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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

In re:

TGP Communications, LLC.

Debtor.

Chapter 11

Case No. 24-13938 (MAM)

**MOTION OF
RUBY FREEMAN AND WANDREA' ARSHAYE
MOSS FOR AN ORDER DISMISSING THE DEBTOR'S
CHAPTER 11 CASE UNDER SECTIONS 1112(b) AND 305(a) OF
THE BANKRUPTCY CODE OR, IN THE ALTERNATIVE, MODIFYING
THE AUTOMATIC STAY TO CONTINUE PREPETITION LITIGATION**

Ruby Freeman and Wandrea' ArShaye "Shaye" Moss (together, the "Freeman Plaintiffs"), as creditors of TGP Communications, LLC (the "Debtor" or "The Gateway Pundit"), by and through their undersigned counsel, file this motion (the "Motion")¹ for an order (a) dismissing the Debtor's chapter 11 case under sections 1112(b) and 305(a) of the Bankruptcy Code, or (b) in the alternative, modifying the automatic stay pursuant to section 362(d) to continue litigation currently pending in (i) the Circuit Court of the City of Saint Louis City, Missouri (the "Missouri Litigation") and (ii) the Superior Court of Fulton County, Georgia. In support of the Motion, the Freeman Plaintiffs represent as follows:

PRELIMINARY STATEMENT

1. On December 4, 2020, in the aftermath of the 2020 presidential election, the Debtor published an article with the title "**BREAKING: CROOKED GEORGIA ELECTIONS SUPERVISER [Sic] Filmed Pulling Out Suitcases of Ballots from Beneath Table IS IDENTIFIED – IT'S RUBY'S DAUGHTER! (Video).**"² This article identified Georgia election workers Ruby Freeman and Shaye Moss by name and accused them of committing voter fraud in Georgia to help Joseph Biden win the presidential election. Notwithstanding the complete refutation of false allegations by Georgia election officials less than 24 hours later, for months The Gateway Pundit published dozens of additional defamatory articles accusing the Freeman Plaintiffs of voter fraud.

¹ This Motion has been drafted to comport with the "Rule of 5 and 10" as encouraged by Judge Mora's Chamber Rules. The Freeman Plaintiffs are prepared to provide additional briefing in connection with any aspect of the Motion to the extent necessary upon the request of the Court.

² See Jim Hoft, *BREAKING: CROOKED GEORGIA ELECTIONS SUPERVISER Filmed Pulling Out Suitcases of Ballots from Beneath Table IS IDENTIFIED — IT'S RUBY'S DAUGHTER!*, The Gateway Pundit (Dec. 4, 2020 7:35 a.m.), <https://www.thegatewaypundit.com/2020/12/breaking-crooked-elections-supervisor-filmed-pulling-suitcases-ballots-georgia-identified-rubys-daughter-video/>.

2. The Freeman Plaintiffs suffered immediate and devastating effects from the Debtor’s accusations and conduct. Ms. Freeman and Ms. Moss received numerous harassing calls, emails, text messages, and social media messages from strangers, many of which threatened bodily harm and asserted that Ms. Freeman or Ms. Moss deserved to die. Missouri Litigation Jan. 10, 2023 Second Amended Petition at ¶¶ 172, 180, 186, 189, attached hereto as **Exhibit A**.³ Some of those strangers harassed Ms. Freeman at her home and Ms. Moss’s grandmother at hers. (*Id.* ¶¶ 174, 178, 187-188.) Twice, strangers came to Ms. Moss’s grandmother’s house asking for Ms. Moss. (*Id.* at ¶ 188.) Even Ms. Moss’s son—fourteen years old at the time—could not escape the hatred of anonymous strangers. He was bombarded with phone calls, including from one caller who stated that he “should hang alongside [his] n***** momma.” (*Id.* ¶ 185.) As a result of the harassment she faces, Ms. Freeman is fearful anytime she goes out in public. (*Id.* ¶ 182.) She has been forced to shutter her business, deactivate social media, and flee her home. (*Id.* ¶¶ 178, 180.) Similarly, Ms. Moss has suffered disrupted sleep and physical symptoms, and is rarely able to feel safe enough to leave her home. (*Id.* ¶¶ 192-194.)

3. In December 2021, the Freeman Plaintiffs began to fight back. They sued the Debtor, the Debtor’s owner Jim Hoft, and his twin brother Joe Hoft (collectively, the “Defendants”) in Missouri state court for defamation and intentional infliction of emotional distress. To date, the Defendants’ strategy in the Missouri Litigation has had one goal: delay. This chapter 11 filing is just the newest effort—in a long line of failed tactics—to prevent the Freeman Plaintiffs from proving their claims in a court of law.

³ Only filings in the Missouri Litigation after July 2023 are publicly available. The Circuit Court of the City of Saint Louis City, Missouri does not assign docket numbers to court filings. Accordingly, citations to filings in the Missouri Litigation are identified by their date and type of filing. The Freeman Plaintiffs are happy to produce additional pleadings from the Missouri Litigation to the extent helpful to the Court.

4. The Gateway Pundit’s chapter 11 filing has all the hallmarks of a case warranting dismissal. The Debtor is cash-flow positive and easily able to meet its debts in the ordinary course of business. The Debtor has few assets and only one employee. The Debtor is a party to only a few purported executory contracts and zero unexpired leases. Outside of the Missouri Litigation and a separate defamation lawsuit pending in Colorado (“Colorado Litigation”)—neither of which is close to trial—there are few creditors, all with *de minimis* claims. The bankruptcy filing’s timing seems designed to delay the Hoft brothers’ depositions in the Missouri Litigation (which were to take place at the end of May). Prior to the petition date, the Debtor made highly suspicious loans and other payments to the Hoft brothers. Put simply, the red flags here are large and numerous. This case is a pure litigation tactic. For these reasons, and those set forth in detail below, the Freeman Plaintiffs’ Motion should be granted.

JURISDICTION AND VENUE

5. The United States Bankruptcy Court for the Southern District of Florida (the “Court”) has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334 and is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

6. Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409.⁴

7. The statutory predicates for the relief sought are sections 305(a), 362(d), and 1112(b) of title 11 of the United States Code, 11 U.S.C. § 101-1532 (the “Bankruptcy Code”).

⁴ While venue is proper to hear this Motion, the Freeman Plaintiffs do not concede that venue for the chapter 11 case is proper. As set forth on **Exhibit B**, the Debtor registered with the Florida Secretary of State on April 18, 2024 (i.e., less than one week before the commencement of this case). Thus, it appears the Debtor may be seeking to manufacture venue in the Southern District of Florida notwithstanding the statutory 180-day requirement. *See* 28 U.S.C. § 1408(1). The United States Trustee’s recent objection noting that the Debtor’s purported address is merely the location of a rented P.O. box only raises more questions about whether venue is proper and is yet another red flag in this case. *See* Docket No. 35 at ¶ 11. The Freeman Plaintiffs reserve all rights, including the right to seek discovery, in connection with a potential motion to transfer venue.

BACKGROUND

8. Beginning on December 3, 2020—approximately one month after election day—the Debtor began publishing articles accusing the Freeman Plaintiffs of voter fraud. Throughout December 2020 and January 2021, The Gateway Pundit published 28 more articles falsely accusing Ms. Moss and Ms. Freeman of participating in voter fraud. *See* Exhibit A at ¶¶ 76-78, 82, 84, 89-91, 93-94, 96-97, 99-100, 102, 104-105, 111-112, 114, 116. In the months thereafter, The Gateway Pundit published dozens of additional articles wrongly identifying Ms. Moss and Ms. Freeman of “stealing” the election.

9. On December 2, 2021, Ms. Freeman and Ms. Moss initiated the Missouri Litigation. To date, the Defendants’ strategy has been delay. The Defendants have launched a series of delay tactics including (a) seeking to remove the Missouri Litigation to Federal Court (denied), (b) seeking a Protective Order that would require attorneys for the Freeman Plaintiffs to fly to Missouri or Georgia anytime they wanted to look at discovery (denied), (c) filing counterclaims for defamation against the Freeman Plaintiffs and their attorneys (all dismissed), (d) moving to dismiss the Missouri Litigation pursuant to Georgia’s anti-SLAPP statute (denied), and (e) appealing the dismissal of counterclaims (dismissed) and denial of Defendants’ anti-SLAPP motion (denied).⁵

10. The same desire for delay colored the Defendants’ approach to discovery, which commenced nearly two years ago in June 2022. Between November 11, 2022 and March 5, 2024 the Freeman Plaintiffs were forced to file *five* separate motions to compel the Defendants to produce documents. A Special Master was eventually appointed to address the numerous

⁵ *See generally* Missouri Litigation June 6, 2022 Opinion, Memorandum and Order attached hereto as **Exhibit C** (denying removal); December 20, 2022 Order on Protective Order attached hereto as **Exhibits D** (denying defendant cross motion); July 24, 2023 Order attached hereto as **Exhibit E** (dismissing defendant counterclaims and striking anti-SLAPP Motion); Order Aug. 17, 2023 attached hereto as **Exhibit F** (denying anti-SLAPP appeal); Order Aug. 31, 2023 attached hereto as **Exhibit G** (dismissing counterclaim appeal).

discovery disputes. *See* Missouri Litigation May 10, 2023 Appointment Order, attached hereto as **Exhibit H**. Due to the Defendants' obstructionist tactics, the Freeman Plaintiffs filed a motion (which was granted) seeking a protocol that would control the scheduling and administration of depositions. *See* Missouri Litigation Nov. 7, 2023 Order, attached hereto as **Exhibit I**.

11. On February 26, 2024, the Missouri court adopted the recommendation of the Special Master that fact discovery be completed by May 31, 2024. That same day, the Defendants again demonstrated their flippant approach to discovery and moved the court to issue letters rogatory for the deposition of *thirty-seven* individuals and entities in Georgia despite (a) a cap limiting the number of depositions to 20; (b) having not sought to depose a single party in the previous two years; and (c) there being only approximately three months left of fact discovery.⁶

12. On April 10, 2024, Jim Hoft and Joe Hoft finally each agreed to be deposed on May 28 and 29, 2024, respectively. On April 24, 2024, the Freeman Plaintiffs noticed the depositions of Jim Hoft and Joe Hoft. That same day, the Debtor filed this chapter 11 bankruptcy case.

BASIS FOR RELIEF REQUESTED AND APPLICABLE AUTHORITY

I. THE COURT SHOULD DISMISS THE CASE UNDER 11 U.S.C. § 1112(b) AS A BAD FAITH FILING

13. Bankruptcy Code section 1112(b)(1) provides: "...[T]he court shall ... dismiss a case under this chapter... for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate." *See* 11 U.S.C. § 1112(b). A court can dismiss a case for cause if the petition was not filed in good faith. *See In re Phoenix Piccadilly, Ltd.*, 849 F.2d 1393, 1394 (11th Cir. 1988). Courts analyzing

⁶ On April 12, 2024, the Defendants filed an action in Georgia (the "Georgia Litigation"), seeking the issuance of third-party subpoenas from the Superior Court of Fulton County based on the letters rogatory issued by the Missouri court.

whether a chapter 11 case constitutes a “bad faith filing” look to a number of factors, often referred to as the “*Piccadilly*” factors: (1) the debtor has only one asset; (2) the debtor has few unsecured creditors whose claims are small in relation to the claims of the secured creditors; (3) the debtor has few employees; (4) the property at issue is the subject of a foreclosure action as a result of arrearages on the debt; (5) the debtor’s financial problems involve essentially a dispute between the debtor and the secured creditors which can be resolved in an existing state court action; (6) the timing of the debtor’s filing evidences an intent to delay or frustrate the legitimate efforts of the debtor’s creditors to enforce their rights. *See id.* at 1394-95.

14. Here, each of the applicable *Piccadilly* factors strongly cut in favor of dismissing the Debtor’s petition as a bad faith filing:

- **Piccadilly Factor 1: Number of Assets.** The existence of relatively few assets cuts in favor of dismissal. *See In re Canbec Inv. Corp.*, 349 B.R. 915, 918 (Bankr. M.D. Fla. 2006). Here, the Debtor’s estate consists of (a) cash and cash equivalents, (b) investment accounts, (c) a 2021 Porsche Cayenne, (d) trademark/internet domain names, and (e) approximately \$970,000 in accounts receivable in connection with various loans the Debtor has made to Jim Hoft and Joe Hoft. *See* Docket No. 30, Schedule A/B; *see also* Docket No. 34 (revising value of Debtor’s assets on Schedule A/B upwards by over \$1 million).⁷
- **Piccadilly Factor 2: Number and Nature of Unsecured Creditors.** Beyond the plaintiffs in the Missouri Litigation and Colorado Litigation, the Debtors have few unsecured creditors with *de minimis* claims. *See* Docket No. 2 (listing largest unsecured creditor claim of \$16,546.05 and the majority of claims are under \$3,200); Docket No. 13 (the “Case Management Summary”) at ¶ 11 (reporting approximately \$108,000 in “known liquidated claims”). The second largest unsecured claim listed on the top twenty unsecured creditors list is owed to Jez Morano (i.e., the husband of Jim Hoft). There is no reason to believe the Debtor cannot pay

⁷ On May 2, 2024, the Debtor filed a balance sheet pursuant to Bankruptcy Code section 1116(1). *See* Docket No. 17 (the “Q1 2024 Balance Sheet”). The Q1 2024 Balance Sheet discloses the balances of three loans made by the Debtor to statutory insiders prior to the petition date. *See also* Docket No. 30, Schedule A/B (addendum to question 70). The first is a \$799,860 loan to Jim Hoft, apparently made in connection with a condominium. The second is a \$21,000 loan to Joe Hoft. The third is a \$150,000 loan to the “Justice League.” While the Debtor’s disclosures to date are not clear, The Gateway Pundit appears to be affiliated with the “Justice League for America for a Free Press.” *See* <https://www.givesendgo.com/G2HD4> (noting funds will cover expenses of the Debtor’s ongoing litigations and that “Campaign funds will be received by Jim Hoft.”). Courts have found prepetition loans made to insiders can be indicative of bad faith filings. *In re Gunnison Ctr. Apartments, LP*, 320 B.R. 391, 400-01 (Bankr. D. Colo. 2005). The Q1 2024 Balance Sheet also discloses over \$1.5 million in equity value and appears to show historic dividends from the Company of approximately \$930,000.

these creditors in the ordinary course of business. *See, e.g.*, Docket No. 28 (disclosing total cash in excess of \$275,000 at the end of April and projecting \$62,522.29 in positive net cash flow for May 2024);⁸ Q1 2024 Balance Sheet (disclosing current assets in excess of \$400,000). On May 30, 2024, the Debtor disclosed it owns Charles Schwab accounts of over \$1 million. Moreover, the Debtor could have over \$1 million in additional cash on hand if not for the three loans made to statutory insiders and the Debtor's acquisition of a 2021 Porsche (which is valued at approximately \$88,000 notwithstanding a \$50,000 in value depreciation). *See* Q1 2024 Balance Sheet.⁹

- **Piccadilly Factor 3: Number of Employees.** This factor cuts in favor of dismissal because the Debtor has only one employee. *See In re Outta Control Sportfishing, Inc.*, 642 B.R. 180, 184 (Bankr. S.D. Fla. 2022). The fact that the Debtor does business with various contract writers in the ordinary course of business does not change this analysis. *See id.*
- **Piccadilly Factor 5: Nature of the Disputes.** The Debtor disclosed that it filed for bankruptcy to address the Missouri Litigation and the Colorado Litigation. *See* Case Management Summary at ¶ 5 (noting “[m]ultiple litigations that threaten the Debtor’s continued viability and ability to continue operations.”); *see also* Docket No. 30, Statement of Financial Affairs, Part 3 (noting Debtor is defendant in only two litigations). However, courts favor dismissal when a debtor’s financial problems stem from a dispute that can be resolved in state court. *See In re Canbec Inv. Corp.*, 349 B.R. at 918. Moreover, “[c]ourts universally demand more of Chapter 11 petitions than a naked desire to stay pending litigation.” *In re Integrated Telecom Express, Inc.*, 384 F.3d 108, 128 (3d Cir. 2004). Here, dismissing the case would return the Missouri Litigation and the Colorado Litigation to their respective state courts, which makes sense for reasons including that (a) state courts are better positioned than the Bankruptcy Court to adjudicate issues of state tort law, (b) the costs of defending these litigations are presumably being paid by an applicable insurance policy,¹⁰ and (c) neither the Missouri Litigation nor the Colorado Litigation are particularly close to resulting in a judgment that would render the Debtor insolvent.¹¹

⁸ Confusingly, the US Bank statement attached to the Debtor’s April monthly operating report redacts the name of the account holders and lists the Debtor’s name (TGP Communications LLC) as a “doing business as” name.

⁹ Even a cursory review of the payments made in the 90 days prior to the petition date raises a number of additional red flags, including a \$17,280 payment to Jim Hoft, a \$33,186.17 payment to Jim Hoft’s husband, and a \$95,000 payment to the “Justice League.” *See* Docket No. 34, Amended Statement of Financial Affairs, Part 2 addendum (listed on page 28 of 31). In the same filing, the Debtor inexplicably answers “No” to the following question: “*Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?*” However, the Debtor’s own disclosures regarding existing loans and transfers prior to the petition date make it clear that this answer to this question should be “Yes.” Jim Hoft (on behalf of The Gateway Pundit) falsely answered that question under penalty of perjury two separate times. *See* Docket Nos. 30, 34.

¹⁰ The Case Management Summary discloses a \$2 million media professional insurance liability policy.

¹¹ As of the petition date, the Colorado Litigation has not even started general discovery.

- ***Piccadilly Factor 6: Intent to Frustrate Legitimate Efforts of Creditors to Reorganize.*** The timing of the chapter 11 filing—a mere 4 weeks before Jim Hoft was scheduled to be deposed, and 5 weeks before the close of fact discovery—further evidences the bad faith nature of this filing. *BAMC Dev. Holding, LLC v. Wilmington Sav. Fund Soc’y (In re BAMC Dev. Holding, LLC)*, No. 22-bk-01487, 2024 U.S. Dist. LEXIS 17522, at *13 (M.D. Fla. Feb. 1, 2024) (affirming bad faith filing where debtor filed two days after a dispositive motion in a prepetition lawsuit was scheduled for a hearing). The effort to frustrate creditors is particularly inequitable here where the Debtor continues to publish defamatory statements about the Freeman Plaintiffs.¹²

II. THE COURT SHOULD DISMISS THE CASE UNDER 11 U.S.C. § 305(a)

15. Bankruptcy Code section 305(a) provides: “The court . . . may dismiss a case under this title. . . if. . . the interests of creditors and the debtor would be better served by such dismissal. . . .” *See* 11 U.S.C. § 305(a). Courts in this district analyze the following factors when determining whether relief under section 305(a) is appropriate: (1) whether another forum is available or there is already a pending action in another court; (2) whether the creditor and debtor are actively engaged in an out of court workout; (3) the purpose for which bankruptcy jurisdiction has been sought; (4) whether the bankruptcy will unnecessarily interfere with state or federal regulatory schemes; (5) the effect of the bankruptcy proceeding on the debtor’s business; and (6) whether the bankruptcy action is essentially a two-party dispute. *In re Forever Propane Sales & Serv., Inc.*, 597 B.R. 696, 697 (Bankr. S.D. Fla. 2019). No one of these factors is dispositive, and courts use a flexible approach in their analysis. *Id.*

16. Dismissal is warranted under section 305(a) for many of the same reasons dismissal is warranted under section 1112(b). The Missouri and Colorado state courts provide a better forum to adjudicate the state law claims for defamation and intentional infliction of emotional distress

¹² These statements have continued on a post-petition basis. *See e.g.*, Jim, Hoft, *This Video Right Here is Why The Gateway Pundit is Under Constant Assault and Lawfare Attacks by the Tyrannical Left...*, The Gateway Pundit, (May 29, 2024, 8:15 AM), <https://www.thegatewaypundit.com/2024/05/this-video-right-here-is-why-gateway-pundit/> (claiming TGP has “hard evidence” [of Plaintiffs] “crashing into a counting room after observers were removed and running stacks of ballots through the machines three and four times each”). The Freeman Plaintiffs reserve all rights to file administrative expense claims for these post-petition tortious actions.

made against the Debtor. There is no imminent need for reorganization as evidenced by (a) neither the Missouri Litigation nor Colorado Litigation being procedurally close to determining liability, (b) the costs of those litigations being covered by insurance, and (c) the existence of minimal operational expenses.¹³ Moreover, there is no reason to believe the chapter 11 filing will negatively impact the Debtor’s business—a sentiment Jim Hoft himself has shared publicly.¹⁴

17. The final abstention factor also cuts in favor of dismissal because this is “essentially” a two-party dispute. *See In re Weakley Bayou, Inc.*, No. 22-30583, 2022 WL 17824218, at *4 (Bankr. N.D. Fla. Dec. 20, 2022). Here, the timing of the Debtor’s bankruptcy filing—the same day depositions of the Hoft brothers were noticed—suggests that the filing is just the latest effort to delay the Missouri Litigation. The existence of the Colorado Litigation should not alter the Court’s analysis. Using a flexible approach, Courts can analyze this factor in context of the cases as a whole (e.g., ability to meet debts as they come due, few unsecured creditors, few assets, one employee, suspicious timing of filing). The Debtor’s effort to improperly prejudice the plaintiffs in both the Missouri Litigation and Colorado Litigation through its chapter 11 filing should not somehow render otherwise unjustifiable tactics kosher. The law is not beholden to such reductivist logic. Accordingly, this factor also cuts in favor of dismissal.

III. ALTERNATIVELY, THE COURT SHOULD MODIFY THE AUTOMATIC STAY TO ALLOW THE MISSOURI LITIGATION TO PROCEED

18. Even if the Court determines that dismissal is justified under neither Bankruptcy Code section 1112(b) nor 305(a), the Court should modify the automatic stay to allow the Missouri

¹³ As of March 31, 2024, the Debtor’s balance sheet showed total liabilities of only \$6,604.29. *See* Docket No. 17.

¹⁴ *See* Jim Hoft, *Fact Check: No, The Gateway Pundit is Not Losing Its Audience — We Continue to be One of the MOST VISITED News Sites in America Today*, The Gateway Pundit (Apr. 25, 2024), <https://www.thegatewaypundit.com/2024/04/fact-check-no-gateway-pundit-is-not-losing/> (published day after the petition date and noting *The Gateway Pundit* is “doing better than ever”).

Litigation and Georgia Litigation to proceed. Section 362(d) allows the automatic stay to be modified if “cause” is established. To determine whether cause exists, courts engage in a harm-balancing exercise. *See In re Vital Pharms.*, 655 B.R. 374, 387 (Bankr. S.D. Fla. 2023).

19. Here, lifting the stay will harm neither the Debtor nor its estate. First, fact discovery in the Missouri Litigation was just over five weeks from completion when the Debtor filed for bankruptcy and will therefore require a minimal amount of the Debtor’s time and resources. Second, the costs of defending the Missouri Litigation are covered by insurance, meaning there is no concern of depleting estate assets. *See, e.g. In re Scott Wetzel Servs., Inc.*, 243 B.R. 802, 805 (Bankr. M.D. Fla. 1999) (finding proceeds of insurance policy are not estate property). In fact, lifting the stay will *benefit* the Debtor and its estate, which is a separate factor considered by courts when considering whether to lift the stay. The Missouri Litigation represents one of the Debtor’s largest—if not the largest—unsecured claim. And, given the nature of the claim, it is potentially nondischargeable. Accordingly, before any distributions can be made to creditors, the Missouri Litigation claims will need to be liquidated. Fully lifting the stay would allow the court best positioned to liquidate the claim to do so: the Missouri state court. At the very least, partially lifting the stay to allow for the completion of fact discovery would still benefit the estate by setting the table for a fair and efficient estimation proceeding.

20. In contrast, the Freeman Plaintiffs would be significantly harmed if the stay is not lifted. The interrelated nature of the claims in the Missouri Litigation—which include claims against the non-debtor Hoft brothers—has effectively caused all factual discovery in that case to be stayed. A full or partial modification of the stay would allow for the completion of factual discovery. This result would advance the fair and efficient administration of justice, the fourth and final factor courts look to when assessing whether to grant stay relief.

CONCLUSION

WHEREFORE, Ruby Freeman and Shaye Moss respectfully request that the Court enter an order granting this Motion and dismissing this chapter 11 case, or in the alternative, granting them relief from the automatic stay to continue the Missouri Litigation and Georgia Litigation.

I hereby certify that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

I further certify that on May 29, 2024, lawyers for the Freeman Plaintiffs contacted Debtor's counsel to meet and confer and to ask whether Debtor would consent to dismissing the chapter 11 case or lifting the stay with respect to the Missouri Litigation and Georgia Litigation. See Local Rule 9073-1(D). Debtor's counsel confirmed that it was not amenable to granting the relief sought in the Motion without the need for a hearing.

Dated: May 31, 2024

By: /s/ David A. Blansky

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed this Motion to Dismiss or in the alternative for Relief from the Automatic Stay with the Clerk of the Court using the Court's CM/ECF system on May 31, 2024, thereby serving all registered ECF users in the case.

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EXHIBIT A

**IN THE CIRCUIT COURT OF ST. LOUIS CITY, MISSOURI
TWENTY-SECOND JUDICIAL CIRCUIT**

RUBY FREEMAN and WANDREA MOSS,
Plaintiffs,
v.
JAMES HOFT, JOSEPH HOFT, and TGP COMMUNICATIONS LLC d/b/a *THE GATEWAY PUNDIT*,
Defendants.

Case No. 2122-CC09815-01

JURY TRIAL DEMANDED

SECOND AMENDED PETITION

Plaintiffs Ruby Freeman and Wandrea Moss, through their attorneys, file this Second Amended Petition against Defendants James Hoft, Joseph Hoft, and TGP Communications LLC d/b/a *The Gateway Pundit* (collectively, “Defendants”).

INTRODUCTION

1. The intentional dissemination of known falsehoods aimed at sowing doubt about the integrity of our elections threatens our very ability to function as a democracy. These falsehoods also destroy the lives of America’s election workers, whose service to our system of government places them in the crosshairs of those who seek to undermine it with their disinformation. Plaintiffs Ruby Freeman and Wandrea “Shaye” Moss have been the targets of such a campaign of lies, accused by Defendants James Hoft, Joseph Hoft, and *The Gateway Pundit* of committing ballot fraud to alter the outcome of the 2020 presidential election in Georgia. The lies about Ms. Freeman and Ms. Moss have not only devastated their personal and professional reputations but instigated a deluge of

intimidation, harassment, and threats that has forced them to change their phone numbers, delete their online accounts, and fear for their physical safety.

2. *The Gateway Pundit* presents itself as an online news source committed to responsible journalism: “All our content should be true. No value is more important than this.”¹ But *The Gateway Pundit*’s stock in trade is spreading disinformation, including lies about the integrity of the 2020 election. According to NewsGuard, a company that rates journalistic credibility, during the 2020 presidential election *The Gateway Pundit* regularly featured “false reports, conspiracy theories, and unfounded allegations, with no distinction made between opinions and actual news reports.”²

3. In fact, Defendants are among the leading purveyors of false information in the United States, spreading baseless conspiracy theories and disinformation for fame and fortune. *The Gateway Pundit* has been identified as *the* top producer of false content during and after the 2020 presidential election. In the fourth quarter of 2020, *The Gateway Pundit* raked in ad revenue by achieving 7.2 million shares on social media of its bogus election fraud stories—far more than the social media shares for such national news sites such as *The Washington Post*, NBC News and NPR.³

4. This action seeks to hold Defendants accountable for just some of their knowing lies—their false and endlessly repeated accusations that Ms. Freeman and Ms. Moss committed election fraud by, among other things, conspiring to empty the room

¹ Gateway Pundit, *About*, <https://www.thegatewaypundit.com/about/> (last visited Nov. 30, 2021).

² NewsGuard, *Media Analysis of the US Election: August 2020*, Pressrelations – Knowledge Discovery, 36 (Sept. 4, 2020), https://www.pressrelations.com/files/user_upload/US-election_analysis_August_withAppendix_EN.pdf.

³ Adrienne Goldstein, *Social Media Engagement with Deceptive Sites Reached Record Highs in 2020 | Strengthening Transatlantic Cooperation*, German Marshall Fund of the United States (Jan. 27, 2021), <https://www.gmfus.org/news/social-media-engagement-deceptive-sites-reached-record-highs-2020/>.

where they were counting ballots of poll watchers, producing secret “suitcases” full of illegal ballots, and running those ballots through vote counting machines multiple times. In making these false accusations, Defendants apparently drew their inspiration from lawyers for the Trump campaign, who contended on December 3, 2020, that grainy security camera footage showed unidentified persons counting illegal ballots. Defendants took these unsupported factual assertions and almost immediately published them to millions of readers, subsequently attributing names and additional accusations of criminal fraud against Ms. Freeman and Ms. Moss.

5. Within 24 hours, the claims had been publicly and definitively refuted by Georgia elections officials through a detailed explanation of what the misinterpreted video actually showed: no suitcases; no illegal ballots; no voter fraud. Defendants nonetheless repeated and republished the completely fictitious account, month after month, long after it was conclusively shown to be untrue. With no concern for the truth or the consequences of their willful conduct, Defendants baselessly portrayed Plaintiffs as traitors who participated in a carefully planned conspiracy to steal the presidential election in Georgia.

6. Defendants’ reports were both false and consequential. They caused Ms. Freeman and Ms. Moss to be vilified on social media and subjected to an onslaught of violent, racist threats and harassment of all kinds. At the height of Defendants’ campaign of disinformation, Ms. Freeman, at the recommendation of the FBI, fled her home and did not return for two months. On January 6, 2021, a crowd on foot and in vehicles surrounded Ms. Freeman’s house. Ms. Freeman was forced to shutter her online business when social media became impossible to navigate. Ms. Moss has suffered personal and professional consequences in her work on Fulton County elections. On at least two occasions, strangers

showed up at her grandmother's home and attempted to push into the house in order to make a "citizens' arrest." Fulton County elections' general email address would forward incoming emails to Ms. Moss and many of her colleagues, filling her workplace with harassing messages.

7. As a result of Defendants' ongoing campaign, both women are afraid to live normal lives. Ms. Freeman is fearful when she hears her name called in public; Ms. Moss now fears risking even a visit to the grocery store and must get her groceries delivered instead. Defendants have inflicted and continue to inflict severe and ongoing emotional, and economic damage on both plaintiffs.

8. Plaintiffs file this lawsuit to vindicate their reputations and to ensure that other patriotic Americans who step forward to help make our election system function do not likewise become victims of abuse.

PARTIES

9. Plaintiff Ruby Freeman is a natural person and citizen of Georgia. Ms. Freeman worked as a temporary election worker with the Fulton County Registration and Elections Department during the 2020 general election. Her responsibilities as a temporary election worker included verifying signatures as absentee ballots came in, and then preparing absentee ballots for counting and processing.

10. Plaintiff Wandrea "Shaye" Moss is a natural person and citizen of Georgia. Ms. Moss has worked for the Fulton County Registration and Elections Department since 2012. Ms. Moss's current position with the County is a Registration Officer, and her responsibilities include processing voter applications and assisting voters in person and

over the phone. During the 2020 general election, she supervised Fulton County's absentee ballot operation.

