



Dominion v. Fox

MSJ Hearing

March 21, 2023

Dominion Satisfies all Elements of a Defamation Claim

1. Falsity



2. Defamatory *per se*



3. Publication



4. Of and concerning



5. Actual Malice



6. No Affirmative Defenses





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

The FOX logo is displayed in a bold, blue, sans-serif font. The letters are thick and closely spaced, with a registered trademark symbol (®) at the end of the word.

Joe Dorrego-30(b)(6)

CFO and COO
Fox News

Ex. 759
524:6-525:2

- 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.**



Joe Dorrego-30(b)(6)

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.



Joe Dorrego-30(b)(6)

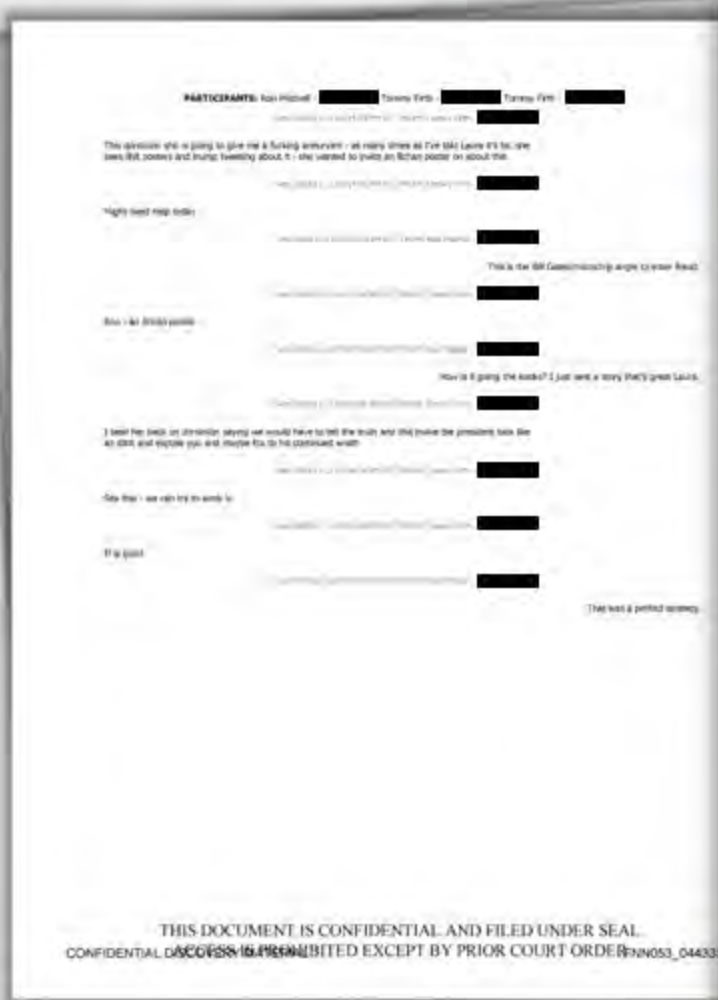
CFO and COO
Fox News

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"



PARTICIPANTS: Ron Mitchell - [REDACTED]; Tommy Firth - [REDACTED]; Tommy Firth - [REDACTED]

Sent 2020-11-12 02:14:35 PM UTC FROM: Tommy Firth - [REDACTED]

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

Sent 2020-11-12 02:14:51 PM UTC FROM: Tommy Firth - [REDACTED]

Might need help today

Sent 2020-11-12 02:22:53 PM UTC FROM: Ron Mitchell - [REDACTED]

This is the Bill Gates/microchip angle to voter fraud.

Sent 2020-11-12 02:23:50 PM UTC FROM: Tommy Firth - [REDACTED]

Ron - an 8chan poster

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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

"Rife With Conspiracy Theories and BS"

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

From: Luter, Tim <[REDACTED]>
Sent: Friday, November 20, 2020 11:45 AM
To: Andrews, Jerry <[REDACTED]>; Volz, Jennifer <jennifer.volz@fox.com>
Subject: open

For four years we listen to unsupported allegations of a conspiracy by a foreign government to steal the election of 2016, that Russia stole the election of 2016 impacting their Russian president of the United States. For four years we were told trump was a Putin puppet, a Russian asset. And that we must do everything to get rid of him. Almost on a daily basis members in congress put on their conspiracy show as congressmen like Adam Schiff said evidence... evidence they had seen with their own eyes... evidence that requires because America and democracy were at stake.

Never ever... not once did we see a scintilla of evidence, never. We were supposed to impeach the president and the country through hell as the work of congress was halted and as we were getting closer and closer to the big Russian reveal that fuzzed much like testified there was nothing.

And then the ruse was back another show down to the sub-basement of the capitol with each other with fantasies of foreign interference in their medieval star chamber.

But now come the president's lawyers, pointing to an organized crime enterprise, especially in cities controlled and corrupted by democrats. Come the president's lawyer company called dorvick which started in Venezuela with Cuban money and with the assistance of unsworn attorneys 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.

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

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From: Andrews, Jerry </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=90388908B14441C9BAAB5657EBE9487D-ANDREWS, JE>
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Ex.152
FNN001_00001256



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.



Joe Dorrego-30(b)(6)

CFO and COO
Fox News

Ex. 759
312:19-313:6

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.

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

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. Bartiromo

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

Plaintiffs,)
CONSOLIDATED

v.)

FOX NEWS NETWORK, LLC,)
CONFIDENTIAL -
FILED UNDER SEAL

Defendant.)

US DOMINION, INC., DOMINION
VOTING SYSTEMS, INC., and
DOMINION VOTING SYSTEMS
CORPORATION,)
C.A. No. N21C-11-082

Plaintiffs,)

v.)

FOX CORPORATION,)

Defendant.)

DEFENDANT FOX NEWS NETWORK, LLC'S BRIEF IN SUPPORT OF
ITS RULE 56 MOTION FOR SUMMARY JUDGMENT

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SUPERIOR COURT OF DELAWARE THAT IS CONFIDENTIAL AND FILED UNDER SEAL

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"Any Day with Rudy and Sidney is Guaranteed Gold"

From: Fawcett, John (Fawcett) <FEXCHANGELABS@EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BSAOFDC/CF/14863858/BA/CA/23428C-FAWCETT_JOH>
To: Shaheen, Joe (Shaheen), Morrison, Anne (Morrison), Hooper, Alexander (Hooper); 179 - Lou Dobbs Tonight
Sent: 11/30/2020 6:34:15 PM
Subject: RE: Dobbs - Booking Notes

Is it possible to have a deep state operation?

From: Shaheen, Joe [REDACTED]
Sent: Monday, November 30, 2020 6:31 PM
To: McCarton, Anne [REDACTED]; 179 - Lou Dobbs Tonight
Subject: RE: Dobbs - Booking Notes

I happened to connect with Howard last week and can definitely get an inside track on

From: McCarton, Anne [REDACTED]
Sent: Monday, November 30, 2020 11 PM
To: Hooper, Alexander [REDACTED]
Subject: RE: Dobbs - Booking Notes

FAB:
We will keep it going!

From: Hooper, Alexander [REDACTED]
Sent: Monday, November 30, 2020 6:30 PM
To: McCarton, Anne [REDACTED]
Subject: Re: Dobbs - Booking Notes

Nice. He seemed happy with the lineup & guaranteed gold!

Get Outlook for iOS

From: McCarton, Anne [REDACTED]
Sent: Monday, November 30, 2020 6:35 AM
To: 179 - Lou Dobbs Tonight
Subject: FW: Dobbs - Booking Notes

[Am Jordan adds tomorrow]

Tuesday,
Am Jordan ADDS for Tuesday
Rudy Giuliani

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From: Hooper, Alexander [REDACTED]
Sent: Monday, November 30, 2020 6:30 PM
To: McCarton, Anne [REDACTED]; 179 - Lou Dobbs Tonight
<[REDACTED]>
Subject: Re: Dobbs - Booking Notes

Nice. He seemed happy with the lineup when I told him about it today! Any day with Rudy and Sidney is guaranteed gold.

"Shockingly Reckless"

PARTICIPANTS: Jenna Ellis -

PII

Tucker Carlson -

PII

Tucker Carlson -

PII

Sent 2020-11-21 06:39:41 AM UTC FROM: Tucker Carlson -

PII

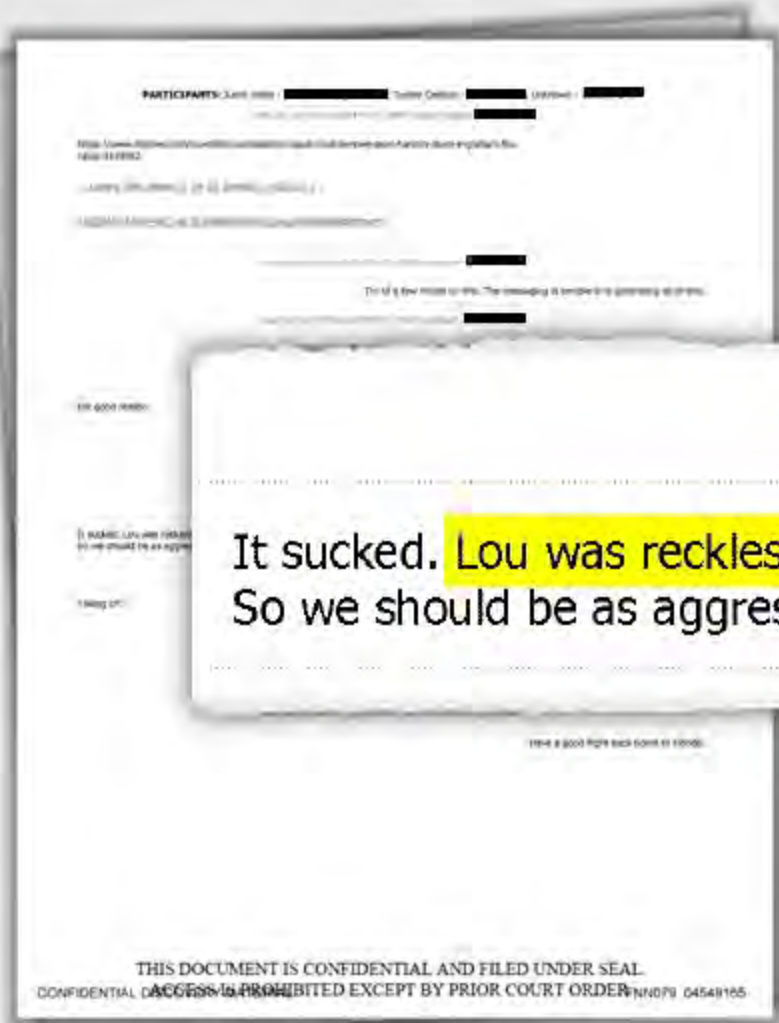
Circumstantial won't work with this story. If there's no one inside the company willing to talk, or internal Dominion documents or copies of the software showing that they did it, this seems **shockingly reckless** to me. And as you know there isn't.

EXHIBIT
Ex. 355

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Ex.166
FNN022_03851886

Carlson: "Lou Was Reckless"



Sent 2021-02-07 05:03:32 PM UTC FROM: Tucker Carlson - [REDACTED]

It sucked. Lou was reckless. But I think this will give energy to CNN and other forces seeking to kill us. So we should be as aggressive and tough as we can be.

Ex.542

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

November 12 "Setting the Record Straight"

From: Dominion Voting Systems <[REDACTED]>
Sent: Thursday, November 12, 2020 12:36 PM
To: Field, Jeff [REDACTED]
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**:





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?
- A. Sure.

November 13 "Setting the Record Straight"

From: Turner, Hayley
To: 009 - Politics, 104 - National Desk, 114 - FOX DC Acq/pt, 041 - ISM/MT, 010 - Gen. President,
504 - Syracuse/Post
Sent: 11/13/2020 3:50:57 PM
Subject: FW: [EXTERNAL] Setting The Record Straight: Facts & Rumors

From: Dominion Voting Systems <[REDACTED]>
Sent: Friday, November 13, 2020 3:48 PM
To: Turner, Hayley <[REDACTED]>
Subject: [EXTERNAL] Setting The Record Straight: Facts & Rumors

From: Dominion Voting Systems <media@dominionvoting.com>
Sent: Friday, November 13, 2020 3:48 PM
To: Turner, Hayley [REDACTED]
Subject: [EXTERNAL] Setting The Record Straight: Facts & Rumors

According to a Joint Statement 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"

From: Shawn, Eric (FoxNews) <OHEXCHANGE@OHEXCHANGE.ADMINSRVICE.GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D2251D1C0244E239C095F5808722606-SHAWN.ERIC>
To: Clark, David (FoxNews)
Sent: 11/14/2020 7:02:59 PM
Subject: RE: Setting The Record Straight Update: Facts & Rumors

I have it tattooed on my body at this point. I woke up after too much vodka and there it was!

From: Clark, David <[REDACTED]>
Sent: Saturday, November 14, 2020 7:02 PM
To: Shawn, Eric <[REDACTED]>
Subject: Re: Setting The Record Straight Update: Facts & Rumors

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

From: Shawn, Eric <[REDACTED]>
Sent: Saturday, November 14, 2020 7:04 PM
To: Clark, David <[REDACTED]>
Subject: Setting The Record Straight Update: Facts & Rumors

You may need to keep the body (insert) <[REDACTED]>

From: Dominion Voting System <[REDACTED]>
Sent: Saturday, November 14, 2020 7:55 PM
To: Shawn, Eric <[REDACTED]>
Subject: [EXTERNAL] Setting The Record Straight Update: Facts & Rumors

From: Clark, David <[REDACTED]>
Sent: Saturday, November 14, 2020 7:02 PM
To: Shawn, Eric <[REDACTED]>
Subject: Re: Setting The Record Straight Update: Facts & Rumors

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

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Ex.234
FNN007_00019085

Dominion sent 3,682 emails to Fox recipients

3,682



“Brainroom” Fact Checks Demonstrates Actual Malice

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

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

Contents

- 1) Background: Dominion Voting Systems
- 2) Criticism / Accusations - Fact Checks

1) Background: Dominion Voting Systems

Founded in 2001, Dominion Voting Systems is a leading supplier of election technology across the U.S., Canada and globally.

Based in Denver, CO

Serves more than 40% of U.S. votes

Customers in 28 states and Puerto Rico

Has 250+ employees supporting hundreds of elections annually

Provides initial project implementation through election set-up, ballot layout, multiple line machine set-up and system testing

Also provides testing, Election Day support, training, preventative assistance, project re-opening election consulting

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

Continual certification efforts with 13 Election Assistance Commission certified vendors

U.S. Election Assistance Commission
Registered Manufacturer
DOMINION VOTING SYSTEMS CORP
—> <https://www.eac.gov/voting-equipment/registered-manufacturers/dominion-voting-systems>

Every Dominion system is certified by federal and state election authorities for use, and is continuously improved throughout their lifecycle

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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
Len Balducci					

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 [REDACTED]

Sent: Friday, November 13, 2020 3:26 PM

To: Ilievski, Megan [REDACTED]

Cc: Ward, Kevin <[REDACTED]>

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

From: Balducci, Leonard
Sent: Friday, November 13, 2020 3:26 PM
To: Ilievski, Megan <[REDACTED]>
Cc: Ward, Kevin <[REDACTED]>
Subject: BRAINROOM: Background: Dominion Voting Systems & Criticism / Accusations - Fact Checks

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Partnered with more than 100 election officials

Continues certification efforts

U.S. Election Assistance Commission Registered Manufacturer

DOMINION VOTING SYSTEMS
www.dominionvoting.com

Every Dominion system is certified by federal and state election authorities for use, and Dominion makes continuous improvements to its products throughout their lifecycle

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.

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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 than I'll do it myself.

Testimony of David Clark



David Clark

Senior Vice President
for Weekend News and
Programming



Ex. 106
272:17-23

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

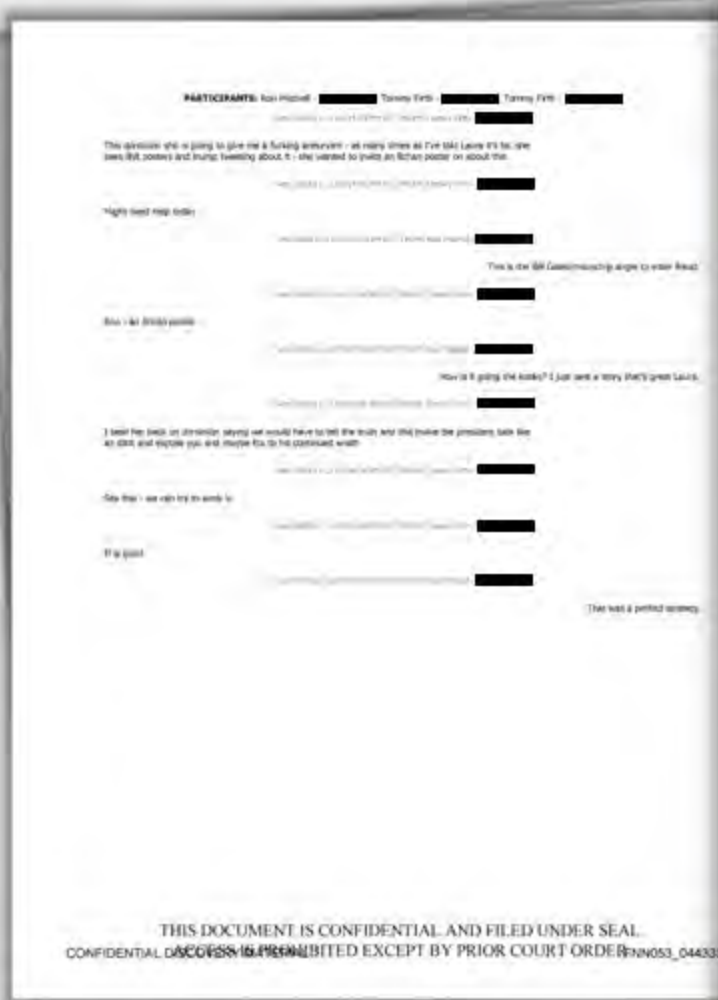
A. *Yes.*

EX. 106 at 272:17-23



Widespread Knowledge
and Purposeful Avoidance
Demonstrates
Actual Malice

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



PARTICIPANTS: Ron Mitchell - [REDACTED], Tommy Firth - [REDACTED], Tommy Firth - [REDACTED]

Sent 2020-11-12 02:14:35 PM UTC FROM: Tommy Firth - [REDACTED]

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Ron - an 8chan poster

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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"?

See 2020-11-05 10:54:32 PM UTC FROM: Lauren Petterson - [REDACTED]

That's why. But I've been watching emails and he wasn't really angry that I was unless I wasn't working. Although he is copying the FBI. But he is by itself. I mean it's this.

