

ERIC COOMER vs PATRICK BYRNE  
Coomer, Dr Eric on 01/27/2026

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

Case No.: 8:24-cv-00008-TPB-SPF

ERIC COOMER,  
  
Plaintiff,

vs.

PATRICK BYRNE, STEVEN  
LUCESCU, and THE AMERICA  
PROJECT, INC.,

Defendants.  
  
\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF DR. ERIC COOMER

TAKEN ON BEHALF OF THE DEFENDANT

JANUARY 27, 2026  
09:28 A.M. TO 07:24 P.M.

COURTYARD BY MARRIOTT TAMPA DOWNTOWN  
102 EAST CASS STREET  
TAMPA, FLORIDA 33602

REPORTED BY:  
MICHELLE LAGOA, CER  
CERTIFIED COURT REPORTER  
NOTARY PUBLIC, STATE OF FLORIDA



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ALSO PRESENT:

PATRICK BYRNE, DEFENDANT  
BEN COTTON, EXPERT CONSULTANT  
JASON ICKES, IT CONSULTANT  
ANDREA TAYLOR, ESQUIRE (REMOTELY OVER ZOOM)  
ROBERT TYLER, ESQUIRE (REMOTELY OVER ZOOM)  
MARK COOK, EXPERT CONSULTANT (REMOTELY OVER ZOOM)  
SHAWN SMITH, EXPERT CONSULTANT (REMOTELY OVER ZOOM)  
JOSEPH OLTSMANN, FACT WITNESS (REMOTELY OVER ZOOM)

ERIC COOMER vs PATRICK BYRNE  
Coomer, Dr Eric on 01/27/2026

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01 VIDEOTAPED DEPOSITION OF ERIC COOMER

02 JANUARY 27, 2026

03 THE COURT REPORTER: We're now on the record.

04 It is 09:28 in the morning. Court Reporter is  
05 Michelle Lagoa, with Universal Court Reporting.

06 We're here for the Deposition of Dr. Eric  
07 Coomer, in the matter of Eric Coomer vs. Patrick  
08 Byrne, Steven Lucescu, and the America Project,  
09 Inc., with the Case Number 8:24-CV-00008-TPB-SPF.

10 This case is filed in the United States  
11 District Court of the Middle District of the  
12 Florida, Tampa Division.

13 Counsel, would you please introduce yourselves  
14 for the record, starting with the Plaintiff?

15 MR. CAIN: Plaintiff's Counsel is Charlie  
16 Cain.

17 MR. TICKTIN: And Peter Ticktin for the  
18 Defendant, Patrick Byrne.

19 MR. DEMPSEY: Christopher Dempsey on behalf of  
20 the America Project Inc., and Steven Lucescu.

21 THE COURT REPORTER: Thank you. You may  
22 proceed, Counsel.

23 MR. CAIN: The purpose of the record we're  
24 making is to discuss the appropriate attendees at  
25 Dr. Coomer's deposition. It is 09:30 Eastern time.

01 In the room, we have Mr. Ticktin, who just  
02 introduced himself, Ms. Lambert, Mr. Dempsey, Ben  
03 Cotton, who's an expert for the Defendant, who's  
04 been designated, and who represented that he signed  
05 a protective order.

06 Jason Ickes, who is a technical consultant  
07 with a big printer. Looks like he works for you,  
08 Mr. Ticktin. Is that right?

09 MR. TICKTIN: Yeah.

10 MR. CAIN: And Mr. Oltmann, who is a fact  
11 witness in the case and not a designated expert.

12 Under the Middle District Rules, Counsels  
13 instructed to confer about appropriate attendees,  
14 and I believe we did Mr. Ticktin before we went on  
15 the record.

16 We have a disagreement about who are the  
17 appropriate attendees. I think that's fair to say.

18 It's our view, based on the local rule two  
19 that I'm looking at in terms of who may attend,  
20 Mr. Oltmann would not be a proper attendee at the  
21 deposition for reasons I expressed to Mr. Ticktin  
22 off the record, and we object to his presence at  
23 the deposition.

24 It's our intent to contact chambers and get a  
25 ruling from the court. That is my statement. Do

01 you have anything to add to that? Did I misstate  
02 anything?

03 MR. TICKTIN: Well, we disagree.

04 MR. CAIN: Right.

05 MR. TICKTIN: Okay.

06 MR. CAIN: And I think we have in good faith  
07 tried to work that out, lawyer to lawyer, but we  
08 don't have an agreement. Is that fair?

09 MR. TICKTIN: I'm sorry. I just have this  
10 aversion to answering questions, so.

11 MR. CAIN: Okay. Then make your statement

12 MR. TICKTIN: That's fair.

13 MR. CAIN: Okay. All right, so let's go off  
14 the record.

15 THE COURT REPORTER: We're off the record.

16 (Thereupon, a short discussion was held off  
17 record.)

18 (Proceeding resumed.)

19 THE COURT: This is Judge Flynn.

20 MR. CAIN: Hi, Judge Flynn. This is Charlie  
21 Cain. I'm the plaintiff's counsel.

22 MR. TICKTIN: And with him is - I'm Peter  
23 Ticktin, I'm counsel for Patrick Byrne, defendant.

24 THE COURT: Okay, do we have a court reporter?

25 MR. TICKTIN: Yes, sir.

01 THE COURT: Alright, who is bringing the  
02 motion?

03 MR. CAIN: Plaintiff counsel, Mr. Cain.

04 THE COURT: Alright. Let me hear from you,  
05 Mr. Cain.

06 MR. CAIN: So, this morning, Your Honor, we  
07 were noticed for a deposition. We are about two  
08 blocks from you, at The Marriott. The deposition  
09 notice didn't identify any individuals -- specific  
10 individuals who were going to be present other than  
11 Counsel.

12 When we arrived, Counsel was here,  
13 Mr. Ticktin, Ms. Lambert, Mr. Dempsey, a gentleman  
14 named Ben Cotton, who is an expert for the  
15 defendants who signed the protective orders here,  
16 and we have no objection to him. Mr. Byrne, one of  
17 the parties, is here. We obviously have no  
18 objection to him.

19 Mr. Ickes, I-C-K-E-S, who is a technician for  
20 Mr. Ticktin's firm, is here. We have no objection  
21 to him.

22 However, without notice, Joseph Oltmann was also  
23 here.

24 I don't know if the Court is aware of his  
25 background, but Mr. Oltmann, we have another

01 lawsuit against him pending in Denver. He's a fact  
02 witness in the case in front of you. And the  
03 concern about Mr. Oltmann is, we've sent him cease  
04 and desist letters, but public -- publicly he has  
05 called for violence against my client, among  
06 others.

07 He has indicated that he is always armed, and  
08 we have him on his podcast brandishing a gun. He's  
09 been sanctioned by Judge Martinez in federal court  
10 in a related case and has been held in contempt.  
11 He makes my client extremely uncomfortable for  
12 obvious reasons.

13 And yet he appeared without notice here today.

14 But that's not where it ends. In an effort to  
15 contact the Court and try to resolve this, me and  
16 Mr. Ticktin didn't agree on that. About ten  
17 minutes ago, Mr. Ticktin came outside to start the  
18 deposition. He then confronted me. He pushed me,  
19 raised his fist, as if to strike me. There was a  
20 discussion after that I came into the deposition  
21 room. Patrick Byrne did the same. Pushed me, tried  
22 to bait me, and assaulted me, and part of that is  
23 on video.

24 So I have a lawyer pushing me, and I have his  
25 client doing the same thing. In addition to having

01 Mr. Oltmann here, who has publicly called for my  
02 client to be hanged for treason. But, in terms of  
03 the specific, he is a fact witness. He is not  
04 someone that would be appropriate under the Middle  
05 District rules to attend the deposition.

06 But quite frankly, right now, Your Honor,  
07 given that I have been assaulted for the first time  
08 in thirty years of my career, I'm not comfortable  
09 proceeding with this group. That's the situation.  
10 My - as far as the assault part goes, we can deal  
11 with that at the appropriate time. As far as right  
12 now, I flown in, my client flown in at our expense.

13 We are prepared to proceed, but without  
14 Mr. Oltmann present, who, as of just before this  
15 deposition, had not even signed the protective  
16 order or the undertaking. So, this is kind of  
17 unprecedented for me, but that's essentially what's  
18 happening. And we do object to Mr. Oltmann being  
19 present.

20 THE COURT: Alright, before I hear from  
21 Mr. Ticktin. Mr. Cain, it sounds like you're  
22 asking for two separate things. I thought I heard  
23 you say you're not comfortable proceeding with the  
24 deposition, but then he said you are comfortable  
25 proceeding without Mr. Oltmann present.

01 MR. CAIN: -- So --

02 THE COURT: -- Did I get that wrong?

03 MR. CAIN: So, Mr. Byrne is here. He assaulted  
04 me.

05 I have a witness from the lobby as to  
06 Mr. Ticktin's assault -

07 THE COURT: Okay. I'm just --

08 MR. CAIN: -- Yes.

09 THE COURT: -- asking you whether you are  
10 going to -- or are comfortable proceeding with the  
11 deposition -

12 MR. CAIN: If Mr. -

13 THE COURT: -- at the hotel right now, or are  
14 you seeking relief from that?

15 MR. CAIN: At this point, Your Honor, given  
16 the expense, I will -- I'm not comfortable, but I  
17 will proceed with the deposition without  
18 Mr. Oltmann present. But you have to understand,  
19 it's -- it's -- it's difficult for me under these  
20 circumstances to want to proceed, given what  
21 happened, but we --

22 THE COURT: -- I understand but --

23 MR. CAIN: -- we need to get the testimony.

24 THE COURT: -- I'm asking you what you -- I  
25 understand. But that's why I'm asking you what you

01 want to do. The alternate thing at we can do is  
02 that the parties pack up and come to the courthouse  
03 and take the deposition in the courthouse if -- if  
04 you want to do that, that's the other relief you  
05 can do. If you want to go forward here today.

06 MR. CAIN: I'm --

07 THE COURT: If you don't want to move forward  
08 today, I understand.

09 MR. CAIN: And I'm glad you mentioned that,  
10 because part of the thing with Mr. Oltmann is we  
11 have been given the federal court in Denver, Judge  
12 Wong and Judge Martinez's Magistrate, whose name is  
13 escape -- Starnella, has ordered these depositions  
14 to be in the courthouse because of these types of  
15 concerns. If the court has the jury room available,  
16 then yes, I would -- I would much prefer the  
17 security of the courthouse to - - to conduct this  
18 deposition. And like I said, we're only a few  
19 blocks away. I -- either way, though, at your  
20 courthouse or otherwise, Mr. Oltmann should not be  
21 an attendee, in our view.

22 THE COURT: Alright. Mr. Ticktin, response.

23 MR. TICKTIN: Yes, Your Honor, I'm amazed,  
24 absolutely amazed, by this attorney and the -- he  
25 had - - he had -- I'm going to be 80 years old,

01 Your Honor, and within a week. I'm not a fighter.  
02 I've never had a record of fighting anyone, in any  
03 case, ever, and this attorney pushed his body up  
04 against me, trying to intimidate me out in the  
05 other room.

06 It was heard by people that were in the --  
07 this room. They know that he started it. And --  
08 and I did push him away from me. I'm not a  
09 weakling, but at the same time, I'm -- I've never  
10 been in a situation where I've been assaulted  
11 before in a case, and this young man, he -- you can  
12 see his struck -- his stature. He looks like he's  
13 made out of muscle, and I'm not.

14 So, we have this man who was the aggressor,  
15 who's now complaining, I think we -- and so, I just  
16 want to make it clear on the record that I did push  
17 him away from me after he pushed his body into mine  
18 to assault - - and he assaulted me.

19 So, you know, and I understand he might have a  
20 history of doing this kind of thing, so I'm not  
21 sure, but he was talking about some other case  
22 where he needed to have security or something, or  
23 had to be in a courthouse. So I've never had that  
24 happen in my career, and I've been practicing for  
25 54 years. The -

01 THE COURT: I understand. We will address  
02 that, but with the first matter for the court to  
03 address is - -

04 MR. TICKTIN: -- Mr. Oltmann --

05 THE COURT: -- the objection of -

06 MR. TICKTIN: -- Mr. Oltmann

07 THE COURT: -- Mr. Oltmann being removed from  
08 the deposition.

09 MR. TICKTIN: Right. Mr. Oltmann is an expert  
10 in these fields. He has a cyber company, a data  
11 company.

12 He has that kind of information. He's also the  
13 key person in this case. But the rules change. I  
14 don't think -- I'm not sure what date it was like,  
15 1997 where rule 615, is no longer put into play.

16 But there can be an order from -- from a judge  
17 under certain circumstances to exclude him. But I'm  
18 relying on him to be here to be able to help give  
19 me guidance for taking the deposition of Eric  
20 Coomer, who -- so far, they've been very effective  
21 in stalling this thing out. We're supposed to start  
22 at nine o'clock, and we can't get these people this  
23 -- that's what happened.

24 I went out there, I asked him, I said, "Let's  
25 get going". And that's when he, you know, got up

01 from -- from where he was sitting, and came right  
02 over at me. I think -

03 THE COURT: -- Okay --

04 MR. TICKTIN: -- I'm not sure whether this is  
05 a setup or what, but I will tell you I'm sitting a  
06 foot away --

07 THE COURT: -- Alright, look --

08 MR. TICKTIN: -- from Mr. Coomer -- Mr. -- the  
09 attorney -

10 THE COURT: -- Mr. Ticktin --

11 MR. TICKTIN: -- and he doesn't seem very  
12 upset.

13 THE COURT: -- Mr. Ticktin -

14 MR. TICKTIN: Yeah.

15 THE COURT: We will address that at a later  
16 time.

17 The issue that I need to address right now is,  
18 you're saying Mr. Oltmann is -- is serving as an  
19 expert in this case?

20 MR. TICKTIN: Not as an expert witness. Only  
21 as an expert. The rule doesn't require that to be  
22 in the room, they have to be an expert witness in  
23 the case, the rule requires that they be an expert,  
24 and -- and that's what he is.

25 THE COURT: He's been retained by your law

01 firm?

02 MR. TICKTIN: No, no, no. In fact -- no, but  
03 he's been working with me. He -- and -- and, you  
04 know, we've all hooked up to be able to get  
05 questions from him.

06 He's sitting in another part of the room where  
07 he types the questions. They come out to a computer  
08 where I can see it, and I'm needing this.

09 There's no reason that he wouldn't be able to  
10 read the depositions or know what's what. He  
11 hasn't had any adverse conversation with Council.  
12 He's -- he's, you know, everything that Council is  
13 saying about him is completely, you know, out of  
14 whack. I mean, you know, certain things have been  
15 taken out of context before from --

16 THE COURT: Do you have any objection to the  
17 deposition going forward here in the courthouse?

18 MR. TICKTIN: Yes, because, again, they're  
19 eating up my day. It would take us, probably, at  
20 least another hour to get to the courthouse and get  
21 there and get set up with the video and everything  
22 that we have set up here, and -- and you know, this  
23 is my one opportunity to take Mr. Coomer's  
24 deposition and -- and already it looks like it's  
25 going to be, you know, going late.

01           And then, you know, basically this is what I'm  
02 getting. This is all stall tactic, Your Honor.  
03 There's no reason -- I'm sitting within, within a  
04 foot. I'm literally -- my hand is six inches away  
05 from -- from Council. What's his name again?

06           MS. LAMBERT: Mr. Cain.

07           MR. TICKTIN: Mr. Cain. And - and he's calm.  
08 I'm calm. Nothing's -- nobody's - nothing's  
09 happened.

10           Nobody took a swing at anybody. Nobody's --  
11 nobody's in any danger here. I think we can go  
12 forward here, because I just don't want to eat up  
13 the time. That's the -- that's -- nobody's in  
14 danger, Your Honor. If anybody were in any danger,  
15 it'd be a different story.

16           THE COURT: All right, the Court's going to  
17 grant the motion to exclude Mr. Oltmann from  
18 physically being present at the deposition. If you  
19 want him to listen into the deposition, then you  
20 can have him listen in remotely, but he's not going  
21 to be sitting in the room during the deposition.  
22 The deposition will go forward, as noticed at the  
23 hotel.

24           If there's any other action that puts any --  
25 makes anyone feel that their safety is in jeopardy,

01 then the Court will instruct the parties to  
02 immediately stop the deposition and come to the  
03 courthouse. I will say, if there is any further  
04 action by any of the attorneys to create an unsafe  
05 atmosphere, then the Court will hold those  
06 attorneys responsible and impose whatever sanction  
07 the Court deems appropriate.

08 We'll get to the bottom of what happened here  
09 today at a different time, but I will say this is  
10 highly inappropriate. It's not something that any  
11 judge should have to deal with. Counsel should not  
12 be laying hands on each other, making any kind of  
13 physical contact and aggressive manner in any way.  
14 We'll get to the bottom of it, and there will be  
15 consequences for what happened today, once I figure  
16 out what exactly what happened.

17 But under no circumstances is anything like  
18 that to occur for the remainder of this deposition.  
19 And if there is, you best believe that there will  
20 be severe consequences. I made myself clear,  
21 gentlemen?

22 MR. TICKTIN: Yes, Your Honor.

23 MR. CAIN: You did.

24 THE COURT: All right, we're adjourned.

25 (Thereupon, a short discussion was held off

01 record.)

02 (Deposition resumed.)

03 THE COURT REPORTER: We're back on the record.

04 It is 10:19 in the morning.

05 Thereupon:

06 ERIC COOMER

07 was called as a witness, and after having  
08 been first duly sworn, testified as follows:

09 THE COURT REPORTER: And, Counsels, you can  
10 continue, please.

11 MR. TICKTIN: Yes.

12 DIRECT EXAMINATION

13 BY MR. TICKTIN:

14 Q. Mr. Coomer, do you use any other names other  
15 than Eric Coomer?

16 A. No.

17 Q. Okay. Have you ever?

18 A. No, not that I recall.

19 Q. Okay. And do you have some credentials as  
20 well, your PhD?

21 A. Yes, I have a PhD.

22 MS. LAMBERT: I'm sorry. The people on Zoom  
23 have not been let in.

24 MR. TICKTIN: Oh, the people on Zoom need to  
25 be let in.

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01 THE COURT REPORTER: I'm sorry.

02 MS. LAMBERT: The people on Zoom have not been  
03 let in.

04 THE COURT REPORTER: I don't have the Zoom.  
05 You want to go off the record for a moment?

06 MS. LAMBERT: Yes, please.

07 THE COURT REPORTER: Okay. We're off the  
08 record.

09 (Thereupon, a short discussion was held off  
10 record.)

11 (Deposition resumed.)

12 THE COURT REPORTER: We're back on the record.  
13 Counsel, you may proceed.

14 MR. CAIN: I'm going to make a quick record.  
15 You took a break. You set up the Zoom. I'm  
16 looking at it. We've got Shawn Smith, Joe Oltmann.  
17 Who is Andrea?

18 MS. LAMBERT: It's Joe Oltmann's Attorney.

19 MR. CAIN: Andrea Hall and Mark.

20 MS. LAMBERT: Cook.

21 MR. CAIN: Mark Cook. So, Mr. Cook has been  
22 designated as an expert. Mr. Smith, I need to look  
23 at your -- did you-all designate him?

24 MS. LAMBERT: He's going to be designated.  
25 We were going to add him, but he's supporting

01 Mr. Cook and Ben Cotton, who's present.

02 MR. CAIN: Okay. So, as to the people on the  
03 Zoom, this case is being taken in the Middle  
04 District of Florida, pursuant to a protective  
05 order.

06 In order for you to listen in and hear  
07 testimony, you will need to have signed the  
08 undertaking.

09 Can the folks on the Zoom indicate whether or  
10 not they've signed the undertaking? Because I'm  
11 telling you that we have 30 days from the receipt  
12 of the transcript to mark the deposition as  
13 confidential under that transcript.

14 And the obvious concern is that people who are  
15 on the Zoom have not signed the undertaking, and  
16 will disseminate Dr. Coomer --

17 MR. TICKTIN: Are we on the record now?

18 MR. CAIN: Yeah, we're on the record.

19 MR. TICKTIN: No, please take this off the  
20 record.

21 MR. CAIN: No.

22 MR. TICKTIN: We're not having this on the  
23 record. No, he's eating up the clock.

24 MR. CAIN: No, count this against my time --

25 MR. TICKTIN: Okay. We're going forward. I

01 need to ask questions.

02 MR. CAIN: No, we're not proceeding, if we  
03 have people who have not signed the undertaking in  
04 this deposition, and they're on the Zoom. Now,  
05 before we started, you said, Mr. Oltmann --

06 MR. TICKTIN: I -- please go off the record.  
07 I'm asking to go off the record at this time.

08 MR. CAIN: No, I'm making a record.

09 MR. TICKTIN: And I'm saying we're off the  
10 record.

11 MR. CAIN: No.

12 MR. TICKTIN: Off the video.

13 MR. CAIN: I'm not --

14 MR. TICKTIN: I don't want to -- he is burning  
15 my clock. We know what he's doing.

16 MR. CAIN: This won't count against your time.

17 MR. TICKTIN: It won't, okay. Okay.

18 MR. CAIN: No, I'm not trying to burn your  
19 clock.

20 MR. TICKTIN: Okay. That's fair. I'll take  
21 your word for that, sir.

22 MR. CAIN: But the problem is -- is we have  
23 people who have not signed the undertaking. I  
24 haven't been provided with them, and until they do  
25 so, they're not appropriate either. So --

01 MR. TICKTIN: Well --

02 MR. CAIN: Now, when we -- before we started,  
03 you had indicated that Mr. -- you were --

04 MR. TICKTIN: Mr. Oltmann will sign that  
05 agreement.

06 MS. LAMBERT: Andrea Hall is forwarding it to  
07 everyone, and they're signing it right now, and  
08 they'll have a copy to you.

09 MR. TICKTIN: Okay. It's being done.

10 MS. LAMBERT: It's being done.

11 MR. CAIN: So -- and thank you for that  
12 representation. I need the people who are on the  
13 Zoom to indicate that they are signing the  
14 undertaking.

15 MR. TICKTIN: All right. It -- we can go one  
16 by one. Can everybody please put their mics on and  
17 just indicate if you're signing the undertaking?

18 MS. HALL: Charlie, this is Andrea Hall. I'm  
19 not sure what you're referring to. I mean, I know  
20 we have a protective order in our case. Is that  
21 what you're referring to?

22 MR. CAIN: No, therein is the issue, Andrea.  
23 We have a protective order in this case.

24 MS. HALL: Okay.

25 MR. CAIN: That protects the information in

01 this case from disclosure in other cases, such as  
02 yours.

03 And this deposition is going to be marked in  
04 whole or in part as confidential, under our  
05 protective order in this case.

06 MS. HALL: Okay.

07 MR. CAIN: In order it -- in order to get this  
08 thing moving, I need representations from each of  
09 the individuals on the Zoom that they either have  
10 signed the undertaking or are being provided with  
11 it now, and are agreeing to keep or abide by the  
12 protective order in our case.

13 And part of that is this deposition. If, for  
14 example, people should not be live tweeting content  
15 of this deposition because we are under a  
16 protective order --

17 MS. HALL: Okay.

18 MR. CAIN: And so, this is not to be made  
19 public until such time as we have had an  
20 opportunity to designate the testimony.

21 MS. LAMBERT: Charlie, I'm working to pull it  
22 up. I keep losing internet. I think they're all  
23 agreeing, and I thought Andrea has this, but I will  
24 forward it to her.

25 MR. TICKTIN: Okay.

01 MS. LAMBERT: And you could -- we could  
02 forward it on break to everybody and get you a  
03 signed copy.

04 MR. CAIN: Okay. But if they haven't signed  
05 it yet, then they're not bound by it. And so, I  
06 need -- and I'm willing to accept a representation  
07 from those on the Zoom that they are signing the  
08 undertaking.

09 And we'll have that to Ms. Lambert  
10 momentarily, so that we can proceed. We've already  
11 been delayed, obviously.

12 MS. HALL: Okay. Well, Charlie, I'm an  
13 Officer of the Court, so I agree, as well as I'm in  
14 a joint defense agreement with the Attorneys who  
15 are present for this deposition. So, I don't have  
16 a problem with that.

17 And I can represent to you now that I think  
18 I'm getting it from Stephanie, and I will sign it,  
19 but as an Officer of the Court, I don't have a  
20 problem with that.

21 MR. CAIN: Thank you, Andrea. Mr. Smith?

22 MR. SMITH: Yes.

23 MR. CAIN: Same question for you. I  
24 understand.

25 MR. SMITH: I'll sign it. I'll agree to the

01 terms.

02 MR. CAIN: Okay. And you understand this is  
03 pursuant to the protective order and that the  
04 testimony is going to be confidential until we have  
05 an opportunity to review the transcript and  
06 designate the appropriate sections.

07 MR. SMITH: I understand.

08 MR. CAIN: Thank you. And Mark, is it Mark  
09 Cook? Someone named Mark.

10 MR. TICKTIN: Mark, are you there?

11 MR. COOK: Yes.

12 MR. CAIN: Have you heard what I had to say?

13 MR. COOK: Yes, I did.

14 MR. CAIN: Okay. And --

15 MR. COOK: I agree as well.

16 MR. CAIN: Thank you. And you'll sign the  
17 undertaking?

18 MR. COOK: Yes.

19 MR. CAIN: And, Andrea, are you making  
20 representations on behalf of Mr. Oltmann as well?

21 MS. HALL: Yes. Do you want a separate  
22 signature from him?

23 MR. CAIN: I do.

24 MS. HALL: Obviously, he is present.

25 MR. CAIN: I do.

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01 MS. HALL: Okay. Well, he's present there, so  
02 I don't have necessarily a way, I guess. Are you  
03 okay with like an E-signature, the document, unless  
04 he can print it at the hotel?

05 MR. CAIN: He can do it either way; whatever's  
06 easier for him.

07 MS. HALL: Okay, all right.

08 MR. OLTMANN: I'll come down to sign it if you  
09 want me to.

10 MS. HALL: Okay. Well, either way it'll  
11 happen, Charlie.

12 MR. CAIN: Okay. Thank you.

13 MS. LAMBERT: And I believe we have Bob Tyler  
14 -- Attorney Bob Tyler on as well. He just dropped  
15 his e-mail in there. Do you see him on there?

16 MR. TICKTIN: No.

17 MS. LAMBERT: He's agreed to it as well.

18 MR. CAIN: Who is this?

19 MS. LAMBERT: Another Attorney supporting.

20 MR. TICKTIN: Attorney Bob Tyler, T-Y-L-E-R.

21 MR. CAIN: Who is he?

22 MR. TICKTIN: He helps us with legal. He's a  
23 -- he's an Attorney -- a California Attorney.

24 MR. CAIN: Well, he's not made an appearance  
25 in the case.

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01 MR. TICKTIN: No-no, but he'll sign if he's on  
02 there. I don't think he's on there.

03 MR. CAIN: He doesn't -- I don't see him.  
04 Mr. Tyler, are you on the Zoom?

05 MS. LAMBERT: Maybe he's not yet. He's just  
06 dropped his e-mail address.

07 MR. TICKTIN: Okay, all right. But if he  
08 joins us, we'll get that for you. We'll undertake  
09 to get it to you.

10 MS. LAMBERT: Yeah, everyone will sign.

11 MR. CAIN: Well --

12 MR. TICKTIN: He works with us, so I can  
13 undertake to get that to you.

14 MR. CAIN: Okay. So, you're representing him.  
15 He's assisting you in this litigation?

16 MR. TICKTIN: Yes, absolutely.

17 MR. CAIN: Okay. All right, well, if he pops  
18 up, we'll just get that confirmation on the record.

19 MR. TICKTIN: All right. Okay. So, now --

20 MR. CAIN: That time counts against me, like I  
21 said.

22 MR. TICKTIN: Well, how long do we have now?

23 I mean, you know, because we -- I've only  
24 gotten asked like one or two questions.

25 So, where are we in terms of timing if we

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01 don't count all of that time?

02 THE COURT REPORTER: Since we went on the  
03 record with the witness, after the witness being  
04 sworn in is 14 minutes.

05 MR. TICKTIN: That's how much we've used.

06 THE COURT REPORTER: Yeah.

07 MR. TICKTIN: Okay. Good.

08 MS. LAMBERT: The two questions, how is that  
09 possible?

10 MR. TICKTIN: No-no, his swearing in.

11 MR. CAIN: Just -- that's after he was sworn  
12 and then the time that you just hung up, right?

13 MS. LAMBERT: Right. But we're subtracting  
14 that back and forth.

15 MR. CAIN: She hasn't subtracted that back.  
16 You subtracted --

17 MR. TICKTIN: You have to subtract that back.

18 MS. LAMBERT: Yeah. We're asking the amount  
19 of the questions.

20 MR. TICKTIN: Do we agree that's 10 minutes?

21 MR. CAIN: Yeah.

22 MR. TICKTIN: All right. So, we've got five  
23 minutes so far -- 14 -- four minutes so far.

24 Okay.

25 BY MR. TICKTIN:

01 Q. Mr. Coomer, can you tell me how many people  
02 you're now in active litigation with?

03 A. I don't know the exact number. I know I have  
04 two active cases.

05 Q. You have two active cases. Okay. And that's  
06 the one that you're here for?

07 A. That is one of the two, yes.

08 Q. And what's the other one?

09 A. It's Coomer vs. Donald J. Trump Campaign, et  
10 al.

11 Q. Okay. And I'd like you to tell me about all  
12 the other litigation you've been involved in, in terms  
13 of anything with Dominion, and then anything else.

14 So, tell me, please, what other cases are you  
15 involved, have you been involved in?

16 A. What do you mean by involved?

17 Q. Have you -- how many cases have you been a  
18 Plaintiff or a Defendant?

19 A. Plaintiff, there are, I believe, three  
20 additional cases that I was involved in.

21 Q. Okay. And what are the -- who were the  
22 Defendants in those cases?

23 A. One case, the main Defendant was Salem Media,  
24 and a couple of other Defendants under there that I  
25 couldn't recall right now.

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**Q. Okay.**

A. One was Clay Clark and ReAwaken America Tour.

**Q. Okay.**

A. Third case. I know I have five total.  
Trying to go through. I can't recall the  
exact Defendant's in the third case.

**Q. Well, can you remember any of them?**

A. In the third case? No, I can't remember any  
of the Defendant's in the third case right now.

**Q. You don't know any of their names at all?**

**First name, last name, you don't know anything  
about the third case?**

A. I think I just answered that.

**Q. I'm asking you in terms of you don't know any  
of their --**

A. I said, I didn't know any of the details.

**Q. Well --**

A. I can't recall any of the details right now.

**Q. Okay. In that last case, is that ongoing?**

A. No.

**Q. Is it settled?**

A. Yeah.

**Q. And how much did it settle for?**

MR. CAIN: The terms of his settlements are  
confidential.

01 MR. TICKTIN: I understand, but I need to  
02 know.

03 MR. CAIN: Right. And I'm instructing him not  
04 to answer that. We have an agreement with those  
05 parties to maintain the confidentiality.

06 Without their consent, we can't disclose, or  
07 we would be violating the confidentiality.

08 MR. TICKTIN: You're in a deposition at this  
09 point. I'm asking you to answer the question, and  
10 you're refusing to -- tell him not to answer.

11 MR. CAIN: I'm instructing him not to answer  
12 that question based on the agreement and --

13 BY MR. TICKTIN:

14 Q. Okay. Do you know how much it is?

15 A. I mean --

16 MR. CAIN: You can answer that without  
17 disclosing.

18 A. Yeah, I know the number. Yes.

19 BY MR. TICKTIN:

20 Q. Okay. And have you collected any money on  
21 that case?

22 A. Yes.

23 Q. Did you collect all the money of the amount of  
24 the judgment?

25 A. Sorry, third case, Lindell.

01 Q. Okay.

02 A. Mike Lindell. We went to trial on that.

03 Q. Okay.

04 A. Yeah, we prevailed.

05 Q. And you prevailed?

06 A. Yeah. And that was for \$2.3 million, and I  
07 have not connected -- collected on that.

08 Q. Okay. So, it's for \$2.3 million, that's not a  
09 settlement then?

10 A. No, that was a Jury award.

11 Q. So, the Counsel telling you that -- that there  
12 was a confidentiality agreement was not true.

13 Correct?

14 A. No, it was true for the other two cases.

15 Q. I understand it was true, but I was asking  
16 about the third case?

17 A. Which I had not recalled at the time that you  
18 asked me.

19 Q. Are you under the influence of any drugs or  
20 substances at this point that would affect your ability  
21 to testify in any way?

22 A. No, I'm not.

23 Q. Have you ever been addicted to any drugs?

24 A. Yes, I have.

25 Q. What drugs are those?

01 A. Heroin, predominantly.

02 Q. Okay. And what years were you addicted to  
03 heroin?

04 A. Roughly 2000 to April of 2005.

05 Q. Okay. In terms of -- in the last five years,  
06 have you been under any substance abuse treatment?

07 A. No.

08 Q. Okay. In terms of the suit against Clay  
09 Clark, was that settled?

10 A. Yes, it was.

11 Q. And how much was the settlement amount?

12 MR. CAIN: Same instruction. It's  
13 confidential settlement agreement, and we're not -  
14 -

15 MR. TICKTIN: Counsel, just same instruction  
16 is fine. We don't need a speaking discussion from  
17 you.

18 MR. CAIN: Well, let's --

19 MR. TICKTIN: Okay.

20 MR. CAIN: I'm not trying to coach my witness,  
21 I'm just explaining to you.

22 MR. TICKTIN: You're eating my clock, and you  
23 know it.

24 MR. CAIN: Subject to --

25 MR. TICKTIN: Please don't do that.

01 MR. CAIN: Subject to a confidentiality.

02 BY MR. TICKTIN:

03 Q. Sir, you -- did you get paid on that case for  
04 the amount of the judgment or the amount of the  
05 settlement, I mean?

06 A. I collected the full amount that was due to  
07 me.

08 Q. Okay. And if we don't know the amount that  
09 you already collected -- well, let me ask you this, was  
10 -- what was the nature of that suit?

11 A. Defamation.

12 Q. Okay. And what was the -- what was the  
13 statement that was made that you were suing on?

14 A. Again, I'd have to refer to the case filing  
15 for all the details, but there were several defamatory  
16 statements.

17 Q. And what were they?

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

19 Q. You don't know?

20 A. Off the top of my head, no. These cases have  
21 been going on for almost five years.

22 Q. Do you know what the statements were in this  
23 case?

24 A. They are statements made in the Deep Rig,  
25 mostly stated by Joe Oltmann, that I rigged the

01 election. So, the statements are all around claims that  
02 I personally rigged the election of 2020.

03 Q. Okay. And do you understand what that means,  
04 that you rigged the election?

05 A. That I somehow influenced the election and  
06 changed votes.

07 Q. Okay. Does it say that you rigged the  
08 election successfully and were responsible for changing  
09 the outcome?

10 A. Yes.

11 Q. That's what it said?

12 A. Some of those statements, yes.

13 Q. Okay. And you're saying that that's not true.  
14 You did not rig the election at all?

15 A. I did not.

16 Q. You didn't have anything to do with it?

17 A. To do with what?

18 Q. To do with the outcome of the election?

19 A. Again, you're going to have to clarify that  
20 because the outcome of the election is the tabulation of  
21 votes. So, I was involved in election support, so.

22 Q. Well, what was your position with Dominion?

23 A. I was the senior director of product strategy  
24 and security.

25 Q. Okay. Who was your superior above you?

01 A. I reported directly to [REDACTED].

02 Q. And what was that person's? What was her  
03 position?

04 A. I don't know her exact job title.

05 Q. Have you ever had an intimate relationship  
06 with [REDACTED]?

07 MS. LAMBERT: [REDACTED].

08 BY MR. TICKTIN:

09 Q. [REDACTED]?

10 A. Define intimate.

11 Q. Have you ever had a sexual relationship with  
12 [REDACTED] --

13 A. Absolutely not.

14 Q. Have you shared hotel rooms with her ever?

15 A. No.

16 Q. Never?

17 A. A hotel room?

18 Q. Yes.

19 A. No. We stayed in the same hotel. We have  
20 never had that sort of relationship that you're  
21 implying. Were we close friends? Yes.

22 Q. Yes. I am asking questions. I'm not  
23 implying. In terms of your suit with Salem Media, did  
24 you settle that suit?

