

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, CO 80202</p>	<p>DATE FILED: November 13, 2021 4:25 PM FILING ID: EDE609249490E CASE NUMBER: 2021CV33632</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>ERIC COOMER, Ph.D., Plaintiff</p> <p>vs.</p> <p>SALEM MEDIA OF COLORADO, INC. and RANDY CORPORON, Defendants</p>	<p>Case Number:</p> <p>Division Courtroom:</p>
<p style="text-align: center;">PLAINTIFF'S COMPLAINT AND JURY DEMAND</p>	

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TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Eric Coomer, Ph.D. (Dr. Coomer), by and through undersigned counsel, brings this defamation action against Defendants Salem Media of Colorado, Inc. (Salem Media) and Randy Corporon (Corporon, and together with Salem Media, Defendants).

I. INTRODUCTION

1. This case is based on Salem Media's and Corporon's false accusations that Dr. Coomer sat at the center of a national conspiracy to rig the 2020 Presidential election. Both Salem Media, which owns Denver-based 710 KNUS, and Corporon, a 710 KNUS host, elevated Dr. Coomer into the national spotlight, invaded his privacy, threatened his security, and fundamentally defamed his reputation through a relentless election fraud campaign.

2. Dr. Coomer is the former Director of Strategy and Security for Dominion Voting Systems. On November 9, 2020, six days after the 2020 presidential election and two days after the election was officially called for President Biden, Dr. Coomer was featured on an episode of the *Conservative Daily* podcast produced by Joseph Oltmann (Oltmann), a Colorado-based conspiracy theorist.¹ Oltmann had previously founded a nonprofit corporation and a media business for the purpose of building a political movement to preserve freedoms he perceived as being threatened in the United States. Oltmann furthered this goal by seeking to uncover and reveal Antifa activists in Colorado who he believed were, among other things, publishing derogatory stories about him.

¹ Joseph Oltmann is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

3. Oltmann claimed to have infiltrated a conference call² with Antifa activists on some indefinite date months before the 2020 presidential election. Oltmann claimed on this call he purportedly heard someone identified as “Eric from Dominion,” and that this “Eric” stated he would ensure the election went to President Biden.³ Oltmann provided no explanation for how he learned of this purported call or gained access to it. He acknowledged he had no recording of it and indicated he had no knowledge of the participants he referenced as being on the call. Rather, Oltmann’s dubious claims were premised on one unverified speaker referring to another. With no legitimate attempt to confirm the identity of these alleged speakers, Oltmann ultimately attributed their alleged statements to Dr. Coomer, even though he repeatedly acknowledged he did not see Dr. Coomer and could not confirm the voice he claimed to have heard was Dr. Coomer’s. With no additional evidence, Oltmann then used these statements to falsely assert that Dr. Coomer subverted the results of the election.

4. Salem Media promotes 710 KNUS as “conservative news talk” with an emphasis on pro-Trump media content. After it became clear that Donald Trump had lost the election, the former President, his campaign, his agents, and many of his supporters began alleging widespread voter fraud and perpetuating baseless conspiracies about why President Trump lost. Salem Media and its various radio hosts immediately fell in line, and 710 KNUS quickly became an enthusiastic and consistent promoter of

² Oltmann later testified under oath that it was actually a Zoom meeting.

³ To be clear, Dr. Coomer has no knowledge of an alleged “Antifa Conference Call;” Dr. Coomer did not participate in such an alleged call; Dr. Coomer did not make the comments Defendants falsely attributed to him; and Dr. Coomer did not take actions to subvert the presidential election as Defendants falsely allege.

Oltmann's outlandish claims as part of a larger effort to cast doubt on the integrity of the election.

5. Corporon was one of Salem Media's most vocal purveyors of election fraud narratives. Corporon had viewed the November 9, 2020 *Conservative Daily* podcast on YouTube, and immediately set about promoting Oltmann's false tale about Dr. Coomer. After inviting Oltmann to speak at his local Tea Party association meeting on November 10, 2020, Corporon welcomed Oltmann as a guest on his radio show that weekend. The November 14, 2020 interview on *Wake Up with Randy Corporon* was the first of what would go on to become numerous Oltmann interviews with multiple 710 KNUS hosts over the next several weeks. Oltmann was invited on the KNUS airwaves virtually every weekend throughout November and December 2020. Oltmann was featured in multiple lengthy interviews with various hosts, including Randy Corporon, Peter Boyles, Deborah Flora, and George Brauchler. In every instance, Oltmann repeated his false claims about Dr. Coomer and accused him of engaging in criminal conduct. During these numerous interviews, Oltmann frequently insisted that he was presenting absolute and verifiable facts, and confirmed that he was not speaking in hyperbole.

6. For its part, Salem Media had knowledge that these false allegations were being widely disseminated on its airwaves and yet did nothing about it. As intended, the fabrication quickly spread throughout various media sources. Within days, the hashtags #EricCoomer, #ExposeEricCoomer, and #ArrestEricCoomer were trending on social media, sometimes with the help of Salem Media radio hosts. President Trump and his supporters began publishing numerous false statements and Salem Media's nationally

syndicated hosts also picked up the story. With such attention, Salem Media's conduct accelerated the vitriol directed at Dr. Coomer, furthered the dissemination of false statements about him, and encouraged threats and violence against Dr. Coomer.

7. While Salem Media's and Corporon's election fraud claims have been thoroughly and credibly rejected, their immediate and life-threatening effects remain very real. The deluge of misinformation has caused immense injury to Dr. Coomer's reputation, professional standing, safety, and privacy. Once an esteemed private election technology expert, Dr. Coomer has been vilified and subjected to an onslaught of offensive messages and harassment. In response to multiple credible death threats, Dr. Coomer was forced to leave his home and spend months in hiding in fear for his safety. Without concern for the truth or the consequences of its reckless conduct, Salem Media branded Dr. Coomer a traitor to the United States, a terrorist, and a criminal of the highest order.

8. Salem Media knows that it has published countless outright falsehoods about Dr. Coomer. Some of its hosts have even spoken on air about the harm they have caused and the reckless disregard for the truth they exercised in promoting the lies about Dr. Coomer. For example, on May 3, 2021, host Peter Boyles, who gave Oltmann a platform on-air on November 17 and 18, 2020, acknowledged that Denver is the "epicenter" of the coordinated disinformation campaign against Dominion Voting Systems. Discussing the widely publicized settlement that Newsmax Media, Inc. had entered with Dr. Coomer, as well as Newsmax's on-air apology, Boyles acknowledged that "the center of the conspiracy is all here. A river runs through it. This stuff all generates at this radio station and comes through this radio station." He went on to state that "a list

of people remain, and many of them appear here at this radio station again and again and again.”

9. Unfortunately, Boyles’ moment of candor was not shared by all at 710 KNUS, and other Salem Media hosts continue to promote the falsehoods about the election generally and Dr. Coomer in particular. As a result, the harm that Salem Media has caused Dr. Coomer with its reckless, incessant drumbeat of falsehoods across numerous programs for months on end is irreparable. Dr. Coomer’s successful career in election security is over and the constant death threats that persist even now will remain an indelible trauma for the rest of Dr. Coomer’s life.

II. PARTIES

10. Plaintiff Eric Coomer, Ph.D. is an individual resident of Colorado who may be contacted c/o Cain & Skarnulis PLLC, P. O. Box 1064, Salida, Colorado 81201.

11. Defendant Salem Media is a corporation organized and existing under the laws of Colorado. Salem Media owns and operates several radio stations in Colorado, including 710 KNUS, which is broadcast in Denver, Colorado. Salem Media may be served with process through its registered agent, Corporation Service Company at 1900 W. Littleton Boulevard, Littleton, Colorado 80120.

12. Defendant Randy Corporon (Corporon) is an individual resident of Colorado. Corporon is the host of the *Wake Up with Randy Corporon* radio show on 710 KNUS, which is broadcast in Denver, Colorado. Corporon may be served with process at 7775 S. Biscay Street, Centennial, Colorado 80016.

III. JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction pursuant to Article VI, section 9 of the Colorado Constitution and C.R.S. section 13-1-124.

14. This Court may exercise personal jurisdiction over Salem Media, as it has its principal place of business within Colorado, and it committed tortious actions giving rise to this cause of action within Colorado.

15. This Court may exercise personal jurisdiction over Corporon as he is a resident and domiciliary of Colorado, and he committed tortious actions giving rise to this cause of action within Colorado.

16. Jurisdiction in Colorado provides for the efficient resolution of the claims herein. Venue is proper in this Court pursuant to Colorado Rule of Civil Procedure 98 because a substantial part of the events and omissions giving rise to the claims occurred in Denver County, Colorado.

IV. FACTS

17. Plaintiff Dr. Eric Coomer is the former Director of Product Strategy and Security for Dominion. Dominion is based in Denver, Colorado, and provides election support services across the United States, including from initial project implementation through election set-up, ballot layout, multiple language audio, machine set-up, and system testing. Dominion provided election related services to at least thirty different states during the 2020 presidential election.

A. *The 2020 presidential election was a free and fair election.*

18. The 2020 presidential election results have been verified by numerous independent entities, including government officials and agencies. State elections officials tasked with verifying the election and vote counts certified the election results across all 50 states and the District of Columbia.⁴ Electors met and formally cast their ballots with President Joe Biden securing 306 electoral votes and winning the popular vote by more than seven million votes.⁵ Despite incited violence, Congress formally counted the electoral votes, and former Vice President Mike Pence declared Joe Biden the winner of the presidential election.⁶

19. The Cybersecurity & Infrastructure Security Agency (CISA), a standalone United States federal agency under the Department of Homeland Security, issued a Joint Statement from the Elections Infrastructure Government Coordinating Council and the Elections Infrastructure Sector Coordinating Executive Committees stating:

The November 3rd election was the most secure in American history. Right now, across the country, election officials are reviewing and double checking the entire election process prior to finalizing the result.

When states have close elections, many will recount ballots. All of the states with close results in the 2020 presidential race have paper records of each vote, allowing the ability to go back and count each ballot if necessary. This is an added benefit for security and resilience. This process allows for the identification and correction of any mistakes or errors. **There is no**

⁴ See Maggie Astor, et al., *Biden Secures Enough Electors to Be President*, N.Y. TIMES, Dec. 9, 2020, <https://www.nytimes.com/interactive/2020/11/20/us/politics/2020-election-certification-tracker.html> (“Election results have now been certified in all 50 states and Washington, D.C.”).

⁵ See Nick Corasaniti, et. al., *Electoral College Vote Officially Affirms Biden’s Victory*, N.Y. TIMES, Dec. 14, 2020, <https://www.nytimes.com/2020/12/14/us/politics/biden-electoral-college.html>

⁶ See John Wagner, et al., *Pence declares Biden winner of presidential election after Congress finally counts electoral votes*, WASH. POST, Jan. 7, 2021, <https://www.washingtonpost.com/politics/2021/01/06/congress-electoral-college-vote-live-updates/>.

evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.

Other security measures like pre-election testing, state certification of voting equipment, and the U.S. Election Assistance Commission's (EAC) certification of voting equipment help to build additional confidence in the voting systems used in 2020.

While we know there are many unfounded claims and opportunities for misinformation about the process of our elections, we can assure you we have the utmost confidence in the security and integrity of our elections, and you should too. When you have questions, turn to elections officials as trusted voices as they administer elections.”⁷

20. Former Director of CISA, Chris Krebs, after his dismissal by President Trump, acknowledged that states had transitioned to auditable voting systems with paper-based ballots that could be recounted, independent of any allegedly hacked software or hardware.⁸ Krebs explained that these paper ballots, when paired with state post-election checks, ensured the accuracy of the voting counts. Such post-election checks were utilized with recounts in Georgia and Wisconsin, which affirmed the election results.⁹

21. On November 16, 2020, 59 of the top computer scientists and election security experts in the country issued a joint letter affirming that no election manipulation

⁷ CISA, *Joint Statement from Elections Infrastructure Gov't Coordinating Council & the Election Infrastructure Sector Coordinative Exec. Comms.*, Nov. 12, 2020, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election> (emphasis in original).