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

Sorry (and sorry). But I'm not sure. If you don't think he was angry. I think you.

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

But that may be a pretty bad mistake when they see the level of that like information. They thought about the Twitter and 120,000 who that showed up for Biden which is good. And the Twitter acknowledged it was fake. The Twitter is it was a screenshot of tweets that Twitter is flagging of the president that they showed in the flagging. Right?

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

They are doing for the reason.

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

See 2020-11-05 10:54:32 PM UTC FROM: [REDACTED]

Sent 2020-11-05 10:54:32 PM UTC FROM: Lauren Petterson - [REDACTED];

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

Smartmatic, USA Corp. v. Fox Corporation, — N.Y.S.2d — (2023)
2023 WL 1974442, 2023 N.Y. Slip Op. 10832

2023 WL 1974442
Supreme Court, Appellate Division,
First Department, New York

SMARTMATIC USA CORP., et al.,
Plaintiffs-Respondents-Appellants,
-v-
FOX CORPORATION, et al.,
Defendants-Appellants-Respondents,
Jeanine Pirro, Defendant-Respondent,
Indeey Powell, Defendant.

17049
Index No. 15113621
Case No. 2023-00291
Entered February 14, 2023

Attorneys and Law Firms

Minz & Gold LLP, New York (Simon G. Minz, of counsel),
and Clement & Murphy, PLLC, Alexandria, VA (Paul
Clement of the bar of the District of Columbia, admitted
pro hac vice, of counsel), for Fox Corporation, Fox News
Network LLC, Lou Dobbs and Maria Bartiromo, appellants-
respondents, and Jeanine Pirro, respondent.

Russo Law LLC, New York (Adam S. Russo, of counsel), for
Rudolph Giuliani, appellant-respondent.

Benesch, Friedlander, Coplan & Aronoff, LLP, New York
(Edward C. Wipperfurth and Joel Erik County of the bar of
the State of Illinois, admitted pro hac vice of counsel), for
respondents-appellants.

Acosta, P.J., Wilfong, Hamilton, Shalman, Higgin, II

Opinion

*1 On the Supreme Court, New York County (David B.
Cohen, J.), entered an order about March 8, 2022, which, in the
extent appealed from (1) granted defendant Jeanine Pirro's
motion to dismiss all causes of action asserted against her,
(2) granted, in part, defendant Rudolph Giuliani's motion to
dismiss all causes of action asserted against him in the extent
of dismissing the third, fifth and sixth causes of action as
against him, and (7) denied the motions of defendants Fox
Corporation, Fox News Network LLC, Lou Dobbs, and Maria


Bartiromo to dismiss all causes of action asserted against
them, unanimously modified, on the law, to dismiss the causes
of action asserted against defendant Fox Corporation without
prejudice to repleading, and to remanue the causes of action
that were dismissed as against defendants Giuliani and Pirro,
and otherwise affirmed.

Supreme Court correctly declined to dismiss the defendant
claims asserted against Fox News, Dobbs, Bartiromo, and
Giuliani. Under New York's Anti-SLAPP statute (Civil
Rights Law § 302a [§ 302a] [§ 302a]), to withstand dismissal
under CPLR 3211(g)(1), the claims pleaded must have "a
substantial basis in law," which requires "such relevant proof
as a reasonable mind may accept as adequate to support a
conclusion of ultimate fact" (*Goldby v. N.Y. Police Ass'n, A Local
Union, PLLC*, 185 A.D.3d 792, 793-794, 128 N.Y.S.3d
64 [2d Dept. 2015]). The meticulously detailed complaint
satisfied the requirements of CPLR 3211(g)(1).

The causes of action for defamation were based on
significant allegations that defendant Giuliani (and defendant
Powell, against whom the action has been dismissed) made
defamatory statements about plaintiffs' involvement in the
2020 Presidential election while knowing that the statements
were false, or at least with reckless disregard for the truth.
Those causes of action also allege that defendants Fox News,
Dobbs, and Bartiromo did not merely report the newsworthy
fact that the President's campaign lawyers were recklessly
making statements conveying false information. Rather, the
complaint alleges in detailed fashion that in their coverage and
commentary, Fox News, Dobbs, and Bartiromo effectively
endorsed and participated in the statements with reckless
disregard for, or serious doubts about, whether the assertions
or implications that plaintiffs had participated in election
fraud had any basis in truth or were supported by any reliable
evidence.


*2 In fact, according to the allegations in the complaint,
Fox News, Dobbs, and Bartiromo stated that Smartmatic's
election technology and software were widely used in the
2020 election and on 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 (see *Harris-Hendel Communications, Inc. v.
Communications 491 U.S. 657, 692, 109 S.Ct. 2070, 109
L.Ed.2d 502 [1999]*, accord *Chambers, Inc. v. Pro, Inc.*, 2021
WL 3984365, *12-14, 3073 Fed. Supp. 1, 1833-36 [Dist.

NY-23-04




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.'"



"[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.

Baier to Wallace

PARTICIPANTS: Bret Baier - [REDACTED]; Jay Wallace - [REDACTED]

PARTICIPANTS: Bret Baier [REDACTED] Jay Wallace [REDACTED]

2 things: 1) This is getting uncomfortable with Arizona. It feels impossible not to put it back. Use more about prob. And get numbers.

[REDACTED]

2) We need to check up on the "support" of these people...

08:00

That will be good to have generally.

I think we

I want to

When I get that in back

08:00

This is how

when I'm

working in CA, NC, PA, WI, MD & they also checking? Before that with they with coverage.

[REDACTED]

How is that ok? None of that is true as far as we can tell.

[REDACTED]

Sent 2020-11-05 04:39:46 PM UTC FROM: Bret Baier - [REDACTED]

How is that ok? None of that is true as far as we can tell.

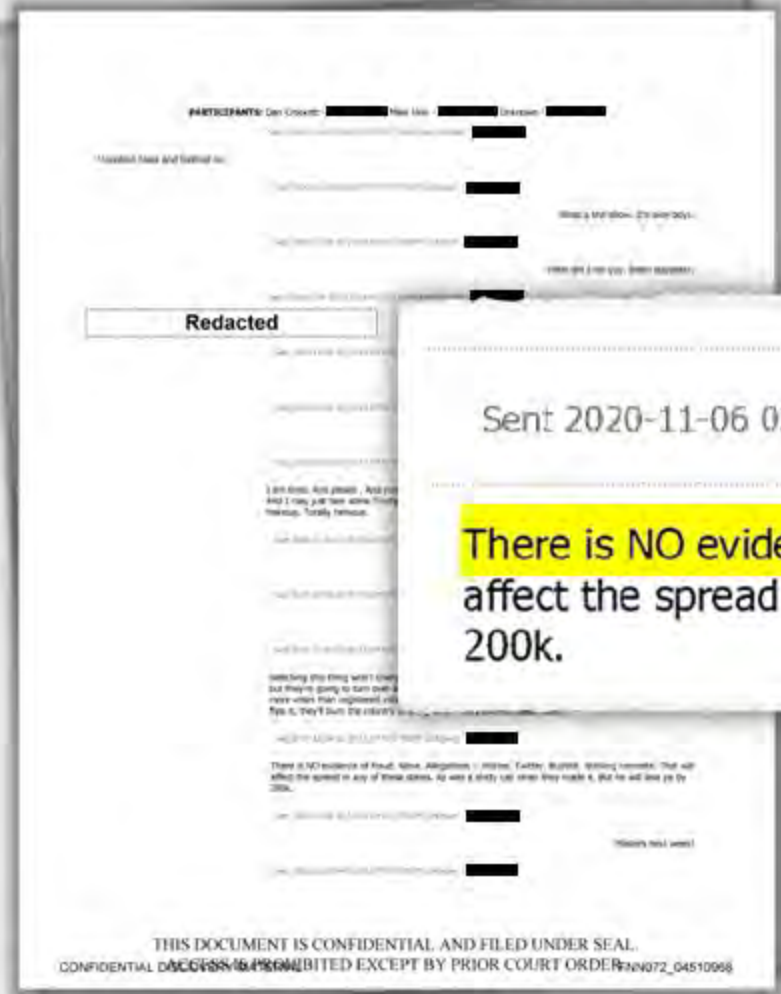
Sent 2020-11-05 05:05:04 PM UTC FROM: Jay Wallace - [REDACTED]

We need to fact check this crap. It would help us.

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Ex.158
FNN051_04432225-26

PARTICIPANTS: Dan Crockett - [REDACTED] Mike Muir - [REDACTED] Unknown - [REDACTED]



Sent 2020-11-06 02:39:51 AM UTC FROM: Unknown - [REDACTED]

There is NO evidence of fraud. None. Allegations -- stories. Twitter. Bullshit. Nothing concrete. That will affect the spread in any of these states. Az was a shitty call when they made it. But he will lose pa by 200k.

Ex.176
FNN072_04510968

Murdoch's Own Outlets Reported on Lies Told About Dominion

From: Heinrich, Jacqui [REDACTED]
To: 069 -Politics
Sent: 11/18/2020 2:30:50 PM
Subject: FW: [EXTERNAL] ICYMI: WSJ Editorial Board Debunks Dominion Rumors

Dominion voting touts WSJ editorial board "debunking"

(Jacqui Heinrich)
National Correspondent, Fox News Channel
(D) 212-337-3590
(C) 917-862-7339

From: Dominion Voting Systems [REDACTED]
Reply-To: Dominion Voting Systems [REDACTED]
Date: Wednesday, November 18, 2020 at 2:29 PM
To: "Heinrich, Jacqui" <[REDACTED]>
Subject: [EXTERNAL] ICYMI: WSJ Editorial Board Debunks Dominion Rumors

Image removed by sender

Good afternoon,

I wanted to make sure you saw the WSJ Editorial Board's [piece](#) published yesterday emphasizing a complete lack of evidence to support recent claims against Dominion Voting Systems.

The Editorial Board concisely states: "Among claims need strong proof, not rumors and innuendo on Twitter." The piece goes on to examine and debunk claims, including

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From: Heinrich, Jacqui <[REDACTED]>
To: 069 -Politics
Sent: 11/18/2020 2:30:50 PM
Subject: FW: [EXTERNAL] ICYMI: WSJ Editorial Board Debunks Dominion Rumors

Dominion voting touts WSJ editorial board "debunking"

From: Dominion Voting Systems <[REDACTED]>
Reply-To: Dominion Voting Systems <[REDACTED]>
Date: Wednesday, November 18, 2020 at 2:29 PM
To: "Heinrich, Jacqui" <[REDACTED]>
Subject: [EXTERNAL] ICYMI: WSJ Editorial Board Debunks Dominion Rumors

I wanted to make sure you saw the Wall Street Journal Editorial Board's [piece](#) published yesterday emphasizing a complete lack of evidence to support recent claims against Dominion Voting Systems.

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, didn't they have an obligation to prevent her from coming on the show to tell those lies?

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? They have an obligation under those circumstances, the executives do, in the chain of command, to put a stop to those broadcasts, right, sir?

A. Yes, to prevent and correct known falsehoods.



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

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”

Sent 2020-11-06 01:23:44 PM EST FROM: David Clark - [REDACTED]

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 will just be a token.

Sent 2020-11-06 01:44:23 PM EST FROM: David Clark - [REDACTED]

Despite what she said to Jerry and me she's now going off on her conspiracy tangent on a show staff call.

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Ex.293
FNN015_00132186

STRS "Tattooed on My Body"

From: Shawn, Eric (FisNews) <[REDACTED]>
To: Shawn, Eric (FisNews)
Sent: 11/14/2020 7:02:50 PM
Subject: RE: Setting The Record Straight Update: Facts & Rumors

I better check on

From: Clark, David [REDACTED]
Sent: Saturday, November 14, 2020 7:02 PM
To: Shawn, Eric [REDACTED]
Subject: Re: Setting The Record Straight Update: Facts & Rumors

Oh I have it tattooed on my body at this point. I woke

David Clark - SVP, Fox News

From: Shawn, Eric [REDACTED]
Sent: Saturday, November 14, 2020 7:03 PM
To: Clark, David [REDACTED]
Subject: Setting The Record Straight Update: Facts & Rumors

You may need to keep the body parameter -

From: Dominion Voting System [REDACTED]
Sent: Saturday, November 14, 2020 7:03 PM
To: Shawn, Eric [REDACTED]
Subject: (EXTERNAL) Setting The Record Straight Update

From: Clark, David [REDACTED]
Sent: Saturday, November 14, 2020 7:02 PM
To: Shawn, Eric [REDACTED]
Subject: Re: Setting The Record Straight Update: Facts & Rumors

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

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Ex.234
FNN007_00019085

Clark Relied on Pre-tape for Nov 8 Show

PARTICIPANTS: Abby Grossberg - [REDACTED] David Clark - [REDACTED] Unknown - [REDACTED]

Sent 2020-11-07 06:44:46 PM EST FROM: Abby Grossberg - [REDACTED]

Maria is calling you now

Sent 2020-11-07 06:47:42 PM EST FROM: David Clark - [REDACTED]

Yes. We're keeping him.

Sent 2020-11-07 06:51:33 PM EST FROM: Abby Grossberg - [REDACTED]

Got it. She's going to call him in the morning and ask him to please not criticize fox on the air. If he does anyway, she'll tell him it's inappropriate

Sent 2020-11-07 06:54:58 PM EST FROM: David Clark - [REDACTED]

Right. And she will push him on concrete evidence of fraud etc.

Sent 2020-11-07 06:55:53 PM EST FROM: Abby Grossberg - [REDACTED]

That's why we booked him. If they're dropping suits on Monday we need to see what evidence they're presenting along with them.

Sent 2020-11-07 06:56:29 PM EST FROM: Abby Grossberg - [REDACTED]

It's also a pretape, so if it goes completely off the rails, We can always try to cut or take Kevin early.

Sent 2020-11-07 06:59:37 PM EST FROM: David Clark - [REDACTED]

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Ex.378

Clark Watches the Pre-Tapes

From: Clark, David (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B33E62963BC4411A05BDA9E83BEA7A0-CLARK, DAVI>
To: Wallace, Jay (FoxNews); Briganti, Irena (FoxNews); Cooper, Meade
Sent: 11/15/2020 9:14:53 AM
Subject: RUDY ON SMF
Importance: High

We are pre-taping Rudy Giuliani and he just said, paraphrasing here, that "networks don't get to call the Presidential Race including Fox." Not exactly a new sentiment but just alerting you

DAVID C CLARK JR • FOX NEWS CHANNEL
SENIOR VICE PRESIDENT & EXECUTIVE PRODUCER • WEEKEND NEWS & PROGRAMMING
1211 AVENUE OF THE AMERICAS | 20TH FLOOR • NEW YORK, NY 10036
eMail: [REDACTED]

From: Clark, David (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3B33E62963BC4411A05BDA9E83BEA7A0-CLARK, DAVI>
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eMail: [REDACTED]

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Fox008_00022148

Clark Tells Bartiromo To Stop Booking Rudy and Sidney

David Clark just called me. "There are 3 guests fox is banning because of legal reasons and your hosts like all of them: Rudy, Jenna Ellis, Sidney." Said it's bc of smartmatic suit. I don't think Rudy hasn't mentioned dominion, smartmatic or machines since Sidney split off on her own.

Sent 2020-12-14 10:10:56 PM UTC FROM: Abby Grossberg - [REDACTED]

David Clark just called me. "There are 3 guests fox is banning because of legal reasons and your hosts likes all of them: Rudy, Jenna Ellis, Sidney." Said it's bc of smartmatic suit. I don't think Rudy hasn't mentioned dominion, smartmatic or machines since Sidney split off on her own.

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

From: Suzanne Scott ([REDACTED])
To: Mitchell, Ron (FoxNews); Meade Cooper
Sent: 3/24/2020 1:49:04 PM
Subject: RE: Ben Smith on Chris Hayes last night talking Fox piece

exactly. And I know you two are doing everything possible right now which is critical as they are looking for new material.

These writers have an agenda -- we know that -- we just can't help them with self-inflicted errors - some of which happens on other shows like the morning show.

From: Mitchell, Ron ([REDACTED])
Sent: Tuesday, March 24, 2020 1:45 PM
To: Meade Cooper ([REDACTED]); Suzanne Scott ([REDACTED])
Subject: RE: Ben Smith on Chris Hayes last night talking Fox piece

That is clearly the narrative. And then likely are certain people even in E211 that are keeping the record held. What I find odd is even Smith admits that Sean did not mean to imply that the virus was a hoax. But then the entire basis of his theory?
(can't speak for the Irish Regan media having never even seen the show)

From: Meade Cooper ([REDACTED])
Sent: Tuesday, March 24, 2020 1:29 PM
To: Scott, Suzanne (Fox); Mitchell, Ron ([REDACTED])
Subject: RE: Ben Smith on Chris Hayes last night talking Fox piece

Ben Smith set out to write a hit piece-and found a willing megaphone in MSNBC

Clearly, I reject the notion that the hosts don't have bosses exercising judgment.

One cannot hope this narrative takes hold. I hope to see fighting back against this sort of

From: Suzanne Scott ([REDACTED])
Sent: Tuesday, March 24, 2020 12:25 PM
To: Meade Cooper ([REDACTED]); Ron Mitchell (FoxNews) ([REDACTED])
Subject: RE: Ben Smith on Chris Hayes last night talking Fox piece

see highlighted excerpt below:

All In w/ Chris Hayes - Ben Smith (ENC Piece)
http://video.msnbc.com/play/3hanMEHHC2jM6CKv50L?access_token=hsz2l0jco2m

Hannity: They're tearing the living hell of people and I see it again, let's Hudgen tramp with this new hoax, and there are now more than 6,000 confirmed cases in the United States, we've been telling you, this is happening, suddenly, over now, 110 deaths in the U.S. And now those numbers as I've been saying will likely rise, seemingly and dramatically, in the next days and weeks.

Chris Hayes: Over the last seven several weeks, Fox News, has done this often: issue alarm-bell and started by echoing the president's line, downplaying the coronavirus saying it was like a seasonal flu and Democrats are weaponizing and hyping and then turn it around and started saying, this is deadly serious. The president's got it

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From: Meade Cooper ([REDACTED])

Sent: Tuesday, March 24, 2020 1:39 PM

To: Scott, Suzanne (Fox); Mitchell, Ron ([REDACTED])

Subject: RE: Ben Smith on Chris Hayes last night talking Fox piece

Ben Smith set out to write a hit piece-and found a willing megaphone in MSNBC

Clearly, I reject the notion that the hosts don't have bosses exercising judgment.

