphia Crematorium.⁶ You oozed hair dye while you spewed lies about the 2020 election.⁷ You assembled and led an “Elite Strike Force” legal team that somehow couldn’t manage to spell or to win in court.⁸

¹ Chris Massie, *Giuliani: When I see Clinton, 'I see her in an orange jumpsuit'*, CNN (Oct. 25, 2016), <https://www.cnn.com/2016/10/25/politics/giuliani-clinton-al-smith-dinner/index.html>.

² Kenneth Vogel, *While Working for Trump, Giuliani Courts Business Abroad*, N.Y. Times (Dec. 12, 2018), <https://www.nytimes.com/2018/12/12/us/politics/giuliani-consulting-abroad.html>.

³ See, e.g., Corky Siemaszko & Adam Edelman, *Giuliani Clarifies Comments about Trump, Stormy Daniels Payment*, NBC News (May 4, 2018), <https://www.nbcnews.com/politics/donald-trump/trump-giuliani-he-ll-get-his-facts-straight-n871391>.

⁴ See, e.g., Rich Schapiro, *Rudy Giuliani butt-dials NBC reporter, heard discussing need for cash and trashing Bidens*, NBC News (Oct. 25, 2019), <https://www.nbcnews.com/politics/politics-news/rudy-giuliani-butt-dials-nbc-reporter-heard-discussing-need-cash-n1071901>.

⁵ Catherine Shoard, *Rudy Giuliani Faces Questions after Compromising Scene in New Borat Film*, The Guardian (Oct. 21, 2020), <https://www.theguardian.com/film/2020/oct/21/rudy-giuliani-faces-questions-after-compromising-scene-in-new-borat-film>.

⁶ Olivia Nuzzi, *The Full(est Possible) Story of the Four Seasons Total Landscaping Press Conference*, N.Y. Magazine (Dec. 21, 2020), <https://nymag.com/intelligencer/2020/12/four-seasons-total-landscaping-the-full-est-possible-story.html>.

⁷ Joel Shannon, *Critics Roast Rudy Giuliani for Apparent Hair Dye Mishap*, USA Today (Nov. 19, 2020), <https://www.usatoday.com/story/news/nation/2020/11/19/critics-roasts-rudy-giuliani-apparent-hair-dye-mishap-twitter/6346274002/>.

⁸ See, e.g., William Cummings, Joey Garrison and Jim Sergent, *By the Numbers: President Donald Trump's Failed Efforts to Overturn the Election*, USA Today (Jan. 6, 2021), <https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/>.

More important than any of that, though, you betrayed your country when you rose to speak on January 6, 2021 before a raucous crowd that your client, ex-President Donald Trump, had invited to gather a short distance from the U.S. Capitol. You promoted bogus conspiracy theories. You said the presidency had been “stolen.” You advocated an extra-constitutional effort to overturn the obvious result of a free and fair election. You denigrated the established legal process for counting certified votes that would begin just moments later in a joint session of Congress. You directed people to “fight to the very end” to make sure that same process “doesn’t happen.” You shouted “Let’s have trial by combat!”⁹

You told your zealots what to do. They listened. They vandalized. They terrorized. They injured. They killed.

You are responsible for an armed occupation of the U.S. Capitol and an insurrection against the United States. You are responsible for our nation’s first non-peaceful transfer of power since the Civil War. You are responsible for 140 injured Capitol Police. You are responsible for five dead Americans. You incited a riot on January 6th and then stood back to watch. Your immediate reaction to the dreadful scene that day was to phone fleeing Senators to request that they further extend the vote-counting delay that you helped manufacture, which is a treacherous act the public knows about only because you cannot properly operate a smartphone.¹⁰

Rather than apologizing for your actions, you have spent the ensuing weeks deflecting blame and grasping for some way to explain your misconduct. You shamelessly muttered, for example, that your demand for “trial by combat” before an angry mob on January 6th was merely a benign reference to a 2014 episode of, as you put it, “that very famous documentary” *Game of Thrones*.¹¹ You will say anything to anyone who will listen, but even Fox News is reportedly unwilling to listen to you anymore.¹² I can only assume that is why you recently found yourself appearing on Steve Bannon’s online “War Room: Pandemic” program, of all places, to make a grievous error that you will come to regret.

You declared without prompting or proof that my client, The Lincoln Project, “planned” the January 6th insurrection “in order to hurt” Donald Trump. You claimed The Lincoln Project and “some right wing groups that operate for The Lincoln Project” were acting as “wolves in sheep’s clothing,” suggesting that they had somehow disguised themselves as Trump supporters while illegally occupying the Capitol. Mr. Bannon—yes, *Steve Bannon*—expressed doubt about

⁹ Reuters Transcript of Rudy Giuliani Speech on January 6, 2021, available at <https://news.yahoo.com/lets-trial-combat-over-election-164935300.html>.

¹⁰ Marina Pitofsky, *Giuliani Calls Wrong Senator in Last-Ditch Effort to Delay Certification of Biden’s Win*, The Hill (Jan. 7, 2021), <https://thehill.com/homenews/news/533086-giuliani-calls-wrong-senator-in-persuading-them-to-continue-objecting-votes>.

¹¹ Jerry Lambe, *Giuliani Calls ‘Game of Thrones’ a ‘Documentary’ about ‘Fictitious Medieval England’ in Attempt to Duck Blame for Capitol Violence*, Law & Crime (Jan. 14, 2021), <https://lawandcrime.com/2020-election/giuliani-calls-game-of-thrones-a-documentary-about-fictitious-medieval-england-in-attempt-to-duck-blame-for-capitol-violence/>.

¹² Jeremy Barr, *Rudy Giuliani and Sidney Powell Have Disappeared from Fox Airwaves*, Wash. Post (Jan. 14, 2021), <https://www.washingtonpost.com/media/2021/01/14/giuliani-sidney-powell-fox-dominion/>.

your initial claim, but nevertheless you persisted by additionally asserting that “one of the people who organized this is well known for having worked with The Lincoln Project in the past.”

When Mr. Bannon then asked you to reveal the identity of this “guy working with The Lincoln Project,” you responded with “I don’t know if I can reveal his name, because we have that from anonymous sources.” Mr. Bannon, realizing that you had no evidence to support your wild accusation, stated “You’re killing me... You can’t throw a charge out there like that and then say ‘Yeah, I got a double secret probation guy who I can’t mention.’” Still, you held tight to your fantastical claim about The Lincoln Project for the remainder of your appearance.¹³

You committed a textbook act of defamation. You publicly accused The Lincoln Project of an infamous and criminal act that it had nothing to do with, as you very well know. You lied.

You have until Wednesday, February 3rd to retract your statement fully and to apologize publicly to The Lincoln Project. Refuse at your peril. In the meantime, you are hereby notified that you should retain any and all documents, including emails and other electronic files, relating to this matter. You will never again be America’s Mayor, but there may still be time to save some of the cash that you pawned your credibility for, should Dominion Voting Systems ultimately leave you with any.

Cordially,



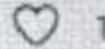
Matthew T. Sanderson
Member
Caplin & Drysdale, Chartered
Counsel to The Lincoln Project

¹³ Sophia Ankel, *Bannon Scolds Giuliani after He Falsely Claimed the Republican Lincoln Project Helped Capitol Rioters*, *Business Insider* (Jan. 30, 2021), <https://www.businessinsider.com/bannon-scolds-giuliani-after-he-links-lincoln-project-capitol-riots-2021-1>.

EXHIBIT 2

1,045 Tweets

An invasive species of spider the size of a child's hand is expected to "colonize" the entire East Coast this spring by parachuting down from the sky, researchers announced. trib.al/3QFaBrG



Matthew Sanderson @SandersonMatt · Mar 3

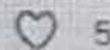
John Eastman should go down as one of the most notorious and reviled figures in American history.

Robert Costa @costareports · Mar 2

Details of what the committee is now saying was a criminal conspiracy...

1) Eastman was in the Oval on Jan. 4, 2021 with Trump. They both confronted Pence and his aides before Trump flew to GA. "You really need to listen to John," Trump told Pence. "Listen. Listen to John."

[Show this thread](#)



Promoted Tweet



HeraldWeekly @HeraldWeekly

Jason Momoa moments that totally explain why Lisa Bonet broke it off



Pelosi's Gazpacho police spying on members
JAN. 6 COMM of Congress spine on the legislative

0:15 9.8M views

2

2

10



Matthew Sanderson @SandersonMatt · Feb 4

All because of a fragile man's bruised ego.



axios.com

RNC panel moves to censure Cheney and Kinzinger over House Jan. 6 ...
Cheney says GOP leaders are "willing hostages to a man who admits he
tried to overturn a presidential election."



2



Matthew Sanderson @SandersonMatt · Feb 2

Remarkable that it took a full marketing team this much time to come up
with such a bland and boring option. Are they joining the Arena League?

Washington Commanders @Commanders · Feb 2

One legacy. One unified future.

Matthew Sanderson

1,045 Tweets

Follow



Matthew Sanderson @SandersonMatt · Jan 10

Senator Rounds is entirely correct, of course. The only reason we had a controversy about the 2020 election is because of one very fragile man's bruised ego. Someone can't quite accept their obvious loss.

Sahil Kapur @sahilkapur · Jan 10

Here's what @SenatorRounds said yesterday on ABC News that drew the former president's ire.

[Show this thread](#)

STEPHANOPOULOS: You heard Martha Raddatz's piece right there.

How do you -- what do you say? You voted to certify the election last year. You condemned the protest as an insurrection. What do you say to all those Republicans, all those veterans who believe the election was stolen, who have bought the falsehoods coming from former President Trump?

ROUNDS: We looked -- as a part of our due diligence, we looked at over 60 different accusations made in multiple states.

While there were some irregularities, there were none of the irregularities which would have risen to the point where they would have changed the vote outcome in a single state.

The election was fair, as fair as we have seen. We simply did not win the election, as Republicans, for the presidency. And moving forward -- and that's the way we want to look at this -- moving forward, we have to refocus once again on what it's going to take to win the presidency.