⁸ Chris Krebs, *Trump fired me for saying this, but I'll say it again: The Election wasn't rigged*, WASH. POST, Dec. 1, 2020, https://www.washingtonpost.com/opinions/christopher-krebs-trump-election-wasnt-hacked/2020/12/01/88da94a0-340f-11eb-8d38-6aea1adb3839_story.html.

⁹ Scott Bauer, *Wisconsin certifies Joe Biden as winner following recount*, AP, Nov. 30, 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-wisconsin-lawsuits-2e9cf60550f519537d31b6b71aa32c3c>; Kate Brumback, *Georgia again certifies election results showing Biden won*, AP, Dec. 7, 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-4eeea3b24f10de886bcdeab6c26b680a>.

had occurred, stating, “To our collective knowledge, no credible evidence has been put forth that supports a conclusion that the 2020 election outcome in any state has been altered through technical compromise.” They went on to note that, “Anyone asserting that a U.S. election was ‘rigged’ is making an extraordinary claim, one that must be supported by persuasive and verifiable evidence.”¹⁰

22. On December 1, 2020, then U.S. Attorney General William Barr confirmed “to date, we have not seen fraud on a scale that could have effected a different outcome in the election.”¹¹

23. Over 60 separate lawsuits brought by President Trump’s campaign and its supporters across the country attempting to challenge the legitimacy of the election results have failed.¹² With these, courts have rejected baseless allegations of widespread voter fraud raised to overcome the election results.¹³ Notably in one case, the Court in the United States District Court for the Middle District of Pennsylvania rendered an opinion stating:

¹⁰ Nicole Perlroth, *Election Security Experts Contradict Trump’s Voting Claims*, N.Y. TIMES, Nov. 16, 2020, <https://www.nytimes.com/2020/11/16/business/election-security-letter-trump.html>.

¹¹ Michael Balsamo, *Disputing Trump, Barr says no widespread election fraud*, AP, Dec. 1, 2020, <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

¹² Rosalind S. Helderman, et al., *‘The last wall’: How dozens of judges across the political spectrum rejected Trump’s efforts to overturn the election*, WASH. POST, Dec. 12, 2020, https://www.washingtonpost.com/politics/judges-trump-election-lawsuits/2020/12/12/e3a57224-3a72-11eb-98c4-25dc9f4987e8_story.html; William Cummings, et al., *By the numbers: President Donald Trump’s failed efforts to overturn the election*, USA TODAY, Jan. 6, 2021, <https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/> (“Out of the 62 lawsuits filed challenging the presidential election, 61 have failed”).

¹³ See e.g., *Bowyer, et al., v. Ducey, et al.*, No. 2:20-cv-02321-DJH (D. Ariz.) at Dkt. No. 84, p.28 (concluding “[n]ot only have Plaintiffs failed to provide the Court with factual support for their extraordinary claims, but they have wholly failed to establish that they have standing for the Court to consider them. Allegations that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings and procedure in federal court.”).

One might expect that when seeking [to disenfranchise almost seven million voters], a plaintiff would come formidably armed with compelling legal arguments and factual proof of rampant corruption, such that this Court would have no option but to regrettably grant the proposed injunctive relief despite the impact it would have on such a large group of citizens.

That has not happened. Instead, this Court has been presented with strained legal arguments without merit and speculative accusations, unpled in the operative complaint and unsupported by evidence.

Donald J. Trump for President, Inc., et al. v. Boockvar, et al., No. 4:20-cv-02078-MWB, at Dkt. No. 202, p.2 (M.D. PA. Nov. 21, 2020). In review of this opinion, Judge Bibas, writing the Third Circuit’s unanimous opinion on November 27, 2020, summarized the Court’s ruling as follows:

Free, fair elections are the lifeblood of our democracy. Charges of unfairness are serious. But calling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here.

Donald J. Trump for President, Inc., et al. v. Sec’y Commonwealth of Pennsylvania, et al., No. 20-3371, * 2 (3rd Cir. Nov. 27, 2020).

24. Courts have already taken action against some of those most responsible for spreading post-election falsehoods, including those about Dr. Coomer. For example, Rudy Giuliani¹⁴ has had his license to practice law suspended in New York. The Attorney Grievance Committee there found that “there is uncontroverted evidence that respondent communicated demonstrably false and misleading statements to courts, lawmakers, and the public at large in his capacity as lawyer for former President Donald and the Trump Campaign.” It concluded that “[Giuliani’s] conduct immediately threatens the public

¹⁴ Rudy Giuliani is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et al.*, Denver District Court Case No. 2020CV34319.

interest and warrants interim suspension from the practice of law.”¹⁵ Similarly, the United States District Court for the Eastern District of Michigan recently ordered sanctions against Sidney Powell,¹⁶ who had relied on Oltmann in making false allegations against Dr. Coomer in the complaint she filed in the Eastern District of Michigan. In ordering sanctions against Powell, the Court described the lawsuit as “a historic and profound abuse of the judicial process” and concluded that the “attorneys have scorned their oath, flouted the rules, and attempted to undermine the integrity of the judiciary along the way.”¹⁷

25. Numerous investigations and subsequent audits have served to confirm the legitimacy of the election results, and to reaffirm that President Biden was duly elected to office and that the vote counts were not manipulated. The Republican-led Michigan Senate Oversight Committee, for example, issued a “Report on the November 2020 Election in Michigan” on June 23, 2021, wherein they examined various claims of voter fraud. The Committee found no basis for claims by former President Trump and his allies that there was widespread voter fraud in the 2020 election.¹⁸ Similarly, a months-long Republican-led “full forensic audit” of election results in Maricopa County, Arizona,

¹⁵ *In re Matter of Giuliani*, Supreme Court of the State of New York Appellate Division, Case No. 2021-00506, at 1, [https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20\(2021-00506\)%20PC.pdf](https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20(2021-00506)%20PC.pdf).

¹⁶ Sidney Powell and Sidney Powell P.C. are defendants in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

¹⁷ *King v. Whitmer*, Case No. 20-13134, (E.D. Mich. Aug. 25, 2021), https://storage.courtlistener.com/recap/gov.uscourts.mied.350905/gov.uscourts.mied.350905.172.0_3.pdf.

¹⁸ Clare Hendrickson and Dave Boucher, *Michigan Republican-led investigation rejects Trump’s claim that Nov. 3 election was stolen*, DETROIT FREE PRESS, June 23, 2021, <https://www.freep.com/story/news/politics/elections/2021/06/23/michigan-senate-investigation-election-trump/5035244001/>.

confirmed President Biden's win, and in fact discovered that Biden had won by more votes than previously reported.¹⁹

B. Salem Media and Corporon involved in controversy.

26. Salem Media's radio station, 710 KNUS, promotes itself as "conservative news talk."²⁰ The station has a history of controversy arising from the conduct of its various talk radio hosts and employees, both on the air and off. In addition to inflammatory commentary from different talk radio hosts,²¹ this history includes involvement with alleged neo-Nazis²² and Proud Boys.²³

27. 710 KNUS has also encountered controversy following multiple instances wherein the station fired hosts for presenting content that was critical of former president Donald Trump.²⁴ In one widely publicized incident, 710 KNUS fired a popular talk show host, Craig Silverman, in the middle of a broadcast when he spoke critically of the former

¹⁹ David Schwartz and Nathan Layne, *'Truth is truth': Trump dealt blow as Republican-led Arizona audit reaffirms Biden win*, REUTERS, Sept. 27, 2021, <https://www.reuters.com/world/us/arizona-republicans-release-findings-widely-panned-election-audit-2021-09-24/>.

²⁰ See Media Group, Radio Stations, <https://media.com/radio-stations/#conservative-news-talk> (last visited Nov. 12, 2021).

²¹ Michael Roberts, *Third KNUS Strike: Bonniwell and Hayden Sacked Over School Shooting "Joke,"* WESTWORD, Dec. 19, 2019, <https://www.westword.com/news/knus-cancels-chuck-bonniwell-and-julie-hayden-show-over-school-shooting-joke-11580049>.

²² Conor McCormick-Cavanagh, *Is a Neo-Nazi on Staff at 710 KNUS?*, WESTWORD, Dec. 17, 2019, <https://www.westword.com/news/is-710-knus-producer-kirk-widlund-a-neo-nazi-11575690>.

²³ Jeremy Jojola, *Hosts of podcast run by Proud Boy claim deal nixed after radio station caved to political pressure*, 9NEWS, Dec. 18, 2019, <https://www.9news.com/article/news/local/local-politics/hosts-of-podcast-run-by-proud-boy-claims-deal-nixed-after-710knus-caved-to-political-pressure/73-36048f96-ced2-47a3-ab4f-59da031089f7>.

²⁴ Krista Kafer, *Kafer: I criticized Trump on 's 710 KNUS and lost my job. That's bad for democracy.*, THE DENVER POST, Nov. 18, 2019, <https://www.denverpost.com/2019/11/18/criticized-trump-on--710-knus-fired-craig-silverman-krista-kafer/>; Michael Abeyta, *Sudden Firing of KNUS' Craig Silverman Causes Controversy*, CBS 4 DENVER, Nov. 17, 2019, <https://denver.cbslocal.com/2019/11/17/firing-knus-craig-silverman/>.

president with regard to the impeachment proceeding then underway. Silverman stated in an interview thereafter that loyalty to former president Trump was expected of hosts from the very top of Salem Media’s national corporate leadership, including SVP Director of Spoken Word, Phil Boyce. He stated that “People know that at 710 KNUS, the affiliate here, you can expect almost unanimous support of Donald Trump.”²⁵

28. Through these various controversies, Salem Media has demonstrated a willingness and ability to respond quickly to content it does not endorse and to take effective action against hosts who do not adhere to the station’s desires and expectations.

29. Corporon is the host of *Wake Up with Randy Corporon*, a radio show that airs regularly on 710 KNUS. He has a long history of supporting and promoting a wide range of groundless conspiracy theories, including the “birther” conspiracy that former President Obama was born in Kenya,²⁶ claims that the Clintons ordered assassinations of their close associates,²⁷ and claims that the murder of Heather Heyer at the white nationalist “Unite the Right” rally in Charlottesville in 2017 was “a complete set up.”²⁸

30. Corporon is also the Republican National Committeeman for the state of Colorado, and the chair of the Arapahoe Tea Party, the largest Tea Party group in the

²⁵ Morning Joe, ‘Let’s talk about the facts’: Radio host discusses interruption, MSNBC, Nov. 18, 2019, <https://www.msnbc.com/morning-joe/watch/radio-host-interrupted-mid-show-after-criticizing-trump-73632837956>.

²⁶ Randy Corporon, @randybcorporon, TWITTER, Mar. 10, 2019, <https://twitter.com/randycorporon/status/1104958036890681347>.

²⁷ Randy Corporon, @randybcorporon, TWITTER, Oct. 13, 2016, <https://twitter.com/randycorporon/status/786779733262426116>.

²⁸ Em Steck et. al., *Top Colorado RNC official spread conspiracy theories and made Islamophobic and sexist comments*, CNN, Aug. 31, 2020, <https://www.cnn.com/2020/08/28/politics/kfile-colorado-rnc-official-spread-conspiracies/index.html>.

state.²⁹ He is an ardent Trump supporter and Republican party member who routinely discusses his close personal relationships with national Tea Party Patriots leader Jenny Beth Martin, House Representatives Lauren Boebert (R-CO) and Louie Gohmert (R-TX), Texas Republican Party Chairman Allen West, Senator Rick Scott (R-FL), Republican National Committee Chairwoman Ronna McDaniel, and others.³⁰



²⁹ Colorado GOP, Colorado Republican Party Officers, <https://www.cologop.org/about/#officers> (last visited Nov. 12, 2021).