"Very Hard to Credibly Claim Foul Everywhere"

From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
To: Cooper, Meade
Sent: 11/6/2020 7:50:39 AM
Subject: Fwd: Polls

MC-Confidential

Get Outlook for US

From: Murdoch, Rupert [REDACTED]
Sent: Friday, November 6, 2020 6:36 AM
To: Scott, Suzanne
Subject: Polls

Trump still talking legal actions but in calmer voice.
Everything seems to be moving to Biden and if Trump becomes a sore loser
we should watch Sean especially and others don't sound the same.
Not there yet, but a danger.
Turkey on now with Fox and Friends sounds pretty sensible. If Biden holds Az, Nevada, Georgia and Pa
could cry foul everywhere.
Love to hear likely House numbers.
Pelosi majority halved?

Finally got Fox on here and nice to see plenty of breaks! Yesterday CNN had none. But so biased as to be unwatchable!

Sent from my iPhone

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From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
To: Cooper, Meade
Sent: 11/6/2020 7:50:39 AM
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credibly cry foul everywhere.
Love to hear likely House numbers.
Pelosi majority halved?

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"

PARTICIPANTS: Ron Mitchell [REDACTED] Tommy Firth [REDACTED] Tommy Firth [REDACTED]

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

Might need help today

Ron - an 8chan poster

How is it going the kooks? I just sent a story that's great Laura.

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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PARTICIPANTS: Ron Mitchell [REDACTED] Tommy Firth [REDACTED] Tommy Firth [REDACTED]

Sent 2020-11-12 02:14:35 PM UTC FROM: Tommy Firth [REDACTED]

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

Sent 2020-11-12 02:14:51 PM UTC FROM: Tommy Firth [REDACTED]

Might need help today

Sent 2020-11-12 02:22:53 PM UTC FROM: Ron Mitchell [REDACTED]

This is the Bill Gates/microchip angle to voter fraud.

Sent 2020-11-12 02:23:50 PM UTC FROM: Tommy Firth [REDACTED]

Ron - an 8chan poster

Sent 2020-11-12 07:07:35 PM UTC FROM: Ron Mitchell [REDACTED]

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 [REDACTED]

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

From: Mitchell, Ron (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A21565AB5D53492798C35D8AC246C658-MITCHELL, R>
To: Albano, Megan (FoxNews)
Sent: 11/19/2020 3:28:21 PM
Subject: RE: **Brand alert** Backlash to post-Trump camp presser coverage

What Dana said would never have been picked up if for Fisher at the conference who put us in a terrible place.

From: Albano, Megan [REDACTED]
Sent: Thursday, November 19, 2020 3:22 PM
To: Mitchell, Ron [REDACTED]
Subject: FW: **Brand alert** Backlash to post-Trump camp

This is what Dana said

[14:00:49] If it's left out there, it will be both unfair to it's false domain, the company, the software, the press conference that there's a tie to Venezuela, a statement completely denying all of it. And I would agree, because, as you said, they have these other 17,000 lines, are they going to take it to court and take

[14:07:29] Well, they could take it to court. They're in a world where the statements were made. I mean, these statements were made publicly and either just directly some someplace where they could bring this on the accusations. These accusations have been made themselves or on behalf of the president's campaign, I prove these allegations or withdraw. You can't have it just sort of leave it there and not do what it they're accurate, that the American people deserve to deal with the outcome of the election if they're false. Judge the credibility of Mike Giuliani and his pal, Dr. Scott and Hillary Clinton engaged in an effort with the agencies. Madam, to somehow make undermine this a coordinated plot of widespread voter fraud in big cities on one side or the other. And throughout all of this, it serve the country by being late and unscripted and it this case. That's why they're just, I think, virtually in cream deal tonight that they were keeping these Reps

From: Mitchell, Ron [REDACTED]
Sent: Thursday, November 19, 2020 3:14 PM
To: Albano, Megan [REDACTED]
Subject: FW: **Brand alert** Backlash to post-Trump camp

Please keep us posted!

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From: Mitchell, Ron (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A21565AB5D53492798C35D8AC246C658-MITCHELL, R>
To: Albano, Megan (FoxNews)
Sent: 11/19/2020 3:28:21 PM
Subject: RE: **Brand alert** Backlash to post-Trump camp presser coverage

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 at the conference who put us in a terrible place.

From: Mitchell, Ron (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A21565AB5D53492798C35D8AC246C658-MITCHELL, R>
To: Firth, Thomas (FoxNews)
Sent: 11/19/2020 3:30:11 PM
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?

From: Firth, Thomas <[REDACTED]>
Sent: Thursday, November 19, 2020 2:43 PM
To: Mitchell, Ron <[REDACTED]>
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 <[REDACTED]>
Sent: Thursday, November 19, 2020 2:40 PM
To: Firth, Thomas <[REDACTED]>
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?

From: Firth, Thomas <[REDACTED]>
Sent: Thursday, November 19, 2020 2:40 PM
To: Scott, Suzanne (Fox) <[REDACTED]>, Mitchell, Ron <[REDACTED]>, Corcoran, Samantha (Fox) <[REDACTED]>, Gendron, Kyle <[REDACTED]>, Walsh, Anthony <[REDACTED]>, Firth, Thomas <[REDACTED]>, Cooper, Michael (Fox) <[REDACTED]>, Nida, Rabea <[REDACTED]>, Leland, Tony <[REDACTED]>, [REDACTED] <[REDACTED]>
Subject: Prelim Ingraham Rundown - 11/19

EXHIBIT
2348

[REDACTED]

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NOV 19 2020 10:03AM '20

From: Mitchell, Ron (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A21565AB5D53492798C35D8AC246C658-MITCHELL, R>
To: Firth, Thomas (FoxNews)
Sent: 11/19/2020 3:30:11 PM
Subject: RE: Prelim Ingraham Rundown - 11/19

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

From: Firth, Thomas <[REDACTED]>
Sent: Thursday, November 19, 2020 2:43 PM
To: Mitchell, Ron <[REDACTED]>
Subject: RE: Prelim Ingraham Rundown - 11/19

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To: Firth, Thomas <[REDACTED]>
Subject: RE: Prelim Ingraham Rundown - 11/19

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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 - [REDACTED] Lauren Petterson - [REDACTED]

Sent 2020-11-08 12:12:55 AM UTC FROM: Lauren Petterson - [REDACTED]

I turned it off. I don't know how we work here. Honestly. We are going to look back at this week and know this was when we lost a significant part of our audience who won't come back. As soon as Facebook starts telling people to go to newsmax.

Sent 2020-11-08 01:09:19 AM UTC FROM: Gary Schreier - [REDACTED]

You know though between us. This is a problem for the channel yes. But if we keep doing what we do, fbn will get a bunch of the disenfranchised folks too.

Sent 2020-11-08 01:10:27 AM UTC FROM: Lauren Petterson - [REDACTED]

100 percent. I was talking about exactly that with my husband last night. It's actually an opening for us

Sent 2020-11-08 01:10:53 AM UTC FROM: Gary Schreier - [REDACTED]

Yes. We just can't play for it openly like newsmax and oan.

From: Dataminr Urgent <alert@dataminr.com>

To: Petterson, Lauren

Sent: 11/7/2020 10:13:22 PM

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

From: Dataminr Urgent <alert@dataminr.com>
To: Petterson, Lauren
Sent: 11/7/2020 10:13:22 PM
Subject: [EXTERNAL] Coordination on 4chan calls on users to spread claims that Dominion voting systems were used to commit voter fraud: Local Source via 4chan.

United States

10:11pm November 07, 2020 EST CHATTER

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

View on 4chan 

ESTIMATED EVENT LOCATION:

United States

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Ex.285
FNN012_00119269

Schreier and Petterson on *SMF*



Ex.513

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

PARTICIPANTS: Gary Schreier - [REDACTED] (Lynn Anderson) [REDACTED] (Lynn Anderson) [REDACTED] (Lynn Anderson)

When did you get this from [REDACTED]?

That's the one I was worried about. Did you get [REDACTED] from that [REDACTED]?

Sent 2020-11-08 03:33:46 PM UTC FROM: Gary Schreier - [REDACTED]

The problem is she has gop conspiracy theorists in her ear and they use her for their message sometimes. I wish she had that awareness.

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"Tons of Crazy" in the Nov 8 Broadcast

PARTICIPANTS: Caley Cronin - [REDACTED]; Irena Briganti - [REDACTED]; Irena Briganti - [REDACTED]

Participants: Caley Cronin - [REDACTED]; Irena Briganti - [REDACTED]; Irena Briganti - [REDACTED]

Sent: 2020-11-08 03:57:57 PM UTC FROM: Caley Cronin - [REDACTED]

That sydney Powell interview was problematic - will monitor for traction

Sent: 2020-11-08 03:58:23 PM UTC FROM: Irena Briganti - [REDACTED]

Yes tons of crazy - I am screaming at stelter via text so I missed some of it

Sent: 2020-11-08 04:00:50 PM UTC FROM: Caley Cronin - [REDACTED]

I am sorry - you just missed more crazy

Sent: 2020-11-08 04:01:12 PM UTC FROM: Caley Cronin - [REDACTED]

Voter fraud - dominion machines and how the company is run by Dems

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Ex.165
FNN014_00127851



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.

43:22-44:6, 46:4-18

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.**



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.*



Joe Dorrego-30(b)(6)

CFO and COO
Fox News

Ex. 759
510:16-21

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.

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 Murdoch's Instructions

Sent 2020-11-09 08:40:36 PM UTC FROM: Jay Wallace [REDACTED]

As we try to repair a bit of the damage with the audience, I think we need to pause on the Petes and Coons - they annoy the audience and I think we just need some comfort food to get through the week.

Sent 2020-11-09 08:41:04 PM UTC FROM: Martha MacCallum [REDACTED]

Agreed

From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
To: Wallace, Jay (FoxNews)
Sent: 11/8/2020 1:56:02 PM
Subject: Fwd: Ratings

Long talk with KRM and Lachlan (told them first 72 hours will be the worst of it) they are expecting:
-major overhaul of polling (WSJ doing same and will no work with NBC)
-audiences don't want to see too much of the Mayor Pete's and Coons etc in the news hours. Need to be careful about bookings next 2 months-especially in news hours
-breaking news reporting and investigative content need to get back in the news hours because of digital experiences breaking news this past year
-Full week of news coverage for the public about this event

From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
To: Wallace, Jay (FoxNews)
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Ex.216

Ex.611

November 9: Scott to Lachlan

Start Date November 9, 2020 1:09:46 PM EST

End Date November 9, 2020 11:56:50 PM EST

Chat Account t Suzanne Scott [REDACTED] (Message)>, Lachlan Murdoch
Scott [REDACTED] (Sms)>, Lachlan Murdoch [REDACTED] (Sms)>, Lachlan Murdoch [REDACTED] (Sms)>, Suzanne Scott [REDACTED] (Sms)>, Suzanne Scott [REDACTED] (Sms)>, Lachlan Murdoch [REDACTED] (Sms)>

Yes. Her hair and makeup person only one with contact but both were masked and she had extremely limited exposure to anyone else but we are doing all the protocols-everyone here masked and social distancing

(no sender information available)

<https://www.news.com.au/entertainment/celebrity-lifestyle/news-from-fans-after-katy-perry-tweeted-about-us-election/news-story/62f8e0e98228e20ca2145ca1503d>

I thought you'd be interested in this article

Marta was great with breakfast

Suzanne Scott [REDACTED] (Message)

She wanted to show she could talk on Dems

(no sender information available)

He didn't know what hit him

Check out the comments below Tucker's post tonight on Instagram

Suzanne Scott [REDACTED] (Message)

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 AZ was damaging but we will highlight our stars and plant flags letting the viewers know we hear them and respect them

(no sender information available)

Yes. But needs constant rebuilding without any mistakes. Caruso was bad today I hear

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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 AZ was damaging but we will highlight our stars and plant flags letting the viewers know we hear them and respect them

21:40:12

Nov 10 Wallace to Scott – “Alternative Universe” and “War Footing”

PARTICIPANTS: Suzanne Scott - [REDACTED] Unknown - [REDACTED]

Sent 2020-11-10 10:56:45 PM UTC FROM:
Suzanne Scott - [REDACTED]

The Newsmax surge is a bit troubling - truly is an alternative universe when you watch, but it can't be ignored.

Yes

Sent 2020-11-10 10:59:43 PM UTC FROM: Suzanne Scott - [REDACTED]

My problem is made is asleep on this I have to push Jason since yesterday to get a pirro promo on our air

Sent 2020-11-10 11:07:56 PM UTC FROM: Unknown - [REDACTED]

Trying to get everyone to comprehend we are on war footing.

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Ex.223
FNN071_04502926

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

Our 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 Outlook for AS

From: Wallace, Jay <[REDACTED]>
Sent: Wednesday, November 11, 2020 9:45 AM
To: Briganti, Irena (FoxNews); Scott, Suzanne
Subject: RE: Fox News' betrayal - there's a question hanging in the air

I spoke with Warren this morning - they are dipping. Will get to Alan on Thursday.

From: Briganti, Irena
Sent: Wednesday, November 11, 2020 9:30 AM
To: Scott, Suzanne (Fox)
Cc: Wallace, Jay
Subject: Re: Fox News' betrayal - there's a question hanging in the air - American Thinker

Warren has been working on it with Brighton and still has not determined when they will do it. Sandra should have addressed it this point - I would suggest she do it. (I'm not the best, I just want to address something) etc - it should have been to look like we are reacting to Brighton if we do it today. Not sure she or Alan is by this.

On Nov 11, 2020, at 9:15 AM, Scott, Suzanne <[REDACTED]> wrote:

Have we figured out who did this? Very damaging on many levels. This person

Has Sandra addressed this? This impacts our relationship with the viewers who

S

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From: Briganti, Irena <[REDACTED]>
Sent: Wednesday, November 11, 2020 5:42 AM
To: Kromstad, Alan (FoxNews)
Cc: Scott, Suzanne; Wallace, Jay (FoxNews)
Subject: Re: Fox News' betrayal - there's a question hanging in the air - American Thinker

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

Our 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.

Nov 16: Dominion Reaches Out to Scott and Wallace

From: Scott, Suzanne
To: Tony Fratto, Wallace, Jay
CC: Walsh, Arwaana (Fox)
Sent: 11/16/2020 9:45:39 AM
Subject: Briefing re Dominion

Jay please let me know your thoughts. ☺

From: Tony Fratto
Sent: Monday, November 16, 2020 9:24 AM
To: Scott, Suzanne; Wallace, Jay (FoxNews)
Subject: Briefing re Dominion

Hello, Suzanne and Jay -- Tony Fratto here from Hamilton Place Strategies

My client is Dominion Voting Systems which, as you know, has received a great deal of attention on FoxNews and from the President. An enormous amount of misinformation -- actually, completely and verifiable wrong information -- is finding its way on-air. I was wondering if you both would consider accepting an off-the-record briefing from Dominion to walk through the business and our concerns.

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 this situation is crossing dangerous lines.

Thanks, T

Tony Fratto
Hamilton Place Strategies
Office: +1-202-822-1205
Mobile: +1-202-550-5805
Email: [REDACTED]
Web: www.hamiltonplacestrategies.com
Twitter: @tonyfratto

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From: Tony Fratto <[REDACTED]>
Sent: Monday, November 16, 2020 9:24 AM
To: Scott, Suzanne <[REDACTED]> Wallace, Jay (FoxNews) <[REDACTED]>
Subject: Briefing re Dominion

Hello, Suzanne and Jay -- Tony Fratto here from Hamilton Place Strategies.

My client is Dominion Voting Systems which, as you know, has received a great deal of attention on FoxNews and from the President. An enormous amount of misinformation -- actually, completely and verifiable wrong information -- is finding its way on-air. I was wondering if you both would consider accepting an off-the-record briefing from Dominion to walk through the business and our concerns.

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 this situation is crossing dangerous lines.

Ex.235

FNN008_00022197

November 19: After the Press Conference

From: Scott, Suzanne
To: Wallace, Jay
CC: Briganti, Irene
Sent: 11/19/2020 4:25:20 PM
Subject: Re: Kristen Fisher today at the top of Dana's show

and Dana's comments on Dominion are helpful also. someone needs to talk to Me

From: Wallace, Jay
Sent: Thursday, November 19, 2020 4:21 PM
To: Scott, Suzanne
Cc: Briganti, Irene (FoxNews)
Subject: Re: Kristen Fisher today at the top of Dana's show

I totally agree. She has been spoken to - doesn't default to instant rage

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 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

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

We lost 25k subs from FOX NATION.

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

S

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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."

From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (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.

Get Outlook for IDS

From: Cooper, Meade [REDACTED]
Sent: Wednesday, December 2, 2020 8:54 PM
To: Scott, Suzanne
Subject: Re: Fox News' Eric Shawn Fact-Checks Trump 'Dump' Claims

I saw Eric Shawn in their criticism episode and I felt alone in Martha really wanted him and they were going to work with him on the editorial. Why then would fact check a Hannity guest is beyond me.

Sent from my iPhone

On Dec 2, 2020, at 8:45 PM, Scott, Suzanne [REDACTED] wrote:

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From: Vblazon, Jay [REDACTED]
Sent: Wednesday, December 2, 2020 8:44 PM
To: Scott, Suzanne
Cc: Lowell, Tom (FoxNews)
Subject: Re: Fox News' Eric Shawn Fact-Checks Trump 'Dump' Claims

Pretty sure he wasn't assigned to it. Tom, was this a criticism request by Martha's team?

On Dec 2, 2020, at 8:40 PM, Scott, Suzanne [REDACTED] wrote:

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From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (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.

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

Bad for business.

Ex.254
FNN019_03561073

Scott Suggests Lindell

From: Scoope, Meade <O=EXCHANGE\CLASS\EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)\CN=RECIPIENTS\CN=C2C376CBC2CE401CB049EE293DA4DC78-
MEADE.COOPE>
To: Lowell, Tom (FoxNews)
CC: Scott, Suzanne; Peterson, Lillian (FoxNews); Wallace, Jay (FoxNews); Haddis, Gavin (FoxNews)
Sent: 12/19/2020 10:31:44 AM
Subject: Re: Bookings

I'll let you know if we have any luck in Primetime.

Sent from my iPhone

On Dec 10, 2020, at 9:25 AM, Lowell, Tom <[REDACTED]> wrote:

Bookers tell me Sec Pompeo was exposed to C19 and is in quarantine right now we could not get Lindell on Sunday morning/noon.

On Dec 10, 2020 8:22 AM, "Scott, Suzanne" <[REDACTED]> wrote:

Please let me know if we book Pompeo and/or Mike Lindell.

They would both get ratings.

S

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On Dec 19, 2020 8:22 AM, "Scott, Suzanne" <[REDACTED]> wrote:

Please let me know if we book Pompeo and/or Mike Lindell.