11. Defendant James "Jim" Hoft is a natural person and citizen of Missouri whose principal place of residence is in St. Louis City, Missouri. Jim Hoft is the owner and the sole organizer of TGP Communications LLC. He is the editor of and frequent contributor to a political website and blog called *The Gateway Pundit* that he created in 2004.

12. Defendant Joseph "Joe" Hoft is a natural person and citizen of Missouri, where he hosts a daily radio show from a studio in Chesterfield, Missouri. He also maintains a residence in Jensen Beach, Florida. He is Jim Hoft's twin brother. Joe Hoft writes regularly for *The Gateway Pundit*.

13. Defendant TGP Communications LLC d/b/a The Gateway Pundit ("*The Gateway Pundit*") is a limited liability company organized and existing under the laws of Missouri. At all times, *The Gateway Pundit* was acting by or through its authorized agent(s), employee(s), representative(s) or owner(s). Upon information and belief, *The Gateway Pundit* publishes its articles and related social media posts from James Hoft's principal place of residence in St. Louis City, Missouri.

14. *The Gateway Pundit* has no registered agent. Gregory J. Hickel, the only agent *the Gateway Pundit* had registered with the Missouri Secretary of State, passed away in 2016, and *The Gateway Pundit* has not registered another agent.

JURISDICTION AND VENUE

15. Plaintiffs filed this case in Missouri state court. Defendants improperly removed the case to federal district court. The case was remanded to this Court on June 6, 2022.

16. The Courts of the State of Missouri have personal jurisdiction over all Defendants because all Defendants have published defamatory statements in Missouri, and taken other actions in Missouri, such statements and actions being the subject of this Petition, and accordingly this suit arises out of and relates to Defendants' contacts with Missouri.

17. The Courts of the State of Missouri may exercise personal jurisdiction over Jim Hoft as he is a resident and domiciliary of Missouri and he committed tortious actions giving rise to this cause of action within Missouri.

18. The Courts of the State of Missouri may exercise personal jurisdiction over Joe Hoft as he is a resident and domiciliary of Missouri, writes for and maintains business contacts with *The Gateway Pundit*, and in the alternative, on information and belief, visited Missouri and/or had contacts with this State in connection with the conduct giving rise to this action.

19. The Courts of the State of Missouri may exercise personal jurisdiction over *The Gateway Pundit* as it is formed within and exists under the laws of Missouri, and it committed tortious actions giving rise to this cause of action within Missouri.

20. Venue is proper in St. Louis City, Missouri, because, pursuant to §508.010 R.S. Mo., in this action for defamation, Plaintiffs were first injured in St. Louis City, the

jurisdiction in which the defamation was first published. Additionally, individual defendant Jim Hoft's principal place of residence is St. Louis City, Missouri.

FACTS

A. The Role, Reach, and Reputation of *The Gateway Pundit*

21. *The Gateway Pundit* reaches a large audience. A study by the Berkman Klein Center for Internet & Society at Harvard University of mainstream and social media coverage during the 2016 presidential race showed that the website was one of the most popular media sources on the right. Between May 1, 2015, and November 7, 2016, the website was the fifth-most popular source on Twitter and the third-most popular source on Facebook (notably, Fox News was the fourth most popular source on Facebook for the same period).⁴

22. The reach of *The Gateway Pundit* grew further in the 2020 election cycle. Research by the German Marshall Fund, a non-partisan policy organization, found the site to have been "particularly dominant" during the election, with a ninefold increase in the sharing of its content on Twitter between the fourth quarter of 2018 and the fourth quarter of 2020.⁵ The report also noted that nine of the website's ten most popular articles in the fourth quarter of 2020 presented disinformation about voter fraud.

23. In September 2021, *The Gateway Pundit* had more than 2.8 million unique visitors, making it the eleventh-most-visited U.S. conservative site, according to one

⁴ Robert Faris et al., *Partisanship, Propaganda, and Disinformation: Online Media and the 2016 U.S. Presidential Election* at 13, Berkman Klein Ctr. for Internet & Soc'y, 13 (2017), <http://nrs.harvard.edu/urn-3:HUL.InstRepos:33759251/>.

⁵ Goldstein, *supra* note 3.

assessment.⁶ More than 650,000 users “like” its Facebook page, while 630,000 users “follow” the page.⁷ Roughly 98,000 people subscribe to its YouTube channel, and its videos regularly garner thousands of views.⁸

24. According to published reports, *The Gateway Pundit* earned as much as \$1.1 million in Google Ad revenue between November 2020 and June 2021.⁹ In February 2021, *The Gateway Pundit* began offering a subscription service.¹⁰

25. Despite its professed allegiance to the truth, *The Gateway Pundit* regularly publishes false claims. The Berkman Klein Center study identified seven online sources—both left- and right-leaning—that were highly influential on social media, highly partisan, and sometimes explicitly deceptive. Among these, the study stated, “Gateway Pundit is in a class of its own, known for ‘publishing falsehoods and spreading hoaxes.’”¹¹

26. Defendant Jim Hoft has responded derisively to the notion that *The Gateway Pundit* should verify information before publishing it. After a *New Yorker* reporter interviewing him in 2017 told Hoft to expect a call from the magazine’s fact-checkers, he responded: “Oh yeah, just like at the Gateway Pundit. We’ve got a huge

⁶ *US Conservative Websites Ranked by Unique Visitors, September 2021*, The Righting, <https://www.therighting.com/september-2021-conservative-website-metrics> (last visited Nov. 30, 2021).

⁷ *Gateway Pundit*, Facebook, <https://www.facebook.com/gatewaypundit> (last visited Nov. 30, 2021).

⁸ *Gateway Pundit*, YouTube, <https://www.youtube.com/c/GatewayPunditVideo/> (last visited Nov. 30, 2021).

⁹ *One of the Biggest Publishers of Election Misinfo Earned Up to \$1.1 Million in Google Ad Revenue*, Ctr. for Countering Digital Hate (July 29, 2021), <https://www.counterhate.com/post/gatewaypundit>.

¹⁰ Paul Wagman, *Loud, shrill and unknown: The strange case of the Gateway Pundit*, Gateway Journalism Review (July 6, 2021), <https://gatewayjr.org/loud-shrill-and-unknown-the-strange-case-of-the-gateway-pundit/>; *Subscribe to The Gateway Pundit!*, The Gateway Pundit, <https://www.thegatewaypundit.com/join/> (last visited Nov. 30, 2021).

¹¹ Faris et al, *supra* note 4, at 15 (quoting Ben Schreckinger, ‘Real News’ Joins the White House Briefing Room, Politico Mag. (Feb. 15, 2017), <https://www.politico.com/magazine/story/2017/02/fake-news-gateway-pundit-white-house-trump-briefing-room-214781/>).

department of full-time fact-checkers.” He then “laughed so hard that he nearly spilled his lemonade.”¹²

B. The 2020 Election in Fulton County, Georgia

27. In the fall of 2020, Americans cast ballots in the nation’s 59th presidential election, which pitted the incumbent, Republican Donald J. Trump, against the former Vice President, Democrat Joseph R. Biden. News coverage in the lead-up to Election Day noted that Georgia had “emerged as one of the nation’s biggest electoral battlegrounds in the race for the White House.”¹³

28. The voting process in Georgia began on September 15, 2020, when local officials began mailing out absentee ballots. Voters could cast early voting ballots in-person from October 12, 2020, until October 30, 2020, and they could vote by mail until Election Day, on November 3, 2020. All told, more than 4 million Georgians cast ballots during early voting or via absentee ballot in the 2020 election.¹⁴ On Election Day, when another 975,540 people cast votes,¹⁵ Georgia Secretary of State Brad Raffensperger observed, “We are having a successful election in Georgia today.”¹⁶

¹² Andrew Marantz, *Is Trump Trolling the White House Press Corps?*, New Yorker (Mar. 13, 2017), <https://www.newyorker.com/magazine/2017/03/20/is-trump-trolling-the-white-house-press-corps>.

¹³ Greg Bluestein, *Election Day Arrives: 5 Factors That Will Decide Georgia’s 2020 Race*, Atlanta J.-Const., (Nov. 3, 2020), <https://www.ajc.com/politics/election-day-arrives-5-factors-that-will-decide-georgias-2020-race/5K5HAAJJGBHDLB6KWTHQ7ODRE/>; *see also id.* (noting how “tantalizingly close” Democrats came to winning a statewide official in 2018).

¹⁴ *November 3, 2020 General Election*, Ga. Sec’y of State, <https://results.enr.clarityelections.com/GA/105369/web.264614/#!/detail/5000> (last visited Nov. 30, 2021).

¹⁵ *Id.*

¹⁶ Kate Brumback & Sudhin Thanawala, *Despite A Few Hiccups, Voting in Georgia Goes Smoothly*, Associated Press (Nov. 4, 2020), <https://apnews.com/article/election-2020-virus-outbreak-primary-elections-georgia-elections-ce8204935e991f740c94d6bc464481cf>.

29. In Fulton County, absentee ballots were counted in State Farm Arena. Plaintiffs were employed to assist in the vote tabulation process at the arena.

30. On November 3, 2020, an overflowing urinal at State Farm Arena led to a brief voluntary evacuation of the affected area.¹⁷ According to a press release at the time:

At approximately 6:07 a.m., the staff at State Farm Arena notified Fulton County Registration & Elections of a water leak affecting the room where absentee ballots were being tabulated. The State Farm Arena team acted swiftly to remediate the issue. Within 2 hours, repairs were complete. No ballots were damaged, nor was any equipment affected. There was a brief delay in tabulating absentee ballots while the repairs were being conducted.¹⁸

The *Atlanta Journal-Constitution* reported on November 3 that a pipe break had caused a water leak at the ballot processing site and specifically noted that no ballots were damaged.¹⁹ It was later determined that the water leak had been caused by an overflowing urinal.²⁰

31. On November 13, 2020, NBC and CNN declared Biden the projected winner of Georgia.²¹

¹⁷ Decl. of Frances Watson ¶¶ 4, 6, *Pearson v. Kemp*, Civ. No. 1:20-cv-04809-TCB (N.D. Ga. Dec. 6, 2020), ECF No. 72-1, <https://s3.documentcloud.org/documents/20420664/frances-watson-affidavit.pdf>.

¹⁸ *Statement Regarding Absentee Ballot Tabulation at State Farm Arena*, State Farm Arena (Nov. 3, 2020), <https://www.statefarmarena.com/news/detail/statement-regarding-absentee-ballot-tabulation-at-state-farm-arena>.

¹⁹ Ben Brasch, *Fulton County Election Results Delayed After Pipe Bursts in Room with Ballots*, Atlanta J.-Const. (Nov. 3, 2020), <https://www.ajc.com/news/atlanta-news/fulton-election-results-delayed-after-pipe-bursts-in-room-with-ballots/4T3KPQV7PBEX3JVAIGJBNBSVJY/>.

²⁰ Declaration of Frances Watson ¶ 5, *Pearson v. Kemp*, Civ. No. 1:20-cv-04809-TCB (N.D. Ga. Dec. 6, 2020), ECF No. 72-1 (stating that the Secretary of State’s Office launched an investigation that “revealed that the incident initially reported as a water leak late in the evening on November 3rd was actually a urinal that had overflowed early in the morning of November 3rd” and confirming that this leak “did not affect the counting of votes by Fulton County later that evening”), <https://s3.documentcloud.org/documents/20420664/frances-watson-affidavit.pdf>.

²¹ Adam Edelman, *With final states called, Biden’s projected Electoral College victory matches Trump’s in 2016*, NBC News (Nov. 13, 2020), <https://www.nbcnews.com/politics/2020-election/final-states-called->

32. From November 11 through November 19, 2020, county election officials carried out a risk-limiting audit, which included a full manual tally of all votes cast and confirmed Biden had won Georgia's election.²² "Audit boards from all 159 Georgia counties examined 41[,]881 batches, hand-sorting and counting each ballot as part of the process, which was the largest hand count of ballots in United States history." According to the audit, "no individual county showed a variation in margin larger than 0.73%." Moreover, "103 of the 159 counties showed a margin variation of less than 0.05%."²³ It concluded that "the correct winner was reported."²⁴

33. On November 20, 2020, Secretary of State Raffensperger certified Biden's victory. That same day, Republican governor Brian Kemp certified Georgia's election results.²⁵

34. President Trump requested a recount, which was conducted using scanners that read and tally the votes.²⁶ The recount was the third tally of votes in the Georgia presidential race and the third tally to conclude that Joe Biden won the election. On

biden-s-projected-electoral-college-victory-matches-n1247766. Gregory Krieg, *Joe Biden becomes first Democrat in 28 years to win Georgia*, CNN (Nov. 13, 2021), <https://www.cnn.com/2020/11/13/politics/joe-biden-wins-georgia/index.html>.

²² "Like any risk-limiting audit, this audit does not confirm or correct the exact margin of victory. It only provides sufficient evidence that the correct winner was reported." *Risk-Limiting Audit Report: Georgia Presidential Contest, November 2020*, Georgia Secretary of State (Nov. 19, 2020), https://sos.ga.gov/admin/uploads/11.19_20_Risk_Limiting_Audit_Report_Memo_1.pdf.

²³ *Id.*

²⁴ *Id.*

²⁵ Kate Brumback, *Georgia Officials Certify Election Results Showing Biden Win*, Associated Press (Nov. 20, 2020), <https://apnews.com/article/georgia-certify-election-joe-biden-ea8f867d740f3d7d42d0a55c1aef9e69>.

²⁶ Kate Brumback, *Georgia Again Certifies Election Results Showing Biden Won*, Associated Press (Dec. 7, 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-4eeea3b24f10de886bcdeab6c26b680a>.

December 7, 2020, Georgia officials recertified Biden's victory of the state's 16 electoral votes.²⁷

C. Trump's Legal Team Initiates the Lie That Georgia Election Workers Illegally Instructed Observers to Leave and Counted Thousands of Fraudulent Ballots Unobserved

35. On December 3, 2020, Donald Trump's legal team testified before the Georgia State Senate, alleging that fraud and misconduct had occurred during Georgia's November 2020 election.²⁸

36. In an attempt to demonstrate that there had been irregularities in ballot-counting, a lawyer for the Trump campaign named Jacki Pick played cherry-picked snippets of surveillance video of the absentee and military vote count at the State Farm Arena.²⁹ While the surveillance video of the vote counting on November 3 is 14 hours long, Ms. Pick played only a few brief excerpts during her 17-minute testimony.

37. While playing the video excerpts for the State Senate, Ms. Pick provided her own interpretation of what was being shown. She claimed that Republican observers had been asked to leave the arena in contravention of Georgia law and that, once they were gone, the election workers produced and counted 18,000 hidden, fraudulent ballots—more than the margin of victory in the presidential race.³⁰

²⁷ *Id.*

²⁸ Beau Evans, *Georgia Senate Panel Hosts Trump Attorney Giuliani As Election Officials Dispute Fraud Claims*, Augusta Chron. (Dec. 3, 2020), <https://www.augustachronicle.com/story/news/2020/12/03/georgia-senate-panel-probing-election-hosts-trump-attorney-giuliani/3818365001/>.

²⁹ Angelo Fichera, *Video Doesn't Show 'Suitcases' of Illegal Ballots in Georgia*, FactCheck.org (Dec. 4, 2020), <https://www.factcheck.org/2020/12/video-doesnt-show-suitcases-of-illegal-ballots-in-georgia/>. For video of the hearing, see also 11Alive, *Second Georgia Senate Election Hearing*, YouTube (Dec. 3, 2020), <https://www.youtube.com/watch?v=hRCXUNOwOjw>.

³⁰ 11Alive, *Second Georgia Senate Election Hearing*, YouTube (Dec. 3, 2020), <https://www.youtube.com/watch?v=hRCXUNOwOjw> (showing Ms. Pick's commentary on the surveillance footage from 33:27 to 50:26).

38. Ms. Pick described the surveillance videotape as showing Republican observers and the press leaving the room shortly before 11 p.m. after a “lady who has blonde braids” asked them to leave and told them that election workers were going to stop counting ballots for the day. The surveillance video had no sound to corroborate this claim, but Ms. Pick said she had been provided this information by the observers and noted that the video showed four election workers staying while observers and press departed. She identified the election workers in the room as “the lady in purple,” “two women in yellow,” and “the lady with the blonde braids also, who told everyone to leave.”³¹

39. Ms. Pick’s commentary continued as she played her video excerpt: “Once everyone is gone, coast is clear, they are going to pull ballots out from underneath a table.” Ms. Pick said it was not typical to store “suitcases” full of ballots under a table and pointed out a table which she claimed had been placed there earlier in the day by “the lady with the blonde braids.” Ms. Pick did not identify the four election workers by name but said “one of them had the name Ruby across her shirt somewhere.”³²

40. Ms. Pick acknowledged that the Trump legal team had taken only a couple of hours to review the 14 hours of surveillance footage, and no one working for the campaign had watched the entire video, even once.³³

41. Both the Georgia Secretary of State and the Georgia Bureau of Investigation immediately investigated Ms. Pick’s claims. The Secretary of State is a Republican who had been endorsed during his campaign by Donald Trump. They reviewed the security

³¹

Id.

³² *Id.*

³³ *Id.*

videotape, interviewed all witnesses who were present at the time of the alleged misconduct, and found no evidence whatsoever to substantiate any of Ms. Pick's claims.³⁴

42. Secure the Vote, a website maintained by the office of the Secretary of State, provides a detailed fact check of Ms. Pick's claims about what is depicted in the video.³⁵ Secure the Vote's timeline documents the events from November 3, 2020, actually shown on the video, including:

5:22 a.m.	Workers arrive at the State Farm Arena and discover a water leak. They immediately move tables and ballots away from the leak to prevent any water damage.
6:30 a.m.	Workers can be seen moving tables, but not tampering with ballots.
7:11 a.m.	Workers are seen vacuuming and drying the floors.
8:22 a.m.	Workers begin rearranging the room to its original layout. They move tables and ballot containers. The table under which a "suitcase" full of ballots was allegedly stashed is moved, revealing nothing hidden there.
9:57 p.m.	Poll workers prepare to stop work for the night and empty ballot containers are brought into the room. Workers then fill the containers with uncounted ballots.
10:06 p.m.	Poll workers store the containers with uncounted ballots under the table for the night while there are still many people in the room.
11:02 p.m.	After the Secretary of State ³⁶ told poll workers they should continue working through the night, they remove the containers with uncounted ballots from underneath the table and resume their counting.

³⁴ Response of the Georgia Secretary of State to the Court's Order of September 20, 2021, *Favorito v. Wan*, Civ. No. 2020CV343938 (Fulton Cnty. Ga. Super. Ct. Oct. 12, 2021), <https://www.gpb.org/news/2021/10/12/election-investigators-havent-found-evidence-of-counterfeit-ballots-in-georgia/>.

³⁵ *State Farm Arena*, Secure the Vote, <https://securevotega.com/fact-check/> (last visited Nov. 30, 2021).

³⁶ Voting Implementation Manager for the State of Georgia, Gabriel Sterling reported that Georgia's Secretary of State Brad Raffensperger ordered election workers to continue counting ballots through the night. Maggie Astor, A Georgia Election Official Debunked Trump's Claims of Voter Fraud, Point by Point, N.Y. Times (Jan. 4, 2021), <https://www.nytimes.com/2021/01/04/us/politics/trump-georgia-election-fraud.html>.

D. Defendants Publish and Republish the Lie

43. Immediately after Ms. Pick spoke in the Georgia Senate on December 3, 2020, the false accusation of wrongdoing and misleading excerpts from the surveillance video were circulated widely by the Trump campaign and various media outlets. For example, One America News Network rebroadcast the surveillance video shown earlier that day by the Trump lawyers with Ms. Pick's commentary.³⁷

44. The Trump campaign promptly amplified and republished a brief excerpt from the One America News Network's coverage³⁸ and distributed it repeatedly on Twitter that same day.³⁹ The excerpt depicted four individuals walking between desks while one individual removes containers from underneath a table in the foreground and brings them back to the desks. The individuals then remove ballots from the containers and process them.⁴⁰ (This edited footage from the surveillance video will hereafter be called the "Trump Edited Video.")

45. That same day, December 3, 2020, *The Gateway Pundit* published its first article disseminating the same Trump Edited Video. The story was promoted under the headline "HUGE! Video Footage From Georgia Shows Suitcases Filled with Ballots Pulled

³⁷ One America News Network, *Giuliani, TRUMP Legal Team Testify in GA.FULL 12/3/20*, YouTube (Dec. 4, 2020), <https://www.youtube.com/watch?v=3wObE1JCQMg/>.

³⁸ Donald J. Trump, *Video from GA Shows Suitcases Filled with Ballots Pulled From Under a Table AFTER Poll Workers Left*, YouTube (Dec. 3, 2020), https://www.youtube.com/watch?v=nVP_60Hm4P8/.

³⁹ @TeamTrump, Twitter (Dec. 3, 2020, 10:32 AM), available at https://web.archive.org/web/20201205090637mp_/https://twitter.com/TeamTrump/status/1334566301205925889/ (last visited Dec. 22, 2021); @TeamTrump, Twitter (Dec. 3, 2020, 10:44 AM), available at <https://web.archive.org/web/20201205122001/https://twitter.com/TeamTrump/status/1334569329334083586/> (last visited Nov. 30, 2021). The @TeamTrump account is no longer accessible on Twitter.

⁴⁰ Donald J. Trump, *Video from GA Shows Suitcases Filled with Ballots Pulled from under a Table after Poll Workers Left*, YouTube (Dec. 3, 2020), https://www.youtube.com/watch?v=nVP_60Hm4P8/.

From Under Table AFTER Supervisor Told GOP Poll Workers to Leave Tabulation Center.” Written by Cristina Laila, the article republished two Team Trump tweets about the video and added the following claims:

Poll watchers were kicked out of the State Farm Arena tabulation center on election night after a burst pipe caused flooding.

...

We now know that a pipe never burst. It was all a lie in order to kick out poll watchers while a few crooks stayed behind to count illegal ballots for Joe Biden.

Trump’s legal team showed a video from the State Farm Arena tabulation center when poll workers were told to leave at 10:25 PM.

A few “workers” stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated!⁴¹

46. The article concludes with a photo captioned, “Close up photo of the suitcases being wheeled out from under tables.”⁴²

⁴¹ Cristina Laila, *HUGE! Video Footage From Georgia Shows Suitcases Filled with Ballots Pulled From Under Table AFTER Supervisor Told GOP Poll Workers to Leave Tabulation Center*, Gateway Pundit (Dec. 3, 2020, 1:11 PM), <https://www.thegatewaypundit.com/2020/12/video-footage-georgia-shows-suitcases-filled-ballots-pulled-table-supervisor-told-gop-poll-workers-leave-tabulation-center/>. A true and correct copy of this article is attached as Exhibit 1. (Due to changes in the formatting of Defendants’ website since Plaintiffs filed the original Petition and First Amended Complaint, there are some differences in the formatting of the PDFs Plaintiffs have attached as exhibits, particularly with respect to the comments section on various articles.)

⁴² *Id.*



47. Defendant Jim Hoft amplified this story and its defamatory claims using his Twitter account.⁴³

48. A little while later, Hoft again amplified the story and added additional defamatory remarks, calling Ms. Freeman and Ms. Moss “dirty Crooks” and insinuating that they were political operatives:⁴⁴

⁴³ Jim Hoft (@gatewaypundit), Twitter (Dec. 3, 2020), *available at* <https://web.archive.org/web/20201207070649/https://twitter.com/gatewaypundit/status/1334577520478392320> (last visited Nov. 30, 2021). The @gatewaypundit account is no longer accessible on Twitter.

⁴⁴ Jim Hoft (@gatewaypundit), Twitter (Dec. 3, 2020), *available at* <https://web.archive.org/web/20201207070649/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021).



49. In the afternoon on December 3, *The Gateway Pundit* published another article, titled, “WHERE’S BILL BARR? — We Got Your Voter Fraud AG Barr — It’s On Video and They Attempted to Steal Georgia with It! — HOW ABOUT A FEW ARRESTS?”⁴⁵ It accused those in the video of “stay[ing] behind to count illegal ballots for Joe Biden” and “cheating”:

We now know that a pipe never burst. It was all a lie in order to kick out poll watchers while a few crooks stayed behind to count illegal ballots for Joe Biden.

Trump’s legal team showed a video from the State Farm Arena tabulation center when poll workers were told to leave at 10:25 PM.

A few “workers” stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated!

They were caught cheating!

⁴⁵ Jim Hoft, *WHERE’S BILL BARR? — We Got Your Voter Fraud AG Barr — It’s On Video and They Attempted to Steal Georgia with It! — HOW ABOUT A FEW ARRESTS?*, Gateway Pundit (Dec. 3, 2020, 2:29 PM), <https://www.thegatewaypundit.com/2020/12/bill-barr-got-voter-fraud-ag-barr-video-attempted-steal-georgia-arrests/>. A true and correct copy of this article is attached as Exhibit 2.

50. Jim Hoft amplified this story on Twitter.⁴⁶

51. Later on December 3, *The Gateway Pundit* published another article repeating the false report, headlined “What’s Up, Ruby?... BREAKING: Crooked Operative Filmed Pulling Out Suitcases of Ballots in Georgia IS IDENTIFIED.” Written by Defendant Jim Hoft, this article reasserted the false claims about “crooked Democrats” engaging in “voter fraud.”⁴⁷

52. This article was the first to identify by name Plaintiff Ruby Freeman as one of the workers in the video, naming Ms. Freeman and her business and falsely accusing her of voter fraud. It stated:

One woman in the video is wearing a purple top.

...

Her name is Ruby Freeman.

And she made the mistake of advertising her purse on her desk the same night she was involved in voter fraud on a MASSIVE SCALE.

Her T-shirt says “Lady Ruby” and her purse says, “LaRuby” which is her company.

This was not a very smart move.

Her company is called “LaRuby’s Unique Treasures.”

It’s on her LinkedIn page!

...

⁴⁶ Jim Hoft (@gatewaypundit), Twitter (Dec. 3, 2020), available at <https://web.archive.org/web/20201205214839/https://twitter.com/gatewaypundit/status/1334595742594428930> (last visited Aug. 23, 2022).

⁴⁷ Jim Hoft, *What’s Up, Ruby?... BREAKING: Crooked Operative Filmed Pulling Out Suitcases of Ballots in Georgia IS IDENTIFIED*, Gateway Pundit (Dec. 3, 2020, 8:49 PM), <https://www.thegatewaypundit.com/2020/12/ruby-breaking-crooked-democrat-filmed-pulling-suitcases-ballots-georgia-identified/>. A true and correct copy of this article is attached as Exhibit 3.

Maybe the Georgia police or Bill Barr's DOJ may want to pay Ruby Freeman a visit.⁴⁸

53. The article concluded with the following images of Ms. Freeman, over a banner saying "CROOK GETS CAUGHT."



54. Defendants Jim and Joe Hoft amplified this story on Twitter, too.⁴⁹

E. Despite Prompt and Authoritative Refutation of the False Report by Multiple Sources, Defendants Republish and Magnify the Lies for Months

55. The Trump legal team's claim of voter fraud in the State Farm Arena was flatly, fully, and publicly repudiated by Georgia election officials within 24 hours after it was made. At 6:41 a.m. on December 4, 2020, the Voting Implementation Manager for the State of Georgia, Gabriel Sterling, shot down the fanciful claim on Twitter: "The 90 second

⁴⁸ *Id.*

⁴⁹ Jim Hoft (@gatewaypundit), Twitter (Dec. 3, 2020), available at <https://web.archive.org/web/20201207070649/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021); Joe Hoft (@joeoft), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201207070649/https://twitter.com/joeoft> (last visited Nov. 30, 2021). Note that for many of Jim and Joe Hoft's tweets, web.archive.org does not appear to have captured the preview image.

video of election workers at State Farm arena, purporting to show fraud was watched in its entirety (hours) by @GaSecofState investigators. Shows normal ballot processing. Here is the fact check on it.”⁵⁰

56. Mr. Sterling’s tweet shared a link to a fact check published by Lead Stories, a fact-checking website that identifies false or misleading stories. It demonstrated that the Trump Edited Video did not show suitcases full of ballots being pulled from under a table, and that poll watchers were not told to leave.⁵¹ The fact check quotes Georgia election officials explaining that the containers in the video contained ballots that were processed for counting earlier in the night, that the vote count data and voter verifications negated the claim that thousands of fraudulent ballots had been introduced into the count, and that it was not illegal for election workers to count ballots in the observers’ absence.⁵²

57. Several days earlier, after reports of harassment and death threats against election officials, Mr. Sterling had made clear what he believed were the likely consequences of the continued attacks on Georgia’s election system. “Someone’s going to get hurt, someone’s going to get shot, someone’s going to get killed,” he had stated in a news conference.⁵³

⁵⁰ Gabriel Sterling (@GabrielSterling), Twitter (Dec. 4, 2020, 6:41 AM), <https://twitter.com/GabrielSterling/status/1334825233610633217>.

⁵¹ Alan Duke & Hallie Golden, *Fact Check: Video From Georgia Does NOT Show Suitcases Filled With Ballots Suspiciously Pulled From Under A Table; Poll Watchers Were NOT Told To Leave*, Lead Stories (Dec. 3, 2020), <https://leadstories.com/hoax-alert/2020/12/fact-check-video-from-ga-does-not-show-suitcases-filled-with-ballots-pulled-from-under-a-table-after-poll-workers-dismissed.html>.

⁵² *Id.*; see Angelo Fichera, *Video Doesn’t Show ‘Suitcases’ of Illegal Ballots in Georgia*, FactCheck.org (Dec. 4, 2020), <https://www.factcheck.org/2020/12/video-doesnt-show-suitcases-of-illegal-ballots-in-georgia/>.

⁵³ Stephen Fowler, *‘Someone’s Going To Get Killed’: Ga. Official Blasts GOP Silence On Election Threats*, NPR (Dec. 1, 2020, 8:58 PM ET), <https://www.npr.org/sections/biden-transition-updates/2020/12/01/940961602/someones-going-to-get-killed-ga-official-blasts-gop-silence-on-election-threats>.

58. Nonetheless, Jim Hoft authored another article published on *The Gateway Pundit* later that morning under the title “BREAKING: CROOKED GEORGIA ELECTIONS SUPERVISER [sic] Filmed Pulling Out Suitcases of Ballots from Beneath Table IS IDENTIFIED — IT’S RUBY’S DAUGHTER! (Video).” The article repeated the now-debunked allegations from the night before and introduced new false claims:

Earlier on Thursday Cristina Laila reported on the explosive video that was revealed during the Georgia ballot counting at the State Farm Arena where crooked Democrats pulled out suitcases full of ballots and began counting those ballots without election monitors in the room.

Trump’s legal team showed a video from the State Farm Arena tabulation center when poll workers were told to leave at 10:25 PM.

A few “workers” stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated!

...

We identified one of the operatives last night who was caught on video counting illegal ballots from a suitcase stashed under a table!