And if we simply look back and tell our people don't vote because there's cheating going on, then we're going to put ourselves in a huge disadvantage. So, moving forward, let's focus on what it takes to win those elections. We can do that. But we have to let people know that they can -- they can believe and they can have confidence that those elections are fair.

And that is in every single state that we looked at.



Like
Retweet

Democrat
George Tech
UNC
Wolbach
UNC
Duke
More

You r



Show i

Wha

NFL · L
Bronc
Trendin

Trendin
The V
9,555 T

Trendin
Marca

The
Cries

Matthew Sanderson


Follow

1,045 Tweets




parentmood.com


Colorado Mom Adopts Two Kids, Then Learns Who They Are

 39

 101

 648





 Promoted

Matthew Sanderson @SandersonMatt · Dec 10, 2021



"Seat Republican Electors"? These Brownshirts have no idea how elections or the Electoral College work. They have nothing. NOTHING.

 **Hugo Lowell**  @hugolowell · Dec 9, 2021

Latest: Trump White House chief Mark Meadows turned over to Jan. 6 committee an email that referred to a PowerPoint calling for Trump to declare a NatSec emergency and have VP Pence delay Biden's certification

[Show this thread](#)

ts Republican Electors over the objections of I
fraud occurred

tors and Congressmen on foreign interferent
ational Security Emergency

cts the electors from States where fraud occu
decided by remaining electoral votes

fluence and control of electronic voting syste

ays the decision in order to allow for a vetting genuine Paper ballot counts of certifi...
he all the legal paper ballots

1



1



Matthew Sanderson @SandersonMatt · Dec 8, 2021

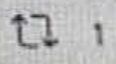
All because of a fragile man's bruised ego.



axios.com

Trump-backed Perdue says he wouldn't have certified Georgia 2020 r...
"Not with the information that was available at the time and not with
the information that has come out now."

1



11



Matthew Sanderson @SandersonMatt · Dec 8, 2021

DOJ will consider broad changes to its #FARA rules for the 1st time. I'm
pleased DOJ is initiating reform in many areas recommended by our recent
ABA Task Force (tinyurl.com/2p8mwdwb). Look forward to discussing at
tomorrow's National FARA Forum with @DOJ

Matthew Sanderson

Follow


1,045 Tweets

GIF *Well, well, well. How the turntables...*

 **Daniel Dale**  @ddale8 · Nov 17, 2021



A man featured prominently in Republican claims about voter fraud in Nevada; he claimed someone had voted under the name of his deceased wife. He has now pleaded guilty to casting that fraudulent vote himself: thenevadaindependent.com/article/clark-...



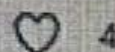
 **Matthew Sanderson** @SandersonMatt · Nov 16, 2021


The Fascist Right has taken to downplaying January 6th, but the effort to overturn the election involved sustained efforts by one-time President Trump and his allies to invite extralegal intervention from DOJ, DOD, and state officials.



 **Rick Klein**  @rickklein · Nov 16, 2021

Trump allies pressed Defense Department to help overturn election, new book says - @jonkarl @wsteaks abcnews.go.com/US/trump-allie..



 **Matthew Sanderson** @SandersonMatt · Nov 15, 2021

Her one heresy is that she's unwilling to support an incited mob's occupation of the Capitol or quietly pretend it never happened. She exposes the lot of you as sycophants and damned cowards.

Matthew Sanderson

1,045 Tweets

Follow





 Promoted



Matthew Sanderson @SandersonMatt · Nov 15, 2021

Yikes.



 **Jessica Huseman**  @JessicaHuseman · Nov 15, 2021

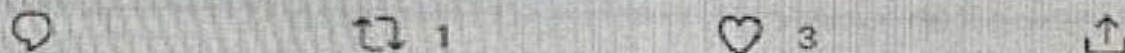
Breaking: Cleta Mitchell — an attorney who who was integral in helping Trump craft the false narrative he won the 2020 election — has been named to the board of advisors for the Election Assistance Commission.


[Show this thread](#)

rs - New USCCR appointment

On behalf of Commissioner/Designated Federal Officer (DFO) Christy McCormack, attached are two lists revised on 11-15-21 for the Board of Advisors. The first attachment is a **Contact information**, and the second attachment is a **Group Email List**. The appointment of Cleta Mitchell, Senior Legal Fellow, Conservative Partnership Institute, to the Commission on Civil Rights.

Have any questions. Thank you.



 **Matthew Sanderson** @SandersonMatt · Nov 12, 2021

Would he sound any different if the insurrectionists had succeeded?



Jonathan Karl

432.7K views

0:34 / 0:36

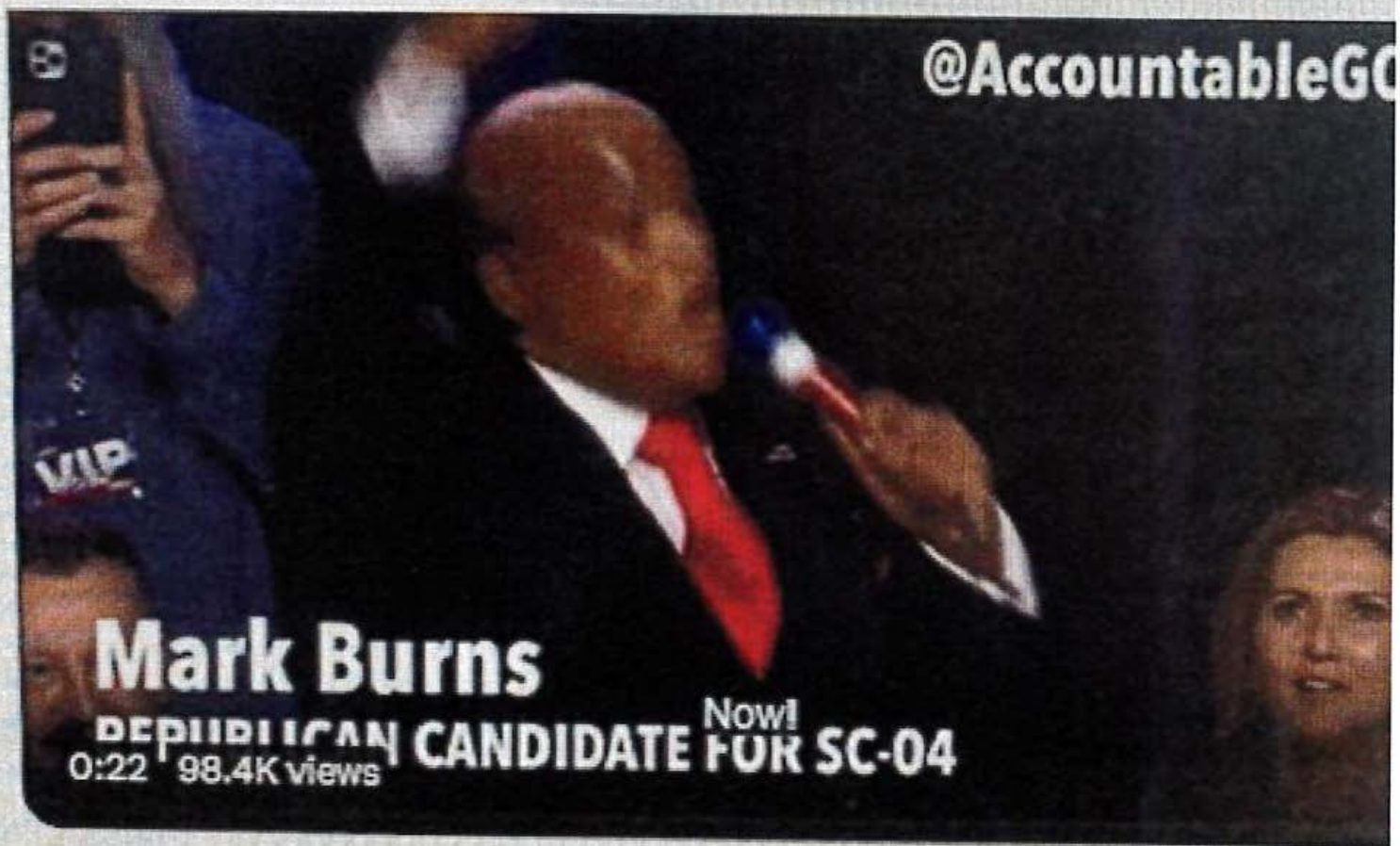


Matthew Sanderson @SandersonMatt · Nov 11, 2021

All because of a fragile man's bruised ego.

The Republican Accountability ... @Accountabl... · Nov 11, 2021

Tonight at an anti-vax rally, South Carolina congressional candidate @pastormarkburns urges attendees to tell Donald Trump they want him to "come back" as president "right now" and leads chants of "Now! Now! Now!" Totally not a cult.



Mark Burns

DEIPIR I CAN CANDIDATE FOR SC-04

0:25 98.4K views



Matthew Sanderson @SandersonMatt · Nov 9, 2021

The Fascist Right continues to pine for political violence.

The Washington Post @washingtonpost · Nov 8, 2021

Rep. Paul Gosar (R-Ariz.) tweeted a photoshopped, animated video that depicts him killing Rep. Alexandria Ocasio-Cortez (D-N.Y.) and swinging two swords at President Biden, prompting condemnation and calls for his Twitter account to be suspended. wapo.st/3EYewjH



Matthew Sanderson @SandersonMatt · Nov 4, 2021

"This legislation is an incremental but important step in the right direction," said Matt Sanderson. "There's much more to be done, but I would imagine that the sponsors of the bill share that same mind-set—that this is a helpful step, but not the end all be all of FARA reform."

Lachlan Markay @lachlan · Nov 3, 2021

Big news for transparency nerds: bipartisan legislation is being introduced tomorrow to fully digitize FARA records axios.com/foreign-agent-...