They would both get ratings.

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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: Wallace, Jay (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C0F64C6434814130BDE5D3ED49B1B7BC-WALLACE_JA>
To: Irena
CC: Scott
Sent: 9/8/20
Subject: Re: D

Thank you
I watched Lou closely for 2 weeks during the conventions -

FYI
<https://www.military.com/operations/military-conventions>

From: Briganti, Irena
Sent: Tuesday, September 8, 2020 7:49:32 PM
To: Bowman, Thomas <Tom.Bowman@fox.com>
Cc: Petterson, Lauren <Lauren.Petterson@fox.com>
Subject: Dobbs segment

Hi Tom - we had no idea if asking why Dobbs is going to the convention was a good idea.
<https://www.fox.com/news/politics/dobbs-fox-news>
We can't be blindsided on this.

Thanks
Irena

From: Wallace, Jay (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C0F64C6434814130BDE5D3ED49B1B7BC-WALLACE, JA>
To: Briganti, Irena (FoxNews)
CC: Scott, Suzanne
Sent: 9/8/2020 7:49:32 PM
Subject: Re: Dobbs segment

Thank you.

I watched Lou closely for 2 weeks during the conventions - the North Koreans do a more nuanced show.

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Ex.539

From: Briganti, Irena [REDACTED]
To: Scott, Suzanne; Wallace, Jay (FoxNews)
Sent: 12/1/2020 4:54:21 PM
Subject: FW: Washington Post Inquiry

FYI – we spoke with Lauren and Meade and there's nothing to combat this, so we are not responding.

From: Barr, Jeremy [REDACTED]
Sent: Tuesday, December 1, 2020 1:45 PM
To: Ketner, Jessica [REDACTED]; Cronin, Caley [REDACTED]
Subject: [EXTERNAL] Quick Question - Sidney Powell

Hi Jessica and Caley,

As you may have seen, the attorney Sidney Powell appeared on both last night.

Powell told Dobbs "The system was set up to shave and flip different massive and historical egregious fraud the world has ever seen."

Powell told Hannity "Voting machines 'run an algorithm that shaves Biden,' 'used machines to trash large batches of votes that should 'use the machine to inject and add massive quantities of votes for

I wanted to ask: does Fox News Media management have any concerns about the veracity of the claims that Powell has been making on network shows? Is Sidney Powell welcome to appear on any Fox News Media show? Has Fox News Media encouraged show hosts to fact-check claims about voter fraud? (I am aware, for example, of Eric Shawn's comments on Sunday afternoon about voter fraud.)

I am planning to write a story today about Powell's appearances on Fox News and Fox Business, and to note that the Trump campaign distanced Powell from their legal operation on Monday.

Thanks,

Jeremy
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From: Barr, Jeremy <Jeremy.Barr@fox.com>

Sent: Tuesday, December 1, 2020 1:45 PM

To: Ketner, Jessica [REDACTED]; Cronin, Caley [REDACTED]

Subject: [EXTERNAL] Quick Question - Sidney Powell

I wanted to ask: does Fox News Media management have any concerns about the veracity of the claims that Powell has been making on network shows? Is Sidney Powell welcome to appear on any Fox News Media show? Has Fox News Media encouraged show hosts to fact-check claims about voter fraud? (I am aware, for example, of Eric Shawn's comments on Sunday afternoon about voter fraud.)

From: Briganti, Irena [REDACTED]
To: Scott, Suzanne; Wallace, Jay (FoxNews)
Sent: 12/1/2020 4:54:21 PM
Subject: FW: Washington Post Inquiry

FYI – we spoke with Lauren and Meade and there's nothing to combat this, so we are not responding.

From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
To: Cooper, Meade
Sent: 1/5/2021 11:58:46 AM
Subject: Re: Result.

Thanks
I told Rupert that privately they are all there - we need to be careful about using the shows and pissing off the viewers but they know how to navigate.

From: Cooper, Meade
Sent: Tuesday, January 5, 2021 11:55 AM
To: Scott, Suzanne
Subject: RE: Result.

Got it
I think they are all there or close to it and someone will help with it.

From: Scott, Suzanne
Sent: Tuesday, January 05, 2021 11:52 AM
To: Cooper, Meade
Subject: Fw: Result

From: Murdoch, Rupert
Sent: Tuesday, January 5, 2021 11:48 AM
To: Scott, Suzanne
Subject: Result

It's been suggested our prime time three should independently or together say something like "the election is over and Joe Biden won." We are all disappointed, but it happened. We love America and have to turn the page.

Not this week, but a reflection would go a long way to stop the Trump myth that he lost the 2020 campaign.

Wisdomfully, Tucker was very good last night.

No need to respond but we can talk someone who we will have real figures from Georgia.

Scott from my phone.

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From: Murdoch, Rupert
Sent: Tuesday, January 5, 2021 11:48 AM
To: Scott, Suzanne
Subject: Result.

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From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
To: Cooper, Meade
Sent: 1/5/2021 11:58:46 AM
Subject: Re: Result.

Thanks
I told Rupert that privately they are all there - we need to be careful about using the shows and pissing off the viewers but they know how to navigate.



Maria Bartiromo and Team Had Actual Malice

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?

A. Yes.

Sunday Morning Futures with Maria Bartiromo

From: maria bartiromo [REDACTED]
To: Maria Bartiromotv, Grossberg, Abby
Sent: 11/7/2020 5:18:57 PM
Subject: [EXTERNAL] Sydney Powell

We have to go to a full on war. They have used all systems to defraud.
Hammer ore voting Bsnk.
The ibside in the vote total.

Jared says he doesn't want to hear about any Conspiracy theory.
Everyone us excluding me from meetings. We have to file federal suits in every state. The campaign is not doing shit.

They want to file 2 lawsuits in a couple of places. That's not going to solve the problem
++

The country needs to survive. We have to keep this president.
Noone thinks anyway that people voted for Biden

Hammer -

A sophisticated computer system that allied site ration of votes.
There 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
It's been used in 30 states.
It's not possible that 138 k votes come in all for Biden. None for trump.
That doesn't happen.
All kinds of anomalies . Just like the steel dossier. They throw lots of stuff at it & create
Something & flood media.

From: maria bartiromo [REDACTED]
To: Maria Bartiromotv, Grossberg, Abby
Sent: 11/7/2020 5:18:57 PM
Subject: [EXTERNAL] Sydney Powell

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EVERYONE IS EXCLUDING ME FROM MEETINGS. WE HAVE TO FILE FEDERAL SUITS IN EVERY STATE. THE CAMPAIGN IS NOT DOING SHIT.

THEY WANT TO FILE 2 LAWSUITS IN A COUPLE OF PLACES. THAT'S NOT GOING TO SOLVE THE PROBLEM ++

THE COUNTRY NEEDS TO SURVIVE. WE HAVE TO KEEP THIS PRESIDENT. NOONE THINKS ANYWAY THAT PEOPLE VOTED FOR BIDEN

HAMMER -

A SOPHISTICATED COMPUTER SYSTEM THAT ALLIED SITE RATION OF VOTES.

THERE 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

IT'S BEEN USED IN 30 STATES.

IT'S NOT POSSIBLE THAT 138 K VOTES COME IN ALL FOR BIDEN. NONE FOR TRUMP.

THAT DOESN'T HAPPEN.

ALL KINDS OF ANOMALIES . JUST LIKE THE STEEL DOSSIER. THEY THROW LOTS OF STUFF AT IT & CREATE

SOMETHING & FLOOD MEDIA.

EXHIBIT 74

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Nov 7: McCarthy Tells Bartiromo No "Mass Cheat"

From: maria bartiromo [REDACTED]
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 [REDACTED]
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

The Email That Launched A Thousand Lies

From: Sidney Powell
Sent: Tuesday, November 3, 2020 5:07 PM
To: Sidney Powell
Subject: Election Fraud Info

I just spoke to Eric & told him you gave very imp info

Sent from my iPhone

On Nov 7, 2020, at 6:00 PM, Sidney Powell <[REDACTED]> wrote:

Sidney Powell
www.SidneyPowell.com
Federal appellate attorney and author of LICENSED TO LIE & co-author of CONVICTION MACHINE.

----- Forwarded message -----

From: Marlene Bourne <[REDACTED]>
Date: Sat, Nov 7, 2020, 5:07 PM
Subject: Election Fraud Info
To: <sidneypowell>, <tfitton>
<[REDACTED]>

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.

Don't you find it curious that Nadearn Eldham, Nancy Pelosi's longtime Chief of Staff is a key executive there, and that Richard Blum, Senator Feinstein's husband, is not only a significant shareholder of that company, but in Avsd Technologies as well?

As a point of reference...back in 2009, Diebold sold their election machines division. An anti-trust suit was immediately filed that conveniently ensured that, in 2010, Dominion Voting Systems would acquire the assets "in order to restore competition". With the acquisition of another large California election machine 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 suit against them. Friends in high places indeed.

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

From: Marlene Bourne <[REDACTED]>

Date: Sat, Nov 7, 2020, 5:07 PM

Subject: Election Fraud Info

To: <sidneypowell>, <tfitton>

<[REDACTED]>

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.

CONFIDENTIAL

DOMINION-FGX000292

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

Carlson: "Sidney Powell is lying"

PARTICIPANTS: Tucker Carlson - [REDACTED]; Tucker Carlson - [REDACTED]; Unknown - [REDACTED]



Sent 2020-11-17 01:33:56 AM UTC FROM: Unknown - [REDACTED];

Great show so far. I know that b script was wordy but it came out great

Sent 2020-11-17 01:34:36 AM UTC FROM: Tucker Carlson - [REDACTED];

It was awesome. **Sidney Powell is lying.** Fucking bitch.

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Fox's Argument: Carlson "Respected" Powell

PARTICIPANTS

Redacted

Tucker Carlson - [Redacted]

Tucker Carlson - [Redacted]

Sent 2020-11-17 01:23:49 AM UTC FROM:

Redacted

She's a psychopath. She's getting Trump all spun up and has zero evidence.

Sent 2020-11-17 01:24:11 AM UTC FROM:

Redacted

Same with Rudy. NSC cyber did a through analysis. There's nothing to it

Sent 2020-11-17 01:34:05 AM UTC FROM:

Tucker Carlson - [Redacted]

Fucking bitch.

Sent 2020-11-17 01:37:06 AM UTC FROM:

Redacted

And she hasn't stopped.

Sent 2020-11-17 01:55:49 AM UTC FROM:

Tucker Carlson - [Redacted]

Crazy person.

Sent 2020-11-22 11:02:15 PM UTC FROM:

Redacted

<https://www.washingtonexaminer.com/news/trump-legal-team-shuns-sidney-powell-as-insiders-and-national-security-officials-see-no-evidence-supporting-her-voting-machine-claims>

Sent 2020-11-22 11:04:57 PM UTC FROM:

Tucker Carlson - [Redacted]

That cunt. I hope she's punished.

Sent 2020-11-22 11:06:55 PM UTC FROM:

Redacted

I'm going to destroy her.

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PARTICIPANTS: Laura Ingraham - [REDACTED]; Tucker Carlson - [REDACTED]; Tucker Carlson - [REDACTED]

Sent 2020-11-18 01:33:20 PM UTC FROM: Tucker Carlson - [REDACTED]

Sidney Powell is lying by the way. I caught her.

Sent 2020-11-18 01:33:25 PM UTC FROM: Tucker Carlson - [REDACTED]

It's insane.

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PARTICIPANTS: Tucker Carlson - [REDACTED]; Tucker Carlson - [REDACTED]; Unknown - [REDACTED]

PARTICIPANTS: Tucker Carlson - [REDACTED]; Tucker Carlson - [REDACTED]; Unknown - [REDACTED]

Have and "other sources" of Trump's bid team:

"Only New York" and by "the" (with including "memory of Donald Trump's bid team.")

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent 2020-11-21 12:18:19 AM UTC FROM: Tucker Carlson - [REDACTED]

Bingo. Happy to explain, but I never want to lower ourselves if we can help it. A redacted Venezuelan affidavit? **It's ludicrous.**

For what it's worth, our clients don't know who it's from. They asked someone to read it to someone just to help understand it, and he did that to someone, but I completely get it. Hope Trump work is not first for the weekend and it's better.

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Ex.171
FNN035_03890767

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

PARTICIPANTS: Tucker Carlson - [REDACTED]; Tucker Carlson - [REDACTED]; Unknown - [REDACTED]

Sent 2020-11-22 02:50:56 AM UTC FROM: Tucker Carlson - [REDACTED]

I just heard that Powell claims she's representing herself. This is nuts.

Sent 2020-11-22 02:54:23 AM UTC FROM: Unknown - [REDACTED]

This is all so absurd.

Sent 2020-11-22 02:55:48 AM UTC FROM: Unknown - [REDACTED]

Shame we have to pretend the case has any shot at all. She just attacked us again and said on newsmax that you had a "temper tantrum" over text. Maybe not best to continue engaging but we drew first blood so we are in it. Should you show the texts?

Sent 2020-11-22 02:56:44 AM UTC FROM: Unknown - [REDACTED]

Isnt this the emperor's new clothes idiom in real life?

Sent 2020-11-22 02:57:12 AM UTC FROM: Tucker Carlson - [REDACTED]

Nutcase.

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.

Dobbs Cannot Host Lindell on January 26

PARTICIPANTS: [REDACTED] [REDACTED] [REDACTED]

Sent 2021-01-26 04:42:17 PM UTC FROM: Jeff Field - [REDACTED]

We CANNOT have lindell per management

Sent 2021-01-26 04:42:33 PM UTC FROM: Jeff Field - [REDACTED]

He was kicked off Twitter for dominion and election stuff

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Ex.499

Carlson Team Discusses Lindell Broadcast

PARTICIPANTS: Alexander McCaskill, [REDACTED], Zach Wilk, [REDACTED], Kelly McNally Erney, [REDACTED], Ron Mitchell, [REDACTED], Thomas Fox, [REDACTED], Unknown, [REDACTED]

Sent 2021-01-26 12:13:24 PM UTC FROM: Kelly McNally Erney - [REDACTED]

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.

Sent 2021-01-26 12:14:00 PM UTC FROM: Kelly McNally Erney - [REDACTED]

(Lindell seems to have really gone off the deep end)

He's definitely crazy but this'll be a big story today. They're trying to completely shut the guy down

Sent 2021-01-26 12:15:39 PM UTC FROM: Thomas Fox - [REDACTED]

He's definitely crazy but this'll be a big story today. They're trying to completely shut the guy down

Sent 2021-01-26 01:04:15 PM UTC FROM: Unknown - [REDACTED]

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.

Sent 2021-01-26 02:44:36 PM UTC FROM: Alexander McCaskill - [REDACTED]

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.

Sent 2021-01-26 02:45:13 PM UTC FROM: Alexander McCaskill - [REDACTED]

And he's also been moving to newsmax lately. Might be a good business move to signal that we wouldn't desert him.

Sent 2021-01-26 02:45:49 PM UTC FROM: Kelly McNally Erney - [REDACTED]

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!

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Ex.507

"WTF Is He Going to Say On Our Air"



Sent 2021-01-26 03:52:13 PM UTC FROM: Alex Pfeiffer - [redacted]

mike lindell is crazy and about to get sued by dominion

Sent 2021-01-26 03:52:21 PM UTC FROM: Alex Pfeiffer - [redacted]

wtf is he going to say on our air

Ex.508

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



Rupert Murdoch

Co-Chairman
Fox Corporation



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: Burnham, Emily (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=794A43A0D38D4C83A871A4CC7646A637-BURNHAM, EM>
To: Glancey, Tessica (FoxNews); 100 -Media Relations
Sent: 1/26/2021 8:20:55 PM
Subject: RE: Mike Lindell

Hi didn't - just wrapped. Thank you

From: Glancey, Tessica
Sent: Tuesday, January 26, 2021 8:20 PM
To: 100 -Media Relations <[REDACTED]>
Subject: RE: Mike Lindell

Also, do not think Tucker pushed back on the fraud claims but will re-watch.

From: Glancey, Tessica <[REDACTED]>
Sent: Tuesday, January 26, 2021 8:20 PM
To: 100 -Media Relations <[REDACTED]>
Subject: Mike Lindell

Just said he has evidence of fraud and said that he dares Dominion to sue him so that they can all find it out sooner. Connor, can you please pull the full segment?

Exhibit
3529

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From: Burnham, Emily (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=794A43A0D38D4C83A871A4CC7646A637-BURNHAM, EM>
To: Glancey, Tessica (FoxNews); 100 -Media Relations
Sent: 1/26/2021 8:20:55 PM
Subject: RE: Mike Lindell

He didn't - just wrapped. Thank you

From: Glancey, Tessica
Sent: Tuesday, January 26, 2021 8:20 PM
To: 100 -Media Relations <[REDACTED]>
Subject: RE: Mike Lindell

Also, do not think Tucker pushed back on the fraud claims but will re-watch.

From: Glancey, Tessica <[REDACTED]>
Sent: Tuesday, January 26, 2021 8:20 PM
To: 100 -Media Relations <[REDACTED]>
Subject: Mike Lindell

Just said he has evidence of fraud and said that he dares Dominion to sue him so that they can all find it out sooner. Connor, can you please pull the full segment?



Jeanine Pirro and Team Had Actual Malice

"Reckless Maniac"

From: jerry.andrews [REDACTED]
To: Clark, David
Sent: 11/13/2020 5:51:56 PM
Subject: Re: [EXTERNAL] Setting The Record Straight: Facts & Rumors

Reckless maniac.

Sent from my iPhone

On Nov 13, 2020, at 5:54 PM, I

Got it

David Clark - SVP, Fox News

From: Andrews, Jerry [REDACTED]
Sent: Friday, November 13, 2020
To: Clark, David [REDACTED]
Subject: Fwd: [EXTERNAL] Set

FYI

Sent from my iPhone

Began forwarded message:

From: Justice Piroo [REDACTED]
Date: November 13, 2020 at 1:20
To: "Andrews, Jerry" [REDACTED]
Subject: Re: [EXTERNAL] Se

I will do what history makes me
do!

Sent from my iPhone

On Nov 13, 2020, at 4:36 PM, A

We will need to include part of

Sent from my iPhone

Began forwarded message:

From: "Turner, Hayley" [REDACTED]
Date: November 13, 2020 at 1:50:15 PM EST
To: 009 -Politics [REDACTED] 104 -NationalDesk [REDACTED] 104
-JUN DC Assign [REDACTED] 041-WHUNIT [REDACTED] 050
-Senior Producers [REDACTED] 504-TerritorialRadio

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From: jerry.andrews [REDACTED]
To: Clark, David
Sent: 11/13/2020 5:51:56 PM
Subject: Re: [EXTERNAL] Setting The Record Straight: Facts & Rumors

Reckless maniac.