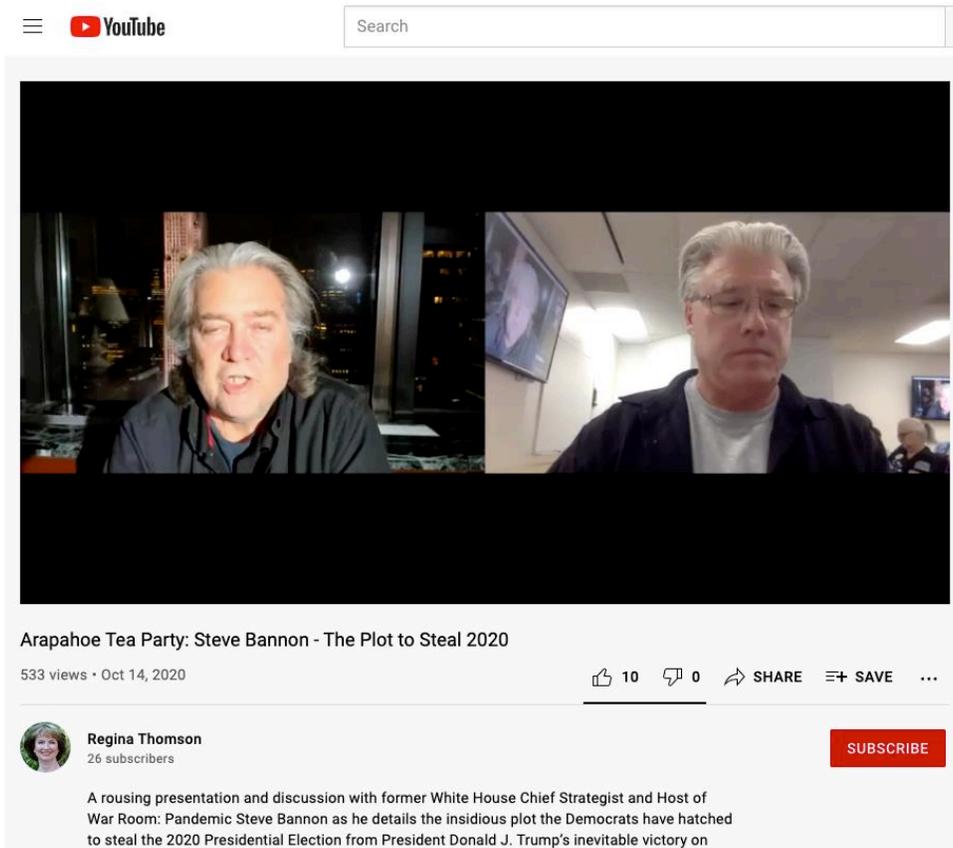
³⁰ See, e.g., *Wake Up with Randy Corporon*, 710 KNUS, Oct. 17, 2020 (interview with Boebert); Oct. 31, 2020 (interview with Boebert); Nov. 7, 2020 (interview with Martin; discusses phone calls Martin, Tom Fitton, Corey Lewandowski, and Ronna McDaniel); Nov. 14, 2020 (interview with Boebert; interview with West); Dec. 5, 2020 (discussing having dinner with Boebert at the Trump Hotel while in Washington D.C. for the White House Christmas party; discussing having lunch with Scott); Dec. 19, 2020 (discussing dinner with Boebert); Dec. 29, 2020 (interview with Boebert); Dec. 30, 2020 (interview with Martin; discussion of spending time with Gohmert).

31. Prior to the November 2020 election, Corporon regularly promoted the preconceived narrative that if Donald Trump did not win re-election, then his defeat could only be the result of fraud.³¹ For example, on October 14, 2020, Corporon invited former Trump Campaign manager Steve Bannon to speak at his Arapahoe Tea Party meeting, where Bannon described in detail the pre-conceived narrative that Corporon and others would subsequently set out to bring to fruition, in part by defaming Dr. Coomer. Bannon explained:

This is where I think we're heading right now, that the presidential election will actually be determined in the House of Representatives. As I see it today, with President Trump winning the game day vote, and then the progressive left fighting in these ballot counting rooms for every ballot. I think you're going to end up with these things not being certifiable. We'll blow through the safe harbor, blow through the electoral college, and kick it right into the House.³²

³¹ See, e.g., *Wake Up with Randy Corporon*, 710 KNUS, Oct. 17, 2020 (Corporon: "I did a training this week for Lawyers for Trump, so we'll be ready to respond to improper ballot activities around the state ... We had Steve Bannon at the Arapahoe Tea Party Tuesday via zoom for over an hour to talk about election fraud."); *Wake Up with Randy Corporon*, 710 KNUS, Oct. 24, 2020 (Corporon: "As the chair of the largest Tea Party group in Colorado, affiliated with Tea Party Patriots, millions of members strong, I can tell you that we are geared up for the potential shenanigans of in person voting and vote counting and the litigations that may come after.")

³² Arapahoe Tea Party: Steve Bannon – The Plot to Steal 2020, YOUTUBE, Oct. 14, 2020.



32. Days prior to the false allegations giving rise to this dispute, Corporon confirmed that he was seeking out evidence that did not exist, stating “I just pray that we can actually dig up evidence of the fraud that we all believe took place.”³³

C. Oltmann fabricated a conspiracy.³⁴

33. Joseph Oltmann is a political activist and supporter of President Trump with ambitions of creating a political movement.³⁵ Oltmann formed a nonprofit

³³ Randy Corporon, *Wake Up with Randy Corporon*, 710 KNUS, Nov. 7, 2020, Hour 1 at 36:32.

³⁴ Joseph Oltmann and his related entities, FEC United and Shuffling Madness Media, Inc. dba Conservative Daily are defendants in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

³⁵ See Joseph Oltmann (@Joeoltmann), PARLER (Dec. 2, 2020) (In response to lawsuits brought by President Trump, “[w]e do this without the weak ass Republican traitors.”); (Dec. 4, 2020) (“It’s time we

organization, FEC United, allegedly to restore and secure constitutional protections he perceived as under attack, which includes a paramilitary civilian defense group.³⁶ FEC United has hosted rallies for armed civilians to gather, as well as political events on behalf of the Colorado Republican Party and the Trump Campaign.³⁷ By way of example, FEC United reportedly solicited its members to sign up for the “Army for Trump” poll watcher program before the election, claiming that “Democrats have been actively stacking the poll-watching positions with their own people, and this will only contribute to the fraud . . . Join Our Election Day Team!”³⁸ Oltmann served as a co-host of the *Conservative Daily* podcast (under the pseudonym Joe Otto for many years prior to his claims about Dr. Coomer) with videos also posted on *Conservative Daily*’s YouTube channel.

turn out the corrupt government and weaponized media and tech companies. This is our country . . . #reckoning #ericcoomerisatraitor #dominionvotingsystems); (Dec. 6, 2020) (“I will love my neighbors after I beat their ass and stop this evil indoctrination and cancer on our community . . . I punched one of these asshats in the face and defended our country”); (Dec. 7, 2020) (“I am angry we are where we are and we allowed the loony left to even get their claws of deceit and despair into the fiber of our country. I am disappointed we let the evil left remove God from our schools and communities without a bigger fight . . . Pray for our country. Pray for our President. Pray for our leaders that they can have courage. Pray for the warriors of our nation that will stand up for you. God bless you all. We will not surrender and we will never retreat.”); (Dec. 10, 2020) (“Pray for our country and that our Supreme Court has the courage to reject the evil we face.”); (Dec. 12, 2020) (“Now we got to war as the people . . . the deep state runs deep. Evil at work . . .”).

³⁶ See FEC United, *Defend the American Way of Life*, <https://fecunited.com> (last visited Nov. 12, 2021); United American Defense Fund, *Defend and Protect What Is Ours*, <https://fecunited.com/uadf/> (last visited Nov. 12, 2021).

³⁷ See Erik Maulbetsch, *Conservative Group Behind the Deadly “Patriot Muster” Rally Working Closely With Colorado GOP*, COLO. TIMES RECORDER, Oct. 12, 2020, <https://coloradotimesrecorder.com/2020/10/conservative-group-behind-deadly-patriot-muster-rally-working-closely-with-colorado-gop/31445/>.

³⁸ See *id.*

34. After the results of the election were called for President Joe Biden, Oltmann co-hosted a *Conservative Daily* podcast.³⁹ On that podcast, he alleged to have learned almost two months earlier of a conspiracy to elect the president of the United States. Oltmann claimed he gained this information after infiltrating Antifa. Despite his interest in the election and prolific podcasting schedule, Oltmann apparently took no action at that time to report this alleged threat to democracy.⁴⁰ Waiting until November 9, 2020, Oltmann began this podcast, saying:

Let's not sugar coat this, we're going to expose someone inside of Dominion Voting Systems specifically related to Antifa and related to someone that is so far left and is controlling the elections, and his fingerprints are in every state. So I want you guys to understand that what we're about to show you, you have to share . . . The conversation will be about a man named Eric Coomer. C-O-O-M-E-R.

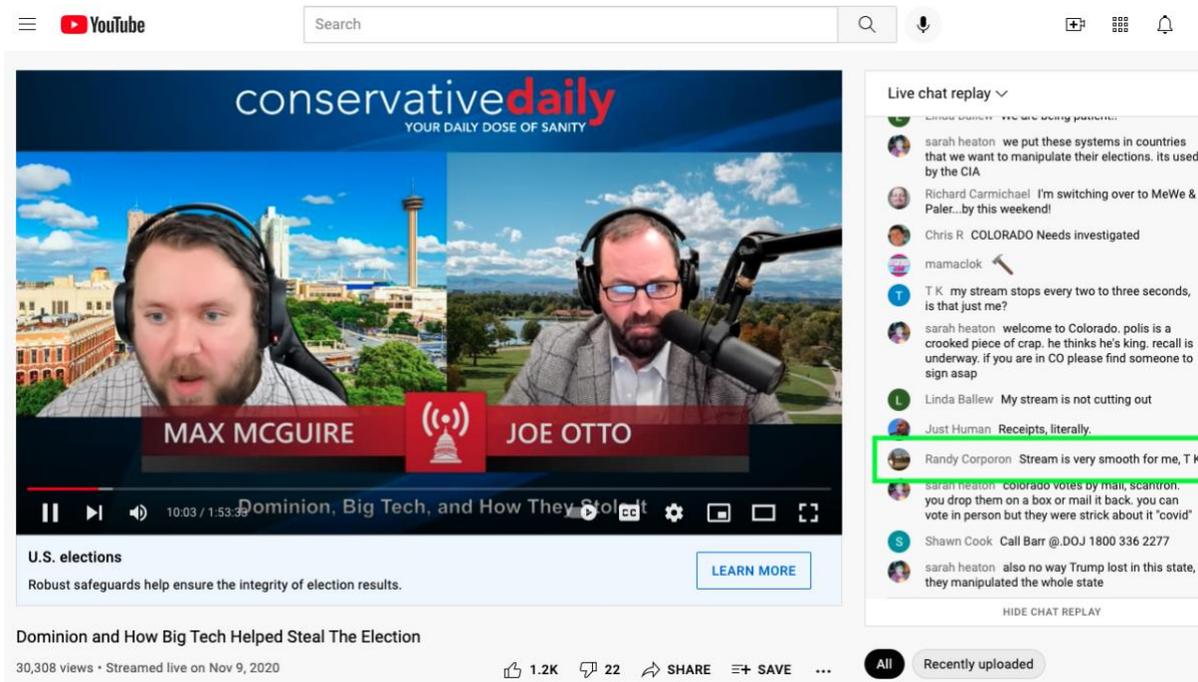
Oltmann then posted a photo of Dr. Coomer's face. Oltmann explained he had allegedly "infiltrated an Antifa conference call" sometime in late September with unknown and unverified participants. Oltmann claimed while on this purported call one of these unknown participants was referred to as "Eric" and another allegedly explained "Eric is the Dominion guy." Oltmann claimed when another unknown participant asked, "What are we gonna do if f-ing Trump wins?" the unknown "Eric" responded, which Oltmann paraphrased as, "Don't worry about the election, Trump is not gonna win. I made f-ing sure of that. Hahahaha." Afterward, Oltmann's alleged efforts to identify the unknown speakers of this purported call were limited to googling "Eric," "Dominion," and "Denver,

³⁹ Joseph Oltmann, et al., *Ep. 196—Dominion Voting Systems*, CONSERVATIVE DAILY PODCAST, Nov. 9, 2020.