As you can see from the video one woman in a purple top was filmed helping pull out the ballots and then sitting down to count the ballots.

That woman has now been identified.

Local 11 News covered the story from the State Farm Arena that a pipe had burst.

(This later was proven to be complete fraud and an excuse to kick out the GOP election observers!)

...

Her name is Ruby Freeman.

And she made the mistake of advertising her purse on her desk the same night she was involved in voter fraud on a MASSIVE SCALE.

...

Ruby's purse was a hit and several fans wrote her on her LinkedIn page after they saw her and her purse on TV.

They then commented on her LinkedIn page.

Ruby Freeman still has an active Facebook page (as of 11 PM on Thursday night).

On her page Ruby Freeman brags about her "Shaye" being her supervisor.

It is clear from a video that was released that Shaye and Ruby are very close.

Here are a few entries from Ruby's Facebook page.

...

Ruby made a post on Facebook on Nov 3, "Look at my Baby giving that look to the employees. Mommie is so proud of you. Supervisor of registration."

And here is a closeup of the woman in question via a Getty image.

Her official name is "Wandrea Moss."

...

You can clearly see "Shaye" the woman in blonde pigtailed removing suitcases of ballots from under a table after GOP observers were evacuated from the room and told to go home.⁵⁴

59. Less than two hours after Voting Implementation Manager Sterling tweeted that what the video of Ms. Freeman and Ms. Moss showed was "normal ballot processing," Defendant Joe Hoft published an article titled, "CLOWN SHOW: Georgia Election Insider

⁵⁴ Jim Hoft, *BREAKING: CROOKED GEORGIA ELECTIONS SUPERVISER Filmed Pulling Out Suitcases of Ballots from Beneath Table IS IDENTIFIED — IT'S RUBY'S DAUGHTER! (Video)*, Gateway Pundit (Dec. 4, 2020, 7:35 AM), <https://www.thegatewaypundit.com/2020/12/breaking-crooked-elections-supervisor-filmed-pulling-suitcases-ballots-georgia-identified-rubys-daughter-video/>. A true and correct copy of this article is attached as Exhibit 4.

Gabriel Sterling Freaks Out and Labels Election Fraud Caught on Camera ‘Normal Ballot Processing.’” Rather than acknowledge the falsity of *The Gateway Pundit*’s earlier stories—or even neutrally reporting on the fact checks—that article lobbed a series of ad hominem attacks against Mr. Sterling and doubled down on Defendants’ false claims, including the statement:

Unfortunately for Sterling, we can’t even keep up with the amount of corruption in Georgia related to this year’s election. Yesterday for example, a video was unearthed by the Trump team showing Democrat counters in Atlanta pulling out suitcases full of ballots and counting them after sending Republicans home due to a falsely reported water main break (um, this is against the law Mr. Sterling).

But Sterling still wants to call it all a lie. He claims there was no corruption in this year’s election and he shares another totally bogus ‘fact check’ from Lead Stories as in his Facebook page as support that this is all normal. . . .⁵⁵

60. Joe Hoft amplified this story on Twitter by retweeting another user.⁵⁶

61. The same morning, Georgia Public Broadcasting published its own article fact-checking the election fraud claims made during the George State Senate hearing on the previous day. The article directly refuted the Trump legal team’s claims concerning the contents of the Trump Edited Video. It reported that the video showed a normal tabulation process, which both state and county officials had verified. It also reported that no observers had been asked to leave, but Republican monitors and the press did leave when

⁵⁵ Joe Hoft, *CLOWN SHOW: Georgia Election Insider Gabriel Sterling Freaks Out and Labels Election Fraud Caught on Camera ‘Normal Ballot Processing’*, Gateway Pundit (Dec. 4, 2020, 8:15 AM), <https://www.thegatewaypundit.com/2020/12/clown-show-georgia-election-insider-gabriel-sterling-freaks-labels-election-fraud-caught-camera-normal-ballot-processing/>.

⁵⁶ Joe Hoft (@joeoft), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201208010821/https://twitter.com/joeoft> (last visited Aug. 23, 2022).

some election employees stopped their work for the night. And it clarified that Georgia law does not require poll monitors to be present for the ballot counting process.⁵⁷

62. Defendants learned of the ongoing fact checks almost immediately after they were published.

63. Even after acknowledging the first fact check, and after the second fact check was published and available online, Jim and Joe Hoft published several additional articles on *The Gateway Pundit* on December 4, 2020, repeating and realleging the false claims that Ms. Freeman and Ms. Moss secretly brought illicit ballots into the arena to be counted and had committed massive voter fraud. Jim Hoft's next article was titled "NEW VIDEO Shows Anti-Trump Georgia Ballot Counter Ruby Freeman with Piles of Ballots, Walking Past Boxes of Ballots, Working Alone in Cubes WITH NO GOP OBSERVERS IN SIGHT!" and made new false and defamatory claims about Ms. Freeman:

Now there is video of Ruby Freeman filming herself entering the building to count Georgia ballots.

Ruby walks by several boxes of ballots just sitting around in the room.

The elections workers were each given their own secret cube.

Then Ruby goes to her desk and pulls out a tray of ballots on her desk.

There is NO supervisor or GOP observer anywhere in sight.

And then Ruby leaves the ballots on her desk as she goes to take a break.

⁵⁷ Stephen Fowler, *Fact Checking Rudy Giuliani's Grandiose Georgia Election Fraud Claim*, Georgia Public Broadcasting (Dec. 4, 2020, 8:27 AM), <https://www.gpb.org/news/2020/12/04/fact-checking-rudy-giulianis-grandiose-georgia-election-fraud-claim>, archived at <https://web.archive.org/web/20201204170112/https://www.gpb.org/news/2020/12/04/fact-checking-rudy-giulianis-grandiose-georgia-election-fraud-claim>.

This is suspicious activity. The State Farm Center was full of unsecured ballots and illegal conduct.⁵⁸

64. Jim and Joe Hoft amplified this story using their Twitter accounts.⁵⁹

65. At approximately 10:08 a.m. ET, Voting Implementation Manager Gabe Sterling joined Newsmax for a roughly 17-minute segment.⁶⁰ After playing a clip of the Trump Campaign's footage and soliciting comments from another guest, the host asked Sterling to weigh in on the video. Sterling straightforwardly debunked any claim that the video showed anything nefarious:

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

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

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

⁵⁸ Jim Hoft, *NEW VIDEO Shows Anti-Trump Georgia Ballot Counter Ruby Freeman with Piles of Ballots, Walking Past Boxes of Ballots, Working Alone in Cubes WITH NO GOP OBSERVERS IN SIGHT!*, Gateway Pundit (Dec. 4, 2020, 8:53 AM), <https://www.thegatewaypundit.com/2020/12/new-video-shows-anti-trump-georgia-ballot-counter-ruby-freeman-piles-ballots-walking-past-boxes-ballots-no-gop-observers-sight/>. A true and correct copy of this article is attached as Exhibit 5.

⁵⁹ Jim Hoft (@gatewaypundit), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201207070649/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021); Joe Hoft (@joehoft), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201208010821/https://twitter.com/joehoft> (last visited Nov. 30, 2021).

⁶⁰ Monkey Savant, *Gabriel Sterling and Chad Robichaux On Newsmax Discuss The GA Ballot Fraud Situation 12/04/20*, YouTube (Dec. 4, 2020), <https://www.youtube.com/watch?v=o6k2zRRPx4I>.

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

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

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

We have to ask ourselves in that period of time, I think it was about three to five thousand votes that were scanned, and did this elections crew of, you know, medium-paid, tired elections workers suddenly become the Ocean’s Eleven crew as part of a theft of an election? Or is it more likely they were tired and irritated?

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

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

66. On information and belief, Jim Hoft watched this segment, as he immediately criticized Newsmax for airing the segment and reiterated his false claims:⁶¹



67. Seeking to magnify the false claims and gain still more shares on social media, Jim Hoft published a fourth article on *The Gateway Pundit* on December 4, repeating the false and disproven claims from his earlier articles. This article was titled, "UPDATE: More on the Suitcase Vote Scam, the Elections Supervisor and that Strange 'Pass' Between Mother and Daughter That Was Also Caught on Video." It discussed the relationship between Ms. Freeman and Ms. Moss and introduced a new baseless allegation of still more illicit activity supposedly shown on the Trump Edited Video:

On her [Facebook] page Ruby Freeman brags about her "Shaye" being her supervisor.

...

And now there is video of Ruby secretly passing something to her daughter during the ballot counting.

⁶¹ Jim Hoft (@gatewaypundit), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201207070649/https://twitter.com/gatewaypundit/status/1334881814670938113> (last visited Nov. 30, 2021). Plaintiffs believe the timestamp available through web.archive.org is in Pacific Time.

It is not clear what was passed. Some readers say it was a USB stick but it is not clear what they passed to each other.

It sure looks like they were trying to hide this transaction.⁶²

68. This article made clear Defendants' ill-will toward Ms. Freeman in repeating the false claims against her over and over again. In it, Jim Hoft noted the consequences of *The Gateway Pundit's* publicity on Ms. Freeman and implicitly urged readers to harass her:

Ruby's purse was a hit and several fans wrote her on her LinkedIn page after they saw her and her purse on TV.

They then commented on her LinkedIn page.

Note: Please do not confuse this with a similar business in Snellville!

Ruby Freeman had an active Facebook page last night.

It was shut down early on Friday morning.⁶³

69. Jim Hoft amplified this story on social media.⁶⁴

70. Not satisfied with the harm done, Defendants published two more articles about Ms. Freeman on *The Gateway Pundit* later on December 4. The first, titled "Timing of Large Georgia Ballot Dump for Biden Appears to Coincide with Timing of Mother-Daughter Duo's Election Fraud Scam," was written by Joe Hoft and described Plaintiffs'

⁶² Jim Hoft, *UPDATE: More on the Suitcase Vote Scam, the Elections Supervisor and that Strange "Pass" Between Mother and Daughter That Was Also Caught on Video*, Gateway Pundit (Dec. 4, 2020, 1:51 PM), <https://www.thegatewaypundit.com/2020/12/update-ruby-freeman-elections-supervisor-shaye-ross-strange-pass-also-caught-video/>. A true and correct copy of this article is attached as Exhibit 6.

⁶³ *Id.*

⁶⁴ Jim Hoft (@gatewaypundit), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201207070649/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021).

processing of ballots as “the mother-daughter duo in Atlanta . . . messing with ballots in secret.” The article stated:

This is when a major portion of the steal took place in Georgia — which is about the same time that the mother daughter team of Trump haters kicked all Republicans out of the ballot counting room in Atlanta and started tabulating votes on their own after grabbing ballots out from underneath the table.⁶⁵

71. The next article, also written by Joe Hoft, summarized the false and already debunked claims in the previous articles from *The Gateway Pundit*, and it advanced the new false and defamatory smear that Ms. Freeman supposedly counted the same votes for Biden three times. Titled “UNBELIEVABLE: Anti-Trump Democrat In Georgia ‘Suitcase Scandal’ Caught Running Same Batch of Ballots Through Tabulator THREE TIMES! (VIDEO),” the article stated:

The mother – daughter team of ballot counters in Atlanta really overdid their fraud. We saw last night how they stuck around and counted ballots after kicking Republicans out of the State Farm Center on a fake water main break hoax.

We also saw the mother and daughter pass an object the size of a thumb drive between each other in a suspicious manner[.]

Now we have evidence mother Ruby sent the same stack of votes through a tabulator in the State Farm Center three times. This is illegal.

The corrupt Republican politicians in Georgia are giving the election to Joe Biden. Besides them, nobody did more to

⁶⁵ Joe Hoft, *Timing of Large Georgia Ballot Dump for Biden Appears to Coincide with Timing of Mother-Daughter Duo’s Election Fraud Scam*, Gateway Pundit (Dec. 4, 2020, 3:25 PM), <https://www.thegatewaypundit.com/2020/12/timing-large-georgia-ballot-dump-biden-appears-coincide-timing-mother-daughter-duos-election-fraud-scam/>. A true and correct copy of this article is attached as Exhibit 7.

steal the election for Joe Biden than this mother – daughter combo. The good people in Georgia need to stand up.⁶⁶

72. Defendants also posted the video embedded in this article to *The Gateway Pundit*'s YouTube channel with the caption, “Poll Worker Ruby Freeman Loads Up The Same Stack Of Ballots To Be Counted 3X,” which has been viewed more than 51,638 times at the time of filing.⁶⁷

73. Jim and Joe Hoft also amplified the story using their Twitter accounts.⁶⁸

74. Defendants later boasted that they originated the false and defamatory claim that Ms. Freeman tabulated the same votes three times.⁶⁹

75. On December 4, PolitiFact—a non-profit website that checks the accuracy of claims made by elected officials and others—published another fact check of the claim repeatedly made by *The Gateway Pundit* that video footage from Georgia showed suitcases filled with ballots being illegally counted after election monitors were told to leave. The PolitiFact article confirmed the conclusions of Lead Stories and Georgia Public Broadcasting that the claim was plainly false. It featured a statement from Richard Barron,

⁶⁶ Joe Hoft, *UNBELIEVABLE: Anti-Trump Democrat In Georgia ‘Suitcase Scandal’ Caught Running Same Batch of Ballots Through Tabulator THREE TIMES! (VIDEO)*, Gateway Pundit (Dec. 4, 2020, 5:45 PM), <https://www.thegatewaypundit.com/2020/12/unbelievable-mother-along-daughter-handled-counted-ballots-alone-hours-georgia-ruby-freeman-caught-running-batch-ballots-tabulator-three-times/>. A true and correct copy of this article is attached as Exhibit 8.

⁶⁷ Gateway Pundit, *Corrupt Georgia Election Worker Seen Loading Same Ballots 3 Times into Machine*, YouTube (Dec. 4, 2020), <https://www.youtube.com/watch?v=RiREC3Zy20E> (last visited Aug. 24, 2022).

⁶⁸ Jim Hoft (@gatewaypundit), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201208081456/https://twitter.com/gatewaypundit/status/1335017338396176384> (last visited Aug. 23, 2022); Joe Hoft (@joeoft), Twitter (Dec. 4, 2020), available at <https://web.archive.org/web/20201208010821/https://twitter.com/joeoft> (last visited Aug. 23, 2022).

⁶⁹ Joe Hoft, *Fulton County 2020 Election Case’s Request is Granted - Election Workers Ruby Freeman, Wandrea Moss, and Happy Faces Personnel Group Are Added to the Case*, Gateway Pundit (Aug. 14, 2021, 9:15 AM), <https://www.thegatewaypundit.com/2021/08/fulton-county-2020-election-cases-request-add-ruby-freeman-wandrea-moss-happy-faces-personnel-group-case-granted/>. A true and correct copy of this article is attached as Exhibit 9.

the elections director in Fulton County, who confirmed that no announcement was made telling people to leave. Rather, certain staff members left as their work was finished. Mr. Barron himself told the workers scanning the ballots to keep working. Mr. Barron also confirmed that it was normal to keep containers under the tables near the scanners.⁷⁰

76. Two days later, on December 6, 2020, after the Defendants' statements had been thoroughly refuted by multiple state and county officials, Defendants published three more articles in *The Gateway Pundit*. The first repeated earlier lies that Plaintiffs had engaged in fraud:

[T]he secret suitcase ballots were pulled out from their hiding place under the tables.

They then ran the Biden only ballots through the tabulators multiple times. These votes were all for Biden and fraudulently gave Biden the lead in the race.⁷¹

77. Jim Hoft tweeted a link to the article.⁷²

78. The second two articles purported to disclose “exclusive” new information about the “man in red” shown in the security video, and each repeated the false claims that Ms. Freeman and Ms. Moss were involved in “voter corruption”:

[I]t was uncovered that a mother and daughter team, Ruby Freeman and her daughter “Shaye” Moss as well as a couple others, stuck around after sending everyone home and started running ballots through tabulators. Ballots were

⁷⁰ Bill McCarthy, *No, Georgia Election Workers Didn't Kick Out Observers and Illegally Count 'Suitcases' of Ballots*, PolitiFact (Dec. 4, 2020), <https://www.politifact.com/factchecks/2020/dec/04/facebook-posts/no-georgia-election-workers-didnt-kick-out-observe/>.

⁷¹ Joe Hoft, *The Same Organized Fraud That Took Place in Michigan Took Place in Georgia on Election Night — Republicans Were Removed from the Counting Area and the Massive Spike in Biden Only Votes Is Recorded*, Gateway Pundit (Dec. 6, 2020, 8:15 AM), <https://www.thegatewaypundit.com/2020/12/thing-happened-michigan-happened-georgia-election-night-republicans-removed-counting-area-massive-ballot-drop-biden-votes/>. A true and correct copy of this article is attached as Exhibit 10.

⁷² Jim Hoft (@gatewaypundit), Twitter (Dec. 6, 2020), available at <https://web.archive.org/web/20201206191516/https://twitter.com/gatewaypundit/status/1335631252217532421> (last visited Aug. 23, 2022).

pulled out from under a table that were previously covered up and processed with no Republican observers.

The mother - daughter team have become infamous in the annals of voter corruption[.]⁷³

79. Jim Hoft amplified these stories on Twitter.⁷⁴

80. Also on December 6, Georgia Governor Brian Kemp filed in federal court a sworn affidavit from Frances Watson, chief investigator for the Georgia Secretary of State, further refuting these lies. Gov. Kemp filed this affidavit in *Pearson v. Kemp*, Civ. No. 1:20-cv-04809-TCB (N.D. Ga), in response to claims by a group of Presidential Electors for Trump of widespread election-related misconduct. The affidavit detailed the results of an investigation by Ms. Watson into the alleged events at the State Farm Arena. Ms. Watson attested that her investigative team interviewed witnesses and reviewed the entire security footage. Her investigation found that (a) observers and members of the press were *not* told to leave, but exited the room after seeing a group of workers responsible for opening envelopes leave; and (b) no ballots were brought in from an unknown location and hidden under a table. She also stated that the video showed opened but uncounted ballots

⁷³ Joe Hoft, *EXCLUSIVE: Review of Late-Night Ballot Counting in Atlanta's State Farm Arena Shows Mysterious 'Man In Red' Receiving Numerous Calls During the Ballot Heist But from Whom?*, Gateway Pundit (Dec. 6, 2020, 6:35 PM), <https://www.thegatewaypundit.com/2020/12/review-late-night-ballot-counting-atlantas-state-farm-arena-shows-mysterious-man-red-making-numerous-calls/>; Jim Hoft, *BREAKING EXCLUSIVE: Third Suspect from State Farm Center 'Suitcase Scandal' Identified as Ralph Jones, Sr. - Who Was in the News for Shady Deal with ATL Mayor Keisha Bottoms*, Gateway Pundit (Dec. 6, 2020, 9:23 PM), <https://www.thegatewaypundit.com/2020/12/breaking-exclusive-third-suspect-state-farm-center-suitcase-scandal-identified-ralph-jones-sr-news-shady-deal-atl-mayor-keisha-bottoms/> (republishing same paragraph). True and correct copies of these articles are attached as Exhibits 11 and 12, respectively.

⁷⁴ Jim Hoft (@gatewaypundit), Twitter (Dec. 6, 2020), available at <https://web.archive.org/web/20201208081456/https://twitter.com/gatewaypundit/status/1335757633836421121> (last visited Aug. 23, 2022); Jim Hoft (@gatewaypundit), Twitter (Dec. 6, 2020), available at <https://web.archive.org/web/20201208081456/https://twitter.com/gatewaypundit/status/1335787833760559111> (last visited Aug. 23, 2022).

being placed in boxes and stored under the table, and later showed the boxes being opened so the workers could scan the ballots when the counting resumed later that night.⁷⁵

81. The Watson affidavit's submission and its content were widely reported in the press on December 6 and 7, 2020.⁷⁶

82. Nonetheless, Jim Hoft published two more articles early on December 7 containing additional false and defamatory statements about Plaintiffs. The first labeled Ms. Freeman and Ms. Moss "suspects in the suitcase ballot fraud at the State Farm Center" and said they were captured on the "most explosive video of the entire campaign season" pulling "hidden ballots in the suitcases" out and counting them "after all of the GOP observers and media was sent home for a 'water main' break." It then mocked Ms. Freeman for supposedly saying she "needed a lawyer" and declining an interview request by "Carolyn Ryan TV."⁷⁷

83. Jim Hoft amplified this article on Twitter.⁷⁸

⁷⁵ Declaration of Frances Watson, *Pearson v. Kemp*, Civ. No. 1:20-cv-04809-TCB (N.D. Ga. Dec. 6, 2020), ECF No. 72-1, available at <https://s3.documentcloud.org/documents/20420664/frances-watson-affidavit.pdf>.

⁷⁶ See, e.g., Daniel Chaitin, *Chief Georgia Investigator: No 'Mystery Ballots' Seen in Security Video*, Wash. Examiner (Dec. 6, 2020, 11:56 PM), <https://www.washingtonexaminer.com/news/chief-georgia-investigator-no-mystery-ballots-seen-in-security-video>; Ronn Blitzer, *No 'Mystery Ballots' Hidden Under Table in Fulton County, Georgia Investigator Swears in Affidavit*, Fox News (Dec. 7, 2020), <https://www.foxnews.com/politics/fulton-county-georgia-no-mystery-ballots-under-table-investigator-affidavit>; Peter Weber, *Georgia's Top Election Investigator Debunks A Vote Fraud Conspiracy Involving 'Suitcases' of Ballots, A Urinal*, Yahoo News (Dec. 7, 2020), <https://news.yahoo.com/georgias-top-election-investigator-debunks-115236191.html>.

⁷⁷ Jim Hoft, *"I Won't Be Able to Be Interviewed – I Need an Attorney" — Georgia's Ruby Freeman Lawyers Up, Cancels Interview*, Gateway Pundit (Dec. 7, 2020, 7:15 AM), <https://www.thegatewaypundit.com/2020/12/wont-able-interviewed-need-attorney-georgias-ruby-freeman-lawyers-cancels-interview/>. A true and correct copy of this article is attached as Exhibit 13.

⁷⁸ Jim Hoft (@gatewaypundit), Twitter (Dec. 6, 2020), available at <https://web.archive.org/web/20201207070649/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021).

84. In a second article on December 7, 2020, Jim Hoft blasted out the “HUGE” news that the third “suspect” in the “suitcase scandal” was the same man who told reporters there had been a “water main break.” The article depicted the claim of a water problem as clever ruse to facilitate election fraud by Plaintiffs:

We know this was a lie because there was NEVER a work order filed and the water department never received a call. It never happened!

But it gave Ralph and Ruby and Shaye cover to complete their scam on Georgia and America!⁷⁹

85. Jim Hoft amplified this story on Twitter.⁸⁰

86. In a news conference on December 7, Gabriel Sterling, Georgia’s Voting Implementation Manager, once more refuted the lies about the Trump Edited Video that *The Gateway Pundit* was continuing to spread. He yet again confirmed that the surveillance video showed that the containers taken from under a table held valid, uncounted ballots that had been stored by workers who thought they were leaving for the night. After realizing that they were staying, the workers unpacked the ballots from the containers and resumed scanning them. Mr. Sterling specifically refuted the claim that election workers had illegally scanned the same ballots multiple times, explaining that any such action would have been revealed by the hand count undertaken by Georgia election officials and

⁷⁹ Jim Hoft, *HUGE! WE CAUGHT THEM! Conspiracy Revealed — 3rd Suspect in GA ‘Suitcase Scandal’ is Also the Same Man Who Spoke to Reporters on Water Main Break*, Gateway Pundit (Dec. 7, 2020, 8:29 AM), <https://www.thegatewaypundit.com/2020/12/huge-caught-criminal-conspiracy-revealed-3rd-suspect-ga-suitcase-scandal-also-man-spread-lies-water-main-broke-state-farm-center/>. A true and correct copy of this article is attached as Exhibit 14.

⁸⁰ Jim Hoft (@gatewaypundit), Twitter (Dec. 7, 2020), available at <https://web.archive.org/web/20201208081456/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021).

machine-based recount requested by the Trump campaign. Neither recount showed a meaningful change in results originally reported.⁸¹

87. In the evening on December 7, Jim Hoft further evidenced Defendants' awareness of the fact checks, sharing a link to an article in *The Federalist* discussing the various fact-checks:⁸²



88. Nonetheless, with full awareness that his statements about Ms. Freeman and Ms. Moss had been flatly and fully refuted by multiple officials and multiple fact-checking organizations, Jim Hoft continued to publish false statements on *The Gateway Pundit*.

89. On December 8, 2020, Jim Hoft published three new articles repeating and doubling down on the false and defamatory claims. The first article was titled “CONFIRMED: Supervisor Shaye Moss - Who “Yelled Out” for Georgia GOP Observers to GO Home - Is Same Woman Who Pulled the Suitcase Ballots Out from Underneath the

⁸¹ Nick Corasaniti, *Top Georgia Election Official Debunks 'Ridiculous' Claims About Election Fraud*, *The New York Times* (Dec. 7, 2020), <https://www.nytimes.com/2020/12/07/technology/suitcases-ballots-georgia-election.html>.

⁸² Jim Hoft (@gatewaypundit), Twitter (Dec. 7, 2020, 6:38 PM), <https://twitter.com/gatewaypundit/status/1336137974875033602>, available at <https://web.archive.org/web/20201208024013/https://twitter.com/gatewaypundit/status/1336137974875033602> (including link to Mollie Hemingway, *No, The Georgia Vote-Counting Video Was Not 'Debunked.' Not Even Close*, *Federalist* (Dec. 7, 2020), <https://thefederalist.com/2020/12/07/no-the-georgia-vote-counting-video-was-not-debunked-not-even-close/>).

Table When they Left.” In addition to repeating previously made false claims about Ms. Freeman and Ms. Moss, it stated:

Mollie Hemingway at The Federalist reported earlier today that poll watchers in sworn affidavits claim it was “a woman with blonde braids” who appeared to be a supervisor “yelled out” to those present in the room that they would stop working for the night and would resume in the morning.

Shaye told everyone to go home.

Then Shaye, her mother and a couple others including Ralph Jones, Sr. were filmed taking “suitcases” of ballots hidden under a table out to be tabulated. This was right before Joe Biden got his surprise spike in ballots.

And now the liberal media and their fake “fact-checkers” are lying about the incredible incident caught on video!⁸³

90. Jim Hoft’s second article on December 8 was titled, “NOW WITH AUDIO: Georgia Election Official Ralph Jones, Sr. Announced on Nov. 3rd Evening that Counting would Stop at 11 PM — Then Led Team to Count Stashed ‘Suitcase’ Ballots.” This article noted both the *Pearson v. Kemp* affidavit, which stated that the count was never intended to stop at 10:00 p.m., and Mr. Sterling’s statement that counting was resumed at 11:00 p.m. It stated:

Ralph led a team of operatives in carrying out a massive voter fraud scandal on election night at the State Farm Center in Atlanta, Georgia.

Ralph and his team plotted to remove ALL elections observers (Republicans) from the counting room so they could roll out their suitcases full of Joe Biden ballots and run them through the machine.

⁸³ Jim Hoft, *CONFIRMED: Supervisor Shaye Moss – Who “Yelled Out” for Georgia GOP Observers to Go Home – Is Same Woman Who Pulled the Suitcase Ballots Out from Underneath the Table When they Left*, Gateway Pundit (Dec. 8, 2020, 7:20 AM), <https://www.thegatewaypundit.com/2020/12/confirmed-supervisor-shaye-moss-yelled-georgia-gop-observers-go-home-woman-pulled-suitcase-ballots-underneath-table-left/>. A true and correct copy of this article is attached as Exhibit 15.

...

For the record — Georgia anti-Trump elections official Gabe Sterling later said that the local officials called for the counting to resume at 11 PM but this is just not true.

...

The elections officials used the “water main break” to say there was a delay in counting and they used that to send people home — except for the suitcase gang.

Then Ralph Jones, Sr., Ruby Freeman and her daughter Shaye Ross went to work rolling out the hidden suitcases of ballots stashed under the table and hidden from view.

It was their actions that gave Joe Biden the spike in unexplained votes in Georgia on Wednesday morning.

It appears that this was a conspiracy to remove observers from the center and then to commit their hidden suitcase ballot fraud.

...

The lying fake news media wants you to believe this entire incident was debunked.

Nothing could be further from the truth — something that is lacking in the mainstream media and their “fact-checkers” today.

We now have actual audio of Ralph Jones — the elections official at the heart of the “suitcase scandal” telling government officials the State Farm Center will shut down at 10 or 11 PM on Election night!

Georgia Secretary of State officials released an affidavit insisting there never was an intent to stop the count at 10:00 PM, but only the cutters were going to stop.⁸⁴

⁸⁴ Jim Hoft, *NOW WITH AUDIO: Georgia Election Official Ralph Jones, Sr. Announced on Nov. 3rd Evening that Counting would Stop at 11 PM — Then Led Team to Count Stashed ‘Suitcase’ Ballots*, Gateway Pundit (Dec. 8, 2020, 8:59 AM), <https://www.thegatewaypundit.com/2020/12/now-audio-georgia-election-official-ralph-jones-sr-announced-nov-3rd-evening-counting-stop-11-pm-led-team-count-stashed-suitcase-ballots/>. A true and correct copy of this article is attached as Exhibit 16.

91. Jim Hoft authored a third article that same day to discredit the fact check organization Lead Stories, one of the several outside groups that had found the “suitcase scandal” to be no scandal at all. He sought to undermine their credibility by writing: “Lead Stories we now know is funded by Facebook and a Chinese company. So it makes sense that they would target any conservative outlet that reported on this explosive video.”⁸⁵ He used the occasion to repeat yet again the false claim that Plaintiffs had “stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated after the GOP inspectors and media left the room,” in a pre-planned conspiracy to commit election fraud.

92. Jim Hoft amplified each of these stories on Twitter.⁸⁶

93. Defendants’ false and defamatory tirade targeting Ms. Freeman and Ms. Moss continued later that month. On December 15, 2020, Jim Hoft published an article insinuating that Ms. Freeman and Ms. Moss engaged in fraudulent activity and should be questioned by law enforcement:

As we have reported numerous times now the election numbers in Georgia are suspect, fraudulent, and impossible.

We even HAVE VIDEO of Democrats at work stealing votes from the people of Georgia.

...

⁸⁵ Jim Hoft, *China-Funded ‘Fact-Checker’ Lead Stories Pushes Bullsh*t That Fulton County ‘Suitcase’ Scandal Was Debunked — Will They EVER Tell the Truth?*, Gateway Pundit (Dec. 8, 2020, 1:11 PM), <https://www.thegatewaypundit.com/2020/12/china-funded-facebook-fact-checker-lead-stories-pushes-bullsh-t-fulton-county-suitcase-scandal-debunked-will-ever-tell-truth/>. A true and correct copy of this article is attached as Exhibit 17.

⁸⁶ Jim Hoft (@gatewaypundit), Twitter (Dec. 8, 2020), *available at* <https://web.archive.org/web/20201208224901/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021).