Promoted Tweet

15

29

56



Promoted



Matthew Sanderson @SandersonMatt · Nov 2, 2021

Oh no--there's been a paper jam. Fire up the #EliteStrikeForce and unleash the bogus affidavits! Go back to the Colorado traffic courts, Jenna. I'm sure some habitual speeder in Fort Collins is in need of your services.

Jenna Ellis @JennaEllsEsq · Nov 2, 2021

Report that Fairfax Co. just announced that they need to RESCAN their ballots and can only release in-person tally tonight.

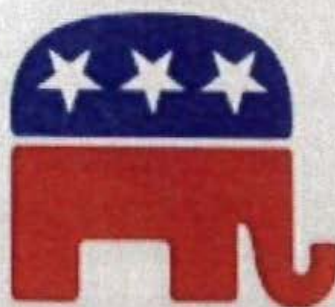
If @GOPChairwoman will fire @Justin_Riemer tonight, I will volunteer to lead the efforts for 2022 and bring an arsenal of lawyers who aren't risk-averse!!

Show this thread



C'mon,
do something...

mostly peaceful memes



Show

Wha

NFL · 1

Bronc

Trendir

Trendir

Tomm

Trendir

The V

9,646

Chr

Kacey

from 1

candis

Fest s

The

Cries

years

health

horri

Show


Terms o

Access

© 2021





Matthew Sanderson Retweeted

Axios  @axios · Oct 26, 2021

Deborah Birx told a House subcommittee that the Trump administration could have reduced COVID deaths by 30 to 40%, saying that the 2020 election “distracted” them from the pandemic.

trib.al/LFAKJ9i

 2,049



 3,469

 4,938




Matthew Sanderson @SandersonMatt · Oct 24, 2021

Your commitment to turning this violent assault on the Capitol into some minor episode of frat-boy hijinks is absolutely heinous.


 Ben Domenech  @bdomenech · Oct 24, 2021


Cheney's commitment to turning this collection of meandering Trump fanbois into some malevolent USA altering conspiracy is absolutely hilarious twitter.com/sparrowmedia/s...



 6



 Matthew Sanderson Retweeted

Derek Thompson  @DKThomp · Oct 20, 2021

WHERE HAVE ALL THE WORKERS GONE?

privatebank.jpmorgan.com/gl/en/insights...

JPMorgan guesstimate:

35%: financial cushion with unemployment benefits, stimulus, savings

20%: early retirees

10%: immigration and visa issues

10%: rise in self-employment

25% "other": COVID from child

Infrastructure Bill until we pass a strong Reconciliation Bill.



5



Matthew Sanderson @SandersonMatt · Oct 1, 2021

All because of a fragile man's bruised ego.

The Republican Accountability ... @Accountabl... · Oct 1, 2021

Trump-endorsed AZ Gov. candidate Kari Lake calls on AG Brnovich to prosecute AZ election officials and the media, based on the "findings" of the AZ audit.



1



Promoted Tweet



HeraldWeekly @HeraldWeekly

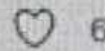
What killed Jenny in Forrest Gump remained a mystery for years. Now the author reveals what jenny really died from (and it's truly heartbreaking)

1,044 Tweets



justice.gov

Communicating with the FARA Unit



Matthew Sanderson @SandersonMatt · Sep 24, 2021

#EliteStrikeForce



nytimes.com

Republican Review of Arizona Vote Fails to Show Stolen Election (Publ...
The criticized review showed much the same results as in November, with 99 more Biden votes and 261 fewer Trump ones.



Promoted Tweet



scottlynn @scottlynn

Contemporary art historically returns 23.2% each year, on average, when inflation is at least 3% (like it is right now).

Promoted



Matthew Sanderson @SandersonMatt · Sep 20, 2021

The Fascist Right tried to transform the vice presidency—an office famously known not to be worth ‘a bucket of warm piss’—into a one-man kingmaker. All on the strength of a two-page memo.

Christian Vanderbrouk @UrbanAchiev · Sep 20, 2021

This is the six-point plan advanced by Trump lawyer John Eastman for VP Pence to overturn the election on January 6th.

cdn.cnn.com/2021/image...

Show this thread

1. If VP Pence presiding over the joint session (or creates Pro-Leaveover Urnasler), if Pence receives himself, begins to open and count the ballots, starting with Alabama (without concluding that the procedure, specified by the Electoral Count Act, is going through the States alphabetically as required).
2. When he gets to Arizona, he announces that he has multiple States of electors, and so is going to defer decision on that until finalizing the other States. This would be the first break with the procedure set out in the Act.
3. At the end, he announces that because of the ongoing disputes in the 7 States, there are no electors that can be deemed validly appointed in those States. That means the total number of “electors appointed” – the language of the 12th Amendment – is 454. This reading of the 12th Amendment has also been advanced by Harvard Law Professor Lawrence Tribe (Quinn). A majority of the electors appointed would therefore be 228. There are at this point 233 votes for Trump, 223 votes for Biden. Pence then gives President Trump as re-elected.
4. Basis, of course, from the Democrats, who now claim, contrary to Tribe’s prior position, that 270 is required. So Pence says, fine. Pursuant to the 12th Amendment, no candidate has achieved the necessary majority. That means the matter is left to the House, where the “the votes shall be taken by states, the representation from each state having one vote” Republicans currently control 26 of the state delegations, the bare majority needed to win that vote. President Trump is re-elected there as well.
5. One last piece. Announcing the Electoral Count Act process is followed and, upon getting the objections to the Arizona states, the two houses break into their separate chambers, we should not allow the Electoral Count Act construction on evidence to control. That would mean that a prior legislature was determining the rules of the present one – a constitutional no-no (see Tribe has repeatedly argued). So someone – Ted Cruz, Eric Paul, etc. – should demand normal rules (which includes the filibuster). That creates a stalemate that would give the state legislatures some time to write in to formally support the alternative state of elections, if they had not already done so.
6. The main thing here is that Pence should do this without asking for permission – either from a vote of the joint session or from the Court. Let the other side challenge his actions in court, where Tribe (who in 2001 exceeded the President of the Senate might be in charge of counting the votes) and others who would give a lawsuit would have their past position – that there are non-judiciable political questions – thrown back at them, to get the lawsuit dismissed. The fact is that the Constitution assigns this power to the Vice President as the “sole officer” who should take all of our actions with that in mind.



Matthew Sanderson Retweeted

Sh W Br Tre NFL Br Tre T/G Jun 1, 21 Ent Ra 22. Ka fro cal Fel US Ne upl Sm Terr Acc @2

Matthew Sanderson

1,044 Tweets

Follow



483

2,337



4,267



Show this thread

Matthew Sanderson @SandersonMatt · Aug 25, 2021

#EliteStrikeForce

 John Kruzel  @johnkruzel · Aug 25, 2021


BREAKING: Federal judge in Michigan sanctions Kraken lawyers Sidney Powell, Lin Wood and others, saying their litigation over Trump's 2020 election defeat amounted to a "historic and profound abuse of the judicial process"



Show this thread



4



 Matthew Sanderson Retweeted

 Cristiano Lima  @viaCristiano · Aug 24, 2021

!! Whoa! The FCC just announced a massive \$5 million fine for illegal robocalling against conspiracy theorists John Burkman and Jacob Wohl

FCC PROPOSES \$5 MILLION ROBOCALLING FINE AGAINST JACOB WOHL AND JOHN BURKMAN

In First Case Under TRACED-Act's TCPA Revisions, Parties Apparently Made Unlawful Robocalls to Voters' Wireless Phones Without Prior Consent

169



1,317

2,298



Matthew Sanderson @SandersonMatt · Jun 15, 2021

Steve Bannon is the lead defendant in yet another new federal case.

 Brad Heath  @bradheath · Jun 15, 2021

So anyway, the Justice Department filed a lawsuit yesterday against a bunch of meat and two beef heads.

[Show this thread](#)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**(1) 1,576 LBS., MORE OR LESS, OF
POULTRY CARCASSES;**



**(2) 274 LBS., MORE OR LESS, OF
CHICKEN FEET, HEADS, LIVERS,
GIZZARDS & CARCASS TRIMMINGS;**

**(3) 650 LBS., MORE OR LESS, OF A BEEF
CARCASS & 2 BEEF HEADS; and**

**(4) 600 LBS., MORE OR LESS, OF HOG
CARCASSES,**

Defendants *in rem.*

the Chinese long-term. Lots of alternatives to...

 **Jenny Leonard**  @jendeiben · May 5, 2021

SCOOP: The U.S. will support a proposal to waive IP protections for Covid-19 vaccines, @AmbassadorTai tells @EMPosts and me. The U.S. will now participate in negotiations on text at the WTO.



Story on @TheTerminal

[Show this thread](#)



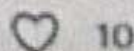
Matthew Sanderson @SandersonMatt · May 4, 2021

God bless @Liz_Cheney.

 **Jake Sherman**  @JakeSherman · May 4, 2021



Here's a statement from @Liz_Cheney comms dir @JeremyAdler: "This is about whether the Republican Party is going to perpetuate lies about the 2020 election and attempt to whitewash what happened on Jan 6. Liz will not do that. That is the issue."

[Show this thread](#)



Matthew Sanderson @SandersonMatt · May 1, 2021

How dare she object to an armed occupation of the Capitol and treat a duly elected Democratic President with civility.

 **The Hill**  @thehill · May 1, 2021

NEW: GOP frustration with Liz Cheney "at a boiling point"
hill.cm/8YPOQBu

wackojaco.com

35+ Clever Tricks That Totally Improve The Flying Experience

16

23

107



Promoted



Matthew Sanderson @SandersonMatt · Apr 28, 2021

This might initially relate to Ukraine, but Giuliani's #FARA issues could mushroom if investigators find evidence of alleged violations involving unregistered work for other foreign governments/parties (e.g. Erdogan, MEK).

The New York Times @nytimes · Apr 28, 2021

Breaking News: Federal investigators executed a search warrant at Rudy Giuliani's Manhattan apartment, stepping up a criminal investigation into his dealings in Ukraine while he was Donald Trump's lawyer. nyti.ms/32VRoRX

1



7



Matthew Sanderson @SandersonMatt · Apr 20, 2021

This is worth your time.