⁴⁰ The *Conservative Daily* podcast posted fifty podcasts from September 1, 2020 to November 9, 2020. *See id.*; *see also* Joseph Oltmann, et al., *Ep. 146—Someone Stole My Trump Sign (And I'm Pissed)*, CONSERVATIVE DAILY PODCAST (Sept. 1, 2020).

Colorado.”⁴¹ With this, Oltmann claimed he identified Dr. Coomer and Dominion Voting Systems, Inc.⁴² At no point has Oltmann contacted Dr. Coomer to confirm his involvement in this purported call.

35. Corporon viewed the November 9, 2020 *Conservative Daily* podcast on YouTube as it aired and commented in response to other viewers. As a result, Corporon was among the first Republican officials in the nation—and perhaps the first political commenter with access to a significant platform—to become aware of Oltmann’s false claims about Dr. Coomer.



⁴¹ In a subsequent interview, Oltmann explained, “So it was really simple. This is what I did, right. I put in ‘Eric,’ into google search, ‘Eric,’ ‘Dominion,’ ‘Denver, Colorado.’ Not very clever, right?” See Michelle Malkin, #MalkinLive: U.S. Elections, YOUTUBE (Nov. 13, 2020).

⁴² Oltmann provides no explanation for how he understood “Dominion” to mean “Dominion Voting Systems, Inc.” and not any of the number of other Dominion-named businesses and locations in Colorado, including, but not limited to: Old Dominion Freight Line; Dominion Life Church; Dominion Realty Group; Dominion Water & Sanitation District; either of the two Dominion Towers constituting Dominion Plaza; Dominion Mortgage; and Dominion Carpet Cleaning Inc.

36. It apparently did not concern Corporon that only after President Trump had lost the presidential election did Oltmann allegedly remember Dr. Coomer and take steps to target him. Oltmann had conceived a storyline about the election—that its results were fraudulent—and consciously set out to establish that Dr. Coomer perpetuated this fraud.⁴³ This included accessing Dr. Coomer’s private Facebook profile. Despite no credible evidence of Dr. Coomer’s involvement in the purported “Antifa Conference Call” (or Zoom meeting), Oltmann used posts on Dr. Coomer’s Facebook profile that were critical of President Trump to allege he was the anonymous “Eric.” Oltmann also used Dr. Coomer’s position and employment with Dominion to allege Dr. Coomer was a key figure in a high-level conspiracy to rig the election against President Trump.⁴⁴ These statements are

⁴³ Oltmann has a history of advancing varying allegations of voter fraud to support his political beliefs and his preferred candidates as well as to promote himself and his businesses interests. *See e.g.*, Erik Maulbetsch, *Conservative Group Behind the Deadly “Patriot Muster Rally Working Closely With Colorado GOP*, COLO. TIMES RECORDER, Oct. 12, 2020 (FEC United alleging election fraud); Joseph Oltmann, et al., *Ep. 151–Voter Fraud is Real*, CONSERVATIVE DAILY PODCAST (Sept. 9, 2020) (separate allegations of election fraud); *Ep. 126–GOP Caving to Pelosi’s Cheat-By-Mail Demands*, CONSERVATIVE DAILY PODCAST (Aug. 5, 2020) (separate allegations of election fraud). Shortly after the election, Oltmann’s baseless allegations of fraud continued to evolve across various theories until coalescing into his false statements against Dr. Coomer. *Compare* Joseph Oltmann, et al., *Ep. 193–Democrats Just Got Caught*, CONSERVATIVE DAILY PODCAST (Nov. 5, 2020) (separate allegations of election fraud), *Ep. 194–How Democrats Stole It* CONSERVATIVE DAILY PODCAST (Nov. 6, 2020) (separate allegations of election fraud), and *Ep. 194–How Democrats Stole It (Part 2)*, CONSERVATIVE DAILY PODCAST (Nov. 6, 2020) (separate allegations of election fraud), *with Ep.196–Dominion Voting Systems*, CONSERVATIVE DAILY PODCAST (Nov. 9, 2020) (“we’re doing a deep dive on Dominion Voting Systems, all the stuff we’re seeing with Scorecard, with Hammer, big tech as a whole.”). Oltmann ultimately utilized these false allegations for personal gain. On November 5, 2020, the Conservative Daily podcast informed its viewers it was the “#119 most popular political podcast in America,” on November 6, 2020 it informed them it was then the “#108 most popular political podcast,” on November 9, 2020 it was “#66,” on November 10, 2020 it was “#62,” November 14, 2020 it was “#53,” on November 19, 2020 it was “#28,” on December 2, 2020 it was “#8.”

⁴⁴ *See* Joseph Oltmann, et al., *Ep. 196–Dominion Voting Systems*, CONSERVATIVE DAILY PODCAST (Nov. 9, 2020) (“It’s not admitting it’s vulnerable, it’s actually creating the vulnerability so that it can actually be manipulated, and that’s what’s happened here, Max. That’s what’s happened here. You have a guy that literally is a fanatic. He’s on calls, he’s taking time in the middle of an election season to get on a call. Three weeks before an election. Three weeks before the election! He’s getting on the phone and he’s saying very clearly that ‘I have it handled.’ And he runs product strategy and security. We’re not talking about someone that is at a low level, that has an opportunity to just - He’s in everywhere you look!”).

baseless and unequivocally false. Dr. Coomer has no knowledge of this alleged Antifa conference call; Dr. Coomer did not participate in such an alleged call; Dr. Coomer did not make the comments Oltmann alleged were made; and Dr. Coomer did not take steps to subvert the results of the presidential election.

37. In reality, Dr. Coomer, like many, had a private Facebook page that he shared with approximately 300 friends. He shared political views and was critical of President Trump. He shared satire that Oltmann intentionally disregarded and held out as true. None of it was public. It remains unclear how Oltmann obtained possession of it.

38. More importantly, Dr. Coomer's professional life was separate from his personal political opinion. Dr. Coomer did not participate in political groups and did not donate to campaigns. Dr. Coomer worked with elections officials—Republican, Democratic, and independent—across the country to make sure the process was safe, secure, and fair. The ability to have a political opinion in this country is a protected right. It remains a protected right, even if critical of a sitting president. That criticism does not denote conspiracy or fraud.

D. Salem Media and Corporon spread the conspiracy theory.

39. Oltmann began spreading his baseless allegations.⁴⁵ Salem Media and Corporon seized on Oltmann's statements to promote a conspiracy of election fraud. Shortly before Salem Media and Corporon began using Oltmann as a source for their

⁴⁵ On December 6, 2020 alone, Oltmann claimed he had “been busy doing 15 interviews in the last 2 days.” See Joseph Oltmann (@Joeoltmann), PARLER (Dec. 6, 2020).

publications, Twitter suspended his account. This suspension was related to Oltmann's attempts to spread false allegations and threats about Dr. Coomer.⁴⁶

40. On its radio station, 710 KNUS, Salem Media repeatedly invited Oltmann onto its shows to spread the falsehoods about Dr. Coomer. Salem Media's hosts and guests, including Corporon, also independently spread the falsehoods about Dr. Coomer for months following the 2020 election. These false claims aired on the majority of 710 KNUS's local programming, including shows like *Wake Up with Randy Corporon*, the *Deborah Flora Show*, *Backbone Radio with Matt Dunn*, the *Peter Boyles Show*, and the *George Show with George Brauchler*.⁴⁷

41. On November 14, 2020, Randy Corporon invited Oltmann onto his show, *Wake Up with Randy Corporon*, as a guest. Corporon used his status as an attorney to bolster the legitimacy of the claims that he knew Oltmann was about to present, stating:

⁴⁶ Oltmann explained after sharing an alleged photograph of Dr. Coomer's house, "I have been kicked off of Twitter for exposing Eric Coomer." See Joseph Oltmann (@Joeoltmann), PARLER (Dec. 6, 2020).

⁴⁷ See, e.g., *Wake Up with Randy Corporon*, 710 KNUS, Nov. 14, 2020 (including guest appearance by Oltmann); *Deborah Flora Show*, 710 KNUS, Nov. 15, 2020 (including guest appearance by Oltmann); *Backbone Radio with Matt Dunn*, 710 KNUS, Nov. 15, 2020; *Peter Boyles Show*, 710 KNUS, Nov. 17, 2020 (including guest appearance by Oltmann); *Peter Boyles Show*, 710 KNUS, Nov. 18, 2020 (including guest appearance by Oltmann); *Peter Boyles Show*, 710 KNUS, Nov. 20, 2020 (including guest appearance by Corporon discussing Oltmann and Dr. Coomer); *Wake Up with Randy Corporon*, 710 KNUS, Nov. 21, 2020 (including guest appearance by Oltmann); *Backbone Radio with Matt Dunn*, 710 KNUS, Nov. 22, 2020; *Wake Up with Randy Corporon*, 710 KNUS, Nov. 28, 2020 (including guest appearance by Michelle Malkin, a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319, discussing Oltmann's false claims); *The George Show with George Brauchler*, 710 KNUS, Dec. 5, 2020 (including guest appearance by Oltmann); *Wake Up with Randy Corporon*, 710 KNUS, Dec. 5, 2020 (including guest appearances by Oltmann and Max McGuire, the co-host of *Conservative Daily*); *Wake Up with Randy Corporon*, 710 KNUS, Dec. 19, 2020 (including guest appearance by Oltmann); *Wake Up with Randy Corporon*, 710 KNUS, Dec. 26, 2020; *The Steffan Tubbs Show*, 710 KNUS, Dec. 28, 2020 (guest hosted by Corporon); *Wake Up with Randy Corporon*, 710 KNUS, Dec. 29, 2020; *Wake Up with Randy Corporon*, 710 KNUS, Dec. 30, 2020; *Wake Up with Randy Corporon*, 710 KNUS, Jan. 2, 2021; *Wake Up with Randy Corporon*, 710 KNUS, Feb. 6, 2021; *Wake Up with Randy Corporon*, 710 KNUS, Feb. 13, 2021.

The reason I know he's serious, the reason I know this is not some kind of publicity stunt, or to try to keep people's hopes up falsely, that there were such shenanigans in this election that it should not be certified, no way, no how, until all of the investigations and opportunities to find and present evidence are done, and Joe is part of that evidence now. Yesterday, we polished up an affidavit and sent it directly to Jenna Ellis, Donald Trump's, actually, she sent it to me, because she put it together after conversations with him, and I reviewed it and cleaned it up.⁴⁸

With this introduction, Corporon presented Oltmann as a credible and legitimate source of information about Dr. Coomer and created the impression that the false claims in Oltmann's affidavit had been verified when they had not.

42. As the interview proceeded, Corporon encouraged Oltmann to repeat the false claims about Dr. Coomer that he had already seen Oltmann present on *Conservative Daily*, and days prior at the Arapahoe Tea Party meeting, where Corporon had similarly invited Oltmann to speak.⁴⁹ Oltmann proceeded to present his claims as statements of fact, stating, "everywhere across the country, Eric Coomer is in every state, he is the one actually presenting that he is the cog to the wheel. So then I found out that . . . he owned . . . he's a shareholder at Dominion. The further I got in the rabbit hole, the scarier it got."⁵⁰

43. In reality, Dr. Coomer is not a shareholder of Dominion Voting Systems, but Corporon did not bother to confirm this fact or ask why Oltmann was stating the claim as fact on the air. In reliance on Oltmann's claims, Corporon went on to describe Dr. Coomer

⁴⁸ *Wake Up with Randy Corporon*, 710 KNUS, Nov. 14, 2020.