25 A. Yes, that -- that lawsuit was settled.

01 Q. Okay. And did you get paid everything that  
02 you settled for?

03 A. Yes.

04 Q. How much was it that you settled for?

05 MR. CAIN: Same instruction. It's  
06 confidential, somewhat. Instructed not to answer  
07 that.

08 BY MR. TICKTIN:

09 Q. And what was the -- what was the defamatory  
10 remark in that case?

11 A. They were all around statements to the effect  
12 that I manipulated, changed votes, and interfered with  
13 the proper vote tally of the 2020 presidential election.

14 Q. Okay. And basically, it's all kind of the  
15 same kind of allegation against you. Correct? In all  
16 the cases?

17 A. Yeah, it's defamatory statements related to  
18 the 2020 election and my involvement.

19 Q. Right. And your involvement and the  
20 allegation that you rigged the election, basically one  
21 way or the other in all cases, right?

22 A. Those are the allegations and defamatory  
23 statements, yes.

24 Q. Right. In fact, in all five cases that you  
25 have?

01 A. Yes.

02 Q. Okay. Well, have you ever been involved in  
03 any other lawsuits?

04 A. Involved as a Defendant? No.

05 Q. Okay. So, how did this hurt you? These  
06 statements?

07 A. These statements included things like calling  
08 me a traitor, which, if you look up the statutes, is --  
09 a defamation per se.

10 Q. I understand the legal that you may think you  
11 have a legal remedy, but my question is, how did it hurt  
12 you?

13 A. I lost a career that I devoted roughly 15  
14 years of my life to.

15 Q. Okay. And how do you know that?

16 A. Because I'm no longer working in the elections  
17 industry.

[REDACTED]

[REDACTED]

12 BY MR. TICKTIN:

13 Q. Again, I'm curious as to how the statements  
14 that were made in the Big Rig hurt you, because you --  
15 okay. You said, you said because you're not working for  
16 anybody.

17 Do you have any evidence that anybody that --  
18 that you were working with watched the big rig?

19 MR. CAIN: Deep Rig, by the way, but --

20 BY MR. TICKTIN:

21 Q. I'm sorry, the Deep Rig?

22 A. I don't have any direct evidence of that, no.

23 Q. Do you have any evidence that they, people  
24 that dealt with you, had any knowledge of the other  
25 statements that were made by people in the other

01 lawsuits?

02 A. Generally speaking, yes, I know acquaintances  
03 in the election space. And let me clarify, you know, I  
04 know of people who saw a Deep Rig, yeah, that worked in  
05 elections.

06 Q. Okay. Like who?

07 A. [REDACTED].

08 Q. [REDACTED]?

09 A. Yep.

10 Q. What was his position?

11 A. I don't know, with any specificity.

12 Q. Okay. Did you -- you've got your PhD in what?

13 A. Nuclear physicist.

14 Q. Nuclear physics. What did that have to do  
15 with election programming?

16 A. Nope.

17 Q. But you do know how to do the election  
18 programming, right?

19 A. Can you define programming?

20 Q. Well, let me ask you this. Did you -- do you  
21 know what programming is?

22 A. I don't know how you define it.

23 Q. Well, how would you define it?

24 A. Did I write any code for the Dominion Product  
25 System?

01 Q. Yes.

02 A. The answer is no.

03 Q. Did you write any code for any other election  
04 system?

05 A. I did some code for various Sequoia Voting  
06 System products, yes.

07 Q. Okay. And the code from the Sequoia Voting  
08 System products, were they put in -- were they ever  
09 copied or used in any other voting systems to your  
10 knowledge?

11 A. No, they were integrated for a time into the  
12 Democracy Suite, let's say ecosystem that -- that some  
13 of the products from Democracy Suite could exchange  
14 results in an open format, but none of the code from the  
15 Sequoia system was reused in any system that I'm aware  
16 of.

17 Q. Okay. Do you know who programmed the  
18 Smartmatic machines?

19 A. That was a variety of people. I don't know  
20 for sure, but I know that there were both employees of  
21 Smartmatic and Sequoia that worked on, again, that  
22 system as a whole.

23 So, Smartmatic had two devices that were  
24 specifically Smartmatic Technology. I do not know who  
25 developed those.

01 Q. Okay. Okay. Was any of the code from Sequoia  
02 used in the Dominion products?

03 A. I think that was asked and answered.

04 Q. I asked you about Smartmatic?

05 A. Well, the original question I thought was  
06 referring to Dominion, no.

07 Q. Well, do you want to think it again for  
08 Smartmatic?

09 A. So, Smartmatic owned Sequoia. It was a wholly  
10 owned subsidiary. So, if the parent company is  
11 Smartmatic, I would say code developed for the Sequoia  
12 product would fall under Smartmatic's control. So, that  
13 would be potentially a yes.

14 Q. Okay. Before coming into this room, did you  
15 make a comment to anyone that would comment that was  
16 overheard that you don't want to have your deposition  
17 taken, or words to that effect?

18 A. No.

19 Q. You didn't say to anyone that we need to stop  
20 this?

21 A. No, the statement I made was, I didn't want to  
22 be in the room with Joe Oltmann because I think he's  
23 here just to intimidate me, and he has threatened my  
24 life and safety, and also brags about being armed at all  
25 times, even when travelling. So, I may have made a

01 statement that I didn't want to be in the room with that  
02 man.

03 Q. Okay. And have you had any altercations with  
04 him?

05 A. Direct altercations? No. Has he threatened  
06 me on many occasions? Yes.

07 Q. In person to your face?

08 A. No, he's too much of a coward.

09 Q. Well, how do you know it's not because he  
10 decided not to, and how do you know he is a coward?

11 A. Well, I mean, he's not like you or Dr. Byrne  
12 that assaulted my lawyer.

13 Q. And you -- by the way, you had your phone out,  
14 and you were taking videos of the events this morning.  
15 Correct?

16 A. Absolutely.

17 Q. And what did you capture in terms of that?

18 Did you capture anything where your lawyer was  
19 assaulting me or I was supposedly assaulting your lawyer  
20 out in the lounge?

21 A. I've got the tail end of you pushing them,  
22 yes.

23 Q. The tail end of it. Okay. All right. And do  
24 you have any other video that you've been able to get  
25 from any other source?

01 A. Not from any other source, no.

02 Q. Okay.

03 A. Just the two videos I took.

04 Q. Just the ones you took? Okay. And then you  
05 came in the room, and you were taking videos of what was  
06 going on here between Mr. Byrne and your lawyer?

07 A. Correct.

08 Q. Right. Okay. And you're testifying under  
09 oath that you, and I'm asking you now, by the way, to  
10 preserve that evidence. Okay? You're not to destroy  
11 that. Do you understand?

12 A. I've preserved it.

13 Q. Yes. And you're testifying under oath that  
14 you -- your lawyer never assaulted Mr. Byrne. You  
15 didn't see anything with your lawyer assaulting  
16 Mr. Byrne?

17 A. I did not.

18 Q. Yeah. You did -- did you watch your lawyer's  
19 hands at all times in terms of what your lawyer did?

20 A. The video shows what I saw.

21 Q. I asked you did you watch your lawyer. You're  
22 testifying that somebody assaulted somebody. I'm asking  
23 you from your observations, did you watch your lawyer's  
24 hands?

25 A. I think they were in view, yes.

01 Q. Okay. And did you see what your lawyer did?

02 Did you ever see your lawyer touch Mr. Byrne?

03 A. I did not.

04 Q. Okay. Were you in the room at the beginning  
05 of the altercation between Mr. Byrne and your lawyer?

06 A. I don't believe so. I came in because I heard  
07 shouting, and I felt like I needed to provide witness to  
08 what was going on.

09 Q. Okay. Now, in terms of the loss, other than  
10 the loss to your job, what other loss did you suffer  
11 from any of these defamatory statements?

12 A. I was subjected to death threats. I had  
13 people posting photos of my home, making statements that  
14 I was being followed. And these were all directly  
15 related to the false, defamatory statements being  
16 propagated about me by various individuals, including  
17 Patrick Byrne.

18 Q. Do you -- Mr. Byrne, actually, you're saying  
19 sent threat, death threats to you?

20 A. No, I said the death threats were precipitated  
21 by false, defamatory statements spread by many  
22 individuals, including Dr. Byrne.

23 Q. And -- okay. And in terms of the statements  
24 that you're calling false and, okay, you're calling them  
25 false and defamatory, you know, you're -- I'd ask you to

01 answer my questions without compounding the answers.

02 If you could just be answering the question I  
03 ask, if he would be so kind. So, in terms of -- how did  
04 Mr. Byrne in any way get any statements out or  
05 published?

06 A. I think that's in our complaint, and it's  
07 mostly focused around the production of the Deep Rig  
08 movie.

09 Q. I see. And what did Mr. Byrne do in terms of  
10 publishing the Deep Rig movie?

11 A. I don't know if that's a question of law, but  
12 he bankrolled it, from my understanding.

13 Q. Okay. And so, you're saying that because he  
14 put money into the movie, he's responsible for whatever  
15 the movie said. Is that your point?

16 A. Again, I think that's a question of law, which  
17 I'm not able to answer.

18 MS. LAMBERT: He hasn't provided you any  
19 documentation of these threats.

20 BY MR. TICKTIN:

21 Q. Okay. Do you have any documentation of any of  
22 these threats that you're talking about, your threats on  
23 your life, et cetera?

24 A. Yes.

25 Q. Okay. Did you -- did you provide those in

01 **discovery in this case?**

02 A. I believe so.

03 **Q. Yeah. Was any part of the Smartmatic source**  
04 **code used in the Dominion products?**

05 A. No.

06 **Q. How do you know that?**

07 A. Not to my recollection. The Dominion System  
08 was its own system.

09 **Q. Okay. And who wrote that code?**

10 A. A variety of people.

11 **Q. And who are the people that you know that**  
12 **wrote that code?**

13 A. I mean, again, I did not. Well, okay. I'll  
14 speak for what I know. I ran a development group for  
15 some time, about three years in Denver, and we worked on  
16 a variety of systems.

17 Most of those at that time were focused on  
18 essentially ways of interfacing the legacy Sequoia  
19 products with certain products from Dominion. So,  
20 essentially, just data exchanges.

21 So, the group in Denver, again, technically  
22 did not work on any of the Democracy Suite products at  
23 that time.

24 That changed on around -- somewhere around  
25 2013, maybe late 2012. Again, I don't have access to

01 all of this material.

02           So, this is just my recollections. The Denver  
03 group was tasked with developing what's called the  
04 Digital Adjudication System, which is a true integral  
05 part of the Dominion Democracy Suite product.

06           **Q. Do you have the names of the people that**  
07 **worked in the Denver group?**

08           A. I mean, again, I don't have access to that  
09 material off the top of my head, [REDACTED]. And  
10 they may have had very short engagements, very long  
11 engagements. I couldn't give you that.

12           **Q. Is there any similarity between the Smartmatic**  
13 **Code and the Dominion Code?**

14           A. Not to my knowledge, no.

15           **Q. Okay. Are they written in the same language?**

16           A. I do not know.

17           **Q. Okay. Did you work in the engineering**  
18 **division leading up to the 2000 presidential election --**  
19 **2020 presidential election?**

20           A. No.

21           **Q. So, why doesn't the Dominion EMS have a WinEDS**  
22 **directory containing data?**

23           A. I need to see some context for that.

24           **Q. Or what could be the reason?**

25           A. One potential reason, as I've described, is

01 there were certain jurisdictions that integrated certain  
02 components from DVS or Dominion Voting Systems with  
03 Legacy Sequoia Systems, which was WinEDS was one of  
04 those.

05 So, those were probably from my recollection.

06 Those would've been data constructs that  
07 facilitated the exchange of data between those two  
08 systems.

09 **Q. Was any Sequoia code whatsoever, whether it**  
10 **was -- whether it went to Smartmatic first or in any**  
11 **way, shape, or form? I'm not saying necessarily from**  
12 **Sequoia, but was any of the code of Sequoia used in**  
13 **Dominion machines?**

14 A. Again, please stipulate what Dominion machines  
15 mean, because if they include Sequoia machines that were  
16 licensed, then that would be a yes.

17 **Q. And were those used in 2020?**

18 A. No.

19 **Q. Not the Sequoia license machines, but the**  
20 **Dominion machines?**

21 A. Dominion machines were used in 2020. None of  
22 the legacy Sequoia systems were used.

23 **Q. Okay.**

24 A. In 2020.

25 **Q. But if some of the code from Sequoia was in**

01 the Dominion machines, that code would've been used in  
02 the Dominion machines in 2020. Correct?

03 A. To my recollection, there is absolutely no  
04 Sequoia code in the official Dominion system.

05 Q. Is there any Sequoia code that's been changed  
06 in any way so that it's not exactly Sequoia code, but  
07 which originated as Sequoia code that's in the Dominion  
08 Machines?

09 A. Not to my recollection or understanding.

10 Q. Well, who programmed the Dominion machines?

11 A. What's that?

12 Q. Who programmed the Dominion machines?

13 A. As I stated, there were several groups that  
14 had development, prior development object -- that  
15 developed the code base for the Dominion System.

16 Q. Well, if you're the one that rigged anything  
17 with the election in regard to Dominion machines, who  
18 did?

19 A. I don't believe the election was rigged. So,  
20 I would say no one.

21 Q. You're saying no one under oath?

22 A. Yes.

23 Q. Okay. And you're -- so, who programmed the  
24 Dominion listener?

25 A. I -- again, I don't know, I wasn't involved in

01 engineering.

02 Q. Okay. Who was?

03 A. The [REDACTED], again, that's my  
04 recollection because I didn't really know all the job  
05 titles. Was [REDACTED] [REDACTED] and I believe the [REDACTED]

[REDACTED].  
07 Q. And you're saying basically you didn't do  
08 anything to rig the election, but if anybody did, but  
09 there's nobody did anything less than what you did in  
10 terms of rigging the election. Correct?

11 MR. CAIN: Object to the form.

12 A. I don't believe anybody rigged the election in  
13 the Presidential 2020.

14 BY MR. TICKTIN:

15 Q. I understand, that's your belief, by the way.

16 Do you -- you know, we're talking about a  
17 political subject here. So, let me ask you, in terms of  
18 politics, is there one party or another that you have a  
19 preference for?

20 A. I'm a registered Democrat.

21 Q. Okay. And what are your feelings about Donald  
22 Trump?

23 A. I don't support him.

24 Q. Okay. Are you -- do you have strong feelings  
25 against him?

01 A. Yeah.

02 Q. And if you were able to sway a voter, let's  
03 just say legitimately, to not vote for Donald Trump,  
04 would you have done so?

05 A. I don't think there's ever been any evidence  
06 that I try to persuade people how to vote, no.

07 Q. No evidence of it. I'm asking you if it's  
08 something that you would do?

09 A. No.

10 Q. So, you know, you -- would you say you dislike  
11 Donald Trump intensely?

12 A. Yeah, I do not like his policies or who he is  
13 as a person. No.

14 Q. Okay. So, the testing of source code take  
15 place outside of the United States leading to the 2020  
16 election?

17 A. What do you mean? I'm sorry, again, what do  
18 you mean by testing?

19 Q. Well, the -- was there ever any confirmation  
20 made as to source code as to how it works and whether  
21 it's effective?

22 A. All source code used in the U.S. for all  
23 elections goes through a certification process in the  
24 U.S. by a third party an EAC, the Election Assistance  
25 Commission accredited what's called a Voting System Test

01 Laboratory (VSTL). All of that testing is done by  
02 accredited labs that are based in the U.S.

03 They do the source code testing, they do the  
04 functional testing of any new software build.

05 **Q. After the certification, what is done to make**  
06 **sure that nothing else is done in terms of any**  
07 **programming?**

08 A. For all the jurisdictions that I am familiar  
09 with, they receive a trusted build directly from the  
10 VSTL, and the jurisdictions themselves manage the  
11 installation of that software package.

12 MR. TICKTIN: Okay. I need to take a break  
13 for just a minute. Okay. I'll be back in one  
14 minute.

15 (Thereupon, a short discussion was held off  
16 record.)

17 (Deposition resumed.)

18 BY MR. TICKTIN:

19 **Q. Thank you. Dr. Coomer, now that you admit,**  
20 **you know what testing is. In terms of the source code,**  
21 **isn't it true that there's testing by other company --**  
22 **country -- in other countries such as Serbia?**

23 A. Yes.

24 **Q. And the source code for the Dominion brand was**  
25 **so tested before the 2020 election. Correct?**

01 A. Yes.

02 Q. Okay. All right. So, the -- we can say with  
03 some certainty here, the Dominion brand software, or the  
04 source code rather, was worked on in Serbia and other  
05 foreign countries leading up to the 2020 presidential  
06 election?

07 A. Dominion was a multinational company with  
08 offices in Serbia and Canada, and yes, development  
09 operations happened and were completed in both of those  
10 offices, as well as Denver.

11 Q. Okay. Any other countries involved?

12 A. No.

13 Q. What about Venezuela?

14 A. No.

15 Q. China?

16 A. No.

17 Q. Are any components on the machine made in  
18 China?

19 A. I do not know. I wasn't part of  
20 manufacturing.

21 Q. What was your role as Director of Products?

22 A. My main role, as presented in our discovery  
23 recently, was to provide to be a liaison between market  
24 demands, communicated to the development groups, to  
25 provide guidance on enhancement and the development of

01 new products to meet our market needs and our clients'  
02 needs.

03 Q. Okay. You're aware of what adjudication is?

04 A. Yes, sir.

05 Q. Okay. And you're aware that adjudication was  
06 not used in Arizona prior to the 2020 election?

07 A. I don't know when they actually adopted it,  
08 because I don't have access to that information anymore.

09 Q. Did you have a role in persuading Arizona  
10 Implement adjudication?

11 A. No, I didn't have a role in persuading them,  
12 but I did testify in front of the Arizona Election  
13 Commission.

14 Q. Yes.

15 A. To describe what adjudication or adjudication  
16 product facilitated.

17 Q. Okay. And was that giving them basically  
18 positive information about Dominion and your  
19 adjudication process?

20 A. It was giving them information of how the  
21 system worked.

22 Q. Okay. And what information did you give them  
23 about how the system worked?

24 A. How the system worked.

25 Q. And how does it work?

01 A. Okay. I mean, I can give you the long answer.  
02 Do you want the long answer?

03 Q. Well, maybe you can give it a slightly  
04 abbreviated, if you wouldn't mind?

05 A. Okay. So, adjudication in its rawest form, it  
06 has been around for centuries. And it is a process --

07 Q. Well, we know what the process is, just how  
08 does it work?

09 MR. CAIN: Objection.

10 A. No.

11 MR. CAIN: Form.

12 A. The process is how it works.

13 BY MR. TICKTIN:

14 Q. Okay. Then tell us?

15 A. Okay. And this is a process that's defined at  
16 the state level. Okay. Dominion doesn't define this  
17 process. The state does, and adjudication is involved  
18 in ensuring what's called voter intent, that all ballots  
19 cast meet the intention of the voter.

20 So, adjudication as a concept, as a thing, has  
21 existed. It's generally been done mostly as a manual  
22 process. So, ballots that are unreadable or during the  
23 procedure of, you know, opening ballots, mail ballots,  
24 and separating them can be identified as having  
25 potential defects that would impact voter intent.

01 For example, on a ballot where you fill in a  
02 bubble, some voters do not do that. They'll circle the  
03 candidate, and they do that consistently throughout the  
04 entire ballot.

05 And a lot of states, states, not Dominion,  
06 determine that those votes should be counted for those  
07 candidates that are circled, even though they didn't  
08 fill in the bubble. And that's an adjudication issue.

09 So, an adjudication system provides the  
10 ability to filter out those ballots when scanned so that  
11 they can be presented. And now I'm speaking  
12 specifically of the DVS, Dominion Voting System  
13 Adjudication module.

14 Those ballots can be presented to bipartisan,  
15 depending on state statute, bipartisan teams that can  
16 see a scan of the ballot that was captured at tabulation  
17 time. They can also see a record of how the ballot was  
18 tabulated. It's called the audit mark.  
19 It's a human readable text element.

20 And then the system would highlight those  
21 contests or candidates that meet the requirements of the  
22 jurisdiction to be "adjudicated". So, these can  
23 include.

24 **Q. Okay. I need to stop you because you're not**  
25 **answering the question. I'm asking how the machines in**

01 any way deal with the adjudication, cause the  
02 adjudication, and --

03 A. The machines don't cause the adjudication.

04 Q. What did the machines do? Do the machines  
05 then put it up on screen so the questionable ballots can  
06 then be adjudicated by others?

07 A. That was exactly what I was just describing.

08 Q. Right, yeah. And much more, yes. Did you  
09 have anything to do with programming adjudication?

10 A. No.

11 Q. Okay. Did Dominion delete batches of votes  
12 and election data prior to certification of the 2020  
13 election?

14 A. I -- not to my knowledge, I don't have any  
15 direct knowledge of that.

16 Q. Who programmed the adjudication in the  
17 Dominion machines?

18 A. I believe that was across several groups. I  
19 don't know exactly who the programmers were. I was not  
20 part of the engineering team.

21 Q. Okay. Was that engineering team in the United  
22 States or in Canada, or in Serbia or another country?

23 A. I think -- again, my recollection was  
24 predominantly U.S., but I can't speak to specifics  
25 otherwise.

01 Q. So, you don't know?

02 A. I don't know. I wasn't part of the  
03 engineering team.

04 Q. So, you're just guessing when you're saying  
05 the United States?

06 A. No, I managed the team in 2013 that began the  
07 initial development of adjudication, and that was 100%  
08 in the U.S. starting from 2014 on. I no longer managed  
09 any development, so I don't know who continued to work  
10 on that module.

11 Q. Did you ever manage any Venezuelans in any of  
12 these election companies?

13 A. I managed two people that were born in  
14 Venezuela. I don't know the status of their immigration  
15 when I managed them. I know at least one was by that  
16 point of Mexican citizen.

17 Q. Do you know the names of the people that you  
18 managed that were?

19 A. Yes, [REDACTED].

20 Q. Yes.

21 A. And [REDACTED]

22 Q. What about [REDACTED]?

23 A. I never directed [REDACTED].

24 Q. Did you ever work with him?

25 A. Yes.

01  
02  
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Q. And what was your capacity at the time?

A. We worked on similar projects.

Q. What was your position at that time?

A. I mean, at one point in the -- excuse me, 2010 and 2013, I was the VP of US Engineering.

Q. And if [REDACTED] were to say that you were his supervisor, would he be lying?

A. Yes.

Q. And is it possible that you were in some way above him?

A. No, [REDACTED] worked in the [REDACTED] [REDACTED]. I never worked in the [REDACTED] [REDACTED].

Q. Yeah. What about in Sequoia or other -- Was he involved in Sequoia with you?

A. I do not know the organizational breakdown in Sequoia. The last year of Sequoia, I was the executive VP of engineering. I don't know the org chart whether operations was under engineering or if it was under operations.

Well, no, because the other VP was operations.

So, to the best of my recollection, [REDACTED] [REDACTED] always directly reported to operations, and I was never involved in it.

Q. Okay. So, you were never in a position where

01 you could say, "Hey, [REDACTED], would you mind getting me a  
02 Coke?", or, "Hey, [REDACTED] gave me a cup of coffee?", or  
03 anything?

04 A. No, but I could ask him questions of, "Hey  
05 [REDACTED], did you complete what you were assigned to do by  
06 your superior?"

07 Q. So, you could ask him that?

08 A. Yeah.

09 Q. And in other words, so there was an -- there  
10 was a dovetailing at least between the different  
11 departments, right?

12 A. I mean, we had members of different  
13 departments working on the same project, so we would  
14 communicate with each other. I didn't direct his  
15 activities.

16 Q. Okay. When did you start working in Sequoia?

17 A. July 5th, 2005.

18 Q. Okay. What is the Coomer tool that you  
19 programmed?

20 A. I don't recall a Coomer tool.

21 Q. Okay. I'm going to, I'll give you a copy,  
22 Counsel, too. Would you show that to the witness?  
23 I'll mark that for Exhibit 1.

24 (Thereupon, Defendant's Exhibit 1 was entered  
25 into the record.)

01 MR. TICKTIN: I'm now presenting to the  
02 witness. Can you pass that to the witness,  
03 Counsel? I've now given you Plaintiff's Exhibit --  
04 I'm sorry, Defendant's Exhibit 1.

05 MR. CAIN: Mr. Ticktin, this is not Bates  
06 labeled.

07 MR. TICKTIN: Okay. It says here, "I will  
08 place copies of these databases in the Coomer tool  
09 for everyone tomorrow".

10 MR. CAIN: Well, let me get --

11 MR. TICKTIN: You see where it says that, sir.

12 MR. CAIN: Let me get clarification. This  
13 document has not been produced in this case.

14 MR. TICKTIN: No, that's not -- no speaking  
15 objection, sir.

16 MR. CAIN: No.

17 MS. LAMBERT: Sir?

18 MR. CAIN: This document is not Bates labeled.  
19 I'm just trying to find out.

20 MR. TICKTIN: It doesn't matter. Counsel,  
21 please, you're eating my time.

22 MR. CAIN: No, we have an issue, as you  
23 know --

24 MR. TICKTIN: Okay. We'll talk about that  
25 off-camera, sir, later.

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Coomer, Dr Eric on 01/27/2026

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01 MR. CAIN: No, I need a representation from  
02 Counsel.

03 MR. TICKTIN: I'm not answering your  
04 questions. Sir, I'm asking questions. I need you  
05 to answer my questions.

06 MR. CAIN: Are you refusing to tell me the  
07 source of this document?

08 MR. TICKTIN: I'm not discussing anything with  
09 you. I'm asking questions of a witness.  
10 You're interrupting.

11 MR. CAIN: I'll take that as a yes.

12 MR. TICKTIN: If you continue to do this, I'm  
13 going to get extra time. I'm going to take this  
14 deposition again.

15 Please don't -- I know your style, and I know  
16 what you've done in other depositions. Don't do it  
17 here.

18 BY MR. TICKTIN:

19 Q. Witness, I'm asking you, do you see where it  
20 says that? I know it's very small print, and it's hard  
21 for me to read it too, if it's hard for you to read it.  
22 But could you see where it says about the Coomer tool?

23 A. I can see that, yes.

24 Q. Okay. I'm asking you, what is the Coomer  
25 tool?

01 A. I have no idea. I'm not on this e-mail. I'm  
02 not referenced. I have no idea what they're referring  
03 to.

04 Q. I'm -- I will ask that. Do you give the  
05 original, sir, to the Court Reporter?

06 A. Is this what you're calling original?

07 Q. Yes. What is the parallelism behavior with  
08 the SQL Server? What happens with parallel --  
09 parallelism if it is not used? What happens if  
10 parallelism isn't used?

11 A. I don't know.

12 Q. Do you know what is parallelism behavior?

13 A. I believe that's a multi-threading of the  
14 database, but I'm not positive.

15 Q. In terms of, you mentioned a trusted build  
16 before, and when a trusted build is installed for  
17 Dominion, does it wipe out all of the data that's  
18 already in the machine?

19 A. It overwrites it, yes.

20 Q. So, it wipes it and overwrites it?

21 A. It overwrites the data. I don't know if it's  
22 a true wipe or not.

23 Q. Okay. So, when a trusted build is installed,  
24 the data is also destroyed. Correct? And I say also,  
25 as well as the original programming?

01           A.    That is the point of a trusted build is to  
02 replace whatever is on the system with a trusted build  
03 installation, yes.

04           **Q.    And it also deletes the QR scan?**

05           A.    I don't know what that even means.

06           **Q.    Well, do you not know what a QR scan is?**

07           A.    No.

08           **Q.    Do you know what the Colorado export is?**

09           A.    I -- perhaps.

10           **Q.    What do you think it is?**

11           A.    I believe it is a report, an export report of  
12 election data.  And it's specific to Colorado because it  
13 interfaces with the state reporting system.

14           **Q.    So, what version of software we used in  
15 Colorado for the 2020 election?**

16           A.    I have no idea.

17           **Q.    That wasn't your responsibility?**

18           A.    No.

19           **Q.    Are there errors that have been taken place --  
20 that have taken place in the 2020 election or leading  
21 up to the 2020 election with exports in the RTR files?**

22           A.    Not that I'm aware of, no.

23           **Q.    Do you know what the RTR files are?**

24           A.    Results tally and reporting, yes.

25           **Q.    Okay.  And you would -- would you know, if**

01 there were such problems, would that be -- something  
02 that would be brought to your attention?

03 A. It may be, but again, we're talking five years  
04 ago, and I have not had access to my Dominion Company  
05 e-mails, so I do not have direct recollection of  
06 anything to do with RTR exports from the 2020 election,  
07 no.

08 Q. Yeah. Would it help you to review those  
09 documents to refresh your memory?

10 A. I don't have access to them.

11 Q. If you had access to them, would it help you  
12 to review your memory?

13 A. Certainly, if I had access to them, I could do  
14 searches on it, yeah.

15 Q. And you'd be -- and that would help you  
16 refresh your memory. Correct?

17 A. Potentially, yes.

18 Q. Okay. What was the date of your resignation  
19 from Dominion?

20 A. I didn't resign.

21 Q. What was the date of your mutual settlement of  
22 you leaving the company?

23 A. I believe it was May 14th is when it was  
24 finalized.



01

[REDACTED]

20

Q. How many places have you attempted to get work

21

from [REDACTED]?

22

A. I have not submitted a resume, but I have

23

talked with several people that have various consulting

24

groups and also other contacts about potentially

25

reentering the, you know, the election space, probably

01 three or four.

02 Q. I'm sorry, I'm not sure if I asked, what was  
03 the date of that separation?

04 A. I believe it was May 14th that was asked and  
05 answered.

06 Q. Of 2020?

07 A. 2021.

08 Q. May 14th of -- I'm sorry. That's what I meant  
09 to say 2021, May 14th, 2021. That was the date of your  
10 disengagement with -- from Dominion?

11 A. To the best of my recollection, yes.

12 Q. Okay. And from that time forward, you've  
13 never made another application for another job in the  
14 election space. Correct?

15 A. I have not submitted a resume.

16 Q. Have you applied any place else for work?

17 A. I have not filled out an application, no.

18 Q. Okay. So, you've never been rejected from  
19 work either. Correct?

20 A. That is not correct.

21 Q. Well, who rejected you?

22 A. Several individuals.

23 Q. Which individuals?

24 A. [REDACTED].

25 Q. [REDACTED]. Who is she?

01 A. She's somebody that [REDACTED]  
[REDACTED].

03 Q. Spell --

04 A. [REDACTED].

05 Q. Okay. What's the next one?

06 A. Would you like me to finish?

07 MR. DEMPSEY: Yes, spell the last name.

08 Sorry to interrupt.

09 A. M-O-R-R-E-L-L.

10 BY MR. TICKTIN:

11 Q. That's [REDACTED]. Okay. I thought you  
12 said [REDACTED]. Okay. [REDACTED]?

13 A. No, I said [REDACTED], I said [REDACTED]

14 Q. Okay. [REDACTED]. [REDACTED]  
[REDACTED]

16 A. I don't recall.

17 Q. Where does she -- where do you have her  
18 contact information?

19 A. Yes, I do.

20 Q. And can you provide that to us?

21 A. I can provide that.

22 Q. Can you provide -- tell me now?

23 A. No.

24 Q. Do you -- how is it that it came out that --  
25 about that she did not accept you as a new refused

01 employment to you if you never applied for employment?

02 A. So, [REDACTED], and we were  
03 longtime colleagues. And I reached out to her by phone  
04 to discuss if there was any possibility that I could  
05 work for [REDACTED].

06 And she expressed that that would not be  
07 possible due to the toxic nature, due to the defamation  
08 made against me.

09 Q. Okay. And do you have no way of knowing if  
10 that was her true reason or if she just didn't like you?

11 A. Oh, no, we've been friends to this day.

12 Q. Do you plan on calling her as a witness at  
13 trial?

14 A. I don't think so.

15 Q. Have you ever accessed County or City servers  
16 in Cities or Counties without approval from the local  
17 government?

18 A. No.

19 Q. Have you ever accessed such servers with  
20 approval?

21 A. Yes.

22 Q. Okay. And was that while you were working  
23 with Dominion?

24 A. Yes, and -- yes.

25 Q. Okay. And where were the -- where was that?

01 Which counties? What cities?

02 A. Again, you know, I had a 15-year career. I  
03 can say that I was provided access to systems that were  
04 part of the central server. Those are Dominion  
05 interfaces, so user interfaces.

06 In [REDACTED]  
[REDACTED], I -- [REDACTED]. Those are the only  
08 ones that I recall.

09 Q. What about in Pennsylvania?

10 A. I never, I don't believe I ever worked support  
11 in Pennsylvania.

12 Q. Georgia?

13 A. I never provided direct support in Georgia or  
14 had access to any of the systems fielded in Georgia.

15 Q. Michigan?

16 A. No, Michigan.

17 Q. Who is [REDACTED]?

18 A. Who?

19 Q. [REDACTED], well, he -- I'm asking you three names.

20 It's either [REDACTED]. Do you  
21 know anybody, [REDACTED] --

22 A. I don't recognize that name.

23 Q. You don't know that person?

24 A. I don't recognize that name.

25 Q. Who is [REDACTED]?

01 A. I do not recognize that name.

02 Q. Who is [REDACTED]?

03 A. I do not recognize that name.

04 Q. Have you ever worked with [REDACTED]?

05 A. I've never worked with him, but I know who he  
06 is, yes.

07 Q. Okay. Who is he?

08 A. I believe he is the [REDACTED],  
09 something with a -- I believe t [REDACTED]  
10 [REDACTED].

11 Q. Did you work with [REDACTED]

12 A. Asked and answered.

13 Q. Okay. How long did you work -- how many years  
14 have you worked with [REDACTED]

15 A. I honestly don't know the exact years because  
16 I know that over the time period, I think I first met  
17 him in 2006, so we would've started working together.

18 And he was still employed in 2020 when I -- or  
19 2021 when I separated.

20 But in that time period, he took a couple of  
21 breaks and worked for other companies. I took about a  
22 seven-month break, so I couldn't give you the exact  
23 number of years.

24 Q. Where did you meet him?

25 A. Glenarm Place Office of Sequoia, the -- my

01 best recollection was the [REDACTED].

02 It was in his office when I first met [REDACTED].

03 Q. How did it come about that you got hired by  
04 Sequoia?

05 A. I had resigned from a previous job with Indigo  
06 Corp. I was a database developer for them. I didn't  
07 find the work particularly interesting, so I tendered my  
08 resignation somewhere in late April, early May  
09 timeframe.

10 I posted my resume on several resume boards at  
11 the time, dice.com, monster.com, listing my, you know,  
12 my CV at the time, and my relevant experience.

13 And I received a call from a recruiting agency  
14 that had been retained by Sequoia to hire a database  
15 developer.

16 Q. And who was that? What's the name of that  
17 agency?

18 A. I have no recollection. That was 2005.

19 Q. Do you have a copy of that resume?

20 A. I don't believe so, I may.

21 Q. Okay. But in terms of your resume, I mean,  
22 not just that you have the letters PhD, but you're --  
23 you would have -- do you have a master's degree as well?

24 A. Yes.

25 Q. Okay. And that would be a prerequisite for

01 the PhD?

02 A. Not necessarily, but I do have a master's.

03 Q. You do? And what was the master's in?

04 A. Nuclear physics.

05 Q. Nuclear physics. So, you know, you're a  
06 pretty bright guy, right?

07 A. I don't know how to answer that.

08 Q. Well, you're -- would you agree that you're a  
09 nuclear scientist?

10 A. I agree, I got my PhD in nuclear physics, but  
11 I left that field, so I'm a trained nuclear physicist,  
12 yes.

13 Q. You're -- okay. And you know how to program  
14 computers. Correct?

15 A. I mean, at one time. I was more of a database  
16 developer, so I didn't necessarily write programmatic  
17 code.

18 Q. Okay. And in terms of your, like, your marks  
19 in school, you know, you were basically an A student,  
20 weren't you?

21 A. I graduated Magna Cum Laude, yes.

22 Q. Yeah, that's what I'm getting at. So, you're  
23 a very capable person?

24 A. I think I'm capable, yes.

25 Q. Right. And when, in order to have somebody

01 that would be able to program election computers to do  
02 exactly the correct and right things, you would need  
03 somebody that's very bright like you. Correct? Very  
04 capable like you, let's put it that way?