Ex.457

Justice with Judge Jeanine

From: Scott, Suzanne </O=EXC/MAILBOXES/US/NEW YORK ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=58F66A247504144880A971D10413E-SUZANNE.SCO>
To: Murdoch, Rupert
Sent: 11/19/2020 5:09:38 PM
Subject: Re: Giuliani

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

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

Yvette will discuss everything. Let
Patrick bring up the items from
Talk tomorrow I hope
Scott from an iPhone

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From: Murdoch, Rupert <[REDACTED]>
Sent: Thursday, November 19, 2020 5:08 PM
To: Scott, Suzanne [REDACTED]
Subject: Giuliani.

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

From: Scott, Suzanne </O=EXC/MAILBOXES/US/NEW YORK ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=58F66A247504144880A971D10413E-SUZANNE.SCO>
To: Murdoch, Rupert
Sent: 11/19/2020 5:09:38 PM
Subject: Re: Giuliani.

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

From: Andrews, Jerry (FBIHQ) <JERANDREW@FBIHQ>
To: Justin Pitt
CC: Lase, Tim (FBIHQ), Clark, David (FBIHQ)
Sent: 11/14/2020 2:43:11 PM
Subject: FW: OPEN

A lot of problems and not a lot of time to fix. FBI would accordingly expect

From: Austin, Kerry-Ann
Sent: Saturday, November 14, 2020 2:41 PM
To: Andrews, Jerry
Subject: Re: OPEN

Hi Jerry
Just finished

Claim: On election night around midnight president trump was ahead in Pennsylvania, Michigan and Wisconsin and all of a sudden the counting stopped

INCORRECT

According to info emailed out on election night from our own reporters the count in at least 2 of the states stopped at midnight. Additionally, a transcript search shows that numbers from Michigan and Wisconsin on election night were all in favor of Biden. Additionally all three states count mail in ballots last. Mail in ballots overwhelmingly favored Vice President Biden. Ballot counters in Michigan also assert that Republican poll watchers challenging "every ballot" counted.

See email from Courtney Crawford & Aisha Haines from Nov 4 12:20 am and Nov 3 11:41 am for Factiva Transcript search CHN

NY Times: In Detroit, Republican poll watchers are accused of using lawsuits to challenge Biden's lead. [https://www.nytimes.com/2020/11/14/us/politics/detroit-republican-poll-watchers.html](#)

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From: Austin, Kerry-Ann
Sent: Saturday, November 14, 2020 2:41 PM
To: Andrews, Jerry
Subject: Re: OPEN

Hi Jerry
Just finished

Claim: On election night around midnight president trump was ahead in Pennsylvania, Michigan and Wisconsin and all of a sudden the counting stopped.

INCORRECT

Justice with Judge Jeanine

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

This is completely crazy.

From: Lisk, Tim
Sent: Friday, November 20, 2020 11:29 AM
To: Andrews, Jerry
Subject: open

For four years we listen to unsupported allegations of a conspiracy by a foreign government to interfere with our presidential election... that Russia stole the election of 2016 implanting their Russian asset Donald Trump as president of the United States. For four years we were told Trump was a Putin puppet.

A Russian asset. And that we must do everything to get rid of him. Almost on a daily basis the democat members in congress put on their conspiracy show as congressman like Adam Schiff boomed pontificated about real evidence... evidence they had seen with their own eyes... evidence that required Donald Trump be gone because America and democracy were at stake.

Never ever... not once did we see a scintilla of evidence, never. We were supposed to take it all on faith. They put the president and the country through hell as the work of congress was halted and as the media everyday reminded us we were getting closer and closer to the big Russian reveal that fizzled much like rob Mueller did when he testified there was nothing.

And then the members took another show down to the sub-basement of the capitol where the members regaled each other with fantasies of foreign interference in their medieval star chamber.

But now come the president's lawyers pointing to an organized criminal enterprise... a conspiracy by democrats especially in union controlled and corrupted by democrats. Come the president's lawyers with allegations of a company called dominos which started in Venezuela with Cuban money and with the assistance of smartwits they smuggle are capsule 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.

The media has no interest in any of this but I do and you should as well. 73 million Americans voted for Donald Trump. We took seats in the house they said would be won in the democat blue wave that never came and so far

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From:

Andrews, Jerry (FoxNews) </O=I (FYDIBOHF23SPDLT)/CN=RECI ANDREWS, JE>

To:

Clark, David (FoxNews)

Sent:

11/20/2020 12:09:25 PM

Subject:

FW: open

This is completely crazy.

Fact Check of False Claim Prior to Nov 21 Show

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.

Claim: 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.

Re:Wally Trump Catholic Voting Tech Firm With Damage of Disputed Claims Nov 17, 2020
<https://www.dominionvoting.com/press-releases/2020-11-17/trump-catholic-voting-tech-firm-with-damage-of-disputed-claims>

Re: Carolyn Maloney Smartmatic Announces Sale of Sequoia Voting Systems Nov 8, 2007
<https://www.dominionvoting.com/press-releases/2007-11-08/carolyn-maloney-smartmatic-announces-sale-of-sequoia-voting-systems>

Dominion Voting, Setting The Record Straight: Facts & Figures November 17, 2020
<https://www.dominionvoting.com>

From: "Escherich, John" <[REDACTED]>
Date: Friday, November 20, 2020 at 2:29 PM
To: "Schlageter, Mary" <[REDACTED]>; "Austin, Kerry-Ann" <[REDACTED]>; "Courtney, Stein Lesskis" <[REDACTED]>; "Ward, Kevin" <[REDACTED]>; "Andrews, Jerry" <[REDACTED]>
Subject: RE: open

Hi Jerry,

My colleague Kerry-Ann is looking at the first thing you linked about Dominion, she will follow up with that fact check. I looked at the rest of the open (including the other linked ones), and here are the parts I thought could use some

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ATTORNEYS' EYES ONLY. NOT FOR PUBLIC RELEASE EXCEPT BY PRIOR COURT ORDER. R746001_00001268

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.

Claim: 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.

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From: Escherich, John [REDACTED]
Sent: Friday, November 20, 2020 2:29 PM
To: Schlageter, Mary [REDACTED]; Austin, Kerry-Ann <[REDACTED]>M>;
Ward, Kevin [REDACTED]; Stein Lesskis, Courtney <[REDACTED]>;
Andrews, Jerry [REDACTED]>
Subject: RE: open

Hi Jerry,

My colleague Kerry-Ann is looking at the first thing you bolded about Dominion, she will follow-up with that fact check.

I looked at the rest of the open (including the other bolded parts), and here are the parts I thought could use some additional context / fact-checking. Just let me know if you have any questions on this.

CLAIM: "Why was there an overnight popping of vote tabulation that cannot be explained?"

FACT CHECK / CONTEXT

As noted above, in general, these spikes can be easily accounted for in the timing of the release of large batches of results for big cities like Milwaukee and Detroit, which are always skewed heavily Democratic. They are not evidence of fraud.

Ex.160

From: Clark, David
To: Andrews, Jerry
Sent: 11/20/2020 3:00:43 PM
Subject: RE: open

I addressed:
David Clark -SVP, Fox News

From: Andrews, Jerry [REDACTED]
Sent: Friday, November 20, 2020 2:58:55 PM
To: Clark, David [REDACTED]
Subject: FW: open

She is refusing to drastically change the open despite the fact they do not legally mean that the affidavit can't be used. I guess

From: Escherich, John [REDACTED]
Sent: Friday, November 20, 2020 2:29 PM
To: Schlageter, Mary [REDACTED]; Austin, Kerry-Ann <[REDACTED]>M>;
Ward, Kevin [REDACTED]; Stein Lesskis, Courtney <[REDACTED]>;
Andrews, Jerry [REDACTED]>
Subject: RE: open

Hi Jerry,

My colleague Kerry-Ann is looking at the first thing you bolded about Dominion, she will follow-up with that fact check.

I looked at the rest of the open (including the other bolded parts), and here are the parts I thought could use some additional context / fact-checking. Just let me know if you have any questions on this.

Best,
John

CLAIM: "He described election night absurd increases in Biden votes in Detroit where 100,000 ballots and

FACT CHECK / CONTEXT

Clark appears to be citing an affidavit from Andrew Sisto, a Republican chair

Sisto claimed that he "heard from other the TCF Center in Detroit.

The judge found that Sisto's affidavit "lacked any credible evidence of fraudulent motives." Here's the full decision.

THIS DOCUMENT
ATTORNEYS EYES ONLY

Andrews to Clark: "Jeanine Is Just As Nuts"

From: Andrews, Jerry (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3A66C2E00415EA266CD28461702D3-ANDREWS, JE>
To: Clark, David (FoxNews)
Sent: 11/22/2020 3:23:09 AM
Subject: Re: [EXTERNAL] Trump Attorney Powell says Georgia is first state she is "going to blow up" in relation to fraud accusations: Andrew Feinberg, Reporter via Twitter

Return to post as well

Get Outlook for iOS

From: Clark, David [REDACTED]
Sent: Saturday, November 21, 2020 10:11:30 PM
To: Andrews, Jerry [REDACTED]
Subject: Fwd: [EXTERNAL] Trump Attorney Powell says Georgia is first state she is "going to blow up" in relation to fraud accusations: Andrew Feinberg, Reporter via Twitter

Crazy town - glad HP didn't have her or Rudy!

David Clark - SVP, Fox News

From: Dateline Urgent [REDACTED]
Sent: Saturday, November 21, 2020 9:55:23 PM
To: Clark, David [REDACTED]
Subject: [EXTERNAL] Trump Attorney Powell says Georgia is first state she is "going to blow up" in relation to fraud accusations: Andrew Feinberg, Reporter via Twitter

From: Andrews, Jerry (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3A66C2E00415EA266CD28461702D3-ANDREWS, JE>
To: Clark, David (FoxNews)
Sent: 11/22/2020 3:23:09 AM
Subject: Re: [EXTERNAL] Trump Attorney Powell says Georgia is first state she is "going to blow up" in relation to fraud accusations: Andrew Feinberg, Reporter via Twitter.

Jeanine is just as nuts.

United States | 08:14pm November 21, 2020 PST | [REDACTED]

Trump Attorney Powell says Georgia is first state she is "going to blow up" in relation to fraud accusations: Andrew Feinberg, Reporter via Twitter

[REDACTED]

Powell: "Georgia is probably going to be the first state I'm going to blow up and, and Mr Kemp and the Secretary of State need to go with it."

Andrew Feinberg @AndrewFeinberg

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Ex.534



Lou Dobbs and Team Had Actual Malice

Dobbs Also Receives the "Wackadoodle" Email

From: Sidney Powell
Sent: Sunday, November 1, 2020 12:04 PM EST
To: Sidney Powell
Subject: Election Fraud Info

I just spoke to Eric & told him you gave very imp info

Sent from my iPhone

On Nov 7, 2020, at 6:00 PM, Sidney Powell <sidney@federalappeals.com> wrote:

Sidney Powell
www.SidneyPowell.com
Federal appellate attorney and author of LICENSED TO LIE & co-author of CONVICTION MACHINE.

----- Forwarded message -----

From: Marlene Bourne
Date: Sat, Nov 7, 2020, 5:07 PM
Subject: Election Fraud Info
To: <sidneypowell@>, <tfitton>
<lou>

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.

Don't you find it curious that Nadearn Eldham, Nancy Pelosi's longtime Chief of Staff is a key executive there, and that Richard Blum, Senator Feinstein's husband, is not only a significant shareholder of that company, but in Avsd Technologies as well?

As a point of reference...back in 2009, Diebold sold their election machines division. An anti-trust suit was immediately filed that conveniently ensured that, in 2010, Dominion Voting Systems would acquire the assets "in order to restore competition". With the acquisition of another large California election machine 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 suit against them. Friends in high places indeed.

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

From: Marlene Bourne <>

Date: Sat, Nov 7, 2020, 5:07 PM

Subject: Election Fraud Info

To: <sidneypowell@>, <tfitton>, <lou>

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.

CONFIDENTIAL

DOMINION-FGX000292



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

From: Hooper, Alexander </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8CD521F2E4845A1BE3863C43B809DF0-HOOPER, ALE>
To: Hooper, Alexander
Sent: 11/12/2020 3:05:05 PM
Subject: DOMIN

alexander.hooper@nytimes.com
W 0000000000

Alexander Hooper
Tina Doherty, Tonight | Fox Business
1231 Ave of the Americas | New York, NY
E: [REDACTED]
W: [REDACTED]

From: Hooper, Alexander </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8CD521F2E4845A1BE3863C43B809DF0-HOOPER, ALE>
To: Hooper, Alexander
Sent: 11/12/2020 3:05:05 PM
Subject: DOMIN

<https://www.nytimes.com/2020/11/11/technology/no-dominion-voting-machines-did-not-cause-widespread-voting-problems.html>

EXHIBIT
Ex. 160

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Ex.322
FNN001_00000340



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

From: Schaffer, Eric </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8CB0B78440324C0E8076A4DA6CA9F9E1-SCHAFFER, E>
To: Field, Jeff; Hooper, Alexander
Sent: 11/16/2020 12:26:54 PM
Subject: AP ON WHO OWNS DOMINION

<https://apnews.com/article/election-2020-joe-biden-us-news-media-michigan-43bdaa186e3b8d9d897cae3bd0c6cdc0>

It's privately held and does not disclose its finances. But in an April letter responding to a request by the House Committee on Administration, Dominion CEO John Paulos said Dominion is 75.2% owned by the New York-based private equity firm Staple Street Capital and that he, a Canadian citizen, holds a 12% stake. No other investor owns more than a 5% stake, he said.

From: Schaffer, Eric </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8CB0B78440324C0E8076A4DA6CA9F9E1-SCHAFFER, E>
To: Field, Jeff; Hooper, Alexander
Sent: 11/16/2020 12:26:54 PM
Subject: AP ON WHO OWNS DOMINION

<https://apnews.com/article/election-2020-joe-biden-us-news-media-michigan-43bdaa186e3b8d9d897cae3bd0c6cdc0>

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Ex.439
FN001_00001079

Nov 16: Dobbs and Team Receive Notice from Ed Rollins

From: McCarton, Anne (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44-MCCARTON, A>
To: Field, Jeff (FoxNews); Hooper, Alexander (FoxNews)
Sent: 11/16/2020 9:53:45 AM
Subject: Fwd: [EXTERNAL] Tonight

Anne McCarton
Senior Blogger
Fox Business
"Lou Dobbs Tonight"
1000 Live @ 5pm

Begin forwarded message:

From: ED ROLLINS [REDACTED]
Date: November 16, 2020 at 9:51:01 AM EST
To: "McCarton, Anne" [REDACTED]
Subject: [EXTERNAL] Tonight

Anne,
I don't know when and if I am going on Lou's show again.
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 bullshit. 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 spent my life participating in. I supported Trump and will support the progress of his administration. I also support valid challenges to anything that is improper or illegal. To date I repeat I have not seen anything that fits that measure. These are my beliefs and I'm not going to alter them without real evidence. Just wanted to state my concerns. All my best out.

Sent from my iPad

EXHIBIT
Ex. 551

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From: McCarton, Anne (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44-MCCARTON, A>
To: Field, Jeff (FoxNews); Hooper, Alexander (FoxNews)
Sent: 11/16/2020 9:53:45 AM
Subject: Fwd: [EXTERNAL] Tonight

From: ED ROLLINS [REDACTED]
Date: November 16, 2020 at 9:51:01 AM EST
To: "McCarton, Anne" [REDACTED]
Subject: [EXTERNAL] Tonight

Anne,
I don't know when and if I am going on Lou's show again.
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 bullshit. 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 spent my life participating in.

Nov 16: Dobbs and Team Receive Notice from Ed Rollins

From: Mccarton, Anne (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44-MCCARTON,A>
To: LOU DOBBS
Sent: 11/16/2020 10:21:55 AM
Subject: Fwd: [EXTERNAL] Tonight

If you are not a recipient, please stop here.

On Nov 16, 2020, at 9:51 AM, ED ROLLINS <[REDACTED]> wrote:

Hi Anne,
I'm not sure 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 bullshit. 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 spent my life participating in. I supported Trump and still support the principals of his administration. I also support valid challenges to anything that is improper or illegal. To date I repeat I have not seen anything that fits that measure. These are my beliefs and I'm not going to alter them without real evidence. Just wanted to state my concerns. All my best /ed

On Nov 16, 2020, at 9:51 AM, ED ROLLINS <[REDACTED]> wrote:
>>>
>>> Anne,
>>>
>>> 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 bullshit. 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 spent my life participating in.
>>> I supported Trump and still support the principals of his administration. I also support valid challenges to anything that
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>>> that fits that measure.
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From: Mccarton, Anne (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44-MCCARTON,A>
To: LOU DOBBS
Sent: 11/16/2020 10:21:55 AM
Subject: Fwd: [EXTERNAL] Tonight

Ed not right now obviously, sharing with you.