⁴⁹ *Id.*

⁵⁰ *Id.*

as an “antifa thug.”⁵¹ Throughout this lengthy interview, Oltmann claimed that Dr. Coomer partook in an “Antifa conference call,” claimed on that call that he had rigged the election, and that Dr. Coomer did in fact rig the election. Corporon endorsed this parade of falsehoods by stating:

Joe, what you have done and exposed may save the republic, or at least save the possibility of having an honest outcome to this election. People’s heads roll up and they say, okay, maybe there were a few machines that made a mistake or whatever. You have exposed the Antifa basis to the man who has the knowledge and the influence on this company that has these machines and this software in battleground states around the country. He actually made a statement that he had solved this problem for Antifa and the left of getting rid of Donald Trump, and that adds seriousness to what we’re already concerned about.⁵²

44. In addition to endorsing and spreading the false claims about Dr. Coomer in the November 14, 2020 interview, Corporon also described his coordination with various individuals and entities that would prove instrumental in the nationwide smear campaign against Dr. Coomer that was beginning to take shape. He stated that he “was on a call with [Chairperson of the Republican National Committee] Ronna McDaniel yesterday and the RNC Committee members, and they’ve committed ten million dollars with another twenty million dollars on the way to the Trump legal defense team.”⁵³ Referring to former President Trump’s then-counsel Sidney Powell, he stated, “You’ve heard a lot about Sidney, she is great. I’ve been talking with her via text this week and she’s so busy. I shared some of this Dominion information with her.”⁵⁴ Near the end of

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

the interview, Oltmann promoted “Code Monkey,” a well-known alias for Ron Watkins, who many leading experts have opined is the individual most likely behind the QAnon conspiracy theory,⁵⁵ stating “There’s a guy named Code Monkey, that goes by Code Monkey, that has been digging into it. He’s been doing some amazing research.”⁵⁶

45. After the Oltmann interview, Corporon took to Twitter to repeatedly promote the interview and endorse Oltmann’s claims. In one instance, Corporon included a link to the interview and stated, “The man who pulled #Antifa thuggery out of #DominionVotingSystems for all to see and understands the hack (hrs 2/3). Thanks, Joe! Plus CONGRESSWOMAN @laurenboebert & Colorado patriots from DC today. AND @AllenWest Can’t beat that with an Antifa stick! SHARE.”⁵⁷ In another tweet on the same day, which also linked to the interview about Dr. Coomer, Corporon stated, “Joe Oltmann, the man who brought this story to light, spent 90 minutes telling his story today. Listen here starting halfway through hour two. Where there’s #AntifaTerrorists smoke, there’s #AntifaTerrorists fire.”⁵⁸

46. The very next day, on November 15, 2020, Salem Media invited Oltmann back to present his false claims against Dr. Coomer once again, this time as a guest on the Deborah Flora Show. Flora introduced the interview by confirming that she knew what

⁵⁵ Drew Harwell and Craig Timberg, *A QAnon revelation suggests the truth of Q’s identity was right there all along*, WASH. POST, Apr. 5, 2021, <https://www.washingtonpost.com/technology/2021/04/05/ron-watkins-qanon-hbo/>; David Gilbert, *Q Accidentally Outed Himself, But QAnon Followers Don’t Care*, VICE NEWS, Apr. 6, 2021, <https://www.vice.com/en/article/v7m58a/q-accidentally-outed-himself-but-qanon-followers-dont-care>.

⁵⁶ *Wake Up with Randy Corporon*, 710 KNUS, Nov. 14, 2020.

⁵⁷ Randy Corporon, @randybcorporon, Twitter (Nov. 14, 2020).

⁵⁸ Randy Corporon, @randybcorporon, Twitter (Nov. 14, 2020).

Oltmann intended to say on air, stating, “We’re gonna have Joe Oltmann with us. He was on Randy’s show yesterday. We’re going to dig even deeper into what is starting to come to light with this Dominion software voting scandal.”⁵⁹ While encouraging Oltmann to repeat his false allegations against Dr. Coomer, Flora did not ask basic questions, like how Oltmann supposedly got on an “Antifa conference call,” whether there were other participants on that call or if they had confirmed Oltmann’s story, or how Oltmann believed Dr. Coomer actually had manipulated the election results. Instead, she presented him as a credible and knowledgeable source who was presenting verifiable facts. Oltmann confirmed that he was not presenting his opinion or speaking in hyperbole when he stated, “If they go to put me on the stand with my affidavit, saying did this happen and did this happen? I know the repercussions of signing an affidavit. And I also know 150,000% that they are going to have a very tough time coming back and saying of this isn’t true.”⁶⁰ Flora concluded her interview with Oltmann with a glowing report of his claims and their significance:

Just had Joe Oltmann on the line. In a nutshell, in a nutshell, go back and listen to the show, 710knus.com, Joe Oltmann, a brave man that stepped forward with information, has information that Eric Coomer, who is the Dominion Voting Systems Director of Strategy and Security, I trip over it because it is such a wrong title for him. Director of Strategy and Security, Eric Coomer, on his personal posts, he has posted things like the Antifa manifesto, anti-American sentiment, death to the president, death to the cops. This is the person that is behind the Dominion Voting System. It is time for every citizen of this country, Democrat, Republican, in between, to demand accountability and a clear examination of why we are giving our

⁵⁹ *The Deborah Flora Show*, 710 KNUS, Nov. 15, 2020.

⁶⁰ In related case *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319, Oltmann has twice been sanctioned for refusing to answer questions about the supposed Antifa call and multiple witnesses have submitted affidavits directly contradicting the claims in the Oltmann affidavit.

sacred vote to a company like Dominion that is owned in Canada. Our votes are counted in Spain and supposedly kept in Germany. This is wrong, no matter what happens. No matter who is president for the next four years, it is time for that to end.⁶¹

47. That evening, host Matt Dunn again discussed Dr. Coomer on his program *Backbone Radio*. A local listener, Brad, called into the program and stated, “Not only are Sidney Powell and Rudy Giuliani doing an excellent job. Joe Oltmann of FEC United is doing an excellent job as well. I’ve heard him on several talk shows on your radio station talking about the Dominion voter fraud and how he was able to tie into an Antifa phone call.”⁶² Discussing the baseless election fraud claims in general, Dunn went on to claim that “The greatest battle since the Civil War of this country happening right now, we are walking through it. Yes, it’s excruciating, but we’ve got to fight. It is a battle between righteousness and Satan. Yes, good versus evil. Funny. He is not exaggerating. I am not exaggerating here. No exaggeration. That is the situation.”⁶³ Circling back to Dr. Coomer in the third hour of his program, Dunn stated, “We’ve got Soros in this. We’ve got Venezuela in this. We got this Coomer guy, the Denver guy, who’s written these screeds in favor of Antifa and anti-Trump and he’s like all into it. Probably tied to an agency in some way or another. What an absolute mess, ladies and gentlemen.”⁶⁴

48. Just two days later, on November 17, 2020, and being fully aware of the false claims that Oltmann intended to present as statements of verifiable fact, Salem Media

⁶¹ *The Deborah Flora Show*, 710 KNUS, Nov. 15, 2020.

⁶² *Backbone Radio with Matt Dunn*, 710 KNUS, Nov. 15, 2020.

⁶³ *Id.*

⁶⁴ *Id.*

again invited Oltmann on as a guest, this time with host Peter Boyles. Boyles introduced the interview by stating, “Joe Oltmann appeared with Randy Corporon on Saturday. Randy said he’s the guy to talk to.”⁶⁵ During the interview, Oltmann stated, “I’ve signed an affidavit and I’ve been in constant contact with the Trump lawyers.” He went on to claim that “They contacted me . . . predicated mostly on what we’re actually talking about right now. The amount of information I had related to Eric Coomer and Dominion Voting Systems.”⁶⁶ Oltmann again repeated his false claims about Dr. Coomer participating in an Antifa conference call and claiming that he had rigged the election. Once again, Oltmann confirmed that he was not presenting his opinions or speaking in hyperbole, stating, “The part about my story that’s true is everything is true. Every part of it is true. I was on that call. Eric was on that call. Eric said that he fixed the election.”⁶⁷ Perhaps most concerning, Oltmann went on to admit to at least a portion of the terror campaign he had unleashed on Dr. Coomer, stating, “He’s a ghost. I had somebody go to his house in Salida. He is a ghost.”⁶⁸

49. Even though Oltmann had admitted to instigating a personal harassment campaign against Dr. Coomer, and even though Boyles had expressed some skepticism despite Oltmann’s insistence that he was presenting verifiable truth, Salem Media still invited Oltmann back as a guest on the Peter Boyles show the very next day, November 18, 2020, to continue the reckless drumbeat of lies about Dr. Coomer. As Salem Media knew

⁶⁵ *Peter Boyles Show*, 710 KNUS, Nov. 17, 2020.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

he would, Oltmann stated, “I infiltrated a call with Antifa, um, Eric was on that call, to my knowledge, I believe it was Eric that was on that call, just based upon the information that was there. Somebody said Eric is the Dominion guy, and he stated on that call when asked what’s gonna happen when Trump becomes president, don’t worry about the election Trump’s not gonna win, I made sure of it.”⁶⁹

50. Even when Oltmann was not a guest, 710 KNUS hosts continued to discuss and promote his false claims about Dr. Coomer. On November 20, 2020, for example, Peter Boyles had Randy Corporon on his show as a guest. Discussing Dr. Coomer, Corporon stated, “The flipping of a switch, and I mean, Joe Oltmann has talked to you about this, and he established the motive for Eric Coomer of course, but, Joe also has the technical knowledge about how coding works and how computer systems work and how data gets manipulated and changed to talk about really how easy it would be.”⁷⁰ In reality, Oltmann is not an expert in election security and has no first-hand knowledge relevant to any of the issues he repeatedly discussed on 710 KNUS. Nonetheless, Corporon and Boyles went on to discuss Denver’s significance as the focal point of the false claims about Dominion Voting Systems in general and Dr. Coomer in particular, with Corporon stating “I’ve got some Sidney Powell lawyers here in town. Dominion is located, one of their offices right in downtown Denver, and of course the story on Eric Coomer and his social media and ties to Antifa broke right out here, from Denver, and so their lawyers are out

⁶⁹ *Peter Boyles Show*, 710 KNUS, Nov. 18, 2020.