Has anyone questioned Ruby Freeman or her daughter?⁸⁷

94. On December 23, 2020, Jim Hoft published another article on this theme, repeating a tweet posted by Team Trump the day before. This article was titled “Has the FBI Spoken with Ruby Freeman or Ralph Jones Yet? And If Not, Why in the Hell Do we Have an FBI?” It repeated prior false and defamatory claims about Ms. Freeman and Ms. Moss published on *The Gateway Pundit*, boasting of the publication’s leading role in spreading the misinformation:

On Tuesday night President Trump tweeted out an OANN report on a Gateway Pundit investigation of the Atlanta suitcase voter fraud scandal.

The Gateway Pundit was first to identify Ruby Freeman, her daughter Wandrea “Shaye” Moss, and their boss Ralph Jones, Sr. in the infamous suitcase ballot hoist [sic].

We later reported on Ruby Freeman running the same batch of ballots through the counting machines at least three times after these Democrat operatives cleared the room of observers!

On Tuesday night President Trump tweeted this OANN and Gateway Pundit video.

⁸⁷ Jim Hoft, *PRESIDENT TRUMP Retweets Attorney Lin Wood: Kemp and Raffensperger “Will Soon be Going to Jail”*, Gateway Pundit (Dec. 15, 2020, 9:19 AM), <https://www.thegatewaypundit.com/2020/12/president-trump-retweets-attorney-lin-wood-kemp-raffensperger-will-soon-going-jail/>. A true and correct copy of this article is attached as Exhibit 18.



Shaye Moss is the same person who called out for observers to go home late on election night before the ballot hoist [sic].

Ralph Jones, Sr. is ON AUDIO telling reporters he was going to shut down the State Farm Center early and send observers home. This was BEFORE the suitcase ballot hoist [sic]!

It was a carefully planned event!

They had NO IDEA they would get caught!

At this time there is no evidence that FBI or the Georgia Bureau of Investigations have interviewed or arrested Ruby Freeman, Shaye Ross, or Ralph Jones, Sr.

They were able to flip Georgia for Beijing Biden by their actions.

Why is the FBI or DOJ not involved?

This tells you everything you need to know about your federal government.⁸⁸

95. Jim Hoft amplified this story on Twitter.⁸⁹

96. *The Gateway Pundit* published two additional articles about Plaintiffs on December 23 repeating the false and defamatory smear that Ms. Freeman “grabbed the ballots and started jamming the ballots into the Dominion tabulators three times” and that “Democrats using people like these poll workers stole the election for Joe Biden.” Joe Hoft published the first article, titled “President Trump Tweets Gateway Pundit Video Showing Poll Workers Stuffing Ballots Into Tabulators Numerous Times on Election Night.”⁹⁰ Jim Hoft published the second article on this theme, with substantially similar allegations.⁹¹

97. On December 26, 2020, *The Gateway Pundit* published an article reiterating previously debunked claims about Ms. Freeman and Ms. Moss. It stated:

Fulton County Georgia elections officials told the media and GOP observers that they were shutting down the tabulation center at State Farm Arena at 10:30 p.m. on election night because of an alleged water main rupture. But there was no break in the water line.

⁸⁸ Jim Hoft, *Has the FBI Spoken with Ruby Freeman or Ralph Jones Yet? And If Not, Why in the Hell Do we Have an FBI?*, Gateway Pundit (Dec. 23, 2020, 8:40 AM), <https://www.thegatewaypundit.com/2020/12/fbi-spoken-ruby-freeman-ralph-jones-yet-not-fbi/>. A true and correct copy of this article is attached as Exhibit 19.

⁸⁹ Jim Hoft (@gatewaypundit), Twitter (Dec. 23, 2020), available at <https://web.archive.org/web/20201226003813/https://twitter.com/gatewaypundit> (last visited Nov. 30, 2021).

⁹⁰ Joe Hoft, *President Trump Tweets Gateway Pundit Video Showing Poll Workers Stuffing Ballots Into Tabulators Numerous Times on Election Night*, Gateway Pundit (Dec. 23, 2020, 8:10 AM), <https://www.thegatewaypundit.com/2020/12/president-trump-retweets-gateway-pundit-video-showing-poll-workers-stuffing-ballots-tabulators-numerous-times-election-night/>. A true and correct copy of this article is attached as Exhibit 20.

⁹¹ Jim Hoft, *WTH? Twitter Says OANN Report of Gateway Pundit Investigation is Disputed – How Could This Be When We Are the Only Ones Who Wrote About It?*, Gateway Pundit (Dec. 23, 2020, 11:05 AM), <https://www.thegatewaypundit.com/2020/12/wth-twitter-says-oann-report-gateway-pundit-investigation-disputed-ones-wrote/>. A true and correct copy of this article is attached as Exhibit 21.

The Democrat workers continued counting ballots in secret until 1:00 a.m. Ruby Freeman and her daughter—elections supervisor Wandrea “Shaye” Moss—are clearly visible on video pulling out suitcases full of ballots and began counting those ballots without election monitors in the room.

...

Ruby and her daughter pulled out more than 11,779 ballots and can be seen entering those ballots multiple times into the Dominion machine.⁹²

98. Jim Hoft amplified this story on Twitter by retweeting another user.⁹³

99. Defendants’ targeting of Ms. Freeman and Ms. Moss continued into the new year. On January 1, 2021, Joe Hoft again published an article which repeated the false and defamatory claim that Plaintiffs were the “individuals dragging ballots out from under the tables in Georgia on election night on video,” insinuating that they engaged in criminal activity, and complaining that “none of these individuals have been interviewed, let alone prosecuted for their crimes that we are aware of.”⁹⁴

100. The next morning, Jim Hoft published an article titled “BREAKING: ANOTHER VIDEO of Corrupt GA Election Workers Feeding SAME BALLOTS Through Machines Numerous Times!” The article repeated the defamatory claim that Ms. Freeman jammed ballots through the machines three times and committed fraud.⁹⁵

⁹² Larry Johnson, *Bill Barr Did Not See Fraud Because He Refused To Look*, Gateway Pundit (Dec. 26, 2020, 7:34 PM), <https://www.thegatewaypundit.com/2020/12/bill-barr-not-see-fraud-refused-look/>. A true and correct copy of this article is attached as Exhibit 22.

⁹³ Jim Hoft (@gatewaypundit), Twitter (Dec. 27, 2020), *available at* <https://web.archive.org/web/20201228210249/https://twitter.com/gatewaypundit> (last visited Aug. 23, 2022).

⁹⁴ Joe Hoft, *What Are Americans To Do When the Justice Department Is Unjust, the Courts Won’t Adjudicate and the Media Covers It All Up?*, Gateway Pundit (Jan. 1, 2021, 9:58 AM), <https://www.thegatewaypundit.com/2021/01/americans-justice-department-unjust-courts-wont-adjudicate-media-covers/>. A true and correct copy of this article is attached as Exhibit 23.

⁹⁵ Jim Hoft, *BREAKING: ANOTHER VIDEO of Corrupt GA Election Workers Feeding SAME BALLOTS Through Machines Numerous Times!*, Gateway Pundit (Jan. 2, 2021, 7:30 AM),

101. Later on January 2, 2021, Donald Trump placed a telephone call to Georgia’s Secretary of State Brad Raffensperger, during which Mr. Trump pressured Mr. Raffensperger to change the outcome of the Georgia presidential election by finding more votes for him. To justify his request, Mr. Trump repeated some of the many false allegations about Ms. Freeman that Defendants had been publishing throughout December. These include statements calling her “a vote scammer, a professional vote scammer and hustler,” and asserting, “we’re so far ahead of these numbers, even the phony ballots of Ruby Freeman — known scammer.”⁹⁶

102. Over the next couple of days, Jim Hoft published a number of articles on *The Gateway Pundit* about this phone call. Several of these noted that the call was about how the election in Georgia was “wrought with fraud,” and observing that “[i]t’s not clear if Ruby Freeman . . . w[as] on the call.”⁹⁷ These articles imply she had a role in the alleged fraud.

<https://www.thegatewaypundit.com/2021/01/breaking-another-video-corrupt-election-workers-feeding-ballots-machines-numerous-times/>. A true and correct copy of this article is attached as Exhibit 24.

⁹⁶ WSJ Staff, *Trump’s Georgia Call: Listen to the Audio and Read a Full Transcript*, Wall St. J. (Jan. 3, 2021, 9:47 PM), <https://www.wsj.com/articles/listen-to-the-full-trump-ga-call-11609713527>.

⁹⁷ Jim Hoft, *Raffensperger’s Team Leaks President Trump’s Saturday Call to Fake News WaPo — Tells You Everything About the Dirty Georgia Leadership* (Jan. 3, 2021, 1:08 PM), <https://www.thegatewaypundit.com/2021/01/raffenspergers-team-leaks-president-trumps-saturday-call-fake-news-wapo-tells-everything-dirty-georgia-leadership/>; Jim Hoft, *Corrupt Georgia Secretary of State Raffensperger Insists Georgia’s Fraudulent Election Was Legitimate, Then Accuses President Trump of Lying* (Jan. 3, 2021, 4:21 PM), <https://www.thegatewaypundit.com/2021/01/corrupt-georgia-secretary-state-raffensperger-lies-georgias-2020-election-results-legitimate-calls-president-trump-liar/>; Jim Hoft, *President Trump Files Two Lawsuits Against Dirty Georgia Secretary of State Raffensperger for Leaking Confidential Litigation Call* (Jan. 3, 2021, 8:09 PM), <https://www.thegatewaypundit.com/2021/01/president-trump-files-two-lawsuits-dirty-georgia-secretary-state-raffensperger-leaking-confidential-litigation-call/>; Jim Hoft, *Report: White House Planning to Refer Brad Raffensperger to Secret Service for Investigation Under the Espionage Act* (Jan. 4, 2021, 7:15 AM), <https://www.thegatewaypundit.com/2021/01/raepport-white-house-planning-refer-brad-raffensperger-secret-service-investigation-espionage-act/>; Jim Hoft, *Dirtbody Georgia Secretary of State to Hold Press Conference at 3 PM* (Jan. 4, 2021, 11:37 AM), <https://www.thegatewaypundit.com/2021/01/dirtbag-georgia-secretary-state-hold-press-conference-3-pm/>. A true and correct copy of the article published January 3, 2021, at 4:21 p.m., is attached as Exhibit 25.

103. Jim Hoft amplified several of these stories using his Twitter account.⁹⁸

104. In a January 3, 2021, article by Jim Hoft about the call, the headline announced, “HUGE: TRUMP DROPS A BOMB DURING PHONE CALL! Tells Raffensperger ‘Vote Scammer and Hustler’ Ruby Freeman Was Behind Alleged 18,000 FRAUDULENT VOTES in Suitcase Scandal! (VIDEO).” The article republished the portion of the call’s transcript when Mr. Trump made the accusation of election fraud that Defendants had been publishing repeatedly since December 3, and it inserted Ms. Freeman’s name where it had been omitted by *The Washington Post*, which had broken the story about the call. It stated:

President Trump: We have at least 18,000, that’s on tape. We had them counted very painstakingly. 18,000 voters having to [sic] with BEEP [in red] (Ruby Freeman). She’s a vote scammer, a professional vote scammer and hustler. BEEP [in red] (Ruby Freeman) that is the tape that is shown all over the world. It makes everybody look bad, you, me and everybody else. Number one, they said very clearly, and it’s been reported that they said that there’s a water main break. Everybody fled the area. And then they came back. BEEP [in red] (Ruby Freeman) and her daughter and a few people.⁹⁹

⁹⁸ Jim Hoft (@gatewaypundit), Twitter (Jan. 3, 2021), available at <https://web.archive.org/web/20210103191234/https://twitter.com/gatewaypundit/status/1345810207587397633> (last visited Aug. 23, 2022); Jim Hoft (@gatewaypundit), Twitter (Jan. 3, 2021), available at <https://web.archive.org/web/20210104213119/https://twitter.com/gatewaypundit/status/1345915506423951360> (last visited Aug. 23, 2022); Jim Hoft (@gatewaypundit), Twitter (Jan. 4, 2021), available at <https://web.archive.org/web/20210104132453/https://twitter.com/gatewaypundit/status/1346085100224716801> (last visited Aug. 23, 2022); Jim Hoft (@gatewaypundit), Twitter (Jan. 4, 2021), available at <https://web.archive.org/web/20210104181156/https://twitter.com/gatewaypundit/status/1346156819052441600> (last visited Aug. 23, 2022).

⁹⁹ Jim Hoft, *HUGE: TRUMP DROPS A BOMB DURING PHONE CALL! Tells Raffensperger ‘Vote Scammer and Hustler’ Ruby Freeman Was Behind Alleged 18,000 FRAUDULENT VOTES in Suitcase Scandal! (VIDEO)*, Gateway Pundit (Jan. 3, 2021, 6:20 PM), <https://www.thegatewaypundit.com/2021/01/huge-trump-drops-bomb-phone-call-tells-raffensperger-vote-scammer-hustler-ruby-freeman-behind-18000-fraudulent-votes-suitcase-scandal-video/>. A true and correct copy of this article is attached as Exhibit 26.

105. The article then reminded readers of *The Gateway Pundit* that it “was first to identify Ruby Freeman, her daughter Shaye Moss and supervisor Ralph Jones, Sr. in the suitcase fraud scandal that was caught on tape and went viral online.”¹⁰⁰

106. Jim Hoft amplified this story on Twitter.¹⁰¹

107. On January 4, 2021, Georgia election officials held yet another press conference to refute the already-debunked election fraud allegations that Mr. Trump had raised in his call with Mr. Raffensperger.¹⁰² Gabriel Sterling once again described the events that occurred on election day at State Farm Arena, explained how they represented entirely normal ballot processing, and directed listeners to the Georgia’s Secretary of State’s website for a detailed timeline matched to the surveillance footage.¹⁰³ Sterling reiterated for the assembled reporters the actual series of events:

Late in the evening, after the water main break had been fixed, election workers prepared to go home for the night and followed standard procedures to store ballots securely: placing them in containers and affixing numbered seals. But when Mr. Raffensperger found out that they were closing up shop, he ordered them to continue counting through the night — so the workers retrieved the containers and resumed counting ballots.¹⁰⁴

¹⁰⁰ *Id.*

¹⁰¹ Jim Hoft (@gatewaypundit), Twitter (Jan. 3, 2021), available at <https://web.archive.org/web/20210105040422/https://twitter.com/gatewaypundit/status/1345888162455953410> (last visited Aug. 23, 2022).

¹⁰² 11Alive, *Georgia Senate Runoffs | Secretary of State’s Office Addresses Election Day, Claims*, YouTube (Jan. 4, 2021), <https://www.youtube.com/watch?v=K7IDlqJ66fU&t=740s>.

¹⁰³ *Fact Check*, Secure the Vote, <https://securevotega.com/fact-check/> (last accessed Nov. 7, 2021).

¹⁰⁴ Maggie Astor, *A Georgia Election Official Debunked Trump’s Claims of Voter Fraud, Point by Point*, N.Y. Times (Jan. 4, 2021), <https://www.nytimes.com/2021/01/04/us/politics/trump-georgia-election-fraud.html>.

Sterling expressed his great frustration that the Trump legal team “had the entire tape” revealing these facts, and nevertheless “intentionally misled the State Senate, the voters and the people of the United States about this.”¹⁰⁵

108. Defendants were well aware of the Georgia Secretary of State’s website and additional fact check, as evidenced by Jim Hoft’s tweet on January 4, 2021:¹⁰⁶



109. PolitiFact published a fact-check article about the Raffensperger call that same day, finding that the events described by Mr. Sterling lined up with previous reports from PolitiFact and other fact-checkers. This article repeated PolitiFact’s earlier assessment that the arena surveillance video showed no wrongdoing and provided no evidence of election fraud. It rated Mr. Trump’s claim that Georgia election workers pulled 18,000 ballots from suitcases and counted them for Biden as “Pants on Fire!” false.¹⁰⁷

¹⁰⁵ *Id.*

¹⁰⁶ Jim Hoft (@gatewaypundit), Twitter (Jan. 4, 2021), *available at* <https://web.archive.org/web/20210105040422/https://twitter.com/gatewaypundit/status/1346240056055517185> (last visited Nov. 30, 2021).

¹⁰⁷ Bill McCarthy, *Trump Rehashes Debunked Claim About ‘Suitcases’ of Ballots in Georgia Phone Call*, PolitiFact (Jan. 4, 2021), <https://www.politifact.com/factchecks/2021/jan/04/donald-trump/trump-rehashes-debunked-claim-about-suitcases-ball/>.

F. *The Gateway Pundit's Continuing Publication of False and Defamatory Claims*

110. Nonetheless, Defendants returned to their false statements about Ms. Freeman and Ms. Moss shortly afterward and continued long after Inauguration Day.

111. On January 5, 2021, Jim Hoft published an article criticizing Gabriel Sterling's press conference with the false and defamatory claim that Ms. Freeman had engaged in criminal conduct that Sterling was covering up:

Gabe Sterling misled his audience, defended the corrupt and likely criminal conduct at the State Farm Center on election night, defended Ruby Freeman for passing hundreds of ballots through a ballot counting machines [sic] at least three times.¹⁰⁸

112. Later that day, Joe Hoft published an article repeating substantially the same defamatory statements.¹⁰⁹

113. Jim Hoft amplified both of these stories on Twitter.¹¹⁰

¹⁰⁸ Jim Hoft, *CAUGHT ON VIDEO: Georgia Hack Gabe Sterling Called Out by Dominion Executive Eric Coomer*, Gateway Pundit (Jan. 5, 2021, 9:20 AM), <https://www.thegatewaypundit.com/2021/01/confirmed-dirty-hack-gabe-sterling-called-dominion-executive-eric-coomer-video/>. A true and correct copy of this article is attached as Exhibit 27.

¹⁰⁹ Joe Hoft, *Georgia Election Official Gabe Sterling Claims Processing was "Normal" At the State Farm Arena Election Night – Nothing Could Be Further from the Truth*, Gateway Pundit (Jan. 5, 2021, 1:02 PM), <https://www.thegatewaypundit.com/2021/01/georgia-election-official-gabe-sterling-claims-processing-normal-state-farm-arena-election-night-nothing-truth/>. A true and correct copy of this article is attached as Exhibit 28.

¹¹⁰ Jim Hoft (@gatewaypundit), Twitter (Jan. 5, 2021), available at <https://web.archive.org/web/20210105152726/https://twitter.com/gatewaypundit/status/1346477248367366147> (last visited Aug. 23, 2022); Jim Hoft (@gatewaypundit), Twitter (Jan. 5, 2021), available at <https://web.archive.org/web/20210105213817/https://twitter.com/gatewaypundit/status/1346571658593787908> (last visited Aug. 23, 2022).

114. On January 7, 2021, Joe Hoft published an article reiterating the false claim that Plaintiffs are operatives who carried out massive voter fraud and that the FBI should question Ms. Freeman regarding the “infamous ballot hoist [sic].”¹¹¹

115. Jim Hoft amplified this story on Twitter, as well.¹¹²

116. On January 17, 2021, Jim Hoft published an article on *The Gateway Pundit* titled “HERE THEY ARE: The Five Most Obvious Acts of Fraud in the 2020 Election that You Are No Longer Allowed to Discuss.” In this article, he listed “[t]he Georgia Late Night Hidden Suitcase Heist” as the first “MOST SIGNIFICANT ACT[] OF FRAUD IN THE 2020 ELECTION,” republished the boast about the publication’s role in spreading disinformation about Plaintiffs, falsely characterized their conduct as a criminal conspiracy in which “[t]hey had NO IDEA they would get caught,” and baselessly insinuated that they should be subject to federal investigation.¹¹³

117. On March 25, 2021, Joe Hoft published an article that republished earlier defamatory statements describing Plaintiffs as a “mother-daughter team of ballot counters in Atlanta [who] really overdid their fraud” and Ms. Freeman as a “Crooked Operative.”¹¹⁴

¹¹¹ Joe Hoft, *Project Veritas Identifies the Exact Moment Ralph Jones is Ordered by a judge to Stop Preventing Poll Watchers Access to Activities Going on in Atlanta*, Gateway Pundit (Jan. 7, 2021, 3:14 PM), <https://www.thegatewaypundit.com/2021/01/project-veritas-identifies-exact-moment-ralph-jones-ordered-judge-stop-preventing-poll-watchers-access-activities-going-atlanta/>. A true and correct copy of this article is attached as Exhibit 29.

¹¹² Jim Hoft (@gatewaypundit), Twitter (Jan. 7, 2021), available at <https://web.archive.org/web/20210107214951/https://twitter.com/gatewaypundit/status/1347298953105178625> (last visited Aug. 23, 2022).

¹¹³ Jim Hoft, *HERE THEY ARE: The Five Most Obvious Acts of Fraud in the 2020 Election that You Are No Longer Allowed to Discuss*, Gateway Pundit (Jan. 17, 2021, 6:33 PM), <https://www.thegatewaypundit.com/2021/01/five-obvious-acts-fraud-2020-election/>. A true and correct copy of this article is attached as Exhibit 30.

¹¹⁴ Joe Hoft, *TOO LITTLE TOO LATE — After Certifying Sham 2020 Election Results — Georgia Gov. Kemp Signs New Election Legislation*, Gateway Pundit (Mar. 25, 2021, 7:25 PM), <https://www.thegatewaypundit.com/2021/03/little-late-certifying-sham-2020-election-results-georgia-gov-kemp-signs-new-election-legislation/>. A true and correct copy of this article is attached as Exhibit 31.

118. On May 21, 2021, in response to a court order in *Favorito v. Wan*, No. 2020CV343938 (Fulton Cnty. Ga. Super. Ct. May 21, 2021), to unseal absentee ballots in Fulton County, Joe Hoft published another article falsely alleging voter fraud by Plaintiffs. After republishing the same defamatory statements as the March article, Joe Hoft again touted *The Gateway Pundit's* role in spreading the debunked narrative of Plaintiffs' fraud:

We nailed it in Georgia. We identified in the video below that the same ballots were pushed through voting machines two and three times.



President Trump retweeted this story (but this was taken down by Twitter.) [sic]¹¹⁵

119. The next day, Jim Hoft published another article identifying Ms. Freeman and Ms. Moss by name and image and republishing false allegations that they engaged in

¹¹⁵ Joe Hoft, *UPDATE: Georgia Judge Orders 145,000 Absentee Ballots from Fulton County to Be Scanned to Determine Legitimacy – Case Revolves Around Explosive Dec. Report from Gateway Pundit*, Gateway Pundit (May 21, 2021, 12:34 PM), <https://www.thegatewaypundit.com/2021/05/update-georgia-judge-orders-145000-absentee-ballots-fulton-county-scanned-determine-legitimacy-case-revolves-around-disturbing-tgp-findings/>. A true and correct copy of this article is attached as Exhibit 32.

fraud and counted ballots in secret after kicking Republicans out of the State Farm Center.¹¹⁶



120. On June 6, 2021, based on reports that Ms. Moss had been subpoenaed, Joe Hoft published an article on *The Gateway Pundit* republishing prior defamatory statements about Plaintiffs:

¹¹⁶ Jim Hoft, *Sidney Powell Weighs in on Georgia Audit: 145,000 Absentee Ballots, 106,000 Adjudicated Ballots, Video of Multiple Scannings of Same Ballots and Nine witnesses of Suspected Fake Ballots!*, Gateway Pundit (May 22, 2021, 9:05 AM), <https://www.thegatewaypundit.com/2021/05/sidney-powell-weighs-georgia-audit-145000-absentee-ballots-106000-adjudicated-ballots-video-multiple-scannings-ballots-nine-witnesses-suspected-fake-ballots/>. A true and correct copy of this article is attached as Exhibit 33.



It's getting hot in Georgia! One of the individuals caught on tape late on election night in Fulton County, Georgia, Wandrea Shaye Moss, has been subpoenaed for a deposition in a civil trial in Fulton County.

Who can forget Ruby, Ralph, and Ruby's daughter Wandrea Shaye?

After removing everyone from the State Farm Arena on 2020 Election night and sending them home, these three individuals and a couple of others pulled out ballots hidden under the table and began jamming them into the vote tabulation machines. The election workers were filmed shoving *stacks of ballots* through the machines two and three times each.

In early December The Gateway Pundit was first to identify the culprits. Ruby Freeman and her daughter Wandrea were two of the individuals who pulled the hidden ballots out from under the table on election night[.]

...

The Gateway Pundit also discovered that these piles of ballots were run through the tabulators multiple times.

...

We asked in December why the FBI had not spoken with the culprits and arrested them for election-related crimes.¹¹⁷

121. The following day, he published a similar article about Ms. Freeman, titled “BREAKING GEORGIA UPDATE: Ruby Freeman who Jammed Suspect Ballots Into Voting Machines Multiple Times on Election Night Is Subpoenaed,” in which he repeated prior defamatory statements:

Shaye Moss was famous for kicking everyone out of the room where votes were counted in Fulton County and telling observers to go home. Then Shaye and others including Ralph Jones and her mother Ruby dragged hidden boxes of ballots out from underneath tables and started running them through the machines. Ruby Freeman was caught on tape running the same stack of suspect ballots through the machines multiple times.¹¹⁸

122. Jim Hoft republished defamatory statements from this article a week later in a new posting on *The Gateway Pundit*.¹¹⁹

¹¹⁷ Joe Hoft, *BREAKING: Ruby Freeman’s Daughter Election Supervisor Wandrea Shaye Moss Is Subpoenaed for Deposition in Fulton County GA*, Gateway Pundit (June 6, 2021, 7:53 AM), <https://www.thegatewaypundit.com/2021/06/breaking-ruby-freemans-daughter-election-supervisor-wandrea-shaye-moss-subpoenaed-deposition-fulton-county-ga/>. A true and correct copy of this article is attached as Exhibit 34.

¹¹⁸ Joe Hoft, *BREAKING GEORGIA UPDATE: Ruby Freeman who Jammed Suspect Ballots Into Voting Machines Multiple Times on Election Night is Subpoenaed*, Gateway Pundit (June 7, 2021, 9:43 PM), <https://www.thegatewaypundit.com/2021/06/breaking-georgia-update-ruby-freeman-jammed-suspect-ballots-voting-machines-multiple-times-election-night-subpoenaed/>. A true and correct copy of this article is attached as Exhibit 35.

¹¹⁹ Jim Hoft, *CONFIRMED: Judge Delays Depositions from Georgia Election Workers Ruby Freeman and Her Daughter Shae Moss*, Gateway Pundit (June 14, 2021, 10:33 AM), <https://www.thegatewaypundit.com/2021/06/confirmed-judge-delays-depositions-georgia-election-workers-ruby-freeman-daughter-shae-moss/>. A true and correct copy of this article is attached as Exhibit 36.

123. On June 8, 2021, Jim Hoft published an article that republished earlier defamatory statements that Ms. Freeman was an “Anti-Trump Democrat” who was part of a “Suitcase Scandal” in which she was “[c]aught” counting ballots multiple times.¹²⁰

124. On June 11, 2021, Joe Hoft authored an article republishing these same defamatory claims.¹²¹

125. Then, on June 17, 2021, Jim Hoft published an article featuring a video of Secretary of State Raffensperger describing election safeguards, and averring that Georgia “had safe, secure, and honest elections.” Despite this, Jim Hoft included an image from election night identifying Ms. Freeman by name and again falsely alleging that Plaintiffs engaged in voter fraud:

Of course, NOTHING could be further of [sic] the truth.

The Gateway Pundit wrote several reports on the likely fraud and corruption in the November 2020 Georgia election.

...

[A] Gateway Pundit report exposed Georgia election officials repeatedly feeding hundreds and possibly thousands of ballots through the voting machines late at night in Atlanta, Georgia after the election observers were sent home.¹²²

¹²⁰ Jim Hoft, *Georgia Update: Attorneys back in Court on June 21 After Fulton County Officials Block Audit of Ballots — Attorney Requests Video Footage from Unsecured Building*, Gateway Pundit (June 8, 2021, 11:57 AM), <https://www.thegatewaypundit.com/2021/06/georgia-update-attorneys-back-court-june-21-fulton-county-officials-block-audit-ballots-attorney-requests-video-footage-unsecured-building/>. A true and correct copy of this article is attached as Exhibit 37.

¹²¹ Joe Hoft, *BREAKING: AG Merrick Garland Announces that His DOJ Will Scrutinize Any Post-Election Audits for Evidence of Voting Law Violations!*, Gateway Pundit (June 11, 2021, 3:03 PM), <https://www.thegatewaypundit.com/2021/06/breaking-ag-merrick-garland-announces-doj-will-scrutinize-post-election-audits-evidence-voting-law-violations/>. A true and correct copy of this article is attached as Exhibit 38.

¹²² Jim Hoft, *Raffensperger’s Own Team Was Saying “Bad, Bad Things” Were Happening in Fulton County Elections – He Ignored Them and Attacked Trump Instead (VIDEO)*, Gateway Pundit (June 17, 2021, 11:04 AM), <https://www.thegatewaypundit.com/2021/06/raffenspergers-team-saying-bad-bad-things-happening-fulton-county-elections-ignored-attacked-trump-instead-video/>.

126. The next day, in response to a report from independent election monitor Carter Jones on election integrity in Fulton County, Jim Hoft published three more articles on *The Gateway Pundit* that republished prior defamatory statements about Plaintiffs being “leftist operatives” who were part of a “crew” that scanned fraudulent ballots. In the first, he wrote:

A new report confirms Fulton County election worker Ruby Freeman was not the only leftist operative double counting stacks of ballots in Atlanta on election night.

...

Ralph Jones was the person who sent home all of the election observers.
Then his crew, including Ruby and daughter Shaye, went to work on election night!

...

The Gateway Pundit was first to report that Ruby Freeman was seen scanning stacks of ballots up to three times at the State Farm Center in Atlanta, Georgia after observers were sent home on election night.

Our source caught Ruby Freeman in the purple shirt scanning the same stack of ballots multiple times on election night.¹²³

127. Defendants’ characterizations of Carter Jones’ report were in direct contradiction with Mr. Jones’ own takeaways from the election, as evidenced by his interview with The Associated Press. In the AP interview, Mr. Jones challenged rumors of “suitcases filled with ballots” by noting that the ballot containers in the widely circulated

¹²³ Jim Hoft, *EXPLOSIVE DEVELOPMENT: Election Worker Ralph Jones Is Now Caught Double-Counting Ballots at the State Farm Center on Election Night!*, Gateway Pundit (June 18, 2021, 8:00 AM), <https://www.thegatewaypundit.com/2021/06/explosive-new-report-confirms-least-two-elections-officials-ruby-freeman-ralph-jones-caught-double-counting-ballots-state-farm-center-election-night/>. A true and correct copy of this article is attached as Exhibit 39.

videos from the State Farm Arena are standard ballot bins used all over the state, “So they’re not mysteries, they’re not suitcases, they’re ballots.”¹²⁴

128. Three hours after Defendants’ first article on the Carter Jones report, *The Gateway Pundit* published another article titled “Author of Fulton County Elections Report Tries Desperately to Walk Back Explosive Accusations – BUT IT’S TOO LATE,” to try to discredit Mr. Jones’ debunking the false narrative of fraud and suitcases of ballots that *The Gateway Pundit* was peddling:

The lying fake news media is trying desperately to downplay the damning elections report from Fulton County Georgia today.

...

In the 29-page report Carter Jones tells of two more instances where the election officials were double-scanning votes late at night after the election observers and news media was sent home!

