

DISTRICT COURT, CITY AND COUNTY OF)
DENVER, COLORADO)
STATE OF COLORADO)
Court Address:)
1437 Bannock Street)
Denver, Colorado 80202)

Case No.: 2020CV34319)
Div./Ctrm.: 409)

Plaintiff: Eric Coomer, Ph.D.,)

vs.)

Defendants: Donald J. Trump for)
President, Inc.; Sidney Powell;)
Sidney Powell, P.C.; Defending the)
Republic, Inc.; Rudolph Giuliani;)
Joseph Oltmann; FEC United;)
Shuffling Madness Media, Inc., dba)
Conservative Daily; James Hoft; TGP)
Communications, LLC, dba The)
Gateway Pundit; Michelle Malkin;)
Eric Metaxas; Chanel Rion; Herring)
Networks, Inc., dba One America)
News Network; and Newsmax Media,)
Inc.)

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VIDEOCONFERENCE OF ERIC COOMER

September 23, 2021

1 The above-entitled videoconference (Zoom)
2 deposition was taken on behalf of the Defendants Sidney
3 Powell and Sidney Powell, P.C., on September 23, 2021,
4 at 11:33 a.m., before Jana Mackelprang, Certified
5 Realtime Reporter, Registered Professional Reporter,
6 and Notary Public.

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EXHIBIT INDEX

FOR IDENTIFICATION	INITIAL REFERENCE
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6	<p>1 PROCEEDINGS</p> <p>2 WHEREUPON, the following proceedings were</p> <p>3 taken pursuant to the Colorado Rules of Civil</p> <p>4 Procedure.</p> <p>5 * * * * *</p> <p>6 THE COURT REPORTER: Will counsel please</p> <p>7 stipulate that the court reporter is authorized to</p> <p>8 administer the oath remotely; that no objection to</p> <p>9 admissibility of the deposition will be made based on</p> <p>10 validity of the oath; and that Dr. Coomer is who he</p> <p>11 says he is so that I may swear him in remotely?</p> <p>12 MR. ARRINGTON: So stipulated on behalf</p> <p>13 of Ms. Powell and Powell, PC.</p> <p>14 MR. CAIN: Plaintiff stipulates as well.</p> <p>15 MR. ARRINGTON: And since there's so many</p> <p>16 people involved here, what's typically happened in the</p> <p>17 past, Jana, is you ask if anyone doesn't stipulate; and</p> <p>18 if not everybody -- if no one says anything, you can</p> <p>19 take that as an unanimous stipulation.</p> <p>20 Does anyone object to that stipulation?</p> <p>21 Okay.</p> <p>22 ERIC COOMER, Ph.D.,</p> <p>23 having been first duly sworn to state the whole</p> <p>24 truth, testified as follows:</p> <p>25 >>></p>	8	<p>1 that's an instruction to Dr. Coomer to not respond to</p> <p>2 that question because it's outside the scope of the</p> <p>3 order.</p> <p>4 MR. ARRINGTON: Okay. And so stipulated.</p> <p>5 And the other thing that I would like to</p> <p>6 clarify --</p> <p>7 (Distortion.)</p> <p>8 MR. ARRINGTON: Mr. Rogers, can you --</p> <p>9 can you mute, please.</p> <p>10 Okay, thank you.</p> <p>11 So the other thing is that I anticipate</p> <p>12 you'll be making preservation objections as well, and</p> <p>13 the witness will -- unless you instruct him not to</p> <p>14 answer, will, after you've made your preservation</p> <p>15 objection, answer.</p> <p>16 MR. CAIN: Yes, thank you. Absolutely.</p> <p>17 MR. ARRINGTON: Okay.</p> <p>18 Q. (By Mr. Arrington) So let's get started.</p> <p>19 Dr. Coomer, typically, at the start of</p> <p>20 the deposition, we make some -- a record in terms of</p> <p>21 your capacity to -- to participate in the objection</p> <p>22 [sic] today. One of the things that has come to light</p> <p>23 is that you have, in the past, struggled with</p> <p>24 substances. And I wanted to know if you are, in fact,</p> <p>25 under the influence of any substance today.</p>
7	<p>1 EXAMINATION</p> <p>2 BY MR. ARRINGTON:</p> <p>3 Q. Thank you for appearing this morning,</p> <p>4 Dr. Coomer.</p> <p>5 If you could please just state your name and</p> <p>6 address for the record.</p> <p>7 A. Yes. Eric Coomer, Salida, Colorado.</p> <p>8 MR. ARRINGTON: And before we get</p> <p>9 started, we're going to make a couple of things for the</p> <p>10 record. One of the things that we've been doing in all</p> <p>11 of these depositions is that an objection by one party</p> <p>12 will be counted as an objection by all parties.</p> <p>13 The other stipulation is that Mr. Cain is</p> <p>14 going to perhaps make some scope objections.</p> <p>15 And, Mr. Cain, if you would like to</p> <p>16 state, with that, what you mean by that.</p> <p>17 MR. CAIN: Yeah, let me explain. Just</p> <p>18 for ease here, if I make an objection as to the scope</p> <p>19 of the question or the question is seeking privileged</p> <p>20 information -- so if I say "scope" or "privileged,"</p> <p>21 that is an instruction by me to Dr. Coomer to not</p> <p>22 respond to that question because it would exceed the</p> <p>23 Court's order of September 7th with respect to this</p> <p>24 deposition.</p> <p>25 So just to reiterate, if I say "scope,"</p>	9	<p>1 A. No, I'm not.</p> <p>2 Q. Okay. When is the last time that you</p> <p>3 ingested cocaine?</p> <p>4 MR. CAIN: Objection. Don't respond to</p> <p>5 that question.</p> <p>6 Q. (By Mr. Arrington) Okay. When was the</p> <p>7 last time you used heroin?</p> <p>8 MR. CAIN: Objection. Don't respond to</p> <p>9 that question.</p> <p>10 Q. (By Mr. Arrington) When is the last time</p> <p>11 you used any mind-altering substance that might affect</p> <p>12 your ability to answer questions in your capacity</p> <p>13 today?</p> <p>14 MR. CAIN: The same objection. Don't</p> <p>15 answer that question.</p> <p>16 He's indicated he's not under the</p> <p>17 influence of any substance.</p> <p>18 Q. (By Mr. Arrington) I'm going to share my</p> <p>19 screen. And I have put up what we're going to mark as</p> <p>20 Exhibit P --</p> <p>21 MR. ARRINGTON: What's the next one? I</p> <p>22 think it's 18, isn't it, Jana, P18?</p> <p>23 THE REPORTER: Yes.</p> <p>24 MR. ARRINGTON: Thank you.</p> <p>25 >>></p>

10	<p>1 (Exhibit P18 was marked for 2 identification.) 3 Q. (By Mr. Arrington) This is going to be 4 marked as P18. This is a New York Times magazine 5 article entitled: "He Was the 'Perfect Villain' For 6 Voting Conspiracists." 7 Have you seen this article before, 8 Dr. Coomer? 9 A. Yes, I have. 10 Q. Have you read it? 11 A. Yes, I have. 12 Q. When was the last time you read it? 13 A. Within the last week. 14 Q. Within the last week. 15 Do you consider yourself familiar with 16 its contents, then? 17 A. I gave the interview, yeah. 18 Q. Okay. So I'm going to go through this. 19 It's going to be a fairly tedious exercise, but we're 20 going to go through several sections of it and see if 21 you said that to this reporter. 22 It says in the very first paragraph, very 23 first line: "It was already late on November 9." 24 I presume that's November 9th, 2020; is 25 that correct?</p>	12	<p>1 question I asked. 2 Are you denying that last Friday, when 3 you were sitting right there in front of her, she said 4 that I would have the right to inquire about this 5 article? 6 MR. CAIN: I'm not denying or confirming 7 anything. I'm just reading her order. 8 MR. ARRINGTON: Okay. We'll call the 9 Court right now. 10 Off the record. 11 (Off the record from 11:40 a.m. to 11:47 12 a.m.) 13 MR. ARRINGTON: Back on the record. 14 Q. (By Mr. Arrington) Dr. Coomer, can you 15 see Exhibit P18? 16 A. Yes, I can. 17 Q. Okay. And the first thing that's there, 18 I've already read. 19 So you told the New York Times reporter 20 that on November 9th you were in Chicago and went to 21 your hotel. 22 A. Yes. 23 Q. And -- 24 MR. CAIN: And, Barry, I'm sorry to 25 interrupt you. Just to clarify the record, I was able</p>
11	<p>1 A. Correct. 2 Q. "... when Eric Coomer, then the director 3 of product strategy and security for Dominion Voting 4 Systems, left his temporary office on Daley Plaza in 5 Chicago and headed back to the hotel." 6 So you went to your -- to the hotel in 7 Chicago on November 9th, 2020, correct? 8 MR. CAIN: Scope. 9 MR. ARRINGTON: I beg your pardon? 10 MR. CAIN: Scope. 11 MR. ARRINGTON: Okay. So are you going 12 to have a scope objection for each of the times that we 13 say something about this article, Charles? 14 MR. CAIN: No, I think the order says, as 15 it relates to public statements, Plaintiff's prior 16 public statements, that certain Facebook posts were 17 fabricated. 18 And so those questions don't relate to 19 the fabrication of Facebook posts. 20 MR. ARRINGTON: Were you present at the 21 hearing last Friday, the status conference, when the 22 Court specifically stated that I was entitled to 23 inquire about this article? 24 MR. CAIN: I'm reading her order. 25 MR. ARRINGTON: Okay. That's not the</p>	13	<p>1 to find your statement -- well, someone on my staff 2 did. And our off-the-record discussion was about the 3 fact that I was fine with you asking Dr. Coomer if he 4 made the statements that are attributed to him in the 5 New York Times article. 6 What you said to the Court -- 7 MR. ARRINGTON: Back off the record. Off 8 the record, Jana. I'm not going to have Mr. Cain waste 9 my time. 10 MR. CAIN: I'll give you back this -- 11 this comment. I'm not trying to waste your time. You 12 can have the -- whatever the minute is that I'm 13 talking. I just want to make sure we're on the same 14 page. Okay? So just credit this to me, not you. 15 And I think it's consistent with kind 16 of -- both of what we were saying. So you said, Since 17 the New York Times article, we would -- we agree with 18 counsel that the article is absolutely critical in this 19 case, and I intend, at the deposition next Thursday, to 20 ask a simple question to Mr. Coomer -- Dr. Coomer, 21 rather, I apologize -- did he say the things that are 22 attributed to him in this New York Times article? And 23 he can either state that he stated it or he didn't, but 24 I don't see why we should not be able to ask that. 25 And the Court said, Yeah, I haven't put</p>

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1 any limit on your ability to get that information.
 2 And you say, Thank you, Your Honor.
 3 So I think that's consistent with what
 4 we're talking about, confirming whether he told the
 5 New York Times that information.
 6 So I think we're on the same page, and
 7 you can have whatever time I just took back credited to
 8 you.
 9 **Q. (By Mr. Arrington) Okay. We're in the**
 10 **third paragraph. I've highlighted some information**
 11 **that begins "prone to profanities."**
 12 **Did you tell the New York Times reporter**
 13 **that you were prone to profanities, with a sense of**
 14 **humor that could have blunt force?**
 15 A. No, that's not a quote from me.
 16 **Q. Okay. Did you tell the New York Times**
 17 **reporter you travel around the world for competitive**
 18 **endurance bike races?**
 19 A. Yes, we did discuss that.
 20 **Q. Did you tell the New York Times reporter**
 21 **that you have full-sleeve tattoos, one of Francis**
 22 **Bacon's "Screaming Popes," some Picasso bulls, and**
 23 **half-inch holes in your ears where you once wore what**
 24 **are known as plugs?**
 25 A. I discussed my tattoos. I don't recall

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1 discussing my piercings.
 2 **Q. Okay. Is that, in fact, true, that --**
 3 A. That I have piercings?
 4 **Q. Excuse me. You've got to allow me to**
 5 **finish my questions.**
 6 **Is it, in fact, true that you have**
 7 **full-sleeve tattoos and half-inch holes in your ears**
 8 **where you once wore plugs?**
 9 A. I have many tattoos. I have to actually
 10 measure the current diameter of the holes in my ears.
 11 **Q. Okay.**
 12 A. But they're about a half inch.
 13 **Q. Okay. So you watched -- let's go back to**
 14 **the next paragraph, and then the next one. It says the**
 15 **video you watched in your hotel room.**
 16 **So did you tell the New York Times or**
 17 **the -- we'll call him the Times reporter -- that you**
 18 **watched a video in your hotel room on November 9th of**
 19 **Mr. Oltmann -- or actually Joe Otto at the time?**
 20 A. Yes. To the best of my recollection,
 21 yes. That's -- that's the timeline we're talking
 22 about.
 23 **Q. And -- and when you were watching this**
 24 **video on November 9th, about 11 minutes, did you tell**
 25 **the Times reporter that about 11 minutes in, you heard**

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1 **Oltmann say your name, the conversation will be about a**
 2 **man named Eric Coomer, and he spelled it out?**
 3 A. No, I don't believe I said that to the
 4 reporter. I believe that she watched the video herself
 5 and gave -- and gave those time stamps and quotes.
 6 **Q. Okay. Did you, in fact, watch the video**
 7 **on November 9th and hear your name?**
 8 A. Yes.
 9 **Q. Okay. We're on page 2 now.**
 10 **Do you remember -- and, again, on**
 11 **November 9th, watching this video in your hotel room,**
 12 **where Max McGuire read from an anonymous open letter**
 13 **that explained that "while there was no formal**
 14 **organization known as 'antifa,' the ideas the public**
 15 **associates with it are worth supporting" -- "the ideas**
 16 **the public associates with it," rather, "are worth**
 17 **supporting"?**
 18 A. Can you repeat that question?
 19 **Q. Okay. Do you remember on November 9th,**
 20 **2020, hearing on this video you were watching, Max**
 21 **McGuire read from an anonymous open letter that**
 22 **explained that "while there was no formal organization**
 23 **known as 'antifa,' the ideas the public associates with**
 24 **it are worth supporting"?**
 25 A. I don't remember that exact quote coming

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1 from Mr. McGuire. I do have a vague recollection that
 2 they were going through various private posts of mine,
 3 one of which was a satirical Antifa manifesto, in
 4 quotes.
 5 **Q. What does "satirical" mean?**
 6 A. Tongue-in-cheek. Not serious.
 7 **Q. Okay. I've put up what's going to be**
 8 **marked as Exhibit P23.**
 9 **(Exhibit P23 was marked for**
 10 **identification.)**
 11 **Q. (By Mr. Arrington) I'm on page 9 of P23.**
 12 **Is this your Facebook post, Mr. Coomer --**
 13 **or Dr. Coomer?**
 14 A. It's a repost that I made on my private
 15 Facebook, yes.
 16 **Q. Okay.**
 17 A. I did not author this. I reposted it.
 18 **Q. Okay. Which -- which part of it is**
 19 **tongue-in-cheek?**
 20 A. All of it.
 21 **Q. All of it? Okay. So let's go back to**
 22 **satirical.**
 23 **I've got a dictionary.com there.**
 24 **Actually, I've asked it for a definition of satirical.**
 25 **It's the use of irony, sarcasm, ridicule, or the like,**