⁷⁰ *Peter Boyles Show*, 710 KNUS, Nov. 20, 2020.

here meeting with witnesses, piles of documents, my conference room has been taken over.”⁷¹

51. On November 21, 2020, Oltmann was back on the airwaves, again promoting his false claims as a guest on *Wake Up with Randy Corporon*. Corporon introduced this interview with Oltmann by informing his listeners that he had “been texting this morning with attorney Sidney Powell”⁷² and stating, “Of course Joe Oltmann was very significant in calling out the motive, the motive behind leadership, behind some of the big brains that run Dominion Voting Systems, Eric Coomer, because of his ties to Antifa.”⁷³ As he embarked on another lengthy interview with Oltmann, Corporon stated, “I don’t want to recap the whole story, I want to advance it.”⁷⁴ In an acknowledgement that other outlets were rightly refusing to air Oltmann’s dangerous and baseless claims, Corporon stated:

You were on a call where a guy came on, he was identified as Eric from Dominion, and he made that infamous statement that now most people out there know about because it’s been in mainstream media, well, not mainstream media, conservative. You know Fox, and on down. None of the ABC, CBS, they’re not talking about it at all. And he said that, people are worried about the reelection, the imminent reelection of Donald Trump, he said don’t worry about that, I’ve got it handled. More or less. That’s a paraphrase.⁷⁵

52. During the ensuing discussion, Oltmann again promoted Ron Watkins, directing 710 KNUS listeners to the QAnon promoter’s Twitter feed, stating, “There’s a

⁷¹ *Id.*

⁷² *Wake Up with Randy Corporon*, 710 KNUS, Nov. 21, 2020.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

guy named Code Monkey out there on Twitter. The guy is brilliant. The kid is brilliant.”⁷⁶ He also continued to present a variety of other demonstrable falsehoods about Dominion Voting Systems as fact. For example, a caller from Denver named Jerry called in to ask about the baseless and by then already debunked claim⁷⁷ that American military personnel had seized Dominion servers in Germany. Without hesitation, Oltmann confidently and falsely responded, “Here’s my 30-second analysis of that. First of all, the raid did happen. It is true. It did not happen by the army, so there are some misnomers on how that exists. But it is absolutely true. And frankly, it’s true to the best of my knowledge talking to people within the government environment.”⁷⁸ In reality, the raid did not happen and it was not true, but Corporon bolstered Oltmann’s assertion, stating, “Well Sidney [Powell] is talking about it. Again, you can question her facts, I guess, but you cannot question her reputation and her integrity.” Corporon concluded the Oltmann segment by saying, “Thanks to our in-studio guest, Joe Oltmann, who brought to light the Antifa connections between Eric Coomer, the nuclear physicist brainiac involved with and owner of Dominion Voting Systems, and we’ve talked an awful lot about that.”⁷⁹

53. On November 22, 2020, Corporon reached out to Ali Alexander⁸⁰ on Twitter, responding to a since deleted tweet from Alexander. Confirming his

⁷⁶ *Id.*

⁷⁷ Reuters Staff, *Fact Check: The U.S. military has not seized election servers in Germany*, REUTERS, Nov. 16, 2020, <https://www.reuters.com/article/uk-factcheck-election-syctl-military/fact-check-the-u-s-military-has-not-seized-election-servers-in-germany-idUSKBN27W1UW>.

⁷⁸ *Wake Up with Randy Corporon*, 710 KNUS, Nov. 21, 2020.

⁷⁹ *Id.*

⁸⁰ Alexander would go on to be one of the primary organizers of the attack on the U.S. Capitol on January 6, 2021, an event he was already actively planning at the time of this correspondence from Corporon.

unquestioning commitment to former President Trump's baseless claims of election fraud, Corporon stated:

Ok, @ali. I admire and support your work, pray with you on Periscope, share your social media. But, I'll bite. I chair the largest Tea Party group in my state. I've sent witnesses and info to Jenna Ellis, had Sidney Powell lawyers working from my law firm, sent people to DC march, use social media to promote the President & #StopTheSteal. I was just elected to RNC as were all members. It's a 4-year term. Many are on fire like me. I ain't going anywhere. Why would u want us to? How will you try? If there's something that needs done, tell me.⁸¹

54. That same day, Salem Media host Matt Dunn kept the Coomer drumbeat rolling, rhetorically asking his audience:

Why would Dominion be closing their offices? Why would Dominion attached employees be deleting their LinkedIn accounts? Why would they be running for cover? Why would this Coomer guy, is it Kumar or Coomer? I've seen it spelled two different ways. The local guy, the pro-antifa guy. Why would he be vanishing himself? I think they're sitting on something big. The question is, can we get it? Oh let's pray the truth prevails in all of this, ladies and gentlemen.⁸²

55. Of course, the answers to Dunn's questions were obvious. He and his fellow talk radio hosts had conjured up a mob that was actively making hundreds of credible death threats against Dr. Coomer and other Dominion employees, all on the basis of the outright falsehoods that Salem Media was relentlessly promoting on its airwaves. But Dunn, like the other Salem Media hosts who enthusiastically promoted Oltmann's lies on their programs, was presumably too preoccupied with the preconceived narrative that the

See Aaron Blake, GOP lawmakers distance themselves from Jan. 6 rally, despite supporting its cause, downplaying Capitol riot, WASH. POST, Oct. 26, 2021, <https://www.washingtonpost.com/politics/2021/10/26/gop-lawmakers-distance-themselves-jan-6-rally-despite-supporting-its-cause-downplaying-capitol-riot/>.

⁸¹ Randy Corporon, @randybcorporon, TWITTER (Nov. 22, 2020).

⁸² *Backbone Radio with Matt Dunn*, 710 KNUS, Nov. 22, 2020.

election was stolen to consider the devastating impact their conduct was having on Dr. Coomer and others. Minutes later, Dunn summarized his apparent motive for targeting Dr. Coomer, stating, “The truth is that President Trump won this election. The question is, can that be backed up with the evidence that the cheat and the steal happened, and that would be persuasive and documentable in a court of law? We have no choice but to fight like mad dogs for that eventuality, to do everything we can to keep in the game, keep in the fight.”⁸³

56. The following weekend, Salem Media continued with its propaganda campaign, this time with Corporon hosting conservative political activist and Oltmann promoter Michelle Malkin⁸⁴ as a guest on November 28, 2020. Malkin acknowledged her role in promoting the Coomer narrative, saying, “And of course Joe Oltmann here in Colorado, played a key role, the interview that I did with him on a livestream a couple of weeks ago is part of one of the filings in Georgia, and he is not alone.”⁸⁵ Corporon then went on to falsely deny the real danger that he and others were exposing Dr. Coomer and other Dominion employees to, stating, “They’ve cleaned out, they’ve cleared out. They’ve taken down their social media. They put up a disclaimer that says, ‘Well it’s because we’re under attack, you know, we’re being threatened.’ It’s such a lie. That’s what the left does. They try to threaten people out of a position that they don’t like. They try and mob rule

⁸³ *Id.*

⁸⁴ Michelle Malkin is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

⁸⁵ *Wake Up with Randy Corporon*, 710 KNUS, Nov. 28, 2020.

or even mob harm individuals that they don't agree with.”⁸⁶ It was not a lie. The death threats against Dr. Coomer were, and remain to this day, very real.

57. On December 5, 2020, Corporon hosted Oltmann yet again, this time in conjunction with another interview of Oltmann's co-host on *Conservative Daily*, Max McGuire. Corporon began the interview with various false statements, telling his audience, “If you're doing any homework at all, and it's just not that hard to find out that they have tied Chinese money, significant Chinese money, to Dominion. They've tied Eric Coomer and Dominion to George Soros and some of his nefarious projects out there.”⁸⁷ After Corporon and McGuire discussed and promoted *Conservative Daily*, where the false claims about Dr. Coomer were then being aired on a virtually daily basis, Corporon again put Oltmann on the air, stating “Joe . . . Regular listeners to this show know you well by now . . . You've been just all over the place exposing Eric Coomer and the Antifa philosophies that he espouses and promotes, questioning the safety and security of Dominion Voting.”⁸⁸ Oltmann brought up the false claims against Dr. Coomer, as Corporon knew he would, this time describing why he believed Dr. Coomer was the source of the election fraud.⁸⁹ Referring to Dr. Coomer, Oltmann stated, “Everyone should be concerned about the fact that this is the man that is one of the largest shareholders of Dominion Voting Systems, holds all the patents, and yet we're not talking about him. Why are they not talking about him, Randy, why?” Corporon responded, “Well, I don't expect

⁸⁶ *Id.*

⁸⁷ *Wake Up with Randy Corporon*, 710 KNUS, Dec. 5, 2020.

⁸⁸ *Id.*

⁸⁹ *Id.*

anything from the corrupt, coordinated Democrat media machine anymore. That's sort of to be expected. What bothers me is that there aren't more Republicans, people in positions of power, people with platforms for influence, pushing out this message."⁹⁰

58. The same day, Oltmann was also invited on as a guest on another 710 KNUS program, *The George Show with George Brauchler*. As Brauchler and Salem Media knew he would, Oltmann used their platform to again defame Dr. Coomer. Here again, as he consistently had throughout his numerous appearances on 710 KNUS, Oltmann confirmed that he was not presenting his opinions or speaking in hyperbole, stating, "The amount of corruption that we're dealing with in our government is unprecedented. And this isn't just me, this isn't just hyperbole, this isn't me just talking about this, these are documented facts. We're ignoring science, we're ignoring math, we're ignoring these videos that you see out there. And frankly, the thing that should concern every American is the fact that you don't have a voice."⁹¹ Oltmann went on to again accuse Dr. Coomer of criminal conduct, along with a litany of other unchallenged and inherently implausible claims, stating:

"My problem that I have is, why isn't the DOJ, why isn't the FBI investigating some of these irregularities? Why is it that I can do research on Eric Coomer, who is not just a strategy and security guy, and he's in our state, I can do research on him and find shadow companies and things that he does overseas, and financial connections to the Soros organization, and other very seedy operations and people. How is it that I can find that stuff for the DOJ and FBI can't? I find that what we're up against right now is an establishment that is destroying the integrity of our elections."⁹²

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

These were all outright falsehoods. Attorney General Barr had confirmed just days prior that investigations had concluded that there were no election irregularities warranting FBI attention. Dr. Coomer has no affiliation with any “shadow companies” overseas or any “financial connections to the Soros organization,” and Oltmann had not actually found anything to suggest otherwise. Despite the surface level absurdity of these allegations, Brauchler endorsed Oltmann’s claims to his audience, stating, “Joe this is such an important topic and such fascinating stuff that you’ve found.”⁹³

59. Two weeks later, Oltmann was back on Corporon’s show. Corporon again gave his listeners the false impression that Oltmann’s credentials somehow qualified him to discuss election security, stating, “He is a tech expert, businessman extraordinaire, the president of PIN Business Network, which you hear about regularly on the George Brauchler show here and elsewhere on 710 KNUS. You know him well if you’re a regular listener, his name is Joe Oltmann and he joins us now.”⁹⁴ Oltmann proceeded to call Dr. Coomer a “sociopath,” “insane,” and “a disgusting bully.”⁹⁵ He claimed that, “As many times as I’ve tried to find somebody that would say something nice about him, even his friends, they can’t say anything nice about him other than that hey the guy is brilliant, but he’s absolutely insane. This is the guy that has his finger on our elections.”⁹⁶ And yet again, Oltmann linked Dr. Coomer to the debunked election fraud, stating “we know that Dominion Voting Systems was built to actually adversely affect elections” and Dominion

⁹³ *Id.*

⁹⁴ *Wake Up with Randy Corporon*, 710 KNUS, Dec. 19, 2020.

⁹⁵ *Id.*

⁹⁶ *Id.*

“had a huge effect on swinging elections towards the radical left” in countries like Mongolia and Venezuela.⁹⁷

60. The onslaught against Dr. Coomer continued, even after Dr. Coomer filed suit against Oltmann and others on December 22, 2020. On December 26, 2020, Corporon continued the theme, referring to Dr. Coomer as an “Antifa radical”⁹⁸ and informing his audience that Dr. Coomer lives in Salida.⁹⁹

61. On December 28, 2020, Randy Corporon continued, without investigation or evidence, to defend his friend Joe Oltmann. He discussed the lawsuit that was filed against Oltmann and repeated Oltmann’s false story about the “Antifa call.” Corporon defended Oltmann’s decision to “do that research” and “draw his own conclusions” about Dr. Coomer and Dominion.¹⁰⁰ Corporon repeated that he helped Oltmann produce a “sworn affidavit” and provide it to members of the Trump team.¹⁰¹ Perhaps most dangerously, Corporon then went on to promote a purported “million-dollar bounty for Dominion’s Eric Coomer” to “provide actual factual information that Dominion Voting machines flipped votes” or for “any irrefutable evidence that Dominion Voting Systems and its employee Eric Coomer produced fraudulent votes during the 2020 election.”¹⁰² The bounty for Dr. Coomer’s “comeuppance”¹⁰³ had been published that morning by

⁹⁷ *Id.*

⁹⁸ *Wake Up with Randy Corporon*, 710 KNUS, Dec. 26, 2020.