The Gateway Pundit was first to report that Ruby Freeman was also seen double scanning stacks of ballots at the State Farm Center in Atlanta, Georgia after observers were sent home on election night.¹²⁵

After quoting extensively from Mr. Jones’ comments debunking the fraud allegations, Jim Hoft dismissed the comments as false.

129. Minutes later, Jim Hoft published a third article on *The Gateway Pundit* that republished his claim that “Ruby Freeman . . . was filmed feeding the same stacks of ballots

¹²⁴ Kate Brumback, *Observer: Georgia county’s elections messy, not fraudulent*, Associated Press (June 16, 2021), <https://apnews.com/article/donald-trump-ga-state-wire-georgia-elections-government-and-politics-87bb23d4d9b2ec80a1db715e6bf1c633>.

¹²⁵ Jim Hoft, *Author of Fulton County Elections Report Tries Desperately to Walk Back Explosive Accusations – BUT IT’S TOO LATE*, Gateway Pundit (June 18, 2021, 11:06 AM), <https://www.thegatewaypundit.com/2021/06/author-fulton-county-elections-report-tries-desperately-walk-back-explosive-accusations-late/>. A true and correct copy of this article is attached as Exhibit 40.

through voting machines late at night at the center – after observes [sic] were sent home,” by which he intended to, and did, falsely convey that she was fraudulently inflating the Biden-Harris vote count.¹²⁶

130. The next day, on June 19, 2021, Joe Hoft published an article titled “Multiple Individuals Pushed Stacks of Ballots through Tabulators Multiple Times in Georgia. This is Illegal. Law Enforcement Did Nothing” that reiterated false claims that Ms. Freeman had engaged in criminal conduct. It noted *The Gateway Pundit’s* earlier reporting on “Fulton County Georgia poll worker Ruby Freeman pushing multiple ballots through the vote tabulators multiple times. This was illegal.”¹²⁷

131. The same day, prompted by an online report that batches of absentee ballots were missing in Fulton County, Jim Hoft published another article replete with baseless and disproven allegations of voter fraud by plaintiffs:

This follows news first reported by The Gateway Pundit that election operative Ruby Freeman was also caught tripe [sic] counting stacks of votes late at night at the counting center after GOP observers were sent home.

...

On December 4th TGP reported with video on anti-Trump ballot counter Ruby Freeman working in a private cube with trays of ballots, walking past open boxes of ballots, working alone with NO ELECTION OBSERVERS IN SIGHT!

This is the DEFINITION OF CHEATING!

¹²⁶ Jim Hoft, *Twitter Subpoenaed in Georgia Lawsuit Involving Fulton County Elections Supervisor Wandrea Shaye Moss*, Gateway Pundit (June 18, 2021, 11:29 AM), <https://www.thegatewaypundit.com/2021/06/twitter-subpoenaed-georgia-lawsuit-involving-fulton-county-elections-supervisor-wandrea-arshaye-moss/>. A true and correct copy of this article is attached as Exhibit 41.

¹²⁷ Joe Hoft, *Multiple Individuals Pushed Stacks of Ballots through Tabulators Multiple Times in Georgia. This Is Illegal. Law Enforcement Did Nothing.*, Gateway Pundit (June 19, 2021, 10:20 AM), <https://www.thegatewaypundit.com/2021/06/multiple-individuals-push-multiple-ballots-multiple-tabulators-multiple-times-georgia-illegal-law-enforcement-nothing/>. A true and correct copy of this article is attached as Exhibit 42.

The video and tweet was removed from Twitter but we found the video on YouTube and we are saving a copy. [Embedded is a copy of an Instagram video taken by Ms. Freeman in October 2020 that she had removed.]

...

Now there is video of Ruby Freeman filming herself entering the building to count Georgia ballots.

Ruby walks by several boxes of ballots just sitting around in the room.

The elections workers were each given their own secret cube.

Then Ruby goes to her desk and pulls out a tray of ballots on her desk.

There is NO supervisor or GOP observer anywhere in sight.

And then Ruby leaves the ballots on her desk as she goes to take a break.

This is suspicious activity. The State Farm Center was full of unsecured ballots and illegal conduct.

The Democrat operatives were running a voter fraud factory inside the State Farm Center on Election Day and into Election Week!¹²⁸

132. On June 20, 2021, Joe Hoft published an article in *The Gateway Pundit* that repeated the false claim that the publication had “exposed Georgia election officials repeatedly feeding thousands of ballots through the voting machines late at night in Atlanta,

¹²⁸ Jim Hoft, *IT WAS A VOTER FRAUD FACTORY: 2nd Carter Jones Report Describes Complete Breakdown of GA Election Systems — BALLOTS EVERYWHERE, NO CHAIN OF CUSTODY, COMPLETE DISARRAY and WE HAVE THE VIDEO*, Gateway Pundit (June 19, 2021, 8:31 PM), <https://www.thegatewaypundit.com/2021/06/voter-fraud-factory-2nd-carter-jones-report-describes-complete-breakdown-election-systems-ballots-everywhere-no-chain-custody-complete-disarray-video/>. A true and correct copy of this article is attached as Exhibit 43.

Georgia after the election observers were sent home,” and identifying Ms. Freeman by name and image.¹²⁹

133. Later that day, Joe Hoft published a second article that again falsely stated, with reference to Ms. Freeman, that “ballots [were] being pulled from under the table and then jammed through voting machines,” that this happened “late at night after election observers were kicked out of the [State Farm] Arena,” and that these were “criminal acts.”¹³⁰

134. On June 24, 2021, *The Gateway Pundit* published an article titled “Fulton County Hires CRIMINAL Attorneys to Stop Election Audit,” which baselessly insinuated that Plaintiffs had engaged in criminal conduct, contrary to the reports of state and county officials and numerous fact checkers, as Defendants were aware:

On Thursday, we received news that Fulton County officials have hired two new CRIMINAL attorneys to stop the court-ordered Georgia audit.

...

Fulton County is home to the infamous Ruby Freeman and her daughter Shaye Moss who were caught pulling ballot boxes from under tables and scanning the same ballots multiple times after GOP elections observers were sent home on election night.

...

¹²⁹ Joe Hoft, *OUTRAGEOUS: Georgia Secretary of State Raffensperger Received Report Showing Egregious Election Issues Yet He Concealed Report and Claimed State had “Safe, Secure, and Honest Elections”*, Gateway Pundit (June 20, 2021, 7:15 AM), <https://www.thegatewaypundit.com/2021/06/outrageous-georgia-secretary-state-raffensperger-received-report-showing-egregious-election-issues-yet-concealed-report-claimed-state-safe-secure-honest-elections/>. A true and correct copy of this article is attached as Exhibit 44.

¹³⁰ Joe Hoft, *WE CAUGHT THEM: President Trump Warned Raffensperger and His Attorney Ryan Germany About Election Fraud — New Evidence Shows Germany Was Made Aware of Election Fraud on Election Night And Hid This from President Trump*, Gateway Pundit (June 20, 2021, 10:30 AM), <https://www.thegatewaypundit.com/2021/06/caught-president-trump-warned-raffensperger-attorney-ryan-germany-election-fraud-new-evidence-shows-germany-made-aware-election-fraud-election-night-hid-fro/>. A true and correct copy of this article is attached as Exhibit 45.

If Fulton County officials are SO confident in the security of Georgia’s election, why are they hiring CRIMINAL DEFENSE attorneys?

This is not how innocent people act. They are hiding something in Fulton County, Georgia.¹³¹

135. On July 10, 2021, *The Gateway Pundit* published an article taking credit for its role in accusing Plaintiffs of voter fraud: “For the record—The Gateway Pundit broke the story last year that Ruby Freeman and Georgia officials were triple counting stack of ballots at the TCF Center [sic] late on election night after the GOP observers were sent home.”¹³²

136. On July 14, 2021, Jim Hoft published another article on *The Gateway Pundit* republishing prior false statements that Plaintiffs “really overdid their fraud” and that Ms. Freeman is a “Crooked Operative”:

As we have previously reported Fulton County election officials cleared out election observers and the media from the State Farm Arena on election night, but a handful of people stayed behind and continued to count ballots in private from around 10:30 pm until 1:00 am.

As The Gateway Pundit first reported in December 2020 – This included scanning the same sets of ballots multiple times.¹³³

¹³¹ Jordan Conradson, *Fulton County Hires CRIMINAL Attorneys to Stop Election Audit*, Gateway Pundit (June 24, 2021, 8:35 PM), <https://www.thegatewaypundit.com/2021/06/fulton-county-hires-criminal-attorneys-stop-election-audit/>. A true and correct copy of this article is attached as Exhibit 46.

¹³² Jordan Conradson, *Arizona State Senator: Georgia Has Proof of Somebody Admitting to Running Ballots Through Numerous Times – “Americans Don’t Like Cheating” (VIDEO)*, Gateway Pundit (July 10, 2021, 8:20 AM), <https://www.thegatewaypundit.com/2021/07/arizona-state-senator-georgia-proof-somebody-admitting-running-ballots-numerous-times-americans-dont-like-cheating-video/>. A true and correct copy of this article is attached as Exhibit 47.

¹³³ Jim Hoft, *Hard Evidence Presented: Duplicate Ballots were Counted in Fulton County Georgia in 2020 Election*, Gateway Pundit (July 14, 2021, 7:30 AM), <https://www.thegatewaypundit.com/2021/07/hard-evidence-presented-duplicate-ballots-counted-fulton-county-georgia-2020-election/>. A true and correct copy of this article is attached as Exhibit 48.

137. Later that day, he published an article on *The Gateway Pundit* again claiming credit for identifying Ms. Freeman as the Fulton County election official “feeding stacks of ballots through the voting machines at least three times each on November 4th in the early morning after the GOP election observers were told to go home.”¹³⁴

138. On August 14, 2021, Joe Hoft published another article on *The Gateway Pundit* falsely describing how Ms. Freeman, Ms. Moss, and other election workers had been added to a lawsuit against Fulton County alleging election fraud.¹³⁵ The article republished *The Gateway Pundit*’s prior defamatory statements about Ms. Freeman and boasted about its role in promulgating and amplifying the false claims:

We first discovered Ruby Freeman and her daughter Shaye Moss in December when The Gateway Pundit first reported that these two election workers took ballots out from under a table on Election night and jammed thousands of ballots into the tabulators numerous times.

This was after all of the election observers were sent home for the night. This was also after Trump had accumulated what experts said was an insurmountable lead in the state.

We revealed first that the ballots taken out from under tables on Election night were pushed into tabulators up to three times each.

...

This is not good for Ruby and her daughter.

¹³⁴ Jim Hoft, *FANTASTIC! Tucker Carlson Covers the Election Fraud in Fulton County Georgia 8 Months After Election – Here Are the Background Reports (VIDEO)*, Gateway Pundit (July 14, 2021, 9:19 PM), <https://www.thegatewaypundit.com/2021/07/fantastic-tucker-carlson-covers-election-fraud-fulton-county-georgia-8-months-election-background-reports-video/>. A true and correct copy of this article is attached as Exhibit 49.

¹³⁵ This lawsuit has since been dismissed. See Associated Press, *Judge Dismisses Fulton County Ballot Review Case in Georgia*, U.S. News (Oct. 13, 2021), <https://www.usnews.com/news/best-states/georgia/articles/2021-10-13/judge-dismisses-fulton-county-ballot-review-case-in-georgia>.

It's also pathetic that these two are not in jail already. Their crimes were videotaped!¹³⁶

139. On September 20, 2021, Joe Hoft published an article republishing *The Gateway Pundit's* prior defamatory statements describing Ms. Moss as a "Crooked Georgia Elections Supervisor [sic]" and Plaintiffs' actions on election night as being part of a "Voter Fraud Factory."¹³⁷

140. On September 25, 2021, in response to an internal financial review of Fulton County's Registration and Elections Department, Joe Hoft published yet another article on *The Gateway Pundit* falsely insinuating that Plaintiffs' actions on election night nearly a year before were corrupt:

Fulton County Georgia is a mess. The election results there are in question ever since election night when Ruby and her daughter jammed the same (Biden) ballots through tabulators continuously for more than an hour.

...

Fulton County was a mess and the activities of its employees surrounding the 2020 Election were corrupt. To certify the results from this county in the 2020 Election, a man would have to have no integrity. A man would have to be corrupt.¹³⁸

¹³⁶ Ex. 9.

¹³⁷ Joe Hoft, *Wake Up Georgia: ACLU Is Currently Recruiting Leftist Poll Workers to Run the Next Election Like the Last*, Gateway Pundit (Sept. 20, 2021, 3:30 PM), <https://www.thegatewaypundit.com/2021/09/wake-georgia-aclu-currently-recruiting-poll-workers-run-next-election-like-last/>. A true and correct copy of this article is attached as Exhibit 50.

¹³⁸ Joe Hoft, *BREAKING EXCLUSIVE: Report Shows Fulton County, GA 2020 Election Had \$2 million in Unsupported OT, 15 Missing Routers, an Agreement with the SPLC to Put in Place Drop Boxes, and More*, Gateway Pundit (Sept. 25, 2021, 7:10 AM), <https://www.thegatewaypundit.com/2021/09/breaking-exclusive-report-shows-fulton-county-ga-2020-election-2-million-ot-without-support-15-missing-routers-agreement-splc-put-place-drop-boxes/>. A true and correct copy of this article is attached as Exhibit 51.

G. Defendants Published the Statements With Knowledge of Their Falsity or Serious Doubts About Their Truth

141. Defendants knew that their statements about Ms. Freeman and Ms. Moss were not true or had serious doubts about their truth. Indeed, the story that two poll workers could secretly inject tens of thousands of fraudulent ballots into the vote count and process the fraudulent ballots for counting multiple times without detection, despite several machine and hand recounts, is not credible on its face. Defendants' defamatory statements were inherently improbable to begin with and have only become more improbable over time.

142. Defendants were aware of the numerous statements by Georgia officials disproving the portrayal of misconduct that had been advanced by the Trump lawyers, and they also knew that multiple fact-checking organizations had confirmed the facts as presented by the Georgia officials. Defendants baselessly disregarded the reliable sources refuting their claims and had no credible basis for the false allegations they continued to make.

143. At no point in publishing their many stories about Ms. Freeman and Ms. Moss did Defendants ever attempt to contact Plaintiffs to obtain their account of the events being reported. Nor did Defendants contact for corroboration other obvious available sources, and they specifically avoided contacting sources who had evidence to disprove their lies.

144. Defendants ignored the truth because they had a predetermined story in mind that would continue to attract readers—that widespread voter fraud would taint the 2020 presidential election. Even before the vote counting began, Defendants cultivated this

narrative.¹³⁹ In November 2020, Defendants published multiple articles focusing on baseless claims of election fraud in several states.¹⁴⁰

145. Defendants advanced this predetermined fictitious storyline in the face of the facts because it was financially advantageous to do so. They were motivated to publish lies about Plaintiffs because lying about the election was more profitable than telling the truth.

146. Defendants consciously avoided the truth in order to profit from the repeated publication of scandalous material. *The Gateway Pundit's* articles about voter fraud throughout the 2020 election cycle increased its readership, reach, and engagement. Its articles about voter fraud, in particular, performed well, and it earned increased advertising revenue by publishing and republishing such well-performing falsehoods about Plaintiffs.

¹³⁹ See, e.g., Jim Hoft, *BREAKING: US Mail Found in Ditch in Rural Wisconsin – Included Absentee Ballots*, Gateway Pundit (Sept. 23, 2020, 11:18 AM), <https://www.thegatewaypundit.com/2020/09/breaking-us-mail-found-ditch-greenville-wisconsin-included-absentee-ballots/>.

¹⁴⁰ E.g., Cristina Laila, *As Many as 6,000 Illegal Votes Identified in Nevada – Thousands of People Referred to DOJ For Potential Criminal Violation of Election Laws*, Gateway Pundit (Nov. 5, 2020, 7:45 PM), <https://www.thegatewaypundit.com/2020/11/many-6000-illegal-votes-identified-nevada-thousands-people-referred-doj-potential-criminal-violation-election-laws/>; Jim Hoft, *HUGE! Corrupted Software Used in Michigan County that Stole 6,000 Votes from Trump – Is Also Used in ALL SWING STATES – PA, GA, NV, MI, WI, AZ, MN!*, Gateway Pundit (Nov. 6, 2020, 8:35 PM), <https://www.thegatewaypundit.com/2020/11/huge-corrupted-software-used-michigan-county-stole-6000-votes-trump-also-used-swing-states-pa-ga-nv-mi-wi-az-mn/>; Joe Hoft, *BREAKING EXCLUSIVE: Analysis of Election Night Data from All States Shows MILLIONS OF VOTES Either Switched from President Trump to Biden or Were Lost*, Gateway Pundit (Nov. 10, 2020, 6:32 PM), <https://www.thegatewaypundit.com/2020/11/breaking-exclusive-analysis-election-night-data-states-shows-millions-votes-either-switched-president-trump-biden-lost/>; Joe Hoft, *SHOCKING EXCLUSIVE: WE CAUGHT THEM! Pennsylvania Results Show a Statistically Impossible Pattern Behind Biden's Steal! WE CAUGHT THEM!*, Gateway Pundit (Nov. 13, 2020, 6:47 PM), <https://www.thegatewaypundit.com/2020/11/shocking-exclusive-caught-pennsylvania-results-show-statistically-impossible-pattern-behind-bidens-steal-caught/>; Jim Hoft, *WE CAUGHT THEM! Part 2: Email Inventor Dr. Shiva Finds SAME IMPOSSIBLE BALLOT RATIO Feature in Michigan Results – WE CAUGHT THEM!*, Gateway Pundit (Nov. 14, 2020, 5:49 PM), <https://www.thegatewaypundit.com/2020/11/caught-part-2-email-inventor-dr-shiva-finds-impossible-ballot-ratio-feature-michigan-results-caught/>.

147. Defendants additionally hoped that repeating their preconceived narrative would affect the outcome of the presidential election.

H. Defendants' Failure to Retract, Despite Plaintiffs' Cease and Desist Letters and The Filing of This Lawsuit

148. In an effort to attempt to mitigate the harm caused by the publication of the false statements in Defendants' stories, Ms. Freeman and Ms. Moss engaged legal counsel, Dowd Bennett, LLC, and DuBose Miller, LLC to seek retraction from Defendants.

149. On November 22, 2021, counsel sent Defendants a letter demanding that they correct and retract the numerous defamatory statements they have published and continue to publish about Ms. Freeman and Ms. Moss.¹⁴¹

150. As of the date of this filing, Defendants have not responded to that letter nor taken any action to correct and retract their statements. Moreover, even after the initial filing of this lawsuit specifying Defendants' willfully false and malicious statements and the consequent harm to Plaintiffs, Defendants have kept up their defamatory campaign, coupled with requests for financial contributions to support their legal defense.

151. On December 2, 2021, hours after this lawsuit was filed, Jim Hoft published an article on *The Gateway Pundit* titled "Ruby Freeman and Daughter Sue Gateway Pundit for Posting Video of Her Shoving Ballots Through Voting Machines Numerous Times – PLEASE HELP UP Fight This Latest Lawsuit," in which he again boasted about the publication's role in first identifying Plaintiffs by name:

The Gateway Pundit was also first to report that Ruby Freeman was caught on video shoving stacks of ballots through the voting machines numerous times late at night after all of the election observers were sent home.

¹⁴¹ A true and correct copy of this letter is attached as Exhibit 52.

The anti-Trump officials in Georgia insisted that this was normal procedure in the state of Georgia. We disagree.¹⁴²

The article concluded with a request for donations to help protect against “this latest assault.”

152. The following day, Jim Hoft published an article on *The Gateway Pundit* titled “Interesting. FBI Investigated Alleged Threats to Ruby Freeman but There Is No Record of FBI Investigating the Illicit Late Night Actions at State Farm Center.” He falsely accused Plaintiffs of illegal conduct and then attempted to discredit an ABC News article from the day before about the lawsuit which noted that “[t]he allegation that ‘suitcases’ of ballots were pulled from under tables away from the eyes of observers was almost immediately debunked.”¹⁴³ In response, Mr. Hoft wrote:

ABC News, a lapdog outlet for the Democrat regime, reported on the lawsuit on Thursday.

ABC News said the suitcase scandal was “debunked.” It wasn’t. And 9 of 10 people who view the video and hears the entire story KNOWS this was suspicious activist [sic] – to be kind.¹⁴⁴

He again concluded with an appeal for funds to defend against Plaintiffs’ “assault” on *The Gateway Pundit*.

¹⁴² Jim Hoft, *Ruby Freeman and Daughter Sue Gateway Pundit for Posting Video of Her Shoving Ballots Through Voting Machines Numerous Times – PLEASE HELP US Fight This Latest Lawsuit*, Gateway Pundit (Dec. 2, 2021, 12:42 PM), <https://www.thegatewaypundit.com/2021/12/ruby-freeman-daughter-sue-gateway-pundit-posting-video-shoving-ballots-voting-machines-numerous-times-please-help-us-fight-latest-lawsuit/>. A true and correct copy of this article is attached as Exhibit 53.

¹⁴³ Kate Brumback, *Election workers sue conservative site over fraud claims*, ABC News (Dec. 2, 2021), <https://abcnews.go.com/Politics/wireStory/election-workers-sue-conservative-site-fraud-claims-81520609>.

¹⁴⁴ Jim Hoft, *Interesting. FBI Investigated Alleged Threats to Ruby Freeman but There Is No Record of FBI Investigating the Illicit Late Night Actions at State Farm Center* (Dec. 3, 2021, 12:02 PM), <https://www.thegatewaypundit.com/2021/12/interesting-fbi-investigated-alleged-threats-ruby-freeman-no-record-fbi-investigating-illicit-late-night-actions-state-farm-center/>. A true and correct copy of this article is attached as Exhibit 54.

153. On December 8, 2021, Jim Hoft published another article on *The Gateway Pundit* taking credit for identifying Plaintiffs and republishing prior false statements that Ms. Freeman was “caught on video shoving stacks of ballots through the voting machines numerous times late at night after all of the election observers were sent home.” He went on to falsely suggest that Plaintiffs’ lawful processing of ballots was actually election theft on behalf of President Biden:

The anti-Trump officials in Georgia insisted that this was normal procedure in the state of Georgia to kick out observers pull out hidden suitcases of ballots and feed them through the machines in an empty room numerous times when your candidate is losing the race.

We disagree.

Today Georgia Secretary of State Brad Raffensperger went on the popular John Fredericks Radio Show. Raffensperger argued that the “suitcase scandal” was an urban myth.

...

Raffensperger allows this obvious stealing of votes in Georgia elections.¹⁴⁵

154. Later that day, Joe Hoft published another article with an embedded audio clip of an episode of the Joe Hoft Show on RealTalk 93.3. In the audio clip, Joe Hoft defamed Plaintiffs again by falsely accusing them of corrupt activity:

So these people stuck around, and they decided to pull ballots out from underneath the tables . . . in suitcases, and then they opened them up, and they started shoving them through the tabulators.

...

¹⁴⁵ Jim Hoft, *Brad Raffensperger Argues the State Farm Suitcase Video Was “Urban Myth”—Kicking Out Observers [sic], Rolling Out Suitcases and Shoving Ballots Thru Machines 3 Times in Middle of Night is Completely Acceptable (VIDEO)*, Gateway Pundit (Dec. 8, 2021, 7:41 PM), <https://www.thegatewaypundit.com/2021/12/brad-raffensperger-argues-state-farm-suitcase-video-urban-myth-kicking-observers-rolling-suitcases-shoving-ballots-thru-machines-3-times-middle-night-completely-acc/>. A true and correct copy of this article is attached as Exhibit 55.

Do we want an election where anybody can just grab suitcases of ballots and start shoving them through machines when nobody is watching?¹⁴⁶

155. The following week, Jim Hoft published an article on *The Gateway Pundit* attempting to discredit a news report from the *St. Louis Post-Dispatch* about the lawsuit, which had observed that the Georgia Secretary of State had “quickly and forcefully debunked the allegations” of suitcases of fake ballots being processed unsupervised.¹⁴⁷ In response, Mr. Hoft objected that *The Gateway Pundit* was not spreading conspiracy theories and republished its initial reporting, again accusing Plaintiffs of corrupt conduct, allegations disproven by state and county officials and third-party fact-checkers many times over.¹⁴⁸

156. On December 24, 2021, counsel sent Defendants a second letter demanding that they correct and retract their additional defamatory statements, including those described above, some of which post-dated Plaintiff’s first retraction letter.¹⁴⁹

157. As of the date of this filing, Defendants have not responded to that letter, either, nor taken any action to correct or retract their false stories. Instead, they published new stories defaming Plaintiffs.

¹⁴⁶ Joe Hoft, *You’re Really About to Destroy Yourself . . . You Just Don’t Know the Grave You’re Digging for Yourself* – Jessica Laurent on Georgia Suitcase Sandal and Lawsuit Against Gateway Pundit, Gateway Pundit (Dec. 8, 2021, 8:50 PM), <https://www.thegatewaypundit.com/2021/12/really-destroy-just-dont-know-grave-digging-jessica-laurent-ruby-shaye-lawsuit-gateway-pundit/>. A true and correct copy of this article is attached as Exhibit 56.

¹⁴⁷ Peter Eisler & Joel Currier, *Two Georgia election workers sue St. Louis-based Gateway Pundit website over false fraud claims* (Dec. 2, 2021), https://www.stltoday.com/news/local/crime-and-courts/two-georgia-election-workers-sue-st-louis-based-gateway-pundit-website-over-false-fraud-claims/article_2619f7b7-575f-58fe-965e-ee3f4d118dc1.html.

¹⁴⁸ Jim Hoft, *The St. Louis Post-Dispatch Refused to Publish Gateway Pundit’s Response to Their Numerous Hit Pieces and Lies – So We Are Posting It Here Where It Will Get More Traffic*, Gateway Pundit (Dec. 15, 2021, 8:00 AM), <https://www.thegatewaypundit.com/2021/12/response-st-louis-post-dispatch-recent-attempts-dilute-jury-pool-based-lies-far-left-opinion/>.

¹⁴⁹ A true and correct copy of this letter is attached as Exhibit 57.

158. On December 25, 2021, Jim Hoft published another article on *The Gateway Pundit* republishing Defendants' earlier defamatory statements about Plaintiffs, describing them as "election operatives" and stating that Ms. Freeman was "caught on video shoving stack of ballots through the voting machines numerous times late at night after all of the election observers were sent home." Mr. Hoft went on to describe Plaintiffs as "lawless individuals" engaged in unethical conduct and to question whether they had actually been defamed:

But were they?

There is absolutely no way to explain away these actions.

If this behavior is accepted then it will be the end of our free, fair, and trusted elections.

If this behavior becomes the norm in future elections then we will be reduced to banana-republic status.

...

So where are all of the GOP lawmakers speaking out against the shady actions CAUGHT ON VIDEO from inside the State Farm Center on election night?

...

You can't be considered a viable opposition when you submit to lawless individuals. You just can't.¹⁵⁰

159. On January 14, 2022, Plaintiffs filed their First Amended Complaint, which added 19 defamatory articles listed in their second retraction letter.

¹⁵⁰ Jim Hoft, *If Republican Leaders Will Not Speak out Against Election Officials Removing GOP Observers from Room, Pulling Out Hidden Suitcases of Votes and Shoving Stacks of Ballots Thru Machines 3 Times, Then the Grand Old Party's Days Are Over*, Gateway Pundit (Dec. 25, 2021, 12:25 PM), <https://www.thegatewaypundit.com/2021/12/republican-leaders-will-not-speak-election-officials-removing-gop-observers-room-pulling-hidden-suitcases-votes-shoving-stacks-ballots-thru-machines-3-times-th/>. A true and correct copy of this article is attached as Exhibit 58.

160. Even after two retraction letters and the First Amended Complaint, Defendants continued to publish defamatory statements about Plaintiffs.

161. On April 22, 2022, *The Gateway Pundit* published an article titled “WTH? John F. Kennedy Library Foundation Lumps President Zelensky In With Pack of Election Crooks, Cowards and Liars In Latest ‘Profile in Courage’ Awards.” The article falsely charges Ms. Moss with one of these epithets and questions whether accusations against her of processing fake ballots were actually false, despite numerous fact-checks making this clear. The article states:

. . . Gateway Pundit claims Ruby Freeman and her daughter Wandrea “Shaye” Moss are repeatedly jamming the same stacks of ballots through the tabulators:

The two women and their far-left funders targeted The Gateway Pundit after we were the first to identify the women in the late-night ballot-counting video

The Gateway Pundit was also first to report that Ruby Freeman was caught on video shoving stacks of ballots through the voting machines numerous times late at night after all of the election observers were sent home.

The anti-Trump officials in Georgia insisted that this was normal procedure in the state of Georgia. We disagree.¹⁵¹

The article again included an appeal for funds to fund Defendants’ costs in litigating this suit, which they characterized as an “assault.”

162. On May 4, 2022, *The Gateway Pundit* published an article titled “Stunning: Ballot Harvester Shaye Moss Receives John F. Kennedy Profile In Courage Award.” In

¹⁵¹ Patty McMurray, *WTH? John F. Kennedy Library Foundation Lumps President Zelensky In With Pack of Election Crooks, Cowards and Liars In Latest “Profile in Courage” Awards*, Gateway Pundit (Apr. 22, 2022, 11:05 AM), <https://www.thegatewaypundit.com/2022/04/wth-john-f-kennedy-library-foundation-lumps-president-zelensky-pack-election-crooks-cowards-liars-latest-profile-courage-awards/>. A true and correct copy of this article is attached as Exhibit 59.

addition to the false and defamatory claim that Ms. Moss engaged in voter fraud as a “ballot harvester,” the article expressed incredulity that the JFK Foundation would present this award to Plaintiff Moss for “protecting democracy.” Further, the article twisted the ramifications of *The Gateway Pundit*’s falsely accusing Ms. Moss of voter fraud as instead just being “backlash from being caught on camera ballot harvesting.”¹⁵²

163. On June 16, 2022, counsel sent Defendants a third letter demanding that they correct and retract their additional defamatory statements, including those described above, some of which post-dated Plaintiff’s second retraction letter.¹⁵³

164. As of the date of this filing, Defendants have not responded to that letter, either, or taken any action to correct or retract their false stories.

I. Defendants Caused Substantial Reputational Harm With Their False Statements About Ms. Freeman and Ms. Moss That Constitute Defamation *Per Se*

165. Defendants falsely stated or implied that (a) Ms. Freeman and Ms. Moss planned and carried out with others a plot to “steal the election” and “flip Georgia” for Joe Biden; (b) Ms. Freeman and Ms. Moss helped to fake a water main break that was used as a cover to bring suitcases stuffed with fraudulent ballots into the vote tabulation center; (c) Ms. Freeman and Ms. Moss engaged in a criminal conspiracy to exclude observers during the counting of ballots so that they could engage in election fraud; (d) Ms. Freeman and Ms. Moss criminally introduced “suitcases” of illegal ballots into the ballot counting process when no observers were present; (e) Ms. Freeman fraudulently triple-counted the

¹⁵² Alicia Powe, *Stunning: Ballot Harvester Shaye Moss Receives John F. Kennedy Profile In Courage Award*, Gateway Pundit (May 4, 2022, 1:03 PM), <https://www.thegatewaypundit.com/2022/05/stunning-ballot-hvester-shaye-moss-receives-john-f-kennedy-profile-courage-award/>. A true and correct copy of this article is attached as Exhibit 60.