05 A. No.

06 MR. CAIN: Object to form.

07 BY MR. TICKTIN:

08 Q. You don't think you would need somebody highly  
09 intelligent to be able to program computers to work  
10 appropriately --

11 A. No.

12 Q. For election? What about to rig the vote?  
13 Wouldn't you need somebody with a big -- a  
14 bright mind to be able to do that?

15 MR. CAIN: Objection, form.

16 A. I don't think it's possible to "rig the  
17 election", considering all of the environmental code  
18 related and systems and policies that are in place.

19 BY MR. TICKTIN:

20 Q. I see. Well, I mean, have you ever seen any  
21 results from any -- in any election, which didn't  
22 necessarily make sense, where it may appear that votes  
23 were switched or that there were other kinds of  
24 problems, such as an illogical count?

25 A. I have seen and experienced anomalies, yes.

01 Q. Okay. And who -- why -- what caused those  
02 anomalies?

03 A. Can you be more specific?

04 Q. I'll get to that. But do you know any  
05 anomalies that you can think of that you can explain?

06 A. Yeah, I do.

07 Q. Okay. Let's start. Tell me one?

08 A. I am familiar in general with an anomaly that  
09 was experienced in the 2020 election in Antrim County,  
10 Michigan.

11 Q. Okay. And what happened there in Antrim  
12 County?

13 A. The jurisdiction configured their election,  
14 printed their ballots, configured their machines, tested  
15 them, which is a process called pre-logic and accuracy  
16 testing, pre-lab.

17 And after all of that work was done, they  
18 realized through their own errors that they had left a  
19 contest off a certain subset of ballots. Or you want me  
20 to continue? I just want to make sure I'm not.

21 Q. Okay. I'm curious.

22 A. Okay.

23 Q. So, they left the --

24 A. Contest off.

25 Q. Contest off?

01 A. Yes. So, they had to go back and reconfigure  
02 the election management system to add that contest to a  
03 subset of ballots.

04 Q. So, it's possible to leave a set of figures  
05 out of the calculation?

06 A. No.

07 Q. I mean, how was that done? I mean, was it  
08 done because there were ballots that never went through  
09 the tabulator? Is that what --

10 A. No, it was done because the jurisdictional  
11 employees didn't physically data-entered the information  
12 necessary for that contest, complete human error by the  
13 jurisdictional employees.

14 Q. All right. Okay. In terms of these  
15 computers, are these computers are able to communicate  
16 with any other computers that the Dominion hardware?  
17 Is it able to communicate with anything else?

18 A. You're going to have to provide specifics,  
19 that's -- that is far too general.

20 Q. Well, we hear about this air gap. What's the  
21 air gap?

22 A. The air gap is that the central EMS reporting  
23 unit, it does not have a direct connection to the --  
24 what's called the internet.

25 Q. Okay. And if it doesn't have a connection,

01 are these machines able to communicate?

02 A. Directly with the central server?

03 Q. Yeah?

04 A. No.

05 Q. Okay. Which databases were you responsible  
06 for developing for Sequoia?

07 A. The election management system database.

08 Q. Okay. And is that something that's also  
09 provided in the trusted build?

10 A. Yes.

11 Q. And does that change from time to time?

12 A. There are multiple certified versions of that,  
13 yes.

14 Q. Do you have experience in configuring the  
15 ballots in any way?

16 A. Yes, I do have experience with that.

17 Q. And do you have experience in certifying for  
18 the election, those ballots?

19 A. I don't know the -- I don't understand that  
20 question.

21 Q. Do you know who Ellie Moreno is?

22 A. No, I do not.

23 Q. Do you know who Roger Pinat is?

24 A. I do, Pinate.

25 Q. Pinate, okay. How do you know him?

01 A. Because he was one of the Senior Executives at  
02 Smartmatic when I worked at Sequoia from July 2005 to  
03 somewhere around mid-2007.

04 Q. Did he ever work for Smartmatic in any  
05 capacity -- did you ever work for Smartmatic in any  
06 capacity?

07 A. So, I worked for Sequoia, which was a wholly  
08 owned subsidiary of Smartmatic. I never directly worked  
09 for Smartmatic Corporation, no.

10 Q. Did you ever take direction from Roger Pinate?

11 A. No.

12 Q. Antonio Morica, do you remember him?

13 A. Do you mean Mojica?

14 Q. Perhaps, yes.

15 A. I know Antonio. I've met him a couple of  
16 times. I never took direct orders or instructions.

17 Q. What was his position in comparison to yours?

18 A. Again, I believe he was the -- at the time,  
19 either CEO or owner of Smartmatic.

20 Q. Do you know of any -- have you -- do you think  
21 that -- this fellow, Mojica, was completely legitimate,  
22 acted legitimately at all times?

23 A. I have no knowledge.

24 MR. CAIN: Objection, form. Sorry.

25 THE WITNESS: Sorry.

01 MR. CAIN: Object to the form of the question.

02 Go ahead and answer.

03 A. I do not have any direct knowledge of Antonio  
04 Mojica.

05 BY MR. TICKTIN:

06 Q. Okay. Do you have --

07 A. Meeting him a brief couple of times.

08 Q. I understand. Did you have any beliefs,  
09 whether founded or unfounded, that he did anything wrong  
10 with any -- you know, anything illegal?

11 MR. CAIN: Object to form.

12 BY MR. TICKTIN:

13 Q. In particular?

14 A. So, in roughly 2009, Sequoia was wholly owned  
15 by Internal Management Group. Smartmatic had divested  
16 of all ownership concerns. This -- and this is two and  
17 a half years later, we were competitors for a bid for  
18 providing election equipment in the Philippines, and  
19 Smartmatic was a direct competitor, and I believe some  
20 of the dealings that they had during the RFP process was  
21 illegitimate, yes.

22 Q. And what -- can you explain what did you think  
23 was, that was done was illegitimate?

24 A. So, one of the examples, part of the process,  
25 was once the bids were deemed compliant, there was a

01 three to four-day demonstration of the equipment given  
02 to the Filipino COMELEC Commission on Elections.

03 The RFP clearly stated that only direct  
04 employees of the company that was bidding could  
05 participate in the demo, and I identified at least a  
06 couple of people that I knew were not direct employees  
07 of Smartmatic at the time.

08 Q. Who were they?

09 A. Chris Iskander, I-S-K-A-N-D-E-R, I believe, is  
10 his name. There was one other person I don't know his  
11 name, but I had a strong feeling was not a Smartmatic  
12 employee.

13 Q. Do you know [REDACTED]?

14 A. I do.

15 Q. And how did you meet him?

16 A. I don't recall the first time we met. I  
17 believe it was at an election-related conference. This  
18 would've been sometime, probably around the 2008 era.

19 Q. And what was his position at that time?

20 A. I believe he was the [REDACTED]  
[REDACTED]. I don't know  
22 the entity.

23 Q. Okay. And on what basis do you believe he was  
24 the [REDACTED]

25 A. General knowledge.

01 Q. Did he ever say to you that he was the [REDACTED]?

02 A. I don't know if he used that exact phrase.

03 Q. Yeah. Would it surprise you to know if you  
04 were to know that he was confused as to whether he --  
05 his position was that of [REDACTED]?

06 A. I don't understand the question.

07 Q. Would it surprise you to know if -- I want you  
08 to assume that he was surprised?

09 A. I'm not going to assume what he thought.

10 Q. Okay. What I'm asking you is, would it  
11 surprise you to know that he is confused as to whether  
12 he was in the position of [REDACTED] or not?

13 MR. CAIN: Object to form.

14 A. At what time frame? Sorry.

15 BY MR. TICKTIN:

16 Q. At any timeframe that you thought he was a  
17 CEO?

18 A. And that he wasn't, or he was confused if he  
19 was?

20 Q. Yes, that he was confused if he was?

21 A. I would be surprised that -- that he was  
22 confused on what his role is, yes.

23 Q. Okay. Did he himself need to sometimes get  
24 permission from anyone that was in Serbia for anything?

25 A. Not to my knowledge, no.

01 Q. Okay. Were there people in Serbia that would  
02 need -- that were consulted from time to time for  
03 Dominion?

04 A. The VP of software engineering was located in  
05 the Belgrade office in Serbia.

06 Q. Okay. So, there were individuals that were  
07 involved. Who was the head of software engineering?

08 A. Asked and answered.

09 Q. I don't recall. Please tell me again. It's  
10 not for you to object. That's not your job?

11 A. I gave you the information.

12 Q. Please, who was?

13 MR. CAIN: Tell him again?

14 A. [REDACTED].

15 BY MR. TICKTIN:

16 Q. And could you spell [REDACTED] last name?

17 A. [REDACTED].

18 Q. Have you ever been a fundraiser for -- wait,  
19 hold on a second. Okay. Have you ever been to a  
20 fundraiser with [REDACTED]?

21 A. Not to my recollection, no.

22 Q. Have you ever gone to a fundraiser? Or a  
23 political fundraiser?

24 A. Political fundraiser, no.

25 Q. Did you support Joe Biden?

01 A. No, I've never made any political donation.

02 Q. But you were in favor of Joe Biden?

03 A. If you're asking my voting record, I'm not  
04 going to respond to that.

05 Q. Have you ever discussed pizza with [REDACTED]  
06 [REDACTED]?

07 A. Pizza?

08 Q. Yes?

09 A. I mean, probably we've ordered pizza.

10 Q. Have you ever discussed a band party with [REDACTED]  
11 [REDACTED]? A Panda party with, like the Bear, a Panda  
12 party with [REDACTED].

13 A. No.

14 MR. CAIN: Object to form.

15 A. Not to my recollection.

16 BY MR. TICKTIN:

17 Q. Do you know which states used the Colorado  
18 export for the 2020 election?

19 A. No, I do not.

20 Q. Do you know of any?

21 A. Colorado did.

22 Q. Okay. And no other that you know of?

23 A. Not that I recall.

24 Q. Okay. Do you know what a Superman mode is?

25 A. Not without context, no.

01 Q. So, you don't know whether the Superman mode  
02 was used in the 2020 election?

03 A. No, that doesn't, that term doesn't ring a  
04 bell at all.

05 Q. Do you know who [REDACTED] is? [REDACTED]?

06 A. I do.

07 Q. Okay. Who is he?

08 A. He was, I believe, [REDACTED]  
[REDACTED].

10 And his work involves the [REDACTED]  
[REDACTED].

12 Q. And did he work also for Smartmatic?

13 A. Not to my knowledge.

14 Q. Did you work with [REDACTED]?

15 A. I had discussions over the years. I don't  
16 know if I would say I worked with him. I didn't manage  
17 or really even know the details of the product that he  
18 worked on.

19 Q. Did any of the contractors that you know of  
20 have remote access on their computers to -- or their  
21 laptops to be able to remote into the system?

22 A. Can you define the system?

23 Q. The Dominion machines in any way?

24 A. I do know that they had the ability to remote  
25 into test hardware and systems within the various

01 Dominion offices, yes, I'm aware of that.

02 Q. And in fact, they could remote into the Denver  
03 office. Correct?

04 A. Yes, for testing and quality assurance, yes.

05 Q. And potentially anywhere with a VPN.  
06 Correct?

07 A. No.

08 Q. Well, if they got into the Dominion -- if they  
09 got into the Denver office, wouldn't they -- wouldn't  
10 that allow them into the Denver's network?

11 A. Not necessarily, no.

12 Q. But it could?

13 A. The Denver network was an internal network,  
14 yes.

15 Q. What is Vot, V-O-T, Sim, S-I-M?

16 A. That is a program to create a set of test  
17 ballots for verifying the system functionality.

18 Q. Did you make any changes to the adjudication  
19 system ever, leading up to the 2020 election?

20 A. If you mean the software of the adjudication  
21 system?

22 Q. Yes.

23 A. No, I told you I did not write a single line  
24 of code for Dominion product.

25 Q. Did you oversee anything, anyone else that

01 did?

02 A. Not directly, no.

03 Q. Okay. Did you oversee indirectly anyone who  
04 did?

05 A. I provided requirements and enhancements at a  
06 high level that were handed off to what is called a  
07 product owner of the adjudication system, and at that  
08 point, it fell under engineering to evaluate those and  
09 put them in the timeline and manage the production of  
10 that. That was out of my hands at that point.

11 Q. And those would be Serbian engineers?

12 A. Potentially, I don't know. I wasn't in  
13 engineering, so I know that some of that work was done  
14 predominantly in the U.S. I don't know for direct  
15 knowledge that Serbian developers wrote any of that  
16 code. I'm not in engineering.

17 Q. But do you agree that you did communicate with  
18 engineers in Serbia prior to the 2020 election, right?

19 A. Yes.

20 Q. So, you're making this distinction that it  
21 wasn't in the organizational chart underneath you, but  
22 in reality, you had dealings that basically put you in  
23 connection with all of these people, and you had  
24 authority. Correct?

25 A. I did not have authority, no. I provided

01 information.

02 Q. Okay. So, tell me a little bit about the  
03 information you provided?

04 A. As I just previously stated, I would provide  
05 high-level requirements. Sometimes that was due to  
06 market demands. Sometimes it was due to changes in  
07 statute.

08 Q. So, did you provide the source code to Serbia  
09 prior to the 2020 election?

10 A. I'll repeat, hopefully for the last time. I  
11 did not write a single line of code using the Dominion  
12 system.

13 Q. I didn't ask if you wrote it. I asked you if  
14 you provided it?

15 A. No.

16 Q. In terms of the losses that you think you  
17 suffered, how much money are you asking for, Mr. Byrne?  
18 Do you know?

19 A. I don't know if we've finalized that, no.

20 Q. Approximately how much do you think,  
21 Mr. Byrne?

22 A. I don't know, we've got a bunch of outstanding  
23 sort of financial analysis that I'm not up to speed on.

24 Q. Okay. Could you give me the method of how,  
25 what that financial amount analysis is about?

01 MR. CAIN: Object to form.

02 THE WITNESS: Is that privileged?

03 MR. CAIN: No, it's expert testimony, but if  
04 you know the answer, you --

05 A. I know we have a couple of experts that that  
06 is their field is calculating that economic impact. I  
07 don't know any of the details beyond that.

08 BY MR. TICKTIN:

09 **Q. Well, haven't you already been compensated for**  
10 **that economic impact?**

11 A. The economic impact of my loss of employment,  
12 no, I have not been compensated for that.

13 **Q. Did you not get to give that evidence in other**  
14 **lawsuits?**

15 A. I have not been compensated for the economic  
16 loss of losing my career, no.

17 **Q. Well, do you know how much that is?**

18 A. I believe we've calculated that, yes.

19 **Q. Okay. Well, how much were you earning? What**  
20 **was your salary while you were working for Dominion?**

21 A. Again, I don't, it's been five years, and I  
22 don't have access to that. My recollection is my base  
23 salary in 2020 was around [REDACTED].

24 And my bonus that year was, I think, somewhere  
25 in the [REDACTED]. And that's the best of my

01 recollection.

02 Q. Have you ever been to Serbia?

03 A. Yes, I have.

04 Q. And was that at your expense?

05 A. No, it was a company expense.

06 Q. Okay. How many times have you been there?

07 A. I don't recall the number.

08 Q. Approximately how many times have you been  
09 there?

10 A. I don't recall. It was one to two or three  
11 visits per year over a certain timeframe, starting  
12 around 2010. I think my last trip, again, I don't have  
13 access to my calendars. This was all business trips.  
14 I think my last trip was somewhere around 2018.

15 Q. Does Dominion know that you were not cheating  
16 in the election?

17 A. I don't know what they know.

18 Q. Well, if -- I mean, I'm trying to figure out,  
19 you're saying that you were, [REDACTED]

[REDACTED], and you're blaming the fact that  
22 you were no longer with Dominion on Mr. Byrne with --  
23 and with his so called production of the Deep Rig.  
24 Correct?

25 A. Yes.

01 Q. So, well, that -- I'm sorry, I got to go back.  
02 I need to ask you in terms of the people that you got  
03 these letters from, these death threats. Tell me about  
04 the first one you got.

05 A. I honestly don't recall.

06 Q. Did -- well, wasn't it upsetting to you to get  
07 it out?

08 A. Absolutely.

09 Q. Yes.

10 A. Yeah.

11 Q. All right. Did you talk to anybody about it,  
12 like a psychiatrist or a psychologist?

13 A. Yes.

14 Q. Okay. Who was that?

15 A. That was Dr. Finkel.

16 Q. Doctor -- what's Dr. Finkel's first name?

17 A. I don't remember.

18 Q. Okay. And what jurisdiction is he in?

19 A. I believe he operates out of New York.

20 Q. Where in New York?

21 A. I have no idea.

22 Q. Well, did you just meet with him directly?

23 A. Over Zoom.

24 Q. You met with him over Zoom. You had a  
25 consultation with him?

01 A. I had many, well, I had more than  
02 consultations with him. He treated me for several  
03 months.

04 Q. And do you have those records available or  
05 not?

06 A. I believe we provided them in our discovery  
07 responses.

08 Q. Okay. Did you meet with any other  
09 psychiatrists or psychologists or priests, or anyone  
10 else to help you with your emotional problems?

11 A. Yes, along the years, and I believe all of  
12 that information has been provided in our discovery.

13 Q. Okay. So, in terms of these different things,  
14 how many threats did you get?

15 A. I don't even know the number, but it's in the  
16 range of 100s to low 1,000s.

17 Q. Okay. When's the last time you got one?

18 A. Within the last week, people have been calling  
19 for me to be hanged.

20 Q. Well, that's not the same thing, is it? I  
21 mean they --

22 A. Isn't it?

23 Q. They're asking that you be tried, adjudicated,  
24 and hanged, right?

25 A. No, that's not what the posts have said.

01 Q. What did the posts say?

02 A. String this motherfucker up.

03 Q. Okay. And you provided those to us?

04 A. I don't know, again, there's been an uptick in  
05 the last few days.

06 Q. What do you figure that is?

07 A. Due to postings by Mr. Byrne over there.

08 That's my understanding. He posted something  
09 about my responses to RFAs, and I've definitely seen an  
10 uptick in threats.

11 Q. And can you provide those to us?

12 A. I'm sure we can.

13 Q. Okay.

14 MR. CAIN: Something's going on with a  
15 computer.

16 MR. TICKTIN: Yeah.

17 MR. CAIN: I think it's Stephanie's.

18 BY MR. TICKTIN:

19 Q. Do you agree that individuals from foreign  
20 countries have the ability to remote into or gain remote  
21 access to the Dominion brand election equipment during  
22 the 2020 election?

23 A. To internal Dominion networks, yes, to  
24 external jurisdictions, I have no knowledge and nor do I  
25 believe that that was capable during the 2020 general

01 election.

02 Q. And do you agree that the machines themselves,  
03 that -- that the Dominion machines could actually  
04 communicate out to others?

05 A. What are others?

06 Q. To any foreign countries, let's put it that  
07 way, that have the ability to receive any such remote?

08 A. From the tabulators, no.

09 Q. Yeah. And when you went to Serbia, who did  
10 you meet with?

11 A. The entire Serbian office. So, primarily  
12 discussions were had with [REDACTED] and then  
13 other, you know, senior engineering leads.

14 Q. Well, what was the purpose of you going there,  
15 all the way over there one to three times a year? And  
16 when you went -- strike that question. Let me ask this.  
17 When you would go to Serbia, how long would you go for?

18 A. Generally, a week.

19 Q. Okay. And what was your purpose in that week  
20 of going to meet with those -- the people there?

21 A. To provide descriptions of high-level updates  
22 or new features to the product based on market demands,  
23 state statute changes, and security requirements.

24 Q. What was your bonus based on?

25 A. I don't know exactly. I know that 50% of the

01 bonus was based on company performance, and then the  
02 other 50% was based on reviews by my direct manager.

03 Q. Do you happen to have your passport with you?

04 A. I'd have to double check, I probably do.

05 Q. Yeah. You flew into this -- from out of this  
06 country for this deposition. Correct?

07 MR. CAIN: So, you can answer in general, but  
08 we're not going to get into any specifics on his  
09 travel.

10 BY MR. TICKTIN:

11 Q. Well, I'm not accepting the limitation, but go  
12 ahead?

13 A. Yes, I did fly in from overseas for this  
14 deposition.

15 Q. Okay. And from where overseas?

16 MR. CAIN: And we're not going to divulge his  
17 movements, given the threats to Mr. Coomer.

18 MR. TICKTIN: Just no explanation, please, and  
19 sir.

20 MR. CAIN: Well, I'm instructing him not to  
21 answer that question.

22 MR. TICKTIN: And, sir, you have done that.

23 BY MR. TICKTIN:

24 Q. In terms of the travel, have you made a claim  
25 in any other case for the fact that a deposition is not

01 going forward or something was canceled?

02 In the Denver case with Joseph Oltmann, are  
03 you seeking any sanctions or any compensation due to the  
04 fact that the deposition was canceled?

05 A. I don't know.

06 Q. Okay. And would that be for the same travel  
07 that you actually made in this trip?

08 A. I traveled, hoping to take care of both of my  
09 depositions, yes.

10 Q. Right. Okay. Can you tell us what continent  
11 you came from?

12 MR. CAIN: Same objection and instruct him not  
13 to answer.

14 MR. TICKTIN: Well, you --

15 MR. CAIN: In terms of --

16 MR. TICKTIN: Please don't explain it. I'm  
17 not asking for an explanation.

18 MR. CAIN: Well, I'm --

19 MR. TICKTIN: No, it's not for you to make a  
20 speaking objection. If we need to, I'll call the  
21 Judge now.

22 MR. CAIN: The question --

23 MR. TICKTIN: You need to stop this, Counsel.

24 MR. CAIN: Is harassing and out of concern for  
25 his safety, we are not divulging his travel.

01 MR. TICKTIN: I don't need you to explain,  
02 Counsel. I'm asking you, please do not.

03 MR. CAIN: That's a succinct way of saying why  
04 I'm making --

05 MR. TICKTIN: I'm not asking you why. I'm  
06 asking you to please not --

07 MR. CAIN: You don't have to ask me.

08 MR. TICKTIN: I'm asking you, I'm instructing  
09 you, Counsel, to please stop interrupting the  
10 deposition with speaking announcements.

11 MR. CAIN: I'm making the -- I'm making the  
12 objection pursuant to the rules.

13 MR. TICKTIN: You're object to form or  
14 instruct your client not to answer.

15 BY MR. TICKTIN:

16 Q. Did roaming networks -- work build their data  
17 centers in Serbia?

18 A. I have no knowledge of that.

19 Q. But you're not denying that. Correct?

20 A. I have no knowledge of that.

21 Q. Are you aware of whether [REDACTED], I'm  
22 messing up his name, but you know who I'm talking about,  
23 [REDACTED] was a -- am I saying  
24 right?

25 MS. LAMBERT: Yes.

01 BY MR. TICKTIN:

02 Q. Was the -- was in Serbian military  
03 intelligence?

04 A. I have no knowledge of that.

05 Q. Okay.

06 A. And I'm assuming I try not to assume these.

07 You mean Goran Obradovic?

08 Q. Yes, [REDACTED].

09 A. [REDACTED]c.

10 Q. Yes.

11 A. Okay. I want to make sure we're talking about  
12 the same person.

13 Q. We're talking about the same person.

14 A. Okay.

15 Q. Okay. What do you know about his background?

16 A. Beyond that, he was [REDACTED]  
[REDACTED], and I know nothing  
18 about his background.

19 Q. Did -- who told you to go to Serbia to be at  
20 these meetings with him?

21 A. That was a mutual agreement between [REDACTED]  
[REDACTED] for a  
23 period of time, and then other times, [REDACTED], who  
24 was the executive VP of sales and marketing, who is who  
25 my direct reported to.

01 He would request that I would go and meet with  
02 the software development teams to discuss enhancements  
03 to the product.

04 Q. Do you have any U.S. security clearances?

05 A. I do not.

06 Q. Do you have any security clearances at any  
07 other country?

08 A. No.

09 Q. In the last 15 years, what other countries  
10 other than Serbia have you travelled to?

11 A. Many.

12 MR. CAIN: In connection with your work.

13 A. In connection with my work.

14 MS. LAMBERT: That wasn't the question.

15 BY MR. TICKTIN:

16 Q. No, I'm the one asking the questions, not your  
17 lawyer.

18 MR. CAIN: I'm instructing him, he can answer  
19 that question in connection with this --

20 BY MR. TICKTIN:

21 Q. I'm asking any country you went to in the last  
22 15 years?

23 A. I wouldn't be able to create that list off the  
24 top of my head.

25 Q. Well, sir, you have your passport with you.

01 Can you take a look at it?

02 A. Yeah, but it's not going to tell you my travel  
03 history.

04 Q. Why would not? Don't you get it stamped  
05 whenever you go into a foreign country?

06 A. No, they stopped stamping passports many years  
07 ago.

08 Q. How many years ago did they stop the stamping  
09 passports?

10 A. It depends on the country.

11 Q. Well, would you look at your passport, sir,  
12 and just take a look and see if there's any stamp?

13 MR. CAIN: We're not going to do that on the  
14 record. You can ask make a request that he  
15 produces passport. We will deal with it in due  
16 course.

17 BY MR. TICKTIN:

18 Q. Okay. We'll see.

19 A. Also, I will state for the record, my current  
20 passport only goes back to 2019. That's when I got it  
21 last renewed. I do not have a copy of my previous  
22 passport, so.

23 Q. Yeah. Why not? Where is it?

24 A. Probably in the garbage.

25 Q. Do you agree that individuals from foreign

01 countries have the ability to use soft phones to  
02 communicate with Dominion employees and contractors in  
03 the United States?

04 A. Not that I'm aware of.

05 Q. How do you communicate with -- well, let me  
06 ask you this. Have you had any communications with  
07 anybody, any employees at Dominion, since you separated  
08 from them?

09 A. Yeah, and I believe I provided those in my  
10 discovery responses.

11 Q. And that's all that you've had with anyone,  
12 that, what you provided?

13 A. Everything that I have, I provided, yes.

14 Q. Do you have any knowledge of Dominion and its  
15 programming to read write in candidates?

16 A. I mean, am I familiar with the functionality?  
17 Yes.

18 Q. Does it work as it's supposed to?

19 A. It works as it was designed in for the  
20 Dominion system.

21 Q. Did it work in 2020 for the write-in  
22 candidates?

23 A. As far as I know, yes.

24 Q. Well, what is your knowledge on that?

25 A. I am not aware of any issues with write-in

01 votes during the 2020 election.

02 Q. Okay. And would you be in a position to have  
03 known?

04 A. Potentially.

05 Q. [REDACTED]  
[REDACTED]?

07 A. [REDACTED]

08 Q. Prior to the 2020 election, did you have any  
09 concerns about the write-ins being tallied properly?

10 A. I did not.

11 Q. Do you know which states had issues in terms  
12 of counting the write-in candidates?

13 A. I'll repeat my answer. I am not aware of any  
14 issues with write-in votes in the 2020 election that I  
15 can recall.

16 Q. So, you did -- you wouldn't have notified any  
17 state or local governments that Dominion brand equipment  
18 was not able to read or tally write in candidates for  
19 the 2020 election then. Correct?

20 A. Me personally, no.

21 Q. Were you aware of anybody else that would have  
22 done that?

23 A. As I said, I'm not aware of any issues with  
24 the write-in votes for the 2022 --

25 Q. I understand.

01 A. To the best of my recollection.

02 Q. Have you met with Gabe Sterling ever?

03 A. I'm sorry, who?

04 Q. Gabe Sterling?

05 A. Yes, I have met Gabe Sterling.

06 Q. How many times?

07 A. I have no idea.

08 Q. How long have you known him?

09 A. I think I've met him for the first time in  
10 maybe 2019.

11 Q. Did you discuss with him implementing  
12 Dominion's machinery in Georgia for the 2020 election?

13 A. I did not discuss the implementation plan with  
14 Gabe Sterling. I discussed high-level functionality,  
15 and I honestly don't remember discussing any other  
16 topics. But I certainly was not involved in the  
17 implementation plan in Georgia with anyone.

18 MR. TICKTIN: Okay. I want to go off the  
19 record now.

20 THE COURT REPORTER: Can you repeat, please?

21 MR. TICKTIN: What's that?

22 THE COURT REPORTER: Can you repeat your  
23 question, please?

24 MR. TICKTIN: I want to go off the record for  
25 now.

01  
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THE COURT REPORTER: You want to go off the record?

MR. TICKTIN: Yeah.

(Thereupon, a short discussion was held off record.)

(Deposition resumed.)

BY MR. TICKTIN:

Q. What was your initial title when you started working for Dominion?

A. I believe, to my recollection, it was Vice President of U.S. Engineering.

[REDACTED]



[REDACTED]

15 BY MR. TICKTIN:

16 Q. Describe your role in designing programming  
17 and securing the databases for Dominion?

18 A. I had no role in the design, programming, or  
19 the securitization of the databases used in the Dominion  
20 voting system.

21 Q. Well, what did you do in regard to designing  
22 any of the databases?

23 A. Designing of the databases for Dominion? I  
24 did nothing.

25 Q. What did you do in regard to programming?

01 A. As I've explained several times, I did none of  
02 the programming for Dominion Voting Systems.

03 Q. Did you do any programming for Smartmatic?

04 A. No.

05 Q. Did you do any programming for any other  
06 election equipment -- any other election programs?

07 A. As I described earlier, I did some programming  
08 for the Sequoia voting system.

09 Q. Okay. Other than that, any other for any  
10 other --

11 A. No.

12 Q. Would you agree that your role involved both  
13 strategic and technical decision-making?

14 A. To an extent, I would agree with that.

15 Q. And your decisions affecting voting systems  
16 deployed in multiple states?

17 A. I mean, I provided, again, high-level  
18 guidance, discussed certain implementations of the  
19 voting system, which would cover, yes, many states.

20 Q. Okay. And my question was, your decisions  
21 affected voting systems deployed in multiple states?

22 A. They were one input, yes.

23 Q. They were input, but did they -- did it cause  
24 effect?

25 A. Not always, no.

01 Q. But it did sometimes in multiple states?

02 A. Well, when you say effect, please, I'm not  
03 trying to be difficult. Can you define effect?

04 Q. Well, would it be different if I said effect  
05 as opposed to affect?

06 A. Yeah, it would be --

07 Q. Okay.

08 A. No, it actually wouldn't be, no, it wouldn't  
09 be different. What do you mean by effect or affect?

10 Q. Okay. Including systems used in the 20 -- I'm  
11 sorry. Do you recall what actions you worked in support  
12 of during the 2020 elections? I'm sorry. What accounts  
13 you worked in support of?

14 A. Yeah, my main support role was for the [REDACTED]  
15 [REDACTED] but I was primarily [REDACTED]  
16 [REDACTED]. They share the same building.

17 So, I did provide some input in [REDACTED].  
18 I also was involved in discussions regarding an issue in  
19 [REDACTED]. Again, timeframes, I don't  
20 remember when the Antrim issue came about, but I'm  
21 certainly involved in some phone discussions internally  
22 with Dominion personnel regarding Antrim.

23 I don't know if I feel that any other support  
24 calls but those are the main ones I remember.

25 Q. What was your title at Sequoia?

01           A.    I had several.  When I was hired, I was just a  
02 contractor, and I was there for database development.

03                    I think I became a full-time employee sometime  
04 around seven months in, and I think my title at that,  
05 and again, I don't have access to any of this  
06 information, so it's just all based on my recollection.

07                    I think I was Chief Software Architect.  And  
08 then eventually I became the Senior VP for Software and  
09 Development.

10           **Q.    I am sorry, what year did you start with**  
11 **Sequoia?**

12           A.    It was July 5th, 2005.

13           **Q.    So, by that time, that was already used in the**  
14 **election in Venezuela?**

15           A.    No, none of the Sequoia's system was ever used  
16 in Venezuela.

17           **Q.    Which ones were you used in Venezuela?**

18           A.    The Smartmatic system.

19           **Q.    Okay.  And so, that by that time then**  
20 **Smartmatic was used?**

21           A.    I don't, I don't know.  I don't know any of  
22 the details of Smartmatic work in Venezuela.

23           **Q.    Okay.  Do you travel to China?**

24           A.    I have been to China.

25           **Q.    Right.  And how often have you been to China?**

01 A. Well, does that include Hong Kong?

02 Q. I suppose it does?

03 A. So, I've been to Hong Kong. I mean, I've  
04 transited through Hong Kong a couple times. I've  
05 transited through Shanghai a couple times. I spent, I  
06 think, three days in Shanghai.

07 And then one time I took a -- I had a eight  
08 hour layover in Beijing, and I took a trip to see the  
09 Great Wall.

10 Q. Yeah. You went to Wuhan?

11 A. No.

12 Q. You've never been to Wuhan?

13 A. No.

14 Q. You didn't go to an election conference in  
15 Wuhan in 2010?

16 A. No.

17 Q. No. Are you familiar with the requirements  
18 for Voting systems is required by the Help America Vote  
19 Act?

20 A. I am familiar with some of the statutory  
21 requirements of the Help America Vote Act. I don't have  
22 it memorized.

23 Q. Are you familiar with the Election Assistance  
24 Commission?

25 A. Yes, I am.

01 Q. What their requirements are for voting system  
02 certification?

03 A. I'm aware of their voluntary voting  
04 certification requirements. It's voluntary.

05 Q. What versions of Smartmatic voting software  
06 were certified by the EAC during your employment with  
07 Smartmatic?

08 A. Again, I was not employed by Smartmatic. I  
09 was employed by Sequoia Voting Systems.

10 Q. I understand who employed you, but you were  
11 working for Smartmatic?

12 A. No, I was working for Sequoia Voting Systems.

13 Q. Okay. Were there any benefits from your work  
14 going to Smartmatic?

15 A. Yeah, because they were the -- they were the  
16 parent company.

17 Q. Right, they were the parent companies. So,  
18 you're distinguishing because you're -- because you were  
19 actually employed by the subsidiary?

20 A. Yes, I never took any direction from  
21 Smartmatic employees. I only took direction from [REDACTED]

22 [REDACTED].

23 Q. Okay. So, my question to you was, what  
24 versions of Smartmatic voting software were certified by  
25 the EAC during your employment? And I said with

01 Smartmatic, but let's just say your employment with  
02 Smartmatic's subsidiary?

03 A. So, the system -- the systems that were  
04 certified when I was at Sequoia were Sequoia systems  
05 with, I think, two peripherals that were Smartmatic-  
06 based.

07 So, it -- and again, I'm not trying to be  
08 cagey, the system that was certified was WinEDS version  
09 X, and I don't remember, I couldn't tell you all the  
10 version - - versions that were certified over the  
11 five-year period from 2005 to 2010.

12 Q. Can you tell us any?

13 A. WinEDS 4.0 would've been one of them.

14 Q. Okay. Can you give us another?

15 A. Again, best of my recollection, I -- maybe we  
16 had WinEDS 3.5 certified.

17 Q. What versions of Voting Dominion software were  
18 certified during your employment with Dominion?

19 A. I have no idea the version numbers.

20 Q. Can you describe your role in the  
21 certification process in first with Sequoia or  
22 Smartmatic?

23 A. The only role that I have with certification  
24 was to occasionally provide technical support during the  
25 actual certifications. So, I didn't provide the code.

01 I didn't manage, but I may have been present  
02 or provided phone support or technical demonstrations as  
03 part of various certification activities.

04 Q. Like what would you do exactly? I mean, can  
05 you explain it a little bit better? In terms of what --

06 A. I would provide technical demonstrations, if  
07 they were required for certifications, and then I would  
08 be on site to provide any technical troubleshooting.

09 Q. Why would technical troubleshooting be  
10 required?

11 A. Because things happen during certification.

12 Q. Okay. All right. Have you ever been to the  
13 Pro V&V facility?

14 A. Pro V&V, I believe I have.

15 Q. How often?

16 A. A handful of times, not many.

17 Q. For Dominion?

18 A. I got to be honest, I don't recall.

19 Q. What is an election record?

20 A. You'll have to be more specific.

21 Q. Well --

22 A. We have a variety of things.

23 Q. What does it mean to you?

24 A. It means a variety of things to me.

25 Q. Okay. So, let's start from the top. What's

01 the first one that it means to you?

02 A. Candidate filings.

03 Q. Candidate funds --

04 A. Filings.

05 Q. Filings. Okay. So, that's part of an  
06 election record?

07 A. It's one of, yes.

08 Q. What can an election record be, paper-based?

09 A. It can be, a ballot would be an election  
10 record, a physical ballot.

11 Q. Can an election record be digital?

12 A. Yes.

13 Q. Do election records include log files?

14 A. Depends on statute.

15 Q. Which statutes are you talking about?

16 A. State and federal. Again, the federal  
17 statutes are voluntary, so it's up to the states on what  
18 they require.