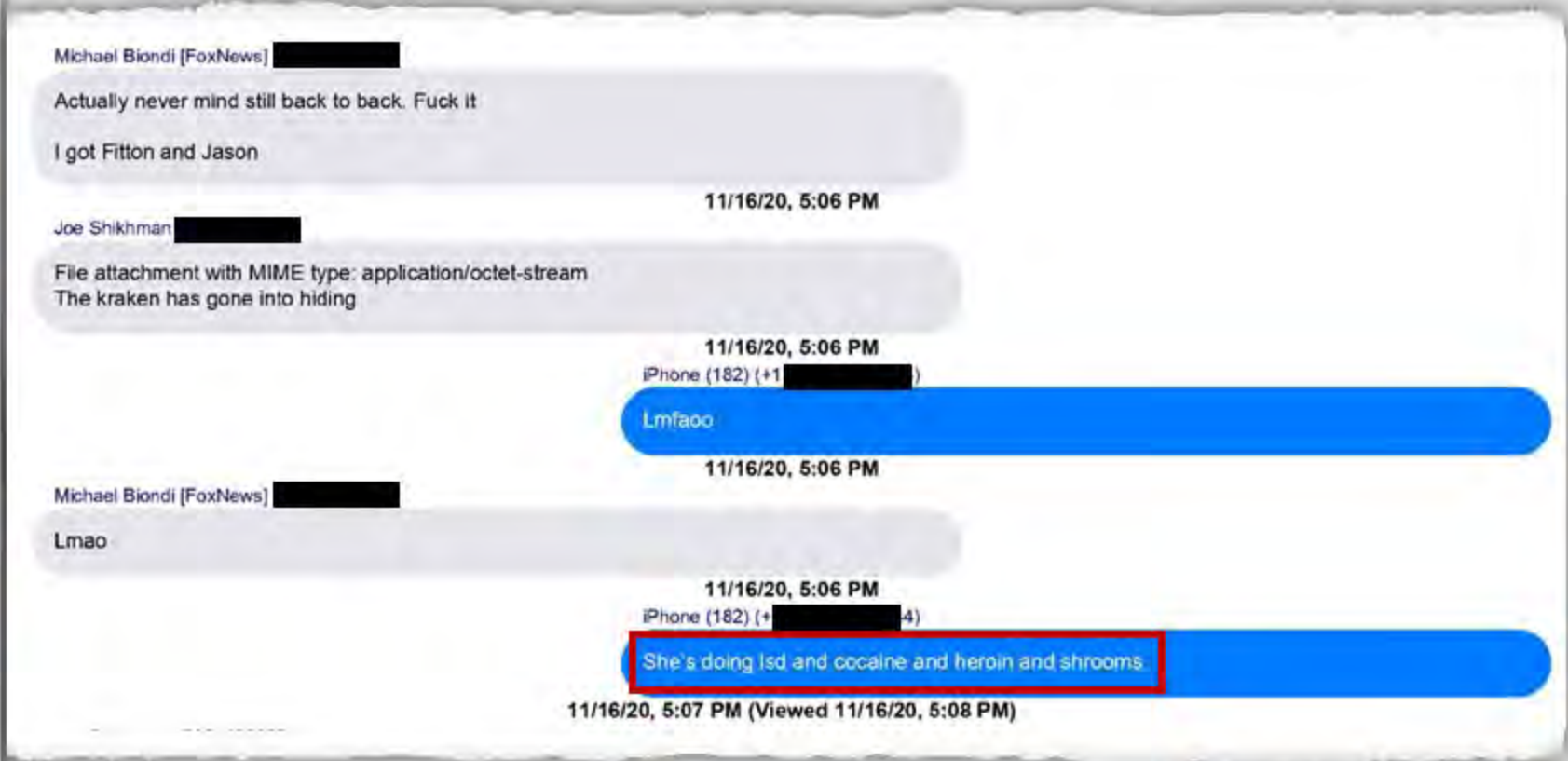
On Nov 16, 2020, at 9:51 AM, ED ROLLINS <[REDACTED]> wrote:

>>>
>>> Anne,
>>>
>>> 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 bullshit. 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 spent my life participating in.
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>>> is improper or illegal. To date I repeat I have not seen anything
>>> that fits that measure.
>>> These are my beliefs and I'm not going to alter them without real evidence.
>>> Just wanted to state my concerns. All my best /ed

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Ex.441
FNN018_02359710

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



Ex.442
Fawcett_0002624

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

From: Mccarton, Anne (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44-MCCARTON, A>
To: Field, Jeff (FoxNews); Hooper, Alexander (FoxNews); Schaffer, Eric (FoxNews)
Sent: 11/17/2020 5:13:08 PM
Subject: RE: Dobbs

Agreed, we can decide in the am
I mean to keep this alive we really need Rudy or Sidney

From: Field, Jeff [REDACTED]
Sent: Tuesday, November 17, 2020 3:17 PM
To: Mccarton, Anne [REDACTED]
Schaffer, Eric [REDACTED]
Subject: RE: Dobbs

Leah is the one that stands out to me in this one

From: Mccarton, Anne
Sent: Tuesday, November 17, 2020 4:04 PM
To: Field, Jeff [REDACTED]; Hooper, Alexander [REDACTED]
Subject: Dobbs

Tomorrow has some good names for the Commission

Law being AM RUDY and SIDNEY we need that I've

Do the below name + do anything for you - just for our
self marketing in the campaign

From: Mccarton, Anne (FoxNews) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960BA3190CF44D5C858AC7D1E923AB44-MCCARTON, A>
To: Field, Jeff (FoxNews); Hooper, Alexander (FoxNews); Schaffer, Eric (FoxNews)
Sent: 11/17/2020 5:13:08 PM
Subject: RE: Dobbs

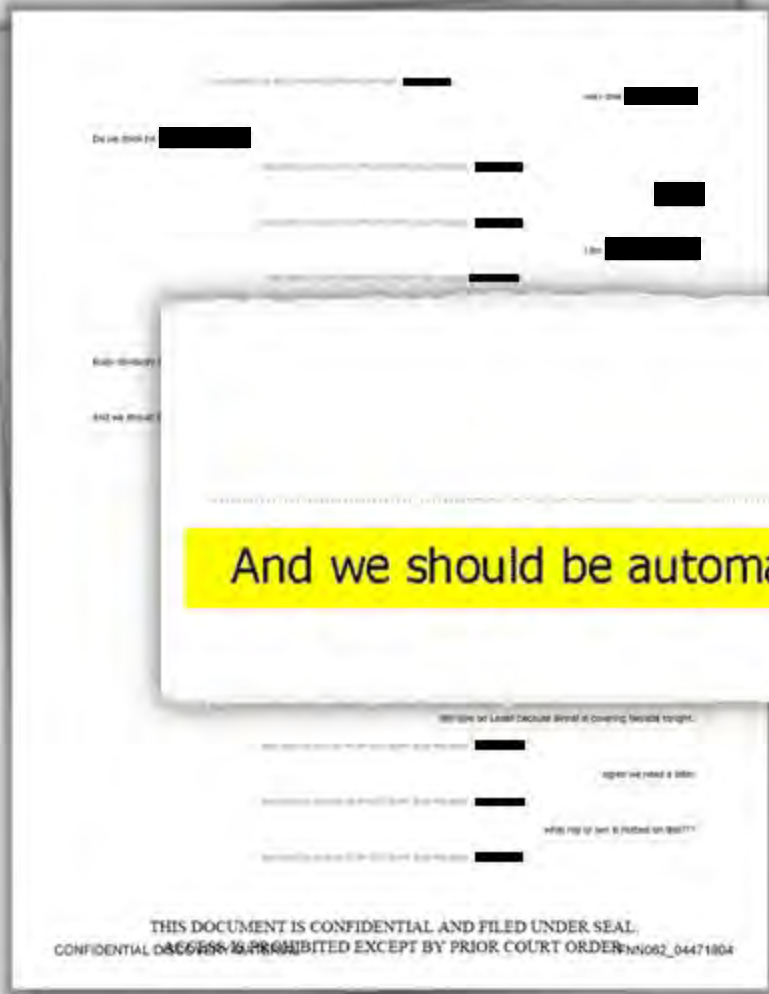
Agreed, we can decide in the am
I mean to keep this alive we really need Rudy or Sidney

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Ex.258
FNN019_03561073

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

PARTICIPANTS: Alex Hooper - [REDACTED]; Alexander Hooper - [REDACTED]; Anne McCarton - [REDACTED]; Anne Woolsey - [REDACTED];
Eric Schaffer - [REDACTED]; Jeff Field - [REDACTED]

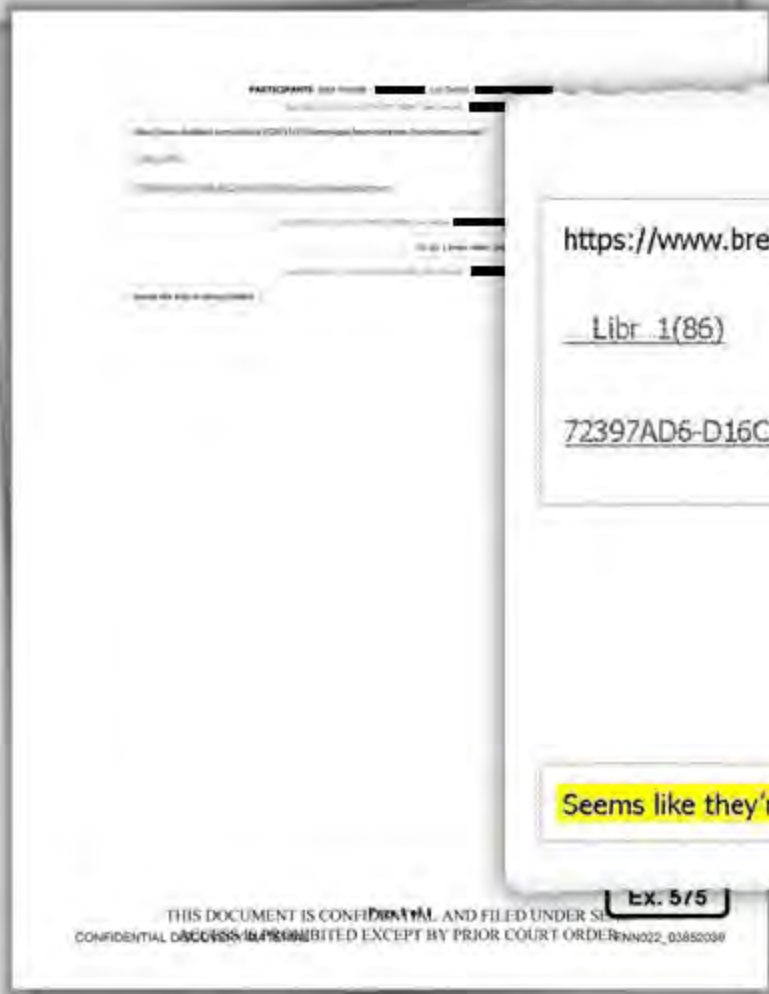


Sent 2020-11-18 05:39:58 PM UTC FROM: Jeff Field - [REDACTED];

And we should be automatically asking for Rudy and Sydney every day

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

PARTICIPANTS: John Fawcett - [REDACTED]; Lou Dobbs - [REDACTED]



Sent 2020-11-22 11:14:35 PM UTC FROM: John Fawcett - [REDACTED]

<https://www.breitbart.com/politics/2020/11/22/trump-legal-team-distances-from-sidney-powell/>

Libr_1(86)

72397AD6-D16C-4E68-86C2-9381FA7DE4F8.pluginPayloadAttachment

Sent 2020-11-22 11:19:39 PM UTC FROM: Lou Dobbs - [REDACTED];

Uh oh. I knew when she didn't call back there was an issue. Oh boy.

Sent 2020-11-22 11:20:10 PM UTC FROM: John Fawcett - [REDACTED]

Seems like they're calling bullshit

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Ex. 5/5

Ex.444
FNN022_03852039

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

PARTICIPANTS: John Fawcett - [REDACTED]; Lou Dobbs - [REDACTED]

PARTICIPANTS: John Fawcett - [REDACTED]

On Nov 23, 2020, at 12:52:25 AM UTC, Lou Dobbs - [REDACTED] wrote:

Sent 2020-11-23 12:52:25 AM UTC FROM: Lou Dobbs - [REDACTED]

I honestly don't know what she's thinking or doing. Or why!

Sent 2020-11-23 12:52:42 AM UTC FROM: John Fawcett - [REDACTED]

Could be losing her mind lol

Sent 2020-11-23 01:11:59 AM UTC FROM: John Fawcett - [REDACTED]

Still doesn't make sense

Sent 2020-11-23 01:28:58 AM UTC FROM: John Fawcett - [REDACTED]

I just don't think she is verifying anything she is saying

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Ex.445
FNN022_03852042

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.

From: Shikman, Joe <JOSH@EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=30056D87DFCA743B1E0C8B2341902B5943848A1 >
To: McCarton, Anne, Fawcett, John
CC: Field, Jeff, Hooper, Alexander
Sent: 12/10/2020 10:09:17 AM
Subject: Re: Assignments, Grid, Stories

I have [REDACTED] will be adding to you and Anne.

Get Outlook for [REDACTED]

From: McCarton, Anne <[REDACTED]>
Sent: Thursday, December 10, 2020 10:09:29 AM
To: Fawcett, John <[REDACTED]> Shikman, Joe <[REDACTED]>
Cc: Field, Jeff <[REDACTED]> Hooper, Alexander <[REDACTED]>
Subject: Re: Assignments, Grid, Stories

and Sid's off today."

Anne McCarton
Senior Counsel
Eris Business
"Lou Dobbs Tonight"
www.Liveat5pm

Thu Dec 10, 2020, at 9:56 AM, McCarton, Anne <[REDACTED]> wrote:

Hi, Jeff ..

Do you have contacts [REDACTED]

Or do you know the transmission details yet?

From: Field, Jeff <[REDACTED]>
Sent: Thursday, December 10, 2020 9:44 AM
To: 179 - Lou Dobbs Tonight <[REDACTED]>
Subject: Assignments, Grid, Stories

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

Guests (Not in order):

[REDACTED]

STORIES -18 states now backing Texas petition to SCOTUS: Trump 2020 100	BIZ -FDA panel to vote on approving Pfizer/Biontech vaccine in US today
-----------------------------------------------------------------------------------	-----------------------------------------------------------------------------------

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From: Field, Jeff <[REDACTED]>

Sent: Thursday, December 10, 2020 9:44 AM

To: 179 - Lou Dobbs Tonight <[REDACTED]>

Subject: Assignments, Grid, Stories

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

"Cyber Pearl Harbor"

People need to get familiar with four names:

Two political leaders:

Jorge Rodríguez – he is the Communications Minister of Venezuela, and he's been the (public) main representative in Venezuela since the days of Chávez. He goes on TV down here daily to mock us. We have evidence that he has been the political leader of the election-steering project, the "CEO" of it.

Khalil Majid Mazoub – He is a Venezuelan of Lebanese origin, who is the right hand and business front man of Jorge Rodríguez. He has been the effective "COO" of the election project, under Chávez and Maduro. Khalil is a liaison with Hezbollah.

Two technical experts:

Gustavo Reyes Zumeta – he is an American-born Venezuelan, who came up with the idea, and designed and created the programs. He also worked as the founder and consultant, in addition to other business ventures.

Antonio Mujica – CEO of Smartmatic. He is the face of the company now.

We now have contracts, program details, programming information and history.

We have a warning to the mainstream media: you have purposely sided with the forces that are trying to overthrow the US system. These four people and their collaborators executed an electoral 9-11 against the United States, with the cooperation and collusion of the media and the Democrat Party and China. It is a cyber Pearl Harbor.

We have identities, roles, and background of Dominion, Smartmatic people. This will turn into a massive RICO filing. It is Smartmatic, Dominion Voting Systems, Sequoia, IGO. If you come forward now to cooperate with law enforcement, you will be better off.

Cuba and Venezuela aligned with George Soros, the Chinese Communist Party, the Democrat party, and the American media against the will of the people of the US.

We have evidence linking all these companies together in legal documents, ownership structures, and sales of the companies. We already uncovered a Chinese investment of \$400,000,000 into Dominion, just 4 weeks before the election.

We now have corporate documents, the names of shareholders and amount of stock they own, their schedules and calendars, their messages to and from one another.

We have technical presentations that prove there is an embedded controller in every Dominion machine, that allows an election supervisor to move votes from one candidate to another. You've seen the video out of Georgia that's been on Twitter the last two days, with a woman demonstrating that capability.

From:

Sidney Powell [REDACTED] on behalf of Sidney Powell

To:

Lou Dobbs; Regan, Robert

Sent:

12/10/2020 4:34:09 PM

Subject:

HERE YOU GO

We have a warning to the mainstream media: you have purposely sided with the forces that are trying to overthrow the US system. These four people and their collaborators executed an electoral 9-11 against the United States, with the cooperation and collusion of the media and the Democrat Party and China. It is a cyber Pearl Harbor.

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Ex.450
FBN013_00125219

Schreier Learns Too of Cyber Pearl Harbor

PARTICIPANTS: Gary Schreier - [REDACTED]; Jeff Field - [REDACTED]; Unknown - [REDACTED]

PARTICIPANTS: Gary Schreier - [REDACTED]; Jeff Field - [REDACTED]; Unknown - [REDACTED]

Lous wife just sent this to Eric and Alex. I think it's from Sidney and looks like she might be making these claims on the show. I don't have any evidence, I don't know what her evidence is. I told alex to make sure Lou pushes on the veracity of this. I find it odd that she claims to have this evidence but her cases are being thrown out. I just wanted to send to you so you weren't surprised if it happens

7/24/2013

Lous wife just sent this to Eric and Alex. I think it's from Sidney and looks like she might be making these claims on the show. I don't have any evidence, I don't know what her evidence is. I told alex to make sure Lou pushes on the veracity of this. I find it odd that she claims to have this evidence but her cases are being thrown out. I just wanted to send to you so you weren't surprised if it happens

EXHIBIT
Ex. 170

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Ex.451
FNN013_00127002

Testimony of Alexander Hooper



Alexander Hooper

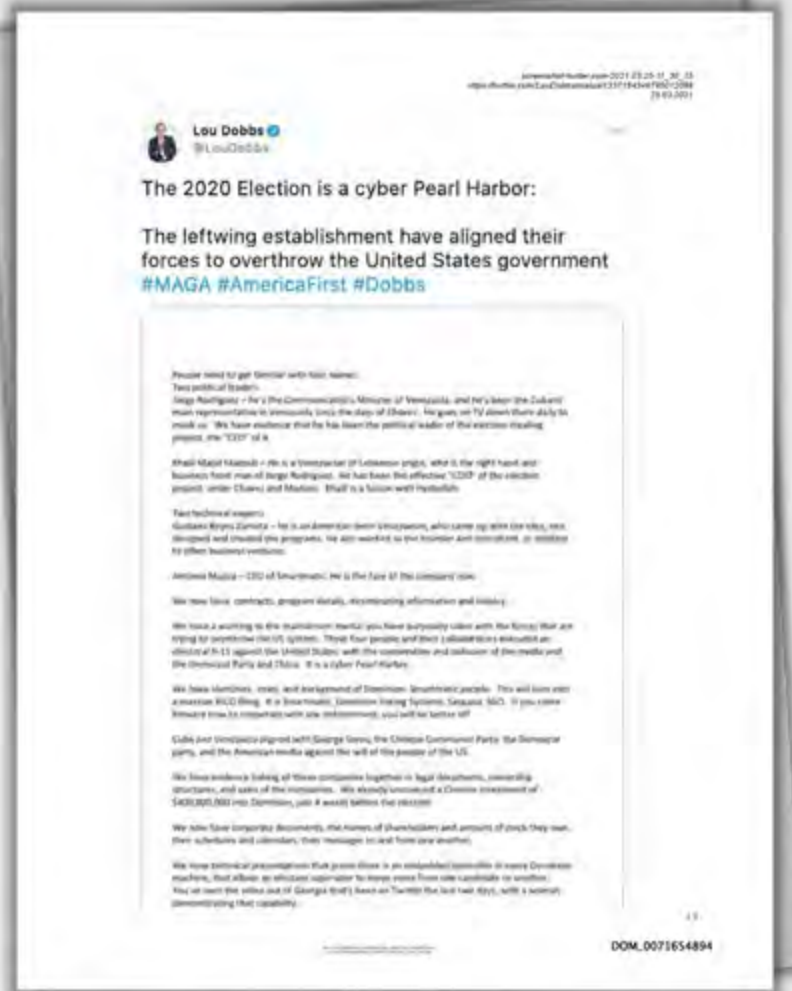
Senior Producer



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



Ex. 16

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?