18	<p>1 in exposing, denouncing, or deriding vice, folly, 2 et cetera.</p> <p>3 Can we use that as a working definition 4 of satirical?</p> <p>5 MR. CAIN: Form.</p> <p>6 THE DEPONENT: It's one of. I'm not 7 going to -- there are a lot of other definitions in 8 there. Dictionary.com is not the definitive source on 9 definitions of terms.</p> <p>10 Q. (By Mr. Arrington) Okay. So do you 11 dispute that this is what you were using the word 12 "satirical" to mean?</p> <p>13 A. It's part of. I wouldn't say it 14 encompasses all of it, no.</p> <p>15 Q. Okay. So let us go back to -- let's see 16 what dictionary.com says tongue-in-cheek means, if it 17 has one.</p> <p>18 No, it's not going to give us one.</p> <p>19 Whimsical. How about whimsical, joking, 20 humorous, jocular? Is that what you meant?</p> <p>21 A. Again, those are multiple terms. I'll 22 pick out sarcastic, satirical, flippant, ironic, 23 irreverent, blithe. Sure. Dry. Farcical.</p> <p>24 Q. Okay. So tell me -- tell me which of 25 those terms apply to this document? What in it is</p>	20	<p>1 ahead.</p> <p>2 MR. CAIN: I'm sorry, you're asking to go 3 off the record?</p> <p>4 MR. ARRINGTON: We're off the record. 5 I'm not going to let him waste my time while he reads a 6 document word for word.</p> <p>7 MR. CAIN: No, I don't agree to that. 8 I've done -- we've done this throughout all of the 9 depositions, and I'm not going to have him study up on 10 a particular document off the record.</p> <p>11 MR. ARRINGTON: No, no. In other 12 depositions, when someone has said that they needed to 13 read an entire document, you and Mr. Skarnulis have 14 said, Okay, we'll go off the record and he can read 15 that document on a break. And now you're not giving me 16 the same courtesy, Mr. Cain. And so --</p> <p>17 MR. CAIN: I'm not being discourteous. 18 MR. ARRINGTON: -- we are going to have 19 to reschedule this deposition because of this. But 20 if -- I'm going to make a record.</p> <p>21 The witness has said he needs to read an 22 entire single-spaced, four-page document before he can 23 make any comments about it. And Mr. Cain is insisting 24 that he do that on the record, knowing that I have one 25 hour.</p>
19	<p>1 ironic, farcical, whimsical?</p> <p>2 A. So, from my best recollection, this 3 anonymous letter was posted the day after the current 4 FBI released the statement saying that there was no 5 such thing as an organized group called Antifa.</p> <p>6 So it's clear, when it says, Let us be 7 perfectly clear Antifa isn't an organization. There 8 are no memberships, no meetings, no dues, no rules, and 9 then it goes on to then describe rules and leaders and 10 structure.</p> <p>11 That, in itself, is a contradiction, 12 which to me is satirical, tongue-in-cheek, irreverent, 13 and trying to make a statement through that sarcasm.</p> <p>14 Q. Okay. So you think the article, as a 15 whole, is satirical. Are there any particular 16 statements in the article, other than the ones that 17 you've already mentioned, that you believe are ironic 18 or not serious, tongue-in-cheek, whimsical?</p> <p>19 A. I'd have to reread the entire article, 20 which if you want me to do that right now, I guess I 21 can, but I would say, on the whole, the document stands 22 in and of itself as a satirical, sarcastic post.</p> <p>23 MR. ARRINGTON: Off the record. We'll 24 let you read this on your own time. When you're ready, 25 we'll have you set down the page and we'll go. Go</p>	21	<p>1 THE DEPONENT: No, no. Hey, I made my 2 statements on this. I said, as a whole, I view that 3 entire document satirical. I don't have to parse every 4 single sentence. Don't need to. I view the entire 5 document as satirical.</p> <p>6 There you have it. That's your answer.</p> <p>7 Q. (By Mr. Arrington) And so I get to ask 8 the questions, Dr. Coomer, and one of the questions I'm 9 going to ask is: Which of these things in there 10 specifically are whimsical, farcical, tongue-in-cheek? 11 And you said you needed to read the entire document 12 before you can do that.</p> <p>13 A. Every single line.</p> <p>14 MR. ARRINGTON: Every single line. Okay. 15 A four-page, single-spaced document before he can 16 answer my question, which will probably take up the 17 rest of my deposition time, reading this paper.</p> <p>18 And so if you're going to insist that he 19 do that on my time, I'm going to make a record of it, 20 and then we'll come back after the Court says you're 21 being ridiculous.</p> <p>22 Is that what you're going to insist on 23 him doing, Mr. Cain?</p> <p>24 MR. CAIN: I'm not going to argue with 25 you. If there's something specific in this document</p>

22	<p>1 that you want him to comment on, then show it to him.</p> <p>2 MR. ARRINGTON: That's what I did --</p> <p>3 MR. CAIN: I'm sorry --</p> <p>4 MR. ARRINGTON: -- I showed it to him. I</p> <p>5 asked him a question: What specific in this document</p> <p>6 is whimsical, facarical -- farcical, tongue-in-cheek,</p> <p>7 and he said he had to read the entire document in order</p> <p>8 to tell me.</p> <p>9 MR. CAIN: You can do what you want,</p> <p>10 Barry. I'd suggest that you go on the record and ask</p> <p>11 your questions.</p> <p>12 MR. ARRINGTON: Okay. If I can do what I</p> <p>13 want, we'll go off the record while he does what he</p> <p>14 needs to do in order to answer my question.</p> <p>15 MR. CAIN: Nope, we're not going to do</p> <p>16 it. If there's something in this --</p> <p>17 MR. ARRINGTON: And I'm going to ask for</p> <p>18 fees. I'm going to ask for fees.</p> <p>19 MR. CAIN: -- if there's something in</p> <p>20 this document that you want to point him to that you</p> <p>21 need a comment on, then do it.</p> <p>22 MR. ARRINGTON: No, Mr. Cain. I asked</p> <p>23 him a question about this document, and I asked him to</p> <p>24 point out what is satirical, whimsical, farcical, and</p> <p>25 he said he had to read the whole document in order to</p>	24	<p>1 And we will -- the Court has asked</p> <p>2 everybody to go onto its WebEx page, which is public</p> <p>3 record, at 12:15. So we will stand in recess.</p> <p>4 MS. HALL: Barry?</p> <p>5 MR. ARRINGTON: Yeah?</p> <p>6 MS. HALL: Barry, I would also ask that</p> <p>7 we address the New York Times issue with the judge, as</p> <p>8 well, since she's already going to be on there.</p> <p>9 MR. ARRINGTON: Well, I don't think that</p> <p>10 we have a dispute regarding the New York Times issue.</p> <p>11 Mr. Cain, who obviously already had the quote in hand,</p> <p>12 even though he was denying it, has specifically</p> <p>13 agreed --</p> <p>14 MR. CAIN: Barry, look. I'm trying not</p> <p>15 to engage because this is ridiculous. But, no, I</p> <p>16 didn't have it. One of my staff folks pulled it while</p> <p>17 we were talking about it so I could look at it. Why</p> <p>18 would you say that?</p> <p>19 MR. ARRINGTON: Well --</p> <p>20 MR. CAIN: I didn't have it.</p> <p>21 MR. ARRINGTON: Okay. I will take your</p> <p>22 word for that. You were not prepared.</p> <p>23 MR. CAIN: No, that's not what I said.</p> <p>24 MR. ARRINGTON: Okay. See you --</p> <p>25 everybody will readjourn after the hearing -- reconvene</p>
23	<p>1 do it, and you're saying he had to do that on the</p> <p>2 record and waste everybody's time.</p> <p>3 And we're going to come back in a couple</p> <p>4 of weeks, whenever the Court reschedules this</p> <p>5 deposition, and we will do that.</p> <p>6 MR. CAIN: You can do what you want.</p> <p>7 We're here to --</p> <p>8 MR. ARRINGTON: You know what? We're</p> <p>9 going off the record while we call the Court.</p> <p>10 Off the record, Jana.</p> <p>11 MR. CAIN: I thought we were off the</p> <p>12 record.</p> <p>13 MR. ARRINGTON: I hope we've been off the</p> <p>14 record.</p> <p>15 (Discussion off the record from 12:02 p.m.</p> <p>16 to 12:06 p.m.)</p> <p>17 MR. ARRINGTON: Back on the record.</p> <p>18 We're going to, not adjourn, but recess</p> <p>19 this deposition pending the resolution of the issue</p> <p>20 about whether Mr. Cain is to waste half an hour of my</p> <p>21 hour while his client reads this document. And so --</p> <p>22 MR. CAIN: You're mischaracterizing the</p> <p>23 situation.</p> <p>24 MR. ARRINGTON: I'm characterizing it</p> <p>25 perfectly.</p>	25	<p>1 after the hearing.</p> <p>2 (A recess was taken from 12:08 p.m. to</p> <p>3 12:38 p.m.)</p> <p>4 MR. ARRINGTON: Back on the record.</p> <p>5 Q. (By Mr. Arrington) Dr. Coomer, we have</p> <p>6 Exhibit P23, starting at page 9, on the screen here.</p> <p>7 Do you see that?</p> <p>8 A. Yep.</p> <p>9 Q. Okay. We're going to call this the</p> <p>10 Antifa Manifesto for short.</p> <p>11 Is that okay?</p> <p>12 A. It's a document that has that title.</p> <p>13 Q. Okay. Well, that's what we'll refer to</p> <p>14 it as -- for short.</p> <p>15 A. It's an alleged -- it's an alleged</p> <p>16 manifesto.</p> <p>17 Q. Okay. You can characterize it, if you'd</p> <p>18 like, but we'll refer to it as the Antifa Manifesto for</p> <p>19 purposes of our discussion today.</p> <p>20 Have you read the Antifa manifestation --</p> <p>21 or Manifesto just now, word for word?</p> <p>22 A. Yes, I have.</p> <p>23 Q. Just a few seconds ago, correct?</p> <p>24 A. Well, now we're coming up on a few</p> <p>25 minutes.</p>

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1 **Q. Okay. Is it fresh in your mind?**
 2 A. Yes, it is.
 3 **Q. All the statements are fresh in your**
 4 **mind?**
 5 A. I couldn't recite it verbatim, but, yes,
 6 I understand the gist of the article.
 7 **Q. Okay. So which of the statements in the**
 8 **document are satirical, the individual statements in**
 9 **the article are satirical?**
 10 A. Okay. If you want to ask me about every
 11 individual sentence, we can do that. So I will wait
 12 for you to read each individual statement, sentence,
 13 and then I will tell you whether I think it's
 14 satirical.
 15 But let's try to make this easy on
 16 everyone: I think the document, in totality, is a
 17 satirical document as laid out in the opening
 18 paragraphs where it clearly states: Also according to
 19 the FBI report that was released the day before --
 20 **Q. Okay. You're now engaging in a**
 21 **filibuster, wasting my time.**
 22 **So the question that's on the table and**
 23 **that you're not responding to, is which of the**
 24 **statements in the article --**
 25 A. The document is satirical.

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1 MR. CAIN: Hold on. Object to the
 2 sidebar.
 3 The question is, which of the statements?
 4 So you're going to have to go through and identify
 5 which of these paragraph -- or sentences or paragraphs
 6 you consider satirical and do that for the entire
 7 document.
 8 MR. ARRINGTON: No, I don't have to do
 9 that, Mr. Cain. So I'm going to ask --
 10 MR. CAIN: No, you've asked the question,
 11 so Dr. Coomer needs to respond --
 12 MR. ARRINGTON: Are you objecting? Are
 13 you objecting? Or are you just doing a Wild, Wild West
 14 1980s style deposition here?
 15 Do you have an objection? If you don't,
 16 you need to be quiet, sir.
 17 MR. CAIN: Yes, you're asking the
 18 question --
 19 MR. ARRINGTON: You can't tell me how to
 20 run my deposition. You absolutely cannot do that.
 21 If you have an objection, you can put it
 22 on the record. Otherwise, you need to be quiet.
 23 MR. CAIN: What was your question?
 24 **Q. (By Mr. Arrington) Dr. Coomer, do you**
 25 **remember, from your perusal of this document, reading**

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1 **it just a few minutes ago, any specific statement that**
 2 **you thought was whimsical, satirical, tongue-in-cheek,**
 3 **farcical?**
 4 A. Yes.
 5 **Q. Which ones?**
 6 A. Okay. Let's start at the top.
 7 "Public Statements From 'Antifa' In
 8 Response To The Threats Issued By United States
 9 President Donald Trump," I find satirical.
 10 **Q. Okay. What's the next one?**
 11 A. "Dear Mr. Trump" I find satirical.
 12 **Q. Okay.**
 13 A. Please stop scrolling, sir.
 14 "Let us be perfectly clear: 'Antifa'
 15 isn't an organization. There's no membership, no
 16 meetings, no dues, no rules, no leaders, no structures.
 17 It is, literally, an idea and nothing more."
 18 I find that satirical because it's in
 19 direct contradiction of then President Trump trying to
 20 designate the organization that his own FBI said wasn't
 21 an organization, as a terrorist organization. So I
 22 find those statements satirical.
 23 **Q. You think that statement is untrue? You**
 24 **think Antifa is an organization?**
 25 A. No, I don't. I think the statement is

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1 satirical --
 2 **Q. Wait. Wait.**
 3 **Do you think Antifa is an organization?**
 4 A. No.
 5 **Q. Do you think that there is membership of**
 6 **Antifa?**
 7 A. No, I do not.
 8 **Q. Do you think that Antifa had meetings?**
 9 A. No, not that I know of.
 10 **Q. Do you think that people pay dues to**
 11 **Antifa?**
 12 A. Not that I know of.
 13 **Q. Do you think that people -- that Antifa**
 14 **has rules?**
 15 A. Not that I know of.
 16 **Q. Do you think Antifa has leaders?**
 17 A. Not that I know of.
 18 **Q. Do you think Antifa has structure?**
 19 A. Not that I know of.
 20 **Q. So do you disagree with anything that**
 21 **that statement says, what we just read? It's**
 22 **absolutely true, isn't it, in your opinion?**
 23 A. No, I didn't say it was absolutely true.
 24 To the best of my knowledge --
 25 **Q. What part is untrue?**

30

1 A. Sir, can I --
 2 MR. CAIN: Let him finish his --
 3 THE DEPONENT: Can I finish my answer?
 4 **Q. (By Mr. Arrington) Which part of this is**
 5 **untrue that we just read?**
 6 A. Something does not have to be untrue to
 7 be satire, sir.
 8 **Q. Okay. And you can say that later on.**
 9 **I'm asking you: Which part of "Antifa**
 10 **isn't an organization. There's no membership, no**
 11 **meetings, no dues, no rules, no leaders, no structure,"**
 12 **which part of that is untrue?**
 13 A. As far as I know, my personal knowledge,
 14 none of it is untrue.
 15 **Q. So you're -- even though those statements**
 16 **are true, you still think they're satirical?**
 17 A. Do you want to keep reading the document,
 18 sir?
 19 **Q. I've asked you a question.**
 20 A. Yes, I do.
 21 **Q. Okay. And there are other true**
 22 **statements in this document that you think are**
 23 **satirical, correct?**
 24 A. There are other statements in this
 25 document that I believe are satirical, yes.