19 Q. Do they say that they're voluntary, or is that  
20 your interpretation?

21 A. They're called the VVSG. It's in the name,  
22 Voluntary Voting System Guidelines.

23 Q. Yeah. What about presidential, or what about  
24 federal preservation statutes? Are they voluntary?

25 A. Those are administered by the state, and

01 that's all I know about it. Dominion does not -- is not  
02 in charge of preservation requirements. It's up to the  
03 jurisdictions.

04 Q. Okay. Do you know who's in charge of software  
05 at Dominion

06 A. As stated previously, [REDACTED]  
07 [REDACTED].

08 Q. And how is Dominion's source code stored?

09 A. I did not know.

10 Q. Do you have access to Dominion source code  
11 repositories?

12 A. I do not.

13 Q. Did you ever?

14 A. No, I did not.

15 Q. Did you use a code repository such as GitHub?

16 A. I never have, no.

17 Q. Well, the Dominion?

18 A. I don't know. I said that clearly. I don't  
19 know what code repository they used.

20 Q. Meanwhile, the repositories that were  
21 utilized, if you have any knowledge of any such things?

22 A. I do not have any information on the code  
23 repositories used by Dominion.

24 Q. How would members of the engineering team  
25 collaborate over code?

01 A. I don't know. I wasn't part of the  
02 engineering team.

03 Q. Did you ever hear about it or work with  
04 anybody that would give you any information regarding  
05 any of it?

06 A. I know how I communicated with the engineering  
07 teams.

08 Q. Well, that that would be helpful. How did you  
09 communicate with the engineering teams?

10 A. A variety of ways in person, telephone, e-  
11 mail.

12 Q. Did the engineering team ever have a separate  
13 branch?

14 A. There were development teams in Canada,  
15 Serbia, and the U.S.

16 Q. Okay. And did they all work on the 2020  
17 election?

18 A. No, did they -- did those development groups  
19 work on systems that were fielded in the 2020 election?

20 Yes. Worked on the 2020 election, beyond  
21 that, I can't, I can't answer that.

22 Q. Okay. The foreign programmers or personnel  
23 have access to the code repositories?

24 A. All development offices had access to the code  
25 repositories for the systems that they were actively

01 developing.

02 Q. And that would include the U.S. election  
03 equipment?

04 A. Yes.

05 Q. Okay. Who had access to the source code  
06 and/or the code repositories?

07 A. I don't know. That was in the engineering  
08 department.

09 Q. Okay. But did you -- I understand you weren't  
10 in the engineering department, but you were working  
11 sometimes together with the engineering department, were  
12 you --

13 A. Yeah, and I don't know the individual  
14 employees' access rights.

15 Q. So, if -- but did you know whether or not the  
16 engineering department, obviously, they had access to  
17 the code repositories? Correct?

18 A. I just answered that, yes.

19 Q. Okay. And you know where they were stored?

20 A. No, I do not.

21 Q. Did foreign programmers or personnel have  
22 access to the code repositories?

23 A. All development organize -- teams in Serbia,  
24 Canada, and the U.S. had access to the code  
25 repositories.

01 Q. And -- okay. And that's because it's a  
02 multinational company, right?

03 A. Yes.

04 Q. And I asked you about individual -- but do you  
05 know of any place where those personnel were located  
06 other than what you've already answered?

07 A. No, not Toronto, Belgrade, Denver.

08 Q. Do you -- are you aware of any companies that  
09 subcontracted to Dominion that supported programming  
10 code, configuring databases, fielding, and supporting  
11 Dominion Voting Systems while you were there?

12 A. That's a multi-part question. Can we take  
13 each one?

14 Q. Yeah, that's fair. Can you list for me all  
15 the subcontracting companies to Dominion that supported  
16 programming code?

17 A. I don't have direct recollection on what  
18 contractors ever worked directly on Dominion Code.

19 Q. What about configuring databases?

20 A. Again, when you say configuring databases,  
21 there's no direct configuring of a database. There is  
22 configuring of the install system. So, if that's the  
23 question, is that the question? Is that fair?

24 Q. Fair.

25 A. Okay. I know that we -- I know that Dominion

01 had several subcontractors to provide election services,  
02 and part of that would be, you know, helping the  
03 jurisdictions install and configure the systems.

04 One of which was [REDACTED], which we  
05 mentioned earlier. There were one or two others, but  
06 I'm -- I didn't work at all in that side of the house,  
07 so I don't know the names.

08 **Q. What about [REDACTED]?**

09 A. [REDACTED] was a subcontractor. Subcontractor  
10 that was part of the bid in Georgia and some other  
11 jurisdictions, which I don't know, they provided E-poll  
12 book solutions, now -- sorry. I think Georgia, due to  
13 the contract, was the only one where [REDACTED] was  
14 technically a subcontractor.

15 In other jurisdictions, the jurisdictions  
16 contracted directly with [REDACTED] to provide those  
17 services, which the Dominion system, you know, by  
18 design, had the ability to communicate with them.

19 And I don't mean communicate any vote-related  
20 data simply for activating ballot styles for the voter.

21 **Q. Were there any subcontracted companies that**  
22 **were doing fielding and supporting Dominion voting**  
23 **machine systems?**

24 A. The same answer applies.

25 **Q. Do you know whether any of these**

01 subcontractors were foreign companies?

02 A. I don't know the -- I -- no, I don't.

03 Q. Did any of the subcontractors represent  
04 themselves as Dominion personnel?

05 A. Not to my knowledge.

06 Q. Were the Serbian contractors -- I'm sorry,  
07 were the -- strike that. Were the Serbian programmers  
08 direct employers, employees, or subcontractors?

09 A. My understanding is they were all direct  
10 employees.

11 Q. And during your employment with Smartmatic, I  
12 understand you didn't write any source code? Is that  
13 what you said?

14 MR. CAIN: Object to form.

15 A. That's not what I said.

16 BY MR. TICKTIN:

17 Q. Okay. Well, did you write any source code  
18 while you were employed by smart -- but you weren't, I  
19 know it wasn't Smartmatic, I got it. It was -- it's  
20 subsidiary. So, when I say Smartmatic --

21 A. I did give you that answer briefly ago. Yes,  
22 I wrote some code for the Sequoia system while I was an  
23 employee of Sequoia.

24 Q. And what election equipment did you write for  
25 code for?

01 A. The WinEDS system.

02 Q. Did you write code for any stored procedures?

03 A. The WinEDS system did use stored procedures,  
04 yes.

05 Q. And that's all the source code you wrote?

06 A. That's the majority. I don't know if I wrote  
07 any production code for any kind of UI outside of the  
08 database code, essentially.

09 Q. Did you have anything to do with ballot images  
10 during the 2020 election?

11 A. You're going to have to refine that question.

12 Q. Well, did you do any programming? Did you do  
13 any -- I know you -- I know what you're going to say,  
14 but I got the right to ask, did you do any programming  
15 regarding ballot images?

16 A. No.

17 Q. Did you give instructions to anyone in regard  
18 to ballot images?

19 A. I relayed whether the ballot images had been  
20 properly loaded into the system.

21 Q. Okay. To whom did you relay that?

22 A. Various [REDACTED] election staff.

23 Q. Do you know who?

24 A. I don't remember the names off the top of my  
25 head, no.

01 Q. Okay. Were they election staff that were  
02 hired by and employed by the city, or were they election  
03 staff employed by Dominion?

04 A. Election staff employed by the city.

05 Q. Did you work with [REDACTED] in the 2020  
06 election in [REDACTED]?

07 A. He was there at the same time I was, yes.

08 Q. Okay. I mean, he was there. Did the two of  
09 you communicate?

10 A. Not really, no.

11 Q. But you knew each other well, right?

12 A. Yes, we worked at the same companies for a  
13 long time. I wouldn't say we knew each other well. He  
14 wasn't a friend. We didn't go out.

15 Q. Did you work together with [REDACTED] in regard  
16 to the 2020 election on November 3rd, 2020?

17 A. We were both in the [REDACTED] to provide  
18 election support. He had his role, I had mine.

19 They were completely separate. I didn't have  
20 any real interaction with him directly, no.

21 Q. Did you have interactions with the work that  
22 he was producing during the 2020 election?

23 A. I may have been aware of it, but I -- again, I  
24 wasn't managing him. We weren't working on the same  
25 support side of things, so.

01 Q. Did you have anything to do with the VPN  
02 deployment during the 2020 election?

03 A. The 2020 general election?

04 Q. The 2020 presidential election?

05 A. Okay. Well, there's multiple elections  
06 related to the presidential?

07 Q. Right, exactly?

08 A. So, are we talking about the general?

09 Q. Anytime, any election in 2020?

10 A. The only involvement I had with any sort of  
11 "VPN" was during the primary in the [REDACTED]. I  
12 did not have anything to do with the enabling,  
13 configuring, or usage or anything along those lines.

14 So, this was during COVID, there had been  
15 several deaths in the [REDACTED] office. You have  
16 Election Day, and then you have about 28 days where they  
17 do what's called canvassing. And they're reconciling,  
18 you know, sign-ins, voter registrations, Judges tapes,  
19 physical ballots, and accounts.

20 Due to COVID, I was one of the last remaining  
21 Dominion employees on the ground for support because  
22 things, you know, they need help during canvassing  
23 process to investigate, you know, potential mismatches  
24 in data. It was determined that it was becoming too  
25 dangerous for my health and safety to remain on site.

01 And then there was some concern that, you  
02 know, transportation was getting shut down.

03 So, we met -- the city was told that I was  
04 leaving, and the City Election Commission asked for a  
05 meeting to discuss contingencies, once I left before the  
06 end of canvassing. And it was discussed on an open  
07 meeting with the election commission that, working with  
08 the city IT staff, they could potentially break that air  
09 gap and allow me to VPN into the server if necessary due  
10 to some catastrophic thing that I was not able to  
11 address over the phone.

12 The capability was configured, it was -- the  
13 lines were never connected between across the air gap.  
14 It was only there as a contingency. I had nothing to do  
15 with the decision to allow that. It was never enabled.

16 I didn't configure it, but I was involved in  
17 the discussions of that as a, you know, emergency  
18 fallback.

19 Again, it was never used, and it was never  
20 even, let's say, the work that -- that the IT staff for  
21 the [REDACTED] that they did that would allow them  
22 to do that, that was all dismantled and didn't exist  
23 during the general election.

24 Q. What trans -- what information is transmitted  
25 through the VPN? What data? What --

01 A. Well, there wasn't any data transmitted  
02 through the VPN because it wasn't hooked up.

03 Q. Well, for the 2020 election, what data was  
04 intended to be transmitted if it wasn't hooked up?

05 A. Again, for the primary, the VPN that I  
06 discussed would've allowed me to have a remote desktop  
07 so that I could access the election management system,  
08 not the tabulators or anything like that.

09 Purely the election management system. It was  
10 never used. It was never established. So, there was no  
11 data exchanged.

12 Q. What I'm asking is, assuming that you did have  
13 the VPN, what data would that be -- what data would be  
14 able to have been put, you know, transmitted through  
15 that VPN?

16 MR. CAIN: Object to the form of the question.

17 A. As I said, I would've had a remote desktop  
18 into the election management system.

19 BY MR. TICKTIN:

20 Q. But you would've had a remote desktop, I get  
21 that, but what would you have used that for?

22 MR. CAIN: Object to the form.

23 A. To run the election management system  
24 application.

25 BY MR. TICKTIN:

01 Q. And I'm just -- need a little education here.  
02 What do you need to transmit to run that system?

03 A. I don't, I really honestly don't understand  
04 that question because I'm not transmitting anything.

05 I'm working on a remote desktop, choosing  
06 options, and let's say running a report on the central  
07 server in a remote desktop environment.

08 Q. Okay. And where was that central server?

09 A. In the [REDACTED] IT server room.

10 Q. Okay. And I'm just still not quite  
11 understanding. What data was anticipated to be  
12 transmitted through the VPN that would cause anyone to  
13 originally plan or suggest a VPN?

14 And I know you're going to say it allowed me  
15 to run the management system, but I'm asking you, like,  
16 what in the management system? Okay. The management  
17 system has many modalities, I suppose. Is it not?

18 A. Yes.

19 Q. Can you tell me what those modalities are?

20 A. In this case, it probably would've been mostly  
21 in the reporting system.

22 Q. So, you're saying the VPN is programmed to  
23 transmit information mainly in the reporting system.  
24 Do I get you right?

25 A. That is not at all what I said.

01 Q. Okay. Then help me here. Okay, because I'm --

02 A. Again, and we're specifically talking about  
03 the backup VPN that was configured and discussed in the  
04 [REDACTED] during the presidential primary in 2020.

05 Q. Yeah, I'm interested in the primaries. I'm  
06 interested in any and all elections that were there.

07 If we just limited to the presidential  
08 election itself, that might be a different answer  
09 then --

10 A. No, that was the only VPN that I had any  
11 direct interaction with.

12 Q. Okay. Well, I'm not asking for direct  
13 interaction. I'm asking your general knowledge of these  
14 VPNs and what it was doing. Okay. I mean, I understand  
15 how, let's put it this way.

16 Not from what you directly managed or directly  
17 were involved in, but generally what your general  
18 knowledge of the whole system is, is that -- would that  
19 give you different answers to everything I've been  
20 asking?

21 A. Yeah, you asked me what I had interaction  
22 with.

23 Q. Okay. All right. But I've been asking, what  
24 -- I'm not arguing with you. My understanding of my  
25 questions were that I was asking what was the VPN

01 designed? What for -- what kind of information was it  
02 designed to be used on?

03 I'm sorry that you're limiting your question  
04 to just from your direct involvement, but for your  
05 general knowledge, can you tell me what that answer  
06 would be?

07 A. So, in certain jurisdictions that allow it by  
08 statute, there may exist a VPN for transmission of  
09 unofficial vote tallies into the central server.

10 Q. Would that include ballot images?

11 A. No.

12 Q. Would that be a never anywhere in the U.S.?

13 A. I do not believe that that capability exists.

14 Q. Okay. But if you don't know as Director of  
15 Product, who would know?

16 A. The product owner for that system. I was not  
17 the director of products. I was the director of product  
18 strategy. There's a huge difference.

19 Q. I thought it was product and strategy?

20 A. No, it was Director of Product Strategy and  
21 Security.

22 Q. So, if somebody transmitted ballot images  
23 through the VPN, that would've been something that  
24 would've been without your knowledge?

25 A. So, again, it depends on how you define VPN.

01           There were remote desktops, but those were  
02 direct as far as my understanding of the implementation.

03           There were remote desktops, like at the city  
04 warehouse, and they were direct fiber lines run from the  
05 city warehouse into the central office.

06           So, you can say that they were transmitting  
07 data that from the remote desktop with a direct  
08 connection?

09           Yes. You could transfer ballot images into  
10 the central system.

11           **Q. And would -- if that did occur, that would've**  
12 **been without your knowledge?**

13           A. Yeah, I don't run the elections.

14           **Q. Who was in charge of the transmission of data**  
15 **through the VPN at Dominion?**

16           A. In charge of, in what respect?

17           **Q. The programming first?**

18           A. That would be the engineering development team  
19 that was in charge of that.

20           **Q. And that would be the Serbians?**

21           A. Actually, I don't know. I don't know what  
22 group worked on that.

23           **Q. And then in terms of the application of those**  
24 **programs, the actual transmission of anything, who would**  
25 **be responsible for that in Dominion?**

01 A. Nobody, the jurisdiction runs the election.

02 Q. Well, who would Dominion would've been  
03 responsible for setting it up so that it could be  
04 accessed?

05 A. I'm not, well, it depends. Sometimes the  
06 jurisdiction would be fully in charge of the  
07 implementation. Sometimes, there were Dominion  
08 operational staff that would assist with that.

09 That was sometimes, Ronald Morales's job was  
10 to help in installs. Beyond that, I don't know specific  
11 names. I wasn't in charge of operations.

12 Q. Okay. Could you describe what WinEDS is?

13 A. Window EDS, it's short for Windows Election  
14 Data System. It's an election management system.

15 Q. What was your role in developing, maintain,  
16 and maintaining the WinEDS?

17 A. As I discussed previously, it was mostly  
18 confined to database development and then again managing  
19 at an architecture role, new features, updates, et  
20 cetera.

21 Q. Okay. Since you've been at Dominion, what  
22 source code, if any, have you written?

23 A. Once again, I wrote zero code while at  
24 Dominion.

25 Q. No, the question is, since you've been at the

01 Dominion --

02 MR. CAIN: I know.

03 BY. MR. TICKTIN:

04 Q. Like, after you were left Dominion, have you  
05 written any source code for anyone?

06 A. Absolutely not, absurd.

07 Q. What was that last word that you said, sir?

08 A. I said, "That's absurd".

09 Q. Thank you. You had access to build systems  
10 used to compile election software, did you not?

11 A. No, I did not.

12 Q. You never did?

13 A. Actually, can you clarify? We've talked a lot  
14 about a lot of different timeframes.

15 Q. While you were at Dominion?

16 A. No.

17 Q. While you were at Smartmatic's subsidiary?

18 A. Yes.

19 Q. Is it your understanding that any changes to  
20 Dominion software where on a previously certified system  
21 would require either recertification or a de minimis  
22 change request approval by the EAC prior to being used  
23 in an election?

24 A. For the most part, yes. There are  
25 jurisdictions, Denver being one, that operate on home

01 rule. So, if it's a municipal election in a home rule  
02 jurisdiction, then the authority on applying any  
03 software updates rests with the jurisdiction, not the  
04 EAC or any state certification authority.

05 So, to follow on with that, it is not --  
06 software updates do not always require EAC  
07 certification. In the case of California, they have  
08 their own certification body.

09 So, any update would be re-certified by the  
10 California Certification Authority does not require EAC  
11 recertification.

12 **Q. You had access to internal testing**  
13 **environments?**

14 A. Yes.

15 **Q. And you had access to system logs and audit**  
16 **logs?**

17 A. Theoretically, yeah.

18 **Q. Were the Dominion Voting System version 5.X**  
19 **deployed to customers installed by Dominion personnel?**

20 A. X is not a real version number. There is no  
21 product with a version of 5.X, to my knowledge.

22 **Q. What is there 5.0?**

23 A. I don't, I don't know the exact version  
24 numbers.

25 **Q. Okay. Do you consider stored procedures the**

01 same thing as writing source code?

02 A. I -- it's a form of code, and it was subject  
03 to code review during the certification process.

04 Q. Did you write stored procedures?

05 A. We went over this, yes, I did, for Sequoia.

06 Q. And none for Dominion?

07 A. I have not written a single line of code for  
08 Dominion.

09 Q. I'm sorry.

10 A. I mean, we really have done this 10 times.

11 Q. Well, you heard my question. It was and none  
12 for Dominion, just took a yes?

13 A. No, I did not write any code for Dominion,  
14 including storage procedures.

15 Q. Okay. Did Dominion personnel installing the  
16 DVS system set the user names and passwords on the  
17 system for the clients?

18 A. They provided initial credentials that the  
19 client was then forced to change, much like any system  
20 that you sort of sign on for the first time.

21 Q. Did the Dominion personnel installing the DVS  
22 software set the usernames and passwords on the system  
23 for the clients? I think that's what I asked you.

24 Okay? Was the trusted build from the EAC  
25 certification used for each installation?

01 A. No, it wasn't.

02 Q. Was the stored procedure code that was  
03 developed by you for Sequoia used in the Dominion  
04 installation?

05 A. No.

06 Q. Was any aspect of it, any remnant, any  
07 interpretation, any translation of it used by Dominion?

08 A. Used by, so used in the Dominion system, like  
09 migrated, ported, or anything like that? Absolutely  
10 not. I described earlier when Dominion acquired the  
11 assets of Sequoia, they necessarily acquired the WinEDS  
12 installations.

13 So, Dominion, after 2010 up to a certain time,  
14 had clients that used the Sequoia system. So, Dominion,  
15 you know, supported jurisdictions that used that  
16 equipment.

17 Q. Did you monitor the results that were coming  
18 in on November 3rd, 2020?

19 A. For the [REDACTED], yes, that was one of  
20 my roles.

21 Q. And you monitored them live as they were  
22 coming in?

23 A. I monitored it -- monitored them through the  
24 reporting system, yes.

25 Q. That was in real time as it was occurring?

01 A. After the polls closed.

02 Q. What about before the polls close?

03 A. No, there's no access before the polls close.

04 Q. Okay. So, after the polls closed, that's when  
05 you were monitoring that in real time?

06 A. Yes.

07 Q. And that was prior to certification of the  
08 election?

09 A. Certification of the election results, yes.

10 Q. Was the trusted build installed from a  
11 removable disc on a client -- on the client's site?

12 A. I don't know, I'm not part of the  
13 implementation group.

14 Q. Was the trusted build ever downloaded from the  
15 internet onto the computers it was being installed on?

16 A. I don't know, I'm not part of the  
17 implementation group.

18 Q. Okay. So, we keep doing that. I know you're  
19 not part of the installation group, but what's your  
20 knowledge about these things?

21 A. I don't have any knowledge. That's what I'm  
22 saying. And I don't have any knowledge because I wasn't  
23 part of that group.

24 Q. Right. But don't you work together with other  
25 people that are in other groups?

01 A. Yes, but not about implementation specifics.

02 Q. Well, wouldn't that be something that would be  
03 encountered as part of security?

04 A. Not necessarily, no.

05 Q. But it's something that could reasonably be  
06 part of security. Correct?

07 A. Right, and it wasn't, it --

08 Q. So --

09 A. It wasn't something I was involved in, and I  
10 have no knowledge of.

11 Q. So, why make the faces and say that things are  
12 absurd if there's possibilities that the answers could  
13 be different?

14 A. Because you keep asking the same question over  
15 and over again and not understanding the answer.

16 Q. I see. So, that's -- that blinds the faces.

17 Did you use WinEDS to monitor the results that  
18 you were monitoring after --

19 A. Not in the --

20 Q. After the polls were closed?

21 A. Not while at Dominion, no. Well, not during  
22 the 2020 election. Again, [REDACTED] [REDACTED] used  
23 the Sequoia system, and they used that post 2010. I  
24 cannot remember when we migrated [REDACTED]  
25 to the full Dominion ecosystem. It was on or around

01 2018. It was well before the 2020 election.

02 From 2010 to 2018, [REDACTED] was still using --  
03 [REDACTED] was still using the WinEDS system, and I would  
04 use the WinEDS system much like the Dominion system.

05 And again, when you say monitoring the  
06 results, I wasn't actually monitoring the tallies.

07 What I was doing was monitoring essentially  
08 which precincts had to be reported. I may run a report  
09 for the jurisdiction that has, you know, updated  
10 unofficial results. But when you say monitoring, that's  
11 the extent of it.

12 **Q. But you could see the tally results, though?**

13 A. If I ran a report for the unofficial results  
14 after polls closed, yes, I can see those.

15 **Q. And did -- you did do that, right?**

16 A. I didn't necessarily look at the vote tallies,  
17 no. I have no interest in those.

18 **Q. Well, what are you talking about? Do you --**  
19 **you thought that Donald Trump is, you don't like Donald**  
20 **Trump, right?**

21 A. What does that have to do with vote tallies?

22 **Q. Well, if you don't like a candidate, are you**  
23 **saying that you had no interest in the 2020 election?**

24 A. I would get my -- if I was interested in a  
25 certain race, I would get that from an outside source,

01 generally in the New York Times. I never ran a report  
02 in the [REDACTED] or any jurisdiction so that I  
03 could personally look at the results for that  
04 jurisdiction. Never happened.

05 Q. So, what reasons would you look at those  
06 results?

07 A. I just said I didn't look at them.

08 Q. Okay. So, now you --

09 A. I ran the reports, and then sometimes if I was  
10 next to the printer, I would grab it and give it to the  
11 person that requested it. Most of the time, they just  
12 grabbed it from the printer.

13 MR. CAIN: When you get to a convenient  
14 stopping point, I need to break.

15 BY MR. TICKTIN:

16 Q. Yeah. So, I just want to make this clear.  
17 So, you had the results in your possession,  
18 you just didn't look at them?

19 A. Possession?

20 Q. In your hand, passing it to somebody else?

21 A. At times, yeah, maybe.

22 Q. Right. And that was prior to certification?

23 A. Certification of the election?

24 Q. Yes?

25 A. Yes.

01 Q. Of course?

02 A. No, not of course, sir, we just talked, we had  
03 a long discussion about certification of the voting  
04 system, right? Did we not?

05 Q. Yeah.

06 A. Okay. So, I wasn't sure what certification --

07 Q. No, that's fair. Did any machines fail in  
08 Cook County in the 2020 election?

09 A. Not that I have direct knowledge of, no.

10 Q. Well, what indirect knowledge might you have  
11 of any such thing?

12 A. Again, we're talking five years ago. I worked  
13 -- between 2006 and 2020, I worked probably 48 elections  
14 in [REDACTED], so I can't recall specifics, but like any  
15 system, there's generally some failure of some device  
16 along the way during, you know, within a given election.

17 Can I speak specifically to the 2020 election,  
18 the general, or the primary in [REDACTED] on, you know,  
19 there was one ICP that went down? No, I can't provide  
20 that information.

21 Q. Do you recall any cartridges loading results  
22 through WinEDS that -- that failed on November 3rd,  
23 2020?

24 A. There were absolutely no WinEDS instances used  
25 in 2020 in any jurisdiction.

01 MR. CAIN: How about our break now?

02 MR. TICKTIN: Yeah, okay. We can --

03 MR. CAIN: Is that all right?

04 MR. TICKTIN: Five minutes? It's now, well,  
05 let's just say six minutes to now, according let's  
06 be back at --

07 MR. CAIN: Thank you.

08 MR. TICKTIN: 02:20.

09 MR. CAIN: That's for you.

10 (Thereupon, a short discussion was held off  
11 record.)

12 (Deposition resumed.)

13 BY MR. TICKTIN:

14 Q. Thank you. If evidence of downloads via the  
15 internet were recovered from a Dominion Voting System  
16 endpoint, would you characterize that download as an  
17 unauthorized remote action?

18 A. Can you repeat that? Sorry.

19 Q. Yeah. If evidence of downloads via an  
20 internet -- via the internet were recovered from a  
21 Dominion voting system endpoint, would you characterize  
22 that download as an unauthorized remote action?

23 A. It depends on what you mean by endpoint. So,  
24 if it's an -- a Dominion -- let's say it's a Dominion  
25 workstation that goes out and downloads something from

01 like a secure FTP site, that would not be unauthorized.

02 **Q. But generally speaking, other than that**  
03 **exception, it would be unauthorized?**

04 A. Well, no, I can think of a variety of  
05 exceptions. So, again, it really depends on the  
06 definition of endpoint and download.

07 I mean, again, there's lots of reasons for  
08 internal Dominion resources to be connecting to various  
09 download sites.

10 **Q. Were the Windows security logs on those**  
11 **systems configured to record only 20 megabytes of data?**

12 A. Again, when you say devices, can you be more  
13 specific, please?

14 **Q. I said on those systems.**

15 A. Which systems?

16 MR. TICKTIN: Which systems?

17 MS. LAMBERT: Any of the Dominion-branded  
18 systems.

19 BY MR. TICKTIN:

20 **Q. Yeah, any of the Dominion brand systems?**

21 A. Okay. So, the fielded systems?

22 **Q. Yes.**

23 A. Okay. I don't know the exact initial  
24 configuration but I do know that there are instructions  
25 in the user manual about setting the log size to be

01 appropriate for the jurisdiction so that, one, the logs  
02 aren't overfilled that causes the system to go down, and  
03 two, yet big enough to capture all events, and if they  
04 need to during the election process, there are  
05 instructions on how to offload those logs and to  
06 essentially free up log space.

07           So, I don't know what the initial log space  
08 value is, but I know that there's guidance and  
09 instructions on how to ensure that those logs do not get  
10 filled or to fill that they bring down the system.

11           **Q. Were the windows firewalls installed without**  
12 **any access control lists or restrictive rules for**  
13 **access?**

14           A. That is knowledge I don't have.

15           **Q. Well, if the firewall configurations were**  
16 **found to not contain any rules or security restrictions,**  
17 **then that would be an unauthorized deployment of the**  
18 **Dominion software, would that be right?**

19           A. I can't answer that, I don't know. I don't  
20 know the -- I don't know uses of a firewall because,  
21 again, you know, the central systems are air gapped.  
22 So, again, that's -- that just wasn't part of my job.

23           **Q. Well, wouldn't such a deployment meet the --**  
24 **fail to meet the EAC trusted build requirements?**

25           A. No, I know that all of the sealed systems at

01 Dominion met the statutorily required certifications in  
02 every jurisdiction.

03 Q. Well, is it common for states and counties to  
04 contract with Dominion to install, maintain, and operate  
05 the Dominion voting systems?

06 A. I'm sorry, I missed the first part.

07 Q. Is it common for states and counties to  
08 contract with Dominion to install, maintain, and operate  
09 the Dominion voting systems?

10 A. I don't know if it's common, but that is one  
11 -- that is one type of installation, yes.

12 Q. Right. I mean, this is part -- this is up  
13 your alley, in fact, right? I mean, isn't this work  
14 that you would've been doing and in charge of?

15 A. No.

16 Q. Nothing to do with this?

17 A. Not at all.

18 Q. No? Is -- if [REDACTED] -- if [REDACTED]  
19 wasn't the [REDACTED], okay, because he didn't know, who would  
20 be the [REDACTED]?

21 MR. CAIN: Object to form.

22 BY MR. TICKTIN:

23 Q. Isn't it true that you, personally, your role  
24 involved many of the responsibilities of a CEO?

25 A. No, not at all.

01 Q. Not at all?

02 A. Nope.

03 Q. Under oath, you're saying that. Isn't it true  
04 that your responsibilities were very much the duties of  
05 a COO as well?

06 A. No, absolutely not.

07 Q. Okay. And you're saying that under oath,  
08 right?

09 A. I am under oath, yes.

10 Q. Is it common for states and counties to -- I'm  
11 sorry, that's what I said. Is it a requirement as part  
12 of the sales lease contract that Dominion would install  
13 and maintain, and operate the Dominion machines?

14 A. I don't know any of the details of contracts  
15 with jurisdictions.

16 Q. And are you saying that that's not under your  
17 official capacity, or are you saying I don't know it at  
18 all?

19 A. I don't know at all. It wasn't under my  
20 official capacity to write contracts, and the only times  
21 I would've read contracts would be specifically for the  
22 technical details of what was being implemented, all  
23 that other stuff that wasn't something I was involved in  
24 or had knowledge of.

25 Q. For the jurisdictions that are under contract

01 with Dominion to maintain and/or operate in the voting  
02 system, how often are the systems patched?

03 A. Whenever there's a new version that's been  
04 certified.

05 Q. If there's a new version that's been certified  
06 and you install that as a trusted build, would that wipe  
07 out all the data from the prior election?

08 MR. CAIN: Object to form.

09 A. As I described yesterday, yes, when you  
10 install a trusted build, the whole point is that it's  
11 giving it a fresh copy, and that's important when you  
12 have an upgrade, right? Because you have to make sure  
13 that you don't have half the system from the old  
14 certification and half the system from the new  
15 certification.

16 So, not to overly provide information, but  
17 before doing a trusted build, best practice is you take  
18 an image of the system as is in order to preserve the  
19 data for any prior election based on retention loss.

20 BY MR. TICKTIN:

21 Q. So, you're saying you have to take an image of  
22 the computer if you want to preserve the data?

23 A. An image or a backup, the system democracy  
24 suite has internal capabilities of providing back -- or  
25 creating backup packages.

01 Q. So, you agree, though that it does wipe out  
02 not just the prior program, but it wipes out the entire  
03 data?

04 A. Yeah, it's like resetting your laptop to the  
05 factory settings, yes.

06 Q. Well, if you do that, if you reset it to the  
07 factory settings, you're just deleting everything.  
08 Correct?

09 A. On that instance, yes.

10 Q. Yes. And when you do that, even though the  
11 titles to be able to access the data that's in the  
12 computer may no longer be available, the data is still  
13 in the computer?

14 A. I'm sorry.

15 Q. Are you able to, when -- if you just delete a  
16 file, are you able to -- can an expert go into that  
17 computer, hard drive, and actually recreate that file  
18 for the most part?

19 A. I mean, in some instances, but you wouldn't  
20 need to do that. You would just reload the image or the  
21 backup that you took to get access to that data  
22 properly.

23 Q. That's not what I'm asking. I'm asking simply  
24 -- a simple, very simple question. Okay? If data is  
25 simply deleted, if a file is deleted and not overwritten

01 or otherwise bleached in some way, if it's simply  
02 deleted, are you able to -- can an expert then usually  
03 find most of that file and recreate it?

04 A. Potentially.

05 Q. Right. But once you put in the trusted build  
06 where you actually overwrite, then that's pretty well  
07 impossible. Correct?

08 A. Honestly, I don't know.

09 Q. Okay. So, has any consideration -- how often  
10 -- how soon after you, after an election, do you put in  
11 a trusted build?

12 A. I don't ever put in a trusted build.

13 Q. Okay. Well, how soon after an election does  
14 Dominion put in a trusted build?

15 A. Whenever requested, and it's not always  
16 Dominion, oftentimes it's the jurisdiction themselves,  
17 and that would be based on jurisdictional requirements.

18 Q. When you say the jurisdiction itself, it would  
19 be the one that's actually doing the installation of a  
20 trusted build that would have been prepared by Dominion.  
21 Correct?

22 A. No, it's not prepared by the Dominion.

23 Q. You say that the jurisdictions themselves  
24 develop the software?

25 A. No, I didn't --

01 Q. Of a trusted build?

02 A. No, I didn't say that. A trusted build is  
03 simply a compilation of all of the programs, and that is  
04 created by one of the testing authorities. It is never  
05 created by Dominion specifically.

06 That's part of the separation of concerns to  
07 ensure the chain of custody of the code is what's  
08 actually in the deployed applications. So, in states  
09 that use Pro V&V as a certification authority, Pro V&V  
10 creates the golden image, trusted build.

11 So, there's a difference between the two. So,  
12 that's where I wanted to -- your statement about  
13 overwriting, you know, a golden image replaces the  
14 entire image of the disk.

15 So, it's unlikely that you're able to get past  
16 files, right? A trusted build, all you're replacing is  
17 election management system or other applications, so  
18 you're not wiping the disk in that regard, okay.

19 But regardless, trusted builds, golden images  
20 never come from Dominion. They're not under Dominion's  
21 control. The jurisdictions will get that from some  
22 trusted third party.

23 In California, it's the California  
24 Certification Authority that provides the trusted builds  
25 or the golden images. In Georgia, I believe, and again,

01 best of my recollection, that the trusted builds were  
02 provided by Pro V&V.

03 Colorado, I've got to be honest, I don't know  
04 who creates the trusted builds, but it's one of the  
05 certification authorities, and it's not Dominion. It's  
06 never Dominion.

07 **Q. Why is there a router IP address configured in**  
08 **the DHCP server running on the EMS server?**

09 A. So, the election management system is a client  
10 server architecture. It's a local network. You still  
11 need a router.

12 **Q. Yeah, I -- you didn't tell me why?**

13 A. Because it's a client-server architecture.

14 So, you have a central server that has the  
15 information, and then you have client workstations, and  
16 they have to receive that information, and it's done  
17 over an Ethernet cable through a switch.

18 **Q. So, you're saying that basically, let's just**  
19 **say a particular jurisdiction has its own system, and in**  
20 **order for its system to be centralized and deal with the**  
21 **individual?**

22 A. Yes, every jurisdiction has their own central  
23 system.

24 **Q. So, the central system can't communicate to**  
25 **the other computers in that system unless there's a**

01 router?

02 A. Correct.

03 Q. Right.

04 A. Yeah.

05 Q. And that -- and Dominion needs to be able to  
06 communicate, does it not, with the main computer, the  
07 central computer of each system. Correct?

08 A. Dominion, no, not necessarily, no. There's no  
09 requirement that Dominion have access to that.

10 Q. But it does, right?

11 A. No.

12 Q. I thought we talked before about Denver, that  
13 you had access to Denver?

14 A. There are test setups used in QA groups,  
15 certification groups, development groups, so there are,  
16 there is a central server, workstations, and other  
17 peripherals that are not used in any election, not  
18 connected to any jurisdiction.