Joe Trippi @JoeTrippi · Apr 20, 2021

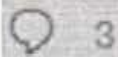
1/ The story of these gloves will tell you the kind of man Fritz Mondale was and why he meant so much to me. Please take the time to read this thread - and wait for it. Its worth it.

[Show this thread](#)



9,313 views

0:09 / 0:13



3



523





293



Matthew Sanderson @SandersonMatt · Feb 6, 2021



Important graphic here.

 New York Times Opinion  @nytopinion · Feb 6, 2021

Using a trove of leaked smartphone location data, @cwarzel and @stuartathompson identified some of the Capitol rioters.

In this time-lapse animation, smartphones moved from Trump's rally to the Capitol. nyti.ms/36Qhpo1



2



7



Noted Tweet

axios.com

Off the Rails: Inside the craziest meeting of the Trump presidency
Four conspiracy theorists marched into the Oval Office on Dec. 18.
Chaos ensued.

540

3,734

8,886



Matthew Sanderson @SandersonMatt · Feb 1, 2021

"And with that, the election-law experts were sidelined in favor of the former New York City mayor." This was a lie with deadly consequences, perpetrated by people who have no earthly idea what they're talking about when it comes to election law. [nytimes.com/2021/01/31/us/...](https://www.nytimes.com/2021/01/31/us/)



2



Matthew Sanderson @SandersonMatt · Jan 31, 2021

All I could think when I saw this was "whoa," so I'm a long way off from deserving this kind compliment from the King Poet himself. Thank you, though, @StephenAtHome. I'll be sure to include the letter in my #LSSC writing packet.



Stephen Colbert @StephenAtHome · Jan 30, 2021

I've known Matthew Sanderson for years, but I did not know he was a poet. twitter.com/ProjectLincoln...

2

3

39



Matthew Sanderson @SandersonMatt · Jan 30, 2021

Important development for #FARA.



Ryan Barber @cryanbarber · Jan 30, 2021



The Lincoln Project ✓

@ProjectLincoln



If I was Rudy Giuliani I would simply stop.

12:33 PM · Jan 29, 2021 · Twitter Web App

4,321 Retweets 320 Quote Tweets 57.2K Likes



Tweet your reply

Reply



Cylia 🇺🇸 @nnwajei · Jan 29, 2021



Replying to @ProjectLincoln

Convict Donald Trump.
 Remove Ted Cruz.
 Remove Josh Hawley.
 Remove Kevin McCarthy.
 Remove Lindsey Graham.
 Remove Mo Brooks.
 Remove Ron Johnson.
 Remove Louis Gohmert.
 Remove Jim Jordan.
 Remove Matt Gaetz.
 Remove Lauren Boebert.
 Remove Marjorie Taylor Greene.

Retweet if you agree!



35



254



446





1



4



28



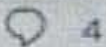
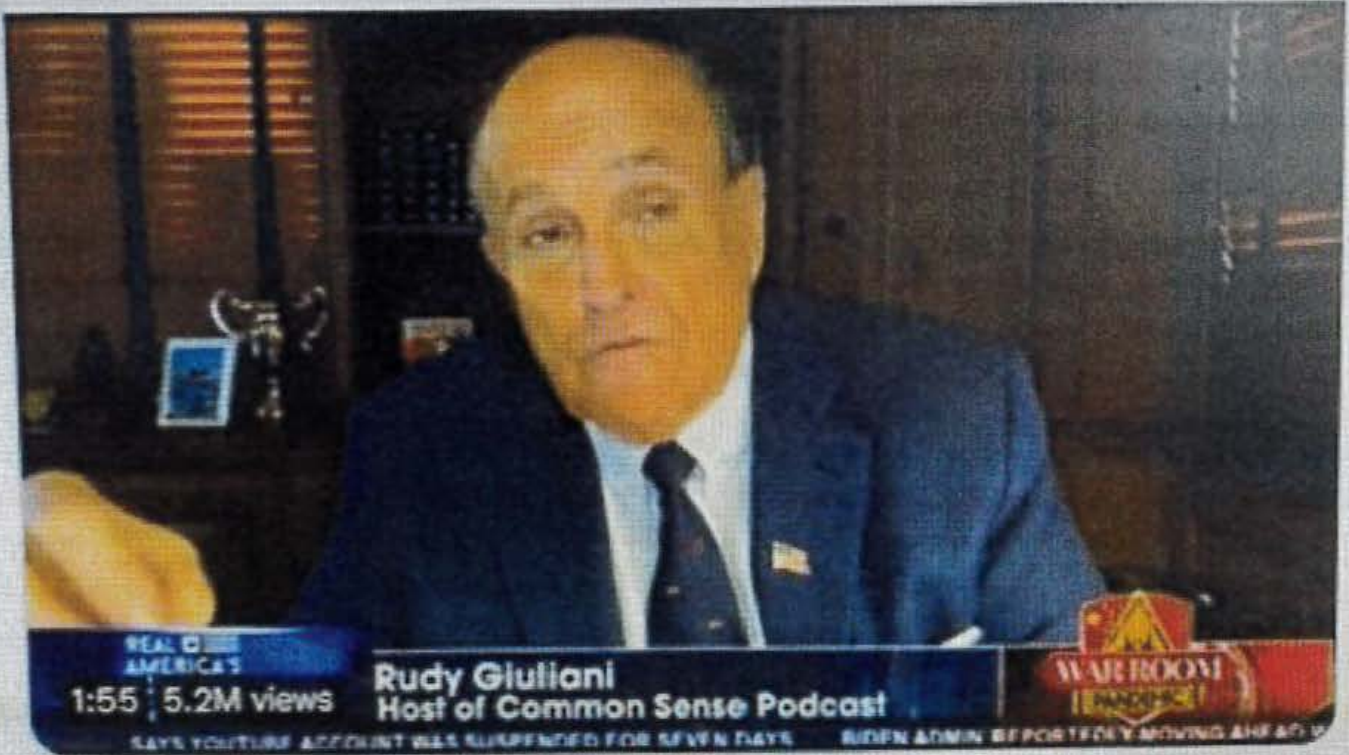
Matthew Sanderson @SandersonMatt · Jan 30, 2021

Well, well.

The Lincoln Project @ProjectLincoln · Jan 29, 2021

January 6th: Let's have trial by combat!

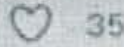
January 29th: It was the Lincoln Project's fault.



4



5



35



Matthew Sanderson @SandersonMatt · Jan 30, 2021

Tweet of the month? Tweet of the month.

Sarah Longwell @SarahLongwell25 · Jan 30, 2021

Careful. @BillKristol runs our space laser program.

dailybee.com

38+ Movie Age Gaps You Didn't Realize Are Huge

81

182

383



Promoted

Matthew Sanderson Retweeted



Jonathan Swan [@jonathanvswan](#) · Jan 17, 2021



According to documents obtained by Axios, Powell and her crew advised Trump that a foreign conspiracy to steal the election involved a coordinated cyberwarfare attack from China, Russia, Iran, Iraq and North Korea.



axios.com

Off the Rails: Trump mainlines election conspiracies as Oval Office de...
Episode 3 of an Axios special series on the president's post-election meltdown.

307

1,096

2,778



Matthew Sanderson [@SandersonMatt](#) · Jan 16, 2021



Tyler Huntley! [#UtahMan](#)



Personal Portal Login

Matthew Sanderson

1,044 Tweets

307

1,096

2,778



Matthew Sanderson @SandersonMatt · Jan 16, 2021

Tyler Huntley! #UtahMan



Matthew Sanderson @SandersonMatt · Jan 16, 2021

This whole thing was premeditated, as suspected.

[axios.com/trump-election...](https://www.axios.com/trump-election...)

2

15

59

Matthew Sanderson Retweeted



McKay Coppins @mckaycoppins · Jan 15, 2021

New statement from Church of Jesus Christ of Latter-day citizens of the U.S. look ahead to the Inauguration of a n urge our members to honor democratic institutions and p obey, honor, and sustain the law."

newsroom.churchofjesuschrist.org/article/church...

9

29

211

↻ Matthew Sanderson Retweeted



Maggie Haberman  @maggieNYT · Jan 15, 2021



Giuliani tweeted out someone's phone number from texts and a reference to "Kash"

I'm currently working with the FBI to expose and place total blame on John and the 226 members of antifa that instigated the Capitol "riot" I was able to get my agent out of trouble along with three other uthan's.

MMS

I can see what I can do with Kash, I wish I had



10:18 AM · 1/15/21 · [Twitter for iPad](#)

Matthew Sanderson

Follow

1,044 Tweets

NLWC @NittanyLionWC · Jan 13, 2021
David Taylor gets the win over Jordan Burroughs!



Matthew Sanderson @SandersonMatt · Jan 13, 2021 ...
But Trump just read a speech of a teleprompter, so everything is fine.

Daniel Chaitin @danielchaitin7 · Jan 13, 2021
NEW: Rudy Giuliani claims FBI is wrong, and antifa is behind the "key violence" at the Capitol (including propping up Air Force vet Ashli Babbitt before she was shot), and that he has evidence, coming from MAGA infiltrators, that he plans to give to the U.S. Attorney's Office.

[Show this thread](#)

5



Matthew Sanderson @SandersonMatt · Jan 13, 2021 ...
The Constitution's text and structure, historical meaning of impeachment, and Senate precedent all cut against this analysis.

@judgeluttig @judgeluttig · Jan 11, 2021
A president cannot be impeached after he leaves office. Therefore, were the House of Representatives to impeach the President before he leaves office, the Senate of the United States could not thereafter convict the former President and disqualify him from future public office.

[Show this thread](#)

Matthew Sanderson

Follow

1,044 Tweets

1. ...

2. ...

3. ...

4. ...

5. ...

6. ...

7. ...

8. ...

9. ...

10. ...

11. ...

12. ...

13. ...

14. ...

15. ...