A. Correct.

December 10 Tweet – Right After the Show



Ex. 18



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

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



Sean Hannity

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.*

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

PARTICIPANTS: Foster Berry [REDACTED] Tiffany Fazio [REDACTED] Tiffany Fazio [REDACTED]

See 2020-11-12 09:58:17 PM UTC FROM: Tiffany Fazio [REDACTED]

Are you ok to be on the call tonight?

See 2020-11-12 09:58:17 PM UTC FROM: Tiffany Fazio [REDACTED]

Laura is not touching dominion story bc it started on 8chan

See 2020-11-12 09:58:17 PM UTC FROM: Foster Berry [REDACTED]

Fig. A site said and not really said but you did

See 2020-11-12 09:58:17 PM UTC FROM: Foster Berry [REDACTED]

You should tell them that

See 2020-11-12 09:58:17 PM UTC FROM: Tiffany Fazio [REDACTED]

I figured I would do it on the phone. Neil found Ag. WD and others writing about dominion problems.

See 2020-11-12 09:58:17 PM UTC FROM: Foster Berry [REDACTED]

Used T. figured I would do it on the phone. Neil found Ag. WD and others writing about dominion problems.

Sent 2020-11-12 09:58:17 PM UTC FROM: Tiffany Fazio [REDACTED]

Laura is not touching dominion story bc it started on 8chan

EXHIBIT
205

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Ex.490

Hannity: "We Need to Own the Dominion Story"

PARTICIPANTS: Porter Berry - [REDACTED] Robert Samuel - [REDACTED] Sean Hannity - [REDACTED] Tiffany Fazio - [REDACTED] Tiffany Fazio - [REDACTED]

Sent 2020-11-12 09:24:44 PM UTC FROM: Sean Hannity - [REDACTED]

The difference between Tuesday and Wednesday ratings is we had nothing new and less hard hitting imho. **We need to own the dominion story.** Project veritas stuff very interesting. Can we put on Richard Hopkins?

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Ex.226
FNN022_03852183

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**



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).”¹ But the publication of a joint libel is but a single injury.^{1a}

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

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 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

EXHIBIT 3330

10/10/2019
Page 14/14



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.



Joe Dorrego-30(b)(6)

CFO and COO
Fox News

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.



Joe Dorrego-30(b)(6)

CFO and COO
Fox News

Ex. 759
484:24-485:6

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.



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?

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?

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?

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.

November 9: Rupert Knew About Fox Broadcasting False Allegations

From: [REDACTED]
To: Jack Keane
Sent: 11/9/2020 7:38:51 AM
Subject: Re: Election Fraud

Thanks Jack,

You may be right but Donald needs better lawyers than Rudy, who is past his prime. Told they are finding it difficult to get someone to coordinate it all. Nobody in Washington wants to touch it!
If anything to be done it's extremely late.

Rupert

sent from my iPhone

On Nov 9, 2020, at 12:24 PM, Jack Keane <[REDACTED]> wrote:

> Dear Rupert,

> Maria B's Sunday show provided excellent coverage of serious election fraud allegations. Given that 4 contested states almost simultaneously stopped counting votes around midnite followed later by Alaska appears to be a coordinated and possibly a pre-planned event if Trump was leading. Moreover the Trump lawyers are alleging that the Democrats developed a software computer program to switch and also add votes which would help explain the reason for the vote stoppage.
> I have no idea if there is any evidence to support the more allegations concerning the mail-in ballots, give preference to Justice Gorsuch and Kavanaugh's majority as seriously and try to get the evidence to support it, challenging. The issue I assume is that no doubt voter fraud occurred in at least one or two states. Historically how can it be proved that it happened in such a way to constitute a states outcome and then do so in a matter of states to change the Biden presidential victory.
> It certainly places added emphasis on the Georgia route
> Election is January 20 January 20, 2021
> Lindsey Graham wants as much of this stopped to reduce your
told him we need bi-partisan congressional legislation to set vote counting standards, what Florida did to fix their system debate is a good place to start as a landmark.

> Best to you and the family, Jack

> On Nov 9, 2020, at 12:24 PM, Jack Keane <[REDACTED]> wrote:

>

> Dear Rupert,

>

> Maria B's Sunday show provided excellent coverage of serious election fraud allegations. Given that 4 contested states almost simultaneously stopped counting votes around midnite followed later by Alaska appears to be a coordinated and possibly a pre-planned event if Trump was leading. Moreover the Trump lawyers are alleging that the Democrats

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Thanks Jack,

You may be right but Donald needs better lawyers than Rudy, who is past his prime. Told they are finding it difficult to get someone to coordinate it all. Nobody in Washington wants to touch it!
If anything to be done it's extremely late.

Rupert

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

On Nov 9, 2020, at 2:23 PM, Scott, Suzanne [REDACTED] wrote:

Pivot but keep the audience who loves and trusts us...we need to make sure they know we aren't abandoning them and still champions for them.

From: Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
To: Scott, Suzanne
Sent: 11/9/2020 9:27:56 AM
Subject: Re: Vaccine.

Thanks. All very true.
Lots of sane Fox viewers still believe in Trump Jack Keane for instance.



F11019_03587825

ATTORNEYS' EYES ONLY DISCOVERY MATERIAL



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

From: Murdoch, Rupert <O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
To: Scott, Suzanne
Sent: 11/16/2020 5:52:37 AM
Subject: Items!

Hope all went well with the move.
Exhausting, I suppose imagine.
After you've settled in let's talk about things. See today's piece in Journal about Newsmax. These people should be watched, if skeptically.
Trump will concede eventually and we should concentrate on Georgia, helping any way we can. We don't want to antagonize Trump further, but Giuliani taken with a large grain of salt. Everything at stake here.
No hurry to call n

From: Murdoch, Rupert <O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
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No hurry to call n

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Ex.239
FNN011_00104854



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.

From: [REDACTED]
To: rthomson
Sent: 11/14/2020 4:04:47 PM
Subject: Re: Pollster: It's Curious How Biden Underperformed Hillary Clinton In Every City...Except These Four

Ok. But where's the evidence?
West Coast too?
If this is all true there must be something somewhere to prove it.

Sent from my iPhone

On Nov 14, 2020 at 8:40 PM Robert Thomson [REDACTED] wrote:

<https://www.hill.com/feature/2020/11/14/robert-thomson-2020-11-14/>
(mailto:rt@ny.com)

212.410.3012 ext
rthomson@ny.com

120 Avenue of the Americas
New York, NY 10036

This message and its attachments may contain legally
privileged, confidential, or otherwise restricted
information. If you are not the addressee, you may not
copy, disseminate, or otherwise use this message
and its attachments and should notify the sender
immediately if you have received this message in
error. If you are the addressee and you do not wish
to receive this message, you may notify the sender
at the email address above. No responsibility is
assumed for any actions taken based on the contents
of this message.

From: [REDACTED]
To: rthomson
Sent: 11/14/2020 4:04:47 PM
Subject: Re: Pollster: It's Curious How Biden Underperformed Hillary Clinton In Every City...Except These Four.

Ok. But where's the evidence?

EXHIBIT 3323

IN RE: 2020
ELECTION
MISDEED

Rage Against the Voting Machine

By The Editorial Board

November 17, 2020

By The Editorial Board

Nov. 17, 2020 6:33 pm ET

3254

Rage Against the Voting Machine

WSJ [wsj.com/articles/rage-against-the-voting-machine-11605656036](https://www.wsj.com/articles/rage-against-the-voting-machine-11605656036)

President Trump has so far been unwilling to concede to Joe Biden, 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.

Voters cast ballots at the polling station in Atlanta, Ga., Nov. 3. Photo: Jessica McGowan/Getty Images

President Trump has so far been unwilling to concede to Joe Biden, 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.

Chatter is swirling around Dominion Voting, a company that supplies equipment in some 28 states. What seems to have launched this theory was an early misreport of results in Antrim County, Mich. In 2016 Mr. Trump won 62% of its 13,600 ballots, so eyebrows rose this year when the initial tallies showed Mr. Biden up by 3,000.

10

November 19: "Really Crazy Stuff"

From: Rupert Thomson [REDACTED]
To: Murdoch, Rupert
Sent: 11/19/2020 5:01:11 PM
Subject: Re: Whitney Goldberg

Severity: critical and devastating

[REDACTED]
[REDACTED]
1211 Avenue of the Americas
New York, NY 10036

On Nov 19, 2020, at 1:04 PM, Murdoch, Rupert [REDACTED] wrote:

Really crazy stuff. And damaging. Might even lead to double loss in Georgia.

That hidden. Still can't add a whole sentence!

Sent from my iPhone

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ACCESS IS PROHIBITED EXCEPT BY PRIOR COURT ORDER. FoxCorp00072484

On Nov 19, 2020, at 5:05 PM, Murdoch, Rupert [REDACTED] wrote:

Really crazy stuff. And damaging. Might even lead to double loss in Georgia.

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

From: [REDACTED]
To: PRESTON PADDEN
Sent: 11/23/2020 12:29:55 PM
Subject: Re: Fox News Dilemma: Indulge Trump's Conspiracy, or Lose Viewers

Mediate an old feisty enemy.
Some truth, but I have been hitting untruths to Turkey
less. And very good, sometimes brilliant
The way he called out that crazy would be loaves really

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

In another month Trump will be becoming irrelevant and
appointments - so far pretty dull.

They told Kissinger first thing they'd re-sign the flawed
And they just looked blank! Saudis, Gulf Arabs and

Newmax not good people! Being advised by Don is
inappropriate behavior. Not one of our people will join
Newmax desperate for money. Scoured the world, so

Sent from my iPhone

On Nov 23, 2020, at 4:32 PM, PRESTON PADDEN <[REDACTED]> wrote:

No worries. 5G will be slow to roll out

Preston Padden

Boulder Thinking, LLC
202-329-4780

On Nov 23, 2020, at 9:48 AM, Maritech, Rupert <[REDACTED]> wrote:

Many thanks. I wish I understood all this 5G stuff! Certainly revolutionary

Sent from my iPhone

On Nov 23, 2020, at 4:32 PM, PRESTON PADDEN <[REDACTED]> wrote:

<https://www.mediaite.com/tv/fox-news-identity-crisis-indulge-trumps-election-conspiracy-or-reject-it-and-watch-its-audience-flee/>

CONFIDENTIAL DISCOVERY MATERIAL

FoxCorp000085A

On Nov 23, 2020, at 4:32 PM, PRESTON PADDEN <[REDACTED]> wrote:

<https://www.mediaite.com/tv/fox-news-identity-crisis-indulge-trumps-election-conspiracy-or-reject-it-and-watch-its-audience-flee/>

Fox News Identity Crisis: Indulge Trump's Election Conspiracy or Reject It ... and

by [Caleb Carr](#) 4:50 PM, 10/10/2016
419 comments



Viewers of Fox News can be forgiven if they believe the reason for their confusion is the network's identity crisis. Fox News has provided Joe Biden to have... simultaneously, the network's top-rated opinion hosts have entertained the increasingly loony conspiracy theory that the election was stolen from Trump through widespread voter fraud. They have been careful in their words, but the near-constant

Simultaneously, the network's top-rated opinion hosts have continued to entertain the increasingly loony conspiracy theory that the election was stolen from Trump through widespread voter fraud. They have been careful in their words, but the near-constant

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 laid out wild and unproven conspiracy theories and claimed that Trump was the rightful winner of the election. 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.

From: [REDACTED]
To: PRESTON PADDEN
Sent: 11/23/2020 12:29:55 PM
Subject: Re: Fox News Dilemma: Indulge Trump's Conspiracies or Lose Viewers

Mediate an old lefty enemy.
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Newsmen not good people! Being advised by Don is a
inappropriate behavior. Not one of our people will join
Newsmen desperate for money. Scoured the world, so far

Sent from my iPhone

On Nov 23, 2020, at 4:59 PM, PRESTON PADDEN <[REDACTED]>

No worries. 5G will be slow to roll out.

Preston Padden
Boulder Thinking, LLC
202-329-4780

On Nov 23, 2020, at 9:48 AM, Martinec, Rupert <[REDACTED]>

Many thanks. I wish I understood all this 5G stuff. Certainly revolutionary.

Sent from my iPhone

On Nov 23, 2020, at 4:02 PM, PRESTON PADDEN <[REDACTED]> wrote:

<https://www.mediate.com/Fox-News-Dilemma-Crisis-Indulge-Trump-Election-Contingency-or-Road-to-End-watch-the-movie.cfm>

CONFIDENTIAL DISCOVERY MATERIAL

Fox Corp 00000851

From: [REDACTED]
To: PRESTON PADDEN
Sent: 11/23/2020 12:29:55 PM
Subject: Re: Fox News Dilemma: 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"

From: [REDACTED]
To: Scott, Suzanne
Sent: 12/7/2020 8:29:13 AM
Subject: Re: Could you call when convenient?

Good

Sent from my iPhone

On Dec 7, 2020, at 1:26 PM, Scott, Suzanne <[REDACTED]>

Wrote White House denying those inauguration day

From: Murdoch, Rupert <[REDACTED]>
Sent: Monday, December 7, 2020 7:32 AM
To: Scott, Suzanne <[REDACTED]>
Subject: Could you call when convenient?

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.

Sent from my iPhone

From: Murdoch, Rupert <[REDACTED]>
Sent: Monday, December 7, 2020 7:32 AM
To: Scott, Suzanne <[REDACTED]>
Subject: Could you call when convenient?

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.

CONFIDENTIAL DISCOVERY MATERIAL

FoxCorp00041239

Ex.639

Fox Board Member: Fox a "Megaphone" for Trump

From: Anne Dias
Sent: Monday, January 11, 2021 11:01 PM EST
To: Ruppert Murdoch; Lachlan Murdoch
CC: Viet D. Dinh; Jacques Nasser
BCC: pryan129 [REDACTED]
Subject: FW: The limits on free speech in the internet era from the Financial Times

<https://fox.com/2XkT2t>

Dear Rupert,
Dear Lachlan,

Freedom of speech is a pillar of free government. Yet, as I wrote to you earlier this week, I was relieved to read that the editorial board of the Wall Street Journal drew a clear line in the sand to sanction 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 too (text at the end of the email).

And what the Financial Times is asking is what conservatives everywhere in America are asking – as Donald Trump has willfully incited acts of violence and desecration, as he has trampled human decency and the public good, all the while claiming to be a defender of the First Amendment.

From: Anne Dias
Sent: Monday, January 11, 2021 11:01 PM EST
To: Ruppert Murdoch; Lachlan Murdoch
CC: Viet D. Dinh; Jacques Nasser
BCC: pryan129 [REDACTED]
Subject: FW: The limits on free speech in the internet era from the Financial Times

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.

As an executive,
A true

CONFIDENTIAL DISCOVERY
MATERIAL

PDR_00000589

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

From: Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
To: Murdoch, Lachlan
Sent: 1/12/2021 4:36:40 AM
Subject: Re: The limits on free speech in the internet era from the Financial Times

Yes. Just tell her we have been talking internally and we intensely along these lines, and Fox News, which called the election correctly, is pivoting as fast as possible. We have to lead our viewers which is van not as easy as might seem

Sent from my iPhone

On Jan 12, 2021, at 4:37 AM, Murdoch, Lachlan <[REDACTED]>

...and best to get her out of the office after you and and I see

Cc:
L

Sent from my iPhone

Begin forwarded message:

From: "Murdoch, Lachlan" <[REDACTED]>
Date: January 11, 2021 at 9:08:59 PM PST
To: "Murdoch, Rupert" <[REDACTED]>
Subject: FW: The limits on free speech in the internet era

Dirk, let's discuss the limits today. I will be in the office to

Love you

L

Sent from my iPhone

Begin forwarded message:

From: Anne Diaz <[REDACTED]>
Date: January 11, 2021 at 8:04:22 PM PST
To: "Murdoch, Rupert" <[REDACTED]> "Murdoch, Lachlan" <[REDACTED]>
Cc: "Dirk, Viet" <[REDACTED]> "Susan" <[REDACTED]>
Subject: FW: The limits on free speech in the internet era

From: Anne Diaz <[REDACTED]>

Dear Rupert,
Dear Lachlan,

Freedom of speech is a pillar of free government. Yet, as I write to you earlier this week, I was relieved to read that the editorial board of the Wall Street Journal drew a clear line in the sand to sanction what is unacceptable speech and behavior by a President of the United States.

CONFIDENTIAL DISCOVERY MATERIAL

ForCorp00058210

From: Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
To: Murdoch, Lachlan
Sent: 1/12/2021 4:36:40 AM
Subject: Re: The limits on free speech in the internet era from the Financial Times

Yes. Just tell her we have been talking internally and we intensely along these lines, and Fox News, which called the election correctly, is pivoting as fast as possible. We have to lead our viewers which is van not as easy as might seem

"The Alternate Reality Machine"

From: [REDACTED]
To: Paul Ryan
CC: Murdoch, Lachlan
Sent: 1/12/2021 11:33:43 AM
Subject: Re: The Morning Dispatch: The Alternate Reality Machine

EXHIBIT

7038

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

Thanks Paul

Just called at length with Suzanne Scott. Everything changed last Wednesday. She thinks everyone is now disgusted and previous support is eroded. Hoping to get some good voices on air - Bill Barr, Pompeo and others. Any suggestions?

Trump's troubles multiplying. His businesses now named. Who is going to throw a party at one of his hotels? Let alone a restaurant. So he has more than just legal problems, bad though they are.

The brand is now poison. Who wants Ivanka's fashion lines, jewelry, etc? Could he still resign and get Pence to pardon, then just disappear? Would Mike Pence agree?

Rupert

Sent from my iPhone

On Jan 12, 2021, at 3:54 PM, Paul Ryan <[REDACTED]> wrote:

Hey Rupert. As is usual, I agree wholeheartedly with Giger's editorial. I have been advising friends of the same. It really is in many ways a Biden test, and a measurement of the progressives' new government.

And the sooner we can put down the echoes of falsehoods from our side, the faster we can get our loyal opposition. I truly hope our contributors, along with Tucker, Laura, and Sean get that and even more.

I feel very good about the Packers, particularly if we face dome Southern teams at Lambeau Field (come to Green Bay in January), it is very unsettling for them. I would love a Rodgers v. Mahomes.

Best Paul

Go Packers!

Sent from my iPad

On Jan 12, 2021, at 10:12 AM, Murdoch, Rupert <[REDACTED]> wrote:




Thanks Paul.