19 They are wholly internal implementations of  
20 the system in order to provide ways of testing  
21 functionality and troubleshooting if there are issues.

22 It has nothing to do with jurisdictions or  
23 equipment, and jurisdictions or access to jurisdictional  
24 equipment.

25 Q. So, you're saying, so it's just there for

01 testing. That's why it's left there in production?

02 A. That's why it's --

03 Q. It's just there for testing?

04 A. Testing, development, troubleshooting,  
05 certification.

06 Q. Why is it left there afterward?

07 A. I don't understand the question.

08 Q. If it's only needed for the things that are  
09 there before the election?

10 A. This doesn't -- this isn't election specific.  
11 Dominion is continuously developing products  
12 continuously every day. So, you need an environment to  
13 test those that development. You have to test it on  
14 something. So, why would you dismantle it?

15 Q. Well, let me ask you this. Has Dominion ever  
16 set up remote access servers to access jurisdictional  
17 equipment?

18 A. Again, I described in [REDACTED] that we planned  
19 for that for a very rare case of, you know, during  
20 COVID. Beyond that, I am not aware, and I have no  
21 knowledge nor participation in doing that for any  
22 jurisdiction, no.

23 Q. And you indicated that you were basically in  
24 charge of [REDACTED], in the 2020 election,  
25 did you -- other than the -- what you talked about where

01 you had, where you were in charge or where you had, you  
02 know, some authority, I'm just trying to get this  
03 straight here because, I mean, we may have been talking  
04 about Sequoia, but I'm asking about Dominion.

05 And I just want to make sure I got this  
06 straight, that you're saying that for the 2020 election,  
07 the only place where you had any interest or any  
08 activity in the United States, you know, was [REDACTED]  
09 [REDACTED], and -- what was the other place he said?

10 MS. LAMBERT: I think he said [REDACTED]  
11 [REDACTED].

12 BY MR. TICKTIN:

13 Q. And in Georgia, right?

14 A. Those are the ones that I recall. And I  
15 mentioned Antrim, but again, I didn't have any -- I did  
16 not have any discussions or contact with anybody from  
17 the jurisdiction at Antrim.

18 I would've only had internal communications.  
19 I know that I had direct communications with the client  
20 themselves in [REDACTED], and that was by telephone call.

21 Q. So, it's not -- so it's not like you were in  
22 other parts of the country taking charge of anything  
23 else in any other county. The only places you were in  
24 one county in Georgia and one county in --

25 A. I was not -- one, I was not in charge in any

01 jurisdiction. I was top tier technical support.

02 Q. Okay. So --

03 A. And I was top-tier technical support for  
04 [REDACTED]. I was backup support for  
05 [REDACTED] because they're in the same building,  
06 they're two floors apart.

07 And I know their system very well because it's  
08 identical to the [REDACTED]. But we had other  
09 people there that were dedicated to [REDACTED].

10 I was contacted after November 3rd to help  
11 diagnose and mitigate an issue that [REDACTED] was  
12 experiencing when I was over the phone.

13 I was not in charge of that -- that county,  
14 that jurisdiction. I was just brought in as a top-tier  
15 resource for troubleshooting.

16 Q. Okay. And that's it. So, that's all you did  
17 in the 2020 election?

18 A. I may have had other calls that I don't  
19 recall, but those were the main ones, yes. My primary  
20 duty for the 2020 election was top-tier support in the  
21 [REDACTED].

22 Q. Okay. So, you might have had some other calls  
23 where somebody asked for some advice, or what would be  
24 the extent of those calls?

25 A. Yeah. I mean, they would've been internal,

01 "Hey, I saw this happen". I honestly can't recall any,  
02 you know, direct recollection of those. They may have  
03 happened. There may have been other calls during the  
04 primary in 2020, but again, I was in [REDACTED] when  
05 [REDACTED] had their primary.

06 I'm trying to think in the 2020 primary, I may  
07 have provided election support, I did. I can't remember  
08 the county, but it was in New Jersey.

09 So, that was the -- that was one of the other  
10 ones where I actually provided on-ground support, and I  
11 remember that because it was during the worst of COVID,  
12 so travel was interesting to say the least.

13 **Q. Why is there a router set up on the production**  
14 **election systems?**

15 A. I mean, it's the same answer. The -- the  
16 architecture of the system is what's called a client-  
17 server architecture.

18 So, you have a central server, and that's  
19 where all, you know, the database resides and things  
20 like that.

21 And then you have workstations, and that has  
22 the client application. The workstations need to  
23 communicate with the central server, and that's done  
24 over a local area network through Ethernet cables that  
25 are connected by a router switch.

01 Q. Okay. How many remote access servers did  
02 Dominion sell?

03 A. I have no knowledge of that.

04 Q. Do you have an approximation?

05 A. I don't.

06 Q. Do you have a limit as to the number, or, you  
07 know, do you know of any?

08 A. I don't, I don't personally know of any, and  
09 that's zero of a RAS server sold by Dominion. That  
10 doesn't mean they didn't. Sequoia fielded some number  
11 of RAS servers that I know of in Minnesota, and that's  
12 because Minnesota used analogue modems for the  
13 transmission of unofficial results on election night.

14 And analogue modems require a RAS server to  
15 accept the transmissions. I don't know what that number  
16 is, but I know that that RAS servers were implemented in  
17 Minnesota and maybe Michigan, maybe Alaska, but I don't  
18 have all the details.

19 Q. Do you know which people had access to modify  
20 or maintain the network equipment? Switches, routers,  
21 firewalls at each of the Dominion offices?

22 A. I do not.

23 Q. Which people -- yes, who would know?

24 A. So, if you're talking about at the Dominion  
25 offices themselves, then it would've been the IT group.

01 Q. Who's that?

02 A. I can't remember his name. [REDACTED] something.

03 Q. Did you supervise anyone in regard to the  
04 RAS's?

05 A. No.

06 Q. At the time that you were at Dominion, who  
07 reported directly to you?

08 A. From 2000 to 2013, there were a variety of  
09 people. I had a development group. I wouldn't be able  
10 to give a full list off the top of my head, but during  
11 that period, I think [REDACTED] -- sorry. [REDACTED]  
12 reported to me for a -- for at least a portion of that  
13 time.

14 [REDACTED]  
[REDACTED]. Again, it's been a long  
16 time, especially since this goes back to 2013, and I  
17 don't have access to that information.

18 I did take a seven-month break, in and around,  
19 like seven months in 2013. And when I returned in late  
20 2013, early 2014, I had no direct reports all the way up  
21 until my separation.

22 Q. Did you say [REDACTED]?

23 A. No, he was never. Somebody named [REDACTED]  
24 [REDACTED] was never an employee of Dominion Voting  
25 Systems, to my knowledge.

01 Q. Okay. Which people were configuring network  
02 equipment supplied with or as part of the Dominion  
03 systems put in place in various jurisdictions around the  
04 nation? Where are those configurations shared, I mean,  
05 stored?

06 A. One, I don't know the names of the individuals  
07 in operations that installed systems in any  
08 jurisdictions.

09 MS. LAMBERT: We need him to spell [REDACTED]'s last  
10 name. He said [REDACTED]h, somebody [REDACTED].

11 THE WITNESS: [REDACTED]

12 BY MR. TICKTIN:

13 Q. Thank you. Are voting -- okay. Did [REDACTED]  
14 work for the Venezuela off -- Venezuelan office?

15 A. I do not recall, I don't know what his  
16 employment was before he started at Sequoia.

17 Q. Is that [REDACTED]?

18 A. No, [REDACTED] first name,  
19 [REDACTED].

20 Q. How often are the systems' antivirus  
21 definitions updated?

22 A. For certified systems only during updates of a  
23 new certified version, per EAC or other state  
24 certification authorities.

25 Q. Are those voting systems ever accessed

01 remotely?

02 A. Again, outside my current answers, no.

03 Q. What? You took a seven-month break at one  
04 point?

05 A. I did.

06 Q. Why?

07 A. Had a little bit of burnout.

08 Q. Whose idea was that?

09 A. It was my idea.

10 Q. Yeah, was there any paperwork involved in  
11 taking that break?

12 A. Yeah, I think it's been produced in other  
13 discovery.

14 Q. And in terms of that time off, did you get any  
15 settlement from the company?

16 A. No, I just I went to work almost immediately,  
17 like, a couple of days after I -- my last day for a  
18 large multinational consulting group called Sogeti,  
19 S-O-G-E-T-I.

20 Q. And then you were able to return after seven  
21 months?

22 A. Approximately seven months, yeah.

23 Q. Did Dominion know that you were going to be  
24 working for somebody else as soon as they gave you your  
25 seven-month break?

01 A. Yeah, and I -- and they knew who I was going  
02 to work for.

03 Q. And who was that at Dominion?

04 A. That knew about that?

05 Q. Yes?

06 A. I can say that [REDACTED]  
[REDACTED]  
[REDACTED]

09 Q. So, what was the cause of your problems that  
10 you were having that caused you to need to take a  
11 seven-month leave of absence?

12 MR. CAIN: Object to form.

13 A. I was experiencing a little bit of burnout.

14 I had been, at that point, I had been in the  
15 elections industry for eight years, and I thought maybe  
16 there was a better opportunity trying something else.

17 So, I went and tried that and realized I  
18 really missed elections and was able to return.

19 BY MR. TICKTIN:

20 Q. What were you doing in that seven-month  
21 period? What were your responsibilities?

22 A. Again, I was working for a consulting firm, so  
23 I worked on probably six different projects in that  
24 seven months.

25 Q. What was the name of the firm?

01 A. Sogeti, S-O-G-E-T-I.

02 Q. And that was a consulting firm. What kind of  
03 consulting did they generally do?

04 A. Again, I had a variety of projects, big data  
05 analysis, process improvements, some troubleshooting on  
06 database systems.

07 Q. Okay. And have you gone back to Sogeti and  
08 asked them for work?

09 A. No.

10 Q. Have you -- I know I asked you before about  
11 voting work, you know, but have you gone to any of these  
12 other companies, such as consulting companies, and asked  
13 them for jobs other than what you testified to?

14 A. No, you know, unfortunately, I'm a man of a  
15 certain age and, you know, a lot of the technologies  
16 have left me behind.

17 Q. How old are you?

18 A. 55.

19 Q. Their headquarters are here in Tampa?

20 A. Sogeti's?

21 Q. Yeah, apparently.

22 A. Okay. They had a big office in Denver.

23 They're global. They have offices. I met a  
24 guy in Europe that worked for Sogeti in London, so.

25 Q. Any reason that they wouldn't hire you now?

01 A. Yeah, I don't think I have the skill set  
02 anymore. I'm not up on the latest data analysis tools,  
03 so.

04 Q. How long would it take you to get trained for  
05 that?

06 A. Probably, a couple of years and a lot of  
07 money.

08 Q. How much money?

09 A. I don't know. Those courses can be, you know,  
10 tens of thousands, like going back to school.

11 Q. Right. Yeah. What kind of data analysis  
12 tools are you capable of using, or were you capable of  
13 using when you took your seven-month leave of absence?

14 A. Some of the Microsoft analysis tools, some of  
15 the -- and I like this -- how long it's been. I can't  
16 even remember the other. It was -- it may have been an  
17 IBM product.

18 Q. Isn't true --

19 A. It may have been an IBM product. I can't even  
20 recall the name at this point.

21 Q. Okay. Isn't it true that in order for anybody  
22 to keep up with any technology, they need training and  
23 retraining?

24 A. Ongoing training is definitely a good thing  
25 when you're working in a particular field, but I was

01 working in a completely different field for many more  
02 years.

03 Q. Did you have -- at Dominion, did you have  
04 administrator -- administrative or elevated privileges  
05 at any point?

06 A. Again, it depends on context. So, I had my  
07 own little test set up because I worked remotely, so I  
08 had a essentially a desktop server version of the  
09 election management system.

10 So, certainly in that instance, I had admin  
11 privileges because I needed it because I was using that  
12 for testing and verification of features, et cetera.

13 Q. Yeah, to this day, do you still communicate  
14 with the people at Dominion?

15 A. Yes, and I believe I've provided that in my  
16 discovery responses.

17 Q. Do you have a joint -- or a common interest  
18 agreement with Dominion regarding this litigation?

19 A. Regarding this litigation? I got to -- can I  
20 defer to my Attorney? Which I know we have a common  
21 interest agreement with Dominion's representation. I  
22 don't know if it's specific to this case or in general.

23 Q. Okay. And do you share information with  
24 Dominion in regard to that?

25 A. I do not communicate with anybody from

01 Dominion or their litigation team.

02 Q. Did -- do your lawyers?

03 MR. CAIN: Well, that would be privileged.

04 A. That's privileged.

05 BY MR. TICKTIN:

06 Q. Don't tell me what was said, just tell me if  
07 they do communicate.

08 A. I believe they do.

09 Q. Okay. Well, without telling me what was  
10 said, has it ever been communicated to you by your  
11 lawyers that they do communicate?

12 A. No --

13 Q. I mean, in other words, did they ever tell you  
14 about things that they learned from Dominion without  
15 telling me what they learned, don't tell me what they --  
16 what they told you.

17 A. All of the discussions that I can recall have  
18 essentially been, "Hey, I had a call with X at  
19 Dominion's, you know, firm." We don't go into details.

20 Q. Okay. Do you know whether or not any of the  
21 discovery in the other cases have been communicated  
22 to --

23 A. I have -- I have --

24 Q. -- you or your Attorneys?

25 A. I've personally not seen any, and I'm not

01 aware of any discovery that's been shared.

02 Q. You indicated earlier that you could possibly  
03 -- it could be helpful to you if you reviewed some of  
04 your e-mails, other materials. Correct?

05 That Dominion would -- you didn't say that  
06 Dominion wouldn't have, but I took it that you were  
07 talking about information Dominion would have, was I  
08 have --

09 A. Would potentially have.

10 Q. Yeah.

11 A. I mean, it would certainly help if I had  
12 access to my calendar to know, you know, most of my  
13 travel dates and destinations were in it.

14 Q. Have you, through Counsel reached out to get  
15 your calendar so that you would be better equipped to be  
16 able to answer questions in this deposition?

17 A. I don't know if we've ever requested that.

18 Q. When did you meet [REDACTED]

19 A. Again, I can't give an exact date, somewhere  
20 in the 2008 era, you know, there's a lot of election-  
21 related conferences throughout the year in various  
22 states. I probably ran into him at one of those  
23 initially.

24 And then it was probably one of the first  
25 early meetings, I met him as a competitive bidder in the

01 Philippines. All the vendors that were offering bids  
02 were invited to give a technical demonstration in front  
03 of the Filipino Congress, and [REDACTED] was there to  
04 observe.

05 Q. Do you feel that Dominion took advantage of  
06 you?

07 A. No, I think I definitely was underpaid for the  
08 services that I provided. I don't think I was taken  
09 advantage of.

10 Q. Were there any other benefits that they gave  
11 to you other than the [REDACTED]  
[REDACTED]

13 A. Nope.

14 Q. Did they give you any raises from year to  
15 year?

16 A. Yeah, I mean, I got raises over the years.

17 Q. Did you get any part of any settlement with  
18 the -- from the Dominion cases?

19 A. No.

20 Q. So, Dominion didn't share any of the money  
21 that they either got or sued for?

22 A. Zero.

23 Q. Okay. Did you feel that you were entitled to  
24 some of that?

25 A. It would've been nice.

01 Q. Do you feel sometimes that you're the one,  
02 that's now put out in the bag?

03 A. I think I have an outsized focus on me.

04 Q. Um-hum.

05 A. For conspiracy theories about, you know, the  
06 election in 2020, yeah, absolutely.

07 Q. Have you ever met anyone from Staples Street?

08 A. Yes, I'm going to massacre his name,

09 [REDACTED]

10 Q. What?

11 A. [REDACTED], this is the best of my  
12 recollection, [REDACTED] maybe. I think he  
13 was the principal and founder of Staples Street, and I  
14 met him, I think only on one occasion, and that was in  
15 Washington, D.C.

16 Q. Did you ever deal with any of the lawyers from  
17 Staples Street?

18 A. Not to my knowledge, no.

19 Q. Okay. Do you know who they were?

20 A. No.

21 Q. Do you have any access to the golden image of  
22 -- or trunk code at Dominion leading up to the 2020  
23 election?

24 A. What is trunk code?

25 Q. I don't know if -- you don't know? You've

01 never heard that term before?

02 A. No, and golden image, again, I'd like  
03 specifics, but I think I can safely say I didn't have  
04 access to any golden image during the 2020 election  
05 cycle.

06 Q. How about those stored procedures?

07 A. I mean, again, for the 2020 election, no, I  
08 didn't have any access to the Dominion code base,  
09 including stored procedures.

10 Q. You worked -- have you ever worked for [REDACTED]

[REDACTED]

[REDACTED] at Dominion?

13 A. That name doesn't sound even remotely  
14 familiar.

15 Q. And how long were you assigned to the [REDACTED]

16 [REDACTED]

17 A. Again, it was generally around election time,  
18 my support was in March of 2006, when I worked for  
19 Sequoia, and I worked almost every election between 2006  
20 and 2020, in either [REDACTED], or both.

21 Q. Did you work for [REDACTED]?

22 A. No.

23 Q. Do you know who she is?

24 A. Yeah, she was [REDACTED] at Sequoia, and  
25 then I think she briefly worked in an [REDACTED],

01 during the transition that started in 2010 with  
02 Dominion.

03 **Q. Were you aware of any Venezuelans that were**  
04 **given visas to do work in [REDACTED]?**

05 A. I know that there were Venezuelans, nationals  
06 that helped provide support, I know nothing of their  
07 visa status.

08 **Q. What did they provide support for?**

09 A. Election support and that was during the 2026  
10 or two -- sorry, 2006.

11 **Q. What do you mean by election support?**

12 A. Being available to provide any troubleshooting  
13 and monitoring system health, 2006 was a brand new  
14 implementation of new equipment, in -- I think at the  
15 time was when you combined [REDACTED], it  
16 was the third largest voting district in the U.S. So,  
17 they were there in case things went wrong and something  
18 needed to be troubleshooted.

19 **Q. Did they have access to the equipment?**

20 A. Not unsupervised, no.

21 **Q. But they had access?**

22 A. if needed, but that was monitored and managed  
23 by the county staff.

24 **Q. How would you know that?**

25 A. -- and city staff.

01 Q. How do you know that?

02 A. because I was on site.

03 Q. So, you know about those things even though  
04 that wasn't under your jurisdiction?

05 A. I had a completely different role in 2006.

06 MR. TICKTIN: I need to take a two-minute  
07 break.

08 THE WITNESS: Okay.

09 MR. TICKTIN: I'll be back.

10 THE COURT REPORTER: We're off the record.

11 (Thereupon, a short discussion was held off  
12 record.)

13 (Deposition resumed.)

14 THE COURT REPORTER: Okay. We're back on the  
15 record. Counsel, you may proceed.

16 MR. TICKTIN: Thank you.

17 BY MR. TICKTIN:

18 Q. Have you ever consulted with the FBI in regard  
19 to the 2020 election?

20 A. Only in regards to the threats that I've  
21 received.

22 Q. Okay. Have you ever worked with or for the  
23 CIA in any way?

24 A. No.

25 Q. Have you ever worked for or with any other

01 **three-letter agency of the United States?**

02 A. No, I mean, no. When you say three-letter  
03 agency, be specific.

04 **Q. Well, such as the DEA.**

05 A. No.

06 **Q. Department of, you know, Fire, Tobacco,**

07 **Firearm --**

08 MR. TICKTIN: What?

09 MS. LAMBERT: NSA.

10 BY MR. TICKTIN:

11 **Q. NSA?**

12 A. No.

13 **Q. Well, you know, what I mean by that, let me**  
14 **just say, any agency of the United States.**

15 A. Worked with -- I've had discussions with  
16 members of sub-departments of the DHS, Department of  
17 Homeland Security, namely through CISA, which is the  
18 Cybersecurity and Infrastructure Security  
19 Administration.

20 **Q. Was that before the 2020 election?**

21 A. Yeah, I forget when -- and again, I didn't  
22 have direct contact, I participated in events, and I  
23 participated in groups that were sort of, I don't want  
24 to say managed by CISA.

25 But in 2016, when election systems were deemed

01 critical infrastructure, and that was by Barack Obama, I  
02 forget the exact year, but it was shortly after that,  
03 CISA was kind of -- I don't know if they were created,  
04 but they were given sort of the authority of overseeing  
05 the critical infrastructure of election systems.

06 So, that brought about a lot of, let's say,  
07 associations, organizations, groups that fell under  
08 that. One of them is what are called Information  
09 Sharing and Analysis Centers, ISAC's.

10 There are a variety of ISACs. There's one for  
11 election information, ISAC. There's one for IT ISAC,  
12 and those are, you know, sort of third party, but they  
13 sort of work under the auspices of various agencies in  
14 various critical infrastructure sectors.

15 So, when you say involved, you know, I know  
16 I've met with members of the Department of Homeland  
17 Security, members of CISA again, not, like, on a one-  
18 on-one basis, maybe at a conference.

19 I went to a CISA conference and participated  
20 on an election security panel with the other vendors,  
21 namely ES&S, HAAT, and Smartmatic. I don't know if  
22 anybody up was there from Unison. So, again, when you  
23 say involvement, that's the extent of it. I've never  
24 worked for any governmental agency.

25 Q. Do you know a [REDACTED]?

01 A. [REDACTED], yes.

02 Q. [REDACTED], who is it?

03 A. I don't know again, I'm horrible at titles, I  
04 think she was the [REDACTED] for  
05 Dominion Voting Systems.

06 Q. [REDACTED]

[REDACTED] --

08 A. [REDACTED]

09 Q. Separated and stayed together in a certain  
10 way, and then you're cooperating with each other. So,  
11 let's just say after [REDACTED], did  
12 you have any contact with any government agencies about  
13 election issues in any way?

14 A. Again, the FBI, but only in reference to  
15 threats that I received relating to being accused of --

16 Q. Did you follow down any of those leads for any  
17 of those threats?

18 A. The FBI did, yes.

19 Q. Okay. And did they find any of those people  
20 that admitted to those threats?

21 A. Again, the FBI, being the FBI, they don't like  
22 to share information. They did acknowledge that they  
23 made contact with several suspects, but they didn't give  
24 any details.

25 Q. Did you have any election relating -- related

01 meeting -- meetings with any of the agencies of the  
02 United States after your employment?

03 A. After the -- my employment, no.

04 Q. Do you know if you've ever, any -- has anybody  
05 suggested that you are a person of interest in any way?

06 A. You have.

07 Q. Okay. I just wanted -- my understanding is,  
08 you said no when I asked you after the 2020 election --  
09 oh, no, I asked you after your employment. After the  
10 2020 election, did you meet with anyone in the -- In any  
11 government about, any state or federal government about  
12 the election?

13 A. Well, I mean, I may again state government, so  
14 I was in contact with the [REDACTED]  
15 Board of Elections, so that's government.

16 Q. [REDACTED]?

17 A. Yeah, [REDACTED] was -- yeah, he was part of  
18 the elections office.

19 Q. In [REDACTED]?

20 A. Um-hum.

21 Q. Did you have any contact with Jenna Griswold  
22 in any way, shape, or form?

23 A. No, I think I only ever talked to her once,  
24 and it was at a National Association of Secretaries of  
25 State, and I just introduced myself as a Colorado

01 resident and an employee of Dominion. That was one  
02 time.

03 Q. Did you report any problems that you may have  
04 seen or perceived in regard to the 2020 election to any  
05 government agency or personnel, any --

06 A. Again, if we include the elections department  
07 of the [REDACTED], I mean, it's  
08 possible we had discussions about, you know, issues that  
09 we're having. So, I don't know if that -- If that gets  
10 to your question or not.

11 Q. Well, what issues were you having?

12 A. They're mostly issues relating to canvassing.  
13 So, you know, they would ask to verify in the  
14 system because we would track it, you know, the  
15 machines.

16 "Hey, did machine X come in, and when was it  
17 reported in the system"? So I would look that data up  
18 for them, or I'd run that report.

19 Q. Did you put any problems in writing to [REDACTED]  
20 [REDACTED]?

21 A. Not that I recall.

22 Q. How about to anyone else in [REDACTED] or --

23 A. No, these were --

24 Q. -- or [REDACTED]?

25 A. Sorry, I didn't mean to interrupt you.

01 Q. That's okay.

02 A. No, these were mostly face-to-face  
03 communications, you know, the IT and election staff are  
04 right there. So, these were -- that's the job, it's  
05 like working in an office together. So, you don't write  
06 things out you discuss, they go off, they fix it, they  
07 give me the thumbs up.

08 Q. Would you consider [REDACTED] a friend?

09 A. I mean, I've known [REDACTED] for a long time,  
10 but we've never spent any time outside of an office  
11 together.

12 Q. What do you do with your spare time that you  
13 would socialize with people?

14 A. In general?

15 Q. Well, I know some people, maybe myself  
16 included, you know, for all work and no play, you know.

17 A. No, over the years, I've been and somewhat  
18 maintained, I've been an elite climber, I've raced  
19 mountain bikes all over the world, last race was a while  
20 ago, but I kayak, I ski, I raft.

21 Q. Do you own any restaurants?

22 A. Yes, I had partial ownership in two  
23 restaurants. It's me and a business partner, he  
24 basically ran the one restaurant, I ran the other. We  
25 split that business, so that --

01 Q. When was that?

02 A. I took partial ownership in that entity in --  
03 the official was July 1st, 2021. And then somewhere on  
04 or between December of 2022, we split the businesses,  
05 and he kept the one business, and I kept the other, and  
06 then we operated completely independently. I basically  
07 closed down the restaurant and dissolved the company in  
08 October of 2024.

09 Q. What was the name of the restaurant?

10 A. The name of the restaurant was The Fritz.

11 Q. Okay. And how many people did that seat --

12 A. I'm sorry, it's very distracting to  
13 concentrate on your questions when you're --

14 Q. Somebody's whispering to me, I agree --

15 A. Yeah, I mean it -- I just want to make sure  
16 I'm hearing the question completely.

17 Q. That's fair enough.

18 A. Okay.

19 Q. And so when that happens, just take your time  
20 and just ask me to repeat it.

21 A. Sure.

22 Q. How many people did that restaurant seat?

23 A. I think our max capacity indoor was listed as  
24 49.

25 Q. 49. Okay. And what kind of cuisine did you

01 **serve?**

02 A. Eclectic worldwide, generally focusing on  
03 small plates.

04 **Q. What was the name of the other place?**

05 A. Benson's Tavern.

06 **Q. Okay. Did it succeed?**

07 A. Yeah, I mean, it was successful for -- well,  
08 Benson's is still around, I closed the restaurant for a  
09 variety of reasons.

10 **Q. Is Benson's a franchise?**

11 A. No.

12 **Q. Was yours a franchise?**

13 A. No.

14 **Q. And what were the reasons that you closed?**

15 A. There were a variety of reasons, labor costs,  
16 food costs were becoming untenable. So, like Benson's  
17 is a bar, they serve liquor and beer those are always  
18 easy to sell. I sold high-end food in a small town.

19 **Q. Which town?**

20 A. Salida, Colorado.

21 **Q. And what's the population there?**

22 A. It fluctuates, but it's around 6,000.

23 **Q. Okay. All right. And how much did you make a  
24 year after?**

25 A. I mean I -- technically, I took a salary, I

01 think it was \$35,000. But, you know, there were times  
02 that I didn't draw a paycheck, so that I could make sure  
03 to be solvent to serve my employees and customers.

04 Q. Okay. And I just want to get this straight,  
05 so when did you actually start with your partner for the  
06 two restaurants?

07 A. That was July 1st, 2021.

08 Q. Okay. Did you own any restaurants prior to  
09 that?

10 A. No.

11 Q. Did you have any other businesses prior to  
12 that?

13 A. It - prior are we going to go back to -- can I  
14 get a timeframe, I -- between Dominion and that July  
15 1st, 2021, I did not have any businesses or any  
16 concerns.

17 Q. But in terms of your life, sir, you're 55,  
18 relatively young, at least I think it's young. You're  
19 55 years old, you've got a certain amount of life  
20 experience in terms of business. I'd like to know what  
21 that experience is. So, what was the first business you  
22 ever did?

23 A. Did, owned or worked at?

24 Q. That's a good question. Let's put it this  
25 way. Did you work at businesses before you ever owned a

01 business?

02 A. Yeah.

03 Q. Okay. So, which was the first business that  
04 you worked at?

05 A. At 14, I worked as a grill cook.

06 Q. Okay. Good. Let's speak about after college,  
07 after you got your degrees.

08 A. That's why I asked for a timeframe.

09 Q. That's okay. That's okay. All right. After  
10 you got your doctorate, what did you do?

11 A. Immediately after my doctorate, I worked some  
12 freelance stuff, writing for some climbing magazines and  
13 doing some guiding, mostly in and around Yosemite  
14 Valley. And then I moved to -- so I graduated in 1997.

15 I moved to Colorado in August of 1998. I  
16 continued to do a little writing for the magazine, just  
17 freelance stuff, did a little bit of guiding, and then I  
18 did some freelance database development work in and  
19 around there.

20 Q. And what did that pay you about?

21 A. I don't even remember.

22 Q. Oh, less than you got paid for Dominion?

23 A. Yes.

24 Q. All right. And then after you did that, did  
25 you start any businesses?

01           A.    No, I didn't -- I didn't -- well, yes, so at  
02 some point I incorporated a company called Summit  
03 Engineering Systems, and that again I would provide  
04 freelance and contract work, mostly database  
05 development, and I did that for several years.

06           **Q.    Did you own any restaurants or breweries, or**  
07 **anything else related to food, from the beginning of**  
08 **2020 to the end of 2022?**

09           MS. LAMBERT:  No-no, 2000 to 2020, 20 years.

10           BY MR. TICKTIN:

11           **Q.    I'm sorry.  Take that back, 2020 to -- 2000 to**  
12 **2022, 20 years.**

13           A.    I'll make this easy, I've only owned a  
14 consideration in two restaurant groups.  The one -- the  
15 two that we just discussed, those are the only ones in  
16 any time period.

17           **Q.    Okay.  And what banks did you use for those**  
18 **two businesses?**

19           A.    All of those -- both of those businesses used  
20 Collegiate Peaks Bank in Salida.

21           THE WITNESS:  Was it Collegiate Peaks?

22           MR. CAIN:  I'm not testifying.

23           THE WITNESS:  I know.

24           MR. CAIN:  Yeah.

25           THE WITNESS:  I'm just -- I'm looking for

01 moral support.

02 A. It might have been High Country, but I think  
03 it was Collegiate Peaks.

04 BY MR. TICKTIN:

05 **Q. Have you ever made a FARA, you know, a Foreign**  
06 **Agents Registration Act filing?**

07 A. Not that I recall, I don't think so.

08 **Q. Okay. Did you ever make any filings, such as**  
09 **that for Dominion?**

10 A. I mean, the only filings that begin with an F  
11 that I recall signing were around foreign corrupt  
12 practices agreements, and that was when I was doing work  
13 overseas in various countries that I had to sign that.  
14 I've never been an agent for any foreign concern  
15 operating in the U.S.

16 **Q. Okay. You signed it on behalf of whom?**

17 A. I'm sorry?

18 **Q. You signed it on behalf of whom?**

19 A. The FCPA agreement, it -- that's an  
20 acknowledgement that I'm aware of the laws that surround  
21 foreign corrupt practices, and I sign that as sort of an  
22 attestation.

23 **Q. Was that for Dominion?**

24 A. I don't know if I signed one for Dominion, I  
25 definitely signed one for Sequoia.

01 Q. Do you know if Dominion filed papers in regard  
02 to its status in the United States?

03 A. I have no idea that.

04 Q. Do you agree that some of Dominion's brand  
05 election equipment used in the 2020 election did not  
06 meet the standards of the National Institute for  
07 Standards and Technology?

08 A. No, I don't know that.

09 Q. Would you agree with it?

10 A. No, because again, all of my knowledge --  
11 every single system that we fielded, met the required  
12 certifications in all jurisdictions.

13 Q. Do you agree that some of the Dominion brand  
14 election equipment used in the 2020 election did not  
15 meet the standards of the Cybersecurity and  
16 Infrastructure Security Agency?

17 A. No, I do not agree with that at all.

18 Q. Do you agree that some of the Dominion brand  
19 election equipment used in the 2020 election did not  
20 meet the standards of the Defense Information Systems  
21 Agency?

22 A. Again, I don't know those requirements  
23 specifically, but I do know that all of the fielded  
24 systems met all of the required certifications for use  
25 in those jurisdictions.

01 Q. Now, when you say, I don't know these things  
02 personally, are you talking about it because of your  
03 position or because of just your general knowledge  
04 altogether?

05 A. Altogether.

06 Q. And is that because you believe that these  
07 standards are voluntary?

08 A. I don't know what the Venn diagram is for the  
09 specific requirements that you're reading and the  
10 certification requirements, because sometimes the  
11 certifications will adopt certain standards.

12 I'm not an encyclopedia for that, so what I  
13 can say definitively is that all the fielded systems met  
14 the certification requirements for use for legal use in  
15 all jurisdictions.

16 Q. Did [REDACTED] from Dominion go to the EAC  
17 in 2020 -- I'm sorry, 2019?

18 A. I don't know what the year is, but I know that  
19 [REDACTED] worked for Dominion and then had some  
20 role, I think it was in the certification at the EAC,  
21 yes.

22 Q. And what was that role?

23 A. I don't know.

24 Q. Do you know what she had to say about that?

25 A. No, I didn't talk to her about it.

01 Q. Okay. Well, did you speak to anybody else  
02 about it?

03 A. No.

04 Q. No -- no scuttlebutt, nothing?

05 A. No, I think the only conversation I had with  
06 [REDACTED] was to congratulate her on her new start, and  
07 all she said back was obviously, you know, I have to  
08 recuse myself of anything Dominion-related.

09 Q. Do you know if that happened?

10 A. If she recused herself?

11 Q. Yeah.

12 A. I mean, that was my understanding, I know that  
13 I never came across anything to the contrary.

14 Q. Have you ever traveled to Venezuela?

15 A. No.

16 Q. How about Mongolia?

17 A. Yes.

18 Q. How many times?

19 A. I believe it was four times.

20 Q. Why'd you go to Mongolia?

21 A. To present -- at the time, it was to present  
22 Sequoia equipment for use in their upcoming presidential  
23 election, which I believe was 2013. So, I traveled  
24 there -- again, hazy, somewhere around the 2009-2010  
25 timeframe.

01 Q. Who is [REDACTED]?

02 A. He was a former employee of Sequoia that  
03 worked in the [REDACTED].

04 Q. And he worked with you?

05 A. I mean, we were in the same building.

06 Q. And did you ever -- did your path -- your  
07 paths ever cross in regard to the work that you were  
08 doing?

09 A. Well, yeah, I mean, I was one of the  
10 developers, and he was one of the testers, so if he  
11 found defects during programming, he would communicate  
12 those.

13 Q. Okay. And did that happen?

14 A. Yeah.

15 Q. And while you were -- about that period of  
16 time when you were dealing with [REDACTED], about 20 or  
17 30 Venezuelans were brought -- they came to the United  
18 States to work on programming software changes to the  
19 Sequoia presidential equipment in 2006 to the 2009.  
20 Correct?

21 A. No.

22 Q. Well, did any Venezuelans come to the United  
23 States to work on any of the program and software  
24 changes -- and/or software changes to the Sequoia  
25 equipment in 2000 -- beginning of 2006 to the end of

01 2009?

02 A. No.

03 Q. None?

04 A. They didn't -- Smartmatic divested Sequoia in  
05 mid-2007, so.

06 Q. Okay. So, --

07 A. So, let's --

08 Q. Lets ask then about any other company that you  
09 know of that dealt with elections in any way. Did any  
10 Venezuelans come to the United States to make  
11 programming and/or software changes to the Sequoia  
12 equipment or to any other election equipment?

13 A. Okay. It's my recollection, understanding and  
14 knowledge, they did the -- anybody from Smartmatic did  
15 not make code changes to the Sequoia system. So, and  
16 again I'm not trying to split hairs, but it's very --  
17 It's very important.

18 Sequoia had a development group hardware and  
19 software. They worked on a group of products, that's  
20 what they did. For the [REDACTED] bids the  
21 existing, some of the existing tabulators from Sequoia  
22 didn't meet the requirements of the bid.