16. ...

17. ...

18. ...

19. ...

20. ...

21. ...

22. ...

23. ...

24. ...

25. ...

26. ...

27. ...

28. ...

29. ...

30. ...

118 686 1,575



Matthew Sanderson @SandersonMatt · Jan 11, 2021

There will be a transition of power. But for the first time in our history, this transition has not been peaceful. The President must be impeached, removed, and disqualified from future office for breaking this foundational feature of our republic.

 3 37

Matthew Sanderson Retweeted



Rep. Peter Meijer @RepMeijer · Jan 10, 2021

I still can't wrap my head around the fact that the President of the United States was completely MIA while the next three individuals in the line of succession (VP, Speaker of House, Senate Pres Pro Tempore) were under assault in the Capitol. Unconscionable.

6,334 18.8K 104.6K

[Show this thread](#)



Matthew Sanderson @SandersonMatt · Jan 10, 2021


Read the whole thread.



Gregg Nunziata @greggnunziata · Jan 10, 2021

Matthew Sanderson


1,044 Tweets


Follow


 Matthew Sanderson Retweeted

 **John Boehner**  @SpeakerBoehner · Jan 7, 2021 ...


I once said the party of Lincoln and Reagan is off taking a nap. The nap has become a nightmare for our nation. The GOP must awaken. The invasion of our Capitol by a mob, incited by lies from some entrusted with power, is a disgrace to all who sacrificed to build our Republic.

 3,986



 9,650

 53.7K




 **Matthew Sanderson** @SandersonMatt · Jan 7, 2021 ...

Is there anyone whose standing in society has fallen more over the last few years than Rudy Giuliani? Bill Cosby maybe?

 **Ezra Klein**  @ezraklein · Jan 7, 2021

One constant lesson of history, and particularly of the last few years, is political tragedy often comes wrapped in farce.
thedispatch.com/p/giuliani-to-...

 2

 1

 10



Promoted Tweet

 **ZenLedger**  @ZenLedgerIO ...

#1 Crypto Tax Calculator

**The Most Comprehensive
Crypto Tax Calculator On
The Market**

Matthew Sanderson


Follow

1,044 Tweets

removal. It should be removal AND "disqualification to hold and enjoy any office of honor, trust or profit under the United States."

 1

 3

 40







Matthew Sanderson @SandersonMatt · Jan 6, 2021

...

The biggest shitbag to ever draw breath.

 **Aaron Rugar**  @atrupar · Jan 6, 2021


Holy shit. Matt Gaetz just said, "some of the people who breached the Capitol today were not Trump supporters, they were masquerading as Trump supporters and in fact were members of the violent terrorist group antifa."

[Show this thread](#)



 1

 2

 29





1 2 29



Matthew Sanderson @SandersonMatt · Jan 6, 2021

I will always be proud to have worked for two of the finest Americans of the era, Senator John McCain and Senator Mitt Romney.

1 58

Matthew Sanderson Retweeted



Josh Douglas @JoshuaADouglas · Jan 6, 2021

HAWLEY IS LYING! The PA Supreme Court issued a decision on Sept. 17 in which it acknowledged the (Republican-controlled) legislature's intent to make it easier to vote.

Josh Douglas @JoshuaADouglas · Jan 6, 2021

Hawley is anti-democracy.

He fanned the flames that led to today's violence. And now he condemns it.

History will remember his role.

13 211 3

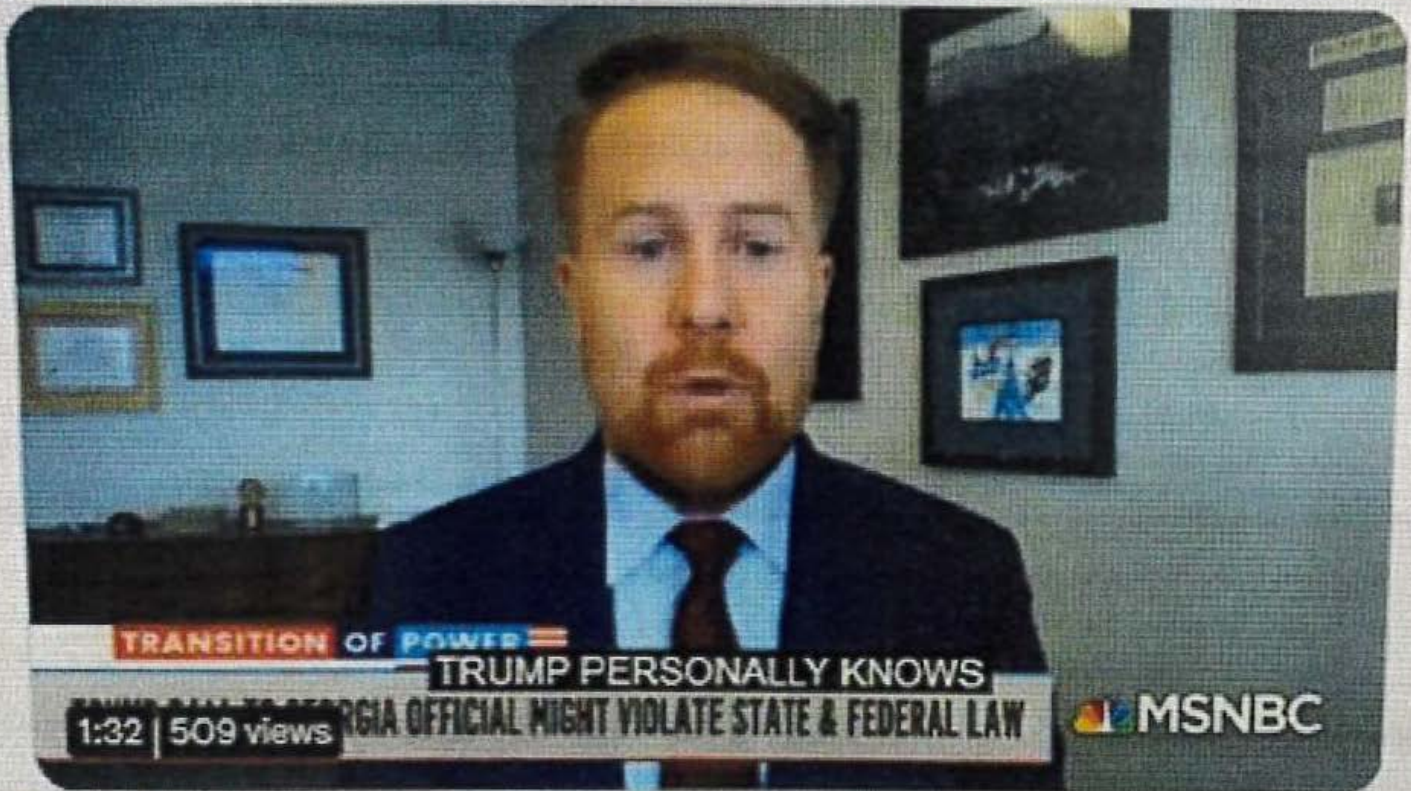
5 18

Matthew Sanderson Retweeted

Hallie Jackson Reports  @HallieOnMSNBC · Jan 4, 2021

...

.@SandersonMatt on Trump Georgia call: "Pres. Trump has committed an act against the public trust so egregious that a common criminal statute isn't necessarily designed to address it."



2 6 26

Matthew Sanderson @SandersonMatt · Jan 4, 2021

...

"President Trump has committed an act against the public trust so egregious that a common criminal statute isn't necessarily designed to address it." Thanks to @HallieOnMSNBC for having me on today.



youtube.com
Matthew Sanderson on MSNBC with Hallie Jackson
(1.4.2020)



1

1

12



Matthew Sanderson @SandersonMatt · Dec 2, 2020

...Because then Rudy might have some liability for failing to tell the truth.



Jonathan Oosting @jonathanoosting · Dec 2, 2020

Republican legislators vote to deny Rep. Camilleri's request to swear in Giuliani before his testimony. [twitter.com/jonathanoosting...](https://twitter.com/jonathanoosting)

1

2

6



Matthew Sanderson @SandersonMatt · Dec 2, 2020

"No one is going to let him have a free pass in the primary."
Hahahahahahahahahahaha. Ha. Yes, all the 2024 aspirants will suddenly play hardball in those primary debates when most of them have allowed Trump to run roughshod over American norms in the post-election period.



Daniel W. Drezner @dandrezner · Dec 2, 2020

It's adorable that 2024 aspirants in the GOP think that the media will do their work for them. [axios.com/newsletters/ax...](https://www.axios.com/newsletters/ax...)

The intrigue: Trump's 2024 rivals privately tell Swan they assume Trump's power will fade post-White House, giving them hope they can still run.

Reality check: Several allies who talk regularly to Trump told me they believe he'll announce for 2024, but ultimately not make the run because of what one Republican close to Trump called "hurdles he has never before experienced."

Matthew Sanderson

Follow

1,044 Tweets

trouble or legal trouble, the person replied: "Yes."

Reply Retweet 1 Like 11 Share



Matthew Sanderson @SandersonMatt · Dec 1, 2020

Sanctionable? I would think so.

Shawn Johnson @SJohnsonWPR · Dec 1, 2020

In a federal lawsuit alleging fraud:

WILLIAM FEERAN and DERRICK VAN ORDEN
 Plaintiffs

WISCONSIN ELECTRONIC COMMISSION
 and its members: ANN S. JACOBI, MARK L. FRIDGEN, MARGIE BOFFELMAN, JULIE M. GRANTZ, DEAN KEMIGNO, ROBERT F. SPINDELL, JR., in their official capacities, GOVERNOR TONY EVERS, in her official capacity.

Defendants

CASE NO. 2:20-cv-0171

Supplemental petition for Wisconsin's Third Congressional District seat for the United States House of Representatives. Mr. Van Orden is a resident of Ripon City, Waushara County, Wisconsin.