⁹⁹ *Id.*

¹⁰⁰ Randy Corporon, *The Steffan Tubbs Show*, 710 KNUS, Dec. 28, 2020.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ Jim Hoft, *WAKE UP AMERICA! Bold Billionaire Offers \$1 Million Bounty for Dominion’s, Eric Coomer’s Comeuppance*, THE GATEWAY PUNDIT, Dec. 28, 2020.

James Hoft with the right-wing website The Gateway Pundit.¹⁰⁴ During his promotion of the bounty, Corporon implicitly admitted that he knew there was no evidence that Dr. Coomer had rigged the election, stating, “a million dollars for a person who can provide irrefutable evidence that Eric Coomer or Dominion Voting Systems produced fraudulent votes during the 2020 election.” Corporon then went on to repeat multiple falsehoods about Dominion Voting machines, alleging that “adjudication functions on the vote machine that could allegedly be used to alter votes, singularly or in bulk if a nefarious user chose to do so” and alleging that Dr. Coomer “or Dominion performed illegal, uncertified updates to possibly thousands of Georgia election machines just days before the election.”¹⁰⁵

62. On December 30, 2020, Corporon again discussed the defamation lawsuit previously filed and characterized Dr. Coomer as “Antifa-loving.”¹⁰⁶ He then went on to falsely allege that he had audio of Dr. Coomer “where he explains how you can change the votes with his machines. It’s a feature, not a bug. The man himself, Eric Coomer.”¹⁰⁷ Corporon gave this false description of the audio clip to his audience throughout the show both before and after he played a clip of Dr. Coomer explaining the adjudication function of Dominion machines. In reality, “bulk adjudication” is not a function or ability of Dominion machines, and Dr. Coomer’s patent related to adjudication ensures that voter

¹⁰⁴ James Hoft and TGP Communications LLC dba The Gateway Pundit are defendants in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

¹⁰⁵ *Id.*

¹⁰⁶ *Wake Up with Randy Corporon*, 710 KNUS, Dec. 30, 2020.

¹⁰⁷ *Id.*

intent is honored and that votes are tabulated in a manner that is transparent and easily auditable. Corporon persisted in his discussion of Dr. Coomer, falsely claiming that “The people at these adjudication stations can determine the meaning of the ballot. Well now imagine if that power was placed in the hand of somebody who, oh I don’t know, wanted to influence the outcome of the election.”¹⁰⁸ Corporon even mocked Dr. Coomer’s recently filed lawsuit, stating, “I’m a lawyer, so I’m not afraid of lawsuits. It doesn’t, you know, I don’t have to hire anybody to defend me. And I’d love to be sued by Eric Coomer. I would enjoy that deposition.”¹⁰⁹

63. On January 2, 2021, Corporon again discussed the lawsuit against “[his] friend” Joe Oltmann and continued to bolster Oltmann’s claims by stating that he helped Oltmann put together his affidavit.¹¹⁰

64. On February 6 and again on February 13, 2021, Corporon still continued to bolster his and Oltmann’s claims. Corporon invited his clients, (and Oltmann’s co-defendants) Jim and Joe Hoft of *The Gateway Pundit* onto his show as guests. Corporon stated that Dr. Coomer “has no idea what kind of problems lay ahead for him,” and that he did not expect the lawsuit to survive a motion to dismiss. Speaking with Jim Hoft, Corporon said:

I’m sorry that people have to get sued, and of course, the big lawsuits, they put these billion dollar numbers on them and just scare the crap out of everybody, but it’s very important that these lawsuits proceed through the courts, that discovery actually happens, and that people be made aware of the challenges ahead for the midterm elections and the next presidential

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Wake Up with Randy Corporon*, 710 KNUS, Jan. 2, 2020.

election as well. The courts are going to be the only places that the truth can actually come out, eventually.¹¹¹

Jim Hoft agreed, responding “I agree with you 100% Randy. Excellent point.”¹¹²

65. Throughout this months-long campaign to depict Dr. Coomer as a criminal mastermind who had somehow committed election fraud on a vast and unprecedented scale, Salem Media and Corporon were repeatedly confronted with reliable sources who refuted their claims, and in every instance, they willfully disregarded this information and blindly plunged forward anyway. These reliable sources were not limited to the national authorities addressed above but included multiple local authorities as well. For example, on November 21, 2020, Corporon spoke with former Republican Secretary of State Wayne Williams who, unlike Oltmann, actually has significant and meaningful experience administering elections. Williams corrected some of Oltmann’s false claims, at one point telling Oltmann, “Sir, I’m not sure what your familiarity is with Colorado, but you’re just flat out wrong on that.”¹¹³ This exchange gave Salem Media and Corporon additional notice that Oltmann was unreliable, and that his factual claims could be easily disproven, but they proceeded undeterred. In another instance on November 28, 2020, Corporon spoke with former Republican County Clerk for Arapahoe County Matt Crane. Unlike Oltmann, Crane actually has experience administering elections and in fact is a personal acquaintance of Dr. Coomer’s. Crane explained:

¹¹¹ *Wake Up with Randy Corporon*, 710 KNUS, Feb. 6, 2021.

¹¹² *Id.*

¹¹³ *Id.*

I've known Eric for a long time, I've known where he's at on politics for a long time, but I've never had any reason in working with him in a professional capacity to doubt his ethics. And not only that, it's not just that Randy. To get certified by the Federal Election Assistance Commission, you have to go through a certification process. They look at the code, they look at the hash values, they dig down into these systems looking for anything nefarious. And then when you take it to the state levels, there's further levels of investigations that go on into the software, down to the single line of code, and I don't think most people understand that. And so for a system to get certified by the federal government, and by 28, 29 states, however many Dominion is in, it's really gone through the rigors of people examining it, looking at it, looking for any kind of vulnerabilities, making sure there's no way for goofy things to happen across the board like that. So that's why I trust the process.¹¹⁴

66. Here again, Salem Media and Corporon were on clear notice that their constant character assassination of Dr. Coomer was not based in reality and that they should have had serious doubts about Oltmann's claims, but they persisted in publishing Oltmann's theories anyway, including two lengthy interviews the very next week. Salem Media and Corporon even disregarded reputable sources with first-hand experience dealing with Dominion voting machines. On December 30, 2020, for example, a local caller, Diane, called in to explain to Corporon that she was a Republican election worker who had manned an adjudication station, and that Corporon's descriptions of that process were not accurate. "I was an adjudicator in Denver," Diane explained, "And it's not as nefarious as you think."¹¹⁵ Diane went on to accurately describe the numerous safeguards in place that make adjudication a transparent and effective way of ensuring the accuracy of the vote count. Before she could finish, Corporon hung up on her, implausibly claiming

¹¹⁴ *Wake Up with Randy Corporon*, 710 KNUS, Nov. 28, 2020.

¹¹⁵ *Wake Up with Randy Corporon*, 710 KNUS, Dec. 30, 2020.

she was talking over him.¹¹⁶ This disregard of reliable sources and willful avoidance of the truth was characteristic of Salem Media's and Corporon's coverage of election fraud claims, and of claims regarding Dr. Coomer in particular.

67. At no point did Salem Media or Corporon ever attempt to contact Dr. Coomer or Dominion Voting Systems for comment or to corroborate any of the false claims they consistently published. Instead, they published these false statements despite their inherent improbability, the unreliability of their source, and the lack of credible evidence in support of these allegations. They also had no credible evidence that an Antifa conference call actually happened; that Dr. Coomer was present on the call; that the comments attributed to Dr. Coomer were actually spoken; or that the alleged election fraud actually occurred. They took no actions or efforts to corroborate or verify the baseless allegations before publishing them and disregarded reliable sources establishing the contrary. Following these various interviews, Corporon also published additional false statements in tweets, promoting his interviews of Oltmann and additional interviews perpetuating these allegations of fraud to his followers. Like Oltmann, Salem Media and Corporon conceived of a story that the results of the election were fraudulent and consciously set out to establish that Dr. Coomer perpetuated this fraud.

68. While the months-long barrage of false claims against Dr. Coomer at Salem Media began to trail off in February 2021, the damage had already been done. Corporon and the other hosts were among the first to adopt, bolster, amplify, and widely disseminate Oltmann's false claims, causing an avalanche of lies and misinformation that

¹¹⁶ *Id.*

spread to dozens of other right-wing media outlets and content providers. Many of these media outlets and figures are the subject of the previously filed defamation lawsuit against Oltmann. On April 30, 2021, Newsmax, a former defendant in that suit, printed the following retraction on its website:

Since Election Day, various guests, attorneys, and hosts on Newsmax have offered opinions and claims about Dr. Eric Coomer, the Director of Product Strategy and Security at Dominion Voting Systems.

Newsmax would like to clarify its coverage of Dr. Coomer and note that while Newsmax initially covered claims by President Trump’s lawyers, supporters and others that Dr. Coomer played a role in manipulating Dominion voting machines, Dominion voting software, and the final vote counts in the 2020 presidential election, Newsmax subsequently found no evidence that such allegations were true. Many of the states whose results were contested by the Trump campaign after the November 2020 election have conducted extensive recounts and audits, and each of these states certified the results as legal and final.

There are several facts that our viewers should be aware of. **Newsmax has found no evidence that Dr. Coomer interfered with Dominion voting machines or voting software in any way, nor that Dr. Coomer ever claimed to have done so. Nor has Newsmax found any evidence that Dr. Coomer ever participated in any conversation with members of “Antifa,” nor that he was directly involved with any partisan political organization.**

On behalf of Newsmax, we would like to apologize for any harm that our reporting of the allegations against Dr. Coomer may have caused to Dr. Coomer and his family.¹¹⁷

69. Following news of the Newsmax retraction and apology, on May 3, 2021, Salem Media’s own radio show host, Peter Boyles, finally acknowledged the truth—that there was absolutely no evidence of the claims against Dr. Coomer and that the lies began

¹¹⁷ *Statement About Dr. Eric Coomer, Director of Product Strategy and Security at Dominion Voting Systems*, NEWSMAX, Apr. 30, 2021, <https://web.archive.org/web/20210430220349/https://www.newsmax.com/newsfront/eric-coomer-dominion-voting-systems/2021/04/30/id/1019671/> (emphasis added).

and were perpetuated by Salem Media and its radio shows. “The center of conspiracy theories is all here,” Boyles admitted. “A river runs through it. This stuff all generates at this radio station and comes through this radio station.”¹¹⁸

E. The harm Salem Media and Corporon caused Dr. Coomer.

70. Immediately after Defendants began publishing the false claims about Dr. Coomer, social media exploded with threats and attacks as the lies spread. For example, on November 21, 2020, anonymous Reddit user “Pher001” posted an article to the subreddit /r/donaldtrump titled “Eric Coomer needs to be arrested before he tries to run/or fly away.” The post contained the following image:



Some of the responses among the hundreds written to this one post include:

“Fking maggot”;

“Most wanted, live, to testify. Report if you know his were abouts. Report any sight-seeing of him. But I think he is going to hide in Venezuela!”;

¹¹⁸ Peter Boyles, *The Peter Boyles Show*, 710 KNUS, May 3, 2021.

“If this man disenfranchised people of their votes he deserves worse than life in prison”;

“He disenfranchised millions of people’s voting rights. Wars are fought over that. He deserves everything he gets”;

“His fucken face makes me so fucken mad. FUCK HIM!! TRUMP WON!”;

“A good mug for USA’s Top 10 Terrorist list. Wanted DEAD or ALIVE”;

“This man will be dead within 2 weeks.”

71. Given the flood of negative publicity, including death threats, Dominion was forced to alter its website and attempted to correct the numerous falsehoods Defendants and others had spread about it and its employees.¹¹⁹ Dominion posted on its website that “Dominion is not shuttering its offices. Employees have been encouraged to work remotely and protect their social media profiles due to persistent harassment and threats against their personal safety. Dominion employees are being forced to retreat from their lives due to personal safety concerns, not only for our employees themselves, but also for their extended families.”¹²⁰

72. Dr. Coomer is the Dominion employee who has taken the brunt of these attacks. He was forced to flee his home in response to the credible threats he has been receiving and continues to receive. He had to sever ties with friends and family members in order to stay in seclusion.