23 So, Smartmatic created two devices, one was  
24 called the Edge2 Plus, which was a DRE VVPAT, that's a  
25 direct record electronic with a voter-verified paper

01 audit trail, and they developed something called the  
02 HAAT, H- A-A-T, and that stands for Hybrid Activator  
03 Accumulator Transmitter.

04 Those two devices were Smartmatic devices that  
05 WinEDS and Smartmatic developed protocols to share  
06 information from, but the development teams were  
07 isolated.

08 So, Sequoia developers worked on the Sequoia  
09 bids, and Smartmatic developers worked on the Smartmatic  
10 bids.

11 So, there were Venezuelan nationals from  
12 Smartmatic that came to Denver, I don't re -- I don't  
13 recall the date, I think it was actually probably mid to  
14 late 2005. Some of those developers did fly to [REDACTED]  
15 for the first election to provide support, as we  
16 discussed.

17 I don't know how long they remained in the  
18 States because, again, they were in a completely  
19 different office and I had some interaction, but not,  
20 you know, on a regular basis.

21 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

25 BY MR. TICKTIN:









01

[REDACTED]







01

[REDACTED]

14 Q. Are you still -- I take it you and your wife  
15 are divorced?

16 A. Yes.

17 Q. And when was the divorce?

18 A. It was finalized in 2004, I believe.

19 Q. Is this your wife that was educated in Hong  
20 Kong?

21 A. She went to high school at least part of high  
22 school at, in Hong Kong, yeah.

23 [REDACTED]

01

[REDACTED]

21 BY MR. TICKTIN:

22 Q. Okay. Were you ever someone that identified  
23 yourself as a skinhead?

24 A. Yes, sir.

25 Q. How long were you -- did you do that?

01 A. Roughly 1985 to roughly 1995.

02 Q. For about 10 years?

03 A. Yeah, about that.

04 Q. And in that period of time as a skinhead, did  
05 you see yourself as someone who was against any kinds of  
06 people because of their race or religion or anything  
07 like that?

08 A. No, no, I was part of the anti-racist  
09 skinheads, so.

10 Q. Oh, you were the anti-racist skinheads?

11 A. Yeah, the only thing we were against were  
12 Nazis skinheads in particular.

13 Q. Nazi skinheads?

14 A. Yeah.

15 Q. So, you weren't the Nazi skinhead?

16 A. Nope.

17 Q. Just a skinhead. Okay. Okay. So, have you  
18 dealt with, in any way, shape, or form, anyone who  
19 identified as being part of Antifa?

20 A. No.

21 Q. Have you ever identified with being part of  
22 Antifa?

23 A. No.

24 Q. Do you agree with Antifa's manifesto?

25 A. I'm not going to --

01 MR. CAIN: Objection, form.

02 A. I'm not going to make guesses on what you're  
03 referring to, so if you have a document of what you're  
04 referring to, I'd like to see it.

05 BY MR. TICKTIN:

06 Q. I'm just asking you -- so you're -- you deny  
07 that you have an -- do you have any association with  
08 Antifa in any way, shape or form?

09 A. I do not.

10 Q. Have you ever participated with anything with  
11 Antifa?

12 A. I have not.

13 Q. Have you ever had an argument with [REDACTED] --  
14 with John -- with [REDACTED] about Antifa and your  
15 beliefs in Antifa?

16 MR. CAIN: Objection, form.

17 A. Again, if you have a document that'll give me  
18 context, because when you say in regards to supporting  
19 Antifa, I know of no actual organization.

20 BY MR. TICKTIN:

21 Q. I understand that.

22 A. Okay.

23 Q. Yes. Okay.

24 A. So, --

25 Q. So, and that is the thing about Antifa is

01 there is no such organization. Correct? Just people  
02 that say they're associated with it.

03 A. And I have never claimed an association or  
04 know anybody that's claimed an association.

05 Q. Have you ever been on phone calls with people  
06 that said they were, you know, that they sympathize with  
07 or are a part of Antifa in any way, shape, or form?

08 A. No.

09 Q. Do you have your telephone records for the  
10 period of time that we -- that Joe Oltmann talked with,  
11 you being on the phone, and in regard to your complaint?

12 A. Yes, that phone was turned over to my  
13 Attorneys, they had it imaged. It was provided in  
14 various discovery and --

15 Q. We need it --

16 A. I think the phone resides.

17 Q. We need it.

18 A. With the group that did the imaging.

19 Q. Okay.

20 MR. TICKTIN: I'm asking Counsel then to  
21 please make sure you preserve that phone.

22 MR. CAIN: It's been preserved.

23 MR. TICKTIN: And I'd like to have a copy of  
24 that, if I may.

25 MR. CAIN: Again, we'll go through normal on

01 that request.

02 MR. TICKTIN: In other words, no, unless I  
03 move to for production, right? Yeah. Which is  
04 fair?

05 BY MR. TICKTIN:

06 Q. And -- yeah -- and in terms of that, the  
07 statements to your wife, where is she located now?

08 A. I don't know, I haven't talked to her in a  
09 while, I think somewhere in Arizona was the last  
10 location I knew.

11 THE COURT REPORTER: You said Paris?

12 THE WITNESS: Sorry, Arizona.

13 THE COURT REPORTER: Arizona.

14 BY MR. TICKTIN:

15 Q. And what is her full name at this time?

16 A. I don't know what her last name she goes by.

17 Q. What was her maiden name?

18 A. [REDACTED]

19 Q. [REDACTED]

20 A. [REDACTED]

21 Q. When's the last time you communicated with  
22 her?

23 A. I think June of 2025.

24 [REDACTED]

[REDACTED]

01

[REDACTED]

17

Q. Have you ever attended a Black Lives Matter

18

meeting?

19

A. I have not.

20

Q. Have you ever participated in any political

21

activity against Donald Trump?

22

A. No.

23

Q. Have you ever participated in any political

24

activity in favor of Joe Biden?

25

A. No.

01 Q. How about Kamala Harris?

02 A. No.

03 Q. Have you ever met Hunter Biden?

04 A. No.

05 Q. Have you ever communicated with him?

06 A. No. Full disclosure, the only activity, I  
07 guess if you want to call it political, I don't know if  
08 it's really political, was the -- I believe it was the  
09 March for Moms in January of 2016, I did silently march  
10 in that, and that was the only thing that I attended.

11 Q. The March for Moms, what is that?

12 A. It was a protest for women's rights that  
13 happened in the first or second week of January of 2016.

14 Q. Women were protesting against what?

15 A. They were protect -- they were protesting for  
16 retaining the rights that they should have.

17 Q. Against urination on them?

18 A. No, I don't think that was part of it.

19 Q. Have you ever attended any meeting where  
20 anyone at the meeting indicated that they were Antifa?

21 A. No.

22 Q. Have you ever been on a Zoom call with anyone  
23 indicating that they're Antifa?

24 A. No.

25 Q. Have you ever participated in any group where

01 people were dressed and -- well, let me ask you this.

02 Do you know how some Antifa people tend to  
03 dress when they go to protest?

04 A. My general understanding is that it's mostly  
05 black clothing.

06 Q. Right. Have you ever been to any kind of a  
07 meeting with people where they would dress similar to  
08 that?

09 A. No.

10 Q. Yeah, are you aware that the NSA records all  
11 Zoom Antifa meetings?

12 A. No, I have no knowledge of that.

13 Q. They record all Zooms, in fact. Are you aware  
14 of that?

15 A. I'm not aware of that.

16 Q. So, you're aware that Antifa is not an  
17 organization. Correct?

18 A. I'm not aware of any organized Antifa, no.

19 Q. It has no membership, no meetings. Correct?

20 A. As far as I know.

21 Q. No dues, no rules, no leaders, no structure?

22 A. As far as I know, that I would agree.

23 Q. Okay. Do you believe that President Trump is  
24 a fascist?

25 A. I believe he's an authoritarian, yes.

01 Q. Well, what's the difference between a fascist  
02 and an authoritarian?

03 A. Well, you need an authoritarian government to  
04 become fascist. There are certain things that happen  
05 once you have an authoritarian government that lead down  
06 the road to true fascism, and that includes basically  
07 replacing the will and wants of the people with the  
08 state.

09 It is incumbent for people not to do things  
10 for themselves, but do it for the state. Generally, all  
11 reliance of good is around the state and its  
12 authoritarian leader.

13 It's generally characterized by scapegoating,  
14 minorities or others, in order to consolidate, and I'm  
15 not a historian, but that is my understanding of the  
16 difference between just straight authoritarianism and  
17 fascism.

18 Q. Well, you -- I'm going to give you now.

19 MR. TICKTIN: Two more, one more? Here, I got  
20 one for you, Counsel, so you can just give that  
21 right to your client. This is -- oh, I didn't put  
22 the number in, but this is number four, I guess,  
23 right?

24 MR. CAIN: It's three.

25 MR. TICKTIN: Three? Okay.

01 MR. CAIN: Is that correct?

02 THE COURT REPORTER: Yeah, Exhibit Number 3.

03 MR. CAIN: Okay. I'm going to -- I'm going to  
04 go ahead and put your number on for you.

05 (Thereupon, Defendant's Exhibit 3 was entered  
06 into the record.)

07 BY MR. TICKTIN:

08 Q. Okay. Sir, do you see that document I just  
09 gave you? What -- can you identify that document --  
10 well, let me ask you this. Skipping the top part of the  
11 document, do you see where it says your name on June  
12 2nd?

13 A. Yes.

14 Q. Doesn't indicate the year -- do you know what  
15 year this would have been?

16 A. I don't recall exactly, it was -- yeah. No, I  
17 don't recall what year.

18 Q. Okay. Well, we know that the one from Dan  
19 MacGuill, that is on the very top, sent this out on  
20 November 18th -- 19th, 2020. Correct?

21 A. Correct.

22 Q. And so yours would have been either on that  
23 date or before, very unlikely it would have been after  
24 that date. Would it --

25 A. It would not have been after that date, no.

01 Q. Okay. So, --

02 A. Again --

03 Q. So, now looking shortly before the election,  
04 then or just after the election of 2020, would you agree  
05 it's more than likely that it was just after the  
06 election of 2020?

07 A. No, not unless it was June 2021, and we just  
08 verified that it couldn't have been after November 19th,  
09 2020.

10 Q. Right.

11 A. The election happened in November of 2020.

12 Q. Right. November 3rd. Correct?

13 A. Right.

14 Q. And its --

15 A. And the June 2nd can't be after November 3rd,  
16 of 2020.

17 Q. Oh, I see. I see what you got there. Okay.

18 But this is from you. You're saying, "In case  
19 you didn't know, Antifa has made a statement, and then  
20 you have the statement to all media." Where did you get  
21 the statement?

22 A. It was posted to, I believe, Facebook.

23 Q. Posted to Facebook from Antifa?

24 A. No, it was some individual whom I can't  
25 recall. Again, I don't know if there's a -- he even

01 discusses that in this, that he -- I think he  
02 equivocally states that he does not lead Antifa, nor  
03 does he -- Is he allowed to speak on Antifa's behalf.

04 Even the claim of this offer -- author to  
05 represent Antifa is one made unilaterally for the  
06 purpose of this communication and nothing more. There's  
07 no governing body nor trademark owner to dispute the  
08 author's right to represent Antifa.

09 **Q. And in any event, this is what you wrote, you**  
10 **also -- who is Dan MacGuill?**

11 MR. CAIN: Object to form.

12 MR. TICKTIN: I think that's the name.

13 BY MR. TICKTIN:

14 **Q. Do you know Dan MacGuill --**

15 A. I don't know him personally, I got an e-mail  
16 from him, and based on his e-mail address, I can assume  
17 that he works for Snopes.com.

18 **Q. And you're -- did you write this? Are you the**  
19 **one that wrote this for Antifa?**

20 A. No.

21 **Q. So, you just saw this on Facebook and thought**  
22 **you'd send it out?**

23 A. Yeah, I found it funny.

24 **Q. And to whom did you send it to?**

25 A. Just my private group of friends.

01 Q. How many friends do you have in your private  
02 group of friends?

03 A. At that time, it was about 300.

04 Q. Okay. So, you sent this -- when you say  
05 private group of friends, like Facebook friends?

06 A. Yeah.

07 Q. Okay. And but friends that would -- that you  
08 -- Is that how you sent it out on Facebook?

09 A. Yes.

10 MR. TICKTIN: Okay. Would you pass your  
11 Exhibit over to the Court Reporter?

12 MS. LAMBERT: Okay.

13 BY MR. TICKTIN:

14 Q. But your sentiments are shared -- you share  
15 the same sentiments about Donald Trump as what the  
16 author of that article wrote, right?

17 A. Not a 100%, no.

18 Q. Oh, where do you disagree?

19 A. Can I have the Exhibit back?

20 Q. Yes-yes. Court Reporter is happy to  
21 accommodate.

22 MR. TICKTIN: Am I right, Court Reporter?

23 A. I'll have to read the whole thing. You know,  
24 at the time, the best my recollection of when this  
25 timeframe came about, he was threatening to unleash the

01 military, so I agree with that.

02 Does he represent anything but the worst in  
03 humanity? I would not -- I would not agree with that,  
04 meaning at a 100%, no, I don't agree with that. I think  
05 that's the only reference to Trump; he was going to  
06 choose a big city with some -- yeah, I agree with that.

07 BY MR. TICKTIN:

08 Q. And how did you find Tay Anderson?

09 A. I did not find Tay Anderson.

10 Q. Who is Tay Anderson?

11 A. My recollection, he served briefly on the  
12 Denver School Board, and he has written an affidavit  
13 that we have presented in our cases. I don't know  
14 anything else about the man.

15 Q. Have you had any communications with him?

16 A. Personally, no.

17 Q. Okay. And what has he written to anything you  
18 know about?

19 A. In the affidavit?

20 Q. Yeah.

21 A. Again, I don't remember word for word the  
22 affidavit, but the gist was -- he, as a community  
23 organizer, was on an organizing call Zoom, roughly  
24 corresponding with the time frame, that Joe Oltmann  
25 claims that he was on the call.

01 He states several things that directly  
02 contradict Mr. Oltmann's fabrication and categorically  
03 states that he does not know me, Eric Coomer, or anybody  
04 related to Dominion. That I was not on any call that he  
05 participated in, they did not discuss me on the call  
06 that he was on, that he's never met me.

07 He also did testify that, I believe in the  
08 affidavit, he mentions that it wasn't Antifa, it wasn't  
09 Black Lives Matter, it was -- I think it was like, Moms  
10 Against Violence. Different, you know, a different  
11 group of activists, I think they focused mainly on  
12 violence suffered by young Black males and females.

13 **Q. And you have no other relationship or rapport**  
14 **with him?**

15 A. No.

16 **Q. But he claims to have been on that phone call.**

17 A. He described a phone call.

18 MS. LAMBERT: I need to go to the bathroom.

19 Can we take a three-minute break?

20 MR. TICKTIN: We need to take a -- we need to  
21 take a four-minute break.

22 MS. LAMBERT: Or two, three, two, it'll be  
23 fine.

24 THE COURT REPORTER: Okay.

25 MR. TICKTIN: Okay. Yes, but we're going --

01 THE COURT REPORTER: We're off the record.

02 (Thereupon, a short discussion was held off  
03 record.)

04 (Deposition resumed.)

05 THE COURT REPORTER: Okay. We're back on the  
06 record. It is 04:42 in the afternoon, Counsel, you  
07 may proceed.

08 MR. TICKTIN: Thank you.

09 BY MR. TICKTIN:

10 Q. Does some Dominion brand equipment have two  
11 servers?

12 A. Some Dominion brand equipment have two  
13 servers? I mean, you can configure the system to have  
14 multiple server components, yes.

15 Q. So, why would -- why did you have two servers,  
16 why does some Dominion brand equipment have two servers?

17 A. It's for fail-safe reliability. So, if one  
18 server goes down, it automatically switches over to the  
19 second server.

20 MS. LAMBERT: Why don't they all have that?

21 MR. TICKTIN: Hum?

22 MS. LAMBERT: Why only have some have two?

23 MR. TICKTIN: Yeah.

24 BY MR. TICKTIN:

25 Q. Well, then why does -- why do some only --

01 **only some have two?**

02 A. Because it's up to the jurisdiction whether  
03 they want to spend that expense or deal with any issues  
04 by basic server maintenance. Again, Dominion --  
05 certainly not I make that decision.

06 **Q. Okay. So, one would be the primary EMS, and**  
07 **then there'd be the secondary EMS?**

08 A. Yes.

09 **Q. And Dominion files are stored on SolarWinds**  
10 **Serv-U. Correct?**

11 A. Not that I know of.

12 **Q. Well, where are the Dominion files stored?**

13 A. What -- can you be specific on what you mean  
14 by Dominion files?

15 **Q. The managed file transfer system.**

16 A. Again, I don't know the specifics of -- If  
17 you're talking about internal documents, I don't know  
18 the specifics of the Dominion IT infrastructure. I know  
19 that we had some servers were actually local in a server  
20 room in the Denver office and were managed locally.

21 **Q. Can you tell me what a Microsoft patch is?**

22 A. Generally, that is a patch that Microsoft  
23 provides for one of its applications or operating  
24 systems.

25 **Q. Well, was there a Microsoft patch needed**

01 leading up to the 2020 election?

02 A. The short answer is no. Patches, especially  
03 Microsoft patches -- any patches are not applied to  
04 fielded certified systems. Patches would require a  
05 recertification.

06 Q. So, in the event that there was a patch put  
07 on, unbeknownst to you, that would have required a  
08 recertification?

09 A. Yes.

10 Q. And is it possible to put the patch on and not  
11 have a recertification, physically?

12 A. Not to my knowledge.

13 Q. Well, how can you make sure that there is a  
14 recertification after you make a change, like putting on  
15 a patch?

16 A. Because we work with the jurisdictions.

17 Q. I understand. Well, let's just say somebody  
18 wasn't as honest as you. Okay. And actually wanted to  
19 rig the system to some extent, would they be able to put  
20 on a patch -- I'm not asking you if they followed the  
21 rules? Physically, would they be able to put on a patch  
22 and not get recertification?

23 A. It wouldn't be undetected.

24 Q. By whom?

25 A. By the jurisdiction.

01 Q. And how would the jurisdiction detect it?

02 A. There's an easy way to do a Windows info and  
03 see all patches applied.

04 Q. Okay. That's for an official patch. Is there  
05 a way of doing it for an unofficial patch?

06 A. Patches are patches.

07 Q. Is there a way --

08 A. For the Dominion Democracy Suite system, there  
09 is a hash value of the application and the installation,  
10 and that would change by applying the patch. So, in  
11 some jurisdictions, and I'm not saying all again, I  
12 don't control this, Dominion doesn't control this.

13 But in many jurisdictions, part of their  
14 post-lab logic and accuracy testing includes verifying  
15 that the hash values of all of the installed components  
16 are the same as the trusted build. So, they would be  
17 able to identify any "patch or upgrade that changed the  
18 system."

19 Q. If you create or modify an executable --

20 MS. LAMBERT: Executable.

21 BY MR. TICKTIN:

22 Q. I'm sorry, executable file, would that require  
23 recertification?

24 A. So, you don't modify executables, you modify  
25 the code and recompile the executable. So, creating a

01 new executable, yes, that is part of the certification  
02 process, and as I described earlier, at the end -- at  
03 the end of certification, the certification authority  
04 creates a trusted build of that executable and provides  
05 it to the jurisdictions.

06 Q. Right. Now, you're saying that if a patch  
07 were to be put on or anything else were to change it,  
08 that's still a patch. Assume for a moment you have your  
09 software certified. The machine is done, right?

10 Ready for the election, and somebody clever,  
11 somebody really, really smart, comes along and they know  
12 how to change the machine to make it rig the election.  
13 Okay.

14 If they were to put on a change that could be  
15 found by the people that are in the government, but the  
16 government works together with those people following  
17 the election, but that's -- I'm sorry, Dominion works  
18 together with the government following the election.  
19 Doesn't it?

20 A. You'd have to be more specific.

21 Q. Well, for instance --

22 A. The government works with those, I mean --

23 Q. Let's say the Secretary of State, like in  
24 Colorado, the Secretary of State, Jenna Griswold, went  
25 from computer to computer in 20 -- In 62 different

01 counties and installed the trusted build. Correct?

02 A. Her office oversaw that, yes, that's part of  
03 their process, the state.

04 Q. Right.

05 A. Yep.

06 Q. And Dominion worked with her to provide the  
07 trusted build. Correct?

08 A. No, they got the trusted build from a third-  
09 party certification agency.

10 Q. Okay. So, when you say a third-party  
11 certification company, you're talking about somebody  
12 that knows how to make sure that everything is built  
13 according to order?

14 A. Yes, they have chain of custody over the --  
15 all the components. So, what Dominion delivers at the  
16 start of certification is not an application or an  
17 executable.

18 They provide the raw source code, and at that  
19 point, it's under the authority and control of the  
20 certification entity.

21 Q. And which certification entities does Dominion  
22 use?

23 A. There's a variety that we listed, Pro V&V is  
24 one.

25 Q. Okay.

01 A. But there are other state certification  
02 authorities, like California has their own state  
03 certification group, I believe Colorado has their own  
04 state certification group.

05 Q. And these state certifications, are they  
06 private companies that make a profit?

07 A. The state certifications are usually a  
08 department within the Secretary of State's office.

09 Q. Okay. So, it's someone within the government,  
10 it's not a private company?

11 A. Its Pro V&V is a private company. There are  
12 other certification authorities. I know of state  
13 certification authorities that I've given you an example  
14 of, which is California and Colorado.

15 Q. Right.

16 A. And those are internal to the department or  
17 the Secretary of State's office within those states.

18 Q. So, the Secretary of State basically hires  
19 people that know what they're doing in terms of checking  
20 the code, making sure everything works well, and they  
21 prepare the trusted build?

22 A. Yes, and like in the case of California, they  
23 do subcontract out some of the testing. So, they manage  
24 the overall process, but they actually contract, or they  
25 have in the past, when I was involved, they had, like, a

01 contractor that did the source code review.

02 Q. Who has possession of the golden image,  
03 Dominion or the state?

04 A. The states and the certification authorities.  
05 The certification authorities have full  
06 control. They provide those golden images or trusted  
07 builds directly to the jurisdiction. If the  
08 jurisdiction needs those replaced, they go to the  
09 certification authority.

10 Q. And those certification authorities, internal  
11 or external, government or private, how -- In terms of  
12 the private ones, how does the state decide which ones  
13 to use, you know, look them up in the yellow pages?

14 A. There's an accredited list provided by the EAC  
15 -- well, there's a list provided by the EAC of  
16 accredited VSTLs, which stands for Voting System Test  
17 Laboratory.

18 Q. Okay. And who checks the checker?

19 A. You're going to have to be more specific.

20 Q. Well, you've got these certification labs that  
21 basically take a look at what's presented to the  
22 certification labs. They're the ones that make the  
23 trusted builds, right?

24 A. Correct.

25 Q. Not -- so who then looks at the trusted builds

01 to make sure that they're certified properly, or make  
02 sure that they are in conformity to the needs of a free  
03 election?

04 A. That is part of the accreditation done by the  
05 EAC.

06 Q. And who at the EAC actually does that?

07 A. I have no idea.

08 Q. Okay. If Dominion employees are under a  
09 contract to maintain and operate the voting system,  
10 would they check for any new or modified executable  
11 files?

12 A. Can you repeat that? Sorry.

13 Q. Does the Dominion -- Is there anyone at  
14 Dominion who checks to see if there are any new or  
15 modified executable files?

16 A. Again, I don't know of any specific practice,  
17 again ultimate authority relies with the jurisdiction.

18 If Dominion is providing support in  
19 implementing or, you know, conducting, that's all still  
20 under the authority and auspices of the jurisdiction.

21 Q. And tell me, how do these certification  
22 people, how do they -- do they actually test the  
23 machines, do they take the tabulators and hook them up  
24 to a computer, and that's the Dominion computer, and  
25 make sure that if they put in 472 for candidate A and

01 362 for candidate B, how it's going to out outcome those  
02 results?

03 A. There is an entire test plan that's part of  
04 the certification process, and that test plan can have  
05 multiple inputs, including, like in the state, you know,  
06 again with the State of California, California sort of  
07 defines what that test plan is, and then that's carried  
08 out by the certification agency.

09 So, if you want to get a true EAC  
10 certification under the current VVSG, the VVSG  
11 prescribes what the test plan is, and yes, that includes  
12 end-to-end testing and a variety of other tests.

13 Q. Would that testing, assuming that the testing  
14 is done appropriately, would that testing still mean  
15 anything if the computers can be accessed and dealt with  
16 remotely?

17 A. I mean that's a very vague question.

18 Q. I know, can you give me an answer?

19 A. If you can give me more specifics, I can.

20 Q. So, you're not going to be able to answer that  
21 question?

22 A. Well, it's too vague. I'm not quite sure what  
23 you're -- what you're asking.

24 Q. Very simple, you're telling me that once you  
25 finish your programming, you submit it then to the

01 state.

02           There's somebody at the state, let's say the  
03 Secretary of State then gives it to an internal or  
04 external group of people.

05           Those people then go through a certain set  
06 program to test it and see if it works the right way.  
07 If it works the right way, then it gets certified.

08 Correct?

09           A.    Correct.

10           Q.    And I'm asking you, if you add to that another  
11 fact, that the computer is able to be accessed remotely,  
12 does any of that testing even mean anything?

13           A.    It does because, if there was, and I'm and I'm  
14 saying, you know, this is a theoretical possibility with  
15 a nation-state actor that they could potentially get  
16 access, maybe, it hasn't happened. I've seen no evidence  
17 of it happening.

18           But at the end of the day, it doesn't matter  
19 because what matters is the paper ballots, and you can  
20 access a computer all day long and have absolutely no  
21 way of accessing the paper ballots, and Dominion's  
22 system is one 100% paper ballot-based.

23           Q.    It paper -- okay. Okay. Can you tell me  
24 whether or not Microsoft did put a patch on -- did  
25 Dominion use a Microsoft patch in regard to leading up

01 to the 2020 presidential election?

02 A. Not that I'm aware of or have any knowledge  
03 of. No.

04 Q. And are you saying that in your official  
05 capacity or as somebody that has general knowledge?

06 A. Both.

07 Q. So, what knowledge would you have of what  
08 patches were put on a computer?

09 A. Patches are not applied to certified systems.  
10 I'm not aware of anybody in Dominion ever  
11 doing that in the middle or leading up to the election.

12 Q. I'm not saying to a certified system, I'm  
13 asking you, did the -- did the NSA warn Dominion that  
14 they needed to put on a patch leading up to the 2020  
15 election?

16 A. I don't recall any of that, but it wouldn't  
17 matter because we never would, regardless of what the  
18 NSA says.

19 Q. Did you -- have you read the Halderman Antrim  
20 report?

21 A. I've read most of it.

22 Q. What if -- If there's -- Is there anything in  
23 there that you disagree with?

24 A. Not from a technical standpoint, I disagreed,  
25 and I was -- I mean, there's a record of it, that I

01 disagreed with some of his characterizations, some of  
02 his conclusions, but from a technical standpoint, I  
03 think he did an excellent job.

04 **Q. Which conclusions did you disagree with?**

05 A. He's -- he essentially said that while it was  
06 human error, it shouldn't have been human error. The  
07 system should have prevented the human error, and it's a  
08 little cheap because there is messaging in the system  
09 regarding this issue that warns the user that they have  
10 potentially made a change that could lead to the issue  
11 that they experienced.

12 There is -- I believe there's a discussion  
13 within the user manual that defines this situation and  
14 scenario and cautions the user that they have to be very  
15 thorough in re-pre-lating logic and accuracy testing  
16 the whole system when such a change is made, and it  
17 becomes a very, sort of complex, managed process at that  
18 point.

19 Because essentially, cut to the chase, you  
20 have two different ballots out there that have different  
21 content, and some of those ballots with one content may  
22 have been mailed out because mail ballots go out long  
23 before Election Day.

24 And then, fundamentally, the problem was the  
25 jurisdiction. They left off an entire contest on some

01 of the ballots. That's the genesis of this problem.

02 That is, by definition, human error.

03 Q. Would you agree that Dominion has had  
04 inaccuracies in terms of pulling information on and off  
05 of ballots?

06 MS. LAMBERT: That's not the question.

07 MR. TICKTIN: Okay. What is that?

08 BY MR. TICKTIN:

09 Q. I'm going to strike that. Yeah, let me ask it  
10 differently. Would you agree that Dominion has a  
11 history of having inaccurate data when a contest is  
12 pulled off a ballot?

13 A. No, I wouldn't agree with that.

14 Q. Have you ever generated an override INI file  
15 through WinEDS?

16 A. Have I personally created an override INI  
17 file? Not to my knowledge.

18 Q. Okay. Do -- are you aware of anybody who ever  
19 has?

20 A. Yes.

21 Q. Okay.

22 A. It's part of the system.

23 Q. And can you explain that, what that is?

24 A. Generally, it's -- believe it's a character  
25 dictionary, essentially. So, various prompts on the

01 equipment, some jurisdictions instead of Next they, they  
02 like to say Proceed.

03 Other instructions like that because the, you  
04 know, the base system comes with these instructions and  
05 labels, and the override INI file is a way of  
06 customizing those based on jurisdictional request.

07 **Q. What can this file offer -- alter?**

08 A. And again, I'm just going to make a request,  
09 if I can. I just answered that, but you guys were  
10 talking to each other, and so you didn't hear my answer.  
11 So, that's fine. I'll repeat it.

12 So, from my recollection and understanding,  
13 the override INI file was mostly used to customize  
14 prompts, messages, and buttons on the equipment that  
15 give feedback both to the voter and to the election  
16 officials.

17 **Q. And you can erase data. Correct?**

18 A. Erase data? I don't -- erase what data?

19 **Q. When you alter the data?**

20 A. It's a replacement feature. So, again, there  
21 may be a button that says Next. Some jurisdictions say,  
22 "I want that button to say Proceed."

23 So, I guess you're deleting the original label  
24 of that with the definition that's in the override INI  
25 file.

01 Q. Oh, so you can alter the ballot style?

02 A. No, you can't alter the ballot style through  
03 that file.

04 Q. Did -- have you read the EAC Williamson,  
05 Tennessee report?

06 A. That does not sound familiar to me, what --  
07 when was it generated?

08 Q. 2022.

09 A. Definitely didn't read it.

10 Q. Have you read the Jeffrey Lemberg Antrim  
11 reports?

12 A. I don't know if I've read that particular one,  
13 I read the initial reports that were put out by, I  
14 believe, ASOC.

15 Q. Have you read the Jim Penrose, Antrim reports?

16 A. Possibly, I don't recall specifics. As I was  
17 trying to answer before I was cut off, I read several  
18 intro -- or initial reports out of Antrim, I think there  
19 were maybe two or three. And then they were quickly,  
20 completely rebutted by Dr. Halderman's report, and I  
21 don't think I read any additional reports after that  
22 because the matter was closed in my opinion.

23 Q. Have you read the Halderman rebuttal report  
24 written by Jeffrey Lemberg?

25 A. Not that I recall.

01 Q. Would it surprise you to know that Halderman  
02 never looked at the image before he wrote his report?

03 A. Well, image of what?

04 Q. The Antrim EMS.

05 A. No.

06 Q. Do you use your personal e-mail to communicate  
07 with Dominion employees, contractors, I mean, did you  
08 when you were employed?

09 A. Sorry, I didn't mean to interrupt. There were  
10 a few occasions, it was usually a mistake. It was not  
11 routine, and I provided those in my discovery response.

12 Q. Do you use your personal e-mail to communicate  
13 with Staples Street employees or contractors?

14 A. No.

15 Q. Do you anticipate -- I don't know. Did  
16 Colorado use adjudication for 2020?

17 A. I don't know if every county, 62 of the 64  
18 that Dominion serviced, I don't know if every county  
19 used adjudication, but I know that adjudication was used  
20 in some counties in Denver in the 2020 election.

21 Q. Were there problems with Scyt1 and the  
22 November 3rd, 2020, election?

23 A. I have nothing to do with, nor knowledge of,  
24 or any interaction with Scyt1. I know who they are, but  
25 I have no knowledge of any issues that a random

01 reporting company that provides services outside of  
02 Dominion, or what happened with them, zero.

03 Q. Okay. What version of software was used in  
04 Georgia for the 2020 election?

05 A. I don't know the exact version number.

06 Q. Is it possible the splash screen advertises  
07 one version of Dominion software, but another four  
08 version is running for the 2020 election?

09 A. I'm not aware of that ever being the case or  
10 possible.

11 Q. Who is Andy Hung -- Wang?

12 A. Again, I could guess, but I don't know who he  
13 is.

14 Q. Do you know any Andy's from Wuhan in China?

15 A. I do not.

16 Q. How much annually does Dominion pay to Pro  
17 V&V?

18 A. I have no idea.

19 Q. Who notified the EAC of U.S. Government?

20 MS. LAMBERT: Or U.S. Government.

21 BY MR. TICKTIN:

22 Q. Or U.S. Government -- or the U.S. Government  
23 of the Dominion brand equipment malfunctions of the 2020  
24 election?

25 A. Again, I'm not aware of any communications of

01 that fact. Generally, there is a reporting requirement  
02 that any issues experienced during an election  
03 eventually have to be reported back to the EAC.

04 They keep an archive of that. I am not aware  
05 of anything that was responsive to that in 2020, nor  
06 could I give any specifics on --

07 **Q. Okay. Do you agree that administrators can**  
08 **create and/or modify VPN connections?**

09 A. I'm sorry?

10 **Q. Do you agree that administrators can create or**  
11 **modify VPN connections?**

12 A. On any server, if you have admin privileges,  
13 yes, you could potentially configure a VPN.

14 **Q. And do you agree that administrators have full**  
15 **access to the SQL databases? Correct?**

16 A. Yeah, I mean an admin, by definition, has  
17 administrative privileges.

18 **Q. And that administrators have full access to**  
19 **the encryption keys on the voting system, right?**

20 A. I can't answer that with any definitive  
21 certainty.

22 **Q. Well, do you think so?**

23 A. I don't know because again, I don't know -- I  
24 don't know the backend structure, so I'm not going to  
25 guess.

01 Q. Who would know that?

02 A. The developer, the database engineer.

03 Q. Oh, would that be the Serbians?

04 A. Potentially, again, I don't know people's  
05 roles specifically.

06 Q. Are there keys that are contained in the SQL  
07 database?

08 A. I believe -- yes, I believe so. Yes, they  
09 would have to be.

10 Q. Do the administrators have full access to the  
11 encryption keys in the voting system?

12 A. Again, same answer, I don't have any direct  
13 knowledge, I don't know what the structure is in the  
14 database, so I cannot answer this.

15 Q. Are there any functions programmed to  
16 overwrite error messages, printer text, event log  
17 messages?

18 A. Not that I'm aware of, no.

19 Q. How about months of the year?

20 A. Not that I'm aware of, no.

21 Q. Title text?

22 A. Not that I'm aware of.

23 Q. Header text?

24 A. Again, I don't know what header text refers  
25 to.

01 Q. Are any programs designed to not record the  
02 proper and current date and time when creating or  
03 modifying files in the operating system, OS file system?

04 A. Technically, yes.

05 Q. If a system was deemed critical  
06 infrastructure, would it be irresponsible to store  
07 encryption keys in clear text in a database?

08 A. I have no opinion on that.

09 Q. Who would have an opinion on that?

10 A. The programmers that created this.

11 Q. So, that would be the Serbians or the Chinese?

12 A. I don't know if any Chinese nationals or  
13 Chinese foreign-born employees, I don't know if any  
14 employees that have a -- that were born in China. We  
15 did not -- Dominion did not have a development office in  
16 China.

17 As I discussed, we had an office in Belgrade,  
18 we had an office in Canada, we had an office in the U.S.

19 All three of those offices had a variety of  
20 employees that may or may not have been born in those  
21 countries, along with employees that were born in those  
22 respective countries. And I'll modify my answer if you  
23 allow me.

24 Q. Yeah.

25 A. I do agree. It is, regardless of whether

01 you're in critical infrastructure or not, it is not best  
02 practice to store any keys or passwords in plain text.  
03 I will agree with that, absolutely.

04 **Q. So, whose decision was it in Dominion to do**  
05 **that?**

06 A. The engineering software development team, and  
07 again, you're stating something that I have not  
08 stipulated to, I don't know if the keys are in plain  
09 text in the Dominion system.