11. Mr. Van Orden "bought" by approximately \$1,000 votes in the December 8, 2019 U.S. Representative Race East. Because of the illegal voting irregularities at 626 to 628, Justice, Mr. Van Orden seeks to have a new election ordered by the court in the Third District with the election being conducted under strict supervision with the Wisconsin Election Code.

12. Plaintiff Van Orden has standing in the election "dispute" because as the Third Congressional District seat, and seeks to make for a new election, including with Wisconsin election law. Plaintiff Van Orden secured 129,124 votes or 48.67% in federal election race East who received 166,236 or 51.33% of the votes in Wisconsin's election.

Derrick Van Orden @derrickvanorden

mitted, this 1st day of December, 2020.

LEAD COUNSEL

/s/ Sidney Powell**
Sidney Powell PC
Texas Bar No. 1620

Learned through social media today that my name was included in a lawsuit without my permission. To be clear, I am not involved in the lawsuit seeking to overturn the election in Wisconsin.

Retweeted 70 · Quoted Tweets 382 · Likes 382

Reply Retweet Like 17 Share



Matthew Sanderson @SandersonMatt · Dec 1, 2020

Well, well.

ABC News @ABC · Dec 1, 2020

BREAKING: The Justice Department hasn't found widespread voting fraud that could have changed the outcome of the election, Attorney General Barr says. abcn.ws/33yq387

3

3

37



Matthew Sanderson @SandersonMatt · Nov 28, 2020

Team Trump loses again in Pennsylvania. Is this the least successful litigation effort ever?

Zoe Tillman @ZoeTillman · Nov 28, 2020

NEW: A big loss in the GOP case seeking to invalidate the PA election results (the one where Rep. Mike Kelly is a plaintiff) — the PA Supreme Court has dismissed it outright, finding the challengers waited too long to bring it for it to survive [scribd.com/document/48620](https://www.scribd.com/document/48620)...

Show this thread

THE HONORABLE MIKE KELLY, DEAN FURBELL, THOMAS A. FRISK, NANCY KEARSE, DEREK WAGNER, BOBBI SALTER, MICHAEL KINCAS, AND WALTER LOGAN

No. 08 MAP 2020

COMMONWEALTH OF PENNSYLVANIA, PENNIN, VIKAR, GENERAL ADDRESS, HONORABLE THOMAS W. WOLF, KATHY BOOCKVAR

OFFICE OF COMMONWEALTH OF PENNSYLVANIA, HONORABLE THOMAS W. WOLF, KATHY BOOCKVAR

FOR CITATION

AND NOW the 27th day of November, 2020, pursuant to 42 P.S. § 725, we GRANT the application for extraordinary jurisdiction filed by the Commonwealth of Pennsylvania, Governor Thomas W. Wolf, and Secretary of the Commonwealth Kathy Boockvar (Commonwealth) REQUESTING the Commonwealth Courts order permanently enjoining the Commonwealth from taking any further action regarding the certification of the results of the 2020 General Election, and DISMISS WITH PREJUDICE the petition

Section 725 provides that "[u]nderstanding any other provision of law, the Superior Court may, on its own motion or upon petition of any party, in any matter pending before it, grant or withhold extraordinary relief if the Commonwealth prevailing on issue of

on November 3, 2020. As a remedy, Petitioners sought to invalidate the actions of the officers of Pennsylvania voters who affixed the mail-in voting procedures established by Act 77 and count only those ballots that Petitioners claim to be "legal votes." Alternatively, Petitioners advocated the extraordinary provision that the court disenfranchise all 5.3 million Pennsylvanians who voted in the General Election and instead "bind[] the General Assembly to choose Pennsylvania's electors." Petition for Review at 24.

Upon consideration of the parties' Briefs in Commonwealth Court, we hereby DENY the petition for review with prejudice based upon Petitioners' failure to file their final constitutional challenge in a timely manner. Petitioners' challenge states the grounds of failure given their complete failure to act with due diligence in commencing their final constitutional challenge, which was incorporated upon Act 77's enactment. It is well-established that "diligence is an equitable doctrine that bars relief when a

Commonwealth. Thus, this Board sees that Petitioners failed to act with due diligence in presenting the instant claim. Equally clear is the substantial prejudice arising from Petitioners' failure to initiate promptly a final challenge to the mail-in voting statutory scheme, as such inaction would result in the disenfranchisement of millions of Pennsylvania voters."

Accordingly, we grant the application for extraordinary jurisdiction, reverse the Commonwealth Court's order permanently enjoining the Commonwealth from taking any further action regarding the certification of the results of the 2020 General Election, and dismiss with prejudice Petitioners' petition for review. All other outstanding matters are certified as moot.

Justice Thomas files a concurring statement.

Chief Justice Saylor files a concurring and dissenting statement in which Justice

1

2

26





Promoted Tweet

Domesticated Companion @DomesticatedCom

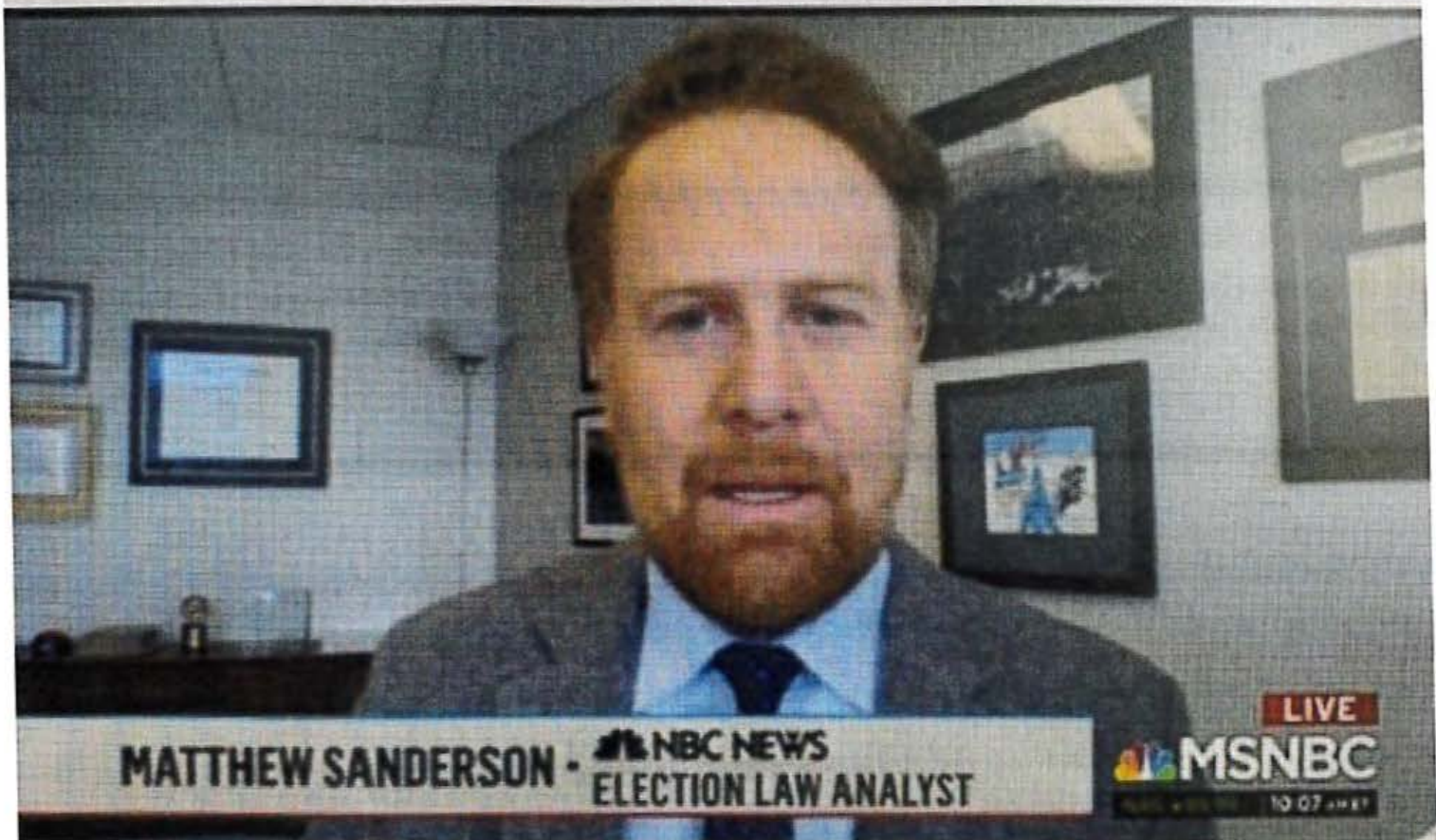
These Vintage Baby Girl Names Are Ready to Make a Comeback

Matthew Sanderson @SandersonMatt · Nov 27, 2020

grade from @ratemyskyperoom, which I certainly deserve. Gonna go decorative pineapple shopping this afternoon and get myself up to an A.

 Room Rater  @ratemyskyperoom · Nov 27, 2020

Good composition. Art. Diplomas. Democracy. Reframe to crop out drop ceiling. 8/10 @SandersonMatt



2



24



Matthew Sanderson @SandersonMatt · Nov 27, 2020



The Third Circuit rejected the Trump Campaign's main Pennsylvania case today. This introduction by Judge Bibas is plain-spoken rhetorical fire. The full opinion is here: bit.ly/36djXNh

BIBAS, Circuit Judge.

Matthew Sanderson

Follow

1,044 Tweets

 **Rick Hasen**  @rickhasen · Nov 25, 2020

#ELB: Breaking: Pennsylvania State Judge Temporarily Blocks Certification, the the Extent It is Not Already Complete, of Biden as Winner, and Blocks Certification in Other Races Pending Monday Hearing electionlawblog.org/?p=119069

[Show this thread](#)



 2

 11



Matthew Sanderson @SandersonMatt · Nov 25, 2020

I talked with [@maddow](#) last night about the new Trump-allied lawsuits: "What you're seeing now is political opportunism, and it's the same rehashed, recycled claims ... and I don't expect them to have any more success than the prior batch of lawsuits."




youtube.com

Matthew Sanderson Interview with Rachel Maddow on MSNBC (11.24.2020)





 4

 25



Matthew Sanderson @SandersonMatt · Nov 25, 2020

Well... when you stick your finger in every eye over the course of four years, that's what happens.