¹⁵³ A true and correct copy of this letter is attached as Exhibit 61.

same ballots by running them through a tabulator three times; and (f) Ms. Freeman and Ms. Moss committed election fraud and other crimes for which they are subject to arrest and imprisonment. These claims are false and constitute defamation *per se*.

166. Given the nature of Plaintiffs' employment with the Registration and Elections Department of Fulton County, Defendants' claims that Ms. Freeman and Ms. Moss participated in a conspiracy to fraudulently overturn a democratic election would tend to injure them in their trade, office, or profession: a reputation for integrity is a requirement for workers in a profession whose responsibility is to accurately and legitimately tabulate and report elections results while maintaining public confidence in elections.

167. Defendants also stated that Ms. Freeman and Ms. Moss participated in criminal activity punishable by law. Defendants labeled both Ms. Freeman and Ms. Moss as "crook[s]" and claimed that "nobody did more to steal the election for Joe Biden than this mother-daughter combo."¹⁵⁴ Defendants asserted that the actions of Ms. Freeman and Ms. Moss were "illegal" and that "the Georgia police or Bill Barr's DOJ may want to pay Ruby Freeman a visit."¹⁵⁵

168. Published on a website with nearly three million unique visitors per month, Defendants' stories did cause and continue to cause substantial reputational harm to Ms. Freeman and Ms. Moss.

169. Defendants are directly responsible for the reputational harm that Ms. Freeman and Ms. Moss experienced. Though the initial claims by the Trump legal team

¹⁵⁴ Ex. 8.

¹⁵⁵ Ex. 3.

were based only on short selections of security footage and did not name any individual Fulton County election workers, “[t]he Gateway Pundit was first to identify Ruby Freeman [and] her daughter Wandrea “Shaye” Moss . . . in the infamous suitcase ballot hoist [sic],” as the Defendants themselves boast.¹⁵⁶

J. Impact of Defendants’ Campaign Against Ms. Freeman and Ms. Moss

170. Defendants repeatedly published the full names of Ms. Freeman and Ms. Moss, in addition to numerous images of Ms. Freeman and Ms. Moss, the name of Ms. Freeman’s business, and Ms. Freeman’s social media account information. In so doing, Defendants were fully aware that their readers would target Ms. Freeman and Ms. Moss in response to their stories. Defendants even urged their readers not to “confuse [Ms. Freeman’s business] with a similar business in Snellville!”¹⁵⁷

171. As a direct result of Defendants’ campaign of lies, Ms. Freeman and Ms. Moss began receiving—almost immediately—an onslaught of extremely violent and graphic threats and dangerous harassment.

Ms. Freeman

172. As Defendants’ false accusations began to spread across the internet, Ms. Freeman received at least 420 emails and seventy-five text messages, including one that read, “We know where you live, we coming to get you.”

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

¹⁵⁶ Ex. 19.

¹⁵⁷ Ex. 6.

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

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

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

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

178. On January 6, 2021, a crowd surrounded Ms. Freeman's house, some on foot, some in vehicles, others equipped with a bullhorn. Fortunately, Ms. Freeman had followed the FBI's advice and had temporarily relocated from her home. She was not able to return for two months.

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

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

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

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

183. The stress of this period also took a toll on Ms. Freeman's body, including manifesting through stress-related dental injuries.

184. To this day, Ms. Freeman continues to receive threatening communications referencing Defendants' defamation. On November 13, 2021, she received an email accusing her of treason, insinuating she would soon be serving jail time, and including a link to an article about election fraud in Georgia from *The Gateway Pundit*.

Ms. Moss

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

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

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

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

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

190. Inspired by the demonstrably false conspiracy theory pushed by Defendants, people also protested about Ms. Moss outside of her Fulton County workplace, demanding she be fired from her job.

191. This whirlwind of negative attention around Ms. Moss left her feeling fearful and ashamed in an office where she has worked since 2012. Before the 2020 general election, she generally enjoyed the parts of her job that allowed her to work with and assist

the public. Since then, even when she was assisting constituents over the phone, she would sweat and feel anxious if they asked her name. She was afraid that when people heard her name, they would think she is a fraud and a cheater.

192. Ms. Moss left her position working at Fulton County elections in April 2022.

193. Like her mother, Ms. Moss is now fearful whenever people recognize her in public. As a result, Ms. Moss has largely retreated from social and public life. She has gone as far as to avoid the grocery store, opting to have groceries delivered in order to avoid it. She feels trapped by the unshakable fear that there are unknown people after her who want her dead.

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

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

FIRST CLAIM
(Defamation of Ms. Freeman)

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

197. Beginning on December 3, 2020, Defendants published a series of false and defamatory statements of fact about Ms. Freeman, including by and through *The Gateway*

Pundit's own agents making the statements themselves; and by republishing the statements on *The Gateway Pundit*'s website and social media accounts, and the social media accounts of its agents, as detailed extensively above. Those statements include, but are not limited to, the following non-exhaustive list:

- a) In their December 3, 2020, article published at 1:11 p.m., Defendants made the following false statements, which they republished verbatim on December 3, 2020, at 2:29 p.m.:

Poll watchers were kicked out of the State Farm Arena tabulation center on election night after a burst pipe caused flooding.

...

We now know that a pipe never burst. It was all a lie in order to kick out poll watchers while a few crooks stayed behind to count illegal ballots for Joe Biden.

- b) In their December 3, 2020, article published at 1:11 p.m., Defendants made the following false statement, which they republished verbatim or nearly verbatim nine (9) times on December 3, 2020 at 2:29 p.m. and 8:49 p.m.; December 4, 2020 at 7:35 a.m., 8:53 a.m., and 1:51 p.m.; December 7, 2020 at 7:15 a.m.; December 8, 2020 at 7:20 a.m. and 1:11 p.m; and May 4, 2022 at 1:03 p.m.¹⁵⁸:

A few "workers" stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated!

¹⁵⁸ The December 3, 2020, 2:29 p.m. article added the additional defamatory statement: "They were caught cheating!" The December 8, 2020, 1:11 p.m. article added the additional defamatory statement: "A few liberal election 'workers' stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated after the GOP inspectors and media left the room!" The May 4, 2022, 1:03 p.m. article omitted the opening phrase "A few 'workers' stayed behind and were seen."

- c) In their December 3, 2020, article published at 8:49 p.m., Defendants made the following false statement, which they republished verbatim eighteen (18) times on December 4, 2020 at 7:35 a.m., 8:53 a.m., 1:51 p.m., and 5:45 p.m.; December 6, 2020 at 6:35 p.m. and 9:23 p.m.; December 7, 2020 at 7:15 a.m. and 8:29 a.m.; December 8, 2020 at 7:20 a.m. and 1:11 p.m.; January 1, 2021 at 9:58 a.m.; January 3, 2021 at 4:21 p.m.; June 6, 2021 at 7:53 a.m.; June 7, 2021 at 9:43 p.m.; June 14, 2021 at 10:33 a.m.; August 14, 2021 at 9:15 a.m.; September 20, 2021 at 3:30 p.m.; and May 4, 2022 at 1:03 p.m.¹⁵⁹:

Cristina Laila reported on the explosive video that was revealed during the Georgia ballot counting at the State Farm Arena where crooked Democrats pulled out suitcases full of ballots and began counting those ballots without election monitors in the room.

- d) In their December 3, 2020, article published at 8:49 p.m., Defendants made the following false statement, which they republished verbatim five (5) times on December 4, 2020, at 7:35 a.m., 8:53 a.m., and 1:51 p.m.; December 7, 2020, at 7:15 a.m.; and December 8, 2020, at 7:20 a.m.:

We identified one of the operatives [last/Thursday] night who was caught on video counting illegal ballots from a suitcase stashed under a table!

- e) In their December 3, 2020, article published at 8:49 p.m., Defendants made the following false statement, which they republished verbatim four (4)

¹⁵⁹ The December 3, 2020, 8:49 p.m.; December 4, 2020, 5:45 p.m.; and May 4, 2022, 1:03 p.m., articles added the additional defamatory statement “What’s Up, Ruby? . . . BREAKING: CROOKED OPERATIVE Filmed Pulling Out Suitcases of Ballots in Georgia IS IDENTIFIED.”

times on December 4, 2020, at 7:35 a.m., 8:53 a.m., and 1:51 p.m.; and
December 8, 2020, at 7:20 a.m.:

As you can see from the video one woman in a purple top was filmed helping pull out the ballots and then sitting down to count the ballots.

- f) In their December 3, 2020, article published at 8:49 p.m., Defendants made the following false statements, which they republished four (4) times on December 4, 2020, at 7:35 a.m., 8:53 a.m.,¹⁶⁰ and 1:51 p.m.¹⁶¹; and December 8, 2020, at 7:20 a.m.:

One woman in the video is wearing a purple top.
She later appeared in the suitcase video!

The woman in the purple made a mistake and left her purse on her desk advertising her business.

Her name is Ruby Freeman.

And she made the mistake of advertising her purse on her desk the same night she was involved in voter fraud on a MASSIVE SCALE.

Her T-shirt says “Lady Ruby” and her purse says, “LaRuby” which is her company.

This was not a very smart move.

Her company is called “LaRuby’s Unique Treasures.”
It’s on her LinkedIn page!

Ruby’s purse was a hit and several fans wrote her on her LinkedIn page after they saw her and her purse on TV.

¹⁶⁰ The December 4, 2020, 8:53 a.m. article’s republication deletes the following sentences: “The woman in the purple made a mistake and left her purse on her desk advertising her business,” and “It’s on her LinkedIn page!”

¹⁶¹ The December 4, 2020, 1:51 p.m. article’s republication deletes the following sentences: “Her T-shirt says ‘Lady Ruby’ and her purse says, ‘LaRuby’ which is her company. This was not a very smart move. Her company is called ‘LaRuby’s Unique Treasures.’ It’s on her LinkedIn page!”

They then commented on her LinkedIn page.¹⁶²

- g) Defendants end their December 3, 2020, article published at 8:49 p.m. with the following false statements:

Maybe the Georgia police or Bill Barr’s DOJ may want to pay Ruby Freeman a visit.

...

CROOK GETS CAUGHT

- h) In their December 4, 2020, article published at 8:53 a.m., Defendants made the following false statements, which they republished verbatim on June 19, 2021, at 8:31 p.m.:

Now there is video of Ruby Freeman filming herself entering the building to count Georgia ballots.

Ruby walks by several boxes of ballots just sitting around in the room.

The elections workers were each given their own secret cube.

Then Ruby goes to her desk and pulls out a tray of ballots on her desk.

There is NO supervisor or GOP observer anywhere in sight. And then Ruby leaves the ballots on her desk as she goes to take a break.

This is suspicious activity. The State Farm Center was full of unsecured ballots and illegal conduct.

- i) In their December 4, 2020, article published at 1:51 p.m., Defendants made the following false statements:

¹⁶² The original publication of this article added that “Ruby Freeman still has an active Facebook page (as of 11 PM on Thursday night),” while republications noted that Freeman’s Facebook account was no longer active.

And now there is video of Ruby secretly passing something to her daughter during the ballot counting.

It is not clear what was passed. Some readers say it was a USB stick but it is not clear what they passed to each other. It sure looks like they were trying to hide this transaction.

- j) In their December 4, 2020, article published at 3:25 p.m., Defendants made the following false statements:

Mother-Daughter Duo's Election Fraud Scam . . .

[T]he mother-daughter duo in Atlanta began messing with ballots in secret.

- k) In their December 4, 2020, article published at 5:45 p.m., Defendants made the following false statements, which they substantially republished twenty (20) times on December 6, 2020 at 8:15 a.m.; December 23, 2020 at 8:10 a.m. and 11:05 a.m.; January 2, 2021 at 7:30 a.m.; March 25, 2021 at 7:25 p.m.; May 21, 2021 at 12:34 p.m.; May 22, 2021 at 9:05 a.m.; June 6, 2021 at 7:53 a.m.; June 8, 2021 at 11:57 a.m.; June 11, 2021 at 3:03 p.m.; June 18, 2021 at 8:00 a.m.; June 19, 2021 at 10:20 a.m.; June 20, 2021 at 7:15 a.m.; July 10, 2021 at 8:20 a.m.; July 14, 2021 at 7:30 a.m.; December 2, 2021 at 12:42 p.m.; December 3, 2021 at 12:02 p.m.; December 8, 2021 at 7:41 p.m.; December 25, 2021 at 12:25 p.m.; and April 22, 2022 at 11:05 a.m.¹⁶³:

UNBELIEVABLE: Anti-Trump Democrat in Georgia 'Suitcase Scandal' Caught running Same Batch of Ballots Through Tabulator THREE TIMES! (VIDEO)

¹⁶³ The republications each added the additional defamatory statement "What's Up, Ruby? . . . BREAKING: CROOKED OPERATIVE Filmed Pulling Out Suitcases of Ballots in Georgia." Further, three other articles republished only the first defamatory statement about Ms. Freeman being "[c]aught" in the "[s]uitcase [s]candal": June 8, 2021, at 11:57 a.m.; June 19, 2021, at 10:20 a.m.; and June 20, 2021, at 7:15 a.m.

The mother – daughter team of ballot counters in Atlanta really overdid their fraud. We saw last night how they stuck around and counted ballots after kicking Republicans out of the State Farm Center on a fake water main break hoax.

- l) In their December 4, 2020, article published at 5:45 p.m., Defendants also made the following false statements:

We also saw the mother and daughter pass an object the size of a thumb drive between each other in a suspicious manner[.]

Now we have evidence mother Ruby sent the same stack of votes through a tabulator in the State Farm Center three times. This is illegal.

The corrupt Republican politicians in Georgia are giving the election to Joe Biden. Besides them, nobody did more to steal the election for Joe Biden than this mother – daughter combo. The good people in Georgia need to stand up.

- m) In their December 6, 2020, article published at 8:15 a.m., Defendants also made the following false statements:

[T]he secret suitcase ballots were pulled out from their hiding place under the tables.

They then ran the Biden only ballots through the tabulators multiple times. These votes were all for Biden and fraudulently gave Biden the lead in the race.

- n) In their December 6, 2020, article published at 6:35 p.m., Defendants made the following false statements, which they republished on December 6, 2020, at 9:23 p.m. and December 7, 2020, at 8:29 a.m.:

Next it was uncovered that a mother and daughter team [, Ruby Freeman and her daughter “Shaye” Moss] as well as a couple others, stuck around after sending everyone home and started running ballots through tabulators. Ballots were pulled out from under a table that were previously covered up and processed with no Republican observers.

The mother – daughter team have become infamous in the annals of voter corruption[.]

- o) In their December 7, 2020, article published at 8:29 a.m., Defendants made the following false statements, which they republished verbatim on December 8, 2020, at 8:59 a.m. and republished in part on December 23, 2020, at 8:40 a.m.¹⁶⁴:

Ralph Jones, Sr. was identified as the third suspect in the Fulton County Georgia suitcase scandal.

** Ralph led a team of operatives in carrying out a massive voter fraud scandal on election night at the State Farm Center in Atlanta, Georgia.

** Ralph and his team plotted to remove ALL elections observers (Republicans) from the counting room so they could roll out their suitcases full of Joe Biden ballots and run them through the machine.

...

They sent everyone home!

...

** The elections officials used the “water main break” to say there was a delay in counting and they used that to send people home — except for the suitcase gang.

** Then Ralph Jones, Sr., Ruby Freeman and her daughter Shaye Ross went to work rolling out the hidden suitcases of ballots stashed under the table and hidden from view.

** It was their actions that gave Joe Biden the spike in unexplained votes in Georgia on Wednesday morning.

¹⁶⁴ The December 8, 2020, 8:59 a.m. article shortens the final sentence to read, “It appears that this was a conspiracy to remove observers from the center and then to commit their hidden suitcase ballot fraud.” The December 23, 2020, 8:40 a.m. article includes the first two sentences and ends with “** Ralph and his team plotted to remove ALL elections observers.”

** It appears this was a conspiracy to lie to the public including local news, to remove observers from the center and then to commit their hidden suitcase ballot fraud.

- p) Defendants end their December 7, 2020, article published at 8:29 a.m. with the following false statements:

We know [the alleged pipe burst at State Farm Arena] was a lie because there was NEVER a work order filed and the water department never received a call.

It never happened!

But it gave Ralph and Ruby and Shaye cover to complete their scam on Georgia and America!

- q) In their December 8, 2020, article published at 7:20 a.m., Defendants made the following false statements:

Shaye told everyone to go home.

Then Shaye, her mother and a couple others including Ralph Jones, Sr. were filmed taking “suitcases” of ballots hidden under a table out to be tabulated. This was right before Joe Biden got his surprise spike in ballots.

And now the liberal media and their fake “fact-checkers” are lying about the incredible incident caught on video!

- r) In their December 15, 2020, article published at 9:19 a.m., Defendants made the following false statements:

We even HAVE VIDEO of Democrats at work stealing votes from the people of Georgia. . . .

Has anyone questioned Ruby Freeman or her daughter?

- s) In their December 23, 2020, article published at 8:10 a.m., Defendants made the following false statements, which they republished on December 23, 2020, at 11:05 a.m. and January 2, 2021, at 7:30 a.m.¹⁶⁵:

President Trump tweeted a Gateway Pundit video where we identified Georgia ballot workers jamming ballots into tabulators multiple times [late on election night].

...

We shared this video on December 4, when we pointed out that one of the participants in the [ballots under the desk scandal / suitcase ballot hoist] grabbed the ballots and started jamming the ballots into the Dominion tabulators three times.

Georgia's results are a total fraud. The Democrats using people like these poll workers stole the election for Joe Biden.

- t) In their December 23, 2020, article published at 8:40 a.m., Defendants made the following false statement, which they republished on January 3, 2021, at 6:20 p.m.; January 7, 2021, at 3:14 p.m.; January 17, 2021, at 6:33 p.m.; and June 6, 2021, at 7:53 a.m.¹⁶⁶:

The Gateway Pundit was first to identify Ruby Freeman, her daughter Wandrea "Shaye" Moss, and their boss Ralph Jones, Sr. in the infamous suitcase ballot hoist [sic].

¹⁶⁵ The article on December 23, 2020, at 11:05 a.m. omits the last paragraph and the article on January 2, 2021, includes only the line "Georgia's results are a total fraud" from the last paragraph.

¹⁶⁶ The articles on December 23, 2020, at 8:40 a.m. and June 6, 2021, at 7:53 a.m. added the additional defamatory statement "Has the FBI Spoken with Ruby Freeman or Ralph Jones Yet? And If Not, Why in the Hell Do we Have an FBI?"

- u) In their December 23, 2020, article published at 8:40 a.m., Defendants also made the following false statements, which they largely republished on January 17, 2021, at 6:33 p.m.¹⁶⁷:

We later reported on Ruby Freeman running the same batch of ballots through the counting machines at least three times after these Democrat operatives cleared the room of observers!

...

Shaye Moss is the same person who called out for observers to go home late on election night before the ballot hoist [sic]. Ralph Jones, Sr. is ON AUDIO telling reporters he was going to shut down the State Farm Center early and send observers home. This was BEFORE the suitcase ballot hoist [sic]!

It was a carefully planned event!

They had NO IDEA they would get caught!

At this time there is no evidence that FBI or the Georgia Bureau of Investigations have interviewed or arrested Ruby Freeman, Shaye Ross, or Ralph Jones, Sr.

They were able to flip Georgia for Beijing Biden by their actions.

Why is the FBI or DOJ not involved?

This tells you everything you need to know about your federal government.

- v) In their December 26, 2020, article published at 7:34 p.m., Defendants made the following false statements:

[T]he documentary and video evidence show that thousands of votes were illegally counted in Fulton County, Georgia. Fulton County Georgia elections officials told the media and GOP observers that they were shutting down the tabulation

¹⁶⁷ The January 17, 2021, 6:33 p.m. article included all but the last three sentences of these defamatory statements.

center at State Farm Arena at 10:30 p.m. on election night because of an alleged water main rupture. But there was no break in the water line.

The Democrat workers continued counting ballots in secret until 1:00 a.m. Ruby Freeman and her daughter—elections supervisor Wandrea “Shaye” Moss—are clearly visible on video pulling out suitcases full of ballots and began counting those ballots without election monitors in the room.

- w) In their January 1, 2021, article published at 9:58 a.m., Defendants made the following false statements:

We have individuals dragging ballots out from under the tables in Georgia on election night on video and yet none of these individuals have been interviewed, let alone prosecuted for their crimes that we are aware of.

- x) In their January 2, 2021, article published at 7:30 a.m., Defendants made the following false statement, which they republished on May 21, 2021, at 12:34 p.m. and June 19, 2021, at 10:20 a.m.:

ANOTHER VIDEO of Corrupt GA Election Workers Feeding SAME BALLOTS Through Machines Numerous Times!

- y) In their January 3, 2021, article published at 6:20 p.m., Defendants made the following false statements, which they republished in part on June 6, 2021, at 7:53 a.m. and June 20, 2021, at 10:30 a.m.¹⁶⁸:

President Trump: We have at least 18,000, that’s on tape. We had them counted very painstakingly. 18,000 voters having to with BEEP [in red] (Ruby Freeman). She’s a vote scammer, a professional vote scammer and hustler. BEEP [in red] (Ruby Freeman) that is the tape that is shown all over the world. It makes everybody look bad, you, me and everybody else. Number one, they said very clearly, and it’s been reported that they said that there’s a water main break.

¹⁶⁸ The republished portion in the two subsequent articles quotes the headline that “‘Vote Scammer and Hustler’ Ruby Freeman Was Behind Alleged 18,000 FRAUDULENT VOTES in Suitcase Scandal!”

Everybody fled the area. And then they came back. BEEP
[in red] (Ruby Freeman) and her daughter and a few people.

- z) In their January 5, 2021, article published at 9:20 a.m., Defendants made the following false statement, which they republished verbatim on January 5, 2021, at 1:02 p.m.:

Sterling misled his audience, defended the corrupt and likely criminal conduct at the State Farm Center on election night [and] defended [elections worker] Ruby Freeman for passing hundreds of ballots through a ballot counting machines at least three times.

- aa) In their January 17, 2021, article, published at 6:33 p.m., Defendants made the following false statements:

FIVE MOST SIGNIFICANT ACTS OF FRAUD IN THE
2020 ELECTION:

- 1.) The Georgia Late Night Hidden Suitcase Heist:

- bb) In their June 6, 2021, article published at 7:53 a.m., Defendants made the following statements:

Who can forget Ruby, Ralph, and Ruby's daughter Wandrea Shaye?

After removing everyone from the State Farm Arena on 2020 Election night and sending them home, these three individuals and a couple of others pulled out ballots hidden under the table and began jamming them into the vote tabulation machines. The election workers were filmed shoving stacks of ballots through the machines two and three times each.

In early December The Gateway Pundit was first to identify the culprits. Ruby Freeman and her daughter Wandrea were two of the individuals who pulled the hidden ballots out from under the table on Election night:

...

The Gateway Pundit also discovered that these piles of ballots were run through the tabulators multiple times.

...

We asked in December why the FBI had not spoken with the culprits and arrested them for election-related crimes.

...

cc) In their June 7, 2021, article published at 9:43 p.m., Defendants made the following false statements, which they republished on June 14, 2021, at 10:33 a.m. and June 18, 2021, at 8:00 a.m.¹⁶⁹:

Shaye Moss was famous for kicking everyone out of the room where votes were counted in Fulton County and telling observers to go home. Then Shaye and others including Ralph Jones and her mother Ruby dragged hidden boxes of ballots out from underneath tables and started running them through the machines. [Our source caught Ruby Freeman in the purple shirts scanning / Ruby Freeman was caught on tape running] the same stack of suspect ballots through the machines multiple times

dd) In their June 18, 2021, article published at 8:00 a.m., Defendants made the following false statements, which they substantially republished on June 18, 2021, at 11:06 a.m. and June 19, 2021, at 10:20 a.m.¹⁷⁰:

A new report confirms Fulton County election worker Ruby Freeman was not the only leftist operative double counting stacks of ballots in Atlanta on election night. Top Atlanta election official Ralph Jones was also double scanning ballots late at night at the State Farm Center in Atlanta, Georgia on election night.

...

¹⁶⁹ The June 7, 2021, 9:43 p.m. article added the additional defamatory statement “BREAKING GEORGIA UPDATE: Ruby Freeman who Jammed Suspect Ballots Into Voting Machines Multiple Times on Election Night is Subpoenaed.”

¹⁷⁰ The second two articles republish only the first of these two paragraphs.

Ralph Jones was the person who sent home all of the election observers. Then his crew, including Ruby and daughter Shaye, went to work on election night!

...

- ee) In their June 18, 2021, article published at 8:00 a.m., Defendants made the following additional false statement, which they republished seven (7) times, on June 18, 2021, at 11:06 a.m., December 2, 2021, at 12:42 p.m., December 3, 2021, at 12:02 p.m., December 8, 2021, at 7:41 p.m., December 25, 2021, at 12:25 p.m., April 22, 2022, at 11:05 a.m., and May 4, 2022, at 1:03 p.m.:

The Gateway Pundit was [also] first to [report / reveal] that Ruby Freeman was [also] [caught on video shoving / seen scanning / seen double scanning] stacks of ballots [up to three / through the voting machines numerous] times [at the State Farm Center in Atlanta, Georgia / late at night] after [all of the election] observers were sent home [on election night].

- ff) In their June 18, 2021, article published at 11:29 a.m., Defendants made the following false statement:

Shaye is the daughter of Ruby Freeman who was filmed feeding the same stacks of ballots through voting machines late at night at the center – after observes [sic] were sent home.

- gg) In their June 19, 2021, article published at 10:20 a.m., Defendants made the following false statement:

[W]e reported on Fulton County Georgia poll worker Ruby Freeman pushing multiple ballots through the vote tabulators multiple times. This was illegal.

hh) In their June 19, 2021, article published at 8:31 p.m., Defendants made the following false statements:

This follows news first reported by The Gateway Pundit that election operative Ruby Freeman was also caught tripe [sic] counting stacks of votes late at night at the counting center after GOP observers were sent home.

It was a carefully planned event!

They had NO IDEA they would get caught!

On December 4th TGP reported with video on anti-Trump ballot counter Ruby Freeman working in a private cube with trays of ballots, walking past open boxes of ballots, working alone with NO ELECTION OBSERVERS IN SIGHT!
This is the DEFINITION OF CHEATING!

...

The Democrat operatives were running a voter fraud factory inside the State Farm Center on Election Day and into Election Week!

ii) In their June 24, 2021, article published at 8:35 p.m., Defendants made the following false statements:

Fulton County is home to the infamous Ruby Freeman and her daughter Shaye Moss who were caught pulling ballot boxes from under tables and scanning the same ballots multiple times after GOP elections observers were sent home on election night.

...

If Fulton County officials are SO confident in the security of Georgia's election, why are they hiring CRIMINAL DEFENSE attorneys?

This is not how innocent people act. They are hiding something in Fulton County, Georgia.

jj) In their July 14, 2021, article published at 9:19 p.m., Defendants made the following false statements:

That a Fulton County election official – identified by The Gateway Pundit as Ruby Freeman – was feeding stacks of ballots through the voting machines at least three times each on November 4th in the early morning after GOP election observers were told to go home.

...

**** Dec. 4, 2020- Anti-Trump Democrat in Georgia ‘Suitcase Scandal’ Caught Running Same Batch of Ballots Through Tabulator THREE TIMES! (VIDEO)**

kk) In their August 14, 2021, article published at 9:15 a.m., Defendants made the following false statements:

We first discovered Ruby Freeman and her daughter Shaye Moss in December when The Gateway Pundit first reported that these two election workers took ballots out from under a table on Election night and jammed thousands of ballots into the tabulators numerous times.

This was after all of the election observers were sent home for the night. This was also after Trump had accumulated what experts said was an insurmountable lead in the state.

We revealed first that the ballots taken out from under tables on Election night were pushed into tabulators up to three times each.

...

This is not good for Ruby and her daughter.

It’s also pathetic that these two are not in jail already. Their crimes were videotaped!

ll) In their September 25, 2021, article published at 7:10 a.m., Defendants made the following false statements:

Fulton County Georgia is a mess. The election results there are in question ever since election night when Ruby and her daughter jammed the same (Biden) ballots through tabulators continuously for more than an hour.

...

Fulton County was a mess and the activities of its employees surrounding the 2020 Election were corrupt. To certify the results from this county in the 2020 Election, a man would have to have no integrity. A man would have to be corrupt.

mm) In their December 2, 2021, article published at 12:42 p.m., Defendants made the following false statements, which they republished on December 3, 2021, at 12:02 p.m., December 8, 2021, at 7:41 p.m., and April 22, 2022, at 11:05 a.m.¹⁷¹:

The two women and their far-left funders targeted The Gateway Pundit after we were the first to identify the women in the late-night ballot-counting video at the State Farm Arena in Atlanta Georgia on November 3rd and the morning of November 4th.

The Gateway Pundit was also first to report that Ruby Freeman was caught on video shoving stacks of ballots through the voting machines numerous times late at night after all of the election observers were sent home.

The anti-Trump officials in Georgia insisted that this was normal procedure in the state of Georgia. We disagree.

nn) In their December 8, 2021, article published at 8:50 p.m. with embedded audio, Defendants made the following false statements:

Joe Hoft: That night . . . I don't know if you remember the news first came out that night, and was saying there was a water main break and they needed to stop counting in Georgia. Remember that? . . . And then we were

¹⁷¹ The December 8, 2021, 7:41 p.m. article elaborated on typical election procedures with an additional defamatory statement: "The anti-Trump officials in Georgia insisted that this was normal procedure in the state of Georgia to kick out observers pull out hidden suitcases of ballots and feed them through the machines in an empty room numerous times when your candidate is losing the race. We disagree."

told later that was a lie and it never happened. And then they said it happened in the morning. And then apparently they just kind of tried to say it never happened.

...

There was no water main break. . . . So, that was a lie.

So what happened then was they shut down for the night at 10:30. Now everybody else is thinking, wait a minute, I thought we counted until the election was done. I didn't think we were going to take shifts here, you know, go to bed. . . . So they decide to shut down. And there's evidence that they were doing that.

And then what happened is five people stuck around. Now, I know at least three of them are Black. And it doesn't matter. To me, it doesn't matter. I don't care if they were . . .

So these people stuck around, and they decided to pull ballots out from underneath the tables. Do you remember this story? Did you see that video? . . . Everybody saw it. The video came out, they pulled these ballots out from underneath the tables, and in suitcases, and then they opened them up, and they started shoving them through the tabulators.

...

Now later they're trying to say this is normal.

...

I mean, do we want an election where anybody can just grab suitcases of ballots and start shoving them through machines when nobody is watching?

198. The defamatory meanings of Defendants' false statements are apparent from the face of the publications, refer to Ms. Freeman by name, are accompanied by images of Ms. Freeman, and/or are understood to be about her.