10 **Q. Do you know anybody by the name of Wenchi**  
11 **Zhao?**

12 A. No. And just spell the last name, please.

13 **Q. C-H-A-O -- Z-H-A-O.**

14 A. I don't believe so.

15 **Q. How about Yuchun Lu?**

16 MR. CAIN: If you have a foreign name, if you  
17 don't mind spelling it, that'll probably make it go  
18 quicker.

19 BY MR. TICKTIN:

20 **Q. Y-U-C-H-U-N L-U.**

21 A. I do not recognize that name, no.

22 **Q. Did you ever work with anyone at Hewlett-**  
23 **Packard or contact anyone at Hewlett-Packard?**

24 A. Yes, but not through Dominion.

25 **Q. Okay. Tell us about that?**

01 A. When I was at SOGETI?

02 Q. Yes.

03 A. As a consultant, I did some work up in Fort  
04 Collins at the Hewlett, the HP division up there.

05 Q. Um-hum.

06 A. And it was about process improvements and  
07 real-time updates on one of their production lines.

08 Q. Okay.

09 A. I don't remember the product.

10 Q. Did you have any involvement whatsoever with  
11 firmware at Dominion?

12 A. Again, there are things that are controlled in  
13 firmware that I may have had input on how it's, you  
14 know, what the requirements are. Again, I did not do  
15 any programming, I did not make any development  
16 decisions on how to implement firmware, so that's the  
17 short answer.

18 Q. What equipment did you deal with the firmware?

19 A. The ICP, the off-the-shelf Canon scanner, I  
20 know again input on -- there were some things that we  
21 were trying to address on the Canon scanner for  
22 efficiencies, and I believe that discussions were had  
23 between developers at Dominion and developers at Canon,  
24 to try to address those through the Canon firmware.

25 Again, that's not a Dominion product. It's

01 off the shelf.

02 Q. Did you oversee this?

03 A. No.

04 Q. Do you know who did?

05 A. Somebody in engineering.

06 Q. How many patents related to voting systems do  
07 you hold as an inventor or a co-inventor?

08 A. I honestly don't know what the number is.

09 It's somewhere between two and four, I believe.

10 Q. So, two and four, you don't know that whether  
11 it's two or if it's four, why is there confusion if it's  
12 such a low number?

13 A. Why is?

14 Q. Why is it confusing to you if it's at only  
15 such a low number?

16 A. Because, if you do, like a patent search on  
17 Google, it's not always clear what patent has actually  
18 been granted and what hasn't. So, we, Sequoia and  
19 Dominion, submitted multiple patents, I can't give you,  
20 and I was listed as an inventor on some part of those.  
21 I know some of them weren't granted.

22 I know two were granted for sure, and then  
23 there's a couple out there I've never been able to  
24 ascertain the final status of. That's not my fault.  
25 That's the patent search fault.

01 Q. What things did you have input on regarding  
02 firmware and for what devices?

03 A. I can't recall any specifics other than the  
04 anecdote I just said regarding the Canon scanners.

05 Q. Would the Dominion documents refresh your  
06 memory?

07 A. No.

08 Q. What would?

09 A. I don't think anything because again, my  
10 interaction with firmware-related things, I may not even  
11 know whether they were firmware-related. I didn't have  
12 that distinction, so I'm not sure that distinction would  
13 be available.

14 Q. What was your input about firmware changes?

15 A. I don't recall any specifically.

16 Q. And so you wouldn't have any idea who you  
17 would even give anything, like that, to?

18 A. No, again, I gave high-level requirements of  
19 systems and functionality, they may or may not have  
20 required firmware changes, and I wouldn't have been  
21 aware of that.

22 Q. Okay. Is something still commercial off-the-  
23 shelf if it has custom firmware?

24 A. I believe so, and I believe the EAC accepts  
25 that as a COTS.

01 Q. On the two patents you have, didn't you  
02 receive copies of those patents from the patent office?

03 A. Not that I recall, no.

04 Q. You never got copies of the patents?

05 A. Not, not that I recall.

06 MR. TICKTIN: All good.

07 MS. LAMBERT: Thank you. He needs that.

08 Okay.

09 (Thereupon, a short discussion was held off  
10 record.)

11 (Deposition resumed.)

12 BY MR. TICKTIN:

13 Q. Okay. Have you ever met former CIA Director  
14 John Brennan at any time in your life?

15 A. Not that I -- not that I know of, I don't even  
16 know if I'd recognize who he is.

17 Q. Have you ever met with anyone who represented  
18 that they worked for or with him?

19 A. No.

20 Q. How about Clapper?

21 A. No.

22 Q. Comey?

23 A. No.

24 Q. I asked you before about that -- I think I  
25 asked you about the HAAT database design.

01 A. That -- I'm sorry, the HAAT database design?

02 Q. Yeah, are you familiar with it?

03 A. There is no database on the HAAT.

04 Q. Is there firmware?

05 A. Most assuredly.

06 Q. Can you explain --

07 MR. TICKTIN: Oh what?

08 MS. LAMBERT: Did he give input to anyone on  
09 that?

10 BY MR. TICKTIN:

11 Q. Did you give input to any -- did you give  
12 input to anyone on that?

13 A. No.

14 Q. What about the Dominion voting system,  
15 listener?

16 A. That doesn't have any firmware that runs on a  
17 commercial server.

18 Q. Okay. So, what voting system components did  
19 you personally develop or oversee?

20 A. If we're talking about Dominion voting  
21 products, for a brief time when I still had direct  
22 reports, we started -- Dominion started developing  
23 adjudication probably late 2012. So, I would -- I had  
24 direct management of the software group that was  
25 developing the early parts of adjudication at that time.

01            Obviously, I was no longer managing that when  
02 I left, and when I came back, I was no longer managing  
03 the actual day-to-day software development. So, that  
04 was when I transitioned into a more high-level role of,  
05 you know, gaining and defining features of adjudication  
06 and communicating those to the development groups that  
07 were actually implementing it.

08            I didn't necessarily have -- I didn't have any  
09 other direct management of Dominion products. But  
10 again, once I was in that, you know, product strategy  
11 and security, I certainly had feedback.

12            Again, a lot of it was from our customers in  
13 the field, changing certification guidelines, changing  
14 security-related guidelines. I would communicate those  
15 to a variety of development groups that pretty much  
16 covered the whole Dominion product suite.

17            **Q. Is there a database associated with HAAT?**

18            A. Associated with HAAT, not that -- again,  
19 that's a -- that's a Smartmatic product that I had no  
20 involvement in.

21            **Q. Did you use it as a client?**

22            A. It was used in [REDACTED] from  
23 2006 to roughly 2018.

24            **Q. What role did you play in developing ballot**  
25 **authentication systems?**

01           A.    I didn't have any direct involvement. I think  
02 I was a co-inventor on a patent that discussed how to  
03 embed certain security features in, you know, printed  
04 ballots.

05           **Q.    Are any programs designed to not record the**  
06 **proper and current date and time when creating or**  
07 **modifying files on the operating system, on the file**  
08 **system?**

09           A.    Yes, I answered yes to that. You didn't ask  
10 any follow-up questions, so.

11           **Q.    Okay. Describe each of these programs and how**  
12 **they're used.**

13           A.    Generally, that only use of that is on the  
14 tabulators, and that is a requirement to guarantee the  
15 secrecy of the ballots. So, when a ballot is tabulated,  
16 a cast vote record is created, which is a digital  
17 representation of how the voter voted.

18                   That's saved in a file, and that's saved in a  
19 random position with no date and time data. The image  
20 that's created from the tabulator is also stored in the  
21 file system, and all date and time information is  
22 stripped from that, again, that's a requirement to  
23 preserve the anonymity of voter data.

24           **Q.    Explain to me how it happens at all that**  
25 **scanned ballot image file metadata on an ICP SD card**

01 contained the date 1/1 -- 01/01/80 for both the file  
02 created and the file modified dates.

03 A. Again, there's an anonymization process, I  
04 don't know all the details. I know that these -- I  
05 believe that Dominion writes like a, just a random date  
06 on some of the data, I don't know the specifics, but  
07 again, any date changes on those files are done to  
08 protect voter privacy.

09 Q. Why were the systems never patched following  
10 installation and certification for each voting  
11 jurisdiction? If Dominion had support contracts with  
12 the voting jurisdiction, would that have been a Dominion  
13 responsibility?

14 A. Patches are not applied to fielded systems.

15 Q. Did -- did Dominion -- did Dominion make any  
16 changes to the software past the logic and accuracy  
17 testing before the 2020 election?

18 A. Before or for?

19 Q. Before.

20 A. So, between pre-LAT and Election Day?

21 MS. LAMBERT: Yes.

22 A. Just clarifying, I --

23 BY MR. TICKTIN:

24 Q. Between, yes, yes.

25 A. Not that I'm aware of, no.

01 Q. Did any Dominion ICP, ICP2, BMD, and/or ICX  
02 systems have Wi-Fi modems?

03 A. Not internally, no.

04 Q. And how do you know?

05 A. Because I know the equipment.

06 Q. Did any Dominion ICP, ICP2, BMD, and/or ICX  
07 systems have cellular model -- modems?

08 A. Not internally, no.

09 Q. Do or did any Dominion ICP, ICP2, BMD, and/or  
10 ICX systems have Bluetooth capabilities?

11 A. Not that I'm aware of.

12 Q. What about wireless cards?

13 A. Not internal, no, that I'm aware of.

14 Q. Didn't the Dominion engineers use VPN's to  
15 access?

16 A. To access what?

17 MR. TICKTIN: To access what?

18 MS. LAMBERT: The election equipment.

19 MR. TICKTIN: Yeah.

20 BY MR. TICKTIN:

21 Q. Yeah, I guess the election equipment.

22 A. Fielded election equipment, no, not that I'm  
23 aware of.

24 Q. So, what election equipment would they have  
25 used then?

01 A. The internal Dominion testing resources.

02 Q. Did Dominion employees use virtual machines as  
03 access to entry points to access routers, switches, EMS  
04 servers, EMS clients, adjudication workstations, ICC  
05 workstations, and/or high-speed scanners?

06 A. Not in the jurisdictions, no.

07 Q. But where would they use it, if not in that?

08 A. In the testing environment in Denver, or  
09 Belgrade, or Toronto.

10 Q. Did Dominion employees make configuration  
11 changes to election systems in a virtual machine?

12 A. Not outside of a testing environment, no.

13 Q. Did any Dominion employee download any  
14 software builds from the Dominion network in Canada?

15 A. I have no idea.

16 Q. Have any Dominion systems in use in any  
17 jurisdiction -- have any Dominion systems in use in any  
18 jurisdiction have an IDRAC installed?

19 A. I don't know what that is.

20 Q. What is the purpose of a virtual directory on  
21 the Dominion EMS?

22 A. I don't know what it would be used for.

23 Q. Do virtual machines have any function in the  
24 conduct of an election that is using Dominion voting  
25 systems?

01 A. Not that I'm aware of; I don't know why one  
02 would be used.

03 Q. What security measures were implemented to  
04 protect the VPN connections?

05 A. I don't have specifics on that, and again,  
06 that would mostly be done by the jurisdictions  
07 themselves.

08 Q. Do you know what Albert sensors are?

09 A. I do.

10 Q. What are they?

11 A. They are general network trafficking devices,  
12 I believe CISA provided Albert sensors to various  
13 jurisdictions. Those were used to monitor the  
14 jurisdictional public-facing networks to track if there  
15 were any attempts at nefarious activity to try to breach  
16 those publicly-facing network systems.

17 Q. Are Dominion IP addresses and domains  
18 whitelisted in the Albert sensors?

19 A. I have no idea.

20 Q. Is that from your position or just general  
21 knowledge and understanding?

22 A. Both.

23 Q. Okay.

24 A. Again, Albert sensors were not part of  
25 Dominion. They weren't managed by Dominion. Dominion

01 had no input. They were provided to jurisdictions by, I  
02 believe, CISO or DHS. So, if they chose to whitelist  
03 anything that was on them, we had no input on that. We  
04 weren't involved, Dominion was not involved, so.

05 Q. Once connected remotely to the servers, you  
06 could then connect to another -- could you connect to  
07 another endpoint within the voting network? In other  
08 words, you access the -- let's say, Denver computer.

09 Are you able to then connect to other  
10 endpoints within, let's say, the Colorado system?

11 A. Okay. Not Colorado, Denver.

12 Q. Or Denver system.

13 A. The internal Dominion system. Is that what  
14 we're talking about?

15 Q. Yeah.

16 A. Okay.

17 Q. Once connected remotely to those servers, you  
18 could then -- could you then -- or that server and  
19 servers like it, could you then connect to other  
20 endpoints within that network?

21 A. Only if you had rights and privileges to do  
22 so.

23 [REDACTED]

[REDACTED]

[REDACTED]





01

[REDACTED]



01

[REDACTED]

16 Q. Okay. And at that point in time, had you --  
17 you were no longer using cocaine, I guess, right?

18 A. No.

19 Q. Or heroin, or were you ever on heroin? That  
20 was heroin you were on, right?

21 A. Heroin was my drug of choice, yes, which I  
22 stopped in April of 2005.

23 Q. 2005. So, you were -- and how -- and you how  
24 many -- I'm sorry, how many years were you using the  
25 heroin?

01 A. Off and on, about five years.

02 Q. About five years. [REDACTED]

[REDACTED] at was  
04 happening during the time you were on?

05 A. No.

06 Q. Heroin -- no, you were off it at that time?

07 A. [REDACTED]

[REDACTED]  
09 Q. And what ended that?

10 A. We just grew out of it.

11 Q. So, the heroin then, you grew out of that and  
12 went into heroin. Did your wife get into heroin with  
13 you as well?

14 A. Yes, she was.

15 Q. Oh, sorry, that had to be horrible for both of  
16 you.

17 A. Oh, yeah, it was. Absolutely.

18 Q. Once connected remotely to the servers, you  
19 could then connect to other endpoints. We already went  
20 through that, I'm sorry. Those subsequent connections  
21 would be logged or appear as coming from the EMS server,  
22 not remotely. Correct?

23 A. It depends on what you're accessing, again,  
24 these are internal resources, so I can't speak to that.

25 Q. Okay. So, let's just say for the sake of

01 discussion, that there's a network between Denver and  
02 let's say, Mesa County. Okay?

03 A. There isn't.

04 Q. I'm just giving you a hypothetical.

05 A. Well, okay.

06 Q. Okay. So, where are the -- where are the  
07 connections from Denver?

08 A. We had direct connections between Denver and  
09 Toronto and Denver and Belgrade.

10 Q. Oh, those are the only connections, but didn't  
11 Denver have its own network with Mesa County and so on?

12 A. The Dominion's Denver office, no.

13 Q. Not Dominion's Denver office with the county  
14 the clerk -- her office. Okay?

15 A. Okay.

16 Q. Where your equipment was.

17 A. Okay.

18 Q. In Mesa County.

19 A. Okay. There was equipment in Mesa County,  
20 yes.

21 Q. Right. There was equipment in Mesa County,  
22 and Mesa County then was connected, was it not to the  
23 Colorado network that was in --

24 A. Not the voting system, no, absolutely not.

25 Q. Was there a network between Denver and the --

01 and Mesa County?

02 A. Denver, the city?

03 Q. Between -- well, where was it that you --  
04 you're -- you were connected to in Denver?

05 A. I wasn't connected to anything in Denver, I'm  
06 sorry, I'm really confused.

07 Q. You're saying that there was no remote access  
08 to Denver from Toronto and --

09 A. Yes, I have described --

10 Q. And Belgrade?

11 A. I have described, that there were -- there  
12 were connections between Toronto and Denver, and  
13 Belgrade and Denver.

14 Q. Right.

15 A. The Dominion --

16 Q. So, there's Denver --

17 A. -- Denver --

18 Q. But Denver exists.

19 A. -- Dominion --

20 MR. CAIN: Don't talk over each other.

21 Continue.

22 BY MR. TICKTIN:

23 Q. Denver exists. Correct?

24 A. The Dominion Denver office exists, yes.

25 Q. Okay. And the Dominion Denver office come --

01 for Dominion, does it have any connection at all to the  
02 equipment that Denver was using in the election?

03 A. Denver County, no.

04 Q. So, it was just connected to your office, not  
05 to the Dominion machines?

06 A. That were out in the field, yes, there was no  
07 connection.

08 Q. No connection at all, you weren't able to  
09 access the machines then --

10 A. No.

11 Q. -- that were in Denver?

12 A. No.

13 Q. Oh, they could just access your local server  
14 that had nothing to do with any election equipment. Is  
15 that what you're saying?

16 A. It was test election equipment. So, if a  
17 county had an issue, we had no access to their system.

18 They could make a backup and post that to a  
19 secure FTP site. These were not connections between  
20 Denver County Elections Office or Mesa County Elections  
21 Office and Dominion. There were secure FTP sites that  
22 were available. They could upload that backup.

23 Somebody working in Denver could download that  
24 backup, restore it to basically a clone of the system  
25 that they were using, meaning all the same versions, all

01 the same equipment.

02 They could load that up and run through  
03 troubleshooting to recreate the problem locally,  
04 investigate how to mitigate it, and then get on the  
05 phone with the jurisdiction and describe what they  
06 needed to do to address the issue.

07 **Q. What service software was used to host the**  
08 **secure F - sorry, FTP sites?**

09 A. I don't have any knowledge or experience with  
10 that.

11 **Q. Do you have any offshore bank accounts out of**  
12 **the United States?**

13 A. Currently?

14 **Q. Yes.**

15 A. Yes.

16 **Q. And when did you start those?**

17 A. Beginning of 2025.

18 **Q. And because -- before 2025 you only had U.S.**  
19 **bank accounts?**

20 A. That's correct.

21 **Q. Do you have any Crypto -- do you have any**  
22 **crypto accounts?**

23 A. No.

24 **Q. Or wallets?**

25 A. Nope.

01 Q. Okay. Okay. Which countries -- in which  
02 countries are the offshore bank accounts?

03 MR. CAIN: I'm going to instruct you not to  
04 answer that question, because it's going to  
05 necessarily relate to where he is physically  
06 located, and out of concerns with his safety, we're  
07 not going to discuss locations of current accounts.

08 BY MR. TICKTIN:

09 Q. Yeah. Do you have any other holding  
10 companies?

11 A. None other.

12 Q. What software you used to host  
13 dbsfileshare.Dominionvoting.com?

14 A. I have no idea.

15 Q. So, voter/voting data was transferred to  
16 Dominion prior to vote certification?

17 A. I'm sorry, I didn't understand the question.

18 Q. Was voter/voting data, okay. Voter or voting  
19 data transferred to Dominion prior to vote  
20 certification?

21 A. Only in the case of what I described, when you  
22 -- if a jurisdiction was having a problem and they were  
23 in the middle of tabulation, and they take a backup, and  
24 they provide it for analysis, that backup would have the  
25 current state of tally data in there.

01 Yes. There was never a reverse where any data  
02 flowed back from the Denver test environment to the  
03 jurisdictions.

04 MR. TICKTIN: Okay. I need another two  
05 minutes. We've got to go off the record again.  
06 Sorry.

07 THE COURT REPORTER: We're off the record?  
08 (Thereupon, a short discussion was held off  
09 record.)

10 (Deposition resumed.)

11 THE COURT REPORTER: We're back on the record  
12 at 06:09 in the afternoon. Counsel, you may  
13 proceed.

14 MR. CAIN: If I may, Mr. Ticktin, just to  
15 update off the record, we -- Mr. Cotton has been  
16 graciously keeping time along with the Court  
17 Reporter, and we have an hour and 24 minutes  
18 remaining after accounting for my 10-minute credit.  
19 I understand that Ms. Lambert is sending me, and it  
20 looks like I got an undertaking signed by Andrea  
21 Hall.

22 I'll remind the witnesses on Zoom of their  
23 commitment to provide that. I ask that it be  
24 provided by the end of the deposition to us, and  
25 also just to reiterate that, given the protective

01 order in the case, and our ability to designate all  
02 or part of the deposition as confidential under  
03 that order.

04 That this deposition is not to be disclosed  
05 publicly and otherwise, the protective order has to  
06 be complied with under that order. I have 30 days  
07 to designate the portions of the testimony that  
08 we're going to contend are subject to the  
09 protective order. It may not be all the  
10 transcript, but it may. Thank you.

11 BY MR. TICKTIN:

12 Q. Would you agree that any deviation from the  
13 certified baseline invalidates the certification, right?

14 It what -- okay, so I eliminated some  
15 questions above it. So, we're talking about Dominion  
16 systems as certified by the EAC. We've already  
17 established that, right?

18 A. Or other certification entity.

19 Q. Okay. And so -- and certification then is  
20 based on a specific baseline configuration. Correct?

21 A. Correct.

22 Q. So, then, if there's any deviation from the  
23 certified baseline, it invalidates the certification,  
24 right?

25 A. Not necessarily, when you say baseline

01 configuration, there are "configurations" that are  
02 modified by the jurisdictions to support various  
03 jurisdictional rules. So, those -- that's not modifying  
04 the code, it's modifying behavior.

05 So, specifically, some jurisdictions let's  
06 talk about the tabulator issue, and I hope I'm answering  
07 your question. So, you have a tabulator and some states  
08 by statute you have to notify the voter that they have  
09 over-voted the ballot, and you have to reject the ballot  
10 back to them so that they can correct it.

11 Some states, they don't do that. They just,  
12 if you got anything wrong with your ballot, they just  
13 accept it by statute. So, that's a configuration that's  
14 changed in the baseline of the fielded system.

15 **Q. And that includes changes to software,**  
16 **firmware, executables, or configuration files, right?**

17 A. No, these are configuration settings, which  
18 may end up in a configuration file, but there's no  
19 modification to software, executables, or anything  
20 related to the actual application itself.

21 **Q. That would be acceptable, in other words, once**  
22 **it's certified, you can't make any changes --**

23 A. Correct.

24 **Q. -- to the software, the firmware, the**  
25 **executables, or the configuration files.**

01 A. No, with the exception of the configuration  
02 files, you may have changes there.

03 Q. So, the -- when you say no, you mean, yes, I'm  
04 right, that it's invalidated if there are changes to the  
05 software, firmware, executables, and maybe the  
06 configuration files?

07 A. No, I would say take out configuration files,  
08 and I agree with you. Modification of those components,  
09 except for the configuration file, would most likely  
10 invalidate certification.

11 Q. Does Dominion have a software self-validation  
12 function?

13 A. I believe that's one of the requirements of  
14 the VVSG, so yes.

15 Q. Could -- can you describe what this function  
16 is?

17 A. It's an internal mechanism that essentially  
18 generates -- the generates a hash based on the software  
19 that's on the machine, and creates a hash value, and  
20 that hash value can be compared to the official hash  
21 value of the system, that was generated by the testing.

22 Q. What elements of the Dominion software have  
23 this validation function?

24 A. I think all -- again, I don't know for  
25 certain, I think all components do, all the tabulators

01 do. I don't know if the EMS does for certain, so I  
02 can't answer definitively. All the tabulators do.

03 **Q. Is .NET used to self-sign binary files?**

04 A. I have no idea.

05 **Q. Is a self-signed file deemed to be**  
06 **trustworthy?**

07 A. Depends on the context, but generally, you --  
08 we would prefer to use -- best practice would, --best  
09 practice would be use a third party.

10 **Q. The hashing function internal to the Dominion**  
11 **software does not hash and compare all executable and**  
12 **driver files to the official certified trusted build**  
13 **version of the software from the EAC. Does it?**

14 A. Again, I didn't implement it, so it's my  
15 understanding that it does, but I wasn't part of that  
16 implementation. It's part of the certified -- sorry,  
17 it's part of the VVSG requirements.

18 So, that is something that the lab would have  
19 -- would verified because it's a requirement. So, it  
20 does -- at least what the statute requires.

21 **Q. Well, then why are all the hash -- the file**  
22 **hashes checked against the trusted build baseline?**

23 A. Again, I don't know what that question means.

24 **Q. Well, what do you compare them to if you're**  
25 **not -- if not the trusted build baseline?**

01 A. That is what you compare it to, is my  
02 understanding.

03 Q. So, the question is, if you can just -- if the  
04 hashing function internal to the Dominion software does  
05 not hash and compare all executable and driver files to  
06 the official certified trusted build version of the  
07 software, and you said "It does", then I asked you why  
08 are all file hashes checked against the trusted build  
09 baseline? And you agree that they are. I'm asking you  
10 why?

11 A. To validate that the system is the baseline  
12 system that was installed. That's part of the post-  
13 election activity, that nothing has changed in the  
14 software.

15 Q. Right. But if it's not compared, then any  
16 modification or creation of new executable files on the  
17 system would be -- would void the certification, right?

18 A. If there was a change made and you ran the  
19 hash function and it doesn't match, then yes, that would  
20 mean that it was changed. I'm not aware of any instance  
21 that has occurred.

22 Q. Well, that's not been asked, so I'll move to  
23 strike. Do you know what a .dll is?

24 A. Yes, it's a dynamic link library.

25 Q. Okay. So, Dominion systems contain dynamic

01 link libraries. Correct?

02 A. Almost every software contains DLLs.

03 Q. And are you aware that both .exe and .dll  
04 files are leveraged in hacking and other unauthorized  
05 access to systems?

06 A. I mean, that's one potential vector.

07 Q. Are you aware that the file format used to  
08 permit Chinese access to the OPM servers in the largest  
09 breach of U.S. Government systems was a .dll file?

10 A. No, I have no knowledge of that.

11 Q. Would you agree that both .exe and DLL files  
12 could be used to establish remote connections and  
13 facilitate unauthorized activity on a Windows system?  
14 Correct?

15 A. Potentially.

16 Q. As the head of security, how many other  
17 instances of unauthorized access and/or a copy of  
18 protected data outside of the protected network are you  
19 aware of during the course of an election?

20 A. Zero. And sorry, specifically the Dominion  
21 voting System acquired. Correct?

22 Q. Yes.

23 A. Okay.

24 Q. You're -- are you aware of any findings of  
25 remote access to a Dominion system in Antrim County,

01 Michigan?

02 A. I am -- I've never seen evidence of that, no.

03 Q. Are you aware of findings of remote access and  
04 file download in Fulton County, Pennsylvania?

05 A. Fulton, Pennsylvania?

06 Q. Yeah.

07 A. No.

08 Q. Are you aware of reports identifying  
09 administrative privileges on Dominion systems?

10 A. I mean, there are admin roles on the system,  
11 yes.

12 Q. Are you aware of reports identifying the use  
13 of common passwords for different user accounts?

14 A. I'm not aware of that, and again, those  
15 passwords are not Dominion's control.

16 Q. Are you aware of common passwords between  
17 different election jurisdictions?

18 A. No, I'm not.

19 Q. Would you agree that there's no external  
20 validation -- oh, would that be the external validation  
21 would exist only with a full hand count -- recount?

22 A. Can you repeat the question?

23 Q. Would you agree that external validation would  
24 exist only with a full hand recount?

25 A. I'm assuming you mean validation of the vote

01 tallies?

02 Q. Yes.

03 A. No, I don't agree that a full hand count is  
04 required, nor necessary.

05 Q. Okay. The server would be -- okay. Do you  
06 know what an API request is?

07 A. Yeah.

08 Q. How are they -- how are they generated?

09 A. From within an executable code.

10 Q. Were the election officials made aware of all  
11 the additional -- additional unknown to them  
12 administrative accounts on their systems, and notified  
13 to change those passwords or disable that access,  
14 including to the operating system and the SQL Server  
15 databases?

16 A. Yes, part of the installation is walking the  
17 customer, and there's documentation on how to change all  
18 those and how to manage those.

19 Again, I'm not familiar with every  
20 jurisdiction, but part of the, like we discussed, the  
21 trusted build in Colorado, once the trusted build is  
22 installed, the next step is to go in and provide the --  
23 for the jurisdiction to provide, you know, updated  
24 passwords, make sure they have the user roles that they  
25 need, et cetera.

01 Q. Have you asked your brother for a job?

02 A. No.

03 Q. Is there a reason why?

04 A. Well, can you give me a timeframe?

05 Q. From the time you've been no longer working  
06 for Dominion.

07 A. No.

08 Q. And can you tell me why?

09 A. I'm not versed in the work that he does, and  
10 I'm assuming, I mean, I have two brothers, so neither  
11 brother works in an environment that I have experience  
12 in.

13 [REDACTED]

22 Q. Did you work for General Dynamics before,  
23 right?

24 A. No.

25 Q. You never did?

01 A. Not that I'm aware of.

02 Q. Did Dominion personnel use a script to  
03 facilitate the installation of the trusted build?

04 A. Not that I know of.

05 MS. LAMBERT: Okay. Give him -- we're in  
06 Exhibit 4. Correct?

07 MR. TICKTIN: Yeah.

08 THE WITNESS: Yeah.

09 MS. LAMBERT: Okay. All right. Give him this  
10 and ask him to look it over. And this is for  
11 Counsel.

12 MR. TICKTIN: Here, for Counsel and for  
13 client.

14 THE WITNESS: It's not marked.

15 MS. LAMBERT: It's Exhibit 4, oh, make it  
16 four.

17 (Thereupon, Defendant's Exhibit 4 was entered  
18 into the record.)

19 MR. CAIN: Stefanie, you've got to put the  
20 number on it. But I'll do it for you.

21 MS. LAMBERT: I got to get a secretary --

22 MR. TICKTIN: Such a gentleman.

23 BY MR. TICKTIN:

24 Q. Have you reviewed this before?

25 A. I have not.

01 Q. Well, I see you're reading it. That's fine.  
02 Please do. You're looking at me, I'm asking  
03 you to please read this because I'm going to ask  
04 questions.

05 A. This whole thing? It covers the period after  
06 I separated from Dominion, so I'm not sure what  
07 information I can provide that's relevant.

08 Q. It's a report about the 2020 election about  
09 Dominion.

10 A. Okay. But I don't have any details on the  
11 county and what the experience --

12 Q. So, you're refusing to read it?

13 MR. CAIN: Read it.

14 A. Sure, I'll read it.

15 THE WITNESS: There's no Page 12 and 13,  
16 should I be concerned -- oh, I guess they're just  
17 out of order.

18 MR. TICKTIN: Do you have all 19 pages there?

19 THE WITNESS: I don't know, I'd have to count.  
20 I'll do that after I finish reading.

21 MR. CAIN: Just while he's doing that, I have  
22 16 pages, numbered pages.

23 THE WITNESS: I don't.

24 MS. LAMBERT: You don't have 19?

25 MR. CAIN: In my copy.

01 MS. LAMBERT: Doesn't have 19, you're getting  
02 those --

03 MR. CAIN: It ends at -- it goes to -- well,  
04 let me -- I haven't counted. Mine goes one, two,  
05 three, looking at the page numbers, then eight,  
06 then four and five, and six, seven.

07 MR. TICKTIN: Well, maybe you should put them  
08 in correct order. Yeah, this is in the wrong order  
09 then.

10 MS. LAMBERT: You know what, they're printed  
11 wrong, Jason.

12 MR. ICKES: Which one --

13 MR. CAIN: Well, I've got two page eights.

14 MR. ICKES: Yes, that's in -- that's  
15 intentional, and that position where it's at is  
16 intentional, it's deliberate.

17 MR. CAIN: Okay. But is it -- it seems  
18 incomplete if it's --

19 MR. ICKES: Well, as for the --

20 MR. CAIN: Well, the record will reflect what  
21 we've got, I don't know. Have you reviewed it?

22 THE WITNESS: I have reviewed it, but do I  
23 need to count the pages?

24 MS. LAMBERT: Yeah, let's go through the  
25 numbered pages. Read off your pages they've

01 turned --

02 MR. CAIN: Just count --

03 MR. TICKTIN: Okay. Let's just -- let's just  
04 do this quickly. Okay. One, two, three, eight,  
05 which is on top, it says Michigan Notary  
06 Acknowledgment, and then four, five, six, seven,  
07 eight, nine, 10, 11, 12.

08 THE WITNESS: I have nine, 10.

09 MR. TICKTIN: 13 -- let me -- 14.

10 THE WITNESS: 12.

11 MR. TICKTIN: 15, 16, 17, 18.

12 THE WITNESS: I don't have a Page 18, but I do  
13 have --

14 MS. LAMBERT: Can you reprint one for them,  
15 please?

16 MR. ICKES: Yes.

17 THE WITNESS: Let's just do.

18 MR. ICKES: Which page is it that's missing  
19 18?

20 MR. CAIN: He mentioned 18, which is not on my  
21 -- the last was 16.

22 MR. ICKES: Okay.

23 MR. CAIN: And then Dr. Coomer has --

24 MS. LAMBERT: You have a full one with 19,  
25 right?

01 MR. TICKTIN: Yeah.

02 MS. LAMBERT: Okay.

03 THE WITNESS: I go nine --

04 MR. TICKTIN: Okay. This one's a full one.

05 MS. LAMBERT: Here, just take that. Let him  
06 have that.

07 MR. CAIN: Is this --

08 MS. LAMBERT: That's the full one.

09 MR. CAIN: This is the new?

10 MS. LAMBERT: Yeah.

11 MR. CAIN: Okay. So, that's been marked, so  
12 keep it there. What I'm going to do, Counsel, with  
13 your con permiso, is just make this 4A.

14 MS. LAMBERT: Yes.

15 MR. CAIN: Is that okay?

16 MS. LAMBERT: Yeah, and then this is another  
17 full copy.

18 MR. TICKTIN: Yeah.

19 (Thereupon, Defendant's Exhibit 4A was entered  
20 into the record.)

21 MR. CAIN: Thank you.

22 MS. LAMBERT: The printer jammed.

23 MR. CAIN: Okay. I'm handing Dr. Coomer 4A.  
24 And my -- Counsel my copy has the Page 17 on it.

25 MS. LAMBERT: So, you have everything up till

01 19?

02 MR. CAIN: Yeah, the last page is 19.

03 MS. LAMBERT: Okay.

04 MR. CAIN: Still has that jump that I  
05 mentioned from Page 3 to page 8.

06 MS. LAMBERT: We have that as well.

07 MR. CAIN: And then it's got another second  
08 Page 8, which is an affidavit.

09 MS. LAMBERT: It's bizarre how it -- printout  
10 with the page numbers.

11 MR. CAIN: Okay.

12 MS. LAMBERT: But you have everything.

13 MR. TICKTIN: All right.

14 MR. CAIN: All right. The same way we have  
15 it. Ready?

16 MR. TICKTIN: Well, we got a problem with --

17 MS. LAMBERT: We dealt with that already.

18 We're done. We did with it -- we dealt with it.

19 MR. TICKTIN: Oh.

20 MS. LAMBERT: Okay.

21 MR. TICKTIN: I'm looking forward to hearing.

22 MS. LAMBERT: Okay. Let's go to the document.

23 BY MR. TICKTIN:

24 Q. Okay. Dr. Coomer, have you reviewed Exhibit

25 4A?

01 A. I believe so, yes.

02 Q. Okay.

03 A. Assuming I have all of the same pages.

04 Q. And that was the subject of evidence of the  
05 vote shifting in Barry County, Michigan?

06 A. That is the subject, yes.

07 Q. Okay. Did you read the findings from  
08 Mr. Lemberg, Dr. -- from Jeffrey Lemberg, "The Dominion  
09 Voting Systems Election Management Systems, EMS, results  
10 tally and reporting application was subverted during the  
11 course of the November 3rd, 2020, election in Barry  
12 County, Michigan. There's evidence of the same vote  
13 shifting discovered in Antrim County, Michigan,  
14 occurring in Barry County during election night." Are  
15 you familiar with that? Did you read that?

16 A. I read it, yes.

17 Q. Is that possible?

18 A. I don't believe so. Again, I don't know what  
19 he means by subverted. As far as vote shifting, again,  
20 discovered in Antrim County, that did happen, and it was  
21 identified how that happened. I have no idea of any  
22 details about anything in Barry County, so.

23 Q. The report says, "In a previous report by the  
24 author dated May 9th, 2021, of subversion of the EMS RTR  
25 system was demonstrated where critical errors were

01 disregarded, and the processing of votes continued  
02 despite error conditions that should have triggered a  
03 critical error in the system." Are you familiar with --  
04 you read that, right?

05 A. I read that.

06 Q. And what are your comments about that?

07 A. This is a secondhand account of something I  
08 have no knowledge of. Again, claiming the subversion,  
09 which I have no knowledge of any subversion into any  
10 Dominion system during the 2020 presidential election.