 **Noah Rothman**  @NoahCRothman · Nov 24, 2020

politico.com/news/magazine/...

"It got it," the president said



16



Matthew Sanderson @SandersonMatt · Nov 23, 2020

This reverses 1 of the 2 Trump Campaign litigation victories. Team Trump has now lost 30+ cases, with only a single win. It's not just bad lawyering, though there has been some of that. These cases are losers. Judges shouldn't overturn 10k+ legal votes. I'm relieved they aren't.



Zoe Tillman @ZoeTillman · Nov 23, 2020

NEW: The Pennsylvania Supreme Court has rejected the Trump campaign's challenge to 8,329 absentee ballots in Philadelphia missing certain info on the envelope AND reversed an order that invalidated 2,349 ballots in Allegheny County for the same reason
assets.documentcloud.org/documents/7332...

[Show this thread](#)

1921(b). In the case of ambiguity, we look to ascertain the legislative intent, and in election cases, we adhere to the overarching principle that the Election Code should be liberally construed so as to not deprive, inter alia, electors of their right to elect a candidate of their choice. *Pa. Democratic Party v. Boockvar*, 238 A.3d 345, 356 (Pa. 2020). Stated more fully:

Election laws will be strictly enforced to prevent fraud, but ordinarily will be construed liberally in favor of the right to vote. All statutes tending to limit the citizen in his exercise of the right of suffrage should be liberally construed in his favor. Where the elective franchise is regulated by statute, the regulation should, when and where possible, be so construed as to insure rather than defeat the exercise of the right of suffrage. Technicalities should not be used to make the right of the voter insecure. No construction of a statute should be indulged that would disfranchise any voter if the law is reasonably susceptible of any other meaning.

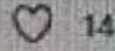
Appeal of James, 105 A.2d 64, 65-66 (Pa. 1954).

Guided by these principles and for the reasons discussed at length in this opinion, we conclude that the Election Code does not require boards of elections to disqualify mail-in or absentee ballots submitted by qualified electors who signed the declaration on

Matthew Sanderson

Follow

1,044 Tweets



Matthew Sanderson @SandersonMatt · Nov 22, 2020



Did ... did the Venezuelans get to Rudy and @JennaEllisEsq too?



Jenna Ellis 🍊 🇺🇸 🇺🇸 @JennaEllisEsq · Nov 22, 2020



- November 22, 2020 -

Trump Campaign Statement on Legal Team

“Sidney Powell is practicing law on her own. She is not a member of the Trump Legal Team. She is also not a lawyer for the President in his personal capacity.”

- Rudy Giuliani, Attorney for President Trump, and Jenna Ellis, Trump Campaign Senior Legal Adviser and Attorney for President Trump



Matthew Sanderson @SandersonMatt · Nov 22, 2020



Matthew Sanderson

Follow

1,044 Tweets

Copyright 2020 Matthew Sanderson. All rights reserved. This content may be subject to copyright law.

cannot justify the disenfranchisement of a single voter, let alone all the voters of its sixth most populated state. Our people, laws, and institutions demand more. At bottom, Plaintiffs have failed to meet their burden to state a claim upon which relief may be granted. Therefore, I grant Defendants' motions and dismiss Plaintiffs' action with prejudice.

 3  1  24 



Matthew Sanderson @SandersonMatt · Nov 21, 2020

I think @JennaEllisEsq is about to tell us that Fidel organized a ballot-harvesting scheme in Macon. #FourSeasonsTotalAttorneying [twitter.com/realDonaldTrump...](https://twitter.com/realDonaldTrump)

This Tweet is from a suspended account. [Learn more](#)

 2   22 



Matthew Sanderson @SandersonMatt · Nov 20, 2020

AZ update. [twitter.com/marceelias/sta...](https://twitter.com/marceelias/status)

This Tweet was deleted by the Tweet author. [Learn more](#)

  1  15 



Matthew Sanderson @SandersonMatt · Nov 20, 2020

[eyes emoji]

 Zoe Tillman @ZoeTillman · Nov 20, 2020

statute. We are a nation of laws, not tweets." --
U.S. Senator Ben Sasse 11/19/20



21



Matthew Sanderson @SandersonMatt · Nov 19, 2020

Pretty, pretty, pretty good.



Brendan Keefe @BrendanKeefe · Nov 19, 2020

The final margin to be certified is a Biden win of 12,284 votes in Georgia.

The numbers show a 0.0099% deviation in margin between the original count and the audit.

[Show this thread](#)

Trump	2,462,857
Biden	2,475,141
Jorgensen	62,587



1



1



10



HD 1080p

ADESSO

Matthew Sanderson Follow

1,044 Tweets

Show this thread

1 3 17



Matthew Sanderson @SandersonMatt · Nov 19, 2020

Thankfully recorded for posterity.



Jon Swaine @jonswaine · Nov 19, 2020

The full audio of @RudyGiuliani's appearance in federal court in Williamsport, Pa., on Tuesday is now online. Judge Matthew Brann ordered that a recording of the hearing be made public. youtube.com/watch?v=c_-Rvu...

1 1 18



Matthew Sanderson @SandersonMatt · Nov 19, 2020

My view is that this whole charade is to give the two Republicans on the State Board an excuse to withhold their votes for certification.



Jonathan Oosting @jonathanoosting · Nov 19, 2020

ALERT: Trump campaign withdrawing Michigan lawsuit, claiming a legal victory even though state says Wayne County results are already certified

Matthew Sanderson

Follow

1,044 Tweets

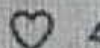
tough week for Trump Campaign lawyers. Universi...



1



1



4



Matthew Sanderson @SandersonMatt · Nov 17, 2020



Another Trump case litigated, another loss.

 Zoe Tillman  @ZoeTillman · Nov 17, 2020

NEW: The PA Supreme Court has ruled Philadelphia did not violate state election law when it restricted how close poll observers could stand to the processing of mail-in ballots because of COVID — a loss for Trump's campaign, which had won in a lower court assets.documentcloud.org/documents/7330...

[Show this thread](#)

In sum, we conclude the Board did not act contrary to law in fashioning its regulations governing the positioning of candidate representatives during the pre-canvassing and canvassing process, as the Election Code does not specify minimum distance parameters for the location of such representatives. Critically, we find the Board's regulations as applied herein were reasonable in that they allowed candidate representatives to observe the Board conducting its activities as prescribed under the Election Code. Accordingly, we determine the Commonwealth Court's order was erroneous. Thus, we vacate that order, and reinstate the trial court's order.

Jurisdiction relinquished.

Justices Baer, Donohue, Dougherty and Wecht join the opinion.



1



19



Matthew Sanderson

Follow


1,044 Tweets



1 3 7 

Matthew Sanderson @SandersonMatt - Nov 13, 2020

I said earlier that this 2020 post-election is all just like Bush v. Gore, but if you replaced James Baker with the co-editor of a QAnon subreddit. I stand by that statement.

Maggie Haberman  @maggieNYT - Nov 13, 2020

NEW - Trump has put Rudy Giuliani in charge of his campaign lawsuits related to the outcome of the election, as well as all public communications related to them [nytimes.com/live/2020/11/1...](https://www.nytimes.com/live/2020/11/13/us/politics)

[Show this thread](#)

 2 15 

Matthew Sanderson @SandersonMatt - Nov 13, 2020

"As of now, the only evidence Trump has for what would perhaps be the most significant organized crime in American history is an election result he does not like and a chain of falsehoods unveiled in parking lot press conferences."

Matthew Sanderson

1,044 Tweets

Follow

1

8

28



Matthew Sanderson @SandersonMatt · Nov 10, 2020

I joined [@MeetThePress](#) this afternoon to discuss DOJ's move last night and the Trump "voter fraud" allegations.

[Meet the Press](#) @MeetThePress · Nov 10, 2020

WATCH: DOJ looking into voter fraud allegations in Nevada and Pennsylvania #MTPDaily

@SandersonMatt: "Trump's only evidence for what would be, perhaps, the most significant organized crime in American history is an election result he doesn't like and a series of mistruths."



DECISION 2020

1:06

4,241 views

RES. TRUMP'S EFFORTS TO CHALLENGE RESULTS

MSNBC

5

6

34



Matthew Sanderson @SandersonMatt · Nov 10, 2020

The only explanation for President Trump's predictable failure at the top of our GOP ticket is ... a conspiracy of fraud involving thousands of Americans? Hmm. Okay

Matthew Sanderson

1,044 Tweets

Follow



Matthew Sanderson @SandersonMatt · Nov 6, 2020

I appeared on @TODAYshow to briefly discuss the Trump legal strategy. Most lawsuits filed over the past few days are simply to sling mud at the election system, with the intent to leave a stain.



today.com

Effort to legally count all election ballots takes spo...
As an anxious nation awaits the outcome of the presidential election, NBC's Tom Costello reports ...



2

9



Matthew Sanderson @SandersonMatt · Nov 6, 2020

I want to remind everyone that although Joe Biden has taken the lead in states that would put him over the 270 EV mark, nobody has been elected President just yet. If it was important yesterday to keep counting all the votes, it's still important this morning. This matters.



8

41



Matthew Sanderson @SandersonMatt · Nov 6, 2020

I stood just below the podium on this night in 2008, exhausted after years of hard work and frankly a little angry that voters had chosen someone else. But then a leader stood to remind me that America's ideals are far more important and enduring than our political...

Matthew Sanderson

Follow

Tweets



4,300,707 followers - 102,102 following



9



Matthew Sanderson @SandersonMatt · Nov 5, 2020

Trump's legal strategy at this point is less about remedying any actual issues with how this election was administered and more about creating an impression with the public that misconduct is rampant, which just isn't true.