199. The statements authored and published by Defendants about Ms. Freeman are reasonably understood to state or imply that she:

- a) Planned and carried out with others a plot to “steal the election” and “flip Georgia” for Joe Biden;
- b) Helped to fake a water main break that was used as a cover to bring suitcases stuffed with fraudulent ballots into the vote tabulation center;
- c) Engaged in a criminal conspiracy to exclude observers during the counting of ballots so that election fraud could be committed;
- d) Criminally introduced illegal ballots taken from the hidden suitcases into the ballot counting process when no observers were present;
- e) Fraudulently triple-counted ballots by running them through a tabulator three times; and
- f) Committed election fraud and other crimes for which she is subject to arrest and imprisonment.

200. Each of these statements and implications is false and defamatory.

201. Each of these statements was read by millions of visitors to *The Gateway Pundit* website, as well as social media users who read social media posts shared by Defendants.

202. Each of these false statements was published with actual malice, *i.e.*, with knowledge of its falsity or with reckless disregard as to its truth.

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

204. Defendants had both political and financial motives for promulgating lies about Plaintiffs.

205. Defendants did not neutrally report the allegations about Ms. Freeman that were advanced by Trump lawyers and promptly disproven by Georgia election officials. Rather, they endorsed and adopted the allegations as their own, publishing and republishing them for months with full knowledge of their falsity or reckless disregard for their truth.

206. Defendants had no applicable privilege or legal authorization to make these false and defamatory statements, or if they did, they abused it.

207. Defendants repeated and embellished the false accusations without ever attempting to verify them and invented and published defamatory lies about Ms. Freeman without once seeking comment from her.

208. Defendants' defamatory statements were inherently improbable to begin with and have only become more improbable over time.

209. Defendants have never corrected or retracted their defamatory statements, and those statements remain published on *The Gateway Pundit* to this day. Even after Plaintiffs specifically requested that Defendants correct and retract their defamatory statements, Defendants took no action to correct or retract and only published additional defamatory statements, further evidencing their actual malice.

210. Defendants' statements and implications about Ms. Freeman constitute defamation *per se* in that they damaged her in her trade, office, or profession and claimed that she participated in criminal activity punishable by law and labeled her a "crook."

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

212. Defendants' statements damaged Ms. Freeman's reputation in the general public, in her profession, in her neighborhood, and with friends, relatives, and neighbors.

213. As a direct and proximate result of Defendants' conduct, Ms. Freeman has suffered significant general, actual, consequential, and special damages including, without limitation, impairment of reputation and standing in the community, personal humiliation, mental anguish and suffering, emotional distress, stress, anxiety, lost earnings, and other pecuniary loss. Among other things, Ms. Freeman lost income when she was forced to shutter her online business.

SECOND CLAIM

(Defamation of Ms. Moss)

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

215. Beginning on December 3, 2020, Defendants published a series of false and defamatory statements of fact about Ms. Moss, including by and through *The Gateway Pundit's* own agents making the statements themselves; and by republishing the statements on *The Gateway Pundit's* website and social media accounts, and the social media accounts of its agents, as detailed extensively above. Those statements include, but are not limited to, the following non-exhaustive list:

- a) In their December 3, 2020, article published at 1:11 p.m., Defendants made the following false statements, which they republished verbatim on December 3, 2020, at 2:29 p.m.:

Poll watchers were kicked out of the State Farm Arena tabulation center on election night after a burst pipe caused flooding.

...

We now know that a pipe never burst. It was all a lie in order to kick out poll watchers while a few crooks stayed behind to count illegal ballots for Joe Biden.

- b) In a December 3, 2020, article published at 1:11 p.m., Defendants made the following false statement, which they republished verbatim or nearly verbatim nine (9) times on December 3, 2020, at 2:29 p.m. and 8:49 p.m.; December 4, 2020, at 7:35 a.m., 8:53 a.m., 1:51 p.m.; December 7, 2020, at 7:15 a.m.; and December 8, 2020, at 7:20 a.m. and 1:11 p.m.; and May 4, 2022, at 1:03 p.m.¹⁷²:

A few “workers” stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated!

- c) In their December 3, 2020, article published at 8:49 p.m., Defendants made the following false statement, which they republished verbatim eighteen (18) times on December 4, 2020 at 7:35 a.m., 8:53 a.m., 1:51 p.m., and 5:45 p.m.; December 6, 2020 at 6:35 p.m. and 9:23 p.m.; December 7, 2020 at 7:15 a.m. and 8:29 a.m.; December 8, 2020 at 7:20 a.m. and 1:11 p.m.; January 1, 2021 at 9:58 a.m.; January 3, 2021 at 4:21 p.m.; June 6, 2021 at 7:53 a.m.; June 7, 2021 at 9:43 p.m.; June 14, 2021 at 10:33 a.m.; August

¹⁷² The December 3, 2020, 2:29 p.m. article added the additional defamatory statement: “They were caught cheating!” The December 8, 2020, 1:11 p.m. article added the additional defamatory statement: “A few liberal election ‘workers’ stayed behind and were seen pulling suitcases full of ballots out from under tables to be tabulated after the GOP inspectors and media left the room!” The May 4, 2022, 1:03 p.m. article omitted the opening phrase “A few ‘workers’ stayed behind and were seen.”

14, 2021 at 9:15 a.m.; September 20, 2021 at 3:30 p.m.; and May 4, 2022 at 1:03 p.m.¹⁷³:

Cristina Laila reported on the explosive video that was revealed during the Georgia ballot counting at the State Farm Arena where crooked Democrats pulled out suitcases full of ballots and began counting those ballots without election monitors in the room.

- d) In their December 3, 2020, article published at 8:49 p.m., Defendants made the following false statement, which they republished verbatim on December 4, 2020, at 7:35 a.m.:

Local 11 News covered the story from the State Farm Arena that a pipe had burst. (This later was proven to be complete fraud and an excuse to kick out the GOP election observers!)

- e) In their December 4, 2020, article published at 7:35 a.m., Defendants made the following false statement, which they republished verbatim on December 8, 2020, at 7:20 a.m.:

“Shaye” [was] the woman in blonde [pigtails/braids] [who was filmed] removing suitcases of ballots from under a table after GOP observers were evacuated from the room and told to go home.

- f) In their December 4, 2020, article published at 1:51 p.m., Defendants made the following false statements:

And now there is video of Ruby secretly passing something to her daughter during the ballot counting.

It is not clear what was passed. Some readers say it was a USB stick but it is not clear what they passed to each other.

¹⁷³ The articles on December 4, 2020 at 7:35 a.m.; December 6, 2020 at 6:35 p.m. and 9:23 p.m.; December 7, 2020 at 8:29 a.m.; January 1, 2021 at 9:58 a.m.; January 3, 2021 at 4:21 p.m.; June 6, 2021 at 7:53 a.m.; August 14, 2021 at 9:15 a.m.; and September 20, 2021 at 3:30 p.m. add the additional defamatory statement: “BREAKING: CROOKED GEORGIA ELECTIONS SUPERVISER Filmed Pulling Out Suitcases of Ballots from Beneath Table IS IDENTIFIED – IT’S RUBY’S DAUGHTER! (Video).”

It sure looks like they were trying to hide this transaction.

- g) In their December 4, 2020, article published at 3:25 p.m., Defendants made the following false statements:

Mother-Daughter Duo's Election Fraud Scam . . .

[T]he mother-daughter duo in Atlanta began messing with ballots in secret.

- h) In their December 4, 2020, article published at 5:45 p.m., Defendants made the following false statements, which they republished verbatim eighteen (18) times on December 6, 2020 at 8:15 a.m.; December 23, 2020 at 8:10 a.m. and 11:05 a.m.; January 2, 2021 at 7:30 a.m.; March 25, 2021 at 7:25 p.m.; May 21, 2021 at 12:34 p.m.; May 22, 2021 at 9:05 a.m.; June 6, 2021 at 7:53 a.m.; June 11, 2021 at 3:03 p.m.; June 18, 2021 at 8:00 a.m.; June 19, 2021 at 10:20 a.m.; July 10, 2021 at 8:20 a.m.; July 14, 2021 at 7:30 a.m.; December 2, 2021 at 12:42 p.m.; December 3, 2021 at 12:02 p.m.; December 8, 2021 at 7:41 p.m.; December 25, 2021 at 12:25 p.m.; and April 22, 2022 at 11:05 a.m.:

The mother – daughter team of ballot counters in Atlanta really overdid their fraud. We saw last night how they stuck around and counted ballots after kicking Republicans out of the State Farm Center on a fake water main break hoax.

- i) In their December 4, 2020, article published at 5:45 p.m., Defendants also made the following false statements:

We also saw the mother and daughter pass an object the size of a thumb drive between each other in a suspicious manner[.]

Now we have evidence mother Ruby sent the same stack of votes through a tabulator in the State Farm Center three times. This is illegal.

The corrupt Republican politicians in Georgia are giving the election to Joe Biden. Besides them, nobody did more to steal the election for Joe Biden than this mother – daughter combo. The good people in Georgia need to stand up.

- j) In their December 6, 2020, article published at 8:15 a.m., Defendants also made the following false statements:

[T]he secret suitcase ballots were pulled out from their hiding place under the tables.

They then ran the Biden only ballots through the tabulators multiple times. These votes were all for Biden and fraudulently gave Biden the lead in the race.

- k) In their December 6, 2020, article published at 6:35 p.m., Defendants made the following false statements, which they republished on December 6, 2020, at 9:23 p.m. and December 7, 2020, at 8:29 a.m.:

Next it was uncovered that a mother and daughter team [, Ruby Freeman and her daughter “Shaye” Moss] as well as a couple others, stuck around after sending everyone home and started running ballots through tabulators. Ballots were pulled out from under a table that were previously covered up and processed with no Republican observers.

The mother – daughter team have become infamous in the annals of voter corruption[.]

- l) In their December 7, 2020, article published at 7:15 a.m., Defendants made the following false statements:

And [Ruby’s] daughter Wandrea “Shaye” Moss was later identified as her supervisor who was helping cart out the hidden ballots in the suitcases to be counted after all of the GOP observers and media was sent home for a “water main” break.

It was all a fraud.

m) In their December 7, 2020, article published at 8:29 a.m., Defendants made the following false statements, which they republished verbatim on December 8, 2020, at 8:59 a.m. and republished in part on December 23, 2020, at 8:40 a.m.¹⁷⁴:

Ralph Jones, Sr. was identified as the third suspect in the Fulton County Georgia suitcase scandal.

** Ralph led a team of operatives in carrying out a massive voter fraud scandal on election night at the State Farm Center in Atlanta, Georgia.

** Ralph and his team plotted to remove ALL elections observers (Republicans) from the counting room so they could roll out their suitcases full of Joe Biden ballots and run them through the machine.

...

They sent everyone home!

...

** The elections officials used the “water main break” to say there was a delay in counting and they used that to send people home — except for the suitcase gang.

** Then Ralph Jones, Sr., Ruby Freeman and her daughter Shaye Ross went to work rolling out the hidden suitcases of ballots stashed under the table and hidden from view.

** It was their actions that gave Joe Biden the spike in unexplained votes in Georgia on Wednesday morning.

** It appears this was a conspiracy to lie to the public including local news, to remove observers from the center and then to commit their hidden suitcase ballot fraud.

¹⁷⁴ The December 8, 2020, 8:59 a.m. article shortens the final sentence to read, “It appears that this was a conspiracy to remove observers from the center and then to commit their hidden suitcase ballot fraud.” The December 23, 2020, 8:40 a.m. article includes the first two sentences and ends with “** Ralph and his team plotted to remove ALL elections observers.”

- n) Defendants end their December 7, 2020, article published at 8:29 a.m. with the following false statements:

We know [the alleged pipe burst at State Farm Arena] was a lie because there was NEVER a work order filed and the water department never received a call.

It never happened!

But it gave Ralph and Ruby and Shaye cover to complete their scam on Georgia and America!

- o) In their December 8, 2020, article published at 7:20 a.m., Defendants made the following false statements:

Shaye told everyone to go home.

Then Shaye, her mother and a couple others including Ralph Jones, Sr. were filmed taking “suitcases” of ballots hidden under a table out to be tabulated. This was right before Joe Biden got his surprise spike in ballots.

And now the liberal media and their fake “fact-checkers” are lying about the incredible incident caught on video!

- p) In their December 15, 2020, article published at 9:19 a.m., Defendants made the following false statements:

We even HAVE VIDEO of Democrats at work stealing votes from the people of Georgia.

...

Has anyone questioned Ruby Freeman or her daughter?

- q) In their December 23, 2020, article published at 8:40 a.m., Defendants made the following false statements, which they republished on January 3, 2021,

at 6:20 p.m.; January 7, 2021, at 3:14 p.m.; January 17, 2021, at 6:33 p.m.;
and June 6, 2021, at 7:53 a.m.¹⁷⁵:

The Gateway Pundit was first to identify Ruby Freeman, her daughter Wandrea “Shaye” Moss, and their boss Ralph Jones, Sr. in the infamous suitcase ballot hoist [sic].

- r) In their December 23, 2020, article published at 8:40 a.m., Defendants also made the following false statements, which they largely republished on January 17, 2021, at 6:33 p.m.¹⁷⁶:

We later reported on Ruby Freeman running the same batch of ballots through the counting machines at least three times after these Democrat operatives cleared the room of observers!

...

Shaye Moss is the same person who called out for observers to go home late on election night before the ballot hoist.

Ralph Jones, Sr. is ON AUDIO telling reporters he was going to shut down the State Farm Center early and send observers home. This was BEFORE the suitcase ballot hoist[sic]!

It was a carefully planned event!

They had NO IDEA they would get caught!

At this time there is no evidence that FBI or the Georgia Bureau of Investigations have interviewed or arrested Ruby Freeman, Shaye Ross, or Ralph Jones, Sr.

They were able to flip Georgia for Beijing Biden by their actions.

Why is the FBI or DOJ not involved?

¹⁷⁵ The articles on December 23, 2020, at 8:40 a.m. and June 6, 2021, at 7:53 a.m. added the additional defamatory statement “Has the FBI Spoken with Ruby Freeman or Ralph Jones Yet? And If Not, Why in the Hell Do we Have an FBI?”

¹⁷⁶ The January 17, 2021, 6:33 p.m. article included all but the last three sentences of these defamatory statements.

This tells you everything you need to know about your federal government.

- s) In their December 26, 2020, article published at 7:34 p.m., Defendants made the following false statements:

[T]he documentary and video evidence show that thousands of votes were illegally counted in Fulton County, Georgia. Fulton County Georgia elections officials told the media and GOP observers that they were shutting down the tabulation center at State Farm Arena at 10:30 p.m. on election night because of an alleged water main rupture. But there was no break in the water line.

The Democrat workers continued counting ballots in secret until 1:00 a.m. Ruby Freeman and her daughter—elections supervisor Wandrea “Shaye” Moss—are clearly visible on video pulling out suitcases full of ballots and began counting those ballots without election monitors in the room.

- t) In their January 1, 2021, article published at 9:58 a.m., Defendants made the following false statements:

We have individuals dragging ballots out from under the tables in Georgia on election night on video and yet none of these individuals have been interviewed, let alone prosecuted for their crimes that we are aware of.

- u) In their January 3, 2021, article published at 6:20 p.m., Defendants made the following false statements:

President Trump: We have at least 18,000, that’s on tape. We had them counted very painstakingly. 18,000 voters having to with BEEP [in red] (Ruby Freeman). She’s a vote scammer, a professional vote scammer and hustler. BEEP [in red] (Ruby Freeman) that is the tape that is shown all over the world. It makes everybody look bad, you, me and everybody else. Number one, they said very clearly, and it’s been reported that they said that there’s a water main break. Everybody fled the area. And then they came back. BEEP [in red] (Ruby Freeman) and her daughter and a few people.

- v) In their January 17, 2021, article, published at 6:33 p.m., Defendants made the following false statements:

FIVE MOST SIGNIFICANT ACTS OF FRAUD IN THE 2020 ELECTION:

- 2.) The Georgia Late Night Hidden Suitcase Heist:

- w) In their June 6, 2021, article published at 7:53 a.m., Defendants made the following statements:

Who can forget Ruby, Ralph, and Ruby's daughter Wandrea Shaye?

After removing everyone from the State Farm Arena on 2020 Election night and sending them home, these three individuals and a couple of others pulled out ballots hidden under the table and began jamming them into the vote tabulation machines. The election workers were filmed shoving stacks of ballots through the machines two and three times each.

In early December The Gateway Pundit was first to identify the culprits. Ruby Freeman and her daughter Wandrea were two of the individuals who pulled the hidden ballots out from under the table on Election night:

...

The Gateway Pundit also discovered that these piles of ballots were run through the tabulators multiple times.

...

We asked in December why the FBI had not spoken with the culprits and arrested them for election-related crimes.

...

- x) In their June 7, 2021, article published at 9:43 p.m., Defendants made the following false statements, which they republished on June 14, 2021, at 10:33 a.m. and June 18, 2021, at 8:00 a.m.:

Shaye Moss was famous for kicking everyone out of the room where votes were counted in Fulton County and telling observers to go home. Then Shaye and others including Ralph Jones and her mother Ruby dragged hidden boxes of ballots out from underneath tables and started running them through the machines. [Our source caught Ruby Freeman in the purple shirts scanning / Ruby Freeman was caught on tape running] the same stack of suspect ballots through the machines multiple times.

- y) In their June 18, 2021, article published at 8:00 a.m., Defendants made the following false statements, which they substantially republished on June 18, 2021, at 11:06 a.m. and June 19, 2021, at 10:20 a.m.¹⁷⁷:

A new report confirms Fulton County election worker Ruby Freeman was not the only leftist operative double counting stacks of ballots in Atlanta on election night. Top Atlanta election official Ralph Jones was also double scanning ballots late at night at the State Farm Center in Atlanta, Georgia on election night.

...

Ralph Jones was the person who sent home all of the election observers. Then his crew, including Ruby and daughter Shaye, went to work on election night!

...

- z) In their June 19, 2021, article published at 8:31 p.m., Defendants made the following false statement:

The Democrat operatives were running a voter fraud factory inside the State Farm Center on Election Day and into Election Week!

- aa) In their June 24, 2021, article published at 8:35 p.m., Defendants made the following false statements:

Fulton County is home to the infamous Ruby Freeman and her daughter Shaye Moss who were caught pulling ballot boxes from

¹⁷⁷ The second two articles republish only the first of these two paragraphs.

under tables and scanning the same ballots multiple times after GOP elections observers were sent home on election night.

...

If Fulton County officials are SO confident in the security of Georgia's election, why are they hiring CRIMINAL DEFENSE attorneys?

This is not how innocent people act. They are hiding something in Fulton County, Georgia.

bb) In their August 14, 2021, article published at 9:15 a.m., Defendants made the following false statements:

We first discovered Ruby Freeman and her daughter Shaye Moss in December when The Gateway Pundit first reported that these two election workers took ballots out from under a table on Election night and jammed thousands of ballots into the tabulators numerous times.

This was after all of the election observers were sent home for the night. This was also after Trump had accumulated what experts said was an insurmountable lead in the state.

We revealed first that the ballots taken out from under tables on Election night were pushed into tabulators up to three times each.

...

This is not good for Ruby and her daughter.

It's also pathetic that these two are not in jail already. Their crimes were videotaped!

cc) In their September 25, 2021, article published at 7:10 a.m., Defendants made the following false statements:

Fulton County Georgia is a mess. The election results there are in question ever since election night when Ruby and her daughter jammed the same (Biden) ballots through tabulators continuously for more than an hour.

...

Fulton County was a mess and the activities of its employees surrounding the 2020 Election were corrupt. To certify the results from this county in the 2020 Election, a man would have to have no integrity. A man would have to be corrupt.

dd) In their December 2, 2021, article published at 12:42 p.m., Defendants made the following false statements, which they republished on December 3, 2021, at 12:02 p.m., December 8, 2021, at 7:41 p.m., and April 22, 2022, at 11:05 a.m.¹⁷⁸:

The two women and their far-left funders targeted The Gateway Pundit after we were the first to identify the women in the late-night ballot-counting video at the State Farm Arena in Atlanta Georgia on November 3rd and the morning of the [sic] November 4th.

The Gateway Pundit was also first to report that Ruby Freeman was caught on video shoving stacks of ballots through the voting machines numerous times late at night after all of the election observers were sent home.

The anti-Trump officials in Georgia insisted that this was normal procedure in the state of Georgia. We disagree.

ee) In their December 8, 2021, article published at 8:50 p.m. with embedded audio, Defendants made the following false statements:

Joe Hoft: That night . . . I don't know if you remember the news first came out that night, and was saying there was a water main break and they needed to stop counting in Georgia. Remember that? . . . And then we were told later that was a lie and it never happened. And then they said it happened in the morning. And then

¹⁷⁸ The December 8, 2021, 7:41 p.m. article elaborated on typical election procedures with an additional defamatory statement: "The anti-Trump officials in Georgia insisted that this was normal procedure in the state of Georgia to kick out observers pull out hidden suitcases of ballots and feed them through the machines in an empty room numerous times when your candidate is losing the race. We disagree."

apparently they just kind of tried to say it never happened.

...

There was no water main break. . . . So, that was a lie.

So what happened then was they shut down for the night at 10:30. Now everybody else is thinking, wait a minute, I thought we counted until the election was done. I didn't think we were going to take shifts here, you know, go to bed. . . . So they decide to shut down. And there's evidence that they were doing that.

And then what happened is five people stuck around. Now, I know at least three of them are Black. And it doesn't matter. To me, it doesn't matter. I don't care if they were . . .

So these people stuck around, and they decided to pull ballots out from underneath the tables. Do you remember this story? Did you see that video? . . . Everybody saw it. The video came out, they pulled these ballots out from underneath the tables, and in suitcases, and then they opened them up, and they started shoving them through the tabulators.

...

Now later they're trying to say this is normal.

...

I mean, do we want an election where anybody can just grab suitcases of ballots and start shoving them through machines when nobody is watching?

ff) In their May 4, 2022, article published at 1:03 p.m., Defendants made the following false statements:

Stunning: Ballot Harvester Shaye Moss Receives John F. Kennedy Profile In Courage Award

...

The John F. Kennedy Library Foundation issued a statement on April 21 praising Moss for continuing to work as an election processor despite backlash from being caught on camera ballot harvesting during the 2020 presidential race.

...

... TGP's reporting, which showcases the two women's engagement of election fraud ...

216. The defamatory meanings of Defendants' false statements are apparent from the face of the publications, refer to Ms. Moss by name, are accompanied by images of Ms. Moss, and/or are understood to be about her.

217. The statements authored and published by Defendants about Ms. Moss are reasonably understood to state or imply that she:

- a) Planned and carried out with others a plot to "steal the election" and "flip Georgia" for Joe Biden;
- b) Helped to fake a water main break that was used as a cover to bring suitcases stuffed with fraudulent ballots into the vote tabulation center;
- c) Engaged in a criminal conspiracy to exclude observers during the counting of ballots so that election fraud could be committed;
- d) Criminally introduced illegal ballots taken from the hidden suitcases into the ballot counting process when no observers were present;
- e) Committed election fraud and other crimes for which she is subject to arrest and imprisonment.

218. Each of these statements and implications is false and defamatory.

219. Each of these statements were read by millions of visitors to *The Gateway Pundit* website, as well as social media users who read social media posts shared by Defendants.

220. Each of these false statements was published with actual malice, *i.e.* with knowledge of its falsity or with reckless disregard as to its truth.

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

222. Defendants had both political and financial motives for promulgating lies about Plaintiffs.

223. Defendants did not neutrally report the allegations about Ms. Moss that were advanced by Trump lawyers and promptly disproven by Georgia election officials. Rather, they endorsed and adopted the allegations as their own, publishing and republishing them for months with full knowledge of their falsity or reckless disregard for their truth.

224. Defendants had no applicable privilege or legal authorization to make these false and defamatory statements, or if they did, they abused it.

225. Defendants repeated and embellished the false accusations without ever attempting to verify them, and they invented and published defamatory lies about Ms. Moss without once seeking comment from her.

226. Defendants' defamatory statements were inherently improbable to begin with and have only become more improbable over time.

227. Defendants have never corrected or retracted their defamatory statements, and those statements remain published on *The Gateway Pundit* to this day. Even after Plaintiffs specifically requested that Defendants retract their defamatory statements, Defendants took no action to correct or retract and only published additional defamatory statements, further evidencing their actual malice.

228. Defendants' statements and implications about Ms. Moss constitute defamation *per se* in that they claim Ms. Moss participated in criminal activity punishable by law and labeled her a "crook."

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

230. Defendants' statements damaged Ms. Moss's reputation in the general public, in her profession, in her neighborhood, and with friends, relatives, and neighbors.

231. As a direct and proximate result of Defendants' conduct, Ms. Moss has suffered significant general, actual, consequential, and special damages including, without limitation, impairment of reputation and standing in the community, personal humiliation, mental anguish and suffering, emotional distress, stress, anxiety, lost earnings, and other pecuniary loss.

THIRD CLAIM

(Intentional Infliction of Emotional Distress)

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

233. Defendants' months-long campaign of false and defamatory accusations directed specifically at Ms. Freeman and Ms. Moss was malicious, wanton, and intentional.

234. Defendants carried out their campaign with actual malice as they either knew that their accusations were false or published them with reckless disregard for their truth.

235. Defendants wrongful conduct was extreme and outrageous, and it was calculated to cause harm to Ms. Freeman and Ms. Moss. Defendants accused plaintiffs of stealing an election through a pre-conceived plan that would make them “infamous in the annals of voter corruption.” They exploited public fear and taunted the “good people of Georgia” to stand up to the corrupt “mother-daughter combo” who stole the election for Joe Biden. Defendants encouraged readers to retaliate and harass plaintiffs, publicizing that Ms. Freeman could be contacted through the LinkedIn page of her business and coyly warning not to confuse her business with another in Georgia with a similar name.

236. Defendants’ wrongful conduct is so outrageous in character and so extreme in degree that it is beyond all possible bounds of decency and is to be regarded as atrocious and utterly intolerable in a civilized community.

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

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

239. Defendants’ wrongful conduct has inflicted severe emotional distress on Plaintiffs. They have suffered mental reactions including fright and fear for their safety,

horror and helplessness in the face of the intense hatred directed at them by Defendants and by their readers, anger, anxiety, sleeplessness, shame and humiliation. The emotional distress Defendants caused to be inflicted on Ms. Freeman and Ms. Moss was so severe that no reasonable person could be expected to endure it.

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

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

PRAYER FOR RELIEF

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

- A. Nominal damages;
- B. Compensatory damages, including general, actual, consequential, and special damages, in an amount to be determined at trial;
- C. Punitive damages;
- D. Reasonable and necessary attorneys' fees;
- E. Reasonable and necessary costs of the suit;
- F. Prejudgment and post-judgment interest at the highest lawful rates;

- G. Declarative relief stating that the statements authored and published by Defendants identified within this Petition, individually and collectively, were and are false;
- H. Injunctive relief enjoining Defendants to remove their false and defamatory statements about plaintiffs from any website and/or social media accounts under their control;
- I. Such other and further relief as this Court deems just and appropriate.

Dated: January 10, 2023

Respectfully submitted,

By: /s/ James F. Bennett

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*Admitted *Pro hac vice*

***Pro hac vice* forthcoming

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been served upon all parties electronically through the Court's electronic filing system on this 10th day of January, 2023.

/s/ James F. Bennett

EXHIBIT B

M24000005025



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(850) 524-5437 Teresa
(850) 524-6243 Rich

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Authorization Signature: 

Business Name: TGP Communications, LLC

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Amendment

Not for Profit

Resignation / Withdrawal

Limited Liability

Change of Registered Agent

Domestication

Revocation of Dissolution

LLLP

Merger

Corp

Articles of Conversion

Inc

Amended & Restated Articles of Incorporation

Other

Statement of Authority

APOSTILLE(s)

&

OTHER FILINGS

Apostille(s)

Foreign Filing

Reinstatement

Qualification

Country(s)

Fictitious Name

Annual Report

EXAMINER'S INITIALS: _____

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 605.0902, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA:

TGP Communications, LLC

1. _____
(Name of Foreign Limited Liability Company; must include "Limited Liability Company," "L.L.C.," or "LLC.")

The Gateway Pundit, LLC

(If name unavailable, enter alternate name adopted for the purpose of transacting business in Florida. The alternate name must include "Limited Liability Company," "L.L.C.," or "LLC.")

2. Missouri
(Jurisdiction under the law of which foreign limited liability company is organized)

3. 46-4161586
(FEI number, if applicable)

4. November 1, 2021
(Date first transacted business in Florida, if prior to registration.)
(See sections 605.0904 & 605.0905, F.S. to determine penalty liability)

5. 1820 NE Jensen Beach Blvd Unit 1120
(Street Address of Principal Office)

6. 1820 NE Jensen Beach Blvd Unit 1120
(Mailing Address)

Jensen Beach Florida 34957

Jensen Beach Florida 34957

7. Name and street address of Florida registered agent: (P.O. Box NOT acceptable)

Name: Northwest Registered Agent LLC

Office Address: 7901 4th St N STE 300

St. Petersburg, Florida 33702
(City) (Zip code)

2024 APR 18 AM 11:11

FILED

Registered agent's acceptance:

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

[Handwritten Signature]

(Registered agent's signature)

8. For initial indexing purposes, list names, title or capacity and addresses of the primary members/managers or persons authorized to manage [up to six (6) total]:

<u>Title or Capacity:</u>	<u>Name and Address:</u>	<u>Title or Capacity:</u>	<u>Name and Address:</u>
<input type="checkbox"/> Manager	Name: <u>Jim Hoft</u>	<input type="checkbox"/> Manager	Name: _____
<input checked="" type="checkbox"/> Member	Address: <u>1820 NE Jensen Beach Blvd</u>	<input type="checkbox"/> Member	Address: _____
<input type="checkbox"/> Authorized	<u>Unit 1120</u>	<input type="checkbox"/> Authorized	_____
Person	<u>Jensen Beach, FL 34957</u>	Person	_____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Manager	Name: <u>John C. Burns</u>	<input type="checkbox"/> Manager	Name: _____
<input type="checkbox"/> Member	Address: <u>PO Box 191250</u>	<input type="checkbox"/> Member	Address: _____
<input checked="" type="checkbox"/> Authorized	<u>Saint Louis, MO 63119</u>	<input type="checkbox"/> Authorized	_____
Person	_____	Person	_____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Manager	Name: _____	<input type="checkbox"/> Manager	Name: _____
<input type="checkbox"/> Member	Address: _____	<input type="checkbox"/> Member	Address: _____
<input type="checkbox"/> Authorized	_____	<input type="checkbox"/> Authorized	_____
Person	_____	Person	_____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Important Notice: Use an attachment to report more than six (6). The attachment will be imaged for reporting purposes only. Non-indexed individuals may be added to the index when filing your Florida Department of State Annual Report form.

9. Attached is a certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted)

10. This document is executed in accordance with section 605.0203 (1) (b), Florida Statutes. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S.