¹¹⁹ Dominion Voting Systems, *Election 2020: Disinformation is Dangerous and Threatens Democracy*, <https://www.dominionvoting.com> (“Get the Facts About Dominion and Its Voting Systems”) (last visited Nov. 12, 2021); John Poulos, *Fake Claims About Dominion Voting System Do Real Damage*, WSJ, Nov. 30, 2020, <https://www.wsj.com/articles/fake-claims-about-dominion-voting-systems-do-real-damage-11606755399>.

¹²⁰ See Dominion Voting Systems, *Setting the Record Straight: Facts & Rumors*, <https://www.dominionvoting.com> (previous webpage on Nov. 30, 2020).

73. Calls for Dr. Coomer’s capture and arrest spread rapidly across the internet and on social media. For example:



74. Threats grew more intense and specific. For example, on November 25, 2020, Twitter user @AngLindva stated the following:



75. Dr. Coomer began to receive threatening text messages from unknown out-of-state numbers sent directly to his cell phone in Colorado. Some of these messages included:

“[W]e are already watching you. Come clean and you will live.”

“What is the penalty for TREASON?”

“FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA, FUCK ANTIFA. Does that chant sound familiar. PB have you and there is nowhere you can run.”

“RUN.”

76. Oltmann’s efforts to incite violence against Dr. Coomer continued to escalate throughout the time that Salem Media and Corporon were broadcasting Oltmann to Colorado audiences. For example, on December 14, 2020, Oltmann posted:

They certify this election and we go to war . . . Now it’s time we fight. And when I mean fight I don’t mean yelling it’s not fair. I mean we fight these communist, marxist lying shitbags. That means Eric Coomer never has peace and we smash each and every voting machine in every state that uses them. We will not be silenced by a bunch of BLM and Antifa communist asshats. It’s time we take back our America by any and all means necessary . . .

. . . Eric Coomer, you are a traitor. We are coming for you and your shitbag company. We are coming for Antifa and we are coming for your politician friends. Share this . . . share Eric’s name . . . If they certify the electors today after this audit, we have an obligation to forcibly remove them all. This is not a drill, our country is not their evil playground. God is at the wheel, but we are the warriors that must do the work of men to repel evil. These people are evil, and they are liars, cheats and thieves out to take what they did not earn or deserve. Where will you stand?¹²¹

77. Despite all of this, Salem Media and Corporon persisted in airing the false claims against Dr. Coomer. The onslaught of threats Dr. Coomer has experienced and the necessary measures he has been forced to take to protect himself are the direct result of Salem Media’s and Corporon’s defamatory conduct. Dr. Coomer has and will continue to experience serious and severe emotional and physical distress as a result. The harm

¹²¹ Joseph Oltmann (@Joeoltmann), PARLER (Dec. 14, 2020).

Salem Media and Corporon have caused to Dr. Coomer's reputation,¹²² privacy, safety, and earnings, and other pecuniary loss is immense.

V. CAUSES OF ACTION

A. *Defamation Against Defendants*

78. Plaintiff fully incorporates the prior paragraphs, as well as the Introduction of this Complaint.

79. Dr. Coomer is neither a public official nor a public figure. He is a private individual that Defendants, by their own conduct and for their own ends, targeted and elevated into the public sphere. Defendants intentionally caused the publication of false and unprivileged oral and written statements about Dr. Coomer. Their false statements have been seen, read, or heard by millions of individuals across the United States, across Colorado, and specifically within Denver County, Colorado.

80. The defamatory meaning of Defendants' false statements is apparent from the face of their publication, refer to Dr. Coomer, and are understood to be about him. These statements are defamatory per se as they inherently injure Dr. Coomer's reputation; impute a crime; and disparage his business practices. On their face, they falsely assert Dr. Coomer has perpetrated a conspiracy that undermined the integrity of the election; disenfranchised millions of voters; and fraudulently elected the president of the United States. Defendants falsely allege Dr. Coomer accomplished this through

¹²² These false statements have damaged Dr. Coomer's professional reputation, which depended on working relationships with state and county officials, and compromised his continued involvement and employment in relation to and support of elections. See Saja Hindi, *GOP demand for probe of Colorado's Dominion voting system part of "debunked conspiracy theories."* House speaker says, DENVER POST, Dec. 7, 2020, <https://www.denverpost.com/2020/12/07/colorado-republicans-dominion-investigation/>.

fraudulent business practices as an employee of Dominion. Defendants falsely allege Dr. Coomer is a traitor. Defendants' false statements have subjected Dr. Coomer to scorn, outrage, and threats from his community. Their false statements have harmed Dr. Coomer's reputation by lowering him in the estimation of at least a substantial and respectable minority of the community.

81. Defendants published their false statements negligently. Defendants published these statements with actual malice. Defendants knew or had reason to know that these statements were false and published their statements with knowledge or reckless disregard of their falsity. Defendants failed to contact and question obvious available sources for corroboration; disregarded reliable sources refuting their claims; had no credible bases for the false allegations made; fabricated specific allegations; treated speculation and innuendo as evidence; and published their allegations in a manner calculated to create a false inference. Their allegations were inherently improbable, derived from unreliable sources, and are unsupported by evidence. Defendants preconceived a conspiracy and then set out to establish that conspiracy to further their own ends. Salem Media ratified and endorsed the statements of Corporon and the other hosts who promoted the false claims against Dr. Coomer and is both independently and vicariously liable for the conduct described herein. Salem Media could have put a stop to its hosts' conduct and intentionally allowed them to continue to defame Dr. Coomer.

82. As a direct and proximate result of Defendants' conduct, Dr. Coomer has suffered significant actual and special damages including, without limitation, harm to his reputation, emotional distress, stress, anxiety, lost earnings, and other pecuniary loss.

B. Intentional Infliction of Emotional Distress Against Defendants

83. Plaintiff fully incorporates the prior paragraphs, as well as the Introduction of this Complaint.

84. Defendants engaged in extreme and outrageous conduct. Their conduct was calculated to cause Dr. Coomer severe emotional distress. Defendants falsely alleged Dr. Coomer perpetrated a criminal conspiracy against every American citizen to overturn the results of the presidential election. They branded Dr. Coomer a traitor and made him a pariah. They encouraged the dissemination of these false claims. They exploited public fear and directed vitriol and threats against Dr. Coomer. Oltmann has directly made terroristic threats against Dr. Coomer, calling on people to harm Dr. Coomer and placing Dr. Coomer in fear of imminent injury and death. Defendants have knowingly elevated Oltmann's statements and adopted his false allegations and threats. These actions have had their intended effect. Dr. Coomer has had an onslaught of harassment and credible death threats issued against him; he is at risk in his home or in going to work; his presence puts his family, friends, colleagues, and his community in danger. All aspects of his life have been altered in response to Defendants' conduct, including things as basic as where to live, how to go out in public, and when to see family and friends. The results of Defendants' ongoing conduct are foreseeable and obscene. This conduct is so outrageous

in character and extreme in degree as to go beyond all possible bounds of decency. It should be regarded as atrocious and determined intolerable in a civilized community.

85. As a direct and proximate result of Defendants' conduct, Dr. Coomer has suffered significant actual and special damages including, without limitation, emotional distress, overwhelming stress and anxiety, lost earnings, and other pecuniary loss.

C. Negligent Supervision and/or Negligent Retention Against Salem Media

86. Plaintiff fully incorporates the prior paragraphs, as well as the Introduction of this Complaint.

87. Salem Media was negligent in supervising and/or retaining Corporon as a radio host on its station. Salem Media had a duty to investigate its on-air personalities. Salem Media had a duty to prevent unreasonable risk of harm to third persons that Salem Media knew or should have known its on-air personalities could harm. Salem Media knew or should have known about Corporon's history of disseminating conspiracy theories, misinformation, and falsehoods. After the first instance of Corporon's publication of false claims about Dr. Coomer, Salem Media had a duty to investigate the claims, to prevent any future publications, and/or to terminate Corporon. Salem Media breached its duties owed to Plaintiff and that breach caused harm resulting in damages to Dr. Coomer.

88. Salem Media was negligent in its supervision of Corporon. Salem Media owed a duty of care to Plaintiff. Corporon's acts are so connected with his employment and/or responsibilities that Salem Media knew of an undue risk of harm that would result from Corporon's conduct and had the opportunity to control such conduct. Salem Media

breached its duties owed to Plaintiff and that breach caused harm resulting in damages to Dr. Coomer.

D. Civil Conspiracy Against Defendants

89. Plaintiff fully incorporates the prior paragraphs, as well as the Introduction of this Complaint.

90. Defendants engaged in a conspiracy to defame and inflict emotional distress upon Plaintiff.

91. Defendants' collective objective was to promote the reelection bid of President Trump for their own financial and political gain. To do that, Defendants agreed, both expressly and implicitly, to create a false narrative that in the event President Trump lost his reelection bid it could have only occurred because of fraudulent election activities. Defendants began spreading this false narrative before the election began.

92. After the election, Defendants fed their narrative by falsely accusing Plaintiff of both having the ability and intent to rig the presidential election and actually subverting the election results so as to disenfranchise millions of voters. Defendants fabricated their false narrative by using Plaintiff's alleged (and false) affiliation with "Antifa," speculation as to his access to election hardware and software, and his personal political beliefs. In order to further their objective, Defendants agreed, by their words and conduct, to publish and republish defamatory statements about Plaintiff and threats towards Plaintiff.

93. As a result of Defendants' coordinated conduct, Plaintiff has become the target of death threats and harassment and suffered significant actual and special

damages proximately caused by their conduct, including, without limitation, emotional distress, overwhelming stress and anxiety, lost earnings, and other pecuniary loss.

E. Permanent Injunction

94. Plaintiff fully incorporates the foregoing paragraphs, as well as the Introduction of this Complaint.

95. Plaintiff seeks permanent injunctive relief to remove all Defendants' defamatory statements upon final adjudication of the claims at issue.

VI. DEMAND FOR RETRACTION

96. Plaintiff demands Defendants immediately and publicly retract all defamatory statements regarding Plaintiff and threats Defendants made to Plaintiff.

VII. RIGHT TO AMEND

97. Plaintiff reserves the right to amend his pleadings in accordance with the Colorado Rules of Civil Procedure. Plaintiff anticipates amending his pleadings as more information becomes available, including the full scope of defamatory statements Defendants have made.

VIII. JURY DEMAND

98. Pursuant to Colorado Rule of Civil Procedure 38, Plaintiff requests a jury to decide all issues of fact.

PRAYER FOR RELIEF

For these reasons, Plaintiff respectfully requests that Defendants be cited to appear and answer, and that the Court enter judgment against Defendants, including, but not limited to:

- Permanent injunctive relief requiring Defendants and their officers, agents, servants, employees, and attorneys to remove any and all defamatory publications made about Dr. Coomer;
- Actual and special damages against Defendants in an amount to be proven at trial;
- Leave to amend this Complaint and allege exemplary damages in an amount to be proven at trial after the exchange of initial disclosures pursuant to Colorado Rules of Civil Procedure and Plaintiff establishes prima facie proof of triable issues pursuant to C.R.S. § 13-21-102.
- Attorney's fees and costs;
- Prejudgment and post-judgment interest; and
- Such other and further relief, both general and special, to which Plaintiff may be justly entitled to receive.

Respectfully submitted this 13th day of November 2021.¹²³

Respectfully submitted,

/s/ Charles J. Cain

Charles J. Cain, No. 51020

Steve Skarnulis*

Bradley A. Kloewer, No. 50565

Zachary H. Bowman*

Thomas J. Rogers III, No. 28809

Mark Grueskin, No. 14621

Andrew Ho, No. 40381

*Applications for *pro hac vice* forthcoming

¹²³ Spacing pursuant to C.R.C.P. 10(d)(3)(II) due to the complexity and technical nature of this matter.