Hallie Jackson Reports @HallieOnMSNBC · Nov 5, 2020

Legal Analyst @SandersonMatt discusses President Trump's legal challenges and whether they could lead to a significant change in the results.



1:25 883 views

MSNBC

1

7

27



Matthew Sanderson @SandersonMatt · Nov 5, 2020

Happy to join @NBCNightlyNews last night to discuss the post-election voting counting process.

masterworks.com
Skip the Waitlist

5

4

4



Promoted



Matthew Sanderson @SandersonMatt · Oct 25, 2020

It is my pleasure to represent and defend @ProjectLincoln. They are a wonderful pirate crew.

The Lincoln Project @ProjectLincoln · Oct 24, 2020

The Lincoln Project's legal response to the frivolous threat of a lawsuit from Jared Kushner and Ivanka Trump's lawyer.

This will not be the last they hear from us.

Capital Group
October 24, 2020

THEMIS
Mr. Jared Kushner
Special Assistant to the President
1600 Pennsylvania Avenue, NW
Washington, DC 20503

Re: **Letter Concerning Certain Issues Relating to Kushner and Ivanka Trump**

Dear Mr. Kushner:

I am pleased to have your letter of October 23, 2020, in which you threaten to sue the Lincoln Project for certain comments made by Kushner and Ivanka Trump. You also purport to be the "Trustee" of the Lincoln Project, which is not true. I have reviewed your letter and the Trump Administration's Social Media Management Plan.

The Lincoln Project would welcome the opportunity to further discuss the substance of the Trump Administration's Social Media Management Plan, and to discuss the substance of your letter. The Lincoln Project is a 501(c)(3) non-profit organization. It is not a "Trust" and does not have any "Trustees". The Lincoln Project is a 501(c)(3) non-profit organization. It is not a "Trust" and does not have any "Trustees".

Very truly yours,
Matthew Sanderson
Attorney at Law

Matthew Sanderson
Attorney at Law
1600 Pennsylvania Avenue, NW
Washington, DC 20503

524

2,041

20.1K



Matthew Sanderson @SandersonMatt · Oct 24, 2020

A preview of Election Night?

October 24, 2020

VIA E-MAIL

Mr. Marc E. Kasowitz
Kasowitz Benson Torres LLP
1633 Broadway
New York, NY 10019

Re: Public Criticism of White House Advisors Jared Kushner and Ivanka Trump

Dear Mr. Kasowitz:

I write to respond to your recent letter, in which you threaten to sue my client, The Lincoln Project, for openly criticizing Jared Kushner and Ivanka Trump. You object specifically to two Times Square billboards (featured below for your immediate reference) that associate your clients with the Trump Administration's failed COVID-19 response.



You boldly predict that the result of your lawsuit "will doubtless be enormous compensatory and punitive damages."

Please peddle your scare tactics elsewhere. The Lincoln Project will not be intimidated by such empty bluster.

Your clients are no longer mere Upper East Side socialites, able to sue at the slightest offense to their personal sensitivities. Mr. Kushner and Ms. Trump are public officials. They have been public officials since President Trump, in a gross act of nepotism, awarded Mr. Kushner and Ms. Trump senior White House positions in 2017. The placement of Mr. Kushner

and Ms. Trump in these high-level White House offices has been disastrous for Americans everywhere, but it is now also devastating to the prospects of your would-be lawsuit.¹

Americans have the right to discuss and criticize their public officials freely. The U.S. Supreme Court has described this as a "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehemence, caustic, and sometimes unpleasantly sharp attacks on government and public officials."² Public officials have periodically tried, as Mr. Kushner and Ms. Trump do here, to evade accountability and muzzle dissent by threatening or filing defamation lawsuits against critics. Fortunately, substantial constitutional protections are afforded to those who speak out about public officials.³ The Lincoln Project plans to avail itself of these constitutional protections to duly criticize Mr. Kushner and Ms. Trump until they cease to be public officials, at approximately Noon Eastern Standard Time on January 20, 2021.

The Lincoln Project's billboards, in any event, are entirely accurate.

Contrary to your claim that "Mr. Kushner never made any such statement," *Vanity Fair* reported in a widely circulated article that Mr. Kushner did indeed say that New Yorkers "are going to suffer and that's their problem" during the time that he was entrusted to lead our nation's COVID-19 response.⁴ The Lincoln Project explicitly cited *Vanity Fair* as the source for Mr. Kushner's featured statement. Please contact us again if at some point you somehow succeed in convincing *Vanity Fair* to retract its article, but I trust that this supplemental explanation settles the matter for now as to Mr. Kushner's reported remark.

Your additional assertion that "Ms. Trump never made any such gesture" is similarly incorrect. While serving as a White House official and in violation of federal ethics rules, Ms. Trump infamously endorsed a commercial product this past July by posting a picture of herself

¹ As public officials, Ms. Trump and Mr. Kushner must satisfy the First Amendment "actual malice" standard to bring a libel claim: With clear and convincing evidence, they must show that The Lincoln Project made statements with knowledge the statements were false or with reckless disregard of whether the statements were false. *New York Times Co. v. Sullivan*, 376 U.S. 254, 280 (1964). At a minimum, they must show that The Lincoln Project actually "entertained serious doubts as to the truth" of its statements. *Sr. Amest v. Thompson*, 390 U.S. 727, 731 (1968).

² *Sullivan*, 376 U.S. at 270.

³ As Chief Justice Rehnquist wrote for a unanimous court in *Hustler Magazine, Inc. v. Falwell*, "[t]he sort of robust political debate encouraged by the First Amendment is bound to produce speech that is critical of those who hold public office." 495 U.S. 46, 51-52 (1983). As the Court has long explained, "[o]ne of the prerogatives of American citizenship is the right to criticize public men (and women) and measures." *Id.* (quoting *Bongertner v. United States*, 327 U.S. 665, 674-74 (1944)) (emphasis added).

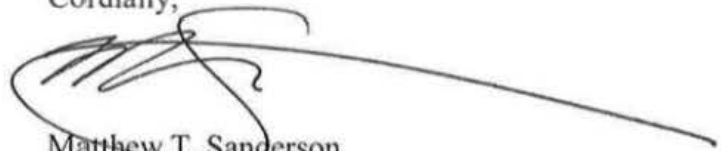
⁴ Katherine Eban, "That's Their Problem": How Jared Kushner Let the Markets Decide America's COVID-19 Fate, *Vanity Fair* (Sept. 17, 2020), available at <https://www.vanityfair.com/news/2020/09/jared-kushner-let-the-markets-decide-covid-19-site>. Mr. Kushner, a Senior Advisor to the President and one of the most powerful public officials in America, expressed his view as to why so many New Yorkers were dying from COVID-19: "Cuomo didn't pound the phones hard enough to get PPE for his state. . . . His people"—New Yorkers—"are going to suffer and that's their problem." The billboard does nothing more than quote Mr. Kushner's own language except for one truthful bracketed substitution for contextual clarity. Instead of Governor Cuomo's "people," the billboard says simply: "[New Yorkers] are going to suffer and that's their problem."

holding a 15.5-ounce can of Goya® Black Beans with the caption “If it’s Goya, it has to be good.”⁵ The Lincoln Project replaced that can of Goya® Black Beans with statistical references to 33,366 dead New Yorkers and 221,247 dead Americans. Why? Because Ms. Trump endorses the Trump Administration policies that have led to an unacceptable number of American deaths every bit as much as she once endorsed that can of beans.⁶ This truth may cause Ms. Trump personal discomfort, but her bruised self-image does not change the fact that this billboard accurately depicts her support of a federal response that has utterly failed to prevent an unmitigated tragedy for the United States.

The Lincoln Project would welcome the opportunity to further establish the truthfulness of its Time Square billboards through litigation and discovery, so sue if you must.⁷ In the meantime, may I suggest that if Mr. Kushner and Ms. Trump are genuinely concerned about salvaging their reputations, they would do well to stop suppressing truthful criticism and instead turn their attention to the COVID-19 crisis that is still unfolding under their inept watch. These billboards are not causing Mr. Kushner and Ms. Trump’s standing with the public to plummet. Their incompetence is.⁸

This isn’t over. Mr. Kushner and Ms. Trump will hear more from The Lincoln Project soon.

Cordially,



Matthew T. Sanderson
Member
Caplin & Drysdale, Chartered
Counsel to The Lincoln Project

⁵ Ivanka Trump Twitter Account (July 14, 2020), <https://twitter.com/IvankaTrump/status/1283221019684110337>.

⁶ See, e.g., Cory Sharber, *In Cincinnati, Ivanka Trump Says Her Father has 'Moved Mountains' to Fight COVID*, WVXU.org, <https://www.wvxu.org/post/cincinnati-ivanka-trump-says-her-father-has-moved-mountains-fight-covid-19>.

⁷ Your clients are hereby notified that they should retain any and all documents, including emails and other electronic files, relating to the matters at issue. Your clients are further advised that in any lawsuit arising from these matters, The Lincoln Project would intend to seek expedited discovery and to depose Ms. Trump and Mr. Kushner in videotaped proceedings and to depose each individual that attended the March 21 meeting on which *Vanity Fair* reported.

⁸ The Second Circuit has held that “a plaintiff’s reputation with respect to a specific subject may be so badly tarnished that he cannot be further injured by allegedly false statements on that subject.” *Cerasani v. Sony Corp.*, 991 F. Supp. 343, 352 (S.D.N.Y. 1998) (quoting *Guccione v. Hustler Magazine, Inc.*, 800 F.2d 298, 3030 (2d Cir. 1986)). In one of the seminal libel-proof-plaintiff cases, the U.S. District for the Southern District of New York held that mobster John “Boobie” Cerasini had a reputation so “tarnished” and given that he was “generally reputed to be an associate of organized crime,” that he could claim no damages for defamation; “if there is little or no harm to a plaintiff’s already low reputation, then the statements are not actionable.” *Id.* Mr. Kushner’s and Ms. Trump’s claims will fare no better than Boobie Cerasini’s given their tarnished reputations on COVID-19.