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1 **Q. Okay. You changed the question.**
 2 **There are other true statements in this**
 3 **document that you think are satirical, correct?**
 4 A. Possibly. I'd have to continue to read
 5 each individual statement, and we can do that.
 6 **Q. Okay. So can you -- can you remember any**
 7 **untrue statement in this document that you just read?**
 8 A. Any untrue statement.
 9 **Q. I'm not asking you to read it again. I'm**
 10 **asking if you can remember it. You read it a couple**
 11 **minutes ago.**
 12 **Do you remember any untrue statements?**
 13 A. And I clearly said that I did not commit
 14 the entire document to memory.
 15 **Q. I understand that as well. What I'm**
 16 **asking you is: Do you have a specific recollection of**
 17 **any untrue statement in this document that you read a**
 18 **few minutes ago?**
 19 A. Yes, I believe --
 20 MR. CAIN: Form.
 21 THE DEPONENT: -- the author, after
 22 stating that there is no membership, meetings, or
 23 leaders, then proclaims to be a leader, even though he
 24 is not a leader that can release a manifesto.
 25 **Q. (By Mr. Arrington) Let me ask you this:**

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1 **You don't think Antifa exists as an organization, do**
 2 **you?**
 3 A. No, I don't.
 4 **Q. And therefore --**
 5 A. I see no evidence of that.
 6 **Q. And, therefore, in your view, it would be**
 7 **impossible, by definition, for there to be an Antifa**
 8 **cult; isn't that true?**
 9 A. Correct.
 10 **Q. Let's move on.**
 11 **Okay. We're on page 2 of Exhibit P18.**
 12 **It says: "Coomer watched the video in shock."**
 13 **Did you tell the Times reporter that you**
 14 **watched the video of Mr. Oltmann in shock?**
 15 A. Since that's not in quotes, I'm not sure
 16 that that's an exact quote, but I was shocked watching
 17 the video.
 18 **Q. Coomer "is adamant that he never**
 19 **participated in any antifa phone call."**
 20 **Did you tell the Times reporter that?**
 21 A. Yes.
 22 **Q. And, of course, in your opinion, it's**
 23 **impossible to participate in an Antifa phone call**
 24 **because Antifa doesn't exist, correct?**
 25 A. I -- I also expressly stated multiple

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1 times --
 2 **Q. Sir, I've asked you a question. You can**
 3 **answer a different question when your counsel has his**
 4 **time.**
 5 **The question I have is: In your view,**
 6 **it's impossible to participate in an Antifa phone call**
 7 **because Antifa doesn't exist?**
 8 A. No, it's impossible because I was
 9 never -- I was never on a call with Antifa.
 10 **Q. Okay. So you're now saying that it's**
 11 **possible to have an Antifa call; you just weren't on**
 12 **it?**
 13 A. No, that's not what I said. I said I was
 14 never on a call with Antifa.
 15 **Q. Which is true, as a matter of definition,**
 16 **because Antifa doesn't exist, correct, in your view?**
 17 A. To my -- to my personal recollection, I
 18 don't know beyond my own sphere of day-to-day life.
 19 Got it?
 20 **Q. Don't know what?**
 21 A. Whether Antifa exists or not. I don't
 22 think it does because I've never come in contact with
 23 it. That's not the same thing as you're implying, that
 24 I have somehow made a statement that it's
 25 self-inflicted. I've never been on an Antifa call.

34

1 **Q. Is it possible -- is it possible for you**
 2 **to be on an Antifa call?**
 3 A. I have -- me personally? No, because I'm
 4 not a member of that organization, if one exists.
 5 **Q. So it is an organization?**
 6 A. Not that I know of. That's why I'm not a
 7 member.
 8 **Q. But you don't believe that it does?**
 9 A. According to all of the evidence that
 10 I've seen, including from the FBI under the Trump
 11 Campaign, the Trump presidency, they said it doesn't
 12 exist. I'll give them the credit.
 13 **Q. Okay. So did you tell the Times reporter**
 14 **that before you left for work on November 10, you**
 15 **checked the settings on your Facebook account?**
 16 A. Yep.
 17 **Q. Did you wonder whether you had been**
 18 **careless?**
 19 A. Yes.
 20 **Q. Did you think that your privacy settings**
 21 **had ensured that your personal posts were only visible**
 22 **to your Facebook friends?**
 23 A. Yes, that's why I had them set.
 24 **Q. So everything in this paragraph, if you**
 25 **can just read this paragraph --**

35

1 A. Well, why don't you read it. You read
 2 the first part.
 3 **Q. Okay. Read this paragraph out loud --**
 4 **not out loud but to yourself, to the word "it," and**
 5 **tell me if it's true.**
 6 A. Yes, that's true.
 7 **Q. Okay. So did you tell the New York Times**
 8 **reporter that you had considered yourself a skinhead?**
 9 A. In the '80s, yes.
 10 **Q. So it's true that you told the New York**
 11 **Times reporter that you told -- that you considered**
 12 **yourself a skinhead at one time?**
 13 A. At one time, yes, in the past. Asked and
 14 answered.
 15 **Q. And so in -- in 2000 you tell -- did you,**
 16 **in 2004, write a climbing board message about your**
 17 **struggles with heroin and cocaine?**
 18 A. Yes.
 19 **Q. And how much they had damaged your life?**
 20 A. Addiction is a horrible disease, yep.
 21 **Q. Did you tell the Times reporter that you**
 22 **were -- in 2004 -- you were on the verge of bankruptcy**
 23 **and had lost your marriage and ended up in prison after**
 24 **being charged with several counts of driving under the**
 25 **influence?**

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1 A. I was actually never in prison. I was in
 2 jail.
 3 **Q. Other than that, you told the New York**
 4 **Times reporter everything that I just quoted?**
 5 A. Well, the ones that are in quotes, yes.
 6 **Q. You, in fact, did file bankruptcy,**
 7 **correct?**
 8 A. Like many unfortunate Americans, yes.
 9 **Q. So did you tell the New York Times**
 10 **reporter that, in 2016, you were on Facebook when you**
 11 **came across a few posts -- well, let's stop.**
 12 **Read to yourself from "In 2016" to**
 13 **"linking to both songs" and tell --**
 14 A. Everything in -- sir, everything in
 15 quotes are quotes from me that I said.
 16 **Q. So everything in article -- in Exhibit**
 17 **P18 that is attributed to you, you in fact told the**
 18 **New York Times reporter?**
 19 A. Everything that's in quotes are quotes
 20 from me, and that is true for the rest of the article.
 21 **Q. Okay.**
 22 MR. ARRINGTON: Jana, what time -- how
 23 much time have we gone?
 24 THE REPORTER: Well, up to the last
 25 break, you had been going 35 minutes, but then there

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1 were 13 minutes off of that. So let's see what we did
 2 since -- I have to go back to the recess and we came
 3 back on.
 4 MR. KIMREY: Can we go off the record?
 5 MR. ARRINGTON: Yes. Off the record.
 6 (A recess was taken from 12:53 p.m. to
 7 12:55 p.m.)
 8 THE REPORTER: I have 36 minutes on the
 9 record.
 10 MR. ARRINGTON: Okay. We've been going
 11 for about an hour and half, let's take a --
 12 THE REPORTER: Oh.
 13 MR. ARRINGTON: Oh, sorry. Just so you
 14 know, I have much less than 36 minutes.
 15 THE REPORTER: Much less than 36 minutes?
 16 MR. ARRINGTON: Let's take a 15-minute
 17 break. We'll go back on the record at -- I'm talking
 18 Mountain time -- 1:10. Okay?
 19 MR. CAIN: Sure.
 20 (A recess was taken at 12:56 p.m. to 1:13
 21 p.m.)
 22 **Q. (By Mr. Arrington) Dr. Coomer, I put up**
 23 **your declaration, Exhibit A to your recent brief, and**
 24 **it talks about your Facebook posts. And in paragraph**
 25 **19, it says, "In fear for my life, and in light of**

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1 security professionals' assessment that the threats
 2 against me were legitimate, I immediately began
 3 deleting my Facebook posts."
 4 **Q. How many Facebook posts did you delete,**
 5 **Dr. Coomer?**
 6 A. I actually don't recall.
 7 **Q. How many Facebook posts did you have?**
 8 A. I do not recall.
 9 **Q. All right. Did you delete -- going back**
 10 **to Exhibit -- page 2, which we were looking at earlier**
 11 **as Exhibit 23, you've seen Exhibit 23 before, haven't**
 12 **you?**
 13 A. I have.
 14 **Q. This is a series of about 80 Facebook**
 15 **posts?**
 16 A. I've never counted.
 17 **Q. Okay. But you've seen it before and**
 18 **you're familiar with it?**
 19 A. Yes.
 20 **Q. And you deleted all these Facebook posts?**
 21 A. Actually, I'd have to -- I'd actually
 22 have to go back and look. I can't say that with any
 23 certainty.
 24 **Q. So there are some Facebook posts you**
 25 **didn't delete.**

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1 A. Well, I certainly didn't delete all my
 2 Facebook posts, no.
 3 **Q. Let's talk about a particular time frame.**
 4 **From May of 2020 to November 11th, 2020,**
 5 **are there Facebook posts you didn't delete?**
 6 A. That I did not delete? Absolutely.
 7 **Q. Okay.**
 8 A. Well, actually, maybe. I'd have to go
 9 back and look.
 10 **Q. So you don't know how many Facebook posts**
 11 **you deleted.**
 12 A. Nope.
 13 **Q. Okay. And so there might be a lot more**
 14 **Facebook posts on your Facebook from this time period**
 15 **of 2020 that you didn't delete.**
 16 A. No. No. That I can say without a doubt.
 17 I know that this is the sum total of Facebook posts
 18 that I had. I cannot tell you definitively which of
 19 these I deleted. None of the posts that I deleted are
 20 not contained in this file.
 21 **Q. Okay. So Exhibit P23 contains all of the**
 22 **posts that you deleted?**
 23 A. As well as other posts that I may not
 24 have deleted.
 25 **Q. I see. Okay. So --**

40

1 A. So I -- sorry. I did not delete -- as
 2 far as I can recall, I have never deleted a Facebook
 3 post until on or around November 9th or 10th.
 4 **Q. Did anyone at Dominion tell you to delete**
 5 **these Facebook posts?**
 6 A. No.
 7 **Q. Did you tell, as an executive of**
 8 **Dominion, that anyone should delete Facebook posts?**
 9 A. No.
 10 **Q. Are you aware of a Dominion policy that**
 11 **provides that posts of the Dominion employees, either**
 12 **for or against President Trump, should be deleted?**
 13 A. No.
 14 **Q. Do you believe such a policy does not**
 15 **exist?**
 16 A. Such policy does not exist as far as I
 17 know. Actually, that would be -- that would be illegal
 18 under Colorado statute.
 19 **Q. To do what?**
 20 A. To have such a policy.
 21 **Q. I see. Okay.**
 22 **Your declaration goes on to say, "I**
 23 **generally feared for my own safety and was trying to**
 24 **remove information that I understood was being**
 25 **misconstrued and used to falsely suggest I was somehow**

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1 **involved in criminal conduct."**
 2 **So when you were deleting these posts,**
 3 **whichever ones you deleted, you understood that someone**
 4 **could construe those -- could misconstrue them as**
 5 **implicating you in wrongful conduct; isn't that**
 6 **correct?**
 7 A. No.
 8 **Q. Isn't that what you just said in your**
 9 **declaration?**
 10 A. No, that's slightly -- that's slightly
 11 parsed. They were misconstruing it to set a narrative.
 12 I do not and never have believed that any of this
 13 material could be used to construe that I was involved
 14 in a criminal enterprise, no.
 15 **Q. But you agree that it could be**
 16 **misconstrued, that it could be used as evidence**
 17 **misconstrued that you were engaged in wrongful conduct?**
 18 A. I think it could be used to lie about it,
 19 yes. Not misconstrued. Lied.
 20 **Q. Okay. Let's go back to your --**
 21 A. Yes, my affidavit says "misconstrued."
 22 Maybe I should have had another sentence. Misconstrued
 23 and then used to lie about a criminal conspiracy.
 24 **Q. Mr. --**
 25 A. There is nothing -- I have never at any

42	<p>1 time felt that anything in that data, those posts, 2 could ever be used to show criminal intent, no. 3 Q. Who just suggested that you modify your 4 answer? 5 A. Pardon me? 6 Q. Who are you looking at? Who did you just 7 look at? 8 A. I can turn my computer around. I looked 9 at my screen, sir. I'm the only person in the room 10 that I'm in. 11 Q. Is anybody communicating with you during 12 this deposition? 13 A. No. My cats have meowed at me once or 14 twice. 15 Q. So you -- we're looking at your 16 declaration again. It says you understood that these 17 Facebook posts could be misconstrued to suggest -- 18 A. Falsely suggest. 19 Q. You're going to have to let me ask my own 20 question, sir. 21 You understood that these Facebook posts 22 that you deleted could be misconstrued to suggest that 23 you had been involved in wrongful conduct. Didn't you 24 understand that? 25 A. So I will repeat my answer. Misconstrued</p>	44	<p>1 A. Yeah, that's in The Denver Post. 2 Q. You wrote it, right? 3 A. Yes, I did. 4 Q. And it says, towards the bottom: "It is 5 unconscionable that certain fringe media personalities 6 looking to increase personal notoriety, website 7 traffic, and ad revenue would continue to prey on the 8 fears of a public." 9 Did you have anyone in particular in mind 10 when you said that? 11 A. I had multiple personalities in mind. 12 Q. Which fringe media personalities did you 13 have in mind? 14 A. I -- off the top of my head, Max McGuire, 15 Joe Oltmann, Michelle Malkin, Sidney Powell, Rudy 16 Giuliani, Eric Trump, Eric Metaxas, Clay Clark, Randy 17 Corporon. 18 Q. Okay. And they were -- they were -- you 19 were aware from approximately November 9th of 2020, 20 that they were making the Facebook posts that we just 21 looked at in Exhibit 23 public, right? 22 A. Yes. On or about November 9th, yeah. 23 Q. And so that's what you were talking about 24 in terms of these fringe personalities generating fear 25 by trafficking those Facebook posts?</p>
43	<p>1 and then used to falsely suggest. So I explained that 2 earlier in my clarification. They could be 3 misconstrued and then used in lies. That's not the 4 same as being misconstrued on their own. 5 Q. Understood. And so this was evidence -- 6 this was evidence that you were worried would be 7 misconstrued and falsely used to implicate you in 8 wrongful conduct, so you got rid of it, right? 9 A. I got rid of it because I was getting 10 death threats, sir. 11 Q. Okay. 12 MR. ARRINGTON: Read the question back to 13 him, Court Reporter. 14 Listen very carefully to the question, 15 Dr. Coomer. 16 (Whereupon, the record was read back by 17 the court reporter.) 18 THE DEPONENT: I deleted the Facebook 19 posts, yes. 20 (Exhibit P19 was marked for 21 identification.) 22 Q. (By Mr. Arrington) So I've put up 23 Exhibit P19, which is a document called "Guest 24 Commentary." 25 Are you familiar with this document?</p>	45	<p>1 A. Nope. 2 Q. Okay. And then it says, "Additionally, 3 any posts on social media channels purporting to be 4 from me have also been fabricated." 5 So you were saying that Facebook posts 6 that -- 7 A. No, I was not -- 8 Q. You're going to have to let me answer 9 my -- ask my questions. You can talk about what you 10 want to say after the question is completed. 11 Can we have that understanding, sir? 12 A. Yes, we do. 13 MR. CAIN: Object to the sidebar. 14 Q. (By Mr. Arrington) So it says, 15 "Additionally, any posts on social media channels 16 purporting to be from me have also been fabricated." 17 So you were accusing Mr. Oltmann of 18 fabricating those Facebook posts, weren't you? 19 A. No, I was not. 20 Q. "I do not have a Twitter account and my 21 Facebook account is not active." 22 You were trying to imply that you didn't 23 have Facebook accounts -- posts such as those exposed 24 by Dr. -- or Mr. Oltmann, weren't you? 25 A. No, I was not.</p>