ATTORNEYS' EYES ONLY DISCOVERY MATERIAL

FoxCorp0061113

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'd come to rely on its outlets for news. If you get your information from

On Jan 12, 2021, at 10:12 AM, Murdoch, Rupert <[REDACTED]> wrote:

Thanks Paul,

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.

On Jan 12, 2021, at 3:54 PM, Paul Ryan <[REDACTED]> wrote:

And the sooner we can put down the echoes of falsehoods from our side, the faster we can get onto principled loyal opposition. I truly hope our contributors, along with Tucker, Laura, and Sean get that and execute.

Just talked at length with Suzanne Scott.

Everything changed last Wednesday. She thinks everyone is now disgusted and previous supporters broken hearted.

Rupert.

From: [REDACTED]
To: Paul Ryan
CC: Murdoch, Lachlan
Sent: 1/12/2021 11:13:43 AM
Subject: Re: The Morning Dispatch: The Alternate Road

Thanks Paul

Just talked at length with Suzanne Scott. Everything changed last Wednesday. She thinks everyone is now broken hearted. Hoping to get some good voices on air - Bill Barr, Pompeo and others. Any suggestions?

Trump's troubles multiplying. His businesses now named. 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, bad though they are.

The brand is now poison! Who wants Ivanka's fashion lines, jewelry, etc. Could he still resign and get Pence to pardon, then just disappear? Would Mike Pence agree?

Rupert

Sent from my iPhone

On Jan 12, 2021, at 3:54 PM, Paul Ryan <[REDACTED]>

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I feel very good about the Packers, particularly if we face dome Southern teams at Lambeau Field. When they come to Green Bay in January, it is very unsettling for them. I was

Best, Paul

Go Packers!

Sent from my iPad

On Jan 12, 2021, at 10:12 AM, Murdoch, Rupert <[REDACTED]>

Thanks Paul.

ATTORNEYS' EYES ONLY DISCOVERY MATERIAL

September: Rupert Discusses Fox Hosts With Trump

From: Murdoch, Rupert <RUPERT@FOXLABS/FOXEXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=RUPERT@FOXLABS/113170-CRC>
To: Scott, Suzanne
CC: Murdoch, Lachlan
Sent: 9/15/2020 11:21:20 AM
Subject: Re: Potus Rallies

Spoke to him at hour (I wrote to you but didn't finish it and have lost it).
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
person like you know him? Someone. "Hates Trump"
I didn't tell her he made it right!
That's all.

Sent from my iPhone

On Sep 15, 2020, at 2:15 PM, Scott, Suzanne <[REDACTED]> wrote:

POTUS has been averaging about 4 a week and we monitor all of them and had already taken most
of 2 of them through the week. We were told there would be nothing new in Sunday night's rally and
that is why we didn't take that one but we turned 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

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?

A. *Yes.*

From: Murdoch, Rupert <[REDACTED]>
(FYDIBOHF23SPDLT) <[REDACTED]>
To: Scott, Suzanne
Sent: 1/16/2021 1:09:52 PM
Subject: Re: People

Great.

[REDACTED]

If you're getting value it's ok!

Sent from my iPhone

On Jan 16, 2021, at 9:49 PM, Scott, Suzanne <[REDACTED]>

[REDACTED]

You will take a few months to make final decision but feel good about this.

[REDACTED]

And do on PNC looking at land will make recommendations.

Get Outlook for iOS

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

[REDACTED]

Good link with two line-up and week. Should be good but I fear Marko doesn't love them. Social is can be the last line up.

ATTORNEYS EYES ONLY DISCOVERY MATERIAL

FNN019_03725120

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

[REDACTED]

Testimony of Rupert Murdoch



Rupert Murdoch

Co-Chairman
Fox Corporation

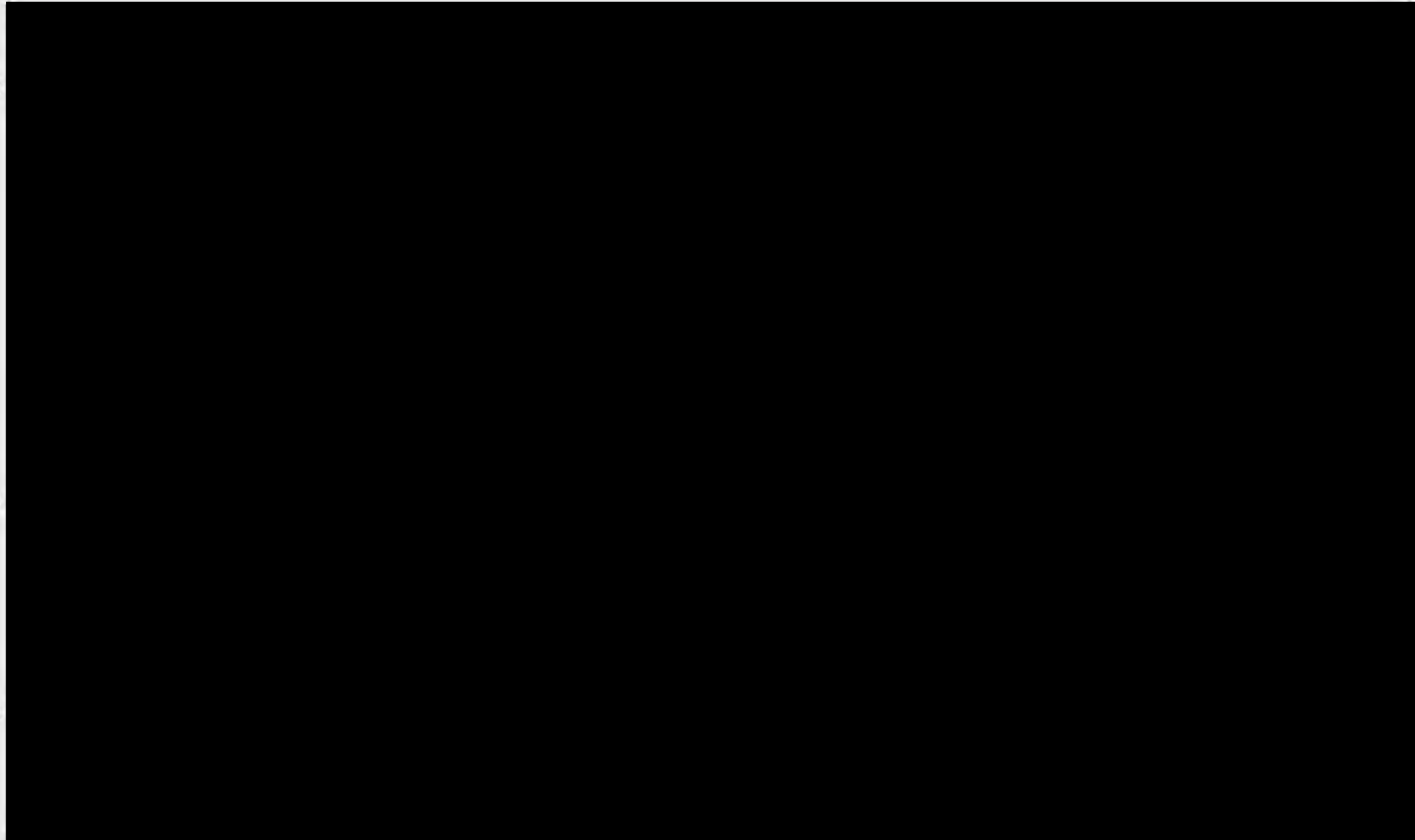


Ex. 600
170:8-15

A.

Q.

A.



Fox Corp Admits Rupert Gave Instructions



Joe Dorrego-30(b)(6)

CFO and COO
Fox News

Ex. 759
401:12-402:23

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.

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

Exhibit
EX - 3521

Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
Scott, Suzanne
Murdoch, Lachlan
1/20/2021 4:36:58 PM
Republicans.

The more I think about McConnell's remarks or complaint the more I agree.
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 Jan 6th
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.

From: Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
To: Scott, Suzanne
CC: Murdoch, Lachlan
Sent: 1/20/2021 4:36:58 PM
Subject: Republicans.

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We have to respect people of principle and if it comes to the Senate don't take sides.

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20210120_03734416

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>
To: Scott, Suzanne
Sent: 1/26/2021 4:03:38 PM
Subject: Re: McEnany

Saw McDowell in something yesterday and she looked and sounded good.
7.00 is a good time for a female host.
If Maria does well all week we should settle for her, I think.
I know you plan to try Gowdy too. But he could be saved for us.

It took hours straight too much of Harris?
She's very sound and engaged, but not a load of fat, like Dana.

Sent from my iPhone

On Jan 26, 2021, at 8:47 PM, Scott, Suzanne <Suzanne.Scott@fox.com>

Dogan McDowell has been doing the morning show.

From: Murdoch, Rupert [REDACTED]
Sent: Tuesday, January 26, 2021 3:20 PM
To: Scott, Suzanne [REDACTED]
Subject: Re: McEnany

Maria is a fantastic worker- and host!
Gets great guests.
Who's filling in FBN early morning? Thanks! spot.

Britain today passed 100,000 Covid deaths. Per capita ahead.
But 12% vaccinated already and going strong.
US would need 2.5 in per day to parallel.

Now EU just banned vaccine exports- which will come out better.

Sent from my iPhone

On Jan 26, 2021, at 8:09 PM, Scott, Suzanne [REDACTED]

Pumpkin on with Maria tonight at the 7p

Get Outlook for iOS

From: Scott, Suzanne [REDACTED]

ATTORNEYS' EYES ONLY DISCOVERY MATERIAL

From: Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
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Subject: Re: McEnany

Saw McDowell in something yesterday and she looked and sounded good.

7.00 is a good time for a female host.

If Maria does well all week we should settle for her, I think.

From: Murdoch, Rupert [REDACTED]
Sent: Tuesday, January 26, 2021 12:15 PM
To: Scott, Suzanne [REDACTED]
Subject: Re: McEnany

I think she'll be a good addition.

Just a couple of viewers, but both say Maria was great last night!

Agree?

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 that Fox News should not be spreading conspiracy theories, 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?

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.

The logo for FOX, consisting of the word "FOX" in a bold, blue, sans-serif font.

Joe Dorrego-30(b)(6)

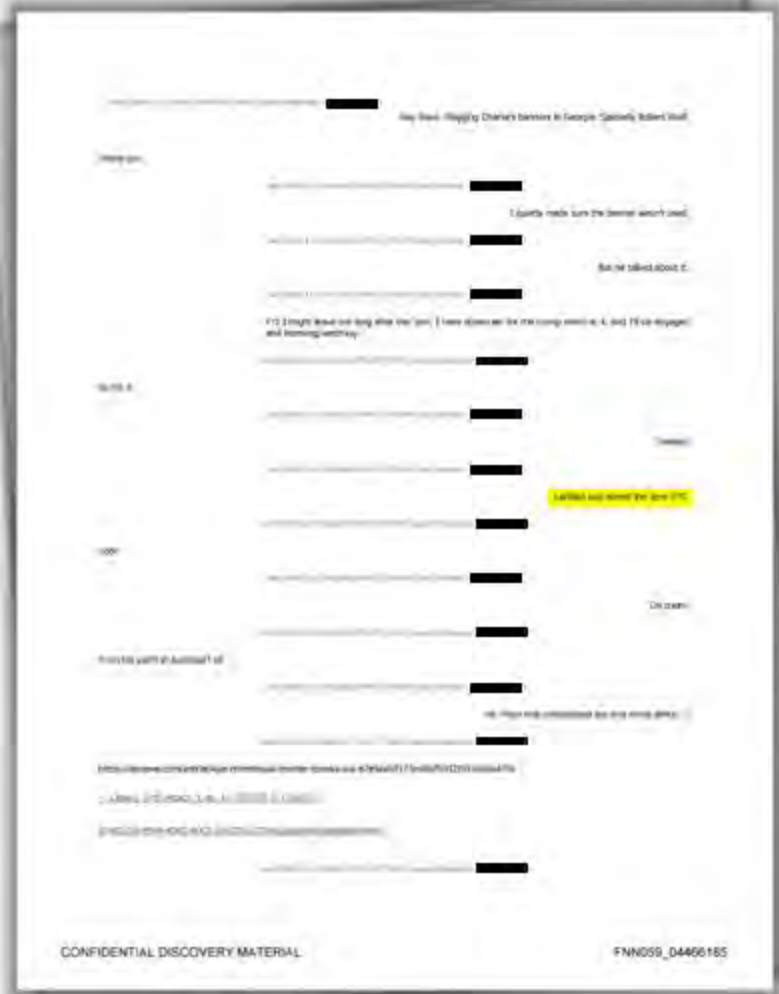
CFO and COO
Fox News

Ex. 759
325:18-21

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



Sent 2020-11-13 08:08:18 PM UTC FROM: Gary Schreier - [REDACTED]

Lachlan just joined the 3pm. FYI.

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?

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.

From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
To: Murdoch, Lachlan
Sent: 11/9/2020 4:53:37 PM
Subject: Fwd: Going forward

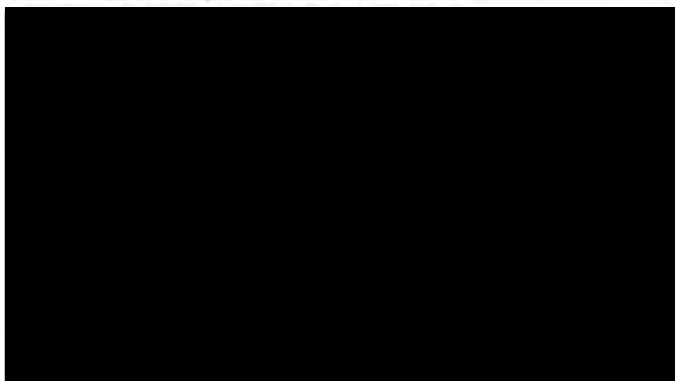
For discussion. S

[Get Outlook for iOS](#)

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

Dear Suzanne,

Thanks for the conversation this morning. I've never 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.



Thanks a lot

Tucker

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From: Scott, Suzanne </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85BFE6824750416486BDA0F78D10943E-SUZANNE.SCO>
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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"

From: SHAH, RAJ <O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33A7EC98BFB14AC1B1B80D99A31D1CDE-RAJ.SHAH>
To: Murdoch, Lachlan; Dinh, Viet; Scott, Suzanne
Sent: 11/23/2020 11:48:30 AM
Subject: Tucker/Sidney Powell Update

Lachlan/Suzanne/Viet

After criticism from social media for Tucker's segment questioning Attorney Sidney Powell's outlandish voter fraud claims, our consultants and I coordinated an effort to generate Trump administration pushback against her claims.

That escalated on Saturday night when she gave a pretty wild interview on Newsmax.

[REDACTED]

ANALYTICS SUMMARY

Social media interactions were decidedly negative from Thursday night to Sunday afternoon, with 70% being conservative attacks and just 1% being defensive.

These metrics have moved to significantly less than the rate of positive social media interactions per hour from negative social media interactions per hour.

While mentions are trending in Tucker's direction and are willing to believe just about anything.

PLAN FORWARD

[REDACTED]

We'll keep you aware of any developments.

Thanks
Raj

From: Shah, Raj </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33A7EC98BFB14AC1B1B80D99A31D1CDE-RAJ.SHAH>
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Lachlan Could Have Stopped It

The logo for FOX, consisting of the word "FOX" in a bold, blue, sans-serif font.

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.

From: Murdoch, Rupert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F0571C63E7B49769B4A58009B115570-CRC>
To: Colin Allan
Sent: 11/5/2020 7:28:19 AM
Subject: Same stuff

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

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Giving big money not a conspiracy!
Turns out mainly a waste.
With several states now disappointingly favoring Biden hard to claim foul everywhere.

From: [Redacted]
Sent: 12/18/2020 3:02:16 PM
Subject: [Redacted]

Eddie Perez

We pulled all the clips – they're not as bad as letter said. Gave Powell & Giuliani platform with reach - all true they said crazy things [Redacted] – that they are saying it is news.

Invited them to come on and they said no, so this is the answer to their letter – both FNC and FBN and didn't specify shows

Jesse Watters did a great job covering it

Eddie Perez, is a voting technology expert at the OSET Institute in Palo Alto, a nonpartisan election technology research and development nonprofit, formerly of an election machine vendor (Hart InterCivic).

<https://www.asetfoundation.org/eddie-perez>

Lou Dobbs, Jeanine Pirro, Maria Bartiromo – all shows where the original inaccurate statements were made

Smartmatic – FL law – incorporated in FL – [Redacted]

[Redacted]
Style choice

Safe harbor expires Sunday – December 20 – 10 days

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Sent: 12/18/2020 3:02:16 PM
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[Redacted]

Style choice

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Ex.256
FNN069_4493113

"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.*

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



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.



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.”



Joe Dorrego-30(b)(6)

CFO and COO
Fox News

Ex. 759
127:20-24

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

A. No.



Joe Dorrego-30(b)(6)

CFO and COO
Fox News

Ex. 759
131:22-132:2

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

A. Yes.

"Our Viewers Are Good People And They Believe It"

[Redacted]

It's unbelievably offensive to me. Our viewers are good people and they believe it.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Sent 2020-11-18 01:59:56 PM UTC FROM: Tucker Carlson -

[Redacted]

It's unbelievably offensive to me. Our viewers are good people and they believe it.

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The Fix Is In

PARTICIPANTS: Joe Colella - [REDACTED]

This from the media

Sent 2020-11-07 07:46:15 PM UTC FROM: Joe Colella - [REDACTED]

Hammer and scorecard. Dominion software. My call is at least 20 M fraudulent Biden votes. Minimum.

Sent 2020-11-07 07:47:16 PM UTC FROM: Maria Bartiromo - [REDACTED]

Ok Sydney will say it tomorrow

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Fox's Proposed Jury Question Makes No Sense

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."



Fox's Question to the Jury

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



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)

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 DELAWARE

US DOMINION, INC., DOMINION
VOTING SYSTEMS, INC., and
DOMINION VOTING SYSTEMS
CORPORATION,

Plaintiff,

v.

FOX NEWS NETWORK, LLC,

Defendant.

C.A. No. N21C-0

CONSOLIDATE

CONFIDENTIAL
FILED UNDER

US DOMINION, INC., DOMINION
VOTING SYSTEMS, INC., and
DOMINION VOTING SYSTEMS
CORPORATION,

Plaintiff,

v.

FOX CORPORATION,

Defendant.


C.A. No. N21C-0

DEFENDANT FOX NEWS NETWORK, LLC'S ANSWER
OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY

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¹⁵ 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").



“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)

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(Nov 14, 2020)

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¶179(c)