John C. Burns

Signature of an authorized person

John C. Burns

Typed or printed name of signee

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

I, JOHN R. ASHCROFT, Secretary of State of the STATE OF MISSOURI, do hereby certify that the records in my office and in my care and custody reveal that

TGP Communications LLC
LC1358217

was created under the laws of this State on the 21st day of November, 2013, and is active, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 1st day of April, 2024.


Secretary of State

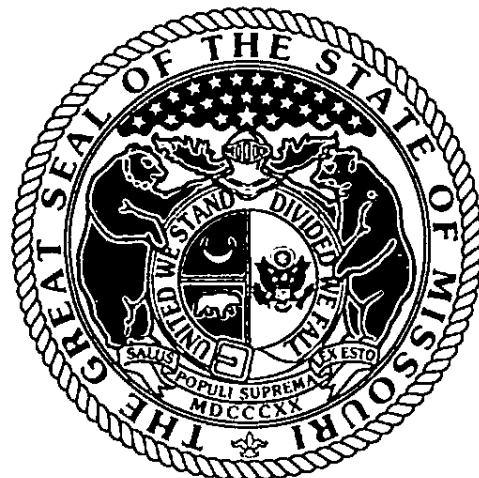


EXHIBIT C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RUBY FREEMAN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:21CV1424 HEA
)	
JAMES HOFT, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion to Remand, [Doc. No. 13]. The matter is fully briefed and ready for disposition. For the reasons set forth below, Plaintiffs’ Motion to Remand will be granted.

Facts and Background

On Thursday, December 2, 2021, Plaintiffs Ruby Freeman and Wandrea Moss filed this defamation (Counts I and II) and intentional infliction of emotional distress (Count III) action in the Circuit Court of the City of St. Louis, Missouri, against individual defendants James Hoft and Joseph Hoft, and corporate defendant TGP Communications LLC, d/b/a, The Gateway Pundit (TGP), alleging Defendants made false statements about their activities as election workers during the 2020 Presidential election, which has damaged their professional and personal reputations. Plaintiffs are seeking damages and other relief as compensation.

On Sunday, December 5, 2021, Defendant Joseph Hoft removed the cause of action to this Court, invoking jurisdiction based on diversity of citizenship, 28 U.S.C. § 1332(a), noting the forum defendant rule does not bar removal of the action where the forum defendant has not yet been served. According to the notice of removal, Defendant Joseph Hoft is a citizen of the state of Florida and Defendants James Hoft and TGP are citizens of the State of Missouri. Plaintiffs are both citizens of the State of Georgia. Defendants James Hoft and TGP were served the day after the notice of removal was filed, December 6, 2021. Defendant Joseph Hoft was served on December 14, 2021.

In the instant motion, Plaintiffs argues that because (i) no defendant had been served at the time the notice of removal was filed, “snap removal” was not available and removal is improper; and (ii) Joseph Hoft is a citizen of the state of Missouri, not Florida, so as a forum defendant, he is not entitled to snap removal, and the case should be remanded pursuant to the forum defendant rule, 28 U.S.C. § 1441(b)(2). Defendant opposes remand, arguing that under the doctrine of “snap removal,” the Court has diversity jurisdiction under 28 U.S.C. § 1441(b)(2) because the forum defendants (James Hoft and TGP) had not been served at the time of removal. Defendant also maintains Joseph Hoft is a resident of Florida and

is not a forum defendant.¹ The parties do not dispute that none of the defendants were served at the time of removal.

Legal Standard

“[A]ny civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court” in which the action is pending. 28 U.S.C. § 1441(a). A claim may be removed to federal court only if it could have been brought in federal court originally; thus, the diversity and amount in controversy requirements of 28 U.S.C. § 1332 must be met, or the claim must be based upon a federal question pursuant to 28 U.S.C. § 1331. *Peters v. Union Pac. R.R. Co.*, 80 F.3d 257, 260 (8th Cir. 1996). The removing defendant bears the burden of establishing federal jurisdiction by a preponderance of the evidence. *Green v. Ameritide, Inc.*, 279 F.3d 590, 595 (8th Cir. 2002); *Altimore v. Mount Mercy Coll.*, 420 F.3d 763, 768 (8th Cir. 2005). Removal statutes must be strictly construed because they impede upon states’ rights to resolve controversies in their own courts. *Nichols v. Harbor Venture, Inc.*, 284 F.3d 857, 861 (8th Cir. 2002). A district court is required to resolve all doubts about federal jurisdiction in favor of remand. *Bates v. Mo. & N. Ark. R.R. Co.*, 548 F.3d 634, 638 (8th Cir.2008); *In re*

¹ The Court will not address the issue regarding Defendant Joseph Hoft’s residency since the Plaintiff’s Motion to Remand will be granted for the reasons explained below. Therefore, the issue is moot.

Prempro Prods. Liab. Litig., 591 F.3d 613, 619 (8th Cir. 2010) (citing *Wilkinson v. Shackelford*, 478 F.3d 957, 963 (8th Cir. 2007)).

For diversity jurisdiction to exist under 28 U.S.C. § 1332(a)(1) there must be complete diversity of citizenship between plaintiffs and defendants. *Buckley v. Control Data Corp.*, 923 F.2d 96, 97, n.6 (8th Cir. 1991). “Complete diversity of citizenship exists where no defendant holds citizenship in the same state where any plaintiff holds citizenship.” *OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007). “It is settled, of course, that absent complete diversity a case is not removable because the district court would lack original jurisdiction.” *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 564 (2005) (cited case omitted). Where complete diversity of citizenship does not exist, 28 U.S.C. § 1447(c) requires a district court to remand the case to state court for lack of subject matter jurisdiction.

The “forum defendant rule” imposes an additional restriction on the removal of diversity cases. 28 U.S.C. § 1441(b)(2). Specifically, the statute provides that:

A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought. *Id.*

A case must be remanded if, at anytime, it appears that the district court lacks subject-matter jurisdiction. 28 U.S.C. § 1447(c); Fed. R. Civ. P. 12(h)(3).

Discussion

While the statute plainly does not allow removal once a forum defendant has been properly served, there is “much disagreement on whether to invoke the forum defendant rule in cases of pre-service removal.” *Boschert v. Wright Med. Grp., Inc.*, No. 4:15-CV-00211 (AGF), 2015 WL 1006482, at *2 (E.D. Mo. Mar. 6, 2015). Although the Eighth Circuit recently joined other circuits holding a violation of the forum defendant rule is a non-jurisdictional defect that must be raised within 30 days of removal, it has not addressed the propriety of “snap removal.” *Holbein v. TAW Enters., Inc.*, 983 F.3d 1049, 1053 (8th Cir. 2020) (en banc). This district has taken three different approaches. In large part, the different views expressed by the courts arise from tension between the plain text of 28 U.S.C. § 1441(b)(2) and its presumed purpose.

The first approach is permitting snap removals based on the plain language of the statute, which does not explicitly state a defendant must be served before filing a notice of removal. *See, e.g., Tillman v. BNSF Ry. Co.*, No. 1:20-CV-00178 SNLJ, 2021 WL 842600, at *2 (E.D. Mo. Mar. 5, 2021). Among the reasons provided for these decisions, is the Eighth Circuit's prescription that “[w]hen the language of the statute is plain, the inquiry also ends with the language of the statute, for in such instances the sole function of the courts is to enforce [the statute] according to its terms.” *United States v. Union Elec. Co.*, 64 F.3d 1152, 1165 (8th Cir. 1995) (internal quotation marks and citations omitted).

The second approach is remanding snap removals because they are inconsistent with the legislative intent behind the forum defendant rule, which is to protect the defendant from the improper joinder of a forum defendant that plaintiff has no intention of serving, and the purposes of removal. *See, e.g., Laster v. Monsanto Co.*, No. 4:18-CV-00397 CAS, 2018 WL 1566846, at *2 (E.D. Mo. Mar. 30, 2018). In accordance with this premise, district courts, including this one, have carved out exceptions to the “joined and served,” language, deeming their analysis the “congressional intent” approach when Defendant is engaging in procedural gamesmanship to keep the case out of state court. *See, e.g., Gray v. Monsanto Co.*, No. 4:17-CV-02882 HEA, 2018 WL 488935, at *2 (E.D. Mo. Jan. 19, 2018) (granting remand and finding that although the statute’s plain text is ordinarily decisive, it is notable that policy purposes underlying the “joined and served” language to prevent procedural gamesmanship are well-served).

The final approach is allowing snap removals only when at least one defendant has been served, based on a construction of the word “any” in section 1441(b)(2). *See, e.g., M & B Oil, Inc. v. Federated Mut. Ins. Co.*, No. 4:21-CV-00250 (NCC), 2021 WL 3472629, at *2 (E.D. Mo. Aug. 6, 2021), motion to certify appeal granted, No. 4:21-CV-00250 (NCC), 2021 WL 4963524 (E.D. Mo. Oct. 26, 2021); *Czapla v. Republic Servs., Inc.*, 372 F. Supp. 3d 878, 881 (E.D. Mo. 2019) (the Court narrowed its application of § 1441(b) by requiring service on at least one defendant before the case may be removed); *Rogers v. Boeing Aerospace*

Operations, Inc., 13 F.Supp.3d 972, 978 (E.D. Mo. 2014) (interpreting the text to mean that “an out-of-state defendant may remove a diversity case if at least one defendant—and no forum defendant—has been served”); *Perez v. Forest Labs., Inc.*, 902 F. Supp. 2d 1238, 1244–45 (E.D. Mo. 2012) (ordering remand where the *out-of-state* defendant removed the case only six days after plaintiffs filed the complaint and before *any* defendant was served) (emphasis added).

Acknowledging the recent cases that narrow the application of § 1441(b), this Court finds that the word “any” requires at least one party to have been joined and served before a defendant can snap remove. *Rogers*, 13 F.Supp.3d 972 at 977-78; 28 U.S.C. 1441 § (b)(2). Plaintiffs filed the action in state court on Thursday, December 2, 2021, and Defendant Joseph Hoft removed a mere three days later on Sunday, December 5, 2021 before *any* defendant had been served. Therefore, under this Court's interpretation of the forum defendant rule, the Court cannot maintain jurisdiction over this suit based on diversity, and Plaintiff’s Motion to Remand will be granted.

Conclusion

The Court concludes that diversity jurisdiction is not properly present in this case because Defendant Joseph Hoft removed it before any defendant was served. Further, a district court is required to resolve all doubts about federal jurisdiction in favor of remand. *Bates v. Mo.*, 548 F.3d 634 at 638; *In re Prempro Prods. Liab. Litig.*, 591 F.3d 613 at 619 (citing *Wilkinson*, 478 F.3d 957 at 963)).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Remand, [Doc. No. 13], is **GRANTED**.

IT IS FURTHER ORDERED that this matter is remanded to the Circuit Court of the City of St. Louis, Missouri.

Dated this 6th day of June, 2022.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE

EXHIBIT D

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

FILED
DEC 20 2022

**MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)**

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY MP DEPUTY

RUBY FREEMAN and WANDREA)
MOSS,)
)
Plaintiffs,)
)
vs.)
)
JAMES HOFT, JOSEPH HOFT, and)
TGP COMMUNICATIONS LLC d/b/a)
THE GATEWAY PUNDIT,)
)
Defendants.)

Cause No. 2122-CC09815-01
Division No. 18

ORDER

The Court has before it Plaintiffs' Second Motion to Compel Discovery and for a Protective Order and Defendants' Cross Motion for Protective Order. The Court now rules as follows.

On December 2, 2021, Plaintiffs filed this lawsuit alleging that Defendants knowingly and repeatedly published false accusations that Plaintiffs committed election fraud during the 2020 presidential election. In their Second Amended Petition, Plaintiffs bring claims for defamation (Counts I and II) and intentional infliction of emotional distress (Count III).

Plaintiffs seek the Order of this Court compelling Defendants to produce documents responsive to Plaintiffs' Second Requests for Production, and for entry of a Protective Order. Defendants agree that a protective order should issue but ask that this Court enter the Protective Order proffered by Defendants.

The general rule of discovery found in Rule 56.01(b)(1) is that the parties may obtain information regarding any matter, not privileged, that is relevant to the subject matter involved in

the pending action. State ex rel. Ford Motor Co. v. Westbrooke, 151 S.W.3d 364, 366 (Mo. banc 2004). Information is relevant if it is “reasonably calculated to lead to the discovery of admissible evidence.” Rule 56.01; State ex rel. Stecher v. Dowd, 912 S.W.2d 462, 464 (Mo. banc 1995). “The party seeking discovery shall bear the burden of establishing relevance.” Rule 56.01(b)(1); State ex rel. Ford Motor Co., 151 S.W.3d at 366.

Plaintiffs seek the Order of this Court overruling Defendants’ objections to Plaintiffs’ Second Requests for Production 1-7 and requiring Defendants to answer said requests. The Court has reviewed the discovery requests at issue and finds that Defendants’ objections should be overruled as to requests 3-7 and that Defendants should be ordered to answer. Regarding request for production 1, which seeks all documents related to Google Analytics, the Court finds that Defendants’ objections that the request is overbroad and unduly burdensome should be sustained at this time. Plaintiffs have proposed narrowing the scope of request for production 2 by requesting five sets of Google Analytics reports for each month from January 1, 2020 through the present: landing page reports, all page reports, filtered all pages reports, traffic acquisition reports and monthly topline reports. The Court finds that Defendants’ objections should be overruled as to request 2 and that Defendants should be ordered to answer only as limited by Plaintiffs’ proposal.

Next, both parties seek a Protective Order in order to protect the confidential information of the parties.

Rule 56.01(c), which authorizes protective orders, states:

Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (1) that the discovery not be had;
- (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (4) that certain matters not be inquired into, or that the scope of discovery be limited to certain matters; ...

“A protective order should issue if annoyance, oppression, and undue burden and expense outweigh the need for discovery.” State ex rel. Ford Motor Co. v. Messina, 71 S.W.3d 602, 607 (Mo. banc 2002); See also Edwards v. State Bd. of Chiropractic Examiners, 85 S.W.3d 10, 22 (Mo. App. W.D. 2002).

In this case, the parties agree that a protective order should be entered but cannot agree as to its terms. Following a review of the record the Court finds that both parties have shown good cause for the entry of a protective order herein. Following a review of the proposed orders proffered by each party, the Court finds that Plaintiffs’ proposed order best protects the parties’ confidential information without imposing undue burden. Accordingly, the Court will enter Plaintiffs’ proposed Protective Order.

Finally, both Plaintiffs and Defendants seek attorneys’ fees and costs related to the instant motion. The Court finds that it should not exercise its discretion here to order the sanctions sought because they are in excess of what is necessary to accomplish the purposes of discovery. See Fairbanks v. Weitzman, 13 S.W.3d 313, 327 (Mo. App. E.D. 2000).

THEREFORE, it is Ordered and Decreed that Plaintiffs’ Second Motion to Compel Discovery and for a Protective Order is hereby GRANTED.

Defendants' objections to Plaintiffs' Second Requests for Production 3-7 are hereby overruled.

Defendants' objection to request for production 1 is sustained.

Defendants' objections to Plaintiffs' Second Requests for Production 2 are overruled as limited to five sets of reports for each month from January 1, 2020 through the present: landing page reports, all page reports, filtered all pages reports, traffic acquisition reports and monthly topline reports.

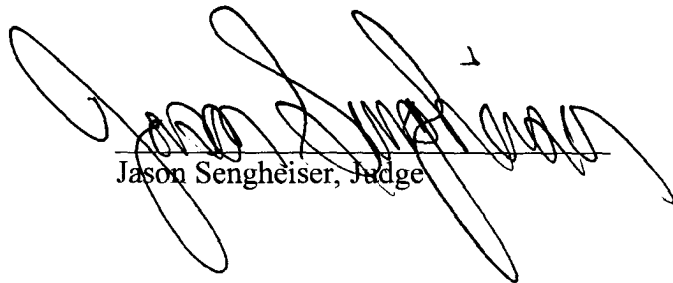
Defendants are Ordered to answer the subject discovery within twenty days of the date of this Order.

This Court will enter Plaintiffs' proposed Protective Order.

In all other respects, Plaintiffs' motion is denied.

Defendants' Cross Motion for Protective Order is granted in part to the extent that this Court is entering a Protective Order in order to protect the confidential information of the parties. Defendants' Cross Motion for Protective Order is denied in all other respects.

SO ORDERED:



Jason Sengheiser, Judge

Dated: December 20, 2022

EXHIBIT E

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)

FILED
JUL 24 2023

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

RUBY FREEMAN, et al.,)
)
Plaintiffs,)
) Case No. 2122-CC09815
v.)
) Division 6
JAMES HOFT, et al.,)
)
Defendants.)

ORDER AND JUDGMENT

The Court has the following before it: Plaintiffs' Motion to Dismiss Defendants' Improper Counterclaim Pursuant to Rule 55.27(a)(11) and Rule 55.27(a)(6); and Plaintiffs' Motion to Strike Defendants' Anti-SLAPP Motion made under GA Code §9-11-11.1. The Motions were heard on July 13, 2023, where the parties appeared by counsel. The Court has reviewed the submissions of the parties, the relevant authorities, and the arguments of counsel, and now rules as follows.

Plaintiffs Ruby Freeman and Wandrea Moss brought this case alleging that Defendants James Hoft, Joseph Hoft, and TGP Communications, LLC, d/b/a the Gateway Pundit are liable for defamation and intentional infliction of emotional distress for "knowingly and repeatedly published false accusations that Plaintiffs committed election fraud during the 2020 presidential election."

ENTERED
JUL 24 2023
MAM

Defendants filed a counterclaim alleging that Plaintiffs, their counsel, and the entities for which Plaintiffs' counsel work¹, are liable for defamation *per se* for statements made by Plaintiffs' counsel outside of court proceedings regarding Defendants' alleged defamatory statements that gave rise to this case.

Defendants also filed a motion entitled "Defendants' Motion to Strike Under GA §9-11-11.1," which states the following:

Defendants [...] hereby move for summary judgment under Missouri R. Civ. P. 74.04(b), invoking Georgia's Anti-SLAPP statute, GA Code § 9-11-11.1 (2020) because Plaintiffs' claims asserted in their Second Amended Petition are based entirely on Defendants' exercise of their right to free speech in connection with an issue of public interest or concern, and Plaintiffs cannot establish that there is a probability of prevailing on their claims.

MOTION TO DISMISS COUNTERCLAIM

Defendants' Counterclaim asserts that Plaintiffs' counsel, the entities for which Plaintiffs' counsel work, and Plaintiffs themselves defamed Defendants when Plaintiffs' counsel uttered the following seven statements outside of the pleadings:

1. "The Gateway Pundit, along with its founding editor Jim Hoft, and contributor Joe Hoft, knowingly fabricated and

¹ Despite being named as counterclaim-defendants, Plaintiffs' counsel, and the entities for which Plaintiffs' counsel work, have not been joined as parties to this case, nor is there a motion before the Court asking that they be joined, nor has their conduct in this case indicated consent to the Court's jurisdiction over them.

- disseminated blatantly false stories claiming that Ms. Freeman and Ms. Moss were involved in a conspiracy to commit election fraud, and continued to publish these untruths long after they were proven to be false." A statement by Protect Democracy on the website law4truth.org.
2. "The Hofts' defamations, aimed at undermining confidence in the 2020 election in an effort to overturn the will of the voters, targeted two Black women for doing their jobs as election workers. In significant measure because of the lies told by The Gateway Pundit, our clients were and continue to be targeted with threats of violence and racial intimidation." A statement by Protect Democracy on the website protectdemocracy.org.
 3. "Lies like those that The Gateway Pundit knowingly told about Ruby Freeman and Shaye Moss cannot be divorced from the devastation they leave behind—both for the targeted individuals and for our democracy itself." A statement by Plaintiffs' attorney Brittany Williams on protectdemocracy.org.
 4. "But that didn't stop some of the former president's top allies in the media - The Gateway Pundit, One America News Network - from continuing to spread that lie about our clients." A statement by Plaintiffs' attorney John Langford in an NPR interview.
 5. "The defendants repeatedly published unverified and uncorroborated information claiming that Ms. Freeman and Ms. Moss were involved in a conspiracy to commit election fraud. They continue to publish these untruths long after they were proven to be false. Further, by identifying Ms. Freeman and Ms. Moss by name and publishing pictures of them online, Gateway Pundit caused, and was directly responsible for, the abuse and harassment Ms. Freeman and Ms. Moss suffered." A statement by Protect Democracy on the website protectdemocracy.org.
 6. "Last year the Gateway Pundit knowingly published lies about two Georgia election workers." A Twitter post by Yale University's Media Freedom & Information Access (MFIA) Clinic.
 7. "the type of disinformation campaign waged by the Gateway Pundit is undermining the very ability of our democracy to function." A statement by Plaintiffs' attorney David Schulz

on the MFIA Clinic website.

Plaintiffs move to dismiss Defendants' Counterclaim for two reasons. First, under Rule 55.27(a)(11), Plaintiffs assert that the Counterclaim is an improper, premature counterclaim in the nature of malicious prosecution. In the alternative, under Rule 55.27(a)(6), Plaintiffs assert that the Counterclaim fails to state a claim upon which relief can be granted because it (1) alleges defamation based on statements that are privileged and (2) fails to plead all elements of a defamation claim including that Plaintiffs had knowledge of falsity or serious doubts as the truth of their attorneys' statements, and that Defendants have suffered any damages as a result of the statements.

A motion to dismiss under Missouri Rule 55.27(a)(11) asserts a defense that "the counterclaim or cross-claim is one which cannot be properly interposed in this action." Plaintiffs argue that the Counterclaim seeks to hold them liable for statements made by their attorneys that simply echo their pleadings. Plaintiffs thus argue that the Counterclaim essentially alleges malicious prosecution, a claim that "is not cognizable until the original underlying suit has been prosecuted to a conclusion favorable to the party raising the malicious prosecution claim." See State ex rel. O'Basuyi v. Vincent, 434 S.W.3d 517 (Mo. banc 2014).

Plaintiffs further assert that their attorneys' statements comply with Rule of Professional Conduct 4-3.6. While the Rule

generally prohibits lawyers involved in litigation from making certain extrajudicial statements, it permits lawyers to state the claim, offense, or defense involved, and, unless prohibited by law, the identity of the persons involved. Rule 4-3.6(a)-(b).

The Court finds that while the Counterclaim purports to allege defamation, it is nonetheless in the nature of a claim for malicious prosecution. As such, the Court will dismiss the Counterclaim. Because the Court's ruling on Plaintiff's first argument is dispositive, it need not address Plaintiffs' arguments in the alternative.

MOTION TO STRIKE

Plaintiffs assert two reasons that the Court should strike Defendants' Anti-SLAPP Motion made under Georgia Code Section 9-11-11.1. First, Plaintiffs argue that it seeks to apply a Georgia procedural rule in a Missouri state court case, and in the alternative, it does not meet the terms of the Georgia rule. Further, Plaintiffs argue that they should be awarded reasonable expenses associated with responding to the instant Motion because it is meritless and dilatory.

Under Missouri Rule 55.27(e), a party may request that "any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter" be stricken from any pleading. Missouri follows the rule that a forum state applies its own procedural law but chooses the applicable substantive law according to its conflict-

of-law doctrines. Harter v. Ozark-Kenworth, Inc., 904 S.W.2d 317, 320 (Mo. App. W.D. 1995).

Missouri has its own anti-SLAPP statute which provides a procedural mechanism for the early disposition of a SLAPP action. Section 537.528.1 RSMo. However, application of this statute is restricted to conduct or speech undertaken or made in connection with a public hearing or public meeting. Id. A public meeting includes any meeting held by a state or local government entity, including meetings of or presentations before state, county, city, town, or village councils, planning commissions, or review boards. Id. Because the statements at issue in this case were not uttered in connection with a public hearing or public meeting, Defendants acknowledge that Missouri's statute does not apply. Instead, Defendants seek to apply Georgia's anti-SLAPP statute whose more expansive scope encompasses, among other things, "[a]ny written or oral statement or writing or petition made in a place open to the public or a public forum in connection with an issue of public interest or concern." Ga. Section 9-11-11.1(c)(3).

Defendants assert that Georgia's statute provides substantive protection from this suit. The Court disagrees. Like its Missouri counterpart, the Georgia anti-SLAPP statute provides "procedural protection" against SLAPP actions. See Rogers v. Dupree, 824 S.E.2d 823, 830 (Ga. Ct. App. 2019) quoting Denton v. Browns Mill Dev. Co., 561 S.E.2d 431, 434 (Ga. 2002); see also Carbone v. CNN, Inc.,


910 F.3d 1345, 1348 ("The anti-SLAPP statute 'creates no substantive rights; it merely provides a procedural mechanism for vindicating existing rights.'").

Because Defendants' anti-SLAPP Motion is predicated on the Court's application of a foreign procedural law, the Court must grant Plaintiffs' Motion to Strike it. Because the Court's ruling on Plaintiff's first argument is dispositive, it need not address Plaintiffs' arguments in the alternative. The Court declines Plaintiffs' request for reasonable expenses associated with responding to this Motion.

THEREFORE, it is Ordered and Decreed as follows:

- Plaintiffs' Motion to Dismiss Defendants' Counterclaim is GRANTED. Defendants' Counterclaim is hereby dismissed.
- Plaintiffs' Motion to Strike Defendants' Anti-SLAPP Motion made under GA Code Section 9-11-11.1 is GRANTED. Defendants' Motion to Strike Under GA Code Section 9-11-11.1 is hereby stricken from the record.

SO ORDERED:


MICHAEL STELZER, Judge

Dated: July 24, 2023

EXHIBIT F



In the Missouri Court of Appeals Eastern District

JAMES HOFT, JOSEPH HOFT, AND TGP)	No. ED111920
COMMUNICATIONS LLC D/B/A THE)	
GATEWAY PUNDIT, RELATORS,)	Writ of Prohibition and/or
)	Mandamus
)	
)	Cause No. 2122-CC09815
vs.)	
)	
THE HONORABLE MICHAEL F.)	
STELZER CIRCUIT JUDGE CIRCUIT)	
COURT OF ST. LOUIS COUNTY,)	
RESPONDENT.)	

ORDER

Relators have filed a Petition for Writ of Prohibition along with Suggestions in Support and Exhibits.

Being duly advised in the premises, the Court hereby DENIES Relator's Petition for Writ of Prohibition.

SO ORDERED.

DATED: August 17, 2023

John P. Torbitzky, Presiding Judge
Writ Division IV
Missouri Court of Appeals, Eastern District

cc: Hon. Michael F. Stelzer
Matthew Ampleman
John Danforth
James Bennett
Jonathon Burns



EXHIBIT G



In the Missouri Court of Appeals Eastern District

RUBY FREEMAN, and WANDREA)	No. ED111906
MOSS,)	
)	
Respondents,)	
)	
vs.)	
)	
JAMES HOFT, JOSEPH HOFT, TGP)	
COMMUNICATIONS LLC d/b/a)	
THE GATEWAY PUNDIT,)	
)	
Appellants.)	

ORDER

Respondents have filed a motion to dismiss, contending that there is no final, appealable judgment under Rule 74.01(b). Appellants have not filed a response to the motion to dismiss.

Respondents filed a three-count petition alleging defamation and intentional infliction of emotional distress against Appellants, and Appellants filed a counterclaim alleging malicious prosecution. On July 24, 2023, the trial court entered an order and judgment dismissing Appellants’ counterclaim upon finding that a malicious prosecution counterclaim could only be brought after the termination of the current litigation. Appellants have filed a notice of appeal from the July 24, 2023 order and judgment dismissing the counterclaim.

An appellate court has jurisdiction only over final judgments that dispose of all parties and claims in the case and leave nothing for future determination. O’Neill v. O’Neill, 864 S.W.2d 7, 8 (Mo. App. E.D. 1993). If the trial court does not either resolve all the issues as to all parties or expressly designate “there is no just reason for delay,” the appeal must be dismissed. Rule 74.01(b); Fleahman v. Fleahman, 25 S.W.3d 162, 164 (Mo. App. E.D. 1999).

Here, the trial court granted Respondents’ motion to dismiss Appellants’ counterclaim, but it did not certify the judgment for immediate appeal under Rule 74.01(b). Further, the three

claims asserted in Respondents' petition remain pending before the trial court. Therefore, there is no final and appealable judgment under Rule 74.01(b). Respondents' motion to dismiss the appeal is hereby granted.

SO ORDERED.

DATED: 8-31-23


Kelly C. Broniec, Chief Judge

ecc: Jonathon C. Burns
James F. Bennett
John C. Danforth
Matthew Ampleman



EXHIBIT H

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

FILED
MAY 10 2023

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

**MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)**

Ruby Freeman et al,)
)
Plaintiffs,)
) No. 2122-CC09815
vs.)
) Division No. 6
TGP Communications LLC)
Et al)
Defendants,)
)
)

ORDER APPOINTING MASTER

COMES NOW this Court under Rule 68.01 and hereby appoints Peter Dunne 100 South 4th St, Suite 400, St. Louis, MO 63102, to be Special Master in this matter. Within seven (7) days of receipt of this order, the Master shall appear before the Honorable Michael F. Stelzer, Division 6 of the Twenty-Second Judicial Circuit to have his oath administered pursuant to Rule 68.01(d).

The Master shall have all of the powers set out in Rule 68.01(e), including but not limited to:

The power to regulate all proceedings in every hearing before the master and to do all acts and take all measures

ENTERED

MAY 10 2023

MS

necessary or proper for the efficient performance of the duties under the order.

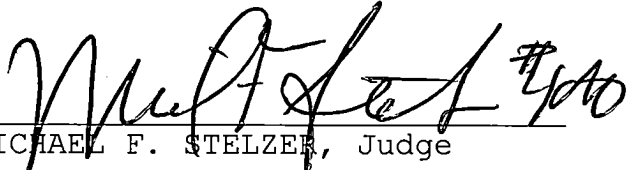
The power to require the production of evidence upon all matters related to discovery matters herein.

The master may rule upon the admissibility of evidence and has the authority to put witnesses on oath and may examine them and may call the parties to the action and examine them upon oath.

The master may preside over depositions and all discovery disputes as provided for in Rule 68.01(h). The master shall be compensated at \$ 450.00 per hour.

The parties shall proceed before the master as provided in Rule 68.01(e) and (f).

SO ORDERED:


MICHAEL F. STELZER, Judge

Dated: 5/10/23, 2023

EXHIBIT I

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(St. Louis City)

Ruby Freeman et al, Plaintiffs

vs

TGP Communications LLC et al, Defendants

CASE NO. 2122-cc09815

DIVISION 6

November 7, 2023

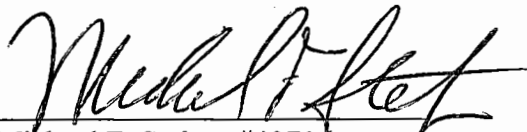
COURT ORDER

The Special Master having filed his Third Report and Recommendation on November 3, 2023 and given the short time frames regarding the discovery the Court hereby adopts the Third Report and Recommendation of the Special Master in its entirety.

FILED
NOV 07 2023

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

SO ORDERED:


Michael F. Stelzer #40716

cc: All parties of record

ENTERED
NOV -7 2023
MAM