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1 **Q. So you never had those particular**
 2 **Facebook posts in mind when you said that they were**
 3 **being fabricated?**
 4 A. Nope.
 5 **Q. Okay. What did you -- what social media**
 6 **posts did you have in mind?**
 7 A. So if you scroll up at the top -- and can
 8 we get a date stamp on this?
 9 **Q. No, I'm asking you a question.**
 10 **What social media posts did you have in**
 11 **mind?**
 12 A. Okay. So, actually, I'll look at the
 13 bottom. The date stamp is December 8th.
 14 On December 8th and the week preceding
 15 December 8th, when I was writing this op-ed, there were
 16 multiple people that had fake accounts that were using
 17 my profile pictures and my name and posting things.
 18 That is exactly what I had in mind when I wrote this.
 19 At the time that this article was
 20 published, my Facebook was completely locked down. It
 21 was actually locked down before this, but that's a
 22 different question that you haven't asked.
 23 So that is exactly what I had in mind.
 24 "Purporting" is an active verb in the current context
 25 and tense of when I wrote this article. It does not

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1 speak --
 2 **Q. And so -- are you finished?**
 3 A. It does not speak to any past Facebook
 4 posts. Current.
 5 **Q. Are you finished?**
 6 A. Yep.
 7 **Q. So were these fake social media posts in**
 8 **the national news, as far as you know?**
 9 A. I have no idea.
 10 **Q. Okay. But you knew that the Facebook**
 11 **posts that Mr. Oltmann had produced and circulated were**
 12 **in national news, right?**
 13 A. They were on -- I saw them on -- on his
 14 podcasts and various other outlets, yes.
 15 **Q. And you knew that they were in the**
 16 **national news.**
 17 A. I guess you'd have to define "national
 18 news" for me, sir.
 19 **Q. What do you think the word "national**
 20 **news" means, Dr. Coomer? Are you unfamiliar with that**
 21 **term?**
 22 A. Again, maybe define it.
 23 **Q. You know --**
 24 A. Credible news sources?
 25 **Q. You have a Ph.D. Do you know what the**

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1 **phrase "national news" means?**
 2 A. I know --
 3 **Q. We can do this all day long, if you want**
 4 **to.**
 5 A. I know what it's commonly conferred to
 6 mean.
 7 **Q. Give me -- give me your definition of**
 8 **"national news."**
 9 A. Credible news that's carried nationally.
 10 **Q. And so --**
 11 A. I don't know if I would call a podcast
 12 national news.
 13 **Q. Okay. So you --**
 14 A. I don't know if I would call -- I don't
 15 know if I would call random Twitter accounts national
 16 news, sir.
 17 **Q. Would One America News Network, which**
 18 **has -- which is broadcast nationally, would that be a**
 19 **national news source to you, or are you denying that**
 20 **One America News Network is a national news media**
 21 **outlet?**
 22 A. I think they have national -- they have
 23 national reach, yes.
 24 And I've got to be honest that this ...
 25 (Audio distortion.)

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1 THE DEPONENT: ... at this point, I'm not
 2 sure -- sorry, I'm getting some feedback. I don't know
 3 if somebody needs to mute.
 4 MR. CAIN: Let me look at it.
 5 MR. ARRINGTON: What?
 6 MR. CAIN: I'm seeing if someone is
 7 unmuted.
 8 MR. ARRINGTON: Okay.
 9 THE DEPONENT: At this point, I honestly
 10 can't say for certain that I saw the Facebook posts on
 11 something like OAN. Where I had seen them, from my
 12 recollection, were mostly on Mr. Oltmann's podcasts and
 13 random Twitter accounts and also vitriolic e-mails sent
 14 to me threatening my life.
 15 I can't say for sure if I ever saw those
 16 specific Facebook posts on a, quote/unquote, national
 17 media outlet.
 18 **Q. (By Mr. Arrington) So your testimony here**
 19 **today, under oath, is that on December 8, 2020, you**
 20 **were unaware that the Facebook posts marked as**
 21 **Exhibit P23 were in the national news?**
 22 A. As I said, I cannot point to a single,
 23 quote/unquote, national media organization that I
 24 recall posting them. I know that they were out in the
 25 digital wild.

50	<p>1 Q. So the answer to the question is, as far</p> <p>2 as you knew on December 8, 2020, they were not in the</p> <p>3 national news.</p> <p>4 A. That's not what I said.</p> <p>5 Q. Okay. So were you or were you not aware</p> <p>6 on December 8, 2020, that the Facebook posts marked as</p> <p>7 Exhibit P23 were in the national news?</p> <p>8 A. I cannot recall a single media outlet</p> <p>9 that I saw those Facebook posts on.</p> <p>10 Q. Did you have a general awareness that</p> <p>11 those Facebook posts were in the national news?</p> <p>12 A. I had a general knowledge that they were</p> <p>13 out in the digital universe.</p> <p>14 MR. ARRINGTON: Can you read the question</p> <p>15 back to him, Jana?</p> <p>16 (Whereupon, the record was read back by</p> <p>17 the court reporter.)</p> <p>18 THE DEPONENT: I cannot recall any</p> <p>19 national news outlet where I saw those Facebook posts.</p> <p>20 MR. ARRINGTON: Okay. That's the answer</p> <p>21 to a very different question than what I asked.</p> <p>22 Could you read it again, please, Jana?</p> <p>23 MR. CAIN: Object to form.</p> <p>24 MR. ARRINGTON: Listen very carefully to</p> <p>25 the question, Dr. Coomer.</p>	52	<p>1 those posts. Not once, sir. That was not the goal of</p> <p>2 that op-ed.</p> <p>3 The goal of that op-ed was to clear my</p> <p>4 name that I had no role in any alleged Antifa call, any</p> <p>5 alleged progressive action call, or any statements of</p> <p>6 trying to throw the election or doing anything of that</p> <p>7 sort. That was the expressed goal of that outlet.</p> <p>8 (Exhibit P21 was marked for</p> <p>9 identification.)</p> <p>10 Q. (By Mr. Arrington) So I've got Exhibit 21</p> <p>11 on the screen. It starts "On Edge." It's from</p> <p>12 December 22nd, 2020.</p> <p>13 Are you familiar with this article from</p> <p>14 the Ark Valley Voice?</p> <p>15 A. Yeah.</p> <p>16 Q. Reading from the paragraph on the second</p> <p>17 page: "Later in the interview, Coomer reiterated that</p> <p>18 his Facebook account was dormant for about three and a</p> <p>19 half years."</p> <p>20 Is that correct, your Facebook account</p> <p>21 was dormant for about three and a half years?</p> <p>22 A. Yep.</p> <p>23 Q. "Until the George Floyd murder."</p> <p>24 So you opened up your Facebook account in</p> <p>25 May of 2020 in response to the George Floyd murder?</p>
51	<p>1 (Whereupon, the following record was read</p> <p>2 back by the court reporter: "Did you have a general</p> <p>3 awareness that those Facebook posts were in the national</p> <p>4 news?")</p> <p>5 THE DEPONENT: Statements related to the</p> <p>6 Facebook posts, I was aware, were being discussed in</p> <p>7 the national news. I do not recall whether the actual</p> <p>8 posts appeared on any national news media outlets.</p> <p>9 Q. (By Mr. Arrington) And so it was</p> <p>10 important to you to address the Facebook posts that you</p> <p>11 knew were at least being referred to in the national</p> <p>12 news and rebut them on December 20th -- or December 8,</p> <p>13 2020, wasn't it?</p> <p>14 A. I have never denied that I authored those</p> <p>15 posts, ever.</p> <p>16 Q. Okay. My question is this: It was</p> <p>17 important to you on December 8, 2020, to go into the</p> <p>18 media and rebut --</p> <p>19 A. No.</p> <p>20 Q. Okay. You've got to let me finish.</p> <p>21 It was important to you on December 8,</p> <p>22 2020, to go into the media and rebut the idea that you</p> <p>23 had put those Facebook posts up; isn't that correct?</p> <p>24 A. No, absolutely not. That was not the</p> <p>25 goal of this at all. I have never rebutted that I made</p>	53	<p>1 A. To the best of my recollection, yes.</p> <p>2 Q. "At that point, he began posting here and</p> <p>3 there. He was not the author of the wild posts being</p> <p>4 circulated. He doesn't even have a Twitter handle."</p> <p>5 Did you say that to the Ark Valley Voice?</p> <p>6 A. No, I did not.</p> <p>7 Q. So you're saying that the Ark Valley</p> <p>8 Voice just made this up?</p> <p>9 A. So I -- I reviewed the interview.</p> <p>10 There's an audio-video interview that accompanied</p> <p>11 this -- accompanies this article. I reviewed that last</p> <p>12 night. And at no point did I ever make that statement,</p> <p>13 that I was not the author of wild posts being</p> <p>14 circulated.</p> <p>15 Q. Did you imply it, if you did not -- if</p> <p>16 not expressly make it?</p> <p>17 A. No. Again, I reviewed the audio-video.</p> <p>18 I will also point out that I believe the</p> <p>19 day after this article appeared is when we filed our</p> <p>20 original suit. And in there, I made clear statements</p> <p>21 that I did author those Facebook posts.</p> <p>22 So that would have been -- that would</p> <p>23 certainly supersede any setting the record straight.</p> <p>24 Q. So you're saying your original complaint</p> <p>25 in this case admitted to authoring the Facebook posts?</p>

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1 A. As far as I recall, I believe that that's
 2 explicit in the original. Again, I don't have
 3 everything memorized, but that's my recollection.
 4 I've certainly never denied the Facebook
 5 posts. In fact, I've actually stood by them. That's
 6 in the New York Times article.
 7 **Q. Dr. Coomer, it's your testimony that you**
 8 **did not state in The Denver Post article that you had**
 9 **not -- that the Facebook posts that we've been talking**
 10 **about were fabricated?**
 11 MR. CAIN: Form.
 12 THE DEPONENT: That is a fair statement,
 13 yes. I -- I never said or implied that the Facebook
 14 posts that were clearly authored by me were fabricated.
 15 **Q. (By Mr. Arrington) Go back on the**
 16 **New York Times article. It says in a paragraph on**
 17 **page 9: "On December 8, Coomer responded to some of the**
 18 **attacks. In an op-ed for The Denver Post, he called**
 19 **out for the 'fringe media personalities' who 'continue**
 20 **to prey on the fears of a public concerned about the**
 21 **safety and security of our electoral system.' He also**
 22 **claimed that 'any posts on social media accounts**
 23 **purporting to be from me have also been fabricated.'**
 24 **And yet, Coomer had written posts that Oltmann had**
 25 **highlighted."**

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1 **So the Times reporter goes on to say,**
 2 **"Asked about the misleading language, Coomer concedes**
 3 **that his writing could have been clearer."**
 4 **Did you concede that your writing could**
 5 **have been clearer, Dr. Coomer?**
 6 A. It probably could have been clearer, yep.
 7 **Q. And do you agree with the Times reporter**
 8 **that your statement in The Denver Post was misleading,**
 9 **at best?**
 10 A. No, I don't.
 11 **Q. So it's your testimony that the Facebook**
 12 **posts that were in the media that you knew were out**
 13 **there and were being talked to -- talked about by**
 14 **people like Mr. Oltmann were not what you were**
 15 **referring to, but certain social media posts that you**
 16 **cannot specifically identify were?**
 17 A. I'm sorry, when did I say I couldn't
 18 identify those?
 19 **Q. Well, I asked you to identify one. What**
 20 **specific social media post did you refer to that has**
 21 **been fabricated?**
 22 A. I -- I think I was pretty clear. There
 23 were multiple accounts that were using my name and
 24 profile pics and posting things.
 25 **Q. Can you remember any specific post that**

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1 **you believe was fabricated?**
 2 A. I -- I've got a screenshot of at least
 3 one of them, yeah. So, yes, I can remember one, yes.
 4 **Q. Okay. What did it say?**
 5 A. I think something about being a scary
 6 clown, the best of my recollection.
 7 **Q. So do you remember any others besides the**
 8 **screenshot that you're looking at right now?**
 9 A. I'm not actually looking at a screenshot,
 10 sir --
 11 **Q. So you --**
 12 A. -- it was from my recollection. But I do
 13 have screenshots, yes.
 14 **Q. So I thought you said you were looking at**
 15 **a screenshot of one of them. Okay.**
 16 A. No, I said I had a screenshot, sir.
 17 **Q. I see. Okay.**
 18 **So the only specific social media post**
 19 **that you can think of right now, sitting here today**
 20 **that you're referring to in the December 8th Denver**
 21 **Post op-ed was that one about the scary clown?**
 22 A. I cannot remember the specifics of
 23 multiple posts that had my name and profile picture
 24 attached that were posted, but I do know for a fact
 25 that there were multiple.

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1 **Q. Okay. Any others that you can think of**
 2 **other than the --**
 3 A. I believe I've --
 4 **Q. Let me finish. Let me finish.**
 5 **Any others that you can think of other**
 6 **than the, quote/unquote, scary clown post?**
 7 A. Not that I recall with specifics.
 8 **Q. Okay. So it's your testimony that all of**
 9 **these Facebook posts that Mr. Oltmann had made public**
 10 **and which you knew were out there in the digital wild**
 11 **and that were being referred to in the national media**
 12 **were not what you were trying to assure people about,**
 13 **but only the ones that were not in the national news**
 14 **that you yourself can't even remember were what you**
 15 **were talking about, right?**
 16 MR. CAIN: Form.
 17 THE DEPONENT: That's actually not what I
 18 said. I don't know if these posts were out in the
 19 digital world. I assume they were, at least as much as
 20 the other posts that were on the Twitter. So ...
 21 **Q. (By Mr. Arrington) You didn't know that,**
 22 **and now you're just speculating, right?**
 23 A. No, they were on Twitter, yes. I know
 24 that for a fact.
 25 **Q. Did you -- were you aware that any news**

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1 **media organization had picked them up and ran with**
 2 **them?**
 3 A. Not that I recall.
 4 **Q. Okay. So all these social media posts**
 5 **that had not been in the news were what you were**
 6 **talking about and not the ones that had been in the**
 7 **news; is that what you're saying?**
 8 A. Yes. That's why I used the present tense
 9 in the verb. Not had purported to be me, but
 10 purporting to be me. That's the present tense when
 11 this article was written.
 12 **Q. I think it's a yes-or-no question.**
 13 MR. ARRINGTON: Can you read the
 14 question, again, Jana?
 15 (Whereupon, the following record was read
 16 back by the court reporter: "So all these social media
 17 posts that had not been in the news were what you were
 18 talking about and not the ones that had been in the
 19 news; is that what you're saying?")
 20 **Q. (By Mr. Arrington) Yes or no?**
 21 A. Again, I don't -- I know that those posts
 22 were on Twitter. So when you say "not in the news," I
 23 can't speak to that. But I am speaking specifically
 24 to --
 25 **Q. You just said you didn't know whether**

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1 **they were in the news or not --**
 2 THE REPORTER: Oh --
 3 THE DEPONENT: I'm sorry, you just
 4 interrupted me now.
 5 **Q. (By Mr. Arrington) Okay. Did -- let --**
 6 **it sounds like you're backtracking.**
 7 **Are the social media posts -- are you**
 8 **aware of any news organization that had picked up the**
 9 **social media posts that you were, in fact, talking**
 10 **about on December 8 and ran with them?**
 11 MR. CAIN: Form.
 12 THE DEPONENT: No, I'm not.
 13 **Q. (By Mr. Arrington) Okay. But you were**
 14 **aware that at least some news organizations had picked**
 15 **up the Facebook posts that Mr. Oltmann had made public?**
 16 A. No, I said certain podcasts and Twitter
 17 accounts had. I do not recall whether the news media,
 18 national news media, as you put it, had actually posted
 19 those. I -- I can't recall that.
 20 **Q. But you do know that they were being**
 21 **talked about in podcasts, and at least Michelle Malkin**
 22 **had talked about them in her podcasts, which had**
 23 **national scope?**
 24 A. Yes, they were used to defame me, yes.
 25 MR. CAIN: Object to form.

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1 **Q. (By Mr. Arrington) I'll ask the question**
 2 **again.**
 3 **You knew that journalists with national**
 4 **following had used -- had referred to the Facebook**
 5 **posts that Mr. Oltmann had made public?**
 6 MR. CAIN: Form.
 7 THE DEPONENT: You're asking me to make a
 8 judgment on what a journalist is.
 9 **Q. (By Mr. Arrington) So are you suggesting**
 10 **that Ms. Malkin was not a journalist?**
 11 A. I'm not sure I can make that
 12 determination.
 13 **Q. Okay. You knew she had a national**
 14 **following, right?**
 15 A. Yes.
 16 **Q. Okay. So you knew that Ms. Malkin, who**
 17 **had a national following, had referred to these**
 18 **Facebook posts, correct?**
 19 A. Correct.
 20 MR. CAIN: Form.
 21 **Q. (By Mr. Arrington) And yet you were**
 22 **unaware of any national news organization that had**
 23 **covered these fake social media accounts that you say**
 24 **that you were talking about on December 8th?**
 25 A. Correct.

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1 **Q. Okay. So can you explain why you were**
 2 **worried about the fake social media accounts and felt**
 3 **like you had to explain them in The Denver Post when**
 4 **they hadn't been picked up by anyone talking about**
 5 **them, whereas you were ignoring the Facebook posts that**
 6 **had been picked up?**
 7 A. Yes. It was the death threats.
 8 **Q. The death threats as a result of what?**
 9 A. Of those fake accounts.
 10 **Q. Okay.**
 11 A. Some death threats included screenshots
 12 of those people, yes.
 13 MR. KIMREY: Mr. Arrington, my wife is
 14 summoning me, and I don't know why. Could we take a
 15 brief break of five minutes?
 16 MR. ARRINGTON: Okay. We'll take a
 17 five-minute break.
 18 How much time has elapsed, Jana?
 19 THE REPORTER: Let me look at the last
 20 starting time.
 21 MR. ARRINGTON: Okay. Off the record.
 22 Thank you.
 23 (A recess was taken from 1:47 p.m. to
 24 1:56 p.m.)
 25 **Q. (By Mr. Arrington) Dr. Coomer --**

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1 MR. CAIN: Are we on the record?
 2 MR. ARRINGTON: Yes.
 3 THE REPORTER: Yes.
 4 **Q. (By Mr. Arrington) Dr. Coomer, please**
 5 **describe the scary clown video that you referred to**
 6 **that you were -- you said you had in mind when you**
 7 **wrote the December 8th Denver Post piece.**
 8 A. I never said it was a video.
 9 **Q. Okay. Please describe the scary clown**
 10 **post that you referred to when you were talking about**
 11 **what you had in mind with respect to the December 8th**
 12 **Denver Post piece.**
 13 A. There was a Twitter user. I believe his
 14 real name was Larry McDoo.
 15 THE REPORTER: Mc ...
 16 THE DEPONENT: McDoo, M-c-D-O-O.
 17 He change his profile pic to be a photo
 18 of me from one Halloween costume, and he made several
 19 posts over many weeks under my name, purporting to be
 20 me at the time.
 21 And there were others that I, again,
 22 can't recall the details. At that time, late November,
 23 I was in great fear of my life, so I was moving around
 24 a lot and under a lot of stress. So I wasn't always
 25 good about --

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1 **Q. (By Mr. Arrington) You've got a narrative**
 2 **going that has nothing to do with the question.**
 3 **So let me just -- so you're saying the**
 4 **scary clown post was, in fact, an authentic picture of**
 5 **you, just being someone who was using it to impersonate**
 6 **you. Is that what you're saying?**
 7 A. No, that's not what I said. I said he
 8 was using an authentic picture of me as his profile pic
 9 and then making other posts under that.
 10 **Q. Looking at Exhibit P23, page 56, this is**
 11 **a -- purports to be a Facebook post made by you, Eric**
 12 **Coomer, on October 31, 2016.**
 13 **Is this, in fact, something that you did?**
 14 **Is this your post?**
 15 A. Yes. I've already stipulated to that,
 16 sir.
 17 **Q. And is that a picture of you on page 56?**
 18 A. In Halloween makeup, yes.
 19 **Q. Is this the scary clown photo to which**
 20 **you were referring that Mr. McDoo had used as his**
 21 **Twitter handle?**
 22 A. Yes.
 23 **Q. So when you say you were talking about**
 24 **present social media posts on December 8th, what does**
 25 **"present" mean? I mean, are you talking about --**

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1 A. Can --
 2 **Q. Well, excuse me.**
 3 **Were you talking about posts that were at**
 4 **that moment going on, or was there sometime in the past**
 5 **that those posts had been going on?**
 6 A. Contemporaneous to when I wrote the
 7 article.
 8 **Q. So immediately as the article was being**
 9 **written, you're only talking about those posts?**
 10 A. Yes.
 11 **Q. It had -- so even -- even a post that had**
 12 **gone out the day before, you didn't have in mind?**
 13 A. No.
 14 MR. CAIN: Form.
 15 **Q. (By Mr. Arrington) We had a double**
 16 **negative there, so let me clarify.**
 17 **If a social media post had gone out the**
 18 **day before, it's your testimony that you did not have**
 19 **that social media post in mind because it wasn't**
 20 **contemporaneous with what you were writing at that**
 21 **moment; is that correct?**
 22 A. That's reasonable, yeah.
 23 **Q. That's -- well, I don't know if it's**
 24 **reasonable or not. I'm just asking if that's what you**
 25 **had in mind.**

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1 **Is that what you meant?**
 2 A. Yep.
 3 **Q. I'm looking at a Facebook post from**
 4 **Exhibit P23, page 72, dated July 21, 2016.**
 5 **Is this your Facebook post, Dr. Coomer?**
 6 A. Yes, it is.
 7 **Q. I want you to read it out loud into the**
 8 **record, please.**
 9 A. "Rant on," is essentially what the
 10 hashtag means.
 11 "Facebook friend land - open call ..."
 12 "If you are planning to vote for that
 13 autocratic, narcissistic fascist asshat blowhard and
 14 his Christian jihadist VP pic, UNFRIEND ME NOW! No,
 15 I'm not joking. I'm all for reasoned political
 16 discourse and healthy debate - I'm looking at you,
 17 Geoffrey Cushing-Murray, Gus Munem, Benjamin Rice - I
 18 disagree with you" there on -- "you three on many
 19 philosophical grounds but respect your opinions. Only
 20 an absolute FUCKING IDIOT could ever vote for that
 21 wind-bag, fucktard FASCIST RACIST FUCK! No bullshit, I
 22 don't give a damn if you're a friend, family or random
 23 acquaintance, pull the level, mark an oval, touch a
 24 screen for that carnival barker ... UNFRIEND ME NOW. I
 25 have no desire whatsoever to ever interact with you.

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1 You are beyond hope, beyond reason. You are controlled
 2 by fear, reaction and bullshit. Get your shit
 3 together.
 4 "Oh, if that doesn't persuade you, FUCK
 5 YOU! Seriously, this fucking ass-clown stands against
 6 everything that makes this country awesome! You want
 7 in on that? You deserve nothing but contempt."
 8 Hashtag untrump me.
 9 "I think that hashtag might go viral."
 10 Hashtag taking a stand.
 11 End rant.
 12 "No really, unfriend me!"
 13 Untrump me.
 14 You are beyond hope.
 15 Really end rant.
 16 Actually, I added that word.
 17 "Edit, I put the end-tag in the wrong
 18 spot ..."
 19 "2nd edit, these opinions are rational,
 20 and completely my own. They are based in reason and
 21 highly credible. Though they are not necessarily the
 22 thoughts of my employer, though if not, I should
 23 probably find another job ... Who wants to work for
 24 complete morons? None of my personal opinions affect
 25 my professional conduct or attitudes. I am

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1 non-partisan. I am not, however, willing to stand by
 2 and watch this great country be" -- can't read those
 3 under the Bates tag -- "saying something, anything."
 4 "2nd edit, these opinions" -- oh, here we
 5 go, it repeats.
 6 **Q. Right here is where you left --**
 7 A. Yeah, "I am not, however, willing to
 8 stand by and watch this great country be taken over by
 9 fascists without saying something, anything."
 10 **Q. So you said that these thoughts don't**
 11 **necessarily reflect the thoughts of your employer.**
 12 **That's Dominion Voting Systems, correct?**
 13 A. At the time, yes.
 14 **Q. Though, if not, you should probably find**
 15 **another job? Is that what you meant to say?**
 16 A. I think that's what's written there, yes.
 17 **Q. So it's your view, if the thoughts**
 18 **expressed in this Facebook post did not reflect the**
 19 **thoughts of Dominion Voting Systems, that you should**
 20 **probably find another job?**
 21 A. If I thought I worked for fascists, I
 22 would quit.
 23 MR. ARRINGTON: Jana, could you read the
 24 question, please?
 25 >>>

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1 (Whereupon, the following record was read
 2 back by the court reporter: "So it's your view, if the
 3 thoughts expressed in this Facebook post did not reflect
 4 the thoughts of Dominion Voting Systems, that you should
 5 probably find another job?")
 6 **Q. (By Mr. Arrington) Is that true?**
 7 A. I think -- I think I answered that.
 8 **Q. But is the statement -- is the statement**
 9 **true? That if the thoughts -- that it was your view on**
 10 **the date of this Facebook post that if the thoughts you**
 11 **expressed in it were not shared by Dominion, you should**
 12 **get another job.**
 13 MR. CAIN: Form.
 14 THE DEPONENT: If I thought I worked for
 15 fascists, I would quit.
 16 **Q. (By Mr. Arrington) Okay. You've avoided**
 17 **the question again.**
 18 A. I don't think I have.
 19 **Q. It's a yes-or-no question. Yes or no --**
 20 A. Yes, I don't work for fascists.
 21 **Q. Yes or no: It was your view on the date**
 22 **of this Facebook post that if Dominion didn't share the**
 23 **thoughts you expressed, you should get another job?**
 24 MR. CAIN: Form.
 25 THE DEPONENT: I'll answer once again:

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1 Yes.
 2 **Q. (By Mr. Arrington) Okay.**
 3 MR. KIMREY: Is that because your
 4 answer --
 5 **Q. (By Mr. Arrington) It was your view at**
 6 **that time --**
 7 A. If Dominion were fascist, I would quit.
 8 **Q. Okay. So the answer is yes. Okay.**
 9 **So it was your view that if Dominion did**
 10 **not think that only an absolute fucking idiot could**
 11 **ever vote for Donald Trump, you should get another job?**
 12 A. No, if they were fascists.
 13 **Q. Okay. So now you're saying that you**
 14 **don't think that Dominion -- Dominion -- let me back**
 15 **up.**
 16 **Now your testimony is that you don't**
 17 **necessarily think you should get another job if**
 18 **Dominion didn't think that only an absolute fucking**
 19 **idiot could vote for Trump?**
 20 MR. CAIN: Form.
 21 THE DEPONENT: I -- I clearly stated that
 22 if they were fascists, I would get another job.
 23 **Q. (By Mr. Arrington) No, you didn't say**
 24 **that at all.**
 25 A. Yes, I did.

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1 **Q. Okay. So let me ask you this: Do you**
 2 **believe everything you say here in this post that we**
 3 **just read?**
 4 MR. CAIN: Form.
 5 THE DEPONENT: I stand by it, yes.
 6 **Q. (By Mr. Arrington) So it's your -- it's**
 7 **your position sitting here today, in 2021, that only an**
 8 **absolute fucking idiot could ever vote for Donald**
 9 **Trump?**
 10 A. Yes.
 11 MR. CAIN: Form.
 12 **Q. (By Mr. Arrington) You hate Donald Trump,**
 13 **don't you, sir?**
 14 A. I do not like him at all.
 15 **Q. Let me ask the question again: You hate**
 16 **Donald Trump, don't you, sir?**
 17 MR. CAIN: Form.
 18 THE DEPONENT: I do not like him at all.
 19 **Q. (By Mr. Arrington) I'm going to ask it**
 20 **one more time: Do you or do you not hate Donald Trump?**
 21 A. I do not like Donald Trump, sir.
 22 **Q. You've avoided the question. I didn't**
 23 **ask --**
 24 A. No, I didn't.
 25 **Q. Okay. I did not ask you whether you**

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1 **liked him or not. I asked you whether you hated him or**
 2 **not.**
 3 **Do you or do you not hate Donald Trump?**
 4 MR. CAIN: Form.
 5 THE DEPONENT: I'm not sure I would
 6 characterize it as such, no. I do not like Donald
 7 Trump or his policies.
 8 **Q. (By Mr. Arrington) You dislike him**
 9 **intensely, don't you?**
 10 A. I would say it's intense.
 11 **Q. Intense enough to be characterized as**
 12 **hate?**
 13 A. I'm not sure about that.
 14 **Q. You're not sure, but you may hate Donald**
 15 **Trump; you just don't know; is that what you're saying?**
 16 A. No, I said I wasn't sure if you would
 17 characterize it as that.
 18 **Q. So you're just going to sit here today**
 19 **and say you don't hate -- do -- is it your testimony**
 20 **today that you don't hate Donald Trump?**
 21 A. Again, that's -- that's a
 22 characterization I'm not ready to agree to. I dislike
 23 Donald Trump intensely, yes.
 24 **Q. So you're unwilling to sit here today and**
 25 **say you don't hate him?**

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1 MR. CAIN: Form.
 2 THE DEPONENT: Again, hate -- hate's a
 3 different connotation.
 4 MR. ARRINGTON: Read the question,
 5 please, Jana.
 6 Listen very carefully to the question,
 7 sir.
 8 (Whereupon, the following record was read
 9 back by the court reporter: "So you're unwilling to sit
 10 here today and say you don't hate him?")
 11 MR. CAIN: Form.
 12 THE DEPONENT: Your double negatives are
 13 really confusing a lot of times.
 14 **Q. (By Mr. Arrington) All right. So let me**
 15 **ask --**
 16 A. No, I would -- I would say that I don't
 17 hate him. I hate his policies and his fascist
 18 tendencies.
 19 **Q. So you think he's an autocratic,**
 20 **narcissistic fascist, asshat blowhard, but you don't**
 21 **hate him?**
 22 A. I absolutely think all of those are true,
 23 yes.
 24 **Q. But you don't hate him?**
 25 A. Again, I wouldn't characterize it as

73

1 that.
 2 **Q. Let me ask you this: Could you -- do you**
 3 **agree that someone reading this post on page 72 of**
 4 **Exhibit 23 could be excused for thinking that you hate**
 5 **Donald Trump?**
 6 MR. CAIN: Form.
 7 THE DEPONENT: I won't speculate on that.
 8 **Q. (By Mr. Arrington) No, I'm not asking you**
 9 **to speculate. I'm asking you if --**
 10 MR. CAIN: You are asking that. Form.
 11 **Q. (By Mr. Arrington) I'm asking you if a**
 12 **reasonable person could read the -- in your view, could**
 13 **a reasonable person read what you wrote on page 72 of**
 14 **Exhibit P23 and come to the conclusion that you hate**
 15 **Donald Trump?**
 16 MR. CAIN: Form. Foundation.
 17 THE DEPONENT: I am neither a
 18 psychologist nor a grammarian, so I am not qualified to
 19 say how somebody might read this.
 20 **Q. (By Mr. Arrington) I understand. I'm not**
 21 **asking you to speak as a psychologist or a grammarian.**
 22 **I'm asking whether you think, Dr. Coomer, whether you**
 23 **think a reasonable person could read what's written on**
 24 **page 72 and come to the conclusion that you hate Donald**
 25 **Trump?**

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1 MR. CAIN: Form.
 2 THE DEPONENT: Again, I'm not qualified
 3 to -- to make that assessment on somebody else's
 4 reading.
 5 **Q. (By Mr. Arrington) I'm not asking you**
 6 **about somebody else's reading. I'm asking you about**
 7 **your reading.**
 8 A. No, you weren't.
 9 **Q. Yes. I'm asking you if you believe that**
 10 **a reasonable person could come to the conclusion that**
 11 **you hate Donald Trump after reading what's on page 72.**
 12 MR. CAIN: Asked and answered.
 13 THE DEPONENT: You're asking whether I
 14 can get into the mind of somebody else who is not me,
 15 reading this. I cannot do that.
 16 **Q. (By Mr. Arrington) So you're saying that**
 17 **someone may or may not come to the conclusion that you**
 18 **hate Donald Trump from reading page 72; you just can't**
 19 **tell?**
 20 A. May or may not.
 21 MR. CAIN: Form.
 22 **Q. (By Mr. Arrington) That's your testimony**
 23 **under oath today?**
 24 A. Yeah.
 25 **Q. That somebody could read this and say,**

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1 **Yeah, that guy doesn't have any problems with Donald**
 2 **Trump; he loves him, right?**
 3 A. That's not -- that wasn't the question,
 4 sir.
 5 **Q. Okay. Okay. I've put up page 4 of**
 6 **Exhibit P23, a July 6th Facebook post.**
 7 **By the way, did you delete the post on**
 8 **page 72?**
 9 A. No idea. I'd have to go back and look.
 10 **Q. You don't know whether you deleted that**
 11 **or not.**
 12 A. No.
 13 **Q. Do you have a specific recollection of**
 14 **any of the Facebook posts you deleted?**
 15 A. No. I'd have to go back and look.
 16 **Q. But you deleted -- do you know how**
 17 **many -- do you know how many Facebook posts you**
 18 **deleted?**
 19 A. No.
 20 **Q. It could be dozens, it could be three; is**
 21 **that what you're saying?**
 22 A. We covered this earlier. I do not recall
 23 how many I deleted. I can say with absolute fact under
 24 oath that nothing I deleted does not appear here.
 25 **Q. So up to 80 Facebook posts you deleted;**

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1 **is that what you're saying?**
 2 A. No, that's not what I said. I said I
 3 don't recall the number I deleted.
 4 **Q. So we're on page 4 of Exhibit P23.**
 5 **Please read that into the record starting with "Okay,**
 6 **okay."**
 7 A. "Okay, okay. It was technically June,
 8 but I found out recently, and I SOOOO love a good
 9 Christmas in July ... Christmas in June? I dunno, fuck
 10 it. Good riddance, you shitbag - I'm GLAD you're dead.
 11 I hope it was painful, but you were probably dosed to
 12 high-heaven with your own supply."
 13 **Q. Who were you talking about?**
 14 A. Jonathan Sackler, the architect of the
 15 opioid crisis. One of them.
 16 **Q. So you were glad that Jonathan Sackler**
 17 **was dead and you hoped his death was painful?**
 18 A. As a personal sufferer of the opioid
 19 crisis --
 20 **Q. Mr. Coomer, I asked you a question.**
 21 **You --**
 22 A. Yes. Yeah. I was happy. Yep.
 23 **Q. Do you think that the average, typical**
 24 **corporate executive, high-salaried, high-ranking**
 25 **corporate executive in his 50s, would be happy that**

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1 **someone died and hoped they'd died in a great deal of**
 2 **pain?**
 3 MR. CAIN: You don't have to answer that
 4 question. I do have a form objection. I think it's
 5 harassing and irrelevant.
 6 If you want to answer it, Dr. Coomer, you
 7 can, but you don't have to.
 8 THE DEPONENT: One, I wasn't acting in
 9 the capacity of a high-ranking employee of a company.
 10 These were my personal statements based on my very
 11 personal experience with opiate addiction. Yeah.
 12 **Q. (By Mr. Arrington) Yeah what?**
 13 A. I think these were reasonable statements.
 14 **Q. That a typical high-ranking executive in**
 15 **his 50s would not say --**
 16 A. That's not what I just said.
 17 MR. CAIN: Form.
 18 **Q. (By Mr. Arrington) Okay. What my**
 19 **question is -- it's very -- it's very specific -- you**
 20 **say in here, in your brief, that a lot of what**
 21 **Mr. Oltmann said was absurd on its face because no**
 22 **high-ranking, high-compensated executive would say**
 23 **something like that.**
 24 **I'm asking about this one. Would a**
 25 **high-ranking, highly compensated executive say**

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1 something like that?

2 MR. CAIN: Form.

3 THE DEPONENT: I've seen lots of evidence

4 of high-ranking executives from many companies doing

5 reprehensible and illegal things. This is not illegal.

6 So I would say the bar is very low.

7 **Q. (By Mr. Arrington) So you think the**

8 **typical high-ranking, high-compensated executive in his**

9 **50s would say something like what you said on page 4,**

10 **the typical --**

11 A. It wouldn't be out -- it wouldn't be out

12 of the question, nope.

13 **Q. No, I'm not talking about whether it's**

14 **out of the question on the fringe. I'm asking if it's**

15 **a typical thing for a high-ranking, highly compensated**

16 **executive in his 50s to say.**

17 MR. CAIN: Form.

18 THE DEPONENT: So, again, I can't speak

19 to that. I think it's reasonable based --

20 **Q. (By Mr. Arrington) Based on what?**

21 A. I think it's reasonable based on the

22 evidence I've seen of high-ranking executive officials

23 that have done lots of things.

24 I actually don't know that many

25 high-ranking executive officials in their 50s to know

79

1 enough to posit an answer to that.

2 **Q. So it's your testimony sitting here today**

3 **that you really can't speak to what's typical of**

4 **high-ranking, highly compensated executives in their**

5 **50s?**

6 A. No.

7 **Q. Okay. So let's go on with this. We've**

8 **got page 17. It says -- this is a May 31 Facebook**

9 **post.**

10 **Did you post this, sir?**

11 A. Yes.

12 **Q. Is this one of the ones you deleted?**

13 A. Again, I'd have to -- I'd have to

14 cross-check. I don't know.

15 **Q. You don't know. Okay. It says, "Oi**

16 **Polloi - Pigs For Slaughter."**

17 **Do you know what "pigs for slaughter" is**

18 **referring to? Are they talking about literal pigs, in**

19 **your view?**

20 A. They could be.

21 MR. CAIN: Form.

22 **Q. (By Mr. Arrington) It could be? So you**

23 **think that -- that "Oi Polloi - Pigs For Slaughter" is**

24 **about the slaughterhouse industry?**

25 A. I actually don't know. It's been a while

80

1 since I looked at the lyrics.

2 **Q. Okay. So it's your testimony, sitting**

3 **here under the oath -- under oath today that you think**

4 **"Oi Polloi" might be thinking about the actual**

5 **slaughter of the actual pigs?**

6 **Is that what your testimony under oath**

7 **today is?**

8 A. No, I said I didn't know without seeing

9 the lyrics.

10 **Q. You're saying that you -- it's your**

11 **testimony under oath today that you have no idea**

12 **whatsoever what the phrase "Pigs For Slaughter" means**

13 **in this context, unless you were able to look at the**

14 **actual lyrics?**

15 **Is that your testimony under oath, sir?**

16 A. For this song? Absolutely.

17 **Q. Okay. So as far as you know, they could**

18 **be talking about pigs in the slaughterhouse industry?**

19 A. Again, I don't know. It's been a long

20 time --

21 **Q. That's your testimony --**

22 A. -- since I've listened to this song.

23 **Q. Do you recall ever hearing the song about**

24 **actual pigs being slaughtered in an actual**

25 **slaughterhouse?**

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1 MR. CAIN: Form objection. Good Lord.

2 MR. ARRINGTON: That's highly

3 unprofessional, Mr. Cain.

4 THE DEPONENT: Actually -- actually, I

5 think -- yeah, I think so. Way back. And it was more

6 of a metaphor. It's kind of like Animal Farm. I seem

7 to recall -- and, again, you're going to probe me

8 and -- I do have a vague recollection of actual -- and

9 particularly some punk rock songs, mostly out of the

10 animal rights' wing of punk rock -- that did talk about

11 actual slaughterhouses, yes.

12 **Q. (By Mr. Arrington) So it's your**

13 **testimony, on page -- that page 17 might be referring**

14 **to an animal rights' movement song?**

15 A. I don't think so, but, again --

16 **Q. Okay. Then why did you bring that up?**

17 A. You -- you just asked me if I had any

18 recollection of any song that talked about

19 slaughterhouses. That's why I brought it up.

20 **Q. Okay. So it's -- "Pigs For Slaughter" is**

21 **actually a metaphor for killing cops, isn't it?**

22 A. It can -- it can be.

23 **Q. I'm talking about right here. You know**

24 **that, don't you?**

25 A. Asked and answered.

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1 **Q. No, no. I get to ask the questions.**
 2 **You know for a certain fact, sitting here**
 3 **today, that page 17, when it refers to "Pigs For**
 4 **Slaughter" is talking about killing actual cops, isn't**
 5 **it?**
 6 A. No, I do not.
 7 MR. CAIN: Form.
 8 THE DEPONENT: I'd have to see the
 9 lyrics. I made that explicit earlier.
 10 **Q. (By Mr. Arrington) Page 20 of Exhibit 23**
 11 **talks about "Dead Prez - Cop Shot." What does "Dead**
 12 **Prez" mean, in your view?**
 13 A. That's the name of a band. They've
 14 actually been on the Tonight Show.
 15 **Q. Do you know what "Prez" means in this**
 16 **context?**
 17 A. Actually, I don't.
 18 **Q. Is that -- on page 20, is that the one --**
 19 **one of the posts that you deleted, sir?**
 20 A. I do not recall. I'd have to
 21 cross-check.
 22 **Q. Page 21 says: "Fuck the USA."**
 23 **Is that something that you'd stand by**
 24 **today, posting "Fuck the USA" on your Facebook page?**
 25 MR. CAIN: Really? You're asking him

83

1 that question?
 2 MR. ARRINGTON: Yes, sir, I am.
 3 MR. CAIN: Well, we're way beyond --
 4 THE DEPONENT: I --
 5 MR. CAIN: No, Dr. Coomer, hold on.
 6 THE DEPONENT: Yeah.
 7 MR. CAIN: Object to the form. I don't
 8 even -- I cannot believe that you're asking these lines
 9 of questions.
 10 MR. ARRINGTON: Improper speaking
 11 objection.
 12 MR. CAIN: But for the sake of comedy, I
 13 will -- I will object to form.
 14 You can answer it, if you can.
 15 THE DEPONENT: I posted that -- I posted
 16 that song --
 17 MR. ARRINGTON: Wait. Wait. Wait. With
 18 Mr. Cain's speaking objection, we lost the thread.
 19 **Q. (By Mr. Arrington) Do you -- the question**
 20 **here is this: Do you stand by today your decision to**
 21 **put on your Facebook page a statement that says, "Fuck**
 22 **the USA"?**
 23 MR. CAIN: Form.
 24 THE DEPONENT: I stand by posting that
 25 song, yes.

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1 **Q. (By Mr. Arrington) And is it your view**
 2 **that that is an appropriate thing for an executive in**
 3 **his 50s, for a voting system company, to say?**
 4 MR. CAIN: Form objection.
 5 THE DEPONENT: I posted that as a private
 6 individual on a private Facebook --
 7 THE REPORTER: I'm sorry. Excuse me
 8 Mr. -- or, Dr. Coomer, could you say that again?
 9 THE DEPONENT: Sorry.
 10 I posted that on a private Facebook page
 11 as a private individual, and I stand by my right to do
 12 that. And I would do it again today.
 13 **Q. (By Mr. Arrington) Okay, understood.**
 14 MR. ARRINGTON: Jana, could you read the
 15 question, please.
 16 (Whereupon, the following record was read
 17 back by the court reporter: "And is it your view that
 18 that is an appropriate thing for an executive in his
 19 50s, for a voting system company, to say?")
 20 MR. CAIN: The same objection.
 21 THE DEPONENT: An executive for a voting
 22 company, in his 50s, didn't put that up there.
 23 **Q. (By Mr. Arrington) Well, I thought you**
 24 **were an executive for a voting system company, in your**
 25 **50s, when you put this up here?**

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1 A. Well, actually, I wasn't. I was 49.
 2 **Q. Okay.**
 3 A. The math is tough, but --
 4 **Q. Let me reask the question.**
 5 A. I did not --
 6 **Q. Do you think it's appropriate for an**
 7 **executive who is 49 to put that up?**
 8 MR. CAIN: Form.
 9 THE DEPONENT: I think it's appropriate
 10 for every citizen to express their political beliefs.
 11 **Q. (By Mr. Arrington) Do you think the**
 12 **typical --**
 13 A. Yes. Yes. Yes. Get right down to it.
 14 Yep.
 15 **Q. What are you affirming?**
 16 A. It's appropriate for anybody to put up
 17 that information, regardless of what their job is.
 18 **Q. Okay.**
 19 A. God-given right. Constitution.
 20 **Q. So you think that everything you have a**
 21 **right to do is also appropriate?**
 22 MR. CAIN: Form.
 23 THE DEPONENT: Yeah.
 24 **Q. (By Mr. Arrington) Okay. So the next one**
 25 **is N.W.A. Do you know what that acronym stands for?**

86	<p>1 We're talking about page 22 of 2 Exhibit 23, P23. 3 A. Yes, I do know what it stands for. 4 Q. What's it stand for? 5 MR. CAIN: Form. 6 THE DEPONENT: I'm not going to say the 7 n-word out loud, but -- 8 Q. (By Mr. Arrington) You can just say, "the 9 n-word." 10 A. I'm sorry? 11 Q. You can just say the n-word. So you're 12 willing to say "fuck" but not the n-word; is that what 13 you're saying? 14 A. Well, I'm not a racist, so, yeah. 15 Q. Okay. There you go. 16 A. You keep interrupting me. 17 Q. So what does N.W.A. stand for? 18 A. N With Attitude. 19 Q. Okay. It says: "Fuck the Police." Do 20 you think it's appropriate for an executive to put 21 "Fuck the Police" on his Facebook page? 22 MR. CAIN: Form. 23 THE DEPONENT: I don't think it's 24 inappropriate at all. 25 Q. (By Mr. Arrington) Okay. The other --</p>	88	<p>1 MR. CAIN: Form. 2 THE DEPONENT: I want to support the 3 ending of police murder of people of color. 4 Q. (By Mr. Arrington) And that's why you 5 think you should say, "Fuck the Police"? 6 A. Yep. 7 Q. Okay. And then it says, "The 8 mutherfuckin villain that's mad." 9 Do you know who you're referring to there 10 in the lyrics? 11 A. You know, I'm not super up on N.W.A. 12 lyrics. They're probably talking about cops. 13 Q. And you think the cops are "mutherfuckin 14 villains"? 15 A. In certain aspects, yes. I think one of 16 them was just sentenced to prison for murder, which is 17 pretty villanous. 18 Q. So you're -- you're familiar with the 19 "Fuck the Police" song? It's about killing cops, 20 right? Shooting them -- 21 A. No, I don't believe that that's the case. 22 Q. Okay. You don't, no. Okay. 23 MR. KIMREY: Hey, Barry. Can we take a 24 short break? 25 MR. ARRINGTON: Yes. Off the record for</p>
87	<p>1 the other question I asked is: Do you think it's 2 appropriate for a highly ranked, highly compensated 3 executive to put the phrase "Fuck the Police" on his 4 Facebook page? 5 A. I don't think it's inappropriate. 6 Q. It could be neutral -- 7 A. Sure. 8 Q. -- but it's not inappropriate? Okay. 9 So the question is this: Is it 10 affirmatively appropriate for an executive in your 11 position at this time to put "Fuck the Police" on his 12 Facebook page? 13 MR. CAIN: Form. 14 THE DEPONENT: So we're going to do this 15 on every post, and I will affirmatively say that I had 16 every right to post this. I think it was appropriate, 17 expressing my personal viewpoints. 18 Whether I was an executive or not -- 19 Q. (By Mr. Arrington) So one of -- 20 A. -- it has no bearing on it. 21 Q. So one of -- 22 A. You're going to interrupt me again. 23 Q. So one of your personal viewpoints is 24 that "Fuck the Police" is something that you want to 25 support, the post?</p>	89	<p>1 five minutes. 2 MR. KIMREY: Thank you. 3 (A recess was taken from 2:26 p.m. to 4 2:36 p.m.) 5 Q. (By Mr. Arrington) Dr. Coomer, if I'm not 6 mistaken, a few minutes ago, you said it was 7 appropriate for you to put these things on your 8 Facebook page. 9 MR. CAIN: Wait, wait. Time out. Are we 10 back on the record? 11 MR. ARRINGTON: I thought we were. Yeah. 12 MR. CAIN: Okay. Can we just -- I'm 13 sorry, why don't we go off real quick. I don't want to 14 take your time up. I came in right as you were 15 starting your question. 16 So off the record. 17 (There was a brief discussion off the 18 record.) 19 Q. (By Mr. Arrington) All right. So just a 20 few moments ago, I believe, Dr. Coomer, you said it was 21 appropriate for you to put these Facebook posts up. 22 But I'm back at Exhibit P18, and it says, 23 "He," meaning you, Coomer, "he believed every word of 24 what he said on Facebook, but when colleagues later 25 asked him what he was thinking, he was frank: He had</p>

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1 screwed up."

2 **What did you mean when you said you had**

3 **screwed up? What did you screw up about?**

4 A. Thinking that people would understand

5 that you can have a personal opinion and not act on

6 that bias in a professional capacity.

7 **Q. Okay. So you didn't think that you had**

8 **screwed up by putting these vehemently -- let me start**

9 **over.**

10 **You did not think that it was**

11 **inappropriate for the head of security for a major**

12 **voting machine firm to put on his Facebook page**

13 **vehemently anti-post Trumps -- anti-Trump posts?**

14 A. No.

15 **Q. Okay. That was not what you were**

16 **referring to when you said you screwed up?**

17 A. Not at all.

18 **Q. You screwed up when you just gave the**

19 **American people too much credit; is that what you're**

20 **saying?**

21 MR. CAIN: Form.

22 THE DEPONENT: That's not what I said at

23 all.

24 **Q. (By Mr. Arrington) Well, I'm trying to**

25 **understand.**

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1 A. Maybe Ms. Mackelprang can read back my

2 answer.

3 **Q. No, no. I'm trying to understand.**

4 **What did you mean when you said you**

5 **screwed up?**

6 MR. CAIN: Form.

7 THE DEPONENT: There is a segment of the

8 population that doesn't understand and can't conceive

9 of having an opinion that they don't act maliciously on

10 and would gladly break the law to see their own ends.

11 And that is not me.

12 **Q. (By Mr. Arrington) So nothing in your**

13 **answer just there talked about you screwing up. So**

14 **tell me what you did that screwed up.**

15 A. It gives fodder for crazy people that

16 view the world as -- as people that would gladly --

17 I'll say this -- gladly use their supposed influence to

18 do illegal things.

19 **Q. So you screwed up --**

20 A. They can't imagine, they can't imagine

21 having an opinion and being in a position, a supposed

22 position, which I was not in, by the way, to try to

23 affect a free and fair election. To them, them -- and

24 I'm talking about your clients -- to them, this is

25 inconceivable.

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1 If they were in my position, they

2 would -- they would use every resource to exploit that.

3 Why? Because I made some personal statements of a

4 personal political belief. I screwed up because I gave

5 them fodder because they can twist that and use it to

6 fundraise and continue this farce.

7 That's where I screwed up. And it's a

8 farce.

9 **Q. So it says, at the very end, quoting you,**

10 **"I think Dominion as a company would be facing all the**

11 **same things they are right now without me, Coomer said,**

12 **but I was an accelerant. For lack of a better word, I**

13 **was a perfect villain."**

14 **What did you mean by you being a perfect**

15 **villain?**

16 A. I have strong personal beliefs. I have

17 expressed those in a private setting. I think those

18 have been used, again, in a concerted campaign of lies

19 and misinformation, malinformation, disinformation, to

20 pretend like there is something actually illegal going

21 on when there isn't.

22 **Q. So if I follow the chain of reasoning,**

23 **people see that you're vehemently anti-Trump; that**

24 **you're the director of security for a voting company;**

25 **that you would act on your vehement anti-Trump views to**

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1 **affect the election, and you gave them fodder for**

2 **perpetuating that narrative.**

3 **Is that what you're saying?**

4 A. Nope.

5 **Q. Okay. Which part of what I just said is**

6 **wrong?**

7 A. The fact that, in my 16-year career in

8 elections, I actually worked to make the vendors, in

9 general, more transparent --

10 **Q. No, no. So you're not talking about what**

11 **I just said.**

12 A. Yes, I am.

13 **Q. What I just said was: If I understand**

14 **what you're talking about -- and you didn't talk**

15 **anything about a 16-year career -- that you said you**

16 **were the perfect villain and that you had screwed up**

17 **because you had given fodder to people who could use**

18 **your Facebook posts to advance the narrative that you,**

19 **in your position at Dominion, had affected the**

20 **election?**

21 A. Okay.

22 **Q. Is that true? Is what I just said true?**

23 **Do you need me to repeat it?**

24 A. I believe --

25 **Q. Sir, is what I just said true?**

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1 A. Let's repeat it then.
 2 MR. ARRINGTON: Could you repeat the
 3 question, Jana?
 4 And that question is going to be, after
 5 she repeats it, is what I said true? You can have some
 6 commentary later.
 7 (Whereupon, the following record was read
 8 back by the court reporter: "What I just said was: If
 9 I understand what you're talking about -- and you didn't
 10 talk anything about a 16-year career -- that you said
 11 you were the perfect villain and that you had screwed up
 12 because you had given fodder to people who could use
 13 your Facebook posts to advance the narrative that you,
 14 in your position at Dominion, had affected the
 15 election?")
 16 MR. CAIN: Form.
 17 THE DEPONENT: No.
 18 **Q. (By Mr. Arrington) How's what I said not**
 19 **true?**
 20 A. There's a key word missing.
 21 **Q. Go ahead.**
 22 A. Misuse -- two key words; three, I
 23 guess -- misuse and lie.
 24 **Q. Okay. So to sum up, you were the perfect**
 25 **villain because your Facebook posts were fodder to**

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1 **people who you believe advanced a narrative that you**
 2 **used your position at Dominion to affect the election?**
 3 A. Advanced a false and made-up narrative,
 4 defamatory narrative, lied multiple times.
 5 **Q. So you're saying that it's also made up?**
 6 A. Absolutely.
 7 **Q. But they're saying that it's not, but you**
 8 **had given them fodder?**
 9 MR. CAIN: Form.
 10 THE DEPONENT: I guarantee that --
 11 THE REPORTER: What -- excuse me. I
 12 didn't hear, Charlie, what you said.
 13 MR. CAIN: I said form. That's short for
 14 form objection.
 15 THE DEPONENT: I can say categorically
 16 statements of me being on a call, affecting the
 17 election, saying that I would ever guarantee that Trump
 18 won, are categorically false, made up, and bullshit,
 19 without a doubt. There is no evidence and there never
 20 will be. So ...
 21 **Q. (By Mr. Arrington) Dr. Coomer, have you**
 22 **ever attended a BLM Zoom meeting?**
 23 A. Nope.
 24 **Q. Do you know anybody who is an activist**
 25 **with BLM?**

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1 A. I can't confirm that. It's possible.
 2 **Q. Do you know Tay Anderson?**
 3 A. Never met him. Never had a conversation
 4 with him. Don't -- only found out who he was once this
 5 lawsuit started.
 6 **Q. Have you ever been on a Zoom call with**
 7 **someone who you later learned was Tay Anderson?**
 8 A. Nope. Pretty -- pretty sure I made that
 9 clear in my declaration.
 10 I've never been on a Zoom call about any
 11 progressive activities whatsoever, marches, planned
 12 protests, anything related other than my job and some
 13 therapy after getting death threats from all of this
 14 crap.
 15 MR. CAIN: Dr. Coomer, you need to answer
 16 the question that he asked you.
 17 **Q. (By Mr. Arrington) Do you have any -- do**
 18 **you have any idea why Mr. Oltmann would be searching**
 19 **Eric from Dominion on September 26th --**
 20 MR. CAIN: We're getting well outside the
 21 scope of what the order is, Mr. Arrington, into general
 22 discovery. Can you try to tailor it to the order,
 23 please, to some statement, public statement that he's
 24 made, or to the deletion of his Facebook posts?
 25 MR. ARRINGTON: Well, he's made lots of

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1 statements that Joe Oltmann was lying when he said he
 2 was researching Eric from Dominion on September 26th.
 3 **Q. (By Mr. Arrington) Let me ask you this:**
 4 **Do you -- do you stand by your statements that you've**
 5 **made to the media that Joe Oltmann was lying when he**
 6 **said he was searching Eric from Dominion in September**
 7 **of 2020?**
 8 MR. CAIN: Object to form. I mean, form
 9 objection.
 10 THE DEPONENT: I've never made any such
 11 statement.
 12 **Q. (By Mr. Arrington) Do you believe he was**
 13 **lying when he said that he was searching Eric from**
 14 **Dominion in September of 2020?**
 15 MR. CAIN: Form.
 16 THE DEPONENT: I have no idea.
 17 **Q. (By Mr. Arrington) You don't know one way**
 18 **or the other whether he was searching Eric from**
 19 **Dominion in 2020?**
 20 A. I have no idea if he was -- no, I have no
 21 idea if he was searching Eric Coomer or Eric from
 22 Dominion at any time. I do know that I was never on a
 23 call.
 24 MR. CAIN: I've got you at about 11
 25 minutes left, Barry.

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1 MR. ARRINGTON: Thank you.
 2 Let's take a five-minute break and I'll
 3 see if there's anything else I can talk about.
 4 MR. CAIN: Okay.
 5 (A recess was taken at 2:49 p.m. to 2:58
 6 p.m.)
 7 MR. ARRINGTON: Back on the record.
 8 **Q. (By Mr. Arrington) So, Dr. Coomer, is it**
 9 **your position that it is impossible for you to have**
 10 **affected the election in your position with Dominion?**
 11 A. Absolutely impossible.
 12 **Q. You're certain of that?**
 13 A. Absolutely. Hands down.
 14 **Q. I'm at page 80 of Exhibit P23. This, in**
 15 **some context, is a comment string to one of your posts.**
 16 **Do you remember this, starting at**
 17 **page 71?**
 18 A. I mean, it looks familiar.
 19 **Q. Okay. So this is, starting at page 71,**
 20 **is one of your Facebook posts; is that right?**
 21 A. Yeah. Yeah, that's -- yeah, that's mine.
 22 **Q. And the pages that follow are the comment**
 23 **string to it, correct?**
 24 A. It appears so, yes.
 25 **Q. And the last page, someone named Byron**

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1 **Watson says, "Why don't you just change their votes?"**
 2 **And you respond: "Because that would be**
 3 **illegal."**
 4 **Do you see that?**
 5 A. Yep.
 6 **Q. Why didn't you respond "Because that**
 7 **would be impossible"?**
 8 A. Because it's Facebook.
 9 **Q. Because it's Facebook?**
 10 A. Yep.
 11 **Q. So you're saying that because it's**
 12 **Facebook -- I don't see how that context affects the**
 13 **answer.**
 14 A. This is not -- Facebook is not a court of
 15 law, a actual public debate. These were private
 16 Facebook messages. It would be illegal.
 17 **Q. It would be illegal?**
 18 A. It would be illegal, highly illegal. So
 19 that's a fact.
 20 **Q. That is a fact.**
 21 A. And it would also be impossible to do
 22 undetected. I didn't feel I needed to express that. I
 23 thought the fact that not contributing to an illegal,
 24 felonious act was enough.
 25 **Q. So could you understand that someone**

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1 **might think, Well, he says he doesn't do it just**
 2 **because it's illegal --**
 3 A. Nope.
 4 **Q. -- I guess -- let me finish.**
 5 **He says he doesn't do it because he says**
 6 **it's illegal. It sounds like he could do it, but he**
 7 **just doesn't because it's illegal.**
 8 A. No, you would have to be deficient to
 9 believe that.
 10 **Q. You would have to be deficient to believe**
 11 **that you could affect the election?**
 12 A. Yep.
 13 (Exhibit P22 was marked for
 14 identification.)
 15 **Q. (By Mr. Arrington) I pulled up**
 16 **Exhibit P22, which is a screenshot to which you refer**
 17 **in your most recent court filing. It's dated**
 18 **September 26th, 2020. And the fifth entry in the**
 19 **screenshot is the one that Mr. Oltmann referred to in**
 20 **his November 13th affidavit.**
 21 **Do you have any idea why Joe Oltmann**
 22 **would be searching search terms "Eric Dominion Denver**
 23 **Colorado" on September 26th, 2020?**
 24 A. I have no idea.
 25 **Q. Do you deny that Mr. Oltmann was**

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1 **searching the search terms "Eric Dominion Denver**
 2 **Colorado" on September 20 -- or September 26th, 2020?**
 3 MR. CAIN: Form.
 4 THE DEPONENT: He provided that in
 5 discovery. So, no, I don't dispute that.
 6 **Q. (By Mr. Arrington) You talked about the**
 7 **fact that these Facebook posts were private, right?**
 8 A. Yes, I did.
 9 **Q. And you had 300 friends, approximately?**
 10 A. Approximately.
 11 **Q. So you think a statement made to 300**
 12 **friends is a private statement?**
 13 A. Yes, I do.
 14 **Q. If you were in an auditorium with 300**
 15 **people and you said something, would that be a private**
 16 **statement?**
 17 MR. CAIN: Form.
 18 THE DEPONENT: If they were people I
 19 invited to the auditorium, yes.
 20 **Q. (By Mr. Arrington) You say the word**
 21 **"fuck" quite a bit, don't you?**
 22 MR. CAIN: You don't have to answer that,
 23 if you don't want to. It's a -- that's a harassing
 24 question.
 25 MR. ARRINGTON: It's not a harassing

102	<p>1 question. It's to authenticate the documents, in which</p> <p>2 he --</p> <p>3 MR. CAIN: Ask him about a document. If</p> <p>4 you want him to authenticate a document, then put it in</p> <p>5 front of him and he can authenticate it.</p> <p>6 Q. (By Mr. Arrington) So in the Facebook</p> <p>7 post --</p> <p>8 MR. CAIN: Asking him, you say the word</p> <p>9 "fuck" a lot, doesn't authenticate anything.</p> <p>10 Q. (By Mr. Arrington) So in the Facebook</p> <p>11 posts, you use the word "fuck" quite often, don't you?</p> <p>12 A. Actually, I'm not sure I can answer that.</p> <p>13 Q. You don't know whether you used that word</p> <p>14 often?</p> <p>15 A. Can you define "often"?</p> <p>16 Q. Do you want to play definition derby? Do</p> <p>17 you know what "often" means?</p> <p>18 A. No, I don't in your -- in your terms.</p> <p>19 Are we talking 1 percent? 5 percent? 20 percent?</p> <p>20 50 percent? What's often, sir?</p> <p>21 Q. You can define it any way you'd like.</p> <p>22 A. Then I would say no.</p> <p>23 Q. So your testimony, sitting here under</p> <p>24 oath today, is you do not use the word "fuck" often?</p> <p>25 MR. CAIN: Form.</p>	104	<p>1 that term for me, sir?</p> <p>2 Q. (By Mr. Arrington) No, I want you to</p> <p>3 define it.</p> <p>4 A. No. Nope.</p> <p>5 Q. So you're refusing to answer the</p> <p>6 question? You're refusing to use your own definition</p> <p>7 of the word "often" to answer the question?</p> <p>8 Is that what you're going to say?</p> <p>9 Because if that's the case, just say it and we'll move</p> <p>10 on.</p> <p>11 A. No, you asked the question. You used the</p> <p>12 term. I don't know what your definition of the term</p> <p>13 is. So until you provide me with that definition, I</p> <p>14 can't answer the question.</p> <p>15 Q. It doesn't matter what my definition of</p> <p>16 the term is. I'm asking you to use your definition of</p> <p>17 the term.</p> <p>18 Let me ask you this: Do you know what</p> <p>19 the English word "often" means?</p> <p>20 A. Frequently.</p> <p>21 Q. Okay. Using that definition of the word</p> <p>22 "often," do you use the word "fuck" often?</p> <p>23 MR. CAIN: Form.</p> <p>24 THE DEPONENT: In my understanding of</p> <p>25 frequently, no.</p>
103	<p>1 THE DEPONENT: In a Facebook post?</p> <p>2 Q. (By Mr. Arrington) No, generally.</p> <p>3 A. Again, I won't answer that until you</p> <p>4 define the terms.</p> <p>5 Q. No, I'm asking you -- you can define the</p> <p>6 terms. You're --</p> <p>7 A. No, you define the term. You asked the</p> <p>8 question, sir.</p> <p>9 Q. Do you understand what the English word</p> <p>10 "often" means?</p> <p>11 A. Not in your context.</p> <p>12 Q. I'm not asking for my context. I'm</p> <p>13 asking for you to use the English word "often" as you</p> <p>14 understand its meaning, and to tell me whether, as you</p> <p>15 understand the word "often," you use that word "fuck" a</p> <p>16 lot.</p> <p>17 A. I would say I use it less than a lot of</p> <p>18 people I know. So then I would characterize it as not</p> <p>19 often.</p> <p>20 Q. Okay. So your testimony is you do not</p> <p>21 use the word often?</p> <p>22 MR. CAIN: Form.</p> <p>23 THE DEPONENT: Until you define, you</p> <p>24 define -- you brought up sarcasm. You brought up</p> <p>25 dictionary.com. Can you bring up "often" and define</p>	105	<p>1 Q. (By Mr. Arrington) So you were head of</p> <p>2 security for a voting software and machine company,</p> <p>3 correct?</p> <p>4 A. Product strategy and security.</p> <p>5 Q. So as the head of security for that</p> <p>6 company, did you think --</p> <p>7 A. Product strategy and security, sir.</p> <p>8 Q. Okay. So you were the head of security,</p> <p>9 right?</p> <p>10 A. No, I was head of product strategy and</p> <p>11 security. That's a different role.</p> <p>12 Q. Okay. So in that role, did you think the</p> <p>13 Facebook posts were private?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So you did not think that any time</p> <p>16 you put something on the Internet, it's subject to</p> <p>17 being discovered?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 MR. ARRINGTON: How much time do I have,</p> <p>21 Jana?</p> <p>22 THE REPORTER: I think Charlie is keeping</p> <p>23 track of the last 11 minutes.</p> <p>24 MR. CAIN: Yeah, you're at 9:32. So</p> <p>25 you've got a minute and a half.</p>

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1 MR. ARRINGTON: So, Andrea, I'm going to
 2 give that minute to you, in case I didn't ask all the
 3 questions that you wanted me to ask.
 4 MS. HALL: One second, Charlie.
 5 THE DEPONENT: Are we still on the
 6 record?
 7 THE REPORTER: Yes.
 8 MS. HALL: I've got a quick stop off the
 9 record.
 10 MR. KIMREY: Yeah. Can we take a break?
 11 MR. CAIN: We literally have 60 seconds
 12 left, but --
 13 MR. KIMREY: Can we take a break? I need
 14 to take a break. Let's take a break.
 15 THE DEPONENT: Does somebody need to pee?
 16 MR. KIMREY: Yes.
 17 MR. CAIN: Very short -- very short break
 18 so we can be done. We've got a minute left on the
 19 record.
 20 You can stay on, Eric.
 21 (A recess was taken from 3:09 p.m. to
 22 3:12 p.m.)
 23 MS. HALL: Okay. I guess we're back on
 24 the record. Is everybody ready?
 25 MR. CAIN: Yes, ma'am.

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1 EXAMINATION
 2 BY MS. HALL:
 3 Q. Okay. Mr. Coomer, are you antifascist?
 4 MR. CAIN: Form.
 5 THE DEPONENT: I do not like fascists,
 6 no.
 7 Q. (By Ms. Hall) So are you antifascist?
 8 A. Yes, I am against fascists, yes.
 9 Q. Again, the question is: Are you
 10 antifascist?
 11 MR. CAIN: Form.
 12 THE DEPONENT: I think I answered that.
 13 Q. (By Ms. Hall) So you are antifascist?
 14 A. I am against fascists, yes.
 15 Q. No. My question to you is: Are you
 16 antifascist?
 17 MR. CAIN: Form. Asked and answered.
 18 Q. (By Ms. Hall) Is that a yes?
 19 A. If you're --
 20 Q. You're eating up time. I'm going to go
 21 off the record.
 22 A. No. If you're asking if I am part of
 23 Antifa, which I kind of feel like you're getting to --
 24 Q. No, that's not my question, Mr. Coomer.
 25 Mr. Coomer, my question to you is very

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1 direct: Are you antifascist?
 2 A. Absolutely.
 3 Q. And is Antifa a truncation of
 4 antifascists?
 5 MR. CAIN: Form.
 6 THE DEPONENT: It's a neologism.
 7 Q. (By Ms. Hall) So you agree that Antifa is
 8 part of being an antifascist?
 9 A. No.
 10 Q. So do you agree that Antifa is a
 11 truncation of antifascists?
 12 A. No, it's a neologism.
 13 Q. What's your definition of neologism?
 14 MR. CAIN: And that's going to be your
 15 last answer.
 16 THE DEPONENT: Let's bring up
 17 dictionary.com, kids.
 18 MR. CAIN: No. That can be your -- if
 19 you can define it, you've gone your minute.
 20 So try to define it, Dr. Coomer, and
 21 that's your last answer.
 22 THE DEPONENT: It's a combination of two
 23 words truncated into one.
 24 Q. (By Ms. Hall) Antifa is?
 25 MR. CAIN: We're done. That's it.

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1 You've had your two hours.
 2 MS. HALL: Well, I think he can answer
 3 the question here.
 4 THE DEPONENT: I think we're over time.
 5 MS. HALL: So you're refusing to answer
 6 the question?
 7 MR. CAIN: The court order is two hours,
 8 so we're done.
 9 MS. HALL: Well, it's funny how you act,
 10 Charlie, during a deposition because you always go over
 11 time and, you know --
 12 MR. KIMREY: Yeah. Actually, I want to
 13 note, Mr. Cain -- this is Blaine Kimrey for OAN and
 14 Chanel Rion -- you said you were giving two extra
 15 minutes. So I think those two extra minutes are
 16 Ms. Hall's minutes, unless you're taking those back.
 17 MR. CAIN: No, I didn't. I already
 18 included that, Blaine. If we want to go off the record
 19 and let Jana confirm it, then that's fine. But by my
 20 count now, we're over --
 21 MR. KIMREY: Off the record.
 22 (Discussion off the record from 3:15 p.m.
 23 to 3:17 p.m.)
 24 MR. CAIN: You can answer that and then
 25 we're done.

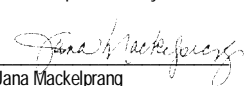
110	<p>1 THE DEPONENT: So, actually, I just 2 looked it up. Neologism is a newly coined word or 3 expression. The coining or use of new words. 4 MR. KIMREY: That's not the question 5 pending. 6 Could you reread the question, please? 7 MR. CAIN: This is not your witness, 8 Blaine. Let the counsel do it. 9 MS. HALL: Yeah, I mean, he didn't answer 10 the question, Charlie. He's now reading something he 11 just Googled. 12 So, Jana, please read the question to him 13 again. 14 And, Mr. Coomer, please answer the 15 question. 16 THE DEPONENT: And please refer to me as 17 Dr. Coomer. 18 MR. CAIN: Okay. Stop. Just please, 19 everyone. 20 What I've said is we're over the two 21 hours. What I've said is you can respond to Andrea 22 Hall's last question and then we'll be done. 23 So if you need Jana to read that back, 24 Dr. Coomer, to respond to that question, fine. If you 25 can recall it, then you can respond and we'll be done.</p>	112	<p>1 video be synchronized with the transcript? 2 THE REPORTER: No, because it's a Zoom. 3 So we didn't have a videographer here that would do 4 that. 5 MR. KIMREY: Okay. Understood. That's 6 fine. Thank you. 7 MR. ARRINGTON: Jana, I'll have an 8 expedited transcript as well, please. Electronic only. 9 Thank you. 10 MR. CAIN: I don't need an expedite, 11 Jana, but I'll have Scotti get in touch with you 12 because I don't know what the order is typically. 13 MS. BOEHMER: Jana, this is Margaret 14 Boehmer on behalf of Eric Metaxas. I'd like an e-tran. 15 I don't believe we need it expedited. 16 MR. HOLWAY: Jana, this is Eric Holway on 17 behalf of the Trump Campaign, and I would like an 18 expedited transcript, please. 19 MR. BURNS: Jana, this is John Burns for 20 TGP Communications and Jim Hof. We would like an 21 expedited transcript and video, please. 22 THE REPORTER: Thank you. 23 MR. BURNS: Jana, do you need my -- this 24 is John Burns again -- do you need my e-mail address? 25 THE REPORTER: No, I have that, but thank</p>
111	<p>1 THE DEPONENT: If you can please read it 2 back. 3 (Whereupon, the reporter stated, "The 4 Deponent said, 'It's a combination of two words 5 truncated into one.' 6 "Ms. Hall said, 'Antifa is?'" 7 THE DEPONENT: So I don't know what 8 Antifa refers to. 9 MR. CAIN: Thank you. 10 THE REPORTER: Since we're off the 11 deposition, can everybody tell me what they want? 12 MS. HALL: We'll take an expedited 13 transcript, please. And then we'll just take regular 14 on the video. It doesn't have to be expedited, but a 15 video. But we do need the transcript from today 16 expedited, please. 17 MR. KIMREY: And OAN and Ms. Rion would 18 like expedited on the transcript and the video. And 19 how quickly can we get that? 20 THE REPORTER: Tomorrow. 21 MR. KIMREY: Okay, that's fantastic. 22 Thank you. 23 MR. ARRINGTON: Thank you, gentlemen -- 24 MR. KIMREY: I'm sorry. I don't know how 25 this works with Internet depositions, but will the</p>	113	<p>1 you, John. 2 MR. BURNS: Cool. Thank you. 3 MR. QUEENAN: And Gordon Queenan for 4 Michelle Malkin. I don't need an expedited transcript, 5 but I would need it by -- well, you tell me. I need it 6 by next Thursday. Is that semi-expedited? 7 THE REPORTER: You don't need to worry 8 about that. You'll get it soon. 9 MR. QUEENAN: I appreciate it. Thanks. 10 THE REPORTER: I guess we're finished, 11 then. 12 (WHEREUPON, the deposition was concluded 13 at 3:22 p.m.) 14 15 16 17 18 19 20 21 22 23 24 25</p>


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1 I have read the foregoing transcript
 2 of my testimony and have indicated the same by my
 3 signature.
 4
 5
 6 _____
 7 ERIC COOMER
 8 STATE OF COLORADO
 9 CITY AND COUNTY OF DENVER
 10 Subscribed and sworn to before me by ERIC
 11 COOMER, on this _____, 2021.
 12 My commission expires: _____.
 13
 14
 15 _____
 16 Notary Public
 17
 18 _____
 19 Address
 20
 21 Reporter: JM
 22
 23
 24
 25

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1 CERTIFICATE
 2 STATE OF COLORADO)
 3)ss.
 4 CITY AND COUNTY OF DENVER)
 5 I, Jana Mackelprang, Certified Realtime
 6 Reporter, Registered Professional Reporter, and Notary
 7 Public for the State of Colorado, do hereby certify
 8 that previous to the commencement of the examination,
 9 the said ERIC COOMER was duly sworn by me to testify
 10 the truth in relation to the matters in controversy
 11 between the said parties.
 12 I further certify that said deposition was
 13 taken in shorthand by me and was reduced to typewritten
 14 form by computer-aided transcription, that the
 15 foregoing is a true transcript of the questions asked,
 16 testimony given, and proceedings had.
 17 I further certify that I am not an
 18 attorney nor counsel nor in any way connected with any
 19 attorney or counsel for any of the parties to said
 20 action or otherwise interested in its event.
 21 IN WITNESS WHEREOF, I hereunto affix my
 22 hand and notarial seal this 23rd day of September,
 23 2021. My commission expires January 24, 2024.
 24
 25


 Jana Mackelprang
 CRR, RPR, Notary Public
 Calderwood-Mackelprang, Inc.



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 14 Re: Coomer v. Donald J. Trump For President, et al.
 15 Deposition of: ERIC COOMER
 16 The deposition in the above-entitled matter is ready
 17 for reading and signing. Please attend to this matter
 18 by complying with ALL blanks checked below:
 19 _____ arranging with us at the number listed below
 20 to read and sign the deposition in our
 21 office.
 22 XXX having deponent read your copy and sign
 23 amendment sheets, if any (original signature
 24 page enclosed.)
 25 _____ reading enclosed deposition, signing
 signature page and correction sheets, if any.
 XXX within 35 days of the date of this letter.
 _____ by _____ due to trial/hearing date of _____
 Please be sure that the signature page and amendment
 sheets, if any, are signed before a notary public and
 returned to our office. If this matter has not been
 taken care of within said period of time, the
 deposition will be filed unsigned pursuant to the Rules
 of Civil Procedure.
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 11 Re: Coomer v. Donald J. Trump For President, et al.
 12
 13 Dear Mr. Arrington:
 14
 15 Enclosed is the deposition of: ERIC COOMER
 16
 17 _____ Previously filed. Forwarding signature page
 18 and amendment sheets.
 19 _____ Signed, no changes.
 20 _____ Signed, with changes, copy enclosed.
 21 _____ Unsigned, notice duly given _____,
 22 pursuant to the Rules of Civil Procedure.
 23
 24 _____ Not signed, notice duly given _____,
 25 since trial is set for _____.
 _____ No signature required.
 _____ Signature waived.
 _____ To be signed in court.
 _____ Signature pages/amendment sheets to be
 returned to court on date of trial.
 _____ Mailed by Certified Mail No. _____
 _____ Hand-delivered on approximately _____
 JANA MACKELPRANG, CRR, CSR, RPR
 cc: Counsel of Record

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