11 And I have no idea what he is referring to  
12 when he says, "Critical errors were disregarded, and the  
13 processing of votes continued." I don't know what he's  
14 talking about. I didn't have any communications or  
15 information regarding any issues in Barry County,  
16 Michigan.

17 Q. The point is that it's possible. Correct?

18 MR. CAIN: Object to form.

19 A. I don't -- I can't say because I don't know  
20 what this means. But so a vote shift is possible, we  
21 saw that in Antrim County, I don't know if they saw a  
22 vote shift here in Barry County, I don't know,  
23 there's --

24 BY MR. TICKTIN:

25 Q. Sir, I'm not asking you for your knowledge of

01 whether it occurred. I'm asking you if you agree that  
02 it's possible.

03 A. Vote shifts can happen under certain  
04 circumstances. You're asking me about the second  
05 paragraph where he says, "Critical errors were  
06 disregarded, and the processing of votes continued."  
07 That doesn't ring a bell. I've never seen that.

08 Q. I'm not asking you if you saw this, I'm asking  
09 you if it's possible -- possibly true.

10 A. Not to my knowledge, no.

11 Q. It's impossible?

12 A. I'm not aware of any possibility of that  
13 happening.

14 Q. I understand. It -- but you're not -- you're  
15 not the Lord, right, I mean, you know, it's not -- what  
16 happens doesn't have to happen or not happen depending  
17 on whether you're cognizant of it? My question is. Is  
18 this possible that it happened?

19 A. Based on what I'm reading here, no, I don't  
20 think it is.

21 Q. And why is it impossible to have happened?

22 A. Because I'm not aware of any fault mode  
23 related to RTR ignoring critical errors, and --

24 Q. So, anything that you're not aware of is  
25 impossible, is that your thesis here?

01 A. In this regard, to the best of my  
02 understanding of what's written here, I don't agree that  
03 this is possible.

04 Q. But if it were true, what he wrote there is  
05 that possible then?

06 MR. CAIN: Objection, form.

07 A. So, theoretically, if something happened, did  
08 that happen? Yes.

09 BY MR. TICKTIN:

10 Q. Well, thank you. All right.

11 A. Yeah.

12 Q. I mean, even if you're not aware of it,  
13 something happened, right?

14 A. If a tree falls in the forest, it probably  
15 made a sound.

16 Q. Right. Well, on Page 2, the second paragraph  
17 from the bottom, the first -- the bottom full paragraph,  
18 "The Antrim County shift impacted the in" --

19 A. Hold on. Okay.

20 Q. "The Antrim County shift impacted the internal  
21 machine ID field of the table named Choice Manifestation  
22 in the EMS database. The subversion of the Antrim  
23 County EMS RTR includes a logical bumper that does not  
24 allow the shifting of votes from one contest to another,  
25 only shifting of votes within the same contest.

01           The subversion prevents the system from  
02 raising a critical error and permits the EMS RTR to  
03 continue processing and posting results without any  
04 error or warning messages". Is this possible?

05           A.   Somebody's going to have to define subversion.

06           Q.   Sir, I'm -- I don't know why you're not  
07 answering my question, I --

08           A.   Because I don't understand what this states,  
09 and that's required for me to give an answer.

10           Q.   Okay. So, you're saying you can't say because  
11 you don't know what subversion means?

12           A.   Correct.

13           Q.   You have no idea?

14           A.   No.

15           Q.   Have you ever heard the word before?

16           A.   Yes.

17           Q.   Do you know, understand what it means in plain  
18 English?

19           A.   To subvert something, yes.

20           Q.   Right.

21           A.   Okay.

22           Q.   So, that -- using that definition to  
23 understand this, is it possible?

24           MR. CAIN: Objection, form.

25           A.   There was no subversion -- there was no

01 subversion of the EMS RTR system in Antrim County.

02 BY MR. TICKTIN:

03 Q. Did you look at the logical bumper in Antrim  
04 County?

05 A. I have never heard that term, and I don't know  
06 what it refers to. I understand what he describes it  
07 as, but that is not something that I've ever heard in  
08 reference to the system.

09 Q. So, this is something you didn't look at when  
10 you did the -- when you investigated and looked at the  
11 Antrim County results?

12 A. No, I wasn't involved in any analysis or even  
13 knew that Barry County, Michigan, had issues.

14 Q. Were you involved in the analysis in Antrim  
15 County? That's what you were last speaking about?

16 I guess that's a new question. I was involved  
17 in high-level discussions about Antrim. I wasn't  
18 involved in the actual testing or reproducing the error,  
19 no.

20 Q. Okay. So, the -- all you know about Antrim  
21 from your own observations would be what we as lawyers  
22 call hearsay, things that other people told you.

23 Correct?

24 A. Sure.

25 Q. So, putting that aside, are you able to say

01 **this is impossible for any scientific reason?**

02 A. Again --

03 MR. CAIN: Objection, form.

04 A. -- I don't know what you're asking, is,  
05 "Possible" if you're saying, "Can vote shifts happen"?

06 Yes, that's possible. That is possible.

07 Agreed, I already stipulated that with the answer, vote  
08 shifts happen.

09 BY MR. TICKTIN:

10 **Q. Is -- what is in this that would be impossible**  
11 **in this paragraph?**

12 A. Again, the only conclusory statement I see is  
13 a claim that votes were shifted. Is it possible, due to  
14 certain processes that are not followed properly, to get  
15 a vote shift? Yes.

16 **Q. Is Dominion programmed to prevent the system**  
17 **from raising -- from causing critical errors?**

18 A. Please, please repeat.

19 **Q. Okay. Does Dominion have anything built**  
20 **within its system that would prevent the system from**  
21 **raising any such error, causing such error?**

22 A. Okay. There are error mitigations and error  
23 handling. There's nothing in the system that would not  
24 notify the user of critical errors.

25 **Q. Are you able to prove that this DI -- that**

01 **this did not happen?**

02 A. I still don't know what the claim is, of what  
03 happened.

04 Q. So, at this point, you're not able to prove  
05 that it did not happen. Correct?

06 A. I don't know what is being claimed happened.

07 Q. Did you look at the image of the EMS following  
08 the 2020 election?

09 A. Of which?

10 Q. Of Antrim County.

11 A. No.

12 Q. So, you don't really know what happened, and  
13 you're relying on what somebody else is telling you?

14 A. No, I actually do know what happened.

15 Q. Yes.

16 A. They added a contest to a certain subset of  
17 ballots. They reprogrammed a subset of machines, which  
18 put them out of sync with the results tallying and  
19 reporting system, and they didn't do pre-lab, which  
20 would have caught that.

21 And once they uploaded the results in the  
22 system and compared it to the precinct-level data that  
23 was out at the precincts, they saw a mismatch, and that  
24 is absolutely consistent with adding a contest and not  
25 syncing it properly with the system.

01 Q. Okay. Now, the -- you're saying this on the  
02 basis of what other people told you, that's how you say  
03 you know this. Correct? Yes or no?

04 A. Yes, it's from direct information from the  
05 jurisdiction that ran the election.

06 Q. Okay. So, if we are to base our proof of  
07 elections based on what people in the jurisdiction tell  
08 us, isn't that an unsafe system?

09 A. No.

10 Q. We should just believe the people in the  
11 jurisdictions when they tell us what they did?

12 A. They had proof, they had the ballots -- they  
13 had the ballots that they originally created that didn't  
14 have the contest on it, then they have --

15 Q. And did you look at the ballots?

16 A. I saw PDFs of them, yes.

17 Q. And you went through those PDFs of all the  
18 ballots?

19 A. No, not. No. The --

20 Q. Did you look at the EMS image?

21 A. No.

22 Q. Did you witness the setup of this election?

23 A. No.

24 Q. Were you involved in setting up Antrim in any  
25 way?

01 A. No.

02 Q. Did you supervise anyone that oversaw Antrim?

03 A. No.

04 Q. Is it important to have all of the data before  
05 you form a conclusion as to causes circumstances?

06 A. I think there's a point where you can make  
07 conclusions based on the evidence and knowledge of how  
08 the system works, that may not need every single detail.

09 Q. Are you aware of any e-mail from Dominion to  
10 the local county clerk in regard to the details of the  
11 events?

12 A. No, not personally.

13 Q. Okay. Could you look at Page 4?

14 A. Okay.

15 Q. Do you see where Mr. Antrim -- Lemberg?

16 MS. LAMBERT: Lemberg.

17 MR. TICKTIN: Lemberg. Sorry, I'll get it  
18 straight sooner or later.

19 BY MR. TICKTIN:

20 Q. Do you see where Mr. Lemberg described the  
21 manipulation of the vote on Page 4, in terms of the  
22 events that occurred?

23 A. So, I will maintain and state there was no  
24 manipulation of the vote in Antrim County. The  
25 tabulators themselves properly tabulated all of the

01 ballots. That was confirmed by the close of poll tapes,  
02 those were -- that was confirmed comparing them to the  
03 ballots.

04 There was an improper un-synced change in the  
05 EMS, and when generating an unofficial nightly report  
06 that is not the final vote tally because those systems  
07 weren't synced, there was a shift in votes. I would not  
08 call that a manipulation of votes, and it certainly was  
09 not manipulated at the tabulator.

10 **Q. Do you see where Lemberg tallied the internal**  
11 **machine ID and where it's described in the report?**

12 A. I've seen several references to internal  
13 machine ID.

14 **Q. Did you look at the internal machine ID?**

15 A. I did not personally inspect any of the  
16 equipment.

17 **Q. Again, all you know is what somebody told you,**  
18 **right?**

19 A. No, I know a lot more than that. Based on the  
20 description of the issue, I know how the system reacted  
21 and why there was a vote shift. Yeah, I know that  
22 because I have knowledge of years of experience using  
23 this equipment, and I know that. I don't need to look  
24 at the system itself.

25 **Q. Lets go to Page 5. Are you have to see, it's**

01 faint, but can you see how DeLaFuente was able to count  
02 8,883 votes with 47% of the precinct reporting.

03 A. I don't see the precincts reporting, and based  
04 on the affidavit, this is a picture from Fox News.

05 Q. The precinct reporting is on a page, you don't  
06 see it underneath where it's the number of the votes for  
07 Biden, you don't see that there the 4,675 --

08 A. I mean, I see I can kind of make out  
09 reporting, I can't make out those numbers.

10 Q. You can't make out the 41%?

11 A. No, I can't. I don't have great eyes.

12 Q. All right. Let's go to Page 6. Do you see  
13 the final total for DeLaFuente as 16 votes?

14 A. Yes.

15 Q. Can you explain how a candidate can lose  
16 votes, where it goes down in number?

17 A. This is a screenshot from Fox News. I have no  
18 idea where they got this data. It doesn't -- there's no  
19 direct hookup from Dominion Systems to Fox News  
20 reporting. So, is this even real data? I have no  
21 reason to believe it is.

22 Q. So, is it impossible then for the number to go  
23 down?

24 A. That is correct, in the Dominion system  
25 itself, there are no negative votes.

01 Q. Well, what if -- what happens if it's a shift,  
02 though in that case, couldn't the vote number go down?

03 A. No. There's no negative votes.

04 Q. I understand. But if there's a shift, when it  
05 gets corrected, would that cause the number to go down?

06 A. Shift when it gets correct?

07 Q. When the shift is corrected, if there's a  
08 shift?

09 A. Yes.

10 Q. In the votes?

11 A. Yes.

12 Q. Then the -- that could affect the numbers to  
13 go down when it's corrected.

14 A. If it's a shift and then the shift is fixed,  
15 yeah, you'll end up with different totals.

16 Q. Thank you. Do you see the last paragraph -  
17 not the next to last paragraph before this - the Jeffrey  
18 Lemberg signing, where it says, "The Antrim County" --

19 A. Can I get a page number, please?

20 Q. I'm sorry, Page 7.

21 A. Okay.

22 Q. "The Antrim County subversion is not an  
23 isolated incident, and it is apparent that whoever is  
24 responsible for creating election project files  
25 exercised their ability to manipulate voting in Barry

01 County as well as Antrim County."

02 I know you don't agree with that, but let me  
03 ask you -- not whether you agree or disagree only as the  
04 possibility. Is that possible?

05 MR. CAIN: Object to form.

06 A. With great effort, you can't -- you cannot --  
07 it is not possible to make this shift happen simply  
08 through misprogramming.

09 BY MR. TICKTIN:

10 Q. So, you're saying it's impossible?

11 A. With just a project file, it's impossible,  
12 yeah, because you need to -- you need to create the  
13 physical ballots, you need to reprogram the machines, et  
14 cetera.

15 Q. So, how would that be possible? Yeah.

16 A. For any election, the EMS, the Election  
17 Management System, is used to define the election  
18 content, and that includes things like candidate names,  
19 ballot styles, ballot types. That's based on geographic  
20 information, precincts, municipal districts, et cetera.

21 All of that information is managed under the  
22 EMS, and then a list of qualified contests and  
23 candidates are data entered, and then there's a whole  
24 process that generates the ballot content, physical  
25 ballots, PDF images. And then there's a whole another

01 process that programs configure the information that  
02 needs to be transferred into the tabulators to know how  
03 to understand when they scan a physical ballot.

04 **Q. Is it possible for Dominion systems to flip**  
05 **votes from one candidate to another?**

06 A. Again, in the EMS, as evidenced in Antrim,  
07 votes were shifted due to improper configuration of the  
08 system. A generic -- well, again, I'll point back to  
09 the tabulators read those ballots perfectly. There was  
10 no issue.

11 Those are some of the official records, the  
12 poll tapes that are run at the end, that's the official  
13 record. The results that are reported out of the EMS on  
14 election night and perhaps several days later are  
15 unofficial results. They are not the official results.

16 That's by design, because sometimes you have  
17 issues like in Antrim, which may not present themselves  
18 immediately.

19 **Q. But you never personally verified any of that**  
20 **yourself, right?**

21 A. Verified what?

22 **Q. The Antrim results.**

23 A. No, I said I did not.

24 **Q. Right.**

25 A. Access the machines.

01 Q. All right. If somebody -- if someone modified  
02 an, a SQL stored function call, could these numbers  
03 change like this, like what occurred in Antrim?

04 A. If you had unfettered access to the database,  
05 which is highly controlled procedurally, and you had  
06 credentials to go into the data tables, yes, you could  
07 change those data. It wouldn't match the official poll  
08 tapes, and it wouldn't match the ballots.

09 Q. Okay.

10 A. So, detectable, so you could not be that  
11 undetected?

12 Q. All right. Yes, please give the one with the  
13 four, right?

14 A. Well, you're going to get both, right?

15 Q. Yeah.

16 THE COURT REPORTER: So we're officially  
17 marking Exhibit 4 and Exhibit 4A?

18 MS. LAMBERT: Correct.

19 THE WITNESS: 4A, yeah.

20 THE COURT REPORTER: Thank you.

21 BY MR. TICKTIN:

22 Q. Okay. Here's a couple of my next ones. I'm  
23 showing you an e-mail from August 6th, 2007, do -- and  
24 do you see that it -- that you're -- it was made to  
25 well, let's just say Eric D. Coomer is on the -- to line

01 and the title is WinEDS1 Server, and also [REDACTED]  
02 is copied. Do you see that?

03 MR. CAIN: And let me just state for the  
04 record, this is a non-Bates labeled e-mail, and  
05 given the violation of the Dominion Protective  
06 Order and the leak, I'd ask Counsel to inform me  
07 whether or not this is from that production or some  
08 other source.

09 MS. LAMBERT: It's not, and it was turned over  
10 to you in advance of this deposition.

11 MR. CAIN: This one was?

12 MS. LAMBERT: This one was, yes, it's a  
13 Sequoia e-mail.

14 MR. CAIN: Well, you gave me a copy of this  
15 before today?

16 MS. LAMBERT: Oh, yes.

17 MR. CAIN: When?

18 MS. LAMBERT: I did --

19 MR. TICKTIN: And we're not going to answer  
20 questions.

21 MS. LAMBERT: David did.

22 MR. TICKTIN: She said --

23 MS. LAMBERT: All of them.

24 MR. TICKTIN: She said, yes, that's enough.

25 MS. LAMBERT: Yes.

01 MR. TICKTIN: From David Perry.

02 MS. LAMBERT: David Perry.

03 MR. CAIN: Okay. I'll accept your  
04 representation, I haven't looked at --

05 MS. LAMBERT: Sure.

06 MR. CAIN: -- every piece of paper.

07 BY MR. TICKTIN:

08 Q. Do you see -- can you read that, sir?

09 A. Yeah, I can.

10 Q. Okay. And so what was your involvement in  
11 terms of the WinEDS1 SQL Server?

12 A. From the best of my recollection and this e-  
13 mail, [REDACTED] was the [REDACTED] or one of  
14 the [REDACTED], and WinEDS1 was  
15 an internal server that was, that existed in the Sequoia  
16 Denver office and was used for testing various instances  
17 of configured elections. It was a test -- it was a test  
18 bed.

19 Q. And you were involved in the testing?

20 A. I mean, I might have given occasional input  
21 because again, this is early on in Sequoia days. So,  
22 yeah, I would be involved in testing.

23 So, the issue here what [REDACTED] is asking is  
24 WinEDS1 had a bunch of election projects out there for  
25 testing, and they're about to do a SQL Server version

01 upgrade because we changed the version of SQL Server at  
02 some timeframe.

03 So, she's asking everybody, "Hey, if you've  
04 got databases out here, you better back them up because  
05 we're going to wipe the server."

06 **Q. All right.**

07 MR. TICKTIN: Could you please give that to  
08 the Court Reporter?

09 THE COURT REPORTER: This would be Exhibit  
10 Number 5?

11 MR. TICKTIN: Yes.

12 THE COURT REPORTER: Counsel, they're not  
13 being marked on the record, so I have to ask.

14 MR. TICKTIN: Yes, yes, yeah. Let me just say  
15 for the record that was Exhibit Number 5.

16 (Thereupon, Defendant's Exhibit 5 was entered  
17 into the record.)

18 MR. CAIN: And you might just identify it  
19 before we start, so she can get that on record, if  
20 you want.

21 BY MR. TICKTIN:

22 **Q. Okay. I've now handed you Exhibit Number 6.**

23 (Thereupon, Defendant's Exhibit 6 was entered  
24 into the record.)

25 BY MR. TICKTIN:

01 Q. You see from [REDACTED], August 1st, 2007.

02 A. Yes.

03 Q. Did you work --

04 A. Bottom of the page.

05 Q. Did you work with [REDACTED]?

06 A. I interacted with him, I don't know if I would

07 say I worked with him because we were on completely

08 different projects, but I know who Fernando is - was.

09 Q. But you did work on the HAAT Listener project.

10 Correct?

11 A. No.

12 Q. You did not?

13 A. I did not.

14 Q. Did you do anything on the SQL version 4.1.15

15 or higher?

16 A. No, I'm a Microsoft database guy. I don't

17 know my SQL.

18 Q. Were you involved with the RAS Remote Access

19 Server that was referenced?

20 A. No.

21 Q. What are they working on? Can you tell what

22 they're working on in this e-mail?

23 A. Yes, so the HAAT, as I've stated, it's an

24 acronym for Hybrid Activator Accumulator and

25 Transmitter.

01           So, at the close of polls, the one removable  
02 memory element from each tabulator that would be in the  
03 precinct again, this is specifically in regard to -- and  
04 was designed and implemented for [REDACTED]

05 [REDACTED].

06           They allow, by statute, transmitting  
07 unofficial results from the precincts to the central  
08 office. So, this is the equipment that was used to  
09 support that.

10           So, the HAAT Listener is a completely separate  
11 server. It is not part of the EMS and reporting server  
12 because it doesn't even have the same operating system.

13           So, at the end of the polls close, the first  
14 thing by statute is that you have to read every memory  
15 element to get a consolidated report in the precinct.  
16 So, that's the second accumulator.

17           Once that's done, then there's a function in  
18 the HAAT that can transmit the results over a  
19 segregated, cellular network to the listener server in  
20 the central office. And then once those results showed  
21 up in the listener servers, they were then uploaded,  
22 usually via Sneakernet, into the central EMS and  
23 reporting server.

24           Q.    Sure. So, is this consistent with what you  
25 were working on in [REDACTED] at the time?

01 A. I mean, this is part of the configuration, but  
02 I had nothing to do with this subsystem.

03 Q. But you're not denying that it's accurate?

04 A. That what's accurate?

05 Q. The e-mail.

06 A. No, I just described in detail what it was.

07 Q. Yeah.

08 A. So, yeah. Yes.

09 Q. Okay. Thank you.

10 MR. TICKTIN: Okay. Just pass that to the  
11 Court Reporter. This is number seven.

12 (Thereupon, Defendant's Exhibit 7 was entered  
13 into the record.)

14 MR. CAIN: Same question, as this is this  
15 something Perry sent me today?

16 MS. LAMBERT: Yes.

17 BY MR. TICKTIN:

18 Q. Okay. You see that you're a recipient of this  
19 e-mail?

20 A. Yes

21 Q. From [REDACTED]?

22 A. [REDACTED]. I'll spell it

23 [REDACTED]

24 Q. You see where it says, I spoke to [REDACTED]  
25 and he is on his way to the office to complete the

01 deployment process. Can you tell us what that means?

02 A. So, again, this -- again, this is 20 years  
03 old, and I have to make some educated guesses, but it  
04 references, let's see --

05 MR. CAIN: Don't mumble. She doesn't know how  
06 to take down mumbles.

07 THE WITNESS: Sorry.

08 A. Oh, it's in the subject line, HAAT Listener  
09 Environment JBoss Server on WinEDS1. So, WinEDS1,  
10 again, was an internal Sequoia testing platform, so this  
11 looks like they are installing a version of the HAAT  
12 Listener, most likely for testing that functionality in  
13 the Denver office. This is not a fielded system.

14 BY MR. TICKTIN:

15 Q. Was [REDACTED] helpful here?

16 A. Again, I don't recall the actual activities  
17 referenced in this e-mail, and I don't know if I was  
18 even part of it.

19 Q. Do you have any reason to doubt that what's  
20 said here is accurate?

21 A. No.

22 Q. Okay.

23 A. I'm assuming you want me to pass this to the  
24 Court Reporter?

25 Q. Yeah, please.

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Coomer, Dr Eric on 01/27/2026

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01 THE COURT REPORTER: This is Exhibit Number 7?

02 THE WITNESS: Yes, ma'am.

03 BY MR. TICKTIN:

04 Q. Do you recognize this as being a patent that  
05 you're familiar with?

06 A. I mean, it's been a long time since I've  
07 looked at it, but I see my name. I see some relatively  
08 recognizable things, so yeah, I believe this is -- when  
09 I said two to four -- I think this is one of the two  
10 that I'm sure of.

11 Q. Does this look accurate that this would be  
12 your -- one of your patents or where you're a co-  
13 inventor?

14 A. I thought that's what I just answered  
15 affirmatively. Yeah, it looks like it.

16 Q. Thank you.

17 A. I mean, this is just a printed out sheet, so  
18 I, you know, I'd have to go back to the original source  
19 to make sure nothing's added or missing.

20 MR. TICKTIN: Please pass it on.

21 THE COURT REPORTER: Has this been marked as  
22 Exhibit 8?

23 MR. TICKTIN: Yes, I'm sorry. Yes, please  
24 mark that as --

25 (Thereupon, Defendant's Exhibit 8 was entered

01 into the record.)

02 MS. LAMBERT: Only if he's sure it's accurate.  
03 He doesn't think it's a fake patent, right?

04 BY MR. TICKTIN:

05 Q. Right. You don't think that's a fake patent.  
06 Correct?

07 A. I don't think the title page is necessarily  
08 fake, but I have nothing to compare it to from the  
09 original source. This is just some printout that you  
10 gave me.

11 Q. Right. Of your patents.

12 A. Off of some site that I have no idea of the  
13 source.

14 Q. I understand. But you know your claims, and  
15 you know what you invented.

16 A. That's several pages, and I can't authenticate  
17 every page.

18 MS. LAMBERT: Let him look at the pages.

19 MR. TICKTIN: Well, you can't. It's okay.  
20 It doesn't matter.

21 MS. LAMBERT: Okay. All right

22 MR. TICKTIN: We could get judicial notice on  
23 that.

24 MS. LAMBERT: Okay.

25 MR. TICKTIN: Yeah, all right.

01 MS. LAMBERT: Exhibit 9.

02 BY MR. TICKTIN:

03 Q. Okay. The next is Exhibit 9.

04 (Thereupon, Defendant's Exhibit 9 was entered  
05 into the record.)

06 BY MR. TICKTIN:

07 Q. For Sequoia, yeah, an organizational chart for  
08 the management group, for the first year management  
09 group. So, who is the direct report to you?

10 A. May of 2006, I had no direct reports.

11 Q. Do -- can you show us where you -- what page  
12 you're on this thing?

13 A. That's what I'm looking for. I may have still  
14 been a contractor at this point, so I may not appear --  
15 I just have to go through every --

16 Q. Do you see anybody in here that you worked for  
17 or worked with?

18 A. Yeah, there's several -- oh, here I am. I'm  
19 on it's not, no page numbers. It's the one that says  
20 Product Management, Election Management System.

21 And I'm on the left-hand side, top row of the  
22 second collection in the middle, Eric Coomer, Senior  
23 Database Analyst.

24 Q. How much contact did you have with Jack Lane  
25 and Roger Pinate?

01 A. I had very little contact with Roger Pinate.

02 He never directed my work. I had a lot of  
03 contact with Jack Lane over the course of the five years  
04 that I worked at Sequoia.

05 Q. The last Exhibit was Exhibit Number 9. This  
06 is Exhibit Number 10.

07 (Thereupon, Defendant's Exhibit 10 was entered  
08 into the record.)

09 BY MR. TICKTIN:

10 Q. This is an e-mail from [REDACTED]  
11 [REDACTED] and others, and CC'ed to Eric Coomer. Could you  
12 please read that and tell us what we're looking at?

13 A. Sure.

14 MR. CAIN: While he's reviewing, just to alert  
15 Counsel, we've got based on the calculations that  
16 the Court Reporter and Ben gave us, we've got 10  
17 minutes.

18 MR. TICKTIN: Okay.

19 MR. CAIN: I see Michelle shaking her head.  
20 Am I correct?

21 THE COURT REPORTER: We are at one hour and 15  
22 minutes at this time, since the last time we went  
23 on the record, which we have an hour -- we had an  
24 hour and 24 minutes left.

25 MR. CAIN: Okay.

01 THE WITNESS: Nine minutes.

02 MR. CAIN: Nine minutes. And while he's --  
03 again, I guess I'll fill the time just to let you  
04 know, Ms. Lambert sent us, I've gotten Mr. Smith's  
05 acknowledgement of the undertaking, Mr. Cook's and  
06 Ms. Hall's, I do not see Mr. Oltmann's, but I did  
07 get those three.

08 MR. OLTMANN: Why don't you print while you're  
09 down there and sign it before you leave?

10 MR. CAIN: That was Mr. Oltmann. Did you hear  
11 that, Stefanie?

12 MS. LAMBERT: What's that?

13 MR. CAIN: Mr. Oltmann asked if we could print  
14 and he can sign it before he leaves.

15 MS. LAMBERT: Oh, that'd be great -- oh, okay

16 MR. OLTMANN: Send it e-mail.

17 MS. LAMBERT: I did not e-mail it. That's the  
18 issue.

19 MR. CAIN: We have a printer with the  
20 technician here, so.

21 MR. OLTMANN: Yeah.

22 MR. CAIN: He could probably -- he's giving me  
23 thumbs up, if you can just send him a copy to print  
24 that.

25 MS. LAMBERT: Sure.

01 MR. CAIN: Probably be the easiest for  
02 Mr. Oltmann.

03 MS. LAMBERT: I just sent it to you.

04 A. Okay. I've finished reading.

05 BY MR. TICKTIN:

06 Q. And can you -- could you tell us what is  
07 happening in this e-mail regarding WinEDS?

08 A. I mean, not completely, while I was CC'ed on  
09 this, I wasn't really part of this development track  
10 from what I can gauge from this e-mail, I mean, I have  
11 vague recollections of what SPR Host was, I think that  
12 was a legacy piece of equipment and I think Sequoia was  
13 trying to mimic that functionality of SPR Host in  
14 WinEDS.

15 So, yeah, there's some -- we can implement the  
16 same four choices those four choices are from this  
17 product SPR Host, in WinEDS the idea is to get rid of  
18 this legacy SPR Host, again, which I don't know much  
19 about at all, other than the name and we're just talk --  
20 [REDACTED] [REDACTED] [REDACTED] ing here about potential updates or, to  
21 the interface that would make the functionality more  
22 clear.

23 Q. I just wonder. Is anybody paying for your  
24 litigation expenses?

25 A. No, I mean, besides me.

01 Q. Okay. Do you know Heider Garcia?

02 A. I do.

03 Q. And who is she?

04 A. Do you want me to pass this on?

05 Q. Yes, please, and how do you know him?

06 A. I believe the first time I met him was  
07 somewhere in the Sequoia Smartmatic days, I believe he  
08 was a Smartmatic employee. To be honest, I don't  
09 remember meeting him at that time. The next time I met  
10 Heider may be somewhere in the 2010 timeframe, and I ran  
11 into him at an elections conference, and he's like,  
12 "Eric," and I'm like, oh, "Hi, Heider," and I read just,  
13 you know.

14 Q. Okay.

15 A. I didn't really have a memory of, you know.

16 Q. Okay. Good.

17 A. Yeah.

18 Q. Okay. I'm going to -- I hate to do this  
19 because I know we're down to a minute, but I got to just  
20 run for one minute. I'll be back.

21 MR. BYRNE: I have one quick question.

22 MR. TICKTIN: Don't anybody go anywhere --

23 MR. BYRNE: Where was the election conference?

24 MS. LAMBERT: Where was the election  
25 conference?

01 MR. BYRNE: Where was the election conference  
02 that he just ran into Heider?

03 BY MR. TICKTIN:

04 Q. Where was the election conference where you  
05 ran into Heider? And then I'll be right back, I can't --

06 MR. CAIN: Are we off the record or are we off  
07 the record?

08 MR. TICKTIN: We're on the record. Okay.  
09 Well, I can't -- okay. I'm sorry.

10 MR. BYRNE: He's 80. Give him a break. Give  
11 him a break. Go ahead, take --

12 MR. TICKTIN: I'll be right back.

13 MR. DEMPSEY: Well, can you say off the  
14 record, so we don't burn up our last minute?

15 THE COURT REPORTER: Off the record.

16 (Thereupon, a short discussion was held off  
17 record.)

18 (Deposition resumed.)

19 THE COURT REPORTER: We are on the record.

20 MR. TICKTIN: Yeah. Thank you.

21 A. I do not recall what election conference I  
22 first ran into Heider. I went to many a year -- several  
23 a year and, again, I can't even remember the timeframe,  
24 so.

25 BY MR. TICKTIN:

01 Q. Thank you. Let me ask you, did -- do you know  
02 we are seeking to have Dominion allow their evidence to  
03 be used in this case?

04 MR. TICKTIN: And do you have any objection to  
05 that?

06 MR. CAIN: I do. That's a question for  
07 Counsel.

08 BY MR. TICKTIN:

09 Q. Do you, sir, have any objection to that? Is  
10 there any reason that you personally would not want to  
11 see the Dominion information accessible?

12 MR. CAIN: So, I'm going to object to the form  
13 of the question.

14 A. I don't think it's relevant in this.

15 BY MR. TICKTIN:

16 Q. Okay. Other than relevance, you don't have a  
17 problem with it?

18 MR. CAIN: Same objection.

19 A. I don't think it's relevant, so I don't think  
20 it's proper.

21 BY MR. TICKTIN:

22 Q. I heard -- you heard my question, other than  
23 relevance --

24 A. I don't think there's -- I don't think that  
25 there's absolutely anything that implicates any

01       impropriety by myself.

02           **Q.    I understand that, but if there's nothing**  
03 **there, so what's your objection other than relevance?**

04           MR. CAIN:  Objection, form.

05 BY MR. TICKTIN:

06           **Q.    I mean, other than relevance, I said, you**  
07 **don't have an objection.  Is that right?**

08           MR. CAIN:  Same objection.

09           A.    Sure.

10 BY MR. TICKTIN:

11           **Q.    Okay.**

12           MR. TICKTIN:  Anything else?  Okay.  Well,  
13 we're going to end this deposition early.  We're  
14 not going to go the full seven hours.

15           THE WITNESS:  Do you want to get one thing in  
16 here?

17           MR. DEMPSEY:  No, I'll wait.

18           MR. TICKTIN:  He's going to have to take his  
19 own.

20           MR. CAIN:  We'll reserve our questions for  
21 trial.

22           THE COURT REPORTER:  Okay.  Any orders, I  
23 actually will get you in contact with the company  
24 with your request.

25           MS. LAMBERT:  Thank you.

01 THE COURT REPORTER: Counsel, for the  
02 Plaintiff, would you be ordering a copy? Mr. Cain?

03 MR. CAIN: Yeah.

04 MR. TICKTIN: I don't like blank hands. Do  
05 you like them?

06 THE COURT REPORTER: Everybody in agreement to  
07 go off the record?

08 MR. TICKTIN: Yes.

09 MR. CAIN: Yes.

10 THE COURT REPORTER: We're officially off the  
11 record. It is 07:34 in the afternoon.

12 (Deposition concluded at 07:34 P.M.)

13 (Reading and signing of the deposition by the  
14 witness has been reserved.)

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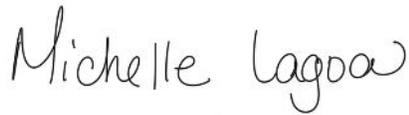
CERTIFICATE OF REPORTER

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, MICHELLE LAGOA, Court Reporter and Notary Public for the State of Florida, do hereby certify that I was authorized to and did digitally report and transcribe the foregoing proceedings, and that the transcript is a true and complete record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Witness my hand this 10th day of February, 2026.



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MICHELLE LAGOA, CER, COURT REPORTER  
NOTARY PUBLIC, STATE OF FLORIDA

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CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF PINELLAS

I, MICHELLE LAGOA, the undersigned authority,  
certify that DR. ERIC COOMER, personally appeared  
before me and was duly sworn on the 27th day of  
January, 2026.

Witness my hand this 10th day of February, 2026.



---

MICHELLE LAGOA, CER, COURT REPORTER  
NOTARY PUBLIC, STATE OF FLORIDA  
Commission No.: HH 605785  
Commission Exp: 10/23/28

ERIC COOMER vs PATRICK BYRNE  
Coomer, Dr Eric on 01/27/2026

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01 DATE: FEBRUARY 10, 2026  
02 TO: DR. ERIC COOMER  
03 C/O  
04 CHARLIE CAIN, ESQUIRE  
05 CAIN & SKARNULIS, PLLC  
06 327 EAST 1ST STREET  
07 SALIDA, COLORADO 81201  
08  
09 IN RE: ERIC COOMER v. PATRICK BYRNE, STEVEN LUCESCU,  
10 and THE AMERICA PROJECT, INC.  
11 CASE NO: 8:24-cv-00008-TPB-SPF  
12  
13

Dear DR. COOMER,

08 Please take notice that on the 27th day of  
09 January, 2026, you gave your deposition in the  
10 above-referenced matter. At that time, you did not  
11 waive signature. It is now necessary that you sign  
12 your deposition. You may do so by contacting your own  
13 attorney or the attorney who took your deposition and  
14 make an appointment to do so at their office. You may  
15 also contact our office at the below number, Monday -  
16 Friday, 9:00 AM - 5:00 PM, for further information and  
17 assistance.

14 If you do not read and sign your deposition  
15 within thirty (30) days, the original, which has already  
16 been forwarded to the ordering attorney, may be filed  
17 with the Clerk of the Court.

16 If you wish to waive your signature, sign your  
17 name in the blank at the bottom of this letter and  
18 promptly return it to us.

Very truly yours,

18 MICHELLE LAGOA, CER, Court Reporter  
19 Universal Court Reporting  
20 (954) 712-2600

21 I do hereby waive my signature.

22  
23  
24 \_\_\_\_\_  
25 DR. COOMER  
CC: VIA TRANSCRIPT:

PETER TICKTIN, ESQUIRE  
CHARLIE CAIN, ESQUIRE



Office Phone: 954-712-2600

Email: info@ucrinc.com

Website: ucrinc.com