

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBY FREEMAN and WANDREA' MOSS,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Case No. _____

COMPLAINT

INTRODUCTION

1. Defendant Rudolph W. Giuliani does not live in Florida. But he is pretending to in a brazen attempt to shield his luxury Palm Beach condo from his creditors, Plaintiffs Ruby Freeman and Wandrea' ArShaye "Shaye" Moss. Unfortunately, this is only the latest of Mr. Giuliani's attempts to evade and obstruct accountability for his actions. For two years, Plaintiffs endured a highly publicized litigation against Rudolph W. Giuliani for orchestrating a years long defamatory campaign against them, in which Mr. Giuliani had repeatedly accused Plaintiffs of committing election fraud during the 2020 presidential election in Georgia.¹ Finally, on December 15, 2023, a jury of his peers returned a \$148 million verdict against Mr. Giuliani for defamation, intentional infliction of emotional distress, and civil conspiracy in connection with that conduct. Mr. Giuliani quickly filed for bankruptcy protection in a bad-faith effort to frustrate Plaintiffs' judgment enforcement efforts. Eventually, the Bankruptcy Court saw through that scheme and dismissed the bankruptcy case for cause. Mr. Giuliani has now switched tactics again, purporting to make his Palm Beach condominium (the "Palm Beach Condo") his principal residence in an effort to qualify the Condo for homestead protection under Florida law. But that evasive maneuver

¹ See *Freeman et al. v. Giuliani*, No. 21-cv-3354 (D.D.C.) ("*Freeman I*").

is no more valid than the last few: Mr. Giuliani’s own public internet broadcasts show that he has not actually *resided* in the Palm Beach Condo since purporting to establish permanent, actual residency there—and he certainly has not maintained it as a “homestead.”

2. Article X, section 4 of the Florida Constitution protects a person’s “homestead” from execution to satisfy a judgment. But in the words of the Florida Supreme Court, “the homestead is not something to toy with and use as a ‘city of refuge’ from the law’s exactions.” *Barlow v. Barlow*, 23 So. 2d 723, 723 (Fla. 1945). Thus, a residence does not become a “homestead” just because a debtor says it is one. Among other things, it “requires actual occupancy of a home with intention to remain there.” *Law v. Law*, 738 So. 2d 522, 524 (Fla. Dist. Ct. App. 1999) (internal quotation marks omitted). Mr. Giuliani has established neither. As late as July 9, 2024, it was Mr. Giuliani’s position that the Palm Beach Condo should be sold in chapter 7 liquidation. Then, on July 13, 2024, Mr. Giuliani executed an affidavit purporting to declare that—never mind—the Palm Beach Condo was his new primary residence. But publicly available evidence drawn largely from Mr. Giuliani’s daily internet broadcasts shows that he has spent virtually every day of the period since first claiming that the Palm Beach Condo was his primary residence—and possibly *every* day—living somewhere else. As of this filing, the publicly available evidence shows that Mr. Giuliani has spent at least 34 days of that 47 day period somewhere else. As for the other days, Plaintiffs are simply unaware of any evidence that Mr. Giuliani *has* occupied the Condo, or been physically present in Florida at all. In other words, it appears that since purporting to declare the Palm Beach Condo as his primary residence, Mr. Giuliani has not actually resided there at all. Instead, he is trying to “toy with” Florida’s homestead exemption to shield a multi-million dollar asset from his creditors.

3. Mr. Giuliani’s strategy will fail, because Plaintiffs established a lien on the Palm Beach Condo on August 8, 2024, and as of that date, Mr. Giuliani had not established the Palm Beach Condo as his homestead. To be clear, he still has not—but even if he had done so after August 8, 2024, that would be too late, because under Florida law, “the acquisition of homestead status does not defeat prior liens,” and therefore “the lienor’s right prevails over the [debtor’s] homestead right” where the lien existed before homestead status was acquired. *Bessemer v. Gersten*, 381 So. 2d 1344, 1348 (Fla. 1980). Plaintiffs’ lien on the Palm Beach Condo therefore trumps any claim that Mr. Giuliani may make to homestead status, period.

4. Plaintiffs accordingly bring this action for a declaratory judgment establishing that they hold an enforceable lien on the Palm Beach Condo, and that any assertion by Mr. Giuliani of homestead status is without merit. In a motion filed today in the underlying judgment enforcement proceeding in this District, Plaintiffs have also sought appointment as receivers with authority to take possession of and sell the Palm Beach Condo. The declaratory relief sought in this action will remove any doubt of Plaintiffs’ authority to do so subject only to approval of the Court that made the receivership appointment, without any interference by Mr. Giuliani’s assertion of a meritless homestead claim.

PARTIES

5. Plaintiff Ruby Freeman is a resident and citizen of Georgia.
6. Plaintiff Wandrea’ ArShaye “Shaye” Moss is a resident and citizen of Georgia.
7. Defendant Rudolph W. Giuliani is a resident and citizen of New York.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because this action is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

9. This Court has personal jurisdiction over Defendant pursuant to N.Y. C.P.L.R. § 301 because he is a New York resident. In addition, this Court has personal jurisdiction over Defendant pursuant to N.Y. C.P.L.R. § 302(a)(1) because Defendant regularly transacts business within the state and Plaintiffs' claims arise from Defendant's business transactions within New York, and because Defendant transacts business within New York, and (1) regularly does and solicits business in the state, (2) engages in a persistent course of conduct in the state, and (3) derives substantial revenue from goods used or consumed and services rendered in the state. Furthermore, Plaintiffs' claims arise from the foregoing contacts with the state of New York.

10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to this action occurred in this District.

FACTS

11. This action arises following more than two years of litigation in the District Court for the District of Columbia (the "D.C. District Court") through which Ms. Freeman and Ms. Moss sought justice for a years long defamatory campaign against them as orchestrated by Mr. Giuliani and co-conspirators. Ms. Freeman and Ms. Moss first sued Mr. Giuliani, Herring Networks, Inc. d/b/a One America News Network, Charles Herring, Robert Herring, and Chanel Rion for defamation, intentional infliction of emotional distress, and civil conspiracy on December 23, 2021. Following a settlement with all parties except Mr. Giuliani, Plaintiffs filed an amended complaint. A copy of that amended complaint is attached as Exhibit A.

12. Following extensive discovery efforts by Plaintiffs and remarkable recalcitrance from Mr. Giuliani, including a failure to take reasonable steps to preserve relevant evidence, the D.C. District Court entered a default judgment as to liability against Mr. Giuliani, which had the effect of deeming as true the factual allegations in the operative complaint in *Freeman I*. A copy of the order granting a default judgment as to liability is attached to this Complaint as Exhibit B.

13. On December 11, 2023, the D.C. District Court empaneled a jury to determine damages, and on December 15, the jury awarded Plaintiffs approximately \$148 million in compensatory and punitive damages. After the parties reached an agreement resolving Defendant's claim to setoff, the Court entered final judgment awarding Plaintiffs approximately \$146 million in combined damages and attorney's fees. A copy of that judgment, registered in this District, is available at ECF No. 1, *Freeman v. Giuliani*, No. 24-mc-353 (S.D.N.Y. Aug. 5, 2024).

14. Shortly after entering final judgment, the D.C. District Court entered an order authorizing Plaintiffs to register the judgment in any district of the United States, pursuant to 28 U.S.C. § 1963, citing the "ample record in this case of Giuliani's efforts to conceal or hide his assets by failing to comply with discovery requests, including plaintiffs' requests for financial information." Memorandum and Order at 9, *Freeman v. Giuliani*, 21-cv-3354 (D.D.C. Dec. 20, 2023), ECF No. 144. The D.C. District Court also dissolved Federal Rule of Civil Procedure 62(a)'s automatic 30-day stay of execution. *Id.*

15. The next day, Mr. Giuliani filed a voluntary petition for chapter 11 reorganization. *See In re Giuliani*, No. 23-12055-SHL (Bankr. S.D.N.Y. Dec. 21, 2023). That bankruptcy proceeding lasted just over eight months until the Bankruptcy Court—fed up with Mr. Giuliani's continued recalcitrance and disobedience of court orders—dismissed the case. *In re Giuliani*, --- B.R. ---, No. 23-12055 (SHL), 2024 WL 3384185 (Bankr. S.D.N.Y. July 12, 2024). Plaintiffs registered their judgment in this District on August 5, 2024. No. 24-mc-353.

16. Mr. Giuliani owns two apartments: (1) a co-op apartment at 45 East 66th Street in New York, New York, and (2) the Palm Beach Condo, an apartment at 315 South Lake Drive, Apartment 5D, Palm Beach, Florida. Initially owned by Mr. Giuliani and his ex-wife, Judith, Mr. Giuliani has been the sole owner of the Palm Beach Condo since January 14, 2020. At all times

since then, and at all times relevant to this Complaint, Mr. Giuliani has not maintained a principal residence at his Palm Beach Condo.

17. In his initial bankruptcy filings, on January 26, 2024, Mr. Giuliani claimed a portion of the value of his New York residence as exempt property pursuant to N.Y. CPLR § 5206, which exempts property “owned and occupied as a principal residence” from “application to the satisfaction of a money judgment.” At no time did Mr. Giuliani claim any exemption with respect to the Palm Beach Condo.

18. On February 7, 2024, Mr. Giuliani testified under oath in his bankruptcy case, at the Meeting of Creditors pursuant to Section 341 of the Bankruptcy Code. Mr. Giuliani testified that he resides at 45 East 66th Street in Manhattan. When asked if he had any other residences, Mr. Giuliani said that he did, but struggled to recall the address, saying “gosh, I hardly have to use the address,” and then stating that it was “316, that’s it, okay, South Lake Drive.” (The address of Mr. Giuliani’s Palm Beach Condo is 315 South Lake Drive).

19. In the same sworn testimony, Mr. Giuliani was asked “to approximate how much time you spend [in New York] versus how much time you spend in Florida,” and responded, “eighty-twenty, seventy-thirty” in favor of New York. Asked whether he “would say that the New York residence is your principal residence,” Mr. Giuliani responded, “Yes, it is.”

20. On July 1, 2024, Mr. Giuliani filed a motion to convert his bankruptcy case from chapter 11 (reorganization) to chapter 7 (liquidation), meaning that all of Mr. Giuliani’s non-exempt assets would be liquidated for the benefit of his creditors, including the Palm Beach Condo.

21. Plaintiffs objected and asked the Bankruptcy Court to dismiss the case instead. On July 10, 2024, Mr. Giuliani filed a notice in the bankruptcy proceeding stating that he consented

to dismissal of the case. On July 12, 2024, the Bankruptcy Court dismissed the bankruptcy case rather than convert it to chapter 7, with the order entered on August 2, 2024.

22. Throughout the bankruptcy and since, Mr. Giuliani has never actually occupied the Palm Beach Condo as his primary residence. In fact, since May 26, 2024, Plaintiffs are unaware of any evidence that Mr. Giuliani has occupied the Palm Beach Condo *at all*.

23. Mr. Giuliani provides regular, public evidence of his physical location when he broadcasts his daily livestreams shows on the internet. On May 26, 2024 at 10:00 a.m., Mr. Giuliani broadcast an episode of his show, *Uncovering the Truth*.² The background of the video matches publicly available photographs of Mr. Giuliani's Palm Beach Condo.³ As far as Plaintiffs are aware, this is the last time that Mr. Giuliani broadcast from his Palm Beach Condo and the last time that Mr. Giuliani occupied the Condo in any respect.

24. On June 17, 2024, Mr. Giuliani broadcast an episode of *The Rudy Giuliani Show* from "here in New York" in front of a background that appears to be his New York condominium.⁴

25. On June 18, 2024 and June 19, 2024, Mr. Giuliani broadcast episodes of *The Rudy Giuliani Show* and *America's Mayor Live* in front of computer generated backgrounds.⁵

² Rudy W. Giuliani, *Uncovering the Truth, Uncovering the Truth (E3): Sunday, May 26, 2024*, YouTube (May 26, 2024 10:00 AM EST) <https://www.youtube.com/watch?v=ubqPs2b3qrg>. Unless otherwise indicated, quotations from Mr. Giuliani's broadcasts are Mr. Giuliani's own words.

³ Brian Bandell, *Rudy W. Giuliani, wife list Palm Beach condo for sale (Photos)*, The Business Journals, June 12, 2019 1:36 PM EDT, photo 4 of 15 (available at <https://www.bizjournals.com/southflorida/news/2019/06/12/rudy-giuliani-wife-list-palm-beach-condo-for-sale.html>).

⁴ Rudy W. Giuliani, *The Rudy Giuliani Show, The Rudy Giuliani Show (E26): Obama Helps Biden Off Stage*, YouTube, (June 17, 2024 3:00 PM EST) <https://www.youtube.com/watch?v=CfVtnvORzko> at 0:00–0:04.

⁵ Rudy W. Giuliani, *The Rudy Giuliani Show, The Rudy Giuliani Show (E27): Illegal Immigration is Destroying America*, YouTube, (June 18, 2024 8:00 PM EST) <https://www.youtube.com/watch?v=Lr9OJifA2co>; Rudy W. Giuliani, *America's Mayor Live, America's Mayor Live (E432): Joe Biden is Getting Worse by the Hour*, YouTube, (June 18, 2024 8:00 PM EST) <https://www.youtube.com/watch?v=DDLlOruIztA>; Rudy W. Giuliani, *The Rudy Giuliani Show (E28): Honoring Willie Mays—A Giant of New York*, YouTube, (June 19, 2024 3:00 PM EST) <https://www.youtube.com/watch?v=c5ejjOe5RZY>; Rudy W. Giuliani, *America's Mayor Live, America's Mayor Live*

26. On June 20, 2024, Mr. Giuliani broadcast episodes of *The Rudy Giuliani Show* and *America's Mayor Live* in front of the same background that was identified the next day, June 21, 2024, as being in New Hampshire.⁶

27. On June 21, 2024, Mr. Giuliani broadcast “from New Hampshire.”⁷

28. On June 24, 2024, Mr. Giuliani again broadcast “from New Hampshire.”⁸

29. On June 25 2024, Mr. Giuliani broadcast *America's Mayor Live* in front of the same background as his June 24, 2024 show and June 26, 2024 show.⁹

30. On June 26, 2024, Mr. Giuliani broadcast “from New Hampshire.”¹⁰

31. On June 27, 2024, Mr. Giuliani broadcast *America's Mayor Live* in front of the same background as his June 26, 2024 show.¹¹

(E432): *Joe Biden is Getting Worse by the Hour*, YouTube, (June 19, 2024 8:00 PM EST) <https://www.youtube.com/watch?v=x0lsF09tWVs>.

⁶ Rudy W. Giuliani, *The Rudy Giuliani Show*, *The Rudy Giuliani Show (E29): Joe Biden's Con Job on the Border*, YouTube, (June 20, 2024 3:00 PM EST) <https://www.youtube.com/watch?v=IqIEUJle2DI>; Rudy W. Giuliani, *America's Mayor Live*, *America's Mayor Live (E434): ELECTION 2024—Previewing Next Week's Debate Between Trump & Biden*, YouTube, (June 20, 2024 8:00 PM EST) <https://www.youtube.com/watch?v=7nkH9Sc7Yqw>.

⁷ Rudy W. Giuliani, (@RudyGiuliani) *America's Mayor Live*, *America's Mayor Live (E435): ELECTION 2024—New Polling Reveals New Trends Among Voters*, X (June 21, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1804303409044164798> at 0:00–0:14.

⁸ Rudy W. Giuliani, (@RudyGiuliani) *America's Mayor Live*, *America's Mayor Live (E436): ELECTION 2024—Previewing Thursday's Presidential Debate*, X (June 24, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1805390500264132812> at 0:00–0:12.

⁹ Rudy W. Giuliani, *America's Mayor Live*, *America's Mayor Live (E437): Previewing Thursday Night's Debate Between Trump & Biden*, YouTube, (June 25, 2024 8:00 PM EST) <https://www.youtube.com/watch?v=i9xM4fK5TWU>.

¹⁰ Rudy W. Giuliani, (@RudyGiuliani) *America's Mayor Live*, *America's Mayor Live (E438): Greatest Moments in U.S. Presidential Debate History*, YouTube, (June 26, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1806115297797284136> at 0:00–0:10.

¹¹ Rudy W. Giuliani, (@RudyGiuliani) *America's Mayor Live*, *America's Mayor Live (E439): DEBATE NIGHT IN AMERICA—Previewing The First 2024 Presidential Debate*, X (June 27, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1806477759809810521>.

32. On June 28, 2024, Mr. Giuliani broadcast “in New Hampshire” and stated that “Saint Anslem College,” a college in Manchester, New Hampshire, “is about four miles from here.”¹²

33. Between July 1, 2024 and July 11, 2024, Mr. Giuliani broadcast multiple episodes of his shows in front of the same background as his June 28, 2024 and July 12, 2024 shows, which were identified as taking place in New Hampshire.¹³

¹² Rudy W. Giuliani, *America’s Mayor Live, America’s Mayor Live (E440): A Recap of Joe Biden’s Terrible, Horrible, No Good, Very Bad Day*, YouTube, (June 28, 2024 8:00 PM EST) <https://www.youtube.com/watch?v=wJJsC3SYCF4> at 24:19–24:26.

¹³ Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E441): Today’s Supreme Court Ruling UPENDS The Left’s Plan to Take Down Trump*, X (July 1, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1807927225490235835>; Rudy W. Giuliani, (@RudyGiuliani) *The Rudy Giuliani Show, The Rudy Giuliani Show - Biden Campaign Facing Two Major Disasters as They Chart Path Forward*, X (July 2, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1808274482609770725>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E442): The Biden Campaign Digs in as Democrat Party Falls into Full PANIC MODE*, YouTube, (July 2, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1808289624919625884>; Rudy W. Giuliani, (@RudyGiuliani) *The Rudy Giuliani Show, Latest White House Leaks Indicate a Sinking Ship*, X (July 3, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1808636994865840392>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E443): Joe Biden Has No Path Forward if He’s Lost the Establishment Media*, X (July 3, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1808652023916835235>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, Celebrating 248 Years of American Greatness*, X (July 4, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1808999262723989905>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E444): Celebrating America’s 248th Independence Day*, X (July 4, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1809014578166317289>; Rudy W. Giuliani, (@RudyGiuliani) *The Rudy Giuliani Show, Joe Biden Doubles Down; Promises to Stay in Race*, X (July 5, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1809361634135339216>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E445): Joe Biden Doubles Down Despite Growing Calls from Democrats to Bow Out*, X (July 5, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1809376842987762123>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E446): Growing Number of House Democrats Publicly Call on Biden to Drop Out*, X (July 8, 2024 8:01 PM EST) <https://x.com/RudyGiuliani/status/1810464350546858080>; Rudy W. Giuliani, (@RudyGiuliani) *The Rudy Giuliani Show, Joe Biden Blames the Media & Party “Elites” for Sabotaging Campaign*, X (July 9, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1810811212512526656>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E447): BIDEN WATCH DAY 12—Seventh House Democrat Calls on Biden to Exit Race*, X (July 9, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1810826338305200397>; Rudy W. Giuliani, (@RudyGiuliani) *The Rudy Giuliani Show, First Democrat Senator Calls on Joe Biden to Exit Race*, X (July 10, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1811173574960681258>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E448): BIDEN WATCH DAY 13—Nancy Pelosi is Preparing to Dump Joe Biden*, X (July 10, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1811188781112025164>; Rudy W. Giuliani, (@RudyGiuliani) *The Rudy Giuliani Show, The Dam Has Broken: Democrats Want Joe Biden OUT*, X (July 11, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1811535971965657309>; Rudy W. Giuliani, (@RudyGiuliani) *America’s Mayor Live, America’s Mayor Live (E449): LIVE REACTION to Joe Biden’s Disastrous NATO Press Conference*, X (July 11, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1811551104909644009>;

34. On July 12, 2024, Mr. Giuliani broadcast “live from New Hampshire.”¹⁴

35. On July 14, 2024, Mr. Giuliani was pictured in Milwaukee, Wisconsin.¹⁵ According to public reporting, Mr. Giuliani flew to Milwaukee from La Guardia airport in New York.¹⁶

36. On July 15, 2024, Mr. Giuliani broadcast “live from RNC” (the Republican National Convention), which took place in Milwaukee, Wisconsin.¹⁷

37. On July 16, 2024 through July 18, 2024, Mr. Giuliani broadcast “live from [the] RNC” in Milwaukee, Wisconsin.¹⁸

38. On July 19, 2024, Mr. Giuliani broadcast “live from Milwaukee, Wisconsin.”¹⁹

Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Biden’s Disastrous Presser Does Little to Calm Nerves within Democrat Party*, X (July 12, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1811898370266669302>.

¹⁴ Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E450): Team Biden Continues Cover-Up in Desperate Attempt to Save Campaign*, X (July 12, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1811913557447147969> at 0:00–0:08.

¹⁵ Ted Goodman (@TedCGoodman) X (July 14, 2024 11:26 PM CT) <https://x.com/TedCGoodman/status/1812690153355227380>.

¹⁶ Katelyn Polantz, *Rudy Giuliani drains half of bank account for personal expenses while creditors pursue what he owes them*, CNN, July 17, 2024 (available at <https://www.cnn.com/2024/07/17/politics/rudy-giuliani-spending/index.html>).

¹⁷ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show Live from RNC*, X (July 15, 2024 6:59 PM) <https://x.com/RudyGiuliani/status/1812985445636317417>.

¹⁸ The lower third displayed during Mr. Giuliani’s shows in this period identified him as being “LIVE FROM RNC.” Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show Live from RNC*, X (July 16, 2024 7:09 PM) <https://x.com/RudyGiuliani/status/1813350146907996242>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show Live from RNC*, X (July 17, 2024 7:11 PM) <https://x.com/RudyGiuliani/status/1813713279107420399>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show Live from RNC*, X (July 18, 2024 6:58 PM) <https://x.com/RudyGiuliani/status/1814072255753977941>.

¹⁹ Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E455): President Donald Trump’s Historic 2024 Republican National Convention*, X (July 19, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1814450271197770002> at 0:00–0:08.

39. On July 22, 2024, Mr. Giuliani broadcast from “back in, well, in New Hampshire, in Manchester, New Hampshire today.”²⁰

40. On July 23, 2024 through July 25, Mr. Giuliani broadcast in front of the same background as his July 22, 2024 show.²¹

41. On July 27, 2024 Mr. Giuliani attended and livestreamed from a conference in Paris, France.²²

42. On July 29, 2024, Mr. Giuliani broadcast from “London, England.”²³

43. On August 1, 2024, Mr. Giuliani broadcast “live from Paris, France.”²⁴

²⁰ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Secret Service Director’s Testimony Fuels “Conspiracy Theories”*, X (July 22, 2024, 7:00 PM EST) <https://x.com/RudyGiuliani/status/1815522255654498450> at 1:17–1:26.

²¹ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Biden Is OUT, Kamala is IN*, X (July 23, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1815884640290496601>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayors Live, America’s Mayor Live (E457): Joe Biden Forced Out as Democrat Party Elites Coronate Kamala Harris*, X (July 23, 2024 8:02 PM EST) <https://x.com/RudyGiuliani/status/1815900340958744904>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Democrat Party “Elites” Coronates Kamala Harris; Disenfranchising Millions of Voters*, X (July 24, 2024 7:21 PM ET) <https://x.com/RudyGiuliani/status/1816252354028859406>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E458): Democrat Party Elites Install Kamala Harris, Disenfranchising Voters*, X (July 24, 2024 8:04 PM) <https://x.com/RudyGiuliani/status/1816263277271543865>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Analyzing FBI Director Christopher Wray’s Disastrous Hearing*, X (July 25, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1816609402088300567>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E459): FBI Director Christopher Wray’s Shameful Testimony Before Congress*, X (8:00 PM EST July 25, 2024) <https://x.com/RudyGiuliani/status/1816624487753986447>.

²² Rudy W. Giuliani, (@RudyGiuliani) X (July 27, 2024, 10:02 AM) <https://x.com/RudyGiuliani/status/1817198946722148398>. See also Rudy W. Giuliani, (@RudyGiuliani) X (July 27, 2024, 9:43 AM) <https://x.com/RudyGiuliani/status/1817194066334920716> (“I am about to go live to Iranian dissidents in Paris, Albania and Iran, yes Iran. Listen live on X or later on the live recording.”); *Conference with Mayor Rudy Giuliani on the Anniversary of the Attack on Ashraf by Khamenei’s Puppet Government in Iraq*, Maryam Rajavi, (available at <https://www.maryam-rajavi.com/en/conference-mayor-rudy-giuliani-ashraf-attack-july-28-29-2009/>).

²³ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Olympics Open Attack on Western Civilization*, X (July 29, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1818058972240429125> at 1:20–1:25.

²⁴ Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E464): Biden Admin Gives Plea Deal to 9/11 Terrorist Khalid Sheikh Mohammed*, X (Aug. 1, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1819161212552466941> at 0:00–0:08.

44. Between August 2, 2024 and August 6, 2024, Mr. Giuliani broadcast multiple shows in front of the same background as his August 7, 2024 show, which was identified as being “live from the great state of New Hampshire.”²⁵

45. On August 5, 2024, Mr. Giuliani confirmed that he was “back from my trip to France and to England.”²⁶

46. Between August 8, 2024 and August 9, 2024, Mr. Giuliani broadcast multiple shows in front of the same background as his August 7, 2024 show, which he identified as being broadcast from New Hampshire.²⁷

47. On August 12, 2024, Mr. Giuliani broadcast “live in Dallas, Texas.”²⁸

²⁵ Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E465): Kamala Harris to Interview SIX Potential VP Picks This Weekend*, X (Aug. 2, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1819523718332535010>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Decision Time for Kamala Harris*, X (Aug. 5, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1820595684837585364>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E466): Kamala Harris will pick PA Gov. Josh Shapiro or MN Gov. Tim Walz for VP*, X (Aug. 5, 2024 8:00PM EST) <https://x.com/RudyGiuliani/status/1820610900635853057>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Kamala Harris Sides w/ Left Flank by Choosing Tim Walz for VP*, X (Aug. 6, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1820958077681856984>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E467): Kamala Harris Picks Tim Walz for Vice President*, X (Aug. 6, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1820973245518291281>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E468): Cori Bush of “The Squad” Loses Primary Election—2 Voted Out, 7 To Go*, X (Aug. 7, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1821335593533763840> at 0:00–0:11.

²⁶ Rudy W. Giuliani, *Decision Time for Kamala Harris* at 1:17–1:29.

²⁷ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Trump Hosts Press Conference That Runs Longer Than All of Harris’s Combined*, X (Aug. 8, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1821682848304394642>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E469): Trump Takes Reporter’s Questions as Harris Continues to Dodge the Press*, X (Aug. 8, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1821697996599521470>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Return of ISIS*, X (Aug. 9, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1822045236677505208>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E470): Weakness in West Reinvigorates the Islamic State of Iraq & Syria (ISIS)*, X (Aug. 9, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1822060369768280184>.

²⁸ Rudy W. Giuliani, America’s Mayor Live, *America’s Mayor Live (E471): The Democrat Party & Their Media Allies are Protecting Kamala Harris*, YouTube, (Aug. 12, 2024 8:00 PM EST) <https://www.youtube.com/watch?v=nIFfdhUdwMU> at 0:00–0:06; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E471): The Democrat Party & Their Media Allies are Protecting Kamala Harris*, X (Aug. 12, 2024 8:12 PM) <https://x.com/RudyGiuliani/status/1823150624734847122>.

48. On August 13, 2024, Mr. Giuliani broadcast “live from downtown Dallas, Texas.”²⁹

49. On August 14, 2024, Mr. Giuliani broadcast “live, by the skin of our teeth, from Manchester, New Hampshire.”³⁰

50. On August 15, 2024, Mr. Giuliani broadcast in front of the same background as his August 14, 2024 show.³¹

51. On August 16, 2024, Mr. Giuliani broadcast “from New Hampshire[.]”³²

52. From August 19, 2024, to August 22, 2024, Mr. Giuliani broadcast “at the DNC” in Chicago, Illinois.³³

53. On August 23, 2024, Mr. Giuliani broadcast “from the Windy City[.]”³⁴

²⁹ Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E472): Squad Member Ilhan Omar Faces the Voters in Tough Primary Election*, X (Aug. 13, 2024) <https://x.com/RudyGiuliani/status/1823509965002383668> at 0:00–0:11.

³⁰ Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E473): President Trump Delivers Home Run Economic Speech as Kamala Dodges Qs*, X (Aug. 14, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1823872328964694471> at 0:00–0:17.

³¹ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *JD Vance & Tim Walz Agree to Oct. 1 Debate on CBS*, X (Aug. 15, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1824219563267064207>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E474): Kamala’s Campaign Doctored Headlines on Google to Create Fake Support*, X (Aug. 15, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1824234802490511501>.

³² Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Harris Reverses Clinton Promise to, “End Welfare as we Know it”*, X (Aug. 16, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1824582094997295408> at 1:10–1:18.

³³ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show on America’s Mayor Live at the DNC*, X (Aug. 19, 2024 7:11 PM EST) <https://x.com/RudyGiuliani/status/1825671988372975853>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show on America’s Mayor Live (E477) at the DNC—Day 2*, X (Aug. 20, 2024 7:02 PM EST) <https://x.com/RudyGiuliani/status/1826032015873028215>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show on America’s Mayor Live (E478) at the DNC—Day 3*, X (Aug. 21, 2024 3:44 PM EST) <https://x.com/RudyGiuliani/status/1826344553663844827>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *The Rudy Giuliani Show on America’s Mayor Live (E479) at the DNC—Day 4*, X (Aug. 22, 2024 6:15 PM EST) <https://x.com/RudyGiuliani/status/1826745076875493697>.

³⁴ Rudy W. Giuliani, (@RudyGiuliani) X (Aug. 23, 2024 8:48 PM EST) <https://x.com/RudyGiuliani/status/1827145957399548367> (“Join us as we wrap up our week from the Windy City and the 2024 Democrat National Convention.”).

54. From August 26, 2024 to August 27, 2024, Mr. Giuliani broadcast multiple shows in front of the same background as his August 16, 2024 show.³⁵

55. On August 28, 2024, Mr. Giuliani broadcast “from ‘live free or die,’ New Hampshire.”³⁶

56. On August 29, 2024, Mr. Giuliani broadcast in front of the same background as his August 28, 2024 show.³⁷

57. Meanwhile, on July 15, 2024, Mr. Giuliani filed an “affidavit of domicile” with the Clerk of Palm Beach County, Florida. A copy of that affidavit is attached hereto as Exhibit C. The affidavit purports to declare as follows: “I hereby declare that I reside in and maintain a place of abode at 315 S. Lake Drive, Unit 5D, Palm Beach, in Palm Beach County, Florida, which place of abode I recognize and intend to maintain as my permanent home and, if I maintain another place or places of abode in some other state or states, I hereby declare that my above-described residence and abode in the State of Florida constitutes my predominant and principal home, and I intend to continue it permanently as such. I am, at the time of making this declaration, a bona fide resident

³⁵ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *President Trump Honors Fallen Heroes of the 2021 Kabul, Afghanistan Airport Attack*, X (Aug. 26, 2024 7:01 PM EST) <https://x.com/RudyGiuliani/status/1828206074543120509>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E481): President Trump Honors Fallen Heroes of the 2021 Afghanistan Withdrawal*, X (Aug. 26, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1828221047440843147>; Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Mark Zuckerberg Admits to Role in Rigging the 2020 Presidential Election*, X (Aug. 27, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1828568380703666178>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E482): Mark Zuckerberg Admits Facebook’s Role in Rigging the 2020 Election*, X (Aug. 27, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1828583380965019996>.

³⁶ Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E483): Analyzing Kamala Harris’ Flip Flop on Virtually Every Major Issue*, X (Aug. 28, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1828945772966228273> at 0:05–0:11.

³⁷ Rudy W. Giuliani, (@RudyGiuliani) The Rudy Giuliani Show, *Contrasting Trump’s Townhall Tonight w/ Kamala’s Pre-Taped, “Joint” Interview on CNN*, X (Aug. 29, 2024 7:00 PM EST) <https://x.com/RudyGiuliani/status/1829293038637859073>; Rudy W. Giuliani, (@RudyGiuliani) America’s Mayor Live, *America’s Mayor Live (E484): Comparing & Contrasting Styles—Trump Townhall v. Harris Joint Interview*, X (Aug. 29, 2024 8:00 PM EST) <https://x.com/RudyGiuliani/status/1829308110735028531>.

of the State of Florida residing at the above described residence and place of abode.” The affidavit was executed on July 13, 2024, in New Hampshire, and notarized by a New Hampshire notary.

58. On August 5, 2024, Plaintiffs registered their judgment in the United States District Court for the Southern District of Florida. On August 8, 2024, Plaintiffs recorded a certified copy of that judgment, so registered, with the Clerk of Palm Beach County, together with an affidavit stating their addresses. Copies of the recorded judgment and affidavit are attached as Exhibit D. Through that recording, Plaintiffs established a lien for the amount of their judgment on all of Mr. Giuliani’s real property in Palm Beach County, pursuant to Florida Stat. § 55.10.

59. Based on the allegations herein, it appears that after maintaining his New York apartment as his principal residence for years if not decades, Mr. Giuliani had in fact changed nothing about his actual or intended residence in the Palm Beach Condo. In fact, since moving on July 1, 2024 to convert his bankruptcy case to chapter 7 (which would have resulted in the Palm Beach Condo being liquidated along with other nonexempt assets), and for over a month prior to that date, it appears that Mr. Giuliani has spent virtually every day since somewhere *other* than the Palm Beach Condo—whether residing in New Hampshire at someone else’s home, or on various trips to the Olympics in Europe or to the Republican and Democratic National Conventions. Indeed, Plaintiffs have not uncovered any evidence that Mr. Giuliani has even spent *one* day in the Palm Beach Condo since late May. As recently as July 1, 2024, Mr. Giuliani intended that the Palm Beach Condo would be sold in bankruptcy. In the twelve days between that date and when he executed an affidavit declaring his purported “bona fide” residency in the Palm Beach Condo and his intention to live there as a principal residence, Mr. Giuliani spent no time there. And since executing that affidavit, Mr. Giuliani appears to have spent no time there. Most importantly, as of the date Plaintiffs established their lien on the Palm Beach Condo, Mr. Giuliani had not established

the Condo as his actual, permanent, or principal residence with an intention to remain there. To the contrary, Mr. Giuliani had done nothing but file an empty declaration as to nonexistent facts.

CAUSE OF ACTION (28 U.S.C. § 2201)

60. Plaintiffs incorporate and re-allege all paragraphs as if fully set forth herein.
61. This is a case of actual controversy between the parties.
62. Plaintiffs established a valid lien on the Palm Beach Condo on August 8, 2024.
63. Defendant did not establish his Palm Beach Condo as a homestead within the meaning of Article X, section 4 of the Florida Constitution prior to the fixing of that lien.
64. Plaintiffs' lien on the Palm Beach Condo is valid and enforceable notwithstanding any claim that Mr. Giuliani may make to homestead status under the Florida Constitution, and the Palm Beach Condo may be executed upon and sold in satisfaction of Plaintiffs' judgment, including through receivership or other lawful means, notwithstanding any claim that Mr. Giuliani may make to such homestead status.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request a judgment in their favor and against Defendant:

- A. Declaring that Defendant had not established the Palm Beach Condo as his homestead under the Florida Constitution, art. X, § 4, prior to recording of Plaintiffs' lien on August 8, 2024; that Plaintiffs' lien is valid and enforceable under Florida law and immune from any subsequent claim of homestead relating to the Palm Beach Condo; and that the Palm Beach Condo may be executed upon and sold to satisfy Plaintiffs' judgment through any lawful means, including CPLR § 5228 receivership or other appropriate means, regardless of any homestead claim that Defendant may make;
- B. Awarding Plaintiffs' their costs, including reasonable attorney's fees; and
- C. Such other and further relief as this Court deems just and proper.

Dated: August 30, 2024

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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RUBY FREEMAN and WANDREA MOSS, Plaintiffs, v. RUDOLPH W. GIULIANI, Defendant.	Civil Action No. 21-3354 (BAH) JURY TRIAL DEMANDED AMENDED COMPLAINT
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Plaintiffs Ruby Freeman and Wandrea Moss (“Plaintiffs”), through their attorneys, bring this complaint against Defendant Rudolph W. Giuliani (“Defendant”).

INTRODUCTION

1. The conduct of free and fair elections in the United States relies upon the service of nonpartisan election workers. For most of American history, these ordinary citizens have received thanks for their efforts, even from those candidates who have come up short. In the 2020 federal election, however, that venerable tradition was decimated by anti-democratic actors desperate for scapegoats whom they could blame for election results that they refused to accept.

2. Through no fault of their own, Plaintiffs Ruby Freeman and Wandrea ArShaye (“Shaye”) Moss are among those scapegoats. They served as official election workers in Georgia during the 2020 federal election. Like countless other election workers, they share a patriotic commitment to a free and fair democratic process.

3. As a result of their vital service, Ms. Freeman and Ms. Moss have become the objects of vitriol, threats, and harassment. They found themselves in this unenviable position not

based on anything they did, but instead because of a campaign of malicious lies designed to accuse them of interfering with a fair and impartial election, which is precisely what each of them swore an oath to protect.

4. Defendant Rudy Giuliani bears substantial and outsized responsibility for the campaign of partisan character assassination of Ms. Freeman and Ms. Moss. He orchestrated a sustained smear campaign, repeatedly accusing Ms. Freeman and Ms. Moss, by name, on television and on the Internet and social media networks of committing election fraud in order to alter the outcome of the 2020 presidential election in Georgia. Specifically, Defendant Giuliani published, caused to be published, and foreseeably led others to publish false accusations that Ms. Freeman and Ms. Moss had committed election fraud by, among other things:

- engaging in a criminal conspiracy, along with others, to illegally exclude observers during the counting of ballots “under false pretenses” so that they could engage in election fraud;
- criminally and/or fraudulently introducing “suitcases” of illegal ballots into the ballot-counting process;
- criminally and/or fraudulently counting the same ballots multiple times in order to swing the results of the election;
- surreptitiously passing around flash drives that were not supposed to be placed in Dominion voting machines; and
- committing other crimes, including participating in something that amounted to the “crime of the century.”

5. Defendant Giuliani, a member of former President Donald J. Trump’s 2020 presidential campaign team and a former sometime lawyer to Trump, is a key figure in orchestrating and disseminating the conspiracy theory that the 2020 election was “stolen” from Trump by now-President Joseph R. Biden, Jr. through coordinated large-scale election fraud across key swing states, including Georgia. With knowledge that the allegations against Ms. Freeman

and Ms. Moss were false or with reckless disregard for their falsity, over a period of more than 18 months and continuing even after Plaintiffs initiated this action, Defendant Giuliani has relentlessly, repeatedly, and publicly accused Plaintiffs of engaging in the illegal act of election fraud, among other baseless smears. He has spread these lies in numerous meetings, on television, in conversations with incumbent candidate Trump and other Trump campaign members, and on the Internet, when it was at least reasonably foreseeable that others would repeat these claims as truth.

6. On December 3, 2020, the Trump campaign published an excerpted clip from State Farm Arena security camera video showing grainy images of Ms. Freeman and Ms. Moss (then-unnamed, but later identified on air and on the Internet as Ms. Freeman and Ms. Moss) counting ballots (the “Trump Edited Video”).¹ Defendant Giuliani re-published the Trump Edited Video on his Twitter account that afternoon.

7. Within 24 hours of the original publication by Defendant Giuliani and the Trump campaign of these lies on December 3, 2020, Georgia election officials had publicly and definitively debunked the claims about Ms. Freeman and Ms. Moss. They publicly explained in detail what the misinterpreted video did *not* show: no suitcases; no illegal ballot counting; no election fraud. A full hand recount of Georgia’s election results had already confirmed the election results and, by December 7, so would a second recount requested by the Trump campaign. Through December and January, Georgia’s Republican election officials continued to explain to the public, again and again, that thorough reviews had disproven Defendant’s false claims and had proven that there had been no illegal or improper ballot counting.

¹ The video is edited in the sense that it is excerpted from a much longer tape.

8. Despite knowing that the Georgia election officials had refuted the allegations of wrongdoing, Defendant Giuliani chose to deliberately disregard the truth and instead to use the Trump Edited Video to continue to fabricate and publish lies about Ms. Freeman and Ms. Moss.

9. Defendant Giuliani's character assassination of Ms. Freeman and Ms. Moss was deliberate. Around December 2020, Defendant Giuliani launched a "Strategic Communications Plan" ("Strategic Plan") designed to overturn the 2020 election by engaging in a "[n]ationwide communications outreach campaign to educate the public on the fraud numbers" during the ten-day period between December 27, 2020, and January 6, 2021.² The Strategic Plan's messaging relied on the following call to action: "YOU CANNOT LET AMERICA ITSELF BE STOLEN BY CRIMINALS – YOU MUST TAKE A STAND AND YOU MUST TAKE IT TODAY."

10. Giuliani's Strategic Plan identified Ms. Freeman and Ms. Moss *by name* and falsely accused them of engaging in the criminal act of voter fraud. Under the heading "Election Officials' Illegal Actions," the Strategic Plan stated, "Election Official Ruby Freeman is seen surreptitiously & illegally handing off hard-drives ON CAMERA in the Georgia counting facility." It references the "Video of Ruby and Shay [sic]" at midnight and also stated "Ruby Freeman (woman in purple shirt on video), now under arrest and providing evidence against GA SOS Stacey Abrams and DNC on advanced coordinated effort to commit voter / election fraud" which was then followed by bracketed text acknowledging no basis for the statement: "[*need confirmation of arrest and evidence*]."

² Giuliani Presidential Legal Defense Team, *Strategic Communications Plan* (Dec. 17, 2020), available at <https://perma.cc/VP2S-CJMR>.

11. Giuliani's Strategic Plan listed more than a dozen "CHANNELS TO DISSEMINATE MESSAGING," which included "Presidential Tweets[,] Giuliani Team Tweets[,] Talk Radio[,] Conservative Bloggers[,] YouTube Influencers" and "Social Media Influencers."

12. Defendant Giuliani launched the Strategic Plan, a significant part of which consisted of Defendant Giuliani publishing widely lies about Ms. Freeman and Ms. Moss by name. He amplified his defamatory statements by publishing them on a variety of channels, including on television and on social media. He encouraged those listening to watch and spread the defamatory clips repeatedly. As intended, numerous third-party publishers republished Giuliani's false accusations to millions of viewers and readers, identifying Ms. Freeman and Ms. Moss by name while showing clips from the Trump Edited Video and leveling additional false and malicious accusations of criminal election fraud against them. Defendant Giuliani continued to repeat and republish the false and defamatory statements throughout 2021 and into 2022, including after Plaintiffs initiated this action. With no concern for the truth, or for the real-life consequences of his willful lies, Defendant Giuliani falsely and baselessly portrayed Plaintiffs as traitors who participated in a conspiracy to steal the presidential election in Georgia.

13. Contrary to Defendant Giuliani's widely disseminated lies, at no time did Ms. Freeman or Ms. Moss ever: conspire to clear poll watchers from the room where they were counting ballots, produce secret "suitcases" full of illegal ballots, or illegally count ballots multiple times. There is not, and has never been, any basis for these statements, either in the Trump Edited Video or in any other document, photograph or credible evidence.

14. The lies about Plaintiffs have had prolonged and tragic consequences for their lives and well-being. As a result of Defendant Giuliani's defamatory campaign, Ms. Freeman and Ms. Moss were subjected to an immediate onslaught of violent and racist threats and harassment, and

such threats and harassment continue to appear online to this day. Their personal and professional reputations have been destroyed. From the period after Defendant Giuliani started broadcasting lies about them to the present, Ms. Freeman and Ms. Moss have feared for their physical safety and have suffered a devastating emotional toll.

15. At the height of Defendant's disinformation campaign, Ms. Freeman, at the recommendation of the FBI, fled her home and did not return for more than two months. On at least two occasions, strangers showed up at her grandmother's home, an address where Ms. Moss had once lived, and attempted to push into the house in order to make a "citizens' arrest." On or about January 5, 2021, a group of strangers on foot and in vehicles surrounded Ms. Freeman's house. In addition, Ms. Freeman was forced to shutter an online business because her use of social media resulted in continuing threats and slanders against her.

16. In her subsequent work on Fulton County elections, Ms. Moss suffered continuing personal and professional consequences. At work, harassing and threatening email messages from the public went to a listserv that included Ms. Moss and her colleagues, making her a target at her workplace. She has subsequently been driven to seek new employment.

17. As a result of Defendant's ongoing campaign, the Plaintiffs can no longer live normal lives. If she hears her name called in public, Ms. Freeman is afraid that she will be identified and attacked. Ms. Moss fears even visiting a grocery store, where she might be recognized.

18. The targeting of America's election workers—whose service to our system of government places them in the crosshairs of those who seek to undermine it—imposes a devastating human cost on those individuals and their families. It also undermines the principle that citizens can and overwhelmingly do participate in national elections with impartiality and

integrity. Deliberate efforts to spread disinformation about America's election workers undermine the integrity of American elections, discourage public participation in the electoral process, and accordingly, threaten democracy.

PARTIES

19. **Plaintiff Ruby Freeman** worked as a temporary election worker with the Fulton County Registration and Elections Department during the 2020 general election to assist in the electoral process of counting votes that would eventually determine the delegates Georgia sent to Washington, D.C., to certify the presidential election. Her responsibilities included verifying signatures on absentee ballots and preparing absentee ballots for counting and processing. She is a citizen of Georgia.

20. **Plaintiff Wandrea "Shaye" Moss** worked on Fulton County's absentee ballot operation during the 2020 general election. She worked for the Fulton County Registration and Elections Department beginning in 2012. During the 2020 election, Ms. Moss's position with the County was as a Registration Officer, and her responsibilities included processing voter applications and assisting voters in person and over the phone. She is a citizen of Georgia.

21. **Defendant Rudolph W. Giuliani** is a former politician and government official who has become a podcast and radio show host, a pundit on other channels, and (at times) he was the personal attorney to Donald Trump. Defendant's law licenses have been suspended in his home state of New York and in the District of Columbia (the "District") because of his knowing or reckless falsifications, including his lies about Plaintiffs. He is domiciled in New York but has engaged in a persistent course of conduct in the District relating to the statements at issue and he has admitted in answering the Plaintiffs' first Complaint that he made some of the defamatory statements described below from the District.

JURISDICTION AND VENUE

22. This Court has original jurisdiction over this action and Defendant pursuant to 28 U.S.C. § 1332(a)(1), as the matter in controversy exceeds \$75,000 exclusive of interests and costs and is between citizens of different states.

23. This Court may exercise personal jurisdiction over Rudolph Giuliani pursuant to § 13-423 of the District of Columbia Code because he: (i) transacted business within the District of Columbia; (ii) was licensed to practice law in the District of Columbia; (iii) caused tortious injury by acts committed within the District of Columbia, including by making false and defamatory statements about Plaintiffs from within the District of Columbia, and/or, on information and belief, directly to individuals within the District of Columbia; and (iv) caused tortious injury by acts committed outside the District of Columbia while regularly doing business within, engaging in persistent conduct within, and deriving substantial revenue from services rendered within the District of Columbia.

24. Alternatively, this Court has personal jurisdiction over Defendant Giuliani pursuant to D.C. Code § 13-423(a) because Defendant committed acts in the District of Columbia that caused tortious injury to Plaintiffs within the District of Columbia. Defendant made defamatory statements that were produced and published in the District of Columbia. The publication of defamatory content within the District constitutes overt acts that furthered Defendant's common scheme with other individuals. Further, the publication of defamatory content about Plaintiffs, both from within and without the District, was directed, in part, to legislators, officials, and constituents in the District for the purpose of preventing the transfer of power from former President Trump to President Biden and, thereafter, causing power to be transferred back to former

President Trump. As a result, Plaintiffs suffered tortious injury in the District of Columbia by virtue of the publication of defamatory content in the District.

25. Defendant Giuliani does not contest this Court’s exercise of personal jurisdiction over him.

26. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events giving rise to this action occurred in the District of Columbia.

BACKGROUND

27. Liability in this case is predicated on a series of defamatory statements which Defendant Giuliani published or caused to be published beginning on December 23, 2020. This background section provides facts and context about the parties and the events in the weeks leading up to those actionable statements.

A. Plaintiffs Serve as Election Workers in the 2020 Election in Fulton County, Georgia.

28. In the lead-up to Election Day 2020, Georgia “emerged as one of the nation’s biggest electoral battlegrounds in the race for the White House.”³

29. The voting process in Georgia began on September 15, 2020, when local officials began mailing out absentee ballots.⁴ Voters could cast early voting ballots in person from October 12, 2020, until October 30, 2020, and they could vote by mail until Election Day, on November 3, 2020.⁵ All told, more than 4 million Georgians cast ballots during early voting or via absentee

³ Greg Bluestein, *Election Day Arrives: 5 Factors That Will Decide Georgia’s 2020 Race*, ATLANTA J.-CONST. (Nov. 3, 2020), <https://perma.cc/MGH2-NUFY>; see also *id.* (noting how “tantalizingly close” Democrats came to winning a statewide official in 2018).

⁴ Ga. Sec’y of State, 2020 State Elections and Voter Registration Calendar, <https://perma.cc/XKQ4-6QAF> (last visited Dec. 22, 2021).

⁵ Claire Simms et al., *Voting in Georgia 2020: Registering to Vote, Absentee Ballots, and More*, Fox 5 Atlanta (Oct. 28, 2020), <https://perma.cc/4SAD-8KH6>.

ballot in the 2020 election.⁶ On Election Day, when another 975,540 people cast votes,⁷ Georgia Secretary of State Brad Raffensperger observed, “We are having a successful election in Georgia today.”⁸

30. In Fulton County, absentee ballots were counted in the State Farm Arena.

31. Plaintiff Wandrea Moss had worked on elections in Fulton County since 2012, and had been tabulating ballots in every election throughout that period. In 2020, she was assigned to focus on the tabulation of absentee ballots.

32. Plaintiff Ruby Freeman had signed up to be a temporary worker for the November 2020 election. She was asked to join the work at State Farm Arena.

33. On November 13, 2020, NBC, ABC, CBS, and CNN declared Joe Biden the projected winner of Georgia,⁹ followed by Fox News and the Associated Press on November 19, 2020.¹⁰

34. From November 11 through November 19, 2020, county election officials carried out a risk-limiting audit, which included a full manual tally of all votes cast, and confirmed Biden had won Georgia’s election: “Audit boards from all 159 Georgia counties examined 41[,],881 batches, hand-sorting and counting each ballot as part of the process, which was the largest hand

⁶ November 3, 2020 General Election, *President of the United States*, Ga. Sec’y of State, <https://perma.cc/VM2L-5JPZ> (last visited Mar. 17, 2022).

⁷ *Id.*

⁸ Kate Brumback & Sudhin Thanawala, *Despite A Few Hiccups, Voting in Georgia Goes Smoothly*, Associated Press, Nov. 3, 2020, <https://perma.cc/77K9-QBYS?type=image>.

⁹ *AP: Trump Wins North Carolina but Georgia Too Close to Call*, ABC10.com (Nov. 13, 2020), <https://perma.cc/D3A5-G9DG>.

¹⁰ *FOX News, AP calls Georgia for Biden As State Finalized Hand Recount Audit*, FOX 5 Atlanta (Nov. 20, 2020), <https://perma.cc/V8FB-TQRD>.

count of ballots in United States history.”¹¹ According to the audit report, “no individual county showed a variation in margin larger than 0.73%.” Moreover, “103 of the 159 counties showed a margin variation of less than 0.05%.”¹² It concluded “the correct winner was reported.”¹³

35. On November 20, 2020, Secretary of State Raffensperger certified Biden’s victory.¹⁴ That same day, Republican Governor Brian Kemp certified Georgia’s election results.¹⁵

36. President Trump requested a recount, which was conducted using scanners that read and tallied the votes.¹⁶ The recount was the third tally of votes in the Georgia presidential race and the third tally to conclude that President Biden had won the election.¹⁷ On December 7, 2020, Georgia officials recertified President Biden’s victory of the state’s 16 electoral votes.¹⁸

B. Defendant Giuliani and Trump’s Campaign Team Spread the Lie That Election Workers Had Illegally Instructed Observers to Leave and Counted Thousands of Fraudulent Ballots Unobserved.

37. On December 3, 2020, Trump Campaign surrogates testified before the Georgia Senate, alleging that fraud and misconduct had occurred during Georgia’s November 2020 election.¹⁹

¹¹ Ga. Sec’y of State, *Risk-Limiting Audit Report: Georgia Presidential Contest, November 2020* (Nov. 19, 2020), <https://perma.cc/3CT8-W9BC>.

¹² *Id.*

¹³ *Id.*

¹⁴ Kate Brumback, *Georgia Officials Certify Election Results Showing Biden Win*, Associated Press (Nov. 20, 2020), <https://perma.cc/4LMY-ZL52?type=image>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Beau Evans, *Georgia Senate Panel Hosts Trump Attorney Giuliani As Election Officials Dispute Fraud Claims*, Augusta Chron. (Dec. 3, 2020), <https://perma.cc/T8ZS-4F8V>.

38. At the hearing, a lawyer assisting the Trump campaign played snippets of the Trump Edited Video²⁰ while a campaign surrogate claimed that Republican observers had been asked to leave the arena in contravention of Georgia law and that, once they were gone, Plaintiffs and other election workers produced and counted 18,000 hidden, fraudulent ballots—more than the margin of victory in the Georgia presidential race.²¹ The surrogate referred to “suitcases of ballots [stored] under a table, under a tablecloth;” identified the election workers in the room as “the lady in purple,” “two women in yellow,” and “the lady with the blond braids also, who told everyone to leave;” and stated “one of them had the name Ruby across her shirt somewhere.”²²

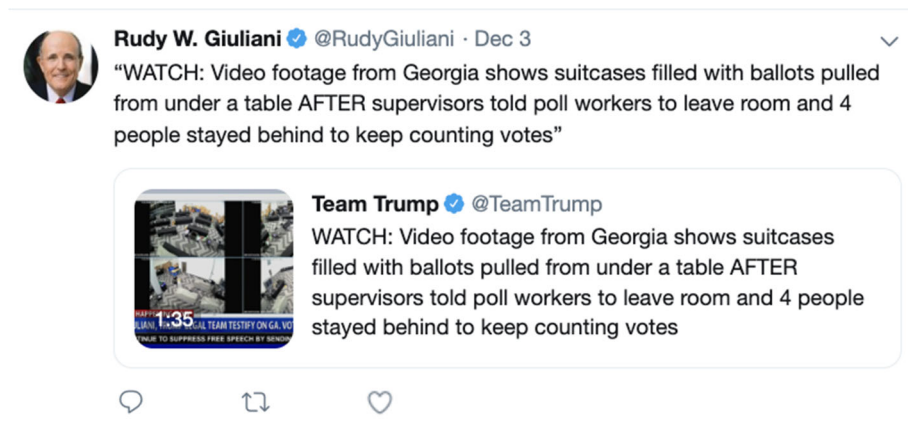
39. That same day, the Trump Campaign published the Trump Edited Video on Twitter and tweeted that it showed “suitcases filled with ballots pulled from under a table AFTER supervisors told poll workers to leave room and 4 people stayed behind to keep counting votes.” On December 3 and 4, Defendant Giuliani repeatedly broadcast the lie on his own Twitter account²³:

²⁰ 11Alive, *Second Georgia Senate Election Hearing*, YouTube (Dec. 3, 2020), <https://perma.cc/GM2R-HX44?type=image> (showing Trump campaign volunteer Jacki Pick’s commentary on the surveillance footage from 33:27 to 50:26).

²¹ Angelo Fichera, *Video Doesn’t Show ‘Suitcases’ of Illegal Ballots in Georgia*, FactCheck.org (Dec. 7, 2020), <https://perma.cc/Z3P2-A3DC>. For video of the hearing, see also 11Alive, *Second Georgia Senate Election Hearing*, YouTube (Dec. 3, 2020), <https://perma.cc/GM2R-HX44?type=image>.

²² 11Alive, *Second Georgia Senate Election Hearing*, YouTube (Dec. 3, 2020), <https://perma.cc/GM2R-HX44?type=image>.

²³ Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 3, 2020), *available at* <https://perma.cc/2DTZ-LGVP>; *see also* Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 3, 2020, 1:48 PM), <https://perma.cc/EGH5-NJK7?type=image>; Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 3, 2020, 10:14 PM), <https://perma.cc/PSL3-KBPP?type=image>; Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 4, 2020, 9:12 AM), <https://perma.cc/H5SN-SGL2>; Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 4, 2020, 5:03 PM), <https://perma.cc/TE8Y-MA5U>; Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 4, 2020, 6:23 PM), <https://perma.cc/7N5Z-CNXA>.



C. The Lie About Georgia Election Fraud Was Promptly and Authoritatively Refuted.

40. Both the Office of the Georgia Secretary of State (led by a Republican who endorsed former President Trump during the 2020 campaign) and the Georgia Bureau of Investigation immediately investigated Defendant’s claims. They reviewed the security videotape in its entirety, interviewed all witnesses who were present at the time of the alleged misconduct, and found no evidence whatsoever to substantiate any of the claims.²⁴

41. At 5:41 a.m. on December 4, 2020, the Voting Implementation Manager for the State of Georgia, Gabriel Sterling, refuted the false claims of election fraud on Twitter: “The 90 second video of election workers at State Farm arena, purporting to show fraud was watched in its entirety (hours) by @GaSecofState investigators. Shows normal ballot processing. Here is the fact check on it.”²⁵

42. Mr. Sterling’s tweet shared a link to a fact-check published by Lead Stories, a fact-checking website that identifies false or misleading stories. It demonstrated that the Trump Edited

²⁴ See Response of the Georgia Secretary of State to the Court’s Order of September 20, 2021 (“McGovern’s Resp.”), *Favorito v. Wan*, Civ. No. 2020CV343938 (Fulton Cnty. Ga. Super. Ct. Oct. 12, 2021), <https://perma.cc/PYU3-G5K4>.

²⁵ Gabriel Sterling (@GabrielSterling), Twitter (Dec. 4, 2020, 5:41 AM), <https://perma.cc/7KMR-EJ4B>.

Video did not show suitcases full of ballots being pulled from under a table, and that poll watchers were not told to leave.²⁶ The fact-check quotes Georgia election officials explaining that the containers in the video contained ballots that were processed for counting earlier in the night, that the vote count data and voter verifications negated the claim that thousands of fraudulent ballots had been introduced into the count, and that it was not illegal for election workers to count ballots in the observers' absence.²⁷

43. On December 4, 2020, Georgia Public Broadcasting published its own article fact checking the election fraud claims made during the Georgia Senate hearing the previous day. The article directly refuted the Trump legal team's claims concerning the contents of the Trump Edited Video. It reported that the video showed a normal tabulation process, which both state and county officials had verified. It also reported that no observers had been asked to leave, but Republican monitors and the press did leave when some election employees stopped their work for the night. And it clarified that Georgia law does not require poll monitors to be present for the ballot-counting process.²⁸

44. Also on December 4, 2020, in a roughly 17-minute televised Newsmax segment, Mr. Sterling again explained why the video did not show any fraud:

Unlike watching 90 seconds of it like we saw in the Senate hearing yesterday, we've had our investigators watch all many several hours of it yesterday. And what essentially happened is—and we knew about this, part of this, on election night itself—around 10:15/10:20, there's two groups of people in this room that are

²⁶ Alan Duke & Hallie Golden, *Fact Check: Video from Georgia Does Not Show Suitcases Filled with Ballots Suspiciously Pulled from Under a Table; Poll Watchers Were Not Told to Leave*, Lead Stories (Dec. 3, 2020), <https://perma.cc/MF7H-AV2P>.

²⁷ *Id.*; see Angelo Fichera, *Video Doesn't Show 'Suitcases' of Illegal Ballots in Georgia*, FactCheck.org (Dec. 4, 2020), <https://perma.cc/Z3P2-A3DC>.

²⁸ Stephen Fowler, *Fact Checking Rudy Giuliani's Grandiose Georgia Election Fraud Claim*, Georgia Public Broadcasting (Dec. 4, 2020, 8:27 AM), <https://perma.cc/84FL-XCTY>.

working. There are cutters—the people who are opening the envelopes—and then there’s the people who are scanning, which is the ones we see on the video.

And let’s keep a few other things in mind. I’ve been in this room. It’s really obvious there’s video cameras everywhere, so they know they’re being watched on that front.

So what happened was, when the cutters were—they were, once they were done, they were, they was like, “Okay, we’re done, time to go home,” and the media started packing up. And then the monitors kept packing up.

Now the one thing we have is a he said, she said, where the officials there said, “We didn’t tell anybody that they had to leave.” The people who left—the Republican monitor said, “we were told we had to leave.” And we have no audio from those videotapes to ascertain the absolute truth. That’s what is he said she said on that front.

But when you watch the video, the process—those aren’t suitcases. Those are regular absentee carriers used in dozens of counties across the state. That’s how they bring those in. Nothing was brought in without the monitors there, so everything was there. There was nothing new brought in. We didn’t see somebody wheeling stuff into the room; we saw stuff that was already in the room that the monitors already saw brought in.

And then you saw the processes they’re doing. Essentially what happened, the elections director called the absentee coordinator that’s saying we’re not shutting down. Tell them they gotta go get back to work because the counting people thought they were also getting to go home. So they were kind of disappointed. So you see him on his phone. He walks over to them, they kind of shrug their shoulders like, “crap, we got to go back to work again.” So, so they started doing that, and then we found out that the monitors weren’t there anymore. So, we called their elections directors, and we called our state elections board monitor, who we have placed in Fulton County under a consent decree that we had ordered because of their screw-ups in the June election, and yes, there was 82 minutes where there wasn’t a person there. But we have all the videotape that we are literally looking at right now.

We have to ask ourselves in that period of time, I think it was about three to five thousand votes that were scanned, and did this elections crew of, you know, medium-paid, tired elections workers

suddenly become the Ocean’s Eleven crew as part of a theft of an election? Or is it more likely they were tired and irritated?

You see when the SEB monitor gets there, and when the investigator gets there, the armed investigator, they keep doing the exact same thing they were doing. They don’t even pay him any mind because it’s just—they’re doing their regular processes.

And the problem we have is people don’t understand this, and when people whip people’s emotions up, it goes back to the issue I was talking about before of threats being against these thousands of workers across the country.²⁹

45. On December 4, 2020, PolitiFact—a nonprofit website that checks the accuracy of claims made by elected officials and others—published another fact-check of the claim repeatedly made by Defendant that video footage from Georgia showed suitcases filled with ballots being illegally counted after election monitors were told to leave. The PolitiFact article confirmed the conclusions of Lead Stories and Georgia Public Broadcasting that the claim was plainly false. It featured a statement from Fulton County Registration and Elections Director Richard Barron, who confirmed that no announcement was made telling people to leave. Rather, certain staff members left as their work was finished. Mr. Barron himself told the workers scanning the ballots to keep working. Mr. Barron also confirmed that it was normal to keep containers under the tables near the scanners.³⁰

46. On December 5, 2020, Defendant continued to publish and amplify the lies about the Plaintiffs.³¹

²⁹ Monkey Savant, *Gabriel Sterling & Chad Robichaux on Newsmax Discuss the GA Ballot Fraud Situation 12/04/20*, YouTube (Dec. 4, 2020), <https://perma.cc/5X7N-8FYS?type=image>.

³⁰ Bill McCarthy, *No, Georgia Election Workers Didn’t Kick Out Observers and Illegally Count ‘Suitcases’ of Ballots*, PolitiFact (Dec. 4, 2020), <https://perma.cc/JAT3-Y4FQ>.

³¹ OAN, *President Trump’s Legal Team Presents Evidence of Alleged Voter Fraud in Ga.*, YouTube (Dec. 5, 2020), <https://perma.cc/4ETA-TR4K?type=image>; OAN, *Georgia Senate Hearing Shares Surveillance Footage Revealing Potential Ballot Stuffing*, Rumble (Dec. 5, 2020), <https://perma.cc/Z7PF-RDAN>; OAN (@OANN), Twitter (Dec. 5, 2020, 11:31 AM), <https://perma.cc/Z7PF-RDAN>.

47. On December 6, 2020, in *Pearson v. Kemp*, Civ. No. 1:20-cv-04809-TCB (N.D. Ga.), Georgia Governor Brian Kemp filed a sworn affidavit from Frances Watson, chief investigator for the Georgia Secretary of State, further refuting these lies.³² Governor Kemp filed this affidavit in response to claims by a group of presidential electors for former President Trump of widespread election-related misconduct. The affidavit detailed the results of an investigation by Ms. Watson into the alleged events at the State Farm Arena. Ms. Watson attested that her investigative team interviewed witnesses and reviewed the entire security footage. Her investigation found that (i) observers and members of the press were *not* told to leave, but exited the room after seeing a group of workers responsible for opening envelopes leave; and (ii) no ballots were brought in from an unknown location and hidden under a table. She also stated that the video showed opened but uncounted ballots being placed in boxes and stored under the table, and later showed the boxes being reopened so the workers could scan the ballots when the counting resumed later that night.

48. The Watson affidavit's submission and its content were widely reported in the press on December 6 and 7, 2020.³³

49. On December 7, 2020, Georgia Secretary of State Brad Raffensperger held a widely covered press conference to announce that Georgia was re-certifying the results of the 2020

<https://perma.cc/23FQ-WE9W>; Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 5, 2020, 12:49 PM), <https://perma.cc/RT9Y-CDQW>.

³² Decl. of Frances Watson, *Pearson v. Kemp*, Civ. No. 1:20-cv-04809-TCB (N.D. Ga. Dec. 6, 2020), ECF No. 72-1, available at <https://perma.cc/4WAJ-H3MV>.

³³ See, e.g., Daniel Chaitin, *Chief Georgia Investigator: No 'Mystery Ballots' Seen in Security Video*, Wash. Examiner (Dec. 6, 2020), <https://perma.cc/6TTM-KXEY>; Ronn Blitzer, *No 'Mystery Ballots' Hidden under Table in Fulton County, Georgia Investigator Swears in Affidavit*, Fox News (Dec. 7, 2020), <https://perma.cc/VBQ5-ZLY8>; Peter Weber, *Georgia's Top Election Investigator Debunks a Vote Fraud Conspiracy Involving 'Suitcases' of Ballots, a Urinal*, Yahoo News (Dec. 7, 2020), <https://perma.cc/S734-R6Y2>.

election.³⁴ After announcing the recertification, Secretary Raffensperger introduced Mr. Sterling, who once more refuted the lies about the Trump Edited Video that Defendant Giuliani was continuing to spread. Mr. Sterling yet again confirmed that the surveillance video showed that the containers taken from under a table held valid, uncounted ballots that had been stored by workers who thought they were leaving for the night. After realizing that they were staying, the workers unpacked the ballots from the containers and resumed scanning them.³⁵

50. Mr. Sterling then specifically refuted the claim that Plaintiffs had illegally scanned the same ballots multiple times:

Sterling: Is there any other disinformation I missed over the weekend guys? . . .

Reporter: The one I keep hearing over and over, is a woman scanning ballots over and over and over again. Can you explain whether the machines can count a ballot three times?

Sterling: Well if it, if it counted it five times, guess what, it would have shown up in the hand count. Because if you do the same batch, let's say—I don't even know how many there were, a hundred, two hundred, whatever it was—and let's say you do it three times, they would have been 600 off on that on the hand count. They weren't. I mean, it's just, as I've said, and y'all have heard me say it before, it's a ridiculous game of whack-a-mole.³⁶

51. Sterling's press conference and his refutation of the lie that Plaintiffs illegally scanned ballots multiple times were widely reported.³⁷

³⁴ *Georgia Final 2020 Presidential Recount Results*, C-SPAN (Dec. 7, 2020), <https://perma.cc/6NET-C29R?type=image>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *See, e.g.*, Nick Corasaniti, *Top Georgia Election Official Debunks 'Ridiculous' Claims about Election Fraud*, N.Y. Times (Dec. 7, 2020), <https://perma.cc/7TYA-AWYL>.

D. By December 7, 2020, the Truth of What Had Happened – and What Did Not Happen – at the State Farm Arena on the Evening of November 3 Had Been Widely Reported.

52. As described above, beginning on December 3, 2020, the Georgia Secretary of State and Georgia Bureau of Investigation immediately investigated Defendant Giuliani's claims. As of December 7, 2020, from the reported results of their investigations, along with widely disseminated independent fact-checks and the reported results of the two recounts, including a hand recount and a machine recount, generally available public information had definitively established that:

- a) the water leak reported at the State Farm Arena on November 3 turned out to be an overflowing urinal;
- b) the flooding did not affect the counting of votes;
- c) no announcement was made telling monitors, members of the press, or others to leave on election night;
- d) no ballots were brought into the arena from an unknown location;
- e) the supposed "suitcases" of illegal ballots were not suitcases, but regular ballot containers filled with valid, uncounted ballots;
- f) those ballots were not "hidden," but stored, and no one tampered with those ballots;
- g) there was no evidence that Plaintiffs had illegally counted ballots multiple times, because they did not—if anyone had done so, there would have been a significant discrepancy between results of the hand count and the results on election night, and there was no such discrepancy;
- h) the ballot processing in the Trump Edited Video was, in fact, entirely normal; and
- i) neither Plaintiffs nor anyone else committed election fraud in Fulton County that altered the results of the election, and there was no credible evidence of any conspiracy to commit such fraud.

53. On information and belief, Defendant Giuliani learned of the numerous, authoritative refutations of the lies about Plaintiffs in real time or he recklessly disregarded them.

As described more fully below, he was certainly aware of them no later than December 7, 2020. Nevertheless, he continued to publish lies about Plaintiffs, including on December 9 and 10.³⁸

54. No later than December 30, 2020, Secure the Vote, a website maintained by the office of the Georgia Secretary of State, posted a detailed timeline to fact-check the claims about what is depicted in the Trump Edited Video³⁹; Secure the Vote subsequently added descriptions to the timeline, documenting the events from November 3, 2020 actually shown on the Trump Edited Video, including the following⁴⁰:

5:22 AM	Workers arrive at State Farm Arena and discover a water leak. They immediately move tables and ballots away from the leak to prevent any water damage.
6:30 AM	Workers can be seen moving tables, but not tampering with ballots.
7:11 AM	Workers are seen vacuuming and drying the floors.
8:22 AM	Workers begin rearranging the room to its original layout. They move tables and ballot containers. The table under which a “suitcase” full of ballots was allegedly stashed is moved, revealing nothing hidden there.
9:57 PM	Poll workers prepare to stop work for the night and empty ballot containers are brought into the room. Workers then fill the containers with uncounted ballots.
10:06 PM	Poll workers store the containers with uncounted ballots under the table for the night while there are still many people in the room.

³⁸ Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 9, 2020, 11:26 AM), <https://perma.cc/3GL9-5B4E>; Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 10, 2020), available at <https://perma.cc/RL93-ZS57> (re-tweeting Trump Edited Video); see also Stephen Fowler, *At Georgia House Hearing, Republicans’ Baseless Claims of Voting Fraud Persist*, Ga. Pub. Broadcasting (Dec. 10, 2020, 11:25 AM), <https://perma.cc/5YS4-KGU5>.

³⁹ *Fact Check*, Secure the Vote, <https://perma.cc/Z7E2-57NU> (last visited Dec. 22, 2021).

⁴⁰ *State Farm Arena*, Secure the Vote, <https://perma.cc/22F2-8MQU?type=image> (last visited Dec. 22, 2021).

11:02 PM	After the Secretary of State ⁴¹ told poll workers they should continue working through the night, they remove the containers with uncounted ballots from underneath the table and resume their counting.
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55. Moreover, these facts were widely reported again in the aftermath of President Trump’s January 2, 2021, call with Secretary Ruffensperger, and that call prompted additional fact-checks described more fully below.

56. Notwithstanding the immediate, authoritative, and repeated fact-checks, and Defendant’s awareness of those fact-checks, Defendant has spent the last 18 months defaming Plaintiffs as described below and has never retracted his lies.

THE ACTIONABLE DEFAMATORY STATEMENTS

A. In December 2020, Defendant Giuliani Orchestrates, Coordinates, and Implements a Campaign to Defame Plaintiffs.

57. The Strategic Plan orchestrated by Defendant Giuliani identified the time period between December 27, 2020, and January 6, 2021, as the “10 Days To Execute This Plan & Certify President Trump.”⁴² Although styled as the “Presidential Legal Defense Team,” Defendant Giuliani was not a government lawyer and it is clear from the document that the authors worked on behalf of the Trump Campaign and aimed to further the Trump Campaign’s private political goals. The Strategic Plan became public in January 2022 as part of the work performed by the

⁴¹ The Voting Implementation Manager for the State of Georgia, Gabriel Sterling, reported that Georgia’s Secretary of State Brad Raffensperger ordered election workers to continue counting ballots through the night. Maggie Astor, *A Georgia Election Official Debunked Trump’s Claims of Voter Fraud, Point by Point*, N.Y. Times (Jan. 4, 2021), <https://perma.cc/5F4K-LADG>.

⁴² Giuliani Presidential Legal Defense Team, *Strategic Communications Plan* (Dec. 17, 2020), available at <https://perma.cc/VP2S-CJMR>.

congressional Select Committee to Investigate the January 6th Attack on the United States Capitol.⁴³

58. The stated goal of the Giuliani Strategic Plan was: “Nationwide communications outreach campaign to educate the public on the fraud numbers, and inspire citizens to call upon legislators and Members of Congress to disregard the fraudulent vote count and certify the duly-elected President Trump.”

59. The first of the “Issues” the Giuliani Strategic Plan identified was “MASSIVE CORRUPTION IN THE ELECTION PROCESS LED TO A VOTE TALLY THAT IS FRAUDULENT” and under the heading “**Fraudulent Ballots**” stated, “Fulton County, GA, video of suitcases of fraudulent ballots.”

60. Under the headline “**Election Officials’ Illegal Actions**,” the Giuliani Strategic Plan identified Plaintiff Freeman by name: “Election Official Ruby Freeman is seen surreptitiously & illegally handing off hard-drives ON CAMERA in the Georgia counting facility.”

61. The Giuliani Strategic Plan goes on to identify suggested “MESSAGING,” to include asking “What do you elections officials have to hide?” and to tell “EVERYONE” that “***YOU CANNOT LET AMERICA ITSELF BE STOLEN BY CRIMINALS – YOU MUST TAKE A STAND AND YOU MUST TAKE IT TODAY.***”⁴⁴

62. As one of the “SUPPORTING DOCUMENTS” that were “Presented by the Giuliani Team,” the Giuliani Strategic Plan included a series of “VOTER FRAUD HIGHLIGHTS

⁴³ The document was produced by former New York City police commissioner and ally of Giuliani Bernard Kerik as part of the investigation. See Nicholas Wu & Kyle Cheney, *Bernard Kerik Provides Batch of Documents to Jan. 6 Select Committee*, POLITICO (Dec. 31, 2021), <https://perma.cc/59QR-R7T7>.

⁴⁴ *Id.* at 4-5.

FOR THE 2020 US ELECTION” organized by state. The “GEORGIA” “VOTER FRAUD HIGHLIGHT[]” began by identifying Plaintiffs by name:⁴⁵

GEORGIA

Margin: 10,000 votes

- Video of Ruby and Shay at midnight
 - That is the time of the 200,000 vote bump
 - Similar interruptions at same time in other states
 - No Watermain Break – a lie to get the Republican observers and media to leave at 10:30pm

63. The Giuliani Strategic Plan also identifies the “TOP 10 WORST FRAUD INCIDENTS BY STATE,” and identifies Plaintiff Freeman by name as the first one under “GEORGIA” and claimed she is “under arrest” for being part of a “coordinated effort to commit voter/election fraud”:⁴⁶

GEORGIA

1. **"Suitcase Gate"** - Video of "ballot stuffing" when "suitcases" (container type) filled with ballots (approximately 6,000 in each container) were rolled out from under table at GA arena and placed in tabulation machines (one batch repeatedly tabulated at least 3 times) by [X number] of poll workers who remained AFTER all Poll Watchers (GOP and the like), press and all third parties were required to leave the premises per announcement at or about [__ AM] until [__ AM] in violation of election laws enacted by GA state legislature. Ruby Freeman (woman in purple shirt on video), now under arrest and providing evidence against GA SOS Stacey Abrams and DNC on advanced coordinated effort to commit voter / election fraud [need confirmation of arrest and evidence].

The face of the document itself acknowledges that despite making the claim, there was no confirmation of any “arrest” or supporting “evidence.”

64. The Giuliani Strategic Plan directs and targets the defamatory statements about Plaintiffs to the District, including by identifying: the “**FOCUS OF CAMPAIGN**” to be “Republican Members” of the United States Congress; influential individuals in the District, including “Freedom Caucus Members” and Trump Advisor “Peter Navarro Team,” as “**KEY**

⁴⁵ *Id.* at 9.

⁴⁶ *Id.* at 20.

TEAM MEMBERS”; planning “Protests in DC” as part of the “Targets” for “**RALLIES AND PROTESTS.**”⁴⁷ It also indicates that Giuliani was working closely with President Trump and his campaign, located in the District.

B. Defendant Giuliani Executes the Plan to Defame Plaintiffs.

65. As he carefully planned, Defendant repeatedly defamed Plaintiffs across multiple widely viewed media platforms.

December 23, 2020, Episode of Giuliani’s Common Sense

66. On the December 23, 2020 edition of his video podcast, *Rudy Giuliani’s Common Sense*, Giuliani identified Ms. Freeman by name as someone with “a history of voter fraud participation” and further defamed her as follows:

There’s a video recording in Fulton County, Georgia, of what is obviously, without any doubt, the theft of votes. You have to be a naive child or a completely dishonest partisan not to realize that **the observers are being thrown out of the room. A phony excuse of a water main break was used. They still were thrown out of the room, didn’t want to leave. Once they were all left and a last check was done around the hall, the workers for Atlanta—for Fulton County—the five or six, one of whom has a history of voter fraud participation, Ruby Freeman, uh, they scurry under these desks.** Hardly where you would keep ballots, right? And they start taking ballots out and then put them on a wheelbarrow sort of thing and wheel them around. And you can see the ballots don’t really look like, like absentee ballots that are in envelopes; they look more like pristine pieces of paper. And then they’re given out and very quickly are being counted, counted, counted, counted, there are times in which it appears that they were being counted more than one time—three, four, five, six, seven times, eight times. . . . **[I]t’s quite clear no matter who they’re doing it for, they’re cheating. It looks like a bank heist.**⁴⁸

⁴⁷ *Id.* at 1, 6-7.

⁴⁸ Rudy Giuliani’s Common Sense, *Christmas Is Not Canceled, It’s Vital This Year* | Rudy Giuliani | Ep. 96, Rumble (Mar. 22, 2021), <https://perma.cc/T9VY-LPU7>; Rudy Giuliani, *Christmas Is Not Canceled, It’s Vital This Year* | Rudy Giuliani | Ep. 96, RudyGiulianics.com (Dec. 23, 2020), <https://perma.cc/FY6G-EEJD>.

67. Giuliani and others amplified these lies on social media. For example, One America News Network’s (“OAN”) social media post about the December 23 episode of *Common Sense* linked to an article from the OAN Newsroom.⁴⁹

68. That episode remains available on Giuliani’s website.⁵⁰

December 25, 2020, Episode of Giuliani’s Common Sense

69. Two days later, on his Christmas Day episode of *Common Sense*, which had 1.3 million views on YouTube as of February 22, 2021,⁵¹ Giuliani repeated the same defamatory claims and again identified Ms. Freeman by name:

Live from Fulton County, let’s watch the Democrats steal the election! And there you see it. **Ruby Freeman and her crew getting everybody out of the center, creating a false story** that there was a—that there was a water main break. No water main break. **They get everybody out. They wait, they wait, they wait. They check, they check, they check, like they’re gonna do a heist, and all of a sudden the crooks sprang into action.** They go under a desk covered like a casket, and they start pulling ballots out. Tremendous numbers of ballots. And they bring them over to one counting stand, all the way over here, another counting stand, another—and they keep looking around to make sure there’s nobody in the room! . . . Every once in a while, you look closely, you can them doing this—one ballot [gestures scanning a ballot multiple times]. You know what that does? That takes Biden and multiplies it by 5.

...

⁴⁹ Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 23, 2020, 10:12 PM), <https://perma.cc/KN77-B4W2?type=image>; OAN, One America News Network, Facebook (Dec. 25, 2020), <https://perma.cc/K7CJ-MZ49>. The link from OAN’s Facebook page takes one to a page that has now been taken down. But an archived version of that page (with the same link) is available at: *Giuliani: New Developments in Election Fraud Case Coming Up*, OAN (Dec. 25, 2020), available at <https://perma.cc/N5DT-YDU3?type=image> (last visited Dec. 22, 2021).

⁵⁰ Rudy Giuliani, *Christmas Is Not Canceled, It’s Vital This Year* | Rudy Giuliani | Ep. 96, RudyGiulianics.com (Dec. 23, 2020), <https://perma.cc/FY6G-EEJD>.

⁵¹ Rudy W. Giuliani, *Who Will Be Our President? The Current State of Our Country* | Rudy Giuliani | Ep. 97, YouTube (Dec. 25, 2020), available at <https://perma.cc/AY9K-3RP3?type=image> (last visited Dec. 22, 2021).

[J]ust look at the tape. That accounts for anywhere from 40 to 80,000 votes. The number then when we look at it on, was like 138,000 for Biden and 2,000 for Trump. Take those out of their numbers— Trump won Georgia honestly. We want honest votes here.⁵²

70. That episode remains available on Giuliani’s website, and he amplified it on social media.⁵³

December 30, 2020, Rudy Giuliani Interview by OAN’s Chanel Rion

71. On December 30, 2020, Defendant Giuliani promoted the lie in an interview by Chanel Rion, an OAN staffer based in Washington, D.C., and broadcast on OAN. In the segment, Ms. Rion asks Defendant Giuliani, “Talk about Georgia for a second. How important is Georgia right now?” With the Trump Edited Video depicting Ms. Freeman and Ms. Moss playing on screen as he spoke, Giuliani responded:

There are five or six states that can make the difference here and that have the evidence already have the evidence that shows that the Biden people stole the election, and not only that, they have the evidence that shows that Trump actually had more votes. Georgia is maybe the easiest to demonstrate because it’s on video. **During that videotape, that we can all see right in front of our eyes, we can see them stealing the votes. We can see them throwing out the people. We can see them counting it four and five times.** We also have the statistics during that period of time, **120,000 votes for Biden, couple hundred votes for Trump, no observers, makes it totally illegal.** That alone changes the election. That alone means that if you get rid of those illegal votes, Trump wins Georgia by 40 or 50 thousand votes. . . . Georgia has the one video tape, I consider it like the Zapruder film was to the Kennedy assassination, this film

⁵² *Id.*; Rudy Giuliani’s Common Sense, *Who Will Be Our President? The Current State of Our Country* | *Rudy Giuliani* | Ep. 97, Rumble (Mar. 22, 2021), <https://perma.cc/7FWT-6V3V>.

⁵³ Rudy Giuliani, *Who Will Be Our President? The Current State of Our Country* | *Rudy Giuliani* | Ep. 97, RudyGiulianics.com (Dec. 25, 2020), <https://perma.cc/8XLB-SS62>; Rudy Giuliani, *Who Will Be Our President? The Current State of Our Country* | *Rudy Giuliani* | Ep. 97, RudyGiulianics.com (Dec. 25, 2020), available at <https://perma.cc/7FWT-6V3V> (last visited Dec. 22, 2021); Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 25, 2020, 3:47 PM), <https://perma.cc/KU2W-XX9Y>.

will live for a hundred years. **For a hundred years, this film will show that the, the 2020 presidential election, there was an attempt to steal it.**⁵⁴

72. Ms. Rion stated that it “seems that the Georgia legislators are very much on board with having looked at the evidence you and your team presented, having watched the videos, looked at the data, they’re onboard, they want to do something about this. But we have an obstacle.”⁵⁵ Defendant Giuliani responded:

I’ve heard Democratic senators get on television and say it’s espionage to say that it was fraud. You’re not gonna tell me that. **I see, I can see the fraud, it’s in front of my eyes. What am I supposed to do, close my eyes and make believe that in Fulton County, Georgia, when they closed the doors, and they got rid of the public, and they started triple counting ballots and it ends up being 120,000 for, for Biden and 3,000 for Trump? They weren’t cheating? Am I stupid?**⁵⁶

73. The video was promoted on OAN’s Twitter account on the day it aired.⁵⁷ OAN’s posts on its Facebook page from December 31, 2020, to January 3, 2021, also indicate that OAN re-broadcast Ms. Rion’s interview with Giuliani in part or in full on January 2 and/or January 3, 2021.⁵⁸

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ OAN (@OANN), Twitter (Dec. 30, 2020, 12:24 PM), <https://perma.cc/9XET-RLFY?type=image>.

⁵⁸ OAN, *One America News Network*, Facebook (Dec. 31, 2020, 12:50 PM), <https://perma.cc/E65T-FNTM>; OAN, *One America News Network*, Facebook (Dec. 31, 2020, 12:51 PM), <https://perma.cc/DL65-JMZD>; OAN, *One America News Network*, Facebook (Jan. 2, 2021, 8:49 AM), <https://perma.cc/5B3U-5UTE>; OAN, *One America News Network*, Facebook (Jan. 2, 2021, 9:16 PM), <https://perma.cc/56G6-JFSS>; OAN, *One America News Network*, Facebook (Jan. 3, 2021, 10:01 PM), <https://perma.cc/9SKY-T25B>.

December 30, 2020, Episode of Giuliani's Common Sense

74. In his December 30, 2020, episode of *Common Sense*, Giuliani again reprised his lies about ballot counting in Fulton County on election night:

[T]he Fulton County vote counting [videotape], which in and of itself **proves that Georgia was stolen by, uh, Joe Biden and by the Democrats. That one video proves it.**

...

[T]he first thing that the election workers do . . . is they, um, move out the observers. . . . [T]hey make sure there's no one around, they make sure the doors are locked so nobody else can come in, and then at a certain point they look around again, and they go under a table covered by a black, like a black blanket, and they start pulling out ballots. Now we begin with, why are ballots under a table? And then they start distributing those ballots for counting to three or four different areas where there are counting machines. And you can see it's done very hurriedly; it's done in a way suggesting that they are nervous about what they're doing, and by the way, even if these ballots were legitimate ballots, which I doubt they are, this would be entirely illegal. And every one of those ballots would be declared null and void because each one of these ballots is being counted in violation of the law of Georgia that in fact there must be the public present when ballots are being counted [I]t looks an awful lot like a bank heist, doesn't it?⁵⁹

75. The video recording of the podcast episode then played the Trump Edited Video of Ms. Freeman and Ms. Moss as Defendant Giuliani narrated. He said: “[The videotape is] just this one piece of evidence. So don't tell me there wasn't fraud in this election. And don't tell me I can't use the word ‘fraud’”⁶⁰

⁵⁹ Rudy Giuliani's *Common Sense, I Can't Say This on National Television | Rudy Giuliani | Ep. 98*, Rumble (Mar. 22, 2021), <https://perma.cc/2UX6-WRGY>; Rudy Giuliani, *I Can't Say This on National Television | Rudy Giuliani | Ep. 98*, RudyGiulianics.com (Dec. 30, 2020), <https://perma.cc/79AK-Y6QU>.

⁶⁰ *Id.*

76. That episode, which Giuliani further disseminated on social media, remains available on Giuliani’s website.⁶¹

January 2, 2021 Telephone Call Between Incumbent Candidate Trump and Georgia Secretary of State

77. On information and belief, Defendant Giuliani published defamatory claims about Plaintiffs directly to Donald Trump, members of the Trump campaign, and other individuals in Washington, D.C. prior to January 2, 2021.

78. On January 2, 2021, then-President Trump—acting in his personal capacity as a presidential candidate—held a call with Georgia Secretary of State Raffensperger, and others, in which Mr. Trump asked Secretary Raffensperger to “find 11,780 votes” to flip the Georgia result in his favor.

79. On information and belief, Mr. Trump was re-publishing comments made to him by Defendant Giuliani, and Defendant Giuliani encouraged Trump to make the call.

80. During that call, Mr. Trump used Ms. Freeman’s name no less than 19 times, reiterating Defendant Giuliani’s false claims about Plaintiffs.⁶² For example, near the beginning of the call, Mr. Trump stated:

We had at least 18,000 that’s on tape – we had them counted very painstakingly – 18,000 voters having to do with Ruby Freeman. She’s a vote scammer, a professional vote scammer and hustler, Ruby Freeman. That is – that was the tape that’s been

⁶¹ Rudy W. Giuliani (@RudyGiuliani), Twitter (Dec. 30, 2020, 6:02 PM), <https://perma.cc/UYL8-3VTR>; Rudy Giuliani, *I Can’t Say This on National Television | Rudy Giuliani | Ep. 98*, RudyGiulianics.com (Dec. 30, 2020), <https://perma.cc/79AK-Y6QU>.

⁶² *Trump’s Georgia Call: Listen to the Audio and Read a Full Transcript*, Wall St. J. (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>; see also Amy Gardner & Paulina Firozi, *Here’s the full transcript and audio of the call between Trump and Raffensperger*, Wash. Post (Jan. 5, 2021), <https://perma.cc/6S2T-8XTE> (transcript of the same call not behind a paywall but with Ms. Freeman’s name replaced with “[name]”); Allie Bice et al., *Trump’s Pressure on Georgia Election Officials Raises Legal Questions*, Politico (Jan. 3, 2021), <https://perma.cc/EBT9-32U2>.

shown all over the world that makes everybody look bad – you, me, and everybody else – where they got – number one, they said – **they said very clearly and it's been reported that they said there was a major water main break.** Everybody fled the area. And then they came back – Ruby Freeman, her daughter, and a few people. There were no Republican poll watchers. Actually, there were no Democrat poll watchers. I guess they were them. But there were no Democrats, either. And there was no law enforcement. Late in the morning, they went – early in the morning, they went to the table with the black robe – the black shield and they pulled out the votes. **Those votes were put there a number of hours before. The table was put there – I think it was – Brad, you would know. It was probably eight hours or seven hours before, and then it was stuffed with votes.** They weren't in an official voter box. They were in what looked to be suitcases or trunks – suitcases, but they weren't in voter boxes. The minimum number it could be – because we watched it, and they watched it for certified in slow motion, instant replay if you can believe it. **But it had slow motion and it was magnified many times over, and the minimum it was was 18,000 ballots, all for Biden.**

81. Mr. Trump continued:

. . . we're so far ahead – **we're so far ahead of these numbers, even the phony ballots of Ruby Freeman – known scammer.** You know the internet? You know what was trending on the internet? “Where's Ruby,” because they thought she would be in jail. “Where's Ruby.” It's crazy. It's crazy. That was – the minimum number is 18,000 for Ruby, but they think it's probably about 56,000. **But the minimum number is 18,000 on the Ruby Freeman night where she ran back in there when everybody was gone and stuffed – she stuffed the ballot boxes. Let's face it, Brad. I mean, they did it in slow-motion replay magnified, right? She stuffed the ballot boxes. They were stuffed like nobody's ever seen them stuffed before.** So there's a term for it when it's a machine instead of a ballot box, but she stuffed the machines. **She stuffed the ballot – each ballot went three times. They were showing here's ballot number one, here it is a second, third time, next ballot.**

I mean, look. Brad. **We have a new tape that we're going to release. It's devastating.** And by the way, that one event, that one event is much more than the 11,000 votes that we're talking about. It's, you know, that one event was a disaster. And it's just, you know, but it was, it was something, it can't be disputed. And again, we have a version that you haven't seen, but it's magnified. It's

magnified, and you can see everything. For some reason, they put it in three times, each ballot, and I don't know why. I don't know why three times. Why not five times, right? Go ahead.

82. In response, Secretary Raffensperger stated: “You’re talking about the State Farm video. **And I think it’s extremely unfortunate that Rudy Giuliani or his people, they sliced and diced that video and took it out of context.**”⁶³

83. Mr. Trump ignored Secretary Raffensperger and continued to claim there was election fraud in Georgia, including to again accuse Ms. Freeman of wrongdoing. Secretary Raffensperger again refuted the accuracy of what President Trump (and previously Defendant Giuliani) claimed the Trump Edited Video showed:

Mr. Trump: And remember, her reputation is – she’s known all over the internet, Brad. She’s known all over. I’m telling you, “Where’s Ruby” was one of the hot items – Ruby, they knew her. “Where’s Ruby.” So, Brad, you know, there can be no justification for that. And, you know, I give everybody the benefit of the doubt, but that was – and, Brad, why did they put the votes in three times? **You know, they put them in three times.**

Raffensperger: Mr. President, they did not put that. **We did an audit of that, and we proved conclusively that they were not scanned three times.**

Mr. Trump: Where was everybody else at that late time in the morning? Where was everybody? Where were the Republicans? Where were the security guards? Were the people that were there just a little while before when everyone ran out of the room. How come we had no security in the room. Why did they run to the bottom of the table? Why do they run there and just open the skirt and rip out the votes. I mean, Brad. And they were sitting there, I think for five hours or something like that, the votes.

Raffensperger: Mr. President, we’ll send you the link from WSB.

Mr. Trump: I don’t care about the link. I don’t need it. Brad, I have a much better —

⁶³ See WSJ Staff, *Trump’s Georgia Call: Listen to the Audio and Read a Full Transcript*, Wall St. J. (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>.

84. During the call, Ryan Germany, lawyer for Georgia secretary of state's office, also told Mr. Trump the statements about Plaintiffs were inaccurate:

Mr. Trump: **And the minimum – there were 18,000 ballots but they used them three times. So that's, you know, a lot of votes. And that one event – and they were all to Biden, by the way; that's the other thing we didn't say. You know, Ruby Freeman, one thing I forgot to say which was the most important. Do you know that every single ballot she did went to Biden? You know that, right? Do you know that, by the way, Brad? Every single ballot that she did through the machines at early – early in the morning went to Biden. Did you know that, Ryan?**

Germany: That's not accurate, Mr. President.

Mr. Trump: Huh. What is accurate?

Germany: The numbers that we are showing are accurate. We picked – we picked –

Mr. Trump: No. No. About Ruby Freeman. About early in the morning, Ryan, when the woman took – you know, when the whole gang took the stuff out of the – from under the table, right, do you know that – do you know who those ballots – do you know who they were made out to? Do you know who they were voting for?

Germany: No, not specifically.

Mr. Trump: Did you ever check?

Germany: We did what I described to you earlier.

Mr. Trump: No, no, no. Did you ever check the ballots that were scammed by Ruby Freeman, known – a known political operative, ballotteer? Did you ever check who those votes were for?

Germany: We've looked into that situation that you described –

Mr. Trump: **No, they were 100 percent for Biden. One hundred percent. There wasn't a Trump vote in the whole group.** Why don't you want to find this, Ryan? What's wrong with you? I heard – I heard your lawyer is very difficult, actually, but I'm sure you're a good lawyer. You have a nice last name.

But I'm just curious, why wouldn't – why do you keep fighting this thing? It just doesn't make sense. We're way over the 17,779, right. **We're way over that number, and just if you took just Ruby Freeman we're over that number by five or six times when you multiply it out times three, and every single ballot went to Biden.** And you didn't know that but now you know it.⁶⁴

85. Major news outlets, including *The Washington Post*, *The Wall Street Journal*, and *The New York Times* published audio recordings and transcripts of the call.⁶⁵

86. Some outlets, including *The Wall Street Journal* and *The Gateway Pundit*, also published the audio recording and transcript but without redacting Ms. Freeman's name.⁶⁶

January 6, 2021, Insurrection

87. Ahead of January 6, 2021, Defendant Giuliani led the Trump Campaign's "war room," which was located at the Willard Hotel in Washington, D.C.⁶⁷

88. On January 6, 2021, Defendant Giuliani joined Mr. Trump for a campaign rally, during which Mr. Trump repeated the lies about Plaintiffs that Defendant Giuliani began publishing the month prior, including:

In Fulton County, Republican poll watchers were ejected, in some cases, physically from the room under the false pretense of a pipe

⁶⁴ See WSJ Staff, *Trump's Georgia Call: Listen to the Audio and Read a Full Transcript*, Wall St. J. (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>.

⁶⁵ Amy Gardner & Paulina Firozi, *Here's The Full Transcript and Audio of the Call Between Trump and Raffensperger*, Wash. Post (Jan. 5, 2021), <https://perma.cc/6S2T-8XTE>; WSJ Staff, *Trump's Georgia Call: Listen to the Audio and Read a Full Transcript*, Wall St. J. (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>; Transcript: *President Trump's Phone Call With Georgia Election Officials*, N.Y. Times (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>.

⁶⁶ WSJ Staff, *Trump's Georgia Call: Listen to the Audio and Read a Full Transcript*, Wall St. J. (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>; Jim Hoft, *HUGE: TRUMP DROPS A BOMB DURING PHONE CALL! Tells Raffensperger 'Vote Scammer and Hustler' Ruby Freeman Was Behind Alleged 18,000 FRAUDULENT VOTES in Suitcase Scandal! (VIDEO)*, Gateway Pundit (Jan. 3, 2021, 6:20 PM), <https://perma.cc/8QKG-FFEN?type=image>.

⁶⁷ Jacqueline Alemany et al., *Ahead of Jan. 6, Willard Hotel in Downtown D.C. Was a Trump Team 'Command Center' for Effort to Deny Biden the Presidency*, Wash. Post (Oct. 23, 2021), <https://perma.cc/LHG4-TDSD>.

burst. Water main burst, everybody leave. Which we now know was a total lie.

Then election officials pull boxes, Democrats, and suitcases of ballots out from under a table. You all saw it on television, totally fraudulent. And illegally scanned them for nearly two hours, totally unsupervised. Tens of thousands of votes. This act coincided with a mysterious vote dump of up to 100,000 votes for Joe Biden, almost none for Trump. Oh, that sounds fair. That was at 1:34 AM.⁶⁸

January 18, 2021, Episode of OAN's In Focus with Stephanie Hamill

89. On the January 18, 2021 OAN's program *In Focus with Stephanie Hamill*, Giuliani repeated the false claims that Ms. Freeman and Ms. Moss were part of an election fraud scheme:

I mean, they pretty much censored it while it was going on, so they would love to turn the page on it. I mean, **I get banned from any of the big tech things when I say that not only was there voter fraud, I have evidence of it, I've seen it, I have a motion picture of it. I can show you the voter fraud in living color. It was done in Fulton County, Georgia, it was well over 30,000 ballots were stolen. They were attributed to Biden instead of Trump.** Had they been caught and held to account for it, Trump would have won Georgia.⁶⁹

June 14, 2021, Episode of OAN's The Real Story with Natalie Harp

90. On or about June 14, 2021, Defendant appeared on OAN's *The Real Story with Natalie Harp* during an edition dedicated to discussing "every red state that went blue, due to election-changing amounts of fraud."⁷⁰ During that interview, Defendant Giuliani stated:

**But for sure there was fraud, you can't say there wasn't fraud.
... The law of Georgia is that the ballots have to be counted in**

⁶⁸ Brian Naylor, *Read Trump's Jan. 6 Speech, a Key Part of Impeachment Trial*, NPR (Feb. 10, 2021), <https://perma.cc/ECA7-UE86>; Allison Durkee, *Giuliani Claims His Call for 'Trial By Combat' on Jan. 6 Shouldn't Have Been Taken Literally as Legal Woes Mount*, Forbes (May 18, 2021), <https://perma.cc/NS8N-XYJT>.

⁶⁹ See OAN, *1/18/2021 - Rudy Giuliani, Rep. Marjorie Taylor Greene, Brandon Tatum, Anna Paulina Luna & Peter Roff*, Spotify (Jan. 19, 2021), <https://perma.cc/HZ6F-WQ5Z>.

⁷⁰ OAN, *The Real Story - OAN Uncovering the Crime of the Century with Rudy Giuliani*, Rumble (June 14, 2021), <https://perma.cc/6KZB-EBT3>.

public. They deliberately threw people out and counted the ballots in private, and there's videotape of it. That wasn't enough. I don't know what you've got to do to prove it. **They committed the crimes on video. You can see them do it. They lied about it. Then you can see these same people handing off flash drives to each other.**

91. The interview continues with the following exchange:

Harp: There's so much to talk about. Georgia, especially, because, Georgia, we saw the tapes. We knew what was going on, based on the ballot drops that were happening in other states. But in Georgia, we all saw those suitcases being wheeled out from under the tables. We hear about the water leak. "There was a leak." How much do you see that as the defining moment because President Trump was still winning Georgia Tuesday, Wednesday, Thursday—it wasn't 'til Friday that then they found enough votes that Biden won?

Giuliani: Well, **I think Georgia is, uh, in terms of proof, the clearest proof.** In terms of scope of fraud, Pennsylvania is probably the biggest, **but, uh, in terms of proof, Georgia has every kind of proof you could possibly imagine.** I mean, the explanation for that videotape is absurd because you can see them—you can see them **throw the people out. And the law specifically says you can't count in private, so they threw the people out. They used this phony excuse that there was going to be some kind of a water main break. It was not. There was no water main break, and then after the people were out—and you can just watch the way they're doing it. I mean, I've watched bank robberies. I mean, this, this looked like a bank robbery. They were doing it surreptitiously. And, uh, handing 'em off, and doing it quickly, and occasionally you can see them multiple count a vote. Now you take the two women who ran that, there are other tapes of them earlier in the day, handing off—handing off small, hard drives and flash drives, those flash drives were used to put in the machines—the machines that supposedly weren't, uh, accessible by internet, all of which were accessible by internet. So these women have gotten away scot-free.** No one's even questioned them. I mean, you have to look at that videotape and say, at least there should be an investigation, and they should

be put under oath as to what they were doing. . . .
Republicans, Democrats, reporters, and everyone else.
You see them unceremoniously ushered out. And then you see the woman check out the whole place to make sure there's nobody there and that's when they get the ballots from under the table, and that's when they start counting the ballots under the table.⁷¹

92. While the Trump Edited Video of Ms. Freeman and Ms. Moss played, the interview continued:

Harp: We're running the footage right now, Mr. Mayor, as you're talking, we're running the footage right next to you so everybody can see what's going on. Take a look at that footage because it's not being played anywhere else.

Giuliani: Yeah. And now all that was dismissed without a single person being questioned by law enforcement. Without a single person having to go under oath. So they allege the phony secretary of state and they all like, well, there were people around somewhere. Well, I don't see them. Why don't you produce them and put them under oath? Why doesn't the D.A. open an investigation, except for the fact that the D.A. is in a crooked Democratic county?
Another thing your listeners should understand, Natalie, is they did this in crooked Democratic cities. Not everywhere. This was a very, very well planned, executed, fraud.

93. That video was promoted on social media, and remains available on OAN's channels today.⁷²

⁷¹ *Id.*

⁷² OAN (@OANN), Twitter (June 15, 2021, 11:37 AM), <https://perma.cc/TGC3-LKLD>; Natalie Harp (@nataliejharp), Twitter (June 15, 2021, 12:50 PM), <https://perma.cc/J9VP-WTHQ?type=image>.

July 23, 2021, Episode of The Real Story with Natalie Harp

94. On or about July 23, 2021, Defendant Giuliani appeared on OAN's *The Real Story with Natalie Harp*. OAN host Natalie Harp asked Giuliani for his reaction to the late former U.S. Senator Bob Dole's statement that, with respect to alleged election fraud during the 2020 presidential election, "there's nothing to see here." With the chyron "The Real Story on the 2020 Presidential Election Scam" displayed, Defendant Giuliani claimed that there were people "pushed away, and all of a sudden these ballots were brought in, and they all were Biden."⁷³ He continued:

Giuliani: **How about the videotape that I have where they're shoving the thing into the machine three and four times so they can be recounted by the same two women that earlier in the day were passing around hard drives or flash drives that supposedly can't be used in Dominion machines, but can.**

Harp: Right. We have this proof.

Giuliani: I know we've lost the spin war, but we haven't lost the truth war. **I have the truth.**

95. That video was circulated on social media and remains available on OAN's channels today.⁷⁴

December 10, 2021, Episode of OAN's The Real Story with Natalie Harp

96. On December 10, 2021, Defendant Giuliani again promoted lies about Plaintiffs on OAN's *The Real Story with Natalie Harp*. In that interview, Giuliani said:

⁷³ OAN, *The Real Story - OAN Ballots in Suitcases with Phill Kline*, Rumble (June 21, 2021), <https://perma.cc/9PWJ-2CRW>.

⁷⁴ OAN, *The Real Story—OAN Exposing Disinformation with Rudy Giuliani*, Rumble (July 23, 2021), <https://perma.cc/EC3V-TGDH>; OAN, *The Real Story—Exposing Disinformation with Rudy Giuliani*, OAN (July 28, 2021), <https://perma.cc/H6YP-K4MG?type=image>; Natalie Harp, *The Real Story with Natalie Harp*, Facebook (July 23, 2021), <https://perma.cc/888E-ND4Q>; Natalie Harp (@nataliejharp), Twitter (July 24, 2021, 3:29 PM), <https://perma.cc/7PY9-ZBU6?type=image>.

The situation in Georgia, uh, **that videotape is about as clear evidence of stealing votes as I've ever seen.** And it was mischaracterized by the Secretary of State, the crooked Governor Kemp, uh, the Democrats—I mean, they're all in league together. . . . In any event, **you've got a tape in, in, in Georgia that's crystal clear, it looks like a, it looks like a bank robbery, my goodness.** And, uh this [Pennsylvania tape] is very, very clear. There are about ten others. **There's no doubt that people stole votes in that election for Biden, and the numbers are—I would say—way beyond what was necessary to switch the vote in about four states.** But they certainly are extremely significant and can't be ignored. **When people cheat in elections on some kind of substantial scale,** how do you know in advance without investigating whether it affects the election or not? Right?

97. That video remains available on OAN's channels today.⁷⁵

January 12, 2022, Episode of Giuliani's Common Sense

98. On January 12, 2022—nearly three weeks *after* Plaintiffs filed this lawsuit—Defendant Giuliani hosted John Solomon on his video podcast to discuss “fraud” in Georgia during the 2020 election.⁷⁶ Mr. Solomon is a former conservative opinion contributor for various outlets, including *The Washington Times* and *Fox News*, who Mr. Giuliani described as “one of the best investigative reporters” with whom he has ever dealt.

99. During the January 12, 2022 conversation, Giuliani continued to push lies about the Trump Edited Video, even as Solomon attempted to explain to Giuliani that there was no truth to claims that the ballots were fraudulent:

Giuliani: So can you take us back to take us back to to uh uh Atlanta for a moment.

⁷⁵ OAN, *The Real Story - OAN Pennsylvania Shenanigans with Rudy Giuliani*, Rumble (Dec. 11, 2021), <https://perma.cc/NJE9-BYGY>.

⁷⁶ Rudy Giuliani's Common Sense, *Listen to What John Solomon Found Out about the Presidential Election!* | Rudy Giuliani | Ep. 204, Rumble (Jan. 12, 2022), <https://perma.cc/9HRD-2SGN>.

Solomon: Sure.

Giuliani: **So you remember, remember the, the very famous video of the whole day of the, there was a, uh, the arena had a, had a, had a security camera that was unknown to the participants. So several days, if not weeks, after the election the, the, uh, company came forward with tapes of this very suspicious activity where the people were thrown out of the arena, the observers. All the doors were locked—**

Solomon: That should never have been done.

Giuliani: All the doors were locked. **They then for about 15 minutes cased the place and made sure everyone was gone. Then they opened up this big blanket and under all the whole, all these ballots and then with no one observing in violation of the law they very seriously tried to count all these votes.** Now is there any, any further evidence— now they, they have said of course that that tape was doctored, done by Russians, uh, that I doctored— I actually haven't touched it so— it was given to me.

Solomon: So I dug into that a lot. So first off there are two parts to this. One is the expulsion of the vote observers. That is, that was an awful—

Giuliani: Well you can't challenge that. It's very important.

Solomon: It should never have happened. Uh, they should never have jettisoned, uh, those observers. You're not supposed to count without, uh, bipartisan observers. So that act clearly happened. It was improper. People have said that was an improper act and there was some vote counting that occurred after. Now the famous video tape where the video, uh, the ballots come out from underneath the table, those were actual real ballots, most of them, I'm told from the reporting I did. They were military absentee ballots. They had been processed earlier in the day—put in the suitcase. Probably a bad idea to put it under a table, again not a secure way of holding and transporting ballots. That's one of the things that Brad Raffensperger's guy said. **But the actual ballots in that box—I've interviewed multiple people**

including people who worked in the FBI, the GBI. Those ballots turned out to be real ballots, lawful ballots. They weren't fake ballots. Most of them were military absentee ballots, as has been described to me. But those were real ballots that were counted. They shouldn't have been stored under a table. They should have been in a secure location until the moment and they shouldn't have been counted until observers were there. But the fact—I don't think those—my reporting indicates those were real ballots, not fraudulent ballots, just ballots that were mishandled and that's one of the reasons now why the Sec—uh, the State Elections Board in Georgia wants to take over Fulton County: they want to stop those shenanigans.⁷⁷

100. After Mr. Solomon told Defendant Giuliani that the “ballots were processed the proper way” based on statements of the state election clerks, Defendant Giuliani said that “we are trying to rely on, relying on people who have lied in the past” and continued to claim that the ballots were “hidden” and that “it looks like ballots were thrown away during that process and it also looks like ballots were counted three or four times.”⁷⁸

101. That episode remains available on Defendant Giuliani's channels today.⁷⁹

DEFENDANT GIULIANI PUBLISHED HIS STATEMENTS ABOUT PLAINTIFFS WITH KNOWLEDGE OF OR RECKLESS DISREGARD FOR THEIR FALSITY.

102. Defendant Giuliani knew that his statements about Ms. Freeman and Ms. Moss were not true or published them with reckless disregard for their truth.

103. Defendant Giuliani learned of or recklessly disregarded the authoritative and immediate fact-checks, described above and incorporated herein, of his lies in real time, including before he published any of the Actionable Statements.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

104. Before publishing any of the Actionable Statements, Defendant was aware of the numerous statements by Georgia and federal officials disproving the portrayal of misconduct that had been advanced by the Trump Campaign, and he also knew and knows that multiple fact-checking organizations have confirmed the facts as presented by the Georgia and federal officials.

105. No later than December 8, 2020, Defendant Giuliani was specifically aware of the affidavit filed by the chief investigator for the Georgia Secretary of State refuting his lies.

106. Defendant Giuliani learned of additional refutations and evidence refuting his lies about Plaintiffs.

107. On January 4, 2021, Georgia election officials held yet another press conference to refute the already-debunked election fraud allegations that President Trump raised in his January 2, 2021, call with Secretary Raffensperger.⁸⁰ Mr. Sterling once again described the events that occurred on Election Day at State Farm Arena, explained how they represented entirely normal ballot processing, and directed listeners to the Georgia Secretary of State's website for a detailed timeline matched to the surveillance footage.⁸¹ Mr. Sterling reiterated for the assembled reporters the actual series of events:

Late in the evening, after the water main break had been fixed, election workers prepared to go home for the night and followed standard procedures to store ballots securely: placing them in containers and affixing numbered seals. But when Mr. Raffensperger found out that they were closing up shop, he ordered them to continue counting through the night—so the workers retrieved the containers and resumed counting ballots.⁸²

⁸⁰ 11Alive, *Georgia Senate Runoffs | Secretary of State's Office Addresses Election Day, Claims*, YouTube (Jan. 4, 2021), <https://perma.cc/A7PQ-YBDY?type=image>.

⁸¹ *Fact Check*, Secure the Vote, <https://perma.cc/22F2-8MQU?type=image> (last accessed Nov. 7, 2021).

⁸² Maggie Astor, *A Georgia Election Official Debunked Trump's Claims of Voter Fraud, Point by Point*, N.Y. Times (Jan. 4, 2021), <https://perma.cc/5F4K-LADG>.

108. Mr. Sterling expressed his great frustration that the Defendant Giuliani, among others, “had the entire tape” revealing these facts, and nevertheless “intentionally misled the State Senate, the voters and the people of the United States about this.”⁸³

109. PolitiFact published a fact-check article about the Raffensperger call that same day, finding that the events described by Mr. Sterling lined up with previous reports from PolitiFact and other fact-checkers. This article repeated PolitiFact’s earlier assessment that the arena surveillance video showed no wrongdoing and provided no evidence of election fraud. It rated former President Trump’s claim that Georgia election workers pulled 18,000 ballots from suitcases and counted them for President Biden as “Pants on Fire!” false.⁸⁴

110. On January 7, 2021, the fact-checking website Lead Stories debunked the claims that the same ballots were tabulated multiple times. The article quotes Richard Barron, Fulton County Registration and Elections Director, who said, “She did not accept the ballots she had run, (but) instead re-ran them before accepting the batch. It (is) no different than with paper jams in a copier and you have to pull it out and rerun it.”⁸⁵

111. On January 12, 2021, Carter Jones—who was appointed by the Office of the Georgia Secretary of State to serve as an independent election monitor as part of a consent agreement between the state and Fulton County—submitted his official report about the 2020 general election to the state election board. Mr. Jones was present at State Farm Arena on election

⁸³ *Id.*

⁸⁴ Bill McCarthy, *Trump Rehashes Debunked Claim About ‘Suitcases’ of Ballots in Georgia Phone Call*, PolitiFact (Jan. 4, 2021), <https://perma.cc/W996-EH9G>.

⁸⁵ Hallie Golden, *Fact Check: Video From Georgia Does NOT Show Election Official Improperly Scanning The Same Ballots Multiple Times*, Lead Stories (Jan. 7, 2021), <https://leadstories.com/hoax-alert/2021/01/video-from-georgia-does-not-show-election-official-improperly-scanning-the-same-ballots-multiple-times.html?fbclid=IwAR3WCa-B0VKqOAlxYz9huNdtctwx8KxGGJBz7q10NW31b-Y-2F2ezT1s-Vc>.

night⁸⁶; in his report, he denied observing any double-counting of ballots or other election-worker malfeasance in Fulton County:

From October to January, I spent nearly 270 hours at various locations observing every aspect of Fulton County’s election processes. At no time did I ever observe any conduct by Fulton County election officials that involved dishonesty, fraud, or intentional malfeasance. During my weeks of monitoring, I witnessed neither “ballot stuffing” nor “double-counting” nor any other fraudulent conduct that would undermine the validity, fairness, and accuracy of the results published and certified by Fulton County.⁸⁷

112. Even when directly rebutted on his own podcast, Defendant Giuliani refused to stop lying about Plaintiffs. Defendant continued to consciously avoid the truth and had no credible basis for the false allegations he continued to make.

113. In his June 14, 2021, interview on OAN’s *The Real Story with Natalie Harp*, Defendant Giuliani stated that he knew what he was saying on OAN, he “couldn’t say on any, any network television in America” and that *The Wall Street Journal* would not print his comments about election fraud.⁸⁸

114. On June 24, 2021, a New York appellate court stripped Giuliani of his law license. *In re Giuliani*, 197 A.D.3d 1, 146 N.Y.S.3d 266 (1st Dep’t 2021). Among the bases for that decision was the Court’s finding that Giuliani knowingly spread the lies about Plaintiffs at issue here.

⁸⁶ John Solomon and Daniel Payne, *Georgia Investigator’s Notes Reveal ‘Massive’ Election Integrity Problems in Atlanta*, Just the News (June 19, 2021), <https://justthenews.com/politics-policy/elections/ga-investigators-election-day-notes-reveal-chaotic-unsecured-ballot>.

⁸⁷ *State Election Board Report – Post-Election Executive Summary*, Seven Hills Strategies (Jan. 12, 2021), <https://perma.cc/7U3Z-DX2J>.

⁸⁸ OAN, *The Real Story - OAN Uncovering the Crime of the Century with Rudy Giuliani*, Rumble (June 14, 2021), <https://perma.cc/6KZB-EBT3>.

115. In its decision, the Supreme Court of the State of New York, Appellate Division, First Judicial Department discussed Giuliani’s representations that the Trump Edited Video “depicted Georgia election officials engaging in the illegal counting of mail-in-ballots.” The Court explained:

The gist of his claim was that illegal ballots were being surreptitiously retrieved from suitcases hidden under a table and then tabulated. In fact, the entirety of the videos shows the “disputed” ballots were among those in a room filled with people, including election monitors, until about 10:00 pm. At about 10:00 p.m., the boxes – not suitcases – containing the ballots were placed under a table in preparation for the poll watchers to leave for the evening. Those boxes were reopened and their contents retrieved and scanned when the state official monitor intervened, instructing the workers that they should remain to tabulate the votes until 10:30 p.m. that evening. **When viewed in full context and not as snippets, the videos do not show secreting and counting of illegal ballots. Based upon the claim, however, the Georgia Secretary of State conducted an investigation. The video tapes were viewed in their entirety by the Secretary’s office, law enforcement, and fact checkers who, according to Secretary of State Brad Raffensperger, all concluded that there was no improper activity.**

Respondent’s argument with respect to the video is that a reasonable observer could conclude that there was an illegal counting of the mail-in ballots. **If, as respondent claims, he reviewed the entire video, he could not have reasonably reached a conclusion that illegal votes were being counted. We disagree that the video can be viewed as evidence of illegal conduct during the vote tabulation process or that it provided a reasonable basis for respondent’s conclusions.**

116. The Court summarized that Defendant Giuliani “showed the snippets of video and/or made false statements regarding its content on at least the following occasions: the podcast *Rudy Giuliani’s Common Sense* on December 4, 2020, the radio show *Uncovering the Truth* on December 6, 2020 and then again on the same radio show on December 27, 2020 and January 3, 2021; on December 3, 2020 at a hearing before the Georgia State Legislature; and yet again on

December 8, 2020 and December 10, 2020 on respondent's Chat with the Mayor radio program, and on December 19, 2020, and January 5, 2021 as a guest on the *War Room* podcast.”

117. The Court concluded that Giuliani violated New York Rule of Professional Conduct 4.1, which prohibits “knowingly mak[ing] a false statement of fact or law to a third person,” and Rule 8.4(c), which prohibits “engag[ing] in conduct involving dishonesty, fraud, deceit or misrepresentation.”

118. On information and belief, Defendant learned of the decision immediately.

119. On October 12, 2021, the Georgia Secretary of State submitted a court-ordered statement about the investigations by the Secretary and the Georgia Bureau of Investigation into alleged fraudulent or counterfeit absentee ballots in the 2020 general election in Fulton County. The same day, the *Atlanta Journal-Constitution* published the full statement.⁸⁹ Secretary Raffensperger addressed the allegations about counting ballots multiple times:

Witnesses told investigators that the ballot scanners were frequently jamming, requiring them to make multiple attempts to clearly scan all of the ballots in each batch. In order to tabulate the ballots, the scanners must first get a clear scan of the entire batch of ballots. Scanning is simply one step in the tabulation process. Once a batch of ballots is scanned clearly and free of errors, the elections worker has to click on a separate button on a computer monitor in order to tabulate the ballots. Investigators reviewed the activity logs for the scanners to corroborate the statements of the witnesses, and the paper jams reported by witnesses and shown in the video footage were confirmed by the scanner activity logs. Based upon this evidence, investigators found no evidence of wrongdoing.⁹⁰

120. Secretary Raffensperger's statement incorporated as Exhibit A portions of the transcript of the May 5, 2021 deposition of James Callaway, the Deputy Chief Investigator in the

⁸⁹ Mark Niese, *No Counterfeit Ballots Found by Georgia Election Investigators*, The Atla. J.-Const. (Oct. 12, 2021), <https://perma.cc/ZGH6-7NHK/>.

⁹⁰ McGovern Resp. at 6–7, *Favorito v. Wan*, No. 2020-cv-343938 (Ga. Super. Ct. Oct. 12, 2021), available at <https://perma.cc/PYU3-G5K4>.

Office of the Secretary of State, in *Jeffords v. Fulton County*, No. 2020-cv-343938 (Ga. Super. Ct. May 5, 2021). In his deposition, Mr. Callaway explained how he determined that Plaintiffs *did not* illegally count ballots multiple times:

Q. Okay. So you see Ms. Ruby takes them off the scanner after scanning them?

A. Uh-huh. (indicating in the affirmative) They're not tabulated.

Q. Huh?

A. They're not tabulated.

Q. What are they doing there?

A. Jammed up. You have to push a button on here to accept it, and she never did that. That's what I was watching.

Q. Okay. You see she's—

A. That, she's loading it. It jams up. She never pushes accept. She reloads them and does it again.

Q. Okay. So she's putting them back on again?

A. ...[W]hen they're scanning like that, it's not record—it's not tabulating. It doesn't tabulate until you get your batch down correctly. You know, you could scan 25 different times, and you're not tabulating until you hit the "accept" button.⁹¹

121. In an effort to attempt to mitigate the harm caused by the publication of the false statements in Defendant's stories, Plaintiffs sent Defendant Giuliani a letter on December 16, 2021, demanding that he retract and take down the numerous defamatory statements he has published and continue to publish about Ms. Freeman and Ms. Moss.

⁹¹ See McGovern Resp. Ex. A at 30–31, 34, *Favorito v. Wan*, No. 2020-cv-343938 (Ga. Super. Ct. Oct. 12, 2021), available at <https://perma.cc/PYU3-G5K4>.

122. Defendant has not responded to that letter, and still has not retracted any of his statements about Plaintiffs.

123. As described above, on January 12, 2022, Mr. Solomon informed Giuliani during an interview on Giuliani's podcast that the ballots stored under the table that appear in the Trump Edited Video were not fraudulent.

124. On March 8, 2022, Trump's former Attorney General William Barr published an account of his time in office. It included a passage explaining how the Department of Justice had looked into and found no evidence to support the false allegations against Ms. Freeman and Ms. Moss—"that video footage from Fulton County, Georgia, showed a box of bogus ballots being insinuated into the vote count while poll watchers were absent"—by December 2020.⁹²

125. Mr. Barr explained:

Throughout the rest of November and into December, the relevant US attorneys' offices, with the FBI's assistance, worked diligently to assess the major fraud claims. In Atlanta, our able US attorney B. J. Pak—coordinating with the Georgia Bureau of Investigation, which was conducting its own investigation—assessed the claim that illegal votes had been insinuated into the vote count in the absence of poll watchers. All the video evidence was reviewed, and numerous interviews were conducted. He, along with all the others investigating the matter, found no evidence of fraud. Contrary to allegations, the evidence showed that the ballots counted during the relevant period were legal ballots and were not double counted, as had been alleged.⁹³

126. On information and belief, Defendant Giuliani learned of this book in real time.

127. Even after former AG Barr confirmed there was no evidence to support his claims about the Plaintiffs, Defendant Giuliani did not retract his false claims.

⁹² William Barr, *One Damn Thing After Another: Memoirs of an Attorney General* 541 (2022); see *id.* at 3, 541–42.

⁹³ *Id.* at 542.

128. On information and belief, at no point in publishing his false statements about Ms. Freeman and Ms. Moss did Defendant Giuliani attempt to contact Plaintiffs to obtain their account of the events being reported. Nor did Defendant Giuliani contact for corroboration other obvious available sources, and he specifically avoided contacting sources who had evidence to disprove their lies.

129. Defendant Giuliani ignored the truth, and continues to ignore it, because he had decided in advance to disseminate a false narrative about election fraud that would continue to benefit his preferred candidate, Donald Trump.

130. Defendant also advanced this predetermined fictitious storyline in the face of the facts because he believed it to be personally advantageous to do so. He was motivated to publish lies about Plaintiffs because lying about the election results was more profitable than reporting the truth.

131. Defendant consciously avoided the truth in order to increase his profile and to profit from the repeated publication of scandalous material. Defendant's publications about voter fraud throughout the 2020 election cycle increased his media reach and engagement. His broadcasts about voter fraud, in particular, performed well, and, on information and belief, he earned increased advertising revenue by publishing and republishing such well-performing falsehoods about Plaintiffs.

132. Defendant additionally hoped that repeating his preconceived narrative would have the effect of overturning the outcome of the presidential election. In particular, Defendant directed his media appearances to state and federal legislators within and without the District of Columbia, as well as their constituents, and to state and federal officials within and without the District with the goal of pressuring those legislators and officials to act unlawfully to refuse to certify electors

for President-elect Biden, de-certify electors for President-elect Biden, unlawfully certify electors for Trump, recognize only those electors for Trump, and/or to refuse to recognize electors for President-elect Biden.

133. Defendant's lies about Plaintiffs were inherently improbable from the start and became far more so over time, as no evidence ever emerged to support his claims and all of the evidence that did emerge proved those claims false.

DEFENDANT GIULIANI CAUSED PLAINTIFFS SUBSTANTIAL HARM WITH HIS FALSE STATEMENTS ABOUT MS. FREEMAN AND MS. MOSS THAT CONSTITUTE DEFAMATION PER SE.

134. Defendant Giuliani's defamatory campaign published or caused the publication of statements that assert and/or imply that, among other things, (i) Ms. Freeman and Ms. Moss engaged in a criminal conspiracy, along with others, to illegally exclude observers during the counting of ballots "under false pretenses" so that they could engage in election fraud; (ii) Ms. Freeman and Ms. Moss criminally and/or fraudulently introduced "suitcases" of illegal ballots into the ballot-counting process; (iii) Ms. Freeman and Ms. Moss fraudulently counted the same ballots multiple times; (iv) Ms. Freeman and Ms. Moss were involved in surreptitiously passing around flash drives that were not supposed to be placed in Dominion voting machines; and (v) that Ms. Freeman and Ms. Moss committed crimes and other fraud.

135. These claims are false and constitute defamation *per se*.

136. Defendant Giuliani is directly responsible for the reputational harm that Ms. Freeman and Ms. Moss experienced. Defendant Giuliani launched and executed a Strategic Plan that specifically included naming Ms. Freeman and Ms. Moss and widely disseminating statements accusing them of committing crimes.

137. Defendant Giuliani’s statements, and those published as a result of his Strategic Plan, reached millions of people. For example, he was a frequent guest on OAN, which claimed to have had 35 million subscribers and that its total viewers at any given time could range from “about 150,000 to upwards of half a million.”⁹⁴

138. On December 1, 2020—before Defendant began to defame Ms. Freeman and Ms. Moss—Georgia Voting Implementation Manager Sterling had made clear what he believed were the likely consequences of the continued attacks on Georgia’s election system. “Someone’s going to get hurt, someone’s going to get shot, someone’s going to get killed,” he had stated in a news conference.⁹⁵

139. Defendant Giuliani pressed forward in spite of that and other warnings and, in doing so, directly contributed to Ms. Freeman and Ms. Moss receiving—almost immediately—an onslaught of extremely violent and graphic threats and dangerous harassment.

A. Defendant’s Conduct Has Harmed Ms. Freeman.

140. Ms. Freeman sought intervention from the local police; a local officer answered more than 20 harassing calls on Ms. Freeman’s cell phone. Despite these efforts, Ms. Freeman was ultimately forced to change her phone number and email address.

141. On multiple occasions, strangers camped out at Ms. Freeman’s home and/or knocked on her door. When Ms. Freeman was not home or would not answer the door, these strangers would sometimes also harass her neighbors. Strangers were coming to her home so frequently that the local police agreed to add her address to their patrols of the area.

⁹⁴ David Smith, *Trump Has a New Favourite News Network – and It’s More Rightwing than Fox*, Guardian (June 15, 2019), <https://perma.cc/SV32-AYU2?type=image>.

⁹⁵ Stephen Fowler, *‘Someone’s Going To Get Killed’: Ga. Official Blasts GOP Silence On Election Threats*, NPR (Dec. 1, 2020), <https://perma.cc/73W2-P967>.

142. During this time, multiple pizza deliveries showed up at her home that she and her family had never ordered. This is an often-chronicled result of being “doxxed”—the term for when strangers post and share a target’s personal information as a means to organize a coordinated harassment campaign.

143. Christmas cards were mailed to Ms. Freeman’s address with messages like, “Ruby please report to the FBI and tell them you committed voter fraud. If not you will be sorry,” and “You deserve to go to jail, you worthless piece of shit whore.”

144. The level of harassment Ms. Freeman received at her home led the FBI to conclude that she would not be safe in her home beginning on January 6, 2021, the date of former President Trump’s rally and the subsequent insurrection at the U.S. Capitol, and continuing at least through Inauguration Day, January 20, 2021.

145. On or about January 5, 2021, a crowd surrounded Ms. Freeman’s house, some on foot, some in vehicles, others equipped with a bullhorn. Fortunately, Ms. Freeman had followed the FBI’s advice and had temporarily relocated from her home. She was not able to return for two months.

146. Since returning home, Ms. Freeman has had to install eleven cameras and three motion sensors in an effort to safeguard her own home.

147. Ms. Freeman was also forced to deactivate the social media pages for herself and her business, Lady Ruby’s Unique Treasures, a pop-up clothing boutique. Though she has long been a local entrepreneur, she was forced to shutter her business when she was unable to attend public events or conduct online marketing through social media.

148. The reputational impacts of Defendant's lies continue to be felt across Ms. Freeman's social and professional networks. After being publicly accused of crimes, she has lost friendships.

149. When people recognize her in public and call out her name, Ms. Freeman is fearful. Her experiences over the months since Defendant's defamation campaign began have taught Ms. Freeman to be distrustful of strangers and concerned for her safety.

150. To this day, Ms. Freeman continues to be the subject of threatening communications.

B. Defendant's Conduct Has Harmed Ms. Moss.

151. The day after Defendant's campaign of falsehoods began, Ms. Moss's then-fourteen-year-old son informed her that numerous calls were coming into Ms. Moss's old phone, which he was using at the time. When he answered the calls, he was bombarded with racial slurs and threats of violence. One caller stated that her son "should hang alongside [his] nigger momma."

152. These harassing calls continued for months.

153. Defendant's defamation also caused Ms. Moss to suffer an onslaught of online harassment. She received dozens of messages through Facebook, LinkedIn, and Pinterest, many of which threatened violence. These messages did not merely suggest Ms. Moss should lose her job but insisted that she deserved to die and would be killed in retribution for her "treason." She has since deleted her LinkedIn account.

154. Because Ms. Moss had previously lived with her grandmother, it was her grandmother's address that harassers found and exploited. As they did with Ms. Freeman, these harassers repeatedly sent unwanted pizzas to Ms. Moss's grandmother's house.

155. On at least two occasions, strangers showed up at her grandmother's home and attempted to push into the house in order to make a "citizens' arrest." On these occasions, Ms. Moss's grandmother, who is in her mid-seventies, called her in a panic, confused and scared for her safety.

156. The impacts of Defendant's lies also followed Ms. Moss at work. The general email addresses used by the public to contact the Fulton County elections offices would forward incoming emails to Ms. Moss and many of her colleagues. As a result, Ms. Moss and her colleagues received, directly in their work in boxes, harassing emails sent to those public email addresses that specifically referenced Ms. Moss.

157. Inspired by the demonstrably false conspiracy theory Defendant pushed, strangers have protested about Ms. Moss outside of her Fulton County workplace, demanding she be fired from her job.

158. The harassment and widespread (false) perception that Ms. Moss committed election fraud left Ms. Moss feeling fearful in an office where she began work in 2012. Before the 2020 general election, she generally enjoyed the parts of her job that allowed her to work with and assist the public. But since Defendant's defamatory campaign, even when she was assisting constituents over the phone, she would begin to sweat and feel anxious if they asked her name. She became afraid that when people heard her name, they would think she is a fraud and a cheater.

159. Ms. Moss's workplace became a toxic environment. Her closest friends at work were warned to "watch the company they keep." The toxic environment led her to seek alternative employment.

160. Like her mother, Ms. Moss is now fearful whenever people recognize her in public. As a result, Ms. Moss has largely retreated from social and public life. She has gone as far as to

avoid the grocery store, opting to have groceries delivered in order to avoid it. She feels trapped by the unshakable fear that there are unknown people after her who want her dead.

161. Over the last year, Ms. Moss has suffered from disrupted sleep and has gained over fifty pounds as a result of the stress caused by Defendant's campaign of lies.

162. The onslaught of threats that Plaintiffs have experienced and the necessary measures they have been forced to take to protect themselves are the direct result of Defendant's defamatory conduct. Plaintiffs have and will continue to experience serious and severe emotional distress as a result. The harm Defendant has caused to Plaintiffs' reputations, privacy, safety, and earnings, and other pecuniary loss, is immense.

FIRST CLAIM
(Defamation/Defamation *Per Se*)

163. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully set forth herein.

164. Plaintiffs are private figures.

165. Defendant Giuliani published, caused to publish, or reasonably could have foreseen the publication of a series of false and defamatory statements of fact about Ms. Freeman and Ms. Moss, including by and through his agents making the statements themselves; and by republishing the statements on his website and social media accounts, as detailed extensively above. As a reasonably foreseeable—and intended—result of Defendant's statements and actions, others repeated and amplified these false and defamatory statements. The false implications were intentionally made through the false statements, by other statements that were misleading due to material omissions, by presenting misleading juxtapositions of statements, and when taking into account the context of each publication. The false implications were also made through the disinformation campaign as a whole. The defamatory meanings of Defendant's false statements

and implied statements of facts are apparent from the face of the publications, refer to Ms. Freeman and Ms. Moss by name, often are accompanied by images of Ms. Freeman and/or Ms. Moss, and/or are understood to be about them.

166. The statements authored and published by Defendant about Ms. Freeman and Ms. Moss are reasonably understood to state or imply that they:

- a) had a history of engaging in fraudulent behavior;
- b) engaged in a criminal conspiracy, along with others, to illegally exclude observers during the counting of ballots “under false pretenses” so that they could engage in election fraud;
- c) criminally and/or fraudulently introduced “suitcases” of illegal ballots into the ballot counting process;
- d) criminally and/or fraudulently counted the same ballots multiple times;
- e) surreptitiously passed around flash drives that were not supposed to be placed in Dominion voting machines; and/or
- f) committed crimes and other fraud.

167. Each of these statements and implications is false and defamatory per se.

168. Each of these statements was viewed, read, or listened to by thousands, and likely millions, of individuals.

169. Each of these false statements was published with actual malice, *i.e.*, with knowledge of its falsity or with reckless disregard as to its truth. At a minimum, Defendant acted negligently—that is, without an ordinary degree of care in assessing or investigating the truth of the statement prior to publication.

170. Defendant failed to contact and question obvious available sources for corroboration; disregarded reliable sources refuting his claims; had no credible basis for the false allegations made; and published his allegations in a manner to create false inferences.

171. Defendant had both financial and political motives for promulgating lies about Plaintiffs.

172. Defendant did not neutrally report the allegations about Ms. Freeman and Ms. Moss that were advanced by fellow members of the Trump campaign and promptly disproven by Georgia election officials. Nor did he acknowledge the actual facts. Rather, he endorsed and adopted the false allegations as his own, publishing and republishing them for months with full knowledge of their falsity or reckless disregard for their truth.

173. Defendant had no applicable privilege or legal authorization to make these false and defamatory statements, or if he did, he abused it.

174. Defendant's statements and implications about Ms. Freeman and Ms. Moss constitute defamation *per se* in that they damaged them in their trade, office, or profession and claimed that they participated in criminal activity punishable by law and labeled them a "robber" and a "cheat[er]."

175. Defendant acted with willful misconduct, malice, fraud, wantonness, oppression, and/or entire want of care which would raise the presumption of conscious indifference to consequences, and he specifically intended to cause Ms. Freeman and Ms. Moss harm.

176. Defendant's statements damaged Ms. Freeman's and Ms. Moss's reputations in the general public, in their professions, in their church communities, in their neighborhood, and with friends, relatives, and neighbors.

177. As a direct and proximate result of Defendant's conduct, Ms. Freeman and Ms. Moss have suffered significant general, actual, consequential, and special damages including, without limitation, impairment of reputation and standing in the community, personal humiliation,

mental anguish and suffering, emotional distress, stress, anxiety, lost earnings, and other pecuniary loss. Among other things, Ms. Freeman has lost income.

SECOND CLAIM
(Intentional Infliction of Emotional Distress)

178. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully set forth herein.

179. Defendant Giuliani's campaign of false and defamatory accusations directed specifically at Ms. Freeman and Ms. Moss was malicious, wanton, and intentional.

180. Defendant's wrongful conduct is so outrageous in character and so extreme in degree that it is beyond all possible bounds of decency and is to be regarded as atrocious and utterly intolerable in a civilized community. Defendant Giuliani carried out his campaign with actual malice, as he either knew that his accusations were false or published them with reckless disregard for their truth.

181. Defendant's wrongful conduct was extreme and outrageous, and it was calculated to cause harm to Ms. Freeman and Ms. Moss.

182. Defendant acted with willful misconduct, malice, fraud, wantonness, oppression, and/or entire want of care which would raise the presumption of conscious indifference to consequences, and he specifically intended to cause Ms. Freeman and Ms. Moss harm.

183. Defendant's wrongful conduct had its intended effect. All aspects of Plaintiffs' lives have been altered as a result of Defendant's actions, including such simple things as where to live, how to go out in public, and when to see family and friends. This result was entirely foreseeable. Defendant's conduct is so outrageous in character and extreme in degree as to be beyond all bounds of decency. It should be regarded as atrocious and determined intolerable in a civilized community.

184. Defendant's wrongful conduct has inflicted severe emotional distress on Plaintiffs. They have suffered mental reactions including fright and fear for their safety; horror and helplessness in the face of the intense hatred directed at them by Defendant and by his viewers, listeners, and readers; anger; anxiety; sleeplessness; shame; and humiliation. The emotional distress Defendant caused to be inflicted on Ms. Freeman and Ms. Moss was so severe that no reasonable person could be expected to endure it.

185. Defendant's wrongful conduct caused physical manifestations of harm to Plaintiffs including weight gain, disrupted sleep, dental problems, and anxiety attacks, as well as mental anguish, requiring them to seek treatment for the mental anguish resulting directly from the severe emotional trauma inflicted by Defendant.

186. As a direct and proximate result of Defendant's conduct, Plaintiffs have suffered significant general, actual, incidental, and special damages including, without limitation, emotional distress, overwhelming stress and anxiety, lost earnings, and other pecuniary loss.

THIRD CLAIM
(Civil Conspiracy for All Alleged Torts)

187. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully set forth herein.

188. Defendant Giuliani agreed to intentionally and maliciously participate in a civil conspiracy with other individuals, the purpose of which was to commit the torts of Defamation, Defamation *Per Se*, and Intentional Infliction of Emotional Distress.

189. Throughout the course of the conspiracy, Defendant, acting in concert with other individuals, coordinated in furtherance of the common scheme.

190. Defendant agreed to launch a campaign to defame Plaintiffs, as evidenced by the Giuliani Strategic Plan document laying out this strategy, and his decision to repeatedly plan,

record, produce, and publish segments on the topic of election “fraud” in Georgia focused on Defendant’s false claims about Plaintiffs.

191. As a result of Defendant’s conspiracy, Plaintiffs suffered professional, reputation, and emotional harm. These torts caused the damages outlined in the previous causes of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendant for each of the causes of action raised herein. Plaintiffs respectfully request a judgment in their favor and against Defendant for:

- A. Nominal damages;
- B. Compensatory damages, including general, actual, consequential, and special damages, in an amount to be determined at trial;
- C. Punitive damages;
- D. Reasonable and necessary attorneys’ fees;
- E. Reasonable and necessary costs of the suit;
- F. Prejudgment and post-judgment interest at the highest lawful rates;
- G. Declarative relief stating that the statements authored and published by Defendant and those attributable to Defendant as foreseeably reasonable republications identified within this complaint, individually and collectively, were and are false;
- H. Injunctive relief enjoining Defendant to remove his false and defamatory statements about Plaintiffs from any website and/or social media accounts under their control; and
- I. Such other and further relief as this Court deems just and appropriate.

Dated: May 10, 2022

Respectfully submitted,

By: /s/ Michael J. Gottlieb
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**Pro hac vice application forthcoming*

Counsel for Plaintiffs

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Civil Action No. 21-3354 (BAH)

Judge Beryl A. Howell

ORDER

Upon consideration of plaintiffs Ruby Freeman and Wandrea' ArShaye Moss's Motion for Discovery Sanctions, ECF No. 81, the related legal memoranda in support and in opposition, the exhibits and declarations attached thereto, the parties' Updated Joint Status Report, ECF No. 89, and the entire record herein, for the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED that plaintiffs' Motion for Discovery Sanctions, ECF No. 81, in the form of default judgment and an award for attorneys' fees and costs associated with filing the motion, is **GRANTED**; it is further

ORDERED that default judgment will be entered against defendant Rudolph W. Giuliani on his liability for plaintiffs' defamation, intentional infliction of emotional distress, civil conspiracy, and punitive damage claims, pursuant to Federal Rules of Civil Procedure 37(e)(2)(C) and 37(b)(2)(A)(vi); it is further

ORDERED that, by September 20, 2023, the parties shall confer and submit a proposed schedule governing future proceedings in this matter, including three proposed dates for trial on

damages, *see* FED. R. CIV. P. 55(b)(2)(B), in the period from November 2023 to February 2024, and with associated proposed dates for any pretrial motions and a pretrial conference; it is further

ORDERED that, by September 8, 2023, plaintiffs shall submit their costs and attorneys' fees incurred in preparing and filing the Motion for Discovery Sanctions, ECF No. 81, with any objection by defendant Rudolph W. Giuliani due by September 15, 2023, and reply by plaintiffs by September 20, 2023; it is further

ORDERED that, by September 20, 2023, in order to facilitate preparation for a trial on any damages owed to plaintiffs, defendant Rudolph W. Giuliani is directed:

- a. To produce complete responses to plaintiffs' Requests for Production ("RFP") Numbers 40 and 41, which he was previously ordered to produce by June 30, 2023, *see* Minute Order (June 22, 2023);
- b. To ensure that Giuliani Communications LLC and Giuliani Partners LLC (collectively, the "Giuliani Businesses") produce complete responses to plaintiffs' requests for financial documents and viewership metrics, including RFP Numbers 19 and 35, seeking records sufficient to show how his podcast, called *Common Sense*, generates revenue, including through advertising agreements and distribution contracts, and records sufficient to summarize viewer and listener metrics for Giuliani's statements on social media and *Common Sense* from the date of original publication through the present, including reach, count, page visits, posts, shares, time spent, impressions, and listener numbers, and the number of online views and/or impressions of any statements Giuliani made about plaintiffs, as described in the Amended Complaint ¶¶ 57-101, ECF No. 22, as well as

designate one or more corporate representatives to sit for depositions on those businesses' behalf;

- c. To reimburse plaintiffs' attorneys' fees and costs associated with their successful first motion to compel discovery, *see* Pls.' Mot. Compel, ECF No. 44, in the amount totaling \$89,172.50, with interest on that amount to accrue from July 25, 2023, which is when this reimbursement payment was originally due, *see* Minute Order (July 13, 2023); and
- d. To ensure that the Giuliani Businesses reimburse plaintiffs' attorneys fees associated with their successful motion to compel discovery from those Businesses, *see* Pls.' Revised Mot. Compel Giuliani Partners & Giuliani Communications ("Pls.' Giuliani Businesses Motion"), ECF No. 70, in the amount totaling \$43,684, with interest on that amount to accrue from September 20, 2023 against defendant Rudolph W. Giuliani personally if his Businesses fail to timely comply; it is further

ORDERED that, as a sanction for defendant's failure timely to reimburse plaintiffs' \$89,172.50 in attorneys' fees by July 25, 2023, the jury will be instructed that they must, when determining an appropriate sum of punitive damages, infer that he is intentionally trying to hide relevant discovery about his financial assets for the purpose of artificially deflating his net worth, unless he produces fulsome responses to plaintiffs' RFP Numbers 40 and 41 by September 20, 2023, in which case, the mandatory instruction may be converted to a permissive one.

SO ORDERED.

Date: August 30, 2023



Beryl A. Howell

BERYL A. HOWELL
United States District Judge

EXHIBIT C

CFN 20240241805
OR BK 35141 PG 1058
RECORDED 7/15/2024 12:47 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 1058 - 1058; (1pgs)

DECLARATION OF DOMICILE

To the Clerk of the Circuit Court [County Comptroller] Palm Beach County, Florida.

This is my declaration of domicile in the State of Florida, that I am filing this day in accordance and in conformity with Section 222.17 Florida Statutes.

FOR DOMICILIARIES OF THE STATE OF FLORIDA:

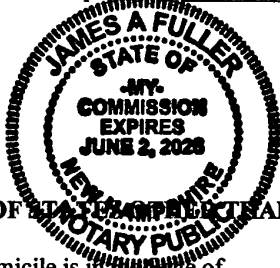
I hereby declare that I reside in and maintain a place of abode at 315 S. Lake Drive, Unit 5D, Palm Beach, in Palm Beach County, Florida, which place of abode I recognize and intend to maintain as my permanent home and, if I maintain another place or places of abode in some other state or states, I hereby declare that my above-described residence and abode in the State of Florida constitutes my predominant and principal home, and I intend to continue it permanently as such. I am, at the time of making this declaration, a bona fide resident of the State of Florida residing at the above described residence and place of abode.

x Rudolph W. Giuliani
Rudolph W. Giuliani
(signature)

Rudolph W. Giuliani
(print name)

State of New Hampshire
County of Hillsborough 2

Sworn to and subscribed before me this 13th day of July, 2024 by Rudolph W. Giuliani who is personally known to me or who has produced Drivers License as identification and who did/did not take an oath.



x James Fuller
Signature of Notary Public
State of NH Notary Public
Print, type or stamp commission named of Notary Public

FOR DOMICILIARIES OF THE STATE OF FLORIDA:

I hereby declare that my domicile is in the State of _____ and that I intend to permanently continue and maintain my domicile in such state. At the time of making this declaration I am a bona fide resident of the State of _____. My place of abode within the State of Florida, if any, is as follows:

_____, _____ in _____ County, Florida
(street and number) (city)

(Person making declaration may also include such other and further facts with reference to any acts done or performed by such person which such person desires or intends not to be construed as evidencing any intention to establish his domicile within the State of Florida.)

(signature)
State of _____
County of _____

(print name)

Sworn to and subscribed before me this _____ day of _____, _____ by _____ who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

Signature of Notary Public

Print type or stamp commission named of Notary Public

EXHIBIT D

AO 451 (Rev. 01/09; DC 4/10) Clerk's Certification of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT

for the District of Columbia

_____)	
RUBY FREEMAN, et al.)	
Plaintiff)	
v.)	Civil Action No. 21-cv-03354 (BAH)
_____)	
RUDOLPH W. GIULIANI)	
Defendant)	

CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

I certify that the attached judgment is a copy of a judgment entered by this court on (date) 12/18/2023.

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date: 08/05/2024

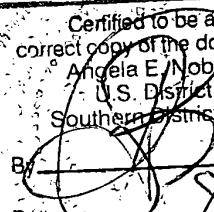
ANGELA D. CAESAR, CLERK OF COURT



 Signature of Clerk or Deputy Clerk

Palm Beach County, Florida Joseph Abruzzo, Clerk

Certified to be a true and correct copy of the document on file
 Angela E. Noble, Clerk,
 U.S. District Court
 Southern District of Florida

By: 
 Date: 8/8/24 Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<p>RUBY FREEMAN, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>RUDOLPH W. GIULIANI,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No. 21-3354 (BAH)</p> <p>Judge Beryl A. Howell</p>
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FINAL JUDGMENT

Upon consideration of the Joint Stipulation Regarding Entry of Final Judgment, ECF No. 138, agreed to jointly by the parties, the entry of default judgment on liability against defendant Rudolph W. Giuliani on plaintiffs' well-pleaded claims for defamation, intentional infliction of emotional distress, and civil conspiracy to commit those torts, as a sanction for defendant's sanctionable "willful shirking of his discovery obligations in anticipation of and during this litigation," *Freeman v. Giuliani*, No. 21-cv-3354 (BAH), 2023 WL 5600316, at *2 (D.D.C. Aug. 30, 2023), pursuant to FEDERAL RULES OF CIVIL PROCEDURE 37(e)(2)(C) and 37(b)(2)(A)(vi); *see also* Default Judgment Order, ECF No. 93, and the jury verdict on the amount of damages owed to plaintiffs by defendant, *see* ECF No. 135, it is hereby **ORDERED, ADJUDGED, and DECLARED** as follows:

1. Plaintiffs Ruby Freeman and Wandrea' Moss shall recover from the defendant Rudolph W. Giuliani damages in the amount of \$145,969,000.00, plus post-judgment interest at the rate of 5.01 % per annum, along with costs.
2. Plaintiffs Ruby Freeman and Wandrea' Moss shall recover from the defendant Rudolph W. Giuliani attorney's fees as follows:

- a. in the amount of \$89,172.50, pursuant to this Court’s Order dated August 30, 2023, ECF No. 93, plus post-judgment interest accruing from July 25, 2023, at the rate of 5.33% per annum;
 - b. in the amount of \$43,684, pursuant to this Court’s Order dated August 30, 2023, ECF No. 93, plus post-judgment interest accruing from September 20, 2023, at the rate of 5.42% per annum; and
 - c. in the amount of \$104,256.50, pursuant to the Court’s September 22, 2023 Minute Order, plus post-judgment interest accruing from October 6, 2023, at the rate of 5.46% per annum.
3. It is hereby DECLARED pursuant to 28 U.S.C. § 2201(a), as between plaintiffs and defendant, as follows:
- a. It is hereby DECLARED (1) that the Actionable Statements set forth in the Amended Complaint, ECF No. 22, are false; (2) that those statements are defamatory and defamatory *per se*; (3) that those statements were of and concerning plaintiffs; (4) that defendant made those statements with actual malice; (5) that defendant published those statements to third parties without privilege; and (6) that those statements caused plaintiffs harm;
 - b. It is further DECLARED (1) that defendant Giuliani engaged in extreme and outrageous conduct which (2) intentionally and maliciously (3) caused the plaintiffs to suffer severe emotional distress;
 - c. It is further DECLARED (1) that defendant Giuliani entered into an agreement on or before December 3, 2020, with Donald J. Trump, Christina Bobb, Herring Networks, Inc., d/b/a OAN, Robert Herring, Charles

Herring, Chanel Rion, and members of the Trump 2020 Presidential Campaign, including members of the Trump Legal team headed by Giuliani, who caused statements to be published about plaintiffs or participated in such publications, (2) to participate in defamation of and intentional infliction of emotional distress on plaintiffs, and (3) that plaintiffs were injured by unlawful overt acts performed by parties to the agreement pursuant to, and in furtherance of, the common scheme.

- d. It is further DECLARED that defendant's conduct was intentional, malicious, wanton, and willful, such that plaintiffs are entitled to punitive damages.

SO ORDERED.

Date: December 18, 2023



BERYL A. HOWELL
United States District Judge

ECF DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District and Bankruptcy Courts for the District of Columbia.

Date Filed: 12/18/23

ANGELA D. CAESAR, CLERK

By: Wm E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<p>RUBY FREEMAN, <i>et al.</i>, Plaintiffs, v. RUDOLPH W. GIULIANI, Defendant.</p>	<p>Civil Action No. 21-3354 (BAH) Judge Beryl A. Howell</p>
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MEMORANDUM AND ORDER

Following a jury trial on damages owed to plaintiffs Ruby Freeman and Wandrea' ArShaye "Shaye" Moss that concluded on December 15, 2023, and this Court's entry of final judgment on December 18, 2023, *see* Final Judgment, ECF No. 142, plaintiffs now seek an order of dissolution of the 30-day automatic stay for enforcement of judgment pending resolution of any appeal, under Federal Rule of Civil Procedure 62(a), and for permission to register their judgment immediately in "any other district," pursuant to 28 U.S.C. § 1963. Pls.' Mot. to Dissolve Stay of Execution and for Leave to Register Judgment in Any Other District ("Pls.' Mot."), ECF No. 139.¹ Defendant Rudolph W. Giuliani "does not contest that the final judgment can be registered in any other district," Def.'s Resp. Pls.' Mot. ("Def.'s Opp'n") at 1 n.1, ECF No. 143, and opposes only the part of plaintiffs' motion seeking to "abnormally shorten[] or dissolve[]" the stay of execution for thirty days provided by Rule 62(a), *id.* In circumstances such as those presented by the record in this case, there is nothing "abnormal" about plaintiffs' request. To the contrary, as discussed in more detail below, plaintiffs' request to dissolve the otherwise automatic 30-day stay of

¹ Plaintiffs' motion and accompanying attachments in support of their motion are docketed three times, at ECF Nos. 139, 140, and 141, but, to simplify citation, only plaintiffs' motion docketed at ECF No. 139 is cited.

enforcement of the judgment is both appropriate and warranted. Plaintiffs' motion is therefore granted for the reasons explained in more detail below.

I. BACKGROUND

On December 15, 2023, following the entry of default judgment against Giuliani on liability for plaintiffs' three claims of defamation, intentional infliction of emotional distress, and civil conspiracy to commit those torts, *see* Default Judgment Decision, *Freeman v. Giuliani*, No. 21-cv-3354 (BAH), 2023 WL 5600316, at *26 (D.D.C. Aug. 30, 2023); Default Judgment Order, ECF No. 93, and after presentation of evidence and argument during four days of trial on the amount of compensatory and punitive damages owed by Giuliani to plaintiffs, an eight-member jury returned a unanimous verdict, *see* Verdict Form, ECF No. 135. Based on the evidence presented of Giuliani's past and continuing—including up to and during trial—defamation of plaintiffs, and testimony by plaintiffs' damages expert, Dr. Ashlee Humphreys, regarding the monetary amount that would be necessary to counter and repair plaintiffs' reputation due to the false defamatory statements published and republished about plaintiffs by Giuliani and his co-conspirators over the last three years, the jury returned a unanimous verdict, awarding: (1) as compensatory damages for defamation by Giuliani and his co-conspirators, \$16,171,000 to Freeman and \$16,998,000 to Moss; (2) as compensatory damages for emotional distress inflicted by Giuliani and his co-conspirators, \$20,000,000 to each plaintiff; and (3) as punitive damages for Giuliani's conduct, \$75,000,000, to be divided between plaintiffs, for a total award of \$148,169,000. *See* Verdict Form. The amount of compensatory damages for defamation awarded by the jury was nearly \$10,000,000 *less* than the amount requested by plaintiffs for reputational harm, *see* Trial Tr., Morning Sess. at 73:8–10 (Dec. 14, 2023) (plaintiffs' counsel Michael J. Gottlieb requesting "at least \$24 million in reputational damages for each plaintiff"); Joint Pretrial

Submission (“JPTS”) at 14, ECF No. 105 (“[P]laintiffs will seek a sum ranging from \$15.5 million to \$43 million [on plaintiffs’ defamation claim.]”), and *less* than the low-end of the damages range identified by Dr. Humphreys, *see* Trial Tr., Morning Sess., at 137:23–138:4 (Dec. 13, 2023) (Dr. Humphreys testifying that a campaign “to repair this reputational harm” “would cost anywhere from \$17.8 million to \$47.4 million”). Plaintiffs made no recommendation to the jury concerning the monetary amount of compensatory damages for intentional infliction of emotional distress or regarding punitive damages. *See* Trial Tr., Morning Sess. at 77:14–16 (Dec. 14, 2023) (plaintiffs’ counsel Michael J. Gottlieb stating that “we’re not providing you with a number to assign to intentional infliction of emotional distress”). The punitive award of \$75,000,000 was nearly equivalent to the total compensatory award of \$73,169,000—*i.e.*, well below the multiplier jurors had been instructed was generally permissible. *See* Jury Instructions at 10, ECF No. 137 (“Punitive damages that are more than ten times compensatory damages are almost never permissible. Usually, a permissible punitive damages award will not be more than four times compensatory damages.”).

The parties’ Joint Stipulation Regarding Entry of Final Judgment agreed to reduce the compensatory damages award by more than \$2,000,000, as “resolution of any setoff claim Defendant Giuliani may have arising from Plaintiffs’ May 31, 2022 settlement agreement with the other defendants in this litigation,” reducing the total amount to \$145,969,000, plus post-judgment interest and costs. Joint Stip. Regarding Final Judgment at 1, ECF No. 138; *id.*, Proposed Order at 1, ECF No. 138-1.

On December 18, 2023, this Court entered Final Judgment, adopting the parties’ Joint Stipulation, and ordering Giuliani to pay plaintiffs \$145,969,000 in compensatory and punitive damages, as reflected in the jury damages award, and to reimburse plaintiffs \$237,113 in attorney’s

fees, plus post-judgment interest, for plaintiffs' three successful discovery motions against Giuliani, as ordered by this Court in July, August, and September 2023, with which orders Giuliani has failed to comply. Final Judgment at 1–2.² Indeed, Giuliani has simply ignored the orders directing reimbursement to plaintiffs of attorney's fees for discovery misconduct, without seeking extensions of time to make reimbursement, requesting any payment schedules or making any excuse for his nonpayment by the deadlines set in court orders.³

Plaintiffs' instant motion for expedited consideration of their request for an order directing dissolution of the automatic stay of execution of judgment under Federal Rule of Civil Procedure 62(a), and authority to register immediately their judgment in any other judicial district pursuant to 28 U.S.C. § 1963, may now be resolved, having heard Giuliani's opposition to the same.

² In accordance with the parties' Joint Stipulation, *see* Joint Stip. Regarding Final Judgment at 2–3, the following declaratory relief was also ordered with respect to plaintiffs' claims for defamation, intentional infliction of emotional distress, and civil conspiracy, declaring that (1) "the Actionable Statements set forth in the Amended Complaint, ECF No. 22, are false; that those statements are defamatory and defamatory *per se* . . . and that those statements caused plaintiffs harm"; (2) that "Giuliani engaged in extreme and outrageous conduct which intentionally and maliciously caused the plaintiffs to suffer severe emotional distress"; (3) that "Giuliani entered into an agreement on or before December 3, 2020 . . . to participate in defamation of and intentional infliction of emotional distress on plaintiffs, and that plaintiffs were injured by unlawful overt acts performed by parties to the agreement," and (4) that "defendant's conduct was intentional, malicious, wanton, and willful, such that plaintiffs are entitled to punitive damages," Final Judgment at 2–3.

³ Specifically, Giuliani was directed to reimburse plaintiffs attorney's fees in the amount of (1) \$89,172.50, for successfully litigating their Motion to Compel Discovery, *see* ECF No. 44; (2) \$43,684 for successfully litigating their Motion to Compel Discovery from Giuliani's eponymous businesses, Giuliani Communications LLC and Giuliani Partners LLC, *see* ECF No. 70; and (3) \$104,256.50 for successfully litigating their Motion for Sanctions, *see* ECF No. 81, plus interest. Subsequent orders were issued, after Giuliani was given ample opportunities to contest any attorney's fees requested, with deadlines for reimbursement payments, all of which deadlines have been entirely ignored by Giuliani, who has not paid a dime. *See* Minute Order (July 13, 2023) (directing Giuliani "by July 25, 2023, to reimburse plaintiffs \$89,172.50 in attorneys' fees incurred in litigating their Motion to Compel Discovery," ECF No. 44); Default Judgment Decision, 2023 WL 5600316, at *3 (ordering Giuliani, by September 20, 2023, to "ensure the Giuliani Businesses reimburse plaintiffs' attorneys fees associated with their successful motion to compel discovery from the [Giuliani] Businesses, in the amount totaling \$43,684"); Minute Order (Sept. 22, 2023) (directing Giuliani, by October 6, 2023, to "reimburse plaintiffs \$104,256.50 in attorneys' fees incurred in the filing of plaintiffs' Motion for Sanctions," ECF No. 81); *see also* Am. JPTS at 19, ECF No. 115 (jointly stipulating that "[t]he Court . . . has ordered Defendant Giuliani to reimburse Plaintiffs for at least \$237,113 in legal fees they incurred in litigating three discovery motions, which he has not yet paid").

II. DISCUSSION

Plaintiffs represent that dissolution of the automatic stay of judgment is necessary for several reasons, including that Giuliani “has demonstrated an unwillingness to comply with judicial process, including orders to pay attorney’s fees and costs,” and “appears to have no assets in the District of Columbia but substantial assets in—at least—both New York and Florida.” Pls.’ Mot. at 1. Given that Giuliani has simply ignored several prior court orders to reimburse attorney’s fees, plaintiffs posit that his conduct in this litigation presents “a substantial risk” that “Giuliani will find a way to dissipate those assets before Plaintiffs are able to recover,” a concern compounded by the fact that “Giuliani is widely reported to have other, significant debts threatening his personal solvency.” *Id.*

Giuliani dismisses plaintiffs’ reasons for expedition in trying to collect on their compensatory and punitive damage award, cheekily responding that “[i]f Giuliani had intentions of absconding with or fraudulently transferring assets, he has had ample time to do it,” and that plaintiffs “point to no evidence to demonstrate that what Giuliani could have done for years now, he will do in the next 30 days.” Def.’s Opp’n at 2. Giuliani’s position thus appears to be that just as he has shielded his true financial status from examination by refusing to comply with discovery rules and court orders, he could have already effectively used that shield to hide his assets to avoid paying plaintiffs’ judgment against him. Notably, though he regularly speaks publicly about this case, Giuliani has never denied that he has taken steps to hide his assets from judgment creditors, and has offered no affirmative pledge that he will take no steps to do so, including in the next 30 days. Nevertheless, Giuliani urges that “the Court should allow [] ample time—including the thirty days under Fed. R. Civ. P. 62(a)—for [him] to file the appropriate motions in this Court and/or the Court of Appeals to stay enforcement of the judgment while this ‘unusual’ case is on appeal.” *Id.*

at 4. Giuliani's response is not persuasive. Instead, his reasoning only bolsters the concerns animating plaintiffs' motion.

Federal Rule of Civil Procedure 62(a), as most recently amended in 2018, provides that "execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, *unless the court orders otherwise.*" FED. R. CIV. P. 62(a) (emphasis supplied). The "[a]mended Rule 62(a) expressly recognizes the court's authority to dissolve the automatic stay," including if there is a "risk that the judgment debtor's assets will be dissipated." FED. R. CIV. P. 62(a), Adv. Comm. Note to 2018 Amend.; *see also* Charles Alan Wright et al., 11 FED. PRAC. & PROC. CIV. § 2902 (3d ed. 2023) ("As explained in the Committee Note, the court might decide to dissolve the stay if there is a risk that the judgment debtor's assets will be dissipated[.]"); 12 MOORE'S FEDERAL PRACTICE – CIVIL § 62.02 (2023) (same).

Courts have routinely exercised their discretion, codified in Rule 62(a), to dissolve the 30-day automatic stay as a means of precluding the judgment debtor from taking advantage of the standard "thirty-day window to conceal and dissipate [their] assets." *Mattel, Inc. v. wwwfisherpriceonline*, No. 21-cv-9608 (LJL), 2022 WL 2801022, at *15 (S.D.N.Y. July 18, 2022); *see also McGraw Hill LLC v. Doe 1*, No. 20-cv-0356 (LJL), 2022 WL 2979721, at *3, *8 (S.D.N.Y. July 26, 2022) (following default judgment on plaintiffs' copyright and trademark claims against non-appearing defendants, "grant[ing] Plaintiffs' request to dissolve the automatic stay" and "allow for the immediate enforcement of judgment pursuant to Federal Rule of Civil Procedure 62(a)"); *Mattel, Inc. v. Arming*, No. 18-cv-8824 (LAP), 2021 WL 3683871, at *9 (S.D.N.Y. Aug. 18, 2021) ("dissolv[ing] the automatic stay imposed by Rule 62 and allow[ing] for the immediate enforcement of the judgment"); *Allstar Mktg. Grp., LLC v. AFACAI*, No. 20-cv-8406 (JPC), 2021 WL 2555636, at *8 (S.D.N.Y. June 22, 2021) (explaining the Court's "power to

order the execution of a judgment to occur before the close of th[e] 30-day window” under Rule 62(a), and “dissolv[ing] the automatic 30-day stay” (citation omitted); *Spin Master Ltd. v. 158*; 463 F. Supp. 3d 348, 385 (S.D.N.Y. 2020), *adhered to in part on reconsideration*, No. 18-cv-1774 (LJL), 2020 WL 5350541 (S.D.N.Y. Sept. 4, 2020) (“reliev[ing] Plaintiffs of the 30-day stay” where plaintiffs contend that such automatic stay “create[s] a 30-day window for Defaulting Defendants . . . to transfer, dispose of, or otherwise hide assets that may be necessary to support the judgment”).⁴

Here, several considerations make clear the risk that Giuliani may attempt to “conceal and dissipate [his] assets” during the thirty-day period provided by Rule 62(a), *www.fisherpriceonline*, 2022 WL 2801022, at *15, justifying this Court’s exercise of discretion to order immediate dissolution of the automatic stay.

⁴ Giuliani attempts to distinguish certain cases cited by plaintiffs as “inapposite” because they “involve[ed] a pre-judgment freezing of assets under New York law” and “[t]here was no pre-judgment asset freeze in this case[.]” Def.’s Opp’n at 2 & n.2 (citing *www.fisherpriceonline*, 2022 WL 2801022; *Arming*, 2021 WL 3683871; *Allstar Mktg. Grp., LLC*, 2021 WL 2555636; *Mattel, Inc. v. 1622758984*, No. 18-cv-8821 (AJN), 2020 WL 2832812 (S.D.N.Y. May 31, 2020)). This is an incorrect reading of these cases. Each of these courts recognized, without qualification or limitation to the pre-judgment asset restraint context, their express authority under Rule 62(a) to dissipate the 30-day stay and allow immediate enforcement of judgment to avert the same concerns raised here regarding the risk of concealment or dissipation of assets. See *www.fisher-price.online*, 2022 WL 2801022, at *15 (“Plaintiff requests a continuance of the pre-judgment asset restraint because the automatic stay and absence of interim asset restraint provide Defendant a thirty-day window to conceal and dissipate its assets. . . . The Court may address these concerns by ordering immediate enforcement of the judgment pursuant to Federal Rule of Civil Procedure 62(a).” (citations omitted)); *Arming*, 2021 WL 3683871, at *9 (same); *Allstar Mktg. Grp., LLC*, 2021 WL 2555636, at *8 (addressing plaintiff’s concern that the Rule 62 automatic stay will “giv[e] the Defaulting Defendants time to conceal their assets,” and “dissolv[ing] the automatic 30-day stay imposed by Rule 62 to allow for immediate enforcement of the judgment”); *1622758984*, 2020 WL 2832812, at *7 (“Plaintiff asserts that, in light of this automatic stay and in the absence of an interim asset freeze, defaulting Defendants would have a 30-day window to conceal or dissipate their assets. Plaintiff’s concerns may be addressed by allowing for immediate enforcement of the judgment in this case, which Rule 62 explicitly grants this Court authority to order.” (citing FED. R. CIV. P. 62(a), Adv. Comm. Note to 2018 Amend.)). As other authorities make plain, Rule 62(a)’s express grant of discretion to dissolve the 30-day automatic stay is not limited to the pre-judgment asset restraint context. See, e.g., *McGraw Hill LLC*, 2022 WL 2979721, at *4–8 (“allow[ing] for the immediate enforcement of judgment pursuant to Federal Rule of Civil Procedure 62(a)” following award of statutory damages on plaintiffs’ claims for copyright infringement and trademark counterfeiting); see also Charles Alan Wright et al., 11 FED. PRAC. & PROC. CIV. § 2902 (3d ed. 2023) (“As explained in the Committee Note, the court might decide to dissolve the stay if there is a risk that the judgment debtor’s assets will be dissipated.”); 12 MOORE’S FEDERAL PRACTICE – CIVIL, § 62.02 (2023) (same).

First, as plaintiffs correctly explain, Giuliani has “proven himself to be an unwilling and uncooperative litigant,” Pls.’ Mot. at 3, whose repeated failures to comply with “basic preservation and production duties . . . necessitat[ed] the entry of default judgment against [him] on liability as a discovery sanction,” Mem. Op. & Order Denying Def.’s Obj. Jury Trial, *Freeman v. Giuliani*, No. 21-3354 (BAH), 2023 WL 8360664, at *2 (D.D.C. Dec. 3, 2023) (citing Default Judgment Decision, 2023 WL 5600316, at *3–12, 26). Giuliani cannot and does not dispute that he has continued to disregard the Court’s orders directing payment of plaintiffs’ attorney’s fees and costs in connection with plaintiffs’ successful discovery motions. *See* Am. JPTS at 19, ECF No. 115 (jointly stipulating that “[t]he Court . . . has ordered Defendant Giuliani to reimburse Plaintiffs for at least \$237,113 in legal fees they incurred in litigating three discovery motions, which he has not yet paid”); *see also* Default Judgment Order at 3 (directing entry of default judgment and ordering sanctions for “defendant’s failure timely to reimburse plaintiffs’ \$89,172.50 in attorneys’ fees” for plaintiffs’ Motion to Compel Discovery, ECF No. 44); *id.* (directing Giuliani to “ensure that the Giuliani Businesses reimburse plaintiffs’ attorneys fees associated with their successful motion to compel discovery from those Businesses . . . in the amount totaling \$43,684”); Minute Order (Sept. 22, 2023) (directing Giuliani “to reimburse plaintiffs \$104,256.50 in attorneys’ fees incurred in the filing of plaintiffs’ [] Motion for Sanctions,” ECF No. 81”). Giuliani’s failure to “satisfy even more modest monetary awards entered earlier in this case,” Pls.’ Mot. at 4 n.2, provides good cause to believe that he will seek to dissipate or conceal his assets during the 30-day period contemplated by Rule 62(a).

Second, as plaintiffs submit and as Giuliani does not contest, “Giuliani has numerous and mounting debts, including to his own attorneys and other litigants seeking to reduce their claims to judgment.” Pls.’ Mot. at 3. Plaintiffs attach two such complaints against Giuliani to their

motion, including a creditor action brought by Giuliani's counsel in criminal matters, Robert Costello, seeking "payment of an outstanding bill for legal services . . . in the amount of \$1,360,196.10." Pls.' Mot., Decl. of Michael J. Gottlieb ("Gottlieb Decl."), Ex. 1, Complaint ¶ 1, *Davidoff Hatcher & Citron LLP et al. v. Giuliani*, No. 654558/2023, ECF No. 1 (N.Y. Sup. Ct. Sept. 18, 2023); *see also* Pls.' Mot., Gottlieb Decl., Ex. 2, Complaint, *Biden v. Giuliani et al.*, No. 23-cv-8032, ECF No. 1 (C.D. Cal. Sept. 26, 2023) (complaint brought by Robert Hunter Biden against Giuliani, Giuliani businesses, and others, seeking damages, injunctive relief, and equitable relief). These potentially competing claims to Giuliani's assets raise the risk that Giuliani has even greater motivation to hide his financial assets from potential future judgments against him.

Giuliani feebly counters concerns about him hiding assets, stating that "there is no evidence in the record of any attempt by [him] to dissipate assets." Def.'s Opp'n at 2. This statement simply ignores the ample record in this case of Giuliani's efforts to conceal or hide his assets by failing to comply with discovery requests, including "plaintiffs' requests for financial information." Default Judgment Decision, 2023 WL 5600316, at *22. This precise discovery misconduct triggered the Court's imposition of sanctions in the form of not only default judgment on liability, but also more stringent adverse inference instructions to the jury than would have been given had Giuliani complied with discovery requests for financial records. *See id.* at *23 (ordering, "as a sanction for failing to comply with . . . the [Court's] Orders, the jury will be instructed that they *must*, when determining an appropriate sum of punitive damages, infer that Giuliani is intentionally trying to hide relevant discovery about his financial assets for the purpose of artificially deflating his net worth" (emphasis in original) (citation omitted)); Additional Sanctions Order. *Freeman v. Giuliani*, No. 21-cv-3354 (BAH), 2023 WL 8360653, at *2 (D.D.C. Oct. 13, 2023) (ordering four additional adverse inferences on which the "jury [would] be instructed . . . when determining an

appropriate sum of compensatory, presumed, and punitive damages” as a sanction for Giuliani’s failure to comply with plaintiffs’ document requests for Giuliani’s financial-related information and records, as required in the Default Judgment Decision and Order).⁵

Nowhere in opposition does Giuliani promise not to hide assets from plaintiffs. Nor does he contend, let alone demonstrate with documentary or other proof, that he would be *unable* to satisfy the judgment, in whole or in part. *See generally* Def.’s Opp’n. To be sure, Giuliani’s counsel argued to the jury at the damages trial that plaintiffs’ requested damages award would amount to “the civil equivalent of the death penalty, because if [jurors] award the amount of damages they’re asking for, it will be the end of Mr. Giuliani,” Trial Tr., Afternoon Sess., at 59:5–9 (Dec. 11, 2023), and Giuliani has made similar representations during this litigation that “financial difficulties” hampered his ability to immediately pay plaintiffs’ attorney’s fees ordered by this Court, Default Judgment Decision, 2023 WL 5600316, at *23 (citation omitted). Yet, Giuliani’s persistent refusal to respond to plaintiffs’ discovery requests precluded plaintiffs from testing the veracity of Giuliani’s claimed “financial difficulties,” and this Court’s ability to evaluate his resources to satisfy judgment such that then, as now, “Giuliani has failed to show that he cannot pay the [amount] he owes.” *Id.* Such claims of Giuliani’s “financial difficulties”—no matter how many times repeated or publicly disseminated and duly reported in the media—are difficult to square with the fact that Giuliani affords a spokesperson, who accompanied him daily to trial, *see* Trial Tr., Morning Sess., at 19:16–19 (Dec. 13, 2023) (plaintiffs’ counsel Michael J. Gottlieb referencing “Giuliani and his spokesperson, who [he] believe[s] is sitting in the court

⁵ Giuliani suggests that plaintiffs’ request for dissolution of the 30-day stay of enforcement should be granted “only on condition that security be posted by the judgment creditor.” Def.’s Opp’n at 3 (quoting FED. R. CIV. P. 62(a), Adv. Comm. Note to 2018 Amend.), but that “[p]laintiffs make no such offer of bond or security in their Motion.” *id.* The bond condition suggested in the advisory notes is plainly discretionary, and Giuliani cites no authority—indeed this Court is aware of none—expressly conditioning dissolution of the 30-day stay on the creditor’s posting of security.

today, Mr. [Ted] Goodman”); *see also* Alison Durkee, *Giuliani Must Pay \$148 Million In Damages For Defaming Georgia Election Workers*, *Forbes* (Dec. 15, 2023), <https://www.forbes.com/sites/alisdurkee/2023/12/15/giuliani-must-pay-148-million-in-damages-for-defaming-georgia-election-workers/?sh=41b200c4606f> (noting “Giuliani’s spokesperson Ted Goodman ha[d] not yet responded to a request for comment” following conclusion of trial on December 15, 2023), and plaintiffs’ counsel’s submission, based on “report[s] in the press and confirmed by [p]laintiffs’ initial investigation,” Pls.’ Mot. at 5, and uncontested by Giuliani, *see generally* Def.’s Opp’n, that “Giuliani . . . does have significant assets in other jurisdictions, including residential properties located in the Southern District of New York and the Southern District of Florida,” and “numerous accounts at financial institutions located in New York,” Pls.’ Mot., Gottlieb Decl. ¶¶ 3–4; *see also* Pls.’ Mot. at 5.

Finally, Giuliani contends that “if the Court allows immediate execution of the final judgment, then Giuliani will have no chance to have the damages award reduced on remittitur or even seek a stay from the D.C. Circuit,” which “will be presented with [issues]—some of them novel—that create a stronger likelihood that the final judgment may be, at minimum, altered in some way on appeal.” Def.’s Opp’n at 3–4. While not pre-judging any remittitur arguments that may be made by Giuliani, the obvious fact that the jury’s unanimous awards were conservative as to the plaintiffs’ requested compensation for reputational harm due to Giuliani’s defamation *per se*, based on the expert’s calculation of the cost of repairing their reputations, and the jury’s punitive damages award was nearly equivalent to compensatory damages, rather than multiplied by up to four times compensatory damages, reduction of the award on remittitur faces some challenges. Moreover, should this case be appealed, Giuliani can avoid any claimed prejudice and obtain a stay of enforcement “at any time by posting a full supersedeas bond pursuant to Federal

Rule of Procedure 62(b).” Pls.’ Mot. at 4 n.2; *see* FED. R. CIV. P. 62(b) (“At any time after judgment is entered, a party may obtain a stay by providing a bond or other security.”). Given that “the stay operates for the appellant’s benefit and deprives the appellee of the immediate benefits of his judgment, a full supersedeas bond should be the requirement in normal circumstances[.]” *Fed. Prescription Serv., Inc. v. Am. Pharm. Ass’n*, 636 F.2d 755, 760 (D.C. Cir. 1980). “Although the court has discretion to depart from the usual requirement of a supersedeas bond for the full amount of judgment, the burden is ‘on the moving party to objectively demonstrate the reasons for such a departure.’” *Howard Town Ctr. Dev. LLC v. Howard Univ.*, 288 F. Supp. 3d 11, 13 (D.D.C. 2017) (citation omitted). Thus, to obtain a stay of enforcement of the judgment pending any appeal beyond the 30-days of the automatic stay, Giuliani would have to comply with the usual requirement of a full supersedeas bond or demonstrate why that requirement should not apply—a showing difficult to make when there is more than “reasonable likelihood of the judgment debtor’s inability or unwillingness to satisfy the judgment in full upon ultimate disposition of the case.” *Fed. Prescription Serv., Inc.*, 636 F.2d at 760.

III. CONCLUSION AND ORDER

For the reasons set forth above, it is hereby

ORDERED that plaintiffs’ Motion to Dissolve Stay of Execution and for Leave to Register Judgment in Any Other District, ECF No. 139, is **GRANTED**; it is further


ORDERED that the stay of execution of the final judgment entered on December 18, 2023, and of proceedings to enforce it, provided under Federal Rule of Civil Procedure 62(a), is **DISSOLVED**, effective immediately; it is further

ORDERED that, pursuant to 28 U.S.C. § 1963, plaintiffs are authorized to register immediately the final judgment entered on December 18, 2023, in any other district of the United States; and it is further

ORDERED that the Clerk of Court is directed to issue plaintiffs a completed and signed Form AO451, together with a copy of the final judgment entered on December 18, 2023, and a copy of this Memorandum and Order.

SO ORDERED.

Date: December 20, 2023

 *Beryl A. Howell*

BERYL A. HOWELL
United States District Judge

ECF DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District and Bankruptcy Courts for the District of Columbia.

Date Filed: 12-20-23

ANGELA D. CAESAR, CLERK

By: *Angela D. Caesar*

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provide by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

Ruby Freeman and Wandrea' Moss

DEFENDANTS

Rudolph W. Giuliani

(b) County of Residence of First Listed Plaintiff DeKalb, GA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant New York, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

David A. Blansky, Dunn Law, PA, 66 West Flagler St., Suite 400,
Miami, Florida 33130, +1 (786) 534-3669

Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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| <input type="checkbox"/> Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a), 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 424 Bankruptcy	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 377 Other Fraud	LABOR	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 378 Other Fraud	<input type="checkbox"/> 710 Fair Labor Standards Acts	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 379 Other Fraud	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 381 Truth in Lending	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 385 Other Personal Property Damage	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 388 Other Personal Property Damage	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 895 Freedom of Information Act
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<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 395 Other Personal Property Damage	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 950 Constitutionality of State Statutes
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			<input type="checkbox"/> 951 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 952 Tax (U.S. Defendant)	
			<input type="checkbox"/> 953 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 954 Tax (U.S. Defendant)	
			<input type="checkbox"/> 955 Tax (U.S. Plaintiff or Defendant)	
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			<input type="checkbox"/> 957 Tax (U.S. Plaintiff or Defendant)	
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			<input type="checkbox"/> 965 Tax (U.S. Plaintiff or Defendant)	
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			<input type="checkbox"/> 967 Tax (U.S. Plaintiff or Defendant)	
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			<input type="checkbox"/> 969 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 970 Tax (U.S. Defendant)	
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			<input type="checkbox"/> 978 Tax (U.S. Defendant)	
			<input type="checkbox"/> 979 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 980 Tax (U.S. Defendant)	
			<input type="checkbox"/> 981 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 982 Tax (U.S. Defendant)	
			<input type="checkbox"/> 983 Tax (U.S. Plaintiff or Defendant)	
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			<input type="checkbox"/> 985 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 986 Tax (U.S. Defendant)	
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			<input type="checkbox"/> 995 Tax (U.S. Plaintiff or Defendant)	
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			<input type="checkbox"/> 997 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 998 Tax (U.S. Defendant)	
			<input type="checkbox"/> 999 Tax (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 1000 Tax (U.S. Defendant)	

V. ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed (See VI below)
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation Transfer
- 7 Appeal to District Judge from Magistrate Judgment
- 8 Multidistrict Litigation - Direct File
- 9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
28 USC 1963, Registration of Foreign Judgment from the United States District Court for the District of Columbia

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
DATE: August 5, 2024 SIGNATURE OF ATTORNEY OF RECORD: s/ David Blansky

FOR OFFICE USE ONLY: RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petitioner for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.

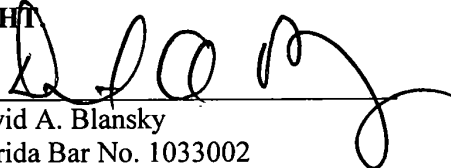
CFN 20240274765
OR BK 35197 PG 838
RECORDED 8/8/2024 1:00 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 838 - 838; (1pgs)

AFFIDAVIT OF JUDGMENT CREDITORS' CURRENT ADDRESS
Pursuant to Fla Stat. § 55.10

BEFORE ME, the undersigned authority, on this day personally appeared David A. Blansky, who, being duly sworn, upon his oath deposed and stated as follows:

1. My name is David A. Blansky. I am over the age of 18 years.
2. I am counsel for Judgment Creditors Ruby Freeman and Wandrea' Moss.
3. In the case of *Ruby Freeman et al. v. Rudolph W. Giuliani*, Case No. 1:21-cv-3354, in the United States District Court for the District of Columbia, a Judgment was entered in favor of Plaintiffs Ruby Freeman and Wandrea' Moss and against Defendant Rudolph W. Giuliani, on December 18, 2023 as follows: \$145,969,000.00 in damages (plus post-judgment interest at 5.01% per annum); attorney's fees in the amount of \$89,172.50 (plus post-judgment interest at 5.33% per annum from July 25, 2023); attorney's fees in the amount of \$43,684.00 (plus post-judgment interest at 5.42% per annum from September 20, 2023); and attorney's fees in the amount of \$104,256.50 (plus post-judgment interest at 5.46% per annum from October 6, 2023). The Judgment was registered in the United States District Court for the Southern District of Florida on August 5, 2024 with Case No. 1:24-mc-22979. A certified copy of the Judgment, so registered, is recorded with this Affidavit.
4. Ruby Freeman's current address is 4325 1st Ave., Unit 2372, Tucker, GA 30084.
5. Wandrea' Moss's current address is 1075 Peachtree Street, Suite 6, #570007, Atlanta, GA 30357.

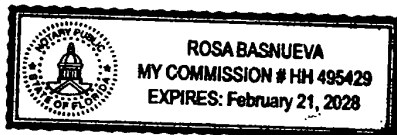
FURTHER AFFIANT SAYETH NAUGHT




David A. Blansky
Florida Bar No. 1033002

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to and subscribed before me by means of physical presence or [] online notarization, this 8th day of August, 2024, by David A. Blansky.





Signature of Notary Public
Rosa Basnueva

Print, type, or stamp commissioned name of Notary Public

X Personally Known OR _____ Produced Identification
Type of Identification